

March 9, 2018

To whom it may concern:

As organizations that support the rights, health and wellbeing of individuals who trade sex—including those who are victims of human trafficking—the undersigned are firmly against the passage of “Stop Enabling Sex Trafficking Act” SESTA (S. 1693) and “Fight Online Sex Trafficking Act” FOSTA (H.1865). While we share the goal of combating the serious problem of human trafficking in the sex trade, this legislation in its current form will put the most vulnerable in our communities at higher risk of violence and victimization while compromising anti-trafficking efforts. We reject legislation that threatens the lives and safety of individuals trading sex - people who are disproportionately LGBTQ and people of color trying to survive.

Meaningful anti-trafficking work should not make those in the sex trade more susceptible to violence and exploitation. After the closure of RedBook and Rentboy.com, sex workers were instantly thrown from the online spaces and communities which provided the ability to screen clients, find out safety and health information and form community. The ability to access online platforms to advertise means that sex workers are able to screen clients for safety, negotiate boundaries such as condom use, and work in physically safer spaces. A 2017 study from West Virginia University and Baylor University found a 17% drop in female homicide rates correlated to Craigslist opening its Erotic section – because it made sex work safer.¹ Taking away online platforms moves sex workers into more vulnerable and violent conditions, including street-based work where rates of physical and sexual violence and exploitation are significantly higher.

Under the current language in the Communications and Decency Act, prosecutors have every tool needed to go after third parties, including websites, who have engaged in trafficking in persons. The proposed changes made by SESTA and FOSTA not only expand the civil liability without any guidelines for how to obey the law, but expand who can file these lawsuits – meaning websites who host advertisements for the sex trade will have to risk countless costly lawsuits without any clarity on what constitutes legality. Passage alone will have a chilling effect on websites and organizations who provide valuable spaces for safety information, community and peer support. Denying these resources exacerbates the risk of violence and victimization of sex workers, including those experiencing exploitation.

Simply shutting down websites that sex workers use to work in safer ways does not deter people from trading sex. *Taking away a sex worker’s safest option to find and screen clients does not create living wage jobs, access to housing, or another form of stable income.* To the contrary, this only drives sex workers to find clients through other means, including street-based work, where they face higher rates of violence, HIV, Hepatitis C and sexually transmitted infections, and exploitation. And those with fewer options will inevitably be the most adversely impacted.

Advertisers also hold information which are vital resources for trafficking investigations. Pushing the sex trade further underground means that it will be harder to identify potential victims, find an electronic trail

¹ Cunningham, Scott, DeAngelo, Gregory and Tripp, Scott; *Craigslist’s Effect on Violence Against Women*; November 2017. Available at: <http://gregoryjdeangelo.com/workingpapers/Craigslist5.0.pdf>.

for which to build cases, and resurrect information to access post-conviction relief. SESTA disincentivizes websites and advertisers from holding or creating a digital footprint, destroying these valuable tools for law enforcement and service providers.

Advertising platforms can also serve as one of the most valuable tools for distributing harm reduction and safety information – which even under current law can make an advertiser more vulnerable to prosecution. When MyRedBook.com was closed, sex workers lost a space to share safety information, tips on how to screen, and alerts on recent experiences of violence. Rentboy.com was a hub for distributing and collecting information on safety, health, including HIV prevention, but this only contributed to their precarity, as the site’s release of know your rights information to its users was cited as evidence for prosecution in *U.S. v. Easy Rent Systems, Inc.*

The bill passed by the House, FOSTA, takes this expansion of criminalization one step further from trafficking into the sex trade to all prostitution. By including both “promoting” and “facilitating” prostitution but lacking any clear definitions for these crimes, a range of harm reduction tactics could face expanded criminal liability as well. Conduct such as having users submit reports of violence, or advertising websites that include legal know-your-rights information, already live in a precarious legal area, and this bill has already had a chilling effect for organizations that seek to create community spaces vital to harm reduction, peer support, and collective empowerment for vulnerable individuals.

Currently, there are no standards for what is expected of internet-based platforms when trafficking in the sex trade is suspected. Establishing clear standards is vital, but this legislation does not get us closer to that goal, and instead makes it harder for trafficking investigators, prosecutors, or service providers to connect with potential victims and sex workers better able to protect themselves from exploitation. Rather than advance either of these bills at the present time, we urge you to sit down with key stakeholders - sex workers and trafficking survivors, internet platforms, law enforcement, the legal community, and service providers - to develop legislation that would help establish standards, while avoiding unintended negative consequences for sex workers and victims of trafficking in the sex trade.

For years policymakers have made calls to close the platforms which are keeping sex workers alive. As organizations which believe in supporting the safety and lives of all people engaged in the sex trade, we condemn these efforts and the harm that they will do.

Sincerely,

Adult Performer Advocacy Committee
Advocates for Youth
Advocating Opportunity
AIDS United
APLA Health
Best Practices Policy Project
Black Youth Project 100 (BYP100)
Center for Health and Gender Equity (CHANGE)
Collective Action for Safe Spaces
Desiree Alliance
Equality California
Equality North Carolina
Family Equality Council
Free Speech Coalition
Freedom Network USA
Gay and Lesbian Activists Alliance (GLAA)
Harm Reduction Coalition

HIPS
HIV Modernization Movement
Howard Brown Health Center
In Our Own Voices, Inc.
International Women's Health Coalition
Los Angeles LGBT Center
Lysistrata
MASWAN
National Black Justice Coalition
National Center for Lesbian Rights
National Coalition of Anti-Violence Programs
National LGBTQ Task Force
New York Harm Reduction Educators
PFLAG National
Positive Women's Network - USA
Pride Action Tank
Rad Care
RAD Remedy
Reframe Health and Justice
Sex Law and Policy Center
Sex Workers Project at the Urban Justice Center
Support Ho(s)e
SWOP - USA
SWOP Behind Bars
SWOP Orlando
The Anti Exploitation Project at the Legal Aid Society
Transgender Law Center
Treatment Action Group
Unity Fellowship Church
Washington Heights CORNER Project
Whitman-Walker Health
Woodhull Freedom Foundation
