

March 5, 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.<sup>1</sup> 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

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<sup>1</sup> 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>.

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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 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,

Advocating Opportunity  
AIDS United  
Best Practices Policy Project  
CoSWAC  
Desiree Alliance  
The Exploitation Intervention Project, The Legal Aid Society, New York  
Equality North Carolina  
HIPS  
Howard Brown Health  
International Women’s Health Coalition (IWHC)  
Lysistrata  
Massachusetts Sex Workers Ally Network  
National Center for Lesbian Rights  
National Center for Transgender Equality  
National Latina Institute for Reproductive Health  
Pride Action Tank  
Rad Remedy

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Reframe Health and Justice  
The Sex Workers Project at the Urban Justice Center  
SOAR  
Support Ho(s)e  
SWOP-USA  
SWOP Behind Bars  
SWOP Boston  
SWOP Los Angeles  
SWOP Orlando  
Tits and Sass  
Transgender Law Center  
The Woodhull Freedom Foundation

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