

What does SESTA (S. 1693) say?

Section 1591(e) of title 18, United States Code, is amended—

1591(e)(4) The term ‘participation in a venture’ means knowingly **assisting, supporting, or facilitating** a violation of subsection (a)(1).

“(d) In any case in which the attorney general of a State has reason to believe that an interest of the residents of that State has been or is threatened or adversely affected by any person who violates section 1591, the attorney general of the State, as *parens patriae*, may **bring a civil action against such person** on behalf of the residents of the State in an appropriate district court of the United States to obtain appropriate relief.”

(H. 1865, Section 5-6; S. 1693, Section 5-6)

“When she told her pimp SFRedbook was gone, he shrugged. Then he told her that she would just have to work outdoors from then on.”

But FOSTA (H.1865) takes it one step further....

Whoever, using a facility or means of interstate or foreign commerce or in or affecting interstate or foreign commerce, **owns, manages, or operates** an interactive computer service, or conspires or attempts to do so, with the **intent to promote or facilitate the prostitution of another person** shall be fined under this title, imprisoned for not more than 10 years, or both.

- Instead of creating guidelines for improving trafficking identification and investigations or support the safety of trafficking victims and sex workers, **SESTA would use civil suits targeting websites to figure out how to obey the law** after a crime has been committed
- This open-ended liability would **shutter existing platforms and push those trading sex, including trafficking victims, into further isolation** – where violence and exploitation are more prevalent and outreach/identification are significantly harder

Why are online platforms essential for safety?

- Online advertising platforms allow people to work in doors, screen potential clients for violence, and significantly reduced the violence and exploitation faced by sex workers
- 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

Passing SESTA and FOSTA means increasing violence against women.

- Community organizers, advocates, and service providers who own and moderate websites and listservs which take user content; things like alerts of recent violent encounters or advice on how to
 - *Often, these folks are sex workers trying to reduce violence against their community.*
- “Promotion or facilitation of prostitution” includes **harm reduction and anti-violence tactics:**
 - Hosting, moderator and distributing information about individuals who have previously victimized people in the sex trade (know as “Bad Date Lists”) or alerts
 - Online advertising which allows people to work in safer locations and screen potential clients
 - What is legal to say in an advertisement, and know your rights information for police interactions

Passage alone would have a chilling effect for organizations, companies and peer groups.

