That New Law to Stop Online Sex Trafficking Is a Good Thing, Right?

Here's how FOSTA-SESTA will endanger sex workers and increase HIV risk.

April 25, 2018 By Trent Straube

This month, Trump signed into law a package of bills known as FOSTA-SESTA aimed at ending online sex trafficking and helping people forced into prostitution. Despite the noble and worthwhile cause, many advocates point out that the law will likely come at great costs to internet freedoms and the safety of consensual sex workers, who will also face increasing HIV risks.

What the law does, as Vox explains, is make website publishers responsible for the user-generated content on their sites if that content involves prostitution (regardless of whether it's involuntary or consensual on the part of the sex workers). For example, if someone posts an ad for prostitution on Craigslist Personals, then Craigslist is responsible for it. Even if the vast majority of posts on a website are legit, the mere possibility of illegal ones has already resulted in many sites censoring or banning parts of their platforms.

This is a big change in internet freedoms. Until now, Section 230 of the Communications Decency Act of 1996 has provided what's known as the "safe harbor" rule. It states: "No provider or user of an interactive computer service shall be treated as the publisher or speaker of any information provided by another information content provider."

Then came the House bill titled Fight Online Sex Trafficking Act (FOSTA) and the Senate bill titled Stop Enabling Sex-Trafficking Act (SESTA). Combined into one law, FOSTA-SESTA takes away the protections of Section 230 in cases of prostitution.

So why is this bad for consensual sex workers, and how does it relate to HIV?

Reframe Health and Justice (RHJ), a collective of experts on sex trade policy, spells it out: For starters, online advertising allows people who trade sex for money to move away from working on the streets, where they face higher rates of violence, vulnerability and transmission of HIV and sexually transmitted infections. The group cites an international study showing that the more control sex workers have over their working conditions, the lower the rates of HIV transmission.

In a press release, Magalie Lerman, a partner at RHJ noted that even before the bill was signed into law, online advertising platforms were disappearing. "We're hearing from communities that

people are already making the shift back to street work again in order to survive," she said. "One public health approach to addressing the sex trade is advocating for sex workers to work online rather than the streets where they have less of an ability to screen their clients and experience higher rates of police violence."

"It is a mistake—a mistake with serious consequences—to think that people will stop trading sex because of these closures," added Sasanka Jinadasa, another partner at RHJ. "The truth is, people will continue, but it will be harder for service providers, lawyers, advocates, and family members to reach them. And they'll have less tools on their own to be safe. These closures enact the violence that they are purportedly meant to end."

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