

What do SESTA and FOSTA say?

(a) PROMOTION OF PROSTITUTION.—

“§ 2421A. Promotion or **facilitation of prostitution** and reckless disregard of sex trafficking

“(a) IN GENERAL.—Whoever **uses or operates a facility or means of interstate or foreign commerce** 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.

(H.1865, Section 3)

“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.”

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)

What will this do?

- Includes *all* prostitution, not simply trafficking situations
- “Promotion or facilitation of prostitution” includes **harm reduction and anti-violence tactics** including:
 - Sharing safety information and techniques to such as how to screen for violence
 - Online advertising which allows people to work in safer locations and be more discerning about clients
 - Hosting information about individuals who have previously victimized people in the sex trade (known as “Bad Date Lists”)
- This extends to anyone using the internet - service organizations, sex workers, peers and trafficking victims

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

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

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.

