

SWOP USA

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Impacts of SESTA on US Sex Worker's Vulnerability To Infectious Disease

**Magali Lerman
SWOP USA President
RHJ Partner**

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About the Facilitator



Magali

She/ her

SWOP USA

Sex Workers Outreach Project-USA is a national grassroots social justice network dedicated to the fundamental human rights of sex workers and their communities, focusing on ending violence and stigma through education, community building, and advocacy.

SWOP is committed to the safety, autonomy, and human rights of people in the sex trade, and stands in solidarity with the many social justice movements intersectional to our own, including but not limited to Black Lives Matter, disability rights, drug and immigration reform, gender equality and the LGBTQ movement, and the rights of the working class.



Reframe Health & Justice

Reframe Health and Justice Consulting (RHJ) is a collective of individuals committed to developing and delivering holistic, harm reduction solutions for social justice and mission-driven organizations.



U.S. CONTEXT

END DEMAND

INCREASED CRIMINALIZATION OF PURCHASERS

Believes that eliminating the demand for sexual services will eradicate sex trafficking



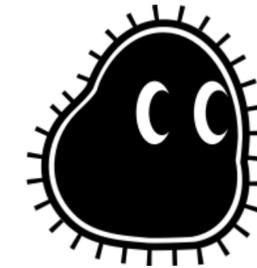
People buy sex for many reasons



More money is going to law enforcement than social services



Less clients means less money. Access to resources remains the same



Increased exposure to violence, exploitation, and infectious disease



Dynamics that Mirror the WOD

- Increased sanctions
- Criminalizes public health
- Federal funding bans
- Disproportionate effects on marginalized communities

Increased Sanctions

- Pandering, promoting, and third party charges are more broad and serious
- Pandering without the elements of force/fraud/coercion is a low-level felony in some states
- Patronizing is renamed (“Sexual Exploitation” in Washington)
- Porn is seen as a serious public health threat
- Mandatory minimums for trafficking related charges
- Asset forfeiture
- Increased liability for online venues hosting sexual content (SESTA)

Weaponizes Public Health

- Historically, police departments have threatened to use condoms as evidence of prostitution and confiscated safe sex supplies from sex workers. Even where this practice has reduced in the last decade, there is still significant fear of carrying condoms.
- Solicitation is the only offense where, once convicted, both buyers and sellers are mandated to undergo HIV testing. Record of a person's positive status can then be used against him or her under state HIV criminalization statutes.



Funding Bans

- State that organizations receiving funding cannot advocate for the legalization or practice of prostitution
- Known as the Anti-Prostitution Loyalty Oath, this ban was first included in the President's Emergency Plan for AIDS Relief (PEPFAR) during the Bush Senior era
- Later, put into the Trafficking Victim's Protection and Relief Act (TVPRA)
- In 2013, the U.S. Supreme Court found the PEPFAR anti-prostitution pledge to be [unconstitutional](#) for US-based organizations, but to this day federal guidance has not been written to change grant requirements
- The unconstitutionality of anti-prostitution pledges has not been extended outside of a public health context, thus the funding ban within the TVPRA (which utilizes Department of Justice and Office of Victim Services funds) and JVTA (Justice for Victims of Trafficking Act) stands unchallenged
- The presence of the ban accelerates anti-prostitution anti-trafficking programming

Racist Narratives

- It is futile to address exploitation and violence with a violent, exploitative, and racist carceral system
- The police have a gender-centric idea of who sells and buys sex based on a victim/perpetrator binary
- Media sensationalism is patronizing and reinforces racial drug war propaganda



Stop Enabling Sex Trafficking Act

SESTA

- Passed in 2018, SESTA amends Section 230 of the Communications Decency Act that provides immunity to websites from legal liability for content posted by their users.
- SESTA and House counter-part, FOSTA, created civil liability for “knowingly assisting, facilitating, or supporting sex trafficking,” but does not give clarity for how to stay within the limitations of the law. It also expanded the ability for who has standing to file lawsuits to both victims of trafficking with a valid civil claim to all state attorneys’ generals.
- Within minutes of the bill’s passage through the Senate, sites opted to avoid financial risk and over a dozen advertising venues shut down, individual sex worker’s pages were pulled by the website hosts, and sex work organizers lost harm reduction educational material stored on cloud-based systems.

SESTA

- Additionally, FOSTA expanded the Mann Act, 8 USC 13, to include criminalizing owners, manager and operators of online platforms which host third party content promoting prostitution. This section of the expanded law has not yet been applied or implemented as of this report.
- Prior to the passage of SESTA, websites still faced criminal liability through federal law. In previous years, websites including Rentboy and MyRedBook were both seized and charged with money laundering and promotion of prostitution through existing state law, utilized by the federal government through the Travel Act. Similarly, only hours before SESTA was signed into law, Backpage.com was seized by the DOJ and its owners charged with these same combination of crimes.

Impacts of Policies

SESTA/FOSTA

“Four times the amount of girls after the BackPage closure. Lot's more girls walking and lots prettier girls, girls from out of state, and lots who don't do drugs.”

“It is harder for us older women to do anything. More competition means less money for everyone.”



MORE PEOPLE ON THE STREET

94% said that there are more people working the streets since April.



HARDER TO SURVIVE NOW

66% said that they are seeing fewer clients. The same number indicated that less work means it is harder to survive, generally.



HARDER TO WORK ONLINE

30% indicated that it is harder to work online. 50% said they don't work online.



INCREASED PIMP PRESENCE

40% of been approached by third parties offering management. Another 7% indicate seeing more pimps out now.

Impacts of Policies

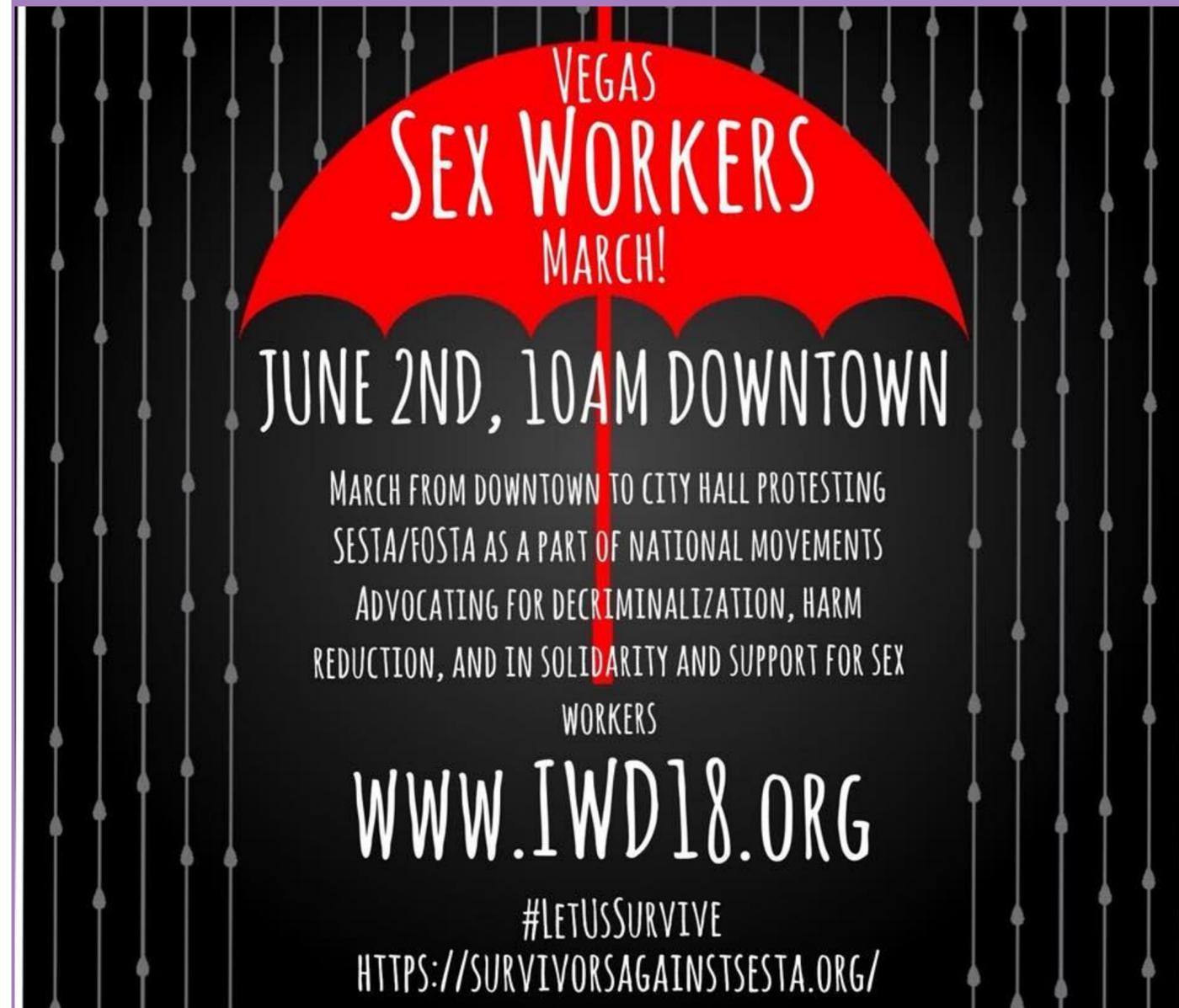
- "Cops started doing more stings at the time of the shutdown."
- "They (clients) are more likely to offer less money and expect me to do it for them."
- "There are so many girls out here who are accepting less so it has dropped market prices."
- "They (clients) are pickier."
- "They (clients) want cheaper services."
- "BBBJ for less than a regular used to be. It is probably why I stopped working so much."
- "..But I find other ways to hustle: I boost, sell dope, work other tracks."
- "I had a guy ask me to do anal for \$15."
- "Potential clients are scared off so gotta go out more and take more risks."
- "It is harder to screen and making them pushier."
- "I have had online clients want more pics and more verification. It is more of a hassle."
- "It is screwing with the screening process, then people act weird and it ends up not happening."
- "People want to touch me prove I am not a cop. I have to give up more."
- "I don't get as much money and clients don't want to use condoms."



Sex Worker Lobby Day

National Day of Action

- Over 15 cities held marches, protests, speak outs, and other displays to draw attention to the negative impacts of SESTA on marginalized communities
- Outcomes:
 - Sex worker mobilization and community building
 - Began forming relationships with Congressional, state, and local representatives
 - Media exposure

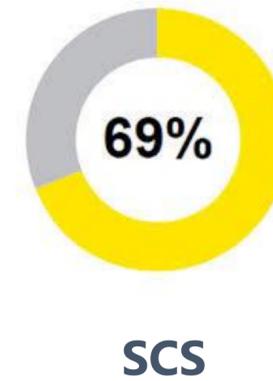
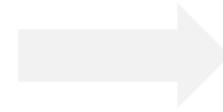
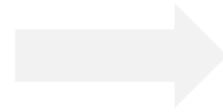


What now?

Principles Harm Reduction Applied to Sex Work

1. Views trading sex for money and resources as neither inherently harmful or degrading, **or** inherently stabilizing or empowering.
2. Focuses on who people are rather than what they do, and sees people as whole people.
3. Recognizes the myriad of reasons why people engage in the sex trade and seeks to help people meet goals as defined for themselves in non-judgmental and compassionate manners and atmospheres.
4. Recognizes the potential infectious disease and physical safety consequences associated with sex work, and seeks to help people mitigate these factors.
5. Seeks to provide holistic support rather than isolated interventions
6. Highlights the impact that the criminal justice response to sex work has on people in the sex trade, and seeks to eliminate sociopolitical barriers to care, safety, and general wellbeing. Understand stigma and its byproducts to be at the root of harm experienced by individuals involved in the sex trade, and that intersecting oppressions compound the harm.
7. Believes that incorporating a diverse range of sex workers into public health policies and discussions can be a gateway into community health. Understands that one individual's experience does not equal that of all individuals in the sex trade.

Support for Policy Changes



Questions?



Thank you!

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Thank you!

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