

FOSTA-SESTA Talking Points April 2018

1) What is FOSTA-SESTA?

In March 2018, Congress passed the Fight Online Sex Trafficking Act (FOSTA) and the Stop Enabling Sex Traffickers Act (SESTA) to target websites that **knowingly** facilitate sex trafficking or intentionally promote the prostitution of others (pimping). The violation is aggravated if a website **knowingly** promotes or facilitates the prostitution of 5 or more persons or acts in reckless disregard if such conduct contributed to sex trafficking. FOSTA-SESTA also allows victims of online sex trafficking to seek civil remedies.

2) Why the need for FOSTA-SESTA?

This legislation is about access to justice.

For years, bad actor websites that knowingly promoted sex trafficking and pimping online have been shielded by Section 230 of the Communications Decency Act (CDA), which states that websites are not liable for third party content. However, the intent of CDA 230 was never meant to allow illegal conduct on the website.

Trafficking victims who have been sold into prostitution through online ads have had no legal recourse against these websites that reaped millions of dollars of profits from the exploitation of those victims, mostly women and girls. FOSTA-SESTA gives victims who were sex trafficked online the opportunity to sue these websites for civil damages as victims of crimes.

Congress has recognized that the growth of the internet has fueled enormous expansion of online platforms for commercial sexual exploitation and that these platforms cannot continue to do business with impunity because we can no longer sacrifice the most vulnerable in our communities to traffickers and sex buyers.

3) FOSTA-SESTA is a federal law. What about the states?

FOSTA-SESTA will finally allow states to pursue charges against problem websites that knowingly facilitate sex trafficking and hold them accountable.

For over 20 years, states have been powerless to apply their own laws to unscrupulous websites that profit from the exploitation of vulnerable women and children. States will be able to enforce their criminal laws with FOSTA-SESTA.

4) Immediately after the Senate passed FOSTA-SESTA, several websites closed down the sections of their sites - or the whole site. What does that immediate response to the passage of FOSTA-SESTA mean?

The activity within the first 24 hours after Congress passed FOSTA-SESTA was intense. A number of sites, including online sex buying sites, shut themselves down. This shows just how expansive and prevalent facilitated commercial sexual exploitation online is in the United States. These websites or sections of sites are shutting down because their owners have long been aware that they were knowingly promoting prostitution, commercial sexual exploitation, and facilitating sex trafficking. By shutting down prior to the signing of FOSTA-SESTA into law, these websites are seemingly trying to reduce their potential liability.

5) What does the shuttering of online marketplaces for sex buying and trafficking mean for those who are in prostitution and who may "lose business?"

The only people who will "lose business" under FOSTA-SESTA are owners of websites that knowingly facilitate sex trafficking and promote pimping online. Developing or owning a website that solely solicits sexual acts is not covered under the purview of FOSTA-SESTA.

6) If websites like Craigslist and Reddit stop being a marketplace for sex buying, won't that just send buyers and sellers to the dark web and make it even more difficult for law enforcement to find traffickers and help trafficking victims?

No. This illegal marketplace requires visibility in order to function. While a small piece of the sex buying market may go to the dark web, the online marketplace has to be accessible to buyers. It cannot thrive if it goes deep underground where people cannot find it.

It is also a myth to believe that law enforcement needs Backpage and other sites to find sex traffickers. The number of children and their sex traffickers found on these websites by law enforcement pale in comparison to the actual number of sex trafficking victims that are bought and sold online.

7) What does sex-buying have to do with sex trafficking?

Although inherently harmful, the sex trade operates under basic rules of economics, with equations of supply, demand and profit-making. Without the demand for prostitution (sex buyers), pimps and traffickers could not reap profits generated from the sale of human beings. When buyers can no longer so easily buy sexual access to women's bodies, commercial sexual exploitation of vulnerable people will decline.

8) What does sex-buying have to do with websites online?

There are large-scale, online platforms, known as "review boards" on which sex buyers exchange information about the women they have purchased for prostitution, the sex establishments they've patronized and also rate the prostituted women like commodities. A number of these websites also knowingly facilitate sex trafficking and promote pimping, which FOSTA-SESTA will hold accountable.

World Without Exploitation Policy Positions on Trafficking and Sexual Exploitation

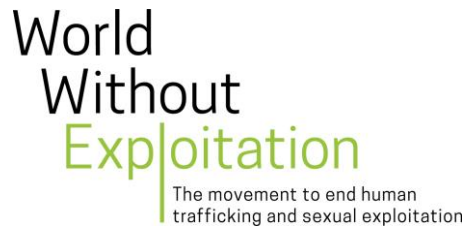
9) Many people are saying that in advocating for FOSTA-SESTA, you conflate sex trafficking with prostitution. Can you explain?

WorldWE doesn't conflate the two. We say that prostitution and sex trafficking are intricately linked, which is also recognized in both federal and international law.

Sex trafficking is the vehicle through which traffickers and pimps bring their victims to the ultimate destination, the sex trade. While not every person in the sex trade was trafficked, the overwhelming majority of prostituted individuals, who in the US are mostly women and girls of color, were trafficked. Prostitution is where sex trafficking occurs.

10) What are your objectives?

Our primary objective is to end trafficking and sexual exploitation. In terms of trafficking for sexual exploitation, we collectively work to prevent the harm that is inherent to the sex trade, which includes an end to sex buying. While there may be a few people who enter the sex trade by pure choice, the vast majority were driven



into the sex trade by lack of choices, including due to racial, economic and gender inequalities compounded by histories of childhood sexual violence, foster care, or homelessness. Most people bought and sold in the sex trade are under the control of a third party profiting from their exploitation. Trafficking and sexual exploitation are built on the abuse of power and the abuse of someone's vulnerabilities.

We are beginning to put an end to a culture that considers the exploitation of vulnerable people in our communities as inevitable, and that rationalizes the explosion of online exploitation as a benefit to those being exploited. We are saying that you cannot put a price tag on sexual assault or exploitation. We are finally saying that prostitution, trafficking and sexual exploitation are harmful whether occurring indoors or outdoors, online or offline.

We advocate for laws and public policies that protect a majority from harm and violence and offer victims access to justice.

For more information, visit www.worldwithoutexploitation.org