

Women's March WI: Joins Red Umbrella Justice (RUJ) in urging lawmakers to rethink SESTA-FOSTA

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What is SESTA-FOSTA?

Originally two separate bills, FOSTA (Allow States and Victims to Fight Online Sex Trafficking Act) and SESTA (Stop Enabling Sex Traffickers Act), were amended and combined into one bill on February 20, 2018. The amended bill passed the Senate 97-2 on March 21, 2018 and was signed into law by the president on April 11, 2018. Both Senators Ron Johnson and Tammy Baldwin voted in favor of SESTA.

What was the SESTA-FOSTA law supposed to do?

SESTA was intended to curb sex trafficking online by amending something called Section 230 of the Communications Decency Act of 1996 so that internet platforms would be held responsible for anything their users posted related to the promotion or facilitation of sex trafficking and/or "prostitution".

What's so bad about a law that is supposed to stop sex trafficking?

1. The wording of the law is so broad that since the bill passed, before it was even signed into law, websites that a lot of sex workers use to stay safe and screen clients shut down to avoid possible penalties under the law.
2. Since the bill passed several sex workers have gone missing, been murdered, or committed suicide as they no longer had access to the sites they used for work and were forced to engage in riskier behaviors such as street sex work.
3. Since the bill passed many consensual sex workers have been contacted by pimps promising them clients. Sex workers who have gotten out of trafficking situations and are now doing consensual sex work are being contacted again by their former pimps. Trafficking is actively **INCREASING** among consensual sex workers.
4. The shutdown of sites such as Backpage is actually making it harder for law enforcement to track and arrest traffickers. Where once law enforcement could access everything in one place, such as Backpage or Craigslist, now traffickers have spread out to multiple smaller sites.
5. It's actually no longer beneficial for sites to report trafficking under this new law. Because knowingly hosting an ad that promotes trafficking is illegal under this law, if a site becomes aware of an ad and reports it, they run the risk of being charged.
6. One area of the law is unconstitutional. Part of SESTA-FOSTA says "the amendment made by subsection (a) shall apply regardless of whether the conduct alleged occurred, or is alleged to have occurred, before, on, or after such date of enactment". This is called an Ex Post Facto law and it is illegal under Article 1, Section 9, Clause 3, and Article 1, Section 10 of the US Constitution. You can't receive legal consequences for something you did before a law existed.

Women's March WI encourages people to contact their Members of Congress to discuss the challenges and issues sex workers and trafficking victims face under the new law.