FOSTA-SESTA, Sex Work and the use of Web 2.0 technologies

ABSTRACT:

Sex Workers were early adopters of Web 2.0 technologies, such as online classified pages, social media groups and shared content creation files. These technologies were instrumental in improving sex worker safety and empowering workers to establish clear identities and boundaries, screen potential customers and create shared content to improve the safety of all users.

With the introduction of FOSTA-SESTA into law, many of these platforms closed entirely, removed sex-worker-related content or deleted sex-worker accounts, resulting in a dramatic loss of income and a reduction of safety for sex workers. Particularly affected were those sex workers pushed to less safe avenues of sex work for survival, predominately sex workers of colour, trans and non-binary sex workers and others who experience intersectional discrimination.

FOSTA-SESTA has in fact further endangered the very people it seeks to protect as the censorship and regulation it creates removed the tools sex workers had set up for their own safety. Sex workers, however, are continuing to utilise Web 2.0 technologies to organise, and create new Web 2.0 platforms and communities to reclaim their safety, identities and communities.

INTRODUCTION

Since the turn of the century, Web 2.0 technologies have facilitated ways for individuals to express their identities publicly online and provided opportunities for collective organising (Aguiton & Cardon, 2007). Sex workers utilise Web 2.0 technologies for identity expression and collective organising despite the impact that the 2018 United States (US) Allow States and Victims to Fight Online Sex Trafficking Act (FOSTA) and Stop Enabling Sex Traffickers Act (SESTA) have had on Web 2.0 technologies. While FOSTA/SESTA is intended to curb sex trafficking and is framed

as the "protection" of vulnerable women, such regulations censor the shared creation of community and content and contributes to the further marginalisation and reduced safety of these women. The term "sex work" includes the exchange of any sexual services for money or other goods and services and can include full service sex workers, porn actors, strippers, escorts, dominatrixes, web cam performers, or phone sex operator among others (Sawicki, Meffert, Read, & Heinz, 2019). This paper briefly introduces sex work from an intersectional feminist approach, explores how sex workers employed Web 2.0 technologies to express identify and collectively organise to improve their own safety prior to 2018, provides a brief overview of the FOSTA-SESTA laws (along with an exploration of how these laws have affected sex workers use of Web 2.0 for identity expression, collective organising and safety), and investigates how the laws in the US are censoring legal sex-worker communities in Australia and, in fact, making it harder to identify and help victims of sex trafficking.

Sex work has been around throughout history, with attitudes towards it changing based on political and religious climates (Sawicki et al., 2019). While many studies employ a radical or liberal feminist approach to sex work, this paper applies an intersectional feminist approach (with a focus on full-service sex workers), which acknowledges that class, race, sexual orientation, age and ability can inform a person's experience of gender, discrimination and feminism (Sawicki et al., 2019). FOSTA-SESTA focuses on sex trafficking (which can include slavery and forced sexual acts) using abduction, coercion and other types of duplicity to exploit individuals (Sawicki et al., 2019). By contrast, sex work is undertaken by consenting adults where the exchange of sexual services for goods or money does not violate the individuals human rights (Sawicki et al., 2019). Sex work as paid labour is equivalent to other forms of paid labour. However, it is important to acknowledge that choice is not binary for many, rather it is a spectrum, where the intersections of disadvantage and discrimination inform what choices a person has available to them (Sawicki et al., 2019). This phenomenon, however, is not specific to the sex industry.

SEX WORKERS HISTORICAL USE OF WEB 2.0 TECHNOLOGIES

The emergence of Web 2.0 technologies, in particular centralised, searchable classified advertising (such as Craigslist, Cracker and Backpage) revolutionised the sex work industry, particularly for full-service sex workers. These online classified sites, facilitated an increase in independent workers, increasing safety by moving the transactions indoors and online, and away from the more dangerous outdoor street transactions or third party (pimp) transactions (Cunningham, DeAngelo, & Tripp, 2019). Sex workers also found that these sites increased their safety in other ways. The creation of a space for sex workers to establish and publish their identity online allows other sex workers and clients to see what services an individual does and does not offer (Cunningham et al., 2019). Sex workers reinforce this messaging across multiple other Web 2.0 platforms, including social media and blogs (Campbell, Sanders, Scoular, Pitcher, & Cunningham, 2018). This allowed workers to outline their labour boundaries or offer specialised services prior to meeting clients, reducing the risk of misunderstanding and violence (Campbell et al., 2018; Mojumder, 2018b). This meant that sex workers could create individual and specialised identities with which to not only seek work, but confirm their identity as a sex worker and access sex-worker specific communities on Web 2.0 platforms.

Sex workers often use multiple methods of screening to reduce their risk by searching the potential customers name, phone number or email address on social media platforms (Campbell et al., 2018). Over the last 20 years, Web 2.0 technologies have been used by sex workers to create shared content, including blacklists (lists of violent clients, clients who do not respect boundaries, and/or clients who have stolen from workers or not paid for services) and whitelists (recommended clients) (Campbell et al., 2018; Cunningham et al., 2019; Mojumder, 2018). These lists are private and can only be accessed by those who have been confirmed to be sex workers. The advertisements on Web 2.0 platforms are utilised in these instances to confirm a new user's identity as a sex worker before granting them access (Mojumder, 2018). These lists improve the safety of sex workers, providing them with a method to screen prospective new clients before accepting work. By utilising these advertisements to express identity and creating shared content through blacklists and other shared resources, sex workers create loose community ties, enabling them to work together to improve their joint safety.

An important part of how sex workers use Web 2.0 technologies is to build a community. By being able to use Web 2.0 technologies, sex workers are able to create their own community and individual identity and organise themselves politically. Sex workers use social media groups to post stories about their experiences, share safety tips and comment on each other's posts, providing support, reinforcing their identity and creating ties within their community (Aguiton & Cardon, 2007; Campbell et al., 2018). They use these groups to politically organise around labour and safety laws in their particular geographical area (Johansson & Scaramuzzino, 2019). These examples make it particularly clear how sex workers use Web 2.0 platforms to create community and weak ties with which to work towards a shared goal. This has been particularly evident in recent years as sex workers organised to fight the introduction of FOSTA-SESTA laws and, consequently, advocate for their rights in the new landscape post FOSTA-SESTA (Johansson & Scaramuzzino, 2019; Renegade & Pottenger, 2019). Since sex workers still experience significant stigmatisation, these communities provide a vital, and sometime lifesaving, source of support.

An example of sex workers utilising social media platforms to create safety and community can be see within the Australian sex-work community and two of their Facebook groups (hereby named Group A and Group B to maintain privacy). To ensure the safety of this highly stigmatised community, these two private Facebook groups remain strictly only for sex workers. To be added to Group A, a sex worker needs to provide links to their advertisements and, ideally, a verification from another sex worker who is already a member of Group B (Sydney (professional name), 2019a, 2019b). Once a sex worker has been verified and added to Group A, they need to demonstrate that they are actively engaging in sex work through their discussions and participation in the group. Only then can they be added to Group B, where conversations can include information about specific clients and any related safety concerns. This can include the sharing of potential new client names, phone numbers and email addresses to ascertain any potential safety concerns as well as debriefing after shifts. Group B is also where sex workers can contribute to and

access the shared content, such as blacklists (Sydney (professional name), 2019a, 2019b). This shows that Australian sex workers have been active adopters of Web 2.0 technologies, utilising many features to improve their own safety and create a community to garner support and share knowledge.

FOSTA-SESTA AND ITS IMPACTS ON SEX WORKERS

In the 1990s, US politicians were interested in developing the internet as a forum for free speech with minimal regulations while also protecting children from being exposed to explicit material (Leary, 2018). The US congress intended to limit liability for Web 2.0 platforms. However, congress inaction and progressive case law resulted in what was, in essence, broad immunity for technology platforms for the content their users posted (Leary, 2018). In 2017, two new laws were introduced to the US parliament, FOSTA and SESTA, both designed to reduce immunity and hold platforms to account for advertisements for sex work and services of trafficked victims. These laws particularly focused on sex trafficking and the platforms which enabled sex trafficking (Leary, 2018). While initially the laws received little traction, in 2017, journalists revealed foreign governments utilising Web 2.0 technologies to interfere in the 2016 US election. This resulted in a renewed interest in the regulation of technology platforms across the political spectrum, and FOSTA-SESTA became politically popular as a tool to regulate the very large technology companies (Bridy, 2018). FOSTA-SESTA removed the protections for platforms that promote or facilitate sex trafficking (Bridy, 2018) and, essentially, conflated sex trafficking and consensual sex work, making it illegal for platforms in the US to contain content involving any sex work (Hagen, 2018). This means that, overnight, sex workers' advertisements and Web 2.0 communities were deleted. These actions effectively deleted vital community ties, critical safety mechanisms and important ways sex workers expressed their identities.

While there is limited academic literature detailing the effects that FOSTA-SESTA has had on the sex work community so soon after its implementation, more and more articles are becoming available outlining the experiences of sex workers in this new climate. One study found that platforms such as Craigslist reduced the

incidence of women being murdered in the US but the homicide rate increased again after FOSTA-SESTA passed (Cunningham et al., 2019). 13 sex workers disappeared in the US in the first week after FOSTA-SESTA was enacted and another two sex workers were murdered and their bodies found that same week (Lawless, 2018). Most data, however, at this stage, comes from sex worker and anti-FOSTA-SESTA organisations providing firsthand accounts of sex workers whose livelihoods have been jeopardised and safety reduced (Cox, 2018; Grant, 2018). During the period surrounding FOSTA-SESTA's passage through the US parliament, multiple Web 2.0 platforms shut down entirely, such as Backpage and sex-worker specific platforms, such as CityVibe and Erotic Review (Kessler, 2018). Other Web 2.0 platforms, including Craigslist, Skype and Reddit, changed their terms of service to specifically exclude sex workers from their platforms (Kessler, 2018), with Reddit removing some sex-worker specific subreddits (Adair, 2018). Sites such as Twitter, Facebook and Google have been removing the accounts of sex workers, including legal Australian sex workers' accounts (Adair, 2018; Lawless, 2018). The removal of sex workers from Web 2.0 platforms censors the voice of already marginalised and stigmatised people, and puts lives at risk, in contradiction to the supposed intent of FOSTA-SESTA.

Technology platforms conforming to the new FOSTA-SESTA laws remove sex-workers' ability to work independently and screen potential customers, putting them at risk from violent customers and unscrupulous third parties if they wish to continue working (Adair, 2018). Sex workers are reporting a reduction in customers due to a reduced ability to advertise, with those who have been hardest hit coming from even more marginalised communities (such as women of colour, trans and non-binary women, women with disabilities, trafficked survivors and migrant sex workers) (Hagen, 2018; Lawless, 2018; Witt, 2018). Many of these women have limited options beyond sex work to start with due to their intersecting disadvantages and are, therefore, pushed to the riskier options of street-based and pimp-facilitated sex work in disproportionate numbers (Lawless, 2018; Witt, 2018). As sex workers are forced offline, pimps and traffickers are taking advantage of the situation and exploiting sex workers who have limited other options (Cole, 2017), in direct contrast to what FOSTA-SESTA set out to achieve.

Since becoming law, critics of FOSTA-SESTA claim it has had another unintended consequence, i.e. the further endangerment of victims of sex trafficking (Lawless, 2018; Witt, 2018a). Websites, such as Craigslist and Backpage, were not only used by consenting sex workers. Research has identified that sex trafficking organisations also utilised these platforms to advertise the services of trafficked or coerced victims (Mojumder, 2018). Police and law enforcement are hindered in their ability to fight sex trafficking as sex traffickers are no longer able to utilise these easily searchable platforms, which police can monitor, and have moved to the dark web (Lawless, 2018; Woolery, 2018) or moved offline altogether (Sawicki et al., 2019a). The inability of police to identify and rescue victims of sex trafficking means that the impact of FOSTA-SESTA goes directly against the stated aims of the legislators, further endangering these victims.

Sex workers, however, were early adopters of Web 2.0 technologies (Cox, 2018) and, in this post-FOSTA-SESTA climate, have continued to utilise Web 2.0 technologies to serve their purposes. A Swedish study found that sex workers were employing similar Web 2.0 platforms and strategies to other labour unions to organise and advocate for their workplace rights. This includes maintaining social media accounts, YouTube channels and blogs to create and coordinate their community and allies to advocate for change (Johansson & Scaramuzzino, 2019). Similarly, in Australia and around the world, sex workers organised almost immediately after FOSTA-SESTA passed to protect both their community and themselves (Cox, 2018). Their comfort with technology and strong global networks (facilitated by their extensive use of Web 2.0 platforms) allowed them to quickly find new hosts for websites and blogs in countries with strong privacy laws which could better protect them from US laws (including FOSTA-SESTA) and potential future sex-work related laws (Cox, 2018). A promising example of this is the new advertising platform built by, and for, sex workers, crockor.com.au, hosted in Iceland (Cox, 2018; Hosting Checker, 2019). Additionally, sex workers are moving to non-US-based emails, platforms and other online communication methods (Adair, 2018). The impact that FOSTA-SESTA has had on the legal sex work community in

Australia emphasises the fact that many online spaces and large Web 2.0 platforms are owned by the US and accountable to their laws (Adair, 2018). In Australia, sex workers have reported that, while some sex-worker accounts on Facebook have been deleted, so far, the private Facebook Groups have not been deleted and they are now using advertisements on new sex-worker Web 2.0 platforms (such as Crockor) to verify group members' identities as sex workers (Sydney (professional name), 2019a). Thus, despite FOSTA-SESTA impacting the creation of identity, community and safety for sex workers, sex workers continue to utilise Web 2.0 platforms to rebuild communities and take ownership over their own safety. However, at this stage, the emerging sex-worker specific Web 2.0 platforms are still small and do not have the reach that previous platforms had.

CONCLUSION

FOSTA-SESTA are two recent laws, introduced in the US, designed to regulate the internet that are changing users' relationships with the internet and Web 2.0 technologies. Overall, FOSTA/SESTA has not been successful in its intention to curb sex trafficking. Rather, such regulation has censored the shared creation of community and content and contributed to the further marginalisation and reduced safety of women who are already vulnerable. However, it has also revealed that, while FOSTA-SESTA had a brutal and significant effect on sex workers abilities to generate income and ensure their safety, sex workers are fighting back. Their confidence with technology and strong community links forged on Web 2.0 platforms enabled them to organise, advocate and promote their own political interests and rebuild their Web 2.0 platforms and communities on websites hosted outside of the US.

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