

Scot-Pep written submission to the Cross-Party Group on Sexual Exploitation inquiry into Sexual Exploitation Advertising (SEA) websites

Use of platforms

Sex workers use online spaces for advertising, and for safety measures. There is often overlap between these two uses, as well as overlap between advertising, safety, and use of websites for personal use such as keeping in touch with friends and family. Activities related to sex work often take place on a range of platforms beyond what may be considered “websites that advertise sexual exploitation”.

Evidence shows that use of online platforms has allowed sex workers to screen clients more effectively, and communicate with one another over safety. ‘Beyond the Gaze’¹ was a three-year study into the safety and working conditions of online sex work in the UK, and is the largest study on this topic to-date. This research spoke to more than 600 sex workers and found that working online allowed sex workers more control over their working conditions. 89% said it allowed them to decide where and when to work, and to work independently without relying on third parties. 85% said it allowed them to screen clients, and 80% said it gave them access to sex worker networks and support.

In 2019, Professor Scott Cunningham of Baylor University published the findings of extensive research into online sex work and correlations with violent crime². This research found that after Craigslist created an ‘erotic services’ section, the overall rate of female homicides in the US fell by between 10% and 17%. The reduction was largely driven by street prostitution moving indoors and by helping sex workers to screen out the most dangerous clients. The research also showed a link between Craigslist’s erotic services section and a shift in the online market from sex workers predominantly working through agencies to sex workers working independently.

Impact of criminalising platforms used by sex workers

In 2018, the USA banned websites used by sex workers through ‘FOSTA-SESTA’³, which criminalised operating an internet service that ‘promotes or facilitates prostitution’, and makes internet service providers liable for user content that violates federal anti-trafficking and sex work laws. It exposes internet service providers to civil lawsuits and criminal charges if they allow user content that is deemed to ‘promote or facilitate’ sex work. The laws were opposed by 57 anti-trafficking organisations⁴, criminal defence lawyers⁵, and LGBT, health and social justice

¹ Beyond the Gaze, 2017 <https://www.beyond-the-gaze.com/>

² Scott Cunningham, 2019, [Craigslist's Effect on Violence Against Women](#)

³ Allow States and Victims to Fight Online Sex Trafficking Act of 2017’ (FOSTA) and Stop Enabling Sex Traffickers Act (SESTA) were proposed as separate Bills in 2017, and incorporated and signed into law in 2018.

⁴ Freedom Network USA, 2018, [FOSTA does not protect communities at risk of sex trafficking](#)

⁵ National Association of Criminal Defence Lawyers, 2018, [Letter to Majority Leader](#)

groups⁶. FOSTA-SESTA is currently subject to a lawsuit from Human Rights Watch⁷, and the Court of Appeals has acknowledged the law poses a [‘substantial’ threat to free speech](#).

The impact of FOSTA-SESTA on people who sell sex has been enormous, as internet platforms are under pressure to censor their users to avoid lawsuits or criminal charges. When the laws passed, many internet services used by sex workers to make money and share safety information pre-emptively closed. Sex workers are now [less able to share safety information with each other](#).

‘Erased: The Impact of FOSTA-SESTA’⁸ is an important piece of community research from sex workers in the USA, which showed the detrimental effects on sex workers’ quality of life, financial stability, safety and health. The research outlines an increase in street-based sex work, and sex workers report feeling less safe, more financially precarious and more threatened by police following FOSTA-SESTA.

Exploitative third parties

Sex worker organisations are acutely aware of the exploitation faced by sex workers, and invested in supporting sex workers who experience exploitation, violence and other forms of harm. As with other forms of labour and informal income-generation, exploitation may happen via these websites, alongside other activity which is not exploitative.

Exploitation of labour is a complex problem and exists within and outwith these online spaces. Evidence from the USA shows that closing these spaces displaces, and exacerbates, harm to people who sell sex. In 2018, sex workers all over the USA [reported](#) former managers, including violent and exploitative managers, had got back in contact with them following FOSTA-SESTA, “capitalizing on the confusion and fear this law has created, as online communities where sex workers found and vetted clients and offered each other support are disappearing.”

Approach of government and police

Sex workers in Scotland face a very worrying situation, including enormous financial hardship following lockdown. COVID-19 has changed the sex industry in Scotland drastically, with the closure of saunas, strip clubs and government controls on how people interact; many in-person sex workers are now having to navigate online work. This may be the only opportunity they have to make an income. Any attempt to remove or limit their ability to work online, or use online spaces to screen clients and share safety information, will be incredibly damaging.

We note that the National Policing Sex Work and Prostitution Guidance for England, Wales and Northern Ireland⁹ acknowledges that “[v]oluntary sex workers and victims of sexual exploitation may be advertised side-by-side” on these websites, and that the situation is “nuanced”, as

⁶ [Joint letter, 2018](#)

⁷ Human Rights Watch, 2018, [Why We’ve Filed a Lawsuit Against a US Federal Law Targeting Sex Workers](#)

⁸ Hacking//Hustling, 2020, [Erased: The Impact of FOSTA-SESTA](#)

⁹ National Police Chiefs Council, 2019, [National Policing Sex Work and Prostitution Guidance](#)

“voluntary arrangements may become exploitative and visa-versa”. The guidance acknowledges that access to these platforms provides “benefit to sex workers around safety”. We would encourage Police Scotland to work with National Ugly Mugs to develop similar guidance that considers the needs and safety of people who sell sex alongside the focus on organised crime in its current policy¹⁰.

To support people who sell sex (by choice, circumstance or coercion) in Scotland, we encourage the CPG to make greater levels of funding available to women directly, and create conditions where people can more easily access support by advocating the Government remove criminal penalties for people who sell sex. We also encourage the CPG to consider its use of language and the impact on people who sell sex in Scotland. For example, press statements such as “those who advertise prostitution are actively encouraging violence against women¹¹” suggest that people who sell sex and use websites to advertise are encouraging violence against themselves. People who sell sex may not consider their work a form of sexual exploitation, and may not identify the websites they use for income-generation and safety as “SEA websites”.

Further information

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Scot-Pep is a sex worker-led charity that works across Scotland to provide resources and support for sex workers, and to advocate for the health, rights, and safety of everyone who sells sex in Scotland.

¹⁰ Police Scotland, 2016, [Prostitution Policy](#)

¹¹ Holyrood magazine, 2020, [Cross-party group launches inquiry into websites used for sexual exploitation](#)