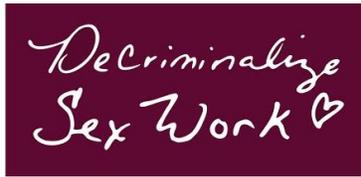


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Senators Merkley and Sasse Introduce Bill That Infringes on Privacy Rights

NEW YORK (Dec. 24, 2020) — U.S. Senators Jeff Merkley (D-OR) and Ben Sasse (R-NE) introduced the Stop Internet Sexual Exploitation Act (SISEA) last week. They claim that the bill's purpose is to protect children, who cannot consent, and adults who have not consented to the sharing of pornographic images of them online. However, forty-six states and Washington, D.C. have anti-revenge porn laws in place and federal law prohibits the production, distribution, importation, reception, or possession of any image of child pornography. This bill is unnecessary and infringes on the rights and income of adults who engage in sex work consensually.

SISEA is like other misguided initiatives such as the EARN IT ACT and SESTA/FOSTA. Proponents of these laws argue that they combat human trafficking, although the laws, as written, fail to punish traffickers. Instead, they undercut the most crucial statute protecting freedom of speech on the internet (Communications Decency Act 230) and endanger the safety, health, and human rights of consensual sex workers and trafficking victims. Far from being a tool to combat sexual exploitation, SESTA/FOSTA ultimately forced websites to close, endangering sex workers and leading to their increased exploitation and financial desperation.

A recent barrage of anti-sex policies, including Instagram's changes to its terms of service, threatens free speech and harms sex workers. Decriminalize Sex Work's legal director Melissa Broudo explained, "There is a clear, consistent, and targeted attack on sex workers online under the guise of protecting women and ensuring safety; ironically, all of these measures will ultimately harm those who are the most marginalized. They all fail to target actual trafficking, but instead seek to censor and obstruct people's ability to work independently and safely."

Merkley and Sasse claim that this bill is about privacy, but it requires individuals to volunteer sensitive information. The bill calls for people who do not want their pornographic content posted online to enter identifying information into a database. Though the bill mentions that identifying information would be protected, it requires platforms that host pornographic content to cross check their information against the database, with no practical guidance on how to do this without breaching confidentiality. The consequences for an individual whose name is made public and associated with this database could be disastrous. Similarly, individuals who upload videos must trust that online platforms will protect their information.

The bill would create an impossible burden for most platforms. Smaller platforms, especially, will either shut down or ban all pornographic content completely, leaving sex workers who rely on these sites without income. SISEA was introduced as Congress announced Americans would receive \$600.00, if they receive anything at all, which many argue does nothing to ease the financial devastation caused by COVID-19. This bill adds injury to insult for the most marginalized workers.

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Decriminalize Sex Work is a national organization pursuing a state-by-state strategy to end the prohibition of consensual adult prostitution in the United States. We work with local organizations, advocates, and lobbyists to build community support and convince legislators to stop prostitution-related arrests. Evidence shows that decriminalizing sex work will help end human trafficking, improve public health, and promote community safety.