

Decriminalize Sex Work
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NEW YORK, NEW YORK
January 27, 2020

Sex Workers Win Major Decision in Federal Court

Sex workers and their allies have won an important victory in their ongoing constitutional challenge to FOSTA/SESTA, a federal law that is having a destructive impact on the health and safety of sex workers and their communities.

“This is the most important case pending in federal court,” said Kaytlin Bailey, communications director for DSW. “Sex workers are feeling the brunt of this law now, but so are harm reduction advocates, massage therapists, and human rights organizations.”

At issue is the FOSTA/SESTA law, enacted in 2018, which imposes severe criminal penalties for the operators of web sites that allow discussions of prostitution, which caused many dating web sites to close. As a result, sex workers who had been using websites to schedule and screen their clients have since resorted to more dangerous tactics, such as soliciting on the street or relying on third parties such as pimps.

“Allowing sex workers to schedule and screen their clients online improves the health and safety of our communities,” said Melissa Broudo, DSW’s staff attorney who coordinated DSW’s amicus brief supporting the plaintiffs.

Studies show that when Craigslist Erotic Services allowed adults to negotiate consensual sex with each other, the female homicide rate dropped by 17%. When sex work was decriminalized in Rhode Island from 2003 to 2009, reported rapes dropped by 30% and gonorrhea by 40%.

“The evidence couldn’t be more clear,” said Broudo. “Allowing adult consensual sex workers and their clients to connect online makes the work safer.”

On Friday, January 24, the U.S. Court of Appeals for the D.C. Circuit ruled that the plaintiffs' case can proceed to trial, where a federal judge will decide whether FOSTA/SESTA interferes with the constitutional rights of website operators and their users.

"Sex workers have been waiting for our day in court for over 100 years," said Bailey.

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