

She Works Hard for the Money: Decriminalization and changing public attitudes makes sex work safer for everyone

Sex work is real work, and it's tougher than ever.

COVID-19 wreaked havoc on sex worker incomes and safety. Clients have dwindled during the pandemic, so sex workers literally can't afford to be choosy, taking on more and more dangerous clients, some of whom may not be compliant with COVID-safe protocols, which adds additional risk. Sex workers already faced a legislative onslaught in the years prior to the pandemic, as more laws restricted their capacity to work safely.

Sex workers "are really caught between a rock and a hard place," says Ariela Moscovitz, spokeswoman for Decriminalize Sex Work, a national organization dedicated to decriminalizing and improving public attitudes toward sex work.

Digital and online sex work saw an explosion last year. Sites like Pornhub and OnlyFans, digital spaces where sex workers can sell from the safety of their homes, have always had a presence online. As the economy crashed due to COVID restrictions, digital sex work became an attractive alternative. With people losing jobs, having difficulty making ends meet or living in places with few social safety nets, many people new to sex work turned to sites like OnlyFans to keep afloat financially.

OnlyFans has been around since 2016, and the company estimates its content creator base rose 40% when the pandemic started. The site works similar to Patreon: Content creators set the price they want to charge for content, and users choose to subscribe. OnlyFans takes a flat 20% from creators' earnings. The company doesn't release website metrics, but they claim to have 24 million unique users. In 2019, it paid out \$725 million to content creators, and was on track in 2020 to pay out more than one billion dollars.

But that explosive growth didn't come without a backlash. *New York Times* columnist Nicholas Kristoff wrote an op-ed/investigatory piece in December alleging websites like Pornhub and OnlyFans contained videos of rape, underage pornography and revenge porn. As a result of the article, Visa and Mastercard disallowed the two websites to use their services for processing payments.

Digital sex work is legal, and users must follow many of the same laws that other user-generated content sites follow. Decriminalization advocates note that many of the complaints lodged in Kristoff's original piece are already illegal. Forty-six states, plus Washington, DC and one overseas territory have laws against revenge porn on the books. Explicit content featuring a minor is a felony under federal law, which carries a penalty of fines and up to 30 years in prison, and requires registration on a sex offender list.

The backlash extended all the way to the United State Senate. Senators Jeff Merkley of Oregon and Ben Sasse of Nebraska introduced the Stop Internet Sexual Exploitation (SISE) Act in December of last year. A press release provided from the senator's offices repeat many of the allegations in Kristof's article. If passed, websites would have to have much more stringent safeguards in place, prohibit video

downloading and acquire consent forms from all content participants. SISE did not leave committee before the end of the session, and has yet to be re-introduced this year; however, legal observers could point out that many of the bill's provisions already are law.

Prior to COVID, online sex work and traditional sex work had become increasingly criminalized and made unsafe due to a series of federal laws and pushbacks. Federal law SESTA-FOSTA, passed in 2018, resulted in PayPal restricting sex worker payments, and social media websites such as Reddit and Tumblr banned users from uploading on their websites most types of explicit content.

Some states, including New York, have introduced partial decriminalization legislation in recent years. Partial decriminalization is more commonly known as the Nordic model, the buyer end model or the entrapment model popularized by the Nordic countries. The model criminalizes the buyer, not the seller, with the intended goal of eroding sex work's prevalence.

"[The Nordic model] doesn't do anything for the health and safety of the sex workers," says Moscovitz. Sex workers and would still have to worry about their clients getting arrested, and clients might not participate in actions or behaviors that make sex workers feel safe, such as using real names or meeting in places where sex workers feel comfortable.

Rhode Island notably legalized indoor prostitution from 1980 and 2009, but it only really became known in 2003, when four women arrested at Providence spas had their case thrown out because state courts ruled Rhode Island had no laws prohibiting sex work. A 2017 research paper published in the *Review of Economic Studies* found that in the six-year period between 2003 and 2009, sexual violence declined by 30% and rates of female gonorrhea declined by more than 40% in Rhode Island.

"We're always pushing sex work to be seen as work," says Moscovitz, "and to improve the health and safety of sex workers and communities at large. We know full decriminalization leads to a decrease in trafficking."