



European Sex Workers Rights Alliance
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The European Parliament is currently discussing new compromise amendments to the Digital Services Act (DSA). However, our organisation, [the European Sex Workers' Rights Alliance](http://www.eswalliance.org) which represents 90+ organisations working with sex workers in Europe and Central Asia, have significant worries regarding an amendment that will be voted on by the European Parliament in mid-January 2022. This amendment proposes introducing a user verification process for pornographic content creators through "a double opt-in e-mail and cell phone registration". We welcome the IMCO committee and the Parliament's will and effort to create a safer online environment for users. We strongly support the general aim and intent of the amendments. However, we believe that mandatory cell phone registration would be detrimental to the rights of sex workers and other online content creators, and it is a harmful practice regarding ensuring online privacy and security of marginalised communities.

Sex workers are a heavily stigmatised and criminalised community that often operate within precarious living and working conditions. Yet, especially after the COVID-19 pandemic, access to online platforms and the ability to work online have been a lifeline for many sex workers who struggled to earn sufficient income to pay their rents or look after their dependents. Due to this stigmatised and criminalised nature of adult sexual content production and other types of sex work, the safety of their data is of utmost importance as any data infringements or data leaks can pose a direct threat to the real-life (offline) safety and wellbeing of sex workers. Data infringements and leaks happen regularly regardless of the safety measures taken by private companies or governments. Therefore, when regulating online content on platforms that are used frequently by stigmatised and discriminated communities, data collection requirements can cause more harm than their intended benefits. For example, collecting the mobile phone numbers of all uploaders to porn platforms would expose sex workers to the threat of data leaks and abuses, including forced public outings (public shaming), stalking, blackmail, extortion and violence or deprivation of child custody.

"I have been doing sex work including creating porn content for 5 years now. What is important to me, as much as a creator as a simple user on platforms,

is to know that my personal information is safe. From my point of view, collecting emails and phone number is dangerous and risky and I would fear that my personal info would leak, and to be easily (as a sex worker moreover) a target for any kind of harassment, content theft, identity theft."

- *Berthe De Laon, sex worker*

Moreover, the requirement of uploading a phone number will increase the entry threshold for content creators. This would impact the most marginalised sex workers who already operate in precarious conditions and face threats of violence from the police and deportation. Furthermore, due to the prevailing stigma of people working in the sex industry, the mandatory phone registration can lead to either using a one-purpose purchased sim card in countries where it is available or using the phone number of an intermediary for those who do not possess a mobile phone number or who would not wish to expose their phone number due to privacy concerns. This means that sex workers' independence is significantly reduced, and the need for third parties is increased.

Sex workers are also subjected to image-based sexual violence. Therefore, we understand the need for regulation to tackle this issue. However, we believe that mandatory phone registration will not prevent revenge porn or other image-based sexual violence. For many of those who would like to remain anonymous, it will create barriers and increase the risk of data infringements and the dependence on third parties, which can harm the autonomy of sex workers. Similar concerns were also raised by other civil society organisations such as [European Digital Rights \(EDRi\)](#) and [Electronic Frontier Foundation \(EFF\)](#) in their statements.

"I am an actress and a porn director. I find it unacceptable that on an amendment that seeks to protect individuals from the theft and unwanted dissemination of sexually-oriented videos or photos, the people most at risk - porn actors, actresses and other sex workers - have not been consulted. Does the democratic debate only take place between platforms and politicians? The amendment proposed by Renew and GreensEFA was not drafted in recognition of the significant risk of theft of sensitive sex life data to which we will be exposed if the European Parliament adopts it. When I say we, I mean the sex worker community, but also anyone who has sex on the internet. Do we want data about our sexual orientation to be collected by malicious bogus sites, being subjected to sextortion, threats or scams?"

- *Lullabyebye, sex worker*

The European Sex Workers' Rights Alliance (ESWA) would support the amendments that aimed at empowering users by keeping porn platforms responsible for providing professional human content moderators that would take necessary steps to ensure the safety of individuals on these platforms as well as providing ways for

users to identify and report suspicious activities. The regulations must take into account the needs of all marginalised communities.

Therefore, we urgently call on members of the European Parliament concerned about the privacy and safety of marginalised communities to table a split vote on point (a) of Amendment 1521 Article 24b.

Privacy and data security has a social value, and it is beneficial not only for individuals but for society as a whole. We strongly urge you to vote against the mandatory registration of pornographic content creators as this will negatively impact the safety and wellbeing of sex workers who are dependent on these platforms to make a living. Instead of an extensive collection of personal information, whose hypothetical benefit to victims has not been evidenced, to tackle image-based sexual violence, we propose a human rights-based approach that focuses on the empowerment of users.

Therefore, our recommendations are;

- Tackle stigma and sexist attitudes that prevent victims of image-based sexual violence from coming forward,
- Make accessing justice easier by providing anonymous reporting mechanisms and availability of free-of-charge legal services for victims of revenge porn and image/ video theft,
- Train and educate law enforcement to take reports made by victims seriously,
- Enforce the already existing laws on copyrights and other image rights,
- If a platform refuses to remove an image, have a course of action for users to challenge the decision as fast and easy as possible,
- Sex workers must be included in discussions regarding image-based sexual violence as this issue impacts sex workers frequently,
- Normalise minimisation of data collection, particularly criminalised and stigmatised communities and look for alternative solutions by working with the affected communities.
- Decriminalise sex work to promote human rights and enable access to justice for all marginalised sex workers, including migrants, racialised and LGBTI+.