

26 November 2021

Dear MEP

The European Parliament discusses new amendments to the Digital Services Act (DSA) (Amendments 1302-1591). We have significant worries regarding Amendment 1521 article 24b (a), which proposes introducing user verification for pornographic content creators through “a double opt-in e-mail and cell phone registration”.

We welcome the European Parliament's efforts in creating a safer online environment for users, and we strongly support the general aim and intent of the amendments. However, one specific paragraph in the amendments would be detrimental to the rights of sex workers and online content creators. Sex workers are heavily stigmatised, and in some national contexts, they are a criminalised community that often operates within precarious living 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 the stigmatised and criminalised nature of adult sexual content producers 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 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 used frequently by such as in this case a profession that is heavily stigmatised, 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 stalking, threats, extortion and violence.

The requirement of uploading the mobile phone will increase the entry threshold for content creators. Due to the prevailing stigma of people working in the sex industry, it can lead to either using a one-purpose purchased sim card or using the phone number of 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. Such measures will also not prevent child sexual exploitation online, revenge porn or other not-consensual content publishing. For many of those who would like to remain in anonymity, it will create another barrier and increase the dependence on third parties, which can harm the autonomy of sex workers.

The European Sex Workers Rights Alliance (ESWA) fully supports the proposed amendments Article 24b (b) and (c), which offers sufficient levels of protection by increasing the platforms' responsibilities to enable 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. Since, paragraphs (b) and (c) already achieves the purpose of the amendments, and paragraph (a), therefore, is not needed and can be highly harmful to sex workers.

Therefore, we strongly urge you to vote against Amendment 1521 Article 24b (a).

We hope you will consider our advice.

About ESWA

The European Sex Workers' Rights Alliance (ESWA) – previously the International Committee on the Rights of Sex Workers in Europe (ICRSE), is a sex worker-led network representing more than 100 organisations in 35 countries across Europe and Central Asia. Our aim is to ensure that all sex worker voices are heard and that their human, health and labour rights are recognised and protected. With our actions and approach inspired by our membership community, we work to build a strong, vibrant and sustainable network that mobilises national, regional and international advocacy activity that moves us towards long-term, systemic change.

For more information please visit: www.eswalliance.org