An Analysis of Terms of Service and Official Policies with Respect to Sex Work

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***Index Terms*—sex industry, sex work, terms of service, community guidelines, policy, bias**

***Abstract*—Policymakers who design the rules that govern the internet and the technologists who implement them can often be disconnected from some of the populations affected by their products. In this study, we analyze the terms of service, community guidelines, privacy policies, and other documents officially issued by online platforms in the United States to discuss their implications with regards to a marginalized population of interest: workers in the sex industry, ranging in autonomy from sex workers with a high degree of autonomy to survivors of sex trafficking. While criminalized and stigmatized populations such as sex industry workers are underrepresented among technologists, we show how technological decision makers without subject matter knowledge or understanding of the motivations and effects on the population can unintentionally lead to harming sex industry workers. Our analysis is in line with sex industry worker-led movements to stop arresting sex industry workers, de-stigmatize sex work, and let sex industry workers remain and flourish in online life. We study over 100 online platforms from 13 platform types and discuss the laws, perceptions, and motivations behind their policies regarding the sex industry, and how these policies affect sex industry workers. We find that platforms generally view sex industry workers as either criminals, victims, spam, or entrepreneurs; we show how using the first three paradigms to characterize the entire industry can lead to stigmatization, overly general and restrictive rules, and decreased accessibility to online life. We use this study as an example to illustrate the need for a cultural shift in the technology community towards empathy and social education and provide concrete research directions towards a solution.**

I. Introduction

Policymakers who design the rules that govern the internet and the technologists who implement them can often be disconnected from some of the populations affected by their products, such as members of the LGBTQ+ community, people of color, followers of certain religions, or workers in the sex industry, which is a marginalized, criminalized, and stigmatized community. Implementors of policies regarding sex work who are unaware of the sex industry can often cause financial harm to sex industry workers and make their work even riskier [1]. A recent prominent example of this is the pressure applied by payment processors on OnlyFans to ban sexually explicit content, with which OnlyFans decided not to cooperate only after the backlash from the sex industry and allies [2]. Even more recently, sex industry workers and allies actively but unsuccessfully protested policy changes by Mastercard that would make it harder for them to receive payment [3], [4]. We propose that it is important to include input and advocacy from workers in the sex industry when designing products that affect them.

Sex work, defined as exchanging erotic or sexual services for money [5], varies in the morality and stigma assigned to it, the laws applied, its safety, the agency of the workers, and the rules enforced by online platforms. Work in the sex industry is often described as lying along a continuum based on the worker's degree of autonomy, with successful independent sex workers on one end and survivors of sex trafficking on the other [6].[1] Many forms of sex work are legal in the United States, such as pornography, and other forms are illegal, such as escorting. Sex industry workers are often considered an already vulnerable population, often intersecting with other marginalized identities based on gender, race, immigration status, or sexual orientation. Technologists and policy experts developing the rules and guidelines for widely used parts of the internet may not be aware of the way that their terms further complicate others' work, and how de-platforming sex industry workers further discriminates against an already marginalized population. Sex industry workers have been advocating for change in these policies [7], but their efforts have continuously been overlooked by the decision makers in charge of designing online platforms.

In this study, we provide a qualitative analysis of the terms of service agreements, community guidelines, and other official policy documents[2] of over 100 online platforms in the United States and provide suggestions for algorithm designers and policy writers on considering the impacts of their algorithms and rules on sex industry workers. We find that policies generally view people in the sex industry as either victims, view them as criminals, treat them as spam, or are informed (and often led) by the sex industry worker community. Our analysis focuses on platforms and policies based in the United States because of the their large market and wide influence on global policy regarding the sex industry [9]. While we may

[1]Throughout this paper, we use the term "sex industry workers" to refer to the entire population on this continuum.

[2]Qualitative coding analysis of these documents was performed in MaxQDA [8].

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advocate for policy change, we base our analysis on United States laws and do not encourage breaking any laws.

These four paradigms of the sex industry along with explicitly cited motivations help explain the rationales behind policy decisions and push the negative impacts on sex industry workers. Characterizing all sex industry workers as victims leads to over-involvement of law enforcement, deplatforming sex industry workers, and assuming no agency or personal lives of sex industry workers outside of their work. Viewing all sex industry workers as criminals (either the entire population regardless of the form of sex work, or limited to those whose work is illegal) also leads to restrictive policies and over-imposing repercussions to "protect" viewers and other platform users. Treating sex industry workers and their content as spam pushes the "othering," stigmatization, and unfair treatment implemented through platform policies. Platforms designed to be sex industry worker-friendly tend to view sex industry workers as entrepreneurs, without imposing any moral judgement or assigning a victim status by default. The former three paradigms, contrasted with the last one, fuel policies that can cause tangible harm to sex industry workers along the spectrum of agency.

In the absence of the ability to include every category of identity in the decisions behind each policy, we propose that policy designers, algorithm designers, human annotators, and anybody with an impact on online society should be well versed in the populations affected by their decisions, without relying on over-generalized perceptions. In our study focused on the sex industry, we find that designers could benefit from knowing about the spectrum of agency in the sex industry: we propose that rather than banning content and people, content creators should be empowered with the tools to keep safe, and viewers should be allowed to choose their level of consent and comfort viewing explicit content.

II. Background

Our study is focused on the United States, where various forms of sex work are criminalized or restricted in different ways. This work can, however, be selectively applicable outside of the United States because many platforms are based and regulated in the United States, giving them influence on policy regarding the sex industry around the world [9]. As analyzed by [10], online platforms, defined as "digital systems through which third parties can connect or interact" are used by sex industry workers in both their work and personal lives, and platforms that are not dedicated to sexual content are still key to their entrepreneurial work.

A. Sex trafficking, sexual solicitation, and U.S. law

Agency and work conditions in the sex industry fall along a continuum that includes sex workers with plenty of autonomy on one end and survivors of sex trafficking on the other [6]. Work in the sex industry also varies widely by the type of work. Some is purely online, such as pornography, camming, or phone sex work; while stigmatized, this work is legal and regulated in the United States, though many online platforms ban these forms of sex work in their rules. Escorting, full-service sex work, paid BDSM, erotic massage work, and freestyling are illegal in the United States [3]. The latter often requires sexual solicitation, posting advertisements online or soliciting in person. Soliciting clients for these services, recruiting sex industry workers to provide these services, or assisting sex industry workers with sex work is also illegal in the United States [11]. Other forms of sex work that are outside the scope of this study because they are not online and do not require solicitation, such as stripping/erotic dancing, are legal and regulated in the United States.

The Stop Enabling Sex Trafficking Act and Allow States and Victims to Fight Online Sex Trafficking Act (SESTA-FOSTA), enacted in 2018, aims to stop sex trafficking by preventing advertisements for the relevant sexual services online: they amend Section 230 of the Communications Decency Act to make the online platforms responsible for any sex trafficking facilitated using their platform [11]. However, the wording of the law is so vague that online platforms often take a cautious approach and interpret it to mean they are liable for any sexual solicitation on their platform, regardless of the agency and working conditions of the worker.

B. Content moderation

Content moderation is online platforms' enforcement of their rules about what content is permitted on their platform. This can be done manually (using human content moderators to supervise their domains) or automatically (via algorithms trained by humans to make these decisions on a large scale). It can also be done proactively (checking every piece of content as it is created and shared) or reactively (relying on user reports of violating conduct). Many platforms use combinations of manual and automated content moderation and of proactive and reactive content moderation.

a) "Shadowbanning" and "searchbanning": When violating content is detected, the severity of the violation can also be assessed. Some platforms make a distinction between content that should be hidden or demoted and content that should be removed entirely. One way that platforms hide content without removing it is to prevent it from being recommended to users, typically called "shadowbanning"; this content is rarely, if ever, shown to users who might otherwise be interested in the content. The creator of the content is usually not notified that their content constituted a violation, and they might only notice that their content is not being shared effectively. The other option is "searchbanning," where a user or their content will not be surfaced in search results even after being directly searched for. Sex industry workers report their earnings being harmed by these two methods of stifling their advertisements [12]. As noted by [13], searchbanning can take two forms: when a user searches for something that is searchbanned, the results can either contain a list of relevant items, none of which is the intended banned item, or the results can be empty. If the

[3] with the exception of a few counties in Nevada, where they are legal and heavily regulated

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results are empty, then the user knows that the item has been searchbanned, but if the results are not empty despite missing the relevant content/user, then the content/user has effectively been erased from the platform without anyone's knowledge [13].

b) Content warnings: Content warnings can hinder sharing to a lesser degree: they require labeling explicit content as such, and require viewers to specify if they are okay with viewing explicit content. Some platforms implement this by determining whether a user is explicit and marking all of that user's content accordingly (regardless of whether each individual content item contains any explicit content); for users who have both explicit and non-explicit content in the same account, this marks all of their content as explicit. On most platforms with content warnings, the default is that a user is prevented from viewing explicit content, and the user needs to change the appropriate setting if they consent to viewing it. Other platforms only allow explicit content in certain sections of the platform, and a user must click through a warning before interacting with that section. Platforms intended for sexual content usually state this warning as an age restriction. Content warnings allow content to remain on the platform rather than being removed, but they also usually apply the same label to all sensitive content including excessive violence or profanity, limiting users' ability to consent to some but not all categories.

III. Methodology

We focused on the terms of service, content guidelines, privacy policies, and other official "rules" documents issued by over 100 online platforms. The platforms studied in each category, summarized in Table I, were selected to include major popular platforms in addition to ones aimed at diverse and non-majority populations. The platforms mentioned as examples of each category are intended to provide a sense of the type of platform represented and may or may not have actually been included in this study. All platform names have been omitted from this paper (with the possible exception of those mentioned in Table I) to prevent backlash and further deplatforming of sex industry workers.

Our analysis involved downloading the relevant official policy texts and performing qualitative coding analysis in MaxQDA [8]. The first author performed the qualitative analysis while meeting regularly with other authors to hone the coding scheme and immersing in the community of subject matter experts to confirm the analyses. Coding schema corresponded to policies about banning people, banning content, repercussions for violations, accessibility for criminalized or marginalized populations, discussion of morals or laws, explanations of risk to the platform, and privacy regarding a user's past criminal activity. More detailed codes included shadow- banning, search banning, content warnings, whether the plat- form conducts proactive content moderation, whether viewers can view content that they did not explicitly search for or that is outside of their immediate "network" of contacts, and the types of banned content (pornography, implied pornography, sexual solicitation, etc.).

While a large part of the motivation for this work comes from reports such as [7], we chose to limit our analysis to documents officially issued by the platforms such as Terms of Service agreements, Community Guidelines, and Privacy Policies. We decided not to include news articles or anecdotal evidence due to the bias of reporting: content and users are often banned for unknown reasons or for a reason different from the one for which they believe they were penalized. Even with reliable rules, content moderation (automated or human) is not always accurate. Moreover, noted in many of the policies was that a user can be penalized for "any or no reason," indicating that platforms reserve the right to ban users without policy-based justification. While progress is being made towards transparency and notifying users of exact transgressions, the majority of platform policies cannot be understood in an unbiased way from user reports alone.

A. Position statement

We prioritize the advocacy of sex industry workers and participatory harm-reduction research to support our position that laws requiring arrest for sex work-related crimes further exploitation in the sex industry [9], [14]–[20]. This position is supported by organizations such as the World Health Organization, ACLU, and Amnesty International [21]–[23]. Prior studies show that criminalizing sex industry workers and their clients (including platforms referring them to law enforcement) harms workers all along the continuum in the sex industry by making it riskier for them to ask for help from law enforcement or anyone else, penalizing them for protecting themselves, preventing them from working together, making it more difficult to screen their clients, and discouraging their clients from reporting exploitation [11], [14], [20], [24]–[27].

While we advocate for our anti-incarceration position, we reiterate that we do not advocate for breaking any laws. Our analysis is directly affected by our anti-incarceration position; we are not convinced by policy justification based on treating all sex industry workers as criminals. We similarly rely on research supporting the continuum of autonomy and are not convinced by policy reasoning based on perceiving all sex industry workers as sex trafficking victims. On that note, our analysis is also affected by the authors' identifying with the technologists' "side"; we followed research justice frameworks to the best of our ability in converging on our position stated here [28]. Our goal with this paper is to contribute to a cultural shift towards empathy and give an example of an analysis of the context and effects of online platforms' policies on sex industry workers and other marginalized populations.

IV. Findings

Based on our analysis we identify four common paradigms of sex industry workers, revealed through policies' characterization of sex work and cited motivations: criminals, victims, spam, or entrepreneurs. These foundational beliefs shape platforms' methods of content moderation, the ways in which content is curated to fit viewers' levels of comfort with explicit material, and the repercussions to content creators for

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TABLE I. SUMMARY OF PLATFORMS STUDIED. PLATFORMS THAT WERE BOUGHT BY AN ALREADY INCLUDED PLATFORM, THAT OFFICIALLY FOLLOWED THE TERMS OF ANOTHER PLATFORM, OR THAT ARE NO LONGER AVAILABLE ARE NOT COUNTED. PLATFORMS MENTIONED AS EXAMPLES ARE INTENDED TO PROVIDE A SENSE OF THE TYPE OF PLATFORM REPRESENTED AND MAY OR MAY NOT HAVE ACTUALLY BEEN INCLUDED IN THIS STUDY. EXAMPLES OF "OTHER" PLATFORMS INCLUDE VIDEO GAME PLATFORMS AND STORES TO BUY SMARTPHONE APPLICATIONS.

Platform type	Definition	Example	Count
Advertisement	Services that deliver advertisements to viewers	Google AdSense	7
Camming & porn	Online sexual content platforms	OnlyFans	4
Communication	Platforms for private 1:n or n:n communication	Zoom	8
Content	Creation and management of content	Microsoft OneDrive	4
Crowdfunding	Platforms dedicated to raising funds for a cause	GoFundMe	2
Dating	Matchmaking applications for individuals	Tinder	8
Listing	Websites dedicated to listing (non-sexual) products and services	eBay	5
Other	Miscellaneous uncategorized platforms	Steam	4
Payment	Payment platforms to complete financial transactions	Coinbase	11
Physical services	Online listings for (non-sexual) physical services	Lyft	2
Sex ad sites	Websites dedicated to advertisements for sexual services	Backpage	37
Site building	Website creation & management platforms	Wordpress	4
Social media	Platforms for creating and sharing content among large social networks	LinkedIn	13

policy violations. In turn, those policies shape the level and type of harm imposed to sex industry workers.

A. Four prevalent sex industry perceptions

The four common paradigms under which platforms viewed sex industry workers were as criminals, victims, spam, or entrepreneurs. These views were revealed through characterization of sex work such as listing it as a crime that users might commit, describing it as a form of harm that users can report, specifying severity levels for repercussions for violations, and so on.

a) Criminals: Platforms which viewed sex industry workers as criminals listed sexual solicitation as a "regulated good" along with drugs or firearms. These platforms also used more law-based language such as "illegal prostitution, unlawful drug use or possession, fraud, money laundering, kidnapping, illegal trafficking, or any travel or inducement which is illegal for you or for others with whom you are involved." Being motivated by law, these policies considered sexual solicitation to be in the same "non-consensual" category as sex trafficking:

> "Promoting or advocating for commercial sexual services, human trafficking or other non-consensual sexual acts is strictly prohibited."

These platforms specified strict repercussions and zero tolerance. They also usually applied equally strict policies to sex industry workers whose work is illegal and those whose work is not, banning anything "extremely suggestive" such as pornography or camming. A payment platform banned its use in any of the following:

> "sites offering any sexually-related services such as prostitution, escorts, pay-per view, adult live chat features; sexually oriented items (e.g., adult toys); adult video stores and sexually oriented massage parlors; gentleman's clubs, topless bars, and strip clubs; sexually oriented dating services."

Most of these services mentioned are indisputably legal in the United States. These platforms strictly enforced rules beyond those required by law to limit any liability based on the perception of sex workers as criminals regardless of actual legality.

b) Victims: Some platforms, in an effort to lift blame from sex industry workers or to justify policies which did not refer all sex industry workers to law enforcement, suggested that all sex industry workers are victims by listing illegal and legal sex work among other types of reportable harmful behavior such as bullying and harassment. Many of these platforms did this by listing "escorting, prostitution and human trafficking" as one item in a list of harmful behavior that users could report. Several additionally banned "facilitation of" or "recruitment for" sex work as it would be considered aiding supposed victimization. A few platforms even went so far as to include an entire statement about their position strongly against trafficking or "modern slavery"[4]. This paradigm assumed little or no agency of sex industry workers, resulting in restrictive policies in an effort to "protect" them; this perception is further confirmed by some platforms that allow pornographic content only if it is clearly animated (not real people), as the "victims" would not be real people.

c) Spam: The third common paradigm was as spam, (tech) abuse, or generally unwanted content. For example, many dating platforms banned "escort services, [...] and other similar sites and services" because of their "higher- than-average abuse complaints." When in a list of banned "products," sexual solicitation was listed among other forms of spam or mass unwanted messaging and often in the same list item as sexual enhancements or other pharmaceuticals. Most content platforms only banned pornographic content (including camming) if it was shared with other users. Viewing sex industry workers as spam not only pushed the stigmatization of the sex industry, but it resulted in policies that assumed sex industry workers are not human, with no personal use for online platforms outside their work.

d) Entrepreneurs: Finally, a select few platforms viewed sex industry workers as entrepreneurs. These platforms were

[4]We note that the sex industry worker community does not condone the use of the term "modern slavery" because of the inappropriate comparison to the history of slavery in the United States [19].

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clearly designed with the help of if not led by sex industry workers. Their guidelines tended to be "guiding values" rather than strict literal rules, and stated that they would "only intervene in extraordinary circumstances dealing with illegal or highly disruptive behavior." These sites also included more safety features such as allowing pornographic content providers to block clients and enforcing rules that help content providers to be paid fairly for their content.

B. Five cited motivations

All platforms cited United States law where required, such as when stating that they would report minors doing sex work to the National Center for Missing and Exploited Children (NCMEC), when banning sexual solicitation (except sex ad sites), and when agreeing to comply with subpoenas. Most other policies included non-law-based citations of motivations for enacting those policies. Though it is possible that these citations were chosen to foster a public image rather than to carry out the stated motivations, the characterization that these platforms wished to depict suggest some underlying values.

a) Morality: Many platforms cited morality either directly or implicitly through their wording when they banned "pornography and other obscene materials" or "content that is, in our sole judgement, objectionable or likely to upset recipients." These platforms stated that breaking these policies is "harmful to the community" and would go against their goal of promoting a "safe and positive experience." A product listing platform provided this justification:

> "We prohibit items which depict or describe adult content that we believe is not suitable for [platform]."

Morality was used to justify what the law did not: criminalizing legal aspects of the sex industry.

b) Financial, legal, or reputational risk: Other platforms cited the risk that sex work posed to them financially or reputationally (or legally when relevant). These policies banned anything that exposed them to "liability, reputational harm or brand damage." Especially when applicable laws were unclear, these platforms minimized any risk by erring on the side of conservativity. Payment platforms and others that depended on external payment processors cited that they imposed strict policies mainly to minimize financial risk. A few platforms even went so far as to outline the financial damage caused by various policy violations and use them to justify fees that they would charge users who violated their rules. These platforms displayed their perceptions of the sex industry in other areas of their documentation, and this relatively pragmatic motivation intersected with all four paradigms regarding sex industry workers.

c) Preventing "revenge porn" and CSAM: A very commonly cited rationale for strict policies was to protect users' images from being used as "revenge porn" (pornographic images posted without consent) and to protect children's images from being re-purposed as child sexual abuse material (CSAM). For example, platforms listed rules such as:

> "Never post, save, or send nude or sexually explicit content involving anyone under the age of 18 — even of yourself."

Though not explicitly cited as such, this rationale is in line with the motivation of minimizing legal risk, especially concerning the legal consequences of having CSAM on a platform. Concerning adult sex industry workers who are not subjected to "revenge porn," these policies automatically assigned a "victim" status to all sex industry workers, inherently assuming that nobody would want to be "victimized" by having their pornography available online.

d) Protecting unwilling viewers: The policy rationale that comes to mind for most lay users for banning sexual content is to protect users who are unwilling to see explicit content. A few platforms used this as justification for their policies, though most did not, likely because 1) they had content warnings and other restrictions in place to designate whether viewers did or did not want to view explicit content, 2) they already included disclaimers about their lack of liability for users viewing explicit content, and 3) this type of justification fits more neatly into the previously mentioned motivation of morality-based rationale. While this motivation would indicate a paradigm of sex industry workers as spam, the apparent lack of this motivation suggests that platforms may be viewing sex industry workers as entrepreneurs with willing clientele.

e) The needs of the community: The fifth, least common citation of justification came as "community-informed" policy. Viewing sex industry workers as rational entrepreneurs, these platforms purported to "work with subject matter experts to inform and update our guidelines." One platform described their process for deciding policies:

> "When making any changes to [platform], we see if we can break the changes into individual atomic units. We launch one change, evaluate the impact, and then move on to the next. Rinse and repeat."

Including "subject matter experts" and taking a careful approach to evaluating the effects of policies also led to more inclusive policies such as "valuing diversity" and acknowledging that "values evolve and change as we grow and learn." Speaking with and working to understand sex industry workers led to designing policies that were agreeable to a wider range of stakeholders.

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Platform type	Banning content	Banning people	Repercussions	Viewer restriction
Advertisement	Ads had a higher "standard"[5] than organic content, banning anything remotely sexual (e.g., vaginal lubricant was only allowed as a non-sexual "day to day product").	Ad platforms strictly enforced the higher "standard" such as banning advertisers who received "lots of negative feedback" or who performed an "egregious" violation.	There were few if any further repercussions in addition to those imposed for organic content.	To limit liability, several required targeting based on age (no explicit content to minors) or geographic location (no products/services that are illegal in the region).
Camming & porn	Several platforms saw sex workers as entrepreneurs and banned links to free online content to ensure fair pay. They also stated that viewers will likely encounter explicit content.	Some platforms gave performers the ability to ban viewers, and others reserved that right for their own employees.	Virtually every platform declared that any trafficking or underage sex work will be reported to the appropriate authorities.	All alerted viewers to the age restriction and explicit content. Several required workers' IDs as proof of age. For workers' safety, a few only allowed certain genders or sexual orientations.
Communication	These varied based on feasibility. Some stuck to clear-cut rules, banning all illegal activity or all solicitation. Some gave paying customers more freedom, some required explicit content to be among those who had "opted in," and some restricted explicit content to certain areas.	Most platforms relied on user reports to ban people. A few were designed such that a moderator is in charge of group communication and enforces any rules.	These platforms could not do much more than ban users. However, almost all said that they would comply with subpoenas and make reports to NCMEC as necessary.	To ensure consent, some required "unsubscribe" functionality or limited communication to users who consented to communication with each other. A risk-adverse platform banned all "high risk use"[6].
Content	Though all banned illegal content with emphasis on sex trafficking, most noted that they would only enforce it if the content was shared or reported. These policies spent more space banning mass unsolicited sharing (spam).	Users could only be banned if illegal content was shared or reported; the cost of proactive content moderation was otherwise not worth it to these platforms.	Avoiding risk, most content violations led to user bans. One policy provided alleged violators' contact information to complainants and encouraged legal action.	Unwilling recipients of shared explicit content were rarely if ever mentioned (outside the context of general spam).
Crowdfunding	These relied on external payment processors and so had to follow an extra set of rules such as requiring bank accounts, background checks, and no sexual content.	Users needed a bank account in the U.S., propagating banks' rules. Users could also be banned at the platform's discretion.	If a user or campaign was banned, the platform could "refuse, condition, or suspend" the funds collected.	Links to fundraising campaigns could be shared without restriction, and platforms' websites could spotlight any campaign.

[5]Several platforms banned "bad grammar and punctuation" or "the intention of circumventing our [..] enforcement systems," i.e. adversarial perturbation. Some required that ads be in the majority language of the target audience. Some banned religious or political content.

[6]This includes air-traffic control.

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Dating	Limiting liability, most banned solicitation of any kind and enforced it by banning all links to external websites. Some banned "recruiting, including for pornography, modeling, or escort sites or brothels."	Escorting experience disqualified a user regardless of intended platform use. In most cases, a content violation led to banning the user.	All had strict policies including reporting trafficking to law enforcement.	Exclusive communities vetted new users. Others let users specify comfort with explicit content. Most provided safety tips and agency over user settings.
Listing	Most remotely sexual content was banned. Some went into detail to ban products such as "memberships to adult-only clubs."	All platforms had ways that users could be banned, though some were proactive and others relied on user reports.	Most took "no responsibility for any transactions" and put all liability on users. Several charged fees to compensate for damage from violations.	Some platforms allowed implied explicit content only in certain areas with content warnings.
Other	Platforms whose revenue depended on ads banned non-ad solicitation. Video games put all responsibility on moderators. Smartphone app stores banned sexual content.	Users generally can be banned from anything. One platform dedicated to the safety of sex industry workers was very secretive.	Repercussions were not mentioned, other than banning users or content, or reporting to authorities.	There were very few restrictions other than age restrictions to prevent minors.
Payment	Sex work was usually listed as a "high risk" activity that either was banned or required a more expensive account to make up for financial risk.	"Know Your Customer" laws required background checks and banned sex industry workers.	Banned transactions were stopped beforehand; there were few repercussions on top of banning or reporting to law enforcement.	Since risk belonged to users, there were no restrictions on recipients. There were warnings about sending money to unverified recipients.
Physical services	Performing or advertising sex work was banned. Ride-sharing services banned all sexual activity.	Background checks were required.	There were few repercussions outside banning and reporting to law enforcement.	Services that allowed artistic non-sexual nudity (e.g., sculptures) required content warnings.
Sex ad sites	Pornography was banned where it is illegal. Trafficking was always banned. Scraping the site was often banned.	Users were banned for "illegal trafficking."	Repercussions included being banned or reported to law enforcement. Sites gave no refunds.	Other than a warning about explicit content, there were no viewer restrictions.
Site building	Most banned all illegal content, though they could only enforce it if it was reported. A few said they would remove CSAM but did not mention adult sexual content.	Most banned users if they or a payment processor deemed the user's content unacceptable.	Sites and users could be banned. Several said they would only report users to law enforcement if required by law.	Most allowed explicit content with the appropriate content warnings.
Social media	Surfaces with large audiences had stricter rules regarding sexual content. Sexual solicitation was always banned, and content that "depicts, promotes, or glorifies sexual solicitation" was also often banned.	Users were banned for sharing explicit content unless it was "accidental" (i.e., not part of sex work).	All platforms reported minors doing sex work to NCMEC. Most also reported all sex industry workers or only those in trafficking situations.	When pornography was not banned, it was searchbanned or shadowbanned withcontent warnings. Implicit pornography was often banned or restricted.

TABLE II: Summary of policies in each platform type. Viewer restric- tion refers to shadowbanning, searchbanning, and content warnings.

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C. High-level policy patterns

The four paradigms manifested in various ways among policies. A summary table with the relevant policies classified into the following four categories can be found in Table II: banning content, banning people, repercussions for detected violations, and viewer restriction (shadowbanning, searchbanning, or content warnings).

a) Policies dictated by U.S. law: All platforms (including sex ad sites) reported minors doing sex work to the National Center for Missing and Exploited Children (NCMEC). Sexual content involving minors is required by law to be reported to NCMEC, regardless of whether the involvement of law enforcement will help or harm the minor's situation. Even platforms led by sex industry workers and intended to be sex industry worker-friendly stated that "we enthusiastically cooperate with any law-enforcement agency investigating child pornography."

The interpretation of SESTA-FOSTA in regards to whether it bans adult sexual solicitation was a decision made by each platform. Based on the conservative interpretation of the vague wording in SESTA-FOSTA, all platforms (except sex ad sites) banned all sexual solicitation.

Most also specified that they would comply with law enforcement inquiries and subpoenas, which would entail providing the information of suspected sex industry workers to law enforcement. Some platforms said that they would oblige and offer all information that they could, and others were more reluctant, such as this one:

> "If we have to provide information in response to a subpoena, court order, or other legal, governmental, or regulatory inquiry related to your account, then we may charge you for our costs."

Platforms that enthusiastically cooperated with law enforcement often stated that they would monitor user activity and proactively report any suspicious activity:

> "If we reasonably suspect that your [account] has been used for an unauthorized, illegal, or criminal purpose, you give us express authorization to share information about you, your [account], and any of your [content and interactions] with law enforcement."

> "You will be tracked down and prosecuted to the FULLEST EXTENT OF FEDERAL AND STATE LAW!!!"

These differences in enthusiasm about working with law enforcement reflected the motivations and perceptions behind them – whether they were criminals or not, and whether the platform was willing to take the risk of hosting material with controversial legality.

b) Strict policies on social media and ad platforms: Social media, the largest and most popular type of platform, generally depicted sex industry workers as either criminals or victims, but had different policies for different surfaces within each platform. Those who did not report all sexual solicitation to law enforcement still reported those believed to be in trafficking situations. Most social media platforms additionally banned content that "depicts, promotes, or glorifies sexual solicitation." One platform even "justified" referring all sex industry workers to law enforcement through their claim that all sex work is trafficked due to power imbalance.

Ads and advertisers were held to a higher "standard"[7] than organic content and (non-paying) users, banning all legal and illegal sex work. While ad platforms often banned all explicit content regardless of legality, they also required the use of audience targeting[8] to deliver ads with "adult themes" such as contraception. For example, while using sexual themes to advertise condoms or vaginal lubricants was banned, advertising these products was allowed for audiences 18 years or older if advertised as health products or for "day to day" use. Ad platforms similarly required targeting based on geographic location to avoid products and services that are illegal in the target area.

c) Limiting the "impact" of sex work in social media: Pornographic content was banned at different levels on different surfaces within social media platforms to limit the "impact" based on audience size: when it was not banned, it was searchbanned or shadowbanned and required content warnings. Heavy restrictions were placed on users' profile pictures, names, and biographies due to the large potential audience. Content that was automatically recommended to millions of users also required high "quality" to protect the platform's reputation. Content that users could passively see while viewing another user had less restriction, and content that users needed to search for allowed more explicit content, though often with added viewer restrictions.

d) Reactive content moderation and user preferences: Other platforms' policies were often limited based on the practical feasibility of implementing them. Features implemented for users' privacy such as end-to-end encrypted communication and encrypting private content (e.g., unshared files in content creation platforms) made proactive enforcement difficult if not impossible. In these cases, most platforms relied on user reports to detect violations. Most communication platforms allowed explicit content and either 1) specified that explicit content could only be shared among those who have "opted in," 2) required all communication to be among users who have consented to communicating with each other, or 3) required the ability to "unsubscribe," relying on users' agency to protect themselves. A few of these platforms said they proactively searched for child sexual abuse material (but did not mention adult sexual content), and several platforms said they would only report any user to authorities if required by law.

e) Minimizing financial risk: Restrictive policies came from platforms whose main concern was minimizing the legal and financial risk that arises from perceiving all sex industry

[7] I.e., banning religion, politics, and "bad grammar and punctuation."

[8] Ad platforms usually provide the service of delivering ads to target audiences specified by advertisers, such as users within specific age ranges or with specific interests.

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workers as criminals, most notably payment platforms.[9] Payment platforms followed banking laws such as "Know Your Customer" laws, which required criminal background checks for potential merchants. Legal sex work such as "subscription website access" or "streaming video" was usually included in a list of "high risk" activities that were usually banned but sometimes allowed with a more expensive account. Rules from restrictive payment platforms were also propagated to other platforms; for example, most site building platforms included a feature that allowed users to conduct financial transactions on their websites, and crowdfunding platforms relied on external payment processors. This proliferated rules such as requiring a bank account in the United States, conducting background checks, allowing no experience as a sex industry worker, and banning all sexually explicit content. Some listing platforms even went into detail to ban selling products such as "memberships to adult-only clubs," and most listing sites took "no responsibility for any transactions." If a user, transaction, or campaign was banned by a payment platform, the platform reserved the right to "refuse, condition, or suspend" the funds collected. Several of these platforms charged fees to compensate for financial damage caused by user violations.

f) Minimizing reputational risk: Similarly restrictive and overly general policies resulted from prioritizing the minimization of reputational risk based on viewing sex industry workers as criminals or spam. Regarding online platforms for ordering non-sexual physical services, in addition to banning performing or advertising sex work on physical property related to the service, some also banned all consensual non-sex work-related sexual activity.[10] These platforms also all required criminal background checks for service providers. Most dating platforms also implemented overly general restrictions such as banning all solicitation, with an added emphasis on sexual solicitation, which they enforced by banning all links to external websites.[11] Some dating platforms banned all recruiting, with an emphasis on "for pornography, modeling, or escort sites or brothels." Sex industry workers, especially escorts past and present, were banned on most dating platforms regardless of if they were planning to use these platforms for personal use.

On the other hand, other platforms that viewed sex industry workers as spam often allowed sexual content when it was not sex work. For example, some social media platforms built in exceptions for "accidental" one-off sharing of explicit content, and some dating platforms with more user agency allowed users to specify their level of comfort sending or receiving explicit content.

g) Platforms dedicated to sex work: Platforms designed for sex industry workers, such as camming & porn, sex ad sites, and [sugar] dating platforms ranged in how sex industry worker-friendly they aimed to be. Some were designed by sex industry workers or allies, with safety and fair payment in mind; for example, several camming & porn platforms allowed performers to ban viewers and generally banned posting links to free online content so that viewers would pay for the content on the platform. Sex industry worker-friendly platforms prioritized privacy: automatically scraping or crawling these websites was often banned, and one platform that was designed for the safety of sex industry workers was secretive about its policies and restrictive in membership. All sex work-focused platforms explicitly allowed pornographic content except in geographical regions where it is illegal, and always warned viewers through an age confirmation message before entering the site that they would likely encounter explicit content. All platforms, regardless of how sex industry worker-friendly they appeared, stated their strict policy banning trafficking and child sexual abuse material; some sex ad sites and camming & porn sites required identification from sex industry workers as proof of age, and all stated that they would report violations to the appropriate authorities. Users were always banned for "illegal trafficking."

h) Comparing sex work-related policies to other types of content violations: Just as sex work-related policies varied within categories, other types of content moderation policies also varied. Generally, platforms that purported to minimize financial or reputational risk through banning all forms of sex work regardless of legality handled many harmful or unwanted content types using the same policies. For example, several payment platforms included (all forms of) sex work in a list of risky activities including "sell counterfeit goods" and "access [platform] from a country that is not included on [platform]'s permitted countries list" that were all treated as the same type of violation.

Other platforms, especially those who had different policies for legal versus illegal sex work, often treated all forms of sex work as a more egregious violation than other violation types. For example, social media platforms that banned sexually explicit content allowed other regulated services such as "accounts promoting online gambling, online real money games of skill or online lotteries" with prior written approval. This pattern of harsher restrictions on legal sex work than on other regulated goods or services was consistent across platforms that ranged in how "United States-centric" they aimed to be and on platforms where users' reputations and background searches were meant to provide a sense of safety to other users (e.g., physical services or dating apps). These platforms essentially assigned sex industry workers whose work is illegal the same level of danger as harassment or violent extremism.

V. Discussion

In addition to furthering stigmatization and increasing risk of being involuntarily referred to law enforcement, these policies concretely affect sex industry workers through deplatforming and otherwise reduced accessibility to online platforms which facilitate their work and everyday life. Moreover,

[9]Payment platforms minimized financial risk in other ways by e.g. stating that they were not liable for scams and supplying warnings about sending money to unverified recipients.

[10]Some services that allowed artistic or educational non-sexual nudity (e.g., sculptures) required content warnings in the online listings.

[11]Several dating apps also banned automated activity such as "auto-swipers."

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policies that prioritize strict security rules over the overall privacy of users indicate an underlying assumption: that the public needs to be "protected" from the sex industry. Instead, we recommend community-informed and -driven policies, where sex industry workers and other marginalized populations are empowered with the tools to keep themselves safe and all users are trusted to decide whether they consent to viewing explicit content.

A. Accessibility

It is difficult in any profession to obtain training, perform well, maintain safety, and find clients without being able to communicate with other members of the same profession, including the sex industry. Workers in sex trafficking situations have the additional burden of abiding by these restrictions. Even when not working, online platforms are integral to everyday life, including for sex industry workers. We find that in addition to deplatforming sex industry workers, online platforms' policies can prevent accessibility specifically to sex industry workers.

a) "Real name" requirements: "Real name" requirements affect workers in the sex industry, who often maintain multiple online personas as a business practice and for safety. Even survivors of trafficking report being advertised under a different name [29]. Many platforms required users to use their name which could be proven via government-issued identification. Though this was more common in payment platforms where background checks were used to prevent "risky" clients, the "real name" requirement also showed up in at least one platform in almost every other platform category studied. Furthermore, these "real name" requirements were propagated beyond their original platforms' policies because e.g., some platforms used single-sign-on from a platform with "real name" requirements, or other platforms required the use of payment platforms that required government names. Some platforms with less strict requirements made allowances such as requiring "your name (or the name used to identify you)," making accessibility slightly easier for workers in the sex industry as well as other users who may not prefer to use their government name[12].

b) Off-platform behavior and targeting criminalized populations: Other accessibility restrictions included background checks and platforms that checked users' social media accounts for "appropriate" behavior. These two-example platforms reserved the right to check users' activity on other platforms and offline:

> "We're asking you to be considerate, think before you act, and abide by our community guidelines both on and offline. You heard that right: Your offline behavior can lead to termination of your [platform] account."

> "We also recognize that toxicity and abuse can spread to [platform] from outside our services in a way that is detrimental to our community. To mitigate this harm, we will take reported off-service context into account."

Since sex work is criminalized in the United States, sex industry workers' background checks might turn up criminal records. Moreover, these policies applied to sex industry workers' personal lives and their use of online platforms outside of sex work. Some platforms went so far as to ban "past escort activities or affiliation with an escort site or service," meaning that evidence of past sex work could disqualify a user. Since advertising is paramount to sex work such as escorting, most simple "background checks" of an online search would likely surface sexual solicitation.[13]

Specific to crowdfunding platforms was the requirement that they cannot be used to raise funds for bail, which is a real need unique to criminalized populations. Sex industry worker-led organizations often raise money for bail and other services needed by people who have been arrested (e.g., educational scholarships).

c) De-platforming sex industry workers: Being banned is itself especially harmful to sex industry workers. De-platforming entrepreneurs such as sex industry workers causes them to have to start again from scratch to build up their online brand [32]. Furthermore, as explained by [4], de-platforming makes sex industry workers' income more precarious, decreases audience and client engagement, causes unnecessary delays and roadblocks to distribution of content that does follow platform policy, increases stress, and disproportionately affects Black performers and other people of color, fat people, and members of the LGBTQ+ community (mainly queer and trans). Furthermore, due to the cruel simultaneous paradigms as both victims and criminals, workers in trafficking situations struggle more to reach out for help if they are banned from online platforms. To make things worse, some platforms do not have the functionality to accept reports of harassment from users who have been banned from the platform. Sex industry workers are often targets of harassment from religious organizations, idealistic people who want to "save" them, harmful potential clients, and hurtful users from the internet. Any sex industry worker, trafficked or otherwise, who has been de-platformed will have to work harder to protect themselves from unwanted harassment.

B. Trading privacy for "security" from the sex industry

Considering the emphasis on privacy through Privacy Policy documents and bans on scraping, the loss of privacy when a user has allegedly violated a policy can be stark. These platforms' policies follow what [33] calls "the false tradeoff

[12]Examples include users who come from from cultures where the name they go by is not necessarily their government name, survivors of domestic violence, users from the LGBTQ+ community, researchers, and journalists [30]

[13]Sex industry workers who produce online content report that showing their faces on camera is necessary to earn substantial revenue [31], so facial recognition technology and reverse image searching means that holding multiple personas will not circumvent this rule.

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between privacy and security,"[14] indicating their underlying definition of "security": sometimes personal safety of users who may be in trafficking situations, and other times "protecting" sex industry workers and their clients from sex work. The law, the marginalization of a criminalized population, the stigma of sex work, and the panic about sex trafficking in the media [34] has led platforms to believe that in order to protect workers in the sex industry and anybody involved (workers supporting sex industry workers, sex industry workers' clients, and viewers who may be unwillingly viewing explicit content), they need to compromise on privacy.

Some platforms acknowledged this loss of enforced security in favor of privacy and instead empowered the user with safety tips:

> "It's always good to be cautious when exchanging contact info. A sign of a scammer, fake account, or someone up to no good is when they are in a hurry to give you their offsite contact info too quickly."

Other more authoritarian platforms simply banned any hints of sexual content "regardless of whether you know the person or they give you their consent," or banned all URLs directing to outside platforms in case any of them were for surreptitious off-platform sexual solicitation. These stricter rules were simple to circumvent yet limited the functionality and everyday benign use of the platforms.

Prioritizing privacy by providing users with agency and control over their settings likely helps them to protect themselves and choose whether or not to participate, perhaps resulting in security as well after all.

C. Towards a Solution

[35] provided five research directions to combat online hate and harassment including warnings, human review, automated review, conscious design, and public awareness. Especially since sex industry-related content is often placed in the same category as harassment (or otherwise unwanted content) in official platform policies, it follows that automated review for sex industry-related content errs on the side of caution to address the drawbacks of this approach mentioned by [35], namely lack of a representative dataset or even agreement about what content would be acceptable. We find that this cautious approach leads to policies much stricter than what is required by law. We argue that increased awareness in the technology community would lead to better understanding and therefore addressing the needs of the sex industry. The three other directions provide concrete proposals that would follow from the increased awareness.

a) Warnings: Prior work showed that sex industry workers and their assistants are often unaware that they are breaking platform policies or U.S. law [26]. Work towards increased transparency and notifying users of the exact violation is helping to mitigate misunderstandings. Some platforms, concentrated among social media, are implementing a "strike" policy, where violations count for strikes based on severity. A large number of strikes or a single severe violation results in the user's account being disabled. Contrasted with the zero-tolerance policy on e.g. payment platforms, these warnings can guide users towards the appearance of abiding by platform policies and conducting their sex work elsewhere, a mutually beneficial understanding: platforms will minimize financial, legal, or reputational risk, unwilling viewers, and "revenge porn" or CSAM, and sex industry workers can remain in online life. The ideal situation would be if these strikes could provide details of the violation to the user without counting for too much severity towards disabling their account. We propose further research on balancing risk to the platform against user needs, privacy, safety, and responsibility to determine levels of warnings and severity.

b) Human review: Human content moderators can help address the gap in machine learning technology in handling jokes, sarcasm, additional context, intent, controversy, and the many other nuanced factors inherent in content moderation. A social media platform with a strike policy stated:

> "We also won't count strikes for [...] cases where we have extra context about the nature of the violation."

Human reviewers, "mods," and user reports address this issue. However, as explained by [36], the "human cost" of reviewing large amounts of sensitive data or even manually labeling datasets for training automated algorithms includes labor, resources, the mental health of reviewers, implicit social bias, and ultimately freedom and equality. We conclude that further research is needed to minimize the human cost and propose future work for automated scoring algorithms for which viewers can provide thresholds based on their level of comfort; for example, policies employed by dating apps and communication platforms that rely on users to determine their level of comfort with viewing various types of content can be diversified to cover more violation types. This would shift the burden of abiding by strict rules off sex industry workers and turn it into empowering viewers to make their choices.

c) Conscious design: Conscious design is the ultimate goal of shifting these policies. For example, platforms who view sex industry workers as entrepreneurs implement conscious policies such as ensuring content creators are paid fairly, providing safety tips, fostering privacy, and allowing content creators to choose their audience. Platforms that prioritize the prevention of intimate images being stolen and used for "revenge porn" or CSAM could instead implement features such as preventing screenshotting or downloading images; prior studies have shown that simply banning such images in the first place is ineffective at preventing CSAM and "revenge porn" and incorrectly places the blame on the victim [37], [38]. We propose that any platform with sex industry-related policies in its official documentation should perform the due research including immersion in the sex industry worker community.

[14] An example of this tradeoff is in physical services that are ordered online (ridesharing, vacation housing, etc.): service provider users are allowed (to some extent) to use video recording to enforce rules. Technologists may be more familiar with this tradeoff in direct communication platforms, where encrypted platforms often have fewer rules regarding content.

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VI. Related Work

Sex industry workers have been organizing, advocating for change, and helping each other survive and thrive on an internet hostile to them [1], [3], [9], [39], [40]. This work is in part to highlight efforts such as the list of platforms compiled by [7], but more focused on official documents without relying on anecdotal evidence and considering more stakeholders' viewpoints. Sex industry worker scholars' advocacy efforts such as [41] and [42] have long been explaining that policies and technology aimed at preventing trafficking are ineffective at fighting exploitation and instead harm the majority of the population in the sex industry.[15] From a more multi-stakeholder perspective, [52] studied whether and how non-consensual online adult content distribution is harmful and whom it might harm. [53] explored the popularity and challenges of creating a space welcoming to sex industry workers.

As explained by [54], the shift of our culture to the internet is inevitable, along with the replacement of "traditional financial infrastructures" by various technologies – content moderation has the power to "make or break" a career. Critiques of algorithms biased against marginalized communities are not limited to the sex industry. [55] explored the official policies of three major social media platforms with a focus on its effects on marginalized communities such as members of the LGBTQ+ community, and found that promoting platform transparency and user privacy helps to alleviate the "double standard" against marginalized communities. [56] explained how tumblr was a "safe haven for LGBT youth, social justice movements, and a counseling station for mental health issues" until "recent trends in platform governance" corrupted the "silosociality" enjoyed by vulnerable populations. [13] analyzed the history of content moderation and critiqued the distance between the policy writers and the general population affected by policies – an illustrating example being the mostly male executive population determining acceptable locations for breastfeeding in public online. [57] and [58] criticized a recent tool called XCheck that allows the privileged elite to check how their content will fare with content moderation before posting it, giving them an unfair advantage for which they can pay.

VII. Conclusion

We studied the terms of service, community guidelines, and other official documents issued by more than 100 online platforms over 13 categories. We highlight the need for policy designers to study the context and effects of their policies, especially when they concern a marginalized community such as sex industry workers. We discuss the assumptions and motivations behind the platforms' policies regarding the sex industry, how they manifest in policies, and how that can disproportionately affect sex industry workers. While sex industry workers have long been advocating for stopping incarceration for sex work-related crimes, for the de-stigmatization of sex work [32], and for allowing sex industry workers to thrive on the internet [7], their efforts have largely been overlooked by policy designers. With this work, we hope to contribute to a change in the technology community towards empathy and social education. We conclude that subject matter knowledge and community-informed policy can provide users with the agency to protect themselves and help ensure privacy and security on the internet.

[15]The population along the continuum of the sex industry contains very few sex trafficking victims [15]–[20], [43]–[49], commonly defined as migrant participation in the sex industry under force, fraud, or coercion [50], under debt bondage [51], or as a minor [50].

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