



TALKING POINTS:

Why Concerned Women for America of Georgia OPPOSES Decriminalization of Prostitution by Minors

Concerned Women for America (CWA) of Georgia understands that minors found in prostitution are victims of human trafficking, sexual abuse, and exploitation. Often the current pattern of arrest, release, and return to the streets has proven to trap these girls and boys in a cycle of pimp control, drug abuse and criminal activity, which is dangerous and difficult to escape.

Those who struggle to help these children agree on the need to “do something” but are divided on the most effective method. Well-meaning child advocates have proposed the decriminalization (the legalizing of an illegal act) of prostitution for those under the age of 16, stating that “teen-aged prostitutes need help, not jail time.”¹ While CWA agrees that victims should not be punished, we believe keeping the laws on the books but giving victims an affirmative defense is the better way to protect them.

Decriminalization would not serve to help these victims; it would increase their exploitation. Concerned Women for America of Georgia believes:

1. Decriminalizing prostitution creates a wonderful situation for pimps and traffickers, ties the hands of the police to arrest them and keeps women and children enslaved. Pimps and traffickers coach their victims to tell police they are prostituting on their own; decriminalization provides another layer of cover for the predators.
2. Decriminalizing prostitution normalizes it. There is nothing normal about one human buying access to another human, for whatever time period, especially in the case of a child being purchased by an adult.
3. Law enforcement needs these laws to gain access to the victims, to separate them from their pimps/traffickers, to get them to testify against their exploiters, and most importantly, to help them. If it is not a crime for minors to sell sex, there is nothing for the police to investigate, thereby isolating the victims from a source of protection and assistance law enforcement could provide.
4. There is a very real danger that decriminalization will increase the procurers' motivation to lure minors into prostitution because of a lesser risk of punishment. This is one reason gangs are now switching from drug trafficking to sex trafficking, especially of runaway and homeless children.

¹ Quinn, Christopher, “Supporters push teen prostitution legislation,” [The Atlanta Journal Constitution](http://www.ajc.com/metro/content/metro/stories/2009/06/17/teen_sextrade.html), Wednesday, June 17, 2009, [ajc.com/metro/content/metro/stories/2009/06/17/teen_sextrade.html](http://www.ajc.com/metro/content/metro/stories/2009/06/17/teen_sextrade.html).

5. The weight of criminal law gives law enforcement the tools it needs to investigate arrest, prosecute, and convict the very elements of this industry (pimps, panderers, johns, procurers) that prey upon these children and drive the sex trade.
6. Prostitution laws should have a cohesive approach. Criminalizing pimping and procuring but not the act of prostitution itself leads to confusion and lack of consistent enforcement of policy.
7. The law establishes a set of rules of conduct recognized and established by the community. Decriminalization of minors sends the message the community accepts children in prostitution.
8. There are alternatives to decriminalization. Upon arrest, victims of prostitution or trafficking can be identified and placed in diversionary programs designed for rescue and rehabilitation or provided with an affirmative defense to criminal charges. John Schools allow someone arrested for solicitation to opt to attend the school, for a fee, and thereby avoid prosecution. In both cases, however, the arrest is the action that allows for the education or rehabilitation, depending on the crime.
9. There is a need for better police training in how to speak with and identify victims.
10. Vigorous law enforcement pursuit of traffickers and johns will make prostitution less profitable and thereby make it harder to sustain. Enforcing the laws on the books against johns and demand should be the focus of law enforcement—without demand, prostitution and trafficking do not exist.