CRIMINAL LAW AND PUBLIC POLICY

In 2015, the nongovernmental human rights organization Amnesty International (AI) took the controversial step of condemning the criminalization or punishment of activities relating to the buying or selling of consensual sex between adults. AI's position is based on the human rights principle that consensual sex between adults is entitled to protection so long as it does not involve trickery, threats, or violence. The organization continues to support the criminalization of individuals who exploit and abuse "sex workers" and who engage in sex trafficking.

AI advocates the decriminalization of sex work rather than criminal punishment. Customers (johns) who engage in consensual sexual activity with a "sex worker" and individuals involved in the "operational aspects" of the industry such as running a brothel under the AI proposal also would no longer be subject to arrest and to criminal punishment. An exception to decriminalization under AI's proposal are individuals who force others into sexual bondage or individuals who engage in sexual relations with children, who are considered to be incapable of a criminal intent.

AI argues that the present policy of criminalization of "sex work" across the globe leaves sex workers with little protection against harassment, violence, and sexual molestation by pimps, johns, and the police. As long as sex work is considered unlawful, sex workers also will be without access to the protections and benefits afforded to workers engaged in lawful activity, including unionization, health insurance, contributions to social security, or a retirement fund. Criminalization, according to AI, stigmatizes sex workers, results in their rejection by friends and family, and pushes them into a criminal subculture of drugs and gambling.

Groups such as the Coalition Against Trafficking in Women view female prostitution as subordinating female sex workers to pimps, brothel owners, and the male buyers of sex. The opponents of AI's proposal to decriminalize prostitution claim that this will lead to an increase in sex trafficking to satisfy the anticipated increased demand for sexual services of women. The only solution that will protect women is the elimination of the $99 billion global sex industry. The best approach to the eradication of prostitution, according to critics of AI's proposal, is the "Swedish model" (also followed in Norway and in France), which criminalizes customers and individuals who exploit sex workers rather than the sex workers themselves.