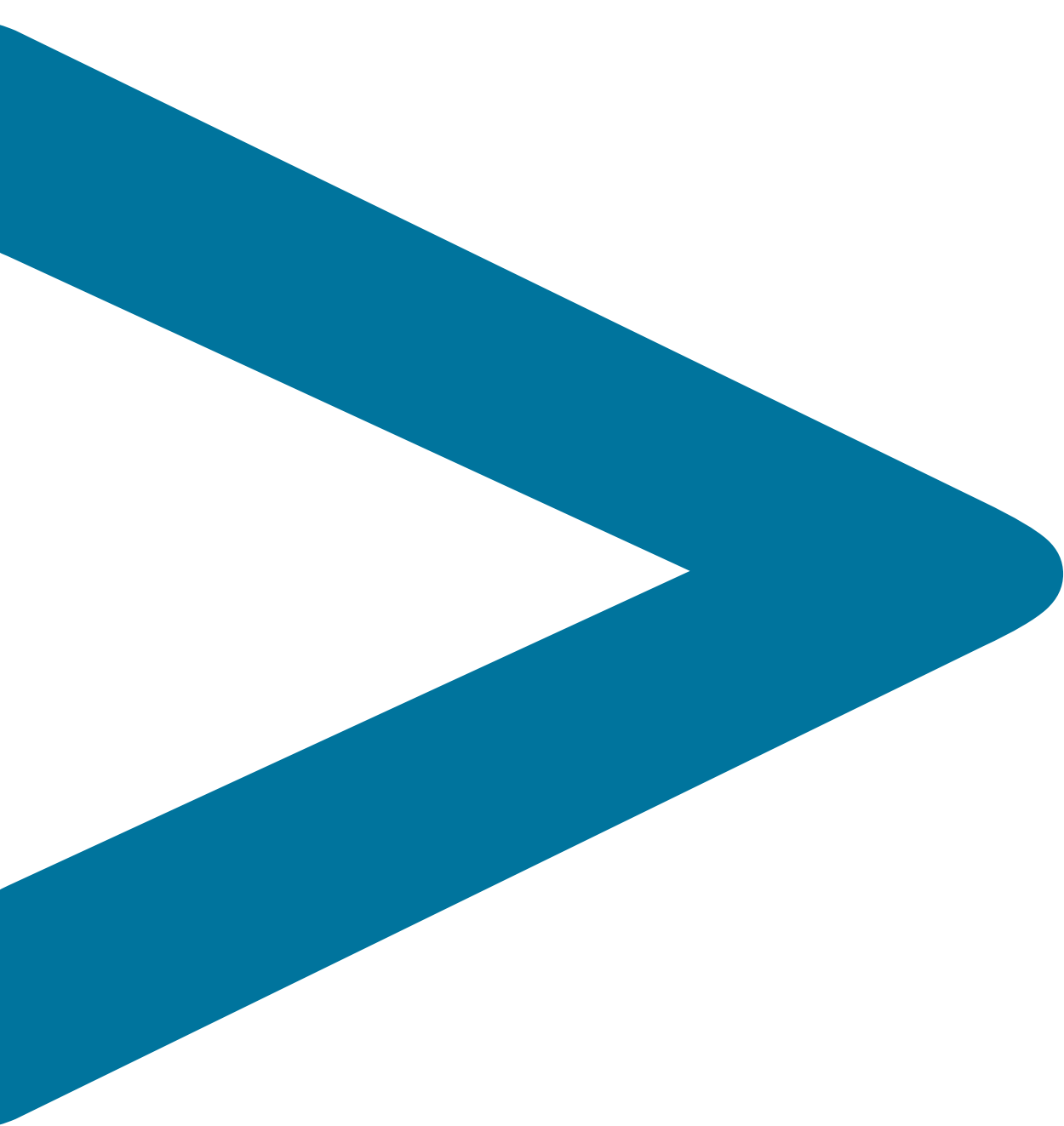




The French law of April 13 2016 aimed at strengthening the fight against the prostitutional system and providing support for prostituted persons

Principles, goals, measures and adoption
of a historic law.



CAP international, March 2017

www.cap-international.org

Authors:

Grégoire Théry, Executive director of CAP international

Claudine Legardinier, Journalist

Graphic design: micheletmichel.com

Translation: Caroline Degorce

Contents

Presentation of the law of April 13, 2016

- > Introductionp.5
- > Content of the lawp.5

French law following the adoption of the new Act

- > The fight against procuring and pimpingp.8
- > Prohibition of the purchase of sex acts p.9
- > Protection, access to rights and exit policy for victims of prostitution, pimping and traffickingp.10

The spirit of the law

- > Philosophical foundationp.13
- > Adoption of the parliamentary resolution of December 6, 2011.....p.15
- > Focus: abolitionism, a question of equality between women and menp.16
- > Abstracts of statements by Parliamentariansp.16

The law's adoption process

- > Focus: abolitionism, a long journeyp.20
- > Chronology of civil society mobilisation and the parliamentary process p.20
- > Presentation of the political balance that enabled the adoption of the law..... p.27
- > Focus: the Abolition 2012 collectivep.28
- > Mobilisation of strategic groupsp.28
- > Evolution of domestic and international standardsp.31
- > Arguments and counter-argumentsp.34

Annex: provisions of the 23 articles of the law of April 13, 2016 p.37



Presentation of the law of April 13, 2016

CONTENT OF THE LAW

INTRO- DUCTION

The law of April 13, 2016, aimed at increasing the fight against the prostitutional system and supporting prostituted persons, is based on three convictions: prostitution is a form of violence against women, an obstacle to equality and a violation of human dignity.

For the first time in French history, the law prohibits all sex acts by a monetary exchange, decriminalises prostituted persons and engages civil society by, for example, developing a national policy that enables an exit from prostitution.

By adding to already firm legislation concerning the fight against procuring, this new law has broken ground on two major goals: to stem the flow of new entries into prostitution, which primarily affects the most vulnerable and ever younger segments of the population (mostly women), and to protect the victims of prostitution via concrete measures.

This victory follows and extends prior advances for women's rights and represents another truly significant moment in history.

It is a fight against violence (both social and sexual), for human rights, for the emancipation of women, and for equality.

It enables the exclusion of the human body and of sexuality from the scope of the marketplace.

Thanks to strong measures against pimping and, in 1946, the closure of brothels, France has been able to limit pimping and procuring within its territory. However until now, it had not provided the means necessary to genuinely reduce prostitution – which is a violation of the dignity of the person and a form of violence – or to effectively protect victims of prostitution, who were typically abandoned to their own fate. For the first time, comprehensive legislation provides the scope to meet these two objectives, by:

> **Ending the repression of victims of prostitution by abolishing the offence of solicitation.**

This provision, indispensable for enabling access to rights and an exit pathway from prostitution, is also of considerable symbolic importance. Prohibited in France since 1939, the offence of solicitation by prostituted persons has, historically, imposed liability on victims for their own exploitation. It is noteworthy that between 1946 and 1958, solicitation was more heavily penalized than pimping. Removing the misdemeanour of solicitation from the criminal justice system, together with the numerous measures benefitting victims, shifts the focus towards combatting discrimination, and will help restore confidence in government and public agencies.

> **Creating access to exit pathways out of prostitution, nationally.**

The legislation effectively created a comprehensive policy to help prostituted persons navigate oftentimes challenging or blocked pathways (into housing, employment, healthcare, etc.), which operates at the departmental (equivalent to county) level. This policy, which brings together state services and NGOs, is granted its own budget dedicated to implementing pre-



vention programs and to supporting victims. Any prostituted person who is not eligible to receive social welfare payments will be entitled to obtain financial assistance to help with social and professional reintegration.

> **Ensuring protection and support to all victims, including non-citizens.**

The Act allows tax debt forgiveness for anyone wishing to exit prostitution. It also permits the grant of a temporary residency permit as a protective measure for foreign victims, even where they are not in a position to stand witness against their trafficking or pimping network. This is conditional upon an undertaking to exit prostitution, so as to ensure that trafficking and pimping networks cannot take advantage of the provision. The Act also reinforces compensation provisions for victims of pimping by requiring the State to indemnify the victim where the convicted pimp is held to be insolvent.

> **Reducing prostitution by prohibiting the purchase of sex acts.**

The Act generalises the prohibition of the prostitution of another person. The criminalisation of the purchase of sex acts affirms that no one has the right to exploit the precariousness and vulnerability of another by imposing a sex act in exchange for money. By addressing demand, the Act effectively deters pimping networks from investing in a country whose legislation is unfavourable towards the profits of crime. Lastly, the Act protects anyone remaining in prostitution by offering them, for the first time, a legal deterrent that will help them enforce their “terms and conditions” against potentially abusive sex buyers.

> **Establishing a national policy for prevention, education and training.**

The Act establishes a policy of providing education on the realities of prostitution and on the dangers of the commodification of the human body. It incorporates the promotion of equal relationships between women and men into the sex and sexuality education sessions provided in schools. It also provides that social worker studies and training must include a module on the prevention of prostitution and the identification of situations of prostitution, pimping and human trafficking.

Too often presented in the media as the Act that “criminalises sex buyers”, the new French legislation is in reality a comprehensive framework that recasts all public policies in relation to prostitution. The Act modifies the provisions of nine legislative codes.

>>>> *READ THE CONTENT of the 23 articles of the Act in the Annex*



**The state
of French law
following
the adoption
of the new Act**





THE FIGHT AGAINST PROCURING

Prohibition of procuring in all its forms (articles 225-5 and 225-6 of the French Criminal Code).

Procuring is the act of helping, assisting or protecting the prostitution of others; of profiting from it, of sharing the economic products of it or receiving subsidies from a prostituted person; of hiring, grooming, or leading away an individual or pressuring them into prostitution.

Individuals shall be considered guilty of procuring if they commit the following acts, among others: acting as an intermediary or being unable to prove an income that matches their lifestyle while living with a person habitually engaging in prostitution.

Procuring is punishable by **seven years imprisonment and a 150,000 euro fine**.

NOTE: in France, proof of coercion or of abusing a situation of vulnerability are not required in order to identify the offence as procuring. The simple act of profiting from the prostitution of others is punishable by law. Using coercion or violence as well as profiting from a situation of vulnerability are aggravating circumstances.

Aggravating circumstances of procuring (article 225-7 of the French Criminal Code).

Procuring is punishable by **ten years imprisonment and a 1,500,000 euro fine**, in particular when committed with respect to a minor, to a person whose vulnerability is apparent or known by its author (due to their age, an illness, an infirmity, a physical or mental deficiency or pregnancy), or to several people. This also applies if it is committed using coercion or violence, or by several people, or by a relative or a person having authority over the victim, or via the use of electronic communication networks.

Article 225-7-1

Procuring is punishable by **fifteen years imprisonment and a 3,000,000 euro fine** when committed with respect to minors under the age of fifteen.

Article 225-8

Procuring as provided for in article 225-7 is punishable by **twenty years imprisonment and a 3,000,000 euro fine** when committed by an organised group.

Article 225-9

Procuring committed while resorting to torture or barbaric acts is punishable by **life imprisonment and a 4,500,000 euro fine**.

PROHIBITION AGAINST PURCHASING A SEX ACT



Prohibition against resorting to the prostitution of others (article 611-1 of the French Criminal Code).

The act of soliciting, accepting or obtaining relations of a sexual nature from a person engaging in prostitution, including on an occasional basis, in exchange for remuneration, a promise of remuneration, the provision of benefits in kind or the promise of such benefits is punishable by a **1,500 euro fine**.

Penalty for repeated offences (Article 225-12-1 of the French Criminal Code)

In case of a repeated offence, resorting to the prostitution of others is punishable by a **3,750 euro fine**.

Supplementary sanction in the form of awareness training regarding the fight against the purchase of sexual acts (article 131-16 of the French Criminal Code)

The regulation that sanctions a primary offence, when the offender is a physical person, envisages several supplementary penalties including:

(.../...) The obligation, where required, and at his own expenses, to complete an awareness course on the subject of combatting the purchase of sex acts.

Penalty for resorting to the prostitution of a minor or a vulnerable person (article 225-12-1).

Resorting to the prostitution of others is punishable by **three years' imprisonment and a 45,000 euro fine** if the victim is a minor or particularly vulnerable (illness, infirmity, handicap or pregnancy).

Aggravating circumstances of resorting to the prostitution of others (article 225-12-2 of the French Criminal Code)

The penalties stipulated in the second subparagraph of article 225-12-1 are increased to **five years' imprisonment and a 75,000 euro fine** if the offence is committed on a regular basis or with regards to several people, with the use of electronic communication networks or abuse of authority, if the perpetrator has endangered the victim's life or is found to have acted violently towards them.

The penalties are increased to **seven years' imprisonment and a 100,000 euro fine** if the victim is a minor under the age of fifteen.

Extraterritorial application of the penalty for resorting to prostitution (article 225-12-3)

The law is applicable in cases where the offences described in the second subparagraph of article 225-12-1 and in article 225-12-2 are committed abroad by a French national or by a person habitually residing on French territory.

PROTECTION, ACCESS TO RIGHTS AND EXIT POLICY FOR VICTIMS OF PROSTITUTION, PIMPING AND TRAFFICKING

The law of April 13, 2016 repealed the offence of solicitation which criminalised prostituted persons.

Rights of foreign victims (article L316-1-1)

A temporary residence permit valid for a minimum of six months may be issued (except where their continued presence represents a threat to public order) to a foreign victim of procuring or human trafficking offences who has stopped all prostitution activities and is involved in a process to exit prostitution and achieve socially and professionally integrate. This temporary residence permit entitles the holder to work. It is renewed for the entire duration of the process to exit prostitution and social and professional reintegration, provided the conditions for issue continue to be met.

Unless their presence represents a threat to public order, a temporary residence permit with the reference “private and family life” is issued to foreign victims who bring criminal proceedings against a person they accuse of having committed offences of procuring or human trafficking, or who cooperate with the law enforcement agencies on such offences.

This temporary residence permit entitles the holder to work. It is renewed for the entire duration of the legal procedure, as long as the conditions foreseen for its issuance continue to be met.

A [permanent] residency permit is issued to foreign victims who initiate criminal proceedings or provide testimony leading to the conviction of the accused.

Protection of victims as witnesses and claimants (article 706-40-1 of the Code of Criminal Procedure)

Prostituted persons having contributed to the disclosure of truth by testifying and whose life or physical integrity is severely endangered on national territory, may benefit from a witness protection scheme along with their families and loved ones.

Access to compensation for damages (article 706-3 of the Code of Criminal Procedure)

Victims of procuring and human trafficking are entitled to full compensation for damages for the violations they have suffered. If the perpetrators of these crimes are insolvent, the State is under the obligation to act as a substitute to provide compensation.

Protection, assistance and support for exiting prostitution (article L121-9 of the French Family and Social Action Code)

I. In every French “département”, the State guarantees the protection of victims of prostitution, procuring and human trafficking, and provides them with assistance, including a **place in a Housing and Social Reintegration Centre**.

In every “département”, an agency presided over by a State representative is in charge of organising and coordinating the work assisting the victims of prostitution, procuring and human trafficking.

It is made up of State representatives, including from the national police and local “gendarmerie” services, local authority representatives, magistrates and health professionals as well as representatives from various civil society organisations.

II. A process to exit prostitution and socially and professionally reintegrate is offered to all victims of prostitution, procuring and human trafficking for the purpose of sexual exploitation, and is created in accordance with their health, professional and social needs, so as to enable them to access alternatives to prostitution. It is developed and implemented with the agreement of the supported person and by an approved organisation.

The involvement of the individual in the process to exit prostitution and socially and professionally reintegrate is authorised by the State representative in the “département” upon approval of the local agency.

The person involved in the process to exit prostitution and achieve social and professional reintegration may be issued a **temporary residence permit**.

They benefit from a **tax debt waiver**.

If they aren't eligible for minimum welfare, they will receive **financial assistance to aid social and professional reintegration**. This assistance is financed by the **fund for preventing prostitution and providing social and professional support to prostituted persons**.

Comprehensive reduction of health-related harm policy (article L1181-1 of the Public Health Code)

The harm-reduction policy targeting prostituted persons aims to prevent sexually transmitted diseases as well as other health-related, social and psychological harm linked to prostitution.





**The spirit
of the law:
Its philosophical
foundation**



ANALYSIS

A system that authorises and organises the purchase and sale of access to the bodies of others and their sexuality targets the most precarious groups from a social, economic, cultural, emotional, psychological and ethnic point of view.

Globally, the most discriminated against groups are over-represented in prostitution, with the majority of these individuals being women and girls: indigenous people, women belonging to minorities or to the lowest castes, migrants and refugees, victims of sexual violence.

In France, over 85% of prostituted persons are women, while close to 100% of sex buyers are men. Since 1995, the vast majority of prostituted persons in France have been foreign women (mainly from Bulgaria, Romania, Nigeria and China).

The prostitution system, which is inseparable from war, violence, poverty and destruction, as these create rich opportunities for pimps and traffickers, is based on several systems of domination: male, economic, social, and colonial.

It is characterised by the antiquated premises that:

- > the persistence of the availability of women's bodies for the benefit of men;
- > the continued availability of bodies and sexuality in the scope of the marketplace.

A conservatory for sexism and a driving force of ultra-liberalism, it had become incompatible with democratic societies striving to protect human rights, human dignity and equality between men and women.

ABOLITIONIST PRINCIPLES

This right of man to control the body of others in exchange for money is what opponents of the prostitution system wished to abolish, by demanding that sex be freed from the power of the market.

This abolition is in no way a theoretical utopia, but a goal that is achievable in the short-term.

In the same way that slavery did not completely disappear following its abolition, the abolition of the prostitution system is unlikely to eradicate prostitution in the short term.

However, it enables a society to take all necessary measures to reduce it, by solemnly stating that the human body and sexuality are permanently excluded from the scope of the marketplace and that as a consequence:

- > No individual shall derive any gain whatsoever from the prostitution of others, nor shall they organise or facilitate the commodification of the human body and of sexuality
- > No individual shall access the bodies of others or their sexuality or obtain sexual relations in exchange for remuneration
- > No individual shall be reduced to selling access to their body and their sexuality to survive, and each individual has an effective and enforceable right to avoid prostitution

While in the 19th century, abolitionism defined itself as a reaction to regulationism (brothels), in the 21st century it is a response to the liberal procuring system that favours the increased commodification of human beings, and of women in particular.

Violence committed against women and human beings

Prostitution goes hand in hand with violence.

For example, violence suffered during childhood, especially without redress is a significant cause of a vulnerability that is exploited by pimps.

Regardless of location and operating mode, prostitution behind closed doors forges a lawless zone where all types of violence go unpunished: insults, humiliation, assault, rape and even murder.

In France, prostituted persons are at least 6 times more exposed to rape than the general population, and 12 times more exposed to the risk of suicide (Prostcost survey).

Studies show that the primary perpetrators of violence are the sex buyers.

Beyond this violence, the imposed sexual act itself is a form of violence, as proven by the physical and psychological damage (expropriation of self, disassociation) and trauma that prostituted persons suffer from.

Moreover, this violence was the last act for which the victims themselves were condemned for solicitation, while its culprits remained unpunished.

A negation of the fight for equality between men and women

The abolition of the prostitution system builds on women's fight against "Droit de Seigneur", against rape, against marital rape and against sexual harassment, in other words on the fight against the availability of their body - and therefore their person - for the benefit of men. By prohibiting the purchase of a sex act, French law stipulates that none shall impose a sex act, whether via physical or moral coercion, by abusing a situation of vulnerability or via financial coercion.

In a society that stands up for equality, prostitution maintains a traditional male world protected from egalitarian requirements; a set-apart territory where men impose their power over women, who cannot exert their hard-earned right to say no to them.

Not only does the prostitution system harm prostituted persons, it is also detrimental to all women, to their status, to their image as a whole within society.

A symbol of their subordination and relegation, it conveys the most sexist stereotypes about women, men and sexuality. It paves the way for sexual harassment and violence (think about the concept of "whore").

It calls into question the hard-won separation of work and sexuality.

It contributes to the exclusion of women from multiple spheres of knowledge and power.

Money, the ultimate tool of sexual coercion

As a fundamentally unequal system, prostitution gave men, many of which claimed to be driven by "irrepressible sexual needs" a form of guarantee which they had been stripped of when rape and sexual harassment became punishable crimes: the ability to impose sexual relations, not through physical or psychological coercion, but by means of payment.

Thus, while an employer basing the granting of a pay rise on the "obtaining of sexual favours" from their employee was sentenced, sex buyers could obtain these "sexual favours" with impunity in exchange for money.

After the end of the marital exception, which enabled the husband to sexually coerce his wife thanks to his authority, all that was left to do was to lift the prostitution exception, which enabled the "consumer" to sexually coerce a person with money, the ultimate tool of sexual domination.

Ultra-liberal logic taken to the extreme

In a society concerned by the growing commodification of all aspects of our lives (health, culture, education), the question was: is it acceptable to buy and sell access to the body and sexuality of another individual?

Philosophically, and emphasised by the increasing number of prostituted persons (particularly minors), the size of the networks involved and the accompanying crime, the answer was no.

Everything had to be done to tackle prostitution, one of the most thriving fields of capitalism and a symbol of the dehumanisation orchestrated by the market order.



ADOPTION OF THE PARLIAMENTARY RESOLUTION OF DECEMBER 6, 2011 “REAFFIRMING THE ABOLITIONIST POSITION OF FRANCE WITH REGARDS TO PROSTITUTION”.

The abolitionist principles detailed above were largely covered by a parliamentary resolution adopted in December 2011. In this reference text, which received a unanimous vote, French MPs acknowledged the “violence inherent in” prostitution and described prostitution as an obstacle to the constitutional principle of equality between women and men. The resolution also stated prostitution as being incompatible with the constitutional principle of inalienability of the human body.

Above all, 50 years after the 1949 ratification of the United Nations Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, the parliamentary resolution reiterated “the abolitionist position of France, the long-term goal of which is a society without prostitution” and stated that *“the notion of uncontrollable sexual needs refers to an archaic vision of sexuality which cannot legitimise prostitution, no more so than it can warrant rape; (...)”*



ABOLITIONISM, A STEP TOWARDS THE FUTURE, A POINT FOR EQUALITY

Sweden (1999), Norway and Iceland (2009) were the first countries to make such a political decision: one cannot buy another individual's body, even with their consent; it is not worthy of a democracy.

These countries are known for being years ahead in terms of equality between women and men. Indeed, according to the Global Gender Gap, an international ranking established by the World Economic Forum in 2015, these countries ranked as the first four (with Finland, where the law punishes sex buyers of trafficking or procuring victims) out of 145.

Elsewhere, the question of prostitution, which cannot be dissociated from gender perspectives, has triggered a significant divide. In France, according to a 2012 poll, 59% of women, but only 32% of men, were in favour of the criminalisation of sex buyers.

Age is also a crucial factor. The younger generation in France is the most strongly in favour of punishing the "clients of prostituted persons".



STATEMENTS GIVEN BY PARLIAMENTARIANS

French National Assembly, 1st reading, December 4, 2013

**>> Najat Vallaud Belkacem,
Minister for Women's Rights**

France isn't a host country for prostitution. Our doors must and will remain closed to the evil wind of trafficking.

We are not here to take on the role of morality police. We are here to give substance to our most important principles.

To the young man who wants to be experienced when he finds a woman, we will say that buying the body of another woman in exchange for a few bank notes can no longer be an option. To the young student who wants to know how to make ends meet every month, we can offer alternatives to the enslaving of her own being.

>> Maud Olivier, MP, Socialist Party

The vast majority (of prostituted persons) are victims of pimps and/or organised crime networks that force them to sell sexual relations. And even if a single prostituted person declared that she was free, would that be enough for the enslavement of all the others to become respectable and acceptable? (...)

To quote anthropologist Françoise Héritier, "saying that women have a right to sell themselves is hiding the fact that men have a right to buy them."

>> Guy Geoffroy, MP, Conservative Party

With time, our societies have prohibited “Droit de Seigneur”, harassment, rape. There cannot be a male sexual right over women. We refuse to allow sexual relations to be imposed by power, force or money.

This draft legislation is a major step forward for our society, in which inequalities between women and men remain far too dominant. It reaffirms the fact that the pleasure of a few individuals must no longer be given priority over the safety and rights of all women. It reaffirms the fact that women and men are entitled to equal rights within society, in all fields including sexuality.

>> Ségolène Neuville, MP, Socialist Party

Collectively, we should be proud of this text, because it puts an end to the oldest injustice in the world: since the dawn of time and in all societies, prostituted persons have been seen as offenders and considered guilty. Yet, since the dawn of time, prostituted persons have been prisoners of their economic hardship, criminal networks and pimps. Despite this, since the dawn of time, prostituted persons have been exposed to the most extreme forms of violence from their sex buyers, putting their lives at risk on a daily basis.

>> Marie-George Buffet, MP, Communist Party

Prostitution isn't the oldest job in the world, as some like to say. It is merely one of the most violent expressions of the patriarchal system.

That is why, in order to abolish this inhuman system, we must make those who choose to use it accountable. (...) This type of system also affects the dignity of men, as, far from contributing to their sexual freedom, it chains them to a concept of sexuality imbued with frustration and domination.

We are spurred on neither by the morals or the will of a regimental society, but rather by emancipatory determination. (...) in the field of sexual acts as elsewhere, human beings are entitled to hierarchies other than those dictated by the law of the jungle, by merchant law.

This is why we are taking action to change mentalities. Because women need to be able to refer to the law to conquer rights, and to change society's view of them by using these rights. We are breaking with the ancestral representation condemned by Simone de Beauvoir, which reduced women to the concept of a mother and a whore.

**French National Assembly,
2nd reading, June 12, 2015**

>> Maud Olivier, MP, Socialist Party

In a society where women's bodies are a marketable commodity, equality between women and men is impossible; in a society where men are seen as beings with uncontrollable sexual urges that stand for their virility, equality between women and men is impossible. And where equality between women and men doesn't exist, violence against women remains. Only by imposing a whole new image of women in the public opinion will we be able to sustainably eliminate the violence committed against them, prostitution being the most direct expression of this violence.

>> Marie-George Buffet, MP, Communist Party

With this law, we are working towards delegitimising a form of violence, we are acting against the trivialisation of the commodification of the human body. (...) In this sense, we are working towards educating society to respect the physical and emotional integrity of all individuals. This is a necessity if we want to build an emancipated future for the next generations.

>> Nicole Ameline, MP, Conservative Party

When France legislates on matters related to human rights, it does so for the rest of the world as well, not just for itself. To tackle the appalling reality which you have all mentioned, in which women's rights are violated in a majority of regions globally, in which all types of networks are developing, in which a real market is developing, a heavy industry specialising in the commodification of the human body, we must send an extremely strong message.

**Senate, 2nd reading,
October 14, 2015**

>> Chantal Jouanno, Senator, Center Right Party, Chair of the Delegation for Women's Rights and Equal Opportunities for Men and Women.

My goal, over time, is clearly the extinction of prostitution in France. Indeed, while prostituted persons are worthy of respect, the reality that is prostitution is not worthy of France.

I have too much respect for you, dear Sirs, to see your sexuality as some kind of public pathology, an uncontrollable need that would justify the persistence of the necessary evil that is prostitution. I cannot bear to hear that prostitution will always exist and that we must resign ourselves to this fact. Many crimes have existed since ancient times and we do not resign ourselves to that!

**Senate, new reading,
March 10, 2016**

>> Laurence Rossignol, Minister for families, children and women's rights

A woman's body is neither an outlet nor a form of medication, nor a consolation prize to ease all

kinds of suffering. I'm convinced that punishing the purchase of sexual acts is one of the tools that will enable us to fight stereotypes and to work towards gender equality.

Last reading, French National Assembly, April 6, 2016

>> Maud Olivier, MP, Rapporteur of the Special Commission

You do not reduce human trafficking by asking sex buyers to wear condoms, as Germany has just done: you reduce human trafficking by stemming demand.

>> Catherine Coutelle, MP, Socialist Party, Chair of the Delegation of the French National Assembly for Women's Rights and Equal Opportunities for Men and Women

In order for our fight to be global, we need to extend beyond our borders. France will be one of the first southern European Union members to adopt this type of draft legislation, and our goal is for this position to become the majority in Europe.

>> Laurence Rossignol, Minister for families, children and women's rights

In prostitution, freedom is on the side of the network, of the pimp; and this type of market is very lucrative. (...) Freedom is also on the side of the client: they choose the woman, the place, the practices - humiliation and violence, should they be so inclined. This leads back to a secular right, previously known as "Primae Noctis", "marital duty" or "warrior's repose", from which, it appears, women are still not liberated.

Seventy years after the progress brought about by the Marthe Richard law, which enabled the closing of brothels and a strengthening of the fight against procuring, April 6, 2016 will undeniably be a historic date for women's rights and equality between women and men.

The abolitionist boom





ABOLITIONISM, A LONG JOURNEY

The 2016 victory was the result of a long battle that started at the end of the 19th century and was inspired by the abolition of slavery. Initiated by the British abolitionist activist Joséphine Butler, it focused firstly on the struggle against the regulation of prostitution (morality police, brothels, exclusion of prostituted persons from common rights). It led to two victories: the closing of brothels in 1946 and the 1960 ratification of the UN Convention of 1949 for the Elimination of Human Trafficking and the Exploitation of the Prostitution of Others. By the early 2000's, growing complaints regarding the violence committed against women gave the movement new impetus. More and more feminists and parliamentarians went one step further, defending the idea of abolishing prostitution.



CHRONOLOGY OF THE LEGISLATIVE PROCEDURE SINCE 2009

The political process; patient and unwavering progress

Six years were enough to move forward from debates on "the oldest job in the world" and the reopening of brothels to updating the damages caused to the victims of prostitution and punishing the purchase of a sexual act.

2009

The advocacy campaign in favour of a prostitution-free Europe launched by the Mouvement du Nid urged European election candidates to include abolitionist measures in their party's programme.

2010

Following 6 regional symposiums, on February 11, 2010, the Mouvement du Nid presented the French National Assembly with the findings of its assessment of public policies in terms of prostitution. 17 organisations worked together on 10 recommendations in view of reforming these policies.

- Civil society mobilisation
- Political process

In July 2010, MPs Danielle Bousquet (PS, Socialist Party), and Guy Geoffroy (LR, Republican), formerly Union for a Popular Movement (UMP), launched a trans-partisan fact-finding mission on prostitution in France.

The Fillon government launched the great national cause known as “combating violence against women”. As requested by the organisations sponsoring the cause, “Prostitution and the trafficking that results from it” was added to the list of violence committed against women and brought about the broadcasting of radio and television advertisements.

Roselyne Bachelot, the Minister for solidarity and social cohesion, included a chapter on prostitution in the 2011-2013 inter-ministerial plan for combating violence against women. In this document, the purchase of a sex act is condemned as a form of violence.

2011

13 April 2011

The adoption of the Bousquet-Geoffroy (PS/UMP) report “Prostitution, the Requirement for Responsibility”, initiated the great movement that culminated in this law being voted in.

Presided over by MPs Danielle Bousquet (Socialist) and Guy Geoffroy (Conservative), the Parliamentary fact-finding mission on prostitution in France carried out a 7-month investigation in France and abroad: a pioneering and in-depth study, which resulted in a comprehensive political project based on two innovations: the goal of abolishing prostitutorial violence and the prohibition against the purchase of a sex act.

June 2011

The Mouvement du Nid, the Fondation Scelles and the Amicale du Nid create the Abolition 2012 collective. It soon boasts over 50 member organisations, all combating sexual and sexist violence and campaigning for the adoption of an abolitionist law.



September 2011

Zéromacho, which is made up of “non-client” men having signed the “We shall not go to the woods; men say no to prostitution” manifesto, contributes a unique touch: “For us, sexuality is first and foremost about a human relationship to be experienced with equality and respect for the other’s freedom and desire.”

29 November 2011

The **Abolition 2012 collective organises its first abolitionist convention** at the French National Assembly. Representatives from across the political spectrum support the Abolition 2012 Appeal for the abolition of the prostitution system.



6 December 2011

The French National Assembly adopts a resolution reaffirming the abolitionist position of France, its long-term goal being a society without prostitution. It declares “that the notion of uncontrollable sexual needs refers to an archaic vision of sexuality which cannot legitimise prostitution, no more so than it can warrant rape.” The resolution was signed by the presidents of all political groups of the French National Assembly and voted in unanimously.

2012

7 March 2012

At *La Cigale*, the 44 organisations of the FEM - “Féministes en Mouvement”, appeal to the presidential candidates.

Among the 30 measures proposed in their collective book “Mais qu’est-ce qu’elles veulent (encore) ?” (“What do they want now?”), is the inversion of the criminal charge that transfers the punishment from prostituted persons to the sex buyers.

23 June 2012

Najat Vallaud-Belkacem, the Minister for Women’s Rights, states that she intends to abolish prostitution.

This echoes the “Convention Egalité Réelle” (Real Equality Convention) adopted in 2010 by the PS, which clearly foresaw the punishing of sex buyers.

2013

13 April 2013

67 years after the closure of brothels, the largest abolitionist gathering ever organised in France took place at the Machine du Moulin Rouge in Paris, in the presence of 55 organisation and celebrities, politicians, actresses, social stakeholders and survivors.

During this “Citizen’s Abolition of the Prostitution System”, senior representatives from the main political parties, including Minister Benoît Hamon (PS), appeared alongside Laurence, Rosen and Nathalie, three survivors of prostitution, thus giving substance to the great abolitionist project.

With a strong determination to put an end to the silence and shame, former prostituted persons form an alliance for the first time to make their voices heard. These “survivors” seek to address the lobbies who, by monopolising speech, are campaigning for the normalisation of prostitution and procuring. The public testimonies of three of these survivors had a major impact.





17 September 2013

The (Olivier Report), resulting from the work carried out by the French National Assembly's Delegation for Women's Rights, rejects the proposals of the (Bousquet Report) as a legislative framework.

10 October 2013

The draft legislation for combating the prostitutional system is tabled in the French National Assembly by the Groupe PS.

17 October 2013

The mission entrusted to Chantal Jouanno (UMP) and Jean-Pierre Godefroy (PS) by the Commission for Social Affairs of the Senate adopts a report stating the necessity of a social support policy for prostituted persons.

23 November 2013

The Stop violence against women protest, which took place as usual within the framework of November 25th, turned into a sea of orange umbrellas in a major protest in favour of abolition.



29 November 2013

Attendance in the National Assembly's hemicycle is sparse but all group Presidents are there.

On the side of the UMP and EELV parties, two major measures are criticised: for the UMP, the repeal of solicitation as a crime, presented as a tool against traffickers, and for both parties, the punishing of "sex buyers", which would supposedly lead to prostituted persons becoming destitute and even violate their right to control their own bodies...

4 December 2013

In the first reading at the French National Assembly, the result of the vote on the draft legislation for fighting the prostitutional system is clear: 268 votes in favour, 138 votes against (79 abstentions).



2014

28 mai 2014

NGO members of the Abolition 2012 collective protest in front of the Senate against the Senators' opposition to the tabling on their agenda of the abolitionist Bill adopted in first reading by the National Assembly.



12 October 2014

After walking 743 km in 39 days, Rosen Hicher, a survivor of prostitution, arrives in Paris, her goal being to appeal for a date for the draft legislation to be presented to the Senate.

Throughout her journey, Rosen Hicher received a very positive welcome and largely contributed to the evolution of mentalities and the media's coverage of the issues around prostitution. Many politicians across the political spectrum showed their support for her and in favour of the adoption of the draft legislation.



12 November 2014

The 1st congress of the Coalition for the Abolition of Prostitution (CAP international), organised with its French member associations the Mouvement du Nid and the Fondation Scelles, welcomes 250 participants from all over the world (24 countries).

2015

30 March 2015

At the second reading, the Senate eliminates the criminalisation of "sex buyers" and re-establishes solicitation as an offence.

With 162 votes in favour and 161 against, the criminalisation of passive solicitation is maintained after being reintroduced by an amendment of the UMP party; the criminalisation of "sex buyers" is rejected with 189 against and 107 votes in favour. The thus-twisted law is adopted with 165 votes in favour and 44 votes against (124 abstentions).

Marisol Touraine, the Minister for Social Affairs in charge of women's rights, condemns this result, qualifying it as "contemptuous towards women", and an unbearable "double punishment" forced upon prostituted persons. She states her intention of reintroducing "a major tool" for reducing prostitution during the next reading of the text: the criminalisation of sex buyers.

2 June 2015

In the Special Commission, a vast majority of MPs from all parties adopt a version of the draft legislation that reinstates its main founding principles: these include the repeal of solicitation as a crime and the prohibition against purchasing a sexual act refused by the Senators, thereby consistently supporting the battle against pimps and the upping of protection and social support measures for prostituted persons.

This work is the result of amendments borne by MPs from the entire political spectrum.

12 June 2015

In second reading, the French National Assembly adopts the draft legislation aiming to increase the fight against the prostitutional system and restores the harmony of the text.

13 October 2015

The members of the Abolition 2012 Collective protest in front of the Senate in order to denounce the sexism of male senators who have united against the criminalisation of sex buyers.



14 October 2015

In the second reading the Senate refuses one more time to prohibit the purchase of a sex act. However it adopts the repeal solicitation by prostituted persons.

18 November 2015

Members of the National Assembly and of the Senate gather for a Joint Conciliation Committee but do not reach an agreement on the text.

2016

3 February 2016

For the third time, the National Assembly adopts its own comprehensive version of the draft legislation by reintroducing the criminalisation of the purchase of a sexual act.

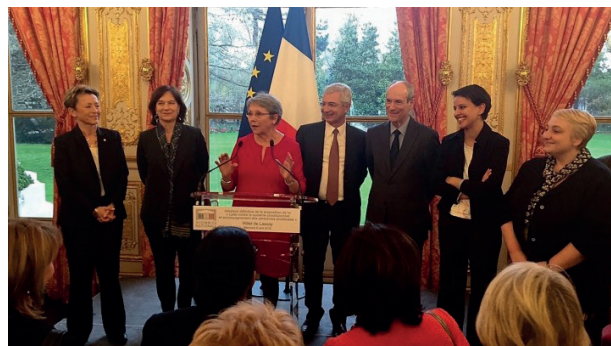
10 March 2016

For the last time, the Senate rejects the provision aiming to criminalise the purchase of sex.

6 April 2016

After three readings in each Chamber and the failure of the Joint Conciliation Committee, the National Assembly is given the "final word" and definitively adopts, with 60 votes in favour and 12 against, the draft legislation aiming to increase the fight against the prostitution system and provide support for prostituted persons.

POUR	64
CONTRE	12
NOMBRE DE VOTANTS	87
SUFFRAGES EXPRIMÉS	76
MAJORITÉ ABSOLUE	39



14 April 2016

The law of April 13, 2016 aiming to increase the fight against the prostitutional system and provide support for prostituted persons is published in the French Republic Official Gazette.



PRESENTATION OF THE POLITICAL BALANCE THAT ENABLED THE ACT TO BE ADOPTED

Adopted in first reading at the French National Assembly with 268 votes in favour and 138 votes against, the draft legislation brought by the socialist group with the Government's support achieved much wider support than the government's majority.

During its "Convention Egalité réelle" (Convention for Genuine Equality), which was held in February 2010, the **Socialist party** officially adopted an abolitionist position which included

the reversal of the criminal charges faced by prostituted persons. The Socialist Party confirmed this position in its "Le Changement" (Change) project for the presidential and legislative elections. Following this, the commitment was reiterated by party representatives on a regular basis.

The **communist** groups within the French National Assembly supported the adoption of abolitionist legislation throughout the entire parliamentary process. Historically, the communist party was the first official abolitionist party. The programme of "Left Front" (Left Party, PG; and Communist Party, PC) for the 2012 legislative and presidential elections included the adoption of an abolitionist law.

The French **centre-right** party also contributed to the adoption of the abolitionist law. In March 2013, the UDI (Union of Democrats and Independents) adopted an abolitionist stance, classifying prostitution as a form of violence against women and supporting the reversal of criminal charges. The centrist parliamentarians at the Assembly and the Senate remained divided regarding the adoption of the law, but it was largely supported and borne by several of them.

The **Les Républicains** (former UMP) party never took a clear position in favour of the adoption of an abolitionist law that included a reversal of the criminal charge. Yet several of its parliamentarians and political representatives played a major role in the process.



ABOLITION 2012 INNOVATIVE FEDERATION AND UNWAVERING ACTIVISM

Launched with 17 NGOs in 2010 (civil society stakeholders, political activists and unionists), the great feminist alliance later known as Abolition 2012 boasted 35 member organisations in 2011 and over 50 in 2013: this boom was spurred by the addition of prostitution to the “Grande Cause nationale” (Great national cause) list regarding violence committed against women.

Each of these organisations brought its own dynamic - Mouvement du Nid, Fondation Scelles, Amicale du Nid, Osez Le Féminisme, Centre National d’Information sur les Droits des Femmes et des Familles, Fédération nationale Solidarité Femmes, Femmes Solidaires, Collectif Féministe Contre le Viol, Femmes en Résistance, Marche Mondiale des Femmes, les Effrontées etc. - with the Collectif National pour les Droits des Femmes as well as the members of the High Council for Equality. This represented an unprecedented synergy, which imposed the defence of the abolitionist project across the feminist arena and fuelled massive media and social network coverage...



STRATEGIC GROUPS TAKING A STANCE

A movement that stemmed from society as a whole

At the initiative of Abolition 2012, op eds signed by prominent personalities and originating from all sectors of society were published in the press.

Mayors’ Op Ed

12 October 2014, Journal du Dimanche

For the first time in French history, mayors and municipal councillors from all political backgrounds appeal for the implementation of a large-scale global, progressive, consistent and sustainable policy on prostitution.

At the initiative of Mouvement du Nid, 300 mayors and city councillors, including the mayors of Paris (PS), Nantes (PS), Strasbourg (PS) Mulhouse (UMP), Orleans (UMP), Venissieux (PCF), Villeneuve Saint Georges (PCF) and Malakoff (PCF), launched an appeal for the swift adoption of the draft legislation reinforcing the fight against the prostitutional system.

Under the stewardship of Mayor and Senator Roland Ries, the city of Strasbourg and the Mouvement du Nid launched a poster campaign: “Women are not objects” - a previously unheard of political act.

Doctors' Op Eds

12 November 2013, Le Monde

The people who purchase sex are the ones that must be penalised

A collective of doctors, including geneticist Axel Kahn, takes a stand in favour of the draft legislation condemning sex buyers and decriminalising prostituted persons.

The signatories stand behind the idea that “violence is inherent to prostitutional activity” and that “the health of prostituted persons and their protection from violence, from assault, from sexually transmitted diseases go hand in hand with a global support system and a reduction of prostitution and related violence.”

28 March 2015, Journal du Dimanche

Decriminalising prostituted persons, penalising those who purchase sex

Signed by Xavier Emmanuelli, the founder of the “Samu social” (emergency social services), geneticist Axel Kahn, professor Israël Nisand, psychiatrist Christophe André, psychotraumatologist Muriel Salmona, the president of the “Collectif Féministe contre le Viol” (Feminist Collective against rape) Emmanuelle Piet, etc.

Magistrates' Op Ed

10 November 2013, Journal du Dimanche

The editorial is signed by a collective of magistrates and lawyers, including Yves Charpenel, First-Advocate General at the Court of Cassation and president of the Fondation Scelles, “Choisir la cause des femmes”, an organisation presided over by lawyer Gisèle Halimi, Bernard Legras, Attorney General at the Court of Appeal of Montpellier, etc.

Trade Union and Youth Movements' Op Ed

Eight organisations, student unions and youth movements gathered under the name “Génération Abolition” at the initiative of Osez le Féminisme

23 September 2013

The signatories state that “When affected by poverty and misery, youths are the main targets of the prostitution system: Our fight isn't a lecture on virtue, it is a social and political fight.” Condemning the arguments of powerlessness given, they take the examples of the death penalty and slavery, both abolished, and conclude: “It's up to us to do the same and to be the generation of abolition.”

Appeal of survivors of prostitution to the Prime Minister

16 June 2014

“For the right to live, the right to dignity, the right to a future”, four former prostituted persons, including Laurence Noëlle and Rosen Hicher, give a testimony of their experience and sound the alarm, appealing for the draft legislation to be presented to the Senate.

The petition in favour of “Urgently implementing a support system for completely destitute women forced to sell their bodies to live” launched by Rosen Hicher gathers over 30,000 signatures.

Appeal of parliamentarians for the abolition of prostitution

13 November 2014

During the International Abolitionist Congress organised in Paris by CAP international, MPs Maud Olivier, Catherine Coutelle and Guy Geoffroy, along with their colleagues Gavin Shuker (United Kingdom), Maria Mourani (Canada), Ivana Bacik (Ireland) and Jose Mendes-Bota (Portugal) launch an appeal of parliamentarians for the Abolition of Prostitution.

To date, 212 parliamentarians from 10 different countries (South Africa, Canada, Spain, France, Northern Ireland, Italy, the Netherlands, Portugal, the United Kingdom, Sweden) have joined the original signatories of the appeal and are inviting their colleagues from all over the world to sign it.

For a list of the signatories, go to www.cap-international.org

The evolution of national and international texts

The exploitation of the prostitution of others is condemned by two binding UN conventions: The Convention on the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others (1949) and the The United Nations Convention on the Elimination of all forms of Discrimination Against Women (CEDAW, 1979).

The international Convention on the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others is the only binding United Nations document that specifically concerns prostitution and the exploitation thereof.

In its preamble, it stipulates that prostitution and human trafficking are “incompatible with the dignity and value of human beings.”

After ratification by France, the CEDAW came into force in 1981.

Article 6 enjoins the signatory States to “take all suitable measures, including legislative provisions, to eliminate the trafficking of women and the exploitation of the prostitution of women in all forms.”

The additional protocol to the United Nations Convention against transnational organised crime aiming to prevent, suppress and punish the human trafficking of women and children in particular (2000), encourages “dampening demand.”

In 2003, a Code of Conduct for preventing sexual exploitation and abuse is enacted by the UN Secretary-General: Employees of UN missions, and their partners, are forbidden from purchasing sex acts, which are defined as “universally recognised international legal standards and principles.”

Recent resolutions passed by the European Parliament and the Council of Europe marked a decisive turning point

26 February 2014

The European Parliament votes in favour of the “Sexual exploitation and prostitution” resolution, which identifies prostitution and the exploitation thereof as an “obstacle to equality and a violation of human rights.”

Thus a strong signal is sent to the 28 Member States of the E.U.

8 April 2014

The Parliamentary Assembly of the European Council votes in favour of the Resolution on prostitution, human trafficking and modern-day slavery, which calls for the criminalisation of people who purchase sexual acts.

Both recommend penalising the purchase of sexual acts and not the prostituted persons.

In France

Resolution of December 6, 2011 adopted unanimously by the French National Assembly

The French National Assembly (...)

1. Reaffirms the abolitionist position of France, its long-term goal being a society without prostitution;
2. declares that the notion of uncontrollable sexual needs refers to an archaic vision of sexuality which cannot legitimise prostitution, no more so than it can warrant rape (...).

Law of 4 August 2014 for genuine equality between women and men - Article 1

The policy for equality between women and men includes:

1° Preventative and protective actions for combating violence against women and the violation of their dignity;

2° Actions to reinforce the fight against the prostititional system;

National plan of action against human trafficking 2014 – 2016

The draft legislation to reinforce the fight against the prostititional system provides a foundation to reinforce the fight against all forms of trafficking and protecting victims thereof.



Arguments and counter arguments



COUNTER- ARGUMENTS

A prohibitionist fight?

Abolition is the complete opposite of this. Prohibition, which blindly condemns prostituted persons, pimps and sometimes the sex buyers alike, changes nothing about society. It in no way improves the situation of prostituted persons, who remain liable for criminal acts, and does nothing to determine the responsibility of the perpetrators or to protect the victims. Conversely, abolition sets the groundwork for broadly progressive policy and lifts the weight of repression from the shoulders of prostituted persons.

A negation of the choice and consent of prostituted persons?

The primary choice is the one made by pimps to sexually and financially exploit prostituted persons.

Admittedly, some prostituted persons consent to prostitution or state that they have made this choice rationally.

However, individuals in financially precarious situations consent to being paid less than the legal minimum wage or to selling their organs to live or to survive. Their consent does not legitimise the practices of an employer who does not comply with the legal minimum wage, nor those of organ traffickers and those who buy them.

Banning is an essential measure to protect the

most vulnerable.

In the absence of alternatives, slaves have also been known to consent to slavery, African-Americans to apartheid, citizens to totalitarianism. The fundamental question isn't that of the consent of the exploited individuals to being exploited, but rather of the values a society wants to defend. The inclusion of the consent of some is an insufficient ground on which to base a progressive social project.

A hindrance to sexual freedom?

On the contrary, abolition is an endeavour whose goal is sexual liberation. Following on from the fight to liberate sexuality from the dictates of moral order as well as violence and domination, abolitionists strive to free sexuality from the scope of the marketplace and economic constraints.

Imposing sexual intercourse for money has nothing to do with sexual freedom.

While each individual should be free to control their own body, no one should have control over another individual's body.

Nowadays, all individuals should be free to live their sexuality as they please, beyond all forms of pressure and coercion, whether individual or collective, legal or moral, physical or psychological, social or economic. By requiring that sexuality be freed from a twofold patriarchal and mercantile stranglehold, the new law enables sexuality in all forms to be expressed freely; specially that of women, which is emerging from centuries of suppression.

Not only is a society without prostitution not losing out in terms of sexuality, it is also in a position to create new imagery that isn't based on violence and the exploitation of others, thereby building new social and romantic relationships.



An increased risk of clandestine work and danger?

Prostitutional activity has always been clandestine. It has always been dangerous and has always been a violation of health, both physical and mental.

As an integral part of the secrecy that goes hand in hand with prostitutional activity (always behind closed doors), its furtive and invisible nature are now mainly due to the internet.

Even in countries that have liberalised prostitution and procuring, prostituted persons are beset by increasing danger due to the risks they must take to face the increased competition (Freiburg Report, Switzerland, October 2014).

The issue here isn't about making an activity whose very essence lies in clandestinity even more clandestine, but rather to tackle the form, and no longer the substance, of its intrinsic danger.

The inversion of the criminal charge will most likely not suffice to fully reverse the power balance between prostituted persons and their sex buyers - putting an end to their total impunity - it will empower prostituted persons to enforce their conditions and boundaries.

And the legal measures in view of supporting them and enabling them to exit prostitution are the best guarantee that their health will be protected.

A MYTH, THE FAILURE OF THE "SWEDISH MODEL"


Sweden, a pioneer of abolitionism, together with Norway, has been heavily criticised by supporters of reglementarism and the sex industry.

According to them, the "Swedish model" has done nothing but aggravate the situation of prostituted persons, who are subjected to increased violence, poverty and HIV infections. They also claim that the official assessment reports that draw positive conclusions from the law were manipulated...

In reality, since the Swedish law was adopted in 1999, there has not been a single prostituted person homicide. The same cannot be said of countries still applying reglementarism, where the list of assaults and murders is long.

These Nordic countries also boast the most effective fight against HIV; we can therefore hardly accuse them of being lax.

As far as the assessment reports are concerned, they were published in Sweden and Norway by governments led by parties that had either voted against the law while they were members of the opposition, or that had promised to repeal it. Therefore, we can say that what convinced them of the necessity of maintaining this law are its positive results, particularly the decline of the criminal networks and the stabilisation of the number of prostituted persons (increasing exponentially in neighbouring countries).



Annex



Act no 2016-444 of the 13th April 2016, Aiming to Strengthen the Fight Against the Prostitution System and to Assist Prostituted Persons

Too often presented in the media as the Act which “criminalises sexbuyers”, the new French Act is in reality a comprehensive framework that recasts all public policies in terms of prostitution. The Act modifies the provisions of nine legislative codes.

Article 1

Creation of an **obligation upon internet service providers** to promptly inform the competent public authorities of any content that violates the Act in respect of pimping, and to make public the means and measures they devote to combatting such illegal activities.

(Amends article 6 of Act Number 2004-575 of the 21st June 2004 for Confidence in the Digital Economy)

Article 2

Formal integration into **social workers' training programs** of a module on the prevention of prostitution, and how to identify situations that may involve prostitution, pimping and human trafficking.

(Amends article L.451-1 of the Family and Social Action Code)

Article 3

Provides an option, where appropriate, for victims of pimping and human trafficking, and members of their families, to benefit from an enhanced protection mechanism when acting as witnesses or pressing charges.

Victims of pimping and human trafficking may use the address of their lawyer or an approved organization for court and trial purposes.

(Adds article 706-40-1 to Title XVII of Book IV of the Code of Criminal Procedure)

Article 4

The offence of human trafficking is included within the findings that can be set forth by **labour inspectors**.

(Completes article L.8112-2 of the Labour Code)

Article 5

Creates, a **county agency in every departement** (county), which shall be responsible for organising and coordinating the response to victims of prostitution, pimping and human trafficking.

Creates an **exit route from prostitution**, together with social and professional reintegration:

- > Provision of **accommodation** for victims of prostitution, pimping and human trafficking in social reintegration housing;
- > Access to **tax debt forgiveness**;
- > Access for foreign victims to a **protective temporary residency permit**;
- > **Creation of a financial aid payment to assist with social and professional reintegration**, for prostituted persons who are not eligible to receive either basic social welfare payments or the financial assistance provided to asylum seekers.

(Amends article L121-9 of the Family and Social Action Code)

Article 6

Inclusion of victims of prostitution, pimping and human trafficking on the list of groups that have **priority access to social housing**.

(Amends Article L441-1 of the Building and Dwellings Code)

Article 7

Creates, within the government budget, a **fund for the prevention of prostitution and for the provision of social and professional support to prostituted persons**. This fund will be made available to initiatives intended to: create public awareness about the negative health effects of prostitution; reduce the associated health risks; prevent entry into prostitution; reintegrate prostituted persons. The fund will be financed and maintained by the State budget and through the seizure of assets/proceeds derived from pimping and human trafficking.

(Completes article L121-9 of the Family and Social Action Code)

Article 8

Enables the **automatic issue of a protective temporary residency permit to victims of pimping and human trafficking** who have brought proceedings against the perpetrators.

Opens up the possibility of the grant of a protective temporary residency permit to victims of pimping and human trafficking who have not brought proceedings against the perpetrators, but who have left prostitution and who are on the exit route out of prostitution.

(Amends articles L316-1 and L316-1-1 of the Code governing the Entry and Stay of Foreigners and the Right of Asylum)

Article 9

Inclusion of organisations approved to monitor the exit route out of prostitution on the list of organisations that can obtain **State financial assistance to house prostituted persons and victims** of pimping and human trafficking.

(Amends article L851-1 of the Social Security Code)

Article 10

Extends the option of **accommodation in social reintegration housing** to persons who are victims of pimping, formerly available only to victims of human trafficking.

(Amends article L.345-1 of the Family and Social Action Code)

Article 11

Establishes '**aggravating circumstances' for violence, sexual aggression and rape committed against a prostituted person**.

(Amends articles 222-3, 222-8, 222-10, 222-12 and 222-13 of the Penal Code)

Article 12

Gives access to the **right to full compensation for damages suffered by victims** of pimping, in the event that the pimp is bankrupt/insolvent.

(Amends article 706-3 of the Penal Procedures Code)

Article 13

The option for organisations, with the agreement of the victim, to join as a **private party in criminal proceedings for pimping**. Organisations recognised as having a Public Utility may join as private parties without the agreement of the victim (in particular, where the victim has not brought charges).

(Amends article 2-22 of the Penal Procedures Code)

Article 14

Creates a **right for victims of human trafficking** or aggravated pimping to request that court proceedings be held in camera.

(Amends article 306 of the Penal Procedures Code)

Articles 15 and 16

Abolishes the offence of soliciting (which had criminalised the solicitation of sex buyers by prostituted persons since 1939).

(Amends article 225-10-1 of the Penal Code)

Article 17

Creates a **national health, social and psychological risk reduction policy**, approved by Government order.

(Creates article L.1181-1 of Title VII of the 1st Book of the First Section of the Public Health Code)

Article 18

Implements a **national information policy setting out the realities of prostitution and the dangers of the commodification of the human body**, for use in educational establishments.

(Amends article 312-17-1 of the Education Code)

Article 19

Incorporates the promotion of **gender equality into sex education** classes taught in educational establishments.

(Completes article L312-16 of the Education Code)

Article 20

Creates a **new offence of resorting to the prostitution of another by prohibiting the purchase of a sex act**. This new offence is of the 5th class, punishable by a fine of 1,500 euros.

For repeat offences, acts will be considered as criminal offences punishable by a fine of 3,750 euros.

Resorting to **the prostitution of a minor or vulnerable individual** is retained as a criminal offence punishable by a sentence of 3 years' imprisonment.

(Creates article 611-1 of the Penal Code and amends article 225-12-1 of the Penal Code)

Article 21

Creation of a supplementary penalty, consisting of the **obligation to complete an awareness course** on the subject of combatting the purchase of sex acts.

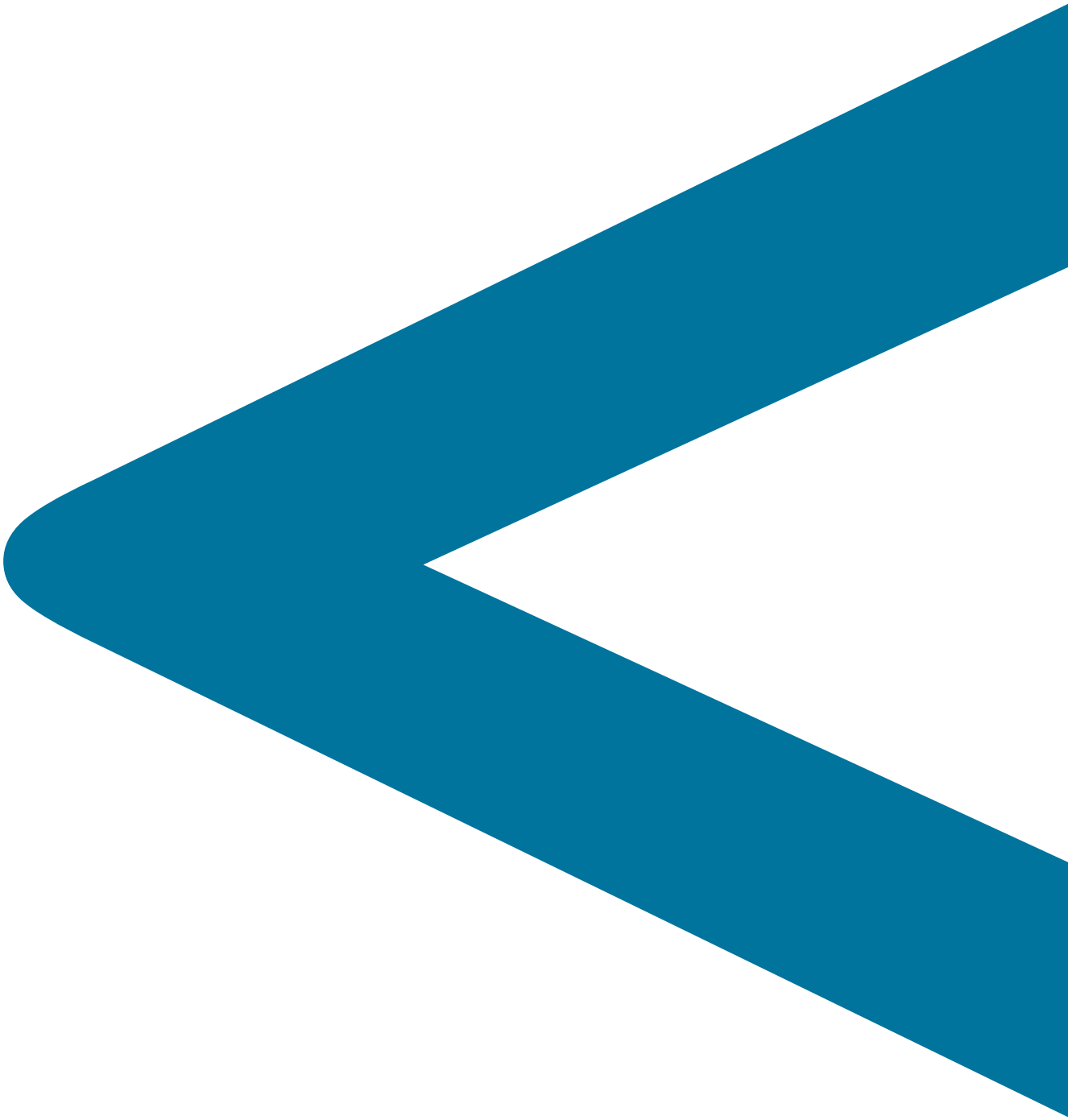
(Amends articles 131-16 and 225-20 of the Penal Code)

Article 22

Two years after enactment, the government shall submit an **evaluation report** on the new law to parliament.

Article 23

The Act is applicable throughout **French territory**.





CAP INTERNATIONAL

The Coalition for the Abolition of Prostitution (CAP international) is a coalition of eighteen abolitionist frontline NGOs providing direct assistance to victims of prostitution and sexual exploitation in Europe, North America, Latin America, Africa, the Middle East and Asia. CAP international and its members stand in support of all women, men and children affected by prostitution, and in opposition to the system of prostitution that exploits their precariousness and vulnerabilities.

OUR MISSION

The fundamental objective of CAP international is to contribute to the adoption and implementation of abolitionist policies and legislation at the domestic, continental and international level. In order to reach this objective, CAP international aims to:

- Strengthen the **domestic** advocacy capacities of each of its members;
- Build on **regional** dynamics by convening and promoting dialogue among frontline organisations, activists and policy makers, and facilitating advocacy toward regional institutions such as the European Union;
- Coordinate **international** advocacy initiatives in order to reinforce the collective impact of its members, through institutions such as the United Nations agencies and the International Labour Organisation.

CAP international members advocate for policies based around five core principles:

- Decriminalisation of prostituted persons;
- Protection, support and exit options for all prostituted persons;
- No impunity for traffickers, pimps and sex buyers;
- Criminalisation of the purchase of all sexual acts;
- Training for professionals, prevention measures and education for young people.

CAP International's member organisations in France are:

Mouvement du Nid

www.mouvementdunid.org



Fondation Scelles

www.fondationscelles.org





CAP international

14 rue Mondétour,
75001 Paris - FRANCE

contact@cap-international.org
www.cap-international.org