



**Presentation of the French Act aiming to strengthen the fight against the prostitution system and to assist prostituted persons**  
**May 2016**

On the 6 April 2016, the French National Assembly adopted, upon its third and final reading, the proposed Act Aiming to Strengthen the Fight Against the Prostitution System and to Assist Prostituted Persons. The Act came into force on 13 April 2016.

Thanks to strong measures against pimping and, in 1946, the closure of brothels, France has been able to limit pimping 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 common law and an exit pathway from prostitution, is also of considerable symbolic importance. Prohibited in France since 1939, the offence of solicitation 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**, nation-wide. The Act effectively creates 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, of “State organisations-services”, will be granted its own budget dedicated to implementing prevention 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 victims where the convicted pimp is held to be insolvent.

- **Reducing prostitution by prohibiting the purchase of any sex act**

The Act generalizes the prohibition of the prostitution of others. The criminalization of the purchase of any sex act 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 territory 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 “conditions” against potentially abusive clients.

<p><b>Act no 2016-444 of the 13th April 2016, Aiming to Strengthen the Fight Against the Prostitution System and to Assist Prostituted Persons</b></p>
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**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 21<sup>st</sup> 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 cancellation**;
- Access for foreign victims to a **protective temporary residency permit**;
- Creation of **financial aid for 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 clients 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 parliamentary order.

*(Creates article L.1181-1 of Title VII of the 1<sup>st</sup> 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 sanctioning the purchase of a sex act**. This new offence is of the 5<sup>th</sup> class, punishable by a fine of 1,500 euros.

For repeat offences, acts will be considered as misdemeanour 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.

Coalition for the Abolition of Prostitution

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