

The Coalition for the Abolition of Prostitution – introduction, analysis of the system of prostitution, and actions to abolish it



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1. Introducing CAP Intl: mission, objectives and activities

The Coalition for the Abolition of Prostitution (CAP International) is an **advocacy vehicle** for frontline NGOs and a **global convener for change**.

The **fundamental objective** of CAP International is to **advocate** for the adoption and implementation of 1) **progressive domestic legislation** and 2) **international standards** that amplify efforts to:

- Eliminate sexual exploitation of women and girls;
- Deliver effective protection, support and exit options to prostituted persons and victims of trafficking;
- Empower frontline services and survivors of prostitution.

The 22 **members** of CAP International provide **direct assistance to victims of prostitution and sexual exploitation** in Europe, North America, Latin America, Asia, the Middle East and Africa. Our members work with, or are founded by, **survivors of prostitution**.

CAP International **empowers** its members in their capacity to obtain progressive legal reforms in their countries and to be heard internationally.

To do so, its members, with the expertise of its Secretariat, define the strategy and priorities of CAP International. Our General Assembly and Board are indeed composed only with elected representatives of our member organizations. CAP International is thus an international abolitionist organization **effectively driven by its domestic NGO members**.

Five core principles

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

- (1) Decriminalization of prostituted persons;
- (2) Protection, support and exit options for all prostituted persons;
- (3) No impunity for traffickers, pimps and sex buyers;
- (4) Criminalization of the purchase of all sexual acts;
- (5) Training for professionals, prevention measures and education for young people.

Four strategic campaigns

CAP International and its members mobilize around four strategic campaigns:

(1) Human rights-based approach

Prostitution is a violation of human rights and a fundamental obstacle to gender equality. International human rights law recognizes prostitution as such, and prohibits its exploitation. For states to respect their obligation to eliminate the exploitation of prostitution to respect human rights, they must implement abolitionist policies. Our coalition holds states accountable to their obligations in multiple international arenas, including UN Women, the Commission on the Status of Women and the Committee on the Elimination of Discrimination Against Women (CEDAW). We have also mobilized against large international NGOs' worrying positioning for the decriminalization of pimps and buyers, such as Amnesty International and Human Rights Watch.

Impact: CAP International has released a legal analysis report on "Prostitution under international human rights law" in three languages (English, French, Spanish) available for download at www.cap-international.org.

(2) Parliamentarians for abolition

We believe in democratic processes indicating that citizens do not want the system of prostitution in their societies. Here, Members of Parliament play a crucial role in listening to their citizens and translating their calls into comprehensive policies. Our coalition mobilizes parliamentarians across the globe to exchange best practices on the passing and implementation of abolitionist policies in MPs' respective countries.

Impact: In the four years since its establishment, CAP International has met and mobilized ten Ministers (from Canada, India, France, Sweden, Belgium) and dozens of Members of Parliaments.

(3) Last Girl First

All over the world, and throughout history, the most systemically disadvantaged groups have been overrepresented in sexual exploitation and prostitution. Prostitution is a highly gendered and patriarchal system that disproportionately impacts the poorest women and young children. Victims of incest and sexual violence, indigenous

women and children, low caste communities, migrant women and children, and women and girls from ethnic minorities are still the primary victims of sexual exploitation by pimps, traffickers and sex buyers.

Our coalition works to identify, convene and mobilize the most vulnerable groups worldwide, from aboriginal communities in Canada to low-caste communities in India.

Impact: The Last Girl First is a cross-cutting campaign that underpins all of CAP's analysis and policy recommendations, highlighting who policies should be designed for.

(4) Access to decent work

Prostitution of others is not “sex work” but a lucrative system of sexual exploitation and abuse that jeopardizes social justice and gender equality efforts. It is incompatible with worker’s rights and “decent work” as defined by the International Labor Organization.

Our coalition works to identify and mobilize abolitionist trade unions. On the occasion of our World Congresses Against Sexual Exploitation in Paris in 2014 and New Delhi in 2017, several trade union representatives presented the commitment of their organizations to fighting all forms of sexual exploitation, including the prostitution of others.

Impact: CAP has mobilized several trade unions in support for our campaign aiming at promoting access to decent work, and not resignation in the face of sexual exploitation of women and girls.

CAP International members and strategic partners

CAP International currently has 22 members in 17 countries:

- Apne Aap (India)
- Breaking Free (USA)
- Comision Unidos vs Trata (Mexico)
- Embrace Dignity (South Africa)
- Exit Prostitution Association (Finland)
- EVA Center (USA)
- Fondation Scelles (France)
- Iniciativa Pro Equidad Genero (Colombia)
- KAFA (Lebanon)
- La CLES (Canada)

- KFUKs Sociale Arbejde (Denmark)
- Malos Tratos (Spain)
- Marta Center (Latvia)
- Médicos del Mundo (Spain)
- Mouvement du Nid (France)
- People Serving Girls at Risk (Malawi)
- Reden (Denmark)
- Ruhama (Ireland)
- Solwodi (Germany)
- South Kolkota Hamari Muskan (India)
- Talita (Sweden)
- Women@thewell (UK)

CAP International also cooperates with the following international strategic partners:

- Coalition Against Trafficking in Women
- Equality Now
- European Women’s Lobby
- SPACE International

Joint actions with CAP Intl members

CAP International and members collaborate on many joint actions such as:

- The organization of **six side-events at the United Nations** with its members including the mobilization of the Governments of Sweden and France to hold the **two first States’-sponsored abolitionist events** held within the UN official program of the Commission on the Status of Women;



- Making **advocacy and public presentations in six Parliaments** (Ottawa, Roma, Riga, Paris, European Parliament and London);



- Co-sponsoring and participating in **twelve domestic advocacy conferences** in Madrid, Beirut, London, Riga, Mexico, Montréal, Paris, New-York, Roma, New-Delhi and Brussels;



- Sending regular **open letters and official contributions** (CEDAW, UN Women and Amnesty International).
- Convening **two world congresses against the sexual exploitation of women and girls** in Paris and New-Delhi gathering hundreds of abolitionist participants from 25 countries.



Paris, 12 November 2014
International abolitionist Congress organised by CAP International in French Parliament.

- Regular information-sharing and domestic advocacy strategic support when requested.

II. The System of Prostitution: CAP International analysis and recommendations

The system of prostitution is a form of **violence**.

- The vast majority of prostituted persons have suffered from violence, often sexual, before entering prostitution.
- The vast majority of prostituted persons are victims of many forms of violence while in prostitution (physical, verbal, sexual, psychological violence).
- The repetition of sexual acts without physical desire, but instead experienced as a result of financial need, inequality and/or as exploitation of vulnerability, constitutes in itself a sexual violence.

The system of prostitution is a form of **exploitation of inequalities**.

- Prostitution is a part of a long patriarchal tradition of making women's bodies available for men's benefit (*droit du seigneur*, rape, sexual harassment, "conjugal duties" ...).
- Prostitution exploits multiple forms of inequality: men's domination over women, rich over poor, North over South, majority groups over minorities.
- Minority discriminated and migrant groups are over-represented in prostitution all over the world.

The system of prostitution is a **violation of human dignity**.

- By placing the human body and sex into the realm of the marketplace, the system of prostitution reinforces the objectification of all women and their bodies. It is a direct violation of the physical and moral integrity of prostituted persons.
- Prostitution reinforces the domination of men over women, in particular the attitude that women's bodies are available and accessible, which is present in other forms of violence against women such as rape, sexual harassment and intimate-partner violence.
- Prostitution is an obstacle to establishing truly free, respectful and egalitarian sexuality in society.

The system of prostitution **fuels and perpetuates trafficking in human beings for sexual exploitation.**

- The system of prostitution is a violation of human rights.
- The UN Convention of 2 December 1949 adopted by its General Assembly states in its preamble that “Prostitution and the accompanying evil of the traffic in persons for the purpose of prostitution are incompatible with the dignity and worth of the human person”.
- The UN 1979 Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) asks states parties to “take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women”.
- Prostitution is indeed incompatible with articles 3 and 5 of the Universal Declaration of Human Rights, which state that “Everyone has the right to life, liberty and security of person” and “No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment”.

Recommendations to abolish the system of prostitution:

CAP International advocates for the adoption and implementation of policies and standards, which include the following measures:

- Suppression of repressive measures against prostituted persons;
- Criminalization of all forms of pimping and procuring;
- Development of real alternatives and exit programs for those in prostitution;
- Support policies for survivors of prostitution;
- Prohibition of the purchase of a sexual act;
- Policies of prevention and education, to promote equality and struggle against the commodification of human body;
- Development of prevention policies in prostituted persons’ countries of origin;
- Training policies for all actors involved in the implementation of these measures.

III. Prostitution under International Human Rights Law: An Analysis of States' Obligations and the Best Ways to Implement Them

This section introduces CAP International's paper on prostitution under international human rights law in detail, including the purposes, the main arguments of the paper and its conclusions. To download the full paper in English, French or Spanish, go to www.cap-international.org.

The **purpose** of this position paper is: (1) to present the current human rights legislative framework and the obligations arising under international law with regards to prostitution and its exploitation; and (2) to define the best ways for States to implement their obligations in respect of human rights.

SECTION 1 – An analysis of the human rights under international law when it comes to prostitution: Prostitution is a violation of human rights and States have a direct obligation to eliminate its exploitation, including pimping and procuring

- i. International human rights law qualifies prostitution as a violation of human rights**
 - a. Respect for human dignity is a fundamental human right and a constituent principle of the UN system:** The protection of the dignity and worth of the human person is not only stated as a fundamental principle by the Universal Declaration of Human Rights but is also cited as one of the “*ideals and common goals of all People whose Governments have gathered to create the United Nations*” in the Preamble of the Charter of the United Nations (1945). Signed in San Francisco on the 26th of June 1945, this Charter is the constituent treaty of the United Nations System.
 - b. Prostitution is recognized as a violation of human dignity under human rights law:** One year after the adoption of the Universal Declaration of Human Rights (1948), the General Assembly of the United Nations adopted the Convention for the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others (hereafter UN 1949 Convention). This Convention is part of the UN universal human rights instruments and is a binding treaty. In

fact, it is the only UN binding instrument focusing specifically on prostitution and its exploitation. In its preamble, the UN 1949 Convention states that prostitution and traffic in persons are “*incompatible with the dignity and worth of the human person*”.

ii. International human rights law specifically prohibits the exploitation of prostitution of others, including pimping, procuring and running of a brothel

a. International human rights law prohibits all forms of exploitation of the prostitution of others:

Two binding UN Conventions prohibit the exploitation of the prostitution of others: the UN Convention on the Elimination of All Forms of Discrimination against Women - CEDAW (1979) and the UN Convention for the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others (1949). Both Conventions have been adopted by the General Assembly of the United Nations and thus have universal scope. Furthermore, they are directly legally binding upon the States that have ratified, or acceded to, them.

b. The “exploitation of the prostitution of others” includes pimping, procuring and the running of a brothel: The scope of States’ obligations to suppress all forms of exploitation of the prostitution of others is defined in the UN Convention for the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others. This Convention is the only UN treaty that focuses specifically on the exploitation of the prostitution of others and provides precisions to the general prohibition encompassed within provisions protecting human dignity. Article 1 prohibits the exploitation of prostitution in all its forms. States are obliged to punish any person who makes a profit from, or facilitates, the prostitution of another person, even with the consent of that person.

iii. Binding obligations for States and UN bodies to contribute to the elimination of prostitution and its exploitation

a. States’ obligations under international human rights law with regards to prostitution and its exploitation

- States Parties are under a binding obligation to respect and to protect the dignity of the human person, which is a cornerstone of international human rights law (see title I- A and B). When defining and implementing policies with regards to prostitution and its exploitation, States must ensure that they work towards the elimination of prostitution and the protection of its victims. Furthermore, States are de facto prohibited from implementing policies that would encourage prostitution and thereby foster a violation of human dignity. All policies that justify, promote or trivialize prostitution as “sex work” are incompatible with established and binding UN human rights legislation.
- The 189 States Parties to CEDAW are under a direct and binding obligation to suppress all forms of exploitation of the prostitution of others. As explained above (see title II- A and B), this includes pimping, procuring and the running of a brothel. As a consequence, States that have decriminalized or tolerate pimping, procuring and the running of brothels, violate both the spirit and the letter of international human rights law, and in particular their obligations under CEDAW to “*suppress all forms of traffic in women and exploitation of prostitution of women*”.

b. UN bodies’, programs’ and agencies’ obligations under international human rights law with regards to prostitution and its exploitation

The Charter of the United Nations gives all UN bodies and agencies the obligation to promote the respect of the “*dignity and worth of the human person*” and of the “*equal rights of men and women*”. Given that prostitution is recognized as a violation of the dignity and worth of the human person by international human rights law, all UN bodies and agencies are obliged to contribute to the elimination of prostitution and the protection of its victims. As a consequence, UN agencies and bodies are further obliged to oppose the use of the term “sex work”, which aims at normalizing, and sometimes promoting, what is considered a human rights violation.

This specific obligation to contribute to the elimination of prostitution and to oppose any promotion or trivialization of prostitution is further reinforced by the recognition by the United Nations of the purchase of sex acts as a “*sexual abuse*”. In his Special Bulletin on “*Special measures for protection from sexual*”

exploitation and sexual abuse”, the Secretary General of the United Nations (UNSG) defines as sexual abuse any “*actual or threatened physical intrusion of a sexual nature under **unequal** or coercive conditions*”. The UNSG Special Bulletin specifically targets and prohibits the purchase of sex acts in the context of UN operations (see below, section 2, title II).

SECTION 2 – Why the abolition of prostitution, through the protection of victims and the criminalization of sex buyers is the only effective way to eliminate prostitution and its exploitation in respect of fundamental rights

i. Guiding principles and definition of abolitionist policy

a. Guiding principles to eliminate exploitation within the human rights framework:

The elimination of prostitution and its exploitation being an obligation under international human rights law, an essential element in meeting this obligation is to define how to enforce policies that promote a respect of human rights. In doing so, CAP Intl identifies three guiding principles:

- Implementing States’ obligation to eliminate the exploitation of prostitution, including pimping, procuring and the running of a brothel (see above)
- Repealing all repressive measures against prostituted persons and offering them protection and exit options (see below)
- Prohibiting the purchase of sexual acts, which is the starting point of sexual exploitation and a form of sexual abuse in itself (see below).

b. Understanding the concept of the “abolition of prostitution”: ‘Abolition’ is neither a synonym of ‘prohibition’, nor a synonym of ‘direct eradication’. Prohibiting prostitution, and thus targeting indifferently prostituted persons, pimps, and buyers, does not improve the situation of victims of prostitutions and does not offer leverages for prevention, education and exit policies. It does not help to identify the authors of the violence of prostitution. Furthermore, ‘abolishing prostitution’ does not mean ‘eradicating prostitution’ immediately and entirely. Slavery was abolished 150 years ago but it still exists. The abolition of slavery did not lead to a direct eradication, but was a process that

allowed a new social consensus and the adoption of concrete measures to fight slavery and protect its victims. The abolition of prostitution is also a process, which aims to:

- Recognize the harm of prostitution, its inherent violence and the obstacle it constitutes to “the dignity and worth of the human person” and to “the equal rights of men and women”.
- Adopt concrete measures to combat the system of prostitution and protect its victims.

ii. Towards a full decriminalization of prostituted persons and a right to exit prostitution

A - Decriminalization of prostituted persons: The decriminalization of prostituted persons is not a direct, binding obligation under international law but it is wholly consistent with the purposes of human rights legislation. The United Nations Convention for the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others formally recognizes the status of “victim of prostitution” (Art. 16). The status of victim is not compatible with the criminalization of prostituted persons. Furthermore, the UN Convention condemns the exploitation of the prostitution of another person “*even with the consent of that person*” underlining that prostituted persons cannot be held accountable for their own exploitation. On the contrary, the Convention asks States to implement protection and assistance measures for prostituted persons, including migrants.

B - Right to protection, assistance and exit options: The United Nations Convention not only prohibits the exploitation of the prostitution of others, it also requires that States to protect and provide assistance to victims. In particular the Convention requires that States:

- implement prevention and rehabilitation policies (Art. 16)
- open access to justice and to financial compensation to victims from out the State (Art. 5)
- repeal all discriminatory laws and measures specifically targeting prostituted persons (Art. 6)
- make suitable provisions for the temporary care and maintenance of non-national victims of trafficking for the purpose of prostitution (Art. 19)

III- Towards the universal prohibition of the purchase of sex acts

A - Targeting demand for sex is one of the most effective ways for States to comply with their obligation to eliminate the exploitation of prostitution

B - Paying for sex is defined as “sexual abuse” by the UN and should be

universally prohibited: In 2003, the Secretary General of the United Nations, Kofi Annan, released guidelines aimed at ending sexual exploitation and sexual abuse within the context of UN operations.

The UNSG Special Bulletin includes “*Special measures for protection from sexual exploitation and sexual abuse*”. This strategic document highlights three key points:

- 1- The UNSG reaffirms that “sexual exploitation and sexual abuse violate universally recognized international legal norms and standards”
- 2- The UNSG gives a definition of “*sexual exploitation*” and “*sexual abuse*”
- 3- The UNSG directly targets as sexual abuse, and prohibits, the purchase of a sex acts.

Conclusions

This paper deliberately focuses on international legislation and constituent principles frameworks, and in doing so draws two main conclusions

1. International human rights law recognizes prostitution as a violation of human rights and prohibits its exploitation.
2. The only way for States to respect their obligation to eliminate the exploitation of prostitution in respect of human rights is to implement abolitionist policies.

IV. The Act no 2016-444 of the 13th April 2016, Aiming to Strengthen the Fight Against the Prostitution System and to Assist Prostituted Persons (hereinafter, the French law)

On 13 April 2016, France enacted an abolitionist law aimed at strengthening the fight against the system of prostitution, and assisting prostituted persons. In this way, France fully remodeled its public policies in terms of prostitution and human trafficking. The law passed because of a three year cross-party parliamentary process, and because of the positive advocacy dynamic between civil society and decision-makers. CAP Intl members in France, Mouvement du Nid and Fondation Scelles, played a key role in civil society mobilization and by highlighting the realities of prostitution on the ground. This section outlines the **chronology of the six-year legislative process; the goals, spirit and provisions of the law; and the effects of the law one year after from its passing.**

Chronology of the six-year legislative process

2009

The advocacy campaign in favor of a prostitution-free Europe launched by CAP International member Mouvement du Nid urged European election candidates to include abolitionist measures in their party's program.

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 organizations worked together on 10 recommendations in view of reforming these policies.

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 organizations 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.

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 prostitutional 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 organizations, 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 organizes 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 legitimize 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.

7 March 2012

At La Cigale, the 44 organizations 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.

13 April 2013

67 years after the closure of brothels, the largest abolitionist gathering ever organized in France took place at the Machine du Moulin Rouge in Paris, in the presence of 55 organization 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 that, by monopolizing speech, are campaigning for the normalization 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 favor 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 criticized: 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 favor, 138 votes against (79 abstentions).

28 May 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 favor of the adoption of the draft legislation.

12 November 2014

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

30 March 2015

At the second reading, the Senate eliminates the criminalization of “sex buyers” and re-establishes solicitation as an offence.

With 162 votes in favor and 161 against, the criminalization of passive solicitation is maintained after being reintroduced by an amendment of the UMP party; the criminalization of “sex buyers” is rejected with 189 against and 107 votes in favor. The thus-twisted law is adopted with 165 votes in favor 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 criminalization 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 prostitutorial 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 criminalization 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.

3 February 2016

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

10 March 2016

For the last time, the Senate rejects the provision aiming to criminalize 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 favor and 12 against, the draft legislation aiming to increase the fight against the prostitution system and provide support for prostituted persons.

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.

The goals of the law

The law of April 13 2016, which aims to increase the fight against the prostitutional system and to support 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 sexual acts dictated by money, decriminalizes prostituted persons and commits society alongside them, including by developing a national policy to exit prostitution.

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

This victory is in line with the greatest strides for women’s rights that have left their mark on 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.

The spirit of the law

The law is grounded in abolitionist principles. The 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.

The provisions of the law to fight the system of prostitution

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 common law 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 misdemeanor 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 Bill 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, bringing together States services and NGOs, 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 offer compensation to victims where the convicted pimp is held to be insolvent.

> **Reducing prostitution by prohibiting the purchase of sex acts.** The Act generalizes the prohibition of the use of the prostitution of another person. The criminalization 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 territory whose legislation is unfavorable 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 sex buyers.

> **Establishing a national policy for prevention, education and training.** The Act establishes a policy of education in schools on the reality of prostitution and on the dangers of the commodification of the human body. It includes the promotion of equal relationships between women and men into the sessions about sexuality education provided in schools. It officially adds into the scheme of training programs for social workers, a training module on the prevention of prostitution and the identification of situations of prostitution, pimping and trafficking in human beings.

The effects of the French law after its adoption

Only one year after the adoption of the law, France had immediately implemented:

- Effective end to the arrests of prostituted persons for solicitation
- 937 sex buyers arrested and fined
- Recognition of physical and sexual violence against a prostituted person as an aggravating circumstance, which has been used in several trials

The implementation of the social chapters of the law first required the publication of ministerial decrees. As of April 2017, **4 implementation decrees** (out of 5) had already been published:

- On the implementation of the national « exit policy »
- On harm reduction in relation to physical and psychological health
- On access to residency permits for foreign victims

- On the implementation of the mandatory awareness courses for sex buyers



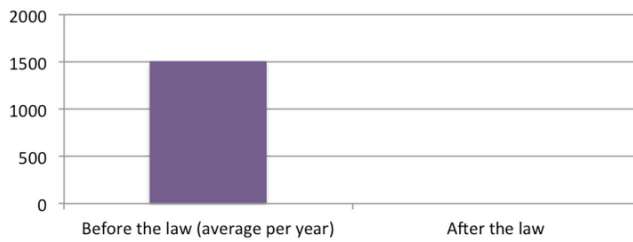
French members of CAP international, Mouvement du Nid and Fondation Scelles, together with the 60 member organizations the collective Abolition 2012, have prioritized the effective implementation of newly recognized rights for victims of prostitution and trafficking:

- Legal, psychological and medical support,
- Access to exit programs,
- Emergency and social housing,
- Financial assistance,
- Temporary residency permits,
- Access to training and to decent work

The infographic below illustrates the number of prostituted persons arrested before (1,500 per year, on average) and after (zero) the enactment of the abolitionist French law. It also shows the steady increase in the number of sex buyer arrests in the first year of its implementation, totaling 937 arrests.

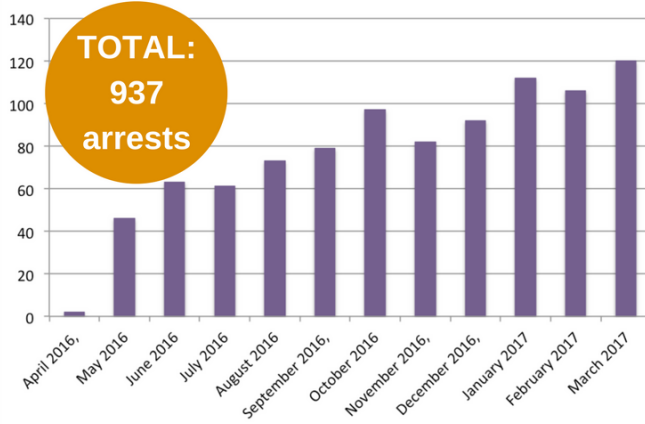
1 year on: state of new French law and its implementation

Number of prostituted persons arrested before vs after the enactment of the new French law



VS

Number of sex buyers arrested in France since the enactment of the new law



Data from Fondation Scelles & Mouvement du Nid

Next steps: effective implementation of newly recognised rights for victims of prostitution and trafficking:

Financial assistance

Residency permits

Emergency & social housing

Exit programmes...

V. Girls of Paradise: educating sex buyers on the inherent violence of the prostitutional system

“Girls of Paradise”, a fake website (girlsofparadise.sex/) advertising real escorts who were killed or severely injured by sex buyers and pimps, is a joint campaign released in September 2016 by CAP International member Movement du Nid, a French frontline organization that provides direct services to prostituted persons, and lead advertising agency McCann Paris. CAP Intl supported the international dissemination of the campaign.

The case study video (<https://youtu.be/v5C8fETpsWc>) outlines the project and highlights the role of sex buyers and websites in respectively perpetuating and facilitating the violence that is particularly hidden from view when sex trafficking is moved online.

Key campaign messages

The fake site forced sex buyers to confront the epidemic of violence underpinning sex trafficking, which is kept in the shadows for the sake of their “user-friendly experience”.

By exposing sex buyers to the realities of sex trafficking, the campaign wanted to show them the violence that lies beneath the surface of their actions.

But holding websites to account, while necessary, only puts a Band-Aid on what is an inherently violent problem rooted in economic and gender inequalities. To solve it, governments must pass laws that will help end demand for trafficking and prostitution. Countries like Sweden, Norway, Canada, France and Ireland have implemented victim-centered responses that shift the legal responsibility from the victims to the buyers, pimps and traffickers. We urge other countries to follow suit. Prostitution should be formally recognized as violence against women and girls, prostituted persons must be fully decriminalized and the provision of support services has to be increased.

Major reactions to the campaign

In the first week, 600 sex buyers called and thousands more sent chat messages to

Girls of Paradise to “buy a prostitute”. This immediate and large influx demonstrates websites’ role in facilitating access to the purchase of sex and their responsibility in perpetuating sex trafficking.

Achievements of the campaign

The English version of the case study video is accessible on CAP Intl and McCann Paris's YouTube channel and has almost 700,000 views, was translated into multiple languages (Spanish, Russian, English and more) and covered in multiple media outlets including Reuters, National Public Radio (USA) and Adweek.

McCann Paris and Mouvement du Nid’s “Girls of Paradise” (<http://girlsofparadise.sex/>) campaign is also the recent winner of a prestigious gold Clio Award (<http://clios.com/awards>), given to creative business endeavors.

VI. Special Words for Korean Readers

CAP International advocates for progressive domestic legislation in order to (1) eliminate sexual exploitation of women and girls; (2) deliver effective protection, support and exit options to prostituted persons and victims of trafficking; and (3) empower frontline services and survivors of prostitution.

In order to work toward a world free from sexual exploitation, we recommend that South Korea amend its current ‘Anti-Sex Trafficking Law of 2004’¹ to ensure that prostituted persons are fully decriminalized. This would signal a complete shift of burden from the victims of prostitution, to those profiting from the demand, including pimps, brothel owners and sex buyers.

In order to open universal access to rights, the currently limited victim status should be expanded to include all victims of the sex trade/prostitution, not just victims of sex trafficking, as the multiple vulnerabilities which lead women into situation of

¹ WHRIK note: In Korea, the two laws, that is, (1) ACT ON THE PUNISHMENT OF ARRANGEMENT OF COMMERCIAL SEX ACTS, ETC. and (2) ACT ON THE PREVENTION OF COMMERCIAL SEX ACTS AND PROTECTION, ETC. OF VICTIMS. called as ‘Anti-Sex Trafficking Law of 2004’

prostitution are not limited to physical coercion, but may also include economic precarity, histories of sexual abuse or other forms of discrimination.

CAP Intl would also recommend that civil society and other actors continue to advocate increasing budgets for exit services for prostituted persons.