

ABOLITION AROUND THE WORLD

DEALING WITH THE DEMAND FOR PROSTITUTION

THE FRENCH EXPERIENCE



BY FONDATION SCELLES



Fondation Scelles

*Connaître, Comprendre, Combattre
l'Exploitation Sexuelle*

Dealing with the Demand for Prostitution: the French Experience.
Fondation Scelles, May 2020.

Authors: FB, YU

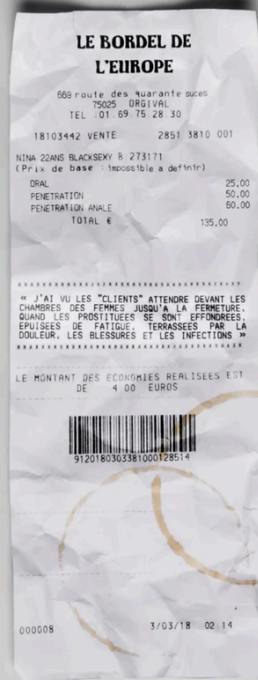
Acknowledgements:

We would like to thank our partner **APCARS (Association de Politique Criminelle Appliquée et de Réinsertion Sociale)** for allowing us to share some of the findings from a joint report written in 2019.

We are also grateful to **Rosen Hicher** for allowing us to report parts of her discourse here.

A special thanks also to the participants of the **2018 Prix Jeunes Fondation Scelles** who designed the images used in this report.

LE COÛT DE LA PROSTITUTION



THE COST OF PROSTITUTION

Europe's Brothel

569, Forty Sucks Street
75025 Orgyville

Nina, 22, sexy black

Oral: 25.00

Penetration: 50.00

Anal penetration: 50.00

'I saw 'customers' waiting in front of women's rooms until closure time when prostitutes collapsed, exhausted, devastated by the pain, the injuries and infections.'

Total savings: 4.00 euros.

FOREWORD

A joint study between Le Mouvement du Nid and Psytel conducted in 2015¹ revealed that **male buyers spend an average of 3.2 billion euros in France**, at least half of which directly profits pimps and traffickers. There are **more than 30,000 persons in prostitution** in the country, the overwhelming majority being **women**. The human costs of prostitution are considerable. In simple financial terms, covering just a fraction of the health costs of persons in prostitution would require 86 million euros per year. **Violence is the first cause of mortality.**

When the engine no longer receives its oil, it stops functioning. If the initial financial injection came to disappear, the system of prostitution would collapse. Tackling the demand approach follows a simple economic logic whereby **no demand** results in **no supply**: male buyers play a key role in the sexual abuse of women in prostitution.

On the **13th April 2016**, France joined Sweden among other countries in the struggle to abolish prostitution. Law n°2016-444 criminalised the demand for prostitution, while providing exit programmes for persons in prostitution and maintaining severe sanctions for pimps and traffickers. The law thus understands that prostitution is a form of violence against women and the role of male demand. It shifts the responsibility from the persons in prostitution to the buyers and pimps.

Part of the sanction for buyers is to attend an awareness-raising course to help them understand the principles upheld by the law. The Fondation Scelles was among the first NGOs to provide such courses in the Paris region.

Founded in 1993, the **Fondation Scelles** has for its credo **knowing, understanding and fighting sexual exploitation in all its forms**. Combining research and advocacy, the Fondation Scelles has been at the forefront of the abolitionist struggle in France.

¹ Proscost: Estimation du coût économique et social de la prostitution en France. Mouvement du Nid, Psytel. May 2015.

THE REPORT AT A GLANCE



The law n°2016-444 of the 13th April 2016 aims to strengthen the combat against the system of prostitution.

The Public Prosecutor Office of Paris decided to set up awareness-raising programmes as an alternative sanction.



2 NGOs, 1 survivor: Fondation Scelles, APCARS, Rosen Hicher.

NUMBERS



1 day session (9.30 am to 4.30 pm)

150€ paid by participants

1 session in 2017, **11** in 2018, **39** in 2019

More than **400** buyers since the first session

8 buyers on average per session

PROGRAMME



1. Roundtable discussion
2. The system of prostitution
3. Testimonies from women in prostitution
4. The live testimony of Rosen Hicher

EXPECTATIONS AND OUTCOMES

- ▶ Awareness-raising
- ▶ Shifting mentalities
- ▶ Preventing recidive

100% say they changed their mind on prostitution
90% say they learnt new things
89% say they will not do it again

No standard profile

- ▶ Most are 40 to 60 years old
- ▶ Nearly 60% are married or in a couple
- ▶ More than 70% have a professional activity
- ▶ All professions
- ▶ Places of arrest are the historical places of prostitution in Paris
- ▶ Equal distribution between first time, occasional, regular





LE COÛT DE LA PROSTITUTION

Le recours aux prostituées par les hommes augmente lorsqu'ils se trouvent à l'étranger.

Le racisme, la xénophobie les poussent à considérer les membres des groupes différents d'eux comme des prostitués "naturels".



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THE FRENCH LAW

LOI N°2016-444 DU 13 AVRIL 2016 VISANT À RENFORCER LA LUTTE CONTRE LE SYSTÈME PROSTITUTIONNEL ET ACCOMPAGNER LES PERSONNES PROSTITUÉES.

Law n°2016-444 of the 13th April 2016 aimed at strengthening combat against the system of prostitution and accompanying persons in prostitution.²

CONTENT

The law takes into account **all aspects of prostitution**: the demand, the supply, the victims and the wider society. As such it is divided in five main chapters:

1. *Strengthening measures to combat pimping and human trafficking for the purposes of sexual exploitation*
2. *Protecting victims of prostitution and creating programmes to exit prostitution and for social and professional reintegration*
3. *Prevention and health support for persons in prostitution for holistic care*
4. *Prevention of practices related to prostitution and solicitation of prostitution*
5. *Prohibition of the purchase of sexual acts.*

While other chapters include, among other things, the delivery of **temporary residency permits** for foreign victims of prostitution, **financial aid** for socio-professional reintegration, **educative programmes** for teenagers, a **budget line** and a sub-regional **coordinator** for each *département*, what is of interest for this report is the fifth chapter criminalising persons soliciting others for prostitution.

Having **recourse to prostitution** is defined as:

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. (Art. 20)

² Information in this section is based on 'The French law of April 13 2016 aimed at strengthening the fight against the prostitutional system and providing support for prostituted persons'. CAP International. March 2017.

SANCTIONS

First time offenders

- €1500 fine
- Attending an awareness-raising course:
 - The course can be either attended as an alternative to the fine or as a supplementary sanction, on top of the fine;
 - The man must cover the cost of the course.

Repeated offence

- €3750 fine

Aggravating circumstances

Aggravating circumstances are certain characteristics of the person in prostitution either obvious or known to the author. They include:

-being a **minor** (under 18 years of age)

-what are considered factors of **vulnerability**: illness, infirmity, disability, pregnancy.

- 5 years of imprisonment
- €45 000 fine

Further aggravating circumstances

-the regular repetition of the offence on several persons

-the use of electronic communication networks

-an abuse of authority

-endangering the victim's life

-acts of violence against the person in prostitution.

- 5 years of imprisonment
- €75 000 fine

Prostitution of persons under the age of 15

- 7 years of imprisonment
- €100 000 fine

Extraterritorial application

The law is applicable even when the offences are committed abroad by a French citizen or an ordinary resident of the country.

LE COÛT DE LA PROSTITUTION



« Les Thaïlandaises jouent très bien le jeu,
c'est un sport là-bas.

Je croyais qu'elles étaient consentantes,
elles ne pleuraient pas.

Je voulais leur rendre service en leur donnant de l'argent. »



Fondation Scelles
Centre d'Économie Commerciale
Université de Montréal

THE AWARENESS-RAISING COURSES

OVERVIEW

The courses have **two main goals**:

1. Provide a common basis of knowledge to facilitate sound discussion on the phenomenon of prostitution.
2. Provide accurate research-based information to spark a reflection on the damage caused to persons in prostitution.

Each session:

- lasts **1** day;
- is attended by **8 men** on average;
- costs **150 euros** per participant.

Each session is co-facilitated by two people:

- one from **APCARS**;
- one from the **Fondation Scelles**.

One of our objectives was to set up a **mixed co-facilitation** (one man, one woman) to encourage participants to adhere to our discourse.

The frequency of these sessions was steadily increasing before the current pandemic brought it to a halt.

Year	2017	2018	2019
Total Sessions	1	11	39
Total Participants	4	91	319

In 2019, 88.6% of participants stated that the session provided them with new knowledge and 82% of them expressed their desire to stop being sex buyers.

KEY FINDINGS

➔ **The men's attitudes shift over the course of the day.**

What we say has a varying but significant impact on the majority of men according to the discussion and surveys carried out at the end of the day.

➔ **Rosen Hicher's testimony is of the utmost importance.**

Some people 'switch' at this time of the day and fully realise how their actions have a consequence, namely how their demand perpetuates the system of prostitution. Her speech is the real highlight of the day.

THE MODULES

The course content is divided into four modules, two in the morning, two in the afternoon. The modules should not be seen as a set formula to apply in all situations, rather they evolve with each session and ongoing research on prostitution. The courses are thus always a work in progress.

MORNING SESSION

1. ROUNDTABLE DISCUSSION

Discussion with each of the participants is very important. It allows us to set a framework for the day and understand which elements to build on. In particular, we ask them to specify the context of their arrest: where, when, how, why? We ask them about their views on prostitution and on the law in order to start deconstructing the clichés the majority of them have. A few of them are already aware of the violent reality of prostitution and express some shame or regret.

2. PRESENTATION OF THE FRENCH LAW & PUBLIC POLICIES ABROAD

Here we review the history of the parliamentary proceedings that led to the passing of the law and why France chose this legislative model (*prostitution is a form of violence against women, an obstacle to equality and a violation of human dignity*). Experience has shown that the key element is to make the participants understand why the French law reversed the criminal burden by shifting responsibility from persons in prostitution to pimps and clients.

We look at the law in detail, specifying the various offences in the purchasing of sex acts (vulnerabilities, aggravating circumstances). We have to explain why they can be arrested through the mere act of soliciting persons in prostitution even without having engaged in a sexual act.

At this point it is essential they understand the reality of the system of prostitution and why they constitute an active part of it, with the real consequences being borne by victims of sexual exploitation while profiting pimps and traffickers.

We largely focus on exit programs for persons in prostitution, explaining why they are central to the law.

In this module, we present the three main legislative systems:

- **Prohibition:** with a focus on the USA,
- **Regulation:** with a focus on Germany and the Netherlands,
- **Neo-abolition/Equality Model:** with a focus on Sweden.

From the beginning participants request an explanation about the systems. Teaching them about foreign systems is a way to deconstruct their commonly held beliefs, especially about countries regulating prostitution. This part is particularly relevant since participants often mention travelling abroad – mostly to Germany and the Netherlands – to purchase sexual acts.

IT'S ALWAYS BEEN THERE AND ALWAYS WILL BE: WHAT WE FREQUENTLY HEAR

*I have **sexual needs**.*

Why did we get arrested and women in prostitution didn't? We are not the only guilty ones.

I always see so many of them on the side of the road, the law is inefficient.

Prostitution prevents rape.

I'm not hurting them, I'm kind with her.

Some of them want to, choose to do that.

*They like it, they do that for the money, **it's easy money**.*

It's always been there and always will be.

Why don't we do it like in Germany, it's better, they're protected, it's safer.

*There are no trafficking cases in Germany, **all of them want to do it**.*



AFTERNOON SESSION

3. THE SYSTEM OF PROSTITUTION IN FRANCE

Presenting the figures enables the trainees to understand that prostitution is violence against women; the majority of persons in prostitution are women and girls and virtually all those that purchase sexual acts are men.

Moreover, although solicitation *in flagrante delicto* observed in street prostitution is more significant, evidence also shows that solicitation of prostitution online or behind closed doors is monitored and criminalised.

When learning about the various channels and the violence to which women in prostitution are subjected during their journey, trainees view their act from a new perspective: they come to realise what they inadvertently contribute to simply through their demand for prostitution.

By the end of this module, they generally understand France's motivation for adopting the neo-abolitionist model thanks to the Swedish case, the only country with a proven track record in terms of decreasing street prostitution and instilling a shift in mentalities.

4. THE REALITY OF PROSTITUTION: VOICES OF SURVIVORS

- Presentation of the physical and psychological effects of prostitution on victims
- Audio testimony of a Nigerian woman victim of human trafficking for the purposes of sexual exploitation
- Audio testimony of a young French woman exploited by a pimp
- Speech by **Rosen Hicher** and discussion

This module is a turning point where we can see a real sense of awareness. The trainees finally get to see the other side of prostitution, the very one they refuse to face.

The audio testimonies have a perceptible impact on the trainees. We can perceive changes not only in their discourse on prostitution but also in their attitudes and facial expressions. Some are upset by the testimonies (especially those who have children), and the 'tipping point', the awareness, occurs mainly at these moments – some even break into tears.

Rosen Hicher's intervention, however, makes the most tangible difference. Trainees clearly display emotions and fall silent. Rosen Hicher's testimony is a serious jolt to their belief system as they come to doubt that prostitution can ever be chosen – despite having asserted so at the beginning of the day. They realise that preceding prostitution is a lifetime of violence.

This is the moment of the day when most trainees are on their way to a greater understanding of the reality of prostitution and acknowledging their responsibility in perpetuating this system.

Overleaf you will find a selection of the most memorable phrases from Rosen Hicher (on the left) and the trainees (on the right).

ROSEN VS. BUYERS

You can't fill a sentimental void in five minutes.

I no longer knew how to say no.

For all those years, we bore the shame.

We only remember the face of one buyer: the first one... After that they all have the same face: the one of a note.

Prostitution is not a game. Every buyer is an extra trauma.

There are no men, women and under-women. Only men and women.

Each compliment from a buyer is like an insult, a slap.

I sometimes vomited during the act.

I washed with javel.

I felt like I was constantly carrying the smell of sperm on me.

I wanted to be invisible, no longer exist.

If you were sick, [your wife] would probably not go...

You didn't help her, but the man waiting in the room above.

That's all because of Taubira [French minister who extended marital rights to all couples] and feminists.

I wanted to check if my Johnson worked.

I have been seeing them for fifteen years. Being stopped now is so unfair.

This law is interesting but too ambitious.

I was arrested by a woman, it gave another dimension to it.

Being invited with other sex pests bothered me a lot.

Being summoned is already dissuasive: everybody looks at you.

Why us and not them?

I told my partner: if I go there, it's your fault.

I was angry at women.

I pay, I know what I'll get.

My wife has Alzheimer's.

My two children saw the letter. They said: either you tell mum or we'll do it.

LE COÛT DE LA PROSTITUTION

J'ai vu les clients attendre devant les chambres des femmes jusqu'à la fermeture, quand les prostituées se sont effondrées, épuisées de fatigue, terrassées par la douleur, les blessures et les infections

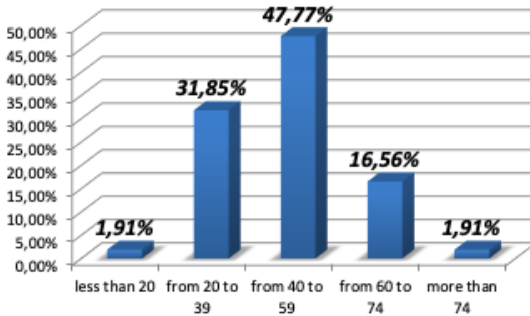
 **Fondation Scelles**
Comprendre. Connaître. Combattre.
Établir des Services.

THE PARTICIPANTS: WHAT WE LEARNT

It is difficult to draw the typical profile of the buyer: it really is the ‘average Joe’ – or John, rather. What we can retain is that the majority are married or in a relationship, with at least one child. If many pretend it was the first time they purchased a sexual act, we are mainly dealing with men who are at least occasional buyers, if not regulars, with some of them displaying addictive behaviour.

AGE

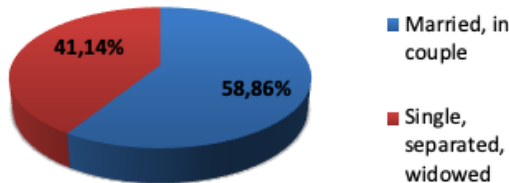
Our sample ranges from 18 to 75 years of age (strong indicator of dispersion: 57). The 40-59 age group accounts for almost one in two people, while the 20-59 age group accounts for just under 8 in 10.



©Fondation Scelles – statistics on 157 men

MARITAL STATUS

The majority of trainees are married or in a relationship. Among those, a large majority are fathers. Men with at least one child seem to show a higher sensitivity to the different testimonies heard during the day and this is all the more obvious when they have one or more daughters.



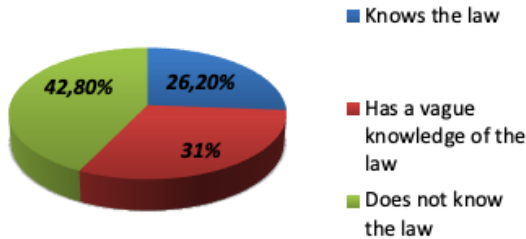
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FREQUENCY (APCARS STATISTICS)

Some report regular recourse to prostitution (27.81%). Their behaviour is sometimes addictive and this is openly expressed in most cases. 32.7% declare being 'occasional' buyers, while the rest claim it was an accident or their first time. They frequently invoke periods of stress and fatigue, related to their professional or familial context. The culture of excuse is prevalent and denial strategies are frequent and oftentimes creative.

KNOWLEDGE OF THE LAW

At least a quarter of the trainees indicate that they are aware of the law. This percentage is higher among those who consider themselves 'regular' buyers.



©Fondation Scelles – statistics on 157 men

PLACES OF ARREST

The Bois de Boulogne, the Bois de Vincennes, the Porte Dorée and Belleville account for nearly 9 out of 10 places of arrest. These are 'historic' places of outdoor prostitution in Paris. A majority of the police reports in the Bois de Boulogne and Vincennes are linked to so-called 'van prostitution'.

Several men say they were arrested when leaving a hotel or an apartment, which demonstrates that the police are not only focused on visible street prostitution.



LE PRIX DE LA PROSTITUTION

« Elle m'avait dit que je devais rembourser les frais engagés pour ma venue en France, mais elle ne m'avait pas donné le montant. Elle me menaçait et elle disait qu'il arriverait malheur à ma famille »



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CONCLUSION

Overall, the awareness-raising courses have a **positive impact on the majority of participants**. The answers provided to the surveys they fill out at the end of the day clearly indicate that their view on prostitution has changed. Some of them speak up in the afternoon to express **a view contrary to the one they had in the morning**: 'Yes, I do have a problem' or 'What I did wasn't great' are amongst the remarks often heard.

The course, naturally, does not have the same impact on each participant; a minority still leaves with a negative opinion of the law. Despite this, providing the elements (statistics, testimonies, space for debate) necessary to **understand the law** so they can further their thinking undoubtedly appears to be the right approach.

To date, we cannot measure the effectiveness of recidivism prevention. All state they will stop soliciting persons in prostitution. And that the information provided during the course was useful in preventing the risk of recidivism.

What baffles them the most is why *they* were arrested instead of the women in prostitution. They also question the impact of the law and wonder why prostitution is still so visible in Paris.

Several had questions about the law before coming, already started thinking about it, and looked for information online. They immediately blame the lack of information about this 'new' ban to explain their action. They wonder about the cost of the training courses and ask if what they paid is allocated to the exit programmes or used to help victims in other ways.

We decided to favour dialogue during the courses, but we do keep in mind that **they are serving a sentence**. While this remains an alternative, it must be understood as a sanction too. In fact, the process that brings them to these awareness-raising courses, from the arrest (with police involvement in explaining the law) to being summoned and going to court to meet the prosecutor or delegate, has a **deterrent effect** especially among those who never had to deal with the law before. This effect is heightened when the police officer arresting them and the prosecutor they face are women.

We can also stress the quality of Rosen Hicher's speech that consistently leaves a lasting impression on her audience.



« Elle m'avait dit que je devais
rembourser les frais engagés
pour ma venue en France, mais elle
ne m'avait pas donné le montant. »

B, survivante nigériane

LE COÛT DE LA PROSTITUTION

FREQUENTLY ASKED QUESTIONS

Q. Is there a support line for the men who took part in the awareness-raising course ?

A. As of May 2020, there is none. This is a request regularly made by the men who attend these sessions. We are thinking about a content that could meet this need. For example, we could consider tools such as online support platforms, psychological help to deal with addiction, resources on the law and the prostitution system, etc.

Q. Does the law allow persons in prostitution to file complaints against clients and recover damages?

A. In theory, they can, but today how many do so? As far as we know: no one. In the lawsuits that do take place, the victims are not there. NGOs are the ones claiming damages for them, but this tends to be more against the pimps than the buyers.

The real great advance of this law is that in the event of a dispute or conflict between a woman in prostitution and a buyer, the law will be on the side of the woman. Persons in prostitution have the legal tools to file complaints. For example, imposing unprotected sex on a person in prostitution or using violence are aggravating circumstances that the law punishes more severely than a simple fine – up to imprisonment.

Q. What is the nature of the offence of purchasing a sex act?

A. The purchase of sex acts is the act of soliciting, accepting or obtaining relations of a sexual nature from a person partaking in prostitution, even on an occasional basis, in exchange for remuneration, the promise of remuneration, the provision of a benefit in kind or the promise of such a benefit. It is punishable with a fine of 1500 euros.

Q. What is the process that will lead buyers to do an awareness-raising course?

A. The process that leads to these sessions is decided locally by a district court. The awareness-raising courses are carried out as an additional penalty or as an alternative measure to prosecution. In Paris, for example, buyers who are arrested by the police are summoned to appear before the public prosecutor or his/her delegate. Once there, the offender is required to attend a one-day awareness-raising course on combating the purchase of sexual acts, in which case he has to pay for the fees himself (€150). If he refuses, the Paris Public Prosecutor's Office can press charges against him. So far, all buyers who were summoned agreed to take part in a course.

THE COST OF PROSTITUTION: ILLUSTRATIONS

Each year the Fondation Scelles organises the **Prix Jeunes** (Youth Prizes) that enable young women and men to speak up about the reality of prostitution. In the 2018 edition the Fondation Scelles collaborated with the **École Nationale Supérieure Louis-Lumière**, whose students created all the illustrations used in this report. Here are their authors and the translations of their content.

Eve Devulder

Europe's Brothel



Pierre Muselec

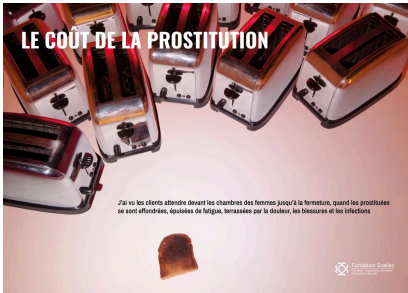
'Recourse to women in prostitution increases when men are abroad. Racism and xenophobia push them to consider members of other groups as 'natural' prostitutes.'

On the book cover
Author: The Sexual Tourist
Title: *Prostitution*
Editor: Exotica
Winner of the Racist Prize



Jérôme Cortie

'The Thai really go for it, it's a sport over there. I thought they were happy, they didn't cry. I wanted to help them by giving them money.'



Chloé Bernard

'I saw clients waiting in front of women's rooms until closure time when prostitutes collapsed, exhausted, devastated by the pain, the injuries and infections.'

Juliette Grilloux

'She told me I had to reimburse all the expenses I had to get to France but she never told the amount.'



Anna Verstraete

'She told me I had to reimburse all the expenses I had to get to France but she never told the amount. She threatened me and she told me bad things would happen to my family.'

CONTACT

The success of the courses depends on the facilitator's knowledge of the system of prostitution. As such, it requires a continuous self-training. The trainers must monitor evolutions in pimping (eg. use of new technologies, new and younger demographic etc). They must also re-design the course according to the reactions of the trainees.

The Fondation Scelles was at the forefront of the social and legal battle to implement the law n°2016-444 in France. It followed the proceedings from their inception and has called for the abolition of prostitution since 1993. The Fondation Scelles thus gained the legitimacy to coordinate the implementation of the law through the provision of awareness-raising courses.

If you are interested in adapting those courses to your country, the Fondation Scelles can advise you with the necessary expertise. We can help you with research on prostitution, designing the course and building resources for policy-makers or the general public.

Please contact: info@fondationscelles.org.

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