



Excerpt from the book:

Fondation Scelles, Charpenel Y. (under the direction of), *Sexual Exploitation: New Challenges, New Answers (5th Global Report)*, Paris, 2019.

© Fondation Scelles, 2019

FRANCE

	POPULATION 65 million		GDP PER CAPITA 38,476.7 USD
	POLITICAL SYSTEM Bicameral Presidential Regime		HUMAN DEVELOPMENT INDEX 21 st rank among 187 countries
	GENDER INEQUALITY INDEX 19 th rank among 147 countries		CORRUPTION PERCEPTIONS INDEX 23 rd rank among 180 countries

The last chapter 'France' of the Fondation Scelles' 4th Global Report ended with the hope that the bill "aiming to reinforce the fight against the system of prostitution and to care for prostituted persons" would be finally adopted by the National Assembly. The bill has been in effect since April 13th, 2016, following months of debate, commissions and legislative shuttles back and forth between the two chambers. This law marks a profound change on numerous levels.

- Firstly, it is a legislative change. Probably the biggest reworking of prostitution policy ever undertaken by French politicians, this law modifies 9 legislative codes and required 6 implementation decrees before coming into effect.
- Next, it is a change in mentality: the purchase of sexual acts is henceforth prohibited, and sex buyers are punishable while the prostituted person is a victim in need of protection. In accordance with the French law, prostitution is from this point forward considered an act of violence and one of the worst forms of modern slavery,

powered by national and international criminal networks.

- The reversal of the criminal charge constitutes a major evolution that uproots society's complacent view of prostitution.

Emergence of Nigerian Brotherhoods

The number of victims originating from sub-Saharan Africa, Nigeria in particular, has considerably increased: 28% of dismantled networks in 2016 were Nigerian (8% in 2015). Almost 15% of identified victims in 2017 were Nigerian, compared to 10% in 2016. "Today it is the primary foreign community to be sexually exploited in France," explained Jean-Marc Drognet, the Director of the *Office Central pour la Répression de la Traite des Etres Humains* (OCRTEH) (*La Croix*, May 16, 2018). Amongst these victims, NGOs report a growing number of underage individuals involved under the age of 15, (even 11) and are concerned about the constant rejuvenation of the victim population as it

continues to decline in age: in 2015, out of the 100 Nigerian prostituted persons identified in Paris, 25% were under the age of 15 (GRETA, July 6, 2017).

Networks today rely on immigration patterns in Sahelian Africa; victims are moved by smugglers to Libyan camps where they are placed in very harsh living conditions, waiting to be sold to procurers based in Europe. The procedure is always the same: recruited by the networks in their native country, the victims are subjected to spells (Juju) that keep them in a state of vulnerability and extreme submission due to their beliefs and fears of retaliation. Some young women's families leave them with 'mamas', who charm them with false promises of employment or education. The young women are then required to reimburse their endless debt (travel, passport, etc).

The "Authentic Sisters" trial, which was held in Paris in May 2018, allowed for a better understanding of the organization of these networks. Eleven women, all former prostituted persons who became procurer 'mamas', and five men appeared before the court under charges of aggravated procuring and human trafficking as an organized group. Facing them in court, four victims testified against them, despite fear of reprisals. The operations were highly structured: 'mamas' were tasked with recruitment, training and the surveillance of the prostituted persons, as well as fundraising, while the network organized the trafficking and passage of the victims to France. The 'mamas' belonged to the "Authentic Sisters" group, a "club" (to which the 'mamas' paid dues) which oversaw the network. Approximately fifty women were thus exploited between 2013 and 2016.

Alongside these traditional 'mamas' prostitution networks, criminal organizations of a particular nature, 'Nigerian Brotherhoods' have recently established

themselves in human trafficking channels. One of the most active brotherhoods in France is the *Supreme Eiyé Confraternity (SEC)*¹, a highly hierarchical all-male organization, where the members are indoctrinated and receive paramilitary training. It is considered today as an international mafia specialized in the sexual exploitation of young Nigerian women.

The channels' functioning is thus amplified. As the Director of the OCRTEH explains, "Today, victims are arriving on a just-in-time basis and no longer by order. This means that recruitment is no longer on the "individual" level but rather on a "more collective level, in mass". These developments imply that these channels, far from being dismantled, are on the contrary in full expansion" (*La Croix*, May 16, 2018).

The Expansion of Chinese Networks

Chinese prostitution continues to grow in France. Victims practice their activities in massage parlors, on public roads, in restaurants and karaoke bars, or within the context of sex tours² throughout the country. 70% of these women originate from Dongbei, a province in Northern China. They are usually between the ages of 40 and 50, immigrating alone and not under the control of a man or network.

Yet, the steady dismantling of Chinese prostitution networks tends to indicate the contrary. According to the OCRTEH reports, Chinese prostituted persons represented almost 18% of identified victims in 2016, and 8% in 2017. Fifteen Chinese networks were dismantled in 2016.

These networks vary in size. Some are very structured and organized. In 2016, the judicial police in Lille arrested five Chinese procurers who organized sex tours with several dozen women, who had arrived directly from China. The soliciting took place online and the appointments (made on the phone) were carried out in

apartments in Lille, Toulon, Niort, Angers, and in different locations throughout the Paris region. “It was organized in a *Stakhanovist way*”, mentioned an investigator (*La Voix du Nord*, January 30, 2016).

Other smaller networks are almost family-like in their organization. In December 2017, a 44-year-old Chinese woman and her husband were arrested in Paris. The woman recruited victims in China and through social media. The victims did not speak French and were fully managed by the couple, who controlled every aspect of their lives (living arrangements, food, and livelihood through prostitution in the salons). The victims engaged in up to 30 sexual acts per day with sex buyers, billed between EUR 100-150 (USD 113–170) by the couple, of which only EUR 5-10 (USD 5.7-11.4) were paid to the young woman (*RTL*, December 11, 2017).

The Omnipresence of Eastern European Networks

The majority of the dismantled networks originate from Eastern European countries, from Romania in particular. In 2016, 9 Romanian networks were dismantled. About 110 Romanian victims were identified between 2016-2017. However other nationalities are also establishing themselves in the prostitution system.

The Ministry of Interior has thus alerted to the return of Albanian criminal gangs that, following the arrest of numerous network leaders, had moved their criminal activities to Belgium, Switzerland and Italy (*DCPJ, Ministère de l'Intérieur*, March 2018). These groups' activities are characterized by extreme violence: the victims of a dismantled network in Toulouse in June 2017 all had the group's leader's name tattooed on their forearms or chest and were regularly beaten, even tortured (*La Dépêche du Midi*, June 8, 2017).

Russian procuring is also present on French territory. In June 2017, the situation was made evident by the arrest of 9 individuals suspected of aiding an international criminal organization, who were receiving orders from Russia: “[It is] the largest network of escort network dismantled in Paris since 1994,” declared the police at the time (*Le Point*, June 24, 2017). Thirty-five young Russian and Ukrainian woman were recruited in their native countries, with valid passports, and sent to Paris to be prostituted in chic apartments throughout the capital. Two escorting agency sites received between 800 and 1,000 messages per day through dedicated servers located in Cyprus and Israel. The profits were amassed by a collector inside the airport: almost EUR 115,000 (USD 130,163) in cash were seized during police raids.

Sex Trafficking and Migration

The operating logic of migrant smugglers has integrated human trafficking, particularly with the purpose of sexual exploitation, as a means of reimbursing the cost of travel. So far, precise data on this phenomenon is fairly rare. In Paris, associations report the disappearance of unaccompanied minors or young adults, absorbed by networks (*France Bleu*, September 26, 2017).

In its survey on unaccompanied minors in refugee camps in the north of France, *UNICEF* reported several trafficking situations that had been reported to them (*UNICEF, Trajectoires*, June 2016). Sexual violence are a constant threat for young women and boys. The survey clearly identifies practices that consist of an exchange of sexual acts for the promise of a passage to the United Kingdom or towards the payment for passage. “The style of coercion common to these different situations is similar to debt bondage,” explained *UNICEF*.

The NGO *Save the Children* also denounced the “forced” prostitution of young migrants in order to cross the French-Italian border. More than 1,900 young girls, of whom at least 160 were children, were thus sexually exploited between January 2017 and March 2018, on the French side and/or on the Italian one (*Save the Children Italia onlus*, July 2018).

A Rising Number of Underage Victims

The percentage of underage victims is at a huge increase. According to the *OCRTEH*, minors represented 15% of the identified victims of sexual exploitation in 2017. In the same year, the *Brigade de Protection des Mineurs (BPM)* investigated 90 “voluntary prostitution” cases, which represented 150 underage victims (compared to 20 in 2014) (*Le Figaro*, July 4, 2018).

Zahia Imitators

Teenage girls aged 13 or 14 years old, pressured by their friends, agree to prostitute themselves occasionally to buy clothes or a cell phone. This has been called the “Zahia Effect”, in reference to a young woman named Zahia, made famous by an underage prostitution scandal implicating French football players. Transformed into a fashion designer and largely glorified by the media, she has become a symbol of “glamorized” prostitution. Much like her, these young girls dream of improving their social standing, and see this as a path to ascending social ranks. It is the result of a mixture of irresponsibility and the normalization of the trade of the body. “Almost everyone around me did it,” explained a victim teenager to a district judge. “My contacts on social media, we see it all the time, it’s become common; my friend told me about it and it’s done.” (*Le Monde*, April 5, 2018).

Boyfriend procurers

A phenomenon with a well-known presence in the Netherlands and in

Germany, *loverboys* are beginning to make an appearance in France. *Loverboys* are young men who seduce girls, usually minors, and consequently forced them to prostitution. This type of exploitation is frequently accompanied by violence. Numerous cases of this type were brought before the court in 2017 and 2018. An exemplary case of this was carried out in Paris in May 2018; 12 young men, barely 20 years old, were accused of having prostituted 14 young women, 8 of whom were underage. The victims were recruited via social media (Instagram in particular) or at the entrance of their middle schools and high schools. They were promised opportunities to make money very quickly. The young girls were tested for their “sexual performance”, photographed in flimsy clothing for online announcements, before being prostituted in hotels or Airbnb apartments. The procurers gave them a phone and some condoms, and then waited outside the rooms to pick up the money from the sex buyer after the session was over (*20 Minutes*, June 25, 2018).

Young French Girls: Victims of Suburbs’ procurers

Among the new groups of at risk individuals, it is important to highlight the development of internal trafficking within the suburbs or low income neighborhoods of large urban areas. Drug traffickers, subjected to a saturation of their market, are orienting themselves towards the sexual exploitation of young girls, who are often underage. The phenomenon of French nationals trafficking other French nationals is one that is quickly growing. A few cases were recorded in 2014, 21 in 2015, 48 in 2016, and 84 in 2017 (approximately 193 victims) (*20 Minutes*, July 2, 2017). This type of prostitution represents 14% of identified victims on French soil. These new procurers are young (18-25 years old) and have previous criminal experiences (drug

trafficking, scamming, etc). They often exercise in small, fairly structured groups: one handles sex buyer relations, a second rents the bedroom, and a third is the lookout/driver... They recruit their victims in their neighborhoods or online, using online advertising platforms to find sex buyers. Their methods are based on seduction and extreme violence (blows, sequestration, rape, barbaric punishments). Their victims all share the same profile: young girls, often underage, runaways or rebelling against their parents. Interviewed by the press in May 2017, Yves Charpenel, President of the *Fondation Scelles* and public prosecutor at the *Cour de Cassation* explained the phenomenon as such; "Prostitution in the suburbs is in the midst of a large increase, representing about 20% of human trafficking in France. We didn't see the phenomenon arrive as most of it is on line and away from the public eye. The girls are prostituted in apartments and hotel rooms. There's also the reign of terror, a code of silence, victims do not generally press charges. The phenomenon was noted about 2-3 years ago through judiciary wiretaps. Armed robbers and traffickers spoke of "packages" and "parcels". We first thought they were talking about drugs but they were talking about prostituted persons. No longer do they need to bring "girls" from Africa or South America- raw material is found within the projects, within easy reach. It's French citizens against other French citizens. The girl- they watch her, they sequester her, they assault her..." (*Le Parisien*, May 18, 2017).

Places of Exploitation: From the Street to the Internet

The domain of sexual exploitation remains predominantly in public spaces, however more and more of these transactions are taking place in private spaces, either rented or purchased:

apartments, hotels, hostess bars, and particularly in massage parlors. According to the Ministry of Interior, for the first time in 2017, the percentage of identified victims actively involved in public spaces was lower than those who were practicing "in lodged prostitution settings" (*DCPJ, Ministère de l'Intérieur*, May 2, 2018).

A few saw this change as a consequence of the law number 2016-444, passed on April 13th, 2016. However this phenomenon is more likely linked to the constant growth and presence of the internet in our lives. Already in 2015, it was estimated that 62% of prostitution passed through the internet (*Mouvement du Nid, Psytel*, May 2015). It is particularly encouraged by the use of social networks and online advertisement platforms, both to solicit and to offer paid sexual services or to organize their logistics. There have been several such cases highlighting the role played by platforms like Airbnb in the development of prostitution networks.

Online advertisement platforms are also targeted. In 2016, a complaint for aggravated procuring was filed against the Vivastreet advertisement website after a 14-year-old girl posted a prostitution advertisement. In May 2018, when the matter was thought to be dormant, the Paris Public Prosecutor announced the opening of a criminal investigation for aggravated procuring against X. Vivastreet, the second largest French site for online ads with 35 million visits per month, is suspected of facilitating prostitution in a more or less hidden fashion through ads categorized as "Erotica", from which it would be making significant profits.

For the advocates of the website, Vivastreet is only a platform and therefore cannot be held responsible for the content broadcasted by its users. "There is an automatic moderation system for advertisements posted, a software," explains

a lawyer of the site. “If the announcement corresponds to the software’s regulations, it passes” (*Marianne*, May 31, 2018). On June 21st, 2018, the site suspended its “Encounters” section on the grounds that some users would make “inappropriate use [of it]”, “contrary to the terms of use.” In 2017, the “Erotica” section of the site represented between 40% and 50% of the site’s profits, between EUR 11 million and EUR 21 million (USD 12,45 million and USD 23,77 million) per year.

A Major Change in Legislation: Progressive Implementation of April 13th, 2016 Law

Law number 2016-444, “aiming to reinforce the fight against the system of prostitution and to care for prostituted persons”, was adopted on April 13th, 2016, and is defined by four main axis of action:

- the support of prostituted persons and the establishment of a exit path out of prostitution;
- the prohibition of the purchase of sexual acts and the penalization of sex buyers of prostitution;
- the reinforcement of the fight against procuring, in particular procuring on the internet;
- the development of awareness programs for the general public and sexual education for the youth.

Its implementation required long and complex legal work: 9 legislative codes were amended, memorandums were issued, and 6 implementing decrees were promulgated, the last of which was in December 2017³. In other words, the law has only really been applied for a few months. The official evaluation, planned for two years after its application, has also been postponed and should take place in 2019. Nevertheless, month after month, the law comes into action in each department of the country.

Penalized Sex Buyers

The biggest advance of the abolitionist law of April 13th, 2016, was the reversal of the criminal charge of the prostituted person towards the sex buyer. The criminal basis of the offense of buying sexual acts is a ‘*contraventionnel*’ (summary) penalty (5th class, EUR 1,500/USD 1,698 fine) or a ‘*délictuel*’ (criminal) penalty (EUR 3,750/USD 4,245 in summary recidivism). Since April 2016, according to the Ministry of Interior, 2,791 sex buyers have been written up and fined (*Mediapart*, September 7, 2018). Nearly half of the write-ups were made in Ile-de-France (with more than a thousand proceedings in Paris since April 2016), while the others took place in several major French cities: 49 write-ups in 2017 in Toulouse, about 200 write-ups in Bordeaux from April 2016 to April 2018... 65 online sex buyers were also punished following the dismantling of an online network (*La Voix du Nord*, March 7, 2017). The best results are those displayed by Fontainebleau and Narbonne, the first locations to have implemented the penalization of sex buyers. In Fontainebleau, 199 trials have taken place and 156 men have been registered for sexual awareness workshops. In Narbonne, 88 sex buyers were written-up between April 2016 and April 2018. The penalty is a fine and the mandatory attendance of awareness workshops for sex buyers. The purpose of these workshops is to provide offenders with information about the reality of prostitution and to help them become aware of their actions. In April 2018, regular training courses were operating in four departments: Seine-et-Marne, Essonne, Nord and Paris. Since then, new courses have been organized (in Nancy in particular). In Paris, the courses are organized by the *Association de Politique Criminelle Appliquée et de Réinsertion Sociale* (APCARS) and by the

Paris Public Prosecutor's office. They are led by the *Fondation Scelles* with the participation of prostitution survivors. More than 50 sex buyers (all males) participated in these courses. Failure to follow through and attend the awareness workshops is punishable by up to two years in prison and a EUR 30,000 (USD 33,956) fine. In Fontainebleau, a sex buyer was sentenced for this reason and received a fine of EUR 400 (USD 453) (*La République de Seine-et-Marne*, June 8, 2018).

Local Policies Contradiction with the Law

These examples show that the penalization of sex buyers, described as a utopian dream by many, works and obtains results. It is still necessary to focus on applying and enforcing the law. However, in September 2018, many cities and territories had yet to implement the criminal aspect of the law or, more importantly, still retained "anti-prostitution" municipal decrees (parking ban in particular), contrary to the law's general sense and spirit. As such, for more than ten years, the municipality of Lyon has locked down on its decrees prohibiting the parking of prostitution vans. The April 2016 law did not change anything. "For the moment, no directive has been given to this effect to the police", explains Lyon's Public Prosecutor's office (*Rue89 Lyon*, April 9, 2018). As a result, in April 2018, no criminal charges have yet been recorded. In Toulouse, the municipality is playing both sides. It penalizes the sex buyers while it renews the anti-prostitution orders. Thus, in Toulouse, if 47 sex buyers were caught in the act of buying a sexual service in 2017, 1,047 prostituted persons were written up (EUR 68/USD 77) fined police report) for not respecting local municipal decrees.

Caring for Prostituted Persons

Departmental commissions have been effective in several departments. These

commissions are responsible for organizing and coordinating the reintegration and rehabilitation for victims of prostitution, procuring and human trafficking. As of December 31st, 2017, 18 commissions were established. 53 associations were approved for implementing an exit path out of prostitution in 44 departments. In April 2018, nearly 70 departments had formed (or were in the process of setting up) their departmental commissions to fight against prostitution, 34 commissions were active. The first commissions met in July 2017 and the first exit paths were notified in October. By the end of 2017, 29 exit paths were underway. Five months later, the number had doubled; in May 2018, 64 people were involved in an exit route, including 34 beneficiaries of Financial Assistance for Social and Professional Integration (*Assemblée nationale*, June 13, 2018). Most of them were foreigners, from countries outside the European Union, and in illegal situations, meaning the exit path was their only way out. The files for French nationals are still rare, as they already have access to common law and the *Revenu de Solidarité Active* (RSA).

Obstacles and Fears: Hesitant Departments and a Declining Budget

Today, the process of setting up commissions continues. This is the beginning of a movement. However, by April 2018, some departments still had not launched the process for creating their own departmental commission. In others, the exit routes are blocked because the commissions or the prefects (who have the final decision) invalidate or reject the applications submitted. In general, the integration criteria vary from one prefecture to another. Thus some commissions require the victim to be regularized beforehand, which the law does not require. The migration policy often takes precedence over the protection of victims. Some prefects are reluctant to validate the

request of an undocumented for fear of creating a pull-in effect. “The most frequent refusal cases”, summarizes MP Stella Dupont, “are probably persons in ‘Dublin’ proceedings⁴, under the effect of an *Obligation de quitter le territoire* (OQTF - Obligation to leave the French territory) or in application for asylum before the *Office français de protection des réfugiés et apatrides* (OFPRA - French National Office for the Protection of Refugees and Stateless Persons) or the *Cour nationale du droit d’asile* (CNDA - National Court for the Right of Asylum), to whom certain prefectures refuse to deliver provisional residence permits...” (*Assemblée nationale*, June 13, 2018). Therefore, those who could benefit most from the law are excluded. Lastly, the difficulty of setting up exit paths is also due to an insufficient budget, resulting in a lack of accommodation centers and a lack of financial means for the associations charged with support... The situation is aggravated by the reduction of the 2018 budget that was devoted to the “prevention and fight against prostitution and human trafficking”, which decreased to EUR 5 million (USD 5.65 million) from a previous EUR 6.8 million (USD 7.7 million). “What was provisioned for the budget was the implementation of 1,000 exit paths but there have only been 25 so far. We have therefore set out to support 600 people in 2018, which already seems very optimistic,” explained the office of Marlène Schiappa, Secretary of State for Equality between Women and Men. For the politicians and associations that carry out law, this budget cut was seen as a sign of withdrawal by the government. How can the situation grow in power if the financial means do not follow?

Moving Towards Another Outlook on Prostitution

The application of the law has also been an opportunity to measure the overall prostitution phenomenon. Departmental commissions are charged not only with the

care of the prostituted person, but also with the implementation of strategy at the local level to work on prevention and combat prostitution, procuring and human trafficking. To handle this mission many departments felt the need to conduct diagnostics actions in advance and take stock of the current situation to fully understand the phenomenon. These studies have made it possible to collect relatively precise data on certain departmental situations and, above all, to dismantle pre-existing ideas on prostitution. Thus, some regions who thought they had been spared, discovered prostitution in their territories, while others have become aware of the urgent actions that they need to take (in particular to spread awareness with the youth). Prostitution has therefore been placed at the heart of public policies. Local actors, so far unaware of the current realities, are taking hold of these subjects and working together to build a new approach. In certain departments, sometimes in certain regions, specific public awareness raising actions have been put in place to “acquire a common knowledge on the phenomenon of prostitution.” The law thus achieved its ultimate goal: to change the public’s perspective on prostitution, to learn to think of it as a violence and exploitation, to become aware of the presence of prostitution in the country, to measure its extent...

The Debate Continues...

Even though the law has not yet been officially evaluated, its opponents continue to fuel the public debate. Some police members openly express their hostility to the criminalization of sex buyers in the media. “Sex workers” denounce the law, saying that it puts them in danger. A report published in April 2018 by two researchers from the NGO *Médecins du Monde* states that the law has created more precariousness and insecurity, particularly for those in the prostitution system. A *Question prioritaire de constitutionnalité* (QPC - Priority Question of

Constitutionality) was even submitted to the Council of State in August 2018 (*Le Figaro*, September 6, 2018). These positions were widely relayed by the media, without ever undergoing the slightest critique. Several associations, including the NGO *Amicale du Nid*, have nevertheless demonstrated the biased nature of the NGO *Médecins du Monde* study. One example is that the report states that “the drop in the number of sex buyers and increase in insecurity probably push people in prostitution to take more risks, to isolate themselves more, which leads to an increase in the violence experienced. What do the prostituted people say? For 45.5% nothing has changed, for 9.3% the situation has improved” (*Amicale du Nid*, September 21, 2018). Prostitution is violent and only the systematic application of the law can counteract this violence. In areas where the law is applied, like Narbonne and Fontainebleau, violence has decreased. Indeed, Narbonne’s prosecutor has highlighted this fact; “Serious assaults on prostituted people have practically ceased” (*Midi Libre*, February 22, 2018).

Advances in the Fight against Human Trafficking for Sexual Exploitation Purposes

There has been no particular progress made by the State in terms of applicable legislation regarding human trafficking in 2018. Only 2 circulars of the Ministry of Justice (one on December 19th, 2013, the other on January 22th, 2015), intended for public prosecutors and their services, have been disseminated. The circulars encourage authorities to enforce the legal classification of human trafficking as soon as circumstances permit it (Article 225-4-1 of the Penal Code), and to strengthen repression on traffickers.

In 2017, 48 people were sentenced for human trafficking by French courts (compared to 75 in 2016 and 83 in 2015).

In 2016, it was possible to note a sharp increase in human trafficking trials, although they appeared to have been insufficiently implemented in previous years. The advantages of this additional qualification, beyond the heavy penalties provided for by the law (from 7 to 20 years imprisonment), lie mainly in the resulting procedural facilities at the European and international levels: European arrest warrants, specific investigations allowing infiltration, the capture of images and sound in private settings, searching outside legal hours, 96 hours of police custody, patrimonial inquiry abroad, protective status for the victims of trafficking, and joint investigation teams at the European level under the EUROJUST leadership.

Debate and Controversy Around the Age of Sexual Consent

In the fall of 2017, several court rulings launched the debate on the question of consent by minors for sexual acts. Sexual majority age in France is set at 15, but unlike other European countries, France has not set a minimum age of consent to sexual intercourse. This means that the sexual assault of a child under the age of 15 may not be characterized as rape and may be considered as “consent” by the child victim. Such was the case in November 2017, when the Criminal Court of Seine-et-Marne acquitted a man tried for the rape of an 11-year-old girl on the grounds that it was not established that the sexual acts had occurred under force.

A law reinforcing the fight against sexual and gender-based violence (Law number 2018-703, adopted in August 2018) did nothing to fill this legal vacuum. Abandoning the idea of setting a minimum age of sexual non-consent, the current law, after considering creating a ‘crime of sexual assault on minors with penetration’, provides for children younger than 15 the following: “the moral constraint or the surprise are

characterized by the abuse of the vulnerability of the victim, devoid of the necessary understanding of these acts.”

This law, much awaited and hotly debated, deeply disappointed expectations. The associations denounce such a law that “does not ultimately solve anything and does not allow for the guarantee that children are protected under criminal law at the highest order.” For the *Haut Conseil à l’Egalité entre les femmes et les hommes* (HCE - High Council for Equality between Women and Men), there is a need to go further: “The text is still not satisfactory. As it stands, it still does not recognize the undeniable inability of children to understand, desire and consent to a sexual act with an adult and does not form a clear prohibition for adults” (*Femme Actuelle*, July 6, 2018).

The situation regarding prostitution in France is evolving. Two years after its adoption, and only a few months after the promulgation of the last implementation decree, the law “aiming to reinforce the fight against the system of prostitution and to care for prostituted persons” is beginning to bear fruit; nearly 2,800 write-ups of sex buyers and 65 victims of prostitution finding an exit path out have proven this. This is just the beginning of a profound change that requires time and political support. Enforcement of the law will not be possible without a government push. A directive is needed to frame the implementation of the law; we need coherence in migrant policies and an exit procedure from prostitution developed by the law. There needs to be additional resources to apply the law in all its dimensions and throughout the territory: to train local actors, to fund exit routes, to educate the general public, etc. Only at this cost will France experience a real change.

¹ Eiye meaning ‘bird’ in the Yoruba language, their emblem is a golden eagle.

² This procuring networks operation procedure consists of planning the prostituted persons stay in different European cities. The sex buyers reserve the prostituted persons online and receive confirmation of the meeting via text message. These tours are generally organized in middle to high-end hotels which, due to the frequency of guests and their size, allow the practice of prostitution to go unnoticed.

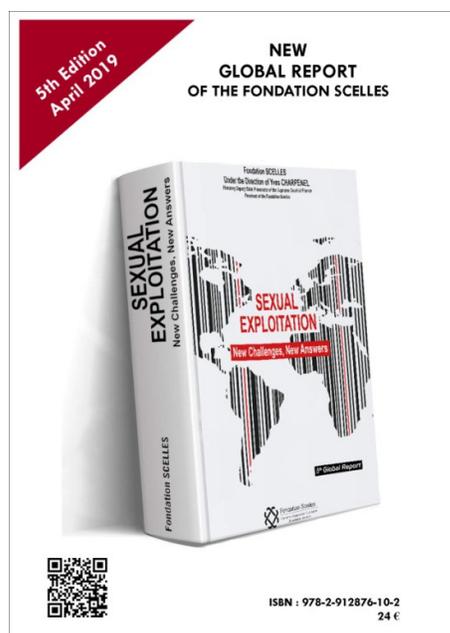
³ Decrees implementing the law: Decree n.2016-1467 (October 28, 2016) "on the exit route of prostitution and social and professional integration ..."; Decree n.2016-1456 (October 28, 2016) "laying down various provisions relating to the entry, stay and work of foreigners in France"; Decree n.2016-1709 (December 12, 2016) relating to the sensitization internship in the fight against the purchase of sexual acts; Decree n.2017-281 (March 2, 2017) "approving the national reference of harm reduction towards the prostituted persons and supplementing the code of the public health"; Decrees n.2017-542 (April 14, 2017) and n.2017-1635 (November 29, 2017) "relating to financial assistance for social and professional integration of persons engaged in the exit route of the prostitution".

⁴ Meaning a migrant, in virtue of the Dublin regulation, must submit in their asylum request in the first European country where they are registered.

Sources

- « Démantèlement d'un 'sex tour' de la prostitution chinoise passé par Lille », *La Voix du Nord*, January 30, 2016.
- « Des associations déposent une QPC contre la loi prostitution », *Le Figaro*, September 6, 2018.
- « Des proxénètes albanais aux méthodes très musclées », *La Dépêche du Midi*, June 8, 2017.
- Impact de la criminalité organisée albanaise, *DCPJ, Ministère de l'Intérieur*, Paris, March 2018.
- Les tendances de la traite des êtres humains à des fins d'exploitation sexuelle en 2016, *DCPJ, Ministère de l'Intérieur*, Paris, May 30, 2017.
- Les tendances de la traite des êtres humains à des fins d'exploitation sexuelle en 2017, *DCPJ, Ministère de l'Intérieur*, Paris, May 2, 2018.
- « Prostitution : à Narbonne, les enseignements de la verbalisation des clients », *Midi Libre*, February 22, 2018.
- Amicale du Nid, « Une étude biaisée qui manipule les chiffres pour soutenir une lutte de principe contre la loi d'abolition de la prostitution », September 21, 2018.
- Amicale du Nid, *Diagnostic de la prostitution dans quatre départements d'Ile-de-France : Seine-et-Marne, Yvelines, Val-de-Marne, Val-d'Oise, Restitution des résultats*, Délégation régionale aux droits des femmes et à l'égalité (DRDFE) en Ile-de-France, December 2017.
- Bréson M. et Charbonnier S., « Paris : l'exploitation sexuelle de très jeunes migrants dénoncée par des associations », *France Bleu*, September 26, 2017.
- Cogez S., « Réseau de prostitution démantelé, une soixantaine de clients ont payé une amende », *La Voix du Nord*, March 7, 2017.
- Décugis J.-M., « Les cités, nouveau filon des proxénètes », *Le Parisien*, May 18, 2017.
- Fessard L., « Le bilan de la loi sur la prostitution divise les associations », *Mediapart*, September 7, 2018.
- Giraud J. (Rapporteur général), Dupont S., (Rapporteuse spéciale), *Rapport de la commission des finances sur le projet de loi de règlement du budget et d'approbation des comptes, après engagement de la procédure accélérée, de l'année 2017*, Assemblée nationale, n°1055, June 13, 2018.
- Goldmann C., « Système prostitutionnel : bilan de la loi française d'avril 2016 », *La Revue du GRASCO*, n°24, October 2018.
- GRETA (Group of Experts on Action against Trafficking in Human Beings), Council of Europe, *Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by France*, Second evaluation round, GRETA(2017)17, Strasbourg, July 6, 2017.
- Jourdan C., « Acte sexuel avec un mineur : pourquoi il n'y a pas d'âge minimum en France », *Slate*, September 28, 2017.
- Maréchaux G., Burlet L., « Pénalisation des clients de prostituées : Lyon n'applique pas la loi mais les arrêtés municipaux », *Rue89 Lyon*, April 9, 2018.
- Médecins du Monde, *Que pensent les travailleur.ses du sexe de la pénalisation des clients ? : Enquête sur l'impact de la loi du 13 avril 2016 contre le « système prostitutionnel »*, April 2018.
- Motet L. a), « Les différents visages de la prostitution par petites annonces », *Le Monde*, February 2, 2017.

- Motet L. b), « Pourquoi la poursuite en ligne échappe souvent aux poursuites », *Le Monde*, February 2, 2017.
- Motet L. c), « Vivastreet : les dessous de la prostitution par petites annonces », *Le Monde*, February 2, 2017.
- Mouvement du Nid, Psytel, *ProstCost : Estimation du coût économique et social de la prostitution en France*, May 2015.
- International Observatory on Sexual Exploitation (Fondation Scelles), *International Press Overview on Prostitution*, year 2016.
- International Observatory on Sexual Exploitation (Fondation Scelles), *International Press Overview on Prostitution*, year 2017.
- Ourgaud T., « L'argent de la criminalité organisée en 2013, approche empirique de sept marchés criminels », *La Revue du GRASCO*, n°14, January 2016.
- Pascual J., « Le "proxénétisme des cités", une filière d'un nouveau genre en pleine expansion », *Le Monde*, April 5, 2018.
- Prouteau T., « Paris : neuf personnes interpellées dans un réseau de prostitution », *RTL*, December 11, 2017.
- Rubetti M., « Les réseaux de prostitution « consentie » difficiles à démanteler chez les mineurs », *Le Figaro*, July 4, 2018.
- Sauvage C., « Proxénétisme et sorcellerie devant la justice », *La Croix*, May 16, 2018.
- Save the Children Italia onlus, *Piccoli Schiavi Invisibili. Rapporto 2018 sui minori vittime di tratta e sfruttamento in Italia*, July 2018.
- Saviana A., « Proxénétisme caché », *Marianne*, May 31, 2018.
- Sellami S., « Un réseau tentaculaire d'escort-girls de l'Est démantelé à Paris », *Le Point*, June 24, 2017.
- UNICEF France, *Trajectoires, Ni sains, ni saufs. Enquête sur les enfants non accompagnés dans le Nord de la France*, June 2016.
- Van Caeyseele J., « Un client de prostituée condamné pour ne pas avoir fait son stage de sensibilisation », *La République de Seine-et-Marne*, June 8, 2018.
- Vantighem V., « Procès pour proxénétisme à Paris : « Ce n'est plus de la prostitution, c'est du braconnage ! » lâchent les parents d'une victime », *20 Minutes*, June 25, 2018.
- Vantighem V., « Proxénétisme des cités : l'inquiétant profil des jeunes adolescentes qui jouent les « escortes », *20 Minutes*, July 2, 2017.
- Zonszain M.-L., « La loi sur les violences sexistes et sexuelles, modifiée suite à la polémique », *Femme actuelle*, July 6, 2018.



The Global Report is produced by the International Observatory on Sexual Exploitation, in collaboration with internal and external experts (magistrates, lawyers, social workers, NGO leaders...), and the support of local NGO correspondents or international researchers.



The **Fondation Jean et Jeanne Scelles**, recognized as a public utility since 1994 and as a consultative status with ECOSOC, is an independent, non-profit organization based in Paris (France) dedicated to fight the system of prostitution and the exploitation of prostituted persons, through information, analysis, advocacy, trainings, awareness initiatives and legal actions. The **Fondation Jean et Jeanne Scelles** is a co-founding member of the Coalition for the Abolition of Prostitution (CAP International) which was launched in 2013 and today brings together 28 abolitionist NGOs from 22 countries.

The **International Observatory on Sexual Exploitation** (Observatoire international de l'exploitation sexuelle) is a worldwide hub which allows for information exchange on the system of prostitution. The hub is regularly consulted by French and foreign experts including NGOs, institutions, journalists, lawyers, researchers and those involved in the defense of human rights. The goals of the **International Observatory on Sexual Exploitation** are:

- to analyze all the aspects of the phenomenon: prostitution, sex tourism, procurement, child pornography, sex buyers, human trafficking for the purpose of commercial sexual exploitation...
- to encourage reflection and to take a stand
- to inform the public who are interested in these issues

CONTACT

Sandra AYAD, Head of the International Observatory on Sexual Exploitation
sandra.ayad@fondationscelles.org

14 rue Mondétour
75001 Paris - France



www.fondationscelles.org
 Tw: @Fond_Scelles
 Fb: @FondationScelles