

**“JE NE TRAVAILLE
QUE LA NUIT DE PEUR
D’ÊTRE ARRÊTÉE
À NOUVEAU”**

**MADAME X,
APRÈS SA 2^{ÈME} ARRESTATION**

WHAT DO SEX WORKERS THINK ABOUT THE FRENCH PROSTITUTION ACT?

A Study on the Impact of
the Law from 13 April 2016
Against the ‘Prostitution
System’ in France

SYNTHESIS




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The main objective of this study is to assess the impact on sex workers' living and working conditions of the act of law n° 2016-444 (adopted by France's parliament on the 13th of April 2016 with the aim of reinforcing the fight against the prostitution system and supporting prostitutes). This is a qualitative study focused on the viewpoints of sex workers themselves who are directly affected by the law. For the purposes of this analysis interviews were conducted with 70 sex workers (a further 38 sex workers were consulted via focus groups and workshops). A further 24 interviews and focus groups were conducted with sex worker groups or other organisations working with sex workers across France. Two researchers (in political science and sociology) supervised the study and analysed the results in close collaboration with 11 outreach organisations. Alongside this qualitative study, a quantitative survey was also conducted between January and February 2018 involving 583 sex workers the results of which were integrated into this report.

In France, prior to the criminalisation of sex workers' clients in 2016, sex workers were directly targeted by the criminalisation of public soliciting, which had been reinforced by the 2003 Law for National Security (LSI). The legislation adopted in 2016, inspired by the Swedish legal framework, sought to end prostitution via criminalising clients rather than sex workers. However, despite the stated aim of the law to protect sex workers, **the majority of the sex workers we interviewed reveal that the criminalisation of clients has in practice been more detrimental to themselves than the previous laws against soliciting.** The vast majority of those interviewed reported that they have far less control over their working conditions as the number of clients has diminished since the new law came into effect. The impact was even felt before the application of the new law, due to the mediatization of this issue during parliamentary debates. For these reasons, those interviewed were almost unanimously opposed to the criminalisation of clients.

This study revealed a clear discrepancy between the national policy of 'protection' of sex workers and the local policies that continue to focus on the repression of sex workers. **At a local level, with the aim of maintaining public order, municipal bylaws and regular identity checks aimed at sex workers mean that they are still more often criminalized than their clients.** Although some interviewees indicate that they have good relationships with the police, most often the police are not seen as a source of protection. Sex workers often told us about episodes of intimidation by the police including being pressured to report clients and, if undocumented, threatened with deportation if they do not comply.

Although most sex workers have nevertheless continued their activity since the new law, their working conditions have severely deteriorated. Contrary to claims that the new law, by decreasing demand (clients), would also decrease supply (sex workers) interviews conducted with organisations show that there has been no decrease in the numbers of sex workers. **The law has had a detrimental effect on sex workers' safety, health and overall living conditions.** The law has had a negative impact on their autonomy as workers, on the risks they may be willing to take, and on social stigma and financial hardship. Almost all sex workers and each of the organisations interviewed noted a shift in the power relationship between sex workers and their clients, as clients feel more entitled to impose their conditions (i.e. unprotected sexual practices, reduced prices, unwillingness to pay, etc.), seeing themselves as the ones taking the risk with regards to the law. **It has led to increased impoverishment, especially among people already living precariously,** namely undocumented migrant women working in the street. 62.9% of respondents in our quantitative survey said that their overall quality of life has deteriorated since April 2016 and 78.2% said that their earnings have decreased. Generally, **the law has pushed sex workers to operate under**

1 - The terminology used to define people engaging in sex work/prostitution is subject to much debate. In this report we choose to employ the term "sex worker". This term refers to all people engaged in economic-sexual exchanges whether those economic

transactions are explicit (sexual benefits for money) or implicit (sexual services against protection, housing, psychoactive products, assistance to migration ...), and regardless of their working conditions.

more risky conditions with dangerous implications for their health. Many interviews highlighted a worrying decrease in condom use as well as increased difficulties continuing treatment for those who are HIV positive. Stress created by worsening working conditions causes various psychosomatic health issues from consumption of alcohol, tobacco and other drugs, to depression and suicidal thoughts. **The results of the qualitative survey also reveal that cases of violence, of all kinds, have increased:** insults in the street, physical violence, sexual violence, theft, and armed robbery in the work place. **Impoverishment, increased health risks and increased exposure to violence form a vicious circle.**

Besides the criminalisation of clients, the 2016 law also included the creation of an “exit-program” providing eligible sex workers access to financial aid, a temporary residence permit of six months (that can be renewed a maximum of three times) and the support of an accredited organisation to access housing and employment. Despite the fact that the support provided by the exit-program is globally in line with the needs of sex workers who wish to change activity, **organisations and sex workers are highly critical with regards to the exit-program’s implementation.** The criteria for accessing the exit-program and the limitations of the support provided (for example difficulty accessing housing, obstacles to applying for a residency permit, insufficient financial aid) prevent most people from applying and in particular those who are most in need of support. **Criticism of the exit-program also stems from the misrepresentations of the sex industry that it produces.** Since support is given only to people who assent to stop doing sex work, this can be seen as a basic infringement of their human dignity and an unrealistic condition, for financial reasons, for most sex workers. Moreover, sex workers are obliged to give up an activity that is not itself illegal. This is both a legal and an ethical problem that is shared by the social workers supporting sex workers throughout the administrative procedures whilst applying for an exit-program.

The creation of committees that are supposed to oversee the implementation of the exit-program in each administrative region has been very slow since April 2016. These committees, presided by local prefects and including representatives from local governmental services, must validate each application to the exit-program. Two years after the law being enacted, these committees still do not exist in many areas. The organisations wishing to support applicants to the exit-program must first apply for certification before they can present applications. **Sex workers as well as the organisations interviewed expressed strong scepticism regarding the usefulness of these committees, who possess limited knowledge and understanding of sex work, and regarding the effectiveness of the exit-programs, as they fear they will be subject to heightened forms of social control.** Sex workers also expressed fears about the use of the personal data gathered about them by public authorities and the risk of increased stigmatisation of the majority of sex workers who do not wish to apply for the exit-program.

Two years after the new legislation, the repressive aspect of the law, the criminalisation of clients, has had the most impact on the lives of sex workers, reinforcing their marginalisation, increasing violence and stigma, and exposing them to greater risks for their health. Whereas, the part of the law aimed to protect sex workers and help them change activity is not effective, it concerns a very limited number of people and risks reinforcing stigma for the majority of sex workers who do not wish or are not able to change their activity.

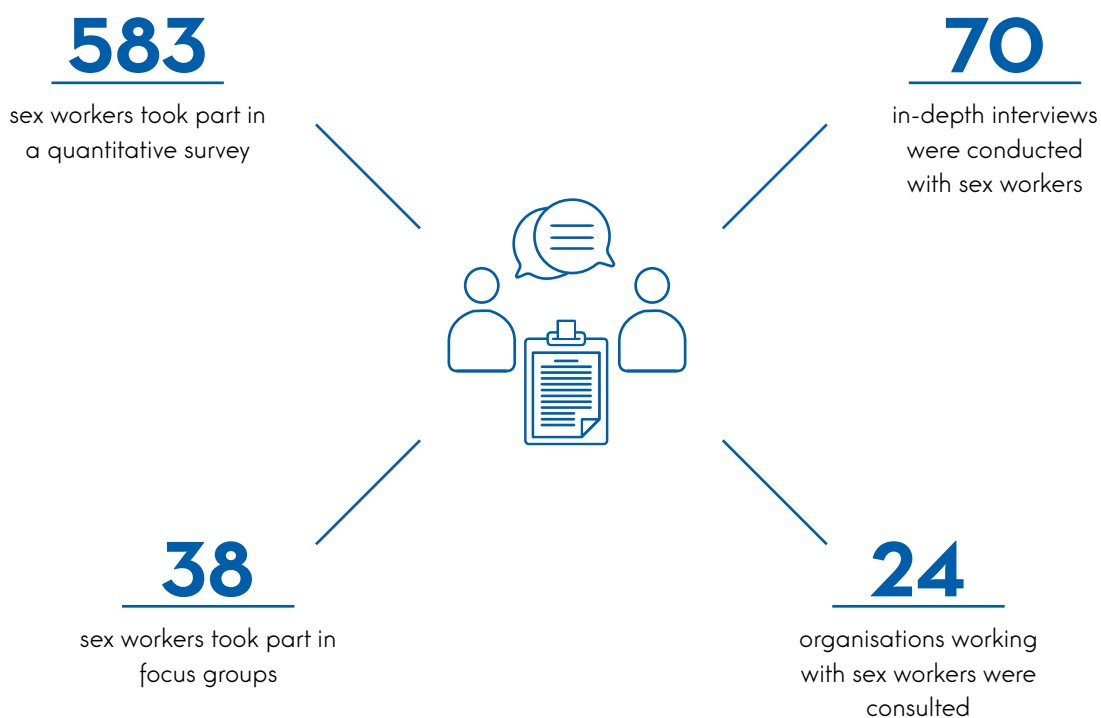
Paris, April 2018



THE IMPACT OF THE LAW OF 13TH OF APRIL 2016 IN NUMBERS

In order to document the impact of the law of 13th of April 2016 on the health, security and living conditions of sex workers in France, a group of 12 organisations conducted a large scale qualitative and quantitative survey over a period of two years.

A LARGE SCALE SURVEY



SINCE THE NEW LEGISLATION ADOPTED ON THE 13TH OF APRIL 2016



88% of sex workers¹ are against the criminalisation of clients



63% of sex workers¹ have experienced a deterioration of their living conditions

- The law obliges sex workers to work in more isolated places or via internet in order to maintain their livelihoods.

- Sex workers are more regularly confronted with stressful situations which have a negative impact on their physical and psychological health.



78% of sex workers¹ have experienced a loss of income

- The law has impoverished many sex workers, especially those who already in economic difficulty, in particular migrant women working in the street.

- The reduction of the number of clients and increased competition between sex workers has caused prices to fall.



42% of sex workers¹ are more exposed to violence than previous to the law's introduction

- In order to stay hidden, negotiations with clients are reduced to a bare minimum and thereby reduces sex workers' ability to evaluate and select their clients.

- Sex workers are increasingly obliged to accept clients whom they would previously have refused, even if it involves being more exposed to violence.



38% of sex workers¹ find it increasingly hard to demand the use of condoms

- The decreasing number of clients has given remaining clients more power to negotiate unsafe sexual practices.

- The decreasing time available to negotiate with clients has made it harder for sex workers to impose their conditions.



70% of sex workers¹ observe either no improvement or a deterioration of their relations with the police.

- Local municipal bylaws and police identity checks mean that sex workers are still more often criminalised or arrested than their clients.

- Fear of the police is an obstacle to accessing legal protection especially for victims of violence.



Only **39%** of sex workers¹ are aware of the existence of an "exit-program" and, of those who know of its existence, only 26% intend to apply.

- Although a majority of those asked expressed the desire to change activity, the "exit-program" does not correspond to the needs of most sex workers.

- The restrictive conditions of the exit-program prevent many from applying.

- The large local variations in the implementation of the exit-program and the criteria used to select applicants create territorial inequality for sex workers.

