



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

**MADAME X,  
APRÈS SA 2<sup>ÈME</sup> 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

## ACKNOWLEDGEMENTS

We would like to thank everyone who gave us their time to carry out this study: first and foremost, the people we interviewed, but also the members of the study's partner organisations, employees and volunteers, particularly those who provided the interpretation, translation and transcription of the interviews..



April 2018 for the French version / April 2019 for the English version

Translated from French by Irene McClure

Cover photo © Boris Svartzman

## AUTHORS

**Hélène Le Bail**, research fellow, CNRS, Sciences Po Paris-CERI.

**Calogero Giametta**, researcher on the European Research Council Project: "Sexual Humanitarianism: Migration, Sex Work and Trafficking". Kingston University and Aix Marseille University.

**Noémie Rassouw**, master student, INALCO, intern at Doctors of the World in 2016, has co-written the unpublished first version of the report in 2017.

## STEERING COMMITTEE

**Marielle Chappuis** [Doctors of the World - Observatory of the Domestic programs Division]

**Flo Gil de Muro** [Grisélidis - Toulouse]

**Mylène** [STRASS, French Sex Work Union, and The Collective of the Women of Strasbourg-Saint-Denis - Paris]

**Marie-Christine Grosdidier** [Doctors of the World - Rouen]

**Cécilia Nguyen** [Doctors of the World - Rouen]

**Audrey Kartner** [Doctors of the World - Domestic programs Division]

**Maiwenn Henriquet** [Paloma - Nantes]

**Gabriella Ota** [Paloma - Nantes]

**Chloé Le Gouëz** [Aides - Paris]

**Tim Leicester** [Doctors of the World - Lotus Bus Programme - Paris]

**Sarah-Marie Maffesoli** [Doctors of the World - The Jasmine Programme against violence targeting sex workers - Paris]

**Irène Aboudaram** [Doctors of the World - Nantes]

**Christine Etchepare** [Arcat - Paris]

**Cécil Lhuillier** [Les Amis du Bus des Femmes - Paris]

**Antoine Baudry** [Cabiria - Lyon]

**Damien Simonin** [Cabiria - Lyon]

**Carine Favier** [Mouvement français pour le planning familial]

**Raphaëlle Angulo** [Doctors of the World - Montpellier]

**Damien Nantes** [Doctors of the World - Montpellier]

**Sébastien Béchereau** [Doctors of the World - Poitiers]

**Ramona** [Acceptess-T-Paris]

## HAVE PARTICIPATED IN THE SURVEY

**Marthe Jonki** [ARPS - La Réunion]

**Vincent Dubaele** [Entr'Actes - Lille]

**Nathalie Mazurelle** [Entr'Actes - Lille]

**Chrystel Odobet, Corinne Monnet, Mathilde Bon** [Grisélidis - Toulouse]

**Marjolaine Pruvost, Savina Sharkova** [Amis du Bus des Femmes - Paris]

**Marie Vicart, Diane** [Arcat - Paris]

**Alexia Rivillas Garcia, Eliana Rocabado** [Arcat-Pasaje Latino - Paris]

**Théau Brigand, Mathieu Brancourt** [Aides - Paris]

**Anaïs** [STRASS - Paris]

**Elise Didier** [Doctors of the World - Domestic programs Division, Observatory]

**Fabrice, Bijia Sun, Justine Rochot, Aël Théry, Nora Martin-Janko, Nathalie Simonnot** [Doctors of the World - Lotus Bus Programme - Paris]

**Mihaela Dimitrescu, Clara Toffani, Magali Cathalifaud, Emeline Chauchard** [Doctors of the World - Poitiers]

**Timotée Delescluse, Sonia Mladin** [Doctors of the World - Rouen]

**Marie Bonnet, David Le Nechet, Paul Bolo** [Doctors of the World - Nantes]

**Magali Ibanez, Anne-Marie Mejean, Elisabeth Fournier** [Doctors of the World - Montpellier]



## SUMMARY

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 people in prostitution).<sup>1</sup> 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.

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

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**

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





## INTRODUCTORY REMARKS

### TERMINOLOGY

The terminology used for people who practice sex work/prostitution has been the subject of many debates. In this report, we refer to “sex workers” to describe people whose work is defined by sexual-economic exchanges where the economic transaction may be explicit (sexual services provided in exchange for money) or implicit (sexual services provided in exchange for protection, accommodation, psychoactive drugs, assistance with migration, etc.), regardless of the conditions in which the activity is performed.

It should also be noted that we have retained the original vocabulary used by the people interviewed in order to reflect their position as accurately as possible, using words such as “prostitute”, “sex worker”, and “whore”. Sometimes, circumlocutions are used, such as “this kind of work”. The translations attempt to cover the range of terms used in the interviews, which were carried out in English, Bulgarian, Spanish, Chinese and Romanian. Similarly, we have used the terms from the French laws to which we refer, terms such as “personnes se prostituant/ personnes prostituées” (people in prostitution), “personnes qui offrent des services sexuels tarifés” (people offering commercial sex services), “personnes se livrant à la prostitution” (people involved in prostitution), “victimes de la prostitution” (victims of prostitution), and “victime de traite des êtres humains et du proxénétisme” (victims of human trafficking and procurement).

This report is based on information which emerged from a qualitative and quantitative study. As the qualitative analysis represents the heart of the analysis presented here, we use the term “interviewees” to refer to the people that were consulted through qualitative interviews. When we refer to the quantitative study, this is specified.

### ANONYMITY OF THE INTERVIEWEES

In order to protect interviewees’ anonymity, certain quotations may have been slightly modified or shortened (place of work, place of origin, background) without changing the meaning of the quote, further we will not publish full transcriptions of the interviews. All names have been changed.

# SUMMARY

INTRODUCTION _____	15	PART 3 - ANALYSIS OF THE RESULTS OF THE STUDY _____	31
<b>PART I - AN OVERVIEW OF THE LEGAL FRAMEWORK _____</b>	<b>17</b>	<b>I. From decriminalisation of soliciting to the criminalisation of the client: what changes have arisen for sex workers? _____</b>	<b>32</b>
<b>I. A new legislative framework for sex work _____</b>	<b>18</b>	<b>1. Indirect penalties and intimidation for reporting clients _____</b>	<b>32</b>
1. A parliamentary debate which lasted more than four years _____	18	<b>2. Maintaining repressive measures towards sex workers at the local level _____</b>	<b>33</b>
2. The main provisions of the Law of 13 April 2016 _____	18		
Decriminalisation of soliciting _____	18	<b>II. The worrying impact of criminalising the client: reduced autonomy, greater risks, insecurity and stigma. _____</b>	<b>37</b>
Ban on purchasing sexual activities _____	19	<b>1. A law which is contrary to empowerment: deterioration of relationships with clients and the use of intermediaries _____</b>	<b>37</b>
The creation of a prostitution exit programme _____	19	Reduction in the number of clients and a reduction in income, but no reduction in the number of sex workers _____	37
<b>II. Discussions on the draft law _____</b>	<b>22</b>	Redressing the power balance in the client's favour _____	38
Decriminalisation of soliciting _____	22	Clarification required over the use of intermediaries and loss of autonomy _____	41
Criminalising the purchase of sexual acts (criminalising the clients) _____	22	<b>2. A law which contradicts prevention: an increase in risk-taking and violence _____</b>	<b>43</b>
Prostitution exit programme _____	22	Less ability to select clients and shorter negotiating times _____	43
<b>PART 2 - STUDY METHODOLOGY _____</b>	<b>25</b>	A shift in meeting and working places: towards more isolated places or online _____	44
<b>I. A qualitative study using semi-structured interviews _____</b>	<b>26</b>	Agreeing to risky sexual practices _____	46
<b>II. A cooperative study method _____</b>	<b>27</b>	Increased stigma and violence _____	48
Steering Committee _____	27		
Access through grassroots organisations _____	27		
A multi-site study _____	27		
<b>III. The panel of interviewees - semi-structured interviews _____</b>	<b>28</b>		
Sex workers _____	28		
Organisations _____	29		

<b>3. A law that contradicts women's rights: more vulnerable living conditions and poorer health</b> _____	<b>DISCUSSION</b> _____	71
Reduced expenditure: from superfluous goods to essential goods (food and housing) _____	1. The 'domino-effect' of repressive policy: social insecurity, violence, stigma, dependency and health risks. _____	50
An increase in the number of hours per day and the number of years they plan to work _____	2. Intersections between protecting women and migration policy _____	51
Deteriorating health: fatigue, stress, depression and an increase in the consumption of tobacco, alcohol and drugs _____	3. Protection or moralisation? _____	52
<b>III. The "prostitution exit programme": a controversial social initiative. Points of view and analysis by sex workers and grassroots organisations</b> _____	<b>APPENDICES</b> _____	77
<b>1. A social policy tool that appears to be wanted, but that generates little interest</b> _____	Interview grid with sex workers _____	56
Meeting the needs of sex workers wishing to stop _____	Interview grid with organisations _____	57
An additional tool for grassroots organisations _____	Interviewees' profiles (qualitative interviews) _____	58
Relatively low interest from sex workers _____	Quantitative survey _____	88
<b>2. Criticisms of the prostitution exit programme</b> _____		59
The condition of "stopping prostitution" in order to obtain social support: an unrealistic condition against the respect of persons _____		59
Inadequate financial support for social and professional integration _____		61
Would a temporary work permit offer enough stability to look for work? _____		62
The gap between application of the repressive aspect and the social aspect: poverty with no alternative _____		62
Selection criteria _____		63
Lack of resources, particularly for housing _____		65
<b>3. Perceived risks: social control and stigma</b> _____		67
The fear of social control _____		67
Criticism of the moralistic approach portraying people as victims and encouraging stigma _____		67



# INTRODUCTION



The aim of this study is to document the impact of the law which aims to “reinforce the fight against the prostitution system and support people in prostitution”, adopted by the French National Assembly on 6 April 2016 and promulgated on 13 April 2016 [Law No. 2016-444]. More specifically, the study looks at the impact of the law on sex workers’ living and working conditions. It is a qualitative study which focuses on the perspective of sex workers themselves who are, alongside clients, directly affected by this law, as well as the changes they have experienced since it was adopted. This study is therefore underpinned by the words of sex workers, as well as organisations that are in contact with them at the grassroots level. The study was conducted in a large number of towns and cities in France in order to take into account any differences across the country. We concentrated on two aspects of the law: first, the decriminalisation of soliciting and the introduction of an offence of purchasing sexual services and, second, the establishment of a prostitution exit programme.

The study was coordinated by two researchers working closely with a network of grassroots organisations, a large number of which were community-based organisations. Interviews were conducted between July 2016 and February 2018.

The launch of the exit programme out of prostitution remains at an embryonic stage and, due to the delays in its implementation, it is difficult to carry out an assessment at this time. However, we collected sex workers’ and grassroots organisations’ opinions about this programme.

In contrast, although the provision which criminalises clients has been unevenly applied from one city to another, the possibility that it could be applied has had a significant impact on working conditions across the country. Statements referring to greater precariousness, more risk-taking behaviour, greater isolation and, finally, an impact on health and the increase in violence, feature heavily in the interviews reported here.





**PART 1**  
**AN OVERVIEW OF THE**  
**LEGAL FRAMEWORK**

## I. A NEW LEGISLATIVE FRAMEWORK FOR SEX WORK

### 1. A PARLIAMENTARY DEBATE WHICH LASTED MORE THAN FOUR YEARS

Following the presentation of a report by a parliamentary special task group on prostitution,<sup>2</sup> a resolution confirming the country's neo-abolitionist position on prostitution was adopted by the French National Assembly on 6 December 2011. This initial text announced the will of the Parliament to extend the legal provisions currently in force.

This report served as the basis for the preparation of a draft law, submitted by the Socialist group to the National Assembly, at the initiative of Member of Parliament Maud Olivier in September 2013. For two years, the law went back and forth between the National Assembly and the Senate. In November 2015, the draft law was debated in a joint committee, although no agreement was reached. A final reading, which gave the National Assembly the final say, led to the adoption of the law on 6 April 2016. Law No. 2016-444 aiming to reinforce the fight against the prostitution system and to support people in prostitution was promulgated on 13 April 2016.

### 2. THE MAIN PROVISIONS OF THE LAW OF 13 APRIL 2016

The text of the Law of 13 April 2016 is underpinned by three main provisions: the decriminalisation of soliciting, a ban on the purchasing of sexual acts, and the creation of a prostitution exit programme.<sup>3</sup>

#### DECRIMINALISATION OF SOLICITING

The Law of 18 March 2003, which made soliciting a crime punishable by two months in prison and a fine of €3,750, was repealed. Although sentences had rarely been issued, many people had been arrested and held in custody under these provisions, which the French Ligue des Droits de l'Homme considered as institutionalised harassment.<sup>4</sup>

LAW No. 2016-44 of 13 April 2016  
Article 15 : "Article 225-10-1 of the Criminal Code is repealed."

Criminal Code Article 225-10-1: "The act of, by any means, including even through a passive attitude, publicly soliciting another person with a view to inciting sexual activity in exchange for money or the promise of money is punishable by two months in prison and a €3,750 fine."

The **Circular of 18 April 2016** recalls that the decriminalisation of public soliciting has immediate effect.

2 - Among the members of the task group were Danielle Bousquet, Guy Geoffroy, Philippe Goujon, Alain Vidalies, Marie-Jo Zimmermann, Elie Aboud and Marie-Françoise Clergeau - 13 April 2011. Online: <http://www.assemblee-nationale.fr/13/rap-info/i3334.asp> [in French].

3 - Vie Publique: Law of 13 April 2016 aiming to reinforce the fight against the prostitution system and to support people in prostitution. Available online: <http://www.vie-publique.fr/actualite/panorama/texte-discussion/>

[proposition-loi-renforçant-lutte-contre-système-prostitutionnel.html](http://proposition-loi-renforçant-lutte-contre-système-prostitutionnel.html) [In French. Last consulted: Oct. 2016]

4 - Ligue des droits de l'Homme, Commission Nationale Citoyens-Justice-Police, Mission d'enquête. "Un harcèlement institutionnalisé: les prostituées chinoises et le délit de racolage public", 8 March 2013, online: <https://www.ldh-france.org/Rapport-Un-harcèlement/> [In French].

## BAN ON PURCHASING SEXUAL ACTIVITIES

The offence of purchasing sexual activities is punishable by a fine of €1,500. In the event of a reoffence, the offence becomes a crime and is punishable by a fine of €3,750. In addition to this fine, there is an obligation to attend an “awareness-raising course” on combating the purchase of sexual activities (equivalent to a John school).

The Law of 13 April 2016 is based on the principle that a client who pays for a sexual act contributes towards maintaining the prostitution system. By introducing a ban on purchasing sexual activities, the Law strives to make clients aware of the reality of how human trafficking and procurement networks operate.

## THE CREATION OF A PROSTITUTION EXIT PROGRAMME

Part of the law is directed at providing social support to sex workers through a “programme for exiting prostitution and social and professional integration” (hereinafter abbreviated to prostitution exit programme or exit programme).

Depending on the individual’s situation, this exit programme may include the provision of a six-month, renewable temporary residence permit, the provision of financial aid to help with social and professional integration (known by its French acronym, AFIS) for those not eligible for minimum government allowances, and the support of an accredited organisation to access housing and employment, training, healthcare and rights.

### LAW NO. 2016-44 OF 13 APRIL 2016

Article 20-611-1 of the Criminal Code “The act of soliciting, accepting or obtaining sexual relations with a person involved in prostitution, including in an occasional manner, in exchange for remuneration, a promise of remuneration, the provision of a benefit in kind or the promise of such a benefit, is punishable by a level five fine.”

Article 20-225-121-1 of the Criminal Code “When a repeat offence takes place under the conditions set out in the second line of Article 132-11, the act of soliciting, accepting or obtaining sexual relations with a person involved in prostitution, including in an occasional manner, in exchange for remuneration, a promise of remuneration, the provision of a benefit in kind or the promise of such a benefit, is punishable by a fine of €3,750.”

Article 21-131-16 of the Criminal Code “The obligation to attend, where necessary at their own costs, an “awareness raising course” [John school] on the fight against the purchasing of sexual activities.”

The **Circular of 18 April 2016** recalls that the ban on purchasing sexual services has immediate effect.

## LAW NO. 2016-44 OF 13 APRIL 2016

Article 5-121-9-II of the Code on Social Action and Families (Code de l'action sociale et des familles): "A programme for exiting prostitution and social and professional integration is offered to anyone who is the victim of prostitution, procurement, and human trafficking for the purposes of sexual exploitation. It is defined according to an assessment of health, professional and social needs, in order to enable access to alternatives to prostitution."

Article 5-121-9-II of the Code on Social Action and Families: "A person engaged in the programme for exiting prostitution and social and professional integration may be issued a temporary residence permit as mentioned in Article L. 316-1-1 of the Code on Entry and Residence of Foreigners and the Right of Asylum."

Article 5-121-9-II of the Code on Social Action and Families: "When an individual is not eligible for the allowances set out in Articles L. 262-2 of this Code, L. 744-9 of the Code on Entry and Residence of Foreigners and the Right of Asylum and L. 5423-8 of the Labour Code, financial assistance for social and professional integration will be provided."

Article 5-121-9-II of the Code on Social Action and Families: "Any organisation chosen by the person concerned which aids and supports people in difficulty, particularly people in prostitution, may participate in the development and implementation of the programme for exiting prostitution and social and professional integration, as long as they meet the accreditation requirements set by a Decree of the Council of State."

The **Decree 2016-1467 of 28 October 2016** defined the exit programme, the work of the departmental committees to prevent and combat prostitution, procurement and trafficking in human beings for the purposes of sexual exploitation, and the ways in which organisations responsible for implementing the exit programme out of prostitution are accredited.

## REGARDING THE ACCREDITATION OF ORGANISATIONS:

Article R-121-12-1 of the Code on Social Action and Families: organisations which have been legally established for at least three years and which have a statutory activity to provide assistance and support to people in situations of prostitution, victims of trafficking in human beings, female victims of violence, and vulnerable people, may be issued with an accreditation issued by the Prefect of the Department where the headquarters of the organisation is based.

Article R-121-12-1 of the Code on Social Action and Families: The accreditation mentioned in Article L. 121-9 is issued to any organisation which can provide evidence, on the date upon which it requests accreditation:

1. Of its commitment, through deliberation by its general assembly, to implement a policy whose main objective is to help people in prostitution and victims of procurement and human trafficking out of prostitution.
2. Of the human and material resources enabling the organisation to implement the exit programme, as well as a network of institutional and organisational partners contributing to it;
3. Of the implementation of training for employees and volunteers with the aim of supporting people in prostitution to establish a social and professional integration project, and enabling these people to access alternatives to prostitution."

## REGARDING THE CREATION OF A PROSTITUTION EXIT PROGRAMME

Article R-121-12-1 of the Code on Social Action and Families: the person engaged in the programme for exiting prostitution and social and professional integration mentioned in Article L. 121-9 may benefit from:

1. Housing within the regulatory conditions governing access to social housing, accommodation in a hostel or accommodation appropriate to their situation under the conditions of Article L. 345-2, L. 345-2-7 and L. 345-2-8 of the Code on Social Action and Families;
2. Support aiming to facilitate access to physical and psychological healthcare and to rights, in particular those mentioned in Article L. 121-9, Part II, line 5;
3. Support with social integration aiming to encourage socialisation, individual autonomy in daily life and the development of a professional integration project.

Article R-121-12-12 of the Code on Social Action and Families: the programme for exiting prostitution and social and professional integration is formalised in a document prepared by the accredited organisation and the individual in question. It covers all actions planned for the individual and their commitments to comply with and monitor the objectives of the exit programme.

Article R-121-12-13 of the Code on Social Action and Families: "the decision of the Prefect of the Department to authorise or renew the programme for exiting prostitution and social and professional integration gives rise to the right to payment of financial assistance with social and professional integration under the conditions set out in Article L. 121-9 and enables foreigners to be issued with a temporary residence permit lasting at least six months, allowing them to exercise a professional activity under the conditions set out in Article L. 316-1-1 of the Code on Entry and Residence of Foreigners and the Right of Asylum."

## CIRCULAR DGCS/B2/2017/18 OF 31 JANUARY 2017

2.2.5 Review procedures for requests to begin and/or renew the application for an exit programme. The request to begin or renew an application includes the production by the accredited organisation of the following documents:

- The request to begin/renew the given exit route (Appendix 6 or 7)
- The enclosed documents (documents providing evidence of the administrative, family and social situation of the individual, and a sworn statement to cease the activity of prostitution).
- The copy of the ordinance granting accreditation to the referring organisation.

**Decree 2017-542** of 13 April 2017 defines the amount of financial assistance for social and professional assistance (known by the French acronym AFIS) and the ways in which it will be paid. It sets this assistance at €330 per month (+ €120 per dependent child).

## II. DISCUSSIONS ON THE DRAFT LAW

### DECRIMINALISATION OF SOLICITING

There was a broad consensus around the decriminalisation of soliciting from those in the sex work sector and organisations working with sex workers, whether or not these organisations were “neo-abolitionists”.<sup>5</sup> Moreover, this opinion was mentioned and supported in the information report by the parliamentary special task group on prostitution in France, submitted to the National Assembly on 13 April 2011.<sup>6</sup>

### CRIMINALISING THE PURCHASE OF SEXUAL ACTS (CRIMINALISING THE CLIENTS)

In contrast, the issue of criminalising the clients has divided opinion. This provision was supported by neo-abolitionists, particularly those grouped around the Abolition 2012 collective. The rationale was to place responsibility on the clients for two reasons: because the act of purchasing a sexual service was violent and because it contributed to maintaining a “prostitution system”, in other words, it contributed towards networks of exploitation.

The provision was, however, strongly criticised by sex workers themselves and health prevention organisations, both community-based and otherwise, which grouped together into an anti-criminalisation collective. Their arguments were broadly based on those put forward against the crime of soliciting and listed in the 2011 information report which are given below:

- Simple geographic displacement of prostitution and a weakening of the position of people in prostitution (greater risk of economic precariousness and exposure to violence).
- Greater difficulty accessing healthcare (harder to access social and NGO services)
- Loss of autonomy and an increase in procurement (increased risk of exploitation)<sup>7</sup>.

In addition to these shared arguments, the anti-criminalisation collective raised questions as to whether shifting the criminalisation from the sex worker to the client would change the power balance between the two parties. It also raised questions about whether feelings of impunity for those attacking sex workers would decrease.

### PROSTITUTION EXIT PROGRAMME

Although opposition to this provision was not raised as such, as is the case of the criminalisation of clients, this provision also gave rise to discussion. Nobody criticised the establishment of an additional tool and new budgets to help people who want to stop sex work. The criticism of the draft law focused on the discriminatory nature of the way in which the exit programme was established, conditions of access to it, and the failure to take into account people’s living situations.

Thus, the obligation to cease the activity of prostitution in order to be eligible for the exit programme is a problem with regard to equal access to rights for all, as expressed by the French Human Rights Ombudsman (Défenseur des Droits) in an opinion of 16 December 2015:

*“The Human Rights Ombudsman notes with regret the concept of a prostitution exit programme. This concept would appear to be particularly inappropriate because it requires people in prostitution to sign up for a predefined procedure without, once again, taking into account the diversity of their situations. The obligation for “victims of prostitution” to cease prostitution if they want to benefit from this assistance or protection is problematic. The Ombudsman also has serious reservations about the conditions for engaging in an exit programme, in contrast to the principle of equal access to rights, and recommends unconditional access to social, health and professional support mechanisms.”<sup>8</sup>*

The necessity to stop an activity which is not in itself illegal raises a legal problem and an ethical problem for social workers.

5 - In this study, we use the term “neo-abolitionist” in the sense that has become standard in France, to refer to a position in favour of measures to eliminate sex work and which does not envisage any form of recognition or regulation of the work. To understand the genealogy of the term in French, see the work of Lilian Mathieu: *La Fin du Tapin*, ed. François Bourin, 2013 [in French].

6 - <http://www.assemblee-nationale.fr/13/pdf/rap-info/i3334.pdf> [in French].

7 - *Idem*, p. 115-118

8 - Opinion online [in French]: [http://www.defenseurdesdroits.fr/sites/default/files/atoms/files/ddd\\_avis\\_20151216\\_15-28.pdf](http://www.defenseurdesdroits.fr/sites/default/files/atoms/files/ddd_avis_20151216_15-28.pdf)

An organisation wishing to request accreditation needs “to implement a policy, by deliberation at its general assembly, the main objective of which is to help people in prostitution and victims of procurement and human trafficking out of prostitution.” This requirement from the government has been heavily criticised for making public funding conditional upon compliance with a specific political position. Moreover, Decree 2016-1467 contained a shift in meaning between the initial formulation of the law, Article 5-121-9-II which appeared to open a right for everyone to an individualised exit programme and the provisions of the Decree, which made mediation of an accredited organisation compulsory. Further, the Prefect holds the right to select the applicants upon recommendation of these organisations. In this context, the need for accreditation significantly restricts sex workers’ ability to choose the organisation they want to support them. Finally, from the very outset, the project was criticised for its lack of realistic budgeting in order to establish the exit programme, which was deemed highly insufficient.<sup>9</sup>

9 - The planned budget is “6.1 million euros for the prostitution exit programme, of which 3.8 million is for the ‘financial allowance for social and professional integration’. If, as is the case for the Central Office for the Repression of Human Trafficking (OCRTEH), it is estimated that there are 30,000 sex workers in France, the budget for the exit programme would amount to €10.60 per month per person. In addition, 4.5 million euros can

be used from funding from the Agency for the Management and Recovery of Seized and Confiscated Assets (AGRASC), without it being specified how and by whom this would be allocated. As it stands, we are far from the government’s promises.” (Aides press release, 26 November 2016, on line: <http://www.aides.org/communiqués-de-presse/budget-de-la-loi-finance-2017-le-volet-social-et-sanitaire-de-la-loi>. [in French].





**PART 2**  
**STUDY METHODOLOGY**

## I. A QUALITATIVE STUDY USING SEMI-STRUCTURED INTERVIEWS

The choice was made to carry out a primarily qualitative study using semi-structured interviews. The first and main group of interviewees were sex workers themselves. The second group was organisations working with or for sex workers.

As in any qualitative study, we have taken into account the phenomenon of the saturation of responses (interviews stopped when new interviews did not contribute any new information). However, despite rapid saturation of a large number of questions after around twenty interviews, we continued the study for two reasons. The first was to see whether the responses changed after one year (the first wave of interviews took place in the summer of 2016 and the second wave took place between May and February 2018). The second reason was to strengthen and expand the sampling strategy for our qualitative methods. This study was based on **70 interviews with sex workers** (61 of which were recorded and transcribed) and **24 interviews or focus groups with grassroots organisations** (including 15 interviews which were recorded and transcribed and one focus group which was transcribed. The others took the form of notes).

The materials were supplemented with notes taken by organisations during their outreach activities, and statements collated during their rounds. Focus groups and workshops with sex workers also took place in Toulouse and Paris; they involved **38 sex workers** during three bus rounds in Toulouse and two meetings at the premises of the Grisélidis and Lotus Bus organisations. Finally, some documents produced by the organisations and annual reports were also analysed.

At the same time, we established a quantitative survey which was restricted to a few relevant questions from the qualitative study. This questionnaire was distributed to nine organisations and resulted in 583 responses.

We used the results of this questionnaire to confirm or supplement the analysis of the semi-structured interviews. The questionnaire grid and the methodology adopted can be found in the Appendices.

Finally, additional informal situations during the study enabled the researchers to make ethno-graphical observations that will not be revealed in this report but which provided elements that helped understand the experiences of these sex workers and enriched the collated data.

## II. A COOPERATIVE STUDY METHOD

### STEERING COMMITTEE

The study protocol and the interview grids were created collectively over several meetings of the Steering Committee. The Steering Committee brought together representatives of sex workers' organisations (Collectif des Femmes de Strasbourg Saint Denis, STRASS), community health organisations (Acceptess-T, Cabiria, Grisélidis, Les Amis du Bus des Femmes, Paloma, Aides), health and human rights organisations (ARCAT, le Mouvement Français pour le Planning Familial and Médecins du Monde/Doctors of the World), and researchers. The protocol was reviewed and adjusted after six months following the first results. The first analyses and versions of the study report were also read and commented on collectively.

This cooperation with the individuals concerned and grassroots organisations meant choices around the panel, questions and wording could be made which reflected realities on the ground as closely as possible.

### ACCESS THROUGH GRASSROOTS ORGANISATIONS

Cooperation with grassroots organisations also gave the research an access route to a population which is largely stigmatised and marginalised and, hence, difficult to access. Grassroots organisations had often already established a relationship of trust which allowed us to request face-to-face, recorded interviews. This access may, of course, create a bias in that it may produce a discourse corresponding to the objectives of the organisation; we worked to take this potential bias into account when analysing the interviews. We felt that the selective bias of respondents was less of a risk, given the great diversity of the people who attended the activities carried out by the organisations where we reached out to them. The diversity is reflected in the panel that we describe below.

### A MULTI-SITE STUDY

Interviews with sex workers were carried out on the premises of, or as the result of, contact with the following organisations: Grisélidis in Toulouse, Cabiria in Lyon, Entr'Actes in Lille, Paloma in Nantes, Doctors of the World in Montpellier, Poitiers, Paris and Rouen, Arcat, Acceptess-T, les Amis du Bus des Femmes, le Strass, and the Collectif des Femmes de Strasbourg-Saint Denis in Paris.

The vast majority of interviews were carried out by researchers and the assistant research intern. Of the 61 interviews carried out with sex workers, 19 were carried out by members of the partner organisations. Of the 24 interviews and focus groups organised with grassroots organisations, seven were carried out by members of the partner organisations. The interview grid helped maintain consistency between the interviews. Some interviews were carried out in small groups of two or three people.

### III. THE PANEL OF INTERVIEWEES – SEMI-STRUCTURED INTERVIEWS

#### SEX WORKERS

A qualitative study does not strive to be statistically representative of the population being studied. The important thing is to construct a panel which takes account of the diversity of this population as best as possible. Rather than using estimates of the sex worker population which are in circulation without knowing how these figures are reached, we based ourselves on the knowledge of a number of actors involved in the Steering Committee who knew sex workers' experiences and were actively involved in the work of the various grassroots organisations. Based on this, we took into account the following criteria to create a panel:

- Sex and gender: cisgender women and men, transgender women and men;
- Nationalities (at least): Algerian, Bulgarian, Chinese, French, Nigerian, Romanian and various South-American nationalities;
- Place of contact with clients: street, internet, venues (bars, clubs, massage parlours, etc.);
- Place of residence: large cities in France (mainland and overseas) and suburban and rural areas.

The panel obtained (for the 61 interviews recorded and nine interviews which were not recorded) covered most of the set criteria. The detail of the panel and the profiles of the interviewees are provided in a table in the Appendix 3.

- The diversity of sexes/genders appears to be close to the reality of sex work.
- We also obtained a wide variety of nationalities and residence statuses, which does not appear in the table in the Appendix (most Nigerian and Chinese women were in an irregular situation; many people from Latin America and Eastern Europe – Bulgaria and Romania – were in unstable residence situations).
- **The age distribution was also balanced.<sup>10</sup>** We chose in this study not to interview minors, although some of the interviewees may have hidden the fact that they were minors.
- Interviews took place with people working in nine different sized cities, as well as on country roads (the organisations we interviewed also operate in towns, in the woods near towns and on country roads).
- Finally, although this was not part of the initial criteria, this panel reflected a great diversity of economic

situations. Many sex workers live in vulnerable situations, even prior to the increase in vulnerability seen in April 2016. This undoubtedly, but not exclusively, concerned many migrants who sometimes live from day-to-day, particularly in terms of access to housing. Others, regardless of their nationality, lived comfortably, with a higher standard of living or were able to fund relatively expensive personal or family projects.

However, some criteria could not be represented and will need to be documented through further research:

- In terms of distribution by nationality, it is more difficult to make contact with people from Eastern Europe. Interviews with grassroots organisations confirmed the greatest difficulty establishing in-depth relationships with them because they are often more mobile between two or more countries, travelling back and forth between them many times. Interviews with organisations attempted to overcome the small number of interviews with Romanian, Bulgarian, Albanian, etc. Language remains an obstacle, with the exception of a few organisations with native employees.
- In terms of modes of activity, street-based work or working in vans is over-represented. This over-representation is not uninteresting in the sense that those most affected by the legislative changes are street-based workers. A bigger problem is that the panel of people working online is French, Chinese and a few South Americans. Once again, women and men from Eastern Europe are absent from the panel.
- Again on the subject of modes of activity, we were unable to conduct interviews with people entering into contact with their clients in venues (massage parlours, bars, clubs, etc.). Some interviewees mention this type of work when they travel abroad and only one person spoke about working in a massage parlour (without this being entirely explicit). Grassroots organisations also have less easy access to this population, which is one limitation of our grassroots approach.

The interview grids were constructed in several stages: tested over three interviews in June–July 2016, then reviewed and enhanced (particularly the questions on violence) in April 2017. This interview grid can be found in the Appendix 1. Focussing on semi-directive interviews, the questions were not all systematically asked in order to leave room for dialogue or the expression of opinion from the interviewees.

<sup>10</sup> - If we compare with the number and profile of patients/clients seen by the organisations (at least once during the year, i.e. active file) those in their forties were over-represented. However, organisations which were in

contact with South American and Chinese sex workers had an average of older clients.

## ORGANISATIONS

These interviews with sex workers were supplemented by a second round of interviews with grassroots organisations. This involved interviewing these organisations using the same questions put to the sex workers, in order to cross-reference the responses. They were also asked about the impact of the law on their work, whether or not they had changed their grassroots work, in particular in terms of preventive work, needs and measures taken to manage requests for exit programmes. The interview grid can be found in the Appendix 2.

The steering committee established a list of grassroots organisations, taking into account three types of organisation:

- Sex workers' organisations;
- Organisations whose social and health work is targeted at sex workers and who were, therefore, in daily contact with them before the law was passed;
- Organisations which have requested accreditation or are likely to request accreditation to support applications for an exit programme.

The list of organisations contacted is as follows: Amicale du Nid Paris, Planning familial de l'Aude, Ippo Bordeaux, Arap Rubis Nîmes, ALC Nice, Pénélope Strasbourg, Putain dans l'Âme Besançon, Aux Captifs la Libération Paris, CAPS Rouen, CIDFF Poitiers, Les Amis des Femmes de la Libération Poitiers, Mouvement du Nid Nantes, L'Embellie Avignon, Arcades Valence, Comité de TDS de Perpignan, Autres Regards Marseille, Entr'Actes Lille, Arc75 Paris, ARPS Réunion, Charonne Paris. In addition, some organisations were in the Steering Committee: Paloma, Grisélidis, Cabiria, Médecins du Monde Montpellier/Poitiers/Rouen/Paris, Aides Avignon/Région Centre/Rouen, Arcat, Acceptess-T, Les Amis du Bus des Femmes. The large majority of organisations agreed. Only six did not respond to or follow-up on our request: l'Amicale du Nid Paris, Charonne Paris, Pénélope Strasbourg, Putain dans l'Âme Besançon, CIDFF Poitiers, Mouvement du Nid Nantes.

We collated interviews with 24 grassroots organisations [or specialised programmes within organisations]. 15 interviews were recorded and transcribed; five focus groups were carried out, four were transcribed and one was recorded; four interviews were not recorded due to a lack of time. In addition, three organisations submitted summaries of observations.

Some of the grassroots organisations supported the law while others did not. Ten organisations which were interviewed had obtained accreditation or had begun the accreditation procedure; three had taken part in preparatory meetings for the "departmental committee to prevent and combat prostitution, procurement and human trafficking for the purposes of sexual exploitation" and had thus been consulted; two did not want to request approval but had been strongly involved in the previous work of the committee either upon request of the Departmental representative of the Delegation for Women's Rights (Délégation aux Droits des Femmes) or during the process of preparing files for people they had followed elsewhere.



**PART 3**  
**ANALYSIS OF THE RESULTS**  
**OF THE STUDY**

## I. FROM DECRIMINALISATION OF SOLICITING TO THE CRIMINALISATION OF THE CLIENT: WHAT CHANGES HAVE ARISEN FOR SEX WORKERS?

This first part of the analysis of the interviews looks at sex workers' experiences of the decriminalisation of soliciting and the first two years of the criminalisation of the purchase of sexual acts (hereinafter we use the more common expression of "criminalisation of the client"). Only a few migrant women said they were relieved when soliciting was decriminalised, most of them did not see any difference, or felt that the criminalisation of the clients penalised them even more than the offence of soliciting. Many also mentioned that other forms of criminalisation or control had not changed, or had even been established in order to make them move out of certain areas.

Another aspect that strongly emerged from the interviews, which will be addressed in the conclusion, was the lack of understanding, or even criticism, of a moralising approach condemning all clients on the part of the sex workers. The way in which sex workers see their clients is much more nuanced. The interviews also questioned the rationale according to which criminalising the client helps fight against networks of exploitation, and they often expressed that the objective was rather to fight against sex workers without taking their interests into account in any way.

### 1. INDIRECT PENALTIES AND INTIMIDATION FOR REPORTING CLIENTS

Six months after the application of clients' criminalisation, French newspaper *Le Monde* published a figure of only 250 fines for clients.<sup>11</sup> Since then, few figures have been published in relation to the enforcement of the law. In any case, as it clearly emerged from the interviews, police presence and pressure has contributed to putting clients off and this should be taken into account when considering the impact of the law.

In the interviews, only a few interviewees were not aware of the legislative changes. Some migrant women, who felt that they had to choose between the two forms of criminalisation, thought it should be the client to be targeted and that they should no longer be

arrested for soliciting because this often led to lawyers' fees or the risk of deportation. However, in contrast, a much larger number of interviewees felt that if they were to choose, they would prefer that they were the target of criminalisation rather than their clients. Indeed, in practical terms, at least in places where the offence of soliciting was no longer implemented, the criminalisation of clients had led to a sharp decrease in their income and working conditions, which will be described in more detail in the following part. The quantitative study carried out at the start of 2018 indicated that 511 of the sex workers interviewed were opposed to the criminalisation of clients, compared to 20 who supported the legislation.

Beyond the practical effects of the change in the law, many interviewees raised questions over whether it was even possible to criminalising a purchase without criminalising a sale: they felt that they were also undoubtedly a target of the law. Thus, in towns or areas where the purchase of sexual activities had been banned, police presence was described either as a barrier to work, or as a form of intimidation which targeted both sex workers and their clients. Often the sex workers remained the only real target of intimidation, as in this case reported by the Cabiria organisation:

*"During one of our rounds in the countryside, a woman that the gendarmerie wanted to leave and who had resisted because there was no objective reason to leave, saw one of her clients being picked up to increase the pressure on her. The case was closed with no further action and the gendarmes [in the absence of any further means of pressurising her], gave up."*

Cabiria, organisation in Lyon

During arrests, it is not uncommon for police officers to intimidate sex workers to report their clients, or even to arrest them if they do not have residence papers.

*"I kept some distance from him and confirmed that I didn't work on the street. But the police officers told me that if I didn't say he was my client, they would take me to the police station! I was really scared, so I told them I was a prostitute and I was at work!"*

Jili, Chinese woman

The pressure to report on clients was confirmed in several interviews where women explained that they systematically denied the person was a client. This was also reported by grassroots organisations, such as the

11 - Gaëlle Dupont, "In six months, 250 clients of prostitutes received verbal warnings", in *Le Monde.fr*, 4 October 2016. Available on line: [http://www.lemonde.fr/societe/article/2016/10/04/en-six-mois-250-](http://www.lemonde.fr/societe/article/2016/10/04/en-six-mois-250-clients-de-prostituees-verbalises-sur-le-territoire_5008000_3224.html)

[clients-de-prostituees-verbalises-sur-le-territoire\\_5008000\\_3224.html](http://www.lemonde.fr/societe/article/2016/10/04/en-six-mois-250-clients-de-prostituees-verbalises-sur-le-territoire_5008000_3224.html) [In French. Last consulted: November 2016]



Cabiria team, who mentioned the case of a migrant woman who spoke French and who responded to the gendarmes, saying that ‘I am not coming with you to the station, I have known this man for a long time, he is my friend. He hasn’t come to sleep with me, and I have nothing else to say to you. And I do not want to come with you to the police station.’ The police officers let it go, but the team of social workers and peer workers explained that it was much more difficult for people who do not know their own rights and who are afraid of being arrested to resist this kind of pressure.

In addition, the interviewees often described how often they felt responsible, or even guilty, when a client was arrested:

*“When I saw that, I felt sad for him, I couldn’t sleep that night. When I saw the client leaving, I told myself that his wife would know and his work colleagues would know, and I felt so guilty I couldn’t sleep for two nights! But I don’t know how to tell him that, I don’t understand or speak French so I couldn’t say to him, ‘I’m sorry’ about that day, I protected myself and I didn’t protect you.”*

Jili, femme chinoise

*“I really empathise with the clients. Once I was arrested and I was afraid [cries], but I really didn’t want to report him. If a client comes to see us, it’s because he doesn’t have money, or has an unstable job or no job at all. And the government wants to punish him more. It’s unfair.”*

Min, Chinese woman

The grassroots organisation Aides in the Centre region told the story of a very militant van worker whose client had been summoned to the gendarmerie and the woman went with the client to the meeting to give him support. It is not unusual for women to support their clients when they are able to.

## 2. MAINTAINING REPRESSIVE MEASURES TOWARDS SEX WORKERS AT THE LOCAL LEVEL

According to the law, repealing the offence of soliciting forms part of the provision “protecting” people who are “victims of prostitution, procurement and human trafficking for the purposes of sexual exploitation.” In other words, according to the spirit of the law, the repressive measures and arrest are contrary to the objective of protection: “in order to protect prostitutes instead of arresting them, the offence of soliciting has been removed.”<sup>12</sup>

However, several interviews mentioned that the offence of soliciting was not the only way of putting pressure on sex workers and questioned whether from one day to the next the police could prioritise their “protection”. In reality, cities continued to apply municipal ordinances with a view to preventing sex work in certain areas: these ordinances relate to parking vans or coming and going in public places. Interviews with grassroots organisations confirmed that these local ordinances continue to be applied in, among other cities, Lyon, Nîmes, Narbonne and Toulouse. In some cities and certain country roads, sex workers continue to be more penalised than clients, some even receiving several fines on the same day.

These local ordinances have led to a deterioration in sex workers’ working conditions, as they are forced to work in even more isolated areas, and are, therefore, less “protected” from the risks of violence. Faced with this combination of local ordinances which indirectly prohibit solicitation and the criminalisation of the purchase of sexual acts, one interviewee reported a “double punishment”, given that, far from the objectives of protection, the priority often remains how to make a visible street population disappear:

*“We are criminalised on two counts, it is a double punishment. Nobody talks about these local ordinances. Everyone talks about the criminalisation of the client, so they say: ‘Right, OK, the upshot is we’ve left the prostitutes alone’. That’s not true. We are criminalised on two counts because the local ordinances ban us from parking on public roads for too long. That is called prostitution. It is exactly what is aimed at. All the areas and addresses known for prostitution are targeted, just as much as before: Boulevard des*

12 - Law of 13 April 2016 aiming to reinforce the fight against the prostitution system and to support people in prostitution.” in [vie-publique.fr](http://vie-publique.fr), 14 April 2016.

Available on line: <http://www.vie-publique.fr/actualite/panorama/texte-discussion/proposition-loi-renforçant-lutte-contre-système-prostitutionnel.html> [In French. Last consulted: February 2018]

*Arceaux, Avenue d'Assas, Avenue de Toulouse. All these avenues and addresses are known for being hot spots for prostitution so of course it is the prostitutes that they want to chase out of town. But at what price? At the price of our physical safety."*

Amel, French trans woman

In other cities or areas (sometimes alongside ordinances targeting sex workers), ID checks have replaced operations to combat soliciting. This is the case in Montpellier and along the roads surrounding the city and in the Belleville neighbourhood of Paris, according to statements collected by the Doctors of the World programmes. In the case of Belleville, at the end of May 2015, at the request of town halls overlapping with this neighbourhood, the police increased arrests for soliciting. One year later, after soliciting had been decriminalised, a requisition from the public prosecutor of the Préfecture de Paris enabled ID checks to be carried out in this area. Statements collected by the Doctors of the World Lotus Bus programme report discriminatory checks being carried out targeting Asian women. The parallel between the two statements below, the first in June 2015 and the second in June 2016, is striking:

*"Near the metro station in Belleville, I entered the metro and a police officer ran after me and said 'Madam, show me your papers'. I showed him my papers. He took my photo and said, 'get out of here'. I left the metro and hung about in a supermarket for a while. Now you don't only see police in Belleville, but also as far away as Couronnes [metro station]. We can't do anything anymore, not even walk about. The guys in the street are nasty, the rates are low, the cops are everywhere, we are in even more danger, it's hard, we don't earn any money and can't go back to China [her friend cries]; every day they come around 3pm and we can't do anything. They threaten us and say we'll have to leave within 20 days ... When you have no papers, you can't fight back."*

Collation of statements, Lotus Bus, Doctors of the World, 1 June 2015

*"The police come every day. During the day. At night, I don't know. But during the day, they come every day. We are on the lookout for both the police and the clients. [Question: Since April 2016, have you seen changes in police officers' behaviour?][The police] chase us every day. Every afternoon, they come to move us on. That's not changed"*

Ludi, Chinese woman

These two quotes from 2015 and 2016 show that in the Belleville neighbourhood of Paris, Chinese women saw no difference between before and after the repeal of the offence of soliciting. In Montpellier also, the Doctors of the World programme saw more cases of detention, and statements from people revealed selective operations by the police targeting African women.

This statement from a Nigerian woman in Toulouse describes the same situation. One year after the criminalisation of clients provision was established, she feels that there are sometimes more ID checks on migrants than on clients:

*"If the girls don't have papers, they take the girls. They ask them for their papers, if you show them your papers, OK, and if they are out of date or you don't have any, they take the girl. Because now they even come in private cars, as if they were clients, and they take the girls [...] Before they checked clients more, but now they check the girls more. They also check the clients, but more the girls [...] it's nothing new. When I arrived in Toulouse, checks already took place. There's be no change, but there are more checks than before"*

Blessing, Nigerian woman

Romanian and Bulgarian women also reported an increase in checks and expulsions. Their ID papers are checked at the same time as the client's when he is arrested and some are even issued with a "ban on entering France" (*interdiction du territoire français, ITF*) for disturbing the public order.

*"When they catch the client, they always ask for both my ID and the client's, that always happens [...] Previously, we usually got here about 11am and now, we come at about 2pm, 2.30pm because of the police checks. That's how two girls were issued with ITFs, us girls are afraid. All girls are now afraid of getting an ITF. Because if you are banned from coming back to France, how are you going to get to work?"*

Elena, Bulgarian woman

One of the Romanian women felt it was unfair that sex work was not recognised as work because, as it stands, she cannot prove she is working and so cannot be granted the right to remain for more than three months in France. In the Aude Department, the Planning Familiale organisation corroborated interviews which were carried out in other regions regarding the more frequent checks on Eastern European women:

*“At the same time as clients are criminalised, there are ID checks and the police also check how long the Romanian people have been in the country. During the ID checks, they give their name and identity. But it is particularly the border police (Police aux Frontières, PAF) in Port-la-Nouvelle - which patrols the Perpignan road - which asks people for their ID and asks them to provide evidence of when they arrived in France with bus tickets. If they don't like what they see, they tell them to leave.”*

Planning familial de l'Aude, Lesignan Corbières

This feeling of pressure and control does not only concern migrants. French women also report feeling that police pressure has got worse despite the end of the offence of soliciting:

*“They hassle us more and more, because you get the feeling that they are almost making us bump into them. They say that we have no business being in the streets, that it would maybe be good if we went to the bars in Belgium and all that ... And then they do more and more checks even though I know that soliciting doesn't exist anymore so ...”*

Léa, French woman

According to the social workers at the Entr'Actes de Lille organisation, the situation has, however, calmed down in the old town and the police is mainly there to check for the presence of minors. However, in the neighbouring town of La Madeleine, which had increased measures to discourage sex work before the law was passed, the pressure on sex workers does not appear to have reduced. Similarly, in Lyon, anti-van ordinances are still in place. In Nîmes, the ARAP Rubis organisation believes that sex workers are still more penalised than clients, due to local ordinances.

It is very clear that urban areas which are being gentrified are places where there are more ordinances or ID checks to try to increase the pressure and push sex workers further away. This is the case in Avignon, particularly during the summer Festival, although there have never been any ordinances which specifically target sex workers, according to the two organisations in the town, Aides and l'Embellie.

The gap between the national policy of “protecting” sex workers and the local policy of cracking down on sex work clearly raises questions around the motivations of local authorities. Their priority often remains that of public order, rather than the protection of persons.

Although situations appear to differ from town to town, or sometimes even from area to area, and some interviews mention relationships of trust with the police and even a feeling of being protected, most often the police are not considered as allies. Intimidation or the application of penalties contribute to a feeling of deep mistrust or even defiance towards the police, which is a barrier to calling on the police in the event of danger or violence:

*One woman who mentioned the scale of physical violence said that she would never report that violence to the police: “I'm afraid of the police. I don't really know what could happen but I'm afraid. [...] Because people don't want prostitution in this country, they don't need it. So when I'm asked what I am doing on the road... this is why. I have no problem with the police [before]. The police push us out of the street to stop working. They say that they will take us to the police station. I don't want that, so that's why I can't go and tell the police.”*

Trésor, Nigerian woman

*“I've never had good relations with the police and the same can be said for them. The other day, they threatened to pick me up for soliciting if I didn't go home. I told them that soliciting had been repealed and they answered that if they wanted to, they could pick me up anyway for another reason, so I had to leave. So, I left without having been able to earn anything to eat the next day. [...] As far as I am concerned, I see them as persecutors and not as protecting our safety.”*

Aurora, Argentinian trans woman

*“Even if it was an extremely violent rape, I would see what info I had about the guy. Did I see his face, where did I pick him up, were there cameras there, are there banks outside that could have been filming. So, I suppose, if that was possible, yes, I might press charges ... uhh... A few weeks later. A few days later, but not straight away [...] I've been punched in the face, it wasn't anything serious ... Maybe if I had a broken arm ... If I only had cuts and bruises ... apart from insulting me, what would the cops do?”*

Julie, French woman

Whether they be French people with a network of family and friends or migrant women in extremely unstable situations, the vast majority of interviewees reported feelings of mistrust arising from the idea that they were either doing something illegal or out of fear that their

activity would be made public. In all cases, marginalisation makes it more difficult to use the law and access police services.

This part focused on statements around the criminalisation of clients. In the next part, we will look at the material impact of the law. We will see that the criminalisation of the client has had a major effect. It has led to a significant reduction in the number of clients, which has led to greater insecurity in sex workers' living and working conditions. This insecurity takes the form of acute exposure to the risk of violence and a general deterioration in sex workers' health.

## II. THE WORRYING IMPACT OF CRIMINALISING THE CLIENT: REDUCED AUTONOMY, GREATER RISKS, INSECURITY AND STIGMA.

As anticipated by the legislators, criminalising clients has led to a drop in the number of clients. For sex workers, the consequence is a significant, sometimes alarming, reduction in income. Faced with less work, and when the official alternative of a prostitution exit programme ultimately only concerned a small minority of sex workers, some have ended up in extremely vulnerable situations. The majority among them has tried to adapt their practices and living conditions; most of them continue to offer their services and work in poorer conditions.

This section reveals how the drop in activity first led to a lower bargaining position in the power relationship with clients and, sometimes, reduced independence. It subsequently led to working in more risky conditions, and then to significant impoverishment and deterioration in health, particularly among those who were already very vulnerable, undocumented migrant women working in the streets. There is a cause and effect relationship between economic instability, risk-taking practices and exposure to violence from fake clients and others. Thus, in terms of sex workers' safety and their overall living conditions, the effects of criminalising clients have been detrimental.

### 1. A LAW WHICH IS CONTRARY TO EMPOWERMENT: DETERIORATION OF RELATIONSHIPS WITH CLIENTS AND THE USE OF INTERMEDIARIES

#### REDUCTION IN THE NUMBER OF CLIENTS AND A REDUCTION IN INCOME, BUT NO REDUCTION IN THE NUMBER OF SEX WORKERS

The first observation made by interviewees was that they had seen significant reduction in the number of clients. This was mentioned in almost all interviews with street-based workers, with the exception of one French woman working in Lille city centre and one Bulgarian woman in the Bois de Boulogne in Paris (both of whom

were interviewed in 2017, when the effect of the change in the law might have been less pronounced). These two people did not, however, contradict the statement below regarding a change in the profile of clients.

*"Clients disappeared, so we're out of work. We spend hours waiting for nothing. Previously, we saw two or three clients per day, now we see two or three clients per week, so you can imagine the difference."*

Camila, Brazilian woman

*"Before, I could do between 15 and 20 clients. Now it's six or seven."*

Manuela, Ecuadorian woman

*"Normally, I would see between two and three clients per night. Now I only see one client per night."*

Diana, Nigerian woman

*"Before I would see three or four clients (per week). Now I see one or two clients."*

Daniela, Ecuadorian trans woman

*"Look, I came out at 9.30pm and have seen two clients. Not even two, really, because I did one client and the other gave me money."*

Inès, Algerian trans woman

In terms of those working on the internet, the responses were more varied. Some had not seen any obvious change (this was the case of the Chinese woman and one French man) and felt that clients on the internet did not really feel they were affected by the law. Others, in contrast, described a rapid drop in their activity, fewer calls, and more appointments which were not respected. They also described greater irregularity in their work, which appeared to be influenced by media coverage of this law.

*"I hope that with time things will improve. With time, maybe they'll come back. I hope so [...] But now, they're going to be talking about it again on 6 October. So, for six months there will be lots of articles about it. And that means lots of articles where they count the number of people arrested. It might be people in the street, it affects everyone when they publish articles like that. And for our colleagues in the street, it must be awful. I can't even imagine."*

Magali, French woman

*"I'm better off than some in terms of working conditions after all [...] the clientele, from one month to the next, I went to none from one day to the next and I couldn't understand where they'd gone. Afterwards I saw the thing about criminalising the clients in the media and then there was a wave of arrests, I don't know where, and suddenly I had no more clients."*

Marie, French woman

Two interviewees voiced doubts over a link between a drop in clients and the law. They felt that the explanation was more to do with an increase in competition (occasional prostitution and sexual liberation) and the economic crisis more broadly, which has also affected this sector. Indeed, it could be asked whether the drop in the number of clients is simply a consequence of criminalising clients or if the new legislation has been a catalyst of a trend which was already under way and the shift towards contacts on the internet.

In any case, grassroots organisations confirmed the drop in the number of clients, but did not report any significant drop in the number of people they encountered in their work. The notable exception was the Maison de Vie du Roussillon and the Comité des TDS in Perpignan, as well as the Planning Familial in Aude, which reported a significant decrease in the sex workers they meet. In fact, this is a region where provisions to criminalise clients were strictly enforced across the country roads. The organisations think that many sex workers moved to the clubs over the Spanish border or that they now work on the internet.

The drop in the number of clients led to a reduction in income which, with the exception of four people, was systematically mentioned in the interviews – regardless of the interviewee's nationality and way of working.

*"Previously, I made between €3,000 and €4,000 per month. Now it's more like €2,000 or €3,000."*

Fan, Chinese woman

*"Previously, I had two days off every week. Now I only have one. Before, I worked from 2-8pm. Now I go out at 1pm and I get home later. And I earn less."*

Manuela, Ecuadorian woman

*"Full-time work, depending on the escorts and the way they work and everything else, used to earn between €4,000 and €15,000 per month. It really depends*

13 - See for example, the statements from Mouvement du Nid: "If you are a client of prostitution, faced with very vulnerable women, you will no longer be able to make the most of your economic advantage"; "If the client insist upon a sexual act, without using a condom or a sexual act that the prostitute refuses to perform, he would be taking a major risk of being reported,

*on the choices the escort makes and how much time they spend etc. But not anymore! My dear, if I make €2,000 in a month, I'm happy."*

Magali, French woman

This observation was corroborated by the quantitative questionnaire which indicated that around 63% of respondents saw a drop in their quality of life over the past two years and that more than 78% had seen a reduction in their income since April 2016 (see tables in the Appendix 4).

## REDRESSING THE POWER BALANCE IN THE CLIENT'S FAVOUR

In contrast to the argument in favour of criminalisation, which assumes that sex workers hold the upper hand in the power relationship with a client who is committing an offence,<sup>13</sup> the interviews unanimously revealed that the balance of power has deteriorated. The growing competition between sex workers is advantageous to the clients.

*"Do I feel as if I am in a strong position in comparison to the client? No, I don't think so. On the contrary. [...] I beg them to come and see me. I don't feel strong, quite the opposite. [The law] has completely crushed me, because I am always running after the client to get him to agree. Before, I had the choice. Usually the client approached me and I told him my price. Now, it's him who sets the price and him who says where we go. Truly, it has utterly crushed me. It has crushed me because now I chase after the client. How do you expect me to feel strong?"*

Yacine, Algerian travesti

When the interviewer asked the question "Insofar as you can report the client, do you feel you are in a better position to negotiate with them?", responses were generally given as if the question was absurd. The interviewees talked about the lack of commercial logic in the idea of reporting clients and, more importantly, the risk of triggering more violence by threatening the client. First of all, in an economic transaction, it makes no sense for the people being interviewed to report their source of income to the police.

*"No prostitute is going to do that, because they know that the media could say that the clients are being criminalised and that clients won't come any more.*

because simply soliciting this purchase is illegal." in Julie Pietri, "La loi pénalisant les clients de prostituées de retour à l'Assemblée", on France Inter, 3 February 2016 [in French]. Available on line: <https://www.franceinter.fr/so-ciete/la-loi-penalissant-les-clients-de-prostituées-de-retour-a-l-assemblée>. [Last consulted: November 2016].

*Prostitutes are not stupid, they're not going to kill their jobs. So, in contrast, I think that prostitutes will be even more permissive, unfortunately"*

Amel, French trans woman

*"That's an argument that I've never understood in the sense that if you start reporting your clients, you won't have any more clients coming to see you. You're not going to shoot yourself in the foot! From a marketing point of view, it doesn't work like that. After all, the truth is that we wouldn't need to report the clients if we were allowed to have the clients we wanted. But we wouldn't report them. Why on earth would we do that?"*

Magali, French woman

*"Quite frankly, well ... as a woman, as a working woman, I would not report a man when he had done nothing to me. If he had hit me, I would."*

Elsa, French woman

The ones that sex workers want to be able to report to the police are the "fake clients", those who pretend to be clients in order to steal from them, often using violence. But, as mentioned earlier, even in these situations it is difficult to turn to the law, and the changes to the law has not improved this. Sex workers do not feel any greater sense of legitimacy in reporting clients than previously. Trying to intimidate clients or "fake" clients by threatening to report them to the police is often seen as a reason for the escalation of violence:

*"Last week a client hit me because he wanted me to give him back €20 because he hadn't managed to ejaculate after thirty minutes. When I said I'd report him, he nearly strangled me. Everything that is happening is scary. (...) I will never again tell a client that I'm going to report him, what happened to me was too horrible. (...) What's more, I'll tell all my friends to be careful. There are some people who think that they will be able to report clients who are aggressive, disrespectful and violent. I think they could kill one of us. I hope not, but I know this environment and what some "clients" think we are worth."*

Aurora, Argentine trans woman

*"I think that if I called the police when a client didn't pay me, the client would destroy my phone and hit me."*

Stella, Nigerian woman

*"Young people, for example, there's no negotiating with them, they'll say I don't care, on you go, do what*

*you want, whatever you do, if you cause me problems, I'll just send you to the cemetery or the hospital"*

Agnès, French woman

Of all the interviewees, only one woman said she had threatened to call the police on a client who did not want to pay, and succeeded in being paid. Only one other said that the risk of a fine protected her from the most aggressive clients because she could report them to the police. Finally, one last interviewee said that the fear of being reported forced clients to stay decent:

*"I think that sometimes, they are decent with me just because of that. They are afraid that I'll call the police. There are lots of them who are careful about what they do because of this."*

Bianca, Romanian woman

All the other interviewees thought that the power relationship had shifted out of their favour or that the argument about reporting clients is absurd and even dangerous.

In contrast, redressing the power relationship in the clients' favour was illustrated by the difficulty in negotiating prices. Sex workers and organisations reported several cases where clients "play on the competition" in order to get a better price.

*"Yes, physically they are the same, but they want to pay a lot less precisely because it's obvious that we are not working, we're waiting around with nothing to do, so they offer three times less. (...) We are, therefore, more vulnerable and have fewer clients, so less money and they play on the competition, which is normal."*

Camila, Brazilian woman

*"He asks, 'how much?' and I say '€30'. He says: 'No way, I've only got €10'. Before, I wouldn't have accepted. Even my friends wouldn't accept €10. But now, I'll take it. I'll tell you the truth. I accept €10. So how do you think this law makes me stronger? It's just the opposite, I'll take anyone for €10 ... There are some people who have no money. They need to eat a sandwich. So, they'll take €7, €8, €9. That's the law for you."*

Yacine, Algerian travesti

*"I ask for €30-50. But if the client demands a lower price, I have to agree, otherwise someone else will say yes and I won't have any more work. It wasn't like that before, they'd agree to what I asked, but now, for the past year ..."*

Cristina, Ecuadorian woman

*"Yes, the clients say, 'You see that blond girl there, your friend, she does it without a condom, she knows what she's doing', and afterwards you think that he's a good client, a loyal client, who is paying attention. And you start thinking that the girl does everything ... And some client sites post comments about the girls, horrible comments ..."*

Griselidis, focus group with sex workers

Criminalising clients has even become an argument that is used to negotiate prices down: because the client is taking the risk of paying a fine, he asks the sex worker to give him a break. Clients feel they are entitled to ask for more, because they are taking a risk:

*"[the clients] say 'police are everywhere...' You understand. Before I used to go for €80 now there is no clients, there is the police, so I say €50 now. You understand this difference now, because there's not so much of clients, and it's like they want to risk themselves to go with you, so I have to say lower price."*

Grace, Nigerian woman

*"That's what happens. Now before a client comes with you, you spend hours negotiating and they ask to pay less because they'll be arrested and will have to pay a fine. So, I agree and every time it gets cheaper and cheaper. They're happy now because they have the power to decide everything and I can't do anything about it."*

Aurora, Argentine trans woman

*"Since they've known that it's the clients who are criminalised, they've been coming up with lower offers. Most clients don't come any more and those who do, come with the idea in their heads that there is a law which criminalises them so we need to make a bit of an effort on our side."*

Amel, French trans woman

*"One Nigerian person told me: 'My client said: 'you're lucky I come at all', so he's already making her feel indebted to him. He starts negotiating by saying: 'You should be thanking me for being here because I'm taking a risk', so in the commercial negotiation, everything has changed. The power balance has shifted."*

Autres Regards, organisation in Marseille

*"On the whole, it is the clients who decide and lead the negotiations. There is a balance that has changed in the dominant-dominated relationship. Before it was*

*the woman who decided, but now it's the client who leads the dance ... The client is more anxious yes, a lot more stressed, more demanding, the client sets the price, so of course the price is going to drop."*

Entr'Actes, organisation in Lille

In terms of the choice of practices as well, people seem more likely to accept practices that they had refused in the past:

*"Condoms can be a bit problematic, yes. But it might be other practices that we wouldn't have done before because we don't feel comfortable with them, or because we don't feel safe. [...] It's not so much that people insist on them, it's more like, because there are fewer and fewer clients, there is a time when you have to ask yourself the question. Something has to give. Yes, there are a few colleagues who have asked these types of questions on forums or between ourselves. Questions are starting to be asked."*

Magali, French woman

*"In fact, lots of colleagues have kept the same rates as before, but have increased what they do. They now agree to sodomy, or foot fetishes ... We've had to increase the services we provide ..."*

Julie, French woman

Ultimately, as a result of criminalising clients, not only do sex workers agree to work for less and accept practices they would previously have refused, but they need to spend a certain amount of time reassuring the client. They say they have to reduce the client's anxiety and reassure them that the exchange will go smoothly.

*"It takes more work for him to get aroused, to forget the stress, forget his work, his children, his wife. Because he is paying me for a good time, that is my job: to make sure he forgets it all and enjoys this time even if it's twenty minutes, thirty minutes or an hour. If he needs it and he's stressed, I'll give him a massage."*

Daniela, Ecuadorian trans woman

*"Of course, if you take them into car parks, they are afraid. They're always looking around and asking if the police are there, if the police will come, so all we have to do is reassure them, because we need the work."*

Blessing, Nigerian woman



## CLARIFICATION REQUIRED OVER THE USE OF INTERMEDIARIES AND LOSS OF AUTONOMY

In the discussions around criminalising clients, one of the arguments against the draft law was that there was possibly a loss of autonomy and an increase in procurement, hence increased risks of exploitation. Based on the interviews, several different opinions are worth looking into further.

### The case of Nigerian women: exploitation has not decreased and may even have increased

The issue of intermediaries (pimp, mama, boss, agency, etc.) was not always addressed so as not to compromise the relationship of trust during the interviews, in particular with migrant women originating from sub-Saharan Africa.

Grassroots organisations and various anthropological and sociological studies confirm the seriousness of situations of exploitation and loss of autonomy for Nigerian women in the sex work sector. However, it should be noted that these studies are always very nuanced in describing the complex processes which combine the fear of traffickers and debt, and the ability to make choices at the time of departure as well as within the country of arrival on the part of the migrant – that is, when they may adopt the codes of the country in which they are settling and renegotiate their autonomy.<sup>14</sup>

Interviews with grassroots organisations highlighted three points: the number of Nigerian women has not reduced for two years, the age of new arrivals tends to be lower, and exploitation tends to become global, with the increasing presence of men. Hence, as we discuss in the conclusion, the expected impact of the law – to reduce the market and traffic around this market – depends upon more global reasons linked to migration.

### A rise in the use of intermediaries for want of a better alternative

Since the law was passed, interviewees had not seen a rise in propositions from intermediaries. When the draft law was prepared, the majority said they had turned down such offers. Some said they had refused to use an intermediary in order to maintain their independence

and refused to share their income. However, given the long-term decrease in the number of clients, some said that in the medium term, they would no longer be able to refuse such offers.

*"I am starting to think that I'll have to find myself something if they start to apply the law strictly. I've been offered to go and work in a bar where clients come and we take them home. I was told that I should pay for every client I 'take out' of the bar, but I don't know much more yet. In any case, if I see that it works, it would make sense to agree."*

Aurora, Argentine trans woman

*"I have many colleagues who prospect for work either in bars or agencies ... So, they are looking for intermediaries who they can work for. In fact, up to this point, we didn't need anyone to organise our work, but now ..."*

Magali, French woman

Others go to work abroad, in countries where the legislation permits what is criminalised in France as procurement. This is mostly the case of people who work as escorts and who use agencies in neighbouring countries where this practice is authorised, in order to include them in their services. However, demand is high and the selection process in these agencies is not easy. Escorts working on the internet sometimes go to Switzerland or Luxembourg, even though they do not necessarily like the rigid framework of sex work in these countries. For sex workers in the streets of Lyon or in Savoy, Switzerland is an alternative. In the south of France, it is Spain with its clubs along the border and there again, the working conditions and presence of a boss are factors that are not regarded positively.

*"What people in prostitution first think is that this law has encouraged procurement, encouraged mafia networks. Perpignan is a good example, because at La Jonquera in Spain [a border city hosting clubs], more than 400 additional girls were hired after this new law. [...] so in fact, effectively they are people in prostitution and whether they have come through mafia networks or whether they have always chosen sex work, they have gone to work in brothels."*

The Comité des TDS in Perpignan

*"I have been a prostitute in Perpignan since 1985 and have three children. I worked in the street before going on the internet. Since the middle of 2016, I*

14 - Nicola Mai, *Travel, ethnofiction*, 2016 ; Simona Taliani, *Calebours de choses dans le vaudou italien : Corps-fétiche et principes d'inégalité devant les dieux*, Social Compass - février 2016 ; Françoise Guillemaut,

« Femmes africaines, migration et travail du sexe », *Sociétés* 2008/1 (n° 99), p. 91-106.

*chose a solution which I think is more protective, even if I'm not necessary in favour of it! I work in DALLAS at La Jonquera because I am protected by the laws, my clients aren't taking any risks and neither am I. Unfortunately, 20% of my salary goes to the brothel [...] I'm a bit disappointed because I'd never had a pimp in my life and had always fought against it. And then last year I felt an obligation to protect myself by going to this brothel"*

French woman, statement collected by the Comité des TDS in Perpignan

The Doctors of the World Lotus Bus programme reported a growing number of Chinese women working on the internet, despite the fact that, given the language barrier, this requires them to use an intermediary. Of these women, many had first worked in the streets and had chosen to change because they could not find enough clients or wanted to avoid police checks. Most often, with the exception of a few cases of heavy pressure related to debts incurred through immigration, the women explained that this was their choice and was not due to "networks" or "pimps" having a hold over them. One Chinese woman said she decided not to work in the streets any longer but through internet adverts due to the police presence in the Belleville neighbourhood. "The best thing is obviously to work alone", but arrests cost her €4,000 (€1,000 in lawyer's fees to get her out of detention for each of four arrests) and this is, therefore, why she sought out an intermediary who would organise her travel and make appointments with clients. She therefore preferred to earn less money but avoid the costs linked to police arrests. However, only people who spoke a little French could avoid going through an intermediary:

*"There are no more clients in Paris, it's no longer possible to work in the streets, so we go to the internet. If you want to work on the internet, you have to pay an intermediary which is often very expensive. They post your advert and find housing, but I managed to do it all by myself [because she speaks a little French]. The intermediary takes 50% of our money from the clients we get on the internet"*

Focus group with Chinese women, Doctors of the World - Lotus Bus programme

Criminalising clients may, therefore, raise questions around the autonomy of sex workers in their practices. In a broader sense, these interviews highlight the fact that repressive measures (soliciting until 2016

and checking residence papers since then) tend to encourage the use of intermediaries in a voluntary way.

## **A majority of sex workers defend their independence**

However, in contrast to one of the hypotheses of opponents of criminalising clients, there has been no obvious increase in the use of procurers. On the contrary, the question of independence is a subject upon which the interviewees liked to comment and defend

*"No, I've never had [a boss] and even if someone offered their services to find me clients, I wouldn't accept because a visual assessment is really important when choosing clients, you have to know what to look for. I don't care how much you give me, the important thing for me is to be able to see the person [the client]."*

Lily, Chinese woman

*"The good thing is I work for myself, I don't work for anyone else. Everything I earn, I can keep. Or I spend it on things I need and I can relax."*

Daniela, Ecuadorian trans woman

*"I've always worked alone. I never wanted to have a boss. I never wanted too many people getting involved. I don't need protection and don't want to do too much. If you have a boss who organises things, it's them who decide how much you work. I prefer to be free. I accept when I want to and refuse if I don't want to. My priority is my safety, not how much money I earn."*

Meimei, Chinese woman

*"At the beginning I worked with him and afterwards he wanted us to go fifty-fifty, but I said no. I didn't agree. And I told him to delete my number from his phone or I'd come with the police and I would ... I would ... find him at his home, because I know his address."*

Ana, Romanian woman

One Romanian woman said she had had offers from intermediaries in order to have more clients, to which she responded negatively:

*"Yes, there are some that do stupid things, like that. But you mustn't fall for it. I listen but say no straight away."*

Bianca, Romanian woman

*"People have offered to get me clients, but for the time being, I don't want to work for other people, not for*

*anything in the world. My independence is more important than anything. But if it happens, it happens. And I wouldn't say anything to the police. Because if I can earn money and it works well, it'd be crazy to tell the police."*

Aurora, Argentine trans woman

*"I'm sorry, but it's my body and no one else is going to make money of it, not the state, not the bosses in the brothels who offer me €3,000 per month for four days' intense work. Every day on Gayroméo, I get messages from the bosses of brothels in Spain asking me to come and see whether I would be better working in the warmth and safety of their brothels! You would think the 2016 law was made for them ... But if one day I have no more clients, then I won't have a choice!"*  
French man, internet, statement collected by the Comité des TDS in Perpignan

Several interviews mentioned the idea that statements from politicians about exploitation are absolutely false and that the police know very well that many sex workers do not have a procurer.

Finally, some interviews mentioned an increase in sex workers reporting exploiters or intermediaries due to their increased economic vulnerability and their inability to pay. This information is sparse and needs to be confirmed or denied. Practical cases appear to be complex, including possible abusive use of the reporting procedure.

## 2. A LAW WHICH CONTRADICTS PREVENTION: AN INCREASE IN RISK-TAKING AND VIOLENCE

### LESS ABILITY TO SELECT CLIENTS AND SHORTER NEGOTIATING TIMES

An opinion shared by almost all the people interviewed who work in the streets, as well as by many people working on the internet is that "good" clients are rare. "Good" clients generally means clients who respect the established conditions of the exchange.

*"I preferred the previous law on soliciting. At least with that law, I know who the good clients were, the ones who paid well, who were respectful, who were not afraid. Now I am always begging them."*

Aurora, Argentine trans woman

*"Because before, it was older people with money who came and now, those who come are more likely to be the scum who don't care about the police."*

Camila, Brazilian woman

*"The clients who don't come any more are those who paid well. These were the good clients who ... are scared of being arrested and don't dare come any more. Those who come now aren't good clients."*

Fan, Chinese woman

The sex workers find themselves forced to accept clients that they would not previously have accepted, even if it means lowering their selection criteria and risking greater exposure to violence.

*"We don't have any money, so if we meet bad clients, we take the risk anyway, risks we wouldn't have taken before [...] There is more violence than before the law. We take a lot more risks. Before, we could choose our clients, but now our margin of manoeuvre is very slim. We say to ourselves: "OK, let's give it a try". We take risks we wouldn't have taken before."*

Min, Chinese woman

*"There was a time when I thought twice about accepting new people from my black list, not the whole black list, you have to be able to distinguish between the ones who just smell bad from those who are really physically dangerous. I tested one and felt so bad that I put him back on my black list."*

Marie, French woman

The counterpart to this statement is that the number of “disrespectful” clients is proportionately greater than before, and there are even more clients who do not have as much money or do not want to pay the price set by the sex worker than before. More time is needed to clearly establish the working conditions with this type of client, but in order to reduce the visibility of the negotiations, discussions with the client often now take place much faster.

*“This is because of what I said before, because they are afraid. If you want to negotiate with them, you have to do it really, really quickly. They say to me: ‘Come on, come on, come on! Let’s go straight away, right now.’ And they leave quickly by car because they are afraid. They don’t want to be arrested by the police.”*

Grace, Nigerian woman

This stage of the negotiation is a key part of selecting the client and setting the conditions of the exchange (the price, service, condom use, place, etc.). By getting into the client’s car, the sex worker is more committed and it is more difficult to negotiate, to insist on the conditions of the exchange, or to terminate the agreement.

*“[The negotiation takes place] more quickly. Sometimes you don’t even negotiate. You just get into the car. You can go far in the car before you are able to start negotiating. Sometimes, you go to the wrong place. Before, when you negotiated with the client, you stated the price clearly to him and found out whether he agreed to it before getting in the car with him. But now, when you get there, they say they haven’t got any money. So sometimes you have to get back without him, because he hadn’t warned you he had no money.”*

Grace, Nigerian woman

*“Now, I don’t have any more time to work out who the good and bad clients are, as soon as someone offers me something, I say yes straight away. This increases the risks that I’ll find myself in a hostile situation.”*

Aurora, Argentine trans woman

*“Because there are police officers who stop us constantly, checking our papers, this has negative consequences, because we don’t have any time to check whether the guy is a ‘bad guy’ or not. Usually I’m careful, I try to assess the danger, but with the police everywhere we don’t have time to be careful and there are no girlfriends around anymore to warn us if he’s a bad guy.”*

Statement collated from fieldwork, Lotus Bus, 2017

Thus, the reduction in the negotiation time due to the police presence hinders the sex workers’ ability to impose their working conditions and leads them to take more risks.

## A SHIFT IN MEETING AND WORKING PLACES: TOWARDS MORE ISOLATED PLACES OR ONLINE

### Meeting places

Some people who work in the streets have changed the places where they wait for their clients. They move towards less visible places with a view to avoiding the risk of the client being arrested. They wait in more isolated, darker places in the street or the forest. According to interviews with grassroots organisations, these changes appear to vary greatly from one town to the next.

Being pushed into isolated, dark places leads to new obstacles to conduct harm reduction work. Grassroots organisations have sometimes had to extend their rounds, exploring different places in order to stay in contact with people, and have sometimes had to be innovative in their prevention work, as illustrated by the *Autres Regards* organisation in Marseille. The team discovered that Nigerian women had started working in very dark pipe networks on the request of clients, and that they used the light of their telephones to put on condoms. So, they only had one hand left free, and the team gave them information on how to put on a condom using the mouth:

*“One [sex worker] told me how to put on a condom with one hand, holding your phone as a light, which makes the client lose their erection, etc. And so, we asked ourselves, we have to change what we do, it’s stupid but these girls, when they arrive, they have no experience. We told them that maybe they could put on the condom with their mouths because then you have both hands free, so that’s what happened.”*

*Autres Regards*, organisation in Marseille

Some of the people working in the street set their appointments by telephone. This was common before 2016 but increased after the law passed. Clients go by and ask for their phone numbers, but do not stop. The negotiations of the exchange then take place by telephone, which reduces some sex workers’ ability to select their clients.

*"Now there are clients who come and ask for the phone number. There are some who come who do nothing. They just ask for the phone number and call us once they get home."*

Juan, Peruvian man

*"Lots of clients ask for my phone number, but I'm scared to give it out to everyone. How can I know who will suddenly pretend to be a client and attack me in my home. Who would help me at home when I have to do everything discretely so the neighbours don't report me?"*

Aurora, Argentine trans woman

Some people working in the street have turned towards the internet. This still seems to be rare among Nigerian women. However, the Cabiria organisation in Lyon has reported that some put up adverts to work in the surrounding towns where there is no street prostitution. Some South American and Chinese women decided to shift from street-based work to Internet platforms (which means that many Chinese women need to use an intermediary, as they do not speak French). However, using the internet as a means of dealing with the difficulties arising in the street remains the choice of a minority. Of those who began to work on the internet after working in the street, the majority felt that the internet was more dangerous.

*"I've only been using it for two months. But it scares me a bit because I don't know who is coming into my home. When I go home with a client from the woods, I can see him and can discuss things with him on the way. This helps me know if I can trust him ... With the internet, I don't know who's coming into my home."*

Juan, Peruvian man

*"I've never worked through the internet. Because I think it's really dangerous. It's really, really dangerous working on the internet. I have friends who have been attacked by clients. For example, Sylvie,<sup>15</sup> the last time ... Already on the street when I leave with a client, I test them. I have to see a client two or three times before they come to my home. On the phone, I don't know who is coming to my home, it's really suicide. Unless you have a bodyguard or someone to watch out for you, I don't know. It's really, really dangerous. Since the law, I wanted to work through the internet, because it really led to less work (...). But I really think ... you're gambling with your life."*

Yacine, Algerian travesti

Working on the internet is viewed as a more isolated activity, while in the street, sex workers can chat with their colleagues and support one another in the event of danger

*"Before, I worked at Belleville and shared a room with several people. When I was in danger, my friends could come. (...) On the internet, that's not possible. If you meet a bad client, you don't dare ask for money. Already, if they don't hit me, that's a plus."*

Fan, Chinese woman

Those who work exclusively through the internet saw a rise in precautions taken by the client. An increasing number of clients contact them by telephone by withholding their numbers. This reduces the possibility of being able to identify a potential attacker whose number is doing the rounds on social networks.

*"I think that there are some people who are convinced that you can easily put them on speakerphone, so I think they are afraid. And I have more and more calls from withheld numbers. This is also pretty dangerous. There weren't so many of them before. Now there are more. You get the feeling that they are afraid, they are worried."*

Magali, French woman

Working through the internet is also an obstacle for prevention work, because people are often invisible. Several organisations established virtual drop-in sessions before the law passed, but in some places, the transition did not work and the prevention organisations lost contact with some street workers. In Perpignan, the Comité des TDS (sex workers committee) reported:

*"La Maison de Vie in Roussillon, which dealt with many people in prostitution, doesn't come by at all any more. I've got a close relationship with them, I work a lot with them, but we no longer distribute condoms because we don't see them anymore, the prostitutes, they hide themselves away."*

Comité des TDS, organisation in Perpignan

## Places of work

Since the law passed, there has been a change in the places where the work takes place, on the clients' request. For people working in the street, clients insist that the transaction takes place in more isolated locations. For example, many interviewees mentioned that

15 - The first name has been changed to ensure anonymity.

clients ask to go to car parks which are further away, thus increasing the risk taking.

*"For example, previously, I wanted to work with men next to where I worked. In the car park next door. But that's no longer possible. They say 'no, no, no'. The men are afraid, so we have to go far away."*

Grace, Nigerian woman

*"You can imagine what could happen in places that the clients choose, that we don't know and which are outside the city centres. Because they think they are safer in their places, for example, clients who propose going to their car parks which are two kilometres away from where we work, others suggest going to their homes and they sometimes live two, three, four kilometres away. We never know what could happen. And they explain that they do that to escape the police and not risk any fines."*

Amel, French trans woman

If problems do arise, it is more difficult for them to call for outside help or for colleagues waiting nearby.

*"When you go somewhere really far from where you work, it is very dark and they can take advantage of you. That's risky for people who work in the street. Because they know you are all alone. No one is there. There are no colleagues nearby."*

Grace, Nigerian woman

The interviewees also mention a rise in requests from clients to go to an apartment, either the sex worker's home or their own. Several of them say in the interviews that, to reassure the client, they now agree to meet them at their homes, which they would not have done in the past.

*"The clients often ask to go into the apartments. That's something I find really different compared to other repressive laws. Whether they do it or not, I'm not sure, but in any case, they ask to go into the apartments much more than before."*

Grisélidis, focus group with sex workers

*"Previously, we'd usually go into the car park. Now, I suggest we go to my place. They pay a bit more, but it's better, they are more relaxed. Because they are stressed that the police will arrive and so they can't enjoy the moment, so I suggest we go to my place. And there are clients who say 'OK, it's better that way'. But*

*there are clients who say 'no, I don't have the time or the money'."*

Daniela, Ecuadorian trans woman

*"Now, with the client, we go up to the apartment. And now, it's not only with the regular clients."*

Bianca, Romanian woman

*"For a long time, we said 'Yeah, yeah, the law is coming, the law is coming ...' And after that, the clients left. There are clients that give you their number so that you can then go and work at their place."*

Inès, Algerian trans woman

However, most people refuse to work at the client's home because it involves too great a risk. They do not know the places and do not know if the client will be alone.

*"Many clients ask me to go to their places. Yesterday, I had one client who asked me to go to his place. I told him that I couldn't. When I suggest they come to my place, they say no. They tell me that there is no problem at their place, they live just nearby. I can't trust them, you can't trust them."*

Yacine, Algerian travesti

*"I know my apartment, I know where to find what I need if I have to defend myself. I know my apartment, I would never go to the client's place. Because I don't know where it is, if he lives alone, if he'll be alone in the apartment or if anyone is hiding. At my home, it's not the same. I am alone, I know the place. I know how to defend myself if a client attacks me."*

Daniela, Ecuadorian trans woman

## AGREEING TO RISKY SEXUAL PRACTICES

It appears in a very large number of interviews that wearing a condom has once again become the subject of negotiations with the client, even although the majority says that this was always the case.

*"It wasn't like that before. Now, for oral sex, it is almost impossible that the client will agree to wear a condom. Even if I tell them that I've just been with another client who didn't use a condom and that they risk getting a disease, they don't care."*

Amanda, Ecuadorian trans woman

*"Clients have become more and more demanding, they do any old thing, let me explain: when we offer a complete service, oral sex, protected penetration, you could say that 50% of the clients will refuse, they want no protection."*

Agnès, French woman

*"Work is not the same as before, there are more demands ...*

*- Demands from clients?*

*- Uhh, not to use condoms, to do this or that, like oral sex [...]*

*- And in that case, who decides, is it you or your boss [Iaoban in Chinese, which means the person who puts the adverts on the internet, takes the phone calls, rents the studios etc.]?*

*- The boss discusses it with us: for example, this client wants no condom, this one wants oral sex ...*

*- And it's up to you to accept or not?*

*- It doesn't happen very often. Some do it, but I never do. You can say to the boss, I don't care about the price, I won't do it. But oral sex without a condom, me personally ... it's very rare."*

Yan, Chinese woman

*"You see how many girls who come from Spain, and normally in Spain the girls are ... well, they do it without condoms."*

*- Really?*

*- And the one that won't do it without condom, she doesn't get any work. That's why I think that it exists more and more here in Lyon."*

Lola, Dominican woman

*"The prices have really gone down all the same, even since I started, the prices have gone down. There are a huge number of requests for unprotected practices. Uh, it's really complicated. Today, performing out oral sex with protection it's ... I don't know if I still have colleagues who do that, it's practically, yeah ... You can still insist on using protection. But, you're right, there are more and more girls who agree."*

Julie, French woman

Although many of the people interviewed remain uncompromising, it should be recalled that these interviews were carried out as part of the work of health prevention organisations and that there is a heavy bias in the responses on practices. Thus, indirectly, many said that they remained firm in refusing unprotected practices but not the "others", their colleagues. This may be a way

of talking about themselves. Finally, some clearly said they agreed or felt they would agree to more unprotected encounters after a certain period if their income dropped too much.

*"Now I agree to give a blow job at the price they offer. I would never have believed that I would give oral sex without a condom for €5 or €10, never mind with dirty, demanding men. The worst is when they offer €50 for unprotected sex and I have to agree."*

Aurora, Argentine trans woman

*"We are faced with clients who say: 'I'm risking a €1,500 fine and a criminal record, what can you do for me? Could you do ...' I don't want to be crude but: 'Could you give me a blow job without a condom?' It's really dangerous. For the time being we say no. But how long can we say no? Until the time comes when we need to eat. We are going to need the money."*

Amel, French trans woman

All the grassroots organisations confirm that requests for unprotected relations had increased and many organisations confirmed that the number of people who agreed to this was regularly rising. Several organisations reported their shock at dealing with people who admit to not always using a condom, which is a real change:

*"For several years, this was something that we just never heard about. And now there are people who say it clearly: in any case, I'm going to have sexual relations with the client without a condom"*

Cabiria, organisation in Lyon

*"For the first time, I heard a Nigerian woman tell me that she had agreed to unprotected relations. I had never heard that before. At that point, she was in tears. She said to me: 'I don't have any choice, I have no money, I have to agree to things like that.' This is the first time I heard someone saying that."*

Paloma, organisation in Nantes

Finally, in very practical terms, grassroots organisations receive many more reports of burst condoms, despite the fact that they are distributing the same condoms, and they are seeing more demand for abortions. All this information points to one thing: as vulnerability increases, the use of condoms decreases.

## INCREASED STIGMA AND VIOLENCE

The change in the law has not altered the rate at which sex workers turn to the police. However, as this Nigerian woman describes very clearly, it has led to a vicious circle and a feeling of impunity for people who steal from and attack sex workers and who, as most of the interviews stress, are generally not clients:

*“Most of the girls are afraid, maybe 97% of the girls are afraid to go to the police. Very, very afraid, because they think that the police might deport them or cause other problems for them, so they don’t go to them. And because of that, there is a lot of violence. Because the men also know that the girls are afraid to go to the police. There are few girls that can go to the police and make a complaint. [Repealing the crime of soliciting hasn’t changed anything], they are afraid anyway, because of the checks.”*

Blessing, Nigerian woman

The issue of a lack of trust in the police was confirmed by many of the grassroots organisations, including ARAP Rubis in Nîmes, which explained that as long as the ordinances against sex workers are applied, people will hide from the local police and will avoid complaining to them. In contrast, the women organise among themselves in order to communicate information on the attackers. The situation, therefore, has not changed.

The observation that violence has increased is broadly shared by the interviewees. In addition to the fact that many of them accept clients who are less safe (see above), cases of violence in the street, thefts, and robberies in apartments were also mentioned.

### Verbal attacks

Of course, when it comes to stigma, many people said that they are used to this, but around half felt that insults in the street had clearly increased:

*“It is always people who go by in their cars, often in cars because they don’t dare say it to our faces, so they go by in their cars, open the window and shout out ‘dirty whore, what are you doing, have you no shame?’ [...] It happens more and more now. Before it was less and less and it was often young people. I ask myself... Even their kids open the back windows and insult us as well.”*

Lise, French woman

Physical attacks and thefts in the street have also been on the rise over the past two years according to the interviewees:

*“For example, now when I see a group of guys approaching, I hide. I didn’t do that before”*

Mateo, Argentine travesti

*“[I was the victim of violence several times]. Since the new law was passed, I think that ... that people really don’t care, they aren’t afraid anymore.*

- The clients?

*- Well, you can’t really call them clients, I would call them shit stirrers.”*

Lise, French woman

*“At Gerland, for example, during the day, the kids coming out of school throw stones at them. If sex workers were considered as victims and if the law had changed society’s view of them, maybe the kids would have changed their views through their parents and all that.”*

Cabiria, organisation in Lyon

### Robberies in apartments

Robberies in apartments are clearly aimed at migrants and rarely at French escorts. Over the past two years, the Doctors of the World Lotus Bus programme has recorded a growing number of reports from Chinese women who have been robbed in their working apartments. The robbers pretend to be clients and generally operate in pairs.

*“There are a lot of attacks. The robbers come into the apartments we rent in smaller towns or in Paris, and steal all the money we’ve earned, and sometimes our phones too. They are often extremely brutal.”*

Focus group with Chinese sex workers, Doctors of the World - Lotus Bus, organisation in Paris

In the discussion group organised by Aides in Chartres, women talked about their fear of robberies and said that they avoid young clients who they identify as potential robbers. In addition, few people would report the things that happen to them for fear that this would turn against them, as this Chinese woman explains:

*After the robberies, many women don’t dare report it because they risk losing their accommodation or place of work by giving their address to the police. I report robberies five times to the police and each time I was*



*kicked out my apartment"*

focus group with Chinese sex workers, Doctors of the World - Lotus Bus, organisation in Paris

## Physical and sexual violence

In terms of serious violence, the situation is much more difficult to analyse. All the organisations had the feeling that reports of physical and sexual violence had increased. The statistics from their work sometimes reflect this increase very clearly.

In the case of the Doctors of the World-Lotus Bus programme, the number of victims of violence requesting the programme's help has increased sharply: 162 requests in 2016 compared to 92 in 2015. These are essentially reports of serious violence: rapes and violent thefts.

In rural areas, the Planning Familial in Aude reported a clear increase in attacks resulting from a move away from the main roads in order to avoid the police (this is a Department which has issued the most verbal warnings to clients), which has led to the sex workers being further apart from one another, reducing their ability to help one another and provide mutual protection. Similarly, in the Réunion, the ARLC organisation felt that there were not necessarily more attacks, but that the intensity and seriousness of the attacks had clearly worsened.

The statements taken from sex workers about, in particular, the fact that they accept more potentially violent clients, support the reports from grassroots organisations. Interviews with the sex workers also indicate a greater number of clients who take back their money at the end of the transaction, with varying degrees of force.

However, many social workers remain cautious about making a connection between the application of the law and the increase in violence because, at the same time, many of them had set up places where sex workers could talk or had launched activities to encourage reporting and support for victims of violence. Other organisations had not necessarily established specific activities on this subject, but mentioned that trust had improved recently, which could lead to more statements being made.

## Violence between sex workers

Conflicts between groups of street-based workers, often between groups of different nationalities, are certainly nothing new, but have been exacerbated by the drop in activity and increase in competition.

*"There are high levels of stigma between them, they say: 'It's the Romanians who are dropping their prices, it's the Nigerians who are making prices go down.' This is a really contentious issue. And it cannot be verified. But it causes a lot of tension between the communities. Because it's often always down to another group, who is the scapegoat for the system."*

Entr'Actes, organisation in Lille

*"Many women work later because of the lack of work. There is more competition, particularly among the trans girls. If there are new arrivals, then there are two trans girls already there who will defend their monopoly. There is quite a lot of violence between the girls."*

Arcat Pasaje Latino, organisation in Paris

However, these tensions have not destroyed solidarity between groups when it comes to dealing with violence from third parties:

*"Since the law was passed, there has been a huge amount of competition between them but, in contrast, they remain united, because they report dangerous clients to us. Between themselves, they might be at war, but they come here to report others so that they are not attacked."*

Entr'Actes, organisation in Lille

### 3. A LAW THAT CONTRADICTS WOMEN'S RIGHTS: MORE VULNERABLE LIVING CONDITIONS AND POORER HEALTH

#### REDUCED EXPENDITURE: FROM SUPERFLUOUS GOODS TO ESSENTIAL GOODS (FOOD AND HOUSING)

Faced with lower incomes, the interviewees explained that they cut back on their day-to-day spending. The scale of these cut-backs varies depending on the economic situation of the individual and goes as far as leading to situations of extreme poverty.

In situations where sex workers have back-up in the form of savings, the cut-backs first affect what may be considered "superfluous" or non-essential items. However, these restrictions reduce sex workers' quality of life and well-being. Thus, there is a reduction in expenditure relating to "hobbies" or clothes. This is notably the case for sex workers who reduce the frequency of their journeys to their countries of origin.

*"My living conditions are beginning to deteriorate, I need to economise and focus on the essentials: now there are very few trips to restaurants, no entertainment, no superfluous purchases."*

Aurora, Argentine trans woman

[A reduction in spending] *"Yes. Not so much in terms of buying things, but especially travel. Before I always went back to my country in December. Now I'm hesitating. Do I go now, or do I wait?"*

Juan, Peruvian man

*"I can't buy any clothes. I can't buy food, only small amounts because I have no money. But I don't have enough money to change my clothes or my hair."*

Stella, Nigerian woman

*"I have made big, big changes, I have changed a lot. I no longer wander round the shops, buying lots of perfume and underwear like before, or loads of clothes [...] I stick to the essentials now."*

Thérèse, French woman

More worryingly for some, the loss of income puts even essential goods into question, such as food and hygiene.

*"It really puting us in ... I would say danger, or whatsoever. Sincerely, now I don't even have €20 in my purse. The only money I have is one euro. So, in somehow, it's difficult for us to eat."*

Jennifer, Nigerian woman

Grassroots organisations in Nantes and Lille described the growing number of requests for food since the law was passed:

*"It's difficult to ask, particularly for food, because there is a stigma around poverty, but there are a lot of requests for donations from the food bank. It is done under conditions of confidentiality, so that the women don't feel uncomfortable in relation to the others. But it's really to do with a deterioration of living conditions, the fact that there are fewer clients. That has increased enormously."*

Entr'Actes, organisation in Lille

*"They say that they take risks for extremely poor living conditions, it's really got much worse. People no longer have enough money to pay their rent, and are more likely to turn to charities for food."*

Paloma, organisation in Nantes

#### Access to housing is becoming more difficult

For some people, their income no longer means that they can pay their rent. Some have been forced to leave their homes for other precarious housing arrangements. Yet others live in hotels and are no longer able to pay their rooms. Some are forced to ask clients to accommodate them to avoid sleeping in the streets. This situation heightens the vulnerability of the women in relation to their clients.

*"Now paying hotel fees is difficult . Sometimes I beg to sleep at people's houses. Sometimes I don't have enough to pay my hotel, so I take the few things I have . and now anybody I see, I say 'Please, let me spend the night with you.'"*

Diana, Nigerian woman

*"You know, the girls that work in the street, there is no one to care for them. They have to pay their house rent. If you don't have any clients, you can't do that. That's why we don't agree with the new law."*

Victoria, Nigerian woman

*"I was at uni last year. I was preparing for a law exam, but messed it all up. I failed it because I didn't have*

*an apartment [...] I looked for another one, but it was too difficult to find. In the end, I found a student room, thanks to a friend who agreed to be my guarantor. After that, I was relaxed. But that was the end of the school year. I had to deal with everything at the same time: the rent, electricity, food. I also had to send money to my mother. She is ill, in the hospital. So, when there are not enough clients, it's no good. It's the same for all jobs, it's difficult when there's not enough work."*

Bianca, Romanian woman

Several grassroots organisations, including Paloma in Nantes, Arap Rubis in Nîmes, and Grisélidis in Toulouse, confirmed that, for a growing number of people, access to accommodation at night depends on the amount of money earned during the day.

This level of poverty has an impact on the work of these organisations: faced with the need to earn enough money, some sex workers reduce their contact with the social workers, or lose contact with them all together.

## AN INCREASE IN THE NUMBER OF HOURS PER DAY AND THE NUMBER OF YEARS THEY PLAN TO WORK

We described above how sex workers have often changed their place of work, thus bringing into question the quality of health prevention in their practices. To avoid the police, or to try to find more clients, interviewees also talked about how they have changed their hours and have often extended their working time, which has consequences in terms of their exposure to violence as well as their health.

The majority of interviewees have changed their working hours. Most often, they move or extend their nighttime hours.

*"[The drop in clients] makes me want to stay longer, even when there is no more traffic, no more cars, there's nothing. So, I get even more annoyed... [Question: is it more dangerous to stay later?] Yes, the longer you stay on a Friday or Saturday, the more risk you have of being hit and having your bag stolen. Quite simply, because they've been drinking."*

Elsa, French woman

*"[There are only] six or seven of us in the street, the others prefer to do it at night. There are those who are a bit older who stayed to work in the street but who only*

*now come out at night. There are two or three like that. They only go out between midnight and two or three in the morning [...] before, the older ones could get clients every day, but there's no more work now."*

Jili, Chinese woman

Undoubtedly, it is the most marginalised people who work at the most dangerous or isolated times: the oldest and the migrants who are heavily in debt.

To deal with the reduction in number of clients, sex workers increase their working hours. For those working in the street, in order to increase the number of opportunities, the waiting time for clients has become longer.

*"Yes, I stay longer in the street, because there are no clients. So, I have to wait until 4, 5, 6 o'clock [in the morning] so that I can see clients and I can earn a little money to eat. Yes, I stay longer in the street."*

Stella, Nigerian woman

*"For three clients, I have to stay until 6am. Before, I could do three clients in an hour, maximum two hours."*

Ana, Romanian woman

*"Previously, I had two days off every week. Now I only get one day off. Before I worked from 2-8pm. Now I go out at 1pm and I get home later. And I earn less."*

Manuela, Ecuadorian woman

*"Now I work from 8pm to 2am in the woods, so around six hours. Before, I didn't need to work any more than three hours to earn the same amount of money."*

Amanda, Ecuadorian-Spanish woman

Many sex workers work longer hours but earn less. They stay for longer in the hope of getting one more client because they need to pay their rent, their bills or their debts. In the street, extending working hours leads to tensions between the sex workers who would work from specific spots in the street.

While some sex workers are giving up on sex work because they no longer earn enough, it is often those who are the most financially vulnerable or the least independent who have no choice. The variety of responses in the qualitative interviews sheds light on the figures which emerged from the quantitative study (see Appendix): 37.6% of people said they had increased their working hours, in terms of the length of time waiting or looking for clients.<sup>16</sup> In contrast, a smaller number of workers

16 - In the qualitative study, the proportion of people who talk about increasing their working hours is higher. Certainly, some people will have

answered the questionnaire thinking that the question on working time refers to the time spent with clients, and does not include the waiting time.

have reduced their working hours, believing they are wasting their time. As this Nigerian woman describes, it is undoubtedly the most vulnerable among them who need to work extra hours to pay their rent or their debts:

*“For some girls, it’s more working time. For others, like me, it’s less working time. Some girls don’t have any work, no money at all. They have to pay their rent. Some girls also have to pay someone else. So, the working time increases because they have to find money to pay, to eat, etc. But for some girls, like me, it really means fewer working hours. Because I don’t owe any money to anyone, if I earn €50, €60, €100, for me it’s OK. I can go home. [...] and now they come at 8pm and finish at 6am. They want to see more clients and think that when the girls have gone, they’ll get the work. So, they stay longer. They arrive earlier and go home later.”*

Blessing, Nigerian woman

When the practice takes place through the internet, some people also say they have increased their working hours. With fewer calls from clients, they spend more time searching on the internet, particularly by increasing the number of adverts. In addition, criminalising the clients has led to an increase in the number of cancelled appointments.

*“Because what happens, when you work, you might be tired and lots of things ... But you work! Emotionally, it’s OK! You know what you’ve done with your day, you’ve earned a living, you’ll be able to pay your bills. But when you wait for the client and no one turns up, you have three potential appointments and none of them turns up. Then you have spent your day waiting. That’s really hard. It’s really stressful because you don’t know if you’ll be able to pay your bills; emotionally, it’s horrible.”*

Magali, French woman

Some workers have experienced this reduction since 2013. Lower income over the long-term forces people to rethink their plans. While some sex workers planned to stop in two or three years, to retire or change work, they are now forced to extend this working period.

*“That was my plan, not to stay long in the street. Just to make some money. But I found out things is not coming like that with the laws and the police. So, it’s very difficult. If they can’t just let the women go on. But I think it’s not all the girls that want to be in the street. Many girls, they just want the money and then they leave. But some*

*want to go on in the street. Want to go on and on and on. For many it’s for the money. For 99% it’s because of the money. It’s not your problem if they have the money or not, just give them two or three years in the street and after they quit the street.”*

Janet, Ghanaian woman

*“I can see my life is not moving forward. But even if I try to study and be positive, I have a pessimistic view of my future with everything that’s happening. Especially because I am already middle-aged. I hoped to earn a lot of money and open a shop. But I’m going to have to look for another country or else I don’t know how I’m going to manage with this debt. I see myself living in poverty and it haunts me terribly.”*

Aurora, Argentine trans woman

The reduction in income forces them to reconsider their plans to change jobs in order to cover their essential daily costs. Extending the working period forces sex workers to delay their professional or personal plans, or even abandon them altogether. By making people more vulnerable, criminalising clients thus hinders sex workers from pursuing their professional and personal life plans, some of which include plans to retrain, particularly for the oldest workers who are preparing to stop.

## DETERIORATING HEALTH: FATIGUE, STRESS, DEPRESSION AND AN INCREASE IN THE CONSUMPTION OF TOBACCO, ALCOHOL AND DRUGS.

The increase in working time leads to extreme fatigue. This fragile condition has damaging consequences on the health and safety of the interviewees.

The increase in waiting time for clients, in the street and on the internet, leads to physical pain and anxiety:

*My health has deteriorated. I am emotionally exhausted due to the stress of clients deserting the area every day, I’m physically exhausted from standing all the time, which leads to joint and bone pain.”*

Emma, French woman

*Before, when there is no law, maybe you go to the street by 3 o’clock or 2 o’clock and then you go to relax, you go to sleep. But now, no! Because you are afraid somebody is coming, because you want some*

money, because you need to buy something, so you stay longer, you stay until morning, until 5 o'clock. So it's stressful."

Janet, Ghanaian woman

"And the worst thing when you are in the street, is that sometimes you think of your family, you think about that, you think about many things, and especially when you stand for two hours and there are no clients. You start thinking ... For me, I don't know about other people. But for me, that's really stressful."

Jennifer, Nigerian woman

Stress has many negative consequences on health: cold sores, ulcers, colds, joint pain:

"I went back to Paris where I wanted to work, and it was just catastrophic. It's really stressful for me, I'm in such a state ... I can feel it, I'm at breaking point. I'm ready to scream at everyone, and I sleep very badly. Maybe that shows. I've developed a cold sore today and managed to keep it under control, but it looks like it'll take over my mouth. That's not happened to me for years. And mouth ulcers too. It's been twenty years since I've had them. You can't really see it, but I know that if anyone goes by, I'll get into a fight with them. I managed to work a bit this week, and suddenly I fell ill. I got a cold, I got a cold sore. And everything got messed up. It's really nervous tension, stress, anxiety. Handling a few calls from people who are really not easy-going. Then I went to see a doctor, he told me that I needed to take a holiday, needed to get away for a few days."

Magali, French woman

"I have lots of [symptoms], joint pain, difficulty sleeping, diet problems, lots of things, skin that is covered in spots."

Camila, Brazilian woman

Anxiety about earning enough money to cover daily expenses or accumulated debts generates depression and stress.

"I'm now working more hours for less money. That's what worries me. I have debts that I never had before. I'm starting to worry about losing my apartment, my rent is really expensive."

Aurora, Argentine trans woman

"And because I have rent to pay, I try to get clients, but today I've had none. So, I started to get a head-

ache and took a tablet. I'm fed up. It was easy before, because I only worked at night. Now I have to work during the day as well. It causes me a lot of mental stress. I hope I'll find a solution. I'm going to move a bit. I try to sleep, but at the moment I can't sleep any more. Yesterday I went to bed at 7am. And because I don't sleep well, the next day I don't feel well."

Bianca, Romanian woman

In terms of anxiety, some people said they had increased their alcohol and drug consumption in a concerning way: the combination can trigger depression.

"The stress of being unable to earn a decent living leads to melancholy or the start of depression which increases alcohol consumption. Alcohol becomes a crutch which helps manage expectations and disappointment. It relaxes me and I can be more patient when dealing with clients. Alcohol is a very bad solution though, given the rough nature of my work: first of all because there is a high risk of becoming an alcoholic with all the known side effects, but above all, if you're under the influence when you start something, this puts you in danger from unscrupulous or dangerous clients, who can spot it and can lead to lowering the attention we pay to the client."

Emma, French woman

"Now I drink alcohol every day, still under the excuse that I need to relax. I don't drink a lot, but previously I didn't drink every day."

Camila, Brazilian woman

"I've been screwed since they approved that damned law. I'm angry. I'm depressed again. Taking drugs damages my health. And on top of it all I take anti-depressants."

Aurora, Argentine trans woman

Moreover, meeting clients after drinking, taking medication or drugs, or when in a state of depression can heighten sex workers' vulnerability to potential attackers.

Organisations working with trans people are also extremely concerned about the move towards itinerant working for people living with HIV or those who are transitioning and find themselves interrupting their treatments

"SWs [sex workers] are starting to work in an itinerant way. HIV-positive sex workers stop their treatment when they leave Paris to find work (sometimes for periods of three or four months). Sometimes they come back to

*Paris in a terrible condition, they've almost contracted full-blown AIDS."*

Acceptess-T, organisation in Paris

Finally, the Paloma organisation, in Nantes, reported an increase in suicidal thoughts among the people they receive, which led them to delivering training on identifying people with suicidal tendencies.

All these observations have a strong impact on access to healthcare and rights. Tired, stressed, and demoralised, some workers no longer attend the contact points and services provided by organisations and no longer take the steps needed for caring about their health.

### III. THE “PROSTITUTION EXIT PROGRAMME”: A CONTROVERSIAL SOCIAL INITIATIVE. POINTS OF VIEW AND ANALYSIS BY SEX WORKERS AND GRASSROOTS ORGANISATIONS

*“No one is interested in our opinion; no one asks us ‘do you want to get out of this situation?’ If you want to get out: what would help?”*

Part I described the “prostitution exit programme”. As a reminder, here are the main elements:

- “Financial assistance with social and professional integration” for people who are not eligible for minimum social benefits;<sup>17</sup>
- A “provisional residence permit lasting for at least six months” with permission to work;
- Support through an accredited organisation to carry out mediation and facilitate access to social rented housing or a place in a hostel, medical care and development of a career plan.

Although the exit programme contains these provisions, which might respond to the needs often expressed by sex workers (residence permit, access to housing, help with looking for employment), the mechanism has also come in for harsh criticism in terms of its design, the images of sex work it might convey and its implementation. The questionnaire carried out at the start of 2018 showed that more than half of the interviewed sex workers were unaware of the exit programme. Of those who had heard of it, a third said they were interested in the programme (see Appendix). The qualitative interviews showed that, very often, the more people knew about the programme, the more sceptical they were of it.

The study clearly revealed that this support mechanism was of greatest interest to the most vulnerable migrants (those who were older and ill), and those who had no debts to repay and had already tried other means of regularising their migration statuses. It was also of interest to other migrants, particularly Chinese or South-American migrants who, nonetheless, remain sceptical or cautious about the conditions being proposed. However, this programme was of no interest to French, European or migrant workers who had residence permits.

The sex workers were often in doubt about whether the mechanism was directed at them: they felt that they would definitely not be a priority because they were foreigners, they were Africans or Chinese, or because they were trans. Further, people close to retirement age and students thought they were not the ones being targeted by the law and that nothing would be put in place for them. French citizens felt completely unaffected by the mechanism. Everyone thought it was not for them, which tends to show that the law has not been clearly presented, no one really knew the extent to which they were or were not affected by it.

Finally, although everyone felt that this might be a useful mechanism for the most vulnerable people, both French and migrant workers were against the setup of a social mechanism outside common law which risked strengthening the stigma around those who take part and those who were not interested in it. This exit programme risks creating divisions between those who are considered as worthy of protection (because they want to stop sex work) and those who prefer to continue, who would then be considered as the collateral damage of a political objective that does not take into account their choices and their rights. In other words, sex workers, in more or less constructive terms, criticised the moral aspect underlying the new law.

<sup>17</sup> - As a reminder, financial assistance is €300/month (+ €102 per dependent child.)

## 1. A SOCIAL POLICY TOOL THAT APPEARS TO BE WANTED, BUT THAT GENERATES LITTLE INTEREST

### MEETING THE NEEDS OF SEX WORKERS WISHING TO STOP

The majority of people interviewed expressed the desire to do something else. Lots of them did not know about the existence of the exit programme which the interviewers broadly explained to them. In contrast to the entry into force of the well-known criminalisation of clients (and experienced on a daily basis by most of them), many interviewees knew nothing or very little about the exit programme. This lack of knowledge should be seen in light of the uncertainty of the organisations themselves regarding the implementation of this mechanism. Many Departments have not yet established committees to approve the exit programme and it is widely acknowledged that different Departments will apply the measure differently.

When an overview of the mechanism was presented to people who know nothing or little about the exit programme, it was viewed as something positive by people who want to leave sex work, especially those who are working in the most difficult conditions and who earn little money (in general, but not exclusively, migrant women). Generally speaking, the less people know about the details of the mechanism, the more interested they were. Among those who had heard about it, there were lots of false ideas circulating, particularly about immediate access to housing and the level of financial assistance.

The solutions proposed corresponded well to the needs expressed by those who were interested: papers, housing, training. The question of financial assistance led to much more debate. A few people felt that the financial assistance set out in the decree was enough, yet most people did not really understand why the support was so little, which is why we have kept this question for the following sub-section on criticisms.

**The “papers”** to be able to look for another job :

*“I just want to say to the government that they should be fighting against prostitution to help those who work in the streets so they don't go back there. They need*

*to be given enough to eat and money so they can do good things. We need documents so that we can work. We need documents so that we can work with our hands and they will pay us every month and we don't work on the streets with clients. It's not good for us. We are spoiling our bodies, especially I don't like it. So the government needs to do something very fast. I know we are not students, we are Africans we are from Nigeria, but they should help us [...] I left my country because they want to kill me. They are telling me to go back to my country which is not good. The government needs to do something, to give prostitutes documents, that should be good.”*

Tresor, Nigerian woman

*“If they want to stop it [prostitution], first they have to give women documents, a house, contract of work. But if I have no place I can stay, no documents, no way I can stop.”*

Jennifer, Nigerian woman

*“If course I'd like to change job, this is really not a good job. What we need is the papers and then any job I can do would be fine with me. We need about €1,000 per month in income. We don't really need anything else.”*

Lily, Chinese woman

*“It's good. It's good to have the opportunity to work with the right papers ... But what papers will they give us?”*

Antonia, trans Colombian woman

The quantitative study, which took place at the start of 2018 (see Appendix), asked people who said they were interested in the exit programme what, for them, was their most pressing need (from the following choices: help with housing, residence permit, financial assistance, training, other). A residence permit was considered by more than half of respondents as being the most important.

**Stable housing** is a sure way of escaping the spiral of poverty:

*“If they gave me an apartment, well ... I'd just stop, it'd be over for me and I'd stop this work. I'd look for a job ... Quite simply. But my problem is I don't have any accommodation, so I have to stay in a hotel. And living in a hotel on family allowance is simply not possible [...] I need to pay €1,237 per month, so it's simply not possible if I only get €800 in family allowance.”*

Elsa, French woman



*"Accommodation is the most important thing, before the papers. People tell us: 'I want to stop, but the problem is I can't pay my rent and I don't know where I'll sleep. People in my community only want to accommodate me if I pay my rent.' And so, in fact, before the question of the papers comes the issue of housing, somewhere to rest, keep your things and then prepare for everything else."*

Paloma, organisation in Nantes

In terms of the quantitative study the choice of "help with housing" was selected by one person in six.

**Training.** The request which emerged most often was learning French, given that it can take one or two years, depending on the mother tongue, level of education and age of the people, before they can have a sufficient level.

*"I have to try, yes. But if I start to look for another job, it's not going to be that easy. Particularly because I can't speak very good French. If you want to send in your CV, then there'll be an interview ... OK. They're going to say to me: 'Sorry Madam, your French is not good'. So, it's still a problem"*

Grace, Nigerian woman

*"In practical terms, we need the papers and that's complicated. Then of course, we need to learn French. Maybe I would need a year to learn to speak French, at least, but more likely two years, five or six hours per week."*

Lily, Chinese woman

*"I need to study before I'd be able to work. Because there isn't any work in France. For the jobs there are, you need to speak French. I can't speak French. I don't know what I'd need to do to be able to get a job."*

Victoria, Nigerian woman

*"If I could get the papers, I could get a good job or go back to my studies, particularly French classes. And I could stop this shitty job. I don't like working in the street. [...] Now, I'm taking French classes. But at night, I work in the street. But if I stopped and the only thing I needed to do was learn French, then I could catch up and get up to the right level."*

Diana, Nigerian woman

*"Above all, I need to study French [in order to find work]."*

Antonia, Colombian trans woman

Most often, those who want to stop this activity encounter difficulties in looking for new jobs due to their irregular situation in France and their poor ability to speak French. Issuing a temporary residence permit and providing support with training and employment are seen as solutions responding to their needs, even if the implementation of these measures raises questions that we will cover in the following sub-section.

For some people, it is the deterioration of their working conditions and the loss of income since the law has been enacted that has forced them to think about signing up for an exit programme, despite the fact that previously they did not think it affected them. The mechanism thus represents an alternative due to the reduction in the number of clients or the deterioration of the working conditions they have seen since 2016, or even since the debates around the law in 2013.

## AN ADDITIONAL TOOL FOR GRASSROOTS ORGANISATIONS

Although grassroots organisations were openly critical of the prostitution exit programme mechanism (from its design through to its implementation), many had already applied for accreditation. Some organisations had supported the establishment of this measure (without being naive about the financial obstacles and possible rejection of applications). Other organisations, although more critical, had nonetheless wanted to help the people they were already supporting benefit from it. In the majority of cases, while not holding any illusions as to the exit programme, the idea was to consider the new mechanism as an additional tool to overcome the lack of financial resources in order to carry out social monitoring work and address the obstacles to accessing a residence permit.

*"The exit programme is just another tool [...] So we start with the possibility of reporting pimping. If that's not possible, for many of them, the possibility of making an anonymous statement, requesting asylum, OFPRA, using the CNDA, well you know all that by heart. So, we've done all that and so the possibility of offering people the ability to join an exit programme, it's in addition to all that."*

IPPO, organisation in Bordeaux

Thus, the idea is to make the most of this tool, even when remaining critical of it, to help people who want to stop sex work.

Moreover, the committees are supposed to become places to discuss and steer policies on the departmental level. Thus, although critical of the mechanism, some organisations felt forced to apply for accreditation in order for their voices and expertise to continue to be heard. This pressure to participate or not participate in the committees depends on the context of each Department. When the organisations have a sort of “monopoly” on contact with sex workers, when they are the only ones in direct contact with them, they can more easily retain their independence. In Departments where there are several grassroots organisations in operation, the ones that are not in the committees risk losing their voices in the discussions.<sup>18</sup>

## RELATIVELY LOW INTEREST FROM SEX WORKERS

Despite the fact that the exit programme mechanism appears, on the face of it, to correspond to the needs of people wanting to stop sex work and, despite the commitment and sometimes great energy deployed by grassroots organisations, the mechanism has not raised great interest.

Of the grassroots organisations which have worked most to promote this mechanism, the Lucioles ALC in Nice submitted 15 applications in April 2017 for a number of patients/clients seen by the organisations (at least once during the year, i.e. active file) of more than 400 people.

The estimate is even lower for the Autres Regards organisation in Marseille:

*“We communicate information about the law. We carry out group sessions where we explain the law, including the prostitution exit programme. Those who come and who are starting to get involved are a group of Bulgarians who say: ‘It might be of interest to us, this thing, because we are no longer young and have been in France a long time and why not, it would give us access to training’ ... And some of the Nigerian group who, for some girls, have finished paying off their debt or when they are nearly finished paying it off, they say: ‘That’s not bad’. They could have a period of time when they are regularised in France and get training etc. But*

*although we have a number of people we see, and I’m giving you the 2016 figures, there are 584 people, and basically, the number of applications that have been made after these information sessions and we are still explaining this, there are three or four, OK I’ll be generous, ten applications.”*

Autres Regards, organisation in Marseille

Similarly, the L’Embellie organisation in Avignon and the Grisélidis in Toulouse, following widespread communication work, managed to bring together about ten people who were interested.

The reality is that, under different and better conditions, many more people might have been interested. This is the subject of the criticisms that we describe in the following section.

<sup>18</sup> - We will not set out here the arguments that have been put forward for and against participation in the committees. The document published

by the Grisélidis organisation gives some insight: <http://griselidis.com/node/64>

## 2. CRITICISMS OF THE PROSTITUTION EXIT PROGRAMME

The criticisms made of the prostitution exit programme can be divided into two. The first type is around its very design, that is: the condition that the person must stop sex work, the amount of the financial assistance, and the type of residence permit. The second type of criticism relates to its implementation including: the gap between the repressive aspect and the social aspect of the law, how applications are selected and, finally, the lack of concrete measures, in particular around the issue of housing.

Moreover, in the following part we will see the criticisms that have been made of the images of sex workers that this social aspect of the law conveys.

### THE CONDITION OF “STOPPING PROSTITUTION” IN ORDER TO OBTAIN SOCIAL SUPPORT: AN UNREALISTIC CONDITION AGAINST THE RESPECT OF PERSONS

The central criticism of the exit programme is around the commitment applicants must make to stop sex work even before the committee examines the application. Many feel that a gradual change would be much more practical and more respectful of sex workers' choices and needs. As the CAPS, an organisation in Rouen, said: “There is also a problem because, to ensure an income between the time they agree to leave prostitution, submit the application and the time when the exit programme begins, what happens?” This is a basic but key point, given that, for example in Nice, applicants had to wait six months before receiving a response (almost all negative) and in Toulouse, where they still had received no answer three months after submission to the committee (at the time of writing this report).

*“It’s a bit paradoxical. You can’t say they have to stop before [the start of the exit programme] because they won’t have any income. At some point you have to be realistic, or else you are encouraging other forms of income [...] working on the black, petty crime, etc.”*

Aux Captifs la Libération, organisation in Paris

Beyond the fact that there would be a period without income, the programme would also imply that sex workers should give up their freedom to decide the

conditions under which they would like to change job, as well as when the retraining should take place. The latter is often wanted, but at different times depending on the individual.

*“If one day I decide to stop sex work, it’ll be because I have decided this for myself. For the time-being, I have no plans to stop. What’s more, how can I live if my rent costs me €1,200, not to mention my bills and personal expenses? [...] If they can guarantee that they will give me stable housing in a decent place, a job where I can earn more than €2,000 and the papers, then I’d agree without hesitation. I’d continue to do my clients in secret anyway, and who would stop me? In any case, for me, the best conditions for leaving this work is if they leave me alone and I can earn my money and decide for my-self to leave or not when I want.”*

Aurora, Argentine woman

*“For example, if I found a job where I could earn good money, I wouldn’t do this. But I don’t want to stop straight away. I want to stop gradually. Because over time, I get tired and afterwards I can’t go out during the day. I’m getting out gradually. We can’t stop just like that.”*

Yacine, Algerian travesti

*“I go to the Bois de Boulogne from time to time. Now, I’ve started filling in administrative forms, training to be a cleaner/maintenance worker. This week, I wanted to start a writing course, because my plan is to train to work in a retirement home or a hospital, that’s my plan. And I’ve already started to work on that plan.”*

Gabriela, Colombian trans woman

*“The right conditions would be to get support for real careers advice and professional training with health professionals, social workers, outreach workers and the job centre. Having the choice to decide on how to change career without imposing this or that exit programme. Not being thrown into poverty and the ability to have decent financial autonomy, up to the same amount I earn as a sex worker during my career change.”*

Stéphanie, French woman

One of the criticisms that cropped up again and again was that there should be a period of alternating between several activities, including sex work. In fact, lots of people interviewed are already doing this.

*“My idea is to train to find another job and that way,*

*gradually, I'll be able to get out of prostitution. At the start, I could switch between the two jobs. I've got friends who do that. They work during the week. And at the weekend, when they are off work, they come to the woods to work. It's extra money! The problem with the exit programme is that they want you to stop straight away."*

Amanda, Ecuadorian-Spanish trans woman

*"The programme should be a halfway between sex work and retraining, with the key point being a training course chosen by the sex worker, preferably paid. The choice to continue working should be left to the professional, so she can deal with emergency needs."*

Emma, French woman

*"As soon as a person wants to change, move in one direction or another, I think it's good that there is support. But it's true that you have to take into account the fact that ... well it's a job which has a different rhythm. So, in terms of people who go to work 40 hours [per week], there are people who work at any time, any day [...] All the same, for physical reasons I realise I am getting older and that I won't be able to do this all my life. And I want to fulfil myself in something else. Even though ... I like what I do. There are ups and downs but, yes, I would like to have two jobs and spend less time as an escort and be able to do other things. This is something I'm doing at the moment; I'm doing a skills assessment."*

Jean, French man

These extracts from interviews highlight the advantages of a progressive career change compared to the obligation to immediately stop sex work; or at least, the possibility of having the choice of progressively stopping. Several interviewees recalled the fact that, from a very pragmatic point of view, it's not possible from one day to the next to sign up to such a sudden drop in income, because people are often committed to supporting their parents and children living in their country of origin. Some may even be in danger if they do not repay their debts.

Thus, the freedom to choose when to stop sex work and the gradualness of the process would make a change of career more likely to succeed. In other words, the interviewees revealed a desire to make this career change with the help of an organisation or with

the help of government services, while retaining their financial autonomy. This is how most grassroots organisations work, by adapting to the individuals' needs and rhythm without putting conditions on the support they receive.

*"There is one young girl, well she is 28, who arrived in the city. But she is saddled with debt, [...] she wants to set up her own business. We have started on that. We are working with another organisation, but the question was: 'Will I be able to keep a few clients for the weekends, because there are some that are nice?' What do you want us to say to her? No? It's her life. I said: 'What do you want to do?' - 'Well first, if the business I want to set up doesn't work too well ...' I said to her: 'I am here to help you get out of that, at your own rhythm. If you go from, I don't know, 15 clients to three, well listen, that's 15 to three, it's not a problem.'"*

ARPS, organisation in Saint-Denis de La Réunion

The proposal to provide support with a change of career is already at the heart of the work of many grassroots organisations. What they lack are the resources to be able to help with regularisation of residence and funding to provide the social work support that is needed. In this context, why create a cumbersome system like these committees, which are certainly costly in terms of budget and time? Is it because there is a need for something symbolic? Is it a result of mistrusting grassroots organisations (when these organisations are now put in the position of having to train the committee members who have very little knowledge of this reality)?

## INADEQUATE FINANCIAL SUPPORT FOR SOCIAL AND PROFESSIONAL

In terms of the possibility of providing financial assistance to people who do not have access to minimum social benefits, some people felt that this is not a key issue, that they did not need financial assistance.

*"I don't want anything from the French government. If I could work and get a salary, that'd be ideal. I don't want to depend on government handouts."*

Min, Chinese woman

Or that they only needed very little:

*"Even if it's €200, €150, that's OK. It's enough for food, it's OK."*

Favour, Nigerian woman

However, for the majority of people interviewed, the amount allocated was deemed to be insufficient to encourage them to stop sex work from one day to the next. Estimated living costs are most often between €1,000 and €1,500 per month, given that many do not want to live in unstable housing.

*"Some people, including myself, earn around €1,500. If you offer us €1,000 or €700, not many people will want to take part in the exit programme because we can earn more than that. In contrast, I can tell you what another group of people think who earn more money. [...] Because they earn lots of money, if you offer them €1,500, they won't stop. If you ask them to stop, they will agree to take part in this type of programme but it'd be for the papers, to be able to go back to China and see their families, but they will always do this type of work [...] most of them are not divorced, they have left for a bit to earn money for their families. They have no intention of remaining in France. You see, they don't speak French even though they've been here for five years, all they can say is 'how much?'. They have no desire to lose an hour studying. There's no chance they will stop."*

Xiaomei, Chinese woman

*"It's a good option. It's good but I'm not sure it'll be used, you know we earn more than €300 a week in the street, so €300 a month to stop, I don't know if the girls will accept that."*

Blessing, Nigerian woman

*"What can you do with €300 per month? The law doesn't offer a solid basis to enable you to stop working. You can't quit your job just like that. But if they offered me a job I could do, definitely, I'd stop prostitution! I want to stop but not under these conditions. Offering the right kind of training is essential."*

Jessica, Peruvian trans woman

*"I'll tell you the truth, the truth is that you say to a prostitute: you will take home €300 per month, and then pay your rent, find work, all that. So, then there are prostitutes who think that €300 is a small amount of money, that's the truth because here, you can earn maybe €300 a week and there you get €300 a month ..."*

Elena, Bulgarian woman

For many migrants who were interviewed, income is more important than working conditions, particularly for migrants who did not plan on staying long in France, who thus had a specific financial objective and saw no interest in agreeing to join the exit programme. For migrants who want to settle in the long term, the exit programme made more sense. However, people still do not know how their applications for residency would be processed. After a maximum of 24 months, they fall under the terms of the CESEDA (Code d'Entrée et de Séjour des Étrangers et du Droit d'Asile), like everyone else, and the procedures for applying for residency for work are extremely strict.

We will see below that other people who were interviewed were quite simply contemptuous of the financial support planned in the programme and reject what they consider to be charity.

## WOULD A TEMPORARY WORK PERMIT OFFER ENOUGH STABILITY TO LOOK FOR WORK?

Even if a temporary work permit is renewed for up to 24 months, sex workers and organisations consider that this is too short a period for a number of people.

*"We see that with people we already receive here, we take time to carry out professional integration... It takes an average of three years when all the right conditions are in place: papers, accommodation, social support, no question of resources."*

CAPS, organisation in Rouen

Lots of people raised doubts as to the Government's ability to support career changes when so many other people are out of work.

*"I know some people they don't work as prostitute but they have documents and they can't find work. They try to work, but there is no work. So, how they are going to do it? If they give [papers] to all the prostitutes? If people who already have the documents but can't find the job? I think it'll be difficult because there is no job."*

Grace, Nigerian woman

*"What are they going to offer us? Already, there are people who work who are looking for a little bit of money, real work... They can't find it so what about us? What are we going to do? At my age, at 41 years old, do I have to go back to school? To do what? That's it. They should have left us alone ... like it was before, OK it's illegal, it's not acceptable but, anyway, we get on doing our thing ..."*

Thérèse, French woman

Given this context, a six-month work permit, even if it is renewable, does not appear to them to give enough of a guarantee to be able to stabilise their situation.

*"Yes, it would be really easy [to find work]. But with a six-month residence permit, you are not allowed to do just any kind of job."*

Fan, Chinese woman

*"If they gave us the papers, of course we wouldn't do this work. If they gave us six months and then another six months, that's good, a year would be best. But if it's only six months, that's no use."*

Lily, Chinese woman

*"In this case, I'd have to be sure that the promises would be kept. And know how much money there is. Because six months' work isn't enough for me. What would I do after that? Go back to prostitution? In order for people to really leave prostitution, they have to be supported in the long term."*

Manuela, Ecuadorian woman

## THE GAP BETWEEN APPLICATION OF THE REPRESSIVE ASPECT AND THE SOCIAL ASPECT: POVERTY WITH NO ALTERNATIVE

Grassroots organisations are highly critical of the way in which the social aspect of the law has been applied. Some had argued before the law was drafted that it would be necessary to prioritise the social aspect over the repressive one. In other words, they were suggesting that social support might be a better response to forced sex work than criminalising the client. But this proposal was based on the understanding that sex work can be a chosen form of work, which is not the driving argument behind this law.

*"Because they are committed to giving help and getting prostitutes out of prostitution, I think they should have removed the article on the criminalisation of the client. Tell the prostitutes: 'We are going to offer you an exit programme, this help is available.' When the help arrives, the organisations go back to the prostitutes and say, 'come on.' You would have seen a certain take-up. The prostitutes would have come saying: 'OK, listen, if there's training and stuff, let's do it.' But here, they haven't even given us enough time to pay our rent. They are criminalising the client. We find ourselves impoverished such that our only concern is to be able to buy food and pay our rent [...]"*

Amel, French trans woman

The fact that the repressive aspect (criminalisation of the client) was readily applied caused more precarisation among sex workers, as we described above. Several interviewees asked why the lawmakers did not start by offering an alternative to those who wanted it, rather than pushing them into more vulnerable situations. Grassroots organisations unanimously said they had seen the effects of this criminalisation on workers' living conditions. They had also seen the expectations and subsequent disappointment of people who had shown an interest in the exit programme.

At times some interviewees have waited more than a year, like this Nigerian woman who stopped working in the street because she was no longer earning any money and was looking for support from all possible organisations, but in her town no committee had been organised in 2017:

*“With [the social worker] we went to see the [accredited organisation] and they said that the law had not yet been applied.”*

Precious, Nigerian woman

The social worker told us informally that indeed, the person had been waiting for a year to be able to submit an application, which put the organisation in an uncomfortable position, being unable to give her a date. Several organisations made the same comments on waiting times that they had not anticipated and a loss of motivation from the sex workers who were originally interested in the programme. The L’Embellie organisation in Avignon explained that, following the vote on the law, they had distributed lots of information and had managed to find ten people who were interested. By the end of 2017, no committee had been organised for the Vaucluse Department and now there were only perhaps five people ready to start the process. Given the slowness with which the mechanism has been implemented and the other obstacles mentioned below, several organisations said that they had stopped distributing information in order not to raise false hopes.

## SELECTION CRITERIA

For organisations, which have been accredited to submit exit programme applications, the question of applications’ selection has been raised. This question is two-fold. On the one hand, the preparation of applications and the monitoring needed involves a significant amount of work, although of all the grassroots organisations interviewed, only one had received additional funding for this purpose. Some organisations had even seen their departmental funding drop in 2017. On the other hand, most of those responsible for the relevant departmental services (the delegate for women’s rights) had said that the number of applications that could be accepted would be reduced, given the financial resources available.

Some organisations refused to make this selection from among the applications they received, such as the ALC

in Nice which submitted 15 applications, and Grisélidis in Toulouse, which ultimately only had five applications.

The backdrop of a strict migration policy with regards to irregular migrants was another aspect which had to be taken into account during the committees, as applications would necessarily come from people in irregular situations. Although the law stated that a temporary residence permit would be provided, and although there are no official criteria on the residence status of people while the committees consider their applications, it is clear from the interviews that there was significant tension between the approach to combating irregular immigration and that of supporting people who want to stop sex work.

*“No quota has been mentioned. The only thing that was mentioned was from the person from the Prefecture responsible for residence rights, they told us that if someone was regularised elsewhere, in this case, the Nigerian person who was regularised in a third country, without a doubt, obviously the Prefect would not authorise them to join the exit programme. [...] in contrast, they weren’t very clear about people in situations under the Dublin Regulation, people who have been issued with an OQTF [obligation to leave French territory].”*

Paloma, organisation in Nantes

*“There are people who might be interested [in the exit programme] because they have exhausted all possibilities of being regularised. In other words, they failed the asylum seeking process, for example. They couldn’t possibly press charges against a network of exploiters because for them, anonymity is not possible. And for them it’s impossible to ask for their OFPRA [asylum] applications to be re-opened with new elements telling their real story.”*

IPPO, organisation in Bordeaux

The case of the Alpes Maritimes committee was a shock for many organisations that did not think that an irregular status could be used against the applicant, when the law specifically mentioned the possibility to issue a temporary residence permit.

*“We had two preparatory meetings. At the second meeting, we invited the delegate for women’s rights. There were only 22 people who were interested, and the delegate explained the framework of the law etc. So, we had potentially 22 applications but ended up with only 15 because the girls said, ‘actually no, in the*

*end we've thought about it and we're not interested because it's too complicated, or it's not the right time', so we had 15 applications in the end. And these 15 applications were submitted to the first departmental committee established in France, in April 2017. [...]*

*To be honest, the applications were full of information. The vast, vast majority of applications were from Nigerian women who, for understandable reasons, either they had failed the asylum process or had not pressed charges [against the procurer] so, obviously, for them, it was a way out. And we had a Bulgarian man too. We were very precise about the work we did. Social workers worked on the applications, the work was really thorough. We submitted the applications on 7 April. And on that day they told us, in any case, given that the applications are mostly from Nigerians ... The members of the committee were mostly people we had worked with for a long time, people who knew the Prefecture, the national police, social cohesion, anyway, all these people came from bodies that we had worked with for a very long time, so they knew exactly which groups we were going to talk about. In contrast, the Prefecture's position was to say: "We think these provisions are going to be misused and, because controlling migration is an extremely sensitive issue, particularly in the Alpes Maritimes Department, we will be examining the applications from that perspective. So, people who have been issued with an OQTF [obligation to leave French territory] and people who fall under the Dublin Regulation [which was all the applications we presented] will not be considered in a positive light [...]"*

ALC, organisation in Nice

According to the ALC, members of the committee were afraid that the exit programme would be used by migrants as a new means of being regularised. Thus, the priorities of the departmental migration policies strongly impacted on the implementation of the social aspect of the law and utterly discredited it.

*"[...] We were a bit surprised by this. We said to them: 'Wait, what did you expect to see? If they were 25-year old French women or 40-year old Belgian women they wouldn't need to go through the departmental committee, they'd have no need for this at all. Of the 15 applications, one was accepted, which was the Bulgarian man for whom, ultimately, it wasn't a great step forward because he had the right to work anyway. He is a European resident, so ... And one other application from a young Nigerian woman for which no reason was given, no explanation was given from the Prefect of the*

*Alpes Maritimes Department. So, we found ourselves in a bottleneck situation, we had wanted to tell everyone on the streets about the law, and felt we were capable of doing that. [...]* The result is pretty up-setting."

ALC, organisation in Nice

After a huge amount of communication work with people who were interested in this mechanism, the creation of agreements with housing providers and training bodies, the ALC-Les Lucioles saw two applications being accepted. In Poitiers, in the Vienne Department, according to the Amis des Femmes de la Libération organisation, four applications were presented to a committee meeting in November 2017 and only one was accepted. The person received notification from the Prefecture of their acceptance into the exit programme, but the process ground to a halt due to the fact that the applicant did not have ID documents.

The L'Embellie organisation in Avignon decided not to submit any applications to the first committee meeting, but to use the initial period to meet with members of the committee and play an 'educational role' (in their own words) providing information on the reality of the people affected by the exit programme. In Bordeaux, in the Gironde Department, an agreement has been reached between the accredited organisation and the Prefecture to the effect that the exit programme primarily benefits people who are victims of human trafficking. To convince the members of the committee, training on this subject was carried out with them beforehand:

*"So, we have a committee which was established in Bordeaux in July. If I remember rightly, it was 6 July 2017, I think. We did lots of work with the delegation, the Departmental delegate for women's rights, because that's the person in charge of the Departmental delegation, and the committee was established. She brought together all the members of the committee, and before the committee met, she wanted them to be able to take part in the training on the theme of human trafficking. She asked the national Ac.Sé programme [...] to come and deliver training in Bordeaux for members of the committee."*

IPPO, organisation in Bordeaux

A close, trusting relationship with the delegate for women's rights often emerged from the interviews. Hurdles often came from elsewhere. The power exercised



by the delegate for women's rights varies from one Department to another, which is likely to explain, at least partly, how committees operate and their results. Hence, in Paris, despite a very small number of applications being submitted (seven), they were all accepted and the committee appears to operate in a climate of cooperation. For the Aux Captifs le Libération organisation, which submitted one application to this committee, the person received their residence permit quickly and financial assistance within a month. Similar reports come from the Drôme Department, where there is a good relationship between the delegate for women's rights and the only accredited grassroots organisation, here the committee operates smoothly and favourable opinions have been issued for the two lodged applications.

In the case of the committee established in Toulouse for the Haute-Garonne Department, the Grisélidis organisation reported its shock about the atmosphere of suspicion which prevailed during the examination of applications by almost all the members: the gendarmerie, the police, the Prefecture, the DIRRECTE [departmental directorate for work and employment], representatives of the national education system etc. The two accredited organisations, Grisélidis and L'Amicale du Nid, were confronted with a series of criteria which were used to dismantle the validity of the applications: applications which were not sufficiently personalised (similar stories, requests to intrude into people's private lives), applicants who had been arrested a long time ago or, in contrast, who had not yet been arrested for sex work, lack of ability in French, lack of evidence of being integrated into society, possibility for applicants to use other procedures (right of asylum). Grisélidis reported several disparaging statements made about applicants on the part of the committee, which assumed that they were far from being "victims of prostitution". Of the ten applications submitted, only four received a favourable response.

Above and beyond the different interpretations that the Prefects made of the law, or their willingness to implement it, selective criteria were established due to the lack of resources to deal with several applications. All the organisations mentioned that submitting an application required a significant amount of extra work, which they wanted to do but which they were not necessarily capable of doing. The Paloma organisation also mentioned the invitation it received to the preparatory meeting for the committee:

*"It was on the agenda of the previous meeting: what criteria will be put in place to deal with applications impartially, so that everyone has equal access. There were lots of us around the table, including the local CHRS mission [Centre for Social Housing and Reintegration], the police, the Mouvement du Nid, different social partners [...] This meeting went off in all directions and the Mouvement du Nid, the accredited grassroots organisation, the only organisation in the Loire-Atlantique, constantly said: "But in any case, we can't do it, we don't have the staff or the time, we can't meet with people, we can't meet with everyone, so criteria will have to be established"*

Paloma, organisation in Nantes

The establishment of the committees and the way they operate has led to applications being processed very unevenly from one Department to another, not to mention the fact that in many Departments, nothing had been set up after two years, sometimes even in large cities such as Lyon and Rouen.

## LACK OF RESOURCES, PARTICULARLY FOR HOUSING

In addition to the fact that, as we have mentioned, few grassroots organisations have seen an increase in their budgets (some accredited organisations even saw their budgets decrease in 2017), resources to support people to stop sex work have not been put into place. For many organisations, the primary concern is housing, particularly when financial allocations are so low. It was viewed as essential to offer housing to those who risk being on the streets, however, the organisations found that access to housing was particularly difficult:

*"We cannot offer a long-term exit programme if we can't find a solution for accommodation [...] We sent notes to the departmental delegate for women's rights to find out if it was possible to increase the number of housing places available. Here we have 11 places, going to maybe 12 or 13 would mean that we would have one or two places which would be reserved for women on the exit programme. We could offer them a roof over their heads and some support, even if this was time-limited, start with a year, two years but ... to stay on track. Another possibility is to go through common law, so with the 115 homeless hotline and the SIAO [Integrated Reception and Guidance Services] - the SIAO is the service which manages the 115 hotline. But currently, the SIAO, from what I have recently heard,*

*said that it was not possible to find accommodation for them [...] I learned that last week ... the SIAO, which manages accommodation places in the CHRS [Centre for Social Housing and Reintegration]. So, anyone who only has a temporary residence permit, which the law recommends, will not be given a CHRS place”.*

Arcades, organisation in Valence

*“We’ve talked a lot about the problem of housing. We said that the first thing that people ask for, even before asking for the papers, is to have housing, but in the texts there is nothing about accommodation. So, all the people sitting round the table, people from the CHRS, the person responsible for the SIAO who was there, were looking for solutions. Should the person apply for the SIAO? Yes, but the SIAO application can only be completed by a social worker. The Mouvement du Nid, which is the accredited organisation has no social worker, so who will make the SIAO application? The person in the Prefecture wanted it to be the CHRS. But the CHRS does not meet with people directly because it goes through the SIAO platform, so they need to be directed to the CMS [Medical Social Centre]. But we know very well that the CMS social workers do not meet with people in irregular situations, particularly for SIAO applications, so we are up against obstacle after obstacle. We set out all these problems. The SIAO person said: ‘OK, submit an SIAO application, but the timescale for getting a place is around nine months.’ So, clearly, the person could be accepted into the exit programme but might not have any housing for nine months, how is that going to go for the first six months, how will she be able to renew it if she is homeless?”*

Paloma, organisation in Nantes

The organisations discover or report that the people committed to the exit programme were not prioritised, and that if the organisations did not try to find housing outside the common law structure, it would be practically impossible.

### 3. PERCEIVED RISKS: SOCIAL CONTROL AND STIGMA

#### THE FEAR OF SOCIAL CONTROL

For sex workers and grassroots organisations, the reservations expressed around the exit programme related to a fear of social control and the use of personal information. Many people did not want to be categorised as sex workers, or did not want to be assisted by an organisation which would make their work obvious. Many people did not have sex work as their main source of income, or did not want to be identified with this type of work.

*When I went to the [X organisation], because they worked with the BRP [Police unit responsible for the surveillance of prostitution and the repression of procuring], they reported my request for support and suddenly I was registered with them and I don't want that kind of thing happening again. [...] They were responsive in providing me with help, but I was disappointed. The organisation didn't give me anything. What's more, when I applied for jobs and this period with the organisation appeared, it pretty much destroyed my credibility with potential employers."*

Amel, French trans woman

*"No, for my part, no. I don't want to be registered. If I say that I want to leave prostitution and then they catch me with a client? What would happen? I would be recorded and then later, if I want a residence permit or some other status, they won't accept me."*

Aurora, Argentine trans woman

Organisations indicated that when they explain to the sex workers what they need to provide in terms of documents, several of them withdraw from the process.

Of the organisations that refused to apply for accreditation (despite sometimes being asked to do so by the Department), the argument against social control is an important one. They refuse to have to check on people's activities to take the risk of losing the trust they have established with the sex workers:

*"We were afraid of the information that would be given to the Prefecture because, ultimately, it involves giving a lot of information about people who are in irregular situations and who are extremely afraid what the Prefecture could do with this information. We were not*

*comfortable with giving information about the people we work with, knowing that the Prefecture could then refuse the applications ... As a whole, it's because the law is a hollow shell that we support people. People trust us. We aren't comfortable with this mechanism which clearly appears not to be a mechanism to really help people; we had the impression we were being used, supporting people to do something which we didn't feel was entirely ethical."*

Paloma, organisation in Nantes

In addition, the organisations raised the question of their responsibility in communicating information to the Prefecture on people in irregular situations whose applications could be rejected.

#### CRITICISM OF THE MORALISTIC APPROACH PORTRAYING PEOPLE AS VICTIMS AND ENCOURAGING STIGMA

Interviewees broadly rejected the victimising, moralistic and ultimately stigmatising approach which, for them, is implicit in the exit programme mechanism—the fact that it denies the option of considering sex work as a profession was criticised. Of the sex workers interviewed, some did not want to “exit” the sector because they felt that they had chosen this work and it suited them. Interviewees defended the idea that they could assess the quality of their work, as well as its usefulness and their level of professionalism. Sex work is a possibility for those who do not have many options as to how to earn a living in decent conditions due to the fact that they do not have many qualifications, do not speak the language, have issues with their residency status, etc. It is a real choice for others who see advantages in it:

*"First of all, I don't want to 'exit' from this work. And then, I've worked 20 years in the private sector, I already know that most jobs don't suit me. I can't imagine them finding me a job which suits me and which allows me to make a decent living."*

Magali, French woman

*"I worked for three years as a nanny in a family. [The choice of prostitution] means I am free to organise my time, and don't have to worry about other people. Before, I worked for a Wenzhou family, I was in their house 24 hours a day, I couldn't stand it anymore [...] it has to be said that in China no matter how much trouble*

*you go to, it's difficult to improve your life, and here there is a lot of pressure, the working conditions and hours are so hard, [doing this job] is a painful choice to make in order to protect your freedom, but it's not good work."*

Lily, Chinese woman

Disagreeing with a victimising approach, even people in highly vulnerable situations believe that the support offered is a form of contempt or pity towards them:

*"The support offered by the State is ridiculous, the allocation is too low to survive"*

Emma, French woman

*"Tsk, no, whatever, tsk, no, just leave us alone."*

Thérèse, French woman

*"No, even if they offered me €100,000 I don't want it. If I tighten my belt, I can get €100,000 in three months. I'm independent. I manage my own money, it's not my money that manages me."*

Algerian travesti, notes from Doctors of the world rounds in Montpellier

*"I'll never bow down to this kind of moral domination. [...] I don't want this type of promises or offers from another planet. Leaving sex work to go into the world of public charity? Never. I'd prefer to die as a free and proud whore than do that."*

Aurora, Argentine trans woman

### **Several people reject the immoral representation of their work:**

*"[I'll never apply for the exit programme] because I don't want to be categorised as having 'repented.'"*

Maria, French woman

*"I think that we've given in to abolitionist pressure, to dogmas, certain philosophies that have been used for a very, very, very long time by those involved in it, who want to fight relentlessly against prostitution, in the name of religious principles, which I respect. [...] Personally, I respect these positions. Because we live in a democracy and I respect people who hold these positions and these values. But they don't hold them in our name, or against us. [...] People say to us: 'But you can't understand because you are on the inside.' They say it's so bad what we are doing. No, not at all, our views have never been taken into account. If that's*

*the case, we would have been interviewed. We've not been interviewed. Sometimes they listen to the Strass to look good. I've never had any contact with the Strass. They tried to defend our position as best they could. But the result was what you see today, they weren't taken into account."*

Amel, French trans woman

As we have seen above, the interviews showed that the stigma around prostitution has increased with the passing of the law, which is reflected in insults and violence in the street. The interviewees felt like the wording of the plan to eliminate sex work strongly strengthens the stigma around those who have chosen this work.

*"We continue to tarnish prostitutes' reputations and give a very poor image of them. That's why we suffer so many attacks. If you like, we are considered in society as the very bottom of the ladder, like human beings that can be very easily attacked without any risk. There is almost impunity for those who attack a prostitute. And all these laws contribute towards the idea that prostitutes can be attacked with impunity, because they don't have the right to work or the right to be here. The client is criminalised, prostitution is banned, we are seen as criminals and they are arrested ..."*

Amel, French trans woman

*"We are never victims. No, we are sluts. First of all, we are women. So why are we not tied to the kitchen sink, churning out babies? But, in addition to not being tied to the kitchen sink and churning out babies, we dare to make money for favours that should only be offered to our darling husbands? That's what this is all about."*

Magali, French woman

This is one of the major criticisms made of the exit programme out of prostitution, which increases the opposition between those who are victims and those who, regardless of any assistance, choose to continue sex work. This programme may exacerbate the stigma around many people who will continue this activity. Despite a certain interest in a change of work, the interviews revealed that under the conditions offered, ultimately very few people were interested. Similarly, interviews with organisations who sometimes had a great deal of information to give and partnership building to do to facilitate the exit programme showed that the proportion of people interested was ultimately low. However, nothing has been done to reverse the

stigma around the many more people who continue sex work:

*“Clearly, the rationale adopted by the public authorities is a rationale of: ‘what we offer as social protection, the group, French society will support women who choose the exit programme.’ Solidarity is at work there; you’ll tell me that’s a start. But the question you have to ask is: what do the others do? In other words, if the exit programme is not compulsory, people have the choice whether or not join in and so, what these people are asking for are decent working conditions, and there, for the moment, there has been no answer.”*

Les Amis du Bus des femmes, organisation in Paris

For many of the people interviewed, focusing on common law – which includes employment law – would be the best way to support both people who want to stop and people who want to continue under better conditions: in other words, better social support within the framework of common law for those who want it.

Some interviewees compared the legislation in other countries or talked about an alternative legal system which appeared fairer to them. In particular, recognition of their professional activity is presented as the best way to fight against marginalisation and to promote access to rights and social services. Recognition of their work would help reduce violence. It would also guarantee them the same social rights as those of other workers, health coverage and a pension, for example.



## DISCUSSION

## 1. THE 'DOMINO-EFFECT' OF REPRESSIVE POLICY: SOCIAL INSECURITY, VIOLENCE, STIGMA, DEPENDENCY AND HEALTH RISKS

From the 2003 law that criminalised public soliciting (part of the so-called Domestic Security Law) to the 2016 law criminalising the purchase of sexual services, French legislation on sex work has been invariably repressive. This has created a situation in which the needs and rights of sex workers have been undermined with a view to making sex work disappear. Within the current neo-abolitionist situation, namely the criminalisation of sex workers' clients, the deterioration of the working and living conditions of those working in this sector has been dismissed as collateral damage. According to the typology of sex work political regimes proposed by Petra Östergren<sup>19</sup>, since the beginning of the 21<sup>st</sup> century France has endorsed a 'repressive' approach, as opposed to a 'restrictive' regime (such as the one used in Germany), or to an 'integrative' one (as in New Zealand). With the new law in 2016 or, more precisely, since the debates on this new law began in 2013, the neo-abolitionist political agenda has had a harmful domino effect on sex workers in France, particularly those who were already working in very precarious conditions. The following illustration attempts to summarise the impact of this repressive regime and the various repercussions it has had.



As the report has highlighted, one significant impact of the criminalisation of clients has been a serious increase in economic insecurity among sex workers. Many interviewees described the difficulties they encounter making ends meet, or earning enough money at the end of their working day to pay for a hotel room. Economic hardship is particularly exacerbated for street-based workers. Although a large proportion of the research sample consisted of street-based sex workers, the same conclusions can also be drawn from the smaller sample of eleven interviewees working online, as well as from the interviews with support organisations. This research cannot, however, provide information on the experiences of indoor sex workers (those working in clubs, bars and massage parlours). Further research is needed to document the impact of the law on these workers.

As the preceding illustration shows, economic insecurity triggers, catalyses and intensifies a whole set of problems and difficulties for sex workers: the deterioration of working conditions, new obstacles to health prevention practices, the increase of stigmatisation and violence, and the deterioration of both physical and psychological health. From an ethical point of view, it is hard not to take into account the effects of this law, and even harder to view them as a temporary and necessary side effect of achieving a specific political objective.

The interviews revealed that, because clients are now criminalised, they perceive themselves as the ones taking the risk with regards to the authorities. Their bargaining power has thus increased, and they tend to negotiate prices, places and practices of the sexual services more than before. In addition to these heightened tensions, the remaining clients appear to be more aggressive, disrespectful, and less willing to pay. Furthermore, a growing number of individuals

19 - Petra Östergren (2017) *From Zero-Tolerance to Full Integration: Rethinking Prostitution Policies*. DemandAT Working Paper No. 10. Dans le cadre d'un financement européen de recherche sur les politiques de lutte

contre le trafic des être humains. <http://www.demandat.eu/publications/zero-tolerance-full-integration-rethinking-prostitution-policies>



and groups pretend to be clients with the intention of committing theft, robbery, and violent attacks. Everyday violence has increased, especially in the street. Social and economic insecurity exacerbates tensions between groups of sex worker and may undermine existing forms of solidarity. There is a general context of impunity, which has meant that respect for sex workers has not improved and they face other forms of violence including insults and disrespectful gestures from passers-by, including young people

The situation is not the same throughout the country, but varies from one Department, or one city to another. However, regardless of location, many sex workers feel that when they are victims of violence, they are neglected by police. As before, and even more so since the new law, the interviewees do not report violence to the police. They are fearful of being dismissed or even being arrested or deported (for those who are undocumented). Many believe that the possibility of finding the criminal is extremely low, as they usually do not have their names or photos, and they prefer not to be exposed to institutional violence when filing a complaint as a sex worker. The current municipal ordinances and identity checks mean that the repressive measures still overwhelmingly target sex workers rather than their clients. Continuing repression and the limited recourse to police when they are victims of violence contributes to a "vicious circle", reinforcing the feeling of impunity for those who perpetrate violence against sex workers. The report clearly shows how the new law has strengthened the already existing climate of impunity.

Social and economic insecurity also leads to the deterioration of working conditions and leads to increased risks for sex workers. Waiting for hours for a few sporadic clients is, physically and psychologically, exhausting. Many interviewees explained how they must spend longer in the street or on the internet in order to have enough clients, to earn just as much as they used to before the law, or to earn the amount they need to repay their debts, or pay for their accommodation. The paradox is that, in some places, the effect of the neo-abolitionist law is a greater visibility of sex workers in the streets (except in places where controls of clients and identity checks have been intensified) in the day and at night (depending on the schedule of police controls), thus creating more tensions with local people.

## 2. INTERSECTIONS BETWEEN PROTECTING WOMEN AND MIGRATION POLICY

A single policy can hardly tackle all the issues surrounding sex work without leading to some contradictions. How can the legislators cover in one single law the many political issues involved such as labour conditions, human rights, morality, organised crime and migration?<sup>20</sup> The focus on migration alongside the systematic victimisation of sex workers, tends to conflate different issues that should be treated separately.

French sex workers consider the 2016 law as being specifically aimed at migrant sex workers. On the one hand, lawmakers have presented the law as necessary to fight against human trafficking, which is understood to mainly concern migrant women. On the other, the only measures in the law that the interviewees initially 'supported' was the possibility to have their residential status regularised by entering the 'prostitution exit programme'. This measure only concerns migrants. The new law brings nothing new in terms of improving living and working conditions for French sex workers, or people with regular administrative status in France and they, therefore, view its impact as entirely negative.

For the most part, for both migrant and non-migrant sex workers, the law has had a negative impact. Our sample of interviewees covers many nationalities and administrative statuses and shows that those who are victims of trafficking, and who were supposed to be the main targets of this law, are also the ones who face the most drastic increase in insecurity, in health risks, and who are increasingly exposed to sexually-transmitted infections.

The study also illustrates the widespread use of identity checks during which sex workers are sometimes arrested and even deported. This is not a new practice, but in some places these controls seem to have intensified since 2016, particularly targeting migrant sex workers, including Chinese, South American, and European workers who find it difficult to prove that they are working in France, since sex work is not recognised as 'work'. By the end of 2017, only 29 people had entered the exit programme. As far as other sex workers

are concerned, the everyday impact of the law means they continue to be the target of repressive measures as irregular migrants, rather than being protected as 'victims of prostitution'.

The changing profile of migrants in the sex work sector points to the fact that migration practices partially transcend the neo-abolitionist approach to prostitution. Migration flows develop according to complex rationales, which cannot be understood simply through the lens of this new law. Interviews with grassroots organisations revealed that there has been no reduction in the numbers of new arrivals of Nigerian sex workers. On the contrary, new arrivals seem to be younger, and third-party exploitation seems to have increased (more pressure from the 'madam', a greater involvement of men, and increased violence). In the case of Chinese sex workers, fewer of them work in the streets due to the criminalisation of clients and police identity checks, but also due to migration trends that are independent of the legislative context. Furthermore, in spite of the law, increasing numbers of younger Chinese women come to France to work via the internet.

20 - WIJERS Marjan, VAN DOORNINCK Marieke, « Only rights can stop wrongs: A critical assessment of anti-trafficking strategies », paper presented at EU/IOM STOP European Conference on Preventing and Com-

bating Trafficking in Human Beings, September 18-20, 2002, European Parliament, Bruxelles ; DOEZEMA Jo, *Sex slaves and discourse masters: The construction of trafficking*, London, ZedBooks, 2010.

### 3. PROTECTION OR MORALISATION ?

This study, which prioritises the perspectives of sex workers, reveals that they do not feel more protected since the law was passed. In contrast, many criticise the moralising approach of the law regarding both the criminalisation of clients and the creation of an exit programme out of prostitution.

A large proportion of the interviewees either do not understand, or condemn, the measure of criminalising the clients. Sex workers' opinions of their clients are nuanced and complex. Interviewees, including those working in both good and more precarious conditions, said that they disagreed with the simplified vision of a guilty client: not all clients are predators. Many interviewees expressed empathy, or even sympathy, for some of their clients and stressed that sometimes their relationships with their clients about more than a simple question of sex. Of all the interviewees, the only one who clearly supported the criminalisation of clients explained her opinion with an argument going beyond the relations with her clients. She mentioned the issue of street harassment and insecurity in public spaces, which is particularly significant for sex workers who spend long hours in the streets.

The interviewees also questioned the premise that criminalising the clients is an effective tool to fight against criminal networks which exploit women. Some even expressed the feeling that, since the beginning, the objective of this law seemed to be to fight against sex workers them-selves. According to many interviewees, if the main aim of the law was to fight against exploitation, the criminalisation of clients should not have been presented as the key measure. The police already possess other tools to fight against exploitation and to dismantle criminal networks; criminalising the clients does not contribute to this end in any meaningful way. Furthermore, on the question of tackling exploitation, cooperation between the police and sex workers is crucial, but such cooperation requires a climate of trust, which has deteriorated since the law was adopted.

Regarding implementation of the exit programme, many sex workers underlined the fact that this measure may create a divide between those who are considered as deserving of protection – in other words, those who are willing to stop sex work – and the rest. As a result, those who continue engaging in sex work may have to endure the consequences of the law, and will

suffer the repercussions of a political objective that fails to recognise and take into account their decisions and their rights.

The new law was based on the idea that sex workers (especially women) are victims of exploitation. It created a dichotomy between the sex worker/victim and the client/guilty aggressor, yet the stigma attached to sex work has not decreased and those who pay the cost of criminalising the clients are most often sex workers themselves. Whilst clients may risk a fine, for the sex workers it is their overall living and working conditions that have deteriorated. Academic research in Sweden, where a similar repressive policy was implemented in the 1990s, demonstrated that the stigma targeting sex workers increased and that the access to prevention and health services became more difficult.<sup>21</sup> Our study led to the same results: stigmatisation did not disappear, but further silenced sex workers and discouraged them from exercising their rights. One of the conditions for accessing the exit programme is for the applicant to promise to stop sex work, which may also push people to engage in more hidden and risky forms of work, should they need to avoid controls. As a result, rather than protecting them, the law has put sex workers at even greater risk.

21. Jakobsson, K. & Kotsadam, A. "The Law and Economics of International Sex Slavery: Prostitution Laws and Trafficking for Sexual Exploitation". Working papers in economics no. 458. Department of Economics, University of Gothenburg, 2010, en ligne : [https://gupea.ub.gu.se/bitstream/2077/22825/4/gupea\\_2077\\_22825\\_4.pdf](https://gupea.ub.gu.se/bitstream/2077/22825/4/gupea_2077_22825_4.pdf) ; Dodillet Susanne

et Petra Östergren, "The Swedish Sex Purchase Act: Claimed Success and Documented Effects", Conference paper presented at the International Workshop: Decriminalizing Prostitution and Beyond: Practical Experiences and Challenges. The Hague, March 3 and 4, 2011, en ligne : <http://www.petrao-ostergren.com/upl/files/54259.pdf>



## APPENDICES

## APPENDIX 1: INTERVIEW GRID WITH SEX WORKERS

### 7 KEY QUESTIONS:

- After the law was voted, have you seen any changes in your work? Which ones?
- What changes have you observed in the relationship with clients, in the profile of your clients?
- What changes have you observed in the relationship with the police (since the end of the penalisation of soliciting)?
- Do you feel that the relations with the neighbors, people in public services have changed? Do you feel that you are less the target of stigmatisation?
- What do you think of the social aspect of the law (prostitution exit programme)?
- What kind of health problems or worries do you have? Did you observe some change since the vote of the new law?
- Have you been the target of violence since the vote of the new law? Which ones? Did you observe some change before and after the new law?

### 1. KNOWLEDGE ABOUT THE LAW

- What do you know about the new French Law on prostitution?
- As a sex workers have you been involved in the preparation of the law?
- Do you think that sex workers should have been more consulted?

### 2. IMPACTS ON THE ACTIVITY

- After the law was voted, have you seen any changes in your work? Which ones?

#### Reminders:

- How did you experience the end of the criminalisation of soliciting? Was it a relief for you?
- Has it improved your working conditions? How?
- Have you found new ways for meeting clients?
  - Changing schedules?
  - Preference for working on the phone, the Internet?
  - Third parties?
  - Other?
- Have intermediaries contacted you to put in touch with clients? Have you sought to get in touch with third parties?
- Have you changed workplace?
  - Neighbourhood/city/country?
  - Indoor work: club, apartment, massage parlour, other?
- Do these changes in your work practices affect your contact with organisations or social services?

**- What changes have you observed in the relationship with clients, in the profile of your clients?**

**Reminders:**

- Since clients are penalised, are there fewer of them? If so, much fewer or a little fewer?
- Have you noticed, since the law passed, a change in your clients' 'profile'?
- Do you feel that clients are more stressed, more worried?
- According to you, has clients' attitude, behaviour changed?
- Have the negotiation conditions with clients changed? Easier? More difficult?
- Given that you can report clients to the police, do you feel in a better position to negotiate with them?
- Would you imagine reporting clients if they not respect the deal?
- Have the changes had an impact on your prices, the services you offer, your income?

### 3. IMPACT ON THE RELATIONSHIP WITH THE POLICE

**- What changes have you observed in the relationship with the police (since the end of the penalisation of soliciting)?**

**Reminders:**

- Have you observed a change in the attitude of the police towards you?
- How does the police intervene in your neighbourhood/workplace? (compare before/after)
- Were you arrested by the police since the law passed?
  - If so, develop on:
    - reasons for arrest
    - conditions of arrest, custody: respectful or not, use of handcuffs, signing of untranslated documents, humiliation, etc.
    - being sent to a detention centre? Conditions of detention.
- Were you witnessed or involved in the arrest of a client? What happened to you (police custody, police attitude, information about your rights, etc.)?
- Since the law passed, do you have more confidence in the police?

### 3. EXPECTED OR ANTICIPATED IMPACT ON STIGMA AND ACCESS TO RIGHTS

- Do you feel that the relations with the neighbours, people in public services have changed? Do you feel that you are less the target of stigmatisation?
- What do you think of the 'social aspect' of the law (support to stop prostitution)?

#### Reminders:

- Do you hope that a prostitution exit programme will improve your living conditions?
- Do you want to apply for the programme? If yes or no, why?
- What would good conditions of support be for you to stop prostitution?
- What would the minimum conditions of support be for you to apply?

### 5. IMPACT ON HEATH

- What kind of health problems or worries do you have? Did you observe some change since the vote of the new law?

#### Reminders:

- Stress level? How did this manifest? (sleep disorder, eating disorder, other?)
- Increase in alcohol consumption? tobacco? Other?
- Are there more requests not to use a condom? How do you react?
- Do you take health risks in your work?



## 6. VIOLENCE

- Have you been the target of violence since the vote of the new law? Which ones? Did you observe some change before and after the new law?

### Reminders:

- Have you been a victim of violence before/after the passing of the law:
  - insults
  - thefts
  - racketeering
  - physical violence (passers-by, clients, colleagues...)
  - sexual violence, rape
- What have you put in place to prevent violence against you, to avoid violent 'clients'?
  - Participation in online discussion groups
  - Exchanging phone numbers or plate numbers with other sex workers
  - Learning self-defense techniques
  - Other
- If you have been a victim of violence, who did you ask for support to?
  - relatives, colleagues, organisations, the police
- If you have been a victim of violence did you file a complaint, start legal proceedings?
- What are the difficulties that you encountered in starting a legal proceeding? Have you noticed any changes since the new law?

## 7. STATISTICAL DATA

- Nationality
- Age range
- Number of years in sex work
- Place of work (or place of interview)
- If migrant:
  - Year of arrival in France
  - Administrative status (residence permit: 6 months, 1 year, 10 years, asylum seeker, undocumented)

## APPENDIX 2: INTERVIEW GRID WITH ORGANISATIONS

### KEY QUESTIONS:

- What do you think about the law that penalises clients?
- Overall, what do the people you receive in your work think about it?
- From your work, what can you say about the enforcement of this law?
- How has the relationship between clients and the people you receive changed since the law passed?
- Since the application of the law, have you observed changes in the activity of the people you receive? If so, which ones?
- What effects has the law had on the daily life, health, well-being, projects of people you receive?
- Do you feel that the law affects some sex workers more than others? (migrant people, street- or internet-based sex workers, seniority in sex work, work sites, etc.)
- Since the law passed, what changes have you observed in the relationships among sex workers? (competition? mutual aid? solidarity?)
- Since the law passed, what changes have you seen in situations of stigmatisation targeting sex workers?
- What do you think and how are you (are you?) getting involved in the social aspect of the law?

### 1. INTRODUCTORY QUESTIONS

- What do you think about the law that penalises clients?
- Overall, what do the people you receive in your work think about it?

### 2. ENFORCEMENT + RELATIONSHIP WITH THE POLICE

- From your work, what can you say about the enforcement of this law?

#### Reminders:

- Do police control or verbalise clients?
- What do the people you receive tell you?
  - Do sex workers feel more or less controlled?
  - New and/or more police presence in some workplaces?
  - Change of attitude/behaviour on the part of the police?
- Dare to report an assault through the law?

### 3. LABOUR (EFFECTS ON THE WORKING CONDITIONS)

- How has the relationship between clients and the people you receive changed since the law passed?

#### Reminders:

- More anxious clients?
- More demanding clients (prices, places, risky practices, exchange of phone numbers, etc.)?
- Possibility/difficulty to choose a client; negotiating/imposing conditions
- Increased violence?

- Since the application of the law, have you observed changes in the activity of the people you receive? If so, which ones?

#### Reminders:

- New work places? Need to hide?
- Earnings?
- Time at work?
- New ways of working (i.e. from the street to the internet? Indoor work?)

### 4. HEALTH (EFFECTS OF THE LAW ON HEALTH CONDITIONS)

- What effects has the law had on the daily life, health, well-being, projects of the people you receive?

#### Reminders:

- Health problems related to the consequences of the law (increase in working time, decrease in income, etc.)
- Deterioration of living and working conditions?
- Effect on stress levels (mood/sleep disorders, food, etc.)
- Health prevention practices and relationships with clients (i.e. pressure from clients to negotiate condom use)
- As an organisation, do you see more or fewer people? Do you see the same people? Are you more in demand than before? Do you have difficulty staying in touch with some people? Why?

## 5. INEQUALITIES/RELATIONSHIPS AMONG SEX WORKERS

- Do you feel that the law affects some sex workers more than others? (migrants, street- or internet-based sex workers, seniority in sex work, work sites, etc.)
- Since the law passed, what changes have you observed in the relationships among sex workers? (competition? mutual aid? solidarity?)

## 6. STIGMA

- Since the law passed, what changes have you seen in situations of stigmatisation targeting sex workers?

### Reminders:

- Have the relations with the neighbourhood, residents or passers-by changed since law?
- Do you notice changes in the way sex workers are received in health and social services?

## 7. EXIT PROGRAMME

- What do you think and how are you (are you?) getting involved in the social aspect of the law?

### Reminders:

- Have you applied for accreditation? Why did you make that choice?
- How many people do you think would be interested in the exit programme?
- How many have expressed the desire to apply, to be supported with the application?
- Can you describe the programme steps – the time that it took to put it in place, the actors involved, what works/what does not work:
  1. Applying
  2. Instruction by the committee
  3. Inclusion in the exit programme: First contact with social workers?
- Can you say about the means that you have allocated for this?
- Have you received more financial support to implement it? From who?



## APPENDIX 3: INTERVIEWEES' PROFILES (QUALITATIVE INTERVIEWS)

Women	54	The 3 categories respect the way interviewees presented or named themselves. Among the category "women" are people who described themselves as women, they may have precised that they were lesbians or asexual. Among the "men", all of them said they were gay, some said they were working as travestis (cross-dressers). Regarding the "trans people", they presented themselves either as trans women, transformista or trans.
Men (including "travestis")	5	
Trans people	11	
<b>Age</b>		
18-29	15	
30-39	16	
40-49	24	
50-59	6	
60 ou plus	1	
Unknown	6	
<b>NATIONALITY</b>		
<b>Europe and North Africa</b>		
Algeria	3	2 trans women and one travesti <b>Age group</b> : 1 in her/his twenties, 1 in her/his thirties, 1 in her/his forties. <b>Type of work</b> : street-based workers and phone
Romania	4	4 women <b>Age group</b> : 2 in their twenties, 2 in their thirties. <b>Type of work</b> : street-based workers
Bulgaria	1	1 woman <b>Age group</b> : in her thirties. <b>Type of work</b> : street-based workers
France	14	1 man, 1 trans woman, 12 women <b>Age group</b> : 5 in their twenties, 2 in their thirties, 5 in their forties, 2 in their fifties. <b>Type of work</b> : 5 on the Internet (escort, touring); 8 street-based workers or in vans (one also working on the phone)
<b>Asia</b>		
Chine	13	13 women <b>Age group</b> : 2 in their thirties, 8 in their forties, 2 in their fifties, 1 over fifties. <b>Type of work</b> : 7 street-based workers, 1 mixing street and phone, 1 only working with phone contacts, 4 on the Internet (touring).



Latin America and the Caribbean		
Argentina	2	1 man, 1 trans woman <b>Age group:</b> 1 in her/his forties, 1 unknown. <b>Type of work:</b> street-based worker
Brazil	2	1 trans woman, 1 woman <b>Age group:</b> 1 in her forties, 1 in her sixties. <b>Type of work:</b> street-based workers with vans
Ecuador	5	1 travesti, 2 trans women, 2 women <b>Age group:</b> 2 in their thirties, 2 in their forties, 1 her/his fifties <b>Type of work:</b> 5 street-based workers with vans
Peru	3	1 man, 2 trans women <b>Age group:</b> 1 in her/his thirties, 2 in their forties <b>Type of work:</b> 2 street-based workers, 1 mixing street and Internet
Dominican Republic	1	1 woman <b>Age group:</b> in her forties <b>Type of work:</b> street-based worker with a van
Africa		
Nigeria	15	15 women <b>Age group:</b> 8 in their twenties, 4 in their thirties, 1 in her forties, 2 unknown <b>Type of work:</b> 15 street-based workers
Other African countries (Ghana, Ivory Coast, Cameroon, Equatorial Guinea)	5	5 women <b>Age group:</b> 1 in her twenties, 3 in their forties, 1 unknown <b>Type of work:</b> 5 street-based workers with vans
PLACE OF ACTIVITY		
Street	26	<i>Several interviewees work or have worked from time to time in venues abroad (Belgium, Switzerland, Spain, Germany).</i>
Internet	11	
Venues	1	
PLACE OF INTERVIEW		
Chartes [3], Lille [5], Lyon [6], Nantes [9], Montpellier [3], Paris [29], Poitiers [3], Rouen [10], Toulouse [1]		

## APPENDIX 4: QUANTITATIVE SURVEY

### THE CONSEQUENCES OF THE LAW ENACTED ON 13 APRIL 2016 THE RESULTS OF A QUANTITATIVE SURVEY OF SEX WORKERS IN FRANCE

#### INTRODUCTION

In order to document the consequences of the law enacted on the 13<sup>th</sup> of April 2016 on the health, security and living conditions of sex workers in France, a quantitative survey was under-taken between the 11<sup>th</sup> of January and the 2<sup>nd</sup> of February 2018. The survey involved sex workers encountered by support organisations in different cities and regions across France. The survey was undertaken as complementary research to enrich a qualitative survey on the same subject which was undertaken between June 2016 and February 2018.

#### SUMMARY

The results of the survey show a clear deterioration of living and working conditions for sex workers in France since the introduction, on the 13<sup>th</sup> of April 2016, of the law "Aiming to reinforce the fight against the prostitution system and support people in prostitution". Since this law was enacted, a majority of sex workers surveyed have experienced a fall in their income and a deterioration of their quality of life. A large number of respondents declare that they are more exposed to violence and encounter greater difficulties negotiating condom use. Although the law aimed to "reverse the burden of repression" by no longer considering sex workers as criminals, the relationship with police services has not improved for the majority of sex workers, and has become worse for one in five of them. The survey also shows that sex workers are overwhelmingly opposed to the criminalisation of clients and the abolition of prostitution.

Finally, the prostitution exit programme created by the law remains largely unknown to sex workers. Amongst sex workers who are aware of this programme, a majority of them do not intend to apply.

#### MÉTHODOLOGIE

The survey is based on a short questionnaire (cf. annex) divided into three subsections:

1. A first section provides sociodemographic information concerning the survey respondents (age, nationality, gender, type and duration of sex work);
2. A second section is focused on sex workers' knowledge of the law introduced on the 13<sup>th</sup> of April 2016 and its repercussions on their living conditions and their working practices (exposure to violence, changes in income, working hours, condom use, relationship with police services...);
3. A third and final section deals with sex workers' knowledge of and interest in the newly created exit programme.

The questionnaire was translated into 5 languages (French English, Spanish, Romanian & Chinese)

In total, 9 organisations participated in conducting the survey (ARPS, Médecins du Monde (Doctors of the World), Cabiria, Grisélidis, ARCAT, the STRASS, Paloma, Les Amis du Bus des Femmes and the Collectif des Femmes de Strasbourg St Denis).

The survey was conducted by each organisation over a one-week period of their choice, in all of the locations where they intervene (except for the STRASS). During that week every sex worker met by the organization was invited to participate in the survey. Participants were surveyed on an individual basis by a representative of each organization.

In total 738 people were invited to participate in the survey. Amongst those people invited to participate 200 (27.1%) did not wish to participate and 45 were not eligible to participate (because they were not sex workers or because they had already replied). A total of 493 people (or 71.1% of those eligible) participated in the survey and 490 questionnaires were integrated into the analysis (84,1% of all submitted questionnaires).



With regards to the STRASS (Sex workers Union), the questionnaire was submitted via email to all of the 250 union members with a link to an online version of the questionnaire. The online questionnaire was also submitted to members of an online private chat forum reserved exclusively for sex workers which has 350 members. A further 93 questionnaires were completed through this method (or 15.9% of all questionnaires)

Altogether, 583 questionnaires were submitted for analysis. The questions related to the impact of criminalisation of clients were only asked to people engaged in sex work for at least two years or more (ie. 418 individuals or 71,6% of the sample). The question related to kind of support that sex workers expected as part of the exit programme was only asked to people who knew about the exit programme and who intended to apply to it (ie. 60 people).

## THE PROFILE OF SURVEY RESPONDENTS

The majority [82.5%] of survey respondents were cis-gender women. The average age at the time of the survey was 41 years. The average age at which respondents had started sex work was 33 years. The average duration of sex work was 6 and a half years (min.= 1 week, max.= 41 years, median: 3 years)

More than 78% of respondents were foreign nationals. The most represented regions of origin were Asia [32.8%], Africa [25,4%], Latin America [10.6%]. Roughly one out of five respondents were French nationals.

The survey respondents worked in 26 different locations in France (including Reunion Island – an extraterritorial French Department in the Indian Ocean). Some respondents declared that they worked in multiple locations. The most represented locations are Paris [47.2%] and Lyon [22.3%]

The most common methods of meeting clients are in the street [61.7%] and via the internet [20.8%].

## THE KEY RESULTS OF THE SURVEY

### A CLEAR DETERIORATION OF SEX WORKERS' LIVING CONDITIONS

Almost 63% of respondents have encountered a deterioration of their living conditions over the past two years. More than 78% of them have experienced a decline in their income since April 2016. Furthermore, 42.3% of respondents have witnessed an increase in work place violence over the past two years and, for 38% of respondents, it has become increasingly difficult to negotiate condom use with clients.

To adapt to their declining client base 37.6% of respondents declare that they have had to increase their working hours, whereas 33.6% of respondents have, on the other hand, decreased their working hours.

Roughly 50% of respondents have observed no improvement or deterioration of their relations with police services during the last two years and 20.6% observe that their relations with the police have deteriorated.

### A WIDESPREAD OPPOSITION TO THE CRIMINALISATION OF CLIENTS AND THE ABOLITION OF PROSTITUTION

A large majority of those surveyed (80.4%) were aware of the criminalisation of clients introduced by the law in April 2016. More than 87% of sex workers surveyed were opposed to the criminalisation of clients and only 3.4% of them were in favour of criminalisation. These results are broadly consistent with the results of previous survey conducted in 2015 by the researcher Nicola Mai in which 98% of sex workers were opposed to the criminalisation of clients.

More than 80% of survey respondents were opposed to the abolition of prostitution and only 8.2% were in favour.

<sup>1</sup> [http://www.lames.cnrs.fr/IMG/pdf/RESUME\\_ETUDE\\_PENALISATION-2.pdf](http://www.lames.cnrs.fr/IMG/pdf/RESUME_ETUDE_PENALISATION-2.pdf)

## AN EXIT PROGRAMME WHICH IS LITTLE KNOWN AND NOT ATTRACTIVE

Less than 40% of those surveyed were aware of the existence of the exit programme and, of that minority, only 4.8% have taken steps to apply, and a further 26.3% intend to apply in the future.

Amongst those who wish to change activity the support that they would most appreciate is access to legal residency (49.3%), financial support (16.9%) and housing support (15.3%)

## THE SURVEY'S LIMITATIONS

Although a large number of sex workers participated in the survey it does have some methodological limitations. As sex workers are an often hidden and misunderstood population it is impossible to establish a survey sample that is representative of all sex workers in France. The recruitment of survey participants via support organisations is a further limitation. It is likely that sex workers in contact with support organisations have specific characteristics that differentiate them from those who are not at all in contact with support services, for example, they may be better informed about the new law. For these reasons the results presented here cannot be considered as fully representative of all sex workers in France.

A further potential limitation is that the questionnaire relies on respondents recalling the situation before and after the introduction of the law.

## CONCLUSIONS

The survey results show the negative impact of the law of April 2016 on the health, security and living conditions of sex workers in France. They confirm the results of the qualitative survey conducted in 2016-2017. The exit programme is still not well known and the support offered is insufficient or tied to too many conditions for it to be appealing to sex workers. The criminalisation of clients constitutes a grave threat to sex workers' interests which aggravates risks to their health and increases their exposure to violence.

## SURVEY DATA

CHART 1 - GENDER IDENTITY		
Woman	82,5%	481
Man	4,5%	26
Transgender	12,3%	72
No reply	0,7%	4
<b>Total</b>	<b>100%</b>	<b>583</b>

CHART 2 - RESPONDENTS' AGE		
< 20	1,0%	6
20-24	14,8%	86
25-29	11,7%	68
30-34	8,4%	49
35-39	9,4%	55
40-44	10,1%	59
45-49	17,0%	99
50-54	14,2%	83
55-59	6,2%	36
> 60	4,8%	28
No reply	2,4%	14
<b>Total</b>	<b>100%</b>	<b>583</b>

\*Maximum 73; Minimum 16; Median 41; Average 39

CHART 3 - NATIONALITY (CLASSED BY REGION)		
Asia	32,8%	191
Africa	25,4%	148
France	10,6%	117
Latin America	20,1%	62
Europe (outside France)	10,2%	59
No reply	0,9%	6
<b>Total</b>	<b>100%</b>	<b>583</b>

CHART 5 - WORKPLACE LOCATION		
Paris	47,2%	275
Lyon	22,3%	130
Toulouse	7,7%	45
La Réunion	6,2%	36
Nantes	5,5%	32
Other locations	7,9%	46
Multiple locations	1,0%	6
No reply	2,2%	6
<b>Total</b>	<b>100%</b>	<b>583</b>

CHART 6 - DURATION OF SEX WORK (IN YEARS)		
> 2	28%	165
2 to 4	30%	172
5 to 9	17%	102
10 to 19	14%	80
20+	10%	59
No reply	1%	5
<b>Total</b>	<b>100%</b>	<b>583</b>

CHART 7 - AGE WHEN STARTING SEX WORK		
< 20	10,5%	61
20-24	25,2%	147
25-29	10,5%	61
30-34	10,5%	61
35-39	6,7%	39
40-44	10,1%	55
45-49	15,1%	88
50-54	6,2%	36
55-59	2,7%	16
> 60	0,5%	3
No reply	2,7%	16
<b>Total</b>	<b>100%</b>	<b>583</b>

\* Max. 65 ; Min. 10 ; Average 33 ; Median 30

CHART 8 - KNOWLEDGE OF THE CRIMINALISATION OF CLIENTS		
Oui	80,4%	469
Non	18,7%	109
No reply	0,9%	5
<b>Total</b>	<b>100%</b>	<b>583</b>

CHART 9 - OPINION ON THE CRIMINALISATION OF CLIENTS		
No, I do not support it	87,7%	511
I don't know / No opinion	7,4%	43
Yes, I am in favour	3,4%	20
No reply	1,5%	9
<b>Total</b>	<b>100%</b>	<b>583</b>

CHART 10 - EXPOSURE TO VIOLENCE SINCE APRIL 2016		
No observable change	45,5%	190
More than before	42,3%	177
Less than before	9,3%	39
No reply	2,9%	12
<b>Total</b>	<b>100%</b>	<b>418</b>

**CHART 11 - EVOLUTION OF INCOME SINCE APRIL 2016**

Decrease	78,2%	327
No change	15,6%	65
Increase	3,1%	13
No reply	3,1%	13
<b>Total</b>	<b>100%</b>	<b>418</b>

**CHART 14 - CHANGES IN LIVING CONDITIONS SINCE APRIL 2016**

Deterioration	62,9%	63
No change	28,9%	21
Improvement	4,1%	17
No reply	4,1%	17
<b>Total</b>	<b>100%</b>	<b>418</b>

**CHART 12 - EVOLUTION OF WORKING HOURS SINCE APRIL 2016**

Increase	37,6%	157
Decrease	33,7%	141
No change	25,8%	108
No reply	2,9%	12
<b>Total</b>	<b>100%</b>	<b>418</b>

**CHART 15 - CHANGES IN THE RELATIONSHIP WITH POLICE SERVICES SINCE APRIL 2016**

Non observable change	49,5%	207
Deterioration	20,6%	86
Not concerned	19,1%	80
Improvement	8,9%	37
No reply	1,9%	8
<b>Total</b>	<b>100%</b>	<b>418</b>

**CHART 13 - NEGOTIATION OF CONDOM USE SINCE APRIL 2016**

No change	50,0%	209
Harder	38,3%	160
Easier	6,0%	25
Not concerned	3,3%	14
No reply	2,4%	10
<b>Total</b>	<b>100%</b>	<b>418</b>

**CHART 16 - OPINION REGARDING THE ABOLITION OF PROSTITUTION**

Against	80,3%	468
Don't know / No Opinion	10,5%	61
In favour	8,2%	48
No reply	1%	6
<b>Total</b>	<b>100%</b>	<b>583</b>

**CHART 17 - KNOWLEDGE OF THE PROSTITUTION EXIT PROGRAMME**

No	59,0%	344
Yes	39,1%	228
No reply	1,9%	11
<b>Total</b>	<b>100%</b>	<b>583</b>

**CHART 19 - INTENTION TO APPLY TO EXIT PROGRAMME IN THE FUTURE**

Don't know	13,6%	31
No	58,3%	133
Yes	26,3%	60
No reply	1,8%	4
<b>Total</b>	<b>100%</b>	<b>228</b>

**CHART 18 - APPLICATION TO EXIT PROGRAMME CURRENTLY UNDER WAY**

No	94,3%	215
Yes	4,8%	11
No reply	0,9%	2
<b>Total</b>	<b>100%</b>	<b>228</b>

**CHART 20 - TYPE OF SUPPORT REQUIRED IF THE PERSON INTENDS TO APPLY TO EXIT PROGRAMME**

Residency papers	60,0%	36
Housing	15,0%	9
Training	11,7%	7
Financial support	6,7%	4
Other answers	5,0%	3
No reply	1,7%	1
<b>Total</b>	<b>100%</b>	<b>60</b>

# THE QUESTIONNAIRE

## Survey with sex worker about the law from April 13<sup>th</sup> 2016

- a) City/Place : \_\_\_\_\_ d) Date : \_\_ / \_\_ / 2018
- b) Sex/Gender : <sub>1</sub> Trans <sub>2</sub> Female <sub>3</sub> Male
- c) Nationality : \_\_\_\_\_ e) Age : \_\_\_\_\_ years old

1) How do you contact clients (multiple answers possible) :  
<sub>1</sub> In the street <sub>2</sub> Internet/Phone <sub>3</sub> Venues (massage parlour, bar, club...) <sub>4</sub> Other

2) How long have you done sexwork / prostitution? \_\_\_\_\_ years

3) In April 2016, a law was passed that criminalises clients. Are you aware of this law? <sub>1</sub> Oui <sub>2</sub> Non

4) Do you agree with the criminalisation of clients? <sub>1</sub> Agree <sub>2</sub> Disagree <sub>3</sub> Don't know

If you started sexwork **after April 2016**, go straight to **question 11**

5) Since April 2016 are you exposed to violence:  
<sub>1</sub> More than before <sub>2</sub> Less than before <sub>3</sub> No change

6) Since April 2016 your earnings have:  
<sub>1</sub> Increased <sub>2</sub> Decreased <sub>3</sub> No change

7) Since April 2016 your working hours are:  
<sub>1</sub> Longer <sub>2</sub> Shorter <sub>3</sub> No change

8) Since April 2016, in your experience, negotiating condom use with clients has become:  
<sub>1</sub> Easier <sub>2</sub> More difficult <sub>3</sub> No change <sub>4</sub> Not applicable

9) Since April 2016 your quality of life has:  
<sub>1</sub> Improved <sub>2</sub> Deteriorated <sub>3</sub> No change

10) Since April 2016 your relationship with Police has:  
<sub>1</sub> Improved <sub>2</sub> Deteriorated <sub>3</sub> No change <sub>4</sub> Not applicable

11) Do you think prostitution should be abolished? <sub>1</sub> Yes <sub>2</sub> No <sub>3</sub> Don't know

12) The law passed in April 2016 includes the creation of an «exit path» («parcours de sortie») to quit prostitution. Are you aware of this? <sub>1</sub> Yes <sub>2</sub> No

13) Have you applied for the «exit path»? <sub>1</sub> Yes <sub>2</sub> No

14) Do you intend to apply for the «exit path»? <sub>1</sub> Yes <sub>2</sub> No <sub>3</sub> Don't know

If you answered yes to question 13 ou 14:

- 15) If you wish to change your work what kind of support do you feel is most important?
- <sub>1</sub> Housing support
  - <sub>2</sub> Residence permit
  - <sub>3</sub> Financial support
  - <sub>4</sub> Training
  - <sub>5</sub> Other, please specify \_\_\_\_\_

Pour la saisie : Saisi  Enquête n° \_\_\_\_\_

