



HAL
open science

Prostitution Policies in France

Mathilde Darley, Marion David, Lilian Mathieu, Gwénaëlle Mainsant,
Véronique Guienne

► **To cite this version:**

Mathilde Darley, Marion David, Lilian Mathieu, Gwénaëlle Mainsant, Véronique Guienne. Prostitution Policies in France. Assessing Prostitution Policies in Europe, 2018. halshs-02407699

HAL Id: halshs-02407699

<https://shs.hal.science/halshs-02407699>

Submitted on 30 Aug 2021

HAL is a multi-disciplinary open access archive for the deposit and dissemination of scientific research documents, whether they are published or not. The documents may come from teaching and research institutions in France or abroad, or from public or private research centers.

L'archive ouverte pluridisciplinaire **HAL**, est destinée au dépôt et à la diffusion de documents scientifiques de niveau recherche, publiés ou non, émanant des établissements d'enseignement et de recherche français ou étrangers, des laboratoires publics ou privés.

Mathilde Darley, Marion David, Lilian Mathieu, Mainsant Gwénaëlle, Véronique Guienne.

Prostitution Policies in France

Abstract. The country where the regulation of prostitution was invented, France became abolitionist in 1960. Since then, prostitutes are considered as socially maladjusted persons who need social work assistance, whereas any form of facilitation, organisation and exploitation of their activities are coerced as procuring. Legal innovation happened in 2003, first with the introduction of the specific crime of “trafficking in human beings”, second with a harsher coercion of public solicitation. This criminalisation process goes along with a dominant framing of (foreign) prostitutes as victims of trafficking networks, and recently culminated with the adoption a law proposal that criminalises clients.

Mathilde Darley

CNRS Researcher (CESDIP, 43 boulevard Vauban, 78280 Guyancourt, France – Centre Marc Bloch Berlin, Germany)

Marion David

Postdoctoral researcher (Université de Nantes, Centre nantais de sociologie, BP 81227, 44312 Nantes Cedex 3)

Véronique Guienne

Director of the UFR of Sociology, Professor of Sociology at the University of Nantes,
(1 Quai de Tourville, 44035 Nantes Cedex 1)

Gwénaëlle Mainsant

CNRS Researcher (IRISSO, Place du Maréchal de Lattre de Tassigny, 75775 Paris Cedex 16, France)

Lilian Mathieu

CNRS Research Director (Centre Max Weber, École normale supérieure de Lyon, 15 parvis Descartes, 69007 Lyon, France)

1. Introduction

As early as the end of 18th century (and until 1946) in France, prostitution has been understood as a “necessary evil” and therefore strictly regulated at the municipal level with a compulsory registration of women in prostitution and health checks, and punishment for those who did not comply. Licensing brothels was a way for the authorities to keep prostitution in strictly delimited and easy to control settings and the sanitary controls were thought to avoid the spread by women in prostitution of their alleged immorality and venereal diseases into the dominant classes of society (Corbin, 1978). At the same time, regulated prostitution in French colonies, and especially segregated brothels, was a way to prevent race miscegenation (Taraud, 2003; Tracol-Huyn, 2012).

Abolitionist and feminist movements coming from England and Switzerland started to challenge the so-called “French system” in the 1860s. From the 1870s and through the crusade led by Josephine Butler, the movement for the abolition of the regulation of prostitution found supporters among French protestant and catholic bourgeoisie, left-wing intellectuals and human rights advocates. They were able to launch hearty mobilisations against police arbitrary coercion on prostitutes, but they proved unable to challenge a policy

that was warranted and protected by hygienist physicians and brothels owners' lobbying. Regulation was even reinforced during the Vichy regime (1940-1944), when brothels were the only settings where prostitution was tolerated as they were supposed to confine vice and degeneration to specific places.

The end of the war marked the first step towards the decriminalisation of prostitution: the law adopted in 1946 put a ban on brothels, whose owners had widely collaborated with the German army during WW2. However, the ban was limited to metropolitan France (while brothels were still legal in colonies) and compulsory registration and health checks were maintained. Decriminalisation appeared to be effective from 1960, when the government ratified the 1949 UN *Convention for the Suppression of the traffic in persons and the exploitation of the prostitution of others*. Since then, registration and health checks are suppressed, brothels and all third-party activities are prohibited, and prostitution as such is legally tolerated as a private occupation, though a deplorable one (Bousquet & Geoffroy, 2011, p. 96 & 101).

2. National Legislation

After sex work had been neglected on the political agenda throughout the second half of the 20th century, the last fifteen years have witnessed a multiplication of parliamentary reports (e.g. Bousquet & Geoffroy, 2011) and political measures as well as campaigns aimed at denouncing prostitution as violence against human dignity that should be abolished. Most political parties, be they from the right or the left, have nowadays adopted these stances and define as abolitionists¹.

The fact that the legal text that accompanied the ratification of the 1949 UN Convention defined prostitution as a social evil, along with tuberculosis, alcoholism and

¹ The only exception being the extreme right that claims for the restoration of brothels and mandatory sanitary checks for prostitutes, and for the expulsion of undocumented migrant prostitutes.

homosexuality, emphasises the ambivalence that stands at the core of the French policy: prostitution is not prohibited as such, but it is assumed that it should not exist and that it is unimaginable to freely consent to practice sex work. As a consequence, the French state defines sex workers as victims of social or psychological maladjustment and subsidises social work organisations whose task is to assist them and to offer them shelters and rehabilitation programs.

Although the act of selling sex itself is not an offence, related activities such as procuring and soliciting are prosecuted. According to the French law, it is punishable to benefit from the prostitution of another person or to facilitate this activity in any way. The Penal code relies on a very wide definition of the punishable acts, as even behaviours devoid of any coercion or not giving rise to a financial contribution can be prosecuted. Three kinds of behaviours can be incriminated: *procuring with profit* (owning or managing a prostitution business, hiring a person for the purpose of prostitution, sharing or receiving money earned through prostitution, or living with a prostitute without having any financial resources corresponding to one's lifestyle), *procuring with aid and assistance* (any activity that facilitates the prostitution of others, such as driving a prostitute to her/his place of exercise, or acting as an intermediary between her/him and the client) and *procuring with provision of premises* (sale and rental of real property or private places open to the public with the intent to practice prostitution, such as the supply of a hotel room to a prostitute wishing to receive clients).

The qualification of "*aggravated procuring*" applies to the foregoing facts when they are, notably, accompanied by the use of force, committed by several persons or against a minor or someone who is particularly vulnerable. Sex workers being defined as victims whose free will is irrelevant, their potential consent is ignored and third parties' services devoid of any coercion or exploitation are prosecuted as procuring. It should also be noted that these legal provisions have become harsher in recent years: criminal charges have for instance been

extended to procuring with provision of premises to the supply of vehicles (camper, van) for the exercise of sex work (Lavaud-Legendre, 2009). Minor offences (*proxénétisme simple*) are sentenced with a maximum of seven years in prison and a 150 000 euros fine. Aggravated procuring is punished with a maximum of twenty years in prison and a 1.5 million euros fine. Profits from prostitution remain taxable, since according to French legislation the tax is not conditional on the lawfulness of the income-generating activity (Maffesoli, 2008); as a consequence, both sex workers and third parties have to pay taxes on their earnings, even if they are considered illegitimate or illegal. However, the validity of the contract peculiar to the prostitution relationship (creating mutual and interdependent obligations for a sex worker and his or her client) is not recognised by the civil law due to the nature of the exchange in question, that is considered contrary to public morals (Danet, 2007).

Innovation in the legal framework addressing sex work happened with the recent introduction in penal law of a new specific crime of “trafficking in human beings.” This introduction was the consequence of the ratification by France, on August 6th 2002, of the UN Palermo Protocol to “prevent, suppress and punish trafficking in persons, especially women and children.” Trafficking is punished with a prison sentence between seven years and perpetuity, and a fine between 150 000 and four million euros. The judicial contribution of this new crime seems to be limited, as judges often prefer to use the older qualification of aggravated procuring that is more clearly defined by the jurisprudence, and lawsuits for trafficking have remain scarce since 2003 (Bousquet & Geoffroy, 2011, p. 135-138).

Concerning solicitation, a major change appeared in 2003, when Nicolas Sarkozy was minister of Interior and promoted a coercive policy regarding various urban nuisances such as begging, noisy gathering, and soliciting. The adoption of his Internal Security Law on March 18th 2003 (so-called “Sarkozy law” or “LSI”) hardened the repressive arsenal by transforming soliciting (previously a minor penal offence) in an offence punishable by imprisonment for a two months term and by a fine of 3750 euros. The LSI has in fact restored the offence of

passive solicitation, an incrimination that was repealed in 1994 because its imprecise character allowed for arbitrary repression of sex workers by the police. The LSI has restored this enlarged coercive power by conferring a delinquent status to sex workers who wait for clients on the street.

But what mainly marks the recent evolution of the French legal system is the increased criminalisation of people who pay for sex. Legal provisions concerning clients were adopted for the first time in 2002 and 2003 to punish clients of minor or “particularly vulnerable prostitutes” (vulnerability being defined for instance as pregnancy, illness, infirmity, physical or mental disability), on condition that this situation is apparent or brought to the attention of the client. Such clients are sentenced with imprisonment for a three years term and by a fine of 45 000 euros. The criminalisation of clients recently culminated with the adoption by the National Assembly on April 6th 2016 of the “law against the prostitution system” that prohibits the purchase of sexual services, sanctioned by a 1500 euros fine (3750 euros in case of recidivism) and by the obligation to attend a “sensitisation training” to “the fight against the purchasing of commercial sex acts.” This new law, that has faced a strong opposition from the French Senate, drastically modifies the imputation of responsibility prevailing so far: the clients are now identified as the main perpetrators, alongside pimps, of the prostitution relationship defined by the law as a violence against women that perpetuates gender inequalities and violates human dignity.

The new law also provides the repeal of the offense of soliciting and new rehabilitation programs called “paths for exiting prostitution and for social and professional integration.” Such programs have to be proposed by certified social workers to any victim of prostitution and/or of human trafficking. A foreign sex worker who agrees to the program is offered a renewable six-month residence permit as long as s/he complies to her or his commitment to stop prostitution, and those who accept to testify against their procurers or traffickers are granted special protection. New coordination agencies are created at the

departmental level, new funds are created within the national budget that are dedicated to the prevention of prostitution and to the social and professional accompaniment of sex workers, and the fight against the commodification of human bodies is integrated into school curriculum.

3. National Discourse

These recent changes in the French legal framing of sex work take place in a hostile arena of debate that involves politicians, activists, NGOs and intellectuals. Two main camps oppose but show unequal strength. The first camp gathers pro-sex feminist activists and intellectuals, AIDS prevention NGOs and sex workers groups. They define sex work as a professional occupation that needs de-stigmatisation and legal recognition, and plead for its complete decriminalisation and for the end of police harassment. The second camp is headed by so-called abolitionist and mainstream feminist movements. They refuse to use the words “sex work” as they define prostitution as a violence (or even rape) that is exerted against women’s body for the benefit of men – meaning both clients and pimps – and that should be abolished by coercive means (Mathieu, 2014). This definition is widely shared by the media and by the main political parties, and stand as the main legitimisation of recent policy changes, such as the new offence of trafficking and the prosecution of clients, for which abolitionists and feminist have actively lobbied during the last fifteen years.

The development of migrant prostitution since the 1990s also helped abolitionists to mobilise and get influent, as it offered them the opportunity to revive the old “trafficking in women” frame they had given up since the 1960s. According to what Milena Jaksic (2013) calls the “ideal victim” frame, abolitionists have depicted migrant sex workers as credulous young women who were seduced and deceived by false work promises from evil men who sold them or forced them to migrate and to prostitute. Studies of abolitionist rhetoric (David, 2008, 2014; Jaksic, 2013; Mathieu, 2014) have shown that what defines migrant sex workers

is naivety and passivity, and abolitionists often insist on their youth and on their allegedly “cultural” vulnerability (like when Nigerian women in prostitution are supposed to be under the influence of *juju*, a witchcraft that subjugates them). Depicting them as innocent victims means that they took no decision or action in their migration process, and that they are subjugated by male power. It also means that they did not really intend to migrate or to prostitute, and as a consequence that they would be grateful if they could go back “home.” This way of merging migrant prostitution and trafficking in women has worked as a legitimisation for deportation of migrant sex workers, explaining its quick adoption by politicians.

To establish their expert status on the issue, abolitionists frequently adopt scientific-like rhetoric. Psychology is widely used to depict sex workers as victims of post-traumatic stress disorders that have been caused by incest or sexual violence during their youth or that are intrinsic to the practice of prostitution. Psychologising prostitution comforts the passive image of innocent victims. In addition, the mobilisation of the psychiatric category of post-traumatic stress affords activist speech the legitimacy of medical expertise and makes it difficult to challenge (David, 2008). Abolitionists also frequently refer to numbers to describe the sex industry. Huge numbers and dramatic percentages (statistics of victims of trafficking, profits of pimping, incest rates among sex workers, etc.) (Chaumont, 2012; Mathieu, 2014) are quoted in order to convince public opinion and politicians that prostitution is a growing and violent phenomenon that needs to be ended with tough public policies.

This depiction of sex workers as innocent victims is directly correlated to the current dominant claim for sentencing those seen as responsible for prostitutes’ misfortune, namely procurers – often depicted as mafia managers belonging to highly rationalised criminal organisations – but also clients. After having long been neglected in abolitionist discourses (where they were usually portrayed as lone psychologically anxious males), clients have recently been more violently denounced as sexual predators who are only motivated by a

desire to submit and humiliate sex workers (Mathieu, 2014). Media reports stating that big sport events – like football world cups (Künkel, 2007) – attract hundred thousands supporters who are motivated by sex also helped to portray clients as drunken barbarous hordes that consider sex workers as mere commodities.

This framing of sex work as a violence against women is all the more powerful that it is appropriated by the main political parties, as can be shown by the unanimous vote by the French National Assembly, on December 6th 2011, of a resolution that “reasserts the abolitionist position of France regarding prostitution”, whose “long term goal is a society devoid of prostitution.” The resolution also states that “in the light of constraints that, most often, stand at the origin of entering into prostitution, of the violence that is inherent to this activity and of the physical and psychological damages that result from it, prostitution can by no way be assimilated to a professional activity” – a stance that has been enhanced by the recent adoption of the so-called “law against the prostitution system.” Facing such a rationalised and institutionalised definition of prostitution as sexist violence, sex work activists appear in a much weaker position and have difficulties to promote an alternative framing.

4. The prostitution sector

Most social science research on sex work in France is based on ethnography (e.g. Pryen, 1999; Handman & Mossuz-Lavau, 2005; Mathieu, 2007); it offers in-depth analysis of local sex markets but does not allow to a quantitative approach. As a consequence, how many people practice sex work in France is hard to know. At the national level, the only official statistics come from the police, and specifically from the *Office central pour la répression de la traite des êtres humains* (Central office for fighting against trafficking in human beings, OCRTEH). The OCRTEH was established in 1958 as a police department that is dedicated to the investigation of all procuring cases with a national or international extent and to the

collection of all data relative to sex work. According to its more recent evaluations (Bousquet & Geoffroy, 2011), there are between 18 000 and 20 000 street sex workers in France, with between 10 and 20 % of them being male or transgender. In 2010, the estimate number of foreigners was 90 %; this is a recent trend as foreign sex workers were only a minority (between 15 % and 30 % according to places) twenty years ago. Among the women, 40 % come from Eastern Europe and Balkans, 38 % from Africa, 12,5 % from Asia (mostly from China) and 3,5 % from Central and Southern America. Among males, 72 % come from Central and Southern America and 12,5 % from Maghreb. Most convicted traffickers are from Eastern Europe (64 %), Africa (23 %), Latin America (10 %) and Asia (3 %). In 2009, OCRTEH also estimated that 611 clubs, bars or massage parlours could host commercial sex activities in France.

Like all police sources, OCRTEH statistics should be handled with care as they rather reflect police interests (with a special focus on migrant sex work) and activity than the real situation of prostitution in France. Police statistics are often challenged by NGOs that claim that official numbers are underestimated. This is for example the case about the number of underage prostitutes: abolitionist organisations claim that there are thousands of them in France, whereas police encounter very few of them, who are only teenagers but never children. Hidden prostitution – especially amongst minors or students – is often called up by abolitionist organisations in order to stress that the prostitution problem is underestimated and needs stronger policies. Due to this, it is often hard to discriminate between facts and moral panic.

Quantitative research on sexuality gives the richest data about French clients (Bajos & Bozon, 2006). 3,1 % of nearly 5 500 men who responded to a 2006 survey said that they had paid for sex during the last five years; 18,1 % had done so during their entire life. There are more clients among men aged between 20 and 34 (5 % among them have paid for sex during the last five years), especially those who are single and live in urban areas. One can find the

highest level of clients among shopkeepers, craftsmen and entrepreneurs (23.7 % of them had paid for sex during their past life), the lowest among social and health intermediary professions (11 %). The same survey shows that men who pay for sex have a more diversified range of sexual practices than the average but more frequently express sexual dissatisfaction.

5. Local policy and policy implementation

The structural tension between a humanitarian and a repressive logic impacts the implementation of law, which very much depends on the local balances between different actors, namely the police, the justice and NGOs. This equilibrium is determined by the Attorney General and the Prefect (who enact a local criminal law policy) as well as by the local power relations between the three groups of actors. While the judicial police (*i.e.* vice squad) investigate on procuring and human trafficking and the neighbourhood (“public tranquillity”) police act against solicitation, the justice delivers its judgement sentencing pimps and/or prostitutes – confirming or not the results of the police inquiry. In parallel, non-governmental actors take on protective missions toward sex workers.

Local level policies have to combine allegiance to the political measures adopted on the national level (prostitution being defined as a national prerogative) and preserving public order and tranquillity in public spaces; as a result, there is often a clear difference between law in the books and law in action (Mainsant, 2013). Under the responsibility of a municipal service, called “service of the public tranquillity”, the local forms of municipal action may differ between cities. Some of them have enacted municipal bylaws that are used to displace prostitutes, but also homeless people. Urban public spaces are the subject of particular attention, in order to reassure the residents and discourage sex work activity (through street lighting, tree pruning, police patrols, CCTV cameras...). In most cases, the service of public tranquillity acts in response to requests and complaints from those who live in the vicinity of

prostitution areas and organises a series of consultation and dialogue forums with them (Danet & Guienne, 2007; Mathieu, 2013).

Cooperation with NGOs, particularly through the payment of subsidies, plays an important role in the legitimisation of institutional actors responsible for the implementation of prostitution policy but the associations that are recognised and funded by the public authorities can differ from city to city. The full political spectrum and ideological positions is represented among these various NGOs. Some of them, such as the social work *Amicale du Nid*, refer to abolitionism and offer shelters and rehabilitation programs. At the opposite pole, *Cabiria* (in Lyon) or *Griselidis* (in Toulouse), which are AIDS prevention organisations, speak out for sex workers' rights. Between the two positions, *Médecins du monde* is defending a risk reduction approach. Despite their ideological differences, all associations are engaged into fieldwork: besides providing condoms, legal and health counselling, some associations also accompany sex workers to file a complaint, propose programmes of work retraining, offer protection (and/or a secure accommodation) to endangered victims after they have denounced their traffickers, etc.

Since the passing of the LSI, the enactment of the offence of passive soliciting has exacerbated the tensions between different branches of the law: the sex worker is still defined as a victim of social maladjustment or of trafficking, but s/he is also defined as guilty of soliciting and, as such, as deserving sanction. The wide definition of soliciting in the LSI has first enhanced police discretion over prostitution. As a result, police practices regarding soliciting, while mainly focussing on street prostitution in city centres, were far from uniform over the past decade: research works have shown that they could differ from one city to another, from one neighbourhood to another, or even from one police officer to another (Vernier, 2005).

Ethnographic research conducted with police units controlling prostitution (Mainsant, 2012) shows that the indeterminate definition of procuring may also result in competitive

logics in the implementation of its repression: a search of prestige for police agents in the field (arresting real “bandits” who exploit many feminine victims because “real bandits make real cops”), hierarchical instructions which relay bureaucratic (to reach a daily rate of arrests) and political imperatives (to erase prostitution from gentrified districts), a legal logic of the justice and a logic of care toward the victim supported by the associations. Among these logics, the prestige logic of street-level police officers seems to prevail over others: the indeterminacy of law is compensated by professional routines, based on police prestige criteria, which determine the investigations led by the police. As a result, it appears that police officers select the cases they think worth of investigation and mainly focus on heterosexual configurations of domination (men procurers exploiting women sex workers), neglecting female procurers or men who exploit male sex workers.

One of the official aims of the LSI was the protection of victims of trafficking: arresting people for soliciting was meant to enable them to denounce their procurers to the police, and illegal migrants who denounce their traffickers could get a temporary residence permit. However this compassionate dimension of the LSI had very few consequences in the implementation of the law, as police officers hardly got complaints against procurers thanks to arrest for soliciting. The repressive dimension rather dominated, according to which police forces focussed on foreign street sex workers suspected of being illegal migrants: according to the official statistics of the police, 85 % of female and 70,5 % of male sex workers having been sentenced for solicitation in 2003 were foreigners.

6. Policy impact

All the evidence suggests that the legal provisions implemented by the French State significantly contribute to maintain some areas of commercial sex at the margins of society, and, as a result, reinforce the stigma affecting sex workers. First of all, the very wide definition of procuring has numerous detrimental consequences, both regarding the conditions

for exercising the activity and the privacy of sex workers. Indeed, the fact that the use of hotel rooms or rental apartments exposes their owners to sanctions severely restricts the possibility of having a space dedicated to the activity. In addition, it often happens that the existence of such legal provisions related to procuring with provision of premises leads owners to request exorbitant sums to compensate for the risk thus incurred. Furthermore, when a sex worker is sharing her or his own apartment or vehicle with a co-worker (which is an important safety factor), s/he runs a serious risk of conviction for procuring, even if s/he does not seek or obtain financial retribution. Finally, the immediate entourage (spouse or partner with lower financial resources, adult offspring, friend, etc.) may also be questioned by the police when they benefit in any way from prostitution. This directly affects the family, social and emotional life of persons engaging in sex work (Deschamps, 2006). If these situations are not systematically penalised, the threat they pose is an important source of isolation and seriously impedes the practice of commercial sex, despite it is officially legal.

While sex workers who cannot afford the ownership of a real estate property tend to be excluded from the private space by the law, they have also been rejected from public space (or at least from central urban areas) following the adoption of the LSI. Police crackdowns on sex workers, repeated arrests for soliciting or breach of legislation on foreigners have led to the disappearance of street prostitution or to its move to the outskirts of the city (notably in rural areas). Generally speaking, the conditions of practice have sharply deteriorated as street sex workers were forced to reduce the time they need to negotiate with clients and to perform their services in isolated and dangerous places in order to limit the risks related to the visibility of their activity. As a result, the practice of “indoor” prostitution, which previously had mainly been practiced by the so-called “luxury” prostitutes (call girl, escort) seems to have increased: some women working in the streets have tried to reconvert to this form of activity, contacting clients by stickers displayed on street furniture or by posting advertisements in magazines and via the Internet (Handman, Mossuz-Lavau, 2005). However,

the number of sex workers who contact clients these ways is unknown². Many NGOs stress that the replacement of the solicitation offense by the criminalisation of clients will produce the same effect and force prostitution activities to remain underground.

Furthermore, if competition is a characteristic aspect of street prostitution (especially since the arrival of large numbers of foreign sex workers in the 1990s), the criminalisation process has substantially increased this dimension and different official reports have stressed that the situation of sex workers has deteriorated (CJP, 2005; CNS, 2011; IGAS, 2012). Mostly relying on sex workers' testimonies, on empirical research and on social work and health NGOs' findings, these reports state that clients have become more rare (and most wanting to remain anonymous and fearing police presence). As a result, harsher competition has arisen between sex workers, and their growing precariousness weakens them when clients offer higher prices for unsafe sex. Strong tensions have arisen between sex workers who are severely affected by repression (that is to say who are frequently detained in police custody) and those who are partly exempt from it. Recent years have also seen a significant deterioration in relations between sex workers and law enforcement officers, since the reintroduction of the sanction of passive soliciting encouraged the occurrence of police violence (verbal abuses, humiliations and intimidations, brutalities, rapes). In addition, police intervention being henceforth perceived as essentially repressive (the protective function that police exercised before having practically disappeared), clients with aggressive behaviour have developed a sense of impunity, giving rise to an increase in physical and sexual assaults.

Ultimately, it appears that the French legal system framing prostitution has not only made its practice particularly difficult, but also condemned sex workers – especially those who do not have social resources allowing them to conceal from the intervention of public authorities – to a form of physical and symbolic relegation, which is detrimental to their safety and fuels the indignity associated with their condition. This is particularly tangible with

² Posting sex work offers on the Internet has recently been prosecuted as public soliciting by some judges.

the new law against the prostitution system, which makes the criminalisation of clients one of its core measures and defines sex workers as passive victims.

As the debates and legal developments on prostitution over the past years show, the French prostitution policy remains mainly characterised by its ambivalence: besides its official humanitarian framing insisting on the defence of human dignity and the fight against violence toward women, which has often led to subsume sex work and trafficking, the policy instruments seem to mainly aim at achieving more repressive goals related to immigration control and “urban clean-up.”

7. Sex Worker Organisations

Sex workers’ movements have a long history in France. In 1975, women in prostitution occupied churches, first in Lyon then in various towns such as Paris, Marseille and Grenoble, in order to complain against police harassment (Mathieu, 2001). Their mobilisation was supported by feminist and abolitionist groups, and had a tremendous resounding but was only short lived as their main leaders quickly defected. Later attempts to launch sex workers’ organisations (such as the National Association of Prostitutes in 1980) also proved unable to mobilise in the long run. Since then, organisations that support sex workers are cleft between those who frame prostitution as sexist slavery that should be abolished by criminalising clients, and those who consider it a professional occupation that should be officially recognised.

The first camp self-identifies as abolitionist and stands as heir of 19th Century crusade against the regulation of prostitution. The *Mouvement du Nid* (“Movement of the Nest”) is the main and oldest abolitionist group. It was founded in 1946 by a catholic priest, first as a shelter near Paris dedicated to women in prostitution who wanted to leave the trade. Anchored within the progressive factions of the Catholic Church, the *Nid* quickly expanded in French main towns, where its members still tour prostitution districts to comfort and rescue sex

workers; as such the Nid was a pioneer in social work for sex workers. The *Nid* also developed as a pressure group aimed at raising awareness about “prostitution realities”, first with its quarterly *Prostitution et société* but also with public campaigns and conferences in high schools.

The *Nid* has long been reluctant towards coercive means such as the criminalisation of clients, and privileged more educational options in order to end prostitution. It had to suffer a radical flank effect during the 1990s with the development of more intransigent abolitionist groups, like the *Fondation Scelles*, born of the more conservative *Équipes d’action contre le proxénétisme* (“Action teams against procuring”), and the adoption of “prostitution as female sexual slavery” frame by the main French feminists groups, such as the *Coordination nationale pour les droits des femmes* (“National coordination for women’s rights”) and the *Mouvement pour l’abolition de la prostitution et de la pornographie* (“Movement for the abolition of prostitution and pornography”). Even if sex work is a very controversial issue within the French women’s movement, a majority of feminists define as abolitionists and frame prostitution as sexist violence (Mathieu, 2014).

Sex work organisations developed during the late 1990s as counter-movements against the remobilisation of abolitionist groups that, according to them, depicted prostitution in a pejorative way. But 2002, and the project to restore the criminalisation of solicitation, was the most critical moment. Health prevention organisations started to demonstrate, and prostitutes’ spokespersons appeared in the media to complain against what they stigmatised as a criminalisation of prostitution that would endanger prostitutes’ working conditions and security. Along with feminist support groups (such as *Femmes de droit*, “Women for Rights”), sex workers’ organisations were launched, like the short-lived *France-prostitution*. The main group, *Les Putes* (“The Whores”), was founded in 2006 by former AIDS activists. In 2009, and after a general conference on prostitution, *Les Putes* became the STRASS, *Syndicat du travail sexuel* (“Sex Work Union”) that nowadays counts 400 members. The

STRASS borrows its contentious frames from the gay and lesbian movement. It defines stigmatisation and discrimination that affect sex workers as *putophobia*, in reference to homophobia, and organises street demonstrations it calls *Putes prides*, in imitation of the gay and lesbian prides. Annual *Putes prides* mark the anniversary of the enactment of the LSI and of the criminalisation of solicitation. The STRASS claims for a complete decriminalisation of prostitution, for a professional status that grants welfare for sex workers, and for a legalisation of self-managed sex houses. It gained institutional recognition in 2011, when it was auditioned by a parliamentary working group on prostitution. However, this political legitimisation was only a formal and symbolic one, as the MPs did not take its claims and statements into consideration, but, as shown above, eventually adopted the opposite abolitionist stances.

References

BAJOS Nathalie & BOZON Michel (dir.) (2008), *Enquête sur la sexualité en France*, Paris, La Découverte.

BOUSQUET Danièle, GEOFFROY Guy (2011), *Prostitution: l'exigence de responsabilité*, National Assembly Information Report, n° 3334.

CHAUMONT Jean-Michel (2012), "Le militant, l'idéologue et le chercheur", *Le Débat*, 172: 120-130.

CJP (2005), "De nouvelles zones de non droit. Des prostituées face à l'arbitraire policier", report, Commission nationale Citoyens-Justice-Police; http://www.ldh-france.org/IMG/pdf/prostituees_arbitraire_policier.pdf

CNS (2011), “VIH et commerce du sexe. Garantir l'accès universel à la prévention et aux soins” report, Conseil national du sida; http://www.cns.sante.fr/IMG/pdf/2010-09-16_avi_fr_prevention.pdf

CORBIN Alain (1978), *Les Filles de noce*, Paris, Aubier.

DANET Jean (2006), “Atteinte à la dignité, pénalisation et prostitution”, in Danet Jean, Guienne Véronique (eds.), *Action publique et prostitution*, Rennes, PUR, 51-77.

DANET Jean (2007), “La prostitution et l'objet du contrat, un échange tabou?”, *Cahiers de recherche sociologique*, 43: 109-120.

DANET Jean, GUIENNE Véronique (eds.) (2007), *Action publique et prostitution*, Rennes, PUR.

DAVID Marion (2008), “Santé mentale et usage idéologique de l'‘état de stress post-traumatique’ dans les discours sur la prostitution et la traite”, *Recherches sociologiques et anthropologiques*, 39 (1): 55-70.

DAVID Marion (2014), “Les antagonismes autour du phénomène prostitutionnel”, *Hermès*, 69: 165-170.

DESCHAMPS Catherine (2006), *Le Sexe et l'argent des trottoirs*, Paris, Hachette.

HANDMAN Marie-Elisabeth, MOSSUZ-LAVAU Janine (eds.) (2005), *La prostitution à Paris*, Paris, La Martinière.

IGAS (2012), “Prostitution : les enjeux sanitaires”, report, Inspection générale des affaires sociales; <http://www.ladocumentationfrancaise.fr/var/storage/rapports-publics/124000667/0000.pdf>

JAKSIC Milena (2013), “La souffrance faite cause. L'entrée de la traite des êtres humains dans l'arène publique”, *Genre, sexualité et société*, 9, <http://gss.revues.org/2785>.

KÜNKEL Jenny (2007), “Sex, Crime & ‘richtige Männer’. Frauenhandelsmythen zur WM 2006”, in Eick Volker *et al* (eds.), *Kontrollierte Urbanität. Zur Neoliberalisierung städtischer Sicherheitspolitik*, Bielefeld, Transcript.

LAVAUD-LEGENDRE Bénédicte (2009), “Le droit pénal, la morale et la prostitution: des liaisons dangereuses”, *Droits*, 49: 57-81.

MAFFESOLI Sarah-Marie (2008), “Le traitement juridique de la prostitution”, *Sociétés*, 99 (1): 34-46.

MAINSANT Gwénaëlle (2012), *L’État et les illégalismes sexuels. Ethnographie et sociohistoire du contrôle policier de la prostitution à Paris*, PhD dissertation, Paris, EHESS.

MAINSANT Gwénaëlle (2013), “Gérer les contradictions du droit ‘par le bas’. Logiques de police en concurrence dans le contrôle de la prostitution de rue à Paris”, *Actes de la recherche en sciences sociales*, 198: 22-35.

MATHIEU Lilian (2001), “An Unlikely Mobilization: the Occupation of Saint-Nizier Church by the Prostitutes of Lyon”, *Revue française de sociologie*, annual english selection, 42: 107-131.

MATHIEU Lilian (2007), *La Condition prostituée*, Paris, Textuel.

MATHIEU Lilian (2011), “Neighbors’ anxieties against prostitutes’ fears: Ambivalence and repression in the policing of street prostitution in France”, *Emotions, Space and Society*, 4 (2): 113-120.

MATHIEU Lilian (2014), *La Fin du tapin. Sociologie de la croisade pour l’abolition de la prostitution*, Paris, François Bourin.

TARAUD Christelle (2003), *La Prostitution coloniale. Algérie, Tunisie, Maroc (1830-1962)*, Paris, Payot.

TRACOL-HUYNH Isabelle (2012), “Encadrer la sexualité au Viêt-Nam colonial : police des mœurs et réglementation de la prostitution”, *Genèses*, 82: 55-77.

PRYEN Stéphanie (1999), *Stigmate et métier. Une approche sociologique de la prostitution de rue*, Rennes, PUR.

VERNIER Johanne (2005), “La Loi pour la sécurité intérieure : punir les victimes du proxénétisme pour mieux les protéger?”, in Marie-Elisabeth Handman, Janine Mossuz-Lavau (eds.), *La Prostitution à Paris*, Paris, La Martinière, 121-152.