

Act no 2016-444 of the 13th April 2016, Aiming to Strengthen the Fight Against the Prostitution System and to Assist Prostituted Persons

Too often presented in the media as the Act which “criminalises sex buyers”, the new French Act is in reality a comprehensive framework that recasts all public policies in terms of prostitution. The Act modifies the provisions of nine legislative codes.

Article 1

Creation of an **obligation upon internet service providers** to promptly inform the competent public authorities of any content that violates the Act in respect of pimping, and to make public the means and measures they devote to combatting such illegal activities.

(Amends article 6 of Act Number 2004-575 of the 21st June 2004 for Confidence in the Digital Economy)

Article 2

Formal integration into **social workers' training programs** of a module on the prevention of prostitution, and how to identify situations that may involve prostitution, pimping and human trafficking.

(Amends article L.451-1 of the Family and Social Action Code)

Article 3

Provides an option, where appropriate, for victims of pimping and human trafficking, and members of their families, to benefit from an enhanced protection mechanism when acting as witnesses or pressing charges.

Victims of pimping and human trafficking may use the address of their lawyer or an approved organization for court and trial purposes.

(Adds article 706-40-1 to Title XVII of Book IV of the Code of Criminal Procedure)

Article 4

The offence of human trafficking is included within the findings that can be set forth by **labour inspectors**.

(Completes article L.8112-2 of the Labour Code)

Article 5

Creates, a **county agency in every departement** (county), which shall be responsible for organising and coordinating the response to victims of prostitution, pimping and human trafficking.

Creates an **exit route from prostitution**, together with social and professional reintegration:

- > Provision of **accommodation** for victims of prostitution, pimping and human trafficking in social reintegration housing;
- > Access to **tax debt forgiveness**;
- > Access for foreign victims to a **protective temporary residency permit**;
- > **Creation of a financial aid payment to assist with social and professional reintegration**, for prostituted persons who are not eligible to receive either basic social welfare payments or the financial assistance provided to asylum seekers.

(Amends article L121-9 of the Family and Social Action Code)

Article 6

Inclusion of victims of prostitution, pimping and human trafficking on the list of groups that have **priority access to social housing**.

(Amends Article L441-1 of the Building and Dwellings Code)

Article 7

Creates, within the government budget, a **fund for the prevention of prostitution and for the provision of social and professional support to prostituted persons**. This fund will be made available to initiatives intended to: create public awareness about the negative health effects of prostitution; reduce the associated health risks; prevent entry into prostitution; reintegrate prostituted persons. The fund will be financed and maintained by the State budget and through the seizure of assets/proceeds derived from pimping and human trafficking.

(Completes article L121-9 of the Family and Social Action Code)

Article 8

Enables the **automatic issue of a protective temporary residency permit to victims of pimping and human trafficking** who have brought proceedings against the perpetrators.

Opens up the possibility of the grant of a protective temporary residency permit to victims of pimping and human trafficking who have not brought proceedings against the perpetrators, but who have left prostitution and who are on the exit route out of prostitution.

(Amends articles L316-1 and L316-1-1 of the Code governing the Entry and Stay of Foreigners and the Right of Asylum)

Article 9

Inclusion of organisations approved to monitor the exit route out of prostitution on the list of organisations that can obtain **State financial assistance to house prostituted persons and victims** of pimping and human trafficking.

(Amends article L851-1 of the Social Security Code)

Article 10

Extends the option of **accommodation in social reintegration housing** to persons who are victims of pimping, formerly available only to victims of human trafficking.

(Amends article L.345-1 of the Family and Social Action Code)

Article 11

Establishes **'aggravating circumstances' for violence, sexual aggression and rape committed against a prostituted person**.

(Amends articles 222-3, 222-8, 222-10, 222-12 and 222-13 of the Penal Code)

Article 12

Gives access to the **right to full compensation for damages suffered by victims** of pimping, in the event that the pimp is bankrupt/insolvent.

(Amends article 706-3 of the Penal Procedures Code)

Article 13

The option for organisations, with the agreement of the victim, to join as a **private party in criminal proceedings for pimping**. Organisations recognised as having a Public Utility may join as private parties without the agreement of the victim (in particular, where the victim has not brought charges).

(Amends article 2-22 of the Penal Procedures Code)

Article 14

Creates a **right for victims of human trafficking** or aggravated pimping to request that court proceedings be held in camera.

(Amends article 306 of the Penal Procedures Code)

Articles 15 and 16

Abolishes the offence of soliciting (which had criminalised the solicitation of sex buyers by prostituted persons since 1939).

(Amends article 225-10-1 of the Penal Code)

Article 17

Creates a **national health, social and psychological risk reduction policy**, approved by Government order.

(Creates article L.1181-1 of Title VII of the 1st Book of the First Section of the Public Health Code)

Article 18

Implements a **national information policy setting out the realities of prostitution and the dangers of the commodification of the human body**, for use in educational establishments.

(Amends article 312-17-1 of the Education Code)

Article 19

Incorporates the promotion of **gender equality into sex education** classes taught in educational establishments.

(Completes article L312-16 of the Education Code)

Article 20

Creates a **new offence of resorting to the prostitution of another by prohibiting the purchase of a sex act**. This new offence is of the 5th class, punishable by a fine of 1,500 euros.

For repeat offences, acts will be considered as criminal offences punishable by a fine of 3,750 euros.

Resorting to **the prostitution of a minor or vulnerable individual** is retained as a criminal offence punishable by a sentence of 3 years' imprisonment.

(Creates article 611-1 of the Penal Code and amends article 225-12-1 of the Penal Code)

Article 21

Creation of a supplementary penalty, consisting of the **obligation to complete an awareness** course on the subject of combatting the purchase of sex acts.

(Amends articles 131-16 and 225-20 of the Penal Code).

Article 22

Two years after enactment, the government shall submit an **evaluation report** on the new law to parliament.

Article 23

The Act is applicable throughout **French territory**.



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