

Statement made by Ms. Marie Thalabard-Guillot
Department of women rights and equality
French Ministry of Social Affairs, Work and Solidarity

OSCE Informal Group on Gender Equality and Anti-Trafficking in Human Beings

In the 19th century, while slave trade consisted in sending young European women to procurers who would convey them to south American or north African brothels.

In the 20th century, as communications have improved considerably, the phenomenon became planetary. Nowadays, it concerns women, children from any country and from any race.

More than a hundred and fifty years after abolition of slavery, as the idea of economical and social rights progressively emerged in our occidental democracies, the reality of such situations of slavery is properly intolerable. Worse, it appears as a real failure for our states attached to the principles of liberty and of respect of the human being's dignity. Of course, France is not exempted from this phenomenon of prostitution.

As prostitution is free in France, there are no files and therefore no reliable statistics. The existing figures are established by the OCRTEH (central office for the repression of human being trade) based on the police controls. You can easily understand that they are quite fragmented. Street prostitution could concern between 15,000 and 18,000 persons. About 7,000 of them are located in Paris. This evaluation which has been quite stable for the past few years does not show the turn over taking place in this population. Each year, some 2,000 to 3,000 new prostitutes appear in the streets.

Underground or occasional prostitution is still hardly quantified.

About 80 % of the prostitute women in the big urban cities are exploited by a procurer. As it is unconceivable to ignore those too many women standing downtown, in the suburbs, five different reports were written in the past eighteen months on this specific question:

- Ms. Dinah Derycke's report, in the name of the women's rights delegation of the Senat, was devoted to the subject of prostitution (January 2001);
- A very complete report was made by a parliamentary group driven by Ms. Christine Lazerges; it was called "*Slavery in France, today*" (December 2001)
- Ms. Michèle Monrique, in the name of the Economic and Social Council, realized a study on modern slavery in France (December 2001)
- A working group of the National Council for help to victims proposed several measures for contemporary victims of slavery (March 2002)
- A report of the sub-commission on prostitution and human being trade for sexual exploitation, attached to the national commission against violence was written by Malka Marcovich and entitled "*The system of prostitution: a violence against women*" (March 2002)

This sudden speeding up on the subject expresses the trouble felt but also a kind of fear toward the spread of the network of the mafias.

Chinese or Albanian mafias are building up real multinationals exploiting human beings. The extreme violence hurled on their victims is even more systematically used as each of them represents a huge source of money.

Victims are subject to permanent pressures and particularly concerning the amount of money that they are supposed to give to their procurers each day. The mafia insures its ascendancy over its prays by a deep knowledge of their social and family environment. Threatened, violenced, spied on, in irregular situation in a country of which they ignore the language and the habits, victims live in a tragic isolation.

Women, under or over 18 of age, are the most concerned by these traffics.

The reality of these very young women, sold many times between their villages and the streets of our occidental big urban cities, beaten, raped, "conditioned" by the traffickers must cause a reaction. There is a real urgency to stop such dramas.

Of course, the situation that I have just described did not surprise any of you. What is true today in France is unfortunately also true in many other European towns.

I would now like to emphasize on the way this question of prostitution is dealt with in France. First of all, I will expose you the specificities of the French juridical system. In a second part, I will point out the main features of the existing social programs which are devoted to persons in situation of prostitution.

I The French legal approach on prostitution

- *International law*

France is following an abolitionist approach. In this system, procuring, which means sexual exploitation of others even with consent, is forbidden. Prostitution is free. There is neither control, nor penal pursuit.

The French law is based on the United Nations Convention of 1949 for the suppression of the traffic in persons and the exploitation of prostitution of others, ratified in 1960, which affirms that prostitution is incompatible with dignity and value of the human being.

This international basis was reinforced with the signature in Palermo in December 2000 of the United Nations Convention against transnational organized crime and more specifically by the signature of the protocol to prevent, suppress and punish trafficking in persons, especially women and children, supplementing the mere convention.

- *Criminal law*

On the national level, the penal code describes procuring as the fact “*by anyone, by any way, of helping, assisting or protecting the prostitution of someone; of making profit from someone’s prostitution; of sharing incomes or receiving allowance from a person prostituting oneself; of hiring, of leading, of taking off somebody to prostitution or exerting pressure over a person such as she goes to prostitution or goes on with prostitution.*”

Since 15 November, 2001, a new law, called daily security, increased penal condemnation of simple procuring which can be punished by seven years of jail and a fine of EUR 150,000. At the same time the witnesses’s protection was improved. They can be heard and not let their identity appear in procedural file each time their declarations may seriously endanger their life or their physical integrity.

Other articles of the penal code are describing aggravating circumstances with sanctions going up to life prison and a fine of EUR 4.5 million.

Concerning prostitutes, if prostitution in itself is free in France, however, a fifth grade contravention can be applied to the one who “*by any way, is publicly soliciting someone in order to have sexual intercourse*”.

Finally, a new provision in a recent law, effective since 4 March, introduced a specific sentence toward someone who appeals, agrees or gets “*sexual intercourse from a prostitute under 18 years of age in return of payment or of the promise of payment*”.

Aggravating circumstances are specified if the prostitute is under 15 of age, if infringement is usual, if the author of the infringement is abusing of the authority due to his functions or if the prostitute was contacted through a communications network.

Moreover, and as already in effect concerning sexual attempts, these disposals are applied even when the infringement is committed by a French citizen outside the national territory.

I should finally mention that a recent bill aiming at strengthening the fight against the various forms of slavery was examined by the French National Assembly on 24 January, 2002. The creation of an incrimination of trafficking in human beings, the very heart of this text, ensues from the report according to which the existing incriminations in the French penal code remain widely insufficient to deal with the complexity of the observed phenomenon of modern slavery.

- *The work of the police forces in charge of the repression of procuring*

In pursuance of the UN Convention of 1949, the central office for the suppression of the traffic in persons (OCRTEH) was created in 1958 and placed under the authority of the Ministry of the interior.

This office centralizes, on a national scale, all the information concerning prostitution and procuring; it coordinates different police forces, and cooperates with other European countries, especially as part of Interpol

or European Union programs. The office leads investigations each time the case is involving international procuring or complicated questions on the national level.

The OCRTEH is composed of 15 investigators.

Each year, around twenty to thirty networks of prostitution are broken up. All kinds of procuring merged (i.e. direct, indirect, hostelry, massage rooms, ...), around 500 persons are pursued annually among which almost 25 % are women. Judiciary statistics confirm the low rate of legal proceedings taken and of the sentences pronounced by jurisdictions.

In 2001, out of 393 persons convinced of procuring, 362 were sentenced to jail penalties but 129 of them were granted a suspended sentence. The average of prison sentences is of 21.8 months against 15.6 months ten years ago. In 23 cases, the fine requested reached EUR 5,000.

II The social background

Today, no real status exists in France for the victims of trafficking in human beings. Solutions are determined considering the reality of each case.

When social or associative workers are willing to help a woman to go out the sexual exploitation sphere, they require, if necessary, from the prefectural authority to deliver a humanitarian residence permit.

At the same time, the urgency accommodation system can be used. Two enactments in force since 1960 organized the creation in each département of a SPRS, service for prevention and social rehabilitation, which were supposed first, to look for and accommodate persons in danger of prostitution and give required assistance and second, to perform every medical or social action needed in benefit of prostituted persons.

In the beginning, 12 départements created such services. Today, only four of them remain, all far away from Paris and under associative management. These 4 SPRS can be found in the following départements: Bouches du Rhône, Alpes Maritimes, Isère and Haute-Garonne.

Besides, CHRS, centers for accommodation and social reintegration, were created in 1976 and are also open to prostitutes or persons in danger of prostitution as a social assistance when they do not have sufficient income. Some of these centers (about 150) are specialized in receiving victims of violence (conjugal or sexual). Anyway, general CHRS can always receive prostitutes as any person knowing tough difficulties either on a financial, family, medical or rehabilitating plan.

In all, 35,000 places are available, dispatched over 745 geographic unities.

The French government indirectly intervenes by financing associations in charge of the management of these various accommodation centers.

To meet the recommendations formulated in the various reports written on the subject and cited at the very start of my statement, a project is presently at the study in order to create specific and specialized centers, with police officers in place 24 hours a day and to give systematically a residence permit. The object is to offer a better protection to strongly endangered and threatened persons.

Since the beginning of the year 2002, the Ministry of Social Affairs, Work and Solidarity is financing a pilot experimentation aiming at the organization of a secure accommodation for either foreign or French endangered or vulnerable prostitutes. This program offers 20 places and insures a secure home away from the last prostitution site known for any prostitute asking for it. An adapted social and administrative accompanying, an individualized follow-up and if necessary a psychological support are proposed.

Local initiatives are also in process of realization. For example, the local contract of security of the city of Paris has two thematic amendments: one on the violence done to women and one, on the fight against prostitution. Moreover, the creation of a reception center for victims under 18 years old, notably the victims of the prostitution, is foreseen.

III The prostitution, demonstration of a sexist violence

To recognize that the prostituted person is a victim, naturally, leads to condemn the exploitation of this activity by the procurers. But it also supposes to consider the one who lends himself to the offer and demand game, i.e.

the customer. Indeed, to maintain the myth of the person freely choosing to prostitute itself is a way for the customer to avoid any guilt and to get away with a too easy justification. There is indeed a kindness and social blindness which tend to underestimate the violence and the visceral infringement on the dignity and on the freedom that prostitution represents.

The customer is practically always a man even when involving male prostitutes. For a long time, any dimension in the feminine sexuality was denied. The woman was above all considered as an object whose first vocation was to satisfy men's desire.

This subject joins the more global problem of the disparity between sexes and the relations of domination and dependence between men and women. The cultural dimension on such a subject is very pregnant. The subject of prostitution deserves to be approached under the more general angle of the fight against the sexist violence. The image of the women, seen as simple objects, exposed on a corner of asphalt, directly delivers a blow at all the efforts engaged in fight against sexist discriminations. To refuse prostitution, is a contribution to convey a new glance on all the women.

The question is also to know whether the more avant-gardist position of Sweden which chose to criminalize the purchase of sexual services should be held.

Some observers notice that the Swedish penal standard intervenes after long years of policies of prevention and information. In France, the subject of prostitution remains still widely taboo.

Others wonder about the perverse effects of a law which tends especially to move the activity of the prostitutes and to relegate them to the underground.

In the light of this experiment, it seems that the question of the customer should at first be the object of an approach in terms of education. Besides, the creation for some months, as I evoked in the first part of my statement, of a new infringement intended to pursue the customers of prostitutes between 15 and 18 years expresses an evolution in the spirits.

