



Following the law of 13th April 2016 to end the system of prostitution

Clients will be prosecuted. The act of purchasing sexual services is liable to a 1500€ fine (article 611-1 of the Penal code) and 3750€ for a second offense (article 225-12-1 of the Penal code).

The act of purchasing sexual services from a minor or from a particularly vulnerable person such as someone suffering from an illness, an incapacity, a handicap or in a state of pregnancy is also liable to prosecution (two years' imprisonment and a €45.000 fine – article 225-12-1 of the Penal code).

Soliciting is no longer prosecuted.

You have the right to seek clients on the street, via the internet or via classified ads.

The following are at risk of legal proceedings on charges of procuring or pimping, whether you pay them or not (be aware, the list is not exhaustive):

- People who publish announcements (internet sites, newspapers, etc.);
- People who help you to create the announcements;
- People who help you to find clients;
- People who make available to you a place from which to practice prostitution (apartment, vehicle, etc.).

Prostitution is legal. The police cannot arrest you for simply practicing this activity.

If you work in an apartment and others work there too, it is possible that the police may arrest the person who is named on the rental contract as they will be considered as a procurer.

If you are arrested during an identity check you are not obliged to state your profession to the police. However, since prostitution is legal, the fact of telling the police about your activity should be without consequence.

Witness

In order to prove the infraction of purchasing sexual services, it is probable that the police will need the sex worker as a witness.

The punishment for clients is a fine (but it is considered a criminal offense for a second time offender). Even in the case of a second offense, as long as the sex worker is an adult and not considered vulnerable in any way, there is no risk of a prison sentence. It is very unlikely therefore that an investigation or inquest would be triggered.

The sex workers could however act as witnesses to the police in order to provide proof of the infraction.

Even if witnesses are normally heard without constraint, it is possible that they may be held for up to four hours, the time it takes to process their statement (article 62 Code of criminal procedure).

The police may not however arrest a sex worker and keep them in custody unless they suspect another infraction (indecent exposure for example).

The law severely punishes any police officer exerting pressure to obtain a false statement (article 434-15 Penal code: 3 years in prison and 45000€ fine).

The fact that you may be a sex worker known to the police does not authorize the police to carry out checks on every person interacting with you in order to check that they are not planning to purchase sexual services. The simple fact of chatting to a sex worker does not constitute a plausible reason to suspect that a person is attempting to commit an infraction.

Identity checks

The police have the right to undertake an identity check (article 78-2 Code of criminal procedure) if:

- There is a plausible reason to suspect that a person has committed or attempted to commit an infraction;
- A person is preparing to commit a crime or an offense;
- A person is wanted by the judicial authorities;
- The Public prosecutor has given orders to undertake identity checks in a limited zone for a limited period of time;
- A person is attempting to disturb the public order.

In the case of an identity check, the police are allowed to retain you for four hours, either in place or at the police station.

If you refuse to prove your identity, it is possible that you will be fingerprinted and photographed.

You have the right to:

- Contact a person of your choice;
- Refuse to sign the police report;
- Not be subjected to any bad treatment.

The fact that the punishment for clients is a fine (except for second time offenders), the police do not have the right to check the identity of a sex worker on the grounds that he or she could provide details necessary for an inquest (since that would only apply in the case of a crime or an offense).

Detention

During an identity check the police may check that you have the right to stay in French territory.

If you are a foreigner in breach of regulations, the authorities may decide to expel you.

In this case you may be placed in a detention center for up to a maximum of 45 days (the time it takes to organize your dismissal).

The 5th and 25th days of your detention you will go before the custodial judge. He is obliged to release you if there were any

irregularities in the procedure (if the identity check was not legal for example) or if one of your rights was not respected.

Your rights:

- The right to be informed of your rights, as quickly as possible and in a language that you understand;
- The right to communicate with everybody;
- The right to request the help of an interpreter (for free);
- The right to request the help of a lawyer (for free);
- The right to request the help of a doctor (for free);
- The right to request asylum for the first 5 days;
- The right to contest the decision of expulsion (in the first 48 hours following its declaration);
- The right to not be subjected to bad treatment (physical violence, verbal violence, mockery or humiliation for example).

If your expulsion turns out to be impossible for practical reasons, you will be liberated from the detention center but your administrative situation will remain irregular.

Our advice

-Stay calm and polite in order to avoid being accused of contempt, rebellion or violence against a police officer.

-Don't sign the police statement if you don't agree with its content or if you don't understand it. At the very least, add a comment before signing it indicating the reason for your disagreement or the absence of an interpreter.

-Stay alert to every detail as the slightest irregularity in the procedure, the slightest violation to your rights could result in you avoiding being charged or being expelled from French territory.

-If you are a foreigner in an irregular situation, systematically contest the measures proposed for your expulsion or for prolonging your detention. An association present in the detention center can help you (for free).

-Contact us in the case of abuse by the police.