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# Protecting Sex Workers: A Call for a Comprehensive Overhaul of Public Policies in France

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## Abstract

Public policies designed to eliminate sex workers in France have not worked. Two observations: these workers have not disappeared, and the precariousness and invisibility they have suffered as a result of these policies will not enable them to leave this profession. In a more than negative assessment, the state and its institutions, particularly the police, are viewed with mistrust by these women. There is no confidence toward them, only fear and a desire to keep them at a distance. It is in opposition to these past public policies, and in order to change the relationship between sex workers and our public institutions that I am writing this public policy paper.

The approach must change. We must invent a new method that rejects preconceptions, ready-made ideas, *clichés*, and simplistic schematizations. We must refuse to think in terms of morality. We must listen to those who are affected. First and foremost, the women and men who do this work. Next, the researchers who have studied sex workers. The goal is clear: to draw on their experiences and knowledge to truly build effective public policy. Rather than punishing them, we must consider and protect their rights: their right to work, their right to live, their right to protection, and their right to safety.

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## Introduction

*“It is common knowledge that there is no such thing as neutral knowledge. [...] All knowledge is the product of a historical situation, whether it is aware of this or not. But whether it is aware of this or not makes a big difference; if it is not aware of this, if it claims to be “neutral”, it denies the history it claims to explain [...]. Any knowledge that does not recognise social oppression, that does not take it as a premise, denies it and, as a result, objectively serves it.”<sup>1</sup>*

The laws governing the working conditions of sex workers<sup>2</sup> in France since 2003 may appear to differ from one another. In 2003, the UMP (*Union pour un mouvement populaire*) government created the offense of passive soliciting<sup>3</sup> (“The act, by any means, *including even passive behaviour*, of publicly soliciting others with a view to inducing them to engage in sexual relations in exchange for remuneration or a promise of remuneration”). In 2016, the criminalization of clients rather than sex workers seemed to mark a turning point<sup>4</sup>; in practice, the law leading to the disappearance of clients had the automatic effect of forcing these women to work in less visible places and to accept clients they knew to be violent. These laws, which appear to be different, actually established, deepened, and instituted a coherent legal framework within which their repression and precariousness was operating. It was always a matter of “further excluding the excluded.”<sup>5</sup> As a result, these women have been murdered. In 2014, a sex worker reportedly accepted a client whom everyone knew to be violent and usually refused. That day, she agreed to go with him because she had not earned enough to pay her rent

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<sup>1</sup> Delphy, C. (2013). *L'ennemi principal* (3e éd). Éditions Syllepse.

<sup>2</sup> In our public policy paper, we have chosen to use the feminine rather than the masculine to refer to sex workers, as women represent the vast majority of people in this profession. This approach, which focuses on female sex workers (without neglecting male sex workers), allows us to identify the intersectional and oppressive structures including patriarchal ones that constantly affect their lives.

<sup>3</sup> Article 225-10-01 of the Code Pénal.

<sup>4</sup> Law No. 2004-575 of April 13, 2016.

<sup>5</sup> Wacquant, L. (2004). *Punir les pauvres : Le nouveau gouvernement de l'insécurité sociale*. Agone.

and because the police were constantly checking (waiting any longer meant risking being arrested). She died at the hands of this man<sup>6</sup>. The laws that were supposed to protect her failed. Sex workers have not disappeared, nor their living and working conditions.

Why are the policies that have been put in place not working? What needs to be changed?

Unlike the political approach, which does not seem to take into account the opinions of those most affected<sup>7</sup>, we wish to base our paper on a genealogical pairing formed by an association of specialized researchers and sex workers, who are therefore producers of empirical and scientific expertise. Ultimately, the only viable solution for developing a truly effective policy that *helps*<sup>8</sup> these workers and opens the door for them to leave this profession can only be achieved by asking the question of what is the *right* kind of help public policy can give them (what they need rather than what public decision-makers think they need). We have chosen a human and contextual perspective that seeks to understand the reasons for their choices and what they need (or do not need). This paper is about changing the “*power-knowledge*”<sup>9</sup> that influences public decision-makers and their policies.

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<sup>6</sup> Chargeois, M. (2018). *Empower – Perspectives de travailleuses du sexe*.

<sup>7</sup> Let us consider the parliamentary conference “*Fighting all forms of prostitution*” held in November 2019 in the French Senate. Marie-Pierre Rixain, then chair of the women’s rights delegation, reportedly said: “*With all due respect to the room [after sex workers spoke out about their working conditions and deteriorating living conditions since the 2016 law], prostitution is neither the oldest profession in the world, nor a necessary evil, nor sex work, nor a reasonable choice for those who enjoy it. Prostitution as a repetition of sexual relations that are forced or consented to due to a lack of social alternatives and economic constraints never seems to me to be desired, even if some victims have resigned themselves to it at some point in their lives [...]. How is this desirable?*” In response to this statement, the audience in the room reportedly protested and M-P. Rixain asked them to leave the premises. Asking the main people concerned to leave the room because they reject what has been said about them is symbolically powerful. It clearly illustrates the divorce between public policy and sex workers. This is precisely what we want to address in our paper.

<sup>8</sup> If we can even use the term “*helps*,” which still carries with it a paternalistic, even patriarchal view of public intervention. It is precisely on redefining this help that we want to work.

<sup>9</sup> Foucault, M. (2014). *Les Mots et les choses : Une archéologie des sciences humaines*. Gallimard.

Three components form the new paradigmatic architecture that we propose: first, there must be a real socio-economic support for sex workers by the state, i.e., assistance that takes into account what they need: the right to work and to life. Second, we need to consider the need to transform the relationship between the police institution (and police officers) and these sex workers: a right, therefore, to safety and protection. Finally, we need a lasting transformation in the way our institutions think about the issue of *combating*<sup>10</sup> sex workers. These three aspects have one thing in common: the main objective is to rebuild trust between these women and our institutions; to ensure that the state is no longer seen as a persecutor, police officers as aggressors, and institutions as objects of mistrust.

## Argument I: The need for genuine socioeconomic support by the state for sex workers

### Sub-argument I: The right to work

These women have freely chosen this profession<sup>11</sup>, they have made this choice<sup>12, 13, 14</sup>, in other words, they were not forced to.

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<sup>10</sup> The whole idea behind our paper is to show that combating sex work does not mean combating sex workers. It means combating the conditions that led them to choose this profession rather than the fact that they are engaged in it.

<sup>11</sup> Bail, H. L. (2015). « Mobilisation de femmes chinoises migrantes se prostituant à Paris. De l'invisibilité à l'action collective ». *Genre, sexualité et société*, 14.

<sup>12</sup> Darley, M. (2007). « La prostitution en clubs dans les régions frontalières de la République tchèque ». *Revue française de sociologie*, Vol. 48(2), 273-306.

<sup>13</sup> Agustín, L. M. (2007). *Sex at the margins : Migration, labour markets and the rescue industry*. Zed Books.

<sup>14</sup> Lévy, F., & Lieber, M. (2009). « La sexualité comme ressource migratoire : Les Chinoises du Nord à Paris ». *Revue française de sociologie*, Vol. 50(4), 719-746.

This distinction between an autonomous choice and a forced decision (because they are victims of procurers) is essential. If the choice is autonomous, we now need to understand the reasons behind it. It is precisely because the laws do not seek to understand the reasons that led these women to choose this profession that they make their working conditions more difficult. The laws cannot inherently help them. However, this free and independent decision must be viewed in the context of a specific situation: they are in an irregular situation, do not necessarily belong to support networks, are sometimes non-native speakers, and generally have to pay off debts and earn a living. Unable to enter the legal labor market and sometimes finding themselves in demanding jobs, sex work appears to be an outlet<sup>15</sup>.

It is only by listening to their requests that we can help them leave this profession. It is only when politicians listen to their own convictions that they trap them in their precarious situation and, therefore, in their profession. What we need to do, therefore, is listen to their demands. I am thinking in particular of a statement made by the president of the association *Les Roses d'Acier*<sup>16</sup> in June 2015 during a press conference at the National Assembly: "*We choose this profession in order to live. Through sex work, we secure a guarantee for the lives of our families and ourselves. Life is not fair, of course, but we have the capacity to take responsibility for our lives and our families. [...] We have never made any demands from the government. And now, we want the French government to show concern for minority and marginalized groups and to respect basic forms of survival. We do not want the law to penalize clients. Because once this law comes into force, we will face many more difficulties: with fewer clients, women will be more likely to accept clients and be less vigilant, which will increase the risk of violence and rape. Some women will choose more remote, hidden locations, will no longer work in pairs, and will be more dependent on intermediaries...*". What is being demanded here is respect for the choice they have made, their responsibility, their ability to be independent. They do not need a

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<sup>15</sup> Lévy, F. (2015). *Chiffonniers ou prostituées : L'investissement de l'espace public par les migrants de Chine du Nord*. *Hommes & migrations*, 1311, 73-80.

<sup>16</sup> The association, created in 2015, aims to represent the interests of sex workers of Chinese origin working in the Belleville district of Paris.

paternalistic intervention from the state. Against the infantilization of these women, they are demanding the restoration of their right to work, that is, their right to seek “basic forms of survival” without being penalized for doing so.

This approach is precisely the foundation stone for a new architecture that will enable us to implement effective public policy. In a nutshell, these women are not victims who need to be rescued from procurers networks<sup>17</sup>. In this sense, we must move away from this “*ideal figure*”<sup>18</sup> of the trafficked worker, the young woman whose naivety led her to believe false promises of employment abroad and who, sold to a network of procurers, finds herself forced into prostitution<sup>19</sup>. It is only by distancing ourselves from it that we can truly understand the conditions in which these women live and, therefore, help them.

They are not subjects who need to be moralized and punished, they are people in precarious situations who have chosen this profession in specific circumstances. What is needed is the “recognition of sex worker status.”<sup>20</sup> Turning to this profession is an exceptional response to an exceptional precariousness (it is not, for these women, so much a question of earning a living as of surviving).

To remove the context in which they operate is inevitably to embark on a simplistic line of thinking. Punishing them directly (2003 law) or indirectly (2016 law—the survey “*Que pensent les travailleurs.es.s du sexe de la loi prostitution ?*” showed the negative effects of the 2016 law that criminalizes the purchase of sexual services: penalizing part of the activity means penalizing

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<sup>17</sup> Médecins du Monde conducted a survey in 2013 (“*Que pensent les travailleurs.es.s du sexe de la loi prostitution ?*”) revealing that the procuring that exists is primarily supportive procuring (subletting a bed, a workplace, helping to find clients, etc.). This form of procuring should not be confused with the one that leads to human trafficking.

<sup>18</sup> Jakšić, M. (2013). “*Devenir victime de la traite : L'épreuve des regards institutionnels*”. *Actes de la recherche en sciences sociales*, N° 198(3), 37-48.

<sup>19</sup> This “*ideal figure*” was precisely the cornerstone of the 2016’s French law on sex workers: “prostitutes are, in the vast majority of cases, foreigners, originating from countries where human trafficking networks are rife, sold to these networks, or falling into their hands because they have been deceived by false promises.”

<sup>20</sup> Mayer, S. (2011). « *Construction sociale de la « prostitution » et des « prostituées » par les riverains* ». *Déviance et Société*, Vol. 35(1), 35-58.

sex workers<sup>21</sup>) is therefore not a viable or effective solution. The impact on women of policy measures taken to eliminate sex workers is “invariably a combination of isolation, stigmatization, and marginalization that exposes them to increased risks of violence and abuse given the illegal status of their work.”<sup>22</sup>

What must be understood is that public policy on sex workers is primarily guided by erroneous and presumptuous judgements about these women and the reasons why they engage in this profession. Doubly illegitimate (because of their status as foreigners<sup>23</sup>; and, by their profession, which is perceived as immoral<sup>24</sup>), and not fitting into the culturally and socially accepted definitions of feminine<sup>25</sup>, these women often fall into a vague category, that of “*abject beings*” (“This exclusionary matrix by which the subjects are formed thus requires the simultaneous production of a domain of abject beings, those who are not yet “subjects”, but who form the constitutive outside to the domain of the subject”<sup>26</sup>), and therefore, by extension, fall into the category of persons who are not responsible for themselves, legal minors who need to be taken into care, taken off the streets (by force if necessary) and, above all, not listened to. In other words, these women find themselves infantilised, and the public authority then assumes a paternalistic position<sup>27</sup>.

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<sup>21</sup> Lévy, F. (2015), *ibid.*

<sup>22</sup> Bail, H. L. (2015), *ibid.*

<sup>23</sup> *We are well aware that not all sex workers are migrants, however, we feel it is important to write from their perspective as they are the ones who face the most difficulties. From this situation, we can gather information and develop a comprehensive approach to protect the wide spectrum of sex workers and their different lives.*

<sup>24</sup> *We can see the moral judgement that weighs heavily on these women and which, completely disconnected from the socio-economic issues that led them to choose this profession, cannot lead public policy to propose a solution that can really help them.*

<sup>25</sup> Dorlin, E. (2008). *Sexe, genre et sexualités : Introduction à la théorie féministe*. Presses universitaires de France.

<sup>26</sup> Butler, J. (2011). *Bodies that matter : On the discursive limits of « sex »*. Routledge, Taylor & Francis Group.

<sup>27</sup> *In this child-parent (and even child-father) relationship, we find two different logics of domination that fit together perfectly. First, that of infantile domination: the child (sex workers) must obey the father (the State), who knows better*

The difficulties these women face do not stem from their profession as sex workers, but from their precariousness. Fighting against sex work is therefore not the same as fighting against *them*. It is about fighting against the economic and legal conditions that led them to take up this profession. From a legal standpoint, their status as workers must be recognized: it is their right to work. Failing to do so further precarious their situation and thus automatically pushes them deeper into this profession. From an economic standpoint, a right to life remains to be established.

### Sub-argument II: The only realistic way out for sex workers: the right to life

By the right to life, we mean the right to live a dignified life<sup>28, 29</sup>. This starts with giving them the opportunity to leave this profession permanently. While assistance is available in France, it is not sufficient.

These women not only have to bear the cost of living in France, but often also have to repay the loans they have taken out and send money to their families. With the temporary waiting allowance amounting to only €330/month and the RSA (*Revenu de Solidarité Active*) allowance amounting to less than €500/month, it seems logical that it is still more profitable for these women to continue in their profession rather than leave it<sup>30</sup>. Mathieu refers to the “economic relevance of prostitution”<sup>31</sup> to describe this imbalance between the financial assistance offered by the State and the real needs of these women. This amount is simply derisory. Let us just take

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*than she does what is best for her. Second, gender-based domination: the man (the State) decides for the woman (sex workers) – it is a similar social configuration that structures these women’s relationship with the police authority.*

<sup>28</sup> Collins, I. (1987). *The declaration of the Rights of Man and the Citizen : 1789 and 1793* (M. de Cossart, Éd.; 2. ed).

<sup>29</sup> United Nations. (1948). *Universal Declaration Of Human Rights*.

<sup>30</sup> *This sum is taken from the second chapter (“Protection of victims of prostitution and creation of a pathway out of prostitution and into social and professional integration”) of Law No. 2016-444 of 13 April 2016 aimed at “strengthening the fight against the prostitution system and supporting prostitutes.”*

<sup>31</sup> Mathieu, L. (2014). 16. *Invisibiliser et éloigner: Quelques tendances des politiques de la prostitution: Regards croisés sur l’économie*, n° 15(2), 290-301.

the example of the cost of housing in Paris for these sex workers. In 2025, in Paris, the price per square metre (in the cheapest area) per month was €22.4, which means that with €500 per month, a sex worker was able to afford 23 square metres of accommodation. But, this RSA assistance is not easily accessible. Thus, with €330 per month in assistance (the easier help they can get), a sex worker could afford 15 square metres of housing. However, our calculations must also take into account other significant budgetary variables. Firstly, variations in housing prices for these women. Due to their irregular status in France, their rent tends to be higher (this leverage effect can be explained in particular by the fact that their rent cannot be legally regulated; thus, landlords can take advantage of this situation to increase their prices — who can help them if even the French state refuses to do so?). It should be noted that the rough estimate we have made above does not accurately reflect the experiences of these women. Other budgetary constraints must also be taken into account. It is not only the cost of living that weighs on them, but also the need for these women to save money (from what little they have left) to protect themselves against possible difficulties they may encounter (e.g. the need to pay a lawyer when they are arrested by the police, or to protect themselves if they fall ill). As we can see, the lack of effective state support results in an increase in the amount of money they have to spend each month to protect themselves. Finally, there is another burden in addition to the three we have just mentioned. When these women are migrants, they have to send money to their families back in their home countries and repay their debts (which they incurred in order to prepare for their migration). Very quickly, we can see that what the 2016 law on prostitution refers to as “financial assistance for social integration”<sup>32</sup> sounds strangely like an insufficient measure that can only lead to greater precariousness for these women. In addition to this first adverse effect of social assistance, there is a second one. Social assistance also includes the possibility for these women to be granted a residence permit. However, this regularisation of their residence status is conditional on them ceasing their activity as sex workers. In other words,

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<sup>32</sup> *Ministère chargé de l'égalité entre les femmes et les hommes et de la lutte contre les discriminations. (2025). Lutte contre le système prostitutionnel. <https://www.egalite-femmes-hommes.gouv.fr/lutte-contre-le-systeme-prostitutionnel#:~:text=En%20France%2C%20l'achat%20d,position%20abolitionniste%20de%20la%20France>.*

they then face an impossible period in which their salary, replaced by insufficient state aid (less than €500 per month), disappears completely and, above all, in which their access to the labour market remains unchanged because they have not yet been regularised<sup>33</sup>. So, on the one hand, survival strategies, on the other, a gamble with little future for them.

However, this right to life cannot be limited to being merely a way out. It must also support these women when they work as sex workers. Consider the slogan chanted by Chinese sex workers during a protest in 2013: “*We want freedom, we want food, we want rights.*”<sup>34</sup>

It is interesting to note that the obvious lack of any state intervention to protect, help, and inform these women has led to the emergence of an ecosystem of associations. What remains to be done is to support these initiatives, not only because they already exist and are functional, but also because they have been built in dialogue with those most affected. They do not operate vertically, but horizontally. Let us take an example: in the 2000s, *Médecins du Monde* observed that these women were excluded from the healthcare system because of their irregular status, the language barrier, and the stigma attached to their profession. In response, the association created the “*Lotus Bus*” to help these women by preventing the risks associated with sex work and facilitating their access to public healthcare facilities. The program is part of a “risk reduction” approach (which is perfectly in line with the idea of the “right to work” that we have just defended—it is important not to adopt a victimizing analysis of these women, not to judge them) that prioritizes decision-making by the people concerned<sup>35</sup>. These initiatives are all the more interesting in that they are grassroots initiatives (in the sense that they were not brought

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<sup>33</sup> Furthermore, there is no guarantee that these women will find employment once they have been regularised. And even if they do find employment, will it enable them to cover all their expenses? Just because they can look for a job does not mean they will get one. Regularisation opens up the labour market, but it does not automatically guarantee employment.

<sup>34</sup> The slogan chanted in Chinese (“我们要自由，我们要吃饭，我们要权利”) has been translated.

<sup>35</sup> The *Lotus Bus* provides prevention materials and a space for listening, and offers the possibility of more personalized support with an interpreter (for medical consultations, screenings, or even assistance in court or at police stations). In 2015, this program reached 500 women every week.

about by bureaucratic expertise or ideas that are too far removed from the lives of these women, but rather by a participatory approach that strives to take them into account).

Without the right to safety, all these measures would quickly fall apart. The right to safety, to protection, to the ability to work without fear of being murdered or arrested, is the *sine qua non* of this new political architecture that we are proposing. It takes two forms: firstly, the possibility for these women to defend themselves, and secondly, the possibility for these women not to have to defend themselves.

This right to safety, in line with our previous proposal, should also take the form of increased support from public institutions to enable these women to defend themselves because “the very possibility of defending oneself is the exclusive privilege of a dominant minority”<sup>36</sup> (“It is less about teaching women to fight than it is about unlearning not to fight”<sup>37</sup>). This support should not take the form of the state taking over this mission, but rather of strengthening the associations that already operate with expertise in this field. This initiative is particularly important given that violence is a phenomenon to which these women sometimes have no means of responding : “[There is] a dividing line between, on the one hand, subjects worthy of defending themselves and being defended, and, on the other, bodies forced into defensive tactics. These vulnerable and violable bodies are left with nothing but bare-handed subjectivities. Kept in check by violence, they can only live or survive if they manage to equip themselves with defensive tactics. These subaltern practices form what I call self-defense proper, as opposed to the legal concept of legitimate defense.”<sup>38</sup> We therefore advocate the idea of a stronger partnership between associations working with sex workers and the State.

However, the possibility of defending themselves is only a viable and attractive solution if it can be backed up by another path: protection from the police. Currently, however, it is precisely the

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<sup>36</sup> Dorlin, E. (2017). *Se défendre : Une philosophie de la violence*. Zones.

<sup>37</sup> Dorlin, E. (2017), *ibid.*

<sup>38</sup> Dorlin, E. (2017), *ibid.*

opposite relationship that structures the relationship between these sex workers and the police institution. The point of tension that needs to be questioned is the relationship these women have with the police institution—and more specifically with police officers.

## Argument II: The right to safety and protection, or the need to transform the role of the police:

### Sub-argument I: Why is it necessary to transform the police-sex workers relation?

The immediate observation is that these women are particularly vulnerable to physical and sexual violence. 38% of Chinese sex workers working in Paris have reportedly been raped while working; 23% have been victims of confinement; 17% have received death threats; and more broadly, 86% have been victims of at least one form of violence<sup>39</sup>. Firstly, because their job is dangerous, and secondly (and this is the point we want to emphasize) because the police, by harassing them, encourage violence against them.

Police violence takes the form of “socio-apartheid”<sup>40</sup>, that is, a system of exclusion and socio-racist separation supported by a range of social, economic, and political discrimination. This socio-apartheid is embodied in the activities of police units and manifested in control, surveillance, and repression procedures specifically focused on these women. Its aim is to create segregation between “us” and “them”<sup>41</sup>—it is in this sense that we can understand how police

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<sup>39</sup> Bail, H. L. (2022). « Des travailleuses du sexe chinoises réclament leur « droit à la ville ». *Saint-Denis au fur et à mesure*, 71, pp. 108-113.

<sup>40</sup> Rigouste, M. (2021). *La domination policière (Éd. actualisée et augmentée)*. La Fabrique éditions.

<sup>41</sup> Mayer, S. (2011). Construction sociale de la « prostitution » et des « prostituées » par les riverains: *Déviance et Société*, Vol. 35(1), 35-58.

violence perpetuates the perpetrators' sense of impunity and removes the stigma from exclusionary discourse. It is this paradigm that we must overturn.

In practical terms, the violence they suffer takes different forms (it can be verbal, psychological, sexual, physical, economic, or even symbolic) and is part of the same "continuum."<sup>42</sup> Various examples can be cited. For example, police checks have not stopped with the repeal of the offense of soliciting: sex workers report identity checks that seem to target them<sup>43</sup>. In addition, 66% of women described violence perpetrated by the police and 14% by clients<sup>44</sup> (the police violence was said to be more violent than that perpetrated by their clients<sup>45</sup>). Other quotes from Aying, the representative of the association *Les Roses d'Acier*, clearly illustrate this experience of police violence: Aying said: "*For 35 days, the police have been coming to our neighborhood every day to eradicate us. They check our identities, prevent us from working, insult us, and scare us.*" "*Among the sex workers in Belleville, who doesn't work every day in fear? Who doesn't fear violence, theft, or even rape? [...] Who doesn't fear unwarranted identity checks, detention, or even deportation? We have already endured more than our share of discrimination, humiliation, and intimidation, not only from passersby on the street and other Chinese people, not only from criminals and delinquents, but also from the police and the government.*"

These statements and police operations also reinforce the feeling that it is not legitimate to file a complaint. This is especially true given that the complaint system seems deeply flawed for them: the *Lotus Bus* coordinator was able to offer to help some sex workers draft a letter to the police station in Paris' 19th arrondissement about police abuse against them. The purpose of this letter was to prompt an investigation by the General Inspectorate of the National Police

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<sup>42</sup> Kelly, L. (1988). *Surviving sexual violence*. Polity Press ; B. Blackwell.

<sup>43</sup> These illegal police operations were described as "harassment" in a 2011 investigation by the National Commission on Citizens, Justice, and Police (League of Human Rights. (2011). "Citoyens-Justice-Police. Commission nationale sur les rapports entre les citoyens et les forces de sécurité, sur le contrôle et le traitement de ces rapports par l'institution judiciaire").

<sup>44</sup> Cabiria. (2007). *Femmes et migrations en Europe — Stratégies et empowerment*.

<sup>45</sup> Cabiria. (2007), *ibid*.

(IGPN). The association was able to provide a list of arrests considered abusive. However, the investigation could not proceed because it was necessary to have the victims' testimonies, but no woman was willing to testify without anonymity for fear of being personally targeted by police harassment. Let us give a final example: interpreters are systematically present during police custody<sup>46</sup>, but in order to file a complaint, these women must come with their own interpreter<sup>47</sup>.

Ultimately, the police and the justice system are not seen as guarantors of their safety, but as a source of violence. Access to justice is hampered by a lack of trust in the police, which stems from the violence they have suffered.

Why this violence? Because the police defend a particular public order that punishes people who do not fit the norm (police as protector of public order is above all an institution enforcing *a specific social order*<sup>48</sup>). The police are involved in "*policing*"<sup>49</sup>. When the body does not fit the norm, the only solution that state agents can find is an exponential increase in violence—this violence is all the more intense because the police institution gives its representatives a great deal of leeway<sup>50</sup>. Police officers then rely on their mental structure to act: the police officer is the "street-level bureaucrat"<sup>51</sup> *par excellence*.

Furthermore, this mental structure is marked by various active distinctions: male police officers versus sex workers; representatives of law and order versus the embodiment of disorder; white

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<sup>46</sup> Nevertheless, these interpreters can be unreliable or biased. More broadly, the conditions of police custody for these women are scandalous: police reports are sometimes false (they are forced to sign them by the police), and the conditions of detention are unsanitary.

<sup>47</sup> Médecins du Monde. (2013). "Rapport d'enquête : Travailleuses du sexe chinoises à Paris face aux violences".

<sup>48</sup> Fassin, D. (2011). *La force de l'ordre : Une anthropologie de la police des quartiers*. Éd. du Seuil.

<sup>49</sup> Jobard, F., & Maillard, J. de. (2015). *Sociologie de la police : Politiques, organisations, réformes*. Armand Colin.

<sup>50</sup> Foucault, M. (2011). *Surveiller et punir : Naissance de la prison (Nachdr. der Ausg. 1975)*. Gallimard.

<sup>51</sup> Lipsky, M. (1983). *Street-Level Bureaucracy: The Dilemmas of the Individual in Public Service*. Russell Sage Foundation.

men versus foreign women, etc. Sex workers are perceived as a social problem to be dealt with exclusively by the police: for the police, sex workers are their “traditional clientele.”<sup>52</sup> In this sense, violence must also be interpreted as a tool of social control wielded by men<sup>53</sup>. Violence against women is the result of structural inequalities between the sexes and serves as a means of maintaining them. This violence is therefore not exceptional but ordinary. It is not a consequence of the patriarchal system, but rather a constituent part of it. Thus, the police are above all a “gender police”<sup>54</sup>, whose actions aim to maintain a gendered order in society. As we can see, there are various causes behind the police violence suffered by sex workers, all of which can be traced back to one fundamental inequality: that between women (sex workers) and men (police officers). “Women are victims of male violence on the one hand because men acquire the legitimacy and physical and mental capacity to assault them, and on the other because the material, physical, emotional and psychological means to defend themselves have been systematically placed beyond women’s reach.”<sup>55</sup> It is from this distinction between the manly and womanly ideals (and this desire to maintain this distinction through violence) that this violence can be understood. It is by fighting against all beliefs associated with this distinction and the very perpetuation of this distinction that we must tackle the problem because “gender is not just a binary concept, it is a dichotomy, a hierarchy, a power relationship that systematically values what is associated with masculinity and devalues what is associated with feminism.”<sup>56</sup> Otherwise, this violence, in its deepest roots, will never truly disappear. What we mean by this

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<sup>52</sup> Mainsant, G. (2021). *Sur le trottoir, l'État: La police face à la prostitution*. Éditions du Seuil.

<sup>53</sup> Debauche, A., Hamel, C., & Kac-Vergne, M. (2013). « La violence comme contrôle social des femmes : Entretien avec Jalna Hanmer, sociologue britannique ». *Nouvelles Questions Féministes*, Vol. 32(1), 96-111.

<sup>54</sup> Darley, M., & Mainsant, G. (2014). « Police du genre ». *Genèses*, n° 97(4), 3-7.

<sup>55</sup> Millepied, A.-C. (2017). *L'autodéfense féministe: Entre travail sur soi et transformation collective: Nouvelles Questions Féministes*, Vol. 36(2), 50-65.

<sup>56</sup> Peterson, V. S. (2004). *Feminist Theories Within, Invisible To, and Beyond IR*. *The Brown Journal of World Affairs*, 10(2), 12.

is that the new architecture we are advocating is based on feminist convictions and seeks to actively participate in this struggle.

### **Sub-argument II: How should the role of the police toward sex workers be transformed?**

To transform the role of the police in relation to sex workers, we must hear and listen to their demands for the right to safety, which means reversing the representations of insecurity and victimhood. Sex workers are not troublemakers. They are victims of insecurity and violence rather than the source of it.

The solution, when it comes to giving them the right to safety and protection, is simple—in fact, it has already been proposed in the past. In 2015, the Paris Ecology Group proposed a measure to “reallocate police resources to combating violence against sex workers rather than combating sex workers themselves.”<sup>57, 58</sup> However, socialist, communist, and right-wing city councilors voted against it. In other words, they believe the police should work to repress these women rather than protect them. The justification was based, once again, on the idea that these women should be saved from this profession (at the same time, all autonomy and responsibility are taken away from them). For these politicians, sex workers are “one of the most violent expressions of patriarchy”<sup>59</sup> (all the social, political and economic considerations that led these women to enter this profession were ignored). For them, it is a question of fighting the effects of their precarious situation rather than the causes of. They were tackling the problem backwards, and, ultimately, defending the idea that repression is a means of protecting these women.

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<sup>57</sup> *Town council of the 10th arrondissement of Paris. (2015). Report of the municipal council meeting of the 10th arrondissement of Paris, 15 June 2015, p. 63.*

<sup>58</sup> *Town council of the 20th arrondissement of Paris. (2015). Report of the municipal council meeting of the 20th arrondissement of Paris, 18 June 2015, p. 43.*

<sup>59</sup> *Paris City Council and Departmental Council. (2015). Municipal and Departmental Council meetings on 29–30 June and 2 July 2015, pp. 436.*

Analysis of the living conditions of sex workers shows us that they have second-class citizenship. They are abused and unprotected. Their only experiences with public institutions involve humiliation or punishment. In this new architecture that we are proposing, we have so far worked on improving their living conditions (right to work, to life, to safety, to protection). We have one last step to take: understanding the reasons why past public policies have failed so that we can move forward and break free from them.

### **Argument III: The only sustainable way to help sex workers: the need for lasting change in our institutions**

#### **Sub-argument I: A change within our grasp**

While the few measures we have presented so far may give the impression of a revolutionary fervor regarding the development of public policy on sex workers, we would simply like to point out that all the tools needed to protect them and radically change their way of life already exist. It is not so much a question of building a new system from scratch as it is of finally and truly applying the measures that already exist. All that remains is to enforce them. In this regard, we will draw particularly on the prevention work carried out by STRASS (*Syndicat du TRAvail Sexuel en France*<sup>60</sup>), an association founded in 2009 that defends the rights of sex workers.

What we can see is the constant overreach on the part of police officers in their use of discretionary power: they have no right to act as they do, but they do so anyway. Clearly, the actions of police officers towards sex workers are not guided by respect for existing laws and regulations (as they should be), but by a moral approach that considers their profession to be

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<sup>60</sup> For more information about STRASS, see: <https://strass-syndicat.org/>

“sexual illegality.”<sup>61, 62</sup> This “biopolitics”<sup>63</sup> (that is, the control exerted by politics over bodies) takes several forms: the identity checks conducted by police officers are excessive<sup>64</sup>. Furthermore, even if a sex worker is known to the police, this does not in any way authorize them to check all the people who come to talk to her, since there is no reasonable grounds to suspect that a person is attempting to commit an offense under the law. In fact, police actions are supposed to be guided by the need to avoid discriminatory behavior<sup>65</sup>. In reality, this is not the case, as Aying, president of the *Roses d’Acier* association, testifies: “*The police come to our neighborhood every day to eradicate us. They check our IDs, prevent us from working, insult us, and scare us even when we go shopping or to the pharmacy.*”<sup>66</sup> It should also be noted that the use of force by the police is supposed to be governed by Article R. 434-18 CSI (*Internal Security Code*): “*Police officers or gendarmes shall use force within the limits set by law, only when necessary, and in a manner proportionate to the objective to be achieved or the seriousness of the threat, as the case may be. They shall only use weapons in cases of absolute necessity and within the framework of the legislative provisions applicable to their own status.*”

What is needed, therefore, is simply to enforce the measures that already exist (and to find a way to punish police officers who abuse their power)—in particular, by making it easier for these women to file complaints about the abuse they suffer.

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<sup>61</sup> Mainsant, G. (2021), *ibid.*

<sup>62</sup> This expression refers to behaviors that are considered, in this case by the police officers, to be in violation of existing norms. These norms are not so much legal norms as social norms. In other words, it is social norms that are at the root of police officers’ behaviour. Police officers therefore react illegally to behaviour that they consider illegal.

<sup>63</sup> Foucault, M. (2004). *Naissance de la biopolitique* (M. Senellart, Éd.). Gallimard.

<sup>64</sup> Art. 78-2 Code de procédure pénale. Police officers can conduct identity check only when they have “reasonable grounds to suspect that a person has committed or attempted to commit a crime or is preparing to commit a crime or offense.”

<sup>65</sup> Art. R. 434-11 CSI.

<sup>66</sup> Bail, H. L. (2022). *Les Roses d’Acier : Précaires, Stigmatisée et Engagées. Plein droit*, 133(2), 49-52.

## Sub-argument II: Transforming the way we think about combating sex work

Finally, we would like to conclude our study with two observations which, in our opinion, are at the root of the various policies that have existed concerning sex workers.

At the beginning of our paper, we mentioned the consistency between these laws—even though they may appear to be different. This consistency stems from the illusion that there is a difference between regulationist, abolitionist and prohibitionist approaches<sup>67</sup>. In reality, this is not the case. In form, these approaches are different. In practice, these policies converge toward the same main objectives, which are the moralization of public spaces and the repression of irregular immigration. The current abolitionist approach in France (regretting the existence of sex workers and seeking to eliminate them without penalizing their victims) can only inevitably slide toward a project aimed at eradicating these women and banning their profession—there would then be a particular focus on the nuisances caused by the presence of sex workers in urban public spaces. Similarly, if the regulatory approach (standardizing the activity of these women by improving their social situation) were adopted in France, it would quickly suffer from a perversion of its principles: by quickly establishing a distinction between free and forced prostitution (the latter of which the police should continue to combat), foreign sex workers, who are considered to be engaging in an illegitimate practice, would be excluded from the market for legitimate sex workers. Those who are unable to comply with the conditions of a legitimate practice would be relegated back to illegitimacy.

Truly effective public policy is one that refuses to view social issues from a criminal perspective, one that refuses to reduce these women to a double process of victimization (they are victims of trafficking networks and must be saved; there is no need to respect or seek to understand the reasons why they chose this profession) and repression (they must be made to disappear, eradicated; they are troublemakers, the epitome of immorality, etc.).

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<sup>67</sup> Mathieu, L. (2014), *ibid.*

## Conclusion

Public policies concerning sex workers have been a series of failures. A great success for those who want to keep them in a state of endless precariousness, a great failure for those who believe that protecting them cannot and will never be achieved through violent measures. The aim of our article was to show that the successive failures of public policy in France regarding the issue of sex workers stem from two major misconceptions. The first is allowing moral judgements to take precedence in political thinking. The second is never taking these women, their freedom, their autonomy, their lives and their stories seriously. Once these two misconceptions have been dispelled, what happens? A new horizon that gives them a voice, a new paradigm that recognises that in order to help them, they must be protected, and public policy that is attentive to their needs and demands are emerging. What we wanted to show is that punishment will lead nowhere. Therefore, we have replaced it with a new vocabulary. That of rights: their right to work, to life, to security, and to protection.

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