

2014-2015 Legal Responses

A quick reading of the worldwide judicial news collected by the International Center for Research and Documentation on Sexual Exploitation (CRIDES) reveals more than ever the volume and the variety of current forms of sexual exploitation. Its reports of trials and inquiries, which cover January 2014 to May 2015, do not give an exhaustive view of reality as they only mention the affairs known and treated by the authorities.

Nevertheless the hundreds of listed cases reflect the genuine reality of a criminal activity that wishes to show only its commercial side so as to hide the violence and harm done to human beings. The public representation of the most striking affairs cannot be a substitute for the necessary analysis of precise cases, the complete facts of which are contained in judicial files which are available only to the parties in question. Thus the interest is obvious for victims and NGOs that fight against sexual exploitation to file a civil action suit wherever the legislation of the country involved allows to do so.

Anyone will be struck by the importance of the cases presented below. They only represent a minority of the criminal proceedings which are opened every year worldwide concerning trafficking or procuring offenses. However three recurring phenomenons are to be noted: the dizzying increase in cases of networks prostituting vulnerable persons, many of whom are minors, the almost systematic internationalization of prostitution organizations, and the consistent use of digital technologies.

Panorama of cases covered by worldwide media in 2014-2015¹

January 2014	A 75-year-old man received a 2,600 US\$ (2,400 €) fine for the purchase of sexual services from a Nigerian woman, who was a victim of a trafficking network (<i>Norway</i>) Dismantling of a San Diego gang operating in 46 towns within 23 different states, which tattooed a bar code on their victims (<i>USA</i>) 5 persons convicted in the Zaman Café trial, called the «Zahia case». 2 famous players of the football French team released from the charge of prostituting a minor (<i>France</i>)
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¹ The entire collection of articles, in relation to this topic, are available from Fondation SCELLES/CRIDES.

<p>February 2014</p>	<p>Major raid in Dongguan red light district by 6,500 policemen (hotels, saunas, karaoke bars) followed by the questioning of 1,000 people; 73 networks dismantled (<i>China</i>)</p> <p>Fight between 2 Romanian gangs in the Bois de Boulogne (Paris) with crossbows and golf clubs disputing the territory known to be most profitable for prostitution: 10 arrests (<i>France</i>)</p> <p>Through the « Home for Christmas » program, 10 persons arrested for operating in a network of underage prostituted girls, among whom 31 were rescued (<i>Canada</i>)</p> <p>In Savannah, a sentence of life imprisonment for the head of a network prostituting female Mexican immigrants who had to accept 40 clients per day. 23 accomplices were sentenced to shorter terms (<i>USA</i>)</p>
<p>March 2014</p>	<p>Victoria police reveal a network exploiting minors placed in shelters. Testimony from a 13-year-old girl who got a cigarette packet from her procurer for each sexual act (<i>Australia</i>)</p> <p>American citizen arrested for running a child pornography and prostitution ring in South America; the trial will take place in the USA as the incurred penalties are more severe (<i>Honduras</i>)</p> <p>In Djakarta, traffickers accused of pretending to be trade unionists offering jobs, they had in this manner abducted 19 minors between 13 and 15 years old (<i>Indonesia</i>)</p> <p>The head of a network transferring Hungarian prostituted women to the UK was sentenced to 2 years and 9 months imprisonment after he had been deported from Hungary (<i>UK</i>)</p>
<p>April 2014</p>	<p>In California, the head of the Lingwood Gang who detained, abused and prostituted 7 underage girls has been sentenced to 30 years imprisonment (<i>USA</i>)</p> <p>In the Schwyz Canton, trial and a 8-year prison sentence of a Turkish man who prostituted 45 women from the Balkans (<i>Switzerland</i>)</p> <p>In Marseille, life imprisonment for the serial killer Patrick Salameh who abducted, tortured and killed 3 prostituted women of Algerian, Ukrainian and Romanian nationalities (<i>France</i>)</p>
<p>May 2014</p>	<p>The Phnom Penh Court of Appeal confirms the 7-year prison sentence given to the French recidivist pedophile Jacques Philippe Albertini (<i>Cambodge</i>)</p> <p>The female procurer Amanda Sheffield was sentenced to 12 years' imprisonment for exploiting 13-years old girls after giving them alcohol and drugs (<i>UK</i>)</p> <p>Riccardo Viti, nicknamed « the Florence Beast » has been arrested for murdering and crucifying a Romanian prostituted woman (<i>Italy</i>)</p> <p>Trial of a Moroccan who offered to sell intercourse with intersex persons (<i>Egypte</i>)</p>

<p>June 2014</p>	<p>Raid in the prostitution venues of Dushanbe, 50 prostituted persons arrested and 30 persons fined (<i>Tajikistan</i>)</p> <p>After Muslim organizations lodged a complaint, brothels were closed while the government had to give 425 US\$ (392 €) to each of the 1,500 prostituted persons concerned (<i>Indonésie</i>)</p> <p>Following two national operations (“Cross Country” and “Broken Heart”), 168 children were rescued and 281 procurers arrested. <i>The Innocence Lost National Initiative</i> was launched in the USA in 2003 by the <i>FBI</i>, the <i>Department of Justice Child Exploitation and Obscenity Section</i> and the <i>National Center for Missing & Exploited Children</i>. In this framework, 3,600 children have been found soliciting in American streets, 1,450 persons sentenced to long terms of prison (among whom 14 received life imprisonment; over 3.1 million US\$ (2.86 million €) were seized(<i>USA</i>)</p> <p>In Paris, 4 Chinese men arrested for robbing Chinese prostituted women so as to finance their own provincial prostitution ring (<i>France</i>)</p>
<p>July 2014</p>	<p>In Marseille, the « destitution trial » : from 4 to 7 years’ imprisonment for 6 Bulgarian procurers who exploited and tortured Roma minors, who were fed on waste from trash cans (<i>France</i>)</p> <p>In Gurgaon, a 13 year-old girl abducted from a minors’ shelter then prostituted by 3 persons was released and her traffickers arrested (<i>India</i>)</p> <p>In Orlando, a 22 year-old procurer had made 500,000 US\$ (461,650 €) in a year by prostituting between 15 and 20 persons. He was sentenced to 3 years’ imprisonment after pleading guilty (<i>USA</i>)</p> <p>Discussion in Hawai on the abolition of the HB 1926 law, which allows policemen to pay for sexual services from prostituted persons so as to learn information about trafficking (<i>USA</i>)</p> <p>In Baghdad, raid supposed to have been operated by a Muslim group (Daesh/ISIL) in a brothel. 25 persons were killed, among whom 20 were prostituted persons (<i>Iraq</i>)</p>
<p>August 2014</p>	<p>Second death sentence of Chester Turner for murdering 4 prostituted persons. This pizza delivery man had already been sentenced to death in 2007 for ten murders in South Los Angeles (<i>USA</i>)</p> <p>In Montana State, a sex buyer is prosecuted for prostitution solicitation after calling the police because a dancer refused a sexual act (<i>USA</i>)</p> <p>In Bobigny, 7 years’ imprisonment and a fine 81,232 US\$ (75,000 €), plus 21,662 US\$ (20,000 €) in damages was handed down for the sexual enslavement of a young girl belonging to the Roma community, who was forced to have 40 clients per weekend (<i>France</i>)</p> <p>An Albanian is sentenced to 14 years’ imprisonment for the abduction, the rape and the sale of young Lithuanian girls in Coventry (<i>UK</i>)</p>

<p>September 2014</p>	<p>Arrest of 30 prostituted women from continental China pretending to sell cosmetics and fueling a ring of over 100 callgirls, with a turnover of 16 million US\$ (14.77 million €) per year, 30% of which went to the prostituted women (<i>Taiwan</i>)</p> <p>End of the « Archimedes » operation co-ordinated by Europol with 20,000 mobilized agents in 28 countries. 1,000 persons were arrested and 200 victims of trafficking were rescued (<i>Europe</i>)</p> <p>In Changsha, 2 persons had been sentenced to death for illegally confining and prostituting an 11 year-old girl but these sentences were commuted to life imprisonment (<i>China</i>)</p> <p>The 23 year old actress Shweta Basu was arrested for prostitution and placed in a shelter while her procurer was imprisoned. She pleaded a lack of money in spite of a promising start in the cinema industry (<i>India</i>)</p>
<p>October 2014</p>	<p>In Oran, after a hundred persons were arrested, among whom 65 were prostituted, 3 brothel managers were sentenced to a year in prison for setting up “dens of vice” (<i>Algeria</i>)</p> <p>In Harris County (Texas), creation of a specialized court for prostitution cases, 2,000 cases have been counted in 4 years (<i>USA</i>)</p> <p>First prison sentence for an Australian pedophile “trapped” by Sweetie, a virtual Filipina little girl created on the web by the NGO “Terre des Hommes” (<i>Australia</i>)</p> <p>Silvio Berlusconi is acquitted for the offense of prostituting minors by the Milano Court of Appeal on the grounds that his knowing of the girl’s real age was not proved (<i>Italy</i>)</p>
<p>November 2014</p>	<p>2 prostituted women were murdered in a “girlie bar”. The arrested suspect is a British trader (<i>Hong Kong</i>)</p> <p>In Bordeaux, prison sentences from 5 to 7 years for the managers of a Nigerian network of prostituted women who were sold for between 650 to 13,000 US\$ (600 and 12,000 €) and forced to pay back 65,000 US\$ (60,000 €). They were bewitched by the “juju” (<i>France</i>)</p> <p>Trial of 17 managers of a brothel in Durban, exploiting young women from Thailand (<i>South Africa</i>)</p> <p>Trial of a Thai woman who kidnapped and exploited 4 Thai masseuses (<i>Bahrain</i>)</p>
<p>December 2014</p>	<p>A female brothel manager in Geneva is fined 1,000 CHF (1,033 US\$/913 €) for allowing unprotected sexual intercourse (<i>Switzerland</i>)</p> <p>In Cairo, police raid the Ramses Bath, 26 men are arrested for being involved in a homosexual prostitution network (<i>Egypt</i>)</p> <p>2 rings were dismantled for making two kinds of services available for 7,400 US\$ (6,536 €). One offered “impure” services (prostitution), the other offered “pure” services (breastfeeding) (<i>China</i>)</p> <p>Legal proceedings against the Korean government brought by former prostituted women who were offered to US soldiers after the Korean war (<i>South Korea</i>)</p>

<p>January 2015</p>	<p>Arrest of a nightclub manager in Kuala Lumpur and release of 184 women (among whom were 136 Vietnamese women) that he prostituted (<i>Malaysia</i>) Arrest of 23 prostituted persons (of whom 12 were women) in a “den of vice” on El Karoub Beach (<i>Algeria</i>) 7-year prison sentence for a high school boy who had raped 3 prostituted women under the threat of a small Japanese sabre (<i>France</i>) Arrest of 29 persons from Murcia region who offered up to 400 women (among whom 12 were minors) on the web with a “à la carte” service (<i>Spain</i>)</p>
<p>February 2015</p>	<p>Opening of the Carlton case trial in Lille with 14 defendants including Dominique Strauss-Kahn , former director of the IMF(<i>France</i>) A Bucharest court tried 7 persons implicated in a ring of 30 callgirls, including TV announcers and models. They charged 10,000 € (10,831 US\$) a night (<i>Romania</i>) Mario, alias “El Bufon” was sentenced to 28 years in prison for the purchase (1,000 US\$/923 €) and resale of nearly 400 underage girlsto procurers (<i>Mexico</i>) A Japanese man was arrested for organizing the trafficking of minors under the cover of an NGO fighting for children’s rights (<i>Japan</i>)</p>
<p>March 2015</p>	<p>The opening of an inquiry on the Dutch pedophile Scully reveals rapes and murders of children from 2 to 11 years old; the pictures were resold on the internet (<i>Philippines</i>) A Jihadist who smuggled people across the border is accused of forcing female Syrian refugees to prostitute themselves (<i>Turkey</i>) A 63 years old man was sentenced to 5 years’ imprisonment and a 3-year suspended sentence combined with probation order because he prostituted his disabled wife for 20 € (21,50 US\$), 2 bottles of aniseed alcohol, or 5 cigarettes (<i>France</i>) In Florida, 2 brothers were tried for kidnapping and prostituting an underage girl, who was compared to a “cash machine” by the prosecutor (<i>USA</i>)</p>
<p>April 2015</p>	<p>In Montreal and Toronto, dismantlement of a network sexually exploiting 500 Chinese and South Korean women (<i>Canada</i>) In Shanghai, arrest of the “Spider gang” that sold 13 to 17 years old underage girls from Sichuan to Shanghai brothels (<i>China</i>) Hanoi Court sentenced Vietnamese men to a 8-year imprisonment for selling young women for 130 US\$ (120 €) each to Chinese brothels(<i>Vietnam</i>) In Cebu, a recidivist Canadian was arrested after the parents of his victims, complained that he only wanted to pay 20 PHP (0,42 US\$/0,39 €) instead of the 100 PHP (2,10 US\$/1,93 €) promised, for their four 9 to 11 years old little girls (<i>Philippines</i>) The police attacked the drug cartel “Urabenos” which also sells “zero kilometer commodities”, meaning virgins (<i>Colombia</i>)</p>

May 2015	<p>During a 4-day “John Sweep” operation, 30 clients were arrested according to the enforced new law penalizing the purchase of sexual services. 22 of them agreed on an awareness session, the others paid a fine (<i>Canada</i>)</p> <p>Arrest of ring managers who offered about 200 TV personalities, actors and celebrities for 7,700 US\$ (7,109 €) per sexual act(<i>Indonesia</i>)</p> <p>In the Old Bailey (main London Court), the “Ring of Horror” case is brought to trial: men sold 2 school girls aged 12 and 13 to 60 men (<i>UK</i>)</p> <p>Arrest in Paris and Bucharest of 30 Romanians who organized sex tours in France (<i>France - Romania</i>)</p>
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Analysis of a repressive response to offenses in relation to trafficking with purposes of sexual exploitation in France

All repressive legal response, whatever the nature or the cover of the relevant legislations throughout the world, requires the conjunction of three complementary processes: the development of specialized inquiries, the description of an adapted criminal policy and pronounced penalties in proportion to the seriousness of the infringement of law.

Enriched with a background of over 200 years of police and judiciary statistics, France, as an abolitionist country, offers the opportunity to measure regularly and objectively the reality and consistency of the legal response for the period concerned by this report.

Inquiries in 2013 and 2014

The evaluation by the specialized services shows three main trends:

- the persistent street prostitution, mostly African, in urban neighborhoods ;
- unprecedented soaring of cyberprostitution operated in hotels and apartments by essentially Chinese and Romanian trafficking networks ;
- strengthened international networks which are better and better organized, using debt constraint and different forms of violence.

The Ministry of the Interior reports 50 dismantled rings in 2014 (versus 30 in 2012), including 19 under the legal definition of trafficking in human beings, with 144 arrested offenders and 148 identified victims (among whom 145 were women).

Sources : *Ministry of Interior/DCPJ, May 2014 / OCRTEH, April 2015*

Criminal policies in 2014

In January 2015, the DACG publicized to all public prosecutor’s departments its first circular on human trafficking (CRIM/2015-1/G1-22.01.2015) in the same model as the October 29th, 2014 circular on organized crime. The previous circular dedicated to aggravated procuring and trafficking in human beings dated back to March 9th, 2005. The public prosecutor’s departments are thus invited to collaborate on the enforcement of the first adopted national plan, while the synthesis of the annual reports about the legal policy by these departments had devoted no particular development to this question for the 2014 year.

Source : *Ministry of Justice DACG, June 2015*

Convictions pronounced in 2013

The analysis of the convictions pronounced in 2013 in relation with human trafficking and procuring, representing 135 different incriminations, shows that 504 different persons were convicted for 1,420 different charges. Whereas the average national convictions pronounced for all the penal offenses show 86% French (10% of whom were women), 102 persons were explicitly convicted under the legal definition of human trafficking, including 9% French people, 43% of whom were women.

Source: *National Crime Record – DACG*

Analysis of the convictions pronounced in France in 2013 in relation with procuring²

Decisions

The whole of these indicators reflects the increasing awareness by jurisdictions of the behavioral seriousness when it comes to sexual exploitation.

Number of judged offenses

French courts have punished 1,154 offenses of procuring and aggravated procuring (an increase of 10.49% by comparison with 2012), 24 offenses of prostitution (an increase of 2.3%). 37 of these offenses tended to be classified as trafficking in human beings. The steady increase since 2009 comes despite the fact that the number of investigations has not been sufficiently increased. This shows both the investigators' improved efficiency and that of the criminal sexual exploitation market. Little by little the specific offense of human trafficking begins to be reflected in the convictions, which gives a more precise idea of these cases' nature.

Number of pronounced convictions

504 convictions have been pronounced (a 16% increase by comparison with 2012) including 324 with charges for aggravated procuring (a 33% increase).

Jurisdictions responsible for the convictions

- 3 Courts of Assizes (Crown Court in Britain)
- 163 Courts of Appeal
- 338 Criminal Courts

Number of pronounced penalties

- 1,018 different penalties (a 17% increase)

² Ministry of Justice, *Les condamnations en 2013 figurant au casier judiciaire*, 2014 / Ministry of Justice, *DACG Contribution au rapport de la CNCDH*, June 2015.

Prison sentences

A sentence was pronounced in 92% cases of aggravated procuring and 63% in cases of first degree procuring, a steady figure by comparison with 2012. The percentage if related to all penal sentences shows a sentence is pronounced in 22% cases. First degree procuring is sentenced to about 18 months' imprisonment while aggravated procuring is sentenced to over 2 years' imprisonment; the general average of all convictions is 7.7 months.

Impositions of a fine

On the general level, in 2013, the average pronounced impositions of fines (added to a prison sentence) was 7,800 € (8,448 US\$). First degree procuring was sentenced to an average fine of 15,007 €/16,254 US\$ (2,808 €/3,041 US\$ in 2012) while aggravated procuring was sentenced to an average 10,307 €/11,163 US\$ (9,000€/9,747 US\$ in 2012). There has been a consequent increase since 2012 but it remains out of proportion with criminal profits. The Direction Centrale de la Police Judiciaire (DCPJ) assessed the 2014 turnover in France at 504 million € (about 546 million US\$), 80% of which was laundered by organized crime networks. The maximum fines which are provided by the French Penal Code amount to 150,000 € (162,465 US\$) for first degree procuring (article 225-5) and to 1.5 million € (1.62 US\$) for aggravated procuring (article 225-7).

Supplementary sentences

36% of the pronounced sentences for all the convictions in France are accompanied with supplementary measures. 99% of procuring cases are concerned. The main added measures are the banning of condemned from French territory (110 cases among the 324 sentences for aggravated procuring) and the seizure of criminal assets (309 cases among the 504 sentences).

The procedure length of time

41.9 months for first degree procuring (a 27% increase) and 27 months for aggravated procuring (a 3% decrease). On the whole, procedures concerning procuring (first degree or aggravated) are three times longer than all penal procedures on an average basis (12.9 months in 2013).

Resort to remand

Remand has been resorted to in 54% of aggravated procuring cases and 31% of simple procuring cases, meaning a 17% decrease if compared with 2012.

Remand length of time

In 2013, the remand length of time has slightly increased to 7,8 months for simple procuring, from 6,7 months in 2012 and 9,5 months in 2013 for aggravated procuring from 9,2 months in 2012.

Convicted people

Age of the convicted people

This kind of crime implies some maturity of mind. In 2013, 78% of the persons convicted for procuring were over 25, the average for the 610,000 convictions including all offenses was 62%. These figures are very much the same as in 2012.

Gender of the convicted persons

In 2013, three times as many women were convicted for this crime than for the other offenses. The specificity of this crime lies in the over-representation of the convicted women: 32% in procuring cases (a 10% increase in comparison with 2012) versus 10% convicted women for all offenses.

Convicts' nationality

The recurring high percentage of foreign convicts is the consequence of the transnational nature of these cases. Whereas 14% of all the persons convicted in France are of foreign origin, the percentage reaches 57% in sentences for first degree procuring and 61% in sentences for aggravated procuring. The increasing proportion of French convicts for organized procuring (39% in 2013 versus 31% in 2012) is a worrying mark of the trivialization of these offenses among the national delinquent population.

Sources

- CRIDES/Fondation Scelles, *Revue de l'actualité internationale de la prostitution*, 2013.
- CRIDES/Fondation Scelles, *Revue de l'actualité internationale de la prostitution*, 2014.
- *Les tendances de la traite des êtres humains à des fins d'exploitation sexuelle en 2014*, DCPJ, Ministry of Interior, Paris, May 19th, 2015.
- Ministry of Interior, DCPJ, *Traite des êtres humains à des fins d'exploitation sexuelle 2014*, Sous-direction de la lutte contre la criminalité organisée et la délinquance financière, OCRTEH, April 2015.