

Ethics Charter for French adult-content production

Purpose of the charter

This charter is based on the values of the Universal Declaration of Human Rights. It is intended to bind all its signatories or members: it is the foundation of the ethics of the professionals who endorse it.

Its purpose is to provide a framework for the protection of the various X-rated professionals, whether they are actors, actresses, technicians, or other people involved in the filming process.

In order to ensure a good understanding and interpretation of the present charter, a guide including 18 recommendations resulting from the consultation with the professionals of the sector is appended to it.

Article 1. Respect to human dignity

1.1 Exclusion of specific practices and free will

All professionals are committed to working in a trustful, respectful and caring environment.

All professionals are committed to prohibiting any practice that undermines human dignity, any form of physical or psychological abuse, as well as any form of humiliation or discrimination.

The consent of the actors and actresses to sexual practices must be clear, prior, free and informed.

No underage persons are allowed on the sets for any reason whatsoever.

Any form of zoophilia is excluded.

1.2 Health and safety

Professionals shall ensure that health and safety conditions are complied with on film sets and during castings for all members of production teams. Productions must provide all the necessary means of protection and hygiene for the sexual practices of actors and actresses. Condoms, personal hygiene supplies and first aid kits must be available and freely accessible to actors and actresses at all times while on set.

Productions shall strive to ensure that each professional fully understands the conditions and consequences of their commitment.

The STD-free check of each actor and actress before each shooting must be absolute. All concerned professionals undertake to comply with this requirement beforehand and

within a timeframe that allows for effective control to ensure the safety of the other actors and actresses. Actors and actresses undertake to comply with this requirement and to provide their partner(s) with the medical certificates attesting to this prior to each sexual encounter.

Apart from filmed scenes or photo shoots, the necessary means are made available to allow for the privacy, hygiene, and comfort of each person, particularly in terms of accommodation, of which they will be informed when hired.

As the shooting sets are places where security, privacy and hygiene must be provided to all members of the staff, access to these areas is strictly forbidden to anyone who is not part of the production.

Article 2. the principle of a right to contract

2.1 Pre-contractual information

Prior to their commitment, each actor or actress formally notifies the Production of the practices to which they give consent, which the Production will strictly abide by.

Each actor and actress is notified, in regard to their commitment to a production, of the expected duration of their involvement, the role and precise practices to which they are committed, their partners, the total remuneration for their performance and any form of transfer of rights that they may agree to.

This information is delivered at least one week prior to the beginning of the shooting, except for beginners in which case this delay is extended to 15 days.

2.2 Compulsory indication

The contract of each participant stipulates remuneration in reference to a work time or to a flat-rate benefit, as well as, for the actors and actresses, the duration and the use of their image.

2.3 Right to withdraw

Actors and actresses can terminate their contract without any charge if they are not comfortable with the sexual partner(s) and/or unforeseen practices for their scenes or in case of serious physical or psychological discomfort that could affect their health.

Article 3. Contract effectiveness and execution

All professionals agree to fulfill the contracts in good faith, which implies: a precise and prior information of each participant, notably by the production, about the schedules, dates and locations of the shooting, the shooting conditions for each day, and the constraints to be expected.

All members of the production team agree to act as professionals, notably to respect the work plan and its schedules, and to maintain a professional attitude throughout the shooting, with all participants involved.

Actors and actresses commit themselves as professionals, to be in full capacity of their means and to always behave in a way that is appropriate to their profession in terms of health and hygiene.

Article 4. Establishment of a trusted third party

A trusted third party (privacy coordinator) is available on the set for each actor and actress to mediate, advise and support them during filming in case of queries, doubts, difficulties or conflicts with the director, the production or with another actor or actress. This third party made available by the production, at its expense, carries out its mission freely and has the means to ensure that the consent, privacy and sanitary conditions required for each actor and actress are respected.

Article 5. Obligation of means

Productions and directors will strive to ensure the comfort of shooting crews and the respect of their working conditions within the framework of this charter.

Monitoring the health of actors and actresses regarding STDs and the provision of condoms falls under the obligation of the outcome. Actors and actresses are free to use the additional means of protection of their choice.

Article 6. Confidentiality and privacy

All professionals agree to respect the privacy of each person participating in the production and to comply absolutely with the right to practice under a pseudonym, and not to violate this principle.

Article 7. Concealed employment and laundering of tax fraud proceeds

All professionals undertake to declare their professional activity and the revenue they earn from it so as not to be involved in any clandestine activity.

The recognition of each participant on any shooting set is mandatory by the formalization of a contract (article 2 of the present charter) and at least one proof of identity, along with a social security number or proof of registration INSEE / KBIS or equivalent under foreign law.

Appendix:

The 18 recommendations resulting from the consultation on the Ethics Charter for French adult-content production

From December 2020 to March 2021, a consultation was carried out with the aim of drafting an ethics charter for the X-rated professions. This survey was conducted with representatives of the X-rated professions, actresses, actors, producers, broadcasters, directors, production managers and assistants, photographers, make-up artists, as well as consumers and association representatives. We hereby suggest an explanation of the issues and tensions at stake in the interviews on the various subjects addressed. These testimonies have led to the drafting of these 18 recommendations and directly inspired the articles of the charter. If the charter is written according to formal requirements, the suggestions that inspire it immediately translate, in the words of the interviewees, the crucial points raised by the consultation.

If the charter is intended to serve as a compass, a reference mark, the recommendations as they are written here are intended to promote the charter, to discuss in a simple and clear manner the conditions necessary to improve the quality of life at work of X workers and, more generally, the protection of their physical and psychological integrity. **These 18 recommendations are intended to serve as a practical guide for a proper understanding and interpretation of the charter.**

Contractual framework for actors

1. All actions (sex and comedic scenes, number of partners, expected sexual practices) and salaries or remuneration are defined in advance with the actor/actress and established in a contract. The contract is signed before the shooting in a period that provides for a calm reflection. No situation or practice not described in the contract may be requested of the actor/actress, etc. by the production or director at the time of shooting. No pressure of any kind may be exerted on actors and actresses to obtain their consent for these new situations or practices.

Everything in the interviews leads to this proposition, which forms the keystone of the entire process. Everything that will be requested must be described and agreed upon in a written document, as well as all the practical details of the shooting. This contractualization will replace, in some cases, informal agreements and/or text message exchanges with screen captures. In some cases, it is therefore a matter of formalizing the informal, in other cases, it is simply a matter of providing a clear framework. Here, we allow a free consent, outside the pressure of the salary or the pressure of the shooting, or even the blackmailing of endangering the team's work. Thanks to this method of contractualization, an actor or an

actress must know precisely before coming on a shooting what they are committed to and what they are not committed to, and in a more prosaic way, what the remuneration that is announced corresponds to.

A further question remains under discussion: should a pre-contract be signed and then a contract? The participants generally agree on two points: everything must be defined in advance, because even if there is a breach of the preliminary agreement, the actor or actress will be able to claim their rights afterwards; it is necessary to avoid overly heavy procedures and the multiplication of "paperwork", especially because the practice and the economic model of the actors in the sector does not allow for this multiplication (the resources necessary for the management of the procedures imply an additional cost which can endanger the profitability of small structures).

2. The precise schedule of working days is specified in a shared work plan before the shooting with the actors, actresses and technical teams. This work plan is attached to the contract. It specifies the reception, accommodation, transportation, catering, and rest conditions. It also details the scenes to be shot, their location and their casting.

In this case, it is a request from every participant. From the producer or director's perspective, it is a way to manage a limited time and to make the most of the resources raised for the shooting. From the actor and actress perspective, it is a comfort tool that allows them to prepare themselves, to manage their efforts, to check the reception conditions and to be in a clear, professional, and reassuring environment.

3. The contract is written in a language that the actor or actress can easily read and understand.

This recommendation addresses a trend where, productions based outside of France issue contracts in English, Maltese (etc.), which are not read by the actors and actresses anyway, who are used to signing them on a corner of the table, before the start of shooting, during or after, when there is a little time available. This goes hand in hand with a distancing from the object of the "contract" and the signing of the contract, as if this process was a mere formality, the essential being negotiated beforehand for the best situations, or negotiated during and afterwards, for the hardest, and most prone to abuse situations.

4. The contract defines a right to withdraw. At a minimum, this right to withdraw covers situations and practices not specified in the contract. No change in remuneration can be applied in the event of a refusal of an unforeseen practice. A right to withdraw in the event of discomfort or embarrassment that may impact physical or psychological health must be stipulated.

Finally, an actor may cancel their contract without any cost if they are uncomfortable with non-contractually agreed upon sexual partners.

The suggestion has two separate, but equally, important aspects. The first aspect is unanimously agreed upon since it guarantees the first two suggestions. An actor or actress always has the right to refuse any practice that is not specified in the contract. The second aspect is more delicate and establishes that, in situations of discomfort due to a physical or psychological inconvenience, an actor or actress must be able, without being pressured, not

to perform a particular practice. Ironically, many actresses have a double standard on the matter, mentioning physically hard scenes, but claiming for themselves a form of heroism, a "professional" sense of sacrifice: "you're paid, it's your job, you do it". In a more delicate way, there is no consensus on the fact that an actor or an actress can ask for a break or the abandon of a practice following a psychological discomfort. To summarize the general feeling, one could use the following expression: "it would be nice but it is not possible", it would too easily jeopardize the shooting. Therefore, the charter merely suggests that where maximum protection is possible, it is good to provide it.

Work environment

5. The shooting areas must be clean and safe for the health and safety of the actors, actresses and technical teams. Actors and actresses have easy access on the set, or in the immediate surroundings for outdoors locations, to a private rest area as well as to sanitary facilities, at least private toilets, and showers, allowing them to shower and respecting their privacy. The necessary hygiene and protection material (condoms, lubricants, wipes, towels...) are provided free of charge by the production and are easily accessible throughout the shooting. The make-up equipment is subject to hygienic vigilance (use reserved for the make-up artist, disinfected brushes, false eyelashes renewed, etc. between each actor/actress). The production will always strive to ensure the safety of people and property.

This is nothing more than a generalization of the best practices in the French X industry. The only point which seems to be systematically improvable is the hygienic vigilance around the make-up. Beyond the obligations of the production, the actors will be free to bring their own material - perhaps more adapted to their personal needs, for example in terms of lubricant with a specific pH, adapted to a specific practice. However, these are professional supplies and it is necessary to ensure that the actors and actresses can, in good sanitary conditions, perform all the procedures necessary for the proper exercise of their profession.

6. A trusted third party is available to each actor and actress on the set, at the production's expense, to provide guidance, advice and listening. This third party will be responsible for ensuring the comfort, well-being and respect for the consent of the actors and actresses. The production must guarantee the independence of this third party, whether they are an employee, freelancer or member of an association. This third party is available for any actor or actress involved in the shooting. They will have to mediate in case of conflict as well as to advise and listen to the actors and actresses. However, no person from outside the filming process may be admitted to the filming set without the prior written agreement of the production and each actor or actress.

This suggestion echoes the various existing chaperoning practices mentioned during the interviews; the refusal of many of the interviewees to see someone from outside the X industry or outside the crew on the set; the need, especially for beginners, to be accompanied and supported by a confidant or mediator (a role often assumed on the sets by the make-up

artist); the desire of certain producers to have, on the shoots, a person capable of ensuring compliance with the charter.

Health

7. Tests (HIV, syphilis, gonorrhea, trichomonas, hepatitis B and C, herpes, chlamydia, HIV viral load, taken fewer than 14 days before the date of the planned sexual act, are to be provided to the production before filming (and for the current period, a Covid RT PCR according to health recommendations) and before each sexual encounter to each partner by all actors and actresses. They will be taken care of by the production. This medical information is strictly protected by the production.

Several issues intersect here. On the one hand, the tests are seen as a necessity by all the interviewed parties, but they are also seen as insufficient, since they do not totally guarantee the sanitary safety of the actors and actresses (in 14 days or in 7 days, the actor or actress may have had other sexual relations and change their sanitary status without the tests testifying to this). This is therefore a minimum. This suggestion also covers the difficulty encountered by some actors and actresses in getting their tests prescribed and paid for, or in obtaining reimbursement for their tests from productions. The interviews also reveal a massive practice of "PrEP" administration in gay pornography. Many of the people interviewed complained that the French system does not officially allow consultation of medical data. Thus, instead of really protecting personal health data, this leads to an informal circulation of these personal health data, an informal circulation that is naturally impossible to control completely. Many of the people interviewed mention with envy the American system in which the results are centralized by two laboratories that only make public simple information: "available for filming", "on hold" or "unavailable for filming".

8. Actors will be warned of the risks of using ingested or injected drugs to ensure their erection and the production will provide them with the contacts of specialized doctors. The sequencing of scenes and the work rate should not make it necessary for male actors to take medication.

This suggestion goes far beyond the expectations of the participants, who do not seem to be aware of the medium- and long-term consequences of these medicinal practices, in particular the papaverine injections on the penis, on the sexual life and the health of the actors. This consumption is part of a competition between the actors, to avoid all the breakdowns or causes of the loss of time on the shootings and finally in a saving of time of preparation for the actors as well as of physical care. The erection becomes a simple mechanical data depending on a medicinal supply and an injection. The interviews reveal, beyond the risks of thrombosis, the dangers of this practice -which seems to be widespread- on the sexual life in the private sphere, as well as, to a lesser extent, the deleterious effects on the relationships between actors and actresses during the shooting.

9. Protection of actors and actresses must be a priority. No actor or actress can be forced to perform without a condom against their will. Productions are encouraged to enforce condom use on set. If they do not, actors are free to demand the method

of protection they wish without the production, director or partners being able to object. This is the topic of prior information that is written into the contract.

Here, the suggestion simply reflects the application of the first two suggestions in this area. Everyone is free to protect themselves better: productions can require that every sexual intercourse be protected with a condom, actors and actresses can require that they protect themselves during every sexual intercourse with a condom, and no one can object to this.

Beginners

10. Actors or actresses who are new to pornographic productions are given special support. On the one hand, they are informed of the existence of the charter, of its content, of the minimum legal remuneration until it is defined by the profession, for each scene involving sexual relations (as an indication, the consultations allow us to offer a minimum of 400€ per heterosexual scene, especially for small productions), of the social, professional and family consequences of the exposure of their image particularly on the web and social networks, of the irreversibility of the transfer of their image rights, of the contractual conditions recommended by the charter and the contacts of specialized associations. In addition, they are offered the opportunity to attend a film shooting before being involved in one themselves. It is necessary to leave a reflection period of at least one week before any participation in a shooting.

This suggestion is based on testimonies that describe the first shoots as the place where abuse occurs (pressure, blackmail, lack of remuneration, problems of informed consent...). Older actresses describe themselves as 1. knowing how to defend themselves better; 2. knowing their rights better; 3. knowing the rules of the profession better and knowing who is reliable or not in the field. In order to support and protect the beginners, systematic support by an association, a professional and responsible support person and special conditions are being suggested. In addition, in order to reduce competition between active actors and newcomers, a minimum remuneration is proposed; it is not only a question of limiting aggressive competition practices, but it is also limiting the opportunity for producers to offer low remuneration to beginners, by making them hope for a future career. Finally, it is a matter of systematically associating a value to the actions carried out within the framework of the actor's profession. There is no act that does not have a value, "you cannot sell your work for less than nothing". This minimum compensation will be the topic of a continuous negotiation between actors and producers.

11. The period of time during which the image of the actors and actresses will be distributed (transfer of image rights), and all possible distribution media are clearly specified at the time of signing the contract. At the end of the defined period, the videos must no longer be distributed, and the image of the actors and actresses must no longer be used.

This matter is the subject of major disagreements between actors and producers on the one hand, and between producers, on the other hand. Indeed, the economic models of the latter differ greatly and for some producers, a program is considered profitable after one year, for others after three years, and for others, it can only be profitable if it joins a cohort of thousands of other programs exploited over a very long period. Broadcasting rights are also transferred to other broadcasters. The monitoring and distribution of rights appears to be a time-consuming, if not impossible, burden for many of the people interviewed (especially

producers and broadcasters). This suggestion therefore seeks a minimum protection of the rights of actors and actresses, with the responsibility of producers to provide attractive conditions. An important theme raised by some of the actresses in the study group is the following: scenes are poorly paid; they are only profitable in the eyes of the actresses if they can achieve notoriety which they can then make profitable by developing their own platforms. Therefore, these actresses believe that broadcasting (and in a sense the control, the prior agreement on broadcasting) is part of their remuneration. They want to know from the start how their image will be used and for how long.)

12. The anonymity of each and every one, if it is requested, is strictly respected, especially through the respect of the stage names (for the actors and actresses, as well as for the technical teams, directors and make-up artists). Involved people choose their pseudonym, and this choice is strictly observed by the production.

This point is unanimous, as much for the affirmation of the need to guarantee anonymity, as for the loosening of practices of certain productions, personal data of actresses and actors often being found on social networks. It is a matter of protecting the actors in activity but also of ensuring them the best conditions for a career change.

Commitments of the actors and actresses

13. All participants in the filming process commit themselves to acting professionally, especially with regard to respecting the work plan and its schedules and maintaining a professional attitude throughout the filming process.

This point is unanimously agreed upon by the study group and is immediately mentioned by many actors and actresses as an important point for the filming process to take place in good conditions, both from the point of view of efficiency and from the point of view of a "professional" atmosphere, which guarantees the smooth conduct of the filming process. Some productions or directors will add: "on time, rested, in shape, etc."

14. Actors and actresses commit themselves as professionals to be in full capacity and to always adopt an attitude appropriate to their profession in terms of health and hygiene.

This point was unanimously made by the study group and was immediately mentioned by many of the actresses who complained about the sometimes-unsuitable hygiene of their young beginner partners, some of them even proposing training sessions on intimate hygiene for beginners. The use of drugs or alcohol must be forbidden, and the actors and actresses must imperatively take care of their good health, especially in terms of sexual diseases. Therefore, they commit themselves to undergo medical exams expected by the production, and before each intercourse, to share their test with their partner(s).

15. Actors and actresses and crew members agree to behave in a respectful manner toward each member of the film crew. Actors and actresses will show special respect for their sexual partners by establishing a climate of trust and sharing their sexual boundaries before any intercourse. Special attention will also be paid to off-camera moments.

This point was unanimously agreed upon by the participants.

16. Actors and actresses agree to respect the production's requests regarding the capturing of images for personal use.

Here, it is a matter of finding a balance between commitment and respect for the production's investment (actors and actresses, sets, make-up, costumes), which sometimes makes actors and actresses want to make the most of their time on the set by using the means at their disposal for personal purposes. This will result in photos and videos for their personal purposes using the set and/or the work of the stylist but which can also "exhaust" the actors and actresses who would shoot X scenes in their spare time and consequently not find any rest. At the same time, the productions can use the actors' and actresses' networks to promote the film produced at low cost. A point of agreement must be found and explained in advance. It is not a matter of systematically prohibiting these practices but of allowing them to develop in a harmonious way.

17. The productions and the actors and actresses agree to take the necessary precautions to ensure that they are in compliance with the law prior to any shooting, whether they are self-employed or employed in the entertainment industry.

The productions, by referring them to specialized associations if necessary, must make their best efforts to assist new actors and actresses with administrative, legal and tax issues. The actors and actresses agree, as professionals, to abide by the legal framework.

18. Actors and actresses must present two valid forms of identification with photos at the beginning of the shoot. Consent, verification of the majority... are key points.

This suggestion was unanimously supported by the study group. For all the people questioned on the subject, this point is an obvious one that cannot be questioned, a practice that is totally anchored in the customs. The only situation in which the rule can be circumvented - without even realizing it - is when a high degree of familiarity between the actors and actresses, or between the production and the actors/actresses, makes the process irrelevant.