Joint statement: Human rights groups regret outcome of European Court ruling on France's criminalisation policies in relation to sex work

article, socio-economic rights, sex workers

On 25 July, the European Court of Human Rights (ECtHR) ruled in *M.A. and Others v. France* that there has been no violation of Article 8 of the European Convention on Human Rights.

In December 2019, more than 250 sex workers took their case to the European Court of Human Rights to challenge whether the criminalisation of clients was compatible with their fundamental rights: the freedom to pursue a professional activity, the right to personal autonomy and sexual freedom, and the rights to physical integrity and life.

With its ruling that there had been no violation of Article 8, the court refused to affirm the human rights of sex workers.

The Court nonetheless stated that national authorities have a duty to keep the approach they decided to adopt under constant supervision, especially when the approach was based on a general and absolute prohibition of the purchase of sexual acts. This, the Court said, is to ensure that the approach can be amended depending on the evolution of international standards and European society in this field, and the consequences of the implementation of this legislation.

With this joint statement, our organisations express our deep solidarity with the 261 sex workers, most of them migrants of different genders, who, despite their precarious situation, had the courage to unite and challenge the French state to oppose a law that puts their safety and health at risk.

Our organisations are leading civil society networks and human rights organisations. We have decades of experience and expertise in addressing women's rights and gender equality, human rights, sexual and reproductive health and rights, HIV, harm reduction, the rights of LGBTI people, digital rights, human trafficking, migration, racial justice and criminal justice. All eight organisations have come to the same conclusion: the criminalisation of the purchase of sex or of any other aspect of sex work does not protect sex workers' rights. It also fails to address the root causes of the very serious issue of trafficking and forced labour. From our expertise, we know that the overuse of criminal laws to solve societal problems actually harms those most vulnerable in our societies.

Criminalisation policies hinder meaningful inclusion and consultation with sex workers and reinforce social stigma. Labelling all sex workers as victims is patronising and adds to the barriers to accessing community-led health and violence prevention programmes.

We are appalled by the fact that such policies are promoted and celebrated by some so-called feminist organisations. Carceral feminism, which sees criminal law as a tool for achieving gender equality, harms those who are most marginalised in our society and disproportionately impacted by racial profiling, police brutality and over-surveillance.

We are deeply disappointed by the decision of the European Court of Human Rights. Regardless of this judgement, our organisations stand in solidarity with sex workers and will continue to advocate for the full decriminalisation of sex work.

It is only by adopting a human rights-based approach, decriminalising all aspects of sex work, and meaningfully including sex workers and sex workers' human rights defenders in decision-making, that people selling sex, as well as victims of sexual exploitation, can be protected and the violations of their rights can be addressed.

Signatories

Equinox Initiative for Racial Justice

ILGA-Europe

European Sex Workers Rights Alliance (ESWA)

Global Alliance Against Traffic in Women

AIDS Action Europe

Trans Europe and Central Asia (TGEU)

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