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**France: Criminal Proceedings Against Organized Sex Workers Violation of Articles 2, 3 and 8**

In its decision in the case of *M. A. and Others v. France* (application no. 63664/19) the European Court of Human Rights has, by a majority, declared the applications admissible. The decision is final. The applications concerned the creation, under French criminal law, of the offence of purchasing sexual relations.

According to the applicants, who engage lawfully in prostitution, the possibility of criminal proceedings being brought against clients pushes those engaged in prostitution into operating in a clandestine manner and in isolation, exposes them to greater risks for their physical integrity and lives, and affects their freedom to define how they live their private lives. They argue that, in consequence, it breaches their rights under Articles 2, 3 and 8 of the Convention.

Without ruling on the merits at this stage, the Court declared the application admissible after acknowledging that the applicants were entitled to claim to be victims, within the meaning of Article 34 of the Convention, of the alleged violation of their rights under Articles 2, 3 and 8. The decision does not prejudice the merits of the application, on which the Court will rule in a subsequent judgment.

The applicants are two hundred and sixty-one men and women of various nationalities: Albanian, Algerian, Argentinian, Belgian, Brazilian, British, Bulgarian, Cameroonian, Canadian, Chinese, Columbian, Dominican, Equatorial Guinean, Ecuadorian, Spanish, French, Nigerian, Peruvian, Romanian and Venezuelan, who state that they “are habitually engaged in prostitution, in a lawful manner under the provisions of French law”. They complained about the criminalisation of the purchase of sexual relations, even between consenting adults, introduced by Law no. 2016-444 of 13 April 2016 “to strengthen the fight against the prostitution system and provide support to prostituted individuals”, and codified in Articles 611-1 and 225-12-1 of the Criminal Code.

The applicants submitted witness statements to the Court, describing how their situation had deteriorated in the period since the purchase of prostitution services had been criminalised.

**Complaints, procedure and composition of the Court**

The application was lodged with the European Court of Human Rights on 6 December 2019. Relying on Articles 2 (right to life) and 3 (prohibition of inhuman or degrading treatment) of the European Convention of Human Rights, the applicants alleged that the French legislation criminalising the purchase of sexual relations seriously endangered the physical and mental integrity and health of individuals who, like them, engaged in prostitution.

Relying on Article 8 (right to respect to private life), the applicants argued that the fact of making it a criminal offence to obtain sexual services in exchange for payment, even where this occurred between consenting adults and even in purely private places, radically encroached on the right to respect for the private life of individuals engaged in prostitution and of their clients, in so far as this included the right to personal autonomy and sexual freedom.

The decision was given by a Chamber of seven judges

The decision is available only in French  
<https://hudoc.echr.coe.int/?i=001-226443>

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