



Sex workers are raging and mobilising. The Court has left them behind.

Munich/Strasbourg, July 25, 2024.

Today, on July 25, 2024, the European Court on Human Rights issued its judgement in a case [MA and others vs. France](#). While the court didn't find that the French law explicitly violates Article 8 of the European Convention on Human rights, it notes it is fully aware of the difficulties and risks - undeniable - to which sex workers are exposed in the exercise of their activity. The court apparently took into account the fact that the criminalisation of the purchase of sexual services as a tool to combat trafficking in human beings is currently the subject of a lively debate, which is deeply divisive both at European and international level.

“With this ruling, these judges have their hands stained with the blood of people like Vanessa Campos and Jessica Sarmiento, Peruvian trans women sex workers murdered at Bois de Boulogne, and those of around thirty sex workers who have died since 2016, the year in which the French law was implemented, making our work much more dangerous and criminalised”, Sabrina Sanchez, the director of European Sex Workers' Rights Alliance says.

The persistent association of exploitation, violence against women and sex work is very damaging to the health and safety of those affected. States that criminalise customers under the pretext of combating exploitation are in fact fighting sex work, regardless of the conditions under which it is carried out. In doing so, they endanger the health and safety of the persons concerned and violate their rights to personal autonomy, sexual freedom and freedom to exercise their profession.

“All human rights apply to sex workers. Sex workers don't have to act in any particular way to earn their human rights. They already have their human rights. It is specifically the patriarchal control of women's sexuality, particularly in relation to sex workers, that creates space for people to think that autonomy can be outside the person so that the state can try to control and regulate it”. Says Dr. Tlaleng Mofokeng, UN Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, who submitted an amicus curiae brief to the Court.

Another human rights body that has clearly articulated the human rights implications of criminalising the purchase of sex is the [UN Working Group on Discrimination against Women and Girls](#) in 2023 or, the [Council of Europe Commissioner on Human Rights](#) in February this year.

In December 2019, more than 250 sex workers, many of them migrants and/or gender minorities, 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.

A press conference co-hosted by ESWA at the International AIDS Conference in Munich sparked a wave of outrage, commitment and solidarity across the sex worker and human rights movements.