

"Nothing About us Without us"

Legal Actions against the Penalization of Clients by Sex Workers and Community-Based Organizations in France

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France: Sex Work Under the Nordic Model

In France, sex work is legal but the conditions under which it is carried out are illegal. Sex workers (SW) are considered victims that must be protected from themselves. While third-parties criminalization has long been in effect, a Nordic model prostitution law was voted in April 2016. SW were not involved in crafting the law. This "neo-abolitionist" legal framework impedes public health and access to rights by increasing vulnerability and violence against SW. It has a documented negative impact on their health, their exercise of human rights, and makes more difficult for them to negotiate safe-sex practices. In order to challenge this harmful legal framework, SW and their community-based organizations engaged in legal actions.

From the French Constitutional Council (CC) to the European Court of Human Rights (ECHR): Sex Workers Claiming Their Rights!

Different Stages of Legal Advocacy and Community Mobilization

April 2018

Community-based Study Publication

What do Sex Workers Think about the French Prostitution Act?

A sex buyer law impact assessment involving 11 community organisations surveying more than 600 SW.

June 2018 – February 2019

Referral to the French Constitutional Council (CC)

A decree of the law was challenged in June 2018

A "Priority preliminary ruling on constitutionality" was then filed in September 2018

- 29 SW supported by 22 non-governmental organizations (NGO) leveraged this procedure in order to invalidate the penalization of clients under the 2016 sex buyer law.

Constitutional Council Decision

- On February 1st, 2019, the CC issued a negative decision that confirmed the sex buyer law. While it recognized that sex work could be carried out freely, it relied on human dignity to defend the Nordic model and the fight against human trafficking and exploitation.

December 2019

ECHR

The Nordic Model challenged at the ECHR for the first time

Following the exhaustion of domestic legal remedies, 264 SW working in France brought their case to the European Court of Human Rights. International SW-based community organisations are closely following this process as an ECHR ruling could affect the model application in other European countries.

To be continued

The ECHR has one year to determine if they can proceed with the case or if it is deemed inadmissible.

Lessons

While the legal outcome of the referral to the ECHR is still uncertain, the different stages of the legal actions also have positive impacts:

- Strengthening a grassroots SW movement;
- Media mainstreaming of SW's political demands;
- Public awareness of the sex buyer law failures;
- Strengthening alliances;
- Strengthening advocacy at the European level.

Conclusions

Sex workers legal action remind us that public policies cannot be crafted without involving the people affected by them. By engaging into legal action, they mobilize their communities and bring themselves back at the center of the debate. They expose the concrete and harsh consequences of ideology-based policy issued without taking into account their health and their human rights. This is a strong issue especially because France and Sweden make prostitution neo-abolitionism an axis of their European diplomacy.

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