



M.A. AND OTHERS V. FRANCE (2024): THE MARGIN OF APPRECIATION AND THE MARGINALISATION OF SEX WORKERS

Carte blanche à
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in Public Law and
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SEX WORKERS' RIGHTS
ARE HUMAN RIGHTS!

9 MARS 2026

⌚ 17H00-19H00

Salle 102

Manufacture des Tabacs
6, rue Pr. Rollet, Lyon 8^e

Organisé par l'IDCEL-EDIEC sous la direction de :

Laurence FRANCOZ TERMINAL, Maître de conférences en droit privé (IDCEL-EDIEC), Directrice du D.U. de droit anglais, Université Jean Moulin Lyon 3

INTERVENANT

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Présentation :

In *M.A. and Others v. France* (2024), the European Court of Human Rights unanimously held that French legislation criminalising the purchase of sex did not violate Article 8 of the European Convention on Human Rights. The applicants—261 sex workers—had complained that this law, which criminalises the purchase but not the sale of sexual services, compelled them to work clandestinely and in unsafe conditions to prevent police detection of their clients. They argued that this increased their exposure to violence, endangered their health and well-being, and violated their personal autonomy and sexual freedom under Articles 2, 3, and 8 ECHR. This presentation challenges the Court's reasoning on two grounds. First, it contends that the Court's decision to examine the case exclusively under Article 8 overlooks the applicants' central complaints regarding the law's effects. Second, it argues that in seeking to remain neutral between anti-prostitution and pro-sex worker perspectives, the Court applied European consensus and 'procedural review' in a manner that justified a wide margin of appreciation, ultimately disadvantaging the applicants and potentially undermining sex worker rights protection across Europe.



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