

The Honorable Siofra O’Leary
President of the 5th Section
European Court of Human Rights
Council of Europe
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Re: Application for a third-party intervention in the case *M.A and Others-v. France* (Case n° 63664/19, 64450/19, 24387/20, 24391/20 et 24393/20)

Brussels, Belgium and Amsterdam, the Netherlands,
15 June 2021

To the Honorable Siofra O’Leary,

We are writing in accordance with Article 36(2) of the Convention and Rule 44(3) of the Rules of Court to request that the President of the Chamber grant leave to submit a third-party intervention in the above-named case to PICUM - the Platform for International Cooperation on Undocumented Migrants, La Strada International and Equinox Initiative for Racial Justice.

Following the Court’s decision of transmission of 23 March 2021, which was published on 12 April 2021, this application is duly submitted to the Court within the twelve weeks delay pursuant to the rule 44 of the Rules of Court.

The case before the Court concerns the alleged negative impacts on sex workers’ rights of Law n°2016-444 of 13 April 2016 enacted by the French Parliament and codified under the article 611-1 and 225-12-1 of the French Penal Code.

The Applicants claim an interest to intervene before the Court, having mandates and expertise focused on the legal aspects and practical impacts of policies across the European region and beyond, on the human rights of undocumented migrants and trafficked persons, including those engaged in sex work **(1)**.

In the event that the Court grants this Application, our expertise will allow us to submit an analysis of the impact of the criminalisation of aspects of sex work on the human rights of migrant sex workers and trafficked persons, which may be useful to the Court in the resolution of the proceedings **(2)**.

1) Regarding the third-party's interest in taking action

Migrant sex workers were estimated to comprise more than 65 percent of the sex worker population in Western Europe, according to the last available estimate from 2008.¹ In addition, one of the primary objectives of laws criminalising aspects of sex work, including the French law under litigation, are to strengthen measures to combat human trafficking for sexual exploitation. Therefore, the following organisations claim of an interest to intervene before the Court in the light of their expertise on human rights of migrant sex workers and trafficked persons, and on the impacts of migration, anti-trafficking and sex work policies.

PICUM - the Platform for International Cooperation on Undocumented Migrants (hereafter, PICUM) was founded in 2001 as an initiative of grassroots organisations and aims to advance human rights and social justice for undocumented migrants. PICUM now represents a network of more than 168 organisations working in 34 countries, primarily in Europe as well as in other world regions, several of whom are specialised in the rights of sex workers and/or trafficked persons.

PICUM has built a comprehensive evidence base regarding the gap between international human rights law and the policies and practices existing at national and local level. With 20 years of evidence, experience, and expertise on undocumented migrants, PICUM promotes recognition of their fundamental rights, providing an essential link between local realities and the debates at policy level. With reference to the issues raised by the case under litigation, PICUM has analysed the specific situation of undocumented migrant sex workers across Europe and the various policy measures that may impact negatively or promote their human rights.

La Strada International – European NGO Platform against trafficking in Human Beings – was established in 2004 as an independent international association, nine years after the first La Strada Project was launched in 1995. The platform, now representing 30 anti-trafficking NGOs in Europe, aims to prevent human trafficking and to protect and realise trafficked persons' rights.

Over the last 25 years, La Strada International's members have directly assisted thousands of persons that have been trafficked, exploited or abused with legal aid, psychological support and empowerment programmes, which has built the knowledge and expertise of the platform on the needs of trafficked persons and the gaps in policies and legislation and its implementation. La Strada International monitors that legislation and implementation of legislation, fully recognises and respects the rights of people and does not adversely affect the human rights and dignity of persons.

Equinox Initiative for Racial Justice is a people of colour-led initiative working to advance rights and justice for all people in Europe. We work in solidarity with a coalition of racial and social justice leaders and organisations to influence European Union law and policy.

The parties have an interest in intervening collectively before the Court given the organisations' complementary expertise and close cooperation, stemming from an intersectional approach to

¹ ICRSE, Intersection Briefing Paper "Surveilled. Exploited. Deported. Rights Violations against Migrant Sex Workers in Europe and Central Asia" (citing TAMPEP), November 2016.

understanding and addressing the human rights violations experienced by migrants linked inter alia to their gender, type of work (especially in sex work), nationality, racialisation, and residence status. La Strada International has also been a member of PICUM since 2007.

As such PICUM, La Strada International and the Equinox Racial Justice Initiative claim an interest participating in the proceedings before the European Court of Human Rights.

2) Regarding the third-party's expertise in the matter

Based on our expertise regarding the matter, we could contribute to the proceedings by offering an analysis of the impacts of legal frameworks criminalising the clients of sex workers, including in the framework of anti-trafficking efforts, on the lives and rights of migrant sex workers and trafficked persons.

In particular, if the Court grants our Application, we will provide the Court with an expert opinion regarding the following:

- Impacts of criminalisation on migrant sex workers' safety and experiences of violence in Europe;
- Impacts of criminalisation on migrant sex workers' access to health services in Europe;
- Impacts of criminalisation on the identification and referral of trafficked persons to assistance, services and support.

If the Court decides to grant us this intervention, we will endeavour to submit our pleadings to the Court in a timely fashion so as to not put any delay on the procedure.

Given the importance of the matter and what we can contribute, we hope the Court grants this Application and our subsequent pleadings. Please do not hesitate to let us know if the Court requires anything further.

Yours sincerely,



Michele LeVoy
Director, PICUM



Suzanne Hoff
International Coordinator,
La Strada International



Sarah Chander
Co-founder, Equinox
Initiative for Racial
Justice