



Organization for Security and Co-operation in Europe

Special Representative and Co-ordinator for Combating Trafficking in Human Beings

Foreword

On 28 June-2 July 2021, I had the pleasure of paying an official visit to France to hold consultations with high-level government officials, law-enforcement, judiciary as well as representatives of civil society, international organizations and private sector representatives involved in the field of anti-trafficking.

The objectives of the visit were to identify promising practices for combating trafficking in human beings (THB) as well as to promote the full implementation of OSCE commitments in the field of anti-trafficking, notably holistic and comprehensive actions aiming to better prevent and respond to human trafficking and to protect and support its victims. I greatly appreciated the constructive discussions held and I was pleased to observe the inspiring commitment of practitioners to further anti-trafficking responses in the country.

The Report was presented to the Delegation of France on 25 February 2022. The Delegation submitted the Government's comments for internal review on 14 October 2022.

France has authored numerous ground-breaking laws and policies - particularly in relation to reducing the demand that fosters sexual exploitation and preventing labour exploitation in supply chains – and has set a high standard on international engagement in the fight against trafficking in human beings. I am pleased to see some progress made since the visit to address the growing challenge of sexual exploitation of children online with the adoption of a dedicated National Action Plan with a broad range of measures foreseen therein. Enhanced capacity building and swift development and adoption of key strategic documents, such as the new National Action Plan to fight against human trafficking and a National Referral Mechanism, would further advance the anti-trafficking framework and guide state and non-state agencies in their work.

I look forward to supporting relevant authorities in the implementation of the comprehensive set of recommendations made in this report, and to deepening our future co-operation in the best interest of the most vulnerable and disadvantaged members of society.

A handwritten signature in blue ink, appearing to read 'Valiant Richey'.

Valiant Richey

Special Representative and Co-ordinator for Combating Trafficking in Human Beings

**Report by the OSCE Special Representative and Co-ordinator for Combating
Trafficking in Human Beings, Valiant Richey following the country visit to
France
28 June-2 July 2021¹**

Summary:

The OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings, Valiant Richey, conducted an official visit to France from 28 June to 2 July 2021 to assess the country's anti-trafficking laws, policies and practices. During the visit, special attention was paid toward efforts aimed at preventing human trafficking, protecting the rights of and providing assistance to trafficked persons, and prosecuting perpetrators in line with OSCE commitments and relevant international standards.

The Special Representative commends France for placing the fight against human trafficking high on the Government's agenda, particularly in the international arena. This high level attention is reflected in the work of the Ministry of Foreign Affairs through its dedicated Ambassador-at-large for Organized Crime, the support of international and multilateral initiatives on combating trafficking in human beings, and the integration of the fight against trafficking in human beings within broader policies on human rights, organized crime, and France's feminist foreign policy. He takes positive note of France's steps to become a Pathfinder country as part of Alliance 8.7 and commitment to eliminate child and forced labour, human trafficking and modern slavery by 2030. He welcomes the decision of France to focus on the fight against human trafficking during its Presidency of the European Union in the first half of 2022, building on the recent Strategy set out by the European Commission for the 2021-2025.

France has also developed pioneering initiatives in the anti-trafficking field, such as the adoption of a ground-breaking duty of vigilance law for private enterprises and laws targeting the demand that fosters sexual exploitation and criminalizing – with substantive punishment – purchasing of sex with a minor. The Special Representative commends the active work of the CNCDH as the country's Independent National Rapporteur on Human Trafficking and robust co-operation built between the civil society organizations and the government. In this regard, the visit permitted the identification of numerous good practices developed by French authorities in their efforts to combat trafficking in human beings.

¹ The Report was finalized on 29 August 2022

The Special Representative also wishes to share several key observations and concerns with regard to specific actions and challenges in the country's anti-trafficking response. There is room for improvement in the application of some existing anti-trafficking laws, as well as a need for accelerated adoption and enhanced implementation of other laws and policies. He highlights the need for better interpretation and application of definitions and principles outlined in international instruments and national laws with regard to human trafficking, as well as for increased awareness and clarity on "irrelevance of victims' consent to exploitation". Increased attention to human trafficking as a domestic challenge in addition to a transnational phenomenon is warranted, especially with regard to the commercial sexual exploitation of children and youth. He also expresses his concerns about the systemic conflation of pimping with trafficking offences and frequent qualification of trafficking crimes as pimping during prosecution, which fails to capture the serious and exploitative nature of the criminal conduct. This trend is particularly acute with regard to the tremendous increase of children reportedly trafficked for sexual exploitation through the Internet.

Below, the Special Representative makes several concrete recommendations to enhance France's response, including development and timely adoption of the new National Anti-Trafficking Action Plan (NAP) and establishment of the National Referral Mechanisms (NRM) for trafficked persons, including children. The NAP should be coordinated and aligned with other action plans and strategies, such as the national strategy on child labour, forced labour, human trafficking and modern slavery. Establishment of an NRM would improve identification of and assistance to victims of various forms of human trafficking, including by creating a proactive, multi-disciplinary approach to victim identification.

Further recommendations touch on the need for capacity building for criminal justice practitioners on the constituent elements of human trafficking and domestic legal doctrine, specialization of prosecution services on human trafficking and development of a dedicated guidance to all stakeholders on the key principles guiding anti-trafficking work, including the irrelevance of "consent" and the non-punishment of trafficked persons for offences committed in the process or as a result of their trafficking status.

He further makes recommendations to help prevent and combat all form of trafficking in children. These recommendations include urgently addressing the frequent downgrading of exploitation of children as "child prostitution" or "pimping of children" and accurately reflecting these as "trafficking of children for the purpose of sexual exploitation" including by swiftly and implementing actions that are geared toward holding all exploiters accountable as well as the identification, assistance and protection of all children who are victims of various forms of trafficking.

I. Introduction

1. This Report presents the central findings and recommendations of OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings, Valiant Richey, (hereinafter referred to as the Special Representative) following his country visit to France on 28 June – 2 July 2021.²
2. The purpose of the visit was to hold consultations with government officials and experts from state institutions and civil society to learn of promising practices as well as to support and advance ongoing efforts to prevent trafficking, assist trafficked persons and protect their rights, and bring perpetrators to justice in line with OSCE commitments and relevant international standards.
3. In the course of the visit, the Special Representative engaged in direct consultations with high-level government officials in Paris, including Ambassador Jean-Claude Brunet, Ambassador at large for Organized Crime under the Ministry for Europe and Foreign Affairs (MEAE); Ms. Elisabeth Moiron-Braud, Secretary General for the Inter-ministerial task force on combating violence against women and human trafficking (MIPROF)/ the National Co-ordinator on Combating Human Trafficking; the National Consultative Committee on Human Rights – Independent National Rapporteur on human trafficking (CNCDH); several departments of the Ministry of Justice – the Office for the fight against organized crime, terrorism and money laundering (BULCO), Directorate of Criminal Affairs and Pardons (DACG), Directorate of judicial youth protection services (DPJJ), the Delegation for European and International Affairs (DAEI), the Penal Policy Evaluation Centre of the Directorate of Criminal Affairs and Pardons (DACG/PEPP), the Department for Statistics and Studies (SDSE), Ministerial Statistical Service of Homeland Security (SSMSI), the Department for Access of Law and Justice and Assistance for Victims (SADJAV), the Inter-Ministerial Delegate for Victim Support (DIAV); the Ministry of Labour’s Directorate General of Labour (DGT), the Regional Directorates for Enterprises, Competition Policy, Consumer Affairs, Labour and Employment (DRIEETS); The Ministry of Education General Directorate of School Education (DGESCO); Juvenile Justice (BPM); Paris Minors Prosecutor’s Office, Specialized Interregional Court (JIRS); The General Directorate for Foreigners in France (DGEF), The French Office for the Protection of Refugees and Stateless Persons (OFPRA), the French Office for Immigration and Integration (OFII), the National Court of Asylum (CNDA); various offices of the Ministry of Interior, including the Central Office for the Suppression of Trafficking in Human Beings (OCRTEH), the Central Office for the Fight against Itinerant Delinquency (OCLDI), the Central Office for the Suppression of Irregular Migration and the Employment of Irregular Migrants (OCRIEST); the Agency for the Recovery and Management of Seized and Confiscated Assets (AGRASC-GIR); the Central Office for the Fight against Illegal Work (OCLTI) and member of the Parliament Deputy Dominique Potier. The Special Representative also met online with representatives of the Ministry of Economy and Finance, with TRACFIN, the Financial Intelligence Unit of France and Anousheh Karvar, Chair of the Global Partnership Against Child Labour, Forced Labour, Contemporary Slavery and Human Trafficking (Alliance 8.7)

² The Special Representative was accompanied by the Programme Officer, Anne-Lise Robin and Associate Country Visit Officer, Tarana Baghirova

In Lyon, the Special Representative met with the city police and gendarmerie services, Lyon Judicial court, Cabinet of the Prefect of the Auvergne-Rhone-Alpes region and L'association Amical du Nid.

The Special Representative also held consultations with anti-trafficking NGOs and independent experts, including CRISE International; NGO Network Collectif Ensemble contre la traite (“Together against trafficking in human beings”) which brings together 28 French associations directly or indirectly involved in anti-trafficking work in France and in countries of transit and origin; and NGO ACJE91. He also visited the shelter for victims of sexual exploitation “Foyer Jorbalan” in Paris.

Finally, the Special Representative met with a representative of the private company VINCI to discuss the due diligence measures it has taken to prevent trafficking for labour exploitation and respect human rights within its supply chains.

4. The Special Representative wishes to thank the French authorities, and in particular, Ambassador-at-large for Organized Crime under the Ministry Europe, and Foreign Affairs, Ambassador Jean Claude Brunet and his team, for their co-operation and assistance in organizing and facilitating the visit. He also wishes to thank all interlocutors, including civil society and international organizations in France, for their willingness to share their knowledge and insights.
5. Consultations during the visit focused on the situation of trafficking in human beings (THB) in the country and the ongoing policy, legislative, and practical responses to it. More specifically, discussions focused on the identification of, and the provision of assistance to, victims of all forms of trafficking, particularly child victims of trafficking; the protection of victims’ rights, including of migrant workers and asylum seekers; efforts in the area of prevention and countering the demand that fosters sexual and labour exploitation; co-operation with civil society and partnerships with public and private entities; and prosecutions and convictions of perpetrators.
6. Over the course of the visit, the Special Representative noted with appreciation that government officials and civil society representatives demonstrated significant awareness and understanding of human trafficking as a serious violation of fundamental rights, knowledge of new human trafficking trends in the country, and a readiness to tackle new threats. He also commends France’s consistent efforts to contribute to the advancement of the global anti-trafficking agenda through innovative and ground-breaking legislation as well as leadership in multi-lateral anti-trafficking efforts.
7. The Special Representative stressed the importance of ensuring the high political profile of the anti-trafficking agenda, of maintaining the prevention of THB as one of the key priorities on the government’s agenda, and of the need to maintain vigilance on domestic issues of exploitation. He notes that a decline in high-level attention to the problem could jeopardize the important results already achieved.

II. Legal framework

8. The Special Representative commends France for being a party to major international instruments in the fight against trafficking in human beings, such as the United Nations Convention against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (“Palermo Protocol”), ratified on 29 October 2002, and the Council of Europe Convention on Action against Trafficking in Human Beings, ratified on 9 January 2008.

The country has also ratified a number of Conventions addressing slavery and forced labour such as the ILO Forced Labour Convention No.29 and its Protocol of 2014 ratified in 1937 and 2016, respective; the ILO Convention on the Abolition of Forced Labour No.105, ratified in 1969; the ILO Convention on Worst Forms of Child Labour No.182, ratified in 2001; and the UN Convention on the Elimination of All Forms of Discrimination against Women in 1983.

France ratified the UN Convention on the Rights of the Child in 1990. The Optional Protocol on the involvement of children in armed conflict and on the Sale of Children, Child Prostitution and Child Pornography, were ratified in 2003.

9. The Special Representative recommends that France sign and ratify the ILO Convention 189 concerning Decent Work for Domestic Workers, which serves as an effective instrument for the prevention of THB for labour exploitation, especially for domestic servitude.³ The ratification of this Convention will advance efforts in preventing and addressing the exploitation of migrant domestic workers in the country.
10. The Special Representative further recommends that France sign and ratify the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families. The ratification of this Convention is of particular importance to enhance protection mechanisms in the context of mixed migration flows.
11. France is bound by the Directive 2011/36/EU of the European Parliament and the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims on combating THB.
12. As a participating State to the OSCE, France has also pledged to implement the commitments it has undertaken in the OSCE framework, in particular the recommendations contained in the 2003 Action Plan to Combat Trafficking in Human Beings, as well as its 2005⁴ and 2013⁵ Addendums.

³ OSCE, Unprotected Work, Invisible Exploitation: Trafficking for the Purpose of Domestic Servitude, Occasional Paper Series No. 4, 2010. Available at <http://www.osce.org/cthb/75804>

⁴ OSCE Permanent Council Decision No. 685 [Addendum to the OSCE Action Plan to Combat Trafficking in Human Beings: Addressing the Special needs of Child Victim of Trafficking for Protection and Assistance](#), PC.DEC/685

⁵ No.1107 [Addendum to the OSCE Action Plan to Combat Trafficking in Human Beings: One Decade Later](#), PC.DEC/1107/Corr.11

13. Domestically, human trafficking is defined in Article 225-4-1 of the French Criminal Code (CC). The definition was first introduced in 2003 and went through numerous amendments. The last amendment was made in 2013 with the adoption of the law No. 2013-711 which amended the definition of human trafficking and contains a broad list of exploitative purposes including procuring, sexual assault or abuse, slavery, servitude, forced labour and services, organ removal, exploitation of begging, working or accommodation conditions contrary to human dignity or forcing the victim to commit a crime or a misdemeanour. These acts are punishable by seven years' imprisonment and by a fine of 150,000 euros. If the trafficking is committed against a minor, the punishment is increased to ten years' imprisonment and to a fine of 1,500,000 euros. Article 225-4-3 increases the punishment to 20 years' of prison sentence and/or a fine of up to 3,000,000 euros when trafficking committed by an organized group. This penalty is further increased to life imprisonment and a fine of 4,500,000 euros when the offence committed involves torture or barbaric acts (Art 225-4-4). Article 225-4-t criminalizes attempt to commit the offences provided under the Article 225-4-1.
14. Criminal Code Article 225-12-5 criminalizes the exploitation of begging with the punishment of three years' imprisonment and a fine of 45,000 euros. Pursuant to Article 225-12-6, exploitation of begging is punishable by five years' imprisonment and a fine of 75,000 euros when committed with regard to a minor; against a person with particular vulnerability due to age, illness, disability, physical or mental impairment or in a state of pregnancy; with regard to several persons; or with the use of coercion, violence or deceitful manoeuvres on the person engaging in the begging. The addition of an organized crime element increases the punishment to ten years' imprisonment and a 1,500,000 euro fine.
15. Legal persons are criminally liable for a human trafficking offence pursuant to Art. 225-4-6 of the Criminal Code and can be fined up to 750 000 euros in addition to the penalties⁶ prescribed under Criminal Code Art. 131-39 and confiscation of property (Art. 225-25). The Special Representative was not provided with any data concerning conviction of a legal person for trafficking offences.
16. Breaches of working conditions or accommodation constraints to the dignity of the person is criminalized under the Criminal Code Articles 225-1. Forced labour is criminalized by Art. 225-14-1. Servitude is criminalized by Art. 225-14-2 and trafficking in organs is criminalized by Art. 551-2.
17. French legislation does not explicitly provide for the *irrelevance of consent* when any of the means set forth in the definition of trafficking have been used. Although the authorities reported that this principle is a general rule of France's criminal law and is referenced in the criminal policy circular adopted on 22 January 2015, the Special Representative notes that during the country visit a number of interlocutors raised challenges of applying this principle in practice, including when the offence is committed against a minor, due to a perception that the victim was acting voluntarily

⁶ Article 131-39 of the Criminal Code include dissolution, prohibition to exercise professional activity, placement under judicial supervision, closure of the establishments of the company used to commit the offences in question, disqualification from public tenders either permanently or for a maximum duration of five years, prohibition, either permanently or for a maximum period of five years, to make an offer of securities to the public or to have its securities admitted for trading on a regulated market and confiscation,

(which is exactly what the principle is designed to protect against). In this regard the Special Representative wishes to recall that the baseline established by the Trafficking in Persons Protocol is that the consent of a victim to the intended exploitation is irrelevant if any of the listed ‘means’ are used.⁷ Genuine consent is only possible and legally recognized when all relevant facts are known and a person exercises free will.⁸ Moreover, when a child victim is involved, proof of illicit means is not required. The Special Representative recommends that French authorities include an explicit reference to the irrelevance of victim consent to the intended exploitation in the legislation in line with the international instruments and develop more targeted capacity building activities focusing on the irrelevance of consent for criminal justice practitioners. It should also be noted – and is discussed further below – that the patchy application of this principle is closely tied to the tendency for investigators and prosecutors to under-qualify trafficking crimes due to a perception that the victim agreed to the circumstances and the exploitation is less serious than it is.

18. On April 13, 2016, the French government promulgated a law on strengthening action against prostitution and providing assistance to persons in a situation of prostitution (Law 2016-444).⁹ The Law 2016-444 repealed the crime of soliciting prostitution and recognized persons in prostitution as victims. It also improved support services for people who are victims of prostitution, pimping or trafficking human beings for the purpose of sexual exploitation, by providing them with an exit route from prostitution, giving access to assistance by an approved association, access to an authorization for a temporary stay, and financial assistance. To reduce the demand that fosters sexual exploitation, the law criminalizes the purchase of sexual services with a fine of up to 1500 euros and of up to 3750 euros for a repeat offence. It also provides for a 5-year prison sentence and a 75,000 euro fine if the crime is committed against a minor. The adoption of this Law also modified several legal acts¹⁰ which grant a temporary residency permit to trafficked persons and enables labour inspectors to report THB offences. Between 2016-2020, nearly 5000 buyers were fined since the law came into force with the Paris region sharing 50 percent of the arrests. The number of fines increased from 799 in 2016 to 1939 in 2018, followed by a 45 percent decrease in 2020 due to the pandemic. In 2021, the rate appears to be increasing again with 178 fines issued in March alone. These laws are significant steps toward advancing the legal obligations of Article 9(5) of the Palermo Protocol – namely, discouraging the demand that fosters sexual exploitation that leads to trafficking – while also providing important support for persons who have been or are at risk of becoming trafficked for the purpose of sexual exploitation.
19. The Law No. 2021-478 on protection of minors from sexual crimes and offences and from incest was adopted on 21 April 2021 which created new offences in the Criminal Code to punish sexual acts committed against children. Pursuant to the Law, sexual acts with children under 15 are considered a statutory rape and punishable by up to 20 years in prison. The adoption of this law removes the requirement for criminal justice practitioners and the judiciary to establish violence, coercion, threat or surprise when

⁷ UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children Trafficking in Persons Protocol, Art. 3(b).

⁸ 2009 UNODC Model Law on Trafficking in Persons.

⁹ Loi n° 2016-444 du 13 avril 2016 visant à renforcer la lutte contre le système prostitutionnel et à accompagner les personnes prostituées.

¹⁰ Art. L316-1 of the CESEDA, Art L81112-2 of the Labour Code

prosecuting rape or sexual assault against minors under age of 15. Victims under the age of 15 cannot “consent” to sexual acts with a person who is more than 5 years older; with incest, the age of the victim is increased to 19. Purchase of sex from minors aged 15-18 is also prohibited and subjected to 5 years of imprisonment under CC Article 225-12-14. The statute of limitations for sexual crimes against minors is set at 30 years as of the victim’s 18th birthday in criminal matters and for a period of 10 years or 20 years in correctional matters. Furthermore, the Law also addresses sexual abuse and exploitation of children on the Internet by introducing two new offences- the offences of incitement, by a means of electronic communication, of a minor to commit an act of a sexual nature on himself/herself or others (Article 227-22-2 of the Penal Code) and sextortion (soliciting a minor for the transmission of a pornographic image or video of himself/herself – Article 227-3-1 of the Penal Code. These offences are punishable by 7 years of imprisonment and a fine of 100,000 euros. The penalties incurred are increased to 10 years imprisonment and 150,000 euros if the facts are committed against a minor under 15.¹¹ The Special Representative welcomes the adoption of these laws which will serve as strong tools to prevent and combat currently rising pattern of sexual exploitation of children, including online.

20. The Code for the entry and stay of foreigners and the right to asylum (CESEDA), provides for a wide a range of rights for victims of trafficking which inter alia includes the admission to stay and the right to exercise a professional activity, the temporary residence permit (Art. L 425-1) and allows social support (Art. R 425-7) and access to reception, accommodation and protection (R.425-10). A 30-day reflection period for deciding whether or not to co-operate with the police and therefore, benefit from the possibility of stay (Art R 425-2; and the provision of information in the language of the foreigner (Art R 425-1). (see paragraph 42 for further information)
21. In 2017, France adopted the Law relating to the duty of vigilance of parent companies and ordering companies (Law No. 2017-399). The law is applicable to all companies and groups which employ, for two consecutive years, more than 5000 employees in France or more than 10,000 employees within the company and its subsidiaries, with the head office in France or abroad. (see paragraph 65)
22. Overall, the Special Representative commends France for its robust legislative framework to prevent and combat human trafficking and related crimes, including the 2016 law which set strong legislative norms against the demand that fosters exploitation. Nevertheless, despite clarifications/guidance provided in the 22 January 2015 circular and training conducted on the topic there appear to be challenges in how these provisions are applied in practice. For example, during discussions on the application of the criminal code provisions, the Special Representative noted occasionally contradictory statements by various policy and criminal justice practitioners regarding the constituent elements of human trafficking in national legislation and international law. For example, some practitioners suggested that the crime of THB required cross-border movement, which is not the case in France’s national legislative framework. Other practitioners cited voluntary behaviour by victims as evidence of why a trafficking case could not be pursued, even in cases involving minors. Moreover, according to numerous interlocutors met during the visit, pimping is used frequently as an alternative to the trafficking statute, even if the

¹¹ [Law April 21, 2021 sexual violence against minors and incest | Public life.fr \(vie-publique.fr\)](#)

elements of trafficking may be present. The widely accepted and acknowledged rationale for this was that the punishments for pimping and human trafficking are fairly comparable and pimping is easier to prove. However, this logic on burden of proof is not applicable to cases involving children where proof of means is not required. Moreover, even if this approach might be understandable in a purely practical sense regarding adult victims, the result is that the policy dialogue at the national level tends to focus heavily on “pimping” and the financial aspects of prostitution, rather than the exploitative aspects. In short, the harm from exploitation is minimized or overlooked.

These points were raised across numerous meetings by different stakeholders, suggesting a broader challenge in fostering commitment to the specific legal framework on THB in France. These perspectives contribute to an overall minimization of the scope and harms of human trafficking, including of children, in the public discourse—a point raised by the National Rapporteur during the visit. The Special Representative was informed about the ongoing update of the 2018 factsheet “DACG focus” on trafficking that is expected to recall the irrelevance of consent, the domestic dimension (as opposed to cross-border) and conflation of pimping and trafficking offences. To this end, he encourages French authorities update and disseminate guidance documents and conduct continuous training, including by further promoting existing ENM capacity building efforts on the distinct features of human trafficking offences and other related crimes to ensure the proper interpretation and enforcement of human trafficking statutes. French authorities should also provide further guidance on key anti-trafficking principles and special provisions related to child victims. These aspects are discussed further in the section investigation and prosecution.

III. Policy and institutional framework

23. France adopted its first national action plan against trafficking in human beings (NAP) in 2014 covering the period from 2014 to 2016, although its implementation was prolonged until 2017. After a gap of three years, the second NAP¹² was adopted in October 2019, covering the period from 2019 to 2021. The plan is divided into 45 measures grouped into six target areas that focus on improved data collection; victim identification and referral; protection of victim rights; strengthening the criminal justice response; strengthening coordination of anti-trafficking work; international co-operation and promotion of the abolitionist model through French diplomacy and pursuing bilateral co-operation. The National Rapporteur on anti-trafficking, CNCDH, criticized the NAP for failing to establish an effective national referral mechanism (NRM) for identification and referral of trafficked persons, as well as for its structural deficiencies such as the lack of a set timeframe and absence of a dedicated funding source.

Acknowledging the lengthy period for development and adoption of the current NAP, the Special Representative recommends that French authorities commence an assessment of the effectiveness of the current plan as soon as possible. He recommends that the new NAP incorporate the recommendations proposed by the CNCDH on providing for an explicit timeline and budget. It should include robust measures to raise awareness within the criminal justice system of national and international law on

¹² [2e-Plan-action-traite-etres-humains.pdf \(egalite-femmes-hommes.gouv.fr\)](#)

trafficking and to enhance its implementation. Additionally, he recommends the new NAP includes specific actions to address the increasing prevalence of online exploitation of children and adults, including by establishing partnerships with private entities such as technology companies to develop specific tools and strategies; promote partnerships with financial intelligence (TRACFIN), the financial services industry and financial regulators to identify proceeds from trafficking crimes; and establish regular joint capacity building and consultation among various agencies, such as cybercrime, organized crime and trafficking criminal justice practitioners and social service providers. The Special Representative wishes to inform about his Office's upcoming policy paper which will provide guidance on the effective structures and comprehensive content for NAPs. His Office also stands ready to provide assistance in development of the new NAP, as requested.

24. In 2021 France was granted a status of "Pathfinder country" for Alliance 8.7. – Global Partnership against child labour, forced labour, human trafficking and modern slavery. This is in line with the adoption of its first National Acceleration Strategy to eliminate child labour, forced labour, human trafficking and modern slavery by 2030 on 9 November 2021. The Strategy focuses on three priority areas with the overall aim to reinforce and complement the existing inter-ministerial strategies and actions plans.¹³ These priority areas include (1) improving prevention by strengthening the capacity of stakeholders to act; (2) improving victim protection by making progress in detection, care and reparation; and (3) giving the action of France a European and international impetus. The strategy aims to increase and accelerate France's efforts towards achieving Target 8.7, with a view to eradicating child labour by 2025 and forced labour, human trafficking and modern slavery by 2030. The Special Representative commends French authorities' efforts to contribute to global efforts to eradicate human trafficking and related crimes.
25. With regard to the institutional anti-trafficking framework, the creation of the inter-ministerial mission for the protection of women against violence and the fight against human trafficking (MIPROF) was decided by the Inter-ministerial Committee for Women's Rights on November 30, 2012. It was the subject of a review. A decree presented to the Council of Ministers on January 3, 2013, was amended by the decree of August 11, 2016.¹⁴ The main functions entrusted to MIPROF are related to development of training plan and tools for professionals on violence against women and in the role of the national observatory on violence against women, collection, as well as analysis and dissemination of data.

In the area of anti-trafficking, MIPROF is responsible for development and coordination of public policy, as well as leading and monitoring the implementation of the NAP. It is also directly responsible for implementation of several measures assigned to them in the NAP. MIPROF is assisted by a coordination committee created within the steering committee in 2016. Two multi-disciplinary working groups were

¹³ 2nd National Action Plan against Human Trafficking 2019-2021; 2nd National Plan to Combat Illegal Work 2019-2021; the National Strategy for the Reception and Integration of Refugees 2018-2021; the Strategy for the Prevention and Fight Against Poverty by 2022; the Plan to Combat Violence Against Children 2020-2022; the National Strategy for the Prevention of Crime 2020-2024; Ten actions to strengthen the care of vulnerable asylum seekers and refugees 2021; the National Action Plan for the United Nations Guiding Principles on Human rights and Business 2017

¹⁴ [MIPROF \(Inter-ministerial Mission for the Protection of Women Victims of Violence and the Fight against Human Trafficking\) - Ministry responsible for equality between women and men, diversity and equal opportunities \(egalite-femmes-hommes.gouv.fr\)](https://www.miprof.gouv.fr/)

established to focus on the trafficking of children and on trafficking for labour exploitation. In March 2020, a new working group was established with the aim to establish a National Referral Mechanism for trafficked persons and develop common list of indicators. The Special Representative positively notes the establishment of the working groups dedicated to specific tasks and encourages MIPROF to set a clear timeline for implementation of the tasks assigned to the various working groups to help accelerate the development process of policy and guidance documents, in particular the NRM.

According to several stakeholders met during the visit, while the financial and human resources of MIPROF have not increased, there have been positive developments in the Office's efforts to address forms of human trafficking other than that of sexual exploitation. Nevertheless, while the placement of MIPROF under the Minister Delegate responsible for equality between women and men, diversity and equal opportunities contributes to a strong focus on women and girls for sexual exploitation, it has the potential to reduce attention to other forms of trafficking or to other victims of THB for sexual exploitation.

The country's complex institutional and legal environment, coupled with the evolving nature of trafficking, means more robust coordination and communication between entities is required. In this regard, the Special Representative highlights the need for allocation of sufficient financial and specialized human resources to MIPROF to improve its capacity to encompass all forms of human trafficking within the country, such as trafficking for the purposes of sexual exploitation, forced labour, slavery, and domestic servitude and for criminal activities. Additionally, he recommends that MIPROF is empowered to ensure robust and consistent co-ordination of anti-trafficking measures including by aligning the forthcoming NAP with the Acceleration Strategy (see paragraph 24). In a longer term, given the scope and scale of the challenge to address human trafficking and all its forms, French authorities are encouraged to conduct an assessment as to whether the anti-trafficking coordination role is currently optimally positioned to establish the necessary robust co-ordination at the national level and strategic alignment across the entire government, as well as to ensure that the anti-trafficking effort remains high on the political agenda. The current placement might not leverage the full political weight of the French government toward the objective of ending human exploitation; other countries have seen strong advancement in anti-trafficking efforts by placing leadership of anti-trafficking initiatives in an elevated, centralized location such as the Prime Minister's Office.

26. Amid the steep increase of children exploited for the purpose of prostitution (see paragraph 32) and a lack of data on the problem, on 30 September 2020, French authorities established a multidisciplinary Working Group on "Combating prostitution of minors" to study the scope and scale of the phenomenon and develop a tailored prevention plan. The Working Group is chaired by the Attorney General of the Paris Court of Appeal and is comprised of 32 members of the ministries of justice, interior, health and education, association and councils. During the period from September 2020 to May 2021, the working group met thirteen times to discuss specific issues and released a report detailing the work of the working group, outlining good practices and proposing recommendations, including the establishment of a system for data collection and maintenance and the appointment of bodies, platforms or authorities to receive the reports relating to "prostitution of minors". Furthermore, the working

group also recommended launching a study at the European level with the support of the international organizations and establishing an inter-ministerial working group for overseas territories where there are evidence based studies on the involvement of children in prostitution, including in street prostitution. The Special Representative welcomes the establishment of the working group; however, as noted above in paragraphs 19 and 22, he also emphasizes the need to frame this phenomenon as “trafficking in children” including by highlighting that a child cannot consent to exploitation and even conduct that appears “voluntary” on the part of the minor, can be exploitation. He further recommends that the working group expands its activities across the country and conducts a country-wide mapping exercise of all venues, including online platforms, which are prone to be misused for the trafficking of children for sexual exploitation. The aim of the effort should be to develop a tailored preventive programme and design a needs-based protection strategy.

27. On 15 November 2021, the Working Group launched the National Action Plan on fight against prostitution of minors to be implemented with the financial budget of 14 million euros in 2022. The plan envisages thirteen actions grouped in five priority areas to be implemented on a set timeline: (1) raising awareness and building knowledge which foresees awareness and prevention interventions in the communities, families and educational institutions, as well as research to understand the scale of children in prostitutions, including among unaccompanied minors; (2) strengthening identification of minors in prostitution by developing training of professional across the sectors targeting specifically schools, health, hotels and rental accommodations, the streets and online platforms; (3) protecting and supporting minors in prostitution through creation of accommodation systems in each department across the territory that would offer various types of accommodation according to the needs of the minor; (4) prosecuting perpetrators by appointing referent magistrates in each court specialized on the prostitution of minors, strengthening cyber investigations and establishing formal co-operation with rental accommodations within the country and EU at large; and (5) establishing a national steering committee at the territorial level comprised of all stakeholders ranging from education, health, private sector, social welfare, departmental councils, criminal justice and judiciary. The Special Representative commends the swift action of the Working Group in developing and adopting the comprehensive NAP to prevent and combat exploitation of children in prostitution including by focusing on online platforms. He also welcomes the attention to “act on social networks” to identify victims, as well as the stated intent to establish support and accommodation systems in each department. Finally, he takes this opportunity to offer points for additional consideration by the Working Group during the implementation of the NAP: 1) the critical need to frame the language as trafficking of children for sexual exploitation as opposed to “prostitution of minors” which will help counter the minimization of this challenge that is highlighted in the NAP itself; 2) the urgent need to move beyond identification of minors online to address online platforms that facilitate exploitation or ignore risks on their platforms (while the attention in the NAP to online rental accommodations is welcome and encouraged, the challenge extends much further to social media sites including Facebook, Tiktok, Snapchat, Twitter and Instagram where minors are recruited and exploited at a high rate); and 3) the NAP does not substantively address the demand aspects – men who pay these minors for sex - which is fundamental to addressing the exploitation of minors in prostitution. Strategies for addressing this issue through both the criminal justice system and prevention efforts are contained in the Occasional Paper

“Discouraging the demand that fosters trafficking for the purpose of sexual exploitation”.¹⁵ For further discussion on the situation of children, see para 32 below.

28. France is one of the few OSCE participating States that has a designated independent National Rapporteur on human trafficking. The role has been assigned to the National Consultative Committee on Human Rights (CNCDDH)¹⁶ since 2014. In line with the requirements of international instruments, the CNCDDH carries out assessments of trends in human trafficking, evaluates anti-trafficking actions and issues opinions, thematic briefs and annual reports. While the CNCDDH issued opinions on human trafficking prior to its designation as France’s National Rapporteur, it released its first evaluation report on the fight against trafficking and exploitation of human beings in March 2016. In its first report, it provided a set of targeted recommendations which called for improvements in co-ordination and financing of human trafficking actions, harmonization of identification mechanisms and developing indicators and setting up individualized support for victims of human trafficking. It also called for the enhanced protection of victims, primarily child victims of human trafficking, and for providing them with unconditional and needs-based care and support. Its opinion on the 2nd NAP (2019-2021) was released in November 2019 and provided a critical assessment of the structure and implementation of anti-trafficking actions in the country (for details see paragraph 23). In 2020, CNCDDH published its opinion on “Creation of a national referral mechanism” regarding trafficking in human beings (for details see paragraph 37). Furthermore, it published numerous opinions on various aspects of anti-trafficking action in the country, including on challenges in public policy to fight and prevent the sexual exploitation of minors¹⁷, on preventing and combating prostitution, trafficking for sexual exploitation of children,¹⁸ and on trafficking in human beings for the purpose of economic exploitation.¹⁹ The Special Representative commends the establishment of an independent NAR as a best practice, as well as the active work of the CNCDDH in monitoring and evaluating national anti-trafficking measures and for providing constructive recommendations for the government and parliament, which once implemented can maximise the effect of the anti-trafficking policy and practice in the country.
29. The Ministerial Statistical Service for Internal Security (SSMSI) was created in 2014 to collect and analyse data recorded by security agencies of France. The SSMSI database includes statistical data on crimes, victims and offenders. To improve data collection, especially on organized crime, in November 2020, the SSMSI established the Office for Studies and Statistics on Organized Crime (BESCO). BESCO’s task is to compile and assess data on all forms of organized crime within France, including human trafficking, and produce criminological analysis on the phenomenon. To implement this mandate, BESCO is partnering with the police, gendarmerie service, Central Office for Combating Illegal Work (OCLTI), the Central Office for Combating Trafficking in Human Beings (OCRTEH) and the International Organization for Migration (IOM). The new mandate also transferred the duties of the National

¹⁵ [Discouraging the demand that fosters trafficking for the purpose of sexual exploitation | OSCE](#)

¹⁶ Created in 1947, the CNCDDH has an advisory role, independent from the Government and Parliament, in the field of human rights, law and humanitarian action. It also has a monitoring role to ensure France respects its international engagements.

¹⁷ [First challenges of a public policy to fight and prevent the sexual exploitation of minors: protect and support them | CNCDDH](#)

¹⁸ [Opinion on preventing and combating prostitution, trafficking for the purpose of sexual exploitation of minors | CNCDDH](#)

¹⁹ [Avis sur la traite des êtres humains à des fins d’exploitation économique \(A - 2020 - 14\) | CNCDDH](#)

Observatory on Delinquency and Criminal Responses (ONDRP) to the SSMSI to collect, analyse and publish annual statistical data on victims of trafficking assisted by various associations. The Special Representative notes indications of disjointed and occasionally contradictory data presented by different agencies in France and that authorities across sectors and civil society organizations acknowledge that much work remains to be done to collect comprehensive and reliable data on all forms of human trafficking in the country. Additionally, there is a need for data and research to be undertaken to better understand the effects and challenges of addressing the evolving nature of trafficking. Poor and inconsistent data undermine political will, good policy-making and effective implementation. He welcomes the creation of the SSMSI and its partnership initiatives to contribute to the creation of a unified and comprehensive database on trafficking in the country and recommends that the database also include data on the number of victims who received assistance, shelter, residency permit and the number of compensation claims submitted and granted.

30. The Special Representative commends the dynamic role that anti-trafficking NGOs play in France in conducting a range of critical activities, including policy work, reintegration and rehabilitation of trafficked persons and potential victims of trafficking, and awareness raising. He commends the noticeable co-operation and trust between the authorities and civil society organizations and networks, such as between the NGO Network Collectif Ensemble contre la traite des êtres humains (“Together against trafficking in human beings”) and Ac.Se and law-enforcement agencies in addressing human trafficking in the country. While noting that such co-operation reflects well the recommendations set out in the OSCE report “the Critical Role of Civil Society in Combating Trafficking in Human Beings”²⁰, he underscores the need for regular and sustained financial support to NGOs to advance the country’s victim outreach and support and allow for the sustainability and effectiveness of organizations’ operations.

IV. Identification, referral and assistance for victims of trafficking

31. The lack and inconsistency of data is a constant constraint to understanding the scale and scope of human trafficking in France. Nevertheless, information collected prior to and during the visit allude to the prevalence of trafficking for the purpose of sexual exploitation affecting both women and girls, with varying profiles of victims in different parts of the country. According to the data provided by the SSMSI collected from the police and gendarmerie, the number of victims identified by these agencies were as follows for the period from 2016 to 2020: Human Trafficking – 219 (2016), 194 (2017), 174 (2018), 223 (2019) and 192 (2020); Pimping – 886 (2016), 775 (2017), 849 (2018), 785 (2019) and 786 (2020); Slavery 6 (2016); 11 (2017), 5 (2018), 12 (2019) and 5 (2020); Exploitation of Begging – 55 (2016), 78 (2017), 65 (2018), 49 (2019) and 21 (2020); Unfavourable working conditions and accommodation – 342 (2016), 297 (2017), 387 (2018), 473 (2019) and 307 (2020). Given the propensity for qualifying exploitation cases as pimping instead of trafficking, the high rate of pimping offenses suggests that the number of human trafficking crimes could be substantively higher than the numbers above.

²⁰ Available at <https://www.osce.org/secretariat/405197?download=true>

With regard to the gender of victims, SSMSI statistics in the period of 2016-2020 indicate that female victims constituted 69 percent in human trafficking cases and 73 percent of pimping cases, while seven of ten victims of abuse of working conditions and indecent living conditions were male. Male also represented 69 percent of victims of labour exploitation in 2020. Notably, the high numbers of cases involving these labour-related offenses highlights the value of further training on identifying trafficking for the purpose of labour exploitation.

The 2018 survey conducted by the MIPROF and the National Supervisory Body on Crime and Punishment found that 53 percent of the victims surveyed came from Nigeria.²¹ The survey results further showed Romania, Morocco, Algeria and Bulgaria as countries of origins for victims exploited in France.²² The survey also found that only one percent of the victims of sexual exploitation received by the associations are from France.²³ Central Office for the Suppression of Trafficking in Human Beings (OCRTEH) reports the presence of sexual exploitation primarily targeting foreign women in prostitution from South America, Eastern Europe, China and Nigeria. These data clearly confirm France's as a destination country and reinforce the need for demand-side interventions, which France has fortunately begun to prioritize. However, they also indicate the likelihood that identification of domestic victims needs further attention.

As per the data presented by OCRTEH, the Special Representative notes a gradual decline in the number of victims of sexual exploitation identified in France: 1118 in 2016, 894 in 2017, 950 in 2018, 931 in 2019 and 892 in 2020.

32. The Special Representative expresses his concern over reports of a steep increase in trafficking of children for sexual exploitation, particularly via the Internet with the exploitation taking place in short-term accommodations, such as Airbnb. Reportedly, the victims are overwhelmingly young girls from France, aged 15 to 17 on average, vulnerable, coming from all social backgrounds and who often do not realize or accept their victim status. Children aged 14 and under are also a portion of the victims. The number of underage victims of pimping (CC Art. 225-5) increased from 66 in 2015 to 219 in 2020, though the exact figure varies from 400 as reported by the SSMSI to 187 according to the Information Service, Intelligence and Strategic Analysis on Organized Crime (SIRASCO). However, civil society organization assess this number to be as high as 7000 to 10000.²⁴ In 2020, the Amicale du Nid research revealed that boys constitute 10 per cent of the children sexually exploited in prostitution. According to the study conducted by the observatory of violence against women of Seine Saint Denis in 2020, 7 minors out of 10 suffered violence before the sexual exploitation were identified by professionals. In half the cases, this violence was committed by a parent or step-parent. In 8 out of 10 cases, it was physical or sexual violence. In 50% of the sexual violence cases, the act constituted rape. Reportedly, 72 percent of cases reported by children resulted in no legal action, and in the 35.2 percent of cases where criminal complaints were lodged, only 12.5 per cent actually resulted in conviction of the perpetrator. Such a low rate of action and conviction undermines faith in the judicial

²¹ GRETA, p.198-99.

²² URL: <https://www.latribune.fr/economie/france/traite-des-humains-en-france-preponderance-de-l-exploitation-sexuelle-etude-783242.html>

²³ URL: <https://www.latribune.fr/economie/france/traite-des-humains-en-france-preponderance-de-l-exploitation-sexuelle-etude-783242.html>

²⁴ https://www.cnape.fr/documents/rapport_-combattre-la-prostitution-des-mineurs/

system and fosters a lack of trust between minors and the adults who failed to protect them.

It is important to also note that numerous practitioners and professionals interviewed during the visit confirmed the serious situation involving exploitation of children, consistently characterizing the problem in France as “exploding” and “booming”. These reports suggest that the problem is growing quickly. Moreover, the frequent intersection with online modalities complicates the response as it requires different methods of identification and assistance than other venues. The overall picture was one that necessitates an urgent, robust and comprehensive response. The Special Representative welcomes the new NAP on sexual exploitation of minors and urges robust investment of effort and resources to prevent and combat trafficking of children for sexual exploitation. Additionally he also notes that the discrepancies in the statistical data reflect the urgent need for a unified database segregated by gender and age, of the means of recruitment and form of exploitation. While acknowledging that the French authorities are acutely conscious of this rising form of violence against children, a comprehensive and unified dataset on children affected by this phenomenon would better inform policy responses and assist the government in developing effective preventive and protective mechanisms.

33. According to the Ministry of Interior’s Central Office for the Suppression of Trafficking in Human Beings (OCRTEH), instances of prostitution and its exploitation have grown significantly, increasing 70 per cent from 2016 to 2020. While street prostitution has declined, there has been marked growth in prostitution within private homes that has been facilitated via the Internet. As an example, street prostitution decreased from 53 per cent of all identified instances of prostitution in 2016 to only 9 per cent in 2020. During the same period, online prostitution increased from 34 per cent to 87 per cent of all identified cases, with prostitution via the Internet increasingly affecting young French girls, often under age of 18. As evidenced by the SSMSI collected statistics, the number of French victims of pimping increased gradually from 2016 to 2020 resulting in an overall increase of 63 percent²⁵. This highlights the need for French authorities to adapt their modes of identification from the offline environment to the online environment as envisaged in Action 12 of the 2021 NAP on combating child prostitution as little evidence of proactive, online identification efforts were described during the visit.
34. The Special Representative notes that despite recognition of existing vulnerabilities, the scale of trafficking for the purpose of labour exploitation is yet to be researched and understood in France. According to the large-scale victim surveys conducted by MIPROF and the National Supervisory Body on Crime and Punishment among 24 NGOs in 2019, victims of labour exploitation constituted 15 percent of assisted victims. This data however only shows information provided by NGOs based on their statistics of assisted victims, and thus does not reflect the real picture of labour exploitation in the country. The Special Representative notes information provided by various stakeholders on the increasing prevalence of labour exploitation, particularly among seasonal workers within the agricultural sector. According to civil society organizations consulted during the visit, labour exploitation also occurs within the textile industry and in domestic households. The latter primarily affects Moroccan

²⁵ 305 (2016), 266 (2017), 335 (2018), 392 (2019) and 480 (2020)

males and females who enter the country through legal channels as seasonal workers or on tourist visas, but end in an irregular situation in isolated areas, thus making access to the community challenging. Women and men from Senegal, Côte d'Ivoire, Philippines and Ethiopia are also subject to labour exploitation in domestic households. Reportedly, the number of male victims is increasing following the expanded mandate of the labour inspectors in 2016 who are increasingly trained on how to identify the signs of human trafficking. The Special Representative positively notes this increase in capacity as well as the training booklet developed for labour inspectors to identify and refer victim of human trafficking for labour exploitation²⁶. He recommends that French authorities enhance their measures to identify victims of labour exploitation through increasing outreach activities to industries prone to exploitation, such as agriculture, textile, tourism and hospitality and domestic work.

35. During the visit, the Special Representative was informed about an increasing pattern of trafficking for forced criminality affecting minors from Romania, Bulgaria and Serbia including those who arrive in the country unaccompanied. These children are forced into pickpocketing, drug dealing and trafficking. Responsible for minors who are danger, in irregular situations, or engaged in criminal activities, the Ministry of Justice Directorate of judicial youth protection services (DPJJ) commissioned research into the involvement of children in criminal activities in Paris. This research will study the phenomenon of children involved in criminal activities and the modus operandi of exploiters, as well as conduct a psychological assessment of these children. It will provide investigators, investigating judges and associations with a comprehensive approach that can help them better understand the psychology and constraints on minors. The Special Representative notes that trafficking of adults and children for forced criminality is widespread and a significant exploitative pattern in Europe. The victims are often of Roma origin, and a high proportion are children.²⁷ They often come to the attention of the authorities primarily as offenders and they may not be easily recognized as victims of a serious crime. Therefore, States should be fully aware of these developments in order to enable accurate victim identification and effective investigation of the trafficking crime, as well as to ensure effective protection of victims' rights, including non-punishment of victims for offences caused or directly linked with their being trafficked.²⁸
36. Numerous stakeholders consulted during the visit shared their observation and concern over the increasing vulnerability of undocumented, unaccompanied minors arriving in France. This vulnerability is exacerbated by gaps in every stage of state intervention, such as identification, age assessment, and assistance. There were reports of significant rates of disappearance of these children from facilities. Reportedly, in some of these cases, the children concerned are not considered as minors and refused evaluation because of their "adult-looking" outlook or behaviour. These children are then referred from one department to another and the continuity of assistance is broken and discontinued. Regarding their assistance, in the majority of cases these children are kept in hotels; reportedly, 95 percent of minors currently placed in hotel

²⁶ Livret de formation à destination, des agent.e.s de contrôle de l'inspection du travail, L'IDENTIFICATION ET L'ORIENTATION DES VICTIMES DE TRAITE DES ÊTRES HUMAINS À DES FINS D'EXPLOITATION PAR LE TRAVAIL, 2018

²⁷ [Trafficking into crime and begging - Anti-Slavery International \(antislavery.org\)](https://www.antislavery.org/)

²⁸ [Policy and legislative recommendations towards the effective implementation of the non-punishment provision with regard to victims of trafficking | OSCE](#), p.9

accommodation are unaccompanied minors. The Children's Ombudsman criticised the age assessment tool that requires the examination of bones for age verification even when unaccompanied children possess civil status documentation. In its 2017 report, the Children's Ombudsman reported that some unaccompanied children were denied care and evaluation without justification as refusals were often based on racial profiling. Additionally, children had to wait without accommodation or in poorly equipped emergency housing during of the lengthy examination of their situation. The treatment of unaccompanied children was further criticized by Human Rights Watch in 2019, with their report criticising the denial of protective services to children and a flawed age assessment mechanism. Reportedly in summer 2020, 72 children who were considered as adults were evicted from an informal camp in the centre of Paris and referred to services for adults.²⁹ The Special Representative was informed about a draft bill that was submitted to the parliament which will prohibit billeting of unaccompanied minors in hotels and the development of personal data profiles for unaccompanied minors via age assessment tools which consider private biometric data and finger prints. To this end, and recalling the international standards established to provide guidance to the States to deal with unaccompanied minors³⁰, the Special Representative highlights the need to take particular account of the need to protect the child from any risk of exploitation, and from a risk of them going missing during placement decisions. Placement of children in random hotel accommodations can leave the unaccompanied child particularly vulnerable to risk of trafficking and abuse and does not serve for their protection or welfare needs.

As acknowledged the OSCE Ministerial Council Decision on Strengthening Efforts to Prevent and Combat Child trafficking, including of Unaccompanied Minors³¹ unaccompanied children are at the highest risk of being targeted by traffickers. He recommends that French authorities include a specific task in the new NAP on identification and assistance to unaccompanied minors. Additionally, given the high rate of disappearances as well as cross-border movement of these children, he notes as a practical measure to enhance the collaboration among States and agencies, as called by the 2018 Ministerial Council Decision *"to consider the appointment of a national focal point to whom enquiries can be addressed by officials from other countries regarding child victims of trafficking including those who went missing and / or whom they plan to return to in their respective country of origin."* The Special Representative wishes to share the paper published by his Office in 2020 on Establishing National Focal Points to Protect Child Victims of Trafficking in Human Beings³² and he also recommends French authorities consider appointing a National Focal Point on child victims of trafficking, including on unaccompanied minors. The task of this Focal Point would be - in collaboration with an appointed case manager - to initiate and co-ordinate the necessary tools and procedures that would lead to a comprehensive decision in the best interests of a trafficked child, i.e. integration in France, relocation and integration in a third country, or safe return to a country of origin or habitual residence.

37. Regarding the system for identification and assistance, the development and adoption of the NRM has been long on the anti-trafficking agenda in France. As outlined in

²⁹ [Identification - Asylum Information Database | European Council on Refugees and Exiles \(asylumineurope.org\)](#)

³⁰ [UNHCR - Guidelines on Policies and Procedures in Dealing with Unaccompanied Children Seeking Asylum; Child Trafficking and Child Protection: Ensuring that Child Protection Mechanisms Protect the Rights and Meet the Needs of Child Victims of Human Trafficking | OSCE](#), Chapter 4.

³¹ OSCE MC Decision No. 6/18 (MC.DEC/6/18).

³² [Establishing National Focal Points to Protect Child Victims of Trafficking in Human Beings | OSCE](#)

paragraph 23, the persistent lack of an effective NRM for the identification and referral of trafficked persons has also been highlighted by the National Rapporteur in an opinion on the NAP. Currently, the identification of trafficking victims is entrusted to police units responsible for various forms of trafficking and the gendarmerie. Interviews revealed that, with the majority of attention given to the Paris region, other parts of the country require enhanced action to improve outreach and identification of various forms of exploitation. The lack of specialization of various stakeholders has been a concern among civil society organizations; for instance, even if police have specific branches on children, these branches are not specialized on human trafficking. The Special Representative notes that designating law enforcement as the sole formal identifier of trafficking victims creates a substantial impediment to the effective and early identification and referral of trafficked persons for assistance. While the Special Representative notes information provided by various agencies on the involvement of civil society organizations as experts in the identification of victims of trafficking, this approach is not systematic.

38. In line with Measure 16 of the NAP, the Working Group on establishing a NRM is currently working on developing a common list of indicators to be part of the screening system used by all front line agencies coming in contact with a presumed trafficked person. According to interlocutors met during the meeting, due to the absence of a unified screening tool including unified and institutionalized indicators to identify trafficking victims, each institution in contact with presumed victims of trafficking is using its own list of indicators. The inter-ministerial guide for professionals “From identification to the protection of victims of human trafficking”, drafted in collaboration with all ministries concerned, is currently being reviewed by the specialized associations. While a harmonized set of indicators may produce value in the identification of victims, the Special Representative emphasizes the need to establish a broader system of identification that includes – but also extends beyond – law enforcement and that offers screening tools for practitioners to support identification of various forms of exploitation. The Special Representative notes that some OSCE participating States have established alternative procedures for the formal identification and support of trafficking persons. These procedures supplement the traditional law enforcement identification procedures by allowing formal identification and assistance to be conducted by other, non-law enforcement agencies. This approach has the benefit of promoting a victim’s trust in organizations providing assistance and, in the longer term, increasing the likelihood that she or he will be willing to contribute to an investigation by law enforcement officials and a possible prosecution of suspected traffickers. To this end, the Special Representative recommends that French authorities accelerate the development of the NRM including establishment of an alternative identification mechanism that is multiagency and guided by the needs and interests of the victims. The NRM should also provide screening tools for practitioners to ease identification processes.
39. One of the key discussions during the visit included the identification of trafficked persons in the asylum procedure in France. According to OFPRA, the agency in charge of asylum claims and decisions for refugees and their subsidiary protection, applications for asylum are increasingly made by potential victims of trafficking. Of applicants who report exploitation, the largest number claim to be sexually exploited; however, increasing numbers of victims also report in their asylum applications of exploitation in domestic households. The victims come primarily from sub-Saharan

Africa, Nigeria, New Guinea, Angola, Congo etc. Distancing and disengagement from the trafficker is a strict requirement for granting asylum claims. Applicants who were victims of sexual exploitation should also prove that they have exited prostitution. While the Special Representative acknowledges the intent behind these provisions, he also notes that exiting exploitation is rarely an easy or clear-cut step; victims of exploitation often suffer re-victimization and struggle to break free from such circumstances. The Special Representative urges authorities to consider these dynamics in the application of such provisions.

The Special Representative was informed about a thematic group established within the French Office for Immigration and Integration (OFII) to study and evaluate vulnerabilities, including those linked to trafficking. The Group's protection officers are trained to deal with particularly complex situations including how to treat and interview sensitive persons, such as trafficking victims. When the OFPRA identifies trafficking, it can obtain or waive law-enforcement decisions and can file criminal charges against criminal networks/individuals. However, according to the European Council on Refugees and Exiles,³³ the publication of the questionnaire for the vulnerability assessment reveals that only objective vulnerability will be assessed during the interview with OFII upon registration of the application at the single desks (*guichet uniques de demande d'asile* – GUDA).³⁴ At that stage, no vulnerability linked to the asylum claim shall be discussed. Therefore, the vulnerability assessment has had a limited impact on the early identification of less visible vulnerabilities; e.g. in the case of victims of torture and of physical, mental or sexual violence as well as victims of human trafficking.

40. There are currently 110,000 beds across the country for asylum seekers, out of which 300 are allocated for female victims of trafficking. These are specialized beds that are supported by specific conditions, specially trained personnel and geared toward meeting specific needs of THB victims. The Special Representative positively notes the increasing attention of the OFPRA and OFII on the identification of trafficked persons among asylum seekers and provision of special treatment, housing and medical services. As an example, in June 2021, OFII offered medical appointments for asylum seekers in Strasbourg, Marseille and Toulouse. Nevertheless, the Special Representative notes reports provided in Lyon that asylum has been rejected even when the association assisting the victim provided authorities with credible evidence demonstrating the victim's disengagement from prostitution. Civil society organizations also referred to specific cases when racial and sexual identity appeared to be the basis for asylum claims to be rejected by prefectures, a general spirit of distrust toward victim statements, and interview environments that were not friendly toward victims. The Special Representative is also concerned about the heavy focus of asylum officials on the possible abuse of the asylum system by THB networks, as opposed to the legal obligation to grant support to trafficking victims. This was particularly evident in his discussions with interlocutors in Lyon. The Special Representative notes that the scheme established by CESEDA is a good practice, however, the accession to the programme appears to be challenging as it requires a

³³ [Guarantees for vulnerable groups - Asylum Information Database | European Council on Refugees and Exiles \(asylumineurope.org\)](https://www.asylumineurope.org/)

³⁴ The registration of asylum claims in France is conducted by "single desks" (*guichet uniques de demande d'asile*, GUDA) introduced in order to register both the asylum claim and the need for material reception conditions. There are 34 GUDA across France.

heavy burden of proof on the side of the victim. He further notes obligation of the state as provided by international law to identify victims if there is a reasonable ground to believe that a person has been a victim of trafficking.³⁵ To this end, he recommends French authorities review the effectiveness of the current practice on how asylum claims of trafficked persons are handled, including the capacity and skills of law enforcement, migration officials and prefectures to interview trafficked persons with the view of improving current bottlenecks in the system of evaluating and granting asylum claims of trafficking victims.

41. To address issues arising from the lack of protection and support to children trafficked for various forms of exploitation by organized criminal groups, in 2018 France launched a project to establish an experimental protection centre for presumed child victims of trafficking, especially those forced to commit criminal activities. Opened in September 2021, the “Koutcha” centre was launched with the aim to protect, support and disengage and reintegrate minors presumed to be victims of trafficking. The establishment of the centre also aims to address the persistent lack of safe accommodation for child victims of trafficking and ensure their disengagement from the influence of organized criminal groups or an exploitative family environment. To be managed by a team of professionals specialized in psychology, criminology, education, therapy, nursing and administration, the centre will provide accommodation and individualized support for twelve children at a time. The Special Representative welcomes the establishment of the Koutcha centre and notes the plans of French authorities to establish a system of accommodation for child victims of trafficking, in particular those exploited in prostitution under the newly adopted NAP on fight against prostitution of minors (see paragraph 27). Given the increasing number of children exploited in prostitution and forced to commit crimes, as well as the urgency to prevent this phenomenon and protect the victims, the Special Representative notes the need for swift implementation of the actions contained in the above-mentioned NAP.
42. When a foreign victim of THB-related offences is likely to file a complaint or testify against a perpetrator, the police or gendarmerie service that collects the testimony of the individual informs him or her of relevant rights as per Article R 425-1 of the Code on the entry and stay of foreigners and right of asylum (CESEDA). As described in paragraph 20, in addition to the right to exercise a professional activity and access to professional training, the "private and family life" residence permit issued under the conditions of article R.425-5, the Law also provides that a holder benefit from social support, coverage of health costs, benefitting from the allowance for asylum seekers, protection, reception and accommodation arrangements set out in articles R.425-7 to R.425-10; the possibility of obtaining legal aid (art. R.425-5); and the benefit of a 30-day reflection period, to choose whether or not to cooperate with the criminal justice and therefore to benefit from the possibility of admission to residence (Art. R425-2). Article R.425-5 of the CESEDA provides that this residence permit may also be issued to foreign minors "aged at least 16, fulfilling the conditions for issue and who declares that they wish to exercise a salaried professional activity or follow professional training". The prefect – or, in Paris, the prefect of police - issues a receipt of the 30-day reflection period. Upon the completion of the period, the victim can apply for a temporary residence permit provided that this application is accompanied by the receipt of the victim’s complaint or refers to the criminal proceedings including the

³⁵ Article 10 of the CoE Convention

testimony. This permit is renewable throughout the duration of the criminal proceedings. A residence card is only issued to the foreign victim in the event of a final conviction of the persons implicated in the offences of human trafficking. From 2016 to 2020, the year for which the statistical data are considered provisional, 1,294 one-year temporary residence permits were issued as follows: 572 for first application and 722 for renewal. In other words, the number of victims of trafficking or pimping with a residence permit has increased since 2016 by 21%, rising from 266 to 323 victims in 2020. Should the victim refrain from filing criminal charges, an exceptional permit – the Provisional Residence Authorization (APS) can be given at the discretion of the Prefect. In this case, the individual has to agree to enter the prostitution exit scheme provided for under the 2016 Law; 259 APS were granted in 2019. According to civil society organizations met during the visit, even when victims log complaints, the response from the police or prefecture is frequently delayed, which in turn delays the protection scheme. This has particularly been the case with some Nigerian victims who were perceived as abusing the system in order to get a residence permit. The Special Representative notes international standards that require States to provide for the rights of recovery and reflection period to the victim to recover and escape from the influence of traffickers,³⁶ and encourages provision of a temporary or permanent residence permit independent of a person’s decision to cooperate with criminal justice.³⁷ In this regard, the Special Representative recommends that French authorities ensure, in line with a human rights-based approach, the non-conditional granting of residence permits to trafficked persons, as well as to evaluate and measure the effectiveness of the state agencies and prefectures responsible for residence permits so as to safeguard victim access to residency and protection mechanisms.

43. Article 5 of the 2016 Law also envisages the creation of an agency/commission within Prefectures which shall be responsible for organizing and coordinating: the response to victims of prostitution, pimping and human trafficking; prostitution exit pathways which enable access to accommodation; access to protective temporary residency permits for foreign victims; and access to financial aid for social and professional reintegration. Reportedly, while it took approximately two years for some prefectures to create such commissions, the rate of positively decided cases has so far been high. Each commission meets once a quarter to analyse the applications and review the currently enrolled participants. As of 1 January, 2022, 87 departmental commissions have been set up under the authority of the prefects, including 51 commissions with exit routes. The authorities approved about 100 associations for the implementation of exit courses from prostitution and 446 exit routes from prostitution were issued by prefects. Since 2017, 790 persons have benefited from a pathway out of prostitution. In Lyon, since the end of 2019 until now, approximately 20 people have been supported via the program and 16 are in the process of receiving support. Applications of nine persons were rejected. The Special Representative welcomes the adoption of the 2016 Law, which along with the punitive sanctions against the buyer, provides protective and rehabilitative services to potential victims and enables closer co-operation and engagement with civil society organizations in the enhanced provision of support to persons’ exiting from prostitution. These services can reduce re-

³⁶ Article 13 of the CoE Convention requires that all state parties provide a recovery and reflection period of at least 30 days in domestic law which should be sufficient for the person concerned to recover and escape from the influence of traffickers.

³⁷ Article 14 of the COE Convention; The UNODC Toolkit to Combat Trafficking in Persons states that “granting a reflection period, followed by a temporary residence or permanent residence permit, would ideally be granted to victims of trafficking regardless of whether the person is able or willing to give evidence as a witness”

exploitation of victims or prevent exploitation of already vulnerable persons. While positively noting the dissemination of the instruction N° DGCS/SDFE/DGEF/DIMM/2022/7 dated 13 April 2022 that calls for the establishment of commissions in all departments and for the provision of exit pathways, the Special Representative recommends that France reviews the effectiveness of the commissions established under the Law with the aim to ensure improved application of the protective scheme available and offered to victims.

44. With regard to accommodations for trafficking persons, the National Network for the Assistance and Protection of Human Trafficking Victims (le Dispositif National Ac.Sé) was created in 2001 to ensure reception, accommodation and protection of victims of trafficking in human beings and pimping. It is a network of around 70 partners and it is coordinated by the Association ALC, based in Nice. While the Special Representative did not have the opportunity to meet with the Network, he notes the positive references to the work of the Network in international reports, despite the fact that its mandate is limited to only offer support to individuals who were in an immediate danger or in a highly vulnerable situation that required geographic relocation.

The Special Representative visited the shelter Foyer Jorbalan which was established in 2016 in Paris for female victims of violence to encourage victim co-operation with criminal proceedings. Since establishment, it has accommodated seven trafficking victims referred by the police. However, the shelter is not dedicated to house victims of trafficking; it is open to female victims of other crimes, such as domestic violence. The Special Representative shares the concerns of some civil society organizations on the lack of dedicated and specialized accommodations for trafficking victims in France. He highlights that the common accommodations (i.e. accommodations that are not specific to trafficking victims) foreseen under Measure 3 of the NAP for trafficked victims poses the risk of double victimization as they allow the placement of trafficked persons in locations inadequate to their needs and rights. While positively assessing the work of the shelter, he recommends that French authorities conduct a nation-wide assessment on the accessibility and sufficiency of specialized accommodation for trafficking victims.

45. Victims' access to justice and remedies empowers victims and deters exploitation. CESEDA requires the police and gendarmerie to inform foreign victims about the possibility of obtaining legal aid including compensation. Such a right is also provided by the Code of Criminal Procedure (CPP) in relation to all victims of crime. The Ministry of Justice circular of 2015 is a guiding document that guarantees reparation for victims. Victims can seek restitution for any damages suffered by the criminal offence before a criminal or civil court. The Special Representative notes the discussions held with the Ministry of Justice Inter-Ministerial Delegate for Victim Support (DIAV) on diverting confiscated assets for the purpose of victim compensation (see paragraph 60 for further information on confiscations). He also notes the upcoming circular that will urge Prefects and prosecutors to improve victim assistance and share good practices across France to advance victim-centred approaches. The Special Representative was not provided with information on the number or amount of compensations granted to trafficking victims. However, he notes the findings of civil society and international reports on the need to better utilize legislation on freezing and confiscation of assets to pay compensation for trafficking

victims. He encourages authorities to collect data on compensations claimed and granted to trafficking victims to better inform policy making.

V. Investigation and prosecution of human trafficking

46. In France, criminal investigations of THB are conducted by various departments of the Ministry of Interior depending on the form of human trafficking. Investigations of trafficking for the purpose of sexual exploitation and prostitution are led by the Central Office for the Suppression of Trafficking in Human Beings (OCRTEH); investigations into trafficking for forced labour are led by two major agencies, the Central Office for the Fight against Illegal Work (OCLTI) and the Central Office for the Suppression of Irregular Migration and the Employment of Irregular Migrants (OCRIEST). While OCLTI's mandate is solely on trafficking for labour exploitation, OCRIEST's tasks include handling cases of trafficking for labour exploitation with links to irregular migration. The Central Office for the Fight against Itinerant Delinquency (OCLDI) investigates cases of trafficking for forced criminality. The Special Representative notes joint investigations between OCLTI and OCRIEST on fraud and secondment of European workers.
47. As per the data provided by the OCRTEH, the number of perpetrators investigated for trafficking for the purpose of sexual exploitation and pimping were 816 - 2016, 771 - 2017, 944 - 2018, 897 - 2019 and 875 in 2020. During the period from 2016-2020, 312 criminal networks were dismantled. 2018 was the most active year for law enforcement with 944 investigations and 69 trafficking networks dismantled. Between 2015 and 2018, the number of people prosecuted for procuring or trafficking in human beings for the purpose of sexual exploitation increased by 66%, from 667 in 2015 to 1109 in 2018.
48. According to data collected by SSMSI based on police and gendarmerie records for the period of 2016 to 2020, the number of persons investigated for human trafficking were 59 (2016), 75 (2017), 139 (2018), 78 (2019) and 78 (2020); for pimping - 884 (2016), 886 (2017), 1058 (2018), 1026 (2019) and 1055 (2020); for slavery – 10 (2016) and 9 (2017); for exploitation in begging 51 (2016), 93 (2017), 57 (2018), 33 (2019) and 17 (2020); for unfair working conditions and accommodation – 137 (2016), 154 (2017), 179 (2018), 196 (2019) and 200 (2020). With regard to gender of the investigated persons, the data shows a majority of male perpetrators in almost all forms of trafficking and related crimes; for instance, in 2019 the share of male perpetrators comprised 62 percent while this number was 67 percent in 2020. This number is particularly high in pimping cases: 72 percent in 2020.
49. Trafficking in children for various exploitative purposes is investigated by the Brigade for the Protection of Minors (BPM). BPM's anti-trafficking team is composed of seven specialized police investigators. In 2020, the BPM opened investigations into 14 cases related to human trafficking, 11 of which relate to cases of pick pocketing and stealing in metros, touristic and shopping areas. Three of these cases were closed due to lack of evidence. As discussed in paragraph 35 of this report, amid the increase in trafficking of minors for the purpose of forced criminality and forced begging, the BPM launched a new investigation team in late 2021. Nevertheless, the Special Representative notes the small number of cases reported by BPM in comparison to the

much larger numbers of child victims of trafficking reported by other entities. For example, as described in paragraph 31, various agencies reported between 187 and 400 child victims of trafficking as per the SSMSI and SIRASCO's databases in 2020. Further, these figures fall far short of the estimated 7000-10000 children in prostitution (which, in cases involving a third party exploiter, would constitute trafficking). These figures highlight the challenges in France related to data harmonization as well as to ensuring that cases involving children are qualified as trafficking victims.

50. As mentioned in earlier paragraphs, the Internet is increasingly used by traffickers to recruit, exploit and control victims for various purposes. This challenge was referenced by various interlocutors in regard to rapidly increasing pattern of recruitment and exploitation of minors for sexual exploitation. Social networks such as WhatsApp, Instagram, and Facebook are used for recruitment, advertising and exploitation in France. The interlocutors also reported about recent cases of advertising of foreign women for prostitution on "Vivastreet", the investigation into which has been "ongoing" for multiple years. The Internet is also used positively to combat THB. For example, some victims - especially from Philippines - were able to get help through social networks. The Special Representative was informed that OCRTEH was in the process of recruiting specialists for online investigations who will particularly focus on advertisements and utilize digital tools. To keep pace with the misuse of technology by traffickers and also with the opportunities that new technologies present for combating THB, and taking into account the dramatic shift from a street-based prostitution industry to an online-based industry (see paragraph 33), the Special Representative recommends that law enforcement and prosecutors are supported with more human and financial resources to make use of online investigations and specialized technology tools which could scale up the fight against human trafficking, including the necessary software, hardware and consistent training.³⁸ Once implemented additional resources would also support the implementation of relevant tasks envisaged under NAP for combating child prostitution, specifically Articles 6, 12 and 13.
51. The French legislation does not include an explicit provision criminalizing the users of services of trafficked persons as encouraged by Article 19 of the CoE Convention, as well as by Article 26 of the EU Directive 2011/36/EU. As indicated above, the adoption of the Law 2016-444 introduced a criminal offence for the purchase of sexual services. Article 11 also established "aggravating circumstances" for violence, sexual aggression and rape committed against a prostituted person. Criminal Code Article 225-12-14 criminalizes the act of soliciting or obtaining relations of a sexual nature from a minor or a person who presents a particular vulnerability due to an illness, infirmity, handicap or pregnancy by five years' imprisonment and a fine of €75,000.
52. The Law No. 2021-478 on protection of minors from sexual crimes and offences and from incest introduced strict penalties for offenders of sexual acts committed against children under the age of 15 (see paragraph 19). While the Law 2016-444 in theory can also be seen as a deterrent for users of services of victims of sexual exploitation, its penalties are more administrative than criminal in nature, meaning that the purchase of sex from a person in prostitution and from an adult trafficking victim would ostensibly receive the same punishment. Thus, there is no substantive deterrent from

³⁸ [Leveraging innovation to fight trafficking in human beings: a comprehensive analysis of technology tools | OSCE](#), 2020

engaging in conduct that is - by definition – exploitation (purchasing sex from a person who has been subjected to illicit means). Inclusion of a separate offence – or an aggravated penalty -targeting the users of services of trafficking persons has several advantages: (1) this method of criminalization establishes a stronger norm against the specific purchase of sexual services from a victim of human trafficking and allows for a penalty commensurate with the grave harm inflicted upon the victim; and (2) it could encompass other forms of human trafficking, such as trafficking for forced labour, forced criminality and organ removal.³⁹ The Special Representative recommends that France consider amending legislation to ensure that the offence covers the use of services of all trafficked victims (adults and children).

53. The Special Representatives notes the heavy reliance on victim and witness testimony within criminal proceedings, and notes that this is a contributing factor to the low rate of prosecution of THB cases across the OSCE.⁴⁰ According to criminal justice practitioners met during the visit, a victim interview is an important element in an investigation. However, victims often defend the accused or change their testimony, especially in cases where the accused is a family member and the victim is thus likely to withhold co-operation.

The Special Representative highlights the existence of a plethora of interventions that can aid the situation and have been used effectively in other countries. These include interventions such as facilitating victim co-operation by providing them with effective victim protection and assistance including adequate housing, mental health services, residency permits and other trauma-informed care. The provision of support to victims may help to create the preconditions for them to consider co-operating in a trial. Another intervention is linked to the need for adequate and regular training of criminal justice practitioners on how to work with victims in a trauma-informed manner. Such training will help to build trust with victims and contribute to optimal testimony from victims. And lastly, investigators and prosecutors should pursue strategies and tactics that emphasize collection of corroborating evidence or, in the ideal scenario, develop victim-less investigations and prosecutions through under-cover operations, stings or alternative sources of evidence, such as financial evidence. (In this regard, the Special Representative notes positively the stated intent to enhance the ability of law enforcement to operate in an undercover capacity online.) As a threshold intervention, prosecutors and investigators should pursue all available avenues for early cooperation and collaboration between their departments on combating various forms of human trafficking. To this end, the Special Representative recommends that French authorities enhance their efforts to effectively investigate and prosecute perpetrators of human trafficking by considering other sources of evidence, in addition to the victim testimony, as well as improve victim assistance and protection schemes to secure victim co-operation in criminal proceedings, including by ensuring non-conditional residence permits for victims/witnesses. Additionally, the Special Representative recommends that criminal justice practitioners and prosecutors receive additional training on conducting investigations and prosecutions in the absence of a co-operative victim to enhance the ability of authorities to hold traffickers accountable.

54. Criminal Procedure Code Articles 706-80 through 706-103 allows the use of surveillance, undercover investigation, interception, recording of communication sent

³⁹ [Discouraging the demand that fosters trafficking for the purpose of sexual exploitation | OSCE](#), 2021

⁴⁰ [Ending Impunity Delivering Justice through Prosecuting Trafficking in Human Beings | OSCE](#), 2020

via telecommunications, accessing, recording, storing and transmitting computer data, recording audio and visual material and precautionary measures in relation to the property of a person who has been indicted. However, the use of these special investigative techniques are only allowed in cases where the aggravated forms of the offence (225-4-2 to 225-4-7) are committed and are subject to oversight by a judicial authority. The Special Representative notes the value of special investigative techniques in all forms of trafficking independent of its inclusion of aggravated forms. The use of these techniques can reveal the chain of perpetrators, uncover substantial evidence to add to the mosaic of evidence, can support victim testimony or even make it unnecessary, and can help to prove criminal intent.⁴¹

55. On 22 January 2015, the Ministry of Justice issued a circular setting out criminal law policy on action against trafficking in human beings to remind prosecutors and judges of the constituent elements of THB, encourage them to prosecute more THB cases, and foster more systematic convictions for this offence.⁴² The circular provides a general guidance for judges and magistrates on key principles guiding anti-trafficking policy. However according to the CNCDH evaluation of 2017, the circular does not stipulate that the presence of one of the acts listed under Article 225-4-1 of the Criminal Code is alone enough to constitute THB, which can lead to diverging interpretations and challenges in reaching effective prosecution of trafficking cases.⁴³ The Special Representative notes the designation of 67 referents within the public prosecutor's office and 8 referents in JIRS to ensure specialization and training on trafficking in human beings and procuring. Further, in light of the adoption of various legislative acts, changes made to the CC and different interpretations of the law that were offered during the visit, as well as the natural turn-over of prosecutors and judges working on THB cases, a follow up to the 2015 circular coupled with additional capacity building would be highly useful to ensure a complete and harmonized application of the law.

The circular was also referred to in the discussion around “the irrelevance of consent” of the victim. As noted in paragraph 17, the legislation in France does not explicitly provide for the *irrelevance of consent* when any of the means set forth in the definition of trafficking have been used. The Special Representative here notes the discussion with the Ministry of Justice on the difficulties of establishing the absence of the “consent” of the victim, particularly when there is a lack of certainty surrounding physical violence or force used against the victim.

56. With regard to prosecution, SDSE statistics show a steady increase in efforts to prosecute various forms of trafficking from 2014 to 2020 with the highest rate of prosecutions of procuring/pimping (6380) followed by indecent work (2124) and trafficking for sexual exploitation (620). While the statistics were not available for each year, exploitation in begging, slavery, forced labour and servitude among the forms of THB prosecuted by French criminal justice practitioners.

⁴¹ UNODC, Evidential Issues in Trafficking in Persons Cases, 2017

⁴² Ministry of Justice, Circular of 22 January 2015 setting out criminal law policy on action against trafficking in human beings

⁴³ CNCDH, Evaluation of the implementation of the national action against trafficking in human beings (2014-2016) p.22 [17.07.06 evaluation du plan teh en.pdf \(cncdh.fr\)](#)

57. Regarding the adjudication of traffickers, the SDSE data⁴⁴ is disaggregated to various exploitative forms of trafficking, i.e. THB for the purpose of sexual exploitation, procuring/pimping, begging, exploitation in decent work and servitude. The overall statistics between 2014-2018 show that the conviction rate for procuring/pimping is significantly higher than THB for sexual exploitation with a total of 2789 convictions for procuring/pimping compared to 108 convictions for sex trafficking during the same period. The convictions for exploitation in begging totals 49 and servitude totals 5 during the same period. While assessing the SDSE statistical data provided following the visit, the Special Representative concludes that in recent years roughly only 20 percent of prosecuted cases ended in convictions. By way of example, the French courts convicted 20 persons for trafficking for the purpose of sexual exploitation in 2018 whereas the number of prosecutions were 95 in the same year. Moreover, the pre-visit research indicates that almost a third of trafficking cases result in suspended sentence. This is particularly relevant in cases of pimping and human trafficking. For example, in cases where pimping and human trafficking conflate, judges can use double qualification. However, in practice this is not done and instead cases are simply prosecuted under pimping. Moreover, apparently the length of the exploitation plays a decisive role for prosecution to differentiate between the two offences. In France, the Criminal Code foresees fairly comparable punishments for pimping and trafficking offences – 7 years and 150,000 fine for pimping and 10 years and 1.5 million fine for trafficking. Prosecutors also reported that victims have the same rights as a victim of pimping that they do as a victim of trafficking (including residence permit, access to services, etc.), although this was not clear in the statutory framework. All interlocutors noted that pimping was easier to prove than trafficking and thus was often a more attractive option for investigators and prosecutors, however, as noted above this is not always a good rationale for the approach. Of note, the Specialized Interregional Court (JIRS) adjudicates trafficking and related cases due to their specialization in organized crimes.
58. Based on the discussions held with various criminal justice practitioners, it is clear that national laws are not always correctly understood or interpreted. Some interlocutors among both policy makers and prosecutors made statements that evinced a misunderstanding of the constituent elements of human trafficking under national law, including a belief that human trafficking offences are transnational in nature requiring border crossing or that its victims are foreign women only (thereby contributing to the tendency to prosecute domestic trafficking cases as pimping). This reinforces the need for enhanced awareness of the elements of trafficking and their application, a challenge which could be at least partially addressed through the re-issuance of a circular, as mentioned in paragraph 55, specialization of law-enforcement, prosecution and judiciary and capacity building. The systemic conflation of pimping with trafficking offences and qualification of trafficking cases to pimping offences indicate a failure to recognize the serious, exploitative nature of trafficking, with the focus instead only on the commercial relationship that occurs in pimping offences. This is most clear with regard to the sex trafficking of children under 18. Throughout the visit, interlocutors referred consistently to “neighbourhood child prostitution” or “pimping of children”, language which grossly understates the exploitative sexual abuse of children and does not reflect international law. When the cases involved French children there seems to be a pattern to not charge trafficking (whereas the cases might be charged as trafficking

⁴⁴ The data is submitted to OSR/CTHB by French authorities on 21 September 2021

if they involved a minor, foreign victim). This has created a situation where domestic minor sex trafficking is systematically treated less seriously than the trafficking of foreign minors. The challenges related to application of trafficking in the context of sexual exploitation also raises important questions regarding its application in other contexts such as trafficking for forced labour where there is no equivalent corollary like pimping. If a case is not identified or qualified as trafficking for forced labour, it is unclear whether or how it would be prosecuted.

59. With regard to financial intelligence and investigations into the proceeds created by human trafficking, responsibility is placed under the authority of the Ministry of the Economy, Finance and Recovery, and TRACFIN is the Financial Intelligence Unit of France. It contributes to the development of a fair and healthy economy by combating illicit financial flows, money laundering and the financing of terrorism. The TRACFIN is responsible for collecting, analysing and enriching suspicious transaction reports (STRs) from reporting entities. While there are no specific indicators on THB that the financial intelligence analysts use to detect trafficking related financial activity, TRACFIN elaborated some risk factors and general risks on money laundering that are assessed via three sources of information: STRs from reporting entities, intelligence from other national entities, and information gathered from the Service's own on investigations. As per its 2020 report⁴⁵, TRACFIN has information on some of the cash transfers made from, or to, the national territory, thanks to a communications information system (COSI) relating to fund transmissions. This information allows the Service to work on transfers of small denominations of cash which, taken in isolation, are insufficient to give rise to a declaration of suspicion but, when examined collectively, brings to light potential activity linked to trafficking, allowing for the possible identification of targeted actors and trafficking networks abroad. The Special Representative was informed about the recent transnational case detected by TRACFIN that included both human and drug trafficking, and which revealed the illicit financial flow of 150,000 Euros from France to Latin America and the Balkans.

60. Because human trafficking is a financially motivated crime, financial investigations conducted in parallel to criminal investigations are an increasingly important tool in disrupting the business model of traffickers and in enhancing the use of corroborating evidence in prosecutions. Financial investigations can be used both as a punitive measure against traffickers, as well as a protective measure for victims, helping to deliver reparations and compensation for trafficked persons.⁴⁶ FIUs play a crucial role in analysing and exchanging information concerning unusual and suspicious transactions that may include finances deriving from trafficking in human beings, thus serve as intermediaries between the private sector and law enforcement authorities including to facilitate exchange of strategic and tactical data. To this end, the Special Representative recommends several action points that would harness the considerable potential of TRACFIN within the anti-trafficking agenda and increase cooperation between anti-money laundering practitioners and anti-trafficking stakeholders. Firstly, he invites MIPROF to include TRACFIN in the inter-agency task force to enable information exchange and dialogue. Secondly, he recommends that MIPROF reinstates the non-implemented Measure 14 of the 2014-16 NAP (Mobilize TRACFIN against trafficking) by including a measure in the new NAP to enable closer engagement of the

⁴⁵ TRACFIN 2020, *Activité et analyse* [maquette-ra-tracfin-2021-v5-sans-tab-137](https://www.economie.gouv.fr/maquette-ra-tracfin-2021-v5-sans-tab-137) (economie.gouv.fr)

⁴⁶ [Joint Statement on the Critical Role of the Financial Sector in Combating Trafficking in Human Beings and Modern-day Slavery](#) | OSCE

Service to share typologies and red-flag indicators with the financial services sector. Thirdly, he recommends to maintain human trafficking among the main predicate offences of money laundering in the update of the National Analysis of the risk of money laundering and terrorist financing which will be published in 2022 and to study the OSCE 2019 paper on “Following the Money: Compendium of Resources and Step-by-Step Guide to Financial Investigations into THB”.⁴⁷ Along with an analysis and summary of available resources on the topic, the paper also provides guidance on how to conduct financial investigations through public-private partnerships and presents a comprehensive list of typologies and red-flag indicators for use by the financial sectors.

61. The Agency for the Collection and Management of Seized and Confiscated Assets (AGRASC) was created in 2010 with the aim to fight against organized crime by confiscating illegal assets and other proceeds. Following the adoption of the Law 2016-444, a special fund to fight against human trafficking and pimping was established within the State budget. The fund supports the prevention of prostitution by providing financial resources for social and professional support to persons in prostitution, and in endowed State credits and revenues derived from the confiscation of goods and products seized under the Article 225-24 of the Criminal Code. The money confiscated from traffickers and pimps which is allocated to this fund is then used to finance anti-trafficking associations, state agencies involved in combating human trafficking and for compensating victims. Nearly 2 million euros were paid in this respect in 2020. In 2022, this amount amounted to 3,443,000 euros. As a result of a regional call for projects relayed by the territorial network for women's rights and equality between women and men, French authorities supported 24 local projects with the amount up to €2,550,000 and financed the actions of 5 national associations (for an amount of €893,000). Article 225-24 of the Criminal Code provides for the confiscation of property of natural persons or legal entities guilty of trafficking offences as prescribed under the Articles 225-4-1 to 225-4-9 and Article 225-5 to 225-10. For the period of 1 January to 31 August 2021, 14.26 million euros were seized from trafficking and related crime offenders. Anyone who is awarded damages by a final decision of a court may request AGRASC to pay the amount to them from the confiscated funds.⁴⁸ Regarding the number of compensation claims submitted by victims of human trafficking, they were 15 in 2017, 21 in 2018, 14 in 2019, 7 in 2020 and also 7 in 2021. The Special Representative was not provided with the compensation granted. The Special Representative positively notes the establishment of the Fund, financed from the confiscated proceeds of traffickers, and recognizes it as a “best practice” within the OSCE region. However, he calls for enhanced transparency on how the funds are distributed to recipients and also that French authorities collect and maintain data on the number and amount of confiscations and the compensation granted to victims of trafficking and related crimes.
62. The non-punishment principle in regard to trafficking victims is not enshrined in national law nor is it explicitly mentioned in the anti-trafficking policy in France. The stakeholders met during the visit referred to the Ministry of Justice circular of 2015 which hints at the principle but lacks the explicit reference that would enable the prosecution and judiciary to consider releasing victims from liability for crimes committed as a result or in the process of trafficking. Similar to many other participating States, self-defence, duress or necessity clauses also exist in French legal system which

⁴⁷ [Following the Money: Compendium of Resources and Step-by-step Guide to Financial Investigations Into Trafficking in Human Beings | OSCE](#), 2019

⁴⁸ Article 706-164 of the Criminal Procedure Code

could potentially excuse the defendant/victim from liability. However while these provisions could in principle be used in trafficking cases, they are often narrowly interpreted by courts and therefore rarely used.⁴⁹ Moreover, they typically pose a much higher standard of proof than the non-punishment principle would entail. In France, the prosecutor have a discretion as to whether or not to initiate a prosecution with regard to the commission of a particular offence. The presence of the non-punishment principle is particularly relevant in cases of persons trafficked for criminal activities, such as pick pocketing and begging which is on the rise in France. The Special Representative notes the discussion held with the investigating judges and prosecutors on the difficulties encountered in examining the cases especially related to forced criminality involving minors. In this regard, the Special Representative highlights that by prosecuting trafficking victims, States fail to fulfil international obligations, namely to identify, protect and assist victims of trafficking, and also to investigate a trafficking situation with to the aim of identifying the trafficker and seeking to bring the true perpetrator to justice. To this end, he believes that clear and specific legislation or policy guidance is necessary to support the full and effective implementation of the non-punishment principle and recommends that French authorities include specific reference to the non-punishment principle in national policies, including by considering amending the circulars developed to guide criminal justice practitioners and the judiciary.

VI. Prevention of human trafficking

63. The Special Representative notes a variety of preventive measures implemented by France which are enabled through the adoption and implementation of laws that discourage demand for sexual and labour exploitation. He further notes that prevention is one of priority areas of the current NAP, which foresees a range of measures, including raising awareness among the general public, vulnerable populations and school aged children, as well as advancing the knowledge and skills of practitioners and professionals involved in anti-trafficking work and improving systems for data collection and analysis. In this regard, France's strategic emphasis on prevention is to be commended and recognized as a leading practice.
64. As outlined in paragraph 19, the Law (Law 2016-444)⁵⁰ on strengthening action against prostitution and providing assistance to persons in a situation of prostitution adopted in 2016 is a milestone in the country's efforts to discourage the demand for sexual exploitation and support those who have been exploited in the system. The law criminalizes the purchase of sexual services with a fine of up to 1,500 euros and of up to 3,750 euros for a repeated offence. It also envisages the possibility of a supplementary sanction in the form of an educational course, to be paid for by the buyer, on the subject of combating the purchase of sexual services and reducing the demand for sexual exploitation. It also improves support to people who are victims of prostitution, pimping or trafficking human beings for the purpose of sexual exploitation, by providing them with access to exit services, a support by an approved association, authorization for temporary stay and financial assistance. The Special Representative positively notes the attention given to educating buyers of sexual services to try to

⁴⁹ [Policy and legislative recommendations towards the effective implementation of the non-punishment provision with regard to victims of trafficking | OSCE](#), 2013

⁵⁰ Loi n° 2016-444 du 13 avril 2016 visant à renforcer la lutte contre le système prostitutionnel et à accompagner les personnes prostituées.

reduce recidivism and particularly initiatives of the civil society organizations such as ACJE91. These steps support the implementation of Article 9(5) in the Palermo Protocol. While the Special Representative notes the inter-ministerial circular to Prefets issued on 13 April 2022 which aims to harmonize exit programmes, he also notes the lack of a standardized approach to education of buyers and training on implementation of the law across the country as discussed during the visit He recommends increasing and supporting prevention efforts by focusing on the demand that fosters all forms of trafficking, including through comprehensively assessing and measuring implementation of the law; ensuring consistency in arresting and referring sex buyers to education courses across the country; and closely monitoring the venues where prostitution services can be procured (particularly online) to prevent the exploitation of in this industry.

65. Another notable provision of the Law is Article 19, which incorporates the promotion of gender equality in sex education classes taught in schools. During the meeting with the General Directorate of School Education (DGESCO), the Special Representative was informed about tools incorporated into sexual education curricula, including information on prevention of trafficking in human beings. These tools aim to develop psychological and social skills which promote respectful behaviours including among boys and young men. The topics of focus are prevention, sexual health, prevention of sexually transmitted diseases, undesired/early pregnant and rights and respect for others. Every student in primary and secondary education must attend a minimum of three sessions per year. DGESCO developed a number of national educational resources to assist and guide teachers and school personnel in identifying and acting on worrying situations, and where instances of sexual violence are revealed and/or observed.⁵¹ The Special Representative commends the work of the DGESCO in developing resources and tools to provide early sexual education to students. Wider use and implementation of these educational initiatives, in particular those targeting youth and adolescents as well as potential perpetrators and bystanders, is also encouraged, as such tools offer a pathway toward altering harmful gender norms on a larger scale.⁵²
66. The Special Representative commends France for being a pioneer in the area of combating forced labour within supply chains via its adoption of the Law relating to the duty of vigilance of parent companies and ordering companies (Law No. 2017-399) in 2017 as mentioned in paragraph 21. The law is applicable to all companies and groups which employ, for two consecutive years, more than 5000 employees in France or more than 10,000 employees within the company and its subsidiaries, with the head office in France or abroad. Under the law, these companies are required to establish, publish, and assess a vigilance plan. The vigilance plan must include risk mapping, procedures for regular assessment of the situation of subsidiaries, subcontractors or suppliers; actions to mitigate risks and prevent serious damage; a mechanism for alerting and collecting reports; and a system for monitoring and evaluating measures. The enforcement of the Law is left exclusively to the courts, as “any interested person” may request the court to order, including under penalty, a company to comply with its obligations (Article L. 225-102-4 II of the French Commercial Code), or to order compensation for the damage caused by its lack of vigilance (Article L. 225-102-5).⁵³

⁵¹ [Focus : prévention des violences sexistes et sexuelles à l'École | éducol | Ministère de l'Éducation nationale, de la Jeunesse et des Sports - Direction générale de l'enseignement scolaire \(education.fr\)](#)

⁵² [Discouraging the demand that fosters trafficking for the purpose of sexual exploitation | OSCE, 2021](#)

⁵³ Sherpa, Creating a Public Authority to Enforce the Duty of Vigilance Law: A Step Backward? April 2021

While the law serves as a ground-breaking example internationally, several challenges exist for its effective implementation. First, according to the study commissioned by the Ministry of Economy and Finance in 2020, the primary weaknesses of the Law are the unclear and unequally shared understanding of the due diligence, insufficient readability and visibility in the already extensive Management Report, absence of an alert mechanism, a lack of dialogue with trade unions and NGOs, and a lack of a body that would monitor the implementation of the Law.⁵⁴ Moreover, to date there is no official list of companies impacted by the law. According to definition of “large companies” provided by decree No. 2008-1354 of 18 December 2008 France’s National Institute of Statistics and Economic Studies (INSEE) listed 292 large companies in 2016 employing 3.9 million employees and comprising 29,946 legal units. However, this list includes entities that do not employ more than 5000 people in France alone or more than 10,000 in France and abroad, since only the total workforce is considered.⁵⁵

To remedy the situation, experts and scholars propose several recommendations that call for empowering a state authority to monitor the application of the Law, contribute to harmonizing corporate best practices, and promote sectoral and multi-stakeholder approaches. On the other hand, Sherpa, the French legal association whose mission it is to protect and defend victims of economic crimes, concludes that “an ex ante control of measures by an administrative authority would increase the risk that the duty of vigilance be interpreted in a superficial and formalistic way, as a simple obligation to put in place internal risk management processes. Moreover, such a control seems incompatible with the extraterritorial scope of the duty of vigilance: insofar as such an authority will have difficulty in assessing the existence of violations in foreign subsidiaries or suppliers, its control will likely be superficial”.⁵⁶ While commending France for its forward-looking legislation and initiative to prevent labour exploitation, the Special Representative sees a need for greater enforcement of the law and recommends that France accelerates efforts to establish such a mechanism. He further recommends conducting enhanced awareness raising and training especially in regard to exchange of good practices. Extending the scope of the law to smaller companies could also maximize the effect of the Law and contribute to its improved enforcement.

67. With regard to the prevention of labour exploitation, Article L.8112-2 of the Labour Code amended by the Law No. 2016-444 of 2016 and Ordinance of 7 April 2016 has expanded the mandate and reaffirmed the role of labour inspectors to deal with exploitation at workplaces. Two entities are particularly relevant in delivering on the anti-trafficking agenda: The first is the Directorate General of Labour (DGT) which prepares, leads and coordinates labour policy and develops actions to encourage social dialogue, promote the quality of life at work and ensure effectiveness of the law with the overall aim to fight against social dumping. The second, is DRIEETS⁵⁷, whose labour inspectors now act alongside OCLTI and OFPRA and other specialized associations. Labour Inspectors are legally authorized to visit accommodation premises,

⁵⁴ Anne Duthilleul and Matthias de Jouvene, Assessment of the implementation of Law No.2017-399 of March 27, 2017 relating to the duty to vigilance of parent companies and ordering companies, Report to Minister of Economy and Finance, 2020 p. 8

⁵⁵ Ibid, p.19

⁵⁶ Sherpa, Creating a Public Authority to Enforce the Duty of Vigilance Law: A Step Backward? April 2021

⁵⁷ In April 2021, the DIRECCTE, the Regional Directorate of Social Cohesion (DRCS) and the Departmental Directorates of Social Cohesion (DDCS) in the inner suburbs became the DRIEETS, the new decentralized service of the State common to the economic and social ministries.

with Article L. 8112-2 providing them the authority to identify all infringements and exploitation through labour while Article L.8113-2-1 allows their access to the accommodation premises with the agreement of the occupant in the framework of article L8112-2 1 (labour exploitation survey). In suspected cases of human trafficking, labour inspectors are required to rescue the victim, assess the situation, and implement a protection system with the support of authorized bodies, institute controls and report on the case.

68. Through analysing administrative data over the past seven years, DGT has identified two important trends: 1) the increasing number of sanctions due to hidden work (66% to 72%); and 2) the decreasing number of sanctions for using foreigners without a work permit (14% to 7%). Construction, transportation and agriculture are the sectors most impacted by all categories of illegal work. Hotel and catering services, the food retail sector, and the services industry (and notably personal care services) are most impacted by bogus status and foreigners without a work permit. The entertainment sector is the most affected by dissimulated work and bogus status.⁵⁸

In April 2019, labour inspectors conducted 591 controls and 15 labour operating procedures. In September 2019, 400 agricultural businesses and 3000 people were subject to checks resulting in 44 procedures relating to undignified working and accommodation conditions and 298 potential victims were identified. In 2020, 450 potential victims were identified following 861 checks carried out in France and 190 investigations were initiated relating to illegal work and serious forms of labour exploitation, including 16 relating to THB. The Special Representative welcomes the expanded mandate of labour inspectors to identify and refer cases of trafficking for labour exploitation. He recalls that the ILO's Labour Inspection Convention No. 81 (1947) defines the role of labour inspectorates in three areas: prevention, advisement and enforcement⁵⁹ and believes that the application of these roles requires a proper mandate, adequate resources and staffing. He recommends that labour inspectors receive regular targeted training to identify human trafficking and play a frontline role in detecting and referring cases of labour exploitation in workplaces.

69. In conclusion, while positively noting the commitment and numerous steps taken in the prevention and countering of trafficking by the Government of France, particularly through strong policy adoption, the Special Representative encourages the authorities to continue their efforts and invites them to consider the following recommendations to enhance the implementation of OSCE anti-trafficking commitments, in particular the OSCE Action Plan to Combat Trafficking in Human Beings and its Addenda⁶⁰. The Special Representative and his Office stand ready to provide technical assistance, if requested, by national and local authorities, as well as civil society, and welcomes further dialogue and co-operation to promote appropriate follow-up to these recommendations.

⁵⁸ Factsheet on Undeclared Work – FRANCE (September 2017)

⁵⁹ Model Guidelines on Government measures to prevent trafficking for labour exploitation in supply chains, OSCE, 2018

⁶⁰ OSCE Permanent Council, Decision No. 557/Rev.1 *OSCE Action Plan to Combat Trafficking in Human Beings* (Vienna, 7 July 2005); OSCE Permanent Council, Decision No. 1107 *Addendum to the OSCE Action Plan to Combat Trafficking in Human Beings: One Decade Later* (Vienna, 6 December 2013).

VII. Recommendations

1. Enhance legal, policy and institutional framework by:

- Ratifying ILO Convention 189 concerning Decent Work for Domestic Workers.
- Ratifying the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families of 2003.
- Amending legislation and policy guidance to include explicit references to two key anti-trafficking principles: “the irrelevance of victim consent” to the intended exploitation and “non-punishment principle in regard to trafficking victims” in line with the international instruments.
- Amending legislation to ensure that the use of services of adult trafficking victims is punished accordingly, and not addressed merely as an administrative offense.
- Allocating sufficient financial and specialized human resources to MIPROF to enable 1) an improved focus on all forms of human trafficking present within the country, including trafficking for the purposes of sexual exploitation, forced labour, slavery, and domestic servitude and for criminal activities; and 2) enhanced co-ordination of actions envisaged under Acceleration Strategy and newly adopted NAP on fighting prostitution of minors.
- Setting a clear time-line for implementation of the tasks assigned to various agencies and working groups established under the NAC with the view to accelerate the development process of policy and guidance documents in particular, the NRM.
- Accelerating the development of the new National Action Plan, beginning with an assessment of the effectiveness of the current National Action Plan (NAP) as soon as possible. The recommendations provided by the CNCDH as to the explicit timeline and the budget for each of the action should be incorporated. The new NAP should also include robust measures to raise awareness within the criminal justice system of national and international law on trafficking and enforce its implementation; enhance efforts to identify and prosecute trafficking for the purpose of labour exploitation; envisage specific actions to address the increasing prevalence of online exploitation of children and adults, including by establishing partnerships with private agencies such as technology companies to develop specific tools; promote partnerships with the financial intelligence (TRACFIN), financial services industry and financial regulators to identify proceeds from trafficking crimes; establish regular joint capacity building and consultation among various agencies, such as cybercrime, organized crime and trafficking criminal and social justice practitioners; and provide for adequate accommodations to all trafficking victims.
- Expanding the activities of Working Group on “Prostitution of Minors” across the country and conduct a country-wide mapping exercise of all venues, including online, which are prone to be misused for the trafficking of children for sexual exploitation with the aim to develop a tailored preventative programme and design a needs-based protection strategy. Additionally,

the Working Group should lead a discussion on possible amendments to the legislative framework to enable law-enforcement controls of private locations such as apartments, Airbnb apartments, and hotel accommodations.

- Ensuring consistency and harmonization of data of SSMSI database with other data compiled and maintained by other agencies, also by including data on number of victims who received assistance, shelter, and residency permits; the number of compensation claimed and granted; and on confiscations and recovered assets of traffickers.

2. Enhance victim identification, assistance and protection by:

- Adopting a national identification and referral system that extends beyond law enforcement-only identification by introducing an alternative procedure for the formal identification of trafficking persons that is based on a multidisciplinary approach, guided by the needs and interests of the victims, and supplemented by screening tools and indicators.

- Developing and implementing training on identification and referral of victims of various forms of trafficking for relevant authorities, especially front-line officers who may be the first ones in contact with a potential victim of trafficking, including law enforcement, labour inspectors, social workers, and staff of child welfare institutions.

- Enhancing measures to identify victims of all forms of human trafficking, particularly labour exploitation through increasing proactive outreach activities to industries prone to exploitation, such as agriculture, textile, tourism and hospitality and domestic work, as well as hidden forms such as trafficking for the purpose of forced criminal activities that primarily targets children.

- Enhancing measures to identify victims of trafficking among persons in asylum processes and in detention facilities for irregular migrants including by reviewing the process and procedure of vulnerability assessment conducted by OFII.

- Evaluating the current practice of handling asylum claims of trafficked persons, capacity and skills of law enforcement, migration officers, health providers, consular staff and prefectures to interview trafficking persons with the view of improving current bottlenecks in the system of evaluating and granting asylum on trafficking grounds.

- Ensuring non-conditional granting of residency permit to trafficked persons, including by evaluating and measuring the effectiveness of the state agencies and prefectures responsible for issuing such permits to ensure timely access of victims to protection mechanisms. Also reviewing the effectiveness of the commissions established under the Law 2016-444 with the aim to ensure improved application of the protective scheme available and offered to trafficking victims.

- Improving the system for granting compensation to trafficking victims including by developing simple and effective procedures to enable trafficked persons' access to compensation, monitoring and evaluating the current practices of compensation procedures

(including the procedures to access the fund established under AGRASC), and providing training for law enforcement and the judiciary on victim's right to compensation.

- Conducting a nation-wide assessment on the accessibility and sufficiency of specialized accommodation for trafficking victims.

3. Urgently enhance identification, assistance and protection of child victims of trafficking by:

- Addressing the current practice of framing child trafficking and exploitation cases as “child prostitution” or “pimping of children” and accurately reflect these cases as “trafficking of children for the purpose of sexual exploitation”, including by developing training and guidance that are focused on the exploitation – and associated harms – of children.

- Urgently providing a comprehensive and enhanced response to the rapidly growing sexual violence against children by timely implementing the tasks envisaged under the newly adopted NAP on “child prostitution”. Additionally, collecting and maintaining coherent unified data of exploited children segregated by gender and age, of the means of recruitment and form of exploitation.

- Address online platforms that ignore risks or facilitate exploitation on their platforms through policy action requiring implementation of safety measures; risk assessments; due diligence and monitoring for illicit content; reporting to authority; and enhanced transparency. Policies should also provide for enforcement by authorities and liability for harms occurring on or through the platforms.

- In the implementation of the NAP on “child prostitution” as well as to advance the implementation of the 2021 law, enhance criminal and prevention actions to substantively address the purchase of sex from minors.

- Within the NRM to be adopted, dedicating a special mechanism for identification and referral of child victims of trafficking that always takes into consideration the best interests of the child; this mechanism should be led by child welfare and protection agencies and civil society organizations bearing in mind gender and age-specific needs of the child.

- Including a specific task in the new NAP on identification of and assistance to unaccompanied minors, and consider appointing a National Focal Point (NFP) on child victims of trafficking to enhance information sharing and co-operation with other countries regarding children on the move.

- Ensuring that practitioners are trained and supported in working with distressed and traumatised children.

4. Enhance the criminal justice response to all forms of human trafficking by:

- In light of the adoption of the new legal acts and changes made to the CC provisions, updating the Ministry of Justice 2015 circular setting out criminal law policy on action against trafficking in human beings to ensure explicit references to elements of human trafficking and key principles guiding anti-trafficking work, i.e. irrelevance of consent and the non-punishment principle.

- Providing a comprehensive guidance and training to practitioners - particularly law enforcement, prosecutors, judges, prefectures – on the constituent elements of trafficking, including on irrelevance of consent and on cases involving children where proof of means is not required to ensure a complete and harmonized application of the law.

- Improving investigations to identify and collect sources of evidence in addition to victim testimony including by making use of special investigative tools, including wiretapping, surveillance and undercover operations, in all trafficking cases (i.e. not only aggravated cases) and by developing capacity building activities for investigators and prosecutors to advance the victimless investigations and prosecutions.

- Establishing specialized units or developing specialization on THB in law enforcement units and prosecution service across the country.

- Improving victim assistance and protection schemes to enhance victim co-operation in criminal proceedings, including by ensuring non-conditional residence permits for victims/witnesses, and enhancing training for prosecutors and judges in application of victim-centred and trauma-informed approaches.

- Allocating specialized human and financial resources to law enforcement and prosecutors to investigate human trafficking facilitated through the internet, including through continuous multi-department/agency training and capacity building activities to benefit from specialized technology tools which could scale up the fight against human trafficking.

- Including TRACFIN in the inter-agency task force to enable information exchange and dialogue, and incorporating a measure in the new NAP to enable closer engagement of the Financial Intelligence Unit in the anti-trafficking agenda and enable exchange of information and data - such as typologies and red-flag indicators - with the financial services sector.

- Maintaining human trafficking among the main predicate offences of money laundering in the update of the National Analysis of the risks of money laundering and terrorist financing which will be published in 2022 and developing tailored and co-ordinated actions to increase detection and prevention of trafficking related financial flows and support anti-trafficking measures.

5. Enhance prevention of human trafficking by:

- Increasing and supporting prevention efforts by focusing on the demand that fosters all forms of trafficking, including through: effectively implementing the Law 2016-444 and the Law No. 2021-478, which provide for a robust framework for educational, cultural and social measures to discourage demand, including by comprehensively assessing and measuring implementation of the law; ensuring consistency in arresting and referring sex buyers to education courses across the country; and closely monitoring the venues where prostitution services can be procured (particularly online) to prevent the exploitation of adults and children in this industry.

- Establishing a mechanism to better enforce the implementation of the Law No. 2017-399 relating to the duty of vigilance of parent companies and ordering companies; conducting further awareness raising and training especially in regard to exchange of good practices with like-minded legislations; and extending the scope of the law to smaller companies to maximize the effect of the Law and contribute to its impact.

- Enhancing the measures to identify victims of labour exploitation through increasing outreach activities and unscheduled inspections to industries prone to exploitation, such as agriculture, textile, tourism and hospitality and domestic work.

Programme of the visit

Monday, 28 June	
08:00-09:00	Working breakfast with Connect Initiative, CRISE International
10:00-12:00	The Ministry for Europe and Foreign Affairs (MEAE) and the Inter-ministerial task-force on combating violence against women and human trafficking (MIPROF)
14:00-15:30	National Consultative Committee on Human Rights - Independent National Rapporteur on human trafficking (CNCDH)
16:00-17:30	NGO Network Collectif “Together against trafficking in human beings
18:00-19:30	Visit to the shelter for victim of sexual exploitation
Tuesday, 29 June	
08:30-10:00	Justice Office for the fight against organized crime, terrorism and money laundering (BULCO) Directorate of Criminal Affairs and Pardons (DACG) Directorate of judicial youth protection services (DPJJ) Delegation for European and International Affairs (DAEI)
10:15-11:15	Statistics – Ministry of Justice Penal Policy Evaluation Centre of the Directorate of Criminal Affairs and Pardons (DACG/PEPP) Department for Statistics and Studies (SDSE) Ministerial Statistical Service of Homeland Security (SSMSI)
11:15-12:15	Victim Protection Ministry of Justice Department for Access to Law and Justice and Assistance for Victims (SADJAV) The Inter-Ministerial Delegate for Victim Support (DIAV)
12:15-13:00	Labour Directorate General of Labour (DGT) Regional Directorates for Enterprises, Competition Policy, Consumer Affairs, Labour and Employment (DIRECCTE)
14:45-15:30	Education General Directorate of School Education DGESCO
16:00-17:00	Juvenile Justice (BPM)
17:15-19:15	Specialized justice Paris Minors Prosecutor's Office Specialized Interregional Court (JIRS) (investigation and judgment) (Public prosecutor's office Judgment)

Wednesday, 30 June	
08:30-10:30	Asylum/Immigration The General Directorate for Foreigners in France (DGEF) The French Office for the Protection of Refugees and Stateless Persons (OFPRA) the French Office for Immigration and Integration (OFII) The National Court of Asylum (CNDA)
10:45-12:15	The Ministry of Interior The Central Office for the Suppression of Trafficking in Human Beings (OCRTEH) The Central Office for the Fight Against Itinerant Delinquency (OCLDI) The Central Office for the Suppression of Irregular Migration and the Employment of Irregular Migrants (OCRIEST)
12:15-13:15	The Agency for the Recovery and Management of Seized and Confiscated Assets (AGRASC-GIR)
15:00-17:00	Central Office for the Fight against Illegal Work (OCLTI)
Thursday, 1 July – meetings in Lyon	
10:00-12:00	L'association Amical du Nid
12:15	Working lunch chaired by the Director of the Cabinet of the Prefect of the Auvergne-Rhône-Alpes region
14:30	Meeting with the police and gendarmerie services
16:15-18:20	Lyon Judicial court
Friday, 2 July	
09:00-10:30	Deputy Dominique POTIER Member of Parliament for Meurthe-et-Moselle; Member of the Economic Affairs Committee
11:00-12:30	Debriefing to MEAE and MIPROF
15:00-16:00	ACJE91
16:00-17:00	VINCI – private sector