

Committee of the Parties  
to the Council of Europe Convention  
on Action against Trafficking in Human Beings



CP(2015)6

**Report submitted by the French authorities  
on measures taken to comply with  
Committee of the Parties Recommendation CP(2013)1  
on the implementation  
of the Council of Europe Convention  
on Action against Trafficking in Human Beings**

Received on 13 February 2015

**This document is a translation of the original French report.**



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RÉPUBLIQUE FRANÇAISE

MINISTRY OF SOCIAL AFFAIRS, HEALTH, AND WOMEN'S RIGHTS

INTER-MINISTERIAL TASK FORCE FOR THE PROTECTION OF WOMEN  
AGAINST VIOLENCE AND ACTION AGAINST TRAFFICKING IN HUMAN BEINGS

# INTERIM REPORT BY THE FRENCH AUTHORITIES

MEASURES TAKEN TO COMPLY WITH THE  
RECOMMENDATIONS OF THE COMMITTEE OF THE  
PARTIES TO THE COUNCIL OF EUROPE  
CONVENTION ON ACTION AGAINST TRAFFICKING  
IN HUMAN BEINGS

In conformity with Recommendation CP(2013)1 adopted at the 10th meeting of the Committee of the Parties on 15 February 2013

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## Core concepts and definitions

1. GRETA considers that stating explicitly the irrelevance of the consent of the victims to the intended exploitation could improve the implementation of anti-trafficking provisions.

*This requirement is already covered by article 225-4-1, 1° of the Criminal Code: "...with the use of threats, coercion, violence or fraudulent tactics aimed at the victim, their family or a person in an ongoing relationship with the victim".*

*Furthermore, article 122-2 of that code expressly stipulates that "a person is not criminally liable for acts they committed under the influence of force or constraint which they could not resist".*

2. GRETA urges the French authorities to:

- amend the definition of trafficking so that the aims provided for expressly include exploitation for the purposes of forced labour or services, slavery or practices similar to slavery, servitude and the removal of organs;
- incorporate the means of "giving or receiving [...] payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation", as provided for under Article 4 of the Convention
- remove the general element, constituent of the offence, which reads "in exchange for payment or any other benefit or a promise of payment or a benefit" and is not provided for in the Convention.

***Through Law no. 2013-711 of 5 August 2013, France transposed Directive 2011/36 of 5 April 2011 on preventing and combating trafficking in human beings. This law extended the forms of exploitation covered in article 225-4-1 of the Criminal Code to include enslavement, subjecting a person to forced labour or services or to servitude and also the removal of organs.***

***In addition to the exchanging or giving of payment or any other benefit or a promise of payment or benefit, new alternative constituent elements of the crime were introduced: coercion, abuse of a position of vulnerability and abuse of authority, in conformity with Article 4 of the Convention.***

## Comprehensive approach and co-ordination

3. In order to guarantee comprehensive and coherent action against trafficking and the involvement of civil society, GRETA urges the French authorities to:

- ensure that the newly established inter-ministerial co-ordination network has adequate authority, mandate and resources for fulfilling its role of co-ordination of the policies and action against THB of the government's departments and other public agencies, and can involve, to a certain extent, NGOs specialised in action against THB and assisting victims;
- ensure co-ordination both among local authorities and between them and the State, with regard to protection of trafficking victims, particularly children;
- ensure that civil society is fully involved in devising, implementing and, ultimately, evaluating the national action plan to combat trafficking;

- maintain a high level of co-operation with NGOs assisting victims and ensure not only that funding is adequate but also that it is specifically earmarked for trafficking in all its forms;
- adopt measures to combat all forms of trafficking in human beings, including for the purpose of labour exploitation, and mainstream efforts to combat child trafficking.

• **By a decree of 3 January 2013, the French government set up the Inter-ministerial task force for the protection of women against violence and action against trafficking in human beings (Mission interministérielle pour la protection des femmes contre les violences et la lutte contre la traite des êtres humains - MIPROF) under the Minister responsible for women's rights. This task force, responsible for the national co-ordination of action against THB, led the drafting work for the first national action plan against trafficking in human beings, together with all the country's institutional and voluntary-sector partners. The plan was adopted by the Council of Ministers on 14 May 2014.**

*MIPROF is preparing a framework agreement that will outline the national strategy for action against trafficking in human beings. It will be signed by the ministries concerned (interior, justice, health and social affairs, foreign affairs, labour, national education), the relevant institutions (ONDRP, INHESJ, INSEE), the SGCIPD, the DIHAL and the national associations and/or their representatives. The agreement will be applied at local level, facilitating the setting up of co-ordination units at département level, in line with measure 22 of the action plan. Multidisciplinary co-ordination bodies focusing on THB for the purpose of sexual exploitation will be set up within the départements whose institutions wish to meet an identified need to assist victims in their socio-professional integration.*

*The different voluntary-sector and institutional stakeholders involved in action against THB at local level have set up initiatives geared to co-ordinating and enhancing efforts to prevent the phenomenon and protect the victims. In Bordeaux, a partnership agreement was concluded in 2011 between the Préfecture, the prosecutor's office, the investigation services and a specialised association, defining their respective roles in order to pave the way for concerted and co-ordinated action.*

*A number of initiatives have already been taken locally to bring local co-ordination bodies into play (Mulhouse, Strasbourg, Toulon, Marseille, Nantes, Paris, Amiens, Montauban, Rouen, Evreux, Bordeaux).*

### **Training of relevant professionals**

4. GRETA invites the French authorities to ensure that the different aspects of action against trafficking, and particularly the offence of trafficking provided for in the Criminal Code, are also included in the initial training for judges and prosecutors.

• *As part of its further training activities, the National School for the Judiciary (École Nationale de la Magistrature - ENM) teaches a module devoted to THB running for two and a half days and emphasising a global approach to the phenomenon. To dispense this training, the ENM calls on the expertise of various bodies involved in combating trafficking in human beings such as the central offices engaged in action against THB, specialised associations, judges from the specialised inter-regional courts or the MIPROF.*

5. GRETA considers that the French authorities should ensure that all personnel concerned periodically attend training courses, in order to improve the detection of potential trafficking victims, the official identification of victims and the assistance provided to them. These courses should be aimed at members of law enforcement agencies, personnel involved in social welfare for children, staff working in reception centres for refugees and holding centres for irregular migrants, staff working in accommodation centres for trafficking victims, diplomatic and consular staff, healthcare professionals, social workers, particularly those involved in outreach work, and labour inspectors.

- *In 2014, the Directorate General of National Police introduced a level-one training tool for police officers, to raise their awareness of trafficking in human beings. The tool is presented on its website.*
- *Express Note 79000 on action against trafficking in human beings published by the National Gendarmerie on 05 October 2012 has been taken on board at local level and commented upon in group training sessions within gendarmerie companies.*
- *As part of its brief to combat trafficking in human beings, the Central Office for Combating Illegal Labour (OCLTI) established initiatives to train contact investigators in French départements. In addition, the office provides specific training for investigators operating within the Units for combating illegal labour and fraud (CeLTIF) which are now being rolled out throughout the country (44 have been created to date). Among other tasks, they are responsible for investigating cases of trafficking for the purpose of economic exploitation.*
- *Likewise, under its action plan implemented since summer 2013, the OFPRA has embarked upon training to help its staff identify needs for protection in trafficking cases. The training sessions are conducted by contact protection officers who specialise in these topics.*
- *The Women's rights and equality service runs four group training sessions in Paris every year, each lasting a day and a half and attended by around 25 participants. This programme is supplemented by training days on the ground, organised by the ALC association at the request of the special advisers on women's rights and equality. These training sessions bring together a multidisciplinary target audience made up of representatives of the investigation services, the département directorate of social cohesion, associations, local and regional authorities and the préfecture administration. Training is also laid on for the staff of accommodation and social reintegration centres by the different associations specialising in guidance for and integration of THB victims.*
- *While there is no specific training in trafficking within the Ministry of Foreign Affairs and International Development for consular and diplomatic staff, awareness-raising seminars are organised each year in Paris and in certain diplomatic posts.*
- *The MAEDI works to provide information on THB within international institutions. France has ratified the United Nations Convention against transnational organised crime (the "Palermo Convention") and more specifically its additional anti-trafficking Protocol. In this connection, it participates in numerous initiatives via voluntary contributions to the United Nations Office on Drugs and Crime (UNODC). The MAEDI's contribution to the United Nations Voluntary Trust Fund for Victims of Trafficking in Persons has quadrupled since the Fund was set up, reaching 100,000 euros in 2013. In 2014, it contributed to the UNODC's Global Programme against Trafficking in Human Beings to the tune of 150,000€. At the 7th Conference of the States Parties to the Palermo Convention, France, together with Italy, Austria and Mexico, secured the adoption of a resolution aimed at establishing a mechanism to review the implementation of the Convention and its Protocols, with a view to ensuring that all their provisions are implemented by all the member States.*

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## Data collection and research

6. GRETA invites the French authorities to take due account of the CNCDH's work on human trafficking.

- *In line with Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, which states that Member States should take the necessary steps to establish national rapporteurs or equivalent mechanisms, the CNCDH has been appointed National Rapporteur for action against trafficking in human beings, in accordance with measure 23 of the National action plan and will fulfil this function as of 2015.*

7. GRETA urges the French authorities to develop and maintain, for the purpose of preparing, monitoring and evaluating anti-trafficking policies, a comprehensive and coherent statistical system on trafficking in human beings by compiling reliable statistical information from all main actors and allowing disaggregation (concerning sex, age, type of exploitation, country of origin and/or destination, etc.). This should be accompanied by all the necessary measures to respect the right of data subjects to personal data protection.

- *The MIPROF is working in close collaboration with the SDFE to map all the bodies and associations providing assistance to victims of THB and the initiatives in progress throughout the country, in line with measure 20 of the National action plan. Exchanges of information developed with member States (Portugal, Romania) and in conjunction with the ONDRP (National observatory for delinquency and criminal law responses) will help pave the way for devising an integrated statistical tool for THB.*

8. GRETA invites the French authorities to carry out and support research on THB issues, so that public authorities can draw on the research findings in order to devise future anti-trafficking measures. The fields requiring more in-depth research include child victims, particularly Roma, trafficking for the purposes of labour exploitation, domestic servitude, and national human trafficking.

- *The Women's rights and equality service funds research each year (EGACTIV survey) on the use of appropriations earmarked for assistance to persons involved in prostitution, many of whom are victims of trafficking in human beings. The initiatives funded by local and regional women's rights teams have chiefly been run by associations, which organise activities geared to outreach, reception and guidance for persons engaged in prostitution, prevention work (aimed at young people and the general public), as well as awareness-raising/training for professionals. In 2014, 118 structures received funding for initiatives deployed in 64 départements. Specialised federations are strongly represented among these structures, such as the Mouvement du nid, funded in 21 départements in 2014, and the Amicale du nid, funded in 9 départements.*

## International co-operation

9. GRETA encourages the authorities to continue developing international co-operation and the initiatives carried out to prevent trafficking and assist the victims in the countries of origin, including beyond Europe.

- *The Ministry of Foreign Affairs and International Development carries out co-operation activities with a regional dimension in two geographical zones from which trafficking in human beings has a strong impact on France: South-East Europe and West Africa.*

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- *In South-East Europe, a regional technical adviser based in Vienna (Austria) tasked with action against trafficking in human beings and covering 16 countries supports the implementation of regional projects using input from French operatives in that zone and seeks synergies with activities carried out by international organisations. In this way, the regional technical adviser has funded projects aimed at preventing migration-linked trafficking risks or building the capacities of civil society bodies providing assistance to victims and those of the criminal justice system.*
  - *The Balkans are also an area of transit for victims originating from West Africa bound for countries in western Europe, including France. The most widespread forms of trafficking in West Africa pursue the purposes of forced labour, chiefly involving children, and the sexual exploitation of women and girls.*
  - *France has set up a Priority solidarity fund (Fonds de solidarité prioritaire - FSP) under the title "Support for action against trafficking in human beings in the States of the Gulf of Guinea" including Ghana, Togo, Benin, Nigeria and Cameroon, for which the launch seminar took place from 12 to 15 November 2013 in Lomé.*
  - *With funding of 800 000€, the FSP targets transfrontier trafficking, which is why it focuses on the coastal States on the Gulf of Guinea, which form a continuous set of territories between which there are substantial trafficking flows. The aim of the project is to help build the capacities of the beneficiary States to combat trafficking in human beings using a multidisciplinary approach (assistance for victims and prosecution of traffickers) and also to support regional co-operation between these countries.*
  - *The Ministry of the Interior supervises structural co-operation activities and provides expertise as well as international operational police and gendarmerie co-operation.*
  - *The authorities have carried out a number of initiatives in the countries of origin of trafficking and developed a good level of international co-operation.*
  - *The Brigade for the suppression of pimping (BRP) has developed excellent relations through the execution of international rogatory commissions with Romania, Hungary, Belgium and Portugal.*
  - *The Central Office for the Suppression of Trafficking in Human Beings (OCRTEH) is developing bilateral co-operation with the countries of origin or transit, via the Directorate for international co-operation (DCI) and Eurojust, in connection with the setting up of Joint investigation teams with a view to seizing criminal assets reinvested by pimps in their country of origin (Bulgaria and Romania in particular). It also contributes to the Europol "Phoenix" analysis file (specialising in all THB matters) and participates in the sub-groups focusing on Nigerian and Chinese pimping networks.*
  - *The National Police Central Directorate of Public Security has benefited from collaboration with Romanian police officers since 2010, specifically in the Val d'Oise and Lyon areas. There is a similar arrangement with Bulgarian police officers in Bordeaux.*
  - *In Paris, the Unit for co-ordinating action against illegal immigration (UCLIC) also benefits from the presence of 11 Romanian police officers and works in collaboration with the Romanian consulate for the voluntary repatriation of minors. A Bosnian liaison officer arrived this year.*
  - *The Directorate for International Co-operation (DCI) participates in the application of the international strategy of the Ministry of the Interior and the implementation of French foreign policy in the area of interior security, which includes action against THB. Technical co-operation with countries of origin or transit, outside the European Union, takes place mainly via Interior Security Attachés (ASIs), who are police or gendarmerie officers posted in 100 or so French diplomatic missions covering a total of 156 countries on the basis of regional jurisdiction. Action against THB likely to have repercussions in France is among the priorities set for the ASIs running these services.*

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- *The National Gendarmerie has carried out several international co-operation projects and run two training courses, one for 30 prosecutors and investigators from Central America (2013) and the other for 40 Algerian national security commissioners in conjunction with the United Nations Office on Drugs and Crime (2014). Furthermore, the Central Office for Combating Illegal Labour (OCLTI) developed co-operation in 2011 and 2012 with Kosovo and Moldova to promote the inter-ministerial model for combating illegal labour and trafficking for economic purposes.*
  - *Moreover, experts from those offices regularly take part in study visits to partner countries or receive foreign delegations in France, run training courses and seminars in order to share and publicise the French experience in action against THB and promote the French security model in general.*
  - *The Ministry of Justice plays a role in implementing initiatives aimed at building the capacities of the judicial authorities in partner countries. The Ministry of Justice runs a number of anti-trafficking activities on a bilateral or multilateral basis, some of them with European funding.*
  - *Within the framework of judicial investigations or inquiries, the specialised inter-regional courts (JIRS) or ordinary law courts make regular use of international co-operation in connection with organised crime, particularly via Eurojust and the Joint Investigation Teams. In addition, the Ministry of Justice is developing technical co-operation and international mutual assistance in the criminal law field via its network of liaison judicial officers operating on the five continents.*
  - *In bilateral work, the Ministry of Justice maintains close relations not only with Romania, the country of origin of many of the minors present on French territory and the focus of a Franco-Romanian contact group, but also with the other European countries which share borders and identical problems with France.*
  - *Among other things, the activities of this contact group have made it possible to step up co-operation between the judicial authorities, provide two-way information on the national systems for protecting and caring for minors and exchange information on programmes aimed at preventing departures from Romania in order to protect vulnerable communities.*
  - *In the wake of these successful bilateral co-operation activities, the Ministry of Justice has embarked upon several multilateral projects, notably in partnership with Romania, Spain and other European countries.*
  - *In 2012, the ENM joined forces with the Romanian prosecutor general's office to secure a European project financed from ISEC (Prevention of and Fight against Crime Programme) community funding. The project, entitled REFRACT, made it possible to finance ongoing exchanges for a period of two years between French and Romanian members of the judiciary and investigators specialising in THB cases in order to identify good practices in this field.*
  - *The ENM has also co-ordinated an international criminal law training initiative using European funding and bringing together many EU States, countries of origin (Romania, Bulgaria, Slovak Republic) and destination countries (Spain, Portugal, Italy). The aim of the project was to tackle issues, using a European, comparative approach, relating to courts' treatment of petty offences by minors without parental guidance originating from other Member States. Although this project did not specifically focus on THB, it provided an opportunity to tackle every aspect of the problem, including action against organised crime networks exploiting minors and the international co-operation required in this area.*



## Measures to raise awareness

10. GRETA urges the authorities to build greater public awareness of the different types of trafficking and victims. It considers it important in this connection that the authorities organise information and awareness-raising campaigns, involving civil society and using the findings of research and impact assessments

- *Before the adoption of the National action plan against THB 2014-2016, which provides for measures to strengthen THB prevention policy through information, awareness-raising and training activities, various initiatives were developed during the period 2011-2013.*

### At local level

- *several awareness-raising and information campaigns were undertaken,*
- *Targeting the general public: many countries use TV spots or posters to draw public attention to what trafficking in human beings entails and the methods used by traffickers. In France, the city of Nantes ran a poster campaign in 2012 to draw public attention to the exploitation of people involved in prostitution.*
- *Targeting specific audiences: some awareness-raising initiatives are aimed at specific stakeholders (lawyers, social workers, doctors, embassy staff, etc.) who may come into contact with victims, so that they can provide useful guidance to those individuals. Activities were carried out at département level in Paris and then in Bordeaux by associations which raised these professionals' awareness of slavery using photo exhibitions retracing the experiences of victims of domestic slavery and the places where they were exploited, together with filmed statements<sup>1</sup>.*
- *Targeting victims: Other information campaigns have been run by associations to reach the victims themselves, with the aims of:*
  - *making potential victims aware of the risks they run even before they become involved in some form of exploitation. In this case, the handling of awareness-raising initiatives is delegated to bodies in the country of origin, notably in Bulgaria where, with French support, Bulgaria's national co-ordination body has run activities in the so-called "Roma" districts of the city of Varna. This type of initiative, backed by the French Ministry of Foreign Affairs and geared to developing an extensive health and social prevention programme, is aimed at combating trafficking in minors.*
  - *making victims aware that there are means available to help them escape from a network that is exploiting them. Some associations have developed prevention and assistance programmes aimed at potential THB victims to that end, one example being the "Patience" programme run by "Les amies du Bus des femmes de Paris" association.*

11. GRETA encourages the authorities to include expressly the topic of trafficking in human beings in the civic education programme.

- *Measure 4 of the National action programme provides for the integration of the topic of action against trafficking in human beings in school curricula. The issue of trafficking in human beings will be broached with lower and upper secondary school pupils in future ethics and civic education programmes, currently being devised by the Higher Council for Curricula, as an extension of current teaching (history-geography and civic education), which already looks at the problems of trafficking in human beings, slavery, children's rights and human rights.*

<sup>1</sup> Photo exhibition organised by the *Comité contre l'esclavage moderne* in Paris and subsequently by the *Ruelle* association in Bordeaux.

12. GRETA urges the authorities to step up their efforts to discourage the demand for services provided by persons subjected to trafficking not only for the purposes of sexual exploitation but also for the purposes of domestic servitude or labour exploitation, for example in the sectors of agriculture, construction, catering and hotel sector, and cleaning, *inter alia*, through awareness-raising campaigns.

- *In April 2011, the fact-finding mission on prostitution en France, set up by the Law Commission under the previous legislature, submitted a report entitled "Prostitution : l'exigence de responsabilité, en finir avec le mythe du plus vieux métier du monde" [Prostitution: the need to call people to account and explode the myth of the world's oldest profession]. Its proposals included repealing the offence of soliciting and criminalising the clients. This work culminated in the tabling of a bill aimed at shifting responsibility onto the clients of prostitution and giving greater protection to victims of trafficking in human beings and pimping.*
- *In November 2012 the Women's rights and equal opportunities delegation in the French National Assembly set up a working group which produced an information report on reinforcing action against the system of prostitution. A bill for reinforcing action against the system of prostitution was subsequently tabled on 10 October 2013. This draft legislation, which met with the approval of the High Council for equality between women and men, is intended to reinforce the assistance given to those involved in prostitution who wish to break away from this activity, step up action against the networks and shift responsibility onto the clients of prostitution. The government backs the bill, which was adopted at its first reading by the National Assembly on 4 December 2013. It will be debated in the Senate on 30 and 31 March 2015.*
- *In addition, the MIPROF is preparing an inter-professional framework agreement in conjunction with the Directorate General of Labour, intended to reduce the risks linked to trafficking in human beings in the business sector, in line with measure 4 of the National action plan against THB 2014-2016. This agreement forms part of the National action plan against illegal labour 2013-2015, which provides for the implementation of the National action plan against THB and more generally the establishment of sector and partnership agreements to combat illegal labour.*

### **Social, economic and other initiatives for groups vulnerable to THB**

13. GRETA considers that the French authorities should take social, economic and other measures for vulnerable groups who are already in France in respect of the different types of human trafficking, be it for the purposes of sexual or labour exploitation, such as foreign unaccompanied children - in particular of Roma origin or placed in waiting zones - irregular migrants or domestic employees.

- *The Ministry of Social affairs, Health and Women's rights funds the policy of prevention of and action against prostitution and THB via budget programme 137 "Equality between women and men". In 2014, the inclusion of an action line 15 in that programme, under the heading "prevention of and action against prostitution and trafficking in human beings" demonstrated the government's determination to clarify this policy, cater better for the specific needs of this target audience and reinforce control over the means provided, particularly those earmarked for health and social assistance for persons involved in prostitution.*

- *This initiative was replenished to the tune of M€ 2.4 in the initial Law on finance 2014 and, following application of precautionary reserves, the available appropriations amounted to M€ 2.2, divided between, on the one hand, national appropriations for supporting the work of the associations playing a vital role in this field, such as the Amicale du Nid, the Mouvement du Nid and the ALC Nice association, which co-ordinates the national Secure Reception System (Ac-Sé) for taking in and protecting victims of trafficking in human beings and pimping (an allocation of M€ 0.345), and on the other hand, decentralised appropriations for funding local initiatives, amounting to M€ 1.885.*
- *The Direction of Judicial Protection for Young Persons (DPJJ) participates in the activities organised by the MIPROF and the DIHAL to improve assistance for minors who are victims of trafficking and is providing support for a project to create a secure centre for minor THB victims.*
- *To facilitate assessment of the situation of unaccompanied foreign minors who come into conflict with the law, the educative department at Paris Regional Court has two Romanian-speaking social workers.*

### **Border measures to prevent THB**

14. GRETA considers that the French authorities should ensure that trafficking, as distinct from irregular immigration, should be fully taken into account in the framework of action taken by the border police. GRETA considers that the French authorities should ensure that all staff of the law enforcement agencies concerned receive training on trafficking and the detection of trafficking victims, at regular intervals in order to keep up with trends in THB.

- *Visa applicants must submit documents indicating the purpose of their journey. Consular staff may interview them to check that they are genuine and of good character. If in doubt, they can also check on the “respondents” in France who are to receive the visa applicants. Visa service staff have access to databases flagging up problem individuals, including those of the Schengen Information System (SIS) or the register of wanted persons.*
- *Minors are treated with special care: checks on parental permission to leave the territory, limitation of the duration of validity of visas, personal interviews. The exercise of certain professions in France (dancers or models for example) is also closely scrutinised.*
- *In certain posts, staff are supported by interior security attachés familiar with criminal networks and document fraud. In the light of the information gathered, either at local level or concerning the respondent in France, if the staff member responsible for examining the visa application suspects a case of trafficking in human beings (where the applicant may be a victim or possibly actively involved in committing the offence), they immediately suspend the procedure and refer it to their hierarchy so that it can be passed on for investigation purposes to the representative of the Ministry of the Interior (interior security attaché or the Directorate for international co-operation), if there is one on the spot. If such a representative is not on hand, the request for investigation is sent to the nearest post where such expertise is available.*
- *Depending on the case, the investigation may be carried out with the police force in the applicant's country of residence, which then takes the necessary steps to protect the potential victim and dismantle the network.*

15. GRETA considers that the French authorities should ensure that the staff of the UCOLTEM are also specifically trained on trafficking, as distinct from illegal immigration, at regular intervals in order to keep up with trends in THB.

- *The Unit for the Operational Co-ordination of Action against the Smuggling and Exploitation of Migrants (UCOLTEM) is tasked with gathering and sharing operational intelligence in the area of fighting organised crime which encourages illegal immigration in all its forms: networks, illegal labour, petty crime, exploitation.*

- *Under the auspices of the Central Director of Border Police, the UCOLTEM can use the resources of the Central Office for the Suppression of Irregular Migration and the Employment of Irregular Migrants and benefits from the training specifically provided to border police officers.*

16. GRETA encourages the French authorities to ensure that all the information on the requirements governing entry to and stay in France is available in several languages not only on consulate websites but also in the information sheet inserts supplied with the visa so that the target persons can understand it.

- *Information on the conditions of entry to and stay on French territory is generally available in several languages, with consular posts strongly encouraged to translate the necessary information in all the languages of the countries of residence.*

17. GRETA considers that the French authorities should ensure that written information is provided to foreigners planning to come to France in a language that they can understand, in order to warn them of the risks of trafficking for the purposes of sexual exploitation, labour exploitation and domestic servitude, to inform them of the bodies which they may approach for assistance and advice, and to provide them with information on their rights, for instance through the setting up of a hotline.

- *Information is provided in consulates by diplomatic staff.*

### **Measures to ensure the quality, security and integrity of travel and identity documents**

18. GRETA invites the authorities to continue their efforts to reinforce security of the different phases of passport issue.

- *Identity papers are digitised.*

### **Identification of victims of trafficking in human beings**

19. GRETA urges the French authorities to:

- strengthen the multidisciplinary approach to the identification of victims by introducing a national referral framework defining the role to be played and the procedure to be followed by all the authorities and professionals who may come into direct contact with trafficking victims, including NGOs;
- develop tools for common use by all the actors concerned (guides, indicators, etc.) for identifying trafficking victims, so that steps for the detection and identification of trafficking victims are formalised and co-ordinated;
- not make the identification of trafficking victims from the outset conditional upon their co-operation with law enforcement agencies;
- place special emphasis on the identification of child victims and, to that end, adopt tools and a procedure geared to their particular situation;

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- ensure the identification of foreign victims held in detention centres prior to deportation;
  - develop training on the detection and identification of victims for institutional actors, particularly the police and gendarmerie forces and also labour inspectors, in order to avoid confusion between trafficking victims - particularly those belonging to vulnerable groups such as the Roma or unaccompanied foreign children - and offenders or irregular migrants.
- *Measure 2 of the National action plan provides for the reinforcement of training for persons who might identify these victims (police, gendarmerie, health professionals, works inspectors, social workers, etc.). The MIPROF inventories the training tools and programmes in existence on the national territory in collaboration with the ministries concerned and provides a common reference guide for identification of and assistance to THB victims. This reference guide is accompanied by specific notes on certain forms of trafficking, such as for sexual exploitation, exploitation for economic purposes or exploitation of minors. For the implementation of this measure the MIPROF draws on the European guide to good practices for the identification of victims of trafficking in human beings, to which Bulgaria, Spain, Greece, the Netherlands and Romania contributed under the ISEC EuroTrafGuid Project led by France.*
  - *A guide to good practices focusing on the “sexual exploitation of children for commercial purposes” was created at the initiative of the Brigade for the Protection of Minors in partnership with the ECPAT France association. In order to more broadly inform the services responsible for action against trafficking in human beings, the Brigade for the Protection of Minors of the Paris police préfecture, in partnership with ECPAT France, wrote a multidisciplinary guide to raise awareness of paedophile sex tourism and the sexual exploitation of children. The guide, updated in 2013, provides practical information for those tasked with combating the sexual exploitation of minors.*
  - *The Directorate of Judicial Protection of Young Persons is a partner in a project co-ordinated by the ECRE (European Council on Refugees and Exiles) and entitled “Analysis of reception, protection and integration policies for unaccompanied minors in the EU”, which was awarded European funding following a call for funding applications. The aim of the project is to help improve the standards of reception of unaccompanied foreign minors, particularly by ensuring that the reception conditions, in the broad sense of the term, cater for their needs. In particular, there will be an emphasis on good practices and initiatives or existing practices in the five partner countries (Scotland, France, Sweden, Hungary, Netherlands). The DPJJ also supports the proposal to create a European platform bringing together all the European partners concerned by juvenile justice, and not only the issue of minor THB victims, which will be dedicated to foreign minors from outside the Union who are present on the territories in question, regardless of whether they are accompanied or not.*
  - *In 2014, the Women's rights and equality service laid on training for all département special advisers and regional delegates (125 people), which will be continued in 2015. The day-long training sessions focus on the challenges posed by trafficking in human beings and the identification of and caring for victims. They are intended to develop the expertise and involvement of local and regional teams in action against THB and enable those teams to forge partnership strategies and networks tailored to specific local characteristics.*

## Assistance to victims

20. GRETA urges the French authorities to step up measures of assistance to trafficking victims and, in particular, to:

- provide all trafficking victims with the same level of assistance regardless of their nationality, their willingness to co-operate with law enforcement agencies or their situation as regards the right to stay;
- ensure that the services provided in shelters are adequate and suited to the special needs of trafficking victims;
- strengthen the system for assisting child victims of trafficking, with respect to both accommodation and the setting up of medium- and long-term support programmes, geared towards the children's needs;
- provide sufficient human and financial resources to guarantee that all victims are effectively provided with the assistance they need, even where the provision of that assistance is delegated to NGOs;
- train all professionals tasked with implementing measures to assist and protect trafficking victims.

- *Guidance for THB victims is provided by associations assisting victims, which are funded and unofficially approved by the Ministry of Justice. To guarantee an effective range of services providing comprehensive and multidisciplinary assistance to victims and catering for their needs, these associations propose specialist reception and consultancy services, information on victims' rights, counselling, social assistance and, if necessary, referral to specialised services. These services are provided to victims free of charge and on a strictly confidential basis. It should be noted that this assistance is in no way dependent on the nationality of the victims, their willingness to co-operate or their administrative situation as regards the right to stay. Guidance for persons involved in prostitution is the priority action line for the local and regional women's rights teams using funding earmarked for "Combating prostitution and trafficking in human beings" under Programme 137. Three quarters of the budget funding consumed in 2014 for this purpose went towards initiatives of this kind, which comprise a broad range of actions helping individuals involved or at risk of being involved in prostitution: outreach work during patrols of red-light districts to forge durable relations with individuals that could result in more in-depth assistance; information and awareness-raising work to inform people of how to exercise their rights, through tailored drop-in centres; the proposing of alternatives to prostitution, within the framework of long-term assistance with a view to social and professional reintegration. In 2014, the budget funding was chiefly used in 7 regions, which alone accounted for 82% of the appropriations earmarked for combating prostitution (Ile-de-France, Rhône-Alpes, Aquitaine, Languedoc-Roussillon, Alsace, Nord-Pas-de-Calais, PACA). Over 50% of the funds were spent on two of these regions, namely Ile-de-France (38.5%) and the Rhône-Alpes region (12 %).*

- *As regards reinforcing the system of assistance for minors who are victims of trafficking in human beings, the MIPROF set up a discussion group in July 2013 to focus on assistance for and protection of minor THB victims. This group is working towards the creation of a multidisciplinary inter-département co-ordination system.*

*Where accommodation and assistance programmes are concerned, co-ordination with regional councils is vital, given their principal role in caring for foreign unaccompanied minors within their child protection brief.*

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*This priority action is covered in two national action plan measures aimed at specifically combating trafficking in minors:*

*Measure 10 is aimed at providing specialised assistance to minors who are victims of trafficking within the framework of child protection. It requires the setting up of département or inter-département co-ordination units bringing together local authorities, prosecutors' offices, judicial protection of young persons services, child welfare services, investigation services and associations. These co-ordination units will be covered by agreements structuring exchanges of information between the partners and care for minor victims of THB through their referral to suitable placement centres, distancing them from networks in order to give them effective protection.*

*It also provides for the creation of a European platform for the protection of minors who are exploited. The purpose of such a platform will be to facilitate the sharing of information regarding the identification of those minors and the protection measures afforded to them in EU countries for more coherent socio-educative supervision. It will also make it possible to share good practices. These exchanges of information will take place between members of the judiciary and security forces liaising with Europol on the one hand and the member states' child protection services liaising with associations on the other hand. The state services will work together to facilitate the instigation of social services investigations of the families of minors identified as victims of THB. This initiative is monitored and supported by the Secretariat General for European Affairs (SGAE). It is also taken into account in the discussions of the Franco-Spanish working group set up as part of a European project to focus on unaccompanied foreign minors run by the European and International Affairs Department of the Ministry of Justice.*

*Measure 11 is aimed at defining protection tailored for minors who are both perpetrators and victims. These minors must be able to benefit from adapted reception and accommodation arrangements in order to distance them from the people exploiting them. To that end specifications for the creation of an experimental accommodation centre providing minors who are both perpetrators and victims with a safe and secure environment are being drawn up by the inter-ministerial delegation for accommodation and access to housing (DIHAL) in collaboration with the MIPROF, the ministries of justice, the interior, social affairs, health and women's rights and the Directorate General of Social Cohesion.*

- *The Women's rights and equality service has supported a reception network for sheltering and assisting young women victims of criminal networks engaged in pimping and trafficking in human beings since 2002. This national Secure Reception System (Ac-Sé) is funded by the Ministry of Social affairs, Health and Women's rights. The ALC association runs and co-ordinates the system nationally.*
- *The Ac-Sé system offers shelter and a comprehensive assistance package for adult victims of trafficking for the purposes of exploitation or of forced marriage, who are in danger locally or highly vulnerable, both French and foreign, regardless of whether or not they are illegally present on the territory and possibly accompanied by their children, who need to be moved away from the place where they are being exploited.*

- *National co-ordination of the system is funded under a specific agreement concluded between the Ministry of Social affairs, Health and Women's rights and the ALC association. The amounts listed in the pluri-annual agreement on objectives for the period 2013-2015 are as follows: € 178,000 in 2013 and € 170,000 for 2014 and 2015.*
- *At 31 December 2013, the National Ac-Sé system comprised a network of 53 accommodation and social reinsertion centres and 23 specialised associations. In 2013 this system provided care for 63 people, mostly women, of whom 30% had children. Although the National Ac-Sé system is intended for victims of trafficking in human beings as per the definition set out in article 225-4-1 of the Criminal Code, virtually all the victims referred and taken in are victims of trafficking for the purpose of sexual exploitation. There are very few victims of domestic slavery and forced begging in these centres. This might be explained by the fact that victims of trafficking for the purpose of exploitation of prostitution are more visible and therefore more easily identified.*
- *The secure reception system has won the country's top award for prevention of delinquency at national level and has also won awards at European level.*

### **Recovery and reflection period**

#### 21. GRETA urges the French authorities:

- to ensure that trafficking victims are systematically informed of the possibility of a recovery and reflection period and are effectively granted one;
  - to better inform, to that end, the services competent for requesting and granting the recovery and reflection period that such a possibility exists for victims, and the need for these services to systematically make use of it;
  - to ensure that no termination of the recovery and reflection period is carried out on the ground that victims or potential victims have “on their own initiative renewed contact with the perpetrators” without due regard to the individual situation of the victim or potential victim of trafficking.
- *Article R. 316-1 of the CESEDA states that criminal police services with reasonable grounds to believe that a foreign national detained for a check on their residence entitlement is a victim of THB must inform that person of their rights. If the victim so requests, the law enforcement agencies are obliged to grant them a reflection period or assist them with lodging a complaint so that judicial proceedings are instituted against the network exploiting them.*
  - *The police and gendarmerie services are competent to presume that individuals qualify for the residence permit that may be issued to THB victims, and in particular to assess the probability of a foreigner actually being a victim. Consequently, reporting by security forces is sufficient for victims to be issued a certificate granting them a reflection period (Art. R-316-3 of the CESEDA). The préfet issues the certificate, which prohibits any expulsion measures during the reflection period;*
  - *A draft circular amending the circular of 9 February 2009 states that the law enforcement agencies are to be reminded of the paramount importance of informing presumed victims of the existence of this reflection period as well as the procedure to be followed so that they can be issued with a certificate as soon as possible. This certificate, which enables them to work without restriction, qualify for certain assistance measures and be protected from expulsion measures, is not subject to any obligation to submit a binding offer of work.*



*It also states that the police and gendarmerie services should be reminded that:*

- *- the granting of the reflection period must not be dependent on the person's intention to co-operate and that such persons must be informed of their entitlement to it as soon as there are reasonable grounds to believe that they are victims of THB. The purpose of this period is to enable them to recover from their ordeal, escape the influence of the network and take a decision as to whether to co-operate with the authorities.*
- *- the decision granting the reflection period provided for in article R. 316-2 is a decision that generates rights that are given concrete form by the issue of a certificate. The préfet is under obligation, before repealing a decision that generates rights within the limits of the "Ternon" case-law (CE, of 26 October 2001, no. 197018), to comply with the hearing procedure provided for in article 24 of Law no. 2000-321 of 12 April 2000 on the rights of citizens in their dealings with the administrative authorities. The foreigner in question must be granted sufficient time in which to submit their written or oral observations before the administrative decision is made.*
- *- the application of Law no. 79-587 of 11 July 1979 on stating grounds for administrative acts and improving relations between the administration and the general public stipulates that reasons must be given for the decision to repeal the previous decision. Accordingly, in the case of a foreigner granted a reflection period who then resumes contact with the perpetrator(s) of the THB or pimping offences, the préfet may take the decision to withdraw the certificate only after receiving the observations of the individual concerned and examining their situation in-depth. The lawfulness of this decision may be challenged by the foreigner before an administrative court judge.*

## **Residence permits**

22. GRETA urges the French authorities:

- to ensure that victims of trafficking enjoy the right to obtain a renewable residence permit in line with internal law and in compliance with Article 14 of the Convention;
- to ensure that legislation is homogeneously applied throughout France, in particular, by appointing a contact person in each French préfecture who is trained on trafficking in human beings.
- *Law no. 2014-873 of 4 August 2014 for true equality between women and men broadened the right to stay, under certain conditions, for victims of trafficking in human beings who have lodged a complaint or testified, by amending article L316-1 of the CESEDA. These individuals have their temporary stay permit renewed for the entire duration of the criminal proceedings and, in the event of a definitive conviction, are issued with a full residence permit (amendment of article L316-1 of the CESEDA). This law strengthens THB victims' access to their rights by providing for exemption from levies and stamp duty when their residence permits are issued and renewed.*
- *The provisions of the CESEDA meet the requirements laid down in Article 14 of the Council of Europe anti-trafficking convention of 16 May 2005.*
- *The national action plan provides, in measure 1-2, that an information form drawn up within a working group bringing together the directorates of the Ministry of the Interior (DGGN/DGPN/DGEF) is to be sent by the investigation services to préfectures so that préfets have the necessary information to take their decision.*

- *Circular no. IMIM0900054C of 9 February 2009 set out the conditions in which victims of THB could claim the right to stay and pointed out in particular the necessity of identifying a contact person within each préfecture. This means that THB victims' files receive special treatment by staff specially assigned to this task. However, to ensure that the law is applied more consistently throughout French territory, the new circular will describe the different phases of the procedure in detail and include arrangements allowing the contact person designated in the respective prefecture to contact staff having received training on THB whenever necessary.*

23. GRETA considers that the French authorities should ensure that permits issued are of sufficient duration and allow access to the labour market, thus promoting the reintegration of trafficking victims.

- *The provisions of the CESEDA provide victims of THB with effective access to the labour market in order to foster their reintegration.*
- *Foreigners requesting the issue of a stay permit on the basis of article L. 316-1 of the CESEDA are issued, if their application form is complete, with a certificate valid for 4 months, while their application is examined by the préfecture services. The certificate allows them to stay in France and engage in professional activity without any restriction linked to the nature of the work or the labour market for example or to the submitting of a binding offer of work.*
- *The temporary residence permit bearing a reference to "private and family life" issued to a foreigner fulfilling the requirements laid down in articles L. 316-1 and R. 316-3 of the CESEDA is valid for one year and enables its holder to engage in professional activity without any restriction linked to the nature of the work or the labour market. The study permit is renewable for the entire duration of the criminal proceedings, on condition that the requirements governing its issue continue to be fulfilled.*
- *Finally, in the event of a definitive conviction of the accused, a full residence permit is issued to the foreigner having lodged the complaint or testified.*
- *This issuing of a full residence permit was introduced by Law no. 2014-873 of 4 August 2014 for true equality between women and men.*

### **Compensation and legal redress**

24. GRETA considers that the French authorities should adopt measures to facilitate and guarantee access to compensation for victims of trafficking and, in particular:

- ensure that trafficking victims are systematically informed, in a language they understand, of their right to claim compensation and the procedures to follow;
  - enable victims to exercise their right to compensation by guaranteeing them effective access to legal aid and to Commissions for the compensation of victims of offences;
  - include all victims within the scope of compensation of victims of offences, regardless of their nationality and whether they are legally in France.
- *Notwithstanding a lawsuit for damages resulting from the offence before the criminal law court, victims of trafficking in human beings may obtain full compensation for damages resulting from personal injury, under article 706-3 of the Code of Criminal Procedure, before a commission for the compensation of victims of criminal offences, without having to prove permanent incapacity or total work incapacity equal to or longer than one month.*

*Only three categories of victims are exempt from the necessity of proving incapacity:*

- *victims of sexual assaults;*
  - *victims of sexual assaults against a minor without violence, coercion, threats or surprise under certain conditions;*
  - *victims of trafficking in human beings.*
- *Criminal police officers and staff use any means to inform victims of their right to claim compensation for the harm suffered, to be assisted, if they wish to bring civil proceedings, by a lawyer either of their choice or assigned by the president of the bar association serving the competent court, with the costs to be paid by victims unless they qualify for legal aid or have legal protection insurance, to receive help from a service operating under one or several public authorities or from an authorised association providing assistance to victims and to apply, where appropriate, to the commission for the compensation of victims of criminal offences.*
  - *It should be noted that the provisions of article 20 of Law no. 2013-711 of 5 August 2013 containing various amending provisions in the justice field pursuant to European Union law and France's international obligations now allow THB victims who are illegally present on the territory to apply to the commission for the compensation of victims of criminal offences and receive compensation even if the perpetrator has not been identified or is not solvent.*

25. In addition, GRETA invites the French authorities to introduce a system for recording the compensation claimed and obtained by trafficking victims, regardless of the type of compensation.

- *The supervision and registering of compensation by the commission for the compensation of victims of criminal offences is handled by the Guarantee Fund for victims of acts of terrorism and other offences, which compensates victims in line with the decisions handed down by commissions for the compensation of victims of criminal offences.*

### **Repatriation and return of victims**

26. GRETA urges the French authorities to determine whether current arrangements for return and repatriation are suited to trafficking victims, who form a special category of candidates for return. In this respect, GRETA considers that the French authorities should:

- create a specific system of repatriation support for all victims of trafficking, ensuring in particular that they can travel in complete safety and reintegrate upon their return, in order to avoid re-trafficking;
  - assess the risks of re-trafficking specific to child victims and systematically take the best interests of the child into account;
  - strive to develop co-operation with the countries to which trafficking victims are returned, in order to improve their reintegration and rehabilitation.
- *Article L5223-1 of the Labour Code entrusts the French Office for Immigration and Integration (OFII), operating under the Ministry of the Interior, with the task of participating in all administrative actions relating to foreigners' return to and reintegration in their respective countries. In this connection, the OFII is tasked with implementing the programmes providing aid for returns and economic reintegration.*

- *The aid for returns dispensed by the OFII is for foreigners illegally present in France as well as foreigners who, whether legally or illegally present in France, are in a situation of deprivation and great financial insecurity and wish to return home.*
- *The foreigners eligible for OFII aid for returns include victims of networks exploiting prostitution and networks of trafficking in human beings who wish to obtain OFII aid to return home.*

*For all foreigners eligible for aid for returns, the OFII handles:*

- *the organisation of their return*
- *assistance for obtaining travel documents*
- *the air transport ticket and secondary transport upon arrival in the country of return for the applicant and accompanying family members*
- *transport to the airport of departure in France.*
- *Depending on aid applicants' administrative situation and the length of time they have been in France, they might be allocated financial assistance by the OFII. This financial assistance is granted to foreigners eligible for aid for returns who have been in France for at least three months.*
- *The OFII also participates, in collaboration with the IOM, in the CARE project whose objective is to provide assistance, between September 2013 and July 2015, to 130 victims of trafficking in human beings voluntarily returning to their country of origin from 5 European countries including France. In the first 10 months of 2014, this enabled 5 foreign nationals (4 Nigerian and 1 Chinese) to return to their country.*
- *The Ministry of Foreign Affairs and International Development (MAEDI) has created a network linking up some fifteen diplomatic posts in countries where trafficking in human beings is particularly prevalent, with the aim of stepping up co-operation and exchanging information.*

### **Substantive criminal law**

27. GRETA considers that a degree of confusion remains as a result of the application of offences relating to exploitation in trafficking situations, which is not without consequences for the rights of victims, for international co-operation - particularly regarding trafficking for the purpose of sexual exploitation - and for sanctions and protection, in particular for victims of trafficking for the purposes of labour exploitation and begging. Accordingly, it invites the authorities to make further efforts to clarify the situation, in particular through a general criminal policy circular devoted to trafficking.

- *A circular on criminal law policy in the sphere of action against trafficking in human beings recommending, among other things, the bringing of more prosecutions on grounds of the offence of THB was published on 22 January 2015.*

28. GRETA invites the French authorities to explore the possibility of criminalising the use of the services of a victim in the knowledge that that person is a victim of trafficking, not only in cases of sexual exploitation but also for the purposes of labour exploitation.

- *This criminalisation is already provided for in very similar terms in articles 225-13 and 225-14 of the Criminal Code (in section III "conditions of work and accommodation contrary to human dignity").*

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- *Furthermore, the actions of an individual knowingly using the services of a victim of trafficking can be prosecuted on the grounds that the receiving of trafficking in human beings is a criminal offence. The fact that such actions are not specifically criminalised does not mean that they cannot be prosecuted on grounds of receiving as provided for in articles 321-1 and following of the Criminal Code.*

- *The application of the offence of criminal association, provided for in article 450-1 of the Criminal Code, is also possible.*

29. GRETA urges the French authorities to incorporate a specific offence in the Criminal Code to punish the act of retaining, removing, altering, damaging or destroying a travel or identity document of another person, intentionally and for the purpose of enabling trafficking in human beings.

- *Specifically criminalising such actions as GRETA asks does not seem expedient, as they are already sufficiently covered by the overall criminalisation of trafficking in human beings as well as the notion of aiding and abetting.*

### **Non-punishment of victims of trafficking in human beings**

30. GRETA urges the French authorities to take all appropriate measures to ensure that the possibility provided for in internal law of not imposing penalties on victims for their involvement in unlawful activities, to the extent that they have been compelled to do so, be fully upheld, having regard to the serious human rights violation victims have suffered.

- *The bill for reinforcing action against the system of prostitution tabled on 10 October 2013 in the National Assembly and adopted at its first reading on 4 December 2013 is intended to reinforce the assistance given to people involved in prostitution who wish to break away from this activity, step up action against the networks and shift responsibility onto the clients of prostitution.*

- *The bill provides for repealing the offence of soliciting and criminalising the purchasing of sexual services.*

- *This requirement is already covered in article 225-4-1, 1° of the Criminal Code (“... with the use of threats, coercion, violence or fraudulent tactics aimed at the victim, their family or a person in an ongoing relationship with the victim”).*

- *Furthermore, article 122-2 of that code expressly stipulates that “a person is not criminally liable for acts they committed under the influence of force or constraint which they could not resist”.*

### **Investigation, prosecution and procedural law**

31. GRETA encourages the French authorities to exclude the offence of trafficking from the plea bargaining procedure.

- *While it is true that the plea bargaining procedure (articles 495-7 to 16 of the Code of Criminal Procedure) is possible in respect of the quantum incurred, its use is nevertheless not recommended in THB cases.*

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- *By definition, plea bargaining is applicable to cases where the state of proceedings permits a decision and which, had there been no use of plea bargaining, could have been examined by the criminal court immediately, without the need for investigation or further inquiries. The offence of which the person stands accused must be relatively straightforward, allowing accurate assessment, beyond the admission of guilt by the accused, of its seriousness, without the need to engage in lengthy debate. Similarly, the character of the perpetrator must not require any further investigation.*

- *When there is a victim and the case is a complex one owing to the need to assess the harm caused, or if there is an element of civil liability, or if one of the victims is a minor, plea bargaining must again be ruled out.*

- *In practice, as THB is frequently organised in complex criminal networks, also exploiting numerous minors, the cases where these requirements do not apply are very few and far between.*

32. GRETA encourages the French authorities to make full use of the existing system of seizure and confiscation in the context of THB cases.

- *The seizure and confiscation of moveable or immovable assets owned separately or jointly by perpetrators of THB are more specifically covered in article 225-25 of the Criminal Code and are a priority in judicial action against trafficking in human beings.*

- *These recommendations are further reiterated in a new circular on criminal law policy in the sphere of action against trafficking in human beings published on 22 January 2015.*

- ***The data of the Central Directorate of criminal police of the National Police show that the number of investigations of property resulting in the seizure of criminal assets is constantly on the increase. In 2011, 193,000 euros of ready cash were seized as well as one vehicle and a building. In 2012, 226,000 euros of ready cash were seized, together with 8 vehicles and 2 buildings and finally, in 2013 365,000 euros were seized in ready cash, as well as 1,312,000 euros from bank accounts, 4 vehicles, 2 buildings and 7 shops.***

- ***According to the Criminal Investigation Sub-directorate of the National Gendarmerie, the investigation services systematically launch financial investigations in THB cases in line with the directives set out in the Express Note of 5 October 2012 and the property investigation handbook. In addition, the Criminal Investigation Sub-directorate (SDPJ) of the Directorate General of National Gendarmerie has created a national criminal assets unit to assist gendarmerie units in seizing criminal assets with a view to subsequent confiscation by the court passing judgment. The gendarmerie units carried out 125 financial investigations in connection with offences constituting trafficking in human beings in 2012, 126 in 2013 and 189 in the first 10 months of 2014. These include investigations linked to money laundering or failure to justify resources opened in connection with those offences. While the amount of criminal assets seized in these procedures cannot be accurately quantified, analysis of several high-profile trafficking cases in 2014 shows that assets and cash amounting to a value of 2,763 000 euros were seized in procedures opened by national gendarmerie units in the first 10 months of the year in cases of trafficking for the purpose of pimping.***

33. GRETA encourages the French authorities to consider the possibility of including the offence of trafficking among those expressly listed in the Code of Criminal Procedure for which authorised NGOs may launch a civil action on behalf of victims or intervene to assist them.

- **Created by Law no. 2013-711 of 5 August 2013, article 2-22 of the Code of Criminal Procedure stipulates that any association duly declared for at least five years at the time of the case whose statutory purpose includes action against trafficking in human beings and slavery may exercise the rights accorded to the party claiming damages in civil proceedings in connection with the offences of trafficking in human beings, slavery, exploitation of an enslaved person, forced labour and servitude, punished by articles 224-1 A to 224-1 C, 225-4-1 to 225-4-9, 225-14-1 and 225-14-2 of the Criminal Code. However, the association's involvement is admissible only if it proves that this has been agreed to by the victim. If the victim is a minor or an adult placed under protection, the agreement of their legal representative is required.**

34. GRETA encourages the French authorities to step up their efforts to ensure that the offence of trafficking is prosecuted whenever justified by the circumstances of the case, including through specific training for or specialisation of the competent actors.

- *On 22 January 2015, a Ministry of Justice circular encouraging prosecutors to prosecute more cases on grounds of THB and carry out investigations of criminal assets was sent out to prosecutors general.*

- *International co-operation and training activities aimed at those involved in action against THB have already been organised on a bilateral basis, one example being the technical co-operation for training project between the French and Romanian authorities in 2012 and 2013, geared to "Building the capacity of the French and Romanian authorities to combat trafficking in human beings" (REFRACT project). Specialised members of the judiciary and investigators from both countries took part in several training seminars in Paris (at the headquarters of the National School for the Judiciary) and in Bucharest, with a view to increasing their knowledge of the topic of THB and international co-operation tools and making them more familiar with the anti-trafficking system deployed by the Romanian authorities in order to strengthen co-operation between the two countries.*

### **Protection of victims and witnesses**

35. GRETA urges the French authorities:

- to strengthen the procedural measures available for protecting victims and avoid them being subjected to intimidation and reprisals during and after the criminal proceedings;
- to provide for protection specific to child victims of trafficking, regardless of the resulting type of exploitation;
- to ensure that victims are duly informed and assisted, that the law enforcement authorities are trained in assessing the risks faced by victims, and that international co-operation tools are reinforced and effectively implemented in the case of persons living in danger outside France;
- to provide the police and gendarmerie with adequate human resources and procedural means to ensure the protection of victims and witnesses who are threatened in the framework of the investigations they are leading.

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- *Measures are provided for in domestic law to protect the identity and safety of victims before, during and after investigations and court proceedings in THB cases. There are specific protection arrangements for witnesses and victims to encourage their participation in the judicial process, simultaneously entailing witness protection (physical safety, counselling and health care, possibility of electing domicile at the police station as provided for in article 706-57 of the Code of Criminal Procedure, anonymous testimony as provided for in article 706-58 of the Code of Criminal Procedure) and assistance with personal matters (welfare assistance: housing, resources, training) and administrative problems (legalisation of their situation, granting of stay permits).*
  - ***The law of 18 March 2003** provides that permission to stay with entitlement to work may be granted to a foreigner lodging a complaint against a person for committing THB or pimping offences against them. In the event of a definitive conviction of the person accused, the foreigner may be issued with a residence permit.*
  - ***Decree no. 2007-1352 of 13 September 2007** on the admission, stay, protection, reception and accommodation of foreign victims of trafficking in human beings and pimping (codified in article L.316-1 of the Code governing the entry and stay of foreigners and the right to asylum) lays down the requirements to be met in order to obtain this temporary "private and family life" stay permit lasting at least six months and stipulates that it is renewable for the entire duration of the criminal proceedings.*
  - *The decree states that a foreign victim of THB offences may also benefit from a number of rights, including the right to social protection, in addition to financial aid for their return if they so wish. Police protection may be granted to them if they are in danger.*
  - ***Circular no. IMIM0900054C** of the Ministry of Immigration, Integration, National identity and Solidarity-based development dated 5 February 2009 on the "conditions governing permission to stay for foreign victims of trafficking in human beings or pimping co-operating with the judicial authorities" sets out the specific arrangements.*
  - *All victims' rights have also been reinforced by the **criminal law reform of 2014** (Law no. 2014-896 of 15 August 2014 on the personalisation of sentences and greater effectiveness of criminal sanctions) and also by the overall public policy on aid for victims. Victims are now entitled to obtain compensation for the harm suffered through any appropriate means, to be notified of the release of the individual convicted and to receive protection, and they also have the right to information, better reception arrangements in courts, compensation and any support or assistance that may be necessary (through the general introduction of victim assistance offices, for example).*
  - *Depending on the circumstances, steps to protect a person's physical safety may be decided on by the law enforcement agencies or requested by the prosecutor's office or the judge in respect of witnesses, victims or relatives, in the same way as individuals who receive threats. Specific arrangements vary according to the services involved. For example, the Brigade for the Protection of Minors (BPM), owing to the specialist area it covers, must request permission from a judicial officer of the juvenile prosecution service of Paris Regional Court for the victims to receive child welfare assistance.*



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- *The implementation of this GRETA conclusion called for inter-ministerial discussion, amendment of the Code of Criminal Procedure and the adoption of a decree extending the competence of the national commission for protection and reintegration, competent solely for the protection of delinquents and repentant criminals under **Decree no. 2014-346 of 17 March 2014** on the protection of the persons mentioned in article 706-63-1 of the Code of Criminal Procedure benefiting from exemptions or reductions of sentences.*
  - *However, in its Express Note no. 79 000, the Directorate of National Gendarmerie instructed investigators to systematically request that prosecutors and investigating judges grant the protection measures provided for in articles 706-57 and following of the Code of Criminal Procedure. The same text encourages gendarmerie units to contact the "Ac-Sé" network with a view to the victim being rehoused in safe conditions.*
  - *The MAEDI carries out prevention work in the countries of origin. In 2013, the regional technical adviser ran a project aimed at preventing trafficking in Roma minors in Bulgaria in partnership with the children's rights attaché competent for Romania, Bulgaria and Moldova.*

*It ran several prevention initiatives in 2013:*

- *prevention of begging by children in Romania and raising awareness of the selling of children by families;*
- *prevention work in schools to combat the trafficking of young people in Moldova and the prevention of trafficking in young women and children from the Roma community in Varna, Bulgaria;*
- *improving the conditions for hearing minors in judicial proceedings involving minor victims of trafficking in human beings.*