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2020 Trafficking in Persons Report: France

FRANCE: Tier 1

The Government of France fully meets the minimum standards for the elimination of trafficking. The government continued to demonstrate serious and sustained efforts during the reporting period; therefore France remained on Tier 1. These efforts included increasing prosecutions and convictions, adopting a national action plan, and increasing cooperation on international investigations. Although the government meets the minimum standards, it decreased investigations and did not report full sentencing data for convicted traffickers. The government assisted fewer victims compared to the last reporting period. The government continued to lack coordinated and comprehensive data on trafficking; it did not provide adequate resources for the national rapporteur; it did not report awarding restitution to any victims; and it did not deploy sufficient efforts against labor trafficking.

PRIORITIZED RECOMMENDATIONS:

Coordinate and centralize the timely collection of trafficking data across the government, including disaggregating data between sex and labor trafficking. • Increase efforts to identify and provide assistance to all trafficking victims. • Vigorously investigate, prosecute, and convict traffickers, and sentence those convicted to significant prison terms. • Increase funding and resources for anti-trafficking coordination and victim assistance. • Increase interagency coordination to investigate and prevent labor trafficking. • Ensure equitable treatment of victims by creating a national identification and referral mechanism for all forms of trafficking across all regions and departments, both domestic and overseas. • Consistently screen all migrants for trafficking indicators, including unaccompanied minors in Mayotte. • Implement the second national action plan and include a defined timeframe and dedicated budget, as well as other recommendations from the national rapporteur. • Improve the quality of shelters and specialized assistance for child victims. • Increase efforts to award restitution for all victims of trafficking. • Strengthen victim protection for child victims of forced begging and forced criminality. • Offer the reflection period to all victims, including migrants and victims of forced begging and forced criminality. • Strengthen international law enforcement cooperation to prevent and investigate child sex tourism and continue to prosecute and convict perpetrators. • Ensure sufficient resources are provided to the national rapporteur.

PROSECUTION

The government made uneven law enforcement efforts; however, efforts remained difficult to assess due to the persistent lack of consistent, comprehensive, and disaggregated law enforcement data. Article 225-4 of the penal code criminalized sex trafficking and labor trafficking and prescribed penalties of up to 10 years' imprisonment and a fine of up to €1.5 million (\$1.69 million). These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious offenses, such as rape. The government did not report the number of cases it investigated in 2019, a decrease compared to 313 cases involving 944 suspects in 2018; however, the media and NGOs reported the investigation of at least 182 cases and the arrest of at least 42 suspects. The government reported prosecuting 145 suspects with four accused of trafficking offenses committed against children in 2018, compared to 115 in 2017. A 2018 case in which the government charged a police officer assigned to a local human trafficking unit for complicity in sex trafficking remained ongoing and had yet to proceed to trial. The government reported convicting 94 traffickers in 2018, the most recent year data was available; this was an increase compared to 81 in 2017 and 48 in 2016. While the government did not report sentencing data for 2018, the required year to be assessed, it did provide a five-year average of 3.3 years' imprisonment for trafficking in persons convictions. The media reported several cases in which traffickers received significant prison terms in 2018, including 29 traffickers who were sentenced to two to 11 years' imprisonment, nine traffickers sentenced to two to eight years' imprisonment, and two traffickers who received suspended sentences. The media reported on 40 of 94 sentences, indicating that at least 40 percent of traffickers received significant prison sentences in 2018. The media also reported that, in October 2019, the government convicted a former Burundian diplomat and his spouse for labor trafficking and the exploitation of a domestic worker for 10 years; courts suspended both sentences but issued a fine. The government also reported investigating 20 cases, prosecuting 11 suspects, and convicting one criminal for paying to watch a child engage in a live sex act. Law enforcement data included all French departments and territories, including those overseas. The government did not report the amount of assets seized from convicted traffickers in 2019, compared to €10 million (\$11.24 million) in 2018 and €6 million (\$6.74 million) in 2017.

Two bodies investigated trafficking crimes: the Ministry of Interior's Central Office for Combating Human Trafficking (OCRTEH), comprising 25 investigators, was responsible for cases of sex trafficking, and the Central Office for Combatting Illegal Labor (OCLTI) and the Central Office for the Suppression of Irregular Migration and the Employment of Irregular Migrants (OCRIEST) were responsible for labor trafficking. The government continued institutional anti-trafficking training programs, some of which included victim identification, for magistrates, police, social workers, civil servants, NGOs, and the hospitality sector; however, the government did not report the number of individuals who received training during the reporting period. In 2019, the Ministry of Justice (MOJ) reported training 88 prosecutors, magistrates, and other judicial officials on anti-trafficking and led trainings in cooperation with the UK and Romania. In 2019, the government collaborated in international investigations, including with EUROPOL, INTERPOL, Hungary, Romania, Bulgaria, and Spain, which resulted in the arrest of 42 trafficking suspects, the prosecution of four suspects, and the conviction of 17 traffickers in France; an increase compared to reported information in 2018.

PROTECTION

The government made uneven protection efforts, including assisting fewer victims than the prior year. The government reported police identified 892 victims of exploitation in 2019, compared to 950 in 2018. Of the 892 victims of exploitation, 175 were victims of trafficking and 717 were victims of aggravated sexual exploitation, which in some cases included victims of adult and child sex trafficking. This compared to 177 victims of trafficking and 773 victims of sexual exploitation in 2018. Victim protection data included all French departments and territories, including those overseas. The governmental Mission for the Protection of Women against Violence and the Fight against Human Trafficking (MIPROF) and the National Supervisory Body on Crime and Punishment released the results of a large-scale victim survey completed by 53 NGOs. It found that, in 2018, 74 percent were victims of sex trafficking, 17 percent forced labor, five percent forced criminality, three percent forced begging. Forty-eight percent of victims surveyed came from Nigeria, followed in frequency by victims from North Africa and Eastern Europe. The government did not have a national identification and referral mechanism to ensure uniform and equal treatment of victims; however, most ministries and regions had formal procedures for identifying victims, and use of an NGO-run referral mechanism continued. The government assumes the majority of individuals in commercial sex are trafficking victims, and the government systematically screens this population for trafficking indicators. The Ministry of Solidarity and Health and the City of Paris provided funding for the Ac-Se system, an NGO-managed network of 50 NGO-run shelters and specialized NGOs assisting adult victims of sex and labor trafficking. Both police and NGOs referred victims to Ac-Se. While only partial data on victim assistance was available, Ac-Se reported assisting 64 trafficking victims in 2019, a decrease compared to 86 in 2018 and 79 in 2017. Ac-Se provided victims with shelter, legal, medical, and psychological services; in 2019, 57 victims, including 12 children, received shelter, and seven were assisted with voluntary repatriation. The government identified similar numbers of victims as in 2018; however, civil society did not interpret this trend as a decrease in trafficking prevalence and reported an increase in victims over recent years. The government provided Ac-Se with €240,000 (\$269,660) in 2019, in addition to an unreported amount of funding to NGOs supporting the Ac-Se network. This amount compared to €234,000 (\$262,920) in 2018.

Local governments provided French language classes to victims, and some victims could qualify for subsidized housing and job training programs, but the government did not report the number of victims provided with these benefits. The government, through the national employment agency, provided some foreign victims with an initial stipend of €350 (\$390) a month; civil society reported the conditions for being granted a stipend were not uniform and varied by region. The central and municipal governments also partially funded the operation of a shelter in Paris and a small number of emergency apartments external to the Ac-Se system. There were limited accommodation options for male victims. Police referred child trafficking victims to the Child Welfare Services (ASE) system. GRETA and the French independent rapporteur on trafficking reported a lack of adequate resources for the special assistance needs of child trafficking victims. The MOI reported conducting five training sessions during the reporting period on access to asylum for unaccompanied minors for the French Office for the Protection of Refugees and Stateless Persons (OFPRA). Training for victim identification and assistance protocols for social workers, staff, senior protection officers, interpreters, and new refugee protection officers in the OFPRA continued during the reporting period and training for protection officers increased from 71 in 2018 to 146 in 2019. The government also continued to distribute pocket-sized victim identification cards to police and NGOs.

The government had an NGO-run referral program to transfer victims detained, arrested, or placed in protective custody by law enforcement authorities to institutions that provided short-term care. Judges heard criminal trials for trafficking or aggravated pimping in private at the victim's request. To limit re-traumatization, victims usually had access to a psychologist during court proceedings. Victims were entitled to receive a 30-day reflection period during which they could decide whether to lodge a complaint or participate in criminal proceedings against a trafficker; however, some authorities were not familiar with the reflection period and did not offer it in practice. The government did not report the number of temporary residence permits granted to trafficking victims; such permits were only issued when victims cooperated with police investigations or enrolled in the government's reintegration program, which required ceasing engagement in commercial sex. Trafficking victims were also eligible for international protection under refugee status or subsidiary protection status in cases where victims had a credible fear of retaliation, including from public authorities in their country of origin, if returned; however, the government did not report the number of victims granted such status during the reporting period. The government offered a specialized support program for asylum-seekers who are also victims of violence or trafficking in persons; the program provided secure lodging, psychological treatment, and a path to request asylum, but the government did not report how many asylum-seekers utilized this program during the reporting period. In May 2019, OFPRA internally

published guidelines to evaluate and process asylum claims on the basis on labor trafficking. A large collective of anti-trafficking NGOs believed the new law on asylum and immigration, which eased restrictions on migrant deportation, limited victims’ ability to receive temporary residence due to new time-bound restrictions on permit applications and more stringent approval criteria. GRETA reported police arrested and prosecuted child victims of forced begging and forced criminality without screening for trafficking indicators. Criminal courts could order traffickers to pay restitution to victims who were citizens of France or when the act was committed on French territory, the European Economic Community (EEC), or had legal immigration status; however, authorities did not report ordering such restitution. Victims who were citizens of France, the EEC, or had legal immigration status could also bring a civil suit against a trafficker for damages. Victims lacking legal status were ineligible for restitution and damages. GRETA and NGOs reported victim compensation payments were rare.

PREVENTION

The government made uneven prevention efforts. MIPROF continued to coordinate government-wide anti-trafficking efforts and the prevention of violence against women. MIPROF’s anti-trafficking steering committee included national, regional, and local governments, as well as NGOs; however, it did not report how many times it met during the reporting period. In October 2019, the government adopted its second national anti-trafficking action plan. The Human Rights Commission continued to serve as the independent rapporteur for trafficking, but resources were insufficient. The rapporteur criticized the newly adopted national action plan, noting obstacles and deficiencies, including the absence of a defined timeframe or budget. The rapporteur also stated that the new plan did not address the flaws of the first plan, which included a prioritization of sex trafficking over labor trafficking, unequal efforts that varied by region, and authorities’ continued to conflate engaging in commercial sex and trafficking in persons. The national rapporteur recommended annual plans incorporating specific deadlines, detailed measures, monitoring indicators, costs identified per measure, and a dedicated source of funding. The continued prioritization of sex trafficking led to insufficient efforts to combat labor trafficking. The government made limited efforts to raise national awareness of human trafficking, including publishing a trafficking awareness manual online and media coverage of the release of the national action plan. The government continued to lack a comprehensive and centralized data system on trafficking. Though fraudulent labor recruitment remained a concern during the reporting period, the government did not report holding any labor recruitment or placement agencies accountable for labor trafficking during the reporting period. As of July 2019, the government conducted 25,752 labor inspections but did not report whether any victims were identified during these inspections. In an effort to address labor trafficking, in 2020, the government established a partnership agreement with employment associations and unions to create a guide to combat trafficking for employers and companies; however, the government did not report tangible outcomes from this effort. French law required large companies with more than 5,000 employees to create plans to mitigate risks of labor exploitation of sub-contractors. In 2019, the government did not report uniformly screening migrants in Mayotte for trafficking indicators prior to their deportation. The government did not report taking steps to address the 3,000 to 4,000 unaccompanied Comorian minors at risk for sex and labor trafficking on the French department of Mayotte by offering protection services, such as medical, shelter, or education.

The government made efforts to reduce the demand for child sex tourism by funding programs that raise awareness of the illegality of, and penalties associated with, child sex tourism in airports and with tourism operators, as well as requiring students to complete a training course on sex tourism prior to their departure abroad. The government arrested a French citizen for child sex tourism in Thailand during the reporting period and reported investigating approximately 15 other similar cases. The government made efforts to reduce the demand of commercial sex by convicting at least two purchasers of commercial sex. The government maintained several liaisons and advisors located in source countries to facilitate international anti-trafficking efforts. In 2019, the government signed a counter-trafficking bilateral agreement with China. The government also contributed to several anti-trafficking programs, including in Nigeria and Morocco. The government continued to fund anti-trafficking capacity-building programs across Africa’s Gulf of Guinea region and victim support operations in Libya. The government continued to implement an agreement for joint operations and training with the Libyan Coast Guard, as well as the provision of patrol vessels. However, some European and international NGOs criticized this coordinated effort of turning migrant boats back to Libya, citing poor security and human rights conditions inside Libya and an increased risk of trafficking for migrants forced to remain in Libya. The government continued to operate a hotline for children in abusive situations, including trafficking, and Ac-Se operated a hotline for trafficking victims; however, neither hotline reported the number of trafficking-related calls received during the reporting period. The government did not provide systematic anti-trafficking training for its diplomatic personnel, although consular officials received training on identifying forced domestic servitude.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit foreign victims, and to a limited extent, domestic victims in France. Sex and labor traffickers exploit foreign victims from Eastern Europe, West and North Africa, Asia, and the Caribbean. Nigerian females make up the majority of sex trafficking victims. Traffickers often lure victims with fraudulent offers of economic opportunities and target undocumented workers already in France. Authorities report traffickers encourage Nigerian victims to claim asylum to obtain legal residency and facilitate their continued exploitation. Sex trafficking networks controlled by Nigerians, Bulgarians, Romanians, Chinese, and French citizens exploit women in sex trafficking through debt bondage, physical force, and psychological coercion, including the invocation of voodoo and drug addiction. The government estimates the majority of the 50,000 people in commercial sex in France, about 90 percent of whom are foreign, are likely trafficking victims. Traffickers exploit children, primarily from Romania, West and North Africa, and the Middle East, in sex trafficking in France. In

suburban areas, there is a sharp rise in sex traffickers known as “lover boys” coercing vulnerable girls into sex trafficking, often through a sham romantic relationship. NGOs estimate between 5,000 and 8,000 French teenagers are victims of child sex trafficking, with more than half between the ages of 15 and 16. Expansive criminal networks force children to commit crimes. Traffickers exploit the large influx of unaccompanied minors who have entered France in recent years. Roma and unaccompanied minors in France are at risk of forced begging and forced theft. The families of Roma children are often also their traffickers. Immediate or extended family members are the traffickers for 96 percent of victims of forced crime and forced begging; 62 percent of sex trafficking victims knew their traffickers beforehand. The estimated 3,000 to 4,000 unaccompanied Comorian children on the island Mayotte, a French department, remained at risk of labor and sex trafficking. Protection services, such as medical, shelter, and education, are not available to unaccompanied minors on Mayotte, and previous efforts of the Comorian National Human Rights Commission to investigate further were denied. Labor traffickers exploit women and children in domestic servitude, mostly in cases in which families exploit relatives brought from Africa to work in their households; according to a 2019 report, domestic servitude makes up approximately eight percent of all trafficking in France. Nigerian trafficking networks use migrant and drug trafficking routes through Libya and Italy to transport women and girls to France, where they exploit them in trafficking.

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