

STUDY 2021

**Third-Country National Victims of Trafficking
in Human Beings: Detection, Identification
and Protection**

EMN FRANCE

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PRESENTATION OF EMN FRANCE

EMN France is the French National Contact Point of the European Migration Network (EMN) and falls within the General Directorate for Foreign Nationals in France of the Ministry of the Interior.

• **Contacts**

- **Jean-Baptiste Herbet:** jean-baptiste.herbet@interieur.gouv.fr
Head of the Department of Statistics, Studies and Documentation
- **Stéphanie Lemerle:** stephanie.lemerle@interieur.gouv.fr
Deputy Head of Department
- **Christelle Caporali-Petit:** christelle.caporali-petit@interieur.gouv.fr
Coordinator of EMN France
- **Tamara Buschek-Chauvel:** tamara.buschek-chauvel@interieur.gouv.fr
Senior Policy Officer, EMN France
- **Anne-Cécile Jarasse:** anne-cecile.jarasse@interieur.gouv.fr
Senior Policy Officer, EMN France
- **Lucie Fabiano:** lucie.fabiano@interieur.gouv.fr
Junior Policy Officer, EMN France
- **Pierre Chaix:** pierre.chaix@interieur.gouv.fr
Junior Policy Officer, EMN France

• **Address**

Point de contact français du Réseau européen des migrations
Département des Statistiques, des Études et de la Documentation
Direction générale des étrangers en France
Ministère de l'Intérieur
Place Beauvau
75800 Paris Cedex 08

• **Websites**

- Site of the EMN at European level:
http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/index_en.htm
- Site of the EMN France:
<https://www.immigration.interieur.gouv.fr/Europe-et-International/Le-reseau-europeen-des-migrations-REM3>

DETECTION, IDENTIFICATION AND PROTECTION OF THIRD-COUNTRY NATIONAL VICTIMS OF TRAFFICKING IN HUMAN BEINGS

Study conducted by EMN France

November 2021

Disclaimer:

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List of Acronyms

- ADA: Asylum Seeker's Allowance (*allocation pour demandeur d'asile*)
- AME: State Medical Aid (*aide médicale d'État*)
- CADA: Reception centres for asylum seekers (*Centre d'accueil pour demandeurs d'asile*)
- CESEDA : Code on Entry and Residence of Foreign Nationals and Right of Asylum (*Code de l'entrée et du séjour des étrangers et du droit d'asile*)
- CNCDH: National Consultative Commission for Human Rights (*Commission nationale consultative des droits de l'homme*)
- DGEF: General Directorate for Foreign Nationals in France (*Direction générale des étrangers en France*)
- DNA: National reception scheme (*dispositif national d'accueil*)
- GUDA: Single-desk contact point for asylum seekers (*Guichet Unique pour Demandeurs d'Asile*)
- HUDA: Emergency accommodation centres for asylum seekers
- MIPROF: Inter-ministerial Mission for the Protection of Women against Violence and the Fight against Trafficking in Human Beings (*Mission interministérielle pour la protection des femmes contre les violences et la lutte contre la traite des êtres humains*)
- National Ac.Sé Scheme: Secure Reception (*Dispositif National Ac.Sé*)
- OCLTI: Central Office for Combating Illegal Employment (Office central de lutte contre le travail illégal)
- OFII : French Office for Immigration and Integration (*Office français de l'immigration et de l'intégration*)
- PUMA: Universal healthcare protection (*protection universelle maladie*)
- RSA: Solidarity Income Supplement (*Revenu de solidarité activité*)
- SPADA: Initial Reception Centre for Asylum Seekers (*Structure du Premier Accueil du Demandeur d'Asile*)

Table of Contents

Section 1: Detection of third-country nationals (presumed) victims of trafficking in human beings	24
Section 2: Identification of (presumed) third-country national victims of trafficking in human beings	31
Section 3: Protection of (presumed) third-country national victims of trafficking in human beings	34
Section 4: International cooperation between Member States and with third countries in addressing detection, identification and protection of (presumed) third-country national victims of trafficking in human beings?	58
Section 5: Key challenges and good practices in Member States, including in light of the COVID-19 pandemic	64
ANNEXES	84

Detection, identification and protection of third-country national victims of trafficking in human beings

National Contribution from France

Top-line factsheet

This study aims to present **national practices for the detection, identification and protection of third-country nationals who are victims of trafficking in human beings.**

As regards the **legal framework**, trafficking in human beings is defined in Article 225-4-1 of the Criminal Code. In force since 2003, this definition has been amended in line with the evolution of the international definition of trafficking and the latest version dating from 2013 is in line with the definition in Article 2 of 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.¹

Three elements constitute the offence of trafficking in human beings:

- an act corresponding to the recruitment, transport, transfer, reception or accommodation of victims.
- a means corresponding to the manner in which the act is carried out (by coercion, violence, deception or threat).
- a purpose corresponding to the end sought, i.e. exploitation, whether for sexual purposes, work or begging.

When the victims are minors, the offence of trafficking is constituted without requiring any form of coercion or inducement (i.e. the means).

In France, the period 2015-2020 has been marked by the development of a fully-fledged public policy to combat human trafficking in all its forms of exploitation.

The fight against trafficking in human beings has been made a political priority of the French state, which has led to the development of a political strategy through two action plans that have been developed by the Inter-ministerial Mission for the Protection of Women against Violence and the Fight against Trafficking in Human Beings (MIPROF), which is responsible for the national coordination of the fight against human trafficking:

- **National Action Plan against Trafficking in Human Beings (2014-2016);**
- **Second National Action Plan against Trafficking in Human Beings (2019-2021).**

These two plans propose an integrated approach that encompasses the prevention of this phenomenon, the identification and care of victims, their protection, and the criminal prosecution of trafficking-related offences.

In France no specific unit is mandated to detect victims of trafficking. Thus, each actor, whether an institution, an association or a private individual, can detect presumed victims of trafficking and refer them to the structures in charge of formal identification through reporting. Associations that accompany victims play a very important role in the process of detection (prior identification) and referral of the (presumed) victim to formal identification.

The formal identification of victims of human trafficking in France is the responsibility of the police and gendarmerie. This identification enables the victim to obtain protection and appropriate care. Since 2016, labour inspectors have also been competent to identify victims of trafficking in the context of their missions in application of order no. 2016-413 on the enforcement of labour law.²

¹ 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, and replacing Council Framework Decision 2002/629/JHA (Anti-trafficking Directive), <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX%3A32011L0036>

² Order no. 2016-413 of 7 April 2016 on the enforcement of labour law, <https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000032371987>

However, **there is no formalised procedure or established criteria for the identification of a victim of human trafficking**. The establishment of such a mechanism is one of the key recommendations of the National Consultative Commission for Human Rights (CNCDH). In view of the creation of such a national identification mechanism, the MIPROF has set up a dedicated working group. The training of professionals, together with a list of common indicators and the identification of existing actions and good practices at local level, have been identified as essential steps in the creation of such a mechanism.

In order to protect these victims, France has established **specific and privileged conditions of admission to residence for identified victims** filing complaints or testifying against persons accused of having committed trafficking offences, as well as a **reflection period** for presumed victims. The issuance of a residence permit is not linked to the cooperation of the victim. Furthermore, third-country nationals who are (presumed) victims of trafficking in human beings can benefit from **comprehensive support, i.e. accommodation, urgent care, social, legal and psychological support, the Asylum Seeker's Allowance (ADA) or the Solidarity Income Supplement (RSA) and in some cases access to the labour market**.

This study highlights that the **rapid detection and formal identification of trafficked persons is a major challenge for victims** who otherwise risk remaining in a situation of exploitation, not having access to adequate assistance and protection, or being sent back to a country where they risk retaliation by members of the networks that have exploited them.

In this respect, several **challenges** have been identified, such as the insufficient training of the competent authorities in the detection and identification of victims of trafficking in human beings, the lack of cultural mediators trained in the issue of trafficking, the inadequate translation of information materials relating to rights and administrative procedures or the difficult detection of isolated and invisible victims.

Other challenges such as the facilitation of trafficking in human beings through the internet and the high risk of re-victimisation (through the internet), the assimilation of victims of trafficking in human beings for sexual exploitation with sex workers, the instrumentalisation of the asylum procedure by networks of traffickers in human beings, or the lack of dedicated and adapted accommodation structures for minors who are victims of trafficking in human beings were also mentioned by specialised associations.

The national system for the reception and protection of victims of trafficking in human beings (Ac. Sé), the pathway out of prostitution and towards social and professional integration (PSP), the training provided by civil society actors on trafficking in human beings, the setting up of an experimental ad hoc mechanism aimed at protecting minors who are victims of trafficking in human beings in Paris and the training of members of the police and gendarmerie in the NICHD (National Institute of Child Health and Human Development) Protocol and in the hearings of minors who are victims of trafficking in human beings (Mélanie hearings) have been identified as **good practices** that enable the protection and support of these victims. Similarly, several projects on a European scale have been carried out by France, such as a project on labour exploitation in the agricultural sector with the Central Office for Combating Illegal Employment (OCLTI) and Europol, or projects carried out by associations in several Member States to create a support and accompaniment network for victims of trafficking in human beings or to set up a specialised reception facility for minors who are victims of trafficking.

1 BACKGROUND AND RATIONALE FOR THE STUDY

Trafficking in human beings is a crime against people that can take various forms such as sexual exploitation (including forced prostitution), forced labour or services, slavery and servitude related practices, as well as the removal of vital organs, all of which constitute a grave violation of victim's fundamental rights. Trafficking in human beings is addressed under various EU and international instruments, such as:

- Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims (the Anti-trafficking Directive);³
- Charter on Fundamental Rights of the European Union (EU);⁴
- European Convention on Human Rights (ECHR);⁵
- Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Children and Women, supplementing the UN Convention against Transnational Organised Crime (Annex II);⁶
- Council of Europe Convention on Action against Trafficking in Human Beings⁷ (monitored by the Group of Experts on Action against Trafficking in Human Beings (GRETA);
- Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (Istanbul Convention),⁸
- Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention);⁹
- United Nations (UN) Convention on the Elimination of All Forms of Discrimination against Women (CEDAW);¹⁰
- Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, the International Covenant on Civil and Political Rights (ICCPR);¹¹
- Global Compacts for Migration¹² and Refugees.¹³

According to the latest data gathered from the EU Member States, Norway and Georgia, more than 10,500 third-country national victims of trafficking in human beings were registered, between 2015 and 2020.¹⁴ Trends in the EU seem to mirror those at global level: for every 10 victims detected, five are adult women and two are girls, one in every three is a child.^{15 16 17} Trafficking in human beings is not only recognised as a highly profitable crime,¹⁸ it is also recognized as a crime with links to social development and security,

³ 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, and replacing Council Framework Decision 2002/629/JHA (Anti-trafficking Directive), <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX%3A32011L0036>

⁴ Charter of Fundamental Rights of the European Union, 2012, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A12012P%2FTXT>

⁵ ECHR, 1950, https://www.echr.coe.int/documents/convention_eng.pdf

⁶ United Nations Office on Drugs and Crime (UNODC), Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the UN Convention against Transnational Organised Crime (Palermo Protocol), 2000, https://www.unodc.org/res/human-trafficking/2021the-protocol-tip_html/TIP.pdf

⁷ CoE, Convention on Action against Trafficking in Human Beings, 2005, <https://rm.coe.int/168008371d>

⁸ CoE, Convention on Preventing and Combating Violence Against Women and Domestic Violence, 2011, <https://rm.coe.int/168008482e>, (Istanbul Convention)

⁹ CoE, Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, 2007, <https://rm.coe.int/1680084822>

¹⁰ UN, Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 1979, <https://www.un.org/womenwatch/daw/cedaw/>

¹¹ UN, International Covenant on Civil and Political Rights, 1966, <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>

¹² UN Global Compact for Safe, Orderly and Regular Migration, 2018, https://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/73/195

¹³ UN, Global Compact for Refugees, 2018, <https://www.unhcr.org/5c658aed4>

¹⁴ For information and comparison, more than 14 000 victims of trafficking in human beings were recorded in the EU between 2017 and 2018; European Commission, Data collection on trafficking in human beings in the EU, 2020, <https://op.europa.eu/en/publication-detail/-/publication/5b93c49f-12a0-11eb-9a54-01aa75ed71a1>

¹⁵ *Idem*.

¹⁶ UNODC, Global Report on Trafficking in Persons, 2020, https://www.unodc.org/documents/data-and-analysis/tip/2021/GLOTIP_2020_15jan_web.pdf

¹⁷ The Counter Trafficking Data Collaborative, Global Data Hub on Human Trafficking, www.ctdatacollaborative.org

¹⁸ ILO, Profits and Poverty: The Economics of Forced Labour, 2014, https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_243391.pdf

migration, conflict- and climate-induced displacement. The impact and cost of human trafficking on individuals as well as on political, economic and social systems is compelling. Trafficking victims may suffer from an array of physical and devastating psychological health issues stemming from brutal physical and emotional attacks at the hands of their traffickers, dangerous workplace conditions, occupational hazards, inhumane living conditions, poor sanitation, inadequate nutrition, poor personal hygiene, and general lack of quality health care. Human trafficking has the power to affect the victims' life forever:¹⁹ therefore, the application of a human right-based and victim-centred approach is needed.

Persistent demand for sexual services and for low-wage workers employed in manual jobs continue to ensure opportunities for traffickers to operate: in spite of the recent significant increase in the number of people convicted, many perpetrators remain undetected and unpunished.²⁰ Given its clandestine nature, and the many factors which may deter a victim from reporting the crime, trafficking in human beings is believed to be significantly underreported.²¹ Detection and identification of (potential) victims of trafficking in human beings is therefore likely to remain at the same time critical and problematic, as flagged by a recent report of the European Parliament.²²

Third-country nationals account for more than half of the registered victims in EU Member States.²³ Vulnerable migrants have been reported to be at persistent risk of becoming victims of trafficking along migration routes: in particular unaccompanied minors and those in the asylum procedures, might be at a higher risk of becoming victims of trafficking in human beings and other gender-based violence, such as rape or domestic violence.²⁴ Reception centres for asylum applicants can be targeted by human traffickers for recruitment.²⁵ Early identification of victims is crucial to promptly assist, support and protect victims of trafficking in human beings and enables police and prosecution authorities to better investigate and punish traffickers.²⁶ However, their detection and identification in mixed migration flows remains a challenge²⁷ in a number of Member States,²⁸ some of which also relate to tensions with the current legal framework (especially within asylum procedures)²⁹ as well as to disruption in victim assistance and support services.³⁰ For instance, difficulties have occurred in some Member States, e.g. labour exploitation cases not recognised as trafficking in human beings and treated by the police under civil law (Latvia), difficult in detection and identification of victims due to more restricted movements during the Covid-19 pandemic

¹⁹ IOM, UN.GIFT and London School of Hygiene and Tropical Medicine, Caring for Trafficked Persons: A Guide for Health Providers, https://publications.iom.int/system/files/pdf/ct_handbook.pdf, 2009, last accessed on 14 June 2021.

²⁰ UNODC, Global Report on Trafficking in Persons, 2020, https://www.unodc.org/documents/data-and-analysis/tip/2021/GLOTIP_2020_15jan_web.pdf, last accessed on 8 May 2021.

²¹ EUROPOL, European Union serious and organised crime threat assessment (SOCTA), 2021, <https://www.europol.europa.eu/activities-services/main-reports/european-union-serious-and-organised-crime-threat-assessment>, last accessed on 10 May 2021.

²² European Parliament, Report on the implementation of Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims, (2020/2029(INI)), 2020, https://www.europarl.europa.eu/doceo/document/A-9-2021-0011_EN.pdf, last accessed on 15 May 2021.

²³ European Commission, Data collection on trafficking in human beings in the EU, 2020, https://ec.europa.eu/anti-trafficking/sites/default/files/study_on_data_collection_on_trafficking_in_human_beings_in_the_eu.pdf, last accessed on 8 May 2021.

²⁴ European Commission, Third report on the progress made in the fight against trafficking in human beings, 2020, https://ec.europa.eu/anti-trafficking/sites/default/files/third_progress_report.pdf

²⁵ EUROPOL, European Union serious and organised crime threat assessment (SOCTA), 2021, <https://www.europol.europa.eu/activities-services/main-reports/european-union-serious-and-organised-crime-threat-assessment>

²⁶ European Commission, Communication on the EU Strategy on Combatting Trafficking in Human Beings 2021-2025, 2021(New EU Strategy) https://ec.europa.eu/home-affairs/sites/default/files/pdf/14042021_eu_strategy_on_combatting_trafficking_in_human_beings_2021-2025_com-2021-171-1_en.pdf

²⁷ European Commission, Third report on the progress made in the fight against trafficking in human beings, 2020, https://ec.europa.eu/anti-trafficking/sites/default/files/third_progress_report.pdf, last accessed on 15 May 2021.

²⁸ European Commission, Directorate-General for Migration and Home Affairs, Gregulska, J., Healy, C., Petreska, E., et al., Study on reviewing the functioning of Member States' National and Transnational Referral Mechanisms, Publications Office, 2020, <https://data.europa.eu/doi/10.2837/24454>

²⁹ Johanna Schlintl, Liliana Sorrentino, Residence Permits, International Protection and Victims of Human Trafficking: Durable Solutions Grounded in International Law, 2021, https://documentation.lastradainternational.org/lsidocs/3387-REST%20Report%20Residence%20Permits%20-%20International%20Protection%20and%20Victims%20of%20Human%20Trafficking%20-%20FEB%202021.pdf?fbclid=IwAR2YgjjwIVDXeb0CtOMDdJQd9IOGBDw_pMZ0d7hS_NQF3-E3deluMOBdUed4, last accessed on 10 May 2021.

³⁰ IOM, Understanding the migration & mobility implications of COVID-19, https://www.iom.int/sites/default/files/documents/covid-19_analytical_snapshot_59_human_trafficking_update.pdf, last accessed on 12 June 2021.

crisis (Luxembourg), 'cross-border' victims or third-country nationals 'forced' to commit criminal acts themselves (the Netherlands) or collaboration with governmental agencies (Sweden).

The full extent of the impact of the COVID-19 pandemic on trafficking in human beings is not yet known. However, a rise in poverty as a result of restrictions, an increase in vulnerabilities linked to migration statuses and ongoing travel restrictions may have, among other factors, resulted in higher levels of trafficking and placed third-country national migrants at greater risk of exploitation.³¹ The risks of exploitation of minors in particular are thought to have increased.³² The pandemic has also made the identification of victims of trafficking more challenging for authorities and has resulted in delays in identification procedures.³³

In 2012, the EU called upon Member States to set up "systematic approach(es) to victim identification, protection and assistance" including promoting "regular training for officials likely to come into contact with victims or potential victims of trafficking in human beings [...] aimed at enabling them to identify and deal with victims and potential victims of trafficking in human beings".³⁴ One of the key priorities of the EU Strategy on Combatting Trafficking in Human Beings 2021-2025 is protecting, supporting and empowering victims, which also includes the early identification of victims: in this regard, working together with relevant EU agencies, as well as embedding cooperation and partnerships against trafficking with non-EU countries of origin and transit and organisations at regional and international levels in the EU's external relations policy is fundamental.³⁵

2 STUDY AIMS AND OBJECTIVES

The study aims to explore the national practices of detection, identification and protection of third-country national victims of trafficking in human beings. In this respect, without adopting the same scope, it updates the 2013 EMN study 'Identification of victims of trafficking in human beings in international protection and forced return procedures' and covers:

1. Overview of national situations in relation to trafficking in human beings, in particular focusing on the national, latest available data, trends, patterns and trafficking purposes (Introduction).
2. National policy and legislative developments and measures to detect (presumed) third-country national victims of trafficking in human beings, including information on competent authorities, existing reporting mechanisms, possibilities to appeal decisions. (Section 1).
3. National policy and legislative developments and measures to identify (presumed) third-country national victims of trafficking in human beings, including referral mechanisms (if existent) among national authorities and other relevant stakeholders (Section 2)
4. National policy and legislative developments and measures to protect (presumed) third-country national victims of trafficking in human beings, including the legal framework for granting the reflection period, residence permits and the provision of appropriate information and assistance (Section 3).
5. Cooperation mechanisms with other Member States, EU agencies (EASO, Europol, Frontex), international organisations and third countries of origin and of transit (Section 4).
6. Challenges and good practices in Member States, such as those concerning vulnerable persons, (presumed) cases falling under the scope of the Dublin III Regulation and the impact of COVID-19 (Section 5).

³¹ Giammarinaro, Maria Grazia, COVID-19 Position paper: The impact and consequences of the COVID-19 pandemic on trafficked and exploited persons', UN Human Rights Special Procedures, 2021, <https://www.ohchr.org/Documents/Issues/Trafficking/COVID-19-Impact-trafficking.pdf>

³² EUROPOL, European Union serious and organised crime threat assessment (SOCTA), 2021, <https://www.europol.europa.eu/activities-services/main-reports/european-union-serious-and-organised-crime-threat-assessment>

³³ Council of Europe, 10th General Report GRETA Activities, 2021, <https://rm.coe.int/10th-general-report-greta-activities-en/1680a21620>

³⁴ European Commission, EU Strategy towards the eradication of trafficking in human beings 2012-2016, 2012 (EU Strategy), https://ec.europa.eu/anti-trafficking/sites/default/files/the_eu_strategy_towards_the_eradication_of_trafficking_in_human_beings_2012-2016_1.pdf

³⁵ New EU Strategy.

3 SCOPE OF THE STUDY

The study covers the following categories of third-country nationals, detected, identified and protected as (presumed) victims of trafficking in human beings, who are:

- Asylum applicants;
- In an irregular situation;
- In possession of a valid authorisation to stay on the territory of a Member State (residence permit or short-term visa).

Third-country nationals who are in an irregular situation and subject to a return decision will be out of the scope of this study as they have already been dealt with in other recent EMN products.

Minors who are (presumed) victims of trafficking in human beings are addressed in the EMN France's report on the implementation of the European Commission Communication on children in migration.³⁶

The temporal scope for statistics and the national contexts is from January 2015 up to December 2020 for statistics and the national contexts.

4 GLOSSARY OF TERMS

The study uses the following definitions, which – unless otherwise stated – are based on the EMN Asylum and Migration Glossary.³⁷

Term	Definition
Competent authority	A competent authority belongs to the government of a (Member) State (of the European Union) and is designated under most of EU directives and regulations. They must be notified to the European Commission.
Detection of (a situation of) trafficking in human beings	The process of identifying a possible situation of trafficking in human beings.
Identification of a victim of trafficking in human beings	The process of confirming and characterising a situation of trafficking in human beings, for implementation of further support.
Identified victim of trafficking in human beings	A person who has been formally identified as a victim of trafficking in human beings according to the relevant competent authority in.
Dublin procedure	The process of determining the Member State responsible for examining an application for international protection lodged in one of the EU Member States by a third-country national under Regulation (EU) No 604/2013 (Dublin III Regulation).
Dublin transfer	The (physical) transfer of an applicant to the Member State who is determined to be responsible for examining the application following a Dublin procedure *to be distinguished from the "shift of responsibility" which consist of the transfer of responsibility for the examination of the merits of

³⁶ EMN France, Report on the implementation of the European Commission Communication on children in migration, June 2020, p.13-19, <https://www.immigration.interieur.gouv.fr/Europe-et-International/Le-reseau-europeen-des-migrations-REM3/Le-reseau-europeen-des-migrations-REM2/Etudes/Rapport-sur-la-mise-en-aeuvre-de-la-Communication-de-la-Commission-europeenne-sur-les-enfants-migrants>

³⁷ EMN Glossary, https://ec.europa.eu/home-affairs/networks/european-migration-network-emn/emn-glossary_en last accessed on 16 March 2022.

Term	Definition
	an application for international protection from one Member State to another.
International protection	In the global context, the actions by the international community on the basis of international law, aimed at protecting the fundamental rights of a specific category of persons outside their countries of origin, who lack the national protection of their own countries. In the EU context, protection that encompasses refugee status and subsidiary protection status.
National referral/cooperation mechanisms (NRM)	Mechanisms aimed at identifying, protecting and assisting victims of trafficking in human beings, through referral, and involving relevant public authorities and civil society. ³⁸
Potential victim of trafficking in human beings	A person vulnerable to trafficking in human beings. ³⁹
Presumed victim of trafficking in human beings	A person who has met the criteria of EU regulations and international conventions but has not been formally identified by the relevant authorities (e.g. police) as a trafficking victim or has declined to be formally or legally identified as victim of trafficking.
Protection of (presumed) victims of trafficking in human beings	The action of national authorities aimed at protecting the fundamental rights of (presumed) victims of trafficking in human beings. ⁴⁰
Reception centre	A location with facilities for receiving, processing and attending to the immediate needs of refugees or asylum applicants as they arrive in a country of asylum.
Reflection period	A period of time determined according to national law granted to third-country nationals officially identified as victims of trafficking in human beings allowing the victim to recover and escape the influence of the perpetrators of the offences so that they can take an informed decision as to whether (or not) to cooperate with the competent authorities.
Registered victim of trafficking in human beings	A person who is either an identified or a presumed victim of human trafficking and who has been registered by authorities and/or other agencies and organisations. ⁴¹

³⁸ Anti-trafficking Directive, Article 11(4) lays down an obligation for EU Member States to take the necessary measures to establish appropriate mechanisms aimed at the early identification of, assistance to and support for victims, in cooperation with relevant support organisations.

³⁹ Definition inspired by the International Organization for Migration (IOM), <https://publications.iom.int/books/migrants-and-their-vulnerability-human-trafficking-modern-slavery-and-forced-labour>, last accessed on 10 June 2021.

⁴⁰ Definition inspired by the Anti-trafficking Directive, Article 11. A person shall be provided with assistance and support as soon as the competent authorities have reasonable grounds to believe that the person might have been subjected to trafficking in human beings.

⁴¹ Definition inspired by the European Commission, Data collection on trafficking in human beings in the EU, 2020, https://ec.europa.eu/anti-trafficking/system/files/2020-10/study_on_data_collection_on_trafficking_in_human_beings_in_the_eu.pdf, last accessed on 16 March 2022.

Term	Definition
Trafficking in human beings	The recruitment, transportation, transfer, harbouring or reception of persons, including the exchange or transfer of control over those persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.
Transfer of procedure	The process of changing from one migration procedure to another. ⁴²
Victim(s) of crime	Anyone who has suffered physical, mental, emotional or economic harm caused by a criminal offence, as well as family members of someone whose death was caused by a criminal act. ⁴³
Victimisation	<p>Secondary victimisation occurs when the victim suffers further harm not as a direct result of the criminal act but due to the manner in which institutions and other individuals deal with the victim. Re-victimisation is a synonym for secondary victimisation.⁴⁴</p> <p>Repeat victimisation: situation when the same person suffers from more than one criminal incident over a specific period of time.⁴⁵</p>
Voluntary return	The assisted or independent return to the country of origin, transit or third country, based on the free will of the returnee.
Vulnerable person	Minors, unaccompanied minors, disabled people, older people, pregnant women, single parents with minor children, victims of trafficking in human beings, people with serious illnesses, people with mental disorders and people who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence, such as victims of female genital mutilation (FGM).

⁴² Definition developed by the Core AG for the purposes of this study.

⁴³ Victims' Rights Directive, Article 2.

⁴⁴ Definitions taken from the European Institute for Gender Equality (EIGE), Glossary and Thesaurus, <https://eige.europa.eu/thesaurus/terms/1661>

⁴⁵ Ibid.

National situation with regard to detection, identification, and protection of (presumed) third-country national victims of trafficking in human beings (2015-2020)

Introduction

Q1. Please describe the main policy developments and debates that have occurred in the reference period 2015-2020 with regard to detection, identification, and protection of (presumed) third-country national victims of trafficking in human beings (e.g., parliamentary debates, policy reforms, draft/adopted legislation, media coverage, awareness-campaigns, relevant publications).

In France, the 2015-2020 period has been marked by the development of a fully-fledged **public policy against trafficking in human beings** and all of its forms of exploitation.

The fight against the trafficking in human beings was made a priority policy for the French State by President François Hollande in 2014. The finding on the scale of the trafficking phenomenon in France mandated the preparation of a political strategy to deal with it.

Two action plans presented the strategic guidance for France's commitment in the fight against trafficking in human beings, and comprised the basis and milestones for public policy in this area:

- **National Action Plan against Trafficking in Human Beings (2014-2016);**⁴⁶
- **Second National Action Plan against Trafficking in Human Beings (2019-2021).**⁴⁷

These two plans propose an integrated approach that covers the prevention of this phenomenon, the identification and care of victims, their protection and the prosecution of trafficking related offences.

They were prepared by the **Inter-ministerial Mission for the Protection of Women against Violence and the Fight against Trafficking in Human Beings (MIPROF)**, responsible for the national coordination of the fight against trafficking in human beings.⁴⁸ They are the result of the mobilisation by the different ministries concerned and sustained collaboration with the associations active in these issues, and closely involved in the monitoring and regular assessment of the two action plans.

The procedures for implementing these plans were defined as part of the first action plan, in its provisions on preparing a separate public policy. The MIPROF is responsible for steering these plans and takes part in implementing certain measures. In line with the provisions of 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, the National Consultative Commission for Human Rights (CNCDH) was appointed as national rapporteur to provide an independent assessment of the implementation of the action plans and the public policies in the fight against trafficking and exploitation. Lastly, the Departmental Councils for delinquency prevention, assistance to victims and the fight against drugs, sectarianism and violence against women (CDPD) coordinate actions against trafficking in human beings at regional level.

The first action plan took into account some of the debates on the issue within civil society and the CNCDH recommendations: reinforcing the role of the associations in the process of identifying victims, ensuring that victims have the right of residence, better adapting tools to the needs of minors, improving the integration of civil society into training actions.

⁴⁶ MIPROF, National Action Plan against Trafficking in Human Beings (2014-2016), 14 May 2014, <https://www.cipdr.gouv.fr/wp-content/uploads/2018/01/Plan-daction-national-de-lutte-contre-la-traite-des-%C3%AAtres-humains-14-mai-2014-1.pdf>

⁴⁷ MIPROF, Second National Action Plan against Trafficking in Human Beings (2019-2021), <https://www.egalite-femmes-hommes.gouv.fr/wp-content/uploads/2019/10/2e-Plan-action-traite-etres-humains.pdf>

⁴⁸ Decree no. 2013-7 of 3 January 2013, creating an inter-ministerial mission for the protection of women against violence and the fight against trafficking in human beings, <https://www.legifrance.gouv.fr/loda/id/JORFTEXT000026894612/>

Some of the issues raised as part of these debates were more specifically covered in the second plan: the creation of a national identification mechanism and referral of victims of trafficking, better consideration of post-traumatic stress, notably for women, reinforcing the penal response to all new forms of exploitation, the implementation of a plan to fight against violence to children and a better approach to new forms of child prostitution.

1. National Action Plan against Trafficking in Human Beings (2014-2016)

Presented on 14 May 2014 to the Council of Ministers, this plan includes 23 measures focusing on three priorities: **identifying and assisting the victims; prosecuting the perpetrators and dismantling the networks; implementing a true public policy** to fight against trafficking in human beings.

Several measures and provisions were implemented in line with the three priorities of this plan which ended in April 2017.⁴⁹

1.1 The identification of and assistance to victims of trafficking

a) In order to harmonise practices on identifying victims of trafficking throughout the territory, the Instruction of 19 May 2015 on the conditions for the admission for residence of foreign nationals that are victims of trafficking in human beings or pimping⁵⁰ recalled and specified **the identification procedures, as well as the stages and conditions for examining requests for admission for residence** of foreign nationals presumed to be victims of trafficking. The text also provides for the appointment of around fifty dedicated referents for files on trafficking in human beings within prefectures to manage the consistent application of the current provisions on the right of residence for victims.

b) **The assessment and consideration of vulnerabilities** provided by law no. 2015-925 of 29 July 2015 on the reform to the right to asylum,⁵¹ throughout the asylum application process, also enables **victims of trafficking to be better identified as part of the asylum procedure**, and for the procedure to be adapted according to their needs.

c) Lastly, law no. 2016-44 of 13 April 2016 aiming to reinforce the fight against the prostitution system and support prostitutes,⁵² **extends the competency for identifying victims to labour inspection officers.**

d) **Access to rights for third-country nationals that are victims of trafficking in human beings, notably in terms of residence, care and accommodation has also been considerably reinforced.** Considered as the main vector for the implementation of the first national plan against trafficking in human beings, the law of 13 April 2016 introduced the possibility for third-country nationals that are victims of trafficking in human beings, and that have filed a complaint or testified as part of a criminal investigation, **to benefit as a right to a "private and family life" residence permit.** It also provides for **the issue of a residence permit** to the victims of trafficking in human beings after the final conviction of the defendant, and the creation of the **temporary residence authorisation** to which the third-country nationals that begin a **programme to leave prostitution and move towards social and professional integration** are eligible.

1.2. Reinforcement of the penal response and dismantling of the networks

⁴⁹ These measures are notably structured to ensure consistency with the 4th inter-ministerial plan for the prevention and fight against violence to women (2014-2016), and the 5th plan for the mobilisation and fight against all types of violence against women (2017-2019).

⁵⁰ Instruction on the conditions of admission to stay of foreign nationals that are victims of trafficking in human beings or pimping, <https://www.legifrance.gouv.fr/circulaire/id/39619>

⁵¹ Law no. 2015-925 of 29 July 2015 on the reform to the right to asylum, <https://www.legifrance.gouv.fr/loda/id/JORFTEXT000030949483/>

⁵² Law no. 2016-444 of 13 April 2016 aiming to reinforce the fight against the prostitution system and support prostitutes, <https://www.legifrance.gouv.fr/loda/id/JORFTEXT000032396046/>

a) The **law of 13 April 2016 marked major progress in the penal response provided by France to trafficking in human beings for the purposes of sexual exploitation**. In accordance with the provisions of Directive 2011/36/EU of 5 April 2011 which encourages Member States to take measures to “discourage and reduce the demand that fosters all forms of exploitation...related to trafficking in human beings”, this law started a process that makes customers accountable for the way in which they perpetuate the prostitution system and thus the trafficking networks.⁵³ It introduces **the crime of purchasing sexual acts** into the Criminal Code and also provides for the implementation of **awareness-raising programmes to fight against the purchase of sexual acts**. In parallel, it recognises **the victim status of all people involved in prostitution**. In this way, it **repeals the offence of solicitation** that up to now penalised prostitutes.

b) **In order to fight more effectively against the networks and detect trafficking-related offences**, law no. 2016-731 of 3 June 2016 reinforcing the fight against organised crime, terrorism and their financing, and improving the effectiveness and safeguards of the criminal procedure,⁵⁴ facilitated **the use of special investigation techniques for offences related to trafficking in human beings**, pimping and illegal work, notably with regard to searches and the interception of electronic communications. The law of 13 April 2016 requires internet access suppliers to set up a system to report illicit content and inform the competent public authorities. Moreover, since 2017, **companies are involved in the fight against trafficking in human beings for economic exploitation**. The law of 27 March 2017 on the duty of vigilance of parent companies and contractors⁵⁵ creates an obligation for large companies to set up a vigilance plan designed to “identify and prevent serious breaches of human rights and fundamental freedoms, health and safety of persons, and the environment”. It covers the activities of parent companies, companies that they control, or their suppliers and sub-contractors located in France and abroad.

c) **In addition, the protection system for victims and their relatives, along with witnesses, within criminal procedures related to organised crime (including trafficking in human beings) has been improved**. The law of 17 August 2015⁵⁶ transposed Directive 2012/29 EU of the European Parliament and Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime⁵⁷ into French law. This resulted in the implementation of a **personalised victim assessment procedure**, designed to adapt procedural protection measures to their needs, along with the requirement for judicial police officers to inform victims of their rights, including the right to bring a claim before the compensation board for victims of crimes. The provisions of the laws of 13 April 2016 and 3 June 2016 also extended the provisions of article 706-40-1 of the Criminal Procedure Code⁵⁸ to victims of trafficking in human beings stipulating that the victims “that have contributed through their testimony to establishing truth and whose life or physical integrity is seriously threatened on the national territory” may benefit from protection to ensure their safety provided in article 706-63-1 of the Code. This protection includes: the possibility of testifying anonymously, using an assumed identity, indicating an anonymous address, at a lawyer or an association, and closed proceedings before associations, a criminal or assize court. These provisions are also made applicable to family members and close relatives of the victims, as well as witnesses.

1.3. Training and awareness-raising actions

The national action plan highlights **the importance of training of professionals** as well as **the organisation of awareness-raising campaigns for all society** on the different forms of exploitation

⁵³ High Council for Equality between Men and Women, Opinion on the law of 13 April 2016 aiming to reinforce the fight against the prostitution system and support prostitutes, 19 May 2021, [https://www.haut-conseil-egalite.gouv.fr/IMG/pdf/avis - loi du 13 avril 2016 - cinq ans apres. renforcer et harmoniser la mise en oeuvre pour repondre aux urgences sur le terrain.pdf](https://www.haut-conseil-egalite.gouv.fr/IMG/pdf/avis_-_loi_du_13_avril_2016_-_cinq_ans_apres_renforcer_et_harmoniser_la_mise_en_oeuvre_pour_repondre_aux_urgences_sur_le_terrain.pdf)

⁵⁴ Law no. 2016-731 of 3 June 2016 reinforcing the fight against organised crime, terrorism and their financing and improving the effectiveness of the criminal procedure, <https://www.legifrance.gouv.fr/loda/id/JORFTEXT000032627231/>

⁵⁵ Law no. 2017-399 of 27 March 2017 on the duty of vigilance of parent companies and contractors, <https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000034290626/>

⁵⁶ Law no. 2015-993 of 17 August 2015 adapting the criminal procedure to European Union law, <https://www.legifrance.gouv.fr/loda/id/JORFTEXT000031045937/>

⁵⁷ Directive 2012/29/EU of the European Parliament and Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime and replacing Council framework decision 2001/220/JHA, <https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000027145752/>

⁵⁸ Criminal Procedure Code, <https://www.legifrance.gouv.fr/codes/id/LEGITEXT000006071154/>

related to trafficking in human beings. For this purpose, numerous **educational tools** have been set up within working groups bringing together institutional and association stakeholders, under the leadership of the MIPROF.

a) A **reflex sheet on the trafficking of minors**, for generalist police and gendarmerie investigation services and magistrates was drafted in 2016 in partnership with the General Directorate of the National Gendarmerie (DGGN), the General Directorate of the National Police (DGPN), the Directorate of Criminal Matters and Pardons (DACG) and on the ground professionals. It presents the characteristics of minors that are victims of trafficking in human beings, provides indicators to facilitate their identification and proposes a background record of questioning model. Along the same lines, **a technical sheet on protecting victims of trafficking in human beings**, presenting the specific provisions for caring for victims of trafficking in human beings (residence, safe housing, compensation, protection during the proceedings etc.) for public prosecutors, was drafted by the Directorate of Criminal Matters and Pardons (DACG) at the Ministry of Justice in September 2016, and updated in February 2017.

b) Two **information booklets** were also created to support professionals in their work to identify victims of trafficking in human beings:

- **The training booklet on the trafficking of minors**, for social workers, which presents the characteristics of children that are victims of trafficking in human beings, under the influence of traffickers, the psycho-traumatic consequences and care for these children (accommodation, safety and support guidelines);

- **The training booklet on the trafficking of human beings for labour exploitation**, for labour inspection officers, which describes the characteristics of victims of trafficking in human beings, and presents an observation grid to facilitate the identification of these victims and situations of exploitation.

c) In 2016, **two national awareness-raising campaigns** were launched by the Ministry for Families, Childhood and Women's Rights, in partnership with the Paris City Hall and the *Mouvement du Nid*, an association that assists prostitutes on a daily basis. Launched against the backdrop of the European Football Championships in Paris in 2016, these two campaigns aimed to raise awareness amongst supporters on the issue of prostitution, trafficking in human beings and sexual tourism during major sporting events.⁵⁹

d) Different **training modules focusing on identifying and protecting third country nationals that are presumed and identified as victims of trafficking in human beings**, were also implemented for professionals responsible for identifying victims, taking care of them and implementing criminal proceedings for trafficking offences. For example, a **training module on detecting victims of trafficking in human beings**, prepared by the training division of the Central Directorate of the French Border Police (DCPAF) based on an educational package developed by Frontex, is given to all new police officers appointed to the Border Police. Since 2017, the **training modules for assessment officers in the Departmental Councils cover trafficking, and provide educational booklets on the trafficking of minors**.

e) The MIPROF and the Internal Security Statistics Department (SSMSI) (which has replaced the National Observatory on Delinquency and Criminal Responses (ONDRP) since 2021), in partnership with the *'Ensemble contre la traite des êtres humains'* association, have carried out **an annual survey to collect data on the victims of trafficking in human beings monitored by the associations** in France since 2017, using a questionnaire. The results of the fourth edition of the survey provide information on the profile of the 2,573 victims assisted by 37 associations in 2019.⁶⁰ (See Q.2)

The statistical departments at the Ministry of the Interior and the Ministry of Justice have undertaken work to redefine their statistical nomenclature on the trafficking and exploitation of human beings.

- **Second National Action Plan against Trafficking in Human Beings (2019-2021)**

⁵⁹ The campaign "The price of a trick is not what you think", launched on 9 June 2016, and the campaign "It is now prohibited to purchase a sex act", launched on 17 October 2016.

⁶⁰ MIPROF, SSMSI, Trafficking in human beings in France, Profile of the victims assisted by the associations in 2019 (*La traite des êtres humains en France, Profil des victimes suivies par les associations en 2019*), https://www.ihemi.fr/sites/default/files/publications/files/2020-11/traite_etres_humains_france_2019_0.pdf

While the **first national action plan enabled the significant reinforcement of the legislative arsenal and better harmonisation of practices of institutional stakeholders** with regard to the fight against trafficking in human beings, a number of challenges and shortcomings with regard to its implementation highlighted the need to adopt a second national action plan.

In its assessment of the plan published on 6 July 2017,⁶¹ the CNCDH raised **the insufficient measures proposed to effectively curb the trafficking phenomenon, as well as the lack of or partial implementation of several plan actions**. This finding is shared by different associations and by the Senate's Delegation for Women's Rights in its information report of 9 March 2016,⁶² which nevertheless commends the "welcome progress" of this first action plan. With regard to this partial implementation, the delegation indicates that "all agree on the fact that there is mainly a lack of sufficient resources, including those made available to the MIPROF, to steer and implement the 23 measures in the national action plan and an absence of consideration of the fight against the trafficking in human beings as a political priority, both at the level of the ministries concerned and at the inter-ministerial level". Moreover, the national rapporteur indicated that the priority given to **the fight against trafficking for sexual exploitation** by the public authorities tended to marginalise other forms of trafficking, and maintain a confusion between prostitution and trafficking in human beings, which does not promote understanding of the latter (notably in terms of the characterisation of offences by the judicial authorities).

To meet these challenges, the MIPROF brought together the institutional partners and civil society from 2017 to prepare a second national action plan to fight against trafficking in human beings. The strategic guidelines for this new action plan were discussed in March and April 2017 during meetings of the steering committee and coordination committee bringing together the concerned ministries.

Several recommendations were listed by the CNCDH in its report of 6 July 2017, notably concerning the creation of an inter-ministerial body specifically dedicated to coordinating the fight against the trafficking and exploitation of human beings, allocating a higher budget, implementing a harmonised procedure to identify victims within the administration, granting competency for identifying victims to the associations, effective access to residence for all victims of trafficking in human beings, unconditional protection for minor victims, and the preparation of awareness-raising campaigns and new training modules for professionals with more involvement from civil society. The rapporteur also encouraged the government to make the fight against trafficking in human beings a "major national cause". Recommendations in this direction were also made by the Group of Experts on Action against Trafficking in Human Beings at the Council of Europe, in its report on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by France, published on 6 July 2017.⁶³

However, the delay in adopting this second action plan led to concerns, as indicated by the CNCDH which alerted the public authorities to "the need to implement a new action plan, along with the resources required to implement it" in a statement on 2 October 2018. The national rapporteur and the associations questioned the GRETA, which came to Paris on 11 and 12 February 2019 to meet the CNCDH, the associative stakeholders and the trade unions, along with the MIPROF and the ministries concerned, to discuss the implementation of the most urgent recommendations in its 2017 report and the delays in France.

The **Second National Action Plan against Trafficking in Human Beings (2019-2021)** was presented by the Government on 18 October 2019. The latter covers 45 measures organised around 6 focuses:

- informing and communicating to better prevent the phenomenon;
- defining a strategy to identify victims;

⁶¹ CNCDH, Assessment of the National Action Plan against Trafficking in Human Beings (2014-2016), 6 July 2017, <https://www.cncdh.fr/fr/publications/evaluation-du-plan-daction-national-contre-la-traite-des-etres-humains-2014-2016>

⁶² Senate, Information Report no. 448 (2015-2016), Trafficking in human beings, modern slavery: women and minors are the first victims (*Traite des êtres humains, esclavage moderne : femmes et mineures, premières victimes*), 9 March 2016, <https://www.senat.fr/rap/r15-448/r15-448.html>

⁶³ GRETA, Report on the implementation of the Council of Europe Convention on action against trafficking in human beings by France, 6 July 2017, p. 56, <https://rm.coe.int/rapport-concernant-la-mise-en-oeuvre-de-la-convention-du-conseil-de-l-/168073c728>

- protecting and supporting victims of trafficking;
- intensifying repression against perpetrators;
- coordinating public action to fight against trafficking in human beings;
- reinforcing cooperation on the European and international levels.

These measures are consistent with the other current government measures such as the national plan against illegal work (2019-2021),⁶⁴ the national strategy for the reception and integration of refugees (2018-2021),⁶⁵ the strategy to prevent and fight against poverty (2018-2021),⁶⁶ the national strategy for the prevention of delinquency (2020-2024),⁶⁷ the national strategy for the prevention and protection of childhood (2020-2022),⁶⁸ and the second national plan for the mobilisation and fight against violence to children.⁶⁹

They consolidate the efforts committed as part of the first action plan, by including the recommendations issued by the assessment bodies (CNCDDH and GRETA).

Thus, the MIPROF noted the **urgency to create a national identification and guidance mechanism** and began to look at this issue in 2020.

The implementation of such a mechanism is part of the key recommendations made by the CNCDDH. Already in its assessment of the first action plan of 6 July 2017, the Commission considered that “the identification of the victims of trafficking in human beings - and exploitation – should come under a national mechanism carried out by an independent public authority (based on the model that exists in the United Kingdom)”. In its opinion on the second national plan against trafficking in human beings, published on 19 November 2019, the CNCDDH recalled the primary importance of the creation of such a mechanism to identify and support victims of trafficking in human beings, even placing this mechanism “at the heart of the French strategy to prevent and fight against this phenomenon”.⁷⁰

During the MIPROF Coordination Committee in February 2020, the CNCDDH presented the expectations expressed by the GRETA, and the OSCE⁷¹ on the implementation of this mechanism, which resulted in the MIPROF’s decision to set up a working group dedicated to this objective. Lastly, the CNCDDH’s recommendations on the preparation of such a mechanism were formalised in its opinion of 28 April 2020 on the creation of a ‘national benchmark mechanism’ in France for the effectiveness of the rights of victims of trafficking in human beings.⁷²

The working group set up by the MIPROF brings together institutional and associative partners, qualified experts and the CNCDDH with the aim of creating a national mechanism for identifying and guiding victims of trafficking in human beings rolled out at the local level. Four meetings have taken place since 2020 and two essential stages for creating such a mechanism has been identified:

- the training of professionals along with a list of common indicators;

⁶⁴ National Commission for the fight against illegal work (CNLTI) at the Labour Ministry, National plan to fight against illegal work (2019-2021), 8 July 2019, https://travail-emploi.gouv.fr/IMG/pdf/dossier_de_presse_-_cnlti_-_8_juillet_2019.pdf

⁶⁵ Inter-ministerial committee for integration, National Strategy for the Reception and Integration of Refugees (2018-2021), 5 June 2018, <https://accueil-integration-refugies.fr/wp-content/uploads/2018/06/Strat%C3%A9gie-int%C3%A9gration-V050618-Logos.pdf>

⁶⁶ Inter-ministerial delegation for the prevention and fight against poverty at the Ministry for Solidarities and Health, National strategy to prevent and fight against poverty (2018-2021), 13 September 2018 <https://solidarites-sante.gouv.fr/affaires-sociales/lutte-contre-l-exclusion/lutte-pauvrete-gouv-fr/les-5-engagements-de-la-strategie-pauvrete/>

⁶⁷ Inter-Ministerial Committee for the Prevention of Delinquency and Radicalism, Strategy for the prevention of delinquency (2020-2024), <https://www.cipdr.gouv.fr/wp-content/uploads/2020/03/Tome-1-SNDP-INTERACTIF-1.pdf>

⁶⁸ National strategy for the prevention and protection of childhood (2020-2022), https://solidarites-sante.gouv.fr/IMG/pdf/dossier_de_presse_-_strategie_nationale_de_prevention_et_protection_de_l_enfance_vf.pdf

⁶⁹ Second plan for the mobilisation and fight against violence to children, <https://www.cnape.fr/documents/plan-de-lutte-contre-les-violences-faites-aux-enfants/>

⁷⁰ CNCDDH, Opinion on the 2nd Action Plan against Trafficking in Human Beings, 19 November 2019, p. 3, https://www.cncddh.fr/sites/default/files/191119_avis_2e_plan_contre_la_teh.pdf

⁷¹ OSCE, National Referral Mechanisms, Joining Efforts to Protect the Rights of Trafficked Persons, A Practical Handbook, 13 May 2004, <https://www.osce.org/files/f/documents/0/4/13967.pdf>

⁷² CNCDDH, Opinion on the creation of a national benchmark mechanism with regard to trafficking in human beings, 28 April 2020, <https://www.cncddh.fr/fr/publications/avis-creation-dun-mecanisme-national-de-reference-concernant-la-traite-des-etres>

- the identification of existing actions and good practices at local level in order to define a national framework.

In terms of training, an inter-ministerial guide 'From the identification to the protection of victims of trafficking in human beings' for use by professionals is currently being finalised.

While the ambitions listed by this plan address the challenges that need to be overcome, some structural obstacles have already been identified. In its opinion of 19 November 2019 on this plan, the CNCDH highlighted the need for the coordination committee to "define a strategic annual plan including specific deadlines, detailed measures, monitoring indicators, identified costs per measure and a dedicated source of financing". This plan needs human, technical and financial resources to ensure it is effectively implemented. In line with its previous recommendations as well as those issued in the report by the delegation for women's rights of 9 March 2019, the rapporteur recommended notably that the MIPROF report to the Prime Minister "to ensure strong political backing for the fight against this sometimes invisible and often unpunished phenomenon, cement its fully inter-ministerial status and ensure that all forms of exploitation are taken into account".

Q2. Please elaborate on the characteristics of detected, identified and protected (presumed) third-country national victims of human trafficking (including age, gender, country of origin, migration status), trafficking purposes (e.g. sexual exploitation, including forced prostitution, forced labour or services, slavery and servitude related practices, as well as the removal of vital organs), latest patterns and trends in the reference period 2015-2020

The Ministerial Statistical Service for Internal Security (SSMSI) of the Ministry of the Interior is involved in improving knowledge of this criminal phenomenon as part of the Second National Action Plan against Trafficking in Human Beings. In this context, it published in October 2021 "Trafficking and exploitation of human beings since 2016: an approach using administrative data".

This analysis concerns victims of all nationalities, including French nationals.

The main findings of this analysis are:

- **The number of victims of trafficking and exploitation of human beings recorded by the police and gendarmerie services increased** by 4% between 2016 and 2019, from 1 401 to 1 460 victims (see diagram below). In 2020, the number of identified victims decreased (1 243), probably in connection with the health crisis, which has increased the invisibility of these victims and further deteriorated their living conditions.

- **On average, victims of trafficking offences account for 15% of the total.** Law enforcement agencies mainly identify victims of pimping offences (60%) and labour exploitation (27%).

- **On average, 73% of victims of trafficking and exploitation are women** (see diagram below). This overrepresentation of women is more pronounced for victims of pimping offences, 95% of whom are women. Nevertheless, the share of men increases for victims of at least one trafficking offence. On average, they represent 31% of the victims. Their share increased from 26% in 2016 to 40% in 2019. On the other hand, men are over-represented among victims of labour exploitation offences, accounting for 66% of victims on average.

- **The registered victims of trafficking and exploitation are young.** On average, between 2016 and 2020, 27% are between 18 and 24 years old and 12% between 25 and 29 years old (see diagram below). There are differences between the groups of offences: **victims of trafficking and pimping offences are younger than those of labour exploitation.** More than 30% of these victims are between 18 and 24 years old, while 23% of victims of labour exploitation are 45 years old or older.

- **The share of minors increased by 10 percentage points between 2016 and 2020**, from 17% to 27% of victims. This increase is more specifically linked to the increase in the share of underage victims of pimping from 12% in 2016 to 33% in 2020. This represents almost 300 victims of aggravated pimping recorded by the police and gendarmes. More specifically, it is the share of minors of French nationality that is increasing, rising from 9% to 30% between 2016 and 2020. This corresponds to the increase in the phenomenon of sexual exploitation of young French girls observed since 2017 by the police and civil society.

- **The share of victims of French nationality is also increasing among all** (+24% between 2016 and 2020). In 2016, only 36% of the victims of trafficking or exploitation of human beings were French, whereas in 2020 they will represent half of the victims. As mentioned for minor victims, this evolution in the number and share of French victims is explained by the increase in victims of pimping offences. In 2016, 35% of pimping victims were French, whereas in 2020, 61% were French.

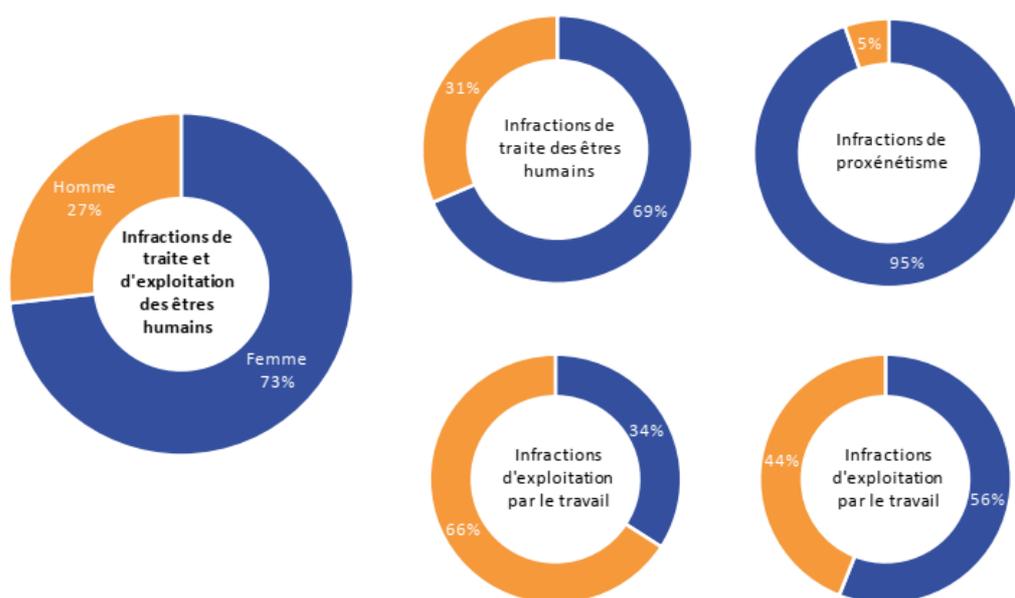
- **The share of French victims has also increased for trafficking offences from 10% to 20% between 2016 and 2019.** In 2020, there is a slight decrease of 14% in the share of these victims. **Victims of Nigerian nationality represent on average one quarter of the victims.** Nigerian trafficking networks are known to the authorities and civil society, who observe changes in their structure (in particular, they are organised around confraternities and are increasingly resorting to indoor sexual exploitation).

- **The nationalities of victims of labour exploitation are more diverse.** French victims represent 37% of victims between 2016 and 2020 (see figure below). In addition, **6% of victims are Indian and 5% are Moroccan.**

Number of victims of trafficking and exploitation of human beings registered by the police and gendarmerie

Nombre de victimes					
Groupe d'infractions de traite ou d'exploitation des êtres humains	Année d'enregistrement				
	2016	2017	2018	2019	2020
Traite des êtres humains	219	194	174	223	192
Proxénétisme	866	775	849	785	786
Exploitation par le travail	351	312	402	491	314
<i>dont Réduction en esclavage</i>	6	11	5	12	5
<i>Conditions de travail et d'hébergement indignes</i>	342	297	387	473	307
<i>Travail forcé</i>	<5	<5	8	<5	<5
<i>Réduction en servitude</i>	<5	<5	<5	<5	0
Exploitation de la mendicité	55	78	65	49	21
Total	1 401	1 263	1 445	1 460	1 243

Sexe des victimes¹



Nationality of victims of trafficking or labour exploitation offences (%)

Nationalité des victimes		Ensemble	Traite des êtres humains	Proxénétisme	Exploitation par le travail	Exploitation de la mendicité
Afrique du Nord	dont algérienne	2	1	2	3	0
	dont marocaine	3	3	1	5	0
	Total	6	5	4	13	0
Afrique subsaharienne	dont nigériane	7	25	8	<1	0
	Total	14	34	12	13	1
Amérique latine et Caraïbes	dont brésilienne	3	2	4	<1	0
	Total	7	8	10	2	0
Asie centrale		<1	<1	<1	0	0
Asie du Sud-Est		1	3	<1	1	0
Asie méridionale	dont indienne	2	1	0	6	0
	Total	5	4	<1	17	0
Asie occidentale		2	1	<1	3	9
Asie orientale	dont chinoise	6	4	9	1	0
	Total	6	4	9	1	0
Europe méridionale		3	3	4	3	4
Europe occidentale	dont française	38	12	44	37	21
	Total	39	13	44	37	22
Europe de l'Est	dont bulgare	4	9	3	2	4
	dont roumaine	8	7	8	2	48
	Total	15	22	15	8	52
Europe du Nord		<1	<1	<1	<1	0
Polynésie		<1	<1	0	0	0

Profile of the victims monitored by the associations in 2019⁷³

Survey by the MIPROF and the ONDRP in partnership with the "Ensemble contre la traite d'êtres humains" association.

The results of the fourth edition of the survey provide information on the profile of the 2,573 victims monitored by 37 associations in 2019. The profiles of the victims and the conditions of exploitation vary according to the forms of exploitation. Sheets on each form of exploitation can be found at the following address: https://www.ihemi.fr/sites/default/files/publications/files/2020-11/traite_etres_humains_france_2019_0.pdf

Conclusions drawn from the survey:

- 75% of the victims monitored were victims of sexual exploitation;
- 19% were victims of labour exploitation (half of them were victims of exploitation in the domestic setting);
- Women represent 82% of the victims, men 15%, transgender persons 3%;
- Amongst the victims, 91% were adults, 8% minors;
- The victims came from 71 different countries. Almost three-quarters (74%) came from Africa, 10% from Europe (including 3% from France), 4% from South America and the Caribbean and 4% from Asia;
- Victims from Nigeria alone represented 26% of the victims identified;
- After Nigeria, the victims came from Romania (111 victims), Morocco (104 victims), Algeria (78 victims) and France (75 victims);
- 28% were subjected to multiple forms of exploitation (simultaneous or successive);
- 28% filed a complaint with the law enforcement agencies and/or the prosecutor for trafficking in human beings (data provided by 22 associations that monitored 1,125 victims);
- 26% benefited from a residence permit including 9% in respect of article L.425-1 of the CESEDA (temporary "private and family life" permit), 9% in respect of international protection and 8% in respect of other grounds (data provided by 18 associations that monitored 880 victims).

Detailed statistical data can be found in appendix 1 to this study:

- Number of residence permits issued to victims of trafficking (first issue or renewal) in application of Directive 2004/81/EC (2015-2020);
- Number of third-country nationals identified as victims of sexual or labour exploitation (2015-2020);
- Number of traffickers prosecuted and convicted (2016-2019).

⁷³ The victims identified in the survey cannot be considered to be a representative sample of all of the victims on the French territory.

Section 1: Detection of third-country nationals (presumed) victims of trafficking in human beings

Q3. : Please describe the national procedures to detect (presumed) third-country national victims of trafficking in human beings, by answering to the following questions

a. Are there measures in place to detect (presumed) third-country national victims of trafficking in human beings? Yes No

If so, please further elaborate in the table below

Measures in place to detect (presumed) third-country national victims of trafficking in human beings	Details
Self-reporting	In principle, all (presumed) victims may present themselves to the police and gendarmerie, but only the police or gendarmerie may decide whether the victim is identified as such.
Awareness raising campaigns	<p>In accordance with the second action plan, a draft partnership agreement between the professional and managerial organisations and the consular chambers was prepared with the Labour Ministry to raise awareness in companies to trafficking in human beings.</p> <p>This action was included in the national plan to fight against illegal work (2019-2021). The MIPROF and the Labour Ministry are responsible for bringing together the different stakeholders in order to finalise this draft and sign the agreement.</p> <p>The Second National Action Plan against Trafficking in Human Beings 2019-2021 provides for a governmental information campaign on trafficking in human beings and the different forms of exploitation, notably sexual exploitation, to which young people may be exposed, to be launched online for the general public. Measure 3 of the plan provides that the MIPROF supports and relays the campaigns initiated by the associations on the prevention of trafficking in human beings to its networks; measure 5 provides for information and awareness-raising actions for employers and employees and measure 7 aims to ensure prevention by raising awareness of migrant populations to the risks of exploitation.</p> <p>Awareness will be raised through information on social networks and the distribution of leaflets and flyers in places receiving migrants (administrations, associations, etc) and also upstream in the countries of origin (posting campaigns, distribution of flyers, messages on the websites and social networks of French embassies and consulates abroad, as well as in service provider companies).</p> <p>The associations also play an essential role in the fight against trafficking in human beings, due to their expertise and work on the ground, which enables them to support</p>

	the victims. As part of their activities, they carry out prevention and awareness-raising campaigns. ⁷⁴
Collection of indicators	As part of the work carried out within the working group steered by the MIPROF to implement a national identification and guidance mechanism for victims, common indicators to the different forms of trafficking and specific indicators have been identified and will be subject to discussions between the authorities and the specialised associations to determine a list of indicators.
Intelligence gathering by investigative services (e.g. police, labour inspectorate)	<p>As part of the implementation of the inter-ministerial plan to fight against trafficking in human beings, the delegation to victims at the General Directorate of the National Police wanted to design a reflex sheet to allow police officers to manage the specific actions to be carried out when they are faced with this criminal offence.</p> <p>As part of their missions, the police find evidence of trafficking of human beings and meets victims during the resulting investigations.</p> <p>The professional documentation centre of the national police produced a sheet dedicated to trafficking in human beings for the attention of victim correspondents and investigation services.⁷⁵</p>
Proactive screening in asylum procedures	<p>The assessment of the vulnerability of the asylum seeker to determine, if applicable, their specific needs in terms of reception, is provided in article L.522-1 of the CESEDA, and targets, among others, the victims of trafficking in human beings.</p> <p>According to article L.531-10 of the CESEDA, the French Office for the Protection of Refugees and Stateless Persons (OFPRA) may “define the specific assessment procedures that it deems necessary for the exercise of the rights of applicants due to (...) their vulnerability”.</p> <p>To ensure that vulnerable persons benefit from these “specific procedural guarantees”, the OFPRA must identify a real situation of vulnerability. This may be the case prior to the examination of the asylum application by the OFPRA, or during the examination of the asylum application.</p> <p>Vulnerability may be first identified when the application is filed with the OFPRA in view of:</p> <ul style="list-style-type: none"> - information transmitted by the single-desk contact point (GUDA); - the grounds for the application and/or additional documents contained in the asylum application file; <p>If the vulnerability has not been identified in advance, it may be identified on the basis of the applicant’s statements during the interview and possible additional information during processing. The OFPRA has set up a system for receiving and processing alerts in order to take into consideration alerts from external parties working in various capacities with vulnerable asylum seekers.</p>

⁷⁴ For example, the prevention campaign on Facebook “Don’t pay with your life”, carried out by the ‘Ensemble contre la traite des êtres humains’ association, http://www.contrelatraite.org/prevenir_traite_nigeriane

⁷⁵ National Police Documentation and Social Promotion Division, June 2020, <https://rm.coe.int/reponse-de-la-france-au-3e-questionnaire-du-greta-fiche-reflexe-a-dest/16809fea07>

	<p>Information in this regard is publicly available in Chapter 6 of the OFPRA's guide to procedures, available on the website www.ofpra.gouv.fr. In order to be able to identify and take into account vulnerability as part of the assessment of the asylum application, specialised support groups have been in place within the OFPRA since 2013. These referent groups deal with five specific protection needs related to the main vulnerabilities, including victims of trafficking in human beings.</p> <p>These referent groups:</p> <ul style="list-style-type: none"> - raise officer awareness for these protection needs; - provide assessment protection officers with one-time support for individual asylum application files, and notably answer questions from the protection officers; - contribute to preparing the OFPRA's doctrine; - carry out documentary and jurisprudence monitoring on the profiles of asylum applications based on their reference subject; - recommend and take part in training actions within the OFPRA; - promote meetings with specialised associative and institutional partners, under the leadership of the OFPRA's management. <p>Vulnerable persons are identified and their asylum application is processed by duly trained OFPRA officers. Targeted training designed to develop the skills of assessment protection officers that receive vulnerable people is provided as initial and continuous training via the OFPRA's training plan and one-off training actions are decided as needs arise.⁷⁶</p>
Proactive screening in migration procedures	There is no proactive screening in the other migration procedures. Each department may detect presumed victims of trafficking in human beings and refer them to the stakeholders responsible for the formal identification through reporting.

b. What measures are in place to promote and facilitate self-reporting by (presumed) third-country national victims of trafficking in human beings?

The associations support the victims and offer a special listening and reception service, information on their rights, psychological assistance, social assistance and, if required, guidance to specialised departments. They are also "whistle-blowers" likely to identify shortcomings in public policy on the ground and detect particular areas of urgency or vigilance.⁷⁷

c. Please indicate whether (and in what way) these specific measures differ for any of the cases below

Detection measures do not differ according to the targeted population.

Specific measure to detect (presumed) third-country national victims of trafficking in human beings	Details
within asylum procedures	N/A

⁷⁶ OFPRA, Guide to OFPRA procedures (*Guide des procédures à l'OFPRA*), 2019, https://www.ofpra.gouv.fr/sites/default/files/atoms/files/guide_des_procedures_a_lofpra_-_2019.pdf

⁷⁷ Senate, Information Report no. 448 (2015-2016), Trafficking in human beings, modern slavery: women and minors are the first victims, 9 March 2016, https://www.senat.fr/rap/r15-448/r15-448_mono.html#toc108

within other migration procedures (e.g. seasonal workers, domestic workers, au pairs, students)	N/A
who are voluntary returnees	N/A
who fall under other categories included in the definition of vulnerable persons adopted for this study (e.g. minors, unaccompanied minors, disabled people, elderly people, pregnant women)?	N/A
who are in an irregular situation	N/A

d. What procedural safeguards exist for each category presented above?

The procedural safeguards (reflection period, asylum procedure) are identical for all categories (see section 3).

Specific procedures exist if vulnerability is identified during the asylum procedure. The duration of the processing procedure may be adapted to facilitate the gathering of the account of the applicant identified as being particularly vulnerable, or even to accelerate the granting of protection⁷⁸.

Article L.531-12, 2° of the CESEDA provides that the OFPRA may dispense with calling the applicant to an individual interview if “sustainable medical reasons beyond the control of the person prevent them from carrying out the interview”.

Pursuant to article L.531-17 of the CESEDA, at the applicant’s request and if this appears to be clearly justified by their difficulty in expressing all the reasons for their asylum application, in particular those relating to sexual violence, the interview is carried out, as far as possible, by **an OFPRA officer of the gender of their choice**. The same rules apply to the choice of interpreter.

Article L.531-15 of the CESEDA provides the applicant with the possibility of being **accompanied during the interview by a lawyer or approved representative of an association** approved by the OFPRA. The list of associations authorised by the OFPRA can be consulted on the OFPRA website.⁷⁹ To date, the list includes several associations specialised in supporting victims of trafficking in human beings.

As additional procedural guarantees that it has chosen to institute and assess on a case-by-case basis, in view of the extreme vulnerability of some asylum seekers who are cared for by mental health professionals, the OFPRA takes into consideration requests for **assistance by a psychiatrist, psychologist or psychotherapist**.

In addition, in exceptional cases, if the existing specific procedural safeguards are not sufficient to meet the person’s need for security, the OFPRA may authorise **the presence during the interview of a trusted third party**.

If the vulnerability detected at the OFPRA level seems to require an **adaptation to the reception conditions** (notably accommodation), the information is communicated to the French Office for Immigration and Integration (OFII), with the applicant’s agreement, in order to carry out a new assessment of the person’s needs, if required.⁸⁰

e. What organisations / authorities are trained / competent to detect (presumed) third-country national victims of trafficking in human beings)?

⁷⁸ Article L.531-10 of the CESEDA.

⁷⁹ OFPRA, List of associations authorised by decisions of 10 December 2018 and 30 July 2020 to propose representatives to accompany the asylum seeker or refugee or beneficiary of subsidiary protection to a personal interview conducted by the OFPRA, https://www.ofpra.gouv.fr/sites/default/files/atoms/files/210520_-_liste_des_associations_habilitees.pdf

⁸⁰ OFPRA, Guide to OFPRA procedures, 2019, https://www.ofpra.gouv.fr/sites/default/files/atoms/files/guide_des_procedures_a_lofpra_-_2019.pdf

Organisation authorities /	Trained to detect (presumed) third-country national victims of trafficking in human beings? Y/N	Competent to detect (presumed) third-country national victims of trafficking in human beings? Y/N	Details
Police	Yes	Yes	
Border guards	Yes	Yes	
Labour inspectors	Yes	Yes	
Migration services	Yes	Yes	
Asylum case officers	Yes	Yes	
General practitioners	Yes	Yes	
Other health workers	Yes	Yes	
Employers	At their initiative.	Yes	
Trade unions	At their initiative.	Yes	
Civil society organisations	Yes	Yes	The approved associations have set up numerous tools to support detection with partners, training of professionals on detecting and identifying minor victims, detecting and supporting presumed minor victims.

In France, **no specific unit is mandated to detect victims of trafficking in human beings**. Each unit - institutions, associative stakeholders or individuals - may detect presumed victims of trafficking in human beings and refer them to the stakeholders responsible for the formal identification through reporting.

The identification process, which begins with the detection of victims of trafficking in human beings, may be initiated by all types of stakeholders (associations, institutions, medical personnel, schools, neighbours, individuals, etc), as soon as there are reasons to suspect that the person is a victim. These are the first line stakeholders, in direct contact with the victims of trafficking in human beings. This detection (prior identification) may be carried out in different locations (on the street, in the camps, in hospitals, in schools, in reception centres for asylum seekers, in reception platforms for asylum seekers, in reception centres for minors, etc). Identification will, of course, be facilitated in exploitation areas, for example outreach at times when the exploitation takes place.

The association *France terre d'asile* has drafted a methodology to identify and protect victims of trafficking in human beings in Calais, and more generally in a context of transit migration. This document is part of the continuity of the National Action Plan against Trafficking in Human Beings implemented and monitored by the MIPROF. This guide distinguishes two levels of prior identification (detection):

- **Objective prior identification**, which may take place at any time and any place. It is as much related to the increased observation of people and the detection of visual indicators as to objective elements identified during discussions with the individual in question, other migrants or associations. This identification can therefore take place on the street, in collective information sessions, when distributing food or during any other type of interview. An initial contact with a potential victim is firstly subject to prior visual identification. Informal discussions during a meeting may also be the opportunity

to detect these first signs of exploitation. It is mainly carried out thanks to signs of influence or control exercised on the person as these are the elements most easily observed (stress, isolation, not allowed to communicate, etc.).

- **In-depth prior identification**, which will be subject to an individual identification interview and which must, therefore, take place in an office or a confidential place. This confirms the initial detection that raised suspicions and refines the diagnosis, notably through precise questions related to the definition of trafficking. This phase is only possible thanks to the existence of a relationship of trust between the association and the person and may take some time. Following this interview, the associative stakeholders that identified the trafficking situation will be able to offer protection and support adapted to the person's individual situation.

The associations may play different roles in the identification:

- Detecting the signs and enabling victims to have access to certain rights before any formal identification;
- Helping the victims to understand their situation and the constraints that led them to accept the exploitation and help them identify themselves as victims;
- Guiding them towards formal identification by the police, in order to file a complaint and have access to residence, in agreement with the victims if they are ready to denounce the people exploiting them. Identification by the associations is not sufficient to have access to residence but it enables victims to be identified by the police, through guidance and support towards this procedure. However, the associations may help the detected victims to have access to specific accommodation via the National Ac.Sé Scheme (Secure Reception) and, if applicable, to file an application for asylum in order to request protection that is not related to formal identification.⁸¹

Training of professionals was a flagship measure of the first National Action Plan against Trafficking in Human Beings. After having established an inventory of existing educational tools, the objective pursued was to create tools so that all professionals benefit from a shared corpus of knowledge. Two multidisciplinary working groups, steered by the MIPROF, on the exploitation of minors and labour exploitation, brought together the administrations concerned, training organisations, associations and on the ground professionals. This work resulted in the following educational tools:

- **A training booklet "Actions for educators of minor victims of trafficking in human beings"**. This booklet is designed for educators at the Social Child and Youth Care Services (ASE) and the Youth Judicial Protection service (PJJ) who may be in contact with minors that are victims of trafficking in human beings. Its aim is to provide childhood professionals with the keys to better deal with the phenomenon of trafficking in human beings, to facilitate detection of victims and adapt their care. Specific attention is paid to unaccompanied minors that are potential victims of trafficking in human beings.

Different tools exist for officers in units responsible for identifying the victims:

- A **reflex sheet** on the trafficking of minors for general investigation units (police/gendarmerie) and magistrates;
- A **training booklet** on trafficking in human beings for labour exploitation for labour inspection officers.⁸²

Since 2015, **training sessions for gendarmerie and national police officers** are also organised twice a year by the Central Office for Combating Illegal Employment (OCLTI). They provide information on the fight against trafficking in human beings: illegal work and fraud investigator (ETIF) and specialised illegal work and fraud investigator (ESTIF).

Lastly, **awareness-raising actions within schools** on respecting your body and the dangers of prostitution, are provided by the law of 13 April 2016, via sexuality information and education sessions.

⁸¹ France terre d'asile, Identification and protection of victims of trafficking in a context of transit migration, Les cahiers du social no. 39, April 2017, p.55-56, https://www.france-terre-asile.org/images/stories/publications/pdf/Identification_et_protection_des_victimes_de_la_traite_dans_un_contexte_de_migration_de_transit.pdf

⁸² MIPROF, Activity Report 2013-2017, https://www.egalite-femmes-hommes.gouv.fr/wp-content/uploads/2013/04/Rapport-dactivites-MIPROF_2017-.pdf

Their implementation depends on school heads and the mobilisation of the associations responsible for providing this information.

f. Please describe how national referral mechanisms (or alternative mechanisms in absence of one) have evolved in the detection of (presumed) third-country national victims of trafficking in human beings?

Currently, the formal identification of the victims is only possible by the police and gendarmerie services, and by the labour inspection officers since the law of 13 April 2016. As recalled in the second action plan, “no shared identification indicators have been defined to date between the administrations and specialised associations”. Measure 16 of the second action plan provides for the **“implementation of a national benchmark mechanism”**.

The plan proposes the publication of an interministerial circular for legal and administrative authorities including a list of victim identification indicators and “recalling the roles and attributions of each one to implement public action”.

The CNCDH considers that a true national benchmark mechanism for the reception, identification and support of victims must be at the heart of the strategy to prevent and fight against the trafficking and exploitation of human beings. It should enable any person potentially in contact with a victim (whether this person comes under the police, justice, labour inspection, education, health services...) to detect them and enable their identification. It should also enable the collection of reports by associations or witnesses of mistreatment and ensure their follow-up.⁸³

⁸³ CNCDH, Opinion on the 2nd Action plan against trafficking in human beings (2019-2021), 19 November 2019, https://www.cncdh.fr/sites/default/files/191119_avis_2e_plan_contre_la_teh.pdf

Section 2: Identification of (presumed) third-country national victims of trafficking in human beings

Q4.: Please describe the national procedures to identify (presumed) third-country national victims of trafficking in human beings, by answering to the following questions: **a)** What organisations / authorities are competent to identify (presumed) third-country national victims of trafficking?

Organisation / authorities	Competent to identify (presumed) third-country national victims of trafficking? Y/N	Details
Police	Yes	Both the gendarmerie and the police may identify a victim.
Border guards	Yes	The border police is one of the central services in the national police. It regularly opens proceedings for trafficking in human beings.
Labour inspectors	Yes	
Migration services	No	The identification process starts with the formal identification by the law enforcement authorities.
Asylum case officers	No	As part of its task of determining an applicant's eligibility for international protection, the OFPRA and, where applicable, the National Court of Asylum (CNDA) are required to identify foreign victims of trafficking in human beings and, where the factual and legal conditions are met, to grant them refugee status or subsidiary protection on this basis. However, the reasons for applying for asylum are covered by the principle of confidentiality, an essential guarantee of the right to asylum. Furthermore, the OFPRA does not draw up statistics according to the reasons for applications and/or international protection granted.
Civil society organisations	No	The identification process starts with the formal identification by the law enforcement authorities.

In France, only the clearly designated legal authorities may “officially” identify a victim of trafficking in human beings. The Instruction of 19 May 2015 on the conditions of admission for residence of foreign nationals that are victims of trafficking in human beings or pimping⁸⁴ of the Ministry of the Interior recalls that **the identification of these victims comes under the “exclusive competency of the police and gendarmerie units”**. This identification enables the protection of the victim and suitable care to be set up. According to this instruction, the police or gendarmerie units must have “reasonable grounds to believe that a foreign national is a victim of trafficking in human beings or pimping” for them to be formally identified as a victim of trafficking. **Since 2016, these prerogatives were extended to the General Labour Inspectorate** in application of order no. 2016-413 on the enforcement of labour law⁸⁵, amending article L. 8112-2 of the French Labour Code.^{86 87}

The identification process starts with the identification by the police forces when they consider that there are reasonable grounds to believe that the foreign national is a victim of trafficking in human beings or pimping.⁸⁸ The identification is carried out, de facto, by the process that the police or gendarmerie starts with a prefecture for the purpose of issuing a residence permit. The police, therefore, is responsible for initiating the identification process by detecting the signs and indicators of situations of exploitation and trafficking and by informing the victims of their rights.⁸⁹ However, there is no formalised procedure or established criteria to identify victims of trafficking in human beings. This formal identification is essential for a residence permit to be issued. In order to have access to the specific protection provided for victims of trafficking, foreign victims must be formally identified by the police. The second level of formal identification is the conviction of the traffickers in criminal proceedings. The victim is then definitively identified as a victim of trafficking in human beings and will obtain a ten-year residence permit and damages, if applicable. In practice, the judicial services rarely carry out this proactive approach to victims, due to lack of awareness or because there are more rarely in contact with the victims than the associations. For this reason, associations have an essential role to play in identification.⁹⁰

b) Are there specific measures in place to identify (presumed) third-country national victims of trafficking in human beings? Yes No

There is no formalised procedure or established criteria to identify a victim of trafficking in human beings.

c) Please indicate whether (and in what way) these specific measures differ for any of the cases below

Identification measures do not differ according to the targeted population.

Specific measure to identify (presumed) third-country national victims of trafficking in human beings:	Details
within asylum procedures	

⁸⁴ Instruction no. NOR INTV1501995N of 19 May 2015 on the conditions of admission for residence of foreign nationals that are victims of trafficking in human beings or pimping, <https://www.legifrance.gouv.fr/circulaire/id/39619>

⁸⁵ Order no. 2016-413 of 7 April 2016 on the enforcement of labour law, <https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000032371987>

⁸⁶ Labour Code, <https://www.legifrance.gouv.fr/codes/id/LEGITEXT000006072050/>

⁸⁷ ONDRP, Trafficking of human beings in France: administrative data (*La traite et l'exploitation des êtres humains en France: les données administratives*), Grand angle, no.52, October 2019, p.10, http://contrelatraite.org/sites/default/files/inline-files/grand_angle_52.pdf

⁸⁸ Instruction no. NOR INTV1501995N of 19 May 2015 on the conditions of admission for residence of foreign nationals that are victims of trafficking in human beings or pimping, <https://www.legifrance.gouv.fr/circulaire/id/39619>

⁸⁹ GRETA, Report concerning the implementation of the Council of Europe Convention on action against trafficking in human beings by France, Council of Europe, Strasbourg, 28 January 2013, parag. 127, <https://rm.coe.int/1680631c04>

⁹⁰ France terre d'asile, Identification and protection of victims of trafficking in a context of transit migration, Les cahiers du social no. 39, April 2017, p.54, https://www.france-terre-asile.org/images/stories/publications/pdf/Identification_et_protection_des_victimes_de_la_traite_dans_un_contexte_de_migration_de_transit.pdf

within other migration procedures (e.g. seasonal workers, domestic workers, au pairs, students)	N/A
who are voluntary returnees	
who fall under other categories included in the definition of vulnerable persons adopted for this study (e.g. minors, unaccompanied minors, disabled people, elderly people, pregnant women)?	
who are in an irregular situation	

d) Does a (presumed) third-country national victim have to be formally identified by a competent authority in order to apply for / be granted a reflection period / residence permit / protection status? Yes No

The reflection period is granted when the police or gendarmerie units or the general labour inspectorate have reasonable grounds to believe that the third-country national may be a victim of trafficking in human beings.

e) Please describe how national referral mechanisms (or alternative mechanisms in absence of one) have evolved in the identification of (presumed) third-country national victims of trafficking in human beings?⁹¹

The referral mechanisms are identical in terms of the detection and identification of (presumed) victims: See Q.3f

⁹¹ *Ibid.*

Section 3: Protection of (presumed) third-country national victims of trafficking in human beings

Q5. In line with the Anti-trafficking Directive, please describe in the table below what kind of assistance, support and protection (presumed) third-country national victims of trafficking in human beings are given access to in your Member State who are in the reflection period, in the Dublin III procedure, in the asylum procedure or who have a valid authorisation to stay (residence permit, short term visa or visa-free stay) respectively. Please also indicate, for each type of assistance the competent authority that can trigger its provision

Type of assistance	Reflection period	Dublin III procedure	Asylum procedure	Residence permit holders	Short term visa/visa-free stay
Information on risks and protection mechanisms	<p>The competent authorities to identify presumed victims of trafficking in human beings (police or gendarmerie units and the general labour inspectorate) provide information on:</p> <ul style="list-style-type: none"> - The possibility of admission for residence and the right to exercise a professional activity according to article L. 425-1 of the CESEDA; - The measures for reception, accommodation and protection; - The rights provided in article 53-1 of the Criminal Procedure Code, notably the possibility of 	<p>Third-country national victims of trafficking in human beings benefit in the Dublin procedure from the same rights as asylum seekers (see on the right), up to the date of their transfer to the EU Member State responsible for assessing their asylum application.⁹³</p>	<p>Third-country national victims of trafficking in human beings, in the asylum procedure, are informed of the procedure for filing their asylum application, provisions for accommodation and are supported in preparing and filing an asylum application by the Initial Reception Centres for Asylum Seekers (SPADA). The OFII is responsible for their steering.⁹⁴</p> <p>When the asylum application is filed at the GUDA, the OFII officers carry out an individual</p>	<p>Foreign nationals legally staying in France that are (presumed) victims of trafficking in human beings have access to the same information from the competent authorities (police or gendarmerie units, or labour inspection officers) who advise them on:</p> <ul style="list-style-type: none"> - The possibility of admission for residence and the right to exercise a professional activity; - The measures for reception, accommodation and protection; - Access to legal aid and other rights provided in article 53-1 of the Criminal Procedure Code; - The possibility of requesting international protection; 	

⁹³ Article L.573-3 of the CESEDA.

⁹⁴ Article R.121-2 of the CESEDA.

	<p>obtaining legal aid to assert the person's rights;</p> <ul style="list-style-type: none"> - The possibility of requesting international protection; - The possibility of benefiting from a reflection period. <p>Private law non-profit organisations, specialising in support for prostitutes or victims of trafficking in human beings, aid to migrants or social action, and appointed for this purpose by the Minister for Social Action, may also provide or supplement this information.⁹²</p>		<p>interview and an assessment of the applicant's vulnerability, after which they inform the asylum applicants about the possibility of specialised accommodation to take care of their specific needs with regard to their situation of vulnerability.</p> <p>The protection officers responsible for examining asylum applications inform the asylum applicants of the steps to be taken for the rest of the procedure, in the event of protection being granted and in the event of a negative decision by the OFPRA. They are also trained to provide victims of trafficking in human beings seeking asylum with appropriate information about their specific rights and to refer them to specialised associations if necessary. To this end, a system was put in place in 2017 and will</p>	<ul style="list-style-type: none"> - The possibility of benefiting from a reflection period. <p>Private law non-profit organisations, specialised in support for prostitutes or victims of trafficking in human beings, aid to migrants or social action, and appointed for this purpose by the Minister for Social Action, may also provide or supplement this information.⁹⁷</p>
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⁹² Article R.425-1 of the CESEDA.

⁹⁷ Article R.425-1 of the CESEDA.

be updated by the 4th quarter of 2021.

In addition, the "Vulnerabilities Plan",⁹⁵ supported by the Ministry of the Interior, drawn up in partnership with the voluntary sector and the institutional actors concerned and published on 28 May 2021, defines victims of trafficking in all its forms as particularly vulnerable. This plan, in 10 major measures, aims to better identify and protect vulnerable people at all stages of the asylum application process, from the time they go to the SPADA, then to the GUDA, an accommodation in the frame of the national reception scheme (DNA), the OFPRA interview, etc. The aim is to train vulnerability advisors at the OFII, the OFPRA and DNA social workers in order to better identify victims of trafficking in human beings in particular and thus

⁹⁵ Ministry of the Interior, 10 actions to strengthen the care of asylum seekers and refugees, 20 May 2021, <https://www.interieur.gouv.fr/actualites/actu-du-ministere/10-actions-pour-renforcer-prise-en-charge-demandeurs-dasile-et-des>

			<p>provide them with appropriate support, in terms of information on their rights and referral to appropriate medical and social care, legal assistance and accommodation.</p> <p>The accommodation managers also provide administrative, legal, health and social services for asylum applicants throughout their time at the accommodation. These services notably include:</p> <ul style="list-style-type: none"> - Information on the asylum procedure and support in the administrative procedures to file the application with the OFPRA and, if applicable, appeals before the CNDA; - Information on procedures to open the different social rights.⁹⁶ 	
Appropriate and safe accommodation	The Ac.Sé (Secure Reception) mechanism , created in 2001 by	When the assessment of their asylum	Third-country national victims of trafficking in	Foreign nationals legally staying in France that are (presumed) victims of trafficking in

⁹⁶ Article R.552-10 of the CESEDA.

	<p>the ALC association, offers safe accommodation and support geographically distant from the place of residence of the adult victim of trafficking in human beings that is in danger or extreme vulnerability.</p> <p>This system is an integral part of the measures of aid and assistance to the victims of trafficking in human beings indicated in Decree no. 2007-1352 of 13 September 2007,⁹⁸ the Circular of 22 January 2015,⁹⁹ and the Instruction of 19 May 2015.¹⁰⁰</p>	<p>applications comes under the competency of another EU Member State, foreign national victims of trafficking in human beings benefit from the accommodation facilities indicated in article L. 552-1 of the CESEDA, up to the date of their transfer to the Member State responsible for their asylum application.¹⁰¹</p> <p>These places are:</p> <ul style="list-style-type: none"> - Reception centres for asylum seekers defined in article L.348-1 of the Code on 	<p>human beings and that have begun an asylum procedure may benefit from accommodation facilities for asylum seekers:</p> <ul style="list-style-type: none"> - Reception centres for asylum seekers (CADA) defined in article L.348-1 of the Code on Social Action and Families; - All facilities that benefit from financing from the Ministry responsible for asylum and subject to declaration, under the meaning 	<p>human beings may be directed to and received in the public or private centres for accommodation and social reintegration (CHRS).</p> <p>In addition, victims of trafficking in human beings are amongst the priority target groups for the granting of social housing.¹⁰⁶</p> <p>Lastly, victims of trafficking in human beings may also be housed as part of the Ac.Sé mechanism, which offers accommodation and support geographically distant from the place of residence of the trafficking victim that is in danger or extreme vulnerability. All institutional or associative participants may contact the Ac.Sé mechanism coordinators, independent of the geographical location, to request shelter for a person presumed to be a victim of trafficking in human beings.¹⁰⁷</p>
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⁹⁸ Decree no.2007-1352 of 13 September 2007 on the admission for residence, protection, reception and accommodation of foreign nationals that are victims of trafficking in human beings and pimping and amending the CESEDA (regulatory provisions), <https://www.legifrance.gouv.fr/loda/id/JORFTEXT000000465136>

⁹⁹ Circular (NOR JUSD1501974C) of 22 January 2015 on the criminal policy on the fight against trafficking in human beings, https://juridique.defenseurdesdroits.fr/doc_num.php?explnum_id=11656

¹⁰⁰ Instruction no. NOR INTV1501995N of 19 May 2015 on the conditions of admission for residence of foreign nationals that are victims of trafficking in human beings or pimping, <https://www.legifrance.gouv.fr/circulaire/id/39619>

¹⁰¹ Article L.573-4 of the CESEDA.

¹⁰⁶ Article L.441-1 of the Building and Housing Code.

¹⁰⁷ France terre d'asile, Identification and protection of victims of trafficking in a context of transit migration, Les cahiers du social no. 39, April 2017, p. 99, https://www.france-terre-asile.org/images/stories/publications/pdf/Identification_et_protection_des_victimes_de_la_traite_dans_un_contexte_de_migration_de_transit.pdf

		<p>Social Action and Families;</p> <ul style="list-style-type: none"> - All structures that benefit from financing from the Ministry responsible for asylum and subject to declaration, under the meaning of article L.322-1 of the same Code. <p>However, the note of 30 July 2018 on the application of Dublin III¹⁰² stipulates that persons in the Dublin procedure may be lodged in any emergency accommodation centres for asylum seekers (HUDA), with the exception of centres</p>	<p>of article L.322-1 of the same Code.¹⁰³</p> <p>The breakdown of asylum seekers into the accommodation facilities is defined by the national reception scheme for asylum seekers and the integration of refugees.¹⁰⁴ Every two years, it sets the share of asylum seekers received in each region, according to demographic, economic and social criteria, as well as the reception capacities of each region.</p> <p>The decisions for admission to, change and exit from an accommodation facility for asylum seekers are taken by the OFII, which is responsible for organising and coordinating the National Reception System for Asylum Seekers and Refugees.¹⁰⁵</p>	
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¹⁰² Ministry of the Interior, note on the application of the Dublin III regulation – Regionalisation of the Dublin procedure, <https://www.lacimade.org/wp-content/uploads/2018/09/circulaire-30-juillet-18-sur-PRD.pdf>

¹⁰³ Article L.552-1 of the CESEDA.

¹⁰⁴ Article L.551-1 of the CESEDA.

¹⁰⁵ Article R.121-2of the CESEDA.

		for asylum seekers (CADA).	To date, 300 specialised DNA places in four regions, reserved for female victims of trafficking in human beings and violence, provide reinforced support adapted to their specific problems, while guaranteeing them safe shelter. Tried out in 2018 and currently being evaluated, this system is intended to be made permanent.	
Necessary medical treatment	During the reflection period, healthcare for the third-country national is covered by State Medical Aid . ¹⁰⁸	Third-country national victims of trafficking in human beings benefit in the Dublin procedure from the same rights as asylum seekers (see on the right), up to the date of their transfer to the EU Member State responsible for assessing their asylum application. ¹⁰⁹	During the first three months in the territory , presumed victims of trafficking in human beings that have begun a procedure to request asylum may benefit from coverage of their emergency healthcare, without being covered by the French Health Insurance . This treatment is covered by the French Health Insurance , and includes:	Foreign nationals legally staying in France have access to universal healthcare protection (PUMA) if they prove that they exercise a professional activity; or in the absence of such an activity, have stable and legal residence. ¹¹² They may also benefit from the Supplementary solidarity healthcare subject to resources. It

¹⁰⁸ Article L.251-1 of the CASF.

¹⁰⁹ Article L.573-3 of the CESEDA.

¹¹² Article L.160-1 of the Social Security Code.

			<ul style="list-style-type: none"> - treatment without which the patient's condition would be life-threatening or could lead to a serious and lasting deterioration in the patient's health or that of an unborn child; - treatment designed to prevent spread of infection to their family and the community; - treatment for pregnant women and new-born infants; - pregnancy terminations. <p>To benefit from treatment, asylum seekers go to health service access points (PASS) located in hospitals, where they are seen by doctors. They may also go to dental, ophthalmologist or psychological health service access points in the associations. Lastly, they may also benefit from mother and infant protection services (PMI), responsible for monitoring children and their vaccinations, or family planning and education centres for women (information on</p>	<p>covers the supplementary portion of health costs, that are not covered by the French Health Insurance .¹¹³</p>	<p>the stay in France.¹¹⁴</p>
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¹¹³ Article L.861-1 of the Social Security Code.

			<p>contraception and maternity care).</p> <p>After three months, in the same way as other persons that reside in a stable, legal way in France, victims of trafficking in human beings that have begun a procedure to request asylum may benefit from coverage of their healthcare by the French Health Insurance.¹¹⁰</p> <p>While waiting for the decision by the OFPRA and the CNDA in case of appeal, a temporary social security registration number and a statement of rights are issued to allow access to healthcare and coverage of health costs.</p> <p>In addition, asylum seekers also have the right to the Supplementary solidarity healthcare - CS2, granted to beneficiaries of the French Health Insurance, subject to resources. It covers the supplementary portion of</p>		
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¹¹⁰ Article L.160-5 of the Social Security Code.

			health costs, that are not covered by the French Health Insurance . ¹¹¹	
Counselling and information	Third-country nationals may benefit from social support designed to help them access their rights and regain autonomy , provided by one of the non-profit private law organisations, specialising in support for prostitutes or victims of trafficking in human beings, aid to migrants or social action, and appointed for this purpose by the Minister for Social Action. ¹¹⁵	Third-country national victims of trafficking in human beings benefit in the Dublin procedure from the same rights as asylum seekers (see on the right), up to the date of their transfer to the EU Member State responsible for assessing their asylum application. ¹¹⁶	The accommodation managers also provide administrative, legal, health and social services for asylum applicants throughout their time at the accommodation. ¹¹⁷	Foreign nationals that are victims of trafficking in human beings may benefit from the care proposed by the Ac.Sé mechanism and the associations specialised in support for victims of trafficking in human beings. In addition, the CHRS also carry out missions of support or social support, adaptation to active life or social and professional integration of persons or families in difficulty or distress. ¹¹⁸
Legal assistance	Third-country nationals may benefit from social support designed to help them access their rights and regain autonomy , provided by one of the non-profit private law organisations, specialised in support for prostitutes or victims of trafficking in human beings, aid to migrants or social action, and appointed for this purpose by the Minister for Social Action. ¹¹⁹	Third-country national victims of trafficking in human beings benefit in the Dublin procedure from the same rights as asylum seekers (see on the right), up to the date of their transfer to the EU Member State responsible for	The accommodation managers also provide administrative, legal, health and social services for asylum applicants throughout their time at the accommodation. These services notably include assistance with the procedures for opening up	Third-country nationals that are victims of trafficking in human beings may benefit from the legal aid proposed by the Ac.Sé mechanism and the associations specialised in support for victims of trafficking in human beings. Moreover, as part of the criminal proceedings against perpetrators of trafficking offences, victims of trafficking benefit from legal information on their rights throughout the procedure, and assistance at the trial,

¹¹¹ Article L.861-1 of the Social Security Code.

¹¹⁵ Article R.425-4, 2° of the CESEDA.

¹¹⁶ Article L.573-3 of the CESEDA.

¹¹⁷ Article R.522-10 of the CESEDA.

¹¹⁸ Article L.312-1, 8° of the CASF.

¹¹⁹ Article R.425-4, 2° of the CESEDA.

		assessing their asylum application. ¹²⁰	the different social rights. ¹²¹	provided that they have filed a civil action suit. ¹²²
Translation and interpretation	When the third-country national is informed of the possibility of benefiting from a reflection period by the authorities (law enforcement authorities or labour inspection officers) or the associations, the information provided must be in a language they understand , and under conditions of confidentiality that enable trust and protection. ¹²³	Third-country national victims of trafficking in human beings benefit in the Dublin procedure from the same rights as asylum seekers (see on the right), up to the date of their transfer to the EU Member State responsible for assessing their asylum application. ¹²⁴	When their asylum application is registered at the single desk contact point (the GUDA), asylum seekers, including victims of trafficking in human beings, are informed of the languages in which they can be heard during their interview at the OFPRA. ¹²⁵ Once the language has been chosen, it can be used throughout the examination of their application. The list of available languages is set by a decision of 28 Decembre 2018 of the Director General of the OFPRA. ¹²⁶ The consistency of the applicant's choice of language is checked by OFPRA when the	The conditions for access to this information are identical when the authorities or the associations communicate about the reflection period.

¹²⁰ Article L.573-3 of the CESEDA.

¹²¹ Article R.522-10 of the CESEDA.

¹²² Senate, Information Report no. 448 (2015-2016), Trafficking in human beings, modern slavery: women and minors are the first victims, 9 March 2016, <https://www.senat.fr/rap/r15-448/r15-448.html>

¹²³ Article R.425-1 of the CESEDA.

¹²⁴ Article L.573-3 of the CESEDA.

¹²⁵ Article L.521-6 of the CESEDA.

¹²⁶ Decision NOR : INTV1836064S of 28 Decembre 2018 establishing the list of languages in which asylum seekers, applicants for stateless status, refugees and beneficiaries of subsidiary protection may be heard in a personal interview, https://www.ofpra.gouv.fr/sites/default/files/atoms/files/decision_du_28_12_2018.pdf

			<p>application is submitted. In the event that no language is chosen, the GUDA or the OFPRA may select an available language of which it is reasonable to believe that the applicant has sufficient knowledge of.</p> <p>The asylum interview is conducted in the presence of an interpreter in the chosen language. The protection officer in charge of examining the application must explicitly check at the beginning of the interview with the applicant and the interpreter that there is good communication and understanding between them.¹²⁷</p>		
Psychological assistance	Third-country nationals that are victims of trafficking in human beings, whatever their administrative situation, may benefit from the psychological aid services proposed by the Ac.Sé mechanism or the associations specialised in support for victims of trafficking in human beings.				
Subsistence (material assistance)	Third-country nationals that are victims of trafficking in human beings may benefit from the ADA , provided in chapter III, title V of book V of the CESEDA.	Third-country national victims of trafficking in human beings benefit in the Dublin procedure from the ADA up to the date of	Third-country national victims of trafficking in human beings, that have begun a procedure to request asylum, and that have accepted the material	The provisions of common law apply to victims of trafficking in human beings that hold residence permits, and therefore they can	N/A

¹²⁷ OFPRA, Guide of procedures at the OFPRA, 2019, https://www.ofpra.gouv.fr/sites/default/files/atoms/files/guide_des_procedures_a_lofpra_-_2019.pdf

	<p>The ADA comprises a flat-rate amount, the level of which depends on the number of people in the family and, if applicable, an additional amount designed to cover the applicant's accommodation or housing expenses.</p> <p>The OFII is responsible for managing the ADA.¹²⁸</p>	<p>their transfer to the EU Member State responsible for assessing their asylum application.¹²⁹</p>	<p>reception conditions, may benefit from the ADA.¹³⁰</p>	<p>benefit from the Solidarity Income Supplement (RSA), subject to certain conditions:</p> <ul style="list-style-type: none"> - be aged over twenty-five years, or be financially responsible for one or several children already born or to be born; - hold a residence permit that authorises the person to work, for at least five years.¹³¹ 	
<p>Social and economic integration</p>	<p>The reflection period opens to third-country national victims of trafficking in human beings the right to exercise a professional activity or undertake vocational training.¹³²</p>	<p>Third-country national victims of trafficking in human beings benefit in the Dublin procedure from the same rights as asylum seekers (see on the right), up to the date of their transfer to the EU Member State responsible for</p>	<p>Access to the labour market may be authorised for asylum seekers if the OFPRA, for reasons not attributable to the applicant, has not ruled on the asylum application within six months from the time the application was filed.¹³⁴</p>	<p>Foreign nationals that hold residence permits authorising them to exercise a professional activity may benefit from social and economic integration measures (vocational training, etc.). The list of residence permits that enable the person</p>	<p>Third-country nationals housed in the CHRS may benefit from the support or social support, adaptation to active life or social and professional integration</p>

¹²⁸ Article L.121-1 of the CESEDA.

¹²⁹ Article L.573-5 of the CESEDA.

¹³⁰ Article L.553-1 of the CESEDA.

¹³¹ Article L.262-4 of the CASF.

¹³² Article R.425-4 of the CESEDA.

¹³⁴ Article L.554-1 of the CESEDA.

		<p>assessing their asylum application.¹³³</p>		<p>to benefit from these measures is provided in article R. 5221-48 of the French Labour Code.</p> <p>Third-country nationals housed in the CHRS may benefit from the support or social support, adaptation to active life or social and professional integration missions provided in the CHRS.¹³⁵</p> <p>Lastly, victims of trafficking in human beings that benefit from a residence permit that benefit from the RSA also have the right to support for social, socio-professional and professional integration, adapted to their needs and</p>	<p>missions provided in the CHRS.¹³⁷</p>
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¹³³ Article L.573-3 of the CESEDA.

¹³⁵ Article L.312-1, I, 8° of the CASF.

¹³⁷ Article L.312-1, I, 8° of the CASF.

				organised by a single referent. ¹³⁶	
Protection against re-victimisation	<p>In the event of danger, third-country national victims of trafficking in human beings may benefit from police protection during the criminal proceedings.¹³⁸</p> <p>Third-country national victims of trafficking in human beings may benefit from the care provisions offered by the specialised associations in support for victims of trafficking in human beings, or the Ac.Sé mechanism offering accommodation and support geographically distant from the place of residence of the person, which contributes to preventing the re-victimisation of the victims.</p> <p>Moreover, for identified victims that file a complaint or testify as part of a criminal proceeding against perpetrators of trafficking, the Criminal Procedure Code provides for different victim protection measures, such as anonymous testifying (article 706-58), the possibility of not divulging the victim's address (article 706-57 and R. 53-22 to R. 53-26), the possibility of hearing the witnesses by video conference or audio conference (article 706-71), or the possibility of setting up provisions to protect the victim's physical integrity.¹³⁹</p>				

¹³⁶ Article L.262-27 of the CASF.

¹³⁸ Article R.425-4, 3° of the CESEDA.

¹³⁹ Senate, Information Report no. 448 (2015-2016), Trafficking in human beings, modern slavery: women and minors are the first victims, 9 March 2016, <https://www.senat.fr/rap/r15-448/r15-448.html>

Q6. How does your Member State apply the principle of non-refoulement for victims of trafficking in human beings? Please indicate whether (and in what way) specific measures differ from general practice

In France, the principle of non-refoulement is stated in article L.721-4 of the CESEDA, which provides that a third-country national may not be removed to a country if they establish that "their life or freedom are threatened there" or if they are exposed to "treatment contrary to the provisions of article 3 of the European Convention for the Protection of Human Rights and Fundamental Freedoms of 4 November 1950". This is an absolute obligation which governs the prerogatives of the competent authority in terms of return (prefectoral authority) placed under the authority of the judge, that imposes the systematic and prior verification with regard to the country of destination designated by the prefect for the automatic execution of a decision of an order to leave the French territory and opening the possibility of a suspensive appeal.

Elements related to the situation of exploitation may be collected by the **police or gendarmerie** units during **the administrative detention to verify the right to residence**. This administrative measure generally precedes the removal order. The administrative detention of a rejected asylum seeker may take place during a check of the residence permit, and allows the legal services to check whether or not a third-country national has the right to residence in France. The checks carried out as part of the detention may reveal situations of exploitation, either because the third-country national reports it to the authorities or because the person has visible marks of abuse.¹⁴⁰

Signs of victimisation are mainly detected during the interview of the detained person.

When the detention to check the right to residence ends in a removal order, third-country nationals may be placed in administrative detention facilities (CRA) while awaiting their removal.

It is still possible at this stage to detect victims of trafficking in human beings and avoid their removal. The CESEDA provides for an obligation to take into account the vulnerability of all third-country nationals when placing them in detention as part of the execution of a removal order. This requirement is a condition for the legality of the detention placement decision, and results in the specific needs of support being taken into account if it is decided.¹⁴¹

In addition, decree no.2018-528 of 28 June 2018¹⁴² introduced the possibility for the third-country national or asylum seeker placed in detention to benefit, at their request, from an assessment of their state of vulnerability by OFII officers or by a doctor from the CRA medical unit.¹⁴³ Following this assessment, the OFII officer and the doctor which carried it out may "formulate an opinion on any requirements to adapt the foreign national's conditions of detention or their remaining in detention when this is incompatible with the person's state of vulnerability". This provision exclusively targets persons under the Dublin procedure, rejected asylum applicants and those for which the asylum application is on-going but who are under a prohibition from French territory (ITF), expulsion or administrative territory ban (IAT) procedure.

The country of destination is designated and notified to the third-country national prior to the execution of the return and may be subject to a suspensive appeal.

Q7. How does your Member State implement Article 60 and 61 of the 'Istanbul Convention'?¹⁴⁴

While violence to women based on gender is not recognised as grounds for obtaining international protection in France, the law of 29 July 2015 reforming the right to asylum¹⁴⁵ amended by the law of 10 September 2018 reinforced protection for women that have begun a procedure to request asylum, notably by encouraging better consideration of gender in certain grounds for persecution.

Article 2 of the law of 29 July 2015 transposed the provisions of Directive 2011/95/EU on the requirement for Member States to take into account grounds for persecution based on belonging to a social group and aspects related to gender. Thus, article L.511-3 of the CESEDA provides that "with regard to grounds for

¹⁴⁰ *Ibid.*

¹⁴¹ Article L.741-4 of the CESEDA.

¹⁴² Decree no. 2018-528 of 28 June 2018 taken in application of article 1 of the law no. 2018-187 of 20 March 2018 allowing the correct application of the European asylum regime, <https://www.legifrance.gouv.fr/loda/id/JORFTEXT000037116276/>

¹⁴³ Article R.752-5 of the CESEDA.

¹⁴⁴ Council of Europe, Convention on preventing and combating violence against women and domestic violence, <https://www.coe.int/fr/web/conventions/full-list?module=treaty-detail&treaty-num=210>

¹⁴⁵ Law no. 2015-925 of 29 July 2015 reforming the right to asylum, <https://www.legifrance.gouv.fr/loda/id/JORFTEXT000030949483/>

persecution, aspects related to gender, gender identity and sexual orientation are taken into account when recognising membership of a certain social group or identifying a characteristic of such a group”.

Based on this article, the change in the OFPRA’s doctrine has led to the **gradual recognition of different social groups which has allowed certain types of gender-related violence to be characterised as persecution under the meaning of article 1(A)2 of the Geneva Convention of 28 July 1951.**¹⁴⁶

Based on an analysis of the situation of women in certain specific countries of origin, as well as changes in jurisprudence at the CNDA and the Council of State, the OPFRA’s harmonisation committee, responsible for harmonising the OFPRA’s doctrine, has recognised different social groups with regard to violence to groups of women. These social groups notably cover evasion of forced or early marriage, risks of female genital mutilation in populations where such mutilations are commonly practised to the point of being a social norm, the situation of women who refuse to conform to the social norms assigned to them or victims of trafficking in human beings for sexual exploitation (see Q.8.h).

Moreover, in order to **better take vulnerabilities into account throughout the asylum application procedure**, France has implemented asylum procedures and reception conditions for asylum seekers that are sensitive to the issue of gender-related violence (see Q.3.a).

Vulnerable asylum seekers have their applications assessed by protection officers trained in their specific needs and who benefit from the support and expertise of referent groups dedicated to their problems. These theme support groups were set up within the OFPRA in 2013, as part of the implementation of the action plan for the reform of the OFPRA. They cover five categories of vulnerability:

- unaccompanied minors;
- victims of torture and trauma;
- sexual orientation and/or gender identity;
- victims of trafficking in human beings;
- victims of violence to women.

The referents of the ‘violence against women’, ‘trafficking in human beings’ and ‘sexual orientation and gender identity’ groups contribute to strengthening the consideration of the gender dimension in the examination of applications for international protection and the exercise of such protection.

They intervene in the processing, particularly during interviews with vulnerable persons, and disseminate internal guidelines and support tools for assessing asylum applications adapted to the assessment of the specific needs of vulnerable asylum seekers, developed in a transversal manner under the aegis of the OFPRA’s harmonisation committee. They also run initial and continuing training sessions for assessment protection officers and other officers of the OFPRA on gender-related vulnerabilities (for example, training sessions on female genital mutilation, or trafficking in human beings for sexual or labour exploitation or the specificities of LGBT+ persons, including lesbian, bisexual and transgender women). The MIPROF has prepared training kits on gender-related violence for the professionals, including protection officers, that deal with women that have been subject to violence.¹⁴⁷ Several of these kits are mobilised for officer training: for example, the “Bilakoro” kit, including a short film and an information booklet on female sexual mutilation, is given to protection officers under training to raise awareness of how to deal with this issue and the resulting vulnerability.

Asylum application processing interviews are adapted in order to set up a safe framework and encourage the gathering of the asylum seeker’s account. Adult female asylum seekers are interviewed individually at the OFPRA. Young minor female asylum seekers may also be interviewed individually if there are reasonable grounds to believe that they may have been or could be subjected to persecution or serious harm that their family members or representatives are not aware of.¹⁴⁸ Furthermore, the law of 29 July 2015 also introduced procedural guarantees for female asylum seekers to be assisted by a third party of their choice during the interview, and to be received by a protection officer and an interpreter, both of the same sex (see Q.3.d).

Furthermore, the duration of processing of asylum applications may also be adapted to situations of vulnerability. The law of 29 July 2015 amended by the law of 10 September 2018, allows the OFPRA to reclassify an asylum application registered under the accelerated procedure into the normal procedure, for the purposes of appropriate examination of the case and/or to take account of the applicant’s vulnerability,

¹⁴⁶ Convention of 28 July 1951 relating to the status of refugees, <https://www.unhcr.org/3b66c2aa10.pdf#zoom=95>

¹⁴⁷ MIPROF, Training tools, <https://arretonslesviolences.gouv.fr/je-suis-professionnel/outils-de-formation>

¹⁴⁸ Article L.531-14 of the CESEDA.

except when the accelerated procedure is due to a serious threat to public order, public security or State security. This option is used for the benefit of persons whose asylum application has been registered under the accelerated procedure when it appears that the examination of their need for international protection requires a longer investigation period. This enables the person's account to be collected and the set-up of suitable psycho-social or medical support. This provision is applied when it appears that the asylum applicant requires specific protection and must benefit from specific procedural safeguards due to the seriousness of the violence incurred or other difficulties likely to prevent the applicant from proving the credibility of the application under good conditions.¹⁴⁹

Moreover, the OPFRA may report situations of vulnerability to the OFII, if the person agrees, in order to carry out a new assessment of their needs and adapt the material reception conditions, notably accommodation.

With regard to the procedures and reception conditions for these persons, France has committed to reinforce detection and management of situations of vulnerability in its reception system for asylum seekers, notably vulnerabilities related to gender identity as well as sexual or gender-based violence.

Article L.522-1 of the CESEDA introduced by the law of 29 July 2015 provides that once an asylum application has been filed, the OFII carries out an assessment of the asylum seeker's vulnerability in order to ascertain their specific reception needs. These specific needs related to a situation of vulnerability are then taken into account throughout the asylum application processing period. Article L.522-3 of the CESEDA stipulates that this assessment of vulnerability aims to identify, amongst others, victims of trafficking in human beings, "persons that have been subject to torture, rape, sexual [...] violence, such as female sexual mutilation". In order to carry out this assessment and take into account vulnerabilities, the OFII has notably appointed vulnerability referents in each of its regional departments. Their task is to monitor vulnerable applicants and raise awareness of the issue of vulnerability among their supervisory colleagues. They also benefited from specific training. Between May and June 2021 each of these officers benefited from a training day dedicated to detecting vulnerabilities, jointly coordinated by officers of the OFII and HCR asylum departments. The order of 29 October 2015 on specifications for CADAs provides that the CADA personnel may also carry out an assessment of the vulnerability of the persons accommodated in the centre and inform the OFII so as to take the person's specific needs into account.¹⁵⁰

Within the framework of the implementation of the measures of the National Strategy for the Reception and Integration of Refugees (2018-2021),¹⁵¹ adopted by the Inter-ministerial Committee for Integration on 5 June 2018, three CADAs, three HUDAs and a temporary accommodation centre for refugees (CPH) dedicated to women, with or without children, were opened. Today, 300 specialised places in four regions are dedicated to supporting victims of trafficking in human beings and women in danger, guaranteeing their shelter.¹⁵²

Lastly, on 28 May 2021, the Minister Delegate for Citizenship, Marlène Schiappa, presented a plan of ten actions to reinforce how vulnerable profiles are cared for¹⁵³ among asylum seekers and refugees, prepared in collaboration with the associative partners and institutional stakeholders concerned (OPFRA, OFII, MIPROF, Inter-ministerial delegation in the fight against racism, antisemitism and anti-LGBT hatred, the Asylum Directorate at the Ministry of the Interior, the Ministry for Solidarities and Health, the United Nations High Commission for Refugees, the managers of facilities dedicated to accommodating asylum seekers and refugees, and specialised associations). This "Vulnerabilities Plan" is a constituent of the National Strategy for the Reception and Integration of Refugees (2018-2021), and proposes ten actions which aim to **improve the detection of situations of vulnerabilities**, from the moment of access to the asylum procedure, and to strengthen the **protection of vulnerable people**. Amongst the targeted vulnerabilities are women that are victims of sexual or gender-based violence as well as persons that are

¹⁴⁹ OPFRA, OPFRA Activity Report, 2015, p. 22, https://ofpra.gouv.fr/sites/default/files/atoms/files/rapport_dactivite_ofpra_2015_hd.pdf

¹⁵⁰ Decision of 29 October 2015 on the specifications for reception centres for asylum seekers, <https://www.legifrance.gouv.fr/loda/id/JORFTEXT000031415330/>

¹⁵¹ Inter-ministerial delegation for accommodation and access to housing, National strategy for the reception and integration of refugees (*Stratégie nationale pour l'accueil et l'intégration des personnes réfugiées*), <https://www.gouvernement.fr/strategie-nationale-pour-l-accueil-et-l-integration-des-personnes-refugiees-l-access-au-logement>

¹⁵² Ministry of the Interior, 10 actions to reinforce the care of asylum seekers and refugees, 20 May 2021, p. 11, <https://www.interieur.gouv.fr/actualites/actu-du-ministere/10-actions-pour-renforcer-prise-en-charge-demandeurs-dasile-et-des>

¹⁵³ *Ibid.*

victims of violence due to their sexual orientation or gender identity. The measures announced by the plan include:

- the creation of a network of vulnerabilities-referents among asylum stakeholders to better detect vulnerabilities (based on the reinforcement of the OFII network of vulnerabilities-referents and the development of a network of regional vulnerabilities-referents to raise the awareness of local governance stakeholders);
- the systematic sheltering of vulnerable asylum seekers and refugees with the creation of new specialised places within the accommodation facilities, as well as the systematic consideration of violence-related gender-based issues in accommodation thanks to a set of shared risk prevention guidelines;
- the development of information campaigns for victims of trafficking in human beings and women that are victims of violence, and for all female asylum seekers and refugees in order to inform them about sexual and gender-based violence, accommodation places dedicated to victims of this violence and the measures for the protection and fight against violence to women;
- training activities, including those in which the OFPRA is involved under the Vulnerabilities Plan;¹⁵⁴
- a health appointment offered to all asylum seekers at the stage of registration of their asylum application by the GUDA. In this context, the OFPRA's vulnerability advisors intervened in the second half of 2021 at the three OFII territorial directorates concerned by the experimental phase of this measure to provide training on violence against women and human trafficking;
- strengthening the transmission of information relating to vulnerabilities between the OFII and the OFPRA (see Q.3..).

For the principle of non-refoulement (article 61 of the Istanbul Convention¹⁵⁵): see Q.6.

Q8. Please describe what typology(ies) of reflection periods, residence permit(s), protection status(es) and national programme(s) are available to protect (presumed) third-country national victims of trafficking, by answering the following questions

a) What organisations / authorities are competent to trigger the request for a (presumed) victim to remain on the territory of your Member State? Please indicate if the organisations / authorities differ between cases of presumed and identified third-country national victims of trafficking in human beings.

Third-country national victims of trafficking in human beings can file applications for residence permits dedicated to victims of trafficking. The conditions to be met as well as the requirement for prior identification by the competent authorities, vary according to the residence permit requested (see Q.8.f).

As part of the procedure for granting a reflection period to victims identified by the competent identification authorities (police or gendarmerie units or labour inspection officers), the latter are responsible for informing the prefectural services of the victim's decision to benefit from this period, so that the prefectural authorities can initiate the procedure for granting a reflection period (see Q.8.b).

Lastly, the associations specialised in the support and care of trafficking victims can alert the prefectural authorities to the presumed victim status of asylum seekers under the Dublin procedure. If sufficient proof is provided, the authorities can take charge of the presumed victim's asylum application and allow them to remain in France while their application is being examined. (see Q.9.b).¹⁵⁶

b) Can third-country national victims of trafficking in human beings submit a request for a reflection period themselves? Yes No

¹⁵⁴ *Ibid.*

¹⁵⁵ Council of Europe, Convention on preventing and combating violence against women and domestic violence, <https://www.coe.int/fr/web/conventions/full-list?module=treaty-detail&treatynum=210>

¹⁵⁶ EMN France, The identification of victims of trafficking in human beings in asylum and return procedures, November 2013, p. 20, <https://www.immigration.interieur.gouv.fr/Europe-et-International/Le-reseau-europeen-des-migrations-REM3/Le-reseau-europeen-des-migrations-REM2/Etudes/L-identification-des-victimes-de-la-traite-des-etres-humains-dans-les-procedures-d-asile-et-de-retour>

If so, to whom? Please indicate if this possibility exists for both cases of presumed and identified third-country national victims of trafficking in human beings and the extent to which they differ.

Through a decree of 13 September 2007¹⁵⁷ and in order to comply with Directive 2004/81/EC¹⁵⁸, France introduced the possibility for third-country nationals likely to be victims of trafficking in human beings to benefit from a reflection period before taking a decision to testify in an on-going legal procedure or file a complaint against their trafficker or pimp.¹⁵⁹

The competent authorities in terms of identification inform the third-country national of the possibility of benefiting from a reflection period, once they have the elements to believe that the third-country national is a victim of one of the offences that constitute trafficking in human beings or pimping provided and punished by articles 225-4-1 to 225-4-6 and 225-5 to 225-10 of the Criminal Code, and that they are likely to file a complaint against the perpetrators of this offence or testify in criminal proceedings against a person charged with an identical offence.¹⁶⁰ Third-country national victims of trafficking in human beings may also present themselves to the police or gendarmerie having previously been informed of the possibility of benefiting from a reflection period (thanks to information provided by the associations, etc.) but still being undecided as to whether to cooperate with the justice system. In this case, the police services and gendarmerie are still responsible for identifying the elements leading them to believe that the third-country national concerned is a victim of trafficking in human beings, and that they are likely to cooperate with the justice system, before offering them the benefit of the reflection period.

Third-country nationals that choose to benefit from this reflection period inform the police or gendarmerie of their decision. The authorities then inform the prefectural units so that they may implement the procedure to grant a reflection period when the third-country national concerned presents themselves at the prefecture.

c) Does your Member State provide for a reflection period also for presumed third-country national victims of trafficking in human beings? Yes No

The reflection period is granted when the police or gendarmerie or the labour inspectorate have reasonable grounds to believe that the third-country nationals may be victims of trafficking.

The respective authority informs the third-country national of the possibility of benefiting from a reflection period, once they "have the elements to believe that the third-country national is a victim of one of the offences that constitute trafficking in human beings or pimping, and that they are likely to file a complaint against the perpetrators of this offence or testify in criminal proceedings against a person charged with an identical offence".¹⁶¹

In addition, the Instruction of 19 May 2015 on the conditions for admission for residence of third-country national victims of trafficking in human beings or pimping¹⁶² stipulates that the information on the possibility of benefiting from a reflection period is provided once the police forces have reasonable grounds to believe that a third-country national is a victim of trafficking in human beings.

d) How long does the reflection period last to decide if presumed third-country national victims of trafficking in human beings want to cooperate with the authorities? Does it have the same duration in case it is provided to identified victims?

¹⁵⁷ Decree no.2007-1352 of 13 September 2007 on the admission to stay, protection, reception and accommodation of foreign nationals that are victims of trafficking in human beings and pimping and amending the CESEDA (regulatory provisions), <https://www.legifrance.gouv.fr/loda/id/JORFTEXT00000465136>

¹⁵⁸ Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32004L0081>

¹⁵⁹ Study by EMN France, The identification of victims of trafficking in human beings in asylum and return procedures, November 2013, p. 10, <https://www.immigration.interieur.gouv.fr/Europe-et-International/Le-reseau-europeen-des-migrations-REM3/Le-reseau-europeen-des-migrations-REM2/Etudes/L-identification-des-victimes-de-la-traite-des-etres-humains-dans-les-procedures-d-asile-et-de-retour>

¹⁶⁰ Article R.425-1 of the CESEDA.

¹⁶¹ Article R.425-1 of the CESEDA.

¹⁶² Instruction no. NOR INTV1501995N of 19 May 2015 on the conditions of admission for residence of foreign nationals that are victims of trafficking in human beings or pimping, <https://www.legifrance.gouv.fr/circulaire/id/39619>

Only third-country nationals identified as being likely to file a complaint as victims of trafficking in human beings by the police or gendarmerie, or the general labour inspectorate, may benefit from a non-renewable reflection period of thirty days.

Having been informed by the authority in charge, or the approved associations, of the right to benefit from a reflection period, the third-country national must communicate to the police or gendarmerie their decision to benefit from this right. The person then goes to the territorially competent prefecture and receives **a receipt signifying the reflection period, valid for thirty days**, by the prefect (or police prefect in Paris), in accordance with the provisions of article R.425-3 of the CESEDA. The model for this receipt is presented in appendix 2 of the Instruction of 19 May 2015 on the conditions of admission for residence of foreign nationals that are victims of trafficking in human beings or pimping, and is intended to be easily identifiable by the responsible authorities for checking residence permits.

The duration of the reflection period is thirty days from the time the receipt is received, and is not renewable.¹⁶³ It allows the third-country national to stay legally in France for the time of the reflection period.

No removal decision can be taken against the person or executed (if the removal decision was issued before) throughout the reflection period.

Once the time period has expired, if the third-country national has not presented themselves to the police or gendarmerie to indicate their intention to cooperate as part of legal proceedings (by testifying or filing a complaint), and if they have not obtained a residence permit on other grounds, they find themselves in an illegal situation and may, if applicable, be subject to a removal procedure.

If the third-country national decides to cooperate with the legal authorities before the end of the reflection period, the period automatically ends and the procedure to issue a temporary "private and family life" residence permit is triggered (**see Q.8.f**).

The reflection period can be interrupted at any time and the receipt withdrawn by the territorially competent prefect if the third-country national is a serious threat to public order or if they re-establish ties with the perpetrators of the trafficking in human beings on their own initiative. The police and gendarmerie are responsible for assessing on a case-by-case basis the criteria according to which the beneficiary of the reflection period has re-established ties with the perpetrators of the offence¹⁶⁴.

e) Are (presumed) third-country national victims of trafficking in human beings expected to cooperate with the authorities during the reflection period? Yes No

According to the provisions of article 2.1 of the Instruction of 19 May 2015 on the conditions of admission for residence of foreign nationals that are victims of trafficking in human beings or pimping, **the granting of the reflection period does not depend on the third-country national's intention to cooperate..**

This right to a reflection period is an essential guarantee for victims of trafficking in human beings. It meets a dual objective: allow victims to recover and leave the influence of the network, on the one hand, and take a decision on whether or not to cooperate with the legal authorities on the other hand. This time period aims to facilitate a relationship of trust with the police or gendarmerie units to encourage them to cooperate,¹⁶⁵ but does not constitute a mandatory prior stage. Thus, a third-country national victim of trafficking in human beings may decide to cooperate immediately as soon as they are in contact with the legal services, while choosing to benefit from the thirty-day reflection period in order not to be subject to a removal order pronounced against them by the administrative authorities, for example¹⁶⁶.

If so, what is expected from them (e.g. report to the police, refer to support organisations, discontinue contact with traffickers)? Does cooperation differ between identified and presumed third-country national victims of trafficking in human beings?

N/A

¹⁶³ GRETA, Report concerning the implementation by the Council of Europe Convention on action against trafficking in human beings by France, 6 July 2017, p. 56, <https://rm.coe.int/rapport-concernant-la-mise-en-oeuvre-de-la-convention-du-conseil-de-l-/168073c728>

¹⁶⁴ Instruction no. NOR INTV1501995N of 19 May 2015 on the conditions of admission for residence of foreign nationals that are victims of trafficking in human beings or pimping, <https://www.legifrance.gouv.fr/circulaire/id/39619>

¹⁶⁵ *Ibid.*

¹⁶⁶ *Ibid.*

f) What type of residence permit(s) are available specifically for (presumed) victims of trafficking in human beings in your Member State? Please indicate if this possibility exists for both cases of presumed and identified third-country national victims of trafficking in human beings and the extent to which they differ

Third-country nationals **identified as victims of trafficking in human beings** by the competent authorities that file a complaint against a person they accuse of having committed trafficking-related offences against them, or that testify as part of criminal proceedings against a person charged with these same offences, are issued with a **temporary 'private and family life' residence permit**, provided in article L.425-1 of the CESEDA. **This card is valid for one year. This residence permit is renewed as of right throughout the period of the criminal proceedings**, provided that the conditions for issuing it continue to be met. If the criminal proceedings result in the definitive conviction of the accused person, **a renewable ten-year residence permit** is issued.¹⁶⁷

The third-country national (presumed or identified) as a victim of trafficking in human beings for sexual exploitation may request a **temporary residence authorisation**, accessible to third-country nationals who have ceased prostitution and have engaged in a procedure of leaving prostitution and move towards social and professional integration as defined in article L.121-9 of the Code on Social Action and Families.¹⁶⁸ **This temporary residence authorisation is valid for six months. It is renewed throughout the duration of the pathway out of prostitution and into social and professional integration**, provided that the conditions for its issue continue to be met.. **Its total duration may not exceed 24 months.**

Lastly, a temporary 'private and family life' residence permit based on humanitarian grounds, in application of article L.435-1 of the CESEDA, may also be issued to third-country nationals presumed to be victims of trafficking, or third-country nationals identified as being victims of trafficking in human beings but who refuse to cooperate with the authorities or if the legal proceedings that they took part in did not lead to the conviction of the accused person. This permit may also constitute a way of being admitted to residence at the end of the pathway out of prostitution and social and professional integration. **This residence permit is valid for one year and is renewable.**

g) What are the conditions for getting these permit(s) granted? Do conditions differ between presumed and identified (i.e. not yet identified) third-country national victims of trafficking in human beings?

- **The temporary 'private and family life' residence permit on the grounds of article L.425-1 of the CESEDA**

Article 8 of the law of 13 April 2016 provides that the **'private and family life' residence permit** is issued as of right to third-country nationals that meet the following conditions:

- to file a complaint against a person whom they accuse of having committed trafficking-related offences against them, or to testify in criminal proceedings against a person charged with the same offences (in this case, the third-country national must present a receipt of filing of a complaint or any other proof relating to the legal proceedings including their testimony to support their request);
- breaking all ties with the person accused of committing offences relating to the trafficking in human beings;
- the presence of the third-country national on the French territory must not constitute a threat to public order.¹⁶⁹

This residence permit is proposed to identified victims of trafficking in human beings. The circular of 5 February 2009 on the conditions of admission for residence of victims of trafficking in human beings or pimping cooperating with the legal authorities indicates that the third-country nationals must have been auditioned by the police or gendarmerie prior to any request for admission for residence in order to assess the probability that they are effectively victims of trafficking in human beings or pimping.

¹⁶⁷ Article L.425-3 of the CESEDA.

¹⁶⁸ Article L.425-4 of the CESEDA.

¹⁶⁹ Instruction no. NOR INTV1501995N of 19 May 2015 on the conditions of admission for residence of foreign nationals that are victims of trafficking in human beings or pimping, <https://www.legifrance.gouv.fr/circulaire/id/39619>

The temporary residence permit enables its beneficiary to exercise a professional activity. They may also benefit from:

- legal aid (notably, compensation applied to the Compensation Committee for Victims of Crime), provided by article 53-1 of the Criminal procedure code;¹⁷⁰
- access to reception, accommodation, temporary housing and social monitoring for disadvantaged people indicated in 8° of I of article L. 312-1 and article L. 345-2 of the Code on Social Action and Families, and notably to the accommodation and social reintegration centres indicated in paragraph 4 of article L. 345-1 of the same code;¹⁷¹
- State Medical Aid (AME) or the PUMA;¹⁷²
- The ADA, for a set period if they meet the conditions of age and resources;¹⁷³
- in case of danger, police protection and secure housing during the criminal proceedings.¹⁷⁴

This residence permit may also be issued to foreign national minors aged at least sixteen years, that meet the conditions for issuance and declare their intention to exercise a salaried professional activity or follow vocational training.¹⁷⁵

At the end of the criminal proceedings, in the event of the definitive conviction of the perpetrator of the offences (i.e. when all possibilities for appeal have been exhausted), and subject to legal residence, the identified victim is then issued a **residence permit**.

When the criminal proceedings do not lead to the conviction of the accused person, the prefectural authority may examine the possibility of the right to residence of the presumed victim of trafficking in human beings based on an exceptional admission for residence, on the grounds of article L.435-1 of the CESEDA.

- **The temporary residence authorisation, based on article L.425-4 of the CESEDA**

If the third-country national has **begun a pathway out of prostitution and towards social and professional integration (PSP)** designed for victims of offences indicated in articles 225-4-1 to 225-4-6 and 225-5 to 225-10 of the Criminal Code, they may benefit from a **temporary residence authorisation**.

The PSP is proposed by associations approved for this purpose to third-country nationals that whom they have detected in view of their own criteria (defined notably based on the Warsaw Convention and article 225-4-1 of the French Criminal Code)¹⁷⁶ as being in a situation of trafficking in human beings for sexual exploitation or pimping (see box below). Formal identification by the competent authorities is not required to benefit from this mechanism. Therefore, the application for a temporary residence authorisation may be filed by the **presumed victim of trafficking in human beings (detected by the referent association) or officially identified by the competent authorities**, as long as they are committed to a PSP.

Thus, the temporary residence authorisation aims to allow people who have not filed a complaint but who have ceased prostitution to benefit from a right to residence and to access a common law system of support towards employment and housing.

To apply for this residence permit, the third-country national victim of trafficking in human beings for the purpose of sexual exploitation must present, among other things, the following in support of their application:¹⁷⁷

- a prefectural authorisation to engage in the procedure of leaving prostitution and integrating into society and the labour market;
- proof that the person has ceased prostitution;

¹⁷⁰ Article R.425-1, 3° of the CESEDA.

¹⁷¹ Article R.425-8 of the CESEDA.

¹⁷² Article R.425-7, 1° of the CESEDA.

¹⁷³ Article R.425-7, 2° of the CESEDA.

¹⁷⁴ Article R.425-7, 4° of the CESEDA.

¹⁷⁵ Article R.425-5 of the CESEDA.

¹⁷⁶ ONDRP, MIPROF, Trafficking of human beings in France - Profile of the victims monitored by the associations in 2019 (*La traite des êtres humains en France - Profil des victimes suivies par les associations en 2019*), 4 November 2020, p. 5, https://www.ihemi.fr/sites/default/files/publications/files/2020-11/traite_etres_humains_france_2019_0.pdf

¹⁷⁷ Line 45 of appendix 10 to the CESEDA. The proof for the issue of the temporary residence authorisation is also listed in the decision of 30 April 2021 setting the list of proof required for the issue, excluding New Caledonia, of residence permits provided by book IV of the CESEDA.

- the opinion of the departmental commission responsible for organising and coordinating action for victims of prostitution, pimping and trafficking in human beings for the purpose of sexual exploitation.

This temporary residence authorisation entitles the holder to exercise a professional activity.

When the rights of renewal of the temporary residence authorisation are exhausted, it is possible to assess the applicant's right to residence in view of their personal, family or professional situation. In the absence of an autonomous right to residence (where the person concerned is entitled to a residence permit as of right), the applicant's file may be examined within the framework of the prefect's discretionary power for exceptional admission to residence, based on article L.435-1 of the CESEDA.

- **The temporary 'private and family life' residence permit based on article L.435-1 of the CESEDA: exceptional admission for residence**

If the third-country national identified by the competent authorities as a victim of trafficking chooses not to cooperate with the authorities, has not presented themselves to the police forces to be identified as a victim, when the criminal proceedings have not led to the conviction of the accused person, or at the end of a programme to leave prostitution, the prefectural authorities may assess the 'specific humanitarian circumstances' of the person's situation and issue a **temporary 'private and family life' residence permit**.

This assessment is carried out by the prefect, who has discretionary power to assess the trafficking victim's situation. The regularisation is on a case-by-case basis.

The outline of this assessment was presented in the circular of 28 November 2021 on the conditions for the assessment of applications for admission to residence filed by irregularly staying foreign nationals as part of the provisions of the CESEDA. This circular also reminds prefects of the requirement to take into account the instruction of 5 February 2009 on the conditions for the admission to residence of foreign victims of trafficking in human beings or pimping who cooperate with the legal authorities, which highlights the need to take into account the factors enabling them to characterise the situation of the third country nationals concerned as victims, and their efforts to integrate into society (such as registration for language or vocational training, exercise of a professional activity etc.).

In practice, regularisation on this basis for victims of trafficking in human beings is not used often.¹⁷⁸

h) Are other protection status(es) and national programme(s) offered to protect (presumed) third-country national victims of trafficking in human beings? Yes No

If so, please indicate the extent to which they differ between presumed and identified third-country national victims of trafficking in human beings

- **Request for international protection**

A victim of trafficking in human beings may decide to present an application for international protection if they fear persecution or serious harm if returned to their country of origin on this or any other ground. In France, under the effect of a significant evolution, since 2015, of the OFPRA's doctrine and the CNDA's jurisprudence on the interpretation of the ground "belonging to a certain social group", listed in Article 1A(2) of the Geneva Convention of 28 July 1951, the authorities in charge of asylum recognise the status of refugee to certain victims of human trafficking for the purpose of sexual exploitation. For example, in a decision of 16 October 2019, the Council of State finally characterised the social group of Nigerian women who were forced into a network of trafficking in human beings for the purpose of sexual exploitation and actually managed to escape.¹⁷⁹

¹⁷⁸ CNCDH, Opinion of 25 October 2020 on trafficking in human beings for labour exploitation, 2020, p. 11, <https://www.cncdh.fr/sites/default/files/a - 2020 - 15 - traite a des fins dexploitation eco oct 2020.pdf>

¹⁷⁹ Council of State, Decision n°418328, 16 October 2019, <https://www.conseil-etat.fr/fr/arianeweb/CE/decision/2019-10-16/418328>

Section 4: International cooperation between Member States and with third countries in addressing detection, identification and protection of (presumed) third-country national victims of trafficking in human beings?

Q9. Please describe how your Member State cooperates within the scope of the Dublin III Regulation:

a) How does your Member State deal with cases of (presumed) third-country national victims of trafficking in human beings that fall under the Dublin III Regulation?

If the person has been a victim of trafficking in human beings in a third country, it is still possible to file a complaint in France. The judicial police are required to transfer the complaint to the Central Office for the Repression of Human Trafficking (OCRTEH) which may in turn transmit it to the police in the concerned country. While this procedure does not open the right to residence in France on the basis of article L.425-1 of the CESEDA, it may be useful as part of an asylum application account. Each situation must be assessed on a case-by-case basis. It is important to collect as much information as possible about the country, the places, the perpetrators and the conditions of exploitation. Similarly, it may be wise to ask the victim if they have been in contact with any other organisations during their stay in the country in question. If the person falls under the Dublin Regulation, the fact that they have been a victim of trafficking in a third country may be a sufficient reason to cancel the procedure and allow them to file the asylum application in France, notably if they have been unable to benefit from the protection of the state in which the trafficking took place.¹⁸⁰

It is important to add that the Dublin III Regulation provides specific safeguards for minors. Member States are invited to cooperate closely with each other in assessing the best interests of the child, taking due account in particular of safety and security considerations, especially where the minor is likely to be a victim of trafficking in human beings.

b) What is the national policy and practice regarding Dublin transfers of (presumed) third country national victims of trafficking in human beings?

In accordance with the provisions of the discretionary clauses of Regulation 343/2003/EC known as Dublin II, article L.571-1 of the CESEDA stipulates that the State retains its "sovereign right [...] to grant asylum to any person for which the assessment of the application comes under the competency of another State".

With regard to presumed victims of trafficking in human beings, the transfer procedure to the Member State responsible for processing the asylum application may be interrupted if the associations specialised in support for asylum applicants and/or victims of trafficking in human beings bring proof of the potential victimisation of an applicant to the attention of the prefectural authorities. If the authorities consider that the proof provided by the association sufficiently attests that the person under the Dublin procedure is a victim of trafficking in human beings, they may accept to take charge of the asylum application. The decision to take responsibility is notably based on the responsibility clause provided by the Dublin II Regulation. **In this case, the formal identification of the victim by the police is not required to suspend the Dublin transfer.**

Another possibility for suspending the transfer procedure only concerns **identified victims**: the Dublin procedure may be interrupted if a victim of trafficking in human beings under a Dublin procedure is formally identified by the police and that a criminal procedure against the exploitation network is undertaken. The Dublin procedure will restart if the person does not receive a residence permit on the grounds of being recognised as a victim of trafficking in human beings. However, if they obtain a residence permit, France becomes responsible for their asylum application, as highlighted by the Dublin II regulation.

c) How does identification and referral take place during the Dublin Procedure?

¹⁸⁰ France terre d'asile, The identification of migrant victims of trafficking in human beings in Europe (*L'identification des personnes migrantes victimes de traite des êtres humains en Europe*), les cahiers du social n°41, May 2019, p.76, https://www.france-terre-asile.org/images/stories/publications/pdf/CS_41_-_identification_des_personnes_migrants_victimes_de_traite.pdf

Identification and referral can be carried out by all those involved in the Dublin procedure, whether by GUDA agents during the Dublin interview, or by the OFII or by the professionals in charge of supporting these people in the CADA or in other structures under the DNA.

d) Are presumed third country national victims of trafficking in human beings identified during the Dublin procedure entitled to a reflection period? Yes No

e) What, if any, are the situations in which Dublin transfers are halted for presumed third-country national victims of trafficking in human beings?

No statistical tool available for reporting such cases.

f) Has your Member State used the humanitarian and sovereignty clauses under Articles 3 and 17 of Dublin III Regulation for cases of trafficking in human beings? Yes No

No statistical tool available for reporting such cases.

Q10. What (other) intra-EU cooperation mechanisms are in place regarding detection, identification and protection of (presumed) third-country national victims of trafficking in human beings?¹⁸¹

Several projects at European level can be identified as being at the initiative of the French authorities:

- In 2018, as part of the **IMPACT THB (trafficking in human beings for labour exploitation)**, the **OCLTI** carried out a study to take stock of the threat of trafficking for labour exploitation at the European level, as well as an operational action dedicated to trafficking for labour exploitation in the agricultural sector which should lead to the implementation of coordinated checks at European level. The OCLTI also took part in an action that should result in the production of a leaflet for posted workers and employers to inform them of their rights and duties.

¹⁸¹ EMN NCPs are invited to address this question by using as source the EMN AHQ 2019.91 on [victims of trafficking of human beings exploited in another Member State](#), requested by LU NCP on 10 October 2019, last accessed on 13 June 2021. The AHQ was not made publicly available on the EMN website.

EUROPOL study on trafficking in human beings and labour exploitation in the agricultural sector

A **study is being carried out at European level as part of the AP Phoenix** which is an operational EUROPOL project that deals with a growing number of new cases of trafficking in human beings. The analysis project covers the different forms of exploitation, with current priority areas related to sexual and labour exploitation, forced criminality and begging, forced marriage, trafficking in children and trafficking of human organs.

The OCLTI took part in this study, in which the main conclusions are as follows:

- labour exploitation is mainly present in sectors with an abundant, low-skilled and low paid workforce;
- the risk of labour exploitation increases with seasonal or temporary workers in isolated sites;
- the agricultural sector is particularly concerned with a large number of workers employed illegally in the EU by third parties or as illegal workers;
- the main countries where there is a strong risk of labour exploitation in the agricultural sector are: Denmark, Finland, France, Germany, Greece, Ireland, Italy, the Netherlands, Poland, Romania, Slovak Republic, Spain, Sweden and United Kingdom.
- the main third-country victims of labour exploitation come from Afghanistan, Bosnia-Herzegovina, Nigeria, Pakistan, Senegal, Syria, Ukraine and Vietnam.

As part of this project, **joint EUROPOL action days** are carried out every year in different European countries in spring (all economic sectors) and in autumn in the agricultural sector to detect labour exploitation and save the victims of this type of exploitation. Different administrations take part in these days: police and gendarmerie forces, labour inspection officers, services responsible for social security and family allowances, customs. As part of these days, checks are carried out, employers and workers are questioned to learn about possible exploitation conditions, photos and searches prove undignified living and working conditions, etc.

The main results of the 2021 action day organised by France and the Netherlands with support from EUROPOL:

- All sectors of activity:
 - o In France: 1 214 checks, 257 illegal work procedures, 63 cases of labour exploitation, several cases of foreign nationals without work permits;
 - o In the EU (23 Member States): visit of 4 897 sites with 56 000 people concerned, 229 arrests, 73 cases of trafficking in human beings, 630 victims, 747 new investigations (including 150 for trafficking in human beings).
- Agricultural sector:
 - o 704 checks with 4 014 people concerned, 12 arrests (including 8 in France), 54 suspects identified (including 27 in France), 261 victims (91 in France) including 81 for occurrences that can be qualified as trafficking in human beings and 126 new investigations.

Source: OCLTI

Intra-European Union cooperation mechanisms in the fight against trafficking in human beings have also been implemented by stakeholders in civil society.

This is the case of the **"N.E.x.T TO YOU"** (Network for the Empowerment, the social and labour inclusion of Trafficked children and young adults) **project**, a support network for victims of trafficking in human beings, launched on 15 December 2020, by France Terre d'Asile in partnership with seven other partner associations, located in three EU Member States (Belgium, Spain, Italy). Coordinated by the Veneto Region Department of 'Addictions, Third Sector, New Deviances and Social inclusion', this project is bi-annual with an activity period up to 30 November 2020. Its action focuses on implementing inter-agency cooperation

with the need to work directly with victims to enable their early identification and offer care to encourage their sustainable autonomy.¹⁸² Several actions work towards achieving four goals:

- Improving the early identification of minor victims upon their arrival in Europe by strengthening the capacity of authorities and professionals in contact with the victims;
- Facilitating and supporting the integration of victims by taking into account their individual needs and by preventing the risk of new exploitation (notably thanks to intensive training programmes);
- Supporting victims, by taking into account their specific needs and the consequences of their exploitation (for example, by proposing group counselling or psychological interviews);
- Reinforcing the exchange of good practices between (national and European) authorities on the identification and support for victims of trafficking in human beings.

Another example of intra-European initiatives carried by the associations is the one implemented by ECPAT France in cooperation with the NGO Koutcha and the Belgian association Esperanto. The “**Koutcha project**” implemented since 2018, aims to set up a specialised reception mechanism for minor trafficking victims to allow the victims to leave the exploitation networks and to build an integration project that meets their specific needs. As part of the implementation of this project, an informal European network to exchange good practices on the care for child trafficking victims was created between professionals and national authorities.¹⁸³

Since January 2020, *Forum réfugiés-Cosi* and its European partners - Churches' Commission for Migrants in Europe (CCME), Immigrant Council of Ireland (ICI), Italian Council for Refugees (CIR), Organisation for Aid to Refugees (OPU) - have implemented the **TRIPS project** (identification of TRafficked International Protection beneficiaries' Special needs). It continues on from the TRACKS project that focused on the identification of the specific needs of victims of trafficking in human beings in the asylum application process, which ended in January 2018. This new TRIPS project **aims to better identify and take into account the specific needs of beneficiaries of international protection that are victims of trafficking in human beings in their integration process** (access to employment, training, access to housing, integration in the receiving society). The European experts associated with the project, the OFPRA, the OFII, the MIPROF, the GRETA and *Amicale du Nid* took part and enhanced the discussions. At the start of 2021, the project partners completed **the drafting of the European toolbox for practitioners**. This new toolbox aims to provide overall guidelines and inspire the creation of national toolboxes that include national perspectives and on the ground practices.¹⁸⁴

Q11. What cooperation mechanisms with third countries, if any, are in place in your Member State regarding detection, identification, and protection of (presumed) third-country national victims of trafficking in human beings?

France is fully committed to implementing the Second National Action Plan against Trafficking in Human Beings for the 2019-2021 period in which focus 6 rolls out different measures dedicated to reinforcing the cooperation at several European and international levels. The government supports several technical and training actions at the international level.

Since 2014, France has implemented **an inter-ministerial regional cooperation strategy in South-East Europe on the fight against trafficking in human beings**. It pursues four objectives:

- to better understand how trafficking networks work by implementing precise diagnostic procedures in the source countries;
- to reinforce the prevention with vulnerable populations by raising awareness of trafficking risks;
- to improve the protection of victims and better pursue perpetrators by reinforcing the capacities of institutional actors and civil society;

¹⁸² France Terre d'Asile, Newsletter n°1 for the “N.E.x.T TO YOU” project, February 2021, <https://www.france-terre-asile.org/media/attachments/2021/07/30/newsletter-1-n.e.x.t-to-you--franais.pdf>

¹⁸³ ECPAT France, Collection of practices on the shelter of child victims of trafficking in human beings dealing with initial reception, rules and responses to transgressions and security (*Recueil des pratiques relatives à la mise à l'abri des enfants victimes de la traite des êtres humains traitant du premier accueil, des règles, et des réponses aux transgressions et de la sécurité*), November 2019, <https://ecpat-france.fr/www.ecpat-france/wp-content/uploads/2020/08/Recueil-de-pratiques-Koutcha.pdf>

¹⁸⁴ TRIPS project, <https://www.forumrefugies.org/s-informer/publications/articles-d-actualites/en-europe/940-projet-trips-finalisation-des-livrables-lors-du-seminaire-final-d-experts-en-juin-2021>

- to promote cooperation in order to reinforce France's institutional partnerships.

This strategy is implemented in collaboration with the authorities responsible for the fight against trafficking in the concerned countries, and notably the national coordinators, as well as France's embassies in the concerned countries, and the regional technical coordinator responsible for the fight against trafficking in human beings within France's Permanent Mission to the United Nations in Vienna. The actions that are implemented as part of this strategy concern 11 countries in South-East Europe.¹⁸⁵ They include reinforcing national and regional capacities to fight against trafficking in human beings, notably via training sessions for professionals in contact with victims (police and justice, education, social assistance, civil society), prevention and awareness-raising actions for people at risk and the promotion of the French abolitionist model to fight against sexual exploitation networks.

France also takes part in implementing the **support project for the fight against trafficking in human beings in countries in the Gulf of Guinea (ALTP project)**, placed under the leadership of Expertise France and launched on 10 January 2019. As part of this project, France has undertaken to support the authorities and civil society of six countries in the Gulf of Guinea¹⁸⁶ on different aspects of the fight against trafficking in human beings: consolidation of institutional and operational capabilities, application of laws, protection of victims and regional cooperation.

Several **strategic and operational discussion sessions also took place in Abuja between representatives of the OCRTEH and NAPTIP** (National Agency for Prohibition of Trafficking in Persons), between 2017 and 2019, to set up sustainable cooperation focuses between the two entities in the fight against trafficking in human beings. These discussions were carried out as part of the PACKING project led by ECPAT France, which aims to prevent and eradicate violence to children and women from Nigeria and at risk or victims of trafficking in human beings.

The government continues to maintain a French police liaison office in Nigeria to facilitate cooperation with local police forces in investigations into trafficking in human beings. The government has also signed an intelligence sharing agreement with the United Kingdom on trafficking in human beings and has cooperated with the Georgian government.¹⁸⁷

Lastly, **France has taken part in several training actions on trafficking in human beings for legal stakeholders in third countries**. From 26 March to 30 March 2018, it took part in a training session on the identification criteria for trafficking in human beings and investigation techniques in Montenegro. This training session brought together some thirty participants and was coordinated by the European Commission, the Office of the national coordinator for the fight against trafficking in human beings, the Ministry of the Interior of Montenegro and a mission officer for the fight against trafficking in human beings in South-East Europe at France's Permanent Mission to the United Nations in Vienna. Similarly, two French experts from the Central office for the repression of trafficking in human beings coordinated a training session for Moldavian judges in Chisinau on 2 November 2019. The aim of the training session was to encourage the Moldavian legal training school to develop a training session of at least one day dedicated to managing files on trafficking in human beings, as it is the case in France.

France also largely contributes to making the fight against trafficking in human beings a priority in international governance bodies. As part of the implementation of the second national plan to fight against trafficking in human beings (2019-2021), France has undertaken to promote international instruments to fight against trafficking in human beings, notably through "constant advocacy [by France] to promote their ratification and implementation by all States",¹⁸⁸ along with support for the action of international organisations and bodies involved in the fight against trafficking. In 2019, France joined the Blue Heart Campaign, an international programme to raise awareness and mobilise the general public and political leaders in the fight against trafficking in human beings, under the leadership of the United Nations Office on Drugs and Crime. A call to reinforce international cooperation to fight against trafficking and

¹⁸⁵ Albania, Bosnia Herzegovina, Bulgaria, Croatia, Kosovo, Republic of North Macedonia, Republic of Moldova, Montenegro, Romania, Serbia, and since December 2016, Greece, notably for activities related to the fight against trafficking in human beings as part of the migrant crisis. Source: Permanent Mission of France to the United Nations and the International Organisations in Vienna, <https://onu-vienne.delegfrance.org/La-lutte-contre-la-traite-des-etres-humains-en-Europe-du-sud-est>

¹⁸⁶ Benin, Côte d'Ivoire, Ghana, Guinea, Nigeria, Togo. Source: Expertise France, <https://www.expertisefrance.fr/fiche-projet?id=726413>

¹⁸⁷ *Ibid.*

¹⁸⁸ MIPROF, Second National Action Plan against Trafficking in Human Beings (2019-2021), 18 October 2019, p.29, <https://www.egalite-femmes-hommes.gouv.fr/2nd-plan-daction-national-contre-la-traite-des-etres-humains/>

support victims, as well as recognise the fight against trafficking as a collective priority was also launched by France during the 14th United Nations Congress on crime prevention and criminal justice, which took place from 7 to 12 March 2021. The opening political statement adopted by all parties includes this priority. Lastly, France initiated the procedures to acquire the status of 'pioneer country' within the Alliance 8.7, a global partnership for eradicating child labour, forced labour, trafficking in human beings and all forms of modern slavery.¹⁸⁹

Q12. Does your Member States cooperate with third countries in the context of voluntary return of (presumed) third-country national victims of trafficking in human beings? Yes No

If so, in what way?

Article R.425-9 of the CESEDA provides for the possibility for victims of trafficking in human beings that hold a "private and family life" residence permit to ask to benefit from Assisted Voluntary Return (AVR) managed by the OFII.

In May 2021, the OFII signed up to an initiative launched as part of the ERRIN network (European Return and Reintegration Network) which targets Nigerian national victims of trafficking in human beings or vulnerable to trafficking and/or other forms of exploitation.

This is a separate, complementary assistance to the social and/or economic reintegration aid offered by ERRIN and given in cash, of a maximum amount of €1 800, to persons that leave France at the latest on 31 August 2021.

The aid could cover:

- specialised accommodation expenses (reception centre for vulnerable persons including a child care service);
- expenses for suitable medical treatment (including medical equipment);
- expenses for psychosocial support (including family advice and mediation);
- vocational training expenses;
- expenses for special protection measures if security risk;
- expenses for educational activities/programmes;
- support and legal advice expenses.

This aid was offered by the OFII regional departments as part of interviews with Nigerian candidates for AVR and reintegration. Once back in Nigeria, interested candidates had to contact the ERRIN operator in the country to file a request for complementary aid.

Q13. Is your Member State considering any future cooperation mechanisms with third countries and with other Member States regarding detection, identification, and protection of (presumed) third-country national victims of trafficking in human beings? Yes No

If so, please explain.

As part of the European EMPACT programme, France has positioned itself to be co-leader with Spain for the operational action on cooperation with third countries on trafficking in human beings.

From 1 January 2022, France will be the co-driver for the issue of trafficking in human beings at European level, along with the Netherlands, as part of the EMPACT programme, and as part of the French Presidency of the Council of the European Union which starts on the same date.

¹⁸⁹ French National Assembly, Response by the Minister for Europe and Foreign Affairs to question no. 38222 from the deputy Sandra Boëlle, <https://www.nosdeputes.fr/15/question/QE/38222>

Section 5: Key challenges and good practices in Member States, including in light of the COVID-19 pandemic

Q14a. What are the key challenges faced in the i) detection, ii) identification and iii) protection of (presumed) third-country national victims of trafficking in human beings?

Please include one challenge per row and indicate the stage for which it applies in the tick boxes below. If needed, please add additional rows to the table below

Challenge	Stage
<p>Challenge no.1: Insufficient training of the competent authorities on the detection and identification of victims of trafficking in human beings</p> <p>According to the associations questioned, the stakeholders responsible for implementing migratory procedures are not sufficiently trained in detecting the offence of trafficking in human beings and its different forms. This ignorance is likely to lead to flawed identification of victims and adversely affect access for victims to their rights, as well as to the implementation of protection measures.</p> <p>The association ECPAT France states that the interview techniques used by the authorities responsible for identifying trafficking victims do not always facilitate the gathering of information enabling them to recognise and qualify the facts exposed as relating to trafficking in human beings:</p> <ul style="list-style-type: none"> - The language and non-verbal language of the professionals is not adapted to creating trust and facilitating the gathering of information from victims; - The questions asked by the authorities and the expected level of detail are not suited to the reality of the exploitation situation and the influence exercised by the network on the victim (for example, the police generally expect the victim to provide the names and addresses of network members, although it is not plausible for victims to have access to this type of personal information. Few questions concern the victim's material living conditions, daily life or deprivation and violence suffered); - In cases of trafficking in human beings for sexual exploitation, the qualification highlighted by the police and retained by the judicial authorities is generally pimping rather than trafficking in human beings (see Q.14.b) <p>a) For whom is this a challenge (e.g. policy-makers, competent authorities, third-country nationals, other stakeholders.)?</p> <ul style="list-style-type: none"> - The authorities responsible for migratory procedures, notably the prefectural services responsible for recording asylum applications, and the OFII officers that carry out the assessments of vulnerability of asylum seekers at the GUDA. - The authorities and political decision-makers that must raise awareness of professionals to the offence of trafficking so that it can be identified as such. - The police and gendarmerie units, the judicial authorities responsible for applying the principles and rules of the Criminal Code on the offence of trafficking. <p>b) Why is it considered a challenge?</p> <p>If the victims are not detected and identified as such, the access to their rights and protection mechanisms is jeopardised. In the asylum application procedure, their vulnerability will not be taken into account and they will not be able to benefit from the specific procedure safeguards, notably the adaptation of their material reception conditions and the specific processing procedures for their asylum request</p>	<input checked="" type="checkbox"/> Detection <input type="checkbox"/> Identification <input type="checkbox"/> Protection

<p>by the OFPRA. In this respect, it should be emphasised that since the establishment of the referral groups in 2013, the OFPRA staff and, in particular, the investigating protection officers, have been trained in the specificities of trafficking in human beings in all its forms and in the identification of the victims of this phenomenon, whether they are adults or minors.</p> <p>Failure to identify victims feeds the impunity of the networks: victims that have presented themselves to the police forces and accepted to collaborate may regret these procedures if the status as victims of trafficking in human beings and the associated protection mechanisms are not made available to them. This failure to care for the victims may discourage other victims to collaborate with the police forces. The perpetrators of trafficking offences would not be subject to any criminal proceedings and could continue to carry out their acts without being bothered by the authorities.</p> <p>Lastly, the data on the number of identified victims only partially reflects the reality of trafficking in human beings in France: the number of formally identified victims is lower than the number of victims detected by the associations, which is lower than the real number of victims.</p> <p>c) What is the source of the statement (e.g. based on input from experts, surveys, evaluation reports, other sources)?</p> <p>Interview questionnaire completed by the ECPAT France association on 30 July 2021 that notably includes data from:</p> <ul style="list-style-type: none"> • The Grand Angle Report no.52, Trafficking and exploitation of human beings: Administrative data and survey of victims monitored by the association (<i>La traite et l'exploitation des êtres humains: Données administratives et enquête sur les victimes suivies par les associations</i>), of the National Observatory for Delinquency and Criminal Responses, published on 18 October 2019;¹⁹⁰ • Discussions between multidisciplinary experts (law, health, associations...) within the Inter-Ministerial Working Group on the Prostitution of Minors (2020-2021); • The report 'Protecting Children and Teenagers from Prostitution' of the National Observatory for Childhood Protection, published in April 2021.¹⁹¹ 	
<p>Challenge no.2: Difficult access to interpreting services, the lack of a cultural mediator trained in the issue of trafficking in human beings and unsuitable translation of information materials</p> <p>Cultural mediators and professional interpreters are not sufficiently trained in the issue of trafficking and are not aware of legal procedures, childhood development and psycho trauma. The information materials on the rights and administrative procedures available for victims of trafficking in human beings are not always translated in a language that the victims understand. Similarly, the information materials are not always suited to the level of language and understanding of minor victims of trafficking.</p> <p>a) For whom is this a challenge (e.g. policy-makers, competent authorities, third-country nationals, other stakeholders.)?</p> <p>This is a challenge for the authorities and support professionals who cannot always transmit information to the victims in a language that they understand. It is also a challenge for the victims and minor victims for which the language barrier and poor</p>	<input checked="" type="checkbox"/> Detection <input checked="" type="checkbox"/> Identification <input checked="" type="checkbox"/> Protection

¹⁹⁰ ONDRP, Trafficking of human beings in France: administrative data, Grand angle, no.52, 18 October 2019, https://www.ihemi.fr/sites/default/files/publications/files/2019-12/GA_52.pdf

¹⁹¹ Observatoire national de la protection de l'enfance, Protecting children and teenagers from prostitution (*Protéger les enfants et adolescents de la prostitution*), April 2021, https://www.onpe.gouv.fr/system/files/publication/dt_prostitution_t1.pdf

<p>translation of the information provided hinder their knowledge and understanding of their rights.</p> <p>Since 2015, the interpreters involved in interviews conducted by the OFPRA and hearings before the National Court of Asylum have been progressively trained by the OFPRA referent groups on different vulnerabilities, including trafficking in human beings.¹⁹²</p> <p>b) Why is it considered a challenge?</p> <p>Numerous associative and institutional structures that receive and carry out missions to care for potential or presumed victims of trafficking in human beings do not have access to professional interpretation services. As a result, these structures call on amateur interpreters (sometimes family members or members of the victim's community of origin) to carry out the interviews to identify and assess the protection needs of victims of trafficking in human beings. The information provided by the victims may therefore suffer from partial or poor quality translation. The proximity of the victim with the interpreter may also put them in danger.</p> <p>Similarly, the information provided to the victim on access to rights and administrative and legal procedures may also suffer from partial or poor quality translation, and thus adversely affect their access to these different rights and procedures.</p> <p>Moreover, information on the protection mechanisms available may not be translated in a language suitable for minors, which may be an obstacle to them accessing their rights, as minors have poor understanding of their rights and are not encouraged to confide in an adult about their situation of exploitation.</p> <p>c) What is the source of the statement (e.g. based on input from experts, surveys, evaluation reports, other sources)?</p> <p>Interview questionnaire completed by the ECPAT France association on 30 July 2021.</p>	
<p>Challenge no.3: The request for or condition of cooperation with the police to obtain certain residence permits may discourage victims</p> <p>Some victims, including minors reaching the age of majority, may not wish to cooperate with the police. This refusal to cooperate prevents them from being formally identified by the police or gendarmerie units, and obtain the private and family life residence permit. It may also complicate the procedure for obtaining international protection.</p> <p>a) For whom is this a challenge (e.g. policy-makers, competent authorities, third-country nationals, other stakeholders.)?</p> <p>Third-country nationals.</p> <p>b) Why is it considered a challenge?</p> <p>Victims of trafficking in human beings receive a temporary private and family life residence permit if they file a complaint against a person that they accuse of having committed trafficking offences against them or testify as part of criminal proceedings against a person accused of the same offences.</p> <p>However, numerous victims do not dare to present themselves to the authorities to file a complaint for fear of being subject to reprisals from the networks.</p>	<p><input type="checkbox"/> Detection</p> <p><input type="checkbox"/> Identification</p> <p><input checked="" type="checkbox"/> Protection</p>

¹⁹² Source: OFPRA

In addition, certain police stations refuse to record testimonies if they are not followed by a complaint, which may discourage victims from testifying.

This reluctance and these fears on cooperating with the policemay also hinder the procedure for obtaining international protection. As part of the asylum application procedure on grounds related to trafficking in human beings, asylum seekers that are victims of trafficking in human beings must prove that they have left the trafficking networks or undertaken steps in this direction. Amongst the range of evidence considered in assessing this criterion during the examination of applications, the filing of a complaint may constitute proof of having left the network.

c) What is the source of the statement (e.g. based on input from experts, surveys, evaluation reports, other sources)?

Interview questionnaire completed by the ECPAT France association on 30 July 2021.

Challenge no.4: The facilitation of trafficking in human beings via the internet and the risk of re-victimisation

- Detection
- Identification
- Protection

a) For whom is this a challenge (e.g. policy-makers, competent authorities, third-country nationals, other stakeholders.)?

- The authorities responsible for removing online sexual exploitation content;
- The police and justice authorities;
- Private stakeholders (hosts, social networks and monetary stakeholders for example).

b) Why is it considered a challenge?

The boom in online sexual exploitation reinforces the vulnerability of victims of trafficking in human beings: internet facilitates the recruitment of victims (notably minors) as well as their exploitation and re-victimisation (diffused images can be recorded, sold and diffused again). Due to the specific nature of online sites, the rapidity with which content of exploitation scenes is shared and the extent of content sharing, the fight against this form of exploitation is particularly difficult.

c) What is the source of the statement (e.g. based on input from experts, surveys, evaluation reports, other sources)?

Interview questionnaire completed by the ECPAT France association on 30 July 2021.

Q14b. What are the specific challenges at any of the above stages concerning vulnerable persons or asylum applicants?

Challenge	Stage
<p><u>Challenge no.1: The difficult detection of isolated and invisible victims</u></p> <p>The ECPAT France association states that the victims exploited on the internet, in hotels and apartments or in accommodation places are particularly vulnerable to this risk of isolation and may be less likely to be detected and taken care of by the authorities.</p> <p>a) For whom is this a challenge (e.g. policy-makers, competent authorities, third-country nationals, other stakeholders.)?</p> <ul style="list-style-type: none"> - The competent authorities for identification and care (notably support and childhood protection professionals); - Police forces and judicial authorities, responsible for punishing offences related to trafficking in human beings. <p>b) Why is it considered a challenge?</p> <p>The isolation of victims makes it difficult for professionals to detect and care for them. Isolated victims cannot leave the exploitation networks and do not have access to their rights, care and protection. If they cannot leave the trafficking networks, they continue to be subjected to dangerous situations and the violence of the networks.</p> <p>The difficult detection of the victims also reinforces the impunity of the networks, which provides favourable conditions for them to grow and diversify their criminal activities. According to ECPAT France, an exploiting person or network often perpetuates other illegal or criminal activities in addition to trafficking in human beings, such as money laundering, arms traffic or terrorism.</p> <p>c) What is the source of the statement (e.g. based on input from experts, surveys, evaluation reports, other sources)?</p> <p>Interview questionnaire completed by the ECPAT France association on 30 July 2021 which notably mentions the report by the European Union Agency for Criminal Justice Cooperation (Eurojust) on trafficking in human beings, published on 23 February 2021.¹⁹³</p>	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> Detection <input type="checkbox"/> Identification <input type="checkbox"/> Protection

¹⁹³ European Union Agency for Criminal Justice, Eurojust Report on Trafficking in Human Beings – Best practices and issues in judicial cooperation, 23 February 2021, <https://www.eurojust.europa.eu/eurojust-report-trafficking-human-beings>

Challenge no.2: The assimilation of victims of trafficking in human beings for sexual exploitation with sex workers

- Detection
- Identification
- Protection

a) For whom is this a challenge (e.g. policy-makers, competent authorities, third-country nationals, other stakeholders.)?

- The victims;
- The competent authorities for identification and the judicial authorities.

b) Why is it considered a challenge?

France has a long-standing policy of abolishing prostitution.. As early as 1946, brothels were prohibited by the adoption of the Marthe Richard Law. Other measures were taken following the ratification of international instruments. France wanted to go further and this political desire to see its abolitionist position succeed allowed to adopt the law of 13 April 2016 "to reinforce the fight against the prostitution system and support prostitutes". The law is based on an integrated vision of prostitution and sexual exploitation: preventing, notably by making the people that purchase sex acts responsible, protecting by granting broader rights (social, residence) to prostitutes and victims of pimping and trafficking, notably by setting up a procedure for leaving prostitution, and reinforcing legal action against perpetrators of exploitation and trafficking and pimping networks.¹⁹⁴

The legislator has opted to punish the purchase of a sex act - which he considered to be a determining lever for reducing prostitution, trafficking and sexual exploitation - on the basis of two premises: that prostitution is in itself violence and that the body is not a good to be paid for in disregard for human dignity, and that a large majority of people in prostitution are victims of trafficking in human beings for sexual exploitation. This offence is only made possible by the fact that a paid sex act can be purchased. If it is prohibited, there is no longer an offer, or at least a weaker one, and we will have achieved our goal of ending this lucrative sexual exploitation market. Lastly, prostitution is not a consented act. Constraint may result not only from exploitation but also from social and economic conditions. 90% of prostitutes are exploited by networks and the immense majority are particularly vulnerable people. Prostitution is a process based on psychological, physical, financial, social or cultural constraints.¹⁹⁵

The confusion between trafficking in human beings for sexual exploitation and prostitution is an obstacle to recognising the victim status of third-country nationals exploited within trafficking networks and, as a result, their access to their rights and suitable protection. This problem concerns both adult and minor victims to which the trafficking networks provide false identity documents. In France, the victims of trafficking in human beings for sexual exploitation are not sex workers.

Thus, if the victims are assimilated by the authorities to sex workers exercising willingly, access to the mechanism and procedures allowing them to leave the networks is compromised. They remain exploited by the networks and subject to physical, sexual or verbal violence.

Lastly, the assimilation of trafficking in human beings for sexual exploitation to pimping or prostitution hinders investigation work on trafficking and the effective suppression of networks.

c) What is the source of the statement (e.g. based on input from experts, surveys, evaluation reports, other sources)?

- Interview questionnaire completed by the ECPAT France association on 30 July 2021 which notably mentions the report "Trafficking in human beings in France - Profile of the victims monitored by the associations in 2019" of the MIPROF and the ONDRP, published on 4 November 2020.¹⁹⁶
- The MIPROF.

<p>Challenge no.3: The late appointment of a trained legal representative may prevent the early identification of third-country national minor victims of trafficking</p>	<p><input checked="" type="checkbox"/> Detection <input checked="" type="checkbox"/> Identification <input checked="" type="checkbox"/> Protection</p>
<p>a) For whom is this a challenge (e.g. policy-makers, competent authorities, third-country nationals, other stakeholders.)?</p>	
<p>b) Why is it considered a challenge?</p>	
<p>c) What is the source of the statement (e.g. based on input from experts, surveys, evaluation reports, other sources)?</p> <ul style="list-style-type: none"> - The authorities responsible for childhood protection, judges for juveniles, support professionals (social assistants, specialised educators, lawyers). - Numerous third-country national minors and victims of trafficking in human beings are isolated or poorly supported. They need to have a legal representative to be able to start legal and administrative procedures. However, late appointment may prevent any early detection by the legal representative of a situation of exploitation of the minor within a network of trafficking in human beings, and therefore support in the formal identification and care process. - Interview questionnaire completed by the ECPAT France association on 30 July 2021 which notably mentions the ReAct study "Minors at risk and victims of trafficking in France - Challenges of protection and legal representation (<i>Mineurs à risque et victimes de traite en France - Enjeux de protection et de représentation légale</i>), published on 24 February 2017.¹⁹⁷ 	

¹⁹⁴ Source: MIPROF.

¹⁹⁵ *Ibid.*

¹⁹⁶ ONDRP, MIPROF, Trafficking of human beings in France - Profile of the victims monitored by the associations in 2019, 4 November 2020, https://www.ihemi.fr/sites/default/files/publications/files/2020-11/traite_etres_humains_france_2019_0.pdf

¹⁹⁷ ECPAT France, Minors at risk and victims of trafficking in France - Challenges of protection and legal representation (*Mineurs à risque et victimes de traite en France - Enjeux de protection et de représentation légale*), 24 February 2017, <https://ecpat-france.fr/www.ecpat-france/wp-content/uploads/2018/09/ReACT-Mineurs-a-risque-et-victimes-de-traite-en-france-min.pdf>

Challenge no.4: The absence of dedicated accommodation structures adapted to minor victims of trafficking in human beings

- Detection
- Identification
- Protection

a) For whom is this a challenge (e.g. policy-makers, competent authorities, third-country nationals, other stakeholders.)?

- Social support professionals seeking to protect minors and accompany them in their recovery but which only have limited resources at their disposal;
- Judges of juveniles that do not have the possibility of directing minor victims to truly safe and adapted reception facilities;
- The departmental authorities responsible for managing childhood protection mechanisms;
- Political decision makers who are responsible for ensuring that internal law texts, EU law and the International Convention on the Rights of the Child are applied.

b) Why is it considered a challenge?

Minor victims of trafficking in human beings do not have access to safe, specialised accommodation mechanisms. Minor victims of trafficking are received in common law childhood protection structures (child welfare homes, emergency reception facilities).

These facilities do not provide sufficient protection against the re-victimisation of minors, notably due to the non-binding nature of the support and placement in these centres. Minors can very easily abscond and re-join the trafficker due to fear of threats and reprisals. Their activities on their mobile telephones and access to social networks are not tightly controlled whereas these are the main tools for maintaining the networks' influence over their victims. The members of the trafficking network can easily access the addresses of these structures and directly come to look for the victims.

Lastly, the professionals in these accommodation structures are not specialised and trained in the issue of trafficking and its inherent influence mechanisms (conflict of loyalty, debt to be repaid, fear of reprisals).

In France, to date, there is only one accommodation centre adapted to receive minor victims of trafficking, for which the address is kept secret and where the professionals are trained to deal with this issue.

c) What is the source of the statement (e.g. based on input from experts, surveys, evaluation reports, other sources)?

Interview questionnaire completed by the ECPAT France association on 30 July 2021 which notably covers certain items of ECPAT's collection of practices on shelter for minor victims of trafficking in human beings dealing with initial reception, the rules and responses to transgressions and safety, published in March 2020¹⁹⁸.

¹⁹⁸ ECPAT France, Collection of practices on shelter for minor victims of trafficking in human beings dealing with initial reception, the rules and responses to transgressions and safety, (*Recueil des pratiques relatives à la mise à l'abri des enfants victimes de la traite des êtres humains traitant du premier accueil, des règles et des réponses aux transgressions et de la sécurité*), March 2020, <https://ecpat-france.fr/www.ecpat-france/wp-content/uploads/2020/08/Recueil-de-pratiques-Koutcha.pdf>

Q14c. What are the specific challenges with regard to traffickers / criminal organisations involved in trafficking in human beings using asylum procedures for means other than intended? (*for example, to temporarily house victims in a reception centre before moving them to the intended country*).

Challenges

Challenge no.1: The manipulation of the asylum procedure by human trafficking networks hinders victims' access to international protection

a) For whom is this a challenge (e.g. policy-makers, competent authorities, third-country nationals, other stakeholders.)?

- Third-country national victims of trafficking in human beings;
- The prefectures in charge of issuing removal orders.

b) Why is it considered a challenge?

Victims of trafficking in human beings are often forced by their traffickers to file an asylum application, supported by false statements. Once engaged in the asylum application procedure, the perpetrators of the trafficking offence can continue to exploit their victims without them being concerned about removal orders or placement in administrative detention facilities. However, based on a contrived account, the person concerned will in the vast majority of cases be rejected by the application assessment bodies (the OFRPA and the CNDA).

As a result, when the victim wants to file another asylum application at a later date to present their concerns of persecution or serious breaches related to trafficking, it will need to be reassessed. However, according to the provisions of law No. 2018-778 of 10 September 2018 for a managed migration, an effective right to asylum and successful integration, the reassessment application enters the person into an accelerated procedure, which is unfavourable as appeals before the jurisdictional body (the CNDA) in the case of accelerated procedures are not suspensive. The person loses the right to temporary residence and may risk being subject to a removal order, house arrest, or placement in an administrative detention facility. The OFRPA may, however, use its option to reclassify the person into a normal procedure.

The reassessment application may also be declared inadmissible if the OFRPA considers that the application does not contain any new elements likely to increase the likelihood that the applicant will be granted international protection.

Minors are not concerned by removal orders during their childhood, as they are exempt from the obligation to file a request for a residence permit. However, an exploited minor who has absconded and who requests a reassessment once adult may be confronted by these measures. It has also been noted that certain prefectures sometimes refuse asylum applications by minors by directing them to common law mechanisms (for example, minors taken on by the social child and youth care services).

c) What is the source of the statement (e.g. based on input from experts, surveys, evaluation reports, other sources)?

Interview questionnaire completed by the ECPAT France association on 30 July 2021.

Challenge no.2: Providing protection to victims despite the risk of manipulation of protection mechanisms by human trafficking networks

a) For whom is this a challenge (e.g. policy-makers, competent authorities, third-country nationals, other stakeholders.)?

- States;
- The victims;
- The associations offering support and accommodation to the victims.

b) Why is it considered a challenge?

The State must continue to be able to ensure protection for the victims of trafficking in human beings even though the phenomenon of manipulation of the protection mechanisms by the trafficking networks is increasingly significant and recognised by the authorities.

c) What is the source of the statement (e.g. based on input from experts, surveys, evaluation reports, other sources)?

Interview questionnaire completed by the Association Foyer Jorbalan (AFJ), on 28 July 2021, which notably mentions the report by the United Nations Office on Drugs and Crime, *The effects of the Covid-19 pandemic on trafficking in persons and responses to the challenges*, published on 8 July 2021¹⁹⁹.

Q15. What are the consequences of COVID-19 pandemic on the detection, identification, and protection of (presumed) victims?

In general, the Covid-19 pandemic seems to have exacerbated the vulnerabilities of victims of trafficking in human beings. The lockdowns, travel restrictions and social distancing measures have had the indirect effects of contributing to the isolation of victims and the emergence of difficulties in terms of detection, identification and access to protection mechanisms and rights, notably the right to residence.

The closure of economic activities due to the pandemic led to a reduction in the patronage of bars and night clubs and the increased use of private places and internet as places of exploitation. This exacerbated the vulnerabilities of victims of trafficking in human beings for sexual purposes and led to a decrease in the visibility of victims for the authorities. The pandemic also exacerbated the vulnerabilities of victims of trafficking for labour exploitation due to the increased isolation of migrants and domestic workers, which complicated the detection by the authorities and NGOs.

According to certain organisations specialised in for the care of victims of trafficking, the Covid-19 pandemic made it more difficult to detect (presumed) victims of trafficking, and notably minor victims. The boom in certain forms of exploitation during the health crisis transferred the places of exploitation out of the public space: numerous victims that used to be exploited in the street are now exploited in apartments or hotels, or online (see Q.16.). The victims become less visible, and contact by the social workers and associations, which generally took place during outreach actions is hindered. The report by the MIPROF and the ONDRP on the profile of victims of trafficking in human beings monitored by the associations in 2019,²⁰⁰ published on 4 November 2020, considers that the contact between the victims and associations mainly took place on the street or during outreach actions (23% of initial contacts). However, these operation methods are unsuited to forms of exploitation outside of the public space. While attempts to make contact online have been carried out, there are still experimental. Numerous victims of sexual exploitation are prevented from accessing their social networks and internet by their traffickers and cannot, therefore, be approached by the associations or contact them. In this context, the detection of victims is mainly based on the denunciation of situations of trafficking by neighbours, customers or hotel owners to the authorities.²⁰¹

The lockdown measures implemented to deal with the pandemic also contributed to isolate these victims,²⁰² and reduced the activity of the associations. The employees and volunteers at the associations offering support and care for victims had to apply the lockdown measures and certain exercised their right of withdrawal.²⁰³ Field workers are, therefore, less present on the ground and the reduced workforces at the associations indicate a lack of resources to carry out outreach activities and safe interactions with the victims during this period.²⁰⁴

¹⁹⁹ UNODC, *The effects of the Covid-19 pandemic on trafficking in persons and responses to the challenges*, 8 July 2021, https://www.unodc.org/documents/human-trafficking/2021/The_effects_of_the_COVID-19_pandemic_on_trafficking_in_persons.pdf

²⁰⁰ Sourd Amandine, Vacher Abigaïl, *Trafficking in human beings in France: Profile of the victims monitored by the associations in 2019 (La traite des êtres humains en France: Profil des victimes suivies par les associations en 2019)*; 2020, p. 5, https://www.ihemi.fr/sites/default/files/publications/files/2020-11/traite_etres_humains_france_2019_0.pdf

²⁰¹ Interview questionnaire completed by the ECPAT France association on 30 July 2021.

²⁰² Interview questionnaire completed by the Association Foyer Jorbalan (AFJ), 28 July 2021.

²⁰³ *Ibid.*

²⁰⁴ *Ibid.*

The slowdown in formal identification procedures for victims of trafficking in human beings by the competent authorities, as well as criminal investigations of offences related to trafficking in human beings were also noted during the Covid-19 pandemic. The circular of 14 March 2020 adapting criminal and civil activities of jurisdictions to the measures to prevent and fight against the Covid-19 pandemic warned that “the measures taken to slow the spread of the Covid-19 virus and deal with the consequences of the pandemic, [would] lead to a strong reduction in activity throughout the criminal justice system.” This slowdown of the criminal justice system defers access for victims to protection and care mechanisms and thus indirectly participates in maintaining them in a situation of vulnerability.²⁰⁵

Accommodation circuits were also affected by the Covid-19 pandemic: the difficulties, or even impossibility in certain places, to comply with the protocols on barrier measures (physical distancing and mask wearing for personnel and accommodated persons) led to a reduction in the number of places offered in accommodation facilities.²⁰⁶ In this respect, the *Collectif Ensemble contre la traite des êtres humains* considers that “neither the SIAO (Integrated Service for Reception and Orientation - *Service Intégré d’Accueil et d’Orientation*), nor the SAMU social, nor the accommodation structures were able to provide suitable housing solutions [to victims of trafficking leaving exploitation]”.²⁰⁷

Lastly, the Covid-19 pandemic also had repercussions on access to residence for third-country nationals, including victims of trafficking in human beings. As part of the implementation of the protocols on barrier measures, certain prefectures accelerated the implementation of online applications and renewals of residence permits, a procedure initiated after the law no. 2016-274 of 7 March 2016 on the rights of foreign nationals in France to obtain or renew residence permits. However, difficulties in filing applications for residence permits online, notably on humanitarian grounds,²⁰⁸ have been reported in certain prefectures.²⁰⁹ Several prefectures also implemented mandatory online appointment making prior to reception on site. Some asylum seekers were confronted with significant waiting times, and those without easy access to digital tools also had difficulties in registering their applications online.²¹⁰

Q16. What new patterns and / or trends in trafficking in human beings have emerged because of the COVID-19 pandemic?

The Covid-19 pandemic also led to the emergence of several trends resulting in an aggravation in the vulnerability of victims of trafficking in human beings.

The lockdown measures and travel restrictions contributed to the increase in certain forms of trafficking, which are more difficult to detect and grasp, notably online and indoor sexual exploitation .²¹¹ The consequence of the boom in these forms of invisible exploitation, or less perceptible exploitation due to their withdrawal from public spaces or digitalisation is the increased isolation of victims of trafficking in human beings, and greater difficulty for civil society and the authorities to detect them (**see Q15.**).

Moreover, social networks and the internet were particularly used by trafficking networks to recruit their victims during the lockdown periods.²¹²

Q17. How has your Member State adapted its policies and procedures due to the challenges of the COVID-19 pandemic?

The decrease in street prostitution and the increase in indoor prostitution (in apartments or hotels) is a trend that had already begun before the health crisis. The latter only accentuated an already existing phenomenon. All stages of trafficking moved online: recruitment (notably through social networks), publication of adverts to allow customers to enter into contact with the victim, contact with the customer to set up the appointment (through secure messaging applications) and rental of the hotel rooms or apartments.

²⁰⁵ *Ibid.*

²⁰⁶ *Ibid.*

²⁰⁷ The *Collectif Ensemble contre la traite des êtres humains*, Accommodation of trafficking victims and the Covid-19 crisis (*L’hébergement des victimes de traite et la crise Covid-19*), <http://www.contrelatraite.org/index.php/hebergement-victimes-covid19>

²⁰⁸ Article L.435-1 of the CESEDA.

²⁰⁹ Interview questionnaire completed by the Association Foyer Jorbalan (AFJ), 28 July 2021.

²¹⁰ *Ibid.*

²¹¹ *Ibid.*

²¹² *Ibid.*

Training classes (investigating the internet and social media) and new investigation tools ('investigator under a pseudonym' accreditation) are followed by police officers fighting against pimping.

Within the framework of the health crisis related to the Covid-19 pandemic, the different state services were mobilised to provide assistance to people in situations of precariousness and avoid breakdowns in law.

Q18. Regarding the challenges identified above, does your Member State have concrete plans or proposals in place for improvements to deal with them?

For example, for people in prostitution and victims of trafficking for sexual exploitation, order No. 020-312 of 25 March 2020 on the extension of social rights renewed the procedures for pathways out of prostitution for a period of six months and the issuing of financial aid for social and professional integration (AFIS) to people benefiting from this framework. By order, the Ministry of the Interior also extended the temporary residence authorisation (APS) issued by the prefectures for six months. The beneficiaries of the AFIS received an exceptional solidarity allowance of €100 per person. In addition, multi-annual agreements on objectives for the period 2020-2022 were signed to support the national associations which provide assistance and support to people in prostitution and trafficking for sexual exploitation, including during the health crisis. Decentralised credits also benefited the local associations in the departments faced with the same difficulties.

As part of the European EMPACT programme, France has proposed an operational action targeting sexual exploitation in short-term rentals and hotel rooms via classified adverts on the internet, for which it will be the lead country, in order to reinforce the fight against these networks.

Q19. In light of possible new trends and developments, is your Member State anticipating any new challenges in the near future? Yes No

If so, please explain.

Q20. What good practices in relation to i) detection, ii) identification and iii) protection of (presumed) third-country national victims of trafficking in human beings exist in your Member State?

Good practice	Stage
<p><u>Good practice no.1: The National Ac.Sé Scheme</u></p> <p>The national National Reception and Protection Facility for Victims of Trafficking in Human Beings, Ac.Sé, is a national reception and protection scheme for victims of trafficking in human beings.</p> <p>This scheme was created in 2001 by the association 'Accompagnement, Reception Areas, Educational and Social Crossroads' (<i>Accompagnement, lieux d'accueil, carrefour éducatif et social</i> – ALC) which coordinates it. It is financed by the Ministry for Equality between Women and Men, Diversity and Equal Opportunities, and co-financed by the Ministry for Justice and the City of Paris. Today, it is an integral part of the protection measures for victims of trafficking in France, such as those listed in the decree of 13 September 2007.²¹³</p> <p>The Ac.Sé network has 86 partners spread throughout France including 22 specialised associations, 7 associations that also offer accommodation, and 57</p>	<input type="checkbox"/> Detection <input type="checkbox"/> Identification <input checked="" type="checkbox"/> Protection

²¹³ Decree no. 2007-1352 of 13 September 2007 on the admission for residence, protection, reception and accommodation of foreign nationals that are victims of trafficking in human beings and pimping and amending the CESEDA (regulatory provisions), <http://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000000465136&dateTexte=&categorieLien=i>

common law accommodation centres, in which the personnel is regularly trained in issues related to trafficking in human beings. This network aims to offer safe reception and support for adult victims of trafficking in human beings for sexual exploitation, in danger locally and requiring geographic distancing.²¹⁴

a) Who considers this a good practice (e.g. policy-makers, competent authorities, third-country nationals, other stakeholders.)?

- (Presumed or identified) third-country national victims of trafficking in human beings;
- Partner associations of the mechanism.

b) Why is it considered a good practice?

It is not necessary to file a complaint in order to integrate the National Ac.Sé Scheme. People that are referred and cared for may have been detected by the associations without necessarily having been officially identified as victims by the police forces. The request for shelter is justified in this case by the fact that the person feels that they are in danger following their decision to leave the influence of the exploitation network.²¹⁵ **The scheme targets both presumed and officially identified victims.**

Within the accommodation centres, victims of trafficking in human beings who are asylum seekers may benefit from legal, social and medical support, follow lessons of French as a foreign language and some vocational training.

The coordinators of the National Ac.Sé Scheme also coordinate a resource hub for all participants that are in regular or occasional contact with people that are victims of trafficking in human beings. For this, a national telephone number enables legal, administrative and social information to be obtained to better support people that are victims of trafficking in human beings as well as help for assessment and identification.

In 2020, the National Ac.Sé Scheme coordinators received 71 requests for referral from 12 different cities. Most of the requests come from Paris and the MIST association is the main referring service for the mechanism. Several requests also came from the CCEM for the shelter of people that are victims of trafficking for forced labour and/or domestic slavery. The referral requests from Marseille also represented a significant share of the National Ac.Sé Scheme's activity. Lastly, the significant number of requests from Nice and Grenoble are due to the multidisciplinary cooperation between the associations and police forces. This cooperation is all the more important as the associations have noted a gradual movement of prostitution from public to private spaces, with an increase in the number of people prostituting themselves in apartments or hotels through internet and the social media. This change, which began in 2019, was exacerbated by the health crisis and the different lockdown and curfew measures implemented throughout 2020.²¹⁶

Out of these 71 requests, 92% of the referred people were victims of trafficking for sexual exploitation and six referred people (8%) were victims of trafficking for domestic slavery or forced labour. They represent 11 different countries: 73% of them come from Nigeria. 36 referred people did not have a residence permit or application for a permit or international protection being processed and 30% of the people were in a procedure of applying for asylum (16 people) or residence permits at the time of referral.

²¹⁴ National Ac.Sé Scheme, 2020 Activity Report, <https://www.acse-alc.org/images/Bilan%20Ac.S%202020.pdf>

²¹⁵ *Ibid.*

²¹⁶ National Ac.Sé Scheme, 2020 Activity Report, p.6, <https://www.acse-alc.org/images/Bilan%20Ac.S%202020.pdf>

<p>c) What is the source of the statement (e.g. based on input from experts, surveys, evaluation reports, other sources)?-</p> <p>Approved associations, notably the ALC association.</p>	
<p>Good practice no.2: The procedure to leave prostitution and move towards social and professional integration</p> <p>The procedure to leave prostitution and move towards social and professional integration is a scheme introduced by the law of 13 April 2016 aimed at reinforcing the fight against the prostititional system and support the prostitutes. Presented as one of the objectives of the 5th plan to mibilise and combat all forms of violence against women (2017-2019) at the Ministry for Families, Childhood and Women’s Rights, the introduction of this scheme comes under a logic of improving the overall care for prostitutes, as well as reinforcing the protection and rights available to victims of trafficking in human beings and pimping.</p> <p>Thus, any person that is a victim of prostitution, pimping and trafficking in human beings for sexual exploitation is offered to join this procedure out of prostitution by an approved association. This procedure offers support and full care to leave prostitution and to have access to alternatives. It is defined according the assessment of the health, professional and social needs of the concerned third-country national. The persons committed to this pathway out of prostitution can notably benefit from:</p> <ul style="list-style-type: none"> - housing in compliance with the regulatory conditions for access to social rental housing, reception in transitional housing or housing adapted to their situation under the conditions of articles L.345-2, L.345-2- 7 and L.345-2-8 of the CASF; - support to facilitate access to healthcare, both physical and psychological, and to rights (notably the issuance of a temporary residence authorisation and access to financial aid for social and professional integration (AFIS); - social integration actions, to promote the socialisation and autonomy of the persons in their everyday lives and the preparation of a professional integration project. <p>This procedure is prepared and implemented, in agreement with the supported person, by an association approved for this purpose.</p> <p>Approval is granted for a period of three years.</p> <p>The stages in the process of applyingfor engagement in this procedure or the renewal of it are as follow:</p> <ul style="list-style-type: none"> - Stage 1: the approved association prepares the application for engagement in the procedure, or its renewal with the concerned person (models for engagement and renewal of the procedure are presented in the appendix to the circular of 31 January 2017 on the implementation of the procedure to leave prostitution and move towards social and professional integration). These applications include information on the person requesting the procedure, the referring association, the recommended actions and the expected results. - Stage 2: the application for engagement is sent to the departmental commission for the fight against prostitution, pimping, trafficking in human beings for sexual exploitation (CDLP), that is territorially competent. Created by the law of 13 April 2016 and placed under the authority of the prefect, these commissions are responsible for preparing and implementing the strategic guidance on preventing and fighting against prostitution, pimping and trafficking in human beings, and coordinating the actions carried out at departmental level. They are also responsible for providing opinions on applications for engagement in the procedure or their renewal. 	<p><input type="checkbox"/> Detection</p> <p><input type="checkbox"/> Identification</p> <p><input checked="" type="checkbox"/> Protection</p>

Their composition is set by article R.121-12-7 of the CASF and includes representatives of the State and regional authorities, a magistrate, health professionals and representatives of the approved associations. When requests for this procedure are submitted to them, they carry out an individual assessment of the situations transmitted by the approved associations, by notably hearing the representative of the referring association that presents the interested person's situation and gives an opinion.

- Stage 3: After having ruled, the commissions transmit their opinions to the **prefects who authorise or refuse the requests for engagement or renewal of the procedure out of prostitution**. The prefect's decision is notified to the interested person by registered letter and a copy of the decision is sent by post to the referring association.

The entry into the scheme is granted for a period of **six months, renewable up to a maximum of 24 months**.

a) Who considers this a good practice (e.g. policy-makers, competent authorities, third-country nationals, other stakeholders.)?

- (Presumed) third-country national victims of trafficking in human beings for sexual exploitation.

b) Why is it considered a good practice?

These procedures to leave prostitution were prepared with the aim of "giving precedence to the rights of victims, independently from the denunciation of the trafficking and pimping networks, without allowing them to be diverted to the benefit of the trafficking and pimping networks as it can be the case for asylum applications".²¹⁷ Thus, this scheme places protection for victims and access to their rights and care to enable them to leave their exploitation networks at the heart of its action, without imposing a condition of formal identification by the authorities or cooperation with the latter as part of a criminal investigation.

Available for all victims of prostitution, pimping or trafficking in human beings, this leaving procedure opens different rights allowing the successful reintegration of the beneficiaries (an allowance to avoid a significant loss of revenue when ending the prostitution activity and to ensure that the outlook of paying tax does not become an obstacle to the end of this activity, a professional integration procedure or aid for accommodation) and opens up a new way for third-country national victims to be legalised.

Reporting on this procedure, the assessment report of the law of 13 April 2016²¹⁸ prepared by an inter-ministerial mission bringing together members of the General Inspectorate of the Administration, the General Inspectorate of the Justice and the General Inspectorate of Social Affairs, published in December 2019, highlights the gradual deployment of the procedure: 24 people benefited in 2017, 9 in 2018 and 228 in 2019 in 34 departments. As at 30 June 2019, 71 departmental commissions for the fight against prostitution, pimping and trafficking in human beings for sexual exploitation had been installed in Metropolitan France. With regard to the professional integration of the beneficiaries of these procedures, in June 2020, 87.5% of the people supported by the *Amicale du Nid* association (responsible for

²¹⁷ National Assembly, Information report on reinforcing the fight against the prostitution system by the Delegation to women's rights and equal opportunities (*Rapport d'information sur le renforcement de la lutte contre le système prostitutionnel de la Délégation aux droits des femmes et à l'égalité des chances entre les hommes et les femmes*), registered on 17 September 2013, https://www.assemblee-nationale.fr/14/rap-info/i1360.asp#P871_167127

²¹⁸ Gay Catherine, Gervais Valérie, Loulergue Pierre, Steinmetz Patrick, Willaert Patricia, Assessment of the law of 13 April 2016 to reinforce the fight against the prostitution system and supporting prostitutes (*Évaluation de de la loi du 13 avril 2016 visant à renforcer la lutte contre le système prostitutionnel et à accompagner les personnes prostituées*), December 2019, <https://www.igas.gouv.fr/IMG/pdf/2019-032r-prostitution-d.pdf>

<p>223 leaving procedures since 2017) who had come to the end of their procedure had stable employment.</p> <p>c) What is the source of the statement (e.g. based on input from experts, surveys, evaluation reports, other sources)?:</p> <ul style="list-style-type: none"> - Information report on reinforcing the fight against the prostitution system by the Delegation for Women’s Rights and Equal Opportunities for Men and Women, registered at the National Assembly on 17 September 2013;²¹⁹ - The report by the Special Commission responsible for assessing the draft law no.1437 reinforcing the fight against the prostitution system, registered at the National Assembly on 19 November 2013.²²⁰ 	
<p>Good practice no.3: The implementation of safe accommodation structures adapted to minor victims of trafficking in human beings</p> <p>In September 2015, an experimental ad hoc scheme to protect minor victims of trafficking in human beings was implemented in Paris. Based on the Ac.Sé model, it aims to facilitate the reporting, identification and protection of minor victims, notably by organising their care under safe conditions and their support by specially trained educators with, if necessary, geographical distancing. This experiment, based on close coordination between the actors concerned, is being implemented on the basis of a convention signed by the Police Prefecture of Paris, the <i>Tribunal de grande instance</i> of Paris, the Paris City Hall and the departmental council, the MIPROF, the Youth Judicial Protection, the Inter-ministerial Committee for the Prevention of Delinquency, the Paris Bar association, and the <i>Hors la Rue</i> association on 1 June 2016. The OFPRA and the <i>Bus des Femmes</i> association joined the scheme in 2018.</p> <p>The Second National Action Plan against Trafficking in Human Beings (2019-2021) plans to renew and extend the Parisian scheme to the entire territory through local conventions between all childhood protection stakeholders. To this end, a despatch of 8 February 2021 from the Ministry of Justice invites public prosecutors to set up specific care for minor victims of trafficking in human beings and exploitation, based on the model set up in Paris.</p> <p>In addition, civil society stakeholders have also mobilised to compensate for the absence of a durable reception mechanism for minor victims of trafficking, which can meet their specific needs in terms of protection and removal from the grip of the networks. As part of the KOUTCHA project, coordinated by the ECPAT France association, in partnership with the NGO Koutcha and the Belgian association Esperanto, and carried by the Ministry of Justice, an experimental protected childhood facility will open its doors in France in autumn 2021. Inspired by the one set up by the Esperanto association in Belgium, this centre aims to receive 12 minors and young adults and will enable the victims to benefit from emergency geographical distancing, safe support on judicial, administrative, educational, health and psychological aspects and social, education and vocational integration.</p> <p>a) Who considers this a good practice (e.g. policy-makers, competent authorities, third-country nationals, other stakeholders.)?</p> <ul style="list-style-type: none"> - Third-country national minor victims of trafficking in human beings; - Professionals in the support and care of minor victims. <p>b) Why is it considered a good practice?</p>	<p><input type="checkbox"/> Detection</p> <p><input type="checkbox"/> Identification</p> <p><input checked="" type="checkbox"/> Protection</p>

²¹⁹ National Assembly, Information report on reinforcing the fight against the prostitution system by the Delegation to women’s rights and equal opportunities, registered on 17 September 2013, https://www.assemblee-nationale.fr/14/rap-info/i1360.asp#P871_167127

²²⁰ National Assembly, Report by the Special Commission responsible for assessing the draft law no. 1437 reinforcing the fight against the prostitution system (*Rapport de la Commission spéciale chargée d’examiner la proposition de loi n°1437 renforçant la lutte contre le système prostitutionnel*), registered on 19 November 2013, https://www.assemblee-nationale.fr/14/rapports/r1558.asp#P369_99279

<p>These measures were developed on the basis of a shared finding by institutional and associative stakeholders that the common law childhood protection measures are not fully suited to the situation of minors caught up in human trafficking networks, and the need to remove them from the influence of these networks. As a result of this finding, the ad hoc care mechanism implemented by the different institutional and associative stakeholders in September 2015 is organised around the different stages, from detection of situations up to the young person's integration in an educational and vocational integration project. It enables full and safe care by professionals trained in the issue of trafficking. In this respect, in order to support the implementation of this specialised educational care, a specific training booklet dedicated to educators likely to intervene with trafficking victims, was prepared by the MIPROF and the Ministry for Families, Childhood and Women's Rights.</p> <p>The Koutcha project in turn was motivated by the desire to offer sustainable care, not on the basis of an ad hoc experimental model. The "koutcha centre" is thus a completely new facility in France. Minors are received there throughout the year, mainly entrusted by the judicial authorities as part of educational assistance (childhood protection) and to a lesser extent in the criminal context. The activities provided aim to restore a positive identity for the minors and include school and integration, sports, cultural educational, therapeutic and care, daily life and leisure activities. The centre's support professionals are trained in caring for minor victims of trafficking by the partner association Esperanto. Lastly, the centre is designed to make it difficult to locate. Active local surveillance and the permanent presence of the educational team contribute to the establishment of a safe environment and prevent attempts to abscond or make contact with members of the trafficking networks.</p> <p>c) What is the source of the statement (e.g. based on input from experts, surveys, evaluation reports, other sources)?</p> <ul style="list-style-type: none"> • The Convention implementing an experimental scheme aiming to protect minor victims of trafficking in human beings, signed on 1 June 2016;²²¹ • The training booklet 'Actions by educators with minor victims of trafficking in human beings', produced by the MIPROF and the Ministry for Families, Childhood and Women's Rights, published on 5 December 2016,²²² • CNCDH report on the assessment of the National Action Plan against Trafficking in Human Beings (2014-2017), published on 6 July 2017.²²³ 	
<p>Good practice no.4: Training provided by civil society stakeholders on trafficking in human beings</p> <p>The associations are involved in the training of professionals responsible for identifying victims of trafficking or caring for them.</p> <p>a) Who considers this a good practice (e.g. policy-makers, competent authorities, third-country nationals, other stakeholders.)?</p> <ul style="list-style-type: none"> - Professionals in detection services (childhood protection, socio-educational sector, institutional and associative professionals); - Identification authorities (police, gendarmerie, justice). 	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> Detection <input checked="" type="checkbox"/> Identification <input checked="" type="checkbox"/> Protection

²²¹ Convention implementing an experimental mechanism aiming to protect minor victims of trafficking in human beings, 1 June 2016, https://www.avocatparis.org/sites/bdp/files/2021-06/20160601_convention_dispositif_protection_traite_mineurs.pdf

²²² MIPROF, Ministry for Families, Childhood and Women's Rights, training booklet 'The action of the educator with the minor victim of trafficking in human beings', 5 December 2016, http://www.justice.gouv.fr/art_pix/1_1_livret_milprof.pdf

²²³ CNCDH, Assessment of the National Action Plan against Trafficking in Human Beings (2014-2016) (*Evaluation du Plan d'action national contre la traite des êtres humains (2014-2016)*), 6 July 2017, <https://www.cncdh.fr/fr/publications/evaluation-du-plan-daction-national-contre-la-traite-des-etres-humains-2014-2016>

b) Why is it considered a good practice?

This training complements the training provided by the institutional stakeholders. They are an opportunity to provide complementary identification tools to the competent actors in the field of anti-trafficking and victim care, by making them aware of the reality on the ground. .

A few examples of training programmes:

- **The multidisciplinary training cycle of the ECPAT association on the identification of minor victims of trafficking in human beings for sexual exploitation:** this training is the chance for professionals from the detection and identification services to meet and exchange on their practices. It also provides tools to understand trafficking and detect alert signals, interviewing victims, and reporting (see appendix 1).
- The **training provided by France Terre d'Asile (FTDA) on trafficking in human beings:**²²⁴ twice a year, the FTDA training centre offers a two-day training module on the basics of the trafficking issue, tools for identifying victims and care for victims. This training is for all professionals that support or may be called upon to support victims.
- The **proposed 'Capisce' training programme of the ECPAT France association:**²²⁵ as interpreters may be called upon to intervene with presumed foreign national victims at various stages of their path and in various procedures, this project aims to train them in interpreting techniques, trafficking in human beings, childhood development and psycho trauma. The training aims to allow greater fluidity and exactness in translating the terms and a professional posture to allow them to better render the victim's words. ECPAT France aims notably to publish an analysis note on the right to information for child victims of trafficking in 2022.
- The **training module 'Identification and protection of victims of trafficking in human beings',**²²⁶ coordinated by the National Ac.Sé Scheme coordinators and co-organised with the its partners, thanks to financial support from the Ministry of Justice: this one and a half day training module is offered to all professionals, whether or not they are partners of the scheme, in regular or occasional contact with victims of trafficking and from different sectors of intervention.
- The training actions by the Association Foyer Jorbalan:²²⁷ the training actions are for professionals in contact with people identified as or likely to be victims of trafficking in human beings for sexual exploitation. The theoretical and practical aspects of the interventions by the association are adapted to the needs of the professionals and teams.

c) What is the source of the statement (e.g. based on input from experts, surveys, evaluation reports, other sources)?:

- Interview questionnaire completed by the ECPAT France association on 30 July 2021;
- Approved associations, notably FTDA, Foyer Jorbalan;
- The National Ac.Sé Scheme.

²²⁴ France Terre d'Asile, 2021 Training Catalogue, p. 20, <https://www.france-terre-asile.org/nos-actions/centre-de-formation>

²²⁵ ECPAT France, Presentation sheet of the CAPISCE project, https://ecpat-france.fr/www.ecpat-france/wp-content/uploads/2020/05/Fiche-projet-CAPISCE-FR_EO.pdf

²²⁶ Training module "Identification and protection of victims of trafficking in human beings ("*Identification et protection des victimes de la traite des êtres humains*"), coordinated by the National Ac.Sé Scheme coordinators, <https://www.acse-alc.org/fr/l-agenda/formations>

²²⁷ The training actions by the Association Foyer Jorbalan are presented on its internet site: <http://www.foyer-afj.fr/index.php/2013-03-25-11-00-46/les-actions-de-formation>

<p>Good practice no.6: the training of members of the police and gendarmerie to the NICHD (National Institute of Child Health and Human Development) Protocol and to interviews of minor victims (Mélanie interviews) and a victim-centred approach</p> <p>a) Who considers this a good practice (e.g. policy-makers, competent authorities, third-country nationals, other stakeholders.)?</p> <p>The police and the gendarmerie.</p> <p>b) Why is it considered a good practice?</p> <p>The creation of family confidence and protection centres at national gendarmerie level (set up in 2021, a detailed brochure on the missions can be found in appendix 2) and the training of members of the police and gendarmerie in the NICHD Protocol and in victim-centred hearings of minor victims (Mélanie interviews) which enable a victim-centred approach during the investigation phases. This avoids the secondary victimisation of the victims and improves the expected results of the interviews. This is a good practice in the police and gendarmerie. The sources that indicate this good practice are related to discussions with members of the police and the gendarmerie as well as with a representative of the gendarmerie’s training body (National Training Centre for the Judicial Police).</p> <p>c) What is the source of the statement (e.g. based on input from experts, surveys, evaluation reports, other sources)?</p> <p>Interview questionnaire completed by the ECPAT France association on 30 July 2021.</p>	<input checked="" type="checkbox"/> Detection <input checked="" type="checkbox"/> Identification <input checked="" type="checkbox"/> Protection
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ANNEXES

Annex 1 : STATISTICAL DATA

Number of residence permits granted to victims of trafficking under Directive 2004/81/EC for first applications and renewals: 2015-2020

FR	Total number of residence permits granted			Comments
	According to Directive 2004/81/EC			
	Total	Female	Male	
2015	208	189	19	<p>These figures concern all third-country national victims of trafficking, including smuggled persons and victims of all forms of exploitation as long as they fulfill the conditions of the said Directive. Source: VSA/DSED/DGEF/Ministry of the Interior</p>
	First application: 42	42	0	
	Renewal: 166	147	19	
2016	263	237	26	
	First application : 75	66	9	
	Renewal : 188	171	17	
2017	282	265	17	
	First application : 112	105	7	
	Renewal : 170	160	10	
2018	269	237	32	
	First application : 32	4	28	
	Renewal : 237	84	153	
2019	353	272	81	
	First application : 181	130	51	
	Renewal : 172	142	30	
2020 (provisional data)	319	256	63	
	First application : 138	114	24	
	Renewal : 181	142	39	

Number of traffickers prosecuted and convicted 2016-2019

Traffickers arrested as suspects and traffickers convicted			Comments
FR	Arrested / otherwise involved in a criminal proceeding	Convicted	
2016	1 100 perpetrators prosecuted *	758 convictions *	Data 2016 - Champ : THB large *Source : SID-Cassiopée
2017	1 415 perpetrators prosecuted *	908 convictions *	Data 2017 - Champ : THB large *Source : SID-Cassiopée
2018	1 532 perpetrators prosecuted *	1068 convictions *	Data 2018 - Champ : THB large *Source : SID-Cassiopée
2019	1 629 perpetrators prosecuted *	1052 convictions *	Data 2019 - Champ : THB large *Source : SID-Cassiopée

Source: DACG/Ministry of Justice, SID-Cassiopée, data 2016-2019, March 2021
*SID-Cassiopée

Number of third country victims identified for sexual or labour exploitation (2015-2020)

FR	Total number of TCNs 'identified' as victims of trafficking in human beings			Age						Forms of exploitation						Top 3 citizenships	Comments
				Over 18 years of age			Under 18 years of age			Sexual exploitation			Labour exploitation				
	Total	Female	Male	Total	Female	Male	Total	Female	Male	Total	Female	Male	Total	Female	Male		
2015				149	136	13	1	1	n/i	150	137	13				Romania (104), Nigeria (12), Peru (12), China (6)	<p>Figures related to victims of sexual exploitation are collected in the framework of police inquiries and do not record victims identified under the category of aggravated procuring or all victims but it covers cases where the qualification of trafficking has been recognized.</p> <p>Labour exploitation covers various offences related to adults (forced labour, reduction to servitude or slavery, exploitation of begging)</p>
2016				381	356	25	5	5	0	389	361	25	102 6 (forced labour) / 6 (reduction to servitude) / 2 (reduction to slavery) / 88 (exploitation of begging)			Nigeria (109), China (86), Hungary (60)	
2017				266	258	8	12	12	0	266	258	8	156 8 (forced labour) / 1 (reduction to servitude) / 10 (reduction to slavery) / 137 (exploitation of begging)			For sexual exploitation: Nigeria, China, Hungary	

2018 *				175	165	10	2	2	0	177	167	10	27 14 (forced labour) / 4 (reduction to servitude) / 9 (reduction to slavery)			Nigeria, Bulgaria, Romania/Albania
2019	594	588	6	416	411	5	178	177	1	594	588	6	19 17 (forced labour) / 2 (reduction to servitude)			France, Romania, Spain (for sexual exploitation)
2020	397	219	170	129	107	22	0	0	0	129	107	22				Peru/Nigeria/Ukraine for sexual exploitation

				268	112	151	33	22	10				268 (incl. Those with no information on gender or nationality)	112	151	Nigeria/ Bulgaria/ Morocco for labour exploitation	Data on labour exploitation may include overlaps. Moreover the codes used to determine the nature of the offence do not allow to identify the form of the exploitation. Consequently these data may include victims of sexual exploitation or forced begging for exemple.
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Source : 2015 à 2017 - sexual exploitation: OCRTEH / DCPJ - Labour exploitation: OCLTI

Source : 2018 à 2020 : for sexual exploitation : General Directorate for National Police (DGPN), Delegation for victims, Ministry of the Interior - for labour exploitation : Central Office for Combating Illegal Employment - OCLTI, French Ministry of the Interior

* Data for 2018 only apply to victims of THB and not to sexual exploitation which are not available yet (pending the publication of the annual Central Office for the Repression of Human Trafficking – OCRTEH report).

ANNEXE 2: LIST OF PEOPLE INTERVIEWED OR WHO CONTRIBUTED TO THIS STUDY

The interviews and questionnaires were conducted between July and October 2021 by EMN France.

Ministry of the Interior

General Directorate for Foreign Nationals in France (DGEF), Direction de l'immigration (DIMM)

Sub-Directorate for Residence and Employment (SDST)

Office of Family Immigration (BIF)

- Christophe DEBEYER, Head of Office
- Sylvain POLLIER, Deputy Head of Office
- Camille VANYPRE, Head of Section for Monitoring, Expertise and Legal Support
- Sonia GATOUI, Legal Editor

Asylum Directorate (DA)

Department for Access to the Asylum Procedure (DAPA)

- Marie-Chantal CHAMBON, Head of Department
- Vanessa EVRARD, Deputy Head of Department
- Chung-Meng CHAO, Deputy Head of Section Dublin

- **Department for the Reception of Asylum Seekers and Refugees** Sébastien CANNICIONI, Head of Department
- Célia CAUMONT, Deputy Head of Department
- Annick KERBART, Policy Officer to the Director of Asylum

Central Office for Combating Illegal Employment (OCLTI)

- Philippe THURIES, Head of the OCLTI
- Angélique MIET, Head of the International Relations, Documentation, Analysis and Training Group (GRIDAF)

Directorate General of the National Police - Victims' Delegation (DAV)

- Thierry DOSSINGER, Head of the DAV

French Office for Immigration and Integration (OFII)

- Karine DE CHANTERAC, Deputy Director of Immigration, Return, Reintegration and International Affairs (DIRRI)
- Thomas PEGUY, Deputy Director of Immigration, Return, Reintegration and International Affairs (DIRRI)
- Muriel DATA, Head of the Return Unit

French Office for the Protection of Refugees and Stateless Persons (OFPRA)

- Graziella SOTTEJEAU, Head of the European and International Affairs Unit
- Frederique-Jeanne BESSON, Policy Officer, Mission of European and International Affairs
- Marina PINAULT, Legal advisor

Inter-ministerial Mission for the Protection of Women against Violence and the Fight against Trafficking in Human Beings (MIPROF)

- Elisabeth.MOIRON-BRAUD, Secretary General
- Jessica, GOURMELEN, Policy Officer
- Cécile MALASSIGNÉ, Policy Officer

Associations

Coordination of the National Ac.Sé Scheme

- Federica MARENGO, Coordinator

ECPAT France

- Anouk LANGRAND-ESCURE, Training Officer
- Luisa DENU, Head of the France-Europe Unit

AFJ

- Yolanda GUTIERREZ, Director

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- women and domestic violence, <https://www.coe.int/fr/web/conventions/full-list?module=treaty-detail&treatynum=210>
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