



The EU Mutual Learning Programme in Gender Equality

Combatting trafficking in women and girls for the purpose of sexual exploitation

Spain, 30-31 October 2018

Comments Paper - France



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This publication is supported by the European Union Rights, Equality and Citizenship Programme (2014-2020).

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Combatting trafficking in women and girls in France

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1. Country Context

France is primarily a destination country for victims of trafficking, but due to its geographical position, has also become a transit country (e.g. for trafficking toward the United Kingdom through the camps in and around Calais). The majority of victims of trafficking in France are trafficked for the purposes of sexual exploitation, from countries in Eastern Europe, Sub-Saharan Africa (particularly Nigeria), North Africa, Brazil and China. It is estimated that 20,000 to 40,000 people are involved in prostitution in France, and of these around 90% are of foreign nationality.

In France, as in many other countries, there are still few reliable statistics on women and girls who are victims of trafficking for the purpose of sexual exploitation (CNCDH, 2015). Currently the identification of victims of trafficking is the sole responsibility of the police, and so those victims who do not go to the police are not counted in official statistics. This gap in statistics was noted in the 2014-2016 National Action Plan against Human Trafficking, and one of the recommendations of the Plan was the creation of a statistical tool to permit a regular monitoring of the situation in France.

In 2015 a survey carried out by the Interdepartmental Unit for the Protection of Women against Violence and Combatting Trafficking in Human Beings (MIPROF) and a collective of associations “Ensemble Contre la Traite” (Together against Trafficking), collected data from thirteen associations in France which support victims of trafficking. These victims had not all decided to go to the police and to engage proceedings against their traffickers, so some were not counted in official statistics. But also, not all of trafficking victims are supported by these associations, and some of the associations could provide only partial responses to the survey, so again the data provided is not comprehensive but gives a partial picture of the situation. The survey found that women represent more than 9 out of 10 victims of trafficking for sexual exploitation in France, and that of these women, 60% are from Nigeria.¹

2. Policy Debate

The legal and policy framework for combatting trafficking in France is based on specific articles of the penal code related to trafficking and also on both immigration law, and on a more recent law which aims to combat the system of prostitution.

The crime of human trafficking is defined in French criminal law under Article 225-4-1 of the Penal Code introduced by law 2003-239 on internal security. This article was

¹ MIPROF and ONDRP (2017), Les victimes de traite des êtres humains suivies par les associations en France en 2015.

modified by the law of 5 August 2013 to ensure its conformity with the Warsaw Convention and the EU Directive 2011/36/EU.

Article L316-1 of the 2003 Code de l'entrée et du séjour des étrangers et du droit d'asile (CESEDA), the law which regulates entry and residence of migrants and asylum seekers, allows for the possibility of granting a residence permit for "private and family reasons" to women who give evidence against their traffickers during legal proceedings. A more recent article R316-1 of the CESEDA allows victims of trafficking a reflection period of 30 days in which to decide whether they wish to proceed with the prosecution and giving evidence against their trafficker. This reflection period could be useful in that it is a time when women can be supported by associations to give them the resources and strength to give evidence.

A recent 2016 law on prostitution (law no. 2016-444) which aims to dismantle trafficking and prostitution networks and systems within France, has modified the provisions in the CESEDA and has introduced a new article L316-1-1 to provide a provisory residence permit of six months, with a work permit, for persons who have stopped working in prostitution, and are engaged in a process of leaving prostitution and of a new social and professional integration.

A 2015 decision of the Cour nationale du droit d'asile (CNDA) (National asylum court) granted refugee status to a woman victim of trafficking for sexual exploitation, opening the way for other victims to be granted refugee status, according to specificities of country of origin etc. In 2017, the CNDA reinforced the protection accorded to Nigerian women victims of trafficking after a "grande formation" devoted to this question.

A national support service for the victims of trafficking (AcSé) has a number of places in accommodation centres reserved for victims of trafficking. These places are designed for adult victims of trafficking who need to be moved and accommodated in a place away from the trafficking network who was exploiting them. The AcSé network has been criticised by some reports for the limited number of places available in secure accommodation for victims of trafficking.

In 2013, an Interdepartmental Unit for the Protection of Women against Violence and for Combating Trafficking (MIPROF) was set up by the French government to coordinate all national activities aimed at preventing trafficking and protecting victims.

In 2014, the French Government adopted a National Action Plan against Human Trafficking (Plan d'action national contre la traite des êtres humains). The plan outlined three priorities for action: to identify and accompany victims of trafficking; to pursue and dismantle trafficking networks; and to make the fight against trafficking a public policy in its own right with its own independent governance structure both at local and national levels. An assessment of the implementation of the Plan by the Commission Nationale Consultative des Droits de l'Homme (CNCDH) (National Consultative Commission on Human Rights) found that in general the implementation was not up to the standards that had been hoped for. In particular, it was found that there had not been the promised recruitment of cultural mediators to help with the identification of victims, and that there was still no adequate system of coordination between the police and social services regarding identification of victims.

3. Good Practice Examples

Good practice examples in France can be identified both within government actions and within the associative sector, where several NGOs and associations provide key services to women and girls who have been victims of trafficking. These examples concern both training and sensitisation of specific agencies and of the general public, and activities targeting support directly to victims of trafficking.

A working group set up by the MIPROF has produced several training and information documents including a training booklet for those working in child social services to sensitise and inform them about the phenomenon of trafficking of children.

In terms of public education and sensitisation on the issue of trafficking, the collective of associations “Ensemble contre la traite des êtres humains” (Together against trafficking) produced a short film about the trafficking and exploitation of minors in France. The film which was accompanied by an information booklet was widely circulated in schools, social centres, film festivals etc., and gave wide visibility to the issue of trafficking to alert the public and help them to understand the issues.

An initiative against the purchase of sexual services was launched by the Ministry of Family, Children and Women’s Rights in collaboration with the association Mouvement du Nid. This publicity campaign entitled “The price of a pass is not what you think” entailed the distribution of posters and postcards showing portraits of women involved in prostitution together with the message “Buying sex means participating in the trafficking and destruction of millions of vulnerable people”. There are no results to measure the impact of this campaign. Some critics have argued that the campaign made too simple a link between trafficking and prostitution and that all prostitution is not necessarily linked to trafficking as implied by the posters and postcards. This is one of the areas of debate which is recurrent regarding such measures.

France Terre d’Asile has developed a methodology and guide (including a questionnaire) for the identification of victims of trafficking in the context of transit migration in Europe. This guide was developed particularly following work by the association in the migrant camps around Calais in the North of France and should help organisations working with transit migrants in similar locations to identify victims of trafficking amongst these migrants and then to help to offer suitable protection to these victims.

The Bus des Femmes association, based in Paris, has developed a programme to inform victims about the possibilities of escaping from sexual exploitation by trafficking networks, and the ways of gaining protection. They have recently developed specific programmes aimed at reaching out to young Nigerian girls and women involved in prostitution and helping them to access support and protection. A theatre production based on the experiences of Nigerian women victims of trafficking was also developed and performed to inform and sensitise the public on the subject.

A research project led by the Amicale du Nid association with a partner from Bulgaria traced the experiences of women victims of trafficking to analyse the obstacles and barriers they face in escaping from trafficking and prostitution. This project, financed by the EU, is important in allowing a real appreciation of how and why women become victims of trafficking in Europe, and what the barriers are to their seeking help and eventually exiting from situations of sexual exploitation and prostitution.

4. Transferability

The guides developed in France for the identification of victims of trafficking could be adapted and used elsewhere in Europe. In particular, the guides and methodology developed for the identification of victims of trafficking amongst the current wave of transit migrants arriving in Europe might be useful for the context of other countries such as Spain, Italy or Greece which are seeing a large volume of transit migrants.

As in Spain, France has placed emphasis on the men who buy sex and has passed legal measures to penalise the buying of sex, which should in theory lead to a decrease in demand for transactional sex, and thus to a decrease in the “market” for those seeking to traffic and sexually exploit women and girls. The Spanish media campaigns against trafficking can be seen to be similar to those adopted in France, as is the production of an educational film to be used at public discussion centres and events. These Spanish and French campaigns against the purchase of sexual services might also be copied and used in other contexts, and it could be useful for the two countries, as well as other countries involved in similar campaigns to share and swap documentary and media materials to increase the impact of these on a wider European audience. However, there is a need for a debate on the real links between prostitution and trafficking, and perhaps to avoid slightly simplistic linking of the two phenomena.

Spain’s campaign against sexual tourism is also something which has a potential for transferability to other EU countries. However, as the report on Spain notes, it is important to pay attention not just to sexual tourism outside of Europe but also to recognise that Spain is becoming a destination for sexual tourism. It would be worthwhile for other EU countries which are tourist destinations to assess the extent to which their countries are also becoming destinations for sexual tourism, and to put into measures to combat this.

The efforts of associations to reach out to girls and women involved in prostitution on the streets in various French cities have also helped to identify victims of trafficking in order to offer them support. One of the lessons learnt for transferability is the need to go out and work positively to approach and identify victims of trafficking rather than waiting for these girls and women to make the first move to approach associations or social services for help. The fact that more emphasis is being placed on victims should be welcomed, but as the report on Spain argues, “the prosecution of crime seems to be more of a priority than guaranteeing the protection of victims”. This could be argued to be true for France as well, given the central role of the police, and the need for victims to testify to gain protection. Thus, we can argue that both Spain and France should try to adopt a more “victim centred” approach to the prevention of trafficking and sexual exploitation. It would be interesting to compare experiences from other EU countries to see if they have advanced further in this respect.

The Spanish example also points to the need for better multi-agency cooperation and better bilateral international cooperation. This is certainly also true for France, and it can be argued that better cooperation and coordination both within EU States and with other States both within and outside Europe is one of the most important steps in the prevention of trafficking.

In this respect, the joint Franco-Bulgarian research project on the experiences of victims of trafficking, built on action-research is also a transferable project which

provides useful lessons for service providers, associations and governments on how best to intervene to prevent trafficking and support its victims.

5. Conclusions and Recommendations

Although France has made progress in putting into place policies and practices for the prevention of trafficking of women and girls for sexual exploitation, and for the protection of victims, there are still gaps in protection mechanisms. Various sources point to the difficulties created by the lack of national referral mechanism for victims of trafficking and by the fact that the police are the sole authority which has the responsibility for the formal identification and recognition of victims. Recommendations include:

- Collection of better and more comprehensive data on the victims of trafficking in France in order to better understand the phenomenon and to better plan interventions to prevent trafficking and protect victims.
- The creation of a procedure for identification of victims of trafficking outside of the legal and judicial procedures.
- An improved coordination between police, social services and associations working with victims of trafficking to help better identification and provision of services to these victims.
- More coordinated training for all those working in domains which bring them into contact with victims of trafficking to help to ensure that they are aware of the issues and are able to identify and approach victims in an appropriate manner.
- Improved procedures to offer residence permits to victims of trafficking even when they have not yet stopped being involved in prostitution. The current obligation to have left prostitution before receiving a residence permit places some victims of trafficking in a difficult situation where they have a lack of certainty about their status and their economic survival.
- The creation of a separate internet site where all the information and tools for the identification and support of victims of trafficking could be made easily accessible to all those who are likely to come into contact with victims.