



**Alternative report  
to France's fifth periodic report  
on the implementation of the International Convention  
on the Rights of the Child  
and its optional protocols**

28 February 2015

**Child trafficking in the French context.  
Supporting all children's access to ordinary law.**

**Member associations of the "Together against Trafficking in Human Beings" collective:**

Action Catholique des Femmes, Agir Ensemble pour les Droits de l'Homme, AFJ, Agir Contre la Prostitution des Enfants, Amicale du Nid, Armée du Salut, Association Jeunes Errants, Association pour la Réadaptation Sociale, Comité Contre l'Esclavage Moderne, Comité Protestant évangélique pour la Dignité Humaine, Congrégation Notre Dame de Charité du Bon Pasteur, Conseil Français des Associations pour les Droits de l'Enfant, ECPAT France, Fédération de l'Entraide Protestante, Fondation Jean et Jeanne Scelles, Hors la Rue, Justice et Paix France, Les Champs de Booz, Mouvement du Nid, Organisation Internationale Contre l'Esclavage Moderne, Planète Enfants, SOS Esclaves, Secours Catholique - Caritas France.

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## Introduction

France has submitted its fifth periodic report on the implementation of the International Convention on the Rights of the Child and its three optional protocols (the first on armed conflict, the second on the sale of children, child prostitution and child pornography, and the third on children's entitlement to file complaints directly with the Committee on the Rights of the Child).

The "Together against Trafficking in Human Beings" collective<sup>1</sup>, formed in 2007, brings together 23 French associations and is involved in actions on the ground and advocacy concerning all forms of trafficking of human beings. It draws on the experience of a wide range of stakeholders with networks in France and around the world. Members of the collective work in a range of areas, from raising public awareness to prevention for people at risk, support for victims (social, legal, administrative, educational, physical and psychological, etc.), advocacy, networking, and so on. It notes that people in situations of poverty and exclusion are the first victims of trafficking.

The Palermo Protocol (2000) to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, which supplements the United Nations Convention against Transnational Organized Crime, defines trafficking in human beings as:

- a) *the recruitment, transportation, transfer, harbouring or receipt of 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. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.*
- b) *The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used;*
- c) *The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered "trafficking in persons" even if this does not involve any of the means set forth in subparagraph (a) of this article;*
- d) *"Child" shall mean any person under eighteen years of age.*

The "Together against Trafficking in Human Beings" collective wishes to contribute its experience, communicate the observations of civil society and warn of the difficulties encountered in the field on a day-to-day basis to identify and protect children who are victims or potential victims of trafficking in human beings. France does not currently provide shelter for all victims of trafficking because of a failure to identify them and non-implementation of French and international legislative texts, in particular with regard to the most vulnerable minors (children in severe poverty, undocumented foreigners, etc.).

This alternative report by the collective does not limit the needs of these children to "special protection". It proposes to follow the broad outlines of the Fifth Report, with the aim of addressing all the rights of children giving them access to the ordinary law. Children who are victims of trafficking in human beings – whether they suffer exploitation from unscrupulous individuals or networks run by organised crime – are some of the most vulnerable group of minors. They must receive all the protection and attention provided by the Convention on the Rights of the Child and the optional protocols that France has ratified.

The Collective has therefore compared the commitments and affirmations made by France in this fifth report, among other things, with the realities faced by associations on the ground, including identifying and looking after the children concerned, misunderstanding of the issue by professionals, malfunctions, failure to apply the ordinary law, etc.

This alternative report is organised in six main sections (A to F).

- First, it analyses how France's fifth report addresses the specific question of trafficking in human beings from the point of view of child victims, outlining its limitations and failures (A).

<sup>1</sup> The "Together against Trafficking in Human Beings" collective has an informative, educational, interactive website: [www.contrelatraite.org](http://www.contrelatraite.org)

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The alternative report then follows the main outline of the fifth report to give child and potential child victims access to the ordinary law and all their rights as children:

- Firstly (B), it observes how the State assumes its responsibilities and implements the Convention for such children:
  - o in the work of the government, public bodies and local authorities (B.I)
  - o in the relationship with civil society (B.II)
  - o and in international relations (B.III).
- Next, the alternative report reviews the main general principles of children's rights, to which the protection of vulnerable children should refer:
  - o non-discrimination (C.I);
  - o the best interest of the child (C.II);
  - o the right to life, survival and development (C.III).
- The report continues its consideration of these fundamental rights with the question of the family environment and alternative means of protection (D).
- The report then examines the right to education (E), another crucial right for children.
- Finally, the last part of the report addresses special protection measures and why children should not be confined to them.

### **Recommendations of the "Together against Trafficking in Human Beings" collective**

In making recommendations (in the boxes), the "Together against Trafficking in Human Beings" collective aims to highlight the progress needed in respect of combating child trafficking, both in France and in connection with France, in 2015, in light of the International Convention on the Rights of the Child and its associated protocols.

These vulnerable children are entitled to the full and complete recognition and exercise of **all the rights of the child** enshrined in the International Convention on the Rights of the Child, which came into effect in France on 2 September 1990. They must have access to the **ordinary law**. **Re-establishing their fundamental rights** is also the best way of undermining the efforts of the criminal networks or individuals who exploit them, thus drying up the profits they generate from their activities; this will also help to reduce young people's vulnerability to the risks of trafficking in human beings and revictimisation. Finally, it will help them to rebuild their lives and secure reparation for the serious harm they have suffered.

#### **Combating child trafficking must include both protecting and supporting children, and repairing the harm done.**

**Full protection:** Children must, everywhere that falls under the jurisdiction of the French State, always be seen as victims and not as "delinquents" or "undocumented migrants"; where there is any doubt, they must automatically be presumed to be under the age of majority; they must be prepared for and supported through the transition to adulthood after the age of 18; and finally, there must be cooperation at the international level. These children must receive systematic support from an *ad hoc* guardian if they are alone or in danger in their family environment, and the best interests of the child must always be taken into account.

**Support:** Close and ongoing coordination between the public authorities and associations working with child victims or potential victims is imperative. It must create the conditions that enable them to access their fundamental rights, by providing access to health, secure accommodation, appropriate education, training and decent living conditions, not forgetting access to culture and leisure.

This assumes a clear commitment on the part of the State through long-term funding, consultation and ongoing pooling of approaches and means of access to rights, in conjunction with the network of specialist associations.

**Reparation:** The public authorities must think about the long term at every level (justice, education and training, living conditions) when monitoring these young people. In particular, they must ensure that the transition to adulthood does not undermine the process of repair and is part of rebuilding the young person concerned.

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## **A - WHAT FRANCE'S FIFTH PERIODIC REPORT DOES AND DOES NOT SAY ABOUT CHILD TRAFFICKING AND EXPLOITATION**

### **A.I. Children seen as coming under special protection to the detriment of the ordinary law**

#### **A.I.1. Child trafficking: a reality pushed to the background**

France's fifth periodic report on the implementation of the International Convention on the Rights of the Child and its optional protocols addresses the issue of child trafficking and exploitation or the risks of exploitation mainly in the seventh and final section (excluding the appendices).

The section concerned, headed "Special protection measures", addresses five issues, each with links to the issue of child trafficking.

- Child asylum seekers, refugees and unaccompanied children
- Sexual exploitation, sale, trafficking and kidnapping
- Administration of justice for minors
- Protection of witnesses and victims of crime
- Children from minority and indigenous groups

It must be said, in the account of these specific points of France's fifth report, that coverage of the case of children who are victims or potential victims of trafficking in human beings is either very piecemeal (for the first two points) or non-existent (for the last three points).

**Recommendation no. 1: A.I.1.**  
**Provide access to the mechanisms available under the ordinary law to all child victims of trafficking in human beings, potential victims or children of victims, as for all children.**

#### **A.I.2. The French legal arsenal judged adequate by France**

In paragraph 580, and in response to the Committee's observation dated 22 June 2009 recommending that it should "adopt new measures to combat child trafficking for the purposes of sexual and other forms of exploitation (...)", France considers that "the adoption of new measures to combat child trafficking for the purposes of sexual and other forms of exploitation is unnecessary, since the French legal arsenal in criminal matters already has numerous provisions in effect to ensure that people committing such offences are prosecuted and punished."

Whilst France may have considered that the French legal arsenal in criminal matters was satisfactory in 2009, however, the French Criminal Code was amended by the Act of 5 August 2013, following two judgments against France by the European Court of Human Rights (ECHR), which ruled that its legal system was inadequate for dealing with situations of trafficking. Although the European Directive has now been partially transposed into the French Criminal Code, it nonetheless remains the case that combating child trafficking for purposes of sexual and other forms of exploitation cannot be reduced simply to prosecuting and punishing those who commit such offences. Looking after and providing protection for the children concerned, in ways that reflect each type of trafficking, are equally important dimensions that cannot be viewed in isolation. France is currently in the process of ensuring that its legislation complies with its international commitments, but is late in implementing it in practice.

**Recommendation no. 2: A.I.2.**  
**Take practical measures (through training for all professionals, through funding and through cooperation with civil society) to ensure effective implementation of the French legal arsenal.**

#### **A.I.3. French failings recorded by the Special Rapporteur on the sale of children, child prostitution and pornography involving children**

Following this tick of approval, the fifth report details the recommendations of the Special Rapporteur on the sale of children, child prostitution and pornography involving children. In fact, in her recommendations of 29 February 2012, Ms Najat Maala M'Jid emphasised France's failings and shortcomings in this area, noting for example, "fragmented and uneven care of children, depending on the departments concerned", "a lack of coordination between sectors" and "social welfare services that are overwhelmed and a shortage of capacity in accommodation and supervision".

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The Special Rapporteur on the sale of children, child prostitution and pornography involving children also identified the dangers of an “*exclusively punitive approach, particularly for children who, while they may have committed offences, are also the victims of exploitation or trafficking networks*”. She called into question “*a restrictive immigration policy (...) to the detriment of protection for unaccompanied foreign minors*”, “*the use of unreliable bone tests*” and “*expulsions because of reaching the age of majority*”. Among other things, there is the issue of providing “*training for police officers and judges*” and the need to ensure they have the “*necessary resources*”. She called for “*a cross-disciplinary approach based on children’s rights, with the aim of implementing a national strategic framework for protecting children...*” in which the question of the “*necessary resources*” is essential, “*in spite of the constraints imposed by the current economic situation*”.

#### A.I.4 An overly restrictive, bare-minimum approach to child trafficking in France

The response states that “*France pays very great attention to these observations and recommendations*”. The task of applying them has been assigned to an “*inter-ministerial working group*”.

France provides data in respect of the sale of children, child prostitution (children in danger and their protection) and punishment of the perpetrators of this type of offence (the person who commits it and the person who benefits from it, the procurer). Pornography involving children (with the attention being paid to cybercrime in this field), child pornography and protection for minors.

But what about child victims of trafficking who are forced to beg, pickpocket or shoplift, who are most often treated as delinquents instead of being protected as victims?

What about children used in drug trafficking?

What about minors in situations of domestic servitude or forced labour?

And forced marriages? And organ trafficking? And the sale of children, and other issues?

In examining these areas, primarily on the basis of the remarks of the Committee and the Special Rapporteur, the scale of the issue for France becomes apparent, as do entire swathes of forgotten or neglected aspects of combating child trafficking.

Indeed, protecting children who are victims of trafficking in human beings requires a solid understanding of the different forms of trafficking, which the report fails to differentiate clearly from one another. Yet misunderstanding the diversity of these kinds of violations of children’s rights hampers implementation of the right “tools”<sup>2</sup>.

**Recommendation no. 3: A.I.4.**  
**Include quantitative data from associations working with victims of trafficking in human beings with data from the courts (which are manifestly underestimated) in this field to make them more representative.**

#### A.I.5. Child trafficking should be considered in all its forms

The member associations of the “Together against Trafficking in Human Beings” collective, which work in different areas of trafficking in human beings at a national scale (the French mainland and overseas territories), and beyond, want, in writing this alternative report, to increase understanding of the various forms of exploitation children may suffer from, and which need an appropriate response in the best interests of the child, whenever possible in conjunction with their families.

In addition to sexual exploitation, children are particularly vulnerable targets with regard to forced begging, domestic exploitation, servitude, theft and other offences committed under duress, not forgetting forced marriages. We should remember that in terms of trafficking in human beings, it is not necessary to confirm the child’s lack of consent to prove that they have been exploited.

<sup>2</sup> In May 2015, Secours Catholique and Editions de l’Atelier will be publishing a book produced with the “Together against Trafficking in Human Beings” collective: *Les nouveaux visages de l’esclavage. Ensemble contre la traite des êtres humains*, by Louis Guinamard and Tancrede Rivière, edited by Geneviève Colas. The extract included in the appendix offers an insight into the field with examples and analyses.

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**Comentario [A1]:** Note : S’agit-il d’autres domaines pour lequel la France fournit des données ?

**Comentario [A2]:** Note : Ne doit-on mettre A.I.3. ?

**Comentario [A3]:** Note : Il manque A.I.4.

Moreover, although France has recently amended the definition of trafficking in human beings in its Criminal Code, expanding the forms of exploitation covered, there is nonetheless no mention of forced marriages, although these are included in international texts as practices similar to forms of exploitation. According to the International Convention on the Rights of the Child, forced marriage is a form of exploitation related to trafficking in human beings. Similarly, marriage of minors – whether it is arranged or even voluntary – causes a problem insofar as the children concerned cannot be deemed to have given their consent precisely because they are under the age of majority (marriage of minors is prohibited; the statutory age for entering into a marriage is 18, except in the case of an exceptional exemption granted by the Public Prosecutor on serious grounds). As a result of these various situations, minors can find themselves victims of trafficking in human beings in the context of marriage but not be recognised as such.

**Recommendation no. 4: A.I.5.**

**Raise awareness of international and national legislation on trafficking in human beings amongst the professionals concerned (police, the justice system, social services, education authorities, etc.) so that all forms of trafficking in human beings, without exception, are identified and victims of trafficking can exercise their rights.**

**Recommendation no. 5: A.I.5.**

**Establish a definition of trafficking in human beings that expressly includes forced marriage as a form of exploitation, along with forced pregnancy, which affects both the minors forced into it and the children born as a result.**

**Recommendation no. 6: A.I.5.**

**Apply Articles 225-1-1 et seq. of the French Criminal Code on establishing the use of child prostitutes as an offence and providing criminal penalties for it, in the version derived from Art. 13 of Act no. 2002-305 of 4 March 2002.**

## **A.II. Forgotten or invisible victims**

### **A.II.1. The deceptiveness of partial statements**

Where the French report deals with the question of exploitation or the risk of exploitation, the statements it makes tend to use a part for the whole. For example, the report states that 95% of unaccompanied foreign minors come through Roissy Charles de Gaulle airport.

It adds that an *ad hoc* guardian is assigned to 95% of such minors. Yet the data for Roissy Charles de Gaulle airport are very far from accounting for all unaccompanied foreign minors arriving in French territory, as many do not travel to Paris by plane. Such children also land at airports in Lyon and Marseille, where there is no appropriate provision for them, and numerous minors also travel over land.

### **A.II.2. A significant percentage of young arrivals are not recognised as minors**

Furthermore, just 40% of young people presenting themselves as minors to the Childhood Welfare Assistance (Aide Sociale à l'Enfance) service are actually recognised as minors and receive protection as a result. This means that 60% of these young people continue to claim they are minors, but do not have access to the protection to which minors are entitled. That said, they are not considered as adults, and as a consequence are not able to rely on any kind of protection mechanism.

**Recommendation no. 7: A.II.2.**

**Respect the presumption of minority in the event of doubt. Introduce a protection mechanism for young adults who are victims of trafficking in human beings.**

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### A.II.3. Silence on critical questions for minors who are victims or potential victims of trafficking in human beings

Child trafficking is mainly limited to exploiting them for sexual purposes.

The final three topics relating to special protection measures – “justice for minors”, “protection for witnesses and victims of crime” and “minorities and indigenous groups” do not take into account the case of national minors and unaccompanied foreign minors who are victims, or potential victims, of trafficking in human beings. These are, however, crucial questions in the treatment of these young people.

### A.II.4. Questions around support for minors who are victims of trafficking in criminal proceedings

With regard to justice for minors, there are a number of difficulties around support for minors who are victims of trafficking in criminal proceedings. Indeed, in cases where the minor, as well as being a victim of trafficking in human beings, is also an unaccompanied foreign minor, they will be dealt with by Childhood Welfare Assistance and are entitled to protection in their capacity as minors. Monitoring their situation in respect of trafficking in human beings will then be difficult, insofar as there are not always links between the different actors involved.

Their situation in respect of trafficking in human beings will not always be taken into account as part of their monitoring by Childhood Welfare Assistance and few resources will be made available to them to ensure that the necessary steps are taken to end the criminal proceedings. The particular situation of unaccompanied foreign minors who are victims of trafficking in human beings presupposes specific support as part of the ordinary legal system. As a result, care by Childhood Welfare Assistance should make it possible to cooperate with civil society actors who specialise in the issues surrounding trafficking in human beings, which is not always straightforward to implement. This lack of coordination therefore makes it impossible for the minor to secure reparation for the harm they have suffered and to be recognised as a victim.

Furthermore, whilst Article 706-53 of the French Criminal Procedure Code provides that “*at every stage of the proceedings, a minor who is the victim of a crime or offence may, at their request, be accompanied by their legal representative and if applicable, by a guardian of their choice, except where an ad hoc guardian has been appointed for them or a decision to the contrary made by the competent judicial authority*”, the reality is quite different and unaccompanied minors who are victims of trafficking in human beings do not always have a designated *ad hoc* guardian, which limits their access to justice.

#### Recommendation no. 8: A.II.4.

Ensure that the child's situation in respect of trafficking in human beings is taken into account as part of their monitoring by Childhood Welfare Assistance throughout criminal proceedings.

Ensure that Childhood Welfare Assistance officials cooperate with specialist representatives of civil society to achieve this.

### A.II.5. Questions around the protection of minors who are victims of trafficking in human beings

Regarding the protection of witnesses and victims of crimes, we note that in spite of the particular vulnerability of minors, notably when they are acting as a civil party as part of proceedings on trafficking in human beings, the protection measures provided for in law are rarely implemented. Yet because of the presence of minors, particular vigilance with regard to their well-being is essential, in order to ensure that they feel safe and able to testify freely to the actions of which they were a victim.

#### Recommendation no. 9: A.II.5.

Provide adequate, effective protection to minors who are a civil party in legal proceedings.

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### A.II.6. Questions around discrimination against minorities and indigenous groups in combating trafficking in human beings

The topic of minorities and indigenous groups reflects the discrimination that some child victims of trafficking in human beings may suffer in the treatment of their situation, which may only be viewed from the perspective of their ethnic background. Indeed, some minors are victims of discrimination precisely because of their background. This is well established in the case of children from Eastern Europe (Roma and others) but there are also cases of minors who are victims of domestic exploitation from the Comoros, North Africa or elsewhere... in practice, there are multiple realities. On several occasions, different courts have viewed their situation as a problem specific to their countries of origin and have taken the view that the alleged exploitation was purely a form of education which, whilst questionable, was common in their countries, thus preventing the court from reflecting on the question of trafficking in human beings. Furthermore, media treatment of certain communities can create problems in terms of recognising situations of trafficking in human beings.

**Recommendation no. 10: A.II.6.**  
**Recognise the situation of trafficking in human beings independently from the ethnic or social origin of the minors concerned, without discrimination.**

## **B – EXISTING MECHANISMS TO MONITOR IMPLEMENTATION OF THE CONVENTION AND COORDINATE ACTION FOR CHILDREN**

### **B.I. Measures taken by France to ensure better understanding of children’s rights**

#### **B.I.1. Gaps in protection for minors who are victims or in danger on the ground**

Situations in which minors are in danger should clearly sound a warning and trigger an *ad hoc* protection procedure; in reality, however, it is not uncommon for such warnings not to be followed up in practice and for nothing to happen. Young people who declare themselves to be minors, without legal guardians, who are arrested by the Police are then released without any form of notification into unsafe conditions. Notifications from the association Hors la Rue<sup>3</sup>, for example, often go unheeded.

Alerts issued during their rounds of prostitution areas by the association Les Amis du Bus des Femmes<sup>4</sup> do not generate the expected response: information is often classified as “inadequate” and communicated too late to find a particular young woman. The request from the authorities for alerts in “real time” – with the necessary time to maintain prevention activities with people in situations of prostitution – has not improved the situation: judges called out at night have said they have no powers and the police’s Child Protection Team (BPM – Brigade de Protection des Mineurs) does not have sufficient manpower to respond to every alert. L’Amicale du Nid<sup>5</sup> experiences the same difficulties, in spite of working with the Child Protection Team and the public prosecutor’s office.

Police commissioners minimise problems such as child prostitution outside railways stations in Paris (where there is no visible network) because of a lack of resources. Investigations that take time are not seen through to their conclusion. Abandoned and alone, minors are left without protection, monitoring or support and live a life of semi-illegality. Moreover, adults who pay for sex with a minor, either a boy or a girl (Article 225-12-1 of the French Criminal Code) are only very rarely convicted.

<sup>3</sup> The aim of the Hors la Rue association is to identify and support foreign minors in danger in the Paris region by walking around the streets and running day centres.

<sup>4</sup> Les Amis du Bus des Femmes is an association that aims to work with and for prostitutes and to combat trafficking in human beings.

<sup>5</sup> L’Amicale du Nid<sup>5</sup> goes out to meet, provide accommodation and support both adults and minors currently or previously involved in or at risk of prostitution.

The statistics on delinquency amongst Romanian minors receive widespread coverage each year (see the articles in *Le Monde* and *Le Figaro* in February 2014). The coverage does not, however, focus on the specific characteristics of such delinquency, which is characterised by a high level of repeat offending (with a significant number of offences committed by each minor), the flagrant vulnerability of the young people concerned and the contrast between their evident destitution and the lucrative nature of the offences for which they are prosecuted, but also the split between girls and boys (given that girls only represent 3.5% of young delinquents). These indicators are signs of exploitation and should therefore trigger an alert from the very authorities responsible for protecting the young people concerned.

**Recommendation no. 11: B.I.1.**

**Trigger an alert aimed at protecting the minor when faced with any sign of vulnerability in a child. Never leave any minor or presumed minor, identified as a victim or potential victim of trafficking in human beings without protection and support measures.**

**B.I.2. Three recent tools but without the resources to implement them**

France has a new system: a national plan to combat trafficking in human beings (May 2014); an inter-ministerial mission to protect women from violence and combat trafficking in human beings (MIPROF), which is currently responsible for implementing the plan; and an independent national rapporteur responsible for its evaluation, appointed by the National Consultative Commission on Human Rights (CNCDH – Commission consultative des droits de l'homme). At the moment, however, the system is not fully operational because the budget resources required have not been released. As a consequence, there is a severe shortage of human and material resources, with the risk that an ambitious scheme will simply be an empty shell.

**B.I.3. Schemes for the protection of minors do not address the issue of trafficking in human beings**

For example, the “National scheme to shelter, assess and provide guidance for unaccompanied foreign minors” (31 May 2013) presented by the Minister of Justice, Christine Taubira, refers to unaccompanied foreign minors being dealt with by various childhood welfare services. Nowhere, however, does it address the question of trafficking in human beings, although unaccompanied foreign minors are particularly vulnerable targets for exploitation and it is essential to detect the human-trafficking situations of which they may be victims, with the aim of ensuring they have access to adequate protection.

**Recommendation no. 12: B.I.3.**

**Give every unaccompanied foreign minor who is a victim of trafficking in human beings access to specific support through the ordinary legal system as it would be available to any minor on French soil.**

**B.I.4. Inadequate financial and human resources**

According to the collective's various meetings with the authorities in charge – the Inter-ministerial mission to protect women from violence and combat trafficking in human beings (MIPROF) and the National Consultative Commission on Human Rights (CNCDH) – and feedback from the public services given to member associations (police services, Childhood Welfare Assistance, the *ad hoc* guardians service, etc.) it does not appear that any additional resources were associated with the launch of the plan. Implementing the plan properly is proving impossible because of a lack of resources.

Actors on the ground have no visibility regarding the resources allocated to trafficking in human beings by the State and local authorities.

No call for projects is issued for such funding and no evaluations are accessible publicly. The funds needed to implement the national action plan to combat trafficking was supposed to be provided by State credits, seizure of property from procurers and networks and the money paid in fines by people convicted of paying for sex as provided for in the private member's bill on combating the prostitution system.

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The bill, which was adopted at its first reading by the French National Assembly in December 2013, will be submitted to the Senate on 30 and 31 March 2015 and then return to the National Assembly. The fund would only be created following adoption of the bill. At the moment, funding is limited and entirely inadequate and the “Together against Trafficking in Human Beings” collective is concerned that, in this case, funds would be allocated to all forms of trafficking, including those affecting minors, and not solely to prostitution.

**Recommendation no. 13: B.I.4.**

**Show the amounts allocated to trafficking in human beings in the public accounts.  
Evaluate public policies for this funding and provide resources for associations.  
Include credits in each ministry’s budget for training various professionals in better understanding of the different kinds of trafficking in human beings and vulnerable groups.**

**B.I.5. Coordination difficulties between relevant ministries and local authorities**

Close interaction and consistency between the various ministries concerned (Ministry of the Interior, Ministry of Justice, Ministry for Family Affairs and Ministry for Overseas Territories) and relevant regional/local bodies are needed for all these cases. In reality, this is not always the case. Whilst they are provided for in the Trafficking in Human Beings Plan (May 2014), no coordination mechanisms have yet been implemented in most places almost a year after its publication.

**B.I.6. Lack of training for the professionals concerned: justice, police, social services, health, education, etc.**

At the moment, the term ‘trafficking in human beings’ is rarely used because it is difficult to identify. A circular on criminal policy was published in January 2015 but contains little information on minors. Currently, the major obstacle to consideration of this issue lies in the lack of awareness and training for professionals. This is a pre-requisite for the identification, prevention and protection of victims of all kinds of trafficking in human beings.

In practice, establishing an offence of trafficking in human beings is rare and numerous cases are classified as ‘no further action’. As far as trafficking for purposes of economic exploitation is concerned, cases are often reclassified as illegal working, assisting illegal entry and residence, or unsuitable living and accommodation conditions. Trafficking for purposes of sexual exploitation is too often classified as aggravated procuring of sexual services.

**B.I.7. Defects and even conflicts in departmental cooperation worsens vulnerability**

There are conflicts between departmental councils, and between departmental councils and the State, over the treatment of unaccompanied foreign minors, who include victims or potential victims of trafficking. Failings and malfunctions in the treatment of unaccompanied foreign minors (hearing time frames, assignment time frames, refusal to accept by “recipient” departments, challenges over whether the child is actually a minor, overly sudden termination of care once they reach adulthood, etc.) place young people in a situation of great vulnerability that can encourage or aggravate their exploitation by third parties.

It is essential to promote cooperation between the Youth Judicial Protection services and departmental councils to improve treatment.

**B.I.8. The legal vacuum of the overseas territories. Two examples: Mayotte and French Guiana**

As Ms Georges Pau-Langevin, Minister for Overseas Territories, solemnly recalled on 10 May 2014, inviting “*each of us to act lucidly and assume our responsibilities and duties*”, starting with France and including its overseas territories, “*The trade in human beings still exists in today’s world. Children, women and men are still the victims of a new kind of trafficking (...)*”.

Minors are in danger in French Guiana, for example. Particular attention should be paid to the risks of trafficking in human beings in this French department (the largest in terms of surface area), which combines several specific characteristics that

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expose its population (including minors) to danger. As well as a high level of poverty, French Guiana has uncontrollable borders with large numbers of immigrants coming from Surinam, Brazil, Colombia and Haiti; moreover, the civil status of certain population groups (Native Americans and others) has long been non-existent, making recognition of identity even more complex.

Although it warns that data on the overseas departments and regions are piecemeal and difficult to access, the association Ecpat<sup>6</sup> notes that there are cases of Brazilian minors being trafficked to French Guiana. Prostitution is common in cities and at gold-panning sites and can involve very young girls. It is also important to be attentive to the situation of the children of prostitutes, and among them major potential victims of trafficking in human beings. There is also a high level of early pregnancy and high prevalence of HIV.

The same warning applies to Mayotte. In a report produced in July 2014, entitled, "Mayotte, le 'Lampedusa de l'océan Indien'?" (Mayotte, the 'Lampedusa of the Indian Ocean'?), the magazine *La Vie* revealed the explosive situation in the 101st French department, which attracts thousands of migrants from the Comoros, Madagascar and Africa (Rwanda, Burundi and Congo), including numerous minors. "The police forces arrest and expel huge numbers of people without taking account of either their situation or their rights. The Entry and Residence for Foreigners and Right to Asylum Code (Code de l'entrée et du séjour des étrangers et du droit d'asile – CESEDA) has applied in Mayotte since 26 May (2014; ed.) but in a much more restrictive way than on the French mainland. To take just one example: foreigners can be taken back to the border just a few hours after they arrive." Parents are expelled without their children, who become unaccompanied foreign minors; minors are expelled with adults who are arbitrarily considered their parents for the occasion by the authorities; furthermore, due to the long-running deficiencies of the civil registrar, some French parents (and their children) in Mayotte are denied their citizenship.

In a difficult economic context, minors facing severe poverty in Mayotte, and unaccompanied foreign minors, are particularly vulnerable to all forms of trafficking in human beings. The collective has warned of the risks of such exploitation and is asking the government to keep its commitments in relation to the International Convention on the Rights of the Child, in terms of the law and the resources allocated. Currently, the Taubira circular on unaccompanied foreign minors does not apply to the department of Mayotte and the Childhood Welfare Assistance (ASE) budget is very low (3% of the budget) compared with other departments (a minimum of 30%). Mayotte does not have a Childhood Welfare Assistance centre. Yet the figures for Mayotte alone refer to 2,000 to 3,000 minors in a position of isolation, 500 to 800 of them in severe isolation. The figures for the mainland are 5,000 to 9,000! Although the situation is difficult to quantify, we are seeing a significant proportion of young people in the overseas departments and regions compared with the mainland, while their care is even more inadequate.

**Recommendation no. 14: B.I.8.**

**The State should pay particular attention to the overseas departments and regions, to ensure their resources are commensurate with the risks of child trafficking. Apply a policy to support the most vulnerable minors in order to comply with France's commitments in this area.**

## **B.II. Cooperation with civil society**

### **B.II.1 Lack of effective cooperation between public bodies and associations**

The inter-ministerial / inter-NGO group that cooperated on certain stages in the creation of the first plan to combat trafficking in human beings in France has never been brought together by the Inter-ministerial mission to protect women from violence and combat trafficking in human beings (MIPROF) since the launch of the plan except at the request of – and with – the Council of Europe in early 2015. Although the Committee recommended in its report that France should "cooperate more actively and more systematically with civil society, particularly NGOs and children's associations," such cooperation is clearly flawed.

<sup>6</sup> Ecpat: An association that aims to combat the sexual exploitation of children and therefore works to prevent child trafficking.

The “minors” working group of the Inter-ministerial mission to protect women from violence and combat trafficking in human beings (MIPROF) has not met either, and seems to be hindered by the lack of resources for implementing any specific project relating to minors.

The specialist associations have been asking to contribute their expertise for many years, by taking part in the steering committees in certain departments, most frequently in vain.

**Recommendation no. 15: B.II.1.**

**Establish a cross-disciplinary steering committee involving representatives of the public authorities and associations working with victims of trafficking in human beings in each department (within the Departmental Delinquency Protection Committees) and in national and international bodies in order to coordinate protective actions.**

**B.II.2. Little tangible support for associations and a blatant lack of public funding**

In its fifth report, France states that “*cooperation also exists in the form of the subsidies granted to associations*”. Although some funding is available, the tangible support given to associations is inadequate and poorly suited to the diversity of forms of child trafficking.

The lack of public funding is blatant:

- for training staff and volunteers specialising in children and involved in prevention and work in the field with child victims of trafficking,
- for meeting the associations’ operational requirements,
- for recruiting professionals (specialist youth workers, etc.) who go out into the field to identify and make contact with children who are assumed to be victims of trafficking in human beings,
- for producing programmes and tools and working with secondary schools.
- for supporting victims (everything from the travel needed in relation to judicial proceedings, including in international cases, to translation, welcome facilities and accommodation is paid for by the associations for both their members and the minors concerned).

**Recommendation no. 16: B.II.2.**

**Provide long-term funding for the various associations. These are absolutely essential for supportive welcome centres.**

**B.II.3. A lack of consultation on tools and professional training**

There is a lack of consultation with specialist associations on tools and professional training, where these exist. They are not subjected to regular evaluations. Moreover, associations on the ground are not informed about what has been implemented in terms of training.

Training (development, facilitation, evaluation and optimisation) is an area of intervention where there is a clear advantage in interdisciplinary coordination and dialogue between the public sector and civil society. Yet the Inter-ministerial mission to protect women from violence and combat trafficking in human beings (MIPROF), which is in charge of training, is apparently making it its own preserve: the associations know neither the content of training nor the strategy for implementing it; steering groups should be created with the associations concerned in each department, within the Departmental Delinquency Protection Committees and in national and international bodies.

In most countries where international non-governmental organisations are working to combat trafficking in human beings, the public authorities recognise the benefits of public-private coordination and facilitate it. We should be capable of the same in France to ensure effectiveness.

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**Recommendation no. 17: B.II.3.**

**Design training modules in consultation with the associations to ensure they are as comprehensive as possible and that professionals have access to common tools. Training modules must take into account the diverse range of human-trafficking situations, hence the necessity of interdisciplinary dialogue.**

**B.III. International action****B.III.1. Recent transpositions of international measures into French law are not always applied**

An example is the question of protection, which must not be conditional on lodging a complaint, or the decision not to convict someone who is a victim of trafficking in human beings if they have been forced to commit an offence (Article 8, Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011: <http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32011L0036&from=EN>).

**B.III.2. Difficulties in cooperation between European countries**

Because child victims move from one country to another with no common monitoring by the institutions, it is difficult or even impossible to see a complaint through to fruition through the official channels in another country, even though there are measures in place. Similarly, it is difficult to communicate the information needed to protect minors.

**Recommendation no. 18: B.III.2.**

**Intensify transnational cooperation in all areas to combat international mafia networks and their strategies.**

**B.II.3. Inadequate cooperation between European and non-European countries**

There is no systematic search for the families of minors who find themselves alone in France and potentially victims of trafficking.

**B.III.4. Delays in family reunification in the case of minors in danger of trafficking**

Family reunifications requested by the child are too slow in the case of minors who are in danger or already victims of trafficking in human beings. An appropriate mechanism is needed.

**Recommendation no. 19: B.III.4.**

**Accelerate family reunification mechanisms in the case of threats or risk of reprisal against members of the family in order to ensure protection for children in danger in another country who are entitled to be reunited.**

**B.III.5. A lack of information in home countries on the risk of child trafficking**

We note the lack of information in home countries (sport, education, health, work, etc.), in particular about false promises and high-risk behaviours that lead to trafficking in human beings. Attempts to get direct first-hand accounts from victims are often ineffective. A dialogue about the risks between home countries and the countries where exploitation occurs would be valuable.

**B.III.6. Inadequate sharing of work by international researchers**

Real sharing of the work of researchers in different countries on child trafficking processes – which is currently inadequate – could help to implement better protection at the local level. Indeed, it is important to understand the transnational nature of the phenomenon for a better understanding of how minors are recruited and exploited and to implement tools to prevent child trafficking at the local level, in partnership with local NGOs and administrative authorities.

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**B.III.7. France's international policy on child trafficking is too restrictive**

For the moment, the policy is based primarily on the few countries the victims come from, whereas it should be broader in response to the changing and transnational nature of trafficking as a phenomenon.

**B.III.8. Questions over diplomatic immunity**

Diplomatic immunity sometimes conceals child trafficking situations (e.g. domestic slavery). It should, however, be possible to file a complaint even in a case of diplomatic immunity, since immunity from legal proceedings is not in any way contrary to opening an investigation or to conducting any investigations not involving the person or home of the diplomat and their family. Filing a complaint is a pre-requisite for opening the case.

**C - GENERAL PRINCIPLES OF CHILDREN'S RIGHTS****C.I. Non-discrimination****C.I.1. In practice, discrimination is blatant**

Foreign minors in danger do not enjoy the same rights as nationals, although equality of treatment lies at the heart of the International Convention on the Rights of the Child (ICRC). We note the stigmatisation of certain ethnic minorities (including Roma, who are treated as delinquents) and the invisibility of other vulnerable minors (for example, young Nigerian or Chinese women who are subjected to sexual exploitation).

**C.I.2. Prejudices in public opinion and amongst professionals**

Public opinion and untrained professionals minimise or excuse situations involving mistreatment of children (forced marriage, violence and forms of abandonment) in the name of so-called cultural practices.

**C.I.3. Isolated children are not protected given that they have no family**

In some situations, isolated children do not benefit from the same protection measures as children whose family is identified: examples include children who are put back on the street without anyone having legal responsibility for them after they have been arrested by the police, because of a lack of appropriate facilities (language, etc.). The same applies on release from prison.

**C.I.4. Young people left out of the school system**

During the age-determination stage in particular, very vulnerable young people are left out of the school system in total contradiction to compliance with their right to education.

**C.I.5. A major omission for foreign minors: the Childhood Welfare Assistance Fund**

Few departments implement the Childhood Welfare Assistance Fund for foreign minors (AMASE – Allocation mensuelle d'Aide sociale à l'enfance).

**C.I.6. Different treatment of unaccompanied foreign minors depending on the department**

Unaccompanied foreign minors are not treated in the same way depending on the departments to which they are assigned.

**C.I.7. Limited presence of Childhood Welfare Assistance personnel on the streets and in shanty towns**

Minors who are victims or at risk are generally mistrustful and shy away from the social services, which means the social services need to go out and find them rather than waiting to be approached. Staff from Childhood Welfare Assistance (social workers, youth workers, etc.) are too rarely out and about on the streets and in shanty towns as part of their job, which leads to different treatment of the most vulnerable victims.

**Recommendation no. 20: C.I.7.**

**Ensure that all child victims of trafficking in human beings (including unaccompanied foreign minors) in the care of Childhood Welfare Assistance benefit from the system for protecting minors.**

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### C.I.8. Childhood Welfare Assistance services poorly prepared or unfavourable

Some Childhood Welfare Assistance services refuse to use their budget for foreign children or to support them with administrative processes, sending them back and forth between departments, for example in the Paris region.

We also see that some Childhood Welfare Assistance youth workers, because of a lack of adequate training and the time to do it, are not in a position to implement processes aimed at unaccompanied foreign minors in line with requirements.

#### Recommendation no. 21: C.1.8.

Establish close cooperation between Childhood Welfare Assistance and specialist civil-society actors in relation to human-trafficking situations. Coordination of this kind is a determining factor in ensuring effective care for child victims (with the minor given the possibility – with the appropriate assistance – to take steps to bring criminal proceedings to fruition, to secure reparation for the harm they have suffered and to be recognised as a victim).

### C.I.9. 16-18 year-olds: a neglected period of transition

Minors aged 16 to 18 years encounter more difficulties in their care by Childhood Welfare Assistance than younger children. Yet this is a period of transition that needs specific measures to be implemented to prepare for a secure move into adulthood.

#### Recommendation no. 22: C.I.9.

Ensure access to administrative regularisation of their situation is effective for minors over the age of 16 in the care of Childhood Welfare Assistance. It is important for minors aged 16 to 18 to be able to find their place in a system of transition towards adulthood, offering continuing education opportunities.

## C.II. Best interest of the child and respect for the child's views

### C.II.1. The best interest of the child is not always well assessed by judges and child protection services in trafficking situations

#### Recommendation no. 23: C.II.1.

Work on transposing the best interest of the child into domestic law. From a legal point of view, the collective considers it essential to use the formulation “in the best interest of the child”, without neglecting the major role of the family whenever possible. When faced with various protection measures, judges – with the support of all those involved in child protection – must assess the best interest of the child, taking the minor's wishes into account alongside other elements. The child must be able to express their opinion before any decision is taken about them and it must be taken into consideration.

The statutory time frame of five days for compiling emergency information without referral to the judge for children's affairs is obligatory. This minimum time frame, however, is wholly inadequate for an accurate assessment of the situation of a minor who is a potential victim of trafficking in human beings. It takes time for a child to trust and overcome their trauma.

The lack of translators throughout the process of caring for foreign minors (at a social level, when filing a complaint, during training, etc.) who are victims of trafficking in human beings does not favour consideration of the best interest of the child.

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Staff from Childhood Welfare Assistance, Justice, Education and Health need to be aware of the context in the minor's country of origin to assess the notion of the best interest of the child in relation to the family in the case of trafficking within the family.

Agreements between the departmental council, courts and police or at the level of the prefecture result in the development of strategies to return them to their homeland regardless of the law, as was seen recently in Nancy with minors from Albania.

**Recommendation no. 24: C.II.1.**

Allow sufficient time and use appropriate methods for identifying child victims of trafficking in human beings. It would be beneficial to draw on what is done in other countries in terms of determining the criteria for children who are victims of trafficking. The United Kingdom has an official agency that has time to address this.

**Recommendation no. 25: C.II.1.**

Use translators throughout the process of caring for foreign minors who are victims or potential victims of trafficking in human beings (in respect of social care, when filing a complaint, during training, criminal proceedings, etc.).

**C.II.2. Inadequate access to assistance from an *ad hoc* guardian for minors**

Contrary to the recommendation in the implementation strategy for EU Directive 2011/36 with regard to guardians and as provided for in Article 706-53 of the French Criminal Procedure Code, some minors have no access to the assistance of an *ad hoc* guardian prior to the implementation of a guardianship measure although their representatives (whether they are absent or parties to the case) cannot ensure protection of their interests.

Sometimes, administrative or medical procedures are completed without an *ad hoc* guardian representing the minor (although the consent of the legal representative should be sought before any such procedure begins).

The way a young person is treated can depend on an arbitrary decision by services that are limited in terms of funding, although the *ad hoc* guardian could help them to access the ordinary law.

Whilst France's fifth report shows that 95% of unaccompanied foreign minors arriving at Roissy have an *ad hoc* guardian, it is important to note that such minors in fact represent only a very limited number of unaccompanied foreign minors arriving in the country, that the number of *ad hoc* guardians is wholly inadequate and that they lack specific training.

**Recommendation no. 26: C.II.2.**

Appoint an *ad hoc* guardian, trained in the issue of trafficking, for all unaccompanied foreign minors and minors in danger in their family environment, who are victims or potential victims of trafficking.

Any administrative or psychological-medical procedure concerning an "unaccompanied" minor must be preceded by the appointment of an *ad hoc* guardian.

The consent of the young person or their statutory representative must be sought before any expert medical assessment.

**C.II.3. Shortcomings in the identification of child victims of trafficking**

Real identification of victims of trafficking in human beings does not always take place before foreign child victims are returned to their country of origin – something which should not occur and which exposes the minor to the risks of further exploitation. Children in Mayotte are expelled without any legal procedure.

**C.II.4. A lack of consultation with child victims in implementing measures concerning them**

Child victims are not sufficiently involved in measures that affect them. Yet they are the people who are best placed to overcome any difficulty there may be in determining the best interest of the child with any certainty.

The frequent absence of translators when needed does not make consultation any easier.

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In the Paris region, the Hors la Rue association is working on the question of foreign minors' participation in decisions concerning them through the "Participation, capacities and resilience of child migrants against trafficking in human beings and exploitation" project. The association has created both groups of minors and groups of professionals in which many of the collective's associations take part. The project is based on an innovative approach, which gives migrant children a central role in defining appropriate measures to provide protection from exploitation and trafficking in human beings. Capitalising on the good practices used in respect of self-protection and protection will support the development of two multilingual information tools: a "safety plan" and a website. The Secours Catholique<sup>7</sup> delegation in southern France brings together groups of children who experience geographical displacement on a seasonal basis or depending on the year, to reflect together on respect for their rights.

#### **C.II.5. An approach to movements of children that is harmful to their best interest**

The treatment of unaccompanied foreign minors who are potential victims of trafficking in human beings is too often based on an approach that consists in distributing them across the country without taking into consideration the best interest of the children concerned.

#### **C.II.6. Lack of protection for the children of parents who are victims of trafficking in human beings**

There is a lack of consideration for the protection of children of adult victims of trafficking in human beings. Given the lack of recognition as victims of trafficking and adequate protection mechanisms, some mothers with young children find themselves in very precarious housing conditions or with no accommodation at all.

L'Amicale du Nid issues regular alerts about such situations, for example in Grenoble, where a mother with two young children, one of whom was ill, was left without decent accommodation for part of the winter and evicted from the insalubrious housing where she was living at the end of it.

#### **Recommendation no. 27: C.II.6.**

**Guarantee the right to decent housing for parents who are victims of trafficking in human beings, in particular so that they are able to provide a home for their children and thus undermine the tactics of exploiters who may take children hostage as a means of applying pressure.**

### **C.III. The right to life, survival and development**

#### **C.III.1. The lack of responsiveness of the warning system for undesirable events and the inspection programme**

The warning system for undesirable events and the inspection programme are too slow to respond to the situation of children who are victims of trafficking in human beings.

#### **C.III.2. Dangerous emergency welcome centres and medical staff with little training in identifying child victims of trafficking**

The State says that it monitors children's proper development in temporary or long-term welcome centres, yet the majority of emergency welcome centres do not guarantee real protection, as illustrated by the almost systematic reports of the number of "runaways" and/or child victims picked up from such centres by the people who previously exploited them. The centres do not take into consideration the consequences of having been trafficked (psychological hold, trauma, sexual violence, etc.) on the children. Moreover, educational and medical personnel are not trained in welcoming children who have been victims of trafficking in human beings.

<sup>7</sup> Secours Catholique: A member association of the Caritas Internationalis network, which works to combat poverty and infringements of human dignity such as trafficking in human beings in all its forms.

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### C.III.3. The specific question of child victims of trafficking

Child victims of trafficking in human beings are particularly vulnerable with regard to their health and do not have access to appropriate care.

### C.III.4. Unequal access to care and universal and supplementary health cover

Child victims of trafficking in human beings have unequal access to care and universal and supplementary medical cover. The lack of a health insurance card and the level of reimbursement [of medical expenses] are a discriminatory factor. Differences should be noted between:

- foreign minors who, when recognised as such, benefit from universal medical cover;
- families of children in severe poverty, which benefit from State medical assistance, but not universal medical cover;
- and
- vulnerable minors, who move around so much, thereby complicating administrative paperwork and care.

**Recommendation no. 28: C.III.4.**  
**Ensure unaccompanied foreign minors who are victims of trafficking not covered by Childhood Welfare Assistance receive universal and supplementary medical cover rather than State medical assistance.**

## **D - FAMILY ENVIRONMENT AND ALTERNATIVE MEANS OF PROTECTION**

### **D.I. The family environment**

#### **D.I.1. Failings in the identification of the problem and in the system of protecting children against the risk of trafficking when there is a history of intra-family violence**

Children in a precarious family situation are more vulnerable to the dangers of trafficking. When children are trafficked by their own legal representatives, and when there is a history of intra-family violence, it is extremely difficult to report the situation.

Judges find it more difficult to justify looking for accommodation for children who have a family.

Social workers specialising in child welfare do not spend enough time in deprived areas and shanty towns – where criminals who exploit children often hide – in order to identify the risks of trafficking and assist the victims.

**Recommendation no. 29:D.I.1.**  
**In the event that intra-family exploitation is suspected, set up a team specifically to consider whether to keep the child in their family or not, at the time when the problem is identified, in order to assess the situation as accurately as possible.**

### **D.II. Children deprived of their family environment**

#### **D.II.1. The extreme vulnerability of children who are deprived of their family environment**

Children who have been deprived of their family environment are extremely vulnerable and do not always have access to their fundamental rights i.e. identity, accommodation, medical care, education, food, and an independent legal representative (guardian and lawyer).

#### **D.II.2. A serious lack of safe accommodation for minors in France**

In some departments, minors or families with children who have been identified by welfare associations as victims of trafficking in human beings cannot access accommodation: there are insufficient places and priority is given to individuals whose situation is legal. This means that such victims are at risk of being trafficked again.

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There is a very serious lack of safe accommodation for children who are victims of trafficking in France. Based on the model of the National Network for the Assistance and Protection of Victims of Trafficking in Human Beings (Ac.Sé), which provides safe accommodation for adult victims, it should be possible to set up structures for the protection of children throughout the territory to which young victims could be directed, as they would be better protected if they were at some distance from the place in which they were exploited.

**Recommendation no. 30: D.II.2.**

**Give child victims of trafficking or who are in danger access to the whole range of accommodation and assistance solutions (safe accommodation, host families, etc.), regardless of the form of trafficking, and with no discrimination whatsoever.**

In addition to an initiative of this kind, the creation of facilities or structures dedicated to hosting child victims of trafficking in human beings – and not only children who are forced to commit offences – would strengthen the protection system. Furthermore, with respect to the way in which Childhood Welfare Assistance services look after foreign unaccompanied children, the distribution system seems to be based more on a “movement management” model, whose aim is to distribute children across the territory, without taking account of the best interests of the individuals in question. The number of children who abscond from their accommodation is also an indication of the way in which these individuals are looked after in such places.

**Recommendation no.31: D.II.2.**

**Set up a scheme providing safe accommodation for child victims of trafficking in France, based on the model of the National Network for the Assistance and Protection of Victims of Trafficking in Human Beings (Ac.Sé), which provides safe accommodation for adult victims. This would involve creating structures for the protection of children throughout the territory, to which young victims could be directed, as they would be better protected if they were at some distance from the place in which they were exploited.**

**Recommendation no.32: DII.2.**

**Promote the host families scheme, and provide specific training for families wishing to host child victims, or potential victims of trafficking in human beings, or the children of victims of trafficking. This could be of particular interest to families who have taken in young children as foster families or as holiday host families, and families whose children have grown up who have a certain amount of experience.**

**D.II.3. Children who have been forced to commit criminal acts**

Children who have been forced to commit criminal acts are not covered by the existing protection and safe accommodation systems. Certain judges admit that, in the absence of other solutions, such young people are sometimes put in prison “for their own protection” without any acknowledgement that they are victims of trafficking. Incarceration is not suitable for minors and does nothing to stop those responsible. When released from prison, these young people return to the same situations in which they are forced to commit crimes, which means they end up back in prison, as they are still considered to be criminals, even though the judiciary and the police are aware of their victim status.

This is particularly problematic for girls who, in the absence of detention centres for children, are incarcerated with adults (some of whom may be members of the network that led them to be imprisoned). Sometimes they can be accommodated in adult hostels that are not appropriate for their situation.

The creation of a safe accommodation centre, as provided for in Measure 11 of the National Action Plan, for which the State has still not honoured its financial commitment, “*define a means of protection that is appropriate for minors who are both perpetrators and victims*”, will not make it possible to deal with all the situations throughout French territory. This is a tool that should form part of a real protection scheme that would have the support of the Childhood Welfare Assistance services, the Judicial Protection for Young People (Protection Judiciaire de la Jeunesse) scheme and various welfare associations. No meeting involving these three actors, at least, has yet been arranged.

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While the creation of a specialist facility for the protection of children who are victims of trafficking in human beings may add to the range of protection solutions, a facility specifically for children who are “both perpetrators and victims” raises numerous issues. A centre of this kind, intended to deal specifically with this very special form of trafficking, could lead to children who originate from the same country and who belong to the same minorities being placed together, which would pose problems for the fight against discrimination.

The NGOs and public authorities should get together soon to discuss possible solutions.

## **E - EDUCATION**

### **E.I. Education and professional training**

#### **E.I.1. The role of the national education system in caring for school-age child victims of trafficking**

Child victims of trafficking in human beings (e.g. domestic slavery) go to school. They can be identified by certain signs, such as physical weakness, signs of maltreatment, or absenteeism. However, the staff of the national education system (particularly counsellors, nurses and teachers) have not been trained to identify these young people.

**Recommendation no.33: E.I.1.**  
**Train the staff of the national education system to detect children who may be victims of trafficking of human beings.**

#### **E.I.2. A lack of specialist welcome classes designed to integrate these children into the general school system**

Victims of trafficking who have already been identified, particularly unaccompanied foreign children, do not attend school due to the fact there are not enough specialist classes for non-French speaking children or because nobody has assumed responsibility for them. This exclusion from the school system runs counter to the right to education defined in the UN Convention on the Rights of the Child and makes these individuals even more vulnerable when they reach adulthood, with respect to the regularisation of their situation.

**Recommendation no.34: E.I.2.**  
**Promote the right to education effectively so that it is genuinely guaranteed for all children who are victims of trafficking in human beings or potential victims, as stipulated in Articles 28 and 29 of the UN Convention on the Rights of the Child, and in French law in Article L131-1 of the Education Code with regard to all French and foreign children aged 6 to 16 years, and Article L122-2 of the same code, which states that “All non-emancipated children have the right to continue their education beyond the age of 16 years”.**

#### **E.I.3 The urgent need to create an intermediary legal status to protect young adults**

The collective strongly believes that the law should include a new intermediary status between childhood and adulthood. What happens when a person reaches the age of majority is particularly important. Often, when they are close to this threshold, unaccompanied foreign child victims of trafficking find that the procedures become very protracted. The right to reside in France and the protection against expulsion enjoyed by foreign children should not expire suddenly on their 18th birthday. A “young adult contract” could be put in place, provided the young person has been informed of this, and is supported in this initiative. Access to this contract would be dependent upon the individual having the possibility and the resources to commit to training. At the moment, once a person has reached the age of 18, they find it difficult to obtain a residence permit, protective measures (provided by the Childhood Welfare Assistance and the Judicial Protection for Young People (PJJ) schemes) are suddenly withdrawn and the person may be expelled. For French young people, assistance is cut off from one day to the next.

A protective intermediate status, that would allow young people aged 16 to 18 years and young adults to access training, which would allow them to find a job in accordance with their professional objectives, should also be created.

Administrative or judicial measures for young adults that allow them to be integrated into society should also be maintained.

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Official recognition of their status as victims by an agency that is independent of judicial investigations, as has existed for several years in the United Kingdom, would be a way to guarantee these child victims better access to their rights.

#### **E.I.4. Welfare associations lack the resources to raise the awareness of young people in secondary schools**

Welfare associations are willing to take action in schools, using their experience of fighting against trafficking, in order to raise young people's awareness of this issue. However, they lack the necessary resources.

## **F - SPECIAL PROTECTION MEASURES**

### **F.I. Unaccompanied child refugees seeking asylum**

#### **F.I.1. The tests for determining age are questionable**

When entering France, unaccompanied child refugees seeking asylum have to undergo certain tests, which are used to determine whether they are minors or not. The use of bone tests (wrist X-rays) – which have been criticised by the ethics committee – have been shown to be not very reliable with a wide margin of error of more or less 18 months (which is a lot for young people aged 16 to 18 years). Furthermore, this test is no longer recognised in certain French courts, as it has been systematically invalidated. This constitutes unequal treatment in the same territory. The tests may be completed by medical examinations that violate human dignity (physiological examination of evidence of puberty, genitals, pilosity, etc.).

**Recommendation no.35: F.I.1.**

**No longer use bone tests, which are not very reliable, to determine whether a person is a minor or not, nor physiological examinations that violate human dignity.**

#### **F.I.2. The examination of identity or civil status documents is problematic**

The search for and examination of identity or civil status documents complete this battery of tests. Sometimes, it is Childhood Welfare Assistance that has to make a decision, when it is not competent to do so. Sometimes the documents are not even taken into account and the bone age test takes priority, approximate as it is, which is the case in Paris.

Meanwhile, being in possession of false documents does not necessarily indicate that a young person is an adult. Supplying false civil status documents is a means of applying pressure employed by the networks, in consequence, not protecting the children who hold such documents amounts to complicity in these criminal networks.

Certain young people whose child status is almost certain present false adult passports. The police do not check. Their higher interest is denied and adolescent girls are simply treated as if they were adult. These minors are then placed in adult facilities. There is a wide gap.

#### **F.I.3. Great disparities between departments in the determination of minority status**

There are as many methods of assessing whether a person is a child and whether they are unaccompanied as there are departments. Recognition of child status in one department can be challenged in another department to which a young person has been sent. The case law in this field has not been harmonised.

**Recommendation no.36: F.I.3.**

**Harmonise judges' practices with respect to the recognition of minor status.**

#### **F.I.4. The presumption of minority is under attack**

In the event of doubt regarding the age of a young person, the presumption of minority is not guaranteed, which is contrary to France's commitments. At the present time there is rather a presumption of majority. However, this is not the whole picture, as individuals who are not identified as minors are not considered to be adults either and cannot have the benefit of any protective measure.

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**Recommendation no.37: F.I.4.**

**Systematically guarantee the presumption of minority in accordance with Article 10, paragraph 3, of the Council of Europe Convention on Action against Trafficking in Human Beings, as indicated in France's report.**

**F.I.5. Children deprived of civil status and identity**

In the case of minors who arrive in French territory without any identity documents, who were not registered in their own country, nothing is done in legal terms to give them a legal identity.

In certain departments, unaccompanied children are returned rapidly to their country (by the courts, social services and the police). The conditions under which these children are returned (without their consent) and regarding how safe it is to return them (risk of trafficking) are open to question.

Foreign unaccompanied children are deprived of their identity documents by the traffickers. The French State does not provide them with appropriate assistance and protection that would enable them to restore their identity as soon as possible. In the overseas departments and territories (French Guiana, Mayotte), children who are not registered at birth, who are victims of trafficking, constitute a group that is particularly vulnerable to exploitation.

Similarly, certain embassies in France of countries from which people have been trafficked, do not allow them to complete the formalities required to obtain the documents they need to establish their identity. This was the case, for example, of an adolescent girl who, while she was protected by Childhood Welfare Assistance, was not able to regularise her situation for residence purposes at the prefecture, as she was not able to apply for a passport while based in France. As she no longer had anyone in her own country who could take the necessary steps, she was not able to obtain her documents.

**Recommendation no.38: F.I.5.**

**Take steps to allocate a legal identity to children who have not been registered in their own country and who arrive in French territory without any identity.**

**F.I.6. Procedures for reuniting families are too long**

Procedures for reuniting families of victims of trafficking are sometimes too long and may have consequences if a child is in a dangerous situation in another country.

**F.I.7. The need for a special status for individuals when they attain adulthood**

At the age of 18, the transition from child to adult status lacks coordination, making young adults particularly vulnerable, and may lead to the expulsion of young victims of trafficking.

**Recommendation no.39: F.I.7.**

**Put in place a provision to facilitate the transition from child to adult status, and a protective intermediary status should be created with particular regard for minors who must be able to access professional training.**

**Recommendation no.40: F.I.7.**

**When a young person reaches the age of 18, allow them to keep their right of residence and their right to protection by the State. More effectively inform young people about young adult contracts, thereby encouraging take up, and support training initiatives, so as to facilitate the trainees' professional integration, in accordance with their objectives.**

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**Recommendation no.41: F.I.7.**

**Harmonise prefectural practices regarding the issue of receipts, reflection periods, residence permits and work permits, to ensure the protection and integration of young adults who have been victims of trafficking in human beings. Victims of trafficking must have the benefit of a residence permit for at least one year, not for six months, without any conditions attached.**

**F.II. Sexual exploitation, sale, trafficking and abduction**

The figures available for each of these phenomena are still difficult to handle (in the absence of a state or departmental agency with responsibility for identifying victims). Sometimes derisory, they mask realities that are increasing all the time.

**F.II.1. Provisions combating trafficking in human beings in French law**

Provisions combating trafficking in human beings were introduced into French law subsequent to the incorporation of the concept of trafficking in the Council of Europe Convention on Action against Trafficking in Human Beings (Warsaw Convention) of 16 May 2005, and in the additional protocol to the United Nations Convention against Transnational Organised Crime, and in Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on trafficking in human beings.

Due to France's international commitments, the Criminal Code has been revised to include a specific offence of trafficking in human beings in the French legal arsenal intended to combat modern slavery. In consequence, since 2003, trafficking in human beings has been defined and penalties stipulated in Articles 225-4-1 *et seq.* of the Criminal Code.

This definition was initially expanded in the Act of 20 November 2007, which added to the provisions in this field, providing that trafficking in human beings could involve the supply of a person for the benefit of a third party, and also on behalf of the perpetrator of the offence himself. This latter scenario was not accepted initially.

More recently Act no. 2013-711 of 5 August 2013, transposing the above-mentioned directive, clarified and amended Articles 225-4-1 and 225-4-2 of the Criminal Code (definition of trafficking in human beings, henceforth including forced labour and servitude) and added Articles 225-14-1 and 225-14-2 (creating the offences of forced labour and servitude and stipulating the corresponding penalties).

In the French Criminal Code, trafficking in human beings is therefore defined in Article 225-4-1 as the act of recruiting a person, transporting that person, transferring, accommodating and receiving him for the purposes of exploitation in any one of the following circumstances:

- 1. Either by using threats, constraint, violence or fraud, targeting the victim, the victim's family or a person who has an ongoing relationship with the victim;
- 2. Or through a legitimate, natural or adoptive ascendant of that person, or through a person who has authority over that person or who abuses the authority that they enjoy by virtue of their position;
- 3. Or by abusing a situation of vulnerability due to a person's age, illness, infirmity, physical or psychological deficiency or pregnancy, whether apparent or known to the perpetrator;
- 4. Or, in exchange for, or by granting remuneration, or any other benefit or promise of remuneration or benefit.

The exploitation mentioned in the first paragraph is the act of procuring the victim for one's own use or supplying the victim to a third party, even if that party is not identified, in order either to allow the commission against the victim of the offences of procuring, assault or sexual assault, enforced slavery, forced labour or services, servitude, removal of an organ, exploitation for the purposes of begging, working or accommodation conditions that are contrary to the person's dignity, or forcing the victim to commit an offence.

**F.II.2. Characterisation of trafficking in human beings in the case of child victims**

With respect to child victims, the characterisation of trafficking in human beings is possible, even if it is not committed in any of the circumstances mentioned in points 1 to 4 of Article 225-4-1. The victim's consent is, in all cases, immaterial and will not exonerate any perpetrator of the crime of trafficking in human beings.

France has not explicitly included forced marriage among the forms of exploitation that constitute trafficking in human

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beings. However, the Convention on the Rights of the Child does so, and it also covers arranged marriages: marriage being prohibited for children, as children are not able to give their consent. Observers have noted that in certain situations an arranged marriage, like forced marriage, can lead to exploitation.

The legal arsenal therefore exists; quite recently for certain provisions that were revised in 2013 and 2014, in order to bring them into compliance with France's international commitments. However, these provisions are not sufficiently known within the judiciary, the police, among social workers and relevant associations. In consequence, they are not often applied.

### **F.III. The administration of justice involving minors**

#### **F.III.1. Neither “delinquents” nor “illegal immigrants”, but children in danger in need of protection**

The police must be trained particularly regarding the situation of child victims of trafficking in human beings, so that these individuals are considered firstly as children in danger in need of protection and not as delinquents or illegal immigrants.

The police should think of protecting them, rather than using force against them. They must benefit fully from the ordinary law protecting children in danger. For this reason, our associations who work with these children – who are sometimes invisible – at welcome centres, in French for foreigners classes, prisons, or in the street, must learn how to identify them, in order to better meet their needs and help make constructive proposals to the State, with the involvement of civil society.

In the words of the sociologist, Olivier Peyroux: *“While the protection of victims is a moral duty that is rarely observed, it must be stressed that it is also one of the best ways to fight this trade. Protecting the victims comes down to cutting off the principal source of these organisations' revenue.”* (*Délinquants et victimes, La traite des enfants d'Europe de l'Est en France*, pub. Non Lieu, 2013)

#### **F.III.2. Child victims forced to commit criminal acts**

When dealing with cases involving trafficked children, even if a child defendant has been forced to commit a crime under threat, the courts must treat that defendant as a victim. This does not mean to say that child perpetrators, having been forced to commit criminal acts by others, do not need to be educated.

When dealing with children who are visibly deprived, who have committed many lucrative crimes, the police should see this as an indication of great vulnerability. The over-representation of adolescent girls among juvenile offenders should also be seen in this light.

Under Directive 2011/36/EU, on preventing and combating trafficking in human beings and protecting its victims, victims of trafficking in human beings must not be subject to criminal penalties, as a person who has been forced to commit a crime cannot be convicted of that crime. This Directive was transposed into French law as Act no. 2013-711 of 5 August 2013. It contains a revised version of the definition of trafficking in human beings and clearly states that being forced to commit an offence is a form of trafficking in human beings.

Therefore no further transposition is required. With respect to both adults and children, judges can rely on the provisions in the Act of 5 August 2013.

However, while there are no difficulties in legal terms, we have noted that these provisions have not been applied. In France at the present time, children who fall into this category are not dealt with under the ordinary law. Children's judges have a very wide discretion when it comes to prosecuting children. If the child is prosecuted the judge has the option to only impose an education or training order. There is no legal obstacle to this. What stops children's judges from imposing such measures is the fact that there is nowhere that can take these children, other than prison, and no way to stop them being exploited. Imprisoning such young people is the default position, imposed “to protect society”, under pressure from the prosecuting authority.

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**Recommendation no.42: F.III.2.**

**Never consider child victims of trafficking in human beings who are forced to commit crimes to be “delinquents”; child perpetrators should rather be seen as victims in need of protection. When dealing with cases involving child trafficking, even if a child defendant has been forced to commit a crime under threat, the courts must treat that defendant as a victim (Directive 2011/36/EU and the statutory revisions relating to the definition of trafficking in human beings, Act no. 2013-711 of 5 August 2013).**

**F.III.3. Unacceptable police violence**

Repressive measures against child victims who are forced to commit criminal acts are ineffective and excesses are unacceptable. Police violence against children of this kind (such as “striking the smallest child so the big brother agrees to have his fingerprints taken”) is not a solution. On the contrary, thought should be given to the way in which police methods may increase the vulnerability of these children. When the sole response of the police is repressive, networks move to a different country, simply moving the children to the other side of the border, where they are forced to continue their criminal activities.

**F.III.4. Steering groups to be led by Prefects**

The collective would like to see the systematic creation of steering groups by Prefects in each department, within the existing Departmental Delinquency Protection Committees (CDPD), which also deal with assistance to victims and the fight against illegal drugs, sectarian excesses and violence against women. They would also like welfare associations to take part.

At the present time these Departmental Committees meet once a year. We think that they should meet more frequently. As these Committees are charged with fighting criminality, particularly among minors, the collective would like to point out that trafficking in human beings should not be considered through the optic of the fight against crime, but rather as a victim protection issue. Exploited individuals should be seen as victims not as delinquents.

Having been incited to commit theft, two girls of Romanian origin, aged 13 to 16 years, spent three days at the AFJ<sup>8</sup>. They had come to seek assistance at Hors la Rue. One of them had a baby. The first evening, Hors la Rue looked for a lodging for the night and the following day they tried to contact Childhood Welfare Assistance. These two children were taken in by the AFJ and accommodated in a Childhood Welfare Assistance hostel outside Paris. They then left. Having been collected by friends, they intended to go to Italy, but the girls' in-laws objected and took them back to the shanty town. One of them was returned to Romania. The other is now in a hostel far from Paris, having been placed there by Childhood Welfare Assistance.

**F.IV. Protection of witnesses and victims of crime****F.IV.1. Children are fragile victims**

Given the lack of an overarching scheme to identify cases involving the trafficking of children, the lack of resources and trained personnel, and the lack of secure and safe accommodation, malfunctions often occur in the way in which these minors are dealt with, which highlights their vulnerability and isolation when faced with the adults by whom they are exploited.

**F.IV.2. Inadequate protection**

Being legally incapable, child victims of trafficking in human beings must have the assistance of an independent guardian, who has been trained and is legally competent, as mentioned in various European directives concerning child victims of trafficking (which have already been introduced in several countries such as Belgium and the Netherlands), or an *ad hoc* guardian who has also been trained and is legally competent. This is far from being the case for all such victims, due to a lack of *ad hoc* guardians. It is difficult to imagine how hard it is for these children to assert their rights, given that they are the prisoners of criminal networks or acting under the harmful influence of their family or extended family. They are only children! We deplore the fact that their need of protection at all stages of the proceedings is not recognised. Often nothing is put in

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AFJ: Association providing assistance and shelter for women who have been trafficked for the purposes of sexual exploitation.

place to ensure that they remain safe at all stages i.e. identification, filing of a complaint, hearing, investigation, recognition of victim status, safe accommodation, maintenance of anonymity, psychological assistance, protection before, during and after the trial, compensation, etc.

**Recommendation no.43: F.IV.2.**

**Offer constant, specific protection to all child victims of trafficking in human beings so that they do not withdraw from the proceedings for fear of reprisals.**

**This protection should be offered at all stages: there should be a confidential area in police stations, the filing of the complaint should be registered, a translator should be available, the 30-day period of recovery and reflection should be explained, the child should be accommodated in a safe place, no confrontations should be organised against the child's wishes, reassuring accommodation should be provided, the child should remain anonymous if necessary, psychological assistance should be provided, protection should be provided before, during and after the trial, and compensation should be offered.**

**F.IV.3. The reception in police stations is inappropriate**

The way in which victims are received in police stations is often inappropriate. They are not always interviewed in a confidential area. Statements are not always filed as official "complaints" (it should be understood that normally when a victim makes a statement to the police this is not treated as the "transmission of information" but as a "complaint" [which can be acted upon]). The quality of child interviews is also open to question. The fact that there is often no translator does not facilitate the comprehension of the situation on either side. Very few police officers know about the 30-day recovery and reflection period and it is rarely observed. Confrontations may often be organised against the child's wishes. More importance may be attached to the investigation than to the protection of the victim, who may then suffer threats, intimidation attempts and reprisals before, during and after the trial.

Furthermore, until the court has reached a decision, there may be no protection. On this key point, no real thought is given to the mechanisms involved. These young people, who are developing fast, are subject to pressure, threats and heavy-handed and destabilising questions such as "Do you wish to maintain your statement?" These situations are very difficult for adult victims and much more so for children.

This was particularly true in the case of an adolescent girl whose case was monitored by the OICEM<sup>9</sup> (International Organisation Against Modern Slavery, an association that assists child and adult victims of all current forms of exploitation). The girl in question was the victim of domestic exploitation from the age of 7 to 11 years, and her exploiters' trial took place recently. Now aged 14, for several months before the trial, she was subject to threats from the defendants. In spite of that, no specific arrangements were made for her protection either outside the courtroom during the days preceding the hearing or on the day of the trial. She even had to sit on the same bench as those against whom she had filed a complaint and the person who had made the threats was present in the courtroom.

**F.IV.4. The fact that the child concerned is the victim of trafficking in human beings may be forgotten**

If Childhood Welfare Assistance assumes responsibility for the child, the fact that the child has been trafficked, which has already been established, is often "forgotten" during the proceedings, thereby denying the victim of the acknowledgement of what they have suffered. The acknowledgement of this fact is an element in the difficult work of reconstruction.

The OICEM relates the case of a Guinean girl, who was the victim of sexual exploitation and who said that she was a child. Because of her child status, the OICEM notified her case to Childhood Welfare Assistance, which assumed responsibility for her. Over the course of several interviews during the following days, she was identified as a victim of trafficking in human beings. In consequence, the OIECEM notified this fact to the judge charged with finding accommodation for her, so that the judge would allow them to work in collaboration with Childhood Welfare Assistance on this aspect of the case and draw attention to her experiences. When the girl was interviewed by the judge in the presence of childcare workers, no mention was made of her experience of being trafficked and the judge merely gave her the contact details of a lawyer who was appointed ex officio. Up to now, no *ad hoc* guardian has been appointed to assist her.

<sup>9</sup> OICEM: Association that assists child and adult victims of trafficking in human beings by providing legal assistance, and social, educational and psychological support.

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**Recommendation no.44: F.IV.4.**

**Give thought to providing long-term assistance to child victims of trafficking in human beings, and to the children of victims of trafficking in human beings, as victims suffer from after-effects and post-traumatic stress disorder after the exploitation has ceased.**

**F.V. Children belonging to minorities or to groups of indigenous people****F.V.1. European citizens are stigmatised**

We are all aware of children who are forced to beg or burgle, of young girl pickpockets in the underground and of jewel thieves. These small groups of children are easy to identify and attract a lot of attention. It is easy to connect these groups with all the Romanian or related populations that we meet. However, research into these groups of children, who are exploited for criminal purposes, shows that they are exploited by non-extensive criminal networks or very restricted clans. Their activities, into which they are forced, are not at all representative of the behaviour of all the members of these populations, who are stigmatised enough already.

**F.V.2. Dangerous misuse of victims' misfortunes to achieve other goals**

It is regrettable that the exploitation of these children has been seized upon in order to vilify many migrant families. This is an unacceptable misuse of other people's misfortunes: the exploitation of children is used to justify rejection policies, while the issue of victim protection is never considered. It is important to understand that the French policy of dismantling on a massive scale "illegal camps", which are mainly occupied by Romanian and Bulgarian families, may strengthen the hold that a few individuals have over the most vulnerable families. It has been widely criticised by the European Union, the Council of Europe and internationally recognised organisations. This permanent instability – each family is expelled from their camp several times a year – pushes families to rent poor housing on land from which they have not been expelled. This can lead to an accumulation of debt, which causes some to take desperate measures to pay it off.

**Recommendation no.45: F.V.2.**

**Acting in tandem with the associations, make the media and public institutions more aware of the problems of child victims of trafficking, in order to eliminate discriminatory prejudices among the general public. Citizens should be informed about the situation of child victims who are forced to commit criminal acts and about the fact that the networks of exploiters are actually quite small. Children's right to be protected should be well established. The laws regarding the obligation to send children to school should be respected at district level.**

**Recommendation no.46: F.V.2.**

**Condemn the unacceptable use of the issue of child exploitation for political ends, in order to justify policies of rejection.**

**Recommendation no.47: F.V.2.**

**Cease the policy of dismantling "illegal camps" on a massive scale, which may strengthen the hold that some individuals have over the most vulnerable families, by causing them to get into debt.**

**F.V.3. Spotlight on the invisible victims**

While the illegal camps and criminality associated with some migrants have been covered to excess in the media, the child victims of trafficking in human beings are totally invisible. Whether they work out of sight in people's homes as victims of domestic servitude, or whether they are economically exploited in order to repay a debt, or mixed up with adult victims of trafficking in human beings who are exploited as prostitutes (the fate of some girls from Nigeria, Cameroon or China), these victims are often unnoticed.

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<b>Member associations of the “Together against Trafficking in Human Beings” collective</b>	
Collective coordinator: Geneviève Colas, <a href="mailto:contre.la.traite@secours-catholique.org">contre.la.traite@secours-catholique.org</a> - Tel. +33 6 71 00 69 90  <a href="http://www.contrela traite.org">www.contrela traite.org</a>	
Action Catholique des Femmes <a href="http://www.actioncatholiquedesfemmes.org">www.actioncatholiquedesfemmes.org</a> Rosemarie.maillier@orange.fr	<i>We are interested in everything that affects the place and dignity of women in society and in the Church.</i>
Agir Contre la Prostitution des Enfants <a href="http://www.acpefrance.fr">www.acpefrance.fr</a> acpe@acpe-asso.org	<i>ACPE has been fighting child prostitution and all forms of sexual exploitation, on and offline, including child pornography and paedophilia, since 1986.</i>
Agir Ensemble pour les Droits de l'Homme <a href="http://www.aedh.org">www.aedh.org</a> g.papelard@aedh.org	<i>The mission of AEDH is to protect victims of trafficking and defend their rights.</i>
Amicale du Nid <a href="http://www.amicaledunid.org">www.amicaledunid.org</a> contact: dir.generale@adn-asso.org	<i>The association, which has 8 establishments and 200 employees, meets the victims of prostitution and trafficking on the ground (5,000 every year) and helps 4,300 individuals, especially women and their children, to become integrated in society. It considers prostitution and trafficking to be forms of violence that are incompatible with human dignity and gender equality.</i>
Armée du Salut, <a href="http://www.armeedusalut.fr">www.armeedusalut.fr</a> enaud@armeedusalut.fr	<i>The Salvation Army is engaged internationally in the fight against trafficking in human beings. It is opposed to all forms of commodification, exploitation and attacks on human dignity in general and on the dignity of women in particular. This includes prostitution, pornography and sexual tourism.</i>
AFJ <a href="http://www.foyer-afj.fr">www.foyer-afj.fr</a> afj.servicesocial@gmail.com	<i>The AFJ provides a refuge at which women who have been trafficked for the purposes of sexual exploitation can be identified, sheltered and assisted in a variety of ways.</i>
Association Jeunes Errants Espoir-CFDJ <a href="http://www.espoir-cfdj.fr/">www.espoir-cfdj.fr/</a> aguacilmagali@espoir-cfdj.fr	<i>The fight against trafficking in human beings also means fighting to ensure that the best interests of children and the UN Convention on the Rights of the Child are respected.</i>
Association pour la Réadaptation Sociale <a href="http://www.ars13.org">www.ars13.org</a> ars.association@arsdirection.fr	<i>ARS's mission is to care for and assist children and young adults who have broken away from their families and normal social ties, particularly young victims of trafficking, in order to help them rebuild their lives.</i>
Comité Contre l'Esclavage Moderne - CCEM <a href="http://www.esclavagemoderne.org">www.esclavagemoderne.org</a> direction.ccem@orange.fr	<i>CCEM assists individuals who have been trafficked for economic purposes, to enable them to recover their rights and their dignity and be reintegrated in society.</i>
Comité Protestant évangélique pour la Dignité Humaine <a href="http://www.cpdh.org">www.cpdh.org</a> contact@cpdh.eu	<i>CPDH promotes respect for human dignity, it defends and protects the rights of women and children specifically, and human rights more generally, and protects the right to life of all human beings.</i>
Congrégation Notre Dame de Charité du Bon Pasteur <a href="http://www.bonpasteur.com">www.bonpasteur.com</a> mhelene.halligon@gssweb.org	<i>Bon Pasteur is committed to working against trafficking in human beings at local, national and international level in 72 countries.</i>
Conseil Français des Associations pour les Droits de l'Enfant COFRADE <a href="http://www.cofrade.fr">www.cofrade.fr</a> cofrade.contact@gmail.com	<i>COFRADE exists to protect children against trafficking in human beings. Trafficking networks must be dismantled and all forms of child exploitation must be eradicated in all countries, at all levels.</i>

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ECPAT France www.ecpat-france.org contact@ecpat-france.org	<i>The mission of ECPAT France is to fight against the sexual exploitation of children. To this end it combats the forms of abuse and exploitation that further this evil, particularly child trafficking.</i>
Espoir-CFDJ – Service Jeunes Errants www.espoir-cfdj.fr/ aguacilmagali@espoir-cfdj.fr	<i>The fight against trafficking in human beings also means fighting to ensure respect for the best interests of children and the UN Convention on the Rights of the Child.</i>
Fédération de l'Entraide Protestante (FEP) www.fep.asso.fr/ contact@fep.asso.fr	<i>The FEP is an umbrella organisation for 360 associations that work on behalf of excluded, suffering, or very fragile individuals.</i>
Fondation Jean et Jeanne Scelles www.fondationscelles.org francois.vignaud@fondationscelles.org	<i>The Foundation fights against the trafficking of people for the purposes of prostitution, using documentary resources, providing information, looking at the wider picture and raising the awareness of public and social actors.</i>
Hors la Rue www.horslarue.org benedictc.cabrol@horslarue.org	<i>Hors la Rue works with foreign minors in danger in the Paris region. It helps the most vulnerable children and adolescents and those who are least likely to seek assistance by combing the streets on a daily basis and providing a day welcome centre. It guides children who have been exploited and victims of trafficking in human beings towards the statutory child protection services.</i>
Justice et Paix France www.justice-paix.cef.fr justice.paix@cef.fr	<i>Justice et Paix France believes that trafficking in human beings is an attack on the dignity of the individual, and a scourge that must be fought relentlessly.</i>
Les Champs de Booz www.champsdebooz.fr pilotage.booz@cegetel.net	<i>Champs de Booz welcomes and provides a follow-up for solitary women seeking asylum in the Paris region due to their special vulnerability to traffickers, to protect them from further misfortune.</i>
Mouvement du Nid www.mouvementdunid.org nidnational@mouvementdunid.org	<i>Mouvement du Nid exists to help prostitutes, to prevent prostitution to fight for the abolition of prostitution.</i>
Organisation Internationale Contre l'Esclavage Moderne (OICEM) www.oicem.org info@oicem.org	<i>OICEM helps adult and child victims of trafficking in human beings to rebuild their lives by providing legal, social and educational assistance and psychological support.</i>
Planète Enfants www.planete-enfants.org stephanie.selle@planete-enfants.org	<i>Our vision is a world in which adults protect children against all forms of violence and exploitation. Our mission is to fight against child trafficking, so that childhood is never commodified again.</i>
SOS Esclaves www.sos-esclaves.com sosesclaves@gmail.com	<i>The fight against modern slavery starts with the acknowledgement of the state of the victim. Victims must also have the right to become citizens.</i>
Secours Catholique - Caritas France (coordinator of the "Together against Trafficking in Human Beings" collective) www.secours-catholique.org contact: genevieve.colas@secours-catholique.org	<i>The fight against trafficking in human beings means breaking the vicious cycle that is fed by the poverty that underlies this practice. This involves distributing information, listening, reporting to the authorities, taking action, and providing advocacy, all of which must be done, both locally and worldwide.</i>

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