



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

Recommendation CP(2017)28 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by France

*adopted at the 21st meeting of the Committee of the Parties
on 13 October 2017*

The Committee of the Parties to the Council of Europe Convention on Action against Trafficking in Human Beings (hereinafter referred to as 'the Convention'), acting under the terms of Article 38(7) of the Convention;

Having regard to the purposes of the Convention to prevent and combat trafficking in human beings, while guaranteeing gender equality, protect the human rights of victims of trafficking, design a comprehensive framework for the protection and assistance of victims and witnesses, ensure the effective investigation and prosecution of the offences related to trafficking in human beings, and promote international co-operation;

Bearing in mind the provisions of Article 36(1) of the Convention concerning the monitoring role of the Group of Experts on Action against Trafficking in Human Beings (GRETA) in the implementation of the Convention;

Having regard to the Rules of Procedure of the Committee of the Parties;

Having regard to the instrument of ratification deposited by France on 9 January 2008;

Recalling Committee of the Parties' Recommendation CP(2013)1 of 15 February 2013 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by France and the report of the authorities of France on measures taken to comply with this recommendation, submitted on 13 February 2015;

Having examined the second report concerning the implementation of the Convention by France, adopted by GRETA at its 28th meeting (27-31 March 2017), as well as the comments of the Government received on 28 June 2017;

1. Welcomes the progress made since the first round of evaluation in the following areas:
 - the further development of the legal framework for combating trafficking in human beings, by amending the provisions criminalising human trafficking and strengthening the rights of victims of trafficking;
 - the development of the institutional and policy framework for combating trafficking in human beings by setting up the inter-ministerial task-force on combatting violence against women and human trafficking (MIPROF) and its steering committee, and the adoption of the first National Action Plan against trafficking in human beings in May 2014;
 - the designation of the National Consultative Committee on Human Rights (CNCDH) as an independent National Rapporteur on trafficking in human beings;
 - the adoption of laws aimed at discouraging demand for sexual services from victims of trafficking and promoting due diligence by parent companies and principal companies operating with subcontractors;

- the steps taken to combat trafficking for the purpose of labour exploitation, through the adoption of legislation reinforcing employers' obligations regarding seconded employees, the development of a National Action Plan against Illegal Labour and the expansion of the mandate on labour inspectors to deal with trafficking cases;
- the creation of specialised contact persons within the Office for the Protection of Refugees and Stateless Persons (OFPRA) with a view to improving the detection of trafficking victims among asylum seekers;
- the improvements made in the area of compensation, in particular the amendment to the legislation on State compensation to enable victims of trafficking to claim compensation regardless of their nationality or residence status when the offences were committed on French territory;
- the efforts made in the area of international co-operation, including law enforcement co-operation and support for technical co-operation projects in various countries.

2. Recommends that the authorities take measures to address the following issues for immediate action identified in GRETA's report:

- set up and maintain a comprehensive and coherent statistical system on trafficking in human beings by compiling reliable statistical data from all main actors on measures to protect and promote the rights of victims, as well as on the investigation, prosecution, convictions and compensation in human trafficking cases. Statistics regarding victims should allow disaggregation concerning not only sex, age, country of origin and/or destination, but also type of exploitation. This should be accompanied by all the necessary measures to respect the right of data subjects to personal data protection;
- take additional measures to prevent trafficking in children, and in particular:
 - ensure that unaccompanied children benefit from effective care arrangements, including accommodation, access to education and healthcare, so that they are not exposed to risks of trafficking, as well as providing them with adequate legal assistance;
 - step up their efforts to prevent the trafficking of children not only for the purpose of sexual exploitation but also for other types of exploitation, such as forced labour, forced begging or forced offending, particularly by raising awareness of such types of trafficking among the operatives potentially coming into contact with children;
- improve the identification of victims of trafficking, and in particular:
 - strengthen the multidisciplinary approach to the identification of victims by introducing a National Referral Mechanism defining the role to be played and the procedure to be followed by all stakeholders who may come into direct contact with trafficking victims, including labour inspectors and NGOs;
 - ensure that, in practice, the identification of trafficking victims is not conditional on their co-operation with law enforcement agencies.
 - clarify the procedure for identifying trafficking victims who are French nationals and EU/EEA country nationals;
 - take steps without delay to identify trafficking victims among migrants living in makeshift camps as well as those who have been sent to accommodation centres (CAO);
 - ensure that identification efforts cover all trafficking victims, regardless of the purpose of exploitation;

- improve access to specialised assistance and accommodation for all trafficking victims, regardless of the form of exploitation and with no nationality requirement, including where EU/EEA country nationals are concerned, and in particular:
 - ensure that all the assistance measures provided for by legislation are guaranteed in practice; if such assistance is delegated to NGOs acting as service providers, the State has an obligation to allocate the necessary funding and guarantee the quality of services provided by the NGOs;
 - allocate adequate resources for the creation of accommodation places to provide shelter for any victim of trafficking, of either gender, through the Ac.Sé national system and the accommodation offered by specialised NGOs;
 - take all necessary steps to allow effective access to health care, the asylum seeker's allowance and social housing;
- reinforce without delay the process of identifying and assisting child victims of trafficking, in full compliance with the best interests of the child, and in particular:
 - introduce a National Referral Mechanism defining the role to be played and the procedure to be followed by all the authorities and professionals who may come into direct contact with child victims of trafficking, including NGOs;
 - provide for the systematic appointment, as quickly as possible, of guardians for child trafficking victims to protect their interests;
 - develop the offer of accommodation, with staff specifically trained in receiving victims of trafficking;
 - make every possible effort to identify child trafficking victims among unaccompanied children in migrant camps and accommodation centres for unaccompanied children (CAOMI);
 - develop reinsertion programmes for child victims of trafficking;
 - develop awareness-raising and training for all institutional stakeholders who may come into contact with child victims of trafficking, including staff working in the refugee camps;
- improve the application of the recovery and reflection period, in particular by:
 - ensuring that trafficking victims, including EU/EEA nationals, are systematically informed of the possibility of a recovery and reflection period and that reflection and recovery periods are, in practice, granted;
 - ensuring that the relevant authorities are informed of the State's positive obligation to grant recovery and reflection periods to all possible victims of THB, whether or not such a request is made by a victim;
- align the notion of abuse of vulnerability to that of the Convention which encompasses any abuse of vulnerability, whether physical, psychological, emotional, family-related, social or economic;
- take all appropriate measures to ensure that the possibility provided for in internal law of not imposing penalties on victims for their involvement in unlawful activities, where they have been coerced into them, be upheld in the case of trafficking victims, in accordance with Article 26 of the Convention and, to that end, draw up circulars for the investigation services and prosecutor's offices specifying the scope of the non-liability provision in the special case of trafficking victims.

3. Requests the Government of France to report to the Committee of the Parties on the measures taken to improve the implementation of the Convention in the above-mentioned areas by 15 October 2018.

4. Recommends that the Government of France takes measures to implement the further conclusions of GRETA's second evaluation report.
5. Invites the Government of France to continue the dialogue in progress with GRETA and to keep GRETA regularly informed of the measures taken in response to GRETA's conclusions.