

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

**Recommendation CP/Rec(2022)03
on the implementation of the Council of Europe Convention
on Action against Trafficking in Human Beings
by France**

*adopted at the 30th meeting of the Committee of the Parties
on 17 June 2022*

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(2017)28 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by France and the report of the French authorities on measures taken to comply with this recommendation, submitted on 12 December 2018;

Having examined the third report concerning the implementation of the Convention by France, adopted by GRETA at its 42nd meeting (22-26 November 2021), as well as the comments of the French Government received on 31 January 2022;

Bearing in mind the focus of the third evaluation round of the Convention on access to justice and effective remedies for victims of trafficking;

Considering the conclusions and proposals contained in Appendix I of GRETA's third report on topics related to the third evaluation round and follow-up topics specific to France;

Welcoming the measures taken and progress achieved by the French authorities in implementing the Convention, and in particular:

- the adoption of the second national action plan against trafficking in human beings (THB) for the period 2019-2021, which includes activities aimed at implementing GRETA's previous recommendations;
- the issuance of instructions by the Minister of Justice to prosecutors to rule out criminal liability for child victims of human trafficking coerced into committing an offence;

- the increased training on THB provided to relevant professionals;
- the steps taken to prevent and combat trafficking for the purpose of labour exploitation, including through the active engagement of the Labour Inspectorate in the detection of possible human trafficking cases;
- the efforts made to improve assistance to child victims of trafficking, in particular the decision to set up a specialised centre providing them with educational, psychological, legal and health support;
- the active involvement in international co-operation in combating human trafficking.

A. Recommends that the Government of France take measures to address the following issues for immediate action¹ identified in GRETA's report:

1. Take further steps to facilitate and guarantee access to justice for all THB victims, and in particular to ensure that legal assistance is provided systematically as soon as there are reasonable grounds for believing that an individual is a victim of trafficking, regardless of whether their stay is regular or not, and before they have to decide whether or not they want to co-operate with the authorities and/or make an official statement (paragraph 63);
2. Make further efforts to guarantee effective access to compensation for victims of trafficking in human beings, and in particular to:
 - ensure that the collection of evidence about the harm the victim has suffered, including the financial gain from the exploitation of the victim, is part of the criminal investigations with a view to supporting compensation claims in court;
 - make full use of the legislation on the freezing and confiscation of assets to secure compensation to THB victims;
 - develop specific modules on victim compensation for the initial and in-service training of lawyers, law enforcement officers, prosecutors and judges, which should also cover compensation for victims of labour exploitation (paragraph 96)
3. Adopt a specific legal provision on the non-punishment of victims of THB for their involvement in unlawful activities to the extent that they have been compelled to commit them, and/or issue instructions to investigation services and prosecutor's offices specifying the scope of the non-punishment provision, which applies not only to minors but also to adults coerced into unlawful activities (paragraph 135);
4. Pursue efforts to develop a comprehensive system for the collection and analysis of data on measures to protect and promote the rights of trafficking victims, which should ensure the participation of all relevant actors that can contribute to the provision of data, including NGOs and other service providers, law enforcement agencies, immigration services, labour inspectorates, healthcare providers, prosecution services and other stakeholders involved in identifying and recording trafficking victims as well as in investigations and prosecutions concerning trafficking or related offences (paragraph 184);
5. Improve the identification of trafficking victims and, in particular to:
 - introduce a national identification and referral mechanism for victims of trafficking (NRM) defining the role to be played and the procedure to be followed by all stakeholders that may come into direct contact with victims of trafficking, taking into account the recommendations from the National Consultative Committee on Human Rights (CNCDH);
 - disseminate tools and indicators adapted to different types of exploitation for identifying victims of trafficking to all stakeholders on the ground who may come into contact with them, particularly members of law enforcement agencies, labour inspectors, staff of French

¹ The number of the paragraph setting out GRETA's proposals in the report is indicated in brackets.

Office for Immigration and Integration (OFII) and immigration detention centres (CRA), social workers, medical staff and teachers, and provide practical training on the use of those tools to improve the detection and identification of trafficking victims;

- ensure that, in practice, presumed and formally identified victims of THB are granted a recovery and reflection period, in particular those who are present in the country irregularly, and the identification of victims of trafficking is not conditional on their co-operation with law enforcement agencies;
 - clarify the procedure for identifying victims of trafficking who are French nationals and EU/EEA country nationals;
 - provide border police at airports, stations and ports with units comprising staff who have received advanced training in detecting victims of trafficking;
 - develop awareness within transport companies of the detection of victims using indicators of human trafficking;
 - facilitate lodging of complaints by potential victims, including individuals having been victims of trafficking in other European countries;
 - set up a telephone line specifically dedicated to trafficking (paragraph 213);
6. Take additional steps to fulfil their obligations under Article 12 of the Convention, in particular by:
- ensuring that victims of trafficking receive appropriate support and assistance, based on their individual needs, for as long as necessary, in order to facilitate their reintegration and recovery;
 - ensuring that all victims of trafficking, including men, French nationals and persons who are present in the country illegally as well as victims of trafficking for the purpose of labour exploitation are provided with accommodation that is safe and suitable for their needs;
 - providing sufficient funding to ensure that the services offered by NGOs are diverse and of high quality (paragraph 228);
7. Step up efforts to prevent and combat the trafficking of children, identify child victims of trafficking and provide appropriate assistance to them, including by:
- introducing specific procedures for children in the national identification and referral mechanism to be established, taking into account the particular situation and needs of trafficked children, making the best interests of the child a primary consideration, involving child specialists, and defining the role to be played and the procedure to be followed by all authorities and professionals who may come into direct contact with child victims of trafficking, including NGOs;
 - providing in-service training and tools to stakeholders (police, prosecutors, asylum and migration authorities, airport staff, service providers, educational staff, child protection authorities, NGOs) in relation to the identification of child victims of trafficking;
 - taking measures to deal effectively with the problem of disappearance of child victims of trafficking from the Child Protection Service's reception centres, by providing them with secure accommodation and appropriate services and a sufficient number of appropriately trained supervisors;
 - developing reintegration programmes for child victims of trafficking (paragraph 244);
8. Take additional measures to ensure that victims of trafficking can fully benefit from the right to obtain a residence permit, including on grounds of their personal situation, by appointing a contact person at each prefecture without further delay and training the relevant staff members at prefectures on the issue of trafficking and raising their awareness of it (paragraph 255).

- B. Recommends that the French authorities take measures to implement the other proposals for action listed in Appendix 1 of GRETA's third evaluation report.
- C. Requests the Government of France to report to the Committee of the Parties on the measures taken to comply with this recommendation by **17 June 2024**.
- D. 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.