

Human rights in France (without forgetting the overseas departments)

1. Trafficking in human beings; 2. Unaccompanied minors

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1 – TRAFFICKING IN HUMAN BEINGS: THE SITUATION IN FRANCE AND IN CONNECTION WITH FRANCE

- Trafficking in human beings is a problem that is **all too often concealed** and ignored. Thousands of men, women and children, French or foreign, who are victims of prejudice or indifference, are exploited within their family or by ill-meaning relatives, private individuals or criminal networks that may or may not have an international dimension.
- European migration policies, environmental conflicts and/or crises or situations of extreme poverty lead individuals or entire families to flee. During this forced migration journey, they must find ways to survive. These persons, including children, **are subjected to extreme violence, exploitation and work in inhuman conditions**. Given that they are more vulnerable, persons in migration situations are more likely to be targeted by an exploiter, a network, etc.
- The President of the French Republic has spoken out on **slavery in Libya**, but the victims of trafficking in Libya have not received suitable assistance in France. Nor have persons living in slavery-like conditions in France been aided and protected.
- In 2017, we cannot tolerate such a **violation of human rights**.

RECOMMENDATIONS

1.1 Turn the fight against human trafficking and exploitation into a fully-fledged public policy with adequate human and financial resources and clear, shared objectives.

1.2 Raise awareness of all forms of human trafficking (sexual exploitation, forced labour, domestic slavery, coercion to commit offences, forced begging, forced early marriage, use of persons in the context of terrorism, etc.); and **combat received ideas and prejudices**.

Make trafficking in human beings a **Major National Cause** to raise awareness among civil society and professionals and prevent trafficking.

1.3 Launch a second National Multi-year Plan for Combating Human Trafficking, with adequate resources.

Put efforts to combat human trafficking under the direct authority of the **Prime Minister** to reinforce the inter-ministerial dimension of steps taken.

Involve members of civil society in the preparation of the Plan, especially those who are or have been concerned. Treat all forms of human trafficking the same, paying particular attention to minors; strengthen the training of professionals; pool available tools; standardize practices for victim identification; avoid linking the identification of victims, hence entitlement to rights, to police investigations and criminal proceedings brought against perpetrators; and ensure that victims have a stable mailing address so they can receive administrative mail on time.

Allocate **sufficient resources** for implementing the Plan, which should cover the entire country evenly; and generate real **transparency** as far as **funding** is concerned.

Team up with civil society to monitor operational implementation of the Plan – limits, obstacles and realities on the ground.

In France (Law of April 2016), there is a mechanism for escaping trafficking for sexual exploitation (to be implemented). Similar legislative measures should be introduced **for all other forms of trafficking** in human beings.

1.4 Ensure that policies to combat extreme poverty take human trafficking into consideration, which is often a consequence or cause thereof.

France must respect its commitments and protect directly justiciable **social, economic and cultural rights**.

1.5 Avoid preventing associations from acting.

France **must stop thwarting the solidarity** of those who give migrants emergency assistance (no police intimidation or prosecution for an “offence of solidarity”). It must **treat migrants with dignity** (put a halt to institutional abuse, stop confiscating shoes, stop damaging migrants’ property, etc.).

1.6 Stop locking up trafficking victims on the pretext that it is for their own good

France must **never resort to locking up victims**, not even during the time it takes to prove their innocence. This practice is contrary to their rights and dignity. If trafficking victims have been wrongfully imprisoned, France should offer compensation. France must also avoid placing foreign trafficking victims in holding centres or prisons. These people are victims first and foremost, and France has a duty and an obligation to protect them.

1.7 Train professionals (judicial staff, police, social workers, teachers, medical staff, etc.) to help eradicate trafficking

France must incorporate this issue into **initial and ongoing training programmes on all forms of trafficking** for teachers, educators, social workers, police officers and judicial staff, labour inspectors, health professionals, and the National Magistrates College. It must **get specialized associations involved**, by giving them the necessary resources and by diversifying the persons providing the training.

1.8 Develop a global approach for combating trafficking

France must **ratify Convention 97** on the Protection of All Migrant Workers and Members of Their Families.

1.9 Step up action to combat forced labour throughout the world

France must **target all supply chain links** in order to protect workers in situations of forced labour.

1.10 Allocate sufficient resources to the CNCDH, the independent body in charge of monitoring the Anti-trafficking Plan of Action. Draw all the necessary conclusions from such evaluations in order to adopt a public policy on human trafficking.

1.11 Make efforts to combat child trafficking a priority

Processes for identification of trafficking victims must be clarified, without being linked to the filing of a complaint.

Aid to help victims rebuild their lives must be based on **comprehensive long-term follow-up**: in the fields of physical and mental health, accommodation, education, the social, administrative and judicial path, etc.

Special attention should be paid to unaccompanied minors, who sometimes have no legal representative (guardian or ad hoc administrator) who guarantees the application of the child’s rights under ordinary law and should be kept informed at all stages of the process.

The “**minor’s mechanism**” **pilot project** of the Inter-ministerial Mission responsible for combating trafficking in Paris and the establishment of a network of child protection sites to take in trafficked minors should be extended

to cover not only Nigerian girls trafficked for sexual exploitation but also **other categories of trafficking victims** (such as persons coercing into committing offences).

2 – UNACCOMPANIED MINORS: THE SITUATION IN FRANCE

- *In an amplification of a trend that emerged at the end of the 1990s, more and more young foreigners are arriving on French soil. In 2010, they totalled 4,000. By the end of 2017, their numbers should reach 25,000. For a great many of these unaccompanied minors, who are particularly exposed to the risk of trafficking, protection (reception, sheltering, social assessment, placement into care and assistance) is currently not effective in France and even less so in the overseas departments. Present institutional responses to minors have proven inadequate.*
- *Protecting these children poses a major challenge in a context where the political tendency is to consider that they depend on migration policies, not child policies, which would lead to the establishment of specific mechanisms outside ordinary child protection laws. This danger of regression due to widespread suspicion and a supposedly “unbearable” burden for local authorities calls into question France’s international commitments to respect children’s rights.*

RECOMMENDATIONS

Based on our observations in the field, to ensure human dignity and in the name of respect for France’s international commitments, we consider that:

- 2.1 All measures relating to the reception of and care for unaccompanied minors, regardless of their nationality, must remain within the framework of **ordinary child protection laws**, for all children regardless of age (child welfare services under the authority of the Departmental Councils).
- 2.2 Any young person claiming to be a minor should be **afforded shelter immediately and unconditionally** in accordance with the presumption of minority, under decent conditions (no seedy hotels) and with an educator’s support, a medical check-up and a psychological assessment, access to healthcare and entitlement to rights. These measures should remain in place until a final decision has been taken (last effective remedy) and a judicial authority has ruled on their entitlement to child protection mechanisms.
- 2.3 The initial reception stage should be devoted to not only assessment of age and isolation but also **assessment of danger, the risk of exploitation and trafficking, and health risks**, bearing in mind that the somatic and psychological state of some young people may preclude immediate assessment. **Social evaluation should take the form of several interviews over time, without relying on appearances or behaviour** (repeal the decree of 17 November 2016). Bone tests of questionable reliability and forensic examinations to determine age should be prohibited, and the children involved should be given the benefit of the doubt.
- 2.4 **The State should provide additional financial resources to cover the entire assessment period.** Interdepartmental assessment platforms should help ensure the standardization of practices in accordance with the highest quality standards.
- 2.5 **Every minor should have a legal representative** tasked with defending its rights and all of its interests once its presence in France has been officially recorded. **All decisions concerning the child must be taken in its best interests**, in accordance with Article 3 of the International Convention on the Rights of the Child and Article 24 of the EU Charter of Fundamental Rights (the young person is not an adjustment variable depending on the department).
- 2.6 **The presumption of authenticity of identity cards and other civil status documents** is enshrined in Article 47 of the French Civil Code. **The presumption of minority should be affirmed and enshrined in the law**, and young persons should always be given the benefit of the doubt. Child welfare services should help the young people taken to reconstitute their civil status documents. Administrative decisions should be duly motivated and notified and explained to the young persons concerned.
- 2.7 **All minors should have access to education or vocational training** upon arrival, in accordance with the compulsory schooling requirement between the age of 6 and 16 and the right to instruction after this age, under arrangements recognized by the French Ministry of Education. Personalized educational projects should be

designed before and after the age of 18, in order to avoid any break in learning. Given the risk of endangerment for trafficked minors, they should all enjoy material, educational and psychological support up to the age of 21 (cf Article L 221-1 of the French Social Action and Family Code).

- 2.8 Young people should benefit from comprehensive assistance**, both emergency and long term, with immediate access to health insurance and accommodation suited to their needs and their degree of autonomy. Child welfare agents should be trained to receive unaccompanied minors (intercultural, ethnopsychological, assistance with regularization, etc.) and have access to interpreters. The transition to adulthood should be prepared (avoid putting children on the streets once they turn 18).
- 2.9 Once potential or actual trafficked children have been taken in and recorded, they must be identified.** Professionals should have appropriate tools and a well-defined process. Minors should be assisted and backed in their efforts to file a complaint if they so wish.
- 2.10 If a young person is entitled to the right of asylum, steps should be taken without waiting for the child to come of age.** There must be full entitlement to the right of residence, regardless of the age when the child starts receiving care.

THANK YOU. For the question of trafficking in human beings. To all members of the Collective "Together against trafficking in human beings": Action Catholique des Femmes, AFJ, Agir Contre la Prostitution des Enfants, Agir Ensemble pour les Droits de l'Homme, Amicale du Nid, Armée du Salut, Association pour la Réadaptation Sociale, Aux Captifs la libération, 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, Espoir CFDJ-Jeunes errants, Fondation Jean et Jeanne Scelles, Hors la rue, Justice et Paix France, La Cimade, Les Champs de Booz, Mouvement du Nid, Organisation Internationale Contre l'Esclavage Moderne, Planète Enfants et Développement, SOS Esclaves, Secours Catholique - Caritas France.

The "**Together against trafficking in human beings**" Collective* is a network created to combat more effectively all forms of this denial of human rights. Established by Secours Catholique in 2007, it brings together 25 French associations, which directly or indirectly assist trafficked victims in France or in the trafficking countries of transit or origin. Determined to resist the commodification of human beings, it is mobilizing with a twofold objective to raise public awareness of this complex issues, and convince French and world policy-makers to take a strong stand against this form of criminality. It covers the different types of trafficking for sexual exploitation, domestic slavery, forced labour, forced begging, coercion to commit offences, servile marriage, etc. **Its fields of action:** prevention that targets groups at risk of trafficking, public awareness-raising, victim assistance, networking at national and international level, and advocacy in France, elsewhere in Europe and worldwide to amend international texts and domestic legislation to favour victims. In June 2016/2017, the Collective "Together against human trafficking in human beings" assisted the French Government with the **first statistical study** on human trafficking in France: an opportunity to shed light on this problem, all too often concealed to the detriment of the persons concerned. **On the basis of the experience, talent and potential of trafficked persons** of all ages and nationalities, the "Together against trafficking in human beings" Collective, through its efforts to combat this crime against humanity, works to ensure access to the law for all, rejecting all forms of exploitation of one human being by another. Several member organizations of this Collective of French associations also boast an international scope, which is an asset for combating this scourge.

And for the question of unaccompanied minors: Also with Apprentis d'Auteuil.

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