

## HUMAN TRAFFICKING, MODERN SLAVERY : WOMEN AND CHILDREN, THE FIRST VICTIMS



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Human trafficking is one of the subjects which the Senate's Delegation for Women's Rights has wanted to take a long hard look at for a long time :

- the work done on **prostitution**, first by the Social Affairs Committee<sup>1</sup>, and then to pass the draft law to reinforce the measures against organised prostitution have highlighted the **convergence which exists between sexual exploitation and human trafficking** and the growing influence of **organised crime** in this scourge ;

- the rise in crime (enforced mendacity, forced labour, organ trafficking) making human trafficking a form of "**modern slavery**", has shown the new sides of human trafficking which are far from the old notion of "white slavery" ;

- the **connection between the recent increase in wars and violence against women** which is underlined by the Delegation's Information Report on **war rape**<sup>2</sup>, has shown how far the armed conflicts which are tearing the modern world apart exacerbate the vulnerability of women, who are always vulnerable during conflicts. The Delegation's conclusions at the end of 2014 find an insupportable echo in the slavery of women and their sexual exploitation which is tragically illustrated today by the barbarism of groups like **Daech** and **Boko Haram** ;

- finally the **migrant crisis** alerted the Delegation to the specific dangers facing women in these tragic situations, and encouraged it to explore the **connection between these migrations and human trafficking**.

**According to the UN's statistics, 70 % of the victims of human trafficking are women and young girls** : this finding strengthened the resolve of the Delegation for Women's Rights to take on this subject.

**In addition, an analysis of the figures by gender shows two very different forms of human trafficking : 79 % of female victims are victims of sexual exploitation, whereas 83% of male victims are victims of forced labour**<sup>3</sup>.

This report confirms the **connection between human trafficking and violence against women** with the prevalence of some of the scourges denounced by the Delegation : **prostitution, rape, war rape, sexual violence, forced marriage**.

<sup>1</sup> *The health and social position of prostitutes : reverse the trend (Situation sanitaire et sociale des personnes prostituées : inverser le regard) Information report n° 46 (2013-2014) by Mr Jean-Pierre Godefroy and Mrs Chantal Jouanno, on behalf of the Social Affairs Committee.*

<sup>2</sup> *So that rape and sexual violence cease to be weapons of war (Pour que le viol et les violences sexuelles cessent d'être des armes de guerre) Information report n° 212 (2013-2014) by Mrs Brigitte Gonthier-Maurin, on behalf of the Delegation for Women's Rights and Gender Equality.*

<sup>3</sup> *UN figures, 2014 report on human trafficking.*



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This is not the first time the Delegation has worked on this subject which covers a lot of the aspects of violence against women: in 2013, our colleague Maryvonne Blondin<sup>4</sup>, whose commitment inside the Parliamentary Assembly of the Council of Europe is common knowledge, analysed the effects on women's rights of the draft law transposing the Warsaw Convention, a crucial international instrument for fighting against human trafficking, into our domestic law.

The Delegation for Women's Rights began its work on women as victims of human trafficking by interviewing Myria Vassiliadou, the European Union's coordinator for fighting human trafficking, on September 22, 2015. **This meeting immediately placed the Delegation's work in an international light which is essential for approaching a phenomenon which goes largely beyond our borders.**

One of the highpoints of the investigation was on **November 25, 2015**, a very symbolic date as the **International Day for the Elimination of Violence against Women** appeared the most opportune moment to interview associations trying to stop this scourge, as part of the fight to eliminate violence against women. Although 70 % of victims are women, **68 % of the people prosecuted and 72 % of individuals convicted for human trafficking are men**. As Michèle Ramis, the ambassador responsible for fighting organised crime stressed to the Delegation on October 29, 2015 "[Human trafficking] reflects the historically unequal balance of strengths between men and women and socio-cultural behaviour marked by male domination". The roundtable on November 25, 2015 also highlighted the crucial role played by associations in combating human trafficking.

Just as symbolically, the Delegation adopted this report on Wednesday, March 9, 2016 the day after **International Women's Day**. This work was therefore performed between **the two most important days in the year for the fight for gender equality**.

The particularly worrying effects of human trafficking for women justified this report being a **cross-party report**, supported by all the political parties in the Senate, **which goes beyond political loyalties, and underlines the consensus inside the Delegation on this extremely serious subject**. The Delegation therefore appointed six **co-rapporteurs** to analyse this scourge which affects both adults and children :

- Corinne Bouchoux for the Ecologist group ;
- Hélène Conway—Mouret for the Socialist group ;
- Joëlle Garriaud—Maylam for the Les Républicains group ;

- Brigitte Gonthier—Maurin for the Communist, Republican and Citizen group ;

- Chantal Jouanno, Chairwoman of the Delegation for the Union of Democrats and Independent Group - UC ;

- Mireille Jouve for the Democratic Assembly and European Social group.

It focused on the **three main aspects of human trafficking** :

- **Its legal framework**, beginning with the international instruments for combatting human trafficking which are crucial to overcoming this transnational scourge ;

- the **assessment of a recent complete national public policy**, a few months before the end of the first National Action Plan against Human Trafficking (2014—2016) which found encouraging but perfectible progress ;

- and finally the **migrant crisis**, with the need for increased vigilance against organised criminal networks.

The **21 recommendations** in this report are aimed at :

- **improving the governance** of the combat against human trafficking by taking the specific position of **children into account** ;

- supplementing **the national legal framework** ;

- **guaranteeing budgetary and human resources** in the combat against human trafficking notably those of the Interministerial Mission for the Protection of Women against Violence and Combatting Human Trafficking (*Mission interministérielle pour la protection des femmes contre les violences et la lutte contre la traite des êtres humains—MIPROF*) and associations ;

- ensuring that France's diplomacy **and international action** contribute even more to combating this scourge ;

- **improving training** for those involved in the combat against human trafficking as well as **informing** the general public.

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<sup>4</sup> *Human trafficking and violence against women : national priorities, international struggle* (Traite des êtres humains et violences faites aux femmes : priorités nationales, lutte internationale) *Information report n° 583 (2012-2013)* by Mrs Maryvonne Blondin, on behalf of the Delegation for Women's Rights and Gender Equality.

## HUMAN TRAFFICKING, MODERN SLAVERY : WOMEN AND CHILDREN, THE FIRST VICTIMS



### THE 21 RECOMMANDATIONS ADOPTED BY THE DELEGATION

#### TO IMPROVE THE GOVERNANCE OF THE COMBAT AGAINST HUMAN TRAFFICKING

**Recommendation n° 1.** — The Delegation recommends that the Interministerial Mission for the Protection of Women against Violence and Combatting Human Trafficking (*Mission interministérielle pour la protection des femmes contre les violences et la lutte contre la traite des êtres humains— MIPROF*) is attached to the office of the Prime Minister in order to reinforce the interministerial and multidisciplinary dimension of the combat against human trafficking.

**Recommendation n° 2.** — In order to improve the statistics on the different aspects of human trafficking, the Delegation recommends giving MIPROF the role of coordinating the publications of existing offices whilst conserving their specificity and legal independence.

**Recommendation n° 3.** — The Delegation recommends that the expertise of the voluntary sector involved in combating human trafficking should be used more systematically and enhanced to define tools for identifying, accompanying and protecting victims.

**Recommendation n° 4.** — The Delegation was impressed by the system for coordinating the work of those involved in combating human trafficking in the Prefecture of Alpes—Maritimes and suggests that this example should be widely circulated by the Ministry of the Interior.

**Recommendation n° 5.**— The Delegation recommends appointing a guardian trained on human trafficking for isolated foreign children and children who are at risk in their homes, victims or potential victims of human trafficking.

**Recommendation n° 6.**— The Delegation is closely following the safe children's accommodation experiment in Paris and would like it to be implemented throughout the whole of France if it is conclusive.

#### TO COMPLETE THE NATIONAL LEGAL FRAMEWORK

**Recommendation n° 7.**— The Delegation wants an express reference to forced marriages added to the current definition of human trafficking in article 225-4-1 of the Criminal Code.

**Recommendation n° 8.** — The Delegation is calling for the draft law to reinforce the fight against organised prostitution to be passed as quickly as possible as well as the draft law authorising the ratification of the Protocol relating to Convention n° 29 of the International Labour Organization (ILO) on forced labour passed by the Senate on January 28, 2016 and transmitted to the National Assembly.

**Recommendation n° 9.** — The Delegation recommends harmonising the practices of Prefectures for the issuing of residence permits to victims of human trafficking.

**Recommendation n° 10.** — The Delegation would like the questionnaire appended to the Order of October 23, 2015 completed to deal with issues concerning all situations of vulnerability mentioned in the second subparagraph of article L. 744-6 of the Code governing the Entry and Stay of Foreigners and the Right to Asylum (*Code de l'entrée et du séjour des étrangers et du droit d'asile— CESEDA*), to improve the detection of potential victims of human trafficking.

#### TO GUARANTEE BUDGETARY AND HUMAN RESOURCES IN THE COMBAT AGAINST HUMAN TRAFFICKING

**Recommendation n° 11.** — The Delegation considers that it is crucial to guarantee the budgetary and human resources necessary to implement the 23 measures of the 2014-2016 National Action Plan against Human Trafficking.

**Recommendation n° 12.** — The Delegation recommends that the 50 positions for cultural mediators stipulated in this action plan should be created as a matter of urgency.

**Recommendation n° 13.** — The Delegation wants long-term protection for budgetary and human resources dedicated to associations working to combat human trafficking.

**Recommendation n° 14.** — The Delegation recommends maintaining or increasing France's contributions to the United Nations Office on Drugs and Crime (UNODC) and to all international bodies which are empowered to combat human trafficking.



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### THE 21 RECOMMANDATIONS ADOPTED BY THE DELEGATION

#### SO THAT FRANCE »S DIPLOMACY AND INTERNATIONAL ACTION CONTRIBUTE EVEN MORE TO COMBATING HUMAN TRAFFICKING

**Recommendation n° 15.** — The Delegation asks for French diplomacy to remain vigilant in defending women's rights at international level in order to counter the relativist trend which calls the universality of the rights acquired into question.

**Recommendation n° 16.** — The Delegation recommends the outright condemnation by all international bodies of practices of groups such as Daech and Boko Haram, concerning the enslaving and sexual exploitation of women and all States which are directly or indirectly involved in the scandalous illicit activities which help to finance these barbarians.

**Recommendation n° 17.** — The Delegation asks the Government to lobby, in international arenas, for the ratification of the conventions which combat human trafficking in all its forms, by all States, and to ensure that our country ratifies these conventions as quickly as possible.

#### POUR RENFORCER LA FORMATION DES ACTEURS DE LA LUTTE CONTRE LA TRAITE ET LA SENSIBILISATION DU GRAND PUBLIC

**Recommendation n° 18.** — The Delegation asks the public powers to make the combat against human trafficking a great national cause and with this in view, wishes to launch a public awareness campaign on the different types of trafficking.

**Recommendation n° 19.** — The Delegation considers that the initial and further training of professionals (judges, police, health professionals, work inspectors, volunteers, social services, hospital staff, and border police) on the various aspects of human trafficking must be improved.

**Recommendation n° 20.** — The Delegation recommends appointing a Human Trafficking Officer in the Prosecution Departments which are the most affected by this problem to assist judges and reinforce criminal sanctions in fighting human trafficking.

**Recommendation n° 21.** — The Delegation recommends that human trafficking should be added to the school curriculum. It therefore wants the National Curriculum Board (*Conseil supérieur des programmes (CSP)*) to consider this question in order for it to be included in core knowledge, skills and culture and into school teaching programs.

Délégation for Women's Rights and Gender Equality

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[www.senat.fr/commission/femmes/index.html](http://www.senat.fr/commission/femmes/index.html)

The rapport can also be ordered at the following adress : [www.librairie@senat.fr](mailto:www.librairie@senat.fr)