

THE FIGHT AGAINST HUMAN TRAFFICKING. HOW TO IMPROVE IT: THE FRENCH CASE

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The UN Palermo Convention of 2000 gives us a detailed definition of human trafficking: “Trafficking in persons” shall mean 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 labor or services, slavery or practices similar to slavery, servitude or the removal of organs”.

Exploiting forced labour and prostitution involves more than 20 million people in the World, with 2.5 million new victims each year. 80% of these victims are women or children. 79% of the identified victims are subject to sexual exploitation and 18% to forced labour. According to the UN and Council of Europe it generates 32 billion Euros revenue each year. That makes it one of the biggest sources of illegal money around the World, along with drug-trafficking and arms-trafficking.

This “human trafficking” takes us back centuries ago, to a dark period of our history, the time of slavery. Although they are specifically prohibited by article 5 of the Charter of the fundamental Rights of the European Union, these criminal activities have gained a renewal in our globalized World. Hidden behind the legal definition and the cold statistics, the individual stories are tragic and the ways of exploiting people

quite varied: sexual exploitation, forced labour and begging, domestic slavery, organs trafficking amongst the most common.

The European Union hasn't been spared this terrible phenomenon. Since the fall of the Berlin Wall and the borders opening in countries formerly under Soviet rule, this human trafficking has greatly developed.: close to 25.000 persons are supposed to have been its victims between 2008 and 2010. Almost two thirds of the victims come from Europe, especially from Bulgaria and Romania. The EU is deeply aware of how serious the situation is and has made the fight against this trafficking one of the priorities of the Stockholm programme, an action plan aiming at developing an area of justice freedom and security.

Financial liberalization, the use of a common european currency and the expansion of instant means of communication (internet or social networks) have simplified money transfers and obscured the tracking of these illegal financial transactions. The tools which allow the perpetrators of these illegal activities to hide their identity are numerous and relatively easy to master. The legal authorities have to learn to be one step ahead to counter their deplorable crimes.

But who are these victims? Quite often, they live in rural areas isolated areas and belong to very poor families having contracted debts in their village. They also have been dreaming-and this is specially true of young woman-of a better life with greater financial opportunities in the West.

Creditors who gravitate around mafia circles convince them to send their children, or go themselves to Western Europe under a promise of easy Money which would lead them to returning home with enough to build their own home. They then borrow more money to pay for the trip. It's this "camata" a loan system very ancient in Romania which has resuscitated in the early 90's. A large number of these poor people discover the truth and their fate only when they step onto French, Italian or Spanish territory and are forced to prostitute themselves or to start begging on the streets. They feel then linked to their mafia creditors, and keep on hoping they will earn one day enough Money to go back home. They are also afraid of the police whom they fear might come down heavily on them.

The gangs.

The increase in scope of the eastern gangs has been steady these last 20 years. Our central Office fort he repression of human trafficking has led to the dismantling of 52 international networks in 2012, 13 more than 2 years earlier. Among those, almost half (that is 23 networks) were led by Rumanian gangs.

These gangs used to be tiny networks operated by small leaders, including heads of household. The first gangs to arrive in Western Europe were Albanian, who mostly worked in Italy where they got the upper hand against the local Mafia, thanks to the anti-corruption measures which were in the 90's. Then they emigrated to other countries. They are now incredibly well organized and are now operating on a different and much bigger scale.

They also know all the legal loopholes of the countries in which they work.

The difficulties

Dismantling this kind of networks is a long-term and tedious job, as it relies on discovering the existing links between the victims who don't speak the language and live under false identities, and are too afraid to come forward and cross their gang masters, knowing their own safety and that of their families back home could also be threatened.

As a Rapporteur on a bilateral treaty between France and Romania on isolated Romanian young (under-18) delinquents, I have seen first hand how difficult it is for the police to tackle the problem, particularly with youngsters. In France a child under the age of 13 cannot be prosecuted and therefore doesn't have penal responsibility. The gangs use that loophole and tell the youngsters to lie on their age. It's often quite difficult to determine the precise age of one of these youngsters as they have no ID, are reluctant to talk, frightened of reprisals by their gang masters and their age cannot be guessed safely by mere bone analysis.

When we manage to send these youngsters to Romania with a bit of money to help them reintegrate into society of their native country-many of them come back...

So what can we do?

The legal and policy framework

In fact we have a legal framework at our disposal, with two prominent legal instruments. The first one is the UN Palermo Convention.

This UN 2000 Convention against Transnational Organized Crime is a multilateral treaty with a special emphasis on human trafficking through one of its three Protocols, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children. This Protocol is the only legally binding instrument to fight against human trafficking. It includes means for the prevention of trafficking, while protecting the victims and also pursuing the perpetrators and falls within the jurisdiction of The UN Office on Drugs and Crime which acts as its Custodian.

The second one is the Council of Europe Warsaw Convention of 2005, which insist on the training of professionals and the implementation of a national coordination mechanism, with the establishment of a national and transnational referral mechanisms. Finally the European Union has developed over the last few years a comprehensive policy and legislative framework to effectively eradicate human trafficking. In June 2012 it adopted a communication on a strategy for the years leading to 2016. It offers guidance with for example two training manuals, for borderguards and for diplomatic and consular services. So we have the framework, but, more than ever, international cooperation for a more efficient response to this growing problem. This is the key to success. This cooperation must be at an international and regional level, with the countries of origin, of transit and final destination. This will requires new tools, and I believe the franco-rumanian Agreement could be an example of what can be done.

To dismantle criminal networks, we need to coordinate police services on a transnational basis. We need an integrated and multidisciplinary partnership programmes across relevant disciplines and with stakeholders and other actors involved, and a coordination between public authorities, private sector, NGO's and civil society in all these countries. We need to create exchange programmes and send police officers, magistrates and social workers to the countries of origin. We need also build international data-basis covering the movement of East European migrants, particularly the youngsters. Obviously it needs to be done in full compliance with applicable date protection rule. But we also need more preventive actions at the local level For what is ultimately crucial is the work carried out in the country of origin, to prevent prostitution or forced labour, especially among the very young and isolated migrants. We need also to inform them that our western countries are not lands of plenty and that life there could be miserable fort hem...

The French Implication

For the past ten years, France has worked intensively towards a way of bringing all the necessary elements in line so that the international instruments against human trafficking could be effectively applied. Within the Council of human rights, France has supported since 2004 the creation of a post of special Rapporteur on human trafficking. It has also supported the efforts of the UN within the framework of the World initiative against human trafficking (called UN Gift), which was launched in 2007 to improve coordination of all international organizations working on the subject and helping financially the victims.

France was also very active in the working group on human trafficking within the UN Office against drug and Crime, the work of this group having led to the UN adopting in 2010 (resolution 64/293) an Action Plan against human trafficking, in view of an efficient implementation of the additional Protocol to the Palermo Convention.

At the European level, France ratified in 2008 the Convention of the Council of Europe against human trafficking. It collaborates actively with GRETA, a body which checks this legal instrument is properly applied. A national action plan is being elaborated to follow the recommendations of Greta. As recently as August 2013, France has included in its national law the 2011/36/UE directive of the European parliament, as well as the directive of and the Council of Europe of April 2011 regarding the prevention of human trafficking, the fight against this phenomenon and the protection of the victims. Regional cooperation in Europe is at the centre of the French strategy. We've created the position of Regional Technical Counsellor in charge of this fight within our Embassy to the UN in Vienna. This Counsellor cooperates with 16 different countries of South East Europe to help them reinforcing their institutional capacities and civil society. We feel that multilateral tools are always more efficient if they rely on an "on the ground" implication of the local and regional players as well as the NGO's and civil society.

I would like also to mention our implication in West Africa

Countries of the Guinea Gulf have been identified not only as a major centre of forced labour and of sexual exploitation of women and children, but also a hub for circular ways of human trafficking, they have been proved to be countries of origin, of transit and of destination. The scope of these trafficks and the business associated with it in the region provide an important underground economy which is hard to eradicate and contribute to destabilize the states. It must be understood that trafficking in the region is a huge problem, far than just a humanitarian challenge. It has transnational implications, permeates across regional economies and can destabilize whole States.

These traffics have not been limited to one geographical area. Thus, numerous victims from West Africa arrive in Western Europe through Eastern Europe and the Balkans. France launched in November 2013 for a 3 years period what we call a PRiority Solidarity Fund which helps the fight against trafficking an Guinea Gulf State countries. It aims to reinforce regional coordination in 5 countries (Cameroon, Benin, Togo, Ghana and Nigeria) between which exist important trafficking flows. The main objective is to empower these States by improving their capacity to fight trafficking. It encourages the exchange of information on good practices. It wants to place the victim at the heart of everything when dealing with this appalling crime against humanity.

Cooperation with Bulgaria

To illustrate our emphasis on the ground local cooperation, I would like to give you another example of a pilot Project in the prevention of human trafficking with emphasis on the Rom minority Bulgaria, which is largely funded by France. It is sponsored by

the city of Varna and the Bulgarian family planning organisation, with help from the Regional Health Network and Saoutchtie” a prominent organization of Varna.

The Project aims to serve as a model for the global policy and procedure in the field of prevention in the most vulnerable ethnic groups of Bulgaria. Its aim is to reduce the number of Rom victims in the Varna area, to encourage concrete measures to prevent early pregnancies among Rom girls and improve safe sexual behaviour. It also aims at instigating better public awareness of human trafficking.

We also finance a Project in Bosnia Herzegovina, in the Tuzla area, for the protection of children, which provides adequate teaching and training programmes for them and information for their parents. And, still in the region, we contribute to multilateral programmes like the “Governance” one of the OSCE which provides assistance to the victims in The Balkans, Caucasus and Central Asia.

Conclusion; to conclude, I would like to say our main challenge is to implement in each one of our countries the main principles of international law with the help of local authorities and civil society. The security of whole regional areas lay on the capacity of the various countries players to cooperate and go beyond a merely security-oriented approach. We need to see these juvenile delinquents as victims and not offenders. We need to protect them. This is an issue of basic human rights which won't go away for as long as there remain big discrepancies in lifestyle and resources internationally and as long as we, in positions of authority, don't act together.

I hope this Istanbul Summit will contribute to the awareness of this necessity and will lead to further steps to help eradicate this scourge on mankind. Human Trafficking is a violation of human rights. It's an offense to the dignity and integrity of the human being. It is an appalling crime against humanity. we have the legal framework, but we need more coordination and more political commitment to implement efficient action plans through a global and local approach. Some EU countries still haven't enacted EU rules on human trafficking, more than 6 months after the deadline for transposing Directive 2011/36/EU and the Commission has recently requested them formally to ensure full compliance with their obligations under EU legislation.

Tackling this issue is a responsibility which lies with each of our governments. I place great hope in Turkey, which has succeeded in having a great influence in the region. I strongly feel more should be done at the regional level, especially in the countries of Central Asia, the Balkans and Eastern Europe. I feel this fight against human trafficking should be a priority for each one of our countries.

To see the Marmara Foundation involved in discussing this issue is a great boost. As I have said earlier, we need your help!