

RESPONSE: CRIMINAL RESPONSIBILITY OF TRAFFICKED PERSONS, INCLUDING ISSUES CONCERNING HOW SUCH PERSONS ARE PROTECTED FROM PROSECUTION AND PUNISHMENT

Author: M. Nicolas Maziau, conseiller in the Criminal Chamber of the Cour de Cassation¹, chargé de mission du premier Président.

Response to the paper by M. Andrew Stewart, Lord Ericht, Senator of the College of Justice and Lord of Session of the Court of Session (Outer House), Scotland

Introduction

The topic under consideration may seem paradoxical. Victims of human trafficking are victims. It is those who exploit them who should be prosecuted and convicted. French criminal law, which at first considered this problem only through offences of abuse of vulnerability and dependency of a person to obtain from them unpaid or insufficiently remunerated services,² or subjection to conditions of work or accommodation which are incompatible with human dignity,³ has now created, in the law of 18 March 2003,⁴ specific offences which punish human trafficking,⁵ plus, under the law of 5 August 2013 (which also enlarged the definition of trafficking offences),⁶ the crimes of enslavement or of exploitation of an enslaved person.⁷

It is necessary to emphasise that such victims are not safe, or do not believe themselves to be safe from criminal prosecution, and that the perpetrators of the offences, which I have just enumerated, use that to tighten their grip. For this reason, the law has organised protection for victims against these risks. Finally, in certain specific situations, the exploitation that amounts to trafficking consists of making the victim commit criminal offences.

The definition of human trafficking

Under the United Nations Protocol of 15 November 2000 (The Palermo Protocol),⁸

¹ This paper was drafted mainly by M. Nicolas Bonnal, conseiller in the Criminal Chamber of the Cour de Cassation; the credit for this presentation belongs, essentially, to him.

² Code Pénal [C. Pén] [Penal Code] art. 225-13 (Fr.).

³ *ibid.*, art. 225-14 (Fr.).

⁴ Loi 2003-239 du 18 mars 2003 pour la sécurité intérieure [Law 2003-239 of March 18, 2003 on Internal Security] Journal Officiel de la République Française [J.O.] [Official Gazette of France], Mar. 19 2003.

⁵ Code Pénal [C. Pén] [Penal Code] art. 225-4-1 to 225-4-8 (Fr.).

⁶ Loi 2013-711 du 05 Août 2013 portant diverses dispositions d'adaptation dans le domaine de la justice en application du droit de l'Union européenne et des engagements internationaux de la France [Law 2013-711 of 5 August 2013 laying down various adaptation provisions in the field of justice in application of European Union law and France's international commitments] Journal Officiel de la République Française [J.O.] [Official Gazette of France], Aug. 06 2013.

⁷ Code Pénal [C. Pén] [Penal Code] art. 224-1 A, B, C (Fr.).

⁸ Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (adopted 15 November 2000, entered into force 25

human trafficking is defined as:

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.

By ‘exploitation’, the Palermo Protocol encompasses ‘at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs’.⁹ Several European instruments set out the scope of that concept, supporting the rights of victims and affirming the obligations incumbent on States, the better to prevent and punish human trafficking. These include the Council of Europe Convention on Action against Trafficking in Human Beings of 16 May 2005 (the Warsaw Convention)¹⁰ and Directive 2011/36/EU of 5 April 2011 of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims.¹¹ Human trafficking is also prohibited by Article 5(3) of the Charter of Fundamental Rights of the European Union.¹²

The European Court of Human Rights has also developed a body of interpretative jurisprudence on Article 4 of the European Convention on Human Rights and Fundamental Freedoms,¹³ which prohibits forced employment, servitude and slavery, considering that trafficking, as defined by Article 3(a) of the Palermo Protocol¹⁴ and of Article 4 (a) of the Warsaw Convention,¹⁵ comes within the scope of Article 4 of the ECHR.¹⁶ The Court emphasises the importance of guaranteeing practical, effective protection for the victims of human trafficking, real or potential, but also of taking practical measures which allow them to escape from their victim situation.

In addition, the European Directive of 5 April 2011¹⁷ was transposed into French law by Law no. 2013-711 of 5 August 2013,¹⁸ which substantially amended the criminalisation of trafficking and the applicable arrangements. In the French Criminal Code, human trafficking is defined in Article 115-4-1 as the fact of recruiting, transporting, transferring, hosting or accommodating a person with the aim of exploitation, in one of the following circumstances:¹⁹

- 1) by using threats, duress, violence or deception with regard to the victim, their family, or a person closely associated with the victim;

December 2003) 2237 UNTS 319 (Palermo Protocol).

⁹ *ibid.*

¹⁰ Council of Europe Convention on Action against Trafficking in Human Beings (adopted 03 May 2005, entered into force 01 February 2008) CETS 197 (Warsaw Convention).

¹¹ Council Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA [2011] L101/1.

¹² Charter of Fundamental Rights of the European Union [2012] OJ C326/02.

¹³ Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights, as amended) (ECHR),

¹⁴ Palermo Protocol (n 8).

¹⁵ Warsaw Convention (n 10).

¹⁶ ECHR (n 13).

¹⁷ Council Directive 2011/36/EU (n 11).

¹⁸ See note 6 above.

¹⁹ Code Pénal [C. Pén] [Penal Code] art. 115-4-1 (Fr).

- 2) by a legitimate, natural or adoptive relative in the ascending line or by any other person having authority over the victim, or by abusing the authority conferred upon them by their official position;
- 3) by abuse of a situation of vulnerability, by reason of a person's age, ill health, infirmity, physical or psychological impairment or pregnancy, whether apparent or known to the perpetrator;
- 4) in exchange for or through the granting of remuneration or any other benefit or promise of remuneration or benefit.

The type of exploitation mentioned in Article 115-4-1 is the fact of putting the victim at the perpetrator's disposal, or at the disposal of a third party, even unidentified, so as either to permit the commission against the victim of the offences of sex trafficking or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs, exploitation of begging, conditions of work or accommodation contrary to the victim's dignity, or by forcing the victim to commit a crime or delict. (For minor victims, the characterisation of an act as human trafficking is possible, even if it is not committed in any of the circumstances set out at (1) to (4) above).

Human trafficking is punishable by:

- 7 years' imprisonment and a fine of €150,000.
- 10 years' imprisonment and a fine of €300,000 if the offence is committed against a minor, against several persons, against a person outside the territory of the French Republic or on their arrival on that territory, with the assistance of an electronic communication network, in circumstances which expose the victim to an immediate risk of death or of injuries likely to result in mutilation or permanent disability, by the use of violence which caused the victim to be totally incapable of working for a period in excess of 8 days, by a person whose employment requires them to take action against trafficking or to maintain public order, when the offence has placed the victim in a serious material or psychological position.
- 20 years' imprisonment and a fine of €3,000,000 when it is committed by an organised gang;
- Life imprisonment and a fine of €4,500,000 when it is committed by using torture or barbaric acts.²⁰

In summary, a finding of human trafficking requires, cumulatively:²¹

An act: recruiting, transporting, transferring, hosting or accommodating a person;

A method: threat, duress, violence, abuse of position, abuse of vulnerability, exchange, grant or promise of remuneration, or any other benefit²²;

²⁰ Code Pénal [C. Pén] [Penal Code] art. 225-4-1 (Fr.).

²¹ Two points are worth making in order to understand better this complex offence: First, one must remember that the consent of the victim is irrelevant in all cases, and even if it could be shown, cannot exonerate the perpetrator of the trafficking. Second, trafficking is a strict liability offence, in that it does not require, in order to be proved, that the intended exploitation actually took place or even that it was commenced.

²² When victims of trafficking are minors, it is not necessary to prove the method element; proof of the act and of the outcome are sufficient to establish that human trafficking occurred.

Lastly, *an outcome*: the exploitation, by making the victim available, for the profit of the perpetrator or a third party, with a view to sex trafficking, sexual exploitation, forced labour, services, criminality or begging, undignified conditions of work or accommodation, enslavement or servitude, or the removal of organs.

An observation: criminal and administrative risks run by the victims are a weapon in the hands of the perpetrators of trafficking.

The circumstance which, very often, contributes to a victim being forced into a situation of modern slavery is the fear of criminal prosecution; a fear which rests, in the great majority of cases, on the fact that the victims are foreigners, lacking any leave to remain on the national territory. Thus, the awareness of the risk of criminal prosecution for the delict of irregular entry and stay in France, and in particular, the risk arising from the precarious situation of a foreigner with no *titre de séjour*, who can at any moment be removed, is a real brake on action against trafficking.

Protecting victims of trafficking against these risks is, consequently, a major issue in tackling this problem. Several examples, which emerged during a meeting (Human trafficking, modern slavery and forced labour in France: 25 years of action, 11 April 2019, National Assembly, sponsored by Mme Stella Dupont, member of the Assembly), organised in the National Assembly last April by a humanitarian association, the Committee against Modern Slavery, which has made a significant contribution to directing the attention of society and public authorities in France to the problem of human trafficking, illustrated the need for such protection.²³

One victim gave evidence, at that meeting, of the panic fear of the police that she had experienced, because she entered France, aged 14, on false papers. That fear contributed to locking her into the home of the couple who had brought her to France, who exploited her, deprived her of food and beat her, while the man of the couple raped her, and this even more surely because of the strict surveillance they exercised over her. The fear continued, even after neighbours had helped her to escape from her abusers and had welcomed her into their home, which marked the beginning of a new, long period of exploitation, without physical or sexual violence or deprivation of food, but exploitation nevertheless. This just shows how the fear of prosecution can contribute, very significantly, to the long-term exploitation of victims of trafficking.

They are, of course, nearly always foreigners in an irregular situation, with 'no papers'. That was the case of young women who are given by their family to a couple living in France, to serve as housekeeper for them. It is also the case of young women recruited in Africa or Asia by sex traffickers and delivered into prostitution. It was also the situation of 17 of the 18 employees in a hairdressing salon in the 10th arrondissement of Paris, who had been exploited for years by their employer, who on 8 February 2018 was convicted in the Paris Criminal Court of human trafficking. With the support of a trade union, all these victims

²³ See description of event at: 'Traite des êtres humains, esclavage moderne et travail forcé : 25 ans de combat' (Comité Contra L'Esclavage Moderne) <<http://www.esclavagemoderne.org/2019/03/18/traite-des-etres-humains-esclavage-moderne-et-travail-force-en-france-25-ans-de-combat/>> accessed 29 August 2019.

were able to overcome their fear of removal and report the incidents. A major milestone in the long battle by these employees was won when in 2014, they received assurances that they would not be deported.

The Criminal Chamber of the Cour de cassation has not received many appeals to quash decisions in cases of human trafficking (whether under the previous version of the law, or after 2003). However, on several occasions the Court has given significant decisions on cases of this type. In examining these few decisions, one observes that often, these offences are prosecuted at the same time as those of assisting a foreigner to enter and live irregularly in France, and of employing a foreigner with no right to work (see, for example, Crim., 14 October 2014, appeal no. 13-84.501; Crim., 21 June 2016, appeal no. 15-80.270).²⁴

Although they are much more rare, one also finds in the Criminal Chamber's jurisprudence, a few examples of exploitation of French nationals (a disabled person, used as a home help and working, additionally, in the restaurant of his employers, without being paid properly for this double employment, (Crim., 15 March 2016, appeal no. 15-80.685);²⁵ a protected adult, accommodated by his employer in inappropriate conditions, paid little or badly and subjected to violence, (Crim., 15 June 2010, appeal no. 09-83.185²⁶).

However, the cases of foreign victims are considerably more numerous. One appeal, in particular, demonstrates the importance of the foreign victim being an irregular migrant. It arose in an iconic case, which eventually led to a negative decision by the ECHR against France (ECHR, judgment of 26 July 2005, *Siliadin v France*, no. 73316/01),²⁷ a judgment which contributed significantly to awareness of the seriousness of the problem, and the inadequacy of the institutional response, although the proceedings which led to the *Siliadin* judgment did not play any part in the passing of the law of 18 March 2003 mentioned above.²⁸

The couple who had employed and accommodated young Henriette since she was 16 years old were convicted at first instance of abusively obtaining unpaid or inadequately paid services from a vulnerable or dependant person, contrary to Article 225-13 of the Criminal Code, and subjecting that person to conditions of work or accommodation contrary to human dignity, contrary to Article 225-14 of the said Code.²⁹ The conviction was overturned on appeal, and only the victim brought an appeal to have the Court of Appeal's decision quashed by the Cour de Cassation. In its judgment, (Crim., 11 December 2001, appeal no. 00-87.280, Bull. crim. 2001, no. 256),³⁰ the Criminal Chamber of the Cour de Cassation relied on the inadequacy and inconsistency of the reasoning in the Court of Appeal, which, having 'decided that Henriette X...was a minor, a foreigner, had no *titre de séjour* or right to work and was indigent, nevertheless decided that her status of vulnerability and dependency, a requirement for the both the offences alleged, was not proved because the young woman had a certain degree of freedom of movement, considering that vulnerability could not be proved merely by her foreign origin'.³¹ The Cour de Cassation

²⁴ Cour de cassation [Cass.] [supreme court for judicial matter] crim., Oct. 14, 2014, Bull. crim., No 205, 13-84.501; Cour de cassation [Cass.] [supreme court for judicial matter] crim., Jun. 21, 2016, 15-80.270.

²⁵ Cour de cassation [Cass.] [supreme court for judicial matter] crim., Mar. 15, 2016, 15-80.685

²⁶ Cour de cassation [Cass.] [supreme court for judicial matter] crim., Jun. 15, 2010, 09-83.185

²⁷ *Siliadin v. France* App No [73316/01](#) (ECHR, 26 July 2005).

²⁸ See note four above.

²⁹ Code Pénal [C. Pén] [Penal Code] art. 225-13, art. 225-14 (Fr.).

³⁰ Cour de cassation [Cass.] [supreme court for judicial matter] crim., Dec. 11, 2001, Bull. crim., No 256, 00-87.280 ('Cour de cassation Arrêt N° 00-87.280').

³¹ *ibid.*

was not seised of the criminal proceedings, as the Prosecutor General had not appealed; it was seised only of the victim's civil rights, for which the Court of Appeal had only been able to award partial damages, as the couple who exploited her had successfully appealed against their criminal convictions.³²

In holding that France had failed to meet its positive obligations as a State party arising out of Article 4 ECHR: (1. No one shall be held in slavery or servitude. 2. No one shall be required to perform forced or compulsory labour) which was strongly linked to the state of French law before the 2003 reform, the European Court of Human Rights held, in a reasoned decision which summarises well the situation of victims (see [108]) that

...although the applicant was not under the threat of prosecution, it remains the case that she was in an equivalent situation, given the seriousness of the fear that she felt. Indeed, this adolescent, in a country where she was a stranger, was in an irregular situation on French territory and feared being arrested by the police. Mr and Mrs B maintained that fear, while letting her hope that her position might be regularised.³³

The protection of victims of trafficking against this criminal and administrative risk

It is this observation, that the criminal and administrative risks run by the victims are a weapon in the hands of the perpetrators of trafficking, which explains why the necessity of protecting victims of trafficking from such risks is imposed as an imperative necessity. The obligation to protect is expressly set out in Article 7 of the Palermo Protocol (supplementing the United Nations Convention against Transnational Organized Crime, adopted by the UN General Assembly by resolution 55/25 of 15 November 2000),³⁴ one of the principal international instruments on the subject. Article 7 requires that 'each State Party shall consider adopting legislative or other appropriate measures that permit victims of trafficking in persons to remain in its territory, temporarily or permanently, in appropriate cases'. In consequence, the French legislature has, progressively, organised protection for foreign victims of trafficking against prosecution linked to their having no *titre de séjour*.

First, the risk of prosecution is now limited, by reason of the abolition, by the law of 31 December 2012,³⁵ of Article L. 621-1 of the Code of Entry and Stay of Foreigners and the Right to Asylum,³⁶ which provided for a general criminal offence, punishable by one year in prison, for foreigners who entered or remained in France unlawfully; henceforth, the only provision which remains in force is that in Article L. 621-2, which provides for the same penalty for entry into French territory in breach of the regulations of the Schengen Border

³² Cour de cassation Arrêt N° 00-87.280 (n 30).

³³ *Siliadin c. France* App No [73316/01](#) (ECHR, 26 July 2005), para 118.

³⁴ Palermo protocol (n 8).

³⁵ Loi 2012-1560 du 31 décembre 2012 relative à la retenue pour vérification du droit au séjour et modifiant le délit d'aide au séjour irrégulier pour en exclure les actions humanitaires et désintéressées [Law 2012-1560 of 31 December 2012 on the detention for verification of the right to stay and modifying the offense of assistance to stay irregular to exclude humanitarian actions and disinterested] Journal Officiel De La République Française [J.O.] [Official Gazette of France], Jan. 01 2013, art. 8.

³⁶ Code De L'entrée Et Du Séjour Des Étrangers Et Du Droit D'asile [Code of Entry and Stay of Foreigners and the Right to Asylum] art. L. 621-1 (Fr.).

Code.³⁷

However, for all foreigners in an irregular position, there remains the risk of administrative removal and of forced removal after having been placed in administrative detention. That is why the law of 18 March 2003³⁸ (which, we recall, introduced the offences concerning trafficking into the Criminal Code) added, as an alternative, in the Code of Entry and Stay of Foreigners and the Right to Asylum, in the chapter dealing with *titre de séjour*, a chapter allowing for leave to remain for foreigners who have lodged a complaint on the basis of trafficking or sex trafficking, or who have been called as witnesses to such facts in criminal proceedings (Article L. 316-1 of the said Code).³⁹ The offer of a *titre de séjour* by the administration is discretionary, not mandatory.

A law of 16 June 2011⁴⁰, in another area, domestic violence, but which obviously resonates with what we are considering, provides for the grant of a *titre de séjour* to a foreign spouse who is a victim of domestic violence and has the benefit of the civil protection orders created by the law of 9 July 2010 (which allows a Family Court Judge, on an urgent application, to make various protective orders for the benefit of a spouse at risk of violence from their spouse, or ex-spouse – eviction of the spouse who is suspected of domestic violence from the matrimonial home, an injunction to stay away from the victim, etc).⁴¹ But this new provision immediately gives better protection than that afforded by the law of 18 March 2003 for the benefit of victims of trafficking or sex trafficking.⁴² In fact, for spouses who have the benefit of a protective order, the competent administrative authorities are bound to issue a *titre de séjour* ‘in the shortest possible time’, as set out in the statute.

This progress obtained by spouses with the benefit of a protection order did eventually, after almost five years, benefit victims of trafficking and sex trafficking. A law of 13 April 2016⁴³ transformed what had previously been a pure discretion in the hands of the administrative authorities into an obligation. From then on, a temporary *titre de séjour* must be granted to persons who have made a complaint for such offences, or who have been called as witnesses in criminal proceedings brought concerning one of these offences, save where the presence of that victim or witness is a threat to public order (which exception has been in the Code since 2003). Such a *titre de séjour* must be renewed while the criminal proceedings are pending, and where the person in question is finally convicted of the offence, must be replaced by settled status (a *titre de résident*).

The same law of 13 April 2016⁴⁴ also opened up the possibility of a *titre de séjour* being

³⁷ Code De L'entrée Et Du Séjour Des Étrangers Et Du Droit D'asile [Code of Entry and Stay of Foreigners and the Right to Asylum] art. L. 621-2 (Fr.).

³⁸ See note four above.

³⁹ Code De L'entrée Et Du Séjour Des Étrangers Et Du Droit D'asile [Code of Entry and Stay of Foreigners and the Right to Asylum] art. L. 316-1 (Fr.).

⁴⁰ Loi 2011-672 du 16 juin 2011 relative à l'immigration, à l'intégration et à la nationalité [Law 2011-672 of 16 June 2011 on immigration, integration and nationality] Journal Officiel De La République Française [J.O.] [Official Gazette of France], Jun. 17 2011.

⁴¹ Loi 2010-769 du 9 juillet 2010 relative aux violences faites spécifiquement aux femmes, aux violences au sein des couples et aux incidences de ces dernières sur les enfants [Law 2010-769 of 9 July 2010 on violence against women, Violence in couples and their impact on children] Journal Officiel De La République Française [J.O.] [Official Gazette of France], Jul. 10 2010.

⁴² See note four above.

⁴³ Loi 2016-444 du 13 avril 2016 visant à renforcer la lutte contre le système prostitutionnel et à accompagner les personnes prostituées [Law 2016-444 of 13 April 2016 to strengthen the fight against the prostitution system and to support prostituted persons] Journal Officiel De La République Française [J.O.] [Official Gazette of France], Apr. 14 2016.

⁴⁴ *ibid.*

issued to a foreign victim of the same offences, the trafficking in such cases being limited to sexual exploitation. Such victims, without making a complaint or being witnesses, are entitled to an 'escape route from prostitution and social and professional integration' which this provision created, to offer such victims an alternative to prostitution, independent of engagement in a criminal prosecution.

Of course, it is always possible for the administration to give discretionary leave to remain for humanitarian or exceptional reasons to victims who do not meet those requirements (Article L.313-14 of the Code of Entry and Stay for Foreigners and the Right to Asylum),⁴⁵ particularly taking account of the multiple legitimate reasons which might prevent such victims from making a complaint or giving evidence. Similarly, refugee status is frequently granted to victims of trafficking, if their return to their country of origin presents a risk. The fact of being a victim of trafficking is one of the types of vulnerability that must be particularly considered when examining asylum claims (Article L.744.6 of the Code of Entry and Stay for Foreigners and the Right to Asylum).⁴⁶

These provisions undeniably constitute progress. But law does not do everything. Victims of trafficking and of modern slavery, who are foreigners in an irregular situation, may not know of these provisions, inevitably remain in fear of criminal prosecution and forced return to their country of origin, which we are aware is knowingly maintained by the perpetrators of these offences. And if they are not in a position to show that they wish to benefit from these provisions, they will continue to risk that the administrative authorities, unaware of the situation of the foreigner against whom they are considering taking removal measures, may go all the way and ensure that the removal directions are executed.

That is why Articles R.316-1 ff of the Code of Entry and Stay for Foreigners and the Right to Asylum,⁴⁷ imposes on investigators the duty to give information to victims on the rights which they may have under these provisions, and instituted a period of reflection of 30 days, during which they can reach a decision to bring proceedings, in the meantime benefiting from a provisional *récépissé*.

Victims of trafficking who are forced to steal: victims as perpetrators of crimes

Even though it is very specific, one cannot leave this topic without referencing the position of victims of trafficking who are recruited to commit crimes, and theft in particular (the most frequent case, although Article 225-4-1 of the Criminal Code mentions the commission of 'any crime or delict').⁴⁸ In practice, this affects only minors: thus, in 2016, of the 136 identified 'perpetrator-victims' of forced criminality, all of them were minors. The organisers of these networks intend to take advantage of the reduced level of criminal responsibility for minors that the law provides and the increased procedural guarantees accorded them. The challenge, for both investigators and the prosecution service, is to detect this type of situation, so as to adjust the response, so that it is not centred on

⁴⁵ Code De L'entrée Et Du Séjour Des Étrangers Et Du Droit D'asile [Code of Entry and Stay of Foreigners and the Right to Asylum] art. L. 313-14 (Fr.).

⁴⁶ Code De L'entrée Et Du Séjour Des Étrangers Et Du Droit D'asile [Code of Entry and Stay of Foreigners and the Right to Asylum] art. L. 744.6 (Fr.).

⁴⁷ Code De L'entrée Et Du Séjour Des Étrangers Et Du Droit D'asile [Code of Entry and Stay of Foreigners and the Right to Asylum] art. L. 316-1 ff (Fr.).

⁴⁸ Code Pénal [C. Pén] [Penal Code] art. 225-4-1 (Fr.).

prosecution of petty thieves, but on dismantling the adult networks that are exploiting them. It is a question of difficult enquiries, which in many cases have ended in real success, but which struggle to understand the scope of the problem.

Such detection is not necessarily easy, taking account of the problem of coercive control, which is characteristic of all forms of trafficking, control which is driven by emotional and material dependency, mechanisms for valuing the 'work' undertaken and, of course, threats and violence, and which results, more often than not, in a complete refusal by the victims to cooperate. One of the signs that can help in detecting a trafficking situation is repeated offences with very little time elapsing between them. Put another way, the first time, these victims may be treated, by badly trained police services, who are indifferent, or do not ask themselves the right questions, as perpetrators of offences like any others.

However, specialised police services, the best of which is the Brigade for the Protection of Minors in the Paris Police Prefecture, insist on the absolute necessity, not just for simple humanity but also for the efficient dismantling of the network that employs them, of treating these minors like the victims they are. In any event, this is a necessary step, so that those directly affected understand, also, that they are victims, and can thus gradually agree to escape the control that has been enforced upon them.

Although these minors are most often foreigners, the preceding considerations of fear of removal are not relevant, because minors are not required to have a *titre de séjour*. At the same time, the provisions of the general law on educational assistance are obviously, and fortunately, applicable to them and in order to help them escape from the coercion of which they are the object, it will often be necessary to place them in an educational institution which is geographically distant from the place where they were exploited. However, such placements are often ineffective and, sometimes in a matter of hours, the young people run away. In general, the classic institutional provisions must be adapted to these specific situations, and public authorities emphasise the need for cooperation between all of the professionals involved.

Whether it is a question of informing victims of their rights, attracting the attention of public authorities, or sensitising and training those who are involved, the role of humanitarian associations who work on the protection of victims of human trafficking and modern slavery remains crucial, therefore, to ensure the effectiveness of their rights.