

ECPAT France's response to the new EU Strategy on Combatting Trafficking in Human Beings (2021-2025)

Introduction

ECPAT France is a French Non-Governmental Organization that aims at combatting child sexual exploitation and trafficking in France and in the world.

Since the publication by the European Commission of the EU new strategy (2021-2025), ECPAT France seizes the opportunity to present its recommendations, reflecting its previous contribution to the European Commission public consultation in august 2020.

The recommendations are a reflection of observations made in the context of its programs, research activities and field investigations.

Context

Trafficking in human beings (THB) is an organized and profitable crime that, in between 2017 and 2018, made 14 145 identified victims. Children represent 22% of victims in Europe, among them, 74% have the European citizenship. The majority of victims, 64%, are trafficked for sexual exploitation purposes, most of them are girls (78%)¹.

ECPAT France observes a lack of comprehensive answers face to the rapid evolutions and the scale of the phenomenon, concerning either on line exploitation, the non-existence of safe and secured shelters, and comprehensive care for boys and girls, the non-existence of identification mechanisms or early referral of victims.

To face this important transnational phenomenon, enforcement of European and international cooperation as well as centered victims approach are key strategies to prevent and fight this crime.

› **With the new EU strategy, ECPAT France welcomes the following:**

The will to support more openings of specialized shelters for victims of THB, especially for women and girls.

We observe that protection of these children can only go through a complete and comprehensive care in a safe and secured context far from the trafficking network. We identified the lack of welcoming infrastructure in Europe, and particularly in France, as an obstacle to fight THB. The lack of adequate protection of victims is used as an

¹ Figures from the third report on Combatting THB by the European Commission, October 2020 https://ec.europa.eu/anti-trafficking/sites/default/files/third_progress_report_factsheet.pdf

advantage for trafficking networks and limits the possibility to inquire and legally suits them. The current lack of adequate accommodation increases the victims high mobility, and with it their vulnerability and the difficulty to protect them. Creation of specialized shelters will thus reinforce protection systems and permit to welcome children to protect them against criminal networks, prevent secondary victimization and contribute to their integration into host societies.

The importance given to the migratory context, since it is crucial to consider that many victims of THB are being exploited in the context of a multifactorial migration route.

There is a need that migration actors are reinforced in their capacity to identify and help child victims.

The importance given to a gender-oriented approach, THB victims being mainly women and girls.

Gender mainstreaming gender mainstreaming as well as a child-sensitive approach allows to strengthen the protection of both women and child victims of trafficking.. Measures such as the strengthening trainings for professionals on the protection of women and children as well as steps to ensure the protection of women and girls are particularly welcome.

Judicial cooperation at the European level is crucial to care for victims of THB, particularly in terms of cross border accommodation or victims' access to their rights.

Strengthened cooperation mechanisms within EU Member States and agencies will allow the facilitation of information exchanges between legal systems. February 2021 report by Eurojust on THB particularly emphasizes on the fact that cooperation should intervene at an early stage of enquiries on THB cases².

Increased cooperation with third countries and countries of origins is essential face to the transnational and constantly evolving phenomenon that is THB.

Existing mechanisms such as bilateral agreements between European Union and third countries, as well as human rights dialogues can be useful tools in terms of prevention, information and fight against THB.

› **However, ECPAT France regrets that:**

The review of the 2011/36/UE directive is not thought of being done alongside the 2012.29/UE directive on the rights of victims.

Efficiently combatting THB cannot be done without taking into account victims' rights, as they require a specific protection. It is important that victims can be protected before being formally recognized as victims by justice systems. Victims' voice being under traffickers' control, it is challenging to seek the cooperation of victims without providing them with adequate protection. Thus the recognition of THB victims at a very early stage is of particular importance.. Moreover, judicial protection being often linked with investigations, it is important to remind that according to several international texts³, protection should be unconditional. We believe that the voices and experiences of victims should be heard and took into account at all stages. It is important that victims can share their point of view and work with the EU and partners to elaborate measures that concern them directly.

² http://www.esclavagemoderne.org/wp-content/uploads/2021/03/2021_02_16_thb_casework_report.pdf

³ Eg : European Council Convention on THB, 2005

Despite the relevant will to use technology and databases, want to raise a point of attention concerning on the future of the protection of data in Europe with RGPD measures as discussed by the parliament.

If data protection is too high, it would prevent the police to access materials that can be useful to the detection of on line trafficking, particularly online child sexual exploitation of children on line. Although a recent agreement between the European Parliament and the European Commission allows to ensure the detection, report and suppress online content of child abuse, we strongly recommend insist to take into account on to ensure the importance of staying aware that no data protection legislation law hinders can become an obstacle to the protection of child victims of trafficking. At the same time, we would like to point the fact that these data of children used during in the framework of investigations should be adequately protected to avoid any secondary victimization of victims and/or expose them to any retaliation by traffickers. It would also be relevant to conduct the work of the strategy considering the 2011/93/UE directive about combatting sexual abuse and sexual exploitation of children, including pedopornography, in order to consider every aspect of sexual exploitation of children, particularly online.

Facilitate and strengthen cross border cooperation, we would like to insist on the possibility to facilitate cross border accommodation using inter alia the Brussels II bis rule.

To ensure THB victims protection. Distancing victims from the trafficking networks is crucial to avoid re-trafficking. Without specialized national structures, cross border accommodation is a tangible solution within the EU. Moreover, it has also to be noted that trafficked children on the move are brought by traffickers from a country to another, especially if they are aware of criminal investigations, to avoid victims' cooperation with authorities and the creation of trustful relationships with child protection services.

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