

Trafficking in children for sexual purposes

Update Country report

France

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“The problem of children victims of prostitution is unacceptable in our society and the abuse of only one child can’t be tolerated... The child victim of sexual exploitation must receive all appropriate support and assistance...” said Ms. Dominique Versini, Minister for the fight against vulnerability and exclusion, in her opening speech to a seminar “Prostitution of children, the client approach”¹ in November 2002.

This declaration shows a strong commitment from the French government to combat the sexual exploitation of minors and related trafficking issues. However, NGOs still report extreme difficulties faced by foreign minors, inadequate answers to their needs and loopholes in the safety net. In three years, some changes in legislation have occurred and some joint initiatives were launched, but the problem is growing and obstacles in implementing actions and cooperating between various actors remain.

A – Profiles of children

It is not possible to give reliable figures on children victims of trafficking for sexual purposes. Some projects are trying to identify alien minors in vulnerable situations in France, but they are also concerned with delinquent minors or children trafficked for exploitative work. Isolating the data on those minors who are victims of trafficking and prostitution is extremely difficult. Moreover, the definition of trafficking varies significantly from one institution to another. For the central office in charge of trafficking in human beings in France (OCRTEH) the problem of trafficking is marginal, as they haven’t identified any criminal network specialized in the trafficking of minors for sexual purposes. For some NGOs trafficking is a big business, controlled by small criminal organizations, while others minimize the problem, on the rationale that children are rarely trafficked against their will.

Origins of minors

The origin of trafficked minors varies according to the sex of the child. Boys are over-represented in comparison with girls². While the phenomenon of Romanian boys in France has received a lot of media attention in the past three years, it is not a new situation and it is far from a single-country issue.

Many children from other nationalities arrive every year in France and do not receive adequate assistance; some do not receive any assistance at all. Far too many are abused in prostitution, are exploited in illegal factories, are used for begging or stealing and other activities that seriously compromise the development of the child.

Besides minors from Eastern Europe, children from Africa are also affected. An Attorney-General, M. Francis Fréchède, acknowledges that sexual exploitation of minors is a real challenge in Marseille, a harbour in the South of France. Up to 600 young boys (mostly under the age of 14) arrived there by boat from Northern Africa and especially Morocco and soon became ‘street kids’. Some of them have ended up as both young delinquents and victims of prostitution. Although the police have not identified any network specialized in children, the

¹ Les clés de la ville 2002, Actes du colloque ‘*La Prostitution des enfants, l’approche du client*’ - Aux Captifs, La Libération

² ‘*Les mineurs isolés étrangers en France*’ – Angéline Etiemble, 2001 – Migrations Etudes Sept/Oct 2002

Attorney admits that a significant number of adults are benefiting from the prostitution of these minors³.

There are also disturbing anecdotes about girls being trafficked from Angola, the Congo, Sierra Leone or Cameroon and used in prostitution networks in France. They elude identification by, or the protection of, the juvenile police, because of their mature physical appearance and high mobility, arranged by the traffickers to avoid detection. Girls and young women from Eastern Europe, Albania, Moldova or Kosovo seem to be victims of the same kind of operations, and are being manipulated by pimps.

It is important to note a recent increase in the number of unaccompanied minors arriving from China. In 2001, they represented 12.83% of the unaccompanied minors (UAM), which was a drastic increase on previous years. There is another significant change in the pattern of UAMs entry to France: whereas in 2001, almost all unaccompanied minors were asylum seekers, according to ANAFE⁴, in 2002 only half of them applied for asylum. The rest were registered in the 'non-admitted' or 'transit cancelled' categories of arrivals, and disappeared after being given temporary access to the country.

There seems to be some 'specialization' in the trafficking operations, depending on the country of origin. According to NGOs, young 'Romas' (Tsiganes) are mostly exploited for begging and are never unsupervised. The Chinese are sent to France to work in illegal factories. Many African girls and Moroccan boys are used in prostitution. For whatever reasons these children are trafficked, they are vulnerable to sexual exploitation as they are often out of the reach of institutions and programmes that are supposed to help them.

Different profiles but one identical need for protection

Children in danger have very different life stories and face different problems. The responses to their plight should be adapted to their specific needs, and the level of protection should also be identical, without any discrimination based on age, race, or religion. This is a basic principle of the Convention on the Rights of the Child, not always respected in reality.

Romanian minors, for example, usually arrive in France by road or train and often have addresses where they are to meet people from their community. Now that they don't need a visa to enter France, this fact has an important impact on the amount of debt they contract, their bondage and therefore their situation in comparison to other minors from Africa. According to some NGO sources, the trafficking in these minors is organised at local level in Romania. An adult sometimes accompanies the child to France and then leaves him/her with the responsibility of earning the money to pay back their debt and of sending the rest home. These children usually maintain some kind of contact with their family, but the family is not aware of what the child is going through. Their ignorance causes problems in terms of assistance to the child and repatriation.

While they might seem very independent, Romanian children always operate as part of a group. Usually they have a 'big brother' or a 'big boss' who supervises them in France. La Voix de l'Enfant and other NGOs deplore the fact that, while these children were in a difficult

³ 'L'esclavage moderne en France : une réalité méconnue' 3 janvier 2002 – Extrait du Rapport sur les diverses formes de l'esclavage moderne enregistré à la Présidence de l'Assemblée nationale le 12 décembre 2001

⁴ 'Mineurs isolés en zone d'attente: mise en place d'un administrateur ad hoc' Hélène Gacon – Anafé/ Colloque du droit des étrangers – Lille, 22 mars 2003

economic situation in their home country, they were not in danger. However they are in danger in France. Any efficient programme to tackle trafficking has to take these factors into account and work closely on awareness-raising and prevention in the country of origin.

It is important to note also a difference in treatment according to the country of origin of the child. Government responses are not designed to fit the various backgrounds, history, and culture of trafficked children. European, Asian and African children do not receive the same support; the support they get will vary, depending on the immigration policies towards their nationality. African children also have a different morphology to that of other children, and they may be identified, from their bone structures, as adults when they are still only teenagers.

B – Protection

The precarious status of unaccompanied minors (UAMs)

New provisions have been added to the 1945 decree on immigration. In theory, when a child arrives alone in France, a local magistrate should be automatically informed of his presence in the transit area. The child is assigned an ad hoc administrator⁵ without delay to assist him/her in all the administrative and juridical procedures involved in entering the country. While the appointment of an ad hoc administrator is supposed to create a network of persons in charge of UAMs, many organisations fear that it will only prolong the stay in the transit area for these minors. Moreover, the procedure is rarely applied on a systematic basis and only concerns minors arriving at international airports, who represent only a fraction of arrivals. Many minors never benefit from any protective measures and remain unidentified.

The reality is that UAMs tend to be considered more as aliens trying to smuggle themselves into France than as children in danger. Some child right NGOs report that minors have been deported before appearing before a magistrate. On the other hand, institutions are reluctant to take care of the increasing number of minor aliens and admit that they are not prepared to work on these cases because of language and culture barriers. To address this problem a specific service for UAMs was opened in the child care service of ASE⁶ (the French Social Services) and at the Juvenile Court of Paris.

On the other hand, the care system itself has many problems. While the institutions are trying to identify the child (find his family, determine his age), children are hosted in unsuitable places, hotels or shelters. They are often out of regular school if they are above the compulsory age of education, and they cannot access vocational training as they don't have work permits. They can be alone all day! Therefore they often escape from the shelters and move between juvenile criminality and prostitution. Two shelters managed by France Terre d'Asile and Croix Rouge opened recently to host and assist these minors to regularise their situation. The children can stay there for two months while waiting to be housed, and they receive clothing, basic care and health care. Together with a social worker, the minor works on an orientation project and receives lessons in the French language. Unfortunately these shelters only have a limited number of places (less than 100) and can't respond to an increasing number of requests.

⁵ Loi N°2002-305 du 4 mars 2002 sur l'autorité parentale – Décret d'application de désignation et d'indemnisation de l'administrateur ad hoc du 2 septembre 2003 - N 2003-841

⁶ Aide Sociale à l'Enfance

Better laws but the problem persists

Significant changes in legislation have been passed against child prostitution but the impact has not yet been assessed.

- Art 225-12-1 of the Criminal Code states that ‘Child prostitution is illegal over the entire jurisdiction of the [French] Republic’⁷. Prior to this amendment, child prostitution was punishable under a number of provisions, whereas now it is a formal provision of the Penal Code.
- Introduction of a new offence to penalise the **client of prostituted minors**: ‘Soliciting, agreeing or obtaining sexual acts in return for a payment or commitment to pay, is punishable by three years imprisonment and 45.000 EUR penalty if the person involved, even occasionally, in prostitution, is a minor’. This new provision of the Penal Code is both wider and more precise than the previous provisions, and brings a major change: clients of minors aged between 15 and 18 are now liable to punishment.
- The new French legislation on internal security⁸ introduces specific provisions on trafficking in human beings. Article 225-4-1 defines trafficking as recruiting, conveying, moving, hosting or accommodating a person of any age for the purpose of exploitation. If the offence is perpetrated against a minor, the penalties are 10 years imprisonment and a fine of €1.500.000. The penalties are increased up to twenty years if the crime is committed by an organized network. Moreover, Articles 42 and 43 provide that a person who is the victim of trafficking and/or sexual exploitation must receive protection and assistance and a place in a reception and reintegration centre.

While these laws have been recently adopted, the measures are not always followed by concrete results:

Case study 1. In December 2002, the Brigade de Protection des Mineurs investigated the case of a French citizen who was arrested in Paris for soliciting sexual relations with a Romanian boy aged 17, in exchange for 80 Euros. According to the investigating police officer, the ‘physical appearance of the boy clearly showed his minority’. The accused was acquitted. The grounds for discharge were that the client could have been misled on the age of the victim, who looked like an adult. According to an article from le Mouvement du Nid, the attitude of the Judge was antagonistic from the beginning and unsympathetic towards the victim. Statements from the Judge, such as ‘these Romanian boys come to France for prostitution...’ clearly showed a lack of sensitivity and understanding of the problem of commercial sexual exploitation of children.

Case 2. In August 2002, Mr X was arrested under the new legislation on child prostitution for soliciting and accepting sexual relations with a minor for a consideration. He was convicted and received a 6 month suspended sentence.

It is rumoured that the BPM juvenile squad focuses on cases involving very young children to avoid ‘wasting time’ in court decisions where the physical appearance of the young victim can be used as an argument to acquit the accused.

⁷ Loi N°2002-305 du 4 mars 2002

⁸ Loi N° 2003-239 du 18 mars 2003 relative à la sécurité intérieure

C- Programmes to protect children

Joint initiatives

In 2001, the Ministry for the Family, Children and the Handicapped created a working group composed of various Ministries, institutions and NGOs to fight child prostitution. However, this group was disbanded following a change of government.

A **platform** was then created to address the increasing problem of Romanian children, which was receiving a lot of media attention. The objectives of the platform are for the NGO partners to exchange ideas, working methods, good practices and to try to organize accompanied repatriation when a child is willing to return, and it is possible to arrange this with NGO counterparts in Romania. This platform supported by La Voix de l'Enfant is still meeting regularly.

In October 2002, a **bilateral cooperation agreement** was signed between France and Romania 'on cooperation for the protection of Romanian children in difficult circumstances in France, for returning them to their country of origin and for combating exploitative networks'. The objectives of this agreement are to identify and support Romanian children in danger. It is a three-year programme aimed at enhancing protection, reintegration and prevention through the exchange of information and networking with relevant organisations in both countries. However, it is difficult to find out if any repatriations have taken place.

The French government has allocated some funds to develop a **joint project** on the protection of minors. Three NGOs, 'Aux Captifs, La Libération', 'Enfants du Monde – Droits de l'Homme' and 'Samu Social International' pooled their expertise to share roles and responsibilities in this project to:

- Identify, locate and establish contact with minors in danger with a mobile team moving throughout Paris on a 24 hour basis
- Assist the minors with the various procedures involved in their return and reintegration
- Provide two drop-in centres during the day where minors can receive basic language training, have some activities and create social links with others in a non-exploitative way.

The idea of this joint project was to assist street minors in Paris, share expertise and information and create synergies between the three partners to increase their potential for action. By the end of June 2003, an evaluation was to have taken place but the results remain confidential. Coordination between the different parts of the project and partners appears to have been difficult, and it is unclear whether the programme will continue or whether the NGOs will return to their individual initiatives.

Outreach programmes

Parada

Parada was founded in Romania to support street children. In France, they operate with a mobile team of social workers who meet Romanian children in the streets and where they live. Once a relationship of trust has been established, the social worker assists the minor with all procedures required for a long-term integration process and identifies opportunities with them, even a return home if the child wishes. The repatriation of the child to his family is done in cooperation with local partners. The strength of this organization is flexibility,

expertise in the specific problem of Romanian minors, perfect knowledge of the language and the culture thanks to its Romanian workers, and a strong collaboration between the various actors, social services, justice, police and other NGOs.

ARC 75

ARC 75 has outreach programmes to help street children. They assist young people in various ways; they have a camping van where they provide meals and support. They are part of the NGO platform that is sharing expertise and identifying ways to cooperate.

D – Difficulties

- ✓ There is a lack of a common basis of understanding: the various notions of child prostitution, children in danger, and trafficking are not understood in the same way by all the partners. Trafficking doesn't necessarily imply structured criminal networks or non-consent on the part of the child. Various actors, institutions and courts need to be sensitised to the rights of the child to be protected from all forms of exploitation up to 18 years of age.
- ✓ The status of an unaccompanied minor is controversial: too often the notion of illegal immigrant takes precedence over the status of a child, to the detriment of his rights to protection.
- ✓ Inappropriate responses to the problem: the social services in charge of protecting children are overwhelmed by their responsibilities to other minors and ill-equipped to face the problems of trafficked minors, which require flexibility, language skills, multiculturalism. NGOs seem to be doing a good job individually but face difficulties in coordinating their actions.
- ✓ Stricter laws have been passed but law enforcement is still weak and penalties are not deterrent.
- ✓ Protective measures theoretically exist in France but there are many loopholes. Many children are missed by the system, thus increasing their vulnerability and the risk of exploitative practices against them.

E- Recommendations

- **Recognition of the problem:** A lot of effort is still needed in France to have the existence of a CSEC⁹ problem recognised, and to admit that children are victims. Recognition of the problem on the part of the sending countries is also essential for effective cooperation.
- **Flexible solutions appropriate to the specific needs :** It is not effective to use a general framework of protection to address very different needs. Flexibility is required in terms of accommodation, places to meet children, procedures required and opportunities to offer them.
- **Specialization of measures:** It is important that the response to a complex phenomenon is professional, and that specialised structures with the capacity to understand the child in his context, and to provide real protection are created.
- **Increased cooperation between the various institutions :** While each institution has its own role and mandate, it is essential to seek synergies in action.

⁹ CSEC : Commercial Sexual Exploitation of Children

- **A thoughtful follow-up of the child:** All through the various processes, one responsible person should take the child into his care from the time of his arrival at the airport or his identification by outreach workers, until his reintegration and protection are complete.
- **Offer real opportunities:** A child falls into sexual exploitation and trafficking because of a complex range of factors and difficulties. To support him to escape from his plight it is important to be able to offer him real alternatives: education, job opportunities, and a long-term perspective, whether the child wants to stay in France or to return home. It is not feasible to expect a child to commit to a long-term situation in a country from which he expects to be deported at the age of 18. Until now, a child placed with the social services could apply for French nationality. However, an amendment to this law is currently being debated which would add a condition that an applicant has to have been in the care of the social services for a period of 5 years to be able to apply for nationality. This change in procedures would totally jeopardize the future of a child who is trying to build a life as a survivor of sexual exploitation. Granting such child a transition period from age 18 to 21 during which he could still receive some support and make an informed choice of what solution is best for him would certainly support a long-term rehabilitation process.

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