



FRANCE

Legal System	Constitution	Bill of Rights	Country Structure	Form of Government
Civil Law	Written	Yes	Single State	Republic

1. INTRODUCTION

1.1. Modern Slavery and Human Trafficking

France is one of the leading EU countries targeting the eradication of human trafficking on the national, regional, and international levels.

France meets the minimum standards for the elimination of slavery and human trafficking, and the Government actively implements new policies that aim to eliminate modern slavery in the country. Nonetheless, enforcement remains difficult, because trafficking is concealed and often unreported. The absence of reliable data makes it equally difficult to quantify the level of enforcement.

France is primarily a destination, and due to its central geographic location, it is a transit country for the purposes of economic and sexual exploitation. Victims are typically from Eastern Europe, Africa, East Asia, and some Asian countries. Some victims are also smuggled through France to other European countries. In many cases, disoriented newcomers are vulnerable and easy prey for human traffickers. The type of human trafficking varies by gender. Women and girls are trafficked for the purposes of sexual exploitation. Men are used for the purposes of labour exploitation in shops, bars, restaurants, and construction sites.¹

The main governmental body responsible for monitoring and reporting human trafficking is the Interministerial Mission for the Protection of Women Victims of Violence and the Fight against Human Trafficking (**MIPROF**).²

1.2. France’s Policy and Legal Position

MIPROF brings together relevant actors and coordinates policy.³ In addition, specialized offices at the national law enforcement agencies monitor, report, and actively combat modern slavery.

France has signed and ratified a number of international and European treaties relating to slavery, slavery-like conditions, and human trafficking. France’s domestic legislation meets its international obligation to make criminal conduct relating to slavery, slavery-like conditions, and human trafficking. Since the mid-1990s, France has developed numerous instruments to fight human trafficking and protect trafficking victims. Starting in 2014, the Government has prepared a multi-year action plan and since then it has prepared annual action plans aimed at eliminating human trafficking and every form of slavery, improving investigation strategies, and providing assistance to victims.

¹ Available at: https://ec.europa.eu/anti-trafficking/member-states/france-1-general-information_en.

² Available at: <https://www.diplomatie.gouv.fr/en/french-foreign-policy/human-rights/fight-against-human-trafficking/>.

³ Available at: <https://www.egalite-femmes-hommes.gouv.fr/le-ministere/>.

2. OVERVIEW OF FRANCE’S LEGAL APPROACH TO COMBATING MODERN SLAVERY AND HUMAN TRAFFICKING

2.1. France’s Regional and International Law Obligations

2.1.1. *Fundamental human rights*

As an EU Member State and a Member of the Council of Europe, France follows their legal framework targeting human trafficking, and incorporates their legal principles into French law where necessary.

France is a strong advocate of fundamental human rights. It was one of the 48 countries that voted in favor of the Universal Declaration of Human Rights in 1948. It has since ratified the International Covenant on Civil and Political Rights (1966), the International Covenant on Economic, Social and Cultural Rights (1966), the Convention on the Elimination of All Forms of Discrimination against Women (1979), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1985), and the Convention on the Rights of the Child (1989). France is also a founding signatory of many European legal treaties, such as the Convention for the Protection of Human Rights and Fundamental Freedoms (1950) and the Charter of Fundamental Rights of the European Union (2000).

2.1.2. *Modern slavery and trafficking*

France is a party to several treaties addressing human trafficking and smuggling. France’s principal international law obligations in this regard derive from the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (2000) (**Palermo Protocol**). Various other instruments supplement the Palermo Protocol, including the Worst Forms of Child Labour Convention (1999), the United Nations Convention against Transnational Organized Crime (2000), and additional protocols, including the Protocol against the Smuggling of Migrants by Land, Sea and Air (2004). On the European level, France has ratified the Council of Europe Convention of 16 May 2005 on action against trafficking in human beings.

2.1.3. *Effect under France’s law*

France’s obligations under international instruments automatically come into force once the national parliament has ratified them.⁴

France’s status in relation to the key international instruments that touch on modern slavery and human trafficking is set out in Section 3.

2.2. Human Rights Protections Under France’s Law

The French Constitution contains a declaration of human rights.⁵ In addition, pursuant to Article 52 *et seq.* of the French Constitution, France has ratified the Universal Declaration of Human Rights as well as other international instruments dedicated to the protection of human rights, incorporated into the French legal regime. The French legal framework with respect to human rights is thus the result of various national and international laws and conventions.

⁴ International instruments can also be ratified through referendum under Article 11 of the French Constitution.

⁵ Available at: <https://www.conseil-constitutionnel.fr/le-bloc-de-constitutionnalite/texte-integral-de-la-constitution-du-4-octobre-1958-en-vigueur>.

2.3. Criminalization of Modern Slavery

Slave-related offences are set out in the French Criminal Code (**Criminal Code**), most notably Articles 224-1 A to 224-1 C and 225-4-1 *et seq.* Additionally, specific legislation addresses international smuggling, such as the French Code on the Entry and Residence of Foreigners and the Right of Asylum (**CESEDA**).

2.4. Supply Chain Reporting

French law requires large companies to publish a “vigilance” plan with their annual reports, including information on their supply chain relating to both contractors and suppliers.⁶

To comply with this innovative law, covered companies must comprehensively review their supply chain and publicly disclose their measures for monitoring and compliance. Liability for damages under this law is currently being tested in French courts.

The requirement to publish vigilance reports should be read in conjunction with French anti-corruption laws, such as “Sapin 2,”⁷ which require companies to establish codes of conduct, implement ongoing training, and conduct due diligence of their supply chain.

2.5. Investigation, Prosecution, and Enforcement

2.5.1. Investigation and prosecution of criminal offenses

The French public prosecutor (*Procureur de la République*) prosecutes criminal offences for human trafficking and slavery. After receiving a complaint, the public prosecutor has discretion to choose not to prosecute (dismissal without further action), to continue the proceedings, or to resort to an alternative to prosecution (*e.g.*, mediation).⁸ To start a criminal case (*matière criminelle*), the public prosecutor must request a judge to open an investigation and also must submit an introductory indictment setting out the facts underlying the prosecution and the corresponding alleged criminal offences.⁹ The investigation is then carried out under the control and direction of the investigating judge (*juge d’instruction*).

In cases involving ordinary offences (*matière correctionnelle*), the public prosecutor may either refer the matter to the investigating judge (*juge d’instruction*) by way of introductory indictment or refer it directly to the trial court (*e.g.*, by means of a direct summons).¹⁰

For cases involving minor offences (*matière contraventionnelle*), the public prosecutor who decides to prosecute a minor offence (*contravention*) either may decide to open an investigation by means of an introductory indictment, or may have a direct summons or warning issued to the alleged offender.¹¹

⁶ Article L. 225-102-4 of the French Commercial Code, codifying Law No. 2017-399 of 27 March 2017 (**French Vigilance Law**), refer to Section 4.2.

⁷ Law No. 2016-1691, 9 December 2016, on transparency, the fight against corruption, and the modernization of economic life.

⁸ Articles 40 and 40-1 of the Criminal Procedure Code.

⁹ Article 79 *et seq.* of the Criminal Procedure Code.

¹⁰ Article 79 of the Criminal Procedure Code.

¹¹ Article 79 of the Criminal Procedure Code.

In the specific area of human trafficking and slavery, the Paris prosecutor’s office (*Parquet de Paris*) has created a multidisciplinary cooperation agreement that establishes a victim treatment policy for minors, which operates with the support of MIPROF.¹²

2.5.2. *Mutual assistance/international cooperation*

The Council of Europe Convention on Action against Trafficking in Human Beings (**Convention**), applicable in France, promotes international cooperation to combat human trafficking, essentially through the exchange of information amongst signatories. The Convention also requires parties to coordinate national policies and actions against human trafficking, including by setting up specific coordinating bodies. The Group of Experts on Action against Trafficking in Human Beings (**GRETA**) periodically evaluates the implementation of the Convention.¹³

GRETA communicates regularly with the French authorities regarding the development of a national plan and implementation of the Convention.

The French internal cooperation system is further discussed in Section 8.

3. FRANCE’S FEDERAL CRIMINAL OFFENSES RELATING TO MODERN SLAVERY, MODERN SLAVERY-LIKE CONDITIONS, AND HUMAN TRAFFICKING

3.1. Overview of Criminal Offenses

The Criminal Code¹⁴ has offences and penalties relating to slavery and human trafficking. While Articles 224-1 A to C of the Criminal Code incriminate slavery and the exploitation of a person subjected to slavery, Article 225-4-1 of the Criminal Code is the main provision targeting human trafficking. These offences are punishable by defined fines and penalties of imprisonment that increase with aggravating circumstances, such as human trafficking against minors.

¹² *Rapport soumis par les autorités françaises pour être en conformité avec la Recommandation du Comité des Parties CP(2017)28 sur la mise en œuvre de la Convention du Conseil de l’Europe sur la lutte contre la traite des êtres humains*, Section 2(a), available at: <https://rm.coe.int/rapport-soumis-par-les-autorites-francaises-pour-etre-en-conformite-av/1680a2ecf6>.

¹³ Available at: <https://rm.coe.int/cp-2017-28-fra-en/168075e9ce>.

¹⁴ The reference in the standard Compendium chapter heading to “federal” is not applicable to France.



3.2. Modern Slavery Offenses Under the Criminal Code

3.2.1. General

France’s Criminal Code included human trafficking as early as 2003.¹⁵ French law No. 2013-711 of 5 August 2013 adapted its human trafficking law to conform to European Union and international law, including the guidelines prescribed by EU Directive 2011/36/EU on Preventing and Combatting Trafficking in Human Beings and the Council of Europe’s Warsaw Convention on Action against Trafficking in Human Beings of 16 May 2005 (**Law No. 2013-711**).

Article 225-4-1 of the Criminal Code defines the crime of human trafficking as “the act of recruiting, transporting, transferring, harboring or receiving a person for the purpose of exploitation.”¹⁶

Exploitation for the purposes of human trafficking is defined as:

the act of placing the victim at one’s disposal or at the disposal of a third party, even an unidentified one, in order to either enable the commission against the victim of the offences of procuring, assault or sexual offences, slavery, forced labor or services, servitude, removal of any of her/his organs, exploitation for begging, conditions of work or accommodation contrary to her/his dignity, or to compel the victim to commit any crime or offence.¹⁷

3.2.1.1. Elements of human trafficking

¹⁵ Law No. 2003-239 of 18 March 2003.

¹⁶ Article 225-4-1 of the Criminal Code.

¹⁷ Article 225-4-1 of the Criminal Code.

In France, the punishment of crimes and offences requires proof of a criminal act (*actus reus*) and a criminal intent to commit that act (*mens rea*).¹⁸

3.2.1.2. Criminal act (*actus reus*)

Article 225-4-1, I of the Criminal Code defines human trafficking as the act of recruiting, transporting, transferring, harboring, or receiving a person for the purpose of exploitation, when there is one of the following circumstances:

1. use of threats, coercion, violence, or deception targeting the victim, the victim's family, or a person in a close relationship with the victim;
2. the offence is committed by either a legitimate, natural, or adoptive ascendant of the victim or a person holding authority over the victim or a person abusing a position of authority conferred by her/his position;
3. abuse of the victim's vulnerable condition by reason of age, illness, invalidity, physical or mental deficiency, or pregnancy, whether this vulnerability is apparent or not;
4. the offence is committed in exchange for compensation or the granting of any other advantage or promise of compensation or advantage.¹⁹

None of these circumstances must be proved when the victim is a minor. In such cases, the criminal act required for the offence of human trafficking is satisfied by the commission of an act of recruiting, transporting, transferring, harboring, or receiving a minor for the purpose of exploitation.²⁰

3.2.1.3. Criminal intent (*mens rea*)

Human trafficking is an intentional offence that requires proof of specific criminal intent under French law. Hence, the perpetrator of human trafficking must have committed the act with the conscious purpose of recruiting, transporting, transferring, harboring, or receiving a person to exploit that person or to cause the exploitation of that person.

In addition, the attempt (*tentative*) to engage in human trafficking is a crime,²¹ meaning that the criminal act of human trafficking carried out with the objective to exploit is sufficient in itself to be a crime, even if the exploitation does not occur.

3.2.1.4. Overview of penalties for relevant offenses

When committed by an individual, this offence is punishable by seven years of imprisonment and a fine of EUR 150,000; the punishment increases to up to 10 years of imprisonment and a fine of EUR 1,500,000 when the offence is committed against a minor.²² When the offence is committed by a legal person (*i.e.*, an entity that is not an individual such as a company or other entity that has legal personality), the maximum

¹⁸ Article 121-3 of the Criminal Code.

¹⁹ Article 225-4-1, I of the Criminal Code.

²⁰ Article 225-4-1, II of the Criminal Code.

²¹ Article 225-4-7 of the Criminal Code.

²² Article 225-4-1 of the Criminal Code.

amount of the fine incurred is five times higher.²³ The Criminal Code increases penalties when there are specified aggravating circumstances.²⁴

HUMAN TRAFFICKING PENALTIES	Duration of imprisonment	Amount of the fine
Human trafficking offence or attempt without aggravating circumstances	7 years	EUR 150,000
Human trafficking offence or attempt against a minor	10 years	EUR 1,500,000
Human trafficking offence or attempt with aggravating circumstances The perpetrator committed the offence or attempt with at least two (2) of the circumstances listed in Article 225-4-1, I of the Criminal Code (See paragraph “The criminal act (actus reus)” above). The perpetrator committed the offence or attempt with one of seven aggravating circumstances: (i) against two or more people; (ii) against a person who was outside the territory of France or upon the person’s arrival in the territory of France; (iii) when the victim has been brought into contact with the perpetrator through the use of a telecommunications network for the distribution of messages to a non-specified audience; (iv) in circumstances which directly expose the person against whom the offence is committed to the immediate risk of death, mutilation, or a permanent disability; (v) with the use of violence that caused the victim a total work incapacity for more than eight days; (vi) by a person called upon to participate, by virtue of the person’s duties, in the fight against human trafficking or to uphold public order; and (vii) when the offence has placed the victim in a serious physical or psychological condition.	10 years/ 15 years (if against a minor)	EUR 1,500,000
The offence or attempt is committed by an organized gang	20 years	EUR 3,000,000
The offence or attempt is committed with recourse to torture or acts of barbarity	Life Imprisonment	EUR 4,500,000

When the crime or offence committed or to be committed against the victim of the offence of human trafficking is punishable by a custodial sentence longer than the imprisonment sentence applicable under articles 225-4-1 to 225-4-3, the human trafficking offence is then punishable in accordance with the imprisonment sentences applicable to the crime or offences of which the perpetrator was aware, and if this crime or offence is accompanied by aggravating circumstances, by the penalties applicable only to the aggravating circumstances which the perpetrator had knowledge of.²⁵

Other penalties apply to perpetrators of human trafficking, such as the prohibition from exercising a public function, exercising a commercial or industrial profession, operating or being employed by establishments open to the public, possessing or carrying a weapon without prior authorization for up to five years, or the

²³ Article 131-38 of the Criminal Code.

²⁴ Articles 225-4-2 to 225-4-4 of the Criminal Code.

²⁵ Article 225-4-5 of the Criminal Code.

prohibition from leaving France for up to five years (or conversely, the prohibition from staying in France for foreigners).²⁶

When a legal person commits the offence, the maximum amount of the fine is five times higher.²⁷ Additional penalties also may apply, such as, among others: (i) dissolution, where (a) the legal person was created to commit a felony, (b) the felony or misdemeanor carries a sentence of imprisonment of three years or more, or (c) the entity deviated from its stated corporate purpose in order to commit the offence; (ii) judicial supervision for a maximum period of five years; or (iii) the permanent closure or closure for up to five years of the establishment(s) used to commit the offence.²⁸

3.2.2. *Extraterritorial application*

French law's prohibition of human trafficking has an extraterritorial scope with regard to French nationals. When a French citizen commits the crime of human trafficking outside French territory, French law applies even if: (1) the law of the nation where the offence was committed does not make those acts a crime; (2) the victims do not lodge a complaint; or (3) the nation where the acts were committed does not report them.²⁹

French courts have extraterritorial jurisdiction to prosecute French nationals who have committed human trafficking regardless of whether the conduct constituting the offence, or its consequences, occurred in France.³⁰ Moreover, French courts have extraterritorial jurisdiction with regard to non-French citizens when a European or international convention gives jurisdiction to French courts³¹ and the perpetrator of human trafficking is in French territory.³²

3.3. Modern Slavery-Like Offenses in France's Legal Order

After the European Court of Human Rights (ECHR) convicted France for violating the European Convention on Human Rights, Law No. 2013-711 added different human trafficking offences into the Criminal Code.³³

Law No. 2013-711 codified the crimes of slavery and exploitation of a person subject to slavery.

Article 224-1 A of the Criminal Code defines slavery as “the act of exercising one of the attributes of ownership against a person.” The Criminal Code does not further define the attributes of “ownership,” but

²⁶ Articles 225-20 and 225-21 of the Criminal Code.

²⁷ Article 131-38 of the Criminal Code.

²⁸ Articles 225-4-6 and 131-39 of the Criminal Code.

²⁹ Article 225-4-8 of the Criminal Code.

³⁰ Article 689 of the Criminal Procedure Code.

³¹ Article 689 of the Criminal Procedure Code.

³² Article 689-1 of the Criminal Procedure Code.

³³ In the *Siliadin v. France* (ECHR, 26 July 2005, No. 73316/01, *Siliadin v. France*) and *C.N and V. v. France* (ECHR, 11 Oct. 2012, No. 67724/09, *C. N. et V. v. France*), the ECHR found France liable for violations of Article 4 of the European Convention on Human Rights, which prohibits slavery, servitude, and the obligation to perform forced labour or services, on the grounds that French legislation at the time of the events did not include a legislative and administrative framework to punish such acts. The criminalization of working and living conditions contrary to human dignity, as referred to in article 225-13 of the Criminal Code, also was considered inappropriate.

civil law provides that owners may dispose of their property and revenues, and transform or destroy their property.³⁴ Slavery is punishable by 20 years of imprisonment.³⁵

French law further makes criminal the act of exploiting a person subjected to slavery, which is defined in Article 224-1 B of the Criminal Code as subjecting an enslaved victim, whose reduction to slavery is apparent or known to the perpetrator, to sexual abuse, confinement, or forced labour or services. This crime is punishable by 20 years of imprisonment.³⁶

The penalties for slavery and exploitation of a person subjected to slavery are increased to 30 years of imprisonment when there is an aggravating circumstance.³⁷

- The offence is committed against a minor;
- The offence is committed against a person whose vulnerability due to age, illness, infirmity, physical or mental disability, or pregnancy is apparent or known to the perpetrator;
- The offence is committed by either a legitimate, natural, or adoptive ascendant of the victim, or a person who has authority over the victim, or who abuses a position of authority conferred by their position;
- A person whose official responsibilities include the fight against slavery or the upholding of public order commits the offence; or
- The offence is preceded or accompanied by torture or barbaric acts.

3.3.1. *Servitude*

The ECHR has characterized servitude as “a particularly grave deprivation of freedom,” an “aggravated form of forced or compulsory labour” consisting in “the obligation to perform services under coercion.”³⁸

Law No. 2013-711 codifies the offence of servitude in Article 225-14-2 of the Criminal Code.

Servitude is defined as the act of habitually subjecting a person, whose vulnerability or state of dependency is apparent or known to the perpetrator, to the offence of forced labour. It is punishable by ten years of imprisonment and a fine of EUR 300,000.³⁹

According to the ECHR, the victim’s belief that the victim’s condition is permanent and unlikely to change is the distinguishing factor that characterizes servitude, as opposed to forced labour.⁴⁰

3.3.2. *Forced labor*

On 24 June 1937, France ratified International Labour Organization Convention No. 29 on Forced Labour (1930). Article 2 of Convention No. 29 defines forced labour as “all work or service which is exacted from

³⁴ Nicolas le Coz, *La répression des atteintes aux personnes dans la loi No. 2013-711 du 5 août 2013*, AJ Pénal 2013, p. 512.

³⁵ Article 224-1 A of the Criminal Code.

³⁶ Article 224-1 B of the Criminal Code.

³⁷ Article 224-1 C of the Criminal Code.

³⁸ CEDH 26 July 2005, *Siliadin v. France*, § 124.

³⁹ Article 225-14-2 of the Criminal Code.

⁴⁰ ECHR, 11 Oct. 2012, No. 67724/09, *C. N. et V. v. France*.

any person under the menace of any penalty and for which the said person has not offered himself voluntarily.” Article 25 requires contracting states to punish forced labour as a criminal offence with penalties that “are really adequate and are strictly enforced.”

While the protection against forced labour is enshrined in other international regulations applicable in France, such as the European Convention on Human Rights (Article 4) and the 1966 International Covenant on Civil and Political Rights (Article 8), the protection against forced labour had long been absent from French criminal law.

Article 225-14-1 of the Criminal Code now fills that gap. It defines forced labour as “the act of forcing a person, by violence or threats, to perform work without remuneration or in exchange for remuneration that is manifestly unrelated to the importance of the work performed.” It is punishable by seven years of imprisonment and a fine of EUR 200,000.⁴¹

3.3.3. *Deceptive recruiting for labor or services*

The Criminal Code does not specifically prohibit deceptive recruitment. However, Article 225-4-1 on human trafficking is broad enough to cover this offence, because it forbids the use of “deceptive practices” towards the victim to perform human trafficking.⁴² Moreover, deceptive recruiting for prostitution is an aggravating circumstance of the offence of procuring prostitution (pimping).⁴³

3.3.4. *Early and forced marriage*

The Council of Europe’s Istanbul Convention on Preventing and Combating Violence Against Women and Domestic Violence, ratified by France on 11 May 2011, requires Member States to outlaw forced marriage. Article 37 of this Convention requires Member States to take the necessary legislative measures to ensure that “the intentional conduct of forcing an adult or child to enter into a marriage is criminalized,”⁴⁴ and that “the intentional conduct of luring an adult or a child to the territory of a Party or State other than the one she or he resides in with the purpose of forcing this adult or child to enter into a marriage is criminalized.”⁴⁵

Law No. 2013-711 codified the crime of forced marriage and union in Article 222-14-4 of the Criminal Code, defining the crime as the use by any person of deceitful maneuvers to induce another person to leave French territory with the intention of forcing that person to marry or enter into a union abroad.⁴⁶ This offence is punishable by three years of imprisonment and a fine of EUR 45,000.

3.3.5. *Debt bondage*

Debt bondage was first defined in the United Nations Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery (**UN Supplementary Convention on Slavery**),

⁴¹ Article 225-14-1 of the Criminal Code.

⁴² Article 225-4-1, I, 1° of the Criminal Code.

⁴³ Article 225-7, 8° of the Criminal Code.

⁴⁴ Article 37(1) of the Council of Europe’s Istanbul Convention on preventing and combating violence against women and domestic violence.

⁴⁵ Article 37(2) of the Council of Europe’s Istanbul Convention on preventing and combating violence against women and domestic violence.

⁴⁶ Article 225-14-4 of the Criminal Code.

which France ratified on 26 May 1964.⁴⁷ Article 1 of the UN Supplementary Convention on Slavery provides that each State Party to the convention shall take all practicable and necessary legislative measures to abolish a number of illegal practices, including debt bondage, which it defined as “the status or condition arising from a pledge by a debtor of his personal services or of those of a person under his control as security for a debt, if the value of those services as reasonably assessed is not applied towards the liquidation of the debt or the length and nature of those services are not respectively limited and defined.”⁴⁸

Article 225-13 of France’s Criminal Code prohibits debt bondage by incriminating the act of “obtaining the performance of unpaid services or services against which a payment is made which clearly bears no relation to the importance of the work performed from a person whose vulnerability or state of dependency is obvious or known to the offender.”⁴⁹

Article 225-13 considers minors and victims of debt bondage upon their arrival in France to be “vulnerable or in a situation of dependency.”⁵⁰

Moreover, France is party to the International Labour Organization’s Convention No. 182 on the Worst Forms of Child Labour. It includes all forms of debt bondage in the “worst forms of child labour.”⁵¹

3.3.6. *Any other relevant offenses*

Procuring (pimping)

On 19 November 1960, France ratified the UN Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others. Contracting States to this Convention agree to incriminate the act of any person who, to gratify the passions of another, (1) procures, entices, or leads away another person for purposes of prostitution, even with the consent of that person or (2) exploits the prostitution of another person, even with the consent of that person (Article 1).

Article 225-5 of the Criminal Code expands the scope of the offense of procuring to apply where “any person, in whatsoever manner: ... hires, trains or corrupts a person with a view to prostitution or exercises on such a person pressure to practice prostitution or to continue doing so.” This offence is punishable by seven years of imprisonment and a fine of EUR 150,000.⁵² French courts have notably sanctioned the moral pressure exercised on victims of prostitution when perpetrators confiscated the passports of foreign prostitutes.⁵³

⁴⁷ List of contracting States to Convention, *available at*: https://treaties.un.org/Pages/ViewDetailsIII.aspx?src=TREATY&mtdsg_no=XVIII-4&chapter=18&Temp=mtdsg3&clang=fr (last accessed on 15 September 2023).

⁴⁸ UN Supplementary Convention on Slavery, Article 1.

⁴⁹ Article 225-13 of the Criminal Code.

⁵⁰ Article 225-15-1 of the Criminal Code.

⁵¹ List of contracting States to Convention No. 182 on the Worst Forms of Child Labour, *available at*: https://www.ilo.org/dyn/normlex/en/f?p=1000:11300:0::NO:11300:P11300_INSTRUMENT_ID:312327 (last accessed on 15 September 2023). Convention No. 182 on the Worst Forms of Child Labour, Article 3(a).

⁵² Article 225-5 of the Criminal Code.

⁵³ CA Paris, 24 November 2003, Juris-Data No. 2003-288687; CA Montpellier, 17 November 2004, Juris-Data No. 2004-277417.

Moreover, the “use of coercion, violence or deceptive practices” in the course of procuring prostitution (pimping) is an aggravating circumstance, which increases the penalties incurred for pimping to ten years of imprisonment and a fine of EUR 1,500,000.⁵⁴

Exploitation of Illegal Street Sales

Article 225-12-8 of the Criminal Code incriminates the exploitation of illegal street sales, which is characterized when any person hires, trains or corrupts a person with a view to inciting him/her to commit illegal street sales in public (*i.e.*, in violation of public regulations) or exercises on such a person pressure to commit such an offense or to continue doing so. This offence is punishable by:

- three years of imprisonment and a fine of EUR 45,000;
- five years of imprisonment and a fine of EUR 75,000 if there are certain aggravating circumstances, including when the offence is committed against a minor;⁵⁵ or
- ten years of imprisonment and a fine of EUR 1,500,000 when committed by an organized gang.⁵⁶

Forced Disappearances

Forced disappearance is a crime under the UN International Convention for the Protection of All Persons from Enforced Disappearance, which France ratified on 23 September 2008.⁵⁷

Law No. 2013-711 codified the crime of forced disappearance in Article 221-12 of the Criminal Code, which defines it as:

- an arrest, detention, abduction, or any other form of deprivation of liberty of a person, under conditions which place that person outside the protection of the law;
- by one or more agents of the State or by a person or group of persons acting with the authorization, support, or acquiescence of the public authorities; and
- these acts are followed by the victim’s disappearance, together with either a denial of recognition of the deprivation of liberty or by concealment of the victim’s fate or whereabouts.

Forced disappearance is punishable by life imprisonment.⁵⁸

The superiors of a perpetrator of forced disappearance may be criminally liable for complicity in this offence under certain circumstances.⁵⁹

Exploitation of Begging

Article 225-12-5 of the Criminal Code incriminates the exploitation of begging, which occurs when a person:

⁵⁴ Article 225-7, 8° of the Criminal Code.

⁵⁵ Article 225-12-9 of the Criminal Code.

⁵⁶ Article 225-12-10 of the Criminal Code.

⁵⁷ International Convention for the Protection of All Persons from Enforced Disappearance, Preamble, *available at*: <https://www.ohchr.org/en/hrbodies/ced/pages/conventionced.aspx>.

⁵⁸ Article 221-12 of the Criminal Code.

⁵⁹ Article 221-13 of the Criminal Code.

- organizes the begging by another, with a view to profiting from it;
- profits from another person’s begging, or shares the proceeds or receives income from a person who habitually engages in begging;
- hires, trains, or corrupts a person with a view to having that person engage in begging or exercises pressure on that person for them to beg or to continue begging;
- for their personal gain, hires, trains, or corrupts a person with a view to having this person offer services on a public highway in return for a donation.⁶⁰

Exploitation of begging is punishable by three years of imprisonment and a fine of EUR 45,000, and by five years of imprisonment and a fine of EUR 75,000 if there are certain aggravating circumstances, including when the offence is committed against a minor.⁶¹

Exploitation of begging is punishable by ten years of imprisonment and a fine of EUR 1,500,000 when committed by an organized gang.

Imposing Living/Working or Housing Conditions Contrary to Human Dignity

Imposing living or working conditions contrary to human dignity is an offence of human trafficking under French law. Article 225-14 of the Criminal Code defines this offence as the act of subjecting a person, whose vulnerability or dependence is obvious or known to the offender, to working or living in conditions incompatible with human dignity.⁶² It is punishable by five years of imprisonment and a fine of EUR 150,000.

3.3.7. Extraterritorial application of the offenses

Refer to Section 3.2.2. French criminal courts have universal jurisdiction over the crime of forced disappearance, meaning that French criminal courts exercise jurisdiction even when the perpetrator or the victim is not a French national or when the offence was not committed on French territory.⁶³ The only condition, set by article 689-1 of the Code of Criminal Procedure, is that the perpetrator must be on French territory.

3.4. Human Trafficking/Smuggling-Related Criminal Offenses

3.4.1. International and domestic trafficking/smuggling of people

Article L. 823-1 of the French Code governing the entry and residence of foreigners and the right of asylum (**CESEDA**) makes it an offence for any person to facilitate or attempt to facilitate, by aiding directly or indirectly, the illegal entry, movement, or residence of a foreigner in France, subject to certain exemptions (listed below).⁶⁴

Further, to meet France’s obligation as a State party to the Schengen Convention signed on 19 June 1990 (**Schengen Convention**), Article L. 823-2 of the CESEDA further provides that the same penalties shall be

⁶⁰ Article 225-12-5 of the Criminal Code.

⁶¹ Article 225-12-6 of the Criminal Code.

⁶² Article 225-14 of the Criminal Code.

⁶³ Articles 689-1 and 689-13 of the Criminal Code.

⁶⁴ Article L. 832-9 of the CESEDA.

imposed on any person who facilitates or attempts to facilitate the illegal entry, movement, or residence of a foreigner in the territory of another State party to the Schengen Convention.⁶⁵

Last, because of France’s obligations as a State party to the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, dated 12 December 2000, Article L. 823-2 of the CESEDA provides that the same penalties shall be imposed on any person who has facilitated or attempted to facilitate the illegal entry, movement, or residence of a foreigner in the territory of a State party to the that Protocol.⁶⁶

This offence is punishable by five years of imprisonment and a fine of EUR 30,000.⁶⁷ Moreover, additional penalties apply to perpetrators of international trafficking, including:⁶⁸ prohibiting the foreign perpetrators’ residence on French territory for up to five years, suspending their driving licenses for up to five years, prohibiting foreign perpetrators from entering French territory for up to ten years,⁶⁹ or confiscating the materials used to commit the offence.⁷⁰

Furthermore, since the passage of Law no. 2018-778 for Controlled Immigration, Effective Asylum and Successful Inclusion dated September 10, 2018, French law has two exceptions to the offence of aiding (i) illegal residence and (ii) movement of foreigners on French territory:⁷¹

- Under a so-called “family immunity,” ancestors or descendants of foreign persons or their spouses, brothers and sisters of foreign persons, or the spouses of foreign persons cannot be prosecuted for this offence;⁷²
- Under a so-called “humanitarian immunity,” an act of legal, linguistic, or welfare advice or support or any other assistance provided by a natural or legal person for humanitarian purposes exclusively and which did not give rise to any direct or indirect consideration, cannot be prosecuted for this offence.⁷³

The current exemption regime (established by Law 2018-778) results from the French Constitutional Council’s decision of 6 July 2018, which recognized the constitutional value of the “principle of fraternity,” and inferred from it the “freedom to help others for humanitarian purposes, regardless of whether they are legally residing on the French territory.”⁷⁴

⁶⁵ Article L. 823-2, para. 1 of the CESEDA.

⁶⁶ Article L. 823-2, para. 2 of the CESEDA.

⁶⁷ Articles L. 823-1 and L. 823-2 of the CESEDA.

⁶⁸ Additional penalties are provided for in Articles L. 823-4 to L. 823-8 of the CESEDA.

⁶⁹ This prohibition is subject to the conditions provided for in articles 131-30, 131-30-1, and 131-30-2 of the Criminal Code; see Article L. 641-1 of the CESEDA.

⁷⁰ Article L. 823-4 of the CESEDA.

⁷¹ These exceptions do not apply, however, to the act of aiding illegal “entry” into the French territory.

⁷² Article L. 823-9, paras. 1 and 2 of the CESEDA.

⁷³ Article L. 823-9, para. 3 of the CESEDA.

⁷⁴ French Constitutional Council, 6 July 2018, Nos. 2018-717 and 2018-718 QPC, M. Herrou.

3.4.2. *International and domestic trafficking in children*

The offence of international trafficking is punishable by ten years of imprisonment and a fine of EUR 750,000 when it is committed against a minor who is not a French national and has the effect of removing the minor from the minor's family or traditional environment.⁷⁵

3.4.3. *Victim harboring*

Article 225-4-1, I of the Criminal Code (human trafficking) incriminates (among other things) the act of "harboring" a person for the purpose of exploitation, committed under one of the following circumstances:

1. use of threats, coercion, violence, or deception targeting the victim, the victim's family, or a person in a close relationship with the victim;
2. the offence is committed by an ascendant of the victim, a person holding authority over the victim, or a person abusing a position of authority conferred by their position;
3. abuse of the victim's vulnerable condition by reason of age, illness, invalidity, physical or mental deficiency, or pregnancy, whether this vulnerability is apparent or not; or
4. the offence is committed in exchange for remuneration or the granting of any other advantage or the promise of remuneration or advantage.⁷⁶

The mere act of harboring for the purpose of exploitation is a human trafficking crime when it is committed against a minor.⁷⁷

Therefore, victim harboring is punished under French law.

3.4.4. *Extraterritorial application of human trafficking and smuggling offenses*

French law's prohibition of international trafficking enacted to satisfy the Schengen Convention has extraterritorial scope to the State parties to the Schengen Convention. Hence, Article L. 823-1 of the CESEDA provides that the penalties of international trafficking (five years of imprisonment and a fine of EUR 30,000) shall apply to any person who, regardless of nationality, has committed the offence of international trafficking while on the territory of a State party to the Schengen Convention.⁷⁸

Here, unlike the extraterritorial application of French law on human trafficking, French courts shall apply the law of the relevant State party to the Schengen Convention (the nation in which the act of smuggling was committed).⁷⁹

Proceedings may be brought against the perpetrator of international trafficking in France only following an official complaint or a certificate from the competent authorities of the Schengen Member State or the relevant State party.⁸⁰

⁷⁵ Article L. 823-3, para. 5 of the CESEDA.

⁷⁶ Article 225-4-1, I of the Criminal Code.

⁷⁷ Article 225-4-1, II of the Criminal Code.

⁷⁸ Article L. 823-1, para. 2 of the CESEDA.

⁷⁹ Article L. 823-10 of the CESEDA.

⁸⁰ Article L. 823-10 of the CESEDA.

However, French prosecutors cannot initiate proceedings against a person who has been tried definitively abroad for the same acts and, if convicted, where the sentence has been served or is time-barred.⁸¹

3.5. Online Exploitation of Children Offenses

Article 227-23 of the Criminal Code makes child pornography a crime. It is defined as the act of taking, recording, or transmitting a picture or representation of a minor with a view to circulating it, where that image or representation has a pornographic character. The offence is punishable by five years of imprisonment and a fine of EUR 75,000.⁸²

The Criminal Code is stricter with respect to minors under 15 years old. In this situation, the mere act of taking, recording, or transmitting a pornographic image or representation of a minor, regardless of whether the perpetrator had the intent of circulating or distributing this content, is punishable by the same penalties.⁸³

3.6. Child Sex Tourism Offenses

The Criminal Code makes criminal sexual offences committed abroad against minors by a French national or a person habitually residing in France.⁸⁴ Hence, French law applies where a sexual aggression, defined as any sexual assault committed with violence, physical or moral constraint, threat, or surprise, is committed abroad against a minor by a French national or a person habitually residing in France, regardless of whether the act is a crime in the nation in which it occurred, the victim lodged a complaint, or the State where the offender committed the act reported the offence.⁸⁵

Sexual offences covered under child sex tourism principally target:

- Rape, which is punishable by 15 years of imprisonment, and 20 years of imprisonment when committed against a minor under 15 years old or against a minor under 18 years old (when the age gap is at least five years);⁸⁶
- Sexual assault other than rape, which is punishable by five years of imprisonment and a fine of EUR 75,000,⁸⁷ and ten years of imprisonment and EUR 150,000 when committed against a minor under 15 years old through violence, coercion, threat or surprise;⁸⁸
- Corruption of minors, which is punishable by five years of imprisonment and a fine of EUR 75,000, and ten years of imprisonment and a fine of EUR 150,000 when committed against a minor under 15 years old (and EUR 1,000,000 when committed by an organized gang),⁸⁹ and

⁸¹ Article L. 823-10 of the CESEDA.

⁸² Article 227-23 of the Criminal Code.

⁸³ Article 227-23 of the Criminal Code.

⁸⁴ Article 222-22, para. 3 of the Criminal Code.

⁸⁵ Article 222-22 of the Criminal Code.

⁸⁶ Articles 222-23, 222-23-1, 222-33-3, and 222-24 of the Criminal Code.

⁸⁷ Article 222-27 of the Criminal Code.

⁸⁸ Article 222-29-1 of the Criminal Code.

⁸⁹ Article 227-22 of the Criminal Code.

- Sexual abuses against a minor under 15 years old (other than rape and sexual assaults), which are punishable by seven years of imprisonment and a fine of EUR 100,000.⁹⁰

Further, French law applies to French nationals or persons habitually residing in France who solicit or obtain, in exchange for remuneration or a promise of remuneration, or in exchange for a benefit in kind or the promise of such benefit, sexual relations with a minor abroad, regardless of whether the act is a crime in the nation in which it occurred, the victim lodged a complaint, or the State where the offender committed the act reported the offence.⁹¹ The punishment for having recourse to prostitution with minors is punishable by five years of imprisonment and a fine of EUR 75,000,⁹² and ten years of imprisonment and EUR 150,000 when the minor is under 15 years old.⁹³

4. FRANCE’S SUPPLY CHAIN REPORTING LEGISLATION

4.1. Disclosure Obligations

European law requires large companies⁹⁴ to disclose non-financial information in their annual reports regarding social, environmental, human rights, and anticorruption issues. The EU Non-Financial Reporting Directive (**NFRD**) requires the management reports of large undertakings, defined as public-interest entities or groups with more than 500 employees, to include a non-financial statement describing the undertakings’ development, performance, position, and the impact of its activity relating to human rights, among other issues.⁹⁵ Other EU-wide law, such as Regulation 2019/2088 on Sustainability-Related Disclosures in the Financial Services Sector, requires certain entities, such as asset managers, to provide significant new disclosures in sustainability matters, including human rights.

The NFRD also requires “due diligence” by covered entities to adopt anticipatory measures to identify, prevent, and mitigate existing and potential adverse impacts. The disclosure of “due diligence” processes also applies to an entity’s subsidiaries and supply chains.⁹⁶ The NFRD is in the process of being replaced by the EU Corporate Sustainability Reporting Directive (**CSRD**) of December 14, 2022.⁹⁷ The CSRD extends the scope of existing NFRD requirements to include all (i) large companies and groups, whether they are listed or not, and without the previous 500-employee threshold; (ii) small and medium enterprises listed on a public stock exchange, with the exception of listed “micro-enterprises;” and (iii) groups with non-EU parent companies that have subsidiaries or branches located and/or doing substantial business in the European Union. The CSRD-amended provisions apply as of January 1, 2024 (for companies with listed securities on an EU-regulated market or otherwise currently subject to NFRD requirements). The implementation of the CSRD will entail reporting under European Sustainability Reporting Standards (ESRS) adopted by the European Commission as delegated acts. The first set of ESRS was adopted on July 31, 2023.⁹⁸ Such ESRS

⁹⁰ Article 227-25 of the Criminal Code.

⁹¹ Articles 225-12-1 and 225-12-3 of the Criminal Code.

⁹² Article 225-12-1, para. 2 of the Criminal Code.

⁹³ Article 225-12-2 of the Criminal Code.

⁹⁴ Covered companies include (i) publicly listed companies with 500 employees, a balance sheet of EUR 20,000,000, and annual turnover of EUR 40,000,000 and (ii) private companies with 500 employees, a balance sheet of EUR 100,000,000, and an annual turnover of EUR 100,000,000. Cf. Article R. 225-104 of the French Commercial Code.

⁹⁵ Cf. Directive 2014/95/EU on non-financial reporting dated 22 October 2014, Article 19(a).

⁹⁶ Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32014L0095>, preamble, paras. 6 and 8.

⁹⁷ Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32022L2464>.

⁹⁸ Available at: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=PI_COM%3AC%282023%295303.

include disclosure requirements specifically related to human rights, in particular ESRS S2 “Workers in the value chain” and ESRS S3 “Affected Communities.”

France has regulated environmental and social reporting of large companies as well as public companies since 2001.⁹⁹ Disclosure requirements and the scope of companies subject to these requirements have increased over the years, in line with European law:

- (a) Article L. 225-102-1 of the French Commercial Code requires certain companies to report annually on the social and environmental consequences of their activities, as well as any consequences on human rights; and
- (b) Article L. 533-22-1 of the French Monetary and Financial Code requires certain asset management companies to report on the way that their investment policy takes into account criteria relating to social, environmental, and quality governance objectives.

Failure to implement these reporting requirements may give rise to penalties by regulators or claims by third parties, including before French courts.

4.2. Duty of Vigilance

France is the first country to have adopted legislation requiring companies to conduct due diligence on the human rights and environmental impact of their business. (Germany also adopted, in June 2021, a Supply Chain Due Diligence Act requiring major companies to minimize human rights-related and environmental risks throughout their supply chains.) While the European Parliament has called for a pan-European due diligence framework for companies and investors, there currently is no European-wide requirement similar to the French “vigilance” law.¹⁰⁰

Companies headquartered in France that have at least 5,000 employees in France or 10,000 employees globally must prepare and implement a “vigilance” plan including “reasonable measures of vigilance to identify risks and prevent substantial harm to human rights and fundamental liberties, health and security of persons, and the environment.” The vigilance plan must address activities of the company, companies that it controls directly or indirectly, and subcontractors and suppliers with which it has “an established commercial relationship.” Covered companies should make their vigilance plans available to the public and update them annually.¹⁰¹

To comply with the French Vigilance Law, the vigilance plans of covered companies must describe:

- Risk mapping conducted to identify, analyze, and prioritize risks;
- Procedures put in place to assess the risk mapping for subsidiaries, subcontractors, and suppliers with which it has established commercial relationships;
- Actions adopted to reduce risks and to prevent substantial harm;

⁹⁹ Cf. Article L. 225-102-1 of the French Commercial Code, as modified by ordinance No. 2017-1180 dated 19 July 2017, and Article R. 225-105 of the French Commercial Code as modified by the French Conseil d’Etat order No. 2017-1265 dated 9 August 2017.

¹⁰⁰ Cf. European Parliament Report on Sustainable Finance, (2018/2007(INI)), 4 May 2018, *available at*: http://www.europarl.europa.eu/doceo/document/A-8-2018-0164_EN.html, at para 6.

¹⁰¹ Article L. 225-102-4 of the French Commercial Code, codifying Law No. 2017-399 of 27 March 2017 (**French Vigilance Law**).

- An alert mechanism to collect whistleblower complaints of such risks, established with a workers representation organization; and
- A monitoring plan to evaluate the other measures on an ongoing basis.¹⁰²

Failure to comply with these vigilance obligations may trigger a company’s liability and give rise to claims for damages, subject to the criteria of French tort law,¹⁰³ including damages that compliance with the vigilance obligations would have avoided.¹⁰⁴

Non-governmental organizations are very attentive to vigilance plan reporting and have filed claims against large companies alleging that their vigilance plans do not comply,¹⁰⁵ either on human rights issues or with respect to climate change. However, courts need to clarify the liability of covered companies under the French Vigilance Law. While courts appear to be prepared to issue warnings for insufficient vigilance plans and to enjoin companies to publish compliant plans, litigation by private actors seeking damages, including by non-governmental organizations and labour unions, have only begun recently and as of this writing are in the procedural phase.¹⁰⁶

4.3. Sapin 2

The French Vigilance Law should be read in conjunction with French anti-corruption laws, in particular “Sapin 2.”¹⁰⁷ It requires companies that (i) employ at least 500 employees or are part of a group with at least 500 employees with a parent company headquartered in France and (ii) have an annual revenue or consolidated annual revenue exceeding EUR 100 million to put in place a corporate compliance program to prevent and detect corruption or influence trafficking in France and abroad. The compliance program must include:

- A corporate code of conduct defining and illustrating conduct that would be corruption or influence-trafficking offences. This code should be appended to the company’s internal rules and subject to the procedure of information and consultation of employee representatives, in accordance with Article L. 1321-4 of the French Labour Code;
- An internal alert system to collect reports from the company’s employees of conduct or situations violating the company’s code of conduct;
- A regularly updated risk map intended to identify, analyze, and prioritize the company’s risk exposure to external corrupt solicitations, particularly in the business sector and geographic area in which the company operates;
- An integrity review of clients, “first-tier” suppliers, and third parties in light of the risk map;

¹⁰² Article L. 225-102-4, I, para. 4.

¹⁰³ Article 1240 and 1241 of the French Civil Code.

¹⁰⁴ Article L. 225-102-5 of the French Commercial Code.

¹⁰⁵ Pursuant to Article L. 225-102-4, II of the French Commercial Code, any interested person may apply to a court of competent jurisdiction to enjoin large companies to comply with duty of vigilance as set forth by Article L. 225-102-4, I.

¹⁰⁶ The French Supreme Court ruled on 15 December 2021 that the competent tribunal to enjoin a large company to comply with its obligation under Article L. 225-102-4 is not under the exclusive jurisdiction of the Commercial Tribunal, as the vigilance plan is not a commercial act (cf. *Cass, com., 15 December 2021, Nos. 21-11.957 and 21-11.882*).

¹⁰⁷ Law No. 2016-1691, 9 December 2016, on transparency, the fight against corruption, and the modernization of economic life.

- Internal or external accounting controls to ensure that the company’s records are not covering up corruption or influence-trafficking offences;
- Training for employees and managers who are the most exposed to risks of corruption and influence trafficking;
- A disciplinary policy and internal controls, including disciplinary action against personnel found to have engaged in misconduct; and
- Internal controls and evaluation of the measures implemented.¹⁰⁸

The French Anti-Corruption Agency recommends that covered companies collect information and documents from contractors and suppliers as part of their diligence programs, both before beginning a relationship with third parties and regularly thereafter.¹⁰⁹ The obligations under Sapin 2 and the French Vigilance Law overlap with respect to ongoing supply chain monitoring and evaluation.

Violations of Sapin 2 may incur significant administrative fines of up to EUR 1,000,000 for companies and EUR 200,000 for individuals.¹¹⁰

5. FORCED LABOR: OVERVIEW OF FRANCE’S APPLICABLE EMPLOYMENT AND MIGRATION LAWS

5.1. Employment Law Rights for Victims of Human Trafficking and Forced Labor

French employment laws provide a number of civil mechanisms through which victims of forced labour and trafficking can seek civil remedies.

Victims of forced labour and trafficking are not likely to have a written employment agreement with those who have trafficked or exploited them. In fact, many victims suffer from one or more of the indicators of illegal labour:¹¹¹ (i) concealed work, (ii) employment of foreigners without a work permit, (iii) irregularly having multiple employments, or (iv) fraud or misrepresentation by employers. Illegal labour gives rise to criminal offences and penalties against the employers, and victims also have substantial rights.¹¹²

For example, victims of concealed work can claim an indemnity equal to six months of wages.¹¹³

For information about rights of foreigners who were employed without a work permit, refer to Section 5.6.

¹⁰⁸ Article 17, II of the Law No. 2016-1691, 9 December 2016, on transparency, the fight against corruption, and the modernization of economic life.

¹⁰⁹ French Anticorruption Agency Guidelines to help private and public sector entities prevent and detect corruption, influence peddling, extortion by public officials, unlawful taking of interest, misappropriation of public funds and favouritism, December 2017, available at: https://www.agence-francaise-anticorruption.gouv.fr/files/2018-10/French_Anticorruption_Agency_Guidelines.pdf, p. 19 *et seq.*

¹¹⁰ Article 17, V of the Law No. 2016-1691, 9 December 2016, on transparency, the fight against corruption, and the modernization of economic life.

¹¹¹ Article L. 8211-1 of the French Labour Code.

¹¹² Article L. 8224-1 *et seq.* of the French Labour Code.

¹¹³ Article L. 8223-1 of the French Labour Code.

5.2. Applicability of Employment Legislation in the Context of Forced Labor or Trafficking

A victim of forced labour or trafficking is likely to be considered an “employee” if the victim performs paid work for the benefit of a third party who controls the victim, to whom the victim is accountable, and who the victim must obey.

A victim may be considered an “employee” even though the victim is not paid,¹¹⁴ and even if the employers contend that the workers were volunteering.¹¹⁵

The factual conditions under which the worker functions determine whether there is an employment relationship, regardless of whether there is a written employment contract.

In the absence of a written agreement, the employer and the employee are deemed to have a permanent employment contract (*contrat à durée indéterminée*).¹¹⁶

Victims who can be characterized as employees may bring employment claims against traffickers (or in some instances, against other beneficiaries of the forced labour). Those claims may assert a breach of the employment contract or a violation of statutory rights.

5.3. Statutory Rights

Employees’ statutory rights can serve as a basis to assess whether a person is the subject of forced labour and as a basis for damage claims by trafficking victims.

5.3.1. Rights to minimum wages, entitlements, and other applicable minimum standards

Under French law, employees shall not be paid less than the national minimum wage (*SMIC*). As of May 1, 2023, the gross minimum wage per hour is equal to EUR 11.52 per hour for workers over 18 years old.¹¹⁷ Collective bargaining agreements may provide for higher minimum wages.

Employees may also be entitled to severance payments, “dirty-work” bonuses (*primes d’insalubrité*), transportation allowances, and seniority bonuses.

¹¹⁴ Cass. civ. 2., 3 February 2011, No. 10-12.194; Cass. soc., 26 May 2010, No. 05-44.939.

¹¹⁵ For example: Cass. crim., 27 September 1989, No. 88-81.182: an abbot had gathered together a few “volunteers” to restore an abbey. The work inspector had visited the building site and had drawn up a report for failure to comply with safety regulations. Invoking his charitable aim, the accused had maintained that his workers were not salaried employees and therefore not subject to health and safety rules. However, the Court of Appeal had noted that the workers used the tools and materials provided by the abbot, were employed according to precise schedules, worked under the control of the abbey’s supervisory staff, and received, in return, housing, food, and some subsidies. It therefore concluded that an employment contract existed. The Court of Cassation upheld the judgment; Cass. crim., 10 October 2017, No. 16-85.979.

¹¹⁶ Article L. 1221-2 of the French Labour Code.

¹¹⁷ EUR 10.37 per hour for employees aged 17 years old, EUR 9.22 for employees aged 16 or under 16 years old. Specific provisions may apply, for example, to minors employed under traineeship contracts (*contrats d’apprentissage*).

5.3.2. *Claims available in relation to misrepresentations and “sham” arrangements*

“Sham” arrangements may still fit the broad definition of employment contracts, entitling the workers to the statutory rights granted to employees. Refer to Section 5.2. In this event, the employer also incurs criminal sanctions for concealed work.¹¹⁸¹¹⁹

5.3.3. *Claims available in relation to unlawful deductions, loans, and debt bondage*

Employers of trafficking victims often deduct or garnish wages for amounts the trafficking victim purportedly “owes” the employer. French law allows deductions from an employee’s wage only in very limited circumstances. Employers are not allowed to withhold any sum from employees’ wages to penalize them.¹²⁰ Violations of this prohibition are sanctioned by a fine of up to EUR 3,750 for natural persons and up to EUR 18,750 for legal persons.

For example, the Cour of Cassation held that an employer could not deduct from an employee’s salary unpaid rent for an apartment that was not part of the employee’s contract of employment.¹²¹ Even if the circumstances permit an employer to deduct the debt from the employee’s salary, French law strictly limits the maximum monthly amount of any such deduction.

An employer who makes unlawful deductions is liable to reimburse the amounts unlawfully withheld.

5.3.4. *Remedies*

Victims of forced labour or trafficking who have not been paid at least the minimum wage or other entitlements owed pursuant to the French Labour Code or any applicable collective bargaining agreement can bring a claim in the labour courts seeking an order to pay the outstanding wages and entitlements (plus interest).

5.3.5. *The well-being of workers: Preventing work-related psychosocial risks*

The prevention of mental health risk is part of the general obligation to protect the physical and mental health of workers.

Employers must protect the physical and mental health and safety of workers. They must (i) take actions to prevent work-related risks, (ii) provide information and training, and (iii) establish an organization and appropriate means to address employee health and safety.¹²²

Different national cross-industry agreements aimed at minimizing work-related mental health risks may also apply, such as the national inter-professional agreements on “Health at work and working conditions” dated December 9, 2020; “Quality of life at work” dated June 19, 2013; or on “The reduction of stress” dated July 2, 2008.

¹¹⁸ Cass. crim., 24 May 2016, No. 15-83.680.

¹¹⁹ Cass. Crim., 5 September 2023, No. 22-84.400: qualification of a relationship of subordination between foreign employees and a French company as well as the fictitious nature of the subcontracting operation. Therefore, the Court of Cassation upheld the judgment of the following criminal offenses: concealed work, illegal loan of workforce, and illegal subcontracting of labour.

¹²⁰ Article L. 1331-2 of the French Labour Code.

¹²¹ Cass. soc., 13 October 1998, No. 96-42.373.

¹²² Article L. 4121-1 of the French Labour Code.

5.3.6. *The well-being of workers: Promotion of workers' health*

Employers have a general obligation to protect the physical and mental health of workers.

Employers must implement general principles of prevention, such as avoiding risks, evaluating unavoidable risks, adapting work to the employee, or giving appropriate instructions and protection equipment to employees.¹²³

Furthermore, employees are entitled to a mandatory welfare and healthcare insurance. The employer must support a minimum 50% of the related social contributions.

5.3.7. *The well-being of workers: Rest time*

Working times and rest times are strictly regulated in France. Subject to limited exceptions, an employee should not work more than ten hours per day,¹²⁴ 48 hours per week,¹²⁵ and, on average, 44 hours per week in a 12-week period.¹²⁶ Employees should have a 20-minute break after six hours of work.¹²⁷ Subject to many exceptions, non-management employees (**ETAM**) should have at least 11 consecutive hours of rest between two days of work,¹²⁸ and at least 35 consecutive hours of rest each week.¹²⁹

Collective bargaining agreements may provide different rules for an economic sector.

5.3.8. *The well-being of workers: Freedom to change jobs and right to leave*

Employees who have (or who are deemed to have) an open-ended employment contract (**CDI**) (*contrat à durée indéterminée*) are free to terminate their employment without cause, subject to the obligation to give prior notice.

After the end of a trial period, employees who have fixed term employment contracts (**CDD**) (*contrat à durée déterminée*) can only resign in limited circumstances specified by the French Labour Code, such as force majeure or an offer of an open-ended employment contract with another employer.

5.4. Rights to a Safe Workplace and Compensation Associated with Injuries or Illness

As Sections 5.3.5. and 5.3.6. described, employees have a right under French law to a safe workplace.

Employment-related injuries or diseases may give employees the right to a specific indemnity regime. Significant criminal penalties may also apply if the employer has knowingly or carelessly put the employee at risk.

¹²³ Article L. 4121-2 of the French Labour Code.

¹²⁴ Article L. 3121-18 of the French Labour Code.

¹²⁵ Article L. 3121-20 of the French Labour Code.

¹²⁶ Article L. 3121-22 of the French Labour Code.

¹²⁷ Article L. 3121-16 of the French Labour Code.

¹²⁸ Article L. 3131-1 of the French Labour Code.

¹²⁹ Article L. 3132-1 of the French Labour Code.

5.5. Access to Justice and Practical Issues Associated with Enforcing Social Legislation

Due to a number of significant practical barriers in the French legal system, victims of forced labour or trafficking rarely assert their available statutory rights and claims.

While many victims of forced labour and trafficking in France would likely have strong claims under these rules, the vast majority of victims do not know about the legal assistance available to file those claims. French employment law and litigation procedures are complex, and it is difficult for a layperson to commence proceedings without legal assistance. This is particularly true because victims of trafficking or forced labour typically are not proficient in the French language.

Some victims of human trafficking fear that their perpetrator would report them to the police and that they would face deportation to their home country.¹³⁰ Several NGOs may offer assistance to victims of forced labour (see, for example, the *Comité contre l'esclavage moderne*), and victims may also be eligible for free legal support. Labour unions may also bring certain legal actions on behalf of undocumented workers.¹³¹

In 2016, a European platform was created to increase international cooperation in tackling concealed work. As of 2021, this platform has been shifted into a permanent working group reporting to the European Labour Authority (ELA). And in France, the legal provisions against forced labour and human trafficking are regularly reinforced. For example, a Decree of July 15, 2020 created an interministerial anti-fraud coordination mission, to make the fight against illegal work more efficient by implementing regional committees.

5.6. Interaction Between Employment Law and Migration

5.6.1. *Employment rights affected where employment is unlawful under migration law*

Foreign persons who are employed without a work permit benefit from the same rights that authorized workers have for (i) periods of prohibited prenatal and postnatal employment and breastfeeding; (ii) hours of work, rest, and leave; (iii) health and safety at work; and (iv) length of service calculation.¹³² Unlawful employed foreigners are entitled to payment of their salary and other benefits provided by law or contract, including a minimum compensation equal to three months' salary in the event of termination.¹³³ The French Labour Code also gives undocumented foreign employees the right to claim additional compensation for other losses.¹³⁴

Article L. 425-1 of the CESEDA requires victims of human trafficking and forced prostitution who have initiated, or who are testifying in, criminal proceedings against their perpetrators to receive a temporary residence permit.

¹³⁰ Social Fieldwork Research (FRANET), Protecting migrant workers from exploitation in the EU: workers' perspectives, Country report France, June 2019, available at: https://fra.europa.eu/sites/default/files/fra_uploads/fra-2019-severe-labour-exploitation-workers-perspectives_en.pdf.

¹³¹ Article L. 8255-1 of the French Labour Code.

¹³² Article L. 8252-1 of the French Labour Code.

¹³³ Article L. 8252-2 of the French Labour Code.

¹³⁴ Article L. 8252-2 of the French Labour Code.

5.6.2. Rights/remedies available under applicable migration law and regulations

Refer to Section 7.

5.7. Employment Laws and Child Labor

Minors may start working at 16 years old in non-hazardous work. Minors have more protective statutory rights than those described in Section 5.3. (for example, more rest time).

Between 14 and 16 years old, minors can only work as part of a training program or for a limited time during the holidays. The work should not be hazardous or endanger the minor.

Minors under 14 years old are not allowed to work, but for limited work, such as children working as singers, models, or actors.

Child labour currently is mainly linked to forced begging or work in a family enterprise.

6. GOVERNMENT PROCUREMENT RULES

6.1. Overview

Through their purchasing policy, French government agencies significantly influence market suppliers and their modes of production and distribution.

French procurement rules concerning human trafficking originated in EU law. In 2014, the EU Parliament passed Directive 2014/24/EU to encourage European countries to “buy social” by taking into account social considerations in their public procurement. Article 57 of Directive 2014/24/EU requires that public authorities exclude a business from its procurement or award procedure if the business has been convicted (by final judgment) of child labour or human trafficking. Directive 2014/24/EU also recommends integrating social considerations as part of the conditions for contract performance, including compliance with the International Labour Organization (ILO) core conventions, such as Convention No. 29¹³⁵ on forced labour and Convention No. 182¹³⁶ on the worst forms of child labour. Excluding businesses convicted under these EU rules sets a low standard, given that human rights abuses in supply chains rarely lead to criminal prosecutions and often are unreported in the first place.

France transposed Directive 2014/24/EU into national law through Ordinance No. 2015-899 of 23 July 2015 relating to public procurement contracts, and its implementing Decree No. 2016-360 of 25 March 2016. This law and its implementing decree were developed to ensure that there is transparency, equal treatment of potential bidders, and open access to public procurement such as open public announcement and competition. All contracts exceeding EUR 25,000 are subject to these requirements and must abide by all labour laws and ensure that there is no exploitation of workers. More recently, Ordinance No. 2018-1074 of 26 November 2018 has repealed Ordinance No. 2015-899 of 23 July 2015 by promulgating the French Public Procurement Code (*le Code de la commande publique*). This new Code collects the rules governing the award, performance, and termination of public procurement agreements—mainly public procurement contracts (*marchés publics*) and concession agreements (*contrats de concession*). This Code is now the main

¹³⁵ See Forced Labour Convention, dated 28 June 1930 (No. 29).

¹³⁶ See Worst Forms of Child Labour Convention, dated 1 June 1999 (No. 182).

source of French procurement rules tackling human trafficking.¹³⁷ The French Public Procurement Code covers procurement contracts of:¹³⁸

- “contracting authorities” (*pouvoirs adjudicateurs*):
 - all legal persons under public law (including state, local public authorities, public establishments (*établissements publics*), hospitals, and universities);
 - certain private companies that are in the general interest and are not industrial or commercial companies;
 - certain private entities that have been constituted by other “contracting authorities” with a view to jointly carrying out certain activities (*e.g.*, the private-law subsidiary of a state transport authority created to jointly operate train networks with another state transport authority);
- “contracting entities” (*entités adjudicatrices*):
 - contracting authorities that carry out the functions of operating certain infrastructure networks (*e.g.*, energy, transportation, postal and electronic communications, drinking water);
 - public undertakings that are not contracting authorities, which carry out certain activities of a network operator; and
 - private entities that carry out or have been delegated a public law function or function of a “contracting authority” that substantially affects the capacity of other entities to carry out such functions.

6.2. French Public Procurement Code

Article L. 2141-1 of the French Public Procurement Code (*le Code de la commande publique*) sets out the main French procurement rules tackling human trafficking. It excludes from public procurement bids individuals or legal entities that have been convicted of human trafficking (Article 225-4-1 of the Criminal Code), among other offences.

Article L. 2141-1 also applies to the members of any bidder’s “management, administrative or supervisory” bodies, as well as all natural persons holding “a power of representation, decision or control of a legal person.”¹³⁹ The exclusion applies only to convictions within the last five years, unless the court pronouncing the conviction decides otherwise.¹⁴⁰ For this purpose, a sworn statement from the bidder is sufficient.¹⁴¹

¹³⁷ See Ordonnance No. 2018-1074 of 26 November 2018 *portant partie législative du code de la commande publique* and entered into force on 1 April 2019.

¹³⁸ See Article L. 1211-1 *et seq.* of the French Public Procurement Code.

¹³⁹ See Article L. 2141-1 paragraph 2 of the French Public Procurement Code: “A final conviction for one of those offences or for receiving stolen goods from a member of the management, administrative, management or supervisory body or from a natural person who has powers of representation, decision-making or control over a legal person shall lead to the exclusion from the procurement procedure of that legal person, for as long as that natural person is exercising those functions.”

¹⁴⁰ See Article L. 2141-1 paragraph 2 of the French Public Procurement Code: “Except where the penalty of exclusion from the procurement procedure has been pronounced for a different period by a final court decision, exclusion from the procurement procedure under this Article shall apply for a period of five (5) years from the date on which the sentence is pronounced.”

¹⁴¹ See Article R. 2143-6 of the French Public Procurement Code.

Article L. 3123-1 of the French Public Procurement Code related to concession contracts (*contrats de concessions*) and Article L. 2341-1 of the French Public Procurement Code involving defense and security matters (*marchés de défense et de sécurité*) also address human trafficking.

7. RESTITUTION AND VICTIM COMPENSATION

7.1. Overview

Several remedies enable victims of human trafficking to obtain compensation for harm suffered in France. One avenue is to bring a civil claim for pecuniary and non-pecuniary damages before the criminal court judge during the prosecution of the presumed perpetrator of the offence (Section 7.2.). Additionally, social protection is afforded to victims of human trafficking (Section 7.3.) and international smuggling (Section 7.4.).

7.2. Victim Compensation Before Criminal Courts

French criminal law provides considerable protection to the victims of human trafficking.

Human trafficking victims may file a complaint and join the criminal proceedings as a civil party (*se constituer partie civile*).¹⁴²

Moreover, associations whose statutory purpose include the fight against human trafficking are allowed to bring civil actions before the criminal court on behalf of the victims when the public prosecutor's office or the victim has initiated the prosecution. The association must obtain the victim's prior consent, unless the association is deemed to be acting in the public interest.¹⁴³

Article 706-3 of the Code of Criminal Procedure provides that victims of human trafficking shall receive "full compensation for the damage arising from offences against the person," provided that the victim is a French national or the offences were committed on French territory.¹⁴⁴

7.3. Social Protection Afforded to Victims of Human Trafficking

Article L. 345.1 of the Social Action and Family Code provides that victims of human trafficking, procuring, or prostitution are to be afforded safe housing in shelters and social reintegration centres.¹⁴⁵

A national program called AcSé (*Dispositif National d'Accueil et de Protection des Victimes de la Traite*) brings together nearly 80 partners, accommodation centres, and specialist associations to receive and protect human trafficking victims who are in danger and need to be physically isolated.¹⁴⁶

7.4. Social Protection Afforded to Victims of International Smuggling

The protection afforded to victims of smuggling depends on their status and situation.

¹⁴² Article 2 of the Criminal Procedure Code.

¹⁴³ Article 2-22 of the Criminal Procedure Code.

¹⁴⁴ Article 706-3 of the Criminal Procedure Code.

¹⁴⁵ Article L. 345.1 of the Social Action and Family Code.

¹⁴⁶ Available at: http://sorosa.fr/wp-content/uploads/2019/03/guideacse_web.pdf.

There are four categories of smuggling victims:

- Victims of international smuggling who cooperate with the French authorities can receive (i) a one-year temporary residence permit,¹⁴⁷ which enables them to work in France; (ii) French social protection;¹⁴⁸ (iii) a temporary allowance;¹⁴⁹ (iv) special social support;¹⁵⁰ (v) police protection in case of danger;¹⁵¹ and (vi) a ten-year resident card if the offender is convicted (subject to regular residence status).¹⁵²
- Victims who claim to have suffered acts of smuggling but who do not cooperate with the French authorities for fear of reprisals are entitled to receive a temporary resident permit for humanitarian reasons, provided that they can prove their fear of reprisal against themselves or family members.¹⁵³
- Women who are victims of international smuggling for purposes of prostitution can obtain support and comprehensive care as a pathway out of prostitution.¹⁵⁴ This pathway entitles foreign persons to obtain a residence permit for at least six months, financial assistance and easier access to social housing, physical or psychological care, and social integration measures. This scheme does not strictly target victims of trafficking, although some may benefit from it.
- Vulnerable victims of international trafficking can seek enhanced asylum protection.¹⁵⁵

Victims of domestic smuggling in France do not have these rights, which are reserved for victims of exploitation accompanied by the illegal crossing of borders.¹⁵⁶

Additionally, victims of international smuggling who are minors can remain in the French territory, without a temporary residence permit, until reaching 18 years old.¹⁵⁷

¹⁴⁷ Articles L. 425-1 and L. 425-3 of the CESEDA.

¹⁴⁸ Article R. 425-7 of the CESEDA.

¹⁴⁹ Article R. 425-7 of the CESEDA.

¹⁵⁰ Article R. 425-7 of the CESEDA.

¹⁵¹ Article R. 425-7 of the CESEDA.

¹⁵² Articles L. 425-1 and L. 425-3 of the CESEDA.

¹⁵³ Instruction of the Ministry of the Interior of 19 May 2015 on the conditions of admission for the stay of foreign nationals who are victims of trafficking or procuring, No. NOR INTV1501995N, p. 10, *available at*: http://circulaires.legifrance.gouv.fr/pdf/2015/05/cir_39619.pdf. *See also* Article L. 435-1 of the CESEDA.

¹⁵⁴ Article L. 121-9 of the Social Action and Family Code.

¹⁵⁵ Articles L. 522-1, L. 522-2, L. 522-3, L. 522-4, L. 522-5, L. 552-7 of the CESEDA.

¹⁵⁶ Bénédicte Lavaud-Legendre, *Interactions entre acteurs au contact des victimes de la traite des êtres humains – La mise en échec de l’approche globale de la traite par l’absence de politique publique*, 2 January 2020, p. 7, *available at*: <https://halshs.archives-ouvertes.fr/halshs-02426590/document> (last accessed on 24 May 2020).

¹⁵⁷ Indeed, the obligation to hold a valid residence permit applies only to foreigners over 18 years old. *See* Article L. 411-1 of the CESEDA. *See also*: <http://www.info-droits-etrangers.org/sejourner-en-france/les-mineurs/lentree-sejour-mineurs/>.

8. FRANCE’S MULTIDISCIPLINARY/INTERAGENCY COOPERATION APPROACH

8.1. Overview

The Government leads numerous initiatives to combat human trafficking at the national and international levels, using a diversity of law enforcement, administrative, and policy-making tools. MIPROF recently implemented a national action plan in coordination with other governmental agencies and law enforcement. The French National Consultation Commission on Human Rights (**CNCDH**) is an independent agency monitoring implementation of the action plan and coordinating with government bodies in the fight against human trafficking.

8.2. Second National Plan Against Human Trafficking

On 18 October 2019, France announced its second national action plan against human trafficking (**Second National Plan**).¹⁵⁸ The plan has 45 specific measures. It focuses on:

- bringing the subject of human trafficking into the public debate and raising awareness among young people of the risks of exploitation;
- defining a strategy for identifying victims of trafficking to ensure their protection and effective care;
- guaranteeing unconditional protection for minors who are trafficking victims;
- dismantling criminal networks; and
- coordinating national and local public action and strengthening European and international cooperation.¹⁵⁹

Among the 45 measures are the development of the AcSé national program aimed at fostering human trafficking victims (measure 22) and the creation of safe and secure centres for endangered minors who are human trafficking victims.

The CNCDH has nevertheless criticized this Second National Plan, including the lack of any concrete timetable or budget for its effective implementation.¹⁶⁰

8.3. Law Enforcement

The French National Police (*police nationale*) established the Central Office to Fight Human Trafficking. It is responsible for centralizing information and coordinating law enforcement’s response to criminal and

¹⁵⁸ Available at: <https://www.egalite-femmes-hommes.gouv.fr/wp-content/uploads/2019/10/2e-Plan-action-traite-etres-humains.pdf>; see also Organization for Security and Cooperation in Europe, Compendium of relevant reference materials and resources on ethical sourcing and prevention of trafficking in human beings for labour exploitation in supply chains, 2nd updated edition, (2020) at p. 37; available at: <https://www.osce.org/files/f/documents/8/c/450769.pdf>.

¹⁵⁹ Available at: <https://www.diplomatie.gouv.fr/fr/politique-etrangere-de-la-france/droits-de-l-homme/lutte-contre-la-traite-des-etres-humains/>.

¹⁶⁰ Available at: <https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000039435027>.

sexual exploitation, coordinating with Europol and Interpol, and conducting investigations and operations to prevent human trafficking for sexual exploitation.¹⁶¹

The National Guard (*gendarmes*) has a nationwide policy to combat human trafficking. It refers certain cases to specialized offices such as the *Office central de lutte contre le travail illégal (OCLTI)* and the *Office central de lutte contre la délinquance itinérante (OCLDI)*.

8.4. National Institutional Coordination

MIPROF was established by the Interministerial Committee on Women’s Rights on 30 November 2012 and ratified by Decree No. 2013-7 of 3 January 2013. MIPROF is under the authority of the Ministry of Women’s Rights. Its goal is to promote and help advance public policy in the fight against human trafficking.

In addition to the Ministry of Women’s Rights, several other ministries are involved in the fight against human trafficking: the Ministry of the Interior, the Ministry of Justice, the Ministry of Social Affairs, and the Ministry of Foreign Affairs.

The CNCDH has been France’s independent National Rapporteur on Trafficking on Human Beings since 2014, responsible for evaluating public policy in France and reporting to the European Commission, as well as to the United Nations and the Council of Europe.

8.4.1. Ministry of the Interior

The Central Office for the Suppression of Trafficking in Human Beings (**OCRTEH**) combats sexual exploitation and procurement of prostitution (pimping). OCRTEH is responsible, *inter alia*, for coordinating the Brigades for the Suppression of Procuring (**BRP**). Other offices and agencies at the Ministry of the Interior include:

- The Office for Combating the Smuggling of Migrants (**OLTIM**);
- The Central Office for Combating Itinerant Delinquency (**OCLDI**);
- The Central Office for Combating Illegal Employment (**OCLTI**);
- The Central Office for Combating Environmental and Public Health Violations (**OCLAESP**), which combats trafficking for the purpose of organ removal;

The Central Office for Combating Crime Related to Information and Communication Technologies (**OCLCTIC**), which is responsible for combating crime on the Internet, including sexual exploitation and child pornography. The OCLCTIC manages the reporting service available at: <https://www.internet-signalement.gouv.fr/PharosS1/>, where any citizen can report illegal content;

- The French Office for Immigration and Integration (**OFII**), which is responsible for assisting the return of foreign victims of trafficking;
- The Central Office for the Repression of Violence against Persons (**OCRVP**);
- The Delegation for Victims (**DAV**);
- The Office for Family Immigration; and

¹⁶¹ Available at: <https://www.police-nationale.interieur.gouv.fr/Organisation/Direction-Centrale-de-la-Police-Judiciaire/Lutte-contre-la-criminalite-organisee/Office-central-pour-la-repression-de-la-traite-des-etres-humains>.

- The Operational Coordination Unit for Combating the Smuggling and Exploitation of Migrants (**UCOLTEM**), attached to the DGPN's Central Directorate of the Border Police (*Direction centrale de la police aux frontières* (**DCPAF**)).

8.4.2. Ministry of Justice

The transnational nature of trafficking requires international cooperation. The Central Section for Operational Police Cooperation (**SCCOPOL**) is responsible for the coordination of police at the international level. Other specialized agencies at the Ministry of Justice include:

- The Office for Victim Assistance and Associative Policy.
- The Specialized Interregional Jurisdictions (**JIRS**) in charge of combating organized crime and financial delinquency of great complexity. Created in 2004, the eight JIRS are composed of investigating magistrates and prosecutors.

International Rogatory Commissions (**IRC**) and Joint Investigation Teams (**JITs**), as well as cooperation with Europol, Eurojust, and Interpol, are ways of coordinating the fight against trafficking at the European and international levels.

8.4.3. Ministry of Europe and Foreign Affairs

The French Ministry of Europe and Foreign Affairs is active in numerous international initiatives to combat human trafficking, including:¹⁶²

- Appointing a Technical Adviser on Combating Trafficking in South-Eastern Europe, attached to the Permanent Representation of France to the UN and the Organization for Security and Co-operation in Europe (**OSCE**) in Vienna;
- Appointing an Ambassador-at-Large in charge of the fight against crime, whose mandate since 2010 includes trafficking;
- Creating a Mission for Democratic Governance;
- Establishing a Priority Solidarity Fund to fight human trafficking in the Gulf of Guinea; and
- Creating a Regional Hub for the Fight against Organized Crime, located at the French Embassy in Croatia.¹⁶³

8.5. Social Inspection Services

Work inspection services have jurisdiction to investigate offences relating to human trafficking, forced labour, and enslavement under articles 225-4-1, 225-14-1, and 225-14-2 of the Criminal Code and also a limited list of offences under migration laws.¹⁶⁴

These services have broad investigative powers, such as entering work facilities and worker housing without prior notice, as well as interviewing workers and requiring production of documents.

¹⁶² Available at: <https://www.diplomatie.gouv.fr/fr/politique-etrangere-de-la-france/droits-de-l-homme/lutte-contre-la-traite-des-etres-humains/>.

¹⁶³ Available at: <https://www.assemblee-nationale.fr/13/rapports/r1410.asp>.

¹⁶⁴ Article L. 8112-2 of the French Labour Code.

During these inspections, labour officials verify compliance with social legislation, particularly social documents, working conditions, remuneration, and occupation of foreign workers. They may inspect whether the workers are correctly declared to the social security authorities.

8.6. Immigration Offices

The French Immigration and Integration Office is a public administration within the Ministry of the Interior that creates and manages immigration and integration policies in France.

Its mission is to participate in all administrative, health, and social actions relating to:

- entry and residence of foreigners for a period of no more than three months;
- welcome of asylum seekers;
- settlement in France of foreign nationals from countries outside the European Union, for the purposes of family reunification, marriage to a French person, or paid employment;
- medical check-ups for foreigners admitted to reside in France for more than three months;
- the return and reintegration of foreigners in their country of origin; and
- the integration in France of foreign legal residents through learning the French language and civic training.

The French Office for the Protection of Refugees and Stateless Persons is in charge of applying the 1951 Geneva Convention on the status of refugees and adjudicating requests for asylum and from stateless persons.

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