



FIGHT AGAINST HUMAN TRAFFICKING IN SOUTH-EASTERN EUROPE

QUARTERLY LETTER

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EDITORIAL BY

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THREATS AND THE FIGHT AGAINST

THE ILLEGAL TRAFFICKING OF

SMALL ARMS AND LIGHT WEAPONS



The fight against trafficking of human beings is a priority for the Ministry for Europe and Foreign Affairs (MEAE) and this issue is among my main areas of focus as an ambassador-at-large and special envoy responsible for the fight against transnational criminal threats and the illegal trafficking of SALW (small arms and light weapons). To this end, I coordinate a number of positions within various departments working on this issue.

France is implementing a specific policy for fighting against all forms of trafficking, using advocacy, awareness raising, calls to ratify and implement international mechanisms and international cooperation. We encourage a multidisciplinary approach which favours a partnership among all the actors. The work of Ms. Caroline Charpentier, a magistrate responsible for coordinating efforts for the fight against trafficking of human beings in South-Eastern Europe, fully subscribes to this overall approach. This makes it possible to coordinate the work of various professionals who are involved and is a key part of strengthening the capacities of governments and civil society to effectively and sustainably fight this scourge, also making it possible to take charge of and protect the victims of trafficking, whose testimonies in criminal proceedings are pivotal for dismantling networks trafficking of human beings.

France has entrusted coordination of the fight against trafficking of human beings in France to the Inter-ministerial Mission for the Protection of Women against Violence and the Fight against Human Trafficking (MIPROF). Under the management of the Secretary of State for Equality between Men and Women and the MIPROF, a first national action plan was prepared, which expands on the efforts and measures undertaken with a view to three priorities that guide the government's efforts: "identifying and assisting victims of trafficking", "prosecuting and dismantling trafficking networks" and "making the fight against trafficking a full public policy". This plan has a significant international component. A second national action plan is undergoing preparation and will be published in 2018.

In 2018, thanks to the work of Caroline Charpentier, our work will focus on two main themes: the fight against use of the Internet for sexual exploitation purposes as well as the fight against forced criminality.

Indeed, for many years, the traffickers have understood how useful the Internet is in developing their criminal activities. It is a virtual universe that is accessible to all, which can overcome borders, playing on national legislation, and which has major advantages for increasing the offering of prostitution and giving this offering global visibility and a certain degree of discretion with regards to enforcement authorities.

This is why next May at the ONUDC, as part of the 27th

session of the Commission on Crime Prevention and Criminal Justice, France is planning on presenting a resolution on the fight against the use of the Internet for the purposes of sexual exploitation.

Furthermore, in 2018, we will establish a project dedicated to the fight against forced criminality (forced begging, property crimes, such as burglaries, robberies, shoplifting, theft of merchandise, theft of metals, breaking and entering or thefts of cash machines, benefit fraud exploitation and the production and trafficking of drugs). This project will aim to strengthen the ability of criminal justice practitioners to resolve problems and overcome obstacles encountered during inquiries and forced criminality prosecution cases. Most importantly, one of the vital points will be to prevent victims of trafficking from being prosecuted for crimes they were forced to commit during their period of exploitation.

I am of the firm opinion that the fight against trafficking of human beings deserves our most careful attention. Such efforts make it possible to help increasing numbers of victims or people who are threatened with becoming victims, many minors in particular. Recent experience shows that trafficking of human beings is a growing part of transnational criminality, and is associated with increasing numbers of influential organised crime networks. These networks often track various migration routes.

A FEW NOTIONS ...

Each year, roughly 50,000 people, especially women and children, are recruited and exploited in Europe for several purposes: sexual exploitation, forced work and begging, domestic slavery, forced criminality.

According to the United Nations (UN), trafficking of human beings generates more than 32 billion in turnover and is the third most widespread form of trafficking, after drugs and weapons trafficking.

There are several criteria which make certain people a particularly high risk of becoming victims of trafficking.

Indeed, we have noticed that the majority of victims are young people in a financially precarious position, and minority groups or a migrant population.

Human trafficking

The 2000 United Nations convention known as the "Palermo Convention" against organised transnational criminality and its additional protocol which aims "to prevent, suppress and punish trafficking in persons" is one of the main legal mechanisms for the fight against trafficking, and provides a definition for trafficking of human beings at the end of article 3 of the additional protocol.

Smuggling of migrants

The protocol against the smuggling of migrants by land, sea and air, supplementing the Palermo Convention, defines the expression "smuggling of migrants" as the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident.

THE FIGHT AGAINST TRAFFICKING OF HUMAN BEINGS: A HARD-LINE OF FRENCH DIPLOMACY

Trafficking of human beings: a violation of fundamental rights

Trafficking of human beings, in addition to seriously undermining human dignity, is a violation of the fundamental rights of victims, and is prohibited by the 1948 Universal Declaration of Human Rights.

"No one shall be held in slavery or in servitude; slavery and the slave trade shall be prohibited in all their forms"

Article 4 of the Universal Declaration of Human Rights (1948)

Article 225-4-1 of the French criminal code penalises the offence of the trafficking of human beings with a sentence of seven years' imprisonment and a fine of 150,000 euros.

A lack of knowledge of the problem hinders the fight against this trafficking and the support of victims

As a transit country and a destination country for victims of trafficking of Western Europe, France has made the fight against the trafficking of human beings one of its priorities.

France is confronting the extension of transnational criminal networks, especially those involved in the sexual exploitation of women and young girls and the increasing number of minors who are exploited for the purposes of forced begging, or who are forced to commit crimes.

The implementation by the national coordinator (MIPROF) in France of the national action plan for fighting the trafficking of human beings

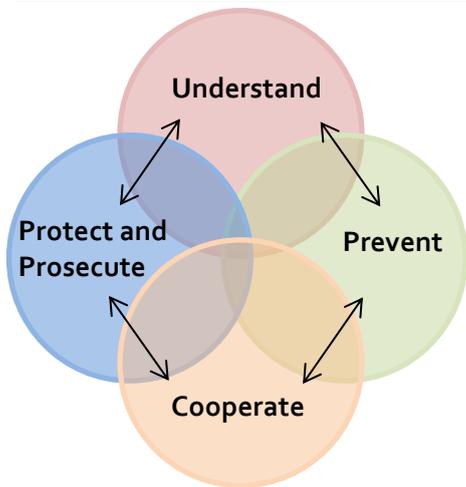
On 30 November 2012, a decision was made to create a **national coordination** structure responsible for fighting human trafficking, which would be associated with the Minister of Women's Rights, City Affairs, Youth Affairs and Sport. This means that these efforts are made at a national level in France by the **inter-ministerial Mission for the Protection of Women against Violence and the Fight against Trafficking of Human Beings (MIPROF)**. The general secretary of this mission is Ms. Elisabeth Moiron-Braud, a magistrate of the judiciary.

Two years later, in 2014, a national action plan for fighting the trafficking of human beings was adopted. The measures for this action plan include, above all, intensifying international cooperation, tracking legislation with a view to protecting victims and strengthening judicial cooperation in order to dismantle transnational networks.

A targeted inter-ministerial strategy in South-Eastern Europe

Since September 2016, Ms. Caroline Charpentier, a magistrate, has been acting as the "Regional expert on fight against human beings trafficking and related crimes in south eastern Europe" at the Permanent Mission of France to the United Nations in Vienna. Working in close collaboration with international organisations in Vienna, she develops and coordinates efforts and projects which are structured around the four components, detailed below:

Improving knowledge of the operation of trafficking networks from South-Eastern Europe;



Better protecting victims and better prosecuting perpetrators by strengthening the capacities of institutional actors and civil society.

Better preventing vulnerable groups by raising their awareness to the risk of trafficking

Improving cooperation in order to strengthen institutional partnerships

Three questions for...

Mr Vincent Larrouzé, Centre Manager at the Democratic Governance Mission within the Department for Governance and Globalisation at the Ministry for Europe and Foreign Affairs



How does the fight against the trafficking of human beings satisfy the mandate of the Democratic Governance Mission?

The fight against smuggling of migrants and the trafficking of human beings is one of the major cross-functional matters aligned with all the problems addressed by the Mission that I have the honour and pleasure of managing: migration, human rights, fight against trafficking, corruption, money laundering. This subject mobilises all our agents.

Furthermore, and justifiably, this fight is one of the political priorities of both France and Europe.

The trafficking in persons problem has been a real wake-up call for the general public following the publication of the CNN report concerning a sale of migrants in Libya (link: <https://edition.cnn.com/videos/world/2017/11/13/libya-migrant-slave-auction-lon-orig-md-ejk.cnn>). This report that has been distributed mainly on social networks took on global significance and was relayed by numerous opinion-leaders in civil society and entertainment. Since then, this matter has only become more important, with particular relevance to migratory flows from Africa.

What are France's main areas of intervention in this field?

The Abidjan AU-EU Summit on 29 and 30 November 2017 put the question of the inhumane treatment of migrants in Libya at the heart of the debates, leading to the adoption of a common declaration. African and European leaders have agreed to work together to improve the circumstances of the migrants and refugees in Libya and to take all measures necessary to offer them adequate aid and facilitate voluntary returns to their countries of origin, as well as to establish sustainable solutions for the refugees.

For its part, between July 2013 and July 2017, France implemented a project to support the fight against human trafficking of the countries of the Gulf of Guinea, as part of an FSP (Priority Solidarity Fund, former one-stop-shop project of the Ministry for Europe and Foreign Affairs). This effort is now continuing with the handover of the European Union's Emergency Trust Fund for a period of four years (2018-2022) and covers Guinea, the Ivory Coast, Ghana, Nigeria, Togo and Benin. Implemented by Expertise France, our international expertise operator, the project is based around four areas of intervention: strengthening and boosting national mechanisms for fighting trafficking, strengthening the capacities of players in the criminal justice chain, promoting the justice/protection/development continuum and boosting cross-border cooperation.

The second major area of intervention is South-Eastern Europe and the Balkans.

What are the specific features of the fight against the trafficking of human beings in the Balkans region?

The fight is based, above all, on the real capacity for absorption of sovereign authorities in countries in this region; on generally stable states with a continental legal tradition. As a result, our mechanisms are suited to this arrangement.

Furthermore, the fight against the trafficking of human beings is a major issue for countries that are candidates or potential candidates for membership to the European Union. Indeed, one of the so-called "Copenhagen" criteria, outlined during the 1993 European Council in Copenhagen, requires the presence of stable institutions guaranteeing democracy, the rule of law, human rights and the respect and protection of minorities. The fight against the trafficking of human beings in the region therefore allows us to assist countries with the European Union pre-membership process, which is one of our main objectives.

Cooperation in this regard between France and these countries is not only associated with a requirement to protect the rights of all human beings in all places and under all circumstances, but is also part of the need for solidarity among the people of Europe.

Focus on ...

... THE FRENCH NETWORK
FOR FIGHTING TRAFFICKING
IN HUMAN BEINGS IN
SOUTH-EASTERN EUROPE

THE "BELGRADE CENTER"

The regional centre for fighting organised crime in South-Eastern Europe, known as the "Belgrade Centre", is an inter-ministerial structure with regional jurisdiction. It is comprised of three executives and two assistants, including a coordinating diplomat, Mr Laurent Goncalves, a magistrate of the judiciary Mr Pierre Bellet and a customs attaché, Mr Pierre Bouillon.

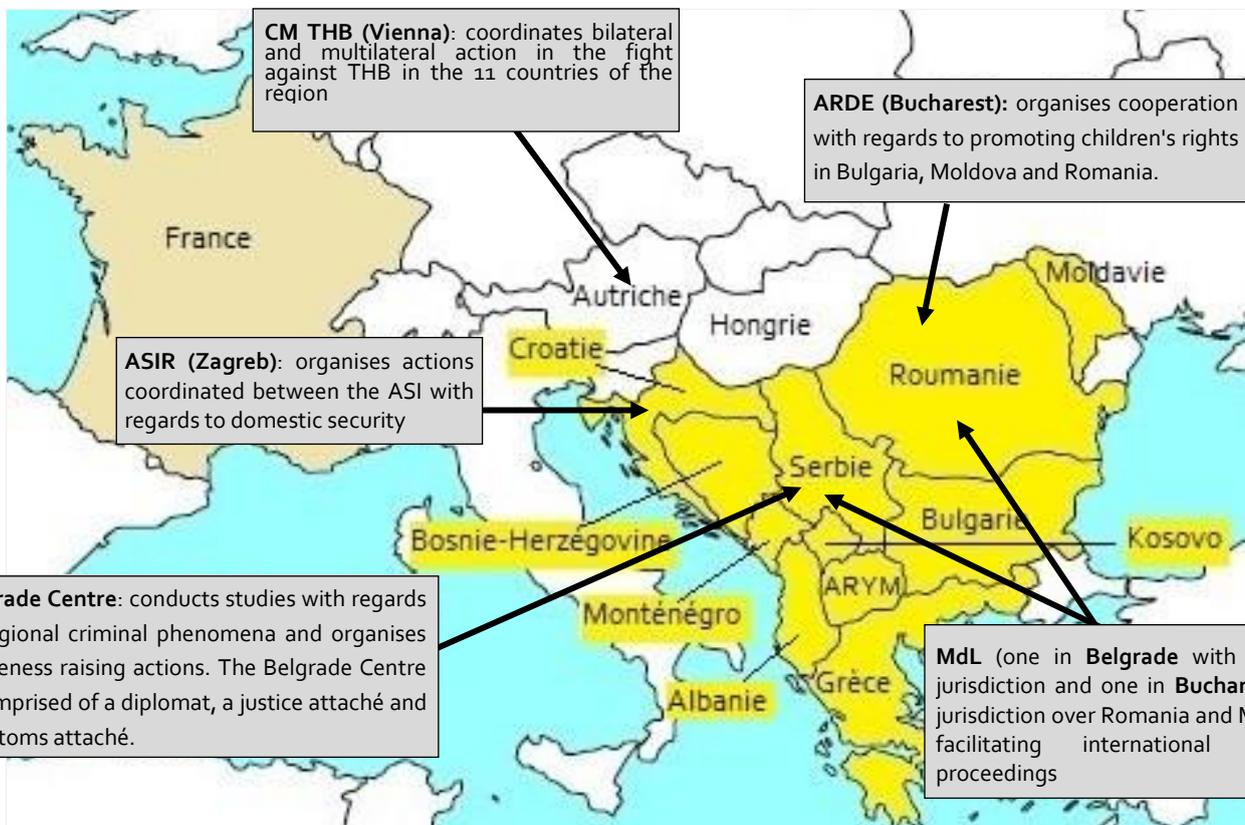
Created in 2004, the center covers 13 countries, including the 11 countries associated with the French strategy for the fight against the trafficking of human beings. The purpose of this is to study transnational criminal phenomena in the region which are liable to affect French domestic security and to organise awareness raising mechanisms, especially regional seminars, in addition to cooperation mechanisms involving the authorities from countries in the zone, international organisations, French police or judicial central authorities and local French players.

THE 11 PARTNER COUNTRIES

The actions are implemented in 11 countries in South-Eastern Europe: Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Kosovo, the former Yugoslav Republic of Macedonia (FYRM), Moldova, Montenegro, Romania, Serbia and, since December 2016, Greece, especially with regards to activities involved in the fight against human trafficking as part of the migratory crisis.

Key

- * **ARDE:** Regional attaché for children's rights
- * **ASI:** Domestic security attaché
- * **ASIR:** Regional domestic security attaché
- * **CM THB:** Regional expert on "Fight against the trafficking of human beings and related crime"
- * **MdL:** Justice attaché
- * **OLI:** Immigration liaison officer
- * **Belgrade Centre:** Regional centre for the fight against organised crime
- * **SCAC:** Cooperation and culture department



In all the French embassies in the area, the ASI and SCAC implement actions in their respective fields: domestic security and governance.

Overview of the French cooperation strategy of 2018 in South-Eastern Europe against the trafficking of human beings and smuggling of migrants

Since the adoption in June 2014 of an inter-ministerial cooperation strategy in the fight against the trafficking of human beings in South-Eastern Europe, an inter-ministerial steering committee, is organised each year by the Ministry for Europe and Foreign Affairs in order to assess actions implemented, and in order to examine the agenda proposed for the following year.

BETTER UNDERSTANDING THE PHENOMENA OF THE TRAFFICKING OF HUMAN BEINGS [PART 1]

BETTER PREVENTING THE PHENOMENA OF THE TRAFFICKING OF HUMAN BEINGS [PART 2]

BETTER PROTECTING VICTIMS, PROSECUTING AND SENTENCING CRIMINALS [PART 3]

On 14 December 2017, Ms. Caroline Charpentier, the head of the mission for the “fight against the trafficking of human beings” with France’s Permanent Mission to the United Nations and other international organisations in Vienna, presents its overview of actions in 2017 and its agenda for 2018. For the fourth time, the steering committee met in Paris under the joint chairmanship of Mr Jean-Claude Brunet, the Ambassador Responsible for Transnational Criminal Threats and Jean-Louis Falconi, France’s Ambassador to the United Nations in Vienna.



Ms. Caroline Charpentier, Magistrate, Regional expert on “fight against human beings trafficking and related crimes in south-eastern Europe”.

Structured around several components, the **2018 agenda** is intended to be part of the range of actions undertaken the previous year and also to develop new projects, especially with the UNODC, the OSCE and two associations in the Balkans, Serbia and Albania and a third in Romania. A new action centre will focus on **strengthening institutional cooperation**, a vital part of the fight against the trafficking of human beings.

In order to better understand the phenomena of the trafficking of human beings, France has favoured a **sociological approach**. Studies, in the form of diagnostics, have contextualised the phenomena.

Entrusted to Mr Olivier Peyroux, a French sociologist, these studies have demonstrated the existence of organised networks, have identified weaknesses in terms of cooperation, and have made it possible to propose solutions for strengthening institutional capacities.

Since 2017, a new diagnostic has been used to try and analyse the Romanian region, which has been identified as the location of origin of numerous young girls who are victims of sexual exploitation in France. This new study will provide new information, making it possible to improve the protection of victims and develop joint investigation teams.

Prevention efforts among groups that are particularly exposed to the risk of exploitation are vital in the fight against human trafficking. Thanks to the implementation of several projects alongside international organisations, regional organisations and associations, France is committed to its strategy of awareness-raising campaigns among at-risk groups.

In terms of sexual exploitation, another specific point will be added to the **promotion of the abolitionist model** adopted by France, alongside other states following the same model.

The actions implemented as part of this strategy for fighting human trafficking still have the same purpose: protecting victims and dismantling criminal networks.

As a result, in order to promote the acknowledgement of exploited individuals as victims and better prosecute those guilty of exploitation, several efforts will aim to gather prosecuting authorities, securing judgements on various matters associated with human trafficking. In order to do this, **identification by French courts and central criminal network offices** mobilises legal authorities in the countries of origin and destination of victims of human trafficking.

Better cooperation among institutions [PART 4]

Strengthening institutional cooperation with Romania in order to improve the quality of assistance given to victims of trafficking who are minors and in order to improve information sharing.

Communication difficulties between France and Romania have come to light involving the exchange of information on the circumstances of Romanian minors exploited in France with a view to committing offences.

An agreement signed in June 2017 between French and Romanian players aims to study above all information exchange mechanisms and institutional operations of the two countries in this regard.

This work will make it possible to make proposals for durable cooperation mechanisms, especially social investigations concerning minor victims, and to develop a discussion of a potential joint social investigation team.

Actively participating in European projects by using instruments that are available, in order to strengthen intra-European institutional cooperation and assist countries that are becoming members of the European Union.

As a result, proposals have been made to discuss the possibility, for France, of co-financing the 2018 "Justice" programme of the European Commission, in partnership with Bulgaria, Croatia, Romania and Greece, especially as regards its "legal cooperation" and "training" components.

A proposal was also made to continue participating in the TAEIX (Technical Assistance and Information Exchange instrument), which is a tool of the European Commission intended for countries that are becoming members of the European Union, which are liable to finance training on legal cooperation and especially human trafficking, as part of the membership chapters concerning justice and the rule of law.

Training practitioners in South-Eastern Europe's legal schools, by developing a training module dedicated to the trafficking of human beings.

A proposal has been made in association with the French National School for Magistrates to develop modules intended for legal professionals in the countries of origin, and in collaboration with legal training schools in these countries.

This training would likely take the form of recurring sessions, over several days, dedicated to an in-depth study of the management of trafficking cases, with the participation of a French magistrate familiar with this matter and with the use of international cooperation tools, but also including French magistrates as participants through their continued training.

The presence of French magistrates as trainers or participants in these sessions would allow them to establish links with legal professionals in the countries of origin.

FOCUS ON ... THE ROLE OF JUSTICE ATTACHÉ IN SOUTH-EASTERN EUROPE



*Mr Pierre Bellet,
Justice attaché
posted to Belgrade*



*Mrs Mona Popescu-Boulin,
Justice attaché
posted to Bucharest*

Generally speaking, French justice attaché are present in 17 embassies throughout the world. They are seconded to the Justice Ministry and placed under the authority of an ambassador. Their role (while they are associated with the Justice Ministry) involves:

- facilitating international legal cooperation in civil or criminal matters, especially by assisting with the processing of requests for international criminal proceedings issued by French authorities to authorities in countries under their jurisdiction, and vice versa;
- informing French authorities of the legal system in the countries under their jurisdiction, from a comparative law perspective, making it possible to enrich the discussions of the French justice system and reciprocally inform the authorities in countries under their jurisdiction of the French legal system;
- promoting communication and cooperation between French legal authorities and those in countries where they are stationed.

In South-Eastern Europe, two justice attaché carry out their role on a regional basis. Mr Pierre Bellet, posted to Belgrade, has jurisdiction over 10 countries in the Montenegro zone, to the west and up to southern Cyprus. Ms. Mona Popescu-Boulin, in Bucharest, has jurisdiction both in Romania and Moldova. Both promote the implementation of the national strategy for fighting the trafficking of human beings. They facilitate both legal and technical cooperation with regards to the fight against human exploitation.

Focus on ... Training practitioners in Montenegro to detect indicators for identifying organised trafficking of human beings in Budva (Montenegro), from 26 to 30 March 2018



From 26 to 30 March 2018, a training session on criteria for identifying the trafficking of human beings and investigation techniques was held in Montenegro. The training was coordinated by the European Commission (Directorate-General for Enlargement), the Office of the National Coordinator for the Fight against Human Trafficking, the Ministry of the Interior in Montenegro and our mission head. For three days, around 30 participants discussed case identification problems. This topic is extremely important to the extent that national statistics count almost no cases of trafficking, while negotiations that are underway with Brussels as part of negotiations for chapters 23 and 24, are weighing the country's efforts to effectively fight this kind of organised crime. The practitioners invited all had relevant experience, since they had handled human trafficking cases: police officers, prosecutors, sitting judges, representatives of associations protecting trafficking victims, representatives of the Justice Ministry, of the Labour Ministry, representatives of legal training schools and the police.



The goal of the training was two-fold: to identify needs with regards to training practitioners (police and justice), both in terms of initial and continued training; to train participants in techniques for handling trafficking cases, including financial investigations. The training focussed on cases heard in Montenegro and presented by investigators, prosecutors and judges who heard the cases. In response, French experts Mr Olivier-Charles Pitt, lieutenant-colonel at the research department in Lyon, Mr Thierry Pons, Vice-Prosecutor at the JIRS in Bordeaux, and Ms. Caroline Charpentier, Head of the Mission for the Trafficking of Human Beings, presented their trafficking cases, detailing French techniques. The discussions were very enriching and the participants were very active, bearing in mind the importance of the matter and the issues raised by the complexity of the offence.



This training will be followed by another training course which takes into account the experts' recommendations, as well as the needs identified by the participants. The goal is to create a pool of experts in Montenegro who will independently lead future training. The trafficking of human beings is a priority for Montenegro, and France is constantly assisting the country in its fight against these criminal networks, which are still difficult to identify and punish, making the protection of victims even more difficult.

In short

- On 16 January, in Paris, participation in the conference organised by the justice ministry (DAEI) on "issues and prospects for international legal cooperation".
- On 8 February, Ms Marie-Aymée Peyron, the President of the Paris Bar, during a meeting at the permanent mission of France to the United Nations, presented the efforts of the Paris bar association on an international level, especially in matters concerning the promotion of French law, the promotion of human rights and the fight against corruption and money laundering.
- On 1 and 2 March in Strasbourg, meeting with the secretariat of the expert panel of GRETA (Council of Europe) on the trafficking of human beings.
- From 26 to 30 March in Montenegro, organisation of training on human trafficking - TAEIX programme.

To come

- From 16 to 19 April, mission in Bucharest and Oradea in Romania.
- On 23 and 24 April in Vienna - Conference of the OSCE alliance on human trafficking, with the theme "everyone has a role: how to make a difference together" encouraging a multidisciplinary approach to fight against human exploitation.
- From 14 to 18 May in Vienna, UNODC - Commission on Crime Prevention and Criminal Justice - presentation of a resolution by France and Romania concerning the protection of minors against any type of exploitation, as part of the use of new technologies and communications.
- From 22 to 25 May, mission in Paris – lecture at the ENM concerning the fight against proxenetism; meetings with French partners (NGO; courts; investigation services).

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