

Demand in the Context of Trafficking in Human Beings in the Domestic Work Sector in France

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Summary

The fight against trafficking in human beings (THB) is now part of the French political agenda. Yet the priority is given to the fight against sexual exploitation while labour exploitation is still regarded as a minor phenomenon. The particular issue of exploitation in domestic work has not been considered on its own even if France has been condemned twice by the European Court of Human Rights for failing to protect victims in two cases of exploitation in domestic work. Since then, the law has been amended, and we have to wait until we can assess the effectivity of this new legal framework. The issue of demand remains a blind spot in terms of how THB is understood.

The public declarations of government's commitment to the fight against THB provide a contrast with the low number of convictions actually brought down by the courts. The research highlights the difficulties faced by labor inspectorates and legal actors in establishing cases of THB in domestic work. This is linked with the characteristic of this work sector, but also with confusions in the understanding of what is THB, what are the victims and perpetrators profiles and the tensions between the fight against illegal immigration and the mission to protect victims of THB.



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About the project

Trafficking in human beings covers various forms of coercion and exploitation of women, men and children. Responses to trafficking have traditionally focused on combating the criminal networks involved in it or protecting the human rights of victims. However, European countries are increasingly exploring ways in which to influence the demand for services or products involving the use of trafficked persons or for the trafficked persons themselves. **DemandAT** aims to understand the role of demand in the trafficking of human beings and to assess the impact and potential of demand-side measures to reduce trafficking, drawing on insights on regulating demand from related areas.

DemandAT takes a comprehensive approach to investigating demand and demand-side policies in the context of trafficking. The research includes a strong theoretical and conceptual component through an examination of the concept of demand in trafficking from a historical and economic perspective. Regulatory approaches are studied in policy areas that address demand in illicit markets, in order to develop a better understanding of the impact that the different regulatory approaches can have on demand. Demand-side arguments in different fields of trafficking as well as demand-side policies of selected countries are examined, in order to provide a better understanding of the available policy options and impacts. Finally, the research also involves in-depth case studies both of the particular fields in which trafficking occurs (domestic work, prostitution, the globalised production of goods) and of particular policy approaches (law enforcement and campaigns). The overall goal is to develop a better understanding of demand and demand-factors in the context of designing measures and policies addressing all forms of trafficking in human beings.

The research is structured in three phases:

- Phase 1: Analysis of the theoretical and empirical literature on demand in the context of trafficking and on regulating demand in different disciplines, fields and countries. From January 2014–June 2015.
- Phase 2: Three in-depth empirical case studies of different fields of trafficking – domestic work, prostitution, imported goods – and two studies on different policy approaches: law enforcement actors and campaigns. From September 2014–December 2016.
- Phase 3: Integrating project insights into a coherent framework with a focus on dissemination. From January 2017–June 2017.

Project Facts

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Country case studies - Introductory note

This country report is part of the DemandAT project's case study on trafficking in human beings (THB) in the domestic work sector. The study was conducted in seven European countries (Belgium, France, Greece, Cyprus, Italy, Netherlands, and UK) and this paper is part of a series of seven country reports.

The key objectives of the country research were to i) investigate types of situations in domestic work that may involve extreme forms of exploitation and trafficking, ii) examine the motivations and factors driving and shaping the demand as well as iii) examine the gaps in legislations and policies. The scope of the country reports is comprehensive, and aimed at gaining a better understanding of the phenomenon in the country, and do not focus only on the demand-side aspects.

The reports are based on desk research of available literature as well as case law review and interviews with key stakeholders. Secondary sources, such as reports by international organisations and NGOs, and academic articles, were consulted, as well as primary sources in the form of legal instruments and policy documents.

The working paper 'Trafficking in domestic work: Looking at the demand-side' (Ricard-Guay 2016) provided a common research framework within which to conduct the seven in-country case studies.

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Introduction

The fight against trafficking in human beings (THB) is now part of the French political agenda, yet mostly with regard to sexual exploitation. The fight against other forms of trafficking, including labour exploitation, is more recent and the number of convictions remains low. The 2014 adoption of the National Action Plan against THB (French acronym: PANTEH)¹ (after the law was changed in 2013) will likely make the fight more effective as the law is intended not only to coordinate stakeholders but, above all, to strengthen the collaboration between government institutions and civil society.

The issue of demand for exploitable and underpaid workers has yet to be addressed and the particular issue of THB in domestic work has not been considered on its own. In practice, the fight against THB in domestic worker is included in the fight aimed at THB for labour exploitation in general.

This report focuses on the fight against THB in the area of domestic work. It presents the characteristics of such work as well as the conditions under which exploitation can occur, paying particular attention to the issue of demand as well as the factors that influence demand.

This study draws on interviews conducted between April and August 2015 with sixteen stakeholders from different sectors: government, justice, police and law enforcement, health and safety inspection agencies and civil society (unions and associations specializing in the protection of victims). The analysis also refers to legislation (the Criminal Code, the Labour Code, CESEDA) and publications on THB, migration and domestic work (such as official reports or reports from NGOs and scientific publications). The report also includes case law review related to trafficking for labour exploitation in the sector of domestic work.

The first part provides an overview of the context in which THB occurs. It presents the legal framework that governs domestic work, as well as the laws penalizing THB, especially as they relate to domestic work. It also offers a brief account of existing data on the profiles of victims and perpetrators. The second part provides an analysis of case law and discusses some of the challenges encountered prosecuting cases of THB. The third part, which presents the main results, highlights the characteristics of trafficking in the domestic sector, the factors that support demand as well as the major shortcomings in current policy and legal frameworks. Finally, the fourth part proposes recommendations on how to reduce the demand for THB in the domestic sector.

1 National context: Trafficking in human beings (THB) in the domestic work sector

France, as signatory to the UN conventions and the Council of Europe Convention on Action against Trafficking in Human Beings made trafficking in human beings a criminal offence in 2003, punishable by up seven years' imprisonment². It must be said, however, that there have been few convictions on this basis.

Facing pressure from multiple directions—a report from GRETA, two rulings against France from the European Court of Human Rights (ECtHR), the obligation to transpose the Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims (hereafter the EU Anti-Trafficking Directive) —the French government recently amended its

¹ National Action Plan Against Trafficking in Human Beings (2014-2016): <http://femmes.gouv.fr/wp-content/uploads/2014/05/Plan-daction-national-contre-la-traite-des-%C3%AAtres-humains.pdf>.

² Article 225-4-1 of the Penal Code.

legal framework and reaffirmed its commitment to the fight against THB. On August 5 2013, the crimes of enslavement, servitude and forced labour were introduced into the Criminal Code. The Ministries of the Interior and of Justice reiterated the priority to fight against THB and to protect victims³. The Inter-Ministerial Commission for the Protection of Women Against Violence and the Fight Against Human Trafficking (MIPROF) was established in November 2012, and a National Coordinator of the fight against human trafficking was appointed in April 2013. Most recently, in 2014, the first National Action Plan against Human Trafficking (PANTEH) was adopted for the period 2014-2016.

1.1 Governmental approaches and responses

1.1.1 Legislation and regulation on domestic work

Historically, domestic work has been both socially and economically undervalued. It is often not considered a 'real job' requiring specific skills other than those associated with the 'natural abilities of women'. Within the family it remains unpaid and primarily undertaken by women. But with an increase in female employment, an aging population and a high birth rate, the demand for paid domestic workers has been on the rise. This situation has not led to an improvement in working conditions: wages remain low and such work often goes unreported (Devetter 2010). Thus, for this sector, comprised primarily of women, migrants and often-undocumented migrant women, whose career choices and opportunities are limited (Anderson 2000; Ibos 2012; Oso Casas 2002; Triandafyllidou 2013; Sohler & Levy 2013).

However, the domestic work sector is one of the few areas of the economy experiencing growing employment. In 2009, 3.6 million individuals employed 1.7 million employees, which amounts to 559 million hours worked and €10.4 billion in annual pay (FEPPEM 2015: 2). The government saw these 'personal services'⁴ as a 'source of employment' (Fouquet 2001) which can be beneficial in periods of unemployment. The government sought to professionalize the employees, open the sector to service provider organizations⁵ and regulate the sector through a collective agreement. The collective agreement regulates wages (no less than the minimum hourly wage, net €8.10 in 2015), hours of work (salary increase beyond 40 hours per week) and rest, and social protection for domestic workers⁶. To combat undeclared work, incentives were adopted: social and tax advantages for employers,⁷ and a simplification of administrative procedures for the hiring and reporting of employees through the Cheque Emploi Service

³ Circulars of the Ministry of the Interior dated February 5, 2009, 28 November 2012 and May 2015 (not yet available online). See <http://www.gisti.org/IMG/pdf/norimim0900054c.pdf>; <http://www.interieur.gouv.fr/Archives/Archives-des-actualites/2012/Circulaire-sur-l-admission-au-sejour-du-28-novembre-2012>; and a circular from the Ministry of Justice from 22 January 2015 http://www.textes.justice.gouv.fr/art_pix/JUSD1501974C.pdf.

⁴ These include activities such as childcare, assistance for elderly or dependents, or housekeeping, done at home or in the immediate vicinity of the person's residence (Law of July 26 2005). Explicit agreement is required for any activities directed toward people considered to be 'fragile' (Thiérous 2014: 8).

⁵ The market share of these community organizations, public and private, continues to increase and accounted for 41% of the sector in 2013 (Thiérous 2015: 5).

⁶ See the National Collective Bargaining Agreement for Employees of Private Employers from 24 November 1999: http://www.legifrance.gouv.fr/affichIDCC.do;jsessionid=89DF929E7187F255CAEEBC9C3FE4CD6.tpdila22v_1?dConvention=KALICONT000005635792&printNotInVigour=false. The specific calculation of work time should be highlighted: certain 'responsible presence' hours are not considered actual work and may be paid at two thirds of the hourly wage.

⁷ This consists of exemptions from social and employer contributions, deductions and tax credits, financial allowances for employers, etc. Since 2011, access and eligibility to these benefits have been reduced and are now limited to employers considered vulnerable because of their age, disability or income.

Universel or Pajemploi systems⁸. For casual jobs, the pay cheque functions as a contract and a public institution is responsible for calculating and deducting social security contributions, as well as issuing pay slips and notices of termination. These measures reduced the number of non-reported or under-reported jobs between 1996 and 2005 (Benoteau Goin & 2014) but since then the number has increased. The rise is linked to the reduction of tax incentives and a decrease in household purchasing power since 2011 (Devetter et al 2011; Thiérus 2015). According to Benoteau and Goin (2014), in 2011, 25% of employers resorted to hiring undeclared domestic workers.

If labour law is to apply to all workers, regardless of nationality or lawful residence in France, foreign workers must have a residence and a work permit in France. Non-EU foreigners residing outside France who wish to come and work in the domestic sector, do not benefit from specific procedures for obtaining a work visa and a residence permit. They must follow the standard procedures. Only those who hold a resident or temporary residence card that states 'private and family life' or 'student' have the immediate right to work in France. The process of obtaining a work permit is complicated and is the responsibility of a future employer (GISTI 2013a)⁹. For those already employed abroad, the employer must make a request for the entry procedure for a foreign employee¹⁰. This is the same procedure that diplomats must follow to have domestic workers accompany them in France. The only exception is the status of 'stagiaires aides familiaux étrangers' which allows foreigners, aged 17 to 30, who would like to study in France, to apply for a student visa. They must sign a placement agreement with a family and commit to five hours (maximum) per day of babysitting or small chores in exchange for room and board as well as pocket money ranging in amount from €264 to €316.8¹¹.

In practice, the complexity of the procedures may explain the high proportion of undeclared work and the high incidence of undocumented workers in this sector.

⁸ In 2005, the Cheque Emploi Service (CES) and Titre Emploi Service (TES) was replaced by the Cheque Emploi Service Universel (CESU). This pay cheque, to be filled-out by an employer or pre-financed by an organization (Thiérus 2015), replaces the employment contract for work that consists of fewer than eight hours per week or for a month of work per year. Pajemploi, proposed by the URSSAF, works in a similar manner but for child care by providers at nurseries or at homes.

See <http://www.pajemploi.urssaf.fr/pajewebinfo/cms/sites/pajewebinfo/accueil/qui-sommes-nous.html>.

⁹ Regional Directorates of Businesses, Consumption, Competition, Labour and Employment (French Acronym: DIRECCTE) verifies that it is an employment sector for which there are few job seekers in France or that it appears on the list of "high demand" jobs, which are characterized by recruitment difficulties (the domestic sector is not mentioned in this list); evidence of prior unsuccessful efforts to recruit a candidate in France; the fit between the job and the professional qualifications of the candidate and respect of the labour law (art. R. 5221-20 of the Labour Code). Labour contracts of more than one year entitle employees to a one-year temporary residence permit and the status of 'employee', those of less than one year are entitled to card identifying them as a 'temporary worker'. Irregular Foreign workers, including domestic workers, can apply for regularization through working and thereby get these residence permits (GISTI 2013b).

¹⁰ Article R. 5221-16 of the Labour Code requires that the employer submit several documents to DIRECCTE. These include a file containing the job offer submitted to the national employment agency (Pôle emploi), a license-fee to the Office of Immigration and Integration (OFII), and the contract of employment and housing conditions. Consent is given after the employment situation (whether or not it is for a job in high demand), the match between the qualifications, experience, the worker's qualifications and characteristics of the proposed job and the employer's compliance with labour legislation and social protection, etc. have been reviewed.

¹¹ The file must be validated by DIRECCTE before the visa application is made and must include the placement agreement (specifying the requested work, hours and days of rest, living conditions and food, and the amount of pocket money given), enrolment in French courses, a certificate attesting to level of education and a cover letter from the employee. The contract lasts a maximum of two years, during which time the family must declare and pay social contributions. See <https://www.service-public.fr/particuliers/vosdroits/F13348> ; <https://www.service-public.fr/particuliers/vosdroits/F15813>.

1.1.2 Anti-trafficking policies and initiatives

In 2014, the Government stated its desire to make the fight against THB an integral part of public policy and to strengthen collaboration between public services and civil society (PANTEH, 2014). At the legal level, criminal law, labour law and the fight against illegal immigration all include provisions to fight trafficking. The main advance in terms of criminal law was the transposition of the EU Anti-Trafficking Directive, which amended the 2003 law. The new version of the law, dated August 5, 2013 clarifies the definition of the offence of THB and establishes slavery, servitude and forced labour as punishable offenses. This clarification of the definition of THB as well as the means used by perpetrators should facilitate the application of the law.

Article 225-4-1 of the Penal Code defines THB as "the act of recruiting a person, [and/or of] transporting, transferring, harbouring or hosting him or her for the purposes of exploitation". It specifies the circumstances:

1. through the use of threats, coercion, violence or fraud against the victim, his or her family, or a person who is in regular contact with the victim; 2. by a legitimate, natural or adopted ancestor of that person or a person with authority over the victim, or who abuses their official or professional authority; 3. by abusing a situation of vulnerability due to age, illness, infirmity, physical or mental disability, or pregnancy, that is apparent or known to the perpetrator; 4. by exchange or granting compensation or any other benefit or promise of remuneration or benefit.

Exploitation is defined in the same article as:

the act of putting the victim at one's disposal or at the disposal of a third party, whether or not the third party is identified, for the purposes of procurement of sexual services, assault or sexual abuse, enslavement, submission to forced labour or services, servitude, removal of organs, begging, or working or living in conditions contrary to human dignity or to force the victim to commit any crime or wrongdoing¹².

Forced labour, servitude and enslavement are defined in separate articles according to the degree of seriousness that characterizes each. Forced labour is "the act of compelling a person by violence or threat to perform work without payment or in exchange for payment clearly disconnected from the work performed" (Art. 225-14- 1). Servitude is "the fact of regularly subjecting a person whose vulnerability or state of dependence is apparent or known to the perpetrator, to the offense [of forced labour]" (Art. 225-14-2)¹³. Under the terms of Article 224-1 A, enslavement is "to treat a person as if they were property as it is understood by property law" (as defined in section 554 of the Civil Code as *usus, fructus, abusus*). Finally, exploitation of an enslaved person is "the commission of sexual assault, confinement or subjection to forced labour or services against a person whose enslavement is apparent or known to the perpetrator" (Art. 224-1 B)¹⁴.

Finally, the Criminal Code includes provisions aimed at abuse of a position or situation of vulnerability, an offence which has a broader application, and notably encompasses infractions related to underpayment or insufficient payment of vulnerable persons: "the fact of receiving unpaid services or services in exchange for compensation plainly disconnected to the work itself, from a person whose vulnerability or state of dependence is readily apparent or known to the perpetrator" (art. 225-13). It also punishes the submission of vulnerable people to working and living conditions that are incompatible with human dignity, defined as "subjecting

¹² The penalty is seven years in prison and a fine of €150,000. It increases if the victim is a minor, if two of the means mentioned are used, if several people are victims, etc.; the penalty can increase to life in prison if the crime is committed by an organized gang that uses torture or acts of barbarity.

¹³ Forced labour is punishable by seven years in prison and a €200,000 fine, reduction into servitude by ten years in prison and €300,000 in fines.

¹⁴ These two offenses are punishable by twenty years of imprisonment.

a person whose vulnerability or state of dependence are apparent or known to the perpetrator to working and living conditions that are incompatible with human dignity " (Art. 225-14)¹⁵.

Cases of exploitation that do not fall under the definition of trafficking can be pursued on the basis of independent offences. As a result, cases of exploitation in domestic work may give rise to liabilities under legal provisions that address submission to forced labour, servitude, slavery, working and living conditions incompatible with human dignity or THB provisions.

Analysis of case law related to labour exploitation in the domestic sector shows that prosecutions for inadequate compensation and / or working and living conditions incompatible with human dignity were the most common types of cases prior to 2013, under the old version of the law. Yet, in the cases that were considered, the sentences imposed by the courts were well below the sanctions provided by the law. In fact, prison sentences were only handed down in exceptional cases¹⁶.

Though labour law is not aimed specifically at the regulation of trafficking, several measures penalize labour exploitation including submission to working conditions incompatible to human dignity and the abuse of vulnerability (art. 611.1 L). While labour inspectors are not legally qualified to identify offences related to THB, they can nevertheless rely on provisions against undeclared work, which definition is quite broad, to identify offences related to undeclared work (Art. L8211-1, L. 8221-1, L. 8221-3, L8221-5)¹⁷. In addition, the Labour Code punishes trafficking and illegal employment of foreign workers. The following are regarded as offences: employing a foreigner with no title authorizing him to take up employment in France; the introduction of foreign workers to France without the prior agreement from the French administration; help to stay in France; hiring a foreigner in a professional category or geographic area other than those stipulated on his work permit¹⁸. However, the employee, considered a victim, cannot be sued for undeclared work. He/She is entitled to a lump sum equal to six months' salary (art. L. 8223-1) as well as other types of legal compensation¹⁹.

Employers who wish to hire a non-French national residing in France must check with the prefecture to ensure the person has a residence and work permit²⁰. The procedures are relatively complicated in terms of recruiting foreign workers from outside France (cf. 1.1.1).

The Code of Entry and Residence of Foreigners and the Right of Asylum (CESEDA) includes provisions on trafficking. While foreigners without a residence permit may be forced to leave the territory (Art. L511-1) or expelled (Art. L521-1), victims of THB are exceptions. They are granted a 30-day reflection period, during which time they must decide whether or not to file a

¹⁵ These offenses are punishable by five years' imprisonment and a €150,000 fine.

¹⁶ Also highlighted by the CCEM legal expert, interview, 30/01/15.

¹⁷ Undeclared work ("Le travail dissimulé") means work in the absence of prior notification in hiring, without a pay slip or where the number of hours stated on the pay slip being less than the actual number of hours worked, the use of false 'self-employed' workers, interns or volunteers status?, false salary statements and social security contributions from the organizations. It is punishable by three years' imprisonment and a €45,000 fine. The penalty is more severe when committed against vulnerable persons. See http://travail-emploi.gouv.fr/informations-pratiques,89/fiches-pratiques,91/embauche,108/les-sanctions-liees-au-travail,656.html#sommaire_4.

¹⁸ The penalty is five years in prison and a €15,000 fine per foreigner, which can be increased to €75,000 if the offence is committed against several people or a vulnerable person. Administrative sanctions such as the temporary closure of the establishment may be ordered. Finally, the employer must pay the wages and allowances to the foreign employee and cover the costs of deportation (art.L. 626-1 of the CESEDA).

¹⁹ The foreign employee is entitled to payment of wages for the period of unlawful employment and a lump sum equal to three months salary in case of termination of the employment relationship (Article L. 8252-2 of the Labour Code). See http://travail-emploi.gouv.fr/informations-pratiques,89/fiches-pratiques,91/embauche,108/les-sanctions-liees-au-travail,656.html#sommaire_4

²⁰ See <http://travail-emploi.gouv.fr/informations-pratiques,89/les-fiches-pratiques-du-droit-du,91/embauche,108/embauche-d-un-etranger,660.html>

complaint against the person who exploited them. During this time they cannot be expelled (art. R.316-1, Art. L.511-1). If they file a THB complaint or charges for procuring, they can obtain a residence permit for at least six months renewable for the duration of the criminal proceedings (art. R.316-1). With the residence permit the victims are eligible to work, to receive social protection, financial assistance to return home and police protection. Once the perpetrators have been convicted, the victim is entitled to a residence permit which is granted conditional to the fact that the victim cuts all tie with the community linked with their exploitation (Art. L.316-1, R.316-5). People who facilitate "the entry, movement or residence of a foreigner in France" can also be charged and prosecuted. Penalties are more severe where help has the effect of "subjecting a foreigner to living conditions, transport, employment or accommodation incompatible with human dignity" (art. L622-5)²¹.

Institutional framework and key stakeholders

Institutions and key stakeholders involved in efforts to counter THB are numerous both within the government and among civil society associations and their areas of expertise divided.

The PANTEH²² is focused on three priorities for the period 2014 to 2016: identifying and supporting victims, dismantling trafficking networks, and developing public policy against THB. PANTEH refers expressly to victims of sexual exploitation or prostitution and repeatedly emphasizes the need to extend the measures to all the victims especially those involved in domestic servitude. PANTEH recommends that the law be changed to make it easier for victims to obtain a residence permit, even when they do not wish to take legal action for fear of reprisals. In addition, the Plan includes 23 measures that focus on training and raising awareness. In order to increase victim detection and management, the Plan intends to form professionals that may come into contact with victims²³. It also calls for broadening the legal competences of labour inspectors who currently do not have a mandate to look for cases of THB. Awareness campaigns aimed at the general public, public at risk²⁴ as well as employers have also been planned²⁵. Finally, prosecutors are encouraged to use the legal characterization of THB more often and to punish perpetrators by confiscating their assets (Art. 131-21 and 225-25 paragraph 6 of the Criminal Code).

This Plan is coordinated by the Inter-Ministerial Commission for the Protection of Women Against Violence and the Fight Against Human Trafficking (MIPROF), which is affiliated with the Ministry of Women's Rights, Town, Youth and Sports. It provides for cooperation between seven ministries (Justice, Interior, Social Affairs and Health, Labour, Foreign Affairs, Education, Women's Rights), local authorities, public bodies and specialized associations. An independent body, the National Consultative Commission on Human (CNCDH) is responsible for evaluating the Plan's implementation. PANTEH's implementation must be harmonized with two action plans: the National Action Plan Against Illegal Work and the National Action Plan to Fight Fraud respectively coordinated by the General Directorate of Labour and the National Delegation on the Fight Against Fraud.

Some of the solicited ministries play a central role. The Ministry of Interior has invested the most in terms of the fight against illegal immigration, illegal employment and pimping. Of the

²¹ The first offence is punished with five years in prison and a €30,000 fine (Art.L622-1 of the CESEDA) which can be increased to ten years' imprisonment with a €750,000 fine.

²² National Action Plan Against Trafficking in Human Beings (2014-2016) <http://femmes.gouv.fr/wp-content/uploads/2014/05/Plan-d'action-national-contre-la-traite-des-%C3%AAtres-humains.pdf>.

²³ The professionals are from a variety of sectors including medical, social, educational, justice, and police, of the French Office for the Protection of Refugees and Stateless Persons, customs, prisons and consulates.

²⁴ If domesticity is not a part of professional areas considered most at risk, it is expected that cultural mediators implement prevention activities, information and support to victims of domestic servitude.

²⁵ In addition to information on THB for employers, the plan hopes to offer employers' organizations, trade unions and consulate services a convention on the fight against THB.

five national criminal police offices that specialize in the fight against THB, the National Office for the Fight Against Illegal Work (OCLTI) is responsible for national coordination of issues related to labour exploitation including those in the domestic sector. The Ministry of Justice also plays a key role, through the actions of prosecutors and specialized offices including eight specialized inter-regional courts (JIRS) that deal with complex cases of organized crime and financial crime. The Ministries of Labour and Finance work together at the national and local level, as part of the national delegation to fight against fraud. They are charged with punishing social and fiscal fraud as well as illegal work including THB²⁶. The services of these ministries are also re-grouped in the Regional Directorates of Businesses, Consumption, Competition, Labour and Employment (DIRECCTE) that is responsible for the activities of labour inspection. Even though an amendment was introduced in March 2014 to expand the skills of inspectors to include identifying situations of THB and the reduction of servitude²⁷, inspectors' mandate is still limited to criminal offenses resulting from undignified work and living conditions (Article L. 8112-2 of the Labour Code.); domestic work is beyond their control because they do not have a mandate to enter private homes.

Civil society is particularly active in the fight against THB. The "Together Against Human Trafficking" collective is a group of 25 associations²⁸ that fights directly and indirectly for victims of trafficking either in France, in transit or in their countries of origin. Each has a particular area of intervention but three deal specifically with victims of trafficking in the domestic service sector. The Committee Against Modern Slavery (CEEM) is the best known. Each year it supports between 15 and 30 new people identified as victims of THB²⁹. SOS Slaves also specializes in supporting victims of trafficking in the domestic sector. The International Organization against Modern Slavery (OICEM) takes care of victims of forced labour and servitude. These three associations cover the entire territory and provide victims with legal support, psychosocial assistance (accommodation, medical and psychological, socio-educational support) and support in administrative procedures. They play a major role in educating the public and policymakers. They issue press releases and in May 2015 participated in the public conference on THB organized by the "Together Against Human Trafficking" collective, which brought together several institutions and associations³⁰.

Labour unions such as the General Confederation of Labour (CGT) and the French Democratic Labour Confederation (CFDT) which represents workers in the domestic sector is also involved in the fight against THB. The CFDT has established a branch, called the Union of Private Employers in Ile-de-France, which is currently led by a former trafficking victim. Employers are represented by the Federation of Private Employers in France (FEPPEM).

²⁶ It coordinates the administration of several ministries including that of finance, labour, social security, health, justice and interior, but also social security and employment center funds. It manages the Anti-Fraud Departmental Operations Committee (CODAF) that is charged with grouping local stakeholders involved in the fight against fraud and illegal work (police, prefectural governments, those involved in tax, customs and labour) and local social welfare agencies (employment center, URSSAF, family allowances, health and pension insurance).

²⁷ See http://www.assemblee-nationale.fr/14/dossiers/pouvoirs_inspection_travail.asp#PDT.

²⁸ It consists of the following associations: Catholic Action for Women, Agir Ensemble pour les Droits de l'Homme, Amicale du Nid, Armée du Salut, Act Against Child Prostitution, Association du Foyer Jorbalan, Association Jeunes Errants, Association pour la Réadaptation Sociale, Comité Contre l'Esclavage Moderne, Comité Protestant évangélique pour la Dignité Humaine, Congrégation des Sœurs du Bon Pasteur, Conseil Français des Associations pour les Droits de l'Enfant, ECPAT France, Fédération de l'Entraide Protestante, Fondation Scelles, Hors la rue, Justice and Peace France, Les Champs de Booz, Mouvement du Nid, International Organization Against Modern Slavery, Planète Enfants, SOS Esclaves France, Secours Catholique - Caritas France
http://contrelatraitement.org/spip.php?page=rubrique&id_rubrique=123.

²⁹ See <http://www.esclavagemoderne.org/011-21-l-accueil-des-victimes.html>.

³⁰ The conference was timed to coordinate with the release of the book by Louis Guinamard (2015), it was according to the representative of the collective, intended to engage the government one year after the launch of PANTEH. Interview, Coordination of the collective "Together Against Human Trafficking, 20/04/2015. See further http://contrelatraitement.org/spip.php?page=article&id_article=708.

Although associations and public authorities (including the police) used to be very reluctant to collaborate, all interviewees emphasized that collaboration on specific cases is more and more effective. Yet, the collaboration remains at an informal level, according to the National Coordinator of the fight against human trafficking, responsible for networking (Interview GVT13, National Coordinator anti-THB, 2015).

Policies and measures relevant for THB in domestic work

The legal framework in place in France is comprehensive, and draws on various pieces of legislation, but there is no specific component related to the domestic work sector. The anti-trafficking measures concerning the domestic work sector are part of the more general anti-trafficking framework, and particularly the measures aiming trafficking for labour exploitation.

The PANTEH reaffirms the importance to consider all forms of trafficking, among which labour exploitation, and by doing so it indirectly acknowledges that priority was previously given to sexual exploitation. The means aimed at reducing labour exploitation have been reinforced by the law adopted in 2013, and will be further strengthened by the widening of the labour inspectors' mandate and competences. Yet, private households will still escape to inspectors' monitoring and enforcement of the law.

1.1.3 Policies and measures addressing the demand-side

The institutions and associations consulted for the purposes of this report did not consider trafficking in the domestic work within the lens of 'demand'. Despite appeals from GRETA (2012), approaches to trafficking in terms of demand emerge only recently in public policy. Methods to curb illegal immigration are presented by the government as sufficient to uncover instances of trafficking (Rogoz, 2014). However, some measures are intended to discourage the demand for exploited workers and although the measures do not specifically target the domestic work sector, they can be applied to it.

Undeclared domestic work and the general attitude of social acceptance toward it are both the targets of a number of measures intended to push employment into legal channels (employment service pay cheque, tax exemptions, c.f. 1.1.1). It is the employer's obligation to declare their employees and to check with the prefecture that they hold work permits at the time of hiring. In cases in which foreign workers already employed or recruited abroad are brought to France, the employer must submit the work contract to the labour inspection agency and inform the relevant authorities. This provides the opportunity for the authorities to verify the legality of the employment relationship. However, note that such measures are ineffective insofar as the employment of domestic workers is undeclared, and thus there is in such cases little way to ensure proper working conditions.

The Ministry of Foreign Affairs is responsible for informing diplomats about French labour law by presenting them with a booklet of recommendations on the use of domestic staff upon their arrival. Where reports or complaints are filed, the Minister is obliged to seek clarification from the relevant embassy.

But beyond prevention, the detection of cases in which domestic workers are exploited is fraught with legal protections for private homes³¹. Thus, the fight is moving toward more indirect means of identification of cases of labour exploitation. Information campaigns directed at the general public, professionals, the groups considered at risk and vulnerable as well as employers are dedicated to decreasing the amount of ignorance surrounding THB and labour exploitation. Associations are present in the media, have websites (sometimes in several

³¹ Labour inspectors must obtain the owner's consent to enter a home; inspections are done only in cases where there is strong suspicion of an offense and especially after a report to the prosecutor.

languages), participate in conferences and visit schools. CCEM and OICEM have conducted poster campaigns in public spaces³². In order to increase the identification of potential victims, including domestic workers, PANTEH has proposed that the subject of THB be included in the secondary school curriculum and to deliver special training to the police and judicial personnel as well as hospital workers, teachers and social service personnel that may come into contact with victims.

Groups at risk of exploitation, including victims of domestic servitude, have also been targeted by the measures outlined above to increase their knowledge of the law and existing labour protections. PANTEH plans to hire cultural mediators to work in conjunction with social workers, responsible for conducting detection, prevention and guidance.

Finally, PANTEH plans to address employers through employer federations that would be invited to disseminate information on forced labour and exploitation. In fact, employer organizations, trade unions and consular chambers will be invited to sign a partnership agreement in the fight against THB.

1.1.4 Main debates

The Government considers "France to be [...] primarily a destination country but also one of transit [...]" for victims of trafficking (PANTEH 2014: 3). This view reflects the dominant opinion of the stakeholders consulted for this report as well. They tended to think that human trafficking relates largely to victims and exploiters of foreign origin and less often to people of French nationality, a point of view that underlies the idea that "human trafficking no longer exists in France" (Interview GVT14, Directorate General of Labour, 2015). In fact, the perception is that the majority of victims are exploited in transnational organized crime or procuring networks. In light of this perception, the exploitation of domestic workers is seen as extremely minor, even negligible, which is regrettable to many including some of the stakeholders consulted for this study.

In 2005 and 2012 France was sanctioned by the ECHR for failing to protect victims in two cases of exploitation in domestic work. These holdings pushed the law in France toward compliance with international norms. Interviewees for this report noted that this important development must continue to make the fight against THB "policy in its own right," in the words of the government (PANTEH, 2014). The authorities recognize that they must improve the identification and protection of victims, strengthen law enforcement and prosecution on the basis of THB, and develop international cooperation between national administrations and associations (PANTEH, 2014).

The associations say that they will wait to assess the application of the new law by state prosecutors. They remain sceptical about the government's priorities in the fight against THB emphasizing the lack of budget dedicated to this policy. The associations say they are concerned about the pace of its implementation on the ground (Interview GVT13, National Coordinator anti-THB, 2015). In order to influence the government, the associations organized a conference on THB on May 6th, 2015, to which officials and the media were invited.

1.2 General THB trends in domestic work

1.2.1 Empirical data

³² For example, in 1998, posters showing the foot of a corpse and stating "Slavery in France is not dead. You are free to do nothing" were posted throughout Paris metro by the CCEM. See <http://www.esclavagemoderne.org/0049-galerie-photos/11-page.htm>.

According to the Ministry of Women's Rights, Town, Youth and Sports, in 2013, 45 international networks were dismantled and 662 people were prosecuted, but no quantitative information has been provided regarding victims of THB³³. Analysing the data is difficult because of the absence of detailed statistics on THB. Moreover, the relative proportion trafficking for sexual exploitation and labour exploitation is difficult to assess because the lines between them are blurred. The number of convictions for "working conditions contrary to human dignity" could provide insight into general trends; in 2008 there were 84 victims, in 2009 the number was 98, in 2010 there were 55 victims and in 2011 there were 138. But as the GRETA (2012) report highlights, it is impossible to know if these cases are linked to cases of THB or to know to which professional sectors the cases refer.

Otherwise, reports by associations specialized in supporting victims of labour exploitation and domestic servitude offer insight that, while not exhaustive, is more specific to the national context. In Paris, the CCEM and SOS Slaves report that they support 122 and over 60 individuals respectively. In Marseille the OICEM supports approximately one hundred people³⁴.

1.2.2 Main features of THB in domestic work

According to reports from specialized associations and the analysis of case law, exploitation in domestic work relates to childcare activities, caring for the elderly or sick, and doing housework, including gardening or animal surveillance. Most of the victims were foreign women who often did not have a residency or work permit and who lived and worked permanently with their perpetrators. These women were often, but not always of migrant origin, and worked in both upper class (including diplomatic) as well as working class households. Some victims, according to the reports, were clearly hired as employees or au pairs from the start while others were sent by their parents in the hope of receiving French schooling. The majority were misled about the living and working conditions and the possibility of a residency permit once in France.

A cross-analysis of two NGOs' reports, the CCEM and the OICEM, (CCEM 2012; OICEM 2014) and interviews highlight the main forms of exploitation that are characteristic of THB. In order to identify victims of THB and redirect others to other associations, CCEM has put forward seven identifying criteria: excessive burden of work without leave; absence of or inadequate wages; confiscation of identity documents; threats, harassment, insults or other psychological or physical violence; the restriction of contacts with their family; discriminatory living conditions; cultural and / or social isolation (CCEM 2013: 5). Indeed, of the 122 cases reviewed by this association (CCEM 2012: 23), 46% of victims had no salary, 40% received less than €150 per month³⁵; 91% faced emotional abuse, 49% faced physical violence from all members of the family (one young girl from Comoros was burned with an iron by members of her aunt's family in Marseille) (Interview NGO11, OICEM, 2015.). Abuse also occurred in the form of lack of health care and medical treatment for 95% of these women, according to OICEM (2014). Finally, 20% were victims of sexual violence (CCEM 2012). The data from the two above-mentioned organizations highlight the existence of a hierarchy in the family of the employer, which allows all family members, including children, to exercise control over the victim. They have neither personal time nor space to lead a private life. They have limited access to food as well as some areas inside the home and 75% of them (CCEM 2012) were prohibited to leave their employer's home without permission or accompaniment. The

³³ See <http://femmes.gouv.fr/decouvrez-le-plan-national-de-lutte-contre-la-traite-des-etres-humains/>

³⁴ These data come from interviews and analyses of the CCEM's 2012 activity report, that of the OICEM in 2014, and websites <http://www.oicem.org/> and <http://www.sos-esclaves.com/>. Note that these associations select their beneficiaries based on criteria of exploitation and redirect other applicants to more mainstream organizations.

³⁵ The other associations point out that in some cases, all or part of the salary is sent directly by the employer to the family abroad.

confiscation of identity documents is common, and is used as an additional means of pressure, like the threat of denunciation to the police, which would lead to a deportation to their country of origin. The status of irregular migrants increases their cultural and social isolation, and is maintained by their limited contact with the outside world and with members of their families, which is part of the control exercised by their employers. Finally, some workers are 'loaned' by their exploiters to other families.

There is consensus that in the domestic work sector, most victims are women and most are non-nationals. According to the 2012 CCEM report, 76% of domestic workers were from Africa, 14% from Asia and 6% in Europe. The majority did not have a valid residency permit, although they often entered France with a temporary visa. Their average age was 30 years old and among the victims supported by the CCEM and OICEM, 15% and 23% of them had been exploited as minors. The OICEM notes that their level of education is low.

According to statistics from CCEM, 66% of employers are of African origin (possibly French), 9% are from the Middle East and 25% are from Europe. They belong to diverse occupational categories: 11% of them are diplomats or government officials, 30% are professionals or work in trades, 21% are employees and executives and 25% have no profession. Finally, most of the victims were recruited outside France: 81% were hired directly by their employer, 6% were hired through an agency and 7% through an intermediary.

Main factors influencing demand

In government publications as well as those produced by associations, (CCEM 2012 ; OICEM 2014), there is little information about the aspect of demand except in the case of sexual exploitation. The issue of demand remains a blind spot in terms of how THB is understood.

For several years, the government has associated labour exploitation with illegal immigration. According to this view, the majority of exploited workers are migrants without residence or work permits and employers take advantage of this vulnerability. The government has presented the increasing control of illegal immigration as a way of reducing cases of trafficking (Rogoz, 2014). But this view mainly addresses the supply, understood as the existence and availability of vulnerable domestic workers.

Tax exemption policies and the simplification of administrative procedures of employment established by the State to fight against undeclared work in the domestic sector has not put an end to exploitative practices. As many sources note, undeclared domestic labour, flexible hours and a minimum wage well below the guaranteed minimum hourly wage in this sector are all socially acceptable.

Some association members note that there are employers who require workers around the clock at home (for the care of sick or disabled). Legally, they should hire three employees, which would lead to prohibitive costs.

2 Case law analysis

2.1 Key European cases

The successive holdings against France by the ECHR in the *Siliadin v. France* case decided on 26 July 2005, and the *CN and V. v. France* case from October 11, 2012 played an important role in changing the criminal law. In these two cases involving minor victims of domestic servitude, France was considered in violation of Article 4 of the ECHR for not having fulfilled its obligations to protect victims by establishing an appropriate legal and administrative framework to fight against slavery and forced labour. The two cases that follow illustrate the

complexity and the length of legal proceedings linked to trafficking, and above all shows the reluctance of the courts to punish the offenses related to THB.

The case Siliadin v. France³⁶

The applicant, a Togolese national arrived legally in France in 1994 at the age of 15 years and was planning to go to school and to live with Mrs. D., a French national of Togolese origin. It was initially promised that she will work at Mrs. D.'s home in order to reimburse her air ticket and that Mrs. D would attend to her immigration status. Instead, her passport was confiscated and she became illegal migrant. She had to work 15 hours a day, without pay and day off. In the second half of 1994, Mrs. D. lent the victim to another household where she had to work in the same conditions. On July 1998, the victim reached a neighbour and contacted the police who raided Mr. and Mrs. B.'s home.

On 10 June 1999, the spouses were convicted and sentenced to one year imprisonment for failure to provide any or adequate remuneration for a vulnerable person and having employed an alien who was not in possession of a work permit. But the fact of having subjected a vulnerable person to working and living conditions incompatible with human dignity was rejected on the base of insufficient elements. The Court of Appeal acquitted the defendants on all the charges, considering that if the payment was clearly too low, the existence of working or living conditions incompatible with human dignity and the applicant's vulnerability or dependence can't be established. The applicant appealed against that judgement but not the Principal Public Prosecutor's Office. The Court of Cassation quashed the judgment but only in respect of the provisions dismissing the civil party's requests for compensation in respect of the offences provided for in Articles 225-13 and 225-14 of the Criminal Code, all other provisions being expressly maintained. The Court of Appeal convicted the couple of making a vulnerable and dependent person work unpaid for them but considered that her working and living conditions were not incompatible with human dignity. It accordingly ordered them to pay the applicant €15,245 in damages. The employment tribunal awarded her €31,238 in salary arrears.

The applicant lodged an application with the European Court of Human Rights. It found that the applicant had not been enslaved because her employers, although exercising control over her, had not had "a genuine right of legal ownership over her reducing her to the status of an "object". It held, however, that she had been subjected to forced labour and held in servitude in violation of Article 4 of the Convention. The Court concluded that the French criminal law in force at the time had not protected her sufficiently and the French government was ordered to pay €26,209 in respect of costs and expenses.

This case highlights the length of the procedure (from 1998 to 2005). The sentence applied against the perpetrators appears relatively mild given that the victim was a minor and that the exploitation lasted three years. The case also highlights the reluctance of the judiciary to classify the facts as trafficking. This offense was discarded from the outset and five courts interpreted the case differently: the court of appeal rejected the vulnerability of the foreign girl without papers based on the fact that she spoke French, had freedom of movement and could contact her family when she wished; many refused to conclude that the girl was working in conditions contrary to human dignity. In the words of the High Court:

This infringement should have implied, for example, a furious pace, frequent insults and harassment, the need for disproportionate physical strength or having to work in unhealthy premises.

Case of CN and V. v. France of 11 October 2012³⁷

³⁶ This version relies on the summary of the decision prepared by the ECHR itself: <http://hudoc.echr.coe.int/eng?i=002-3763>

³⁷ Based on the report provided by the ECHR. http://www.unodc.org/cld/case-law-doc/traffickingpersonscrimetype/fra/2012/cn_and_v._france.html?tmpl=old.

After the death of their parents during the Burundi civil war, the applicants, two orphaned sisters and their three younger sisters born in Burundi have been entrusted to the custody of their uncle and aunt (Mr. and Mrs. M.). This couple was living near Paris with their seven children, one of whom was disabled. Their uncle, a former Burundi government minister, was working as a diplomat at UNESCO. They arrived in France in 1994 and 1995 at the age of 16 and ten years old stayed with their uncle family, while their three younger sisters were entrusted to foster families. They were accommodated in the basement of the house, were not allowed to share family meals and were denied of health care. They alleged that they had to perform all the domestic chores of the household without remuneration or any days off. They were physically and verbally harassed by their aunt, who regularly threatened to send them back to Burundi. The younger sister who was sent to school enjoyed a relatively better treatment than her older one who stayed at home and had to carry out the domestic chores for the household and to take care of the disabled son, even during some nights.

On December 1995, the local social action service made a first report on children in danger to the public prosecutor, who decided not to take any action after the investigation. Three years after, a second report was made to the public prosecutor by an NGO. The day after, the 5th January 1999, the sisters ran away and were sheltered by the association. A medico-psychological report attested on their mental suffering. They were supported by the CCEM and took action against the M couple. The later has always denied any ill treatment and he fought against the lifting of his diplomatic immunity during all the judicial procedure.

This case exemplifies once again the length of the trial and the importance of support from associations. Indeed, even though the prosecutor did, in February 2001, judge the violence and the housing conditions (for the two sisters) as well as the work (in the case of the older one) incompatible with human dignity, the investigating judge dismissed the case and the sisters had to appeal the decision. In April 2003, the investigating chamber of the Court of Appeal deny this decision and ordered that judgment be rendered on the basis of inhuman living conditions for the two applicants and also for their three younger sisters, who had been placed in foster families. In 2005, the Supreme Court cancelled the judgment because the three younger sisters were not parties to the first complaint. In September 2007, the couple was found guilty of submitting vulnerable people to inhumane living and working conditions. Mrs. M was also charged with aggravated assault. Mr. and Mrs M. were sentenced to 12 and 15 months suspended prison terms respectively and had to pay €10,000 and €24,000 in damages and interest. But the court of appeal invalidated the judgment, with the exception of aggravated assault, and reduced Ms. M.'s sentence to a €1,500 fine. The prosecutor is the only one who did not appeal, contrary to both parties who pursued appeals. But the judgment was affirmed. Finally, the two sisters brought their complaint to the ECHR which, in 2012, condemned France for failing to put in place a legislative and administrative framework to effectively fight against servitude and forced labour, and ordered the payment of €30.000 to the victims. It took thirteen years for the victims to see justice be done.

2.2 Key national case law

Most prosecutions or pending cases are based on earlier versions of the law in 2013, as its application is not retroactive. At this point, we cannot predict how it will be implemented by the courts. Moreover, review of these cases highlights the fact that very few cases are prosecuted for THB. The facts that are retained appear disconnected from the seriousness of the allegations and refer less often to the Criminal Code than labour law, or very often the right of non-nationals (CESEDA). Again, sanctions appear lenient and the procedures long and complex.

Trafficking cases uncovered by the General Confederation of Labour (CGT)

Recruited in Ethiopia by an employment agency, the Ethiopian victim was sent to Dubai and the United Arab Emirates where she worked as a maid for a family with eight children. In 2011, with a tourist visa, she accompanied the family to Paris for a short stay. She said she was working 22 hours a day, was prevented from sleeping and did not receive a salary, although her employer ensures having sent money to Ethiopia, even though there is no evidence. She was beaten, insulted and threatened with death by the children of the family. Her passport was confiscated and she could not leave the family home. Upon arrival in France, she had to stay in the luxury hotel room where the family resided but she was not locked up. Following a report by the hotel staff, the police got involved and released the victim in July 2012. The family left France without being questioned. The hotel employees who were affiliated with CGT were initially sanctioned by the hotel's management. The prefecture refuses to grant a residence permit to the victim who was asked to leave the territory; she finally did get a residency permit in 2015 after making an appeal. The union challenged the government and questioned its commitment to the fight against THB (Interview, CGT Union, 23/04/2015).

It was only by chance, during her stay in Paris, that the victim was discovered. The lack of prosecution and punishment of exploiters and the sanctions imposed on both the victim and the unionized workforce, highlights the dilemmas that may arise for the authorities as well as for private economic actors in trafficking cases. The protection of victims and the prosecution of perpetrators come into conflict with economic and political interests; the entitlement to a residency permit that comes with the recognition of an individual as a protected victim conflicts with the existence of a strict migration control policy. Neither the prefecture nor hotel management had an interest in characterizing this as a trafficking case.

Exploitation in an extended Senegalese family

The following case³⁸ illuminates how difficult it is to provide evidence of exploitation and of the working relationship, especially when it takes place between people related by family ties.

A young woman was recruited in Senegal by a bin-national French-Senegalese couple who were also friends of the young woman's family. They promised to bring her to France for computer training and promised her accommodation until she got her papers. In exchange, she would take care of the children and prepare the meals, for which she received €90 per month. Soon she had to take on all the housework in exchange for her housing. Her passport was taken away and her stay in France became illegal after the expiry of her tourist visa. She did not know anyone in France, with the exception of her employers. She stayed in the children's room and received practically no payment except for occasional gifts. She escaped with the help of a neighbour and contacted the CCEM which supported her in her efforts. Her exploitation lasted nine months, from 2006 to 2007, a period during which the law on human trafficking was changed.

Her complaint was closed by the prosecution for lack of sufficient grounds. Filing a civil case, the association appealed the decision on the grounds of exploitation as characterised under the new legal provisions, but the judge dismissed the case for lack of evidence. The Examining Chamber ("Chambre d' instruction") of the Court of Appeal reversed this dismissal, sought the removal of the examining magistrate and ordered that judgment be rendered. It came in late 2014, six years after the events in question, on the basis on four offences, none of them trafficking: submission of a vulnerable or dependent person to housing conditions incompatible with human dignity; employment of an undocumented foreign national; helping or facilitating the unauthorized entry, movement or irregular stay of a non-national in France; and obtaining unpaid services from a vulnerable or dependent person.

³⁸ Documentation for this case included both the record of the judgment, and interviews with the lawyer of the victim and the prosecutor who followed the case to the High Court.

The trial court acquitted the defendants on all charges except the charge related to helping the entry and the irregular stay of a non-national in France, and sentenced the spouses to pay a fine of €2,000 each. It was not possible to establish the proof of her status as an employee - and the that the work was performed under a relation of subordination rather than as a participation to domestic chores – given the family ties between the two and given also the absence of contract and salary. In that perspective, the requirement of having a separate room for the worker could therefore not apply (being considered a family based arrangement rather than an employment relationship). Finally, because she spoke French, had friends, a mobile phone and could leave the family home, she could not be considered isolated. CCEM has appealed this decision to the Court of Appeal and is awaiting a hearing date.

THB conviction for domestic work in Lyon

Among the judgments consulted for this report, trafficking charges were rarely used by prosecutors. However, as is shown in the case below, if an individual is convicted of human trafficking, the sanctions are not necessarily accompanied by a prison sentence.

A Senegalese woman was employed just after her arrival in France by a French couple as a domestic worker and was paid a salary of €100-150 per month from November 2006 to July 2009. She worked all day without being declared, without social protection, and without rest or holidays.

The trial court in Lyon condemned both spouses on the basis of five offenses: trafficking in human beings committed against a person on her arrival in France; or insufficient payment for work done by vulnerable or dependent person; submission of a vulnerable or dependent person to working conditions incompatible with human dignity; employment of a foreign person who is not authorized to be employed; undeclared work. The victim was found to be dependent because she had just arrived in France, was without a residence permit and without resources. The couple was sentenced to one year suspended prison term and was ordered to pay the victim €26,360 with respect to the loss of earnings, €8,000 in pension rights (she asked for €13,000) and €6,000 for non-material damage (she asked for €20,000). In addition, the couple had to pay €1,500 in damages to the local employment agency Pôle emploi.

2.3 Key challenges in implementing legal provisions and in legal proceedings

We have already emphasized the complexity and length of proceedings as well as the need for victims to be supported by an association.

In the various cases studied, the offense of trafficking is rarely prosecuted. Judges and examining magistrates seem reluctant to use this classification, preferring to pursue prosecution on the basis of lesser, easier to prove offenses. However, the legal characterization of the facts seems to be relatively disconnected from the seriousness of the exploitation suffered. According to the National coordinator of the fight against trafficking "there is still heavy reliance on the labour code, with a strong emphasis on illegal immigration and undeclared work" (Interview, National Coordinator of the fight against trafficking, 2015).

Review of the decisions has demonstrated that judges differ in terms of their views on and definitions of THB, exploitation, domestic servitude, or vulnerability. The clarifications provided by the law of 2013 and the creation of new offenses are likely to facilitate the work of prosecutors.

The analysis of case law brings into light the difficulties faced by the actors from the justice system in establishing cases of exploitation and THB. Lawyers and prosecutors struggle to

bring in evidence in the area of domestic work³⁹. This is partly related to the lack of material elements corroborating the testimonies of exploitation or absence of witnesses of these forms of exploitation, and the fact that the exploiters rarely acknowledge their guilt (Interview, Head of the Paris Prosecutor's Office, 2015.).

Penal sanctions appear moderate. Imprisonment is rare and sentences are often suspended. The economic sanctions are often little more than an approximate reimbursement of wages and unpaid contributions.

2.4 Other remedies for persons who have been trafficked or exploited in domesticwork

Victims of THB are protected by law and are entitled to a temporary residency permit. For this reason, they should not be considered merely as migrants in an irregular situation who can be deported (see 1.1.2)⁴⁰. However, as GRETA already noted in 2012, specialized associations and officials continue to warn of non-compliance with legal entitlement (CESEDA, art R.316-1) and of the deportation of victims of THB. The associations emphasize geographic differences in the application of the law and note that some prefectures are less willing to give residence permits⁴¹. Support measures must apply to victims: reception, temporary housing, psychosocial support, free medical care, temporary waiting allowance, legal assistance; victims of THB who are threatened with reprisals by their perpetrators can be supported in secure, remote centers⁴² and can have police protection (Art.R. 316-6 and following). They are also entitled to material and psychological support during the trial⁴³.

They can initiate several types of lawsuits. A criminal complaint is the main way to punish the perpetrators but it takes years for them to be sentenced. After a complaint has been filed, the prosecutor decides on the appropriateness of pursuing legal action, on the facts to be investigated, and on the legal characterization of those facts with regard to the general interest and breaches of public order. The judge may therefore, without justification, decide to close the case or continue but the decision could be based on a legal classification different from those mentioned by the victim. It is common that a THB classification is not retained. Yet, only the victims of THB are protected and can apply for a residence permit. The OICEM also signals the symbolic and verbal abuse of trials themselves, which can be an additional test for the victims. Victims supported by associations or unions can also file a civil complaint to request compensation for damages.

The workers, regardless of nationality or legal residence, may submit a complaint to the industrial tribunal, which judges on the basis of labour law. This allows them not only to obtain a conviction of their employer, but also to recover compensation for wages and unpaid social security contributions as well as damages for material and non-material harm suffered. However, still in this context, workers must prove they worked without being declared, which is difficult for domestic workers, due to the lack of witnesses.

³⁹ Interview JUS3, Lawyer, 2015; Interview JUS4, Lawyer, 2015; Interview JUS1, Paris Prosecutor's Office, 2015; Interview JUS2, Public Prosecutor of Evry, 2015.

⁴⁰ See the CESEDA and Circular No. IMIM0900054C of the Ministry of Immigration, Integration, National Identity and Solidarity Development from February 5, 2009, relating to "residency conditions for foreign victims of trafficking or pimping cooperating with judicial authorities". <http://www.gisti.org/IMG/pdf/norimim0900054c.pdf>.

⁴¹ Contacted about this, the Paris prefecture did not respond.

⁴² This is the work of the national Ac.Sé network. Note however that such accommodation is primarily offered to victims of sexual exploitation; in 2014 only three victims of domestic slavery were supported by the network (Ac.Sé 2015: 8).

⁴³ Circular from the Minister of Justice on January 22, 2015, Criminal Policy Against Trafficking in Human Beings, NOR: JUSD1501974C.

Finally, victims of THB may submit a claim to the Compensation Commission for Victims of Offences (CIVI), which provides for full compensation of damages⁴⁴. But this procedure is open only to those legally residing in France either when the events occurred or on the day the claim is made. The associations, furthermore, point out that this type of compensation is difficult to obtain (Interview, OICEM, 2015.).

3 Discussion of Results

3.1 THB in domestic work: Observations on types of situations and conditions

Exploitation exists in complex forms that include a variety of actors and combine different levels of submission and resistance. Identifying exploitation therefore takes time, of which there is too little in police and legal departments. According to the associations, they operate with oversimplistic notions about the nature of trafficking, its perpetrators or its victims, which can hinder the identification of certain cases, including those related to domestic work. Below are some elements which could explain the challenges encountered in tackling THB.

Assessment of the situation and its developments are hindered by a lack of official data. Several specialized officials⁴⁵ have added that they have to rely on information provided by the associations given that there is no independent study on exploitation in the domestic sector. Thus, CCEM plays a key role in the dissemination of knowledge (see 1.1.2). The research highlights the different ways stakeholders view THB and the lack of a shared definition among actors. Most of the stakeholders have not received any specific training on THB or its specifics in the domestic sector and must self-train. But with the exception of associations and staff of MIPROF, the stakeholders feel they have not been faced with enough litigations and cases to have a global idea of THB. Instead, they have "a very imperfect, non-scientific and irrational knowledge of what this phenomenon is [THB in general]" (Interview, Directorate General of Labour on 08/06/15.).

Professional experiences and personal subjectivity feed representations of THB that can influence their actions. There is a large gap between the perceptions of associations or specialized officials on trafficking and those of legal actors responsible for applying the law. The first worry about representations based more on common sense than on legal arguments which can skew public action in the identification of offenses, victims and traffickers. Highlighting some forms of THB may have the effect of neglecting others, making them less visible, especially the forms related to the domestic sector.

One bias, due to the lack of reliable indicators, lies in the inability to distinguish sexual from labour exploitation. Although many sources, including Europol, consider labour exploitation as likely underestimated in France (Interview POL6, OCLTI, 2015.), the prevailing view in government institutions is that "the greatest numbers of victims of THB are linked to sexual exploitation" (Interview GVT13, National Coordinator anti-THB, 2015). The allocation of economic and human resources reflects this priority: 80% of the means of MIPROF are devoted to the fight against violence against women (including pimping) compared to 20%

⁴⁴ See <http://www.vos-droits.justice.gouv.fr/indemnisation-du-prejudice-11940/indemnisation-par-le-tribunal-11949/la-commission-dindemnisation-des-victimes-dinfraction-20242.html> and http://www.fondsdegarantie.fr/component/indemnisations/index.php?option=com_content&view=article&id=149&Itemid=99.

⁴⁵ Interview GVT12, MIPROF, 2015; Interview POL6, OCLTI, 2015; Interview GVT14, Directorate General of Labour, 2015.

which is devoted to other forms of exploitation (including those related to domestic work, forced labour etc.) (Interview GVT13, National Coordinator anti-THB, 2015). Only the National Office in the fight against illegal work is in charge of pursuing labour exploitation⁴⁶. Although an amendment is expected, the labour inspectorate is not yet competent in cases of THB (Interview LAB7, Labour inspection, 2015.). Thus, one may wonder whether this distribution of resources contributes to low number of prosecuted offenses for labour exploitation. In this same vein, it is accepted among representatives of the justice system and police forces, that cases of exploitation in domestic work are extremely rare. Yet the number of people supported by specialized associations (over 280 beneficiaries of the three associations interviewed) puts this view in serious question.

The complexity of the various situations requires that the multi-dimensional aspect of exploitation be taken into account⁴⁷. The categories differentiating the types of exploitation used by institutions are not adapted to the reality, because the lines are blurry: the victims of labour exploitation are often sexually exploited and conversely, domestic workers may be forced to work in the businesses of their exploiters, or there can be domestic exploitation within arranged marriages.

Another bias exists in identifying perpetrators, victims and recruitment methods, first of all in the idea of foreignness of THB. The OICEM emphasizes that "these practices are considered foreign, from another time, [from] elsewhere; they cannot take place in France, except among foreigners" (Interview NGO11, OICEM, 2015.). The representative of the Labour Directorate admits that "there is a prejudice that trafficking exists only in distant countries, not here" (Interview GVT14, Directorate General of Labour, 2015). The common figures of a family of diplomats, of wealthy businessmen and of tourists from the Middle East and Africa dominate in the representations of perpetrators held by the personnel of the administrative staff that were consulted for this study. But according to the CCEM (2013) only 11% of cases involve the diplomatic community or senior officials, "the tip of the iceberg" (Interview GVT13, National Coordinator anti-THB, 2015) in the words of the National Coordinator of the fight against trafficking. Cases of middle class families of foreign origin exploiting victims of the same ethnic origin are only discussed and considered as an afterthought. The exploitation by 'European' families is hardly mentioned except to emphasize its marginality.

Representations that emphasize the nationality, ethnicity and social class of exploiters can minimize the identification of middle and lower class European exploiters. Associations denounce differentiated judicial treatment according to the origin of defendants: The French exploiters would be less pursued than the others but more severely sentenced. The associations point out that "there is no typical profile of an exploiter" (OICEM 2014) and challenge the idea of a 'trafficker profile', which implies social, racial or specific traits.

In terms of the identification of the victims, the OICEM believes that a significant bias is the "identification of some victims over others" and that the police and justice tend to consider "housework in itself less exploitative than exploitation in the field of construction or agriculture"⁴⁸. Domestic work remains associated with work women do "naturally" and

⁴⁶ Despite its title, the National Office for the Suppression of Trafficking in Human Beings (OCRETH) is exclusively dedicated to the fight against sexual exploitation and pimping and has little to do with labour exploitation.

⁴⁷ Interview, Coordinator of the group "Together against Trafficking" collective, 20/04/2015. This reluctance can also be attributed to the semantic content of words: those of modern slavery and trafficking associated with the imagination about the slave trade and has a symbolic dimension that has little to do with the law. According to a lawyer it would slow down the judges: "it carries too much weight. It is as if you denouncing a crime against humanity" (Interview, 28/05/2015).

⁴⁸ Interview NGO11, OICEM, 2015. The coordinator of a group of associations "Together against Trafficking in Human Beings", corroborates this assertion by showing the reaction of a policeman who saw nothing wrong with the situation of an underage foreign girl, recruited by a family that did not send her to school but forced her to do all the domestic work. The policeman compared it to a classic au pair situation (Interview, 20/04/2015).

authorities are at pains to recognize them as victims, to consider that there may be domestic servitude within a couple or involving men. The National Coordinator of the fight against trafficking explains that investigating judges ask themselves "whether the situation is really trafficking or simply hidden work that is slightly degrading. The investigators aren't willing to go down that path" (Interview GVT13, National Coordinator anti-THB, 2015).

Another challenge is found in the ambivalent and evolving relationship between employer and employee; relations are severely damaged when the employee loses residency, which inevitably increases the sense of power of the employer and his/her grip on the employee who tends not to seek help outside the family home (Interview NGO11, OICEM, 2015.). The associations stress the multifaceted nature of the vulnerability of victims: their youth, social isolation, economic difficulties, problems with the language, lack of knowledge of their rights in France, and especially the lack of a residence permit. The threat of being reported to the police and deported is a point of leverage used by perpetrators. So the police are thus seen not as a recourse, but as an additional danger. This perception is reinforced by the attitude of suspicion vis-à-vis the victims on the part of judiciary police (Jakšić 2013). Indeed, associations, as specialists in THB, underline the reluctance of both police services and the judiciary to recognize cases of THB for fear that legal procedures will be misused. "Judges are not very comfortable knowing that making a complaint may lead to obtaining a residence permit" notes the lawyer of the OICEM (Interview JUS3, Lawyer, 2015) This suspicion might even sometimes outweigh the careful examination of situations of exploitation or the willingness to protect victims.

Finally, the priority given by PANTEH to fight against organized crime networks, considered the primary method of recruitment, leads to the neglect of cases of exploitation by individuals, which account for eight out of ten cases in the domestic sector according to CCEM (2013).

3.2 Key motivating factors and size of demand

The interviews show that demand is a concept little understood and scarcely used by the stakeholders. However, they offer several types of often overlapping explanations to elucidate the motives of perpetrators.

The first motivation is material: the aim is to have household tasks done at low cost. According to OICEM "this is an opportunity to meet a need for child care or help at home. They recruit people in precarious situations and exploit them" (Interview, OICEM, 28/05/2015.). Researchers link the demand for exploitable workers in the domestic work sector to the increasing participation of women in the labour market, the lack of equal participation in domestic work by men and women in a home, demographic changes and to the weakness of public institutions taking charge of caring for young children, the elderly or sick (Anderson 2000; Ibos 2012; Moujoud Falquet & 2010; & Mozère Maury 2002; Nakano Glenn 2010). For the coordinator of the Collective Association, "the shortcomings of social protection forces people to use the system D, for example to have care for their children, while there are not enough childcare places" (Interview GVT13, National Coordinator anti-THB, 2015). The fact that victims have been given the responsibility to care for disabled children or dependent adults in several cases actually draws attention to the weakness of the institutional care of these people.

Second, are the economic motivations of perpetrators who "save on wages [and employer contributions] to the victim". The OICEM explains that "for [not terribly] riche people, hiring an employee 24 hours a day would be extremely expensive, amounting to €7000 per month. In France, legislation is cumbersome and it is extremely expensive to have a household employee. This remains a luxury" (Interview NGO11, OICEM, 2015.). Actually to cover 24 hours a day they would have need to hire three employees.

Exonerating oneself of complex administrative procedures of employment can gradually lead to exploitation. It is a way to circumvent the very restrictive laws regarding hours of work, days of rest and requirement of employers to check the legality of an employee's residence when hiring a foreign employee or, if the employee was recruited from abroad, to have the contract validated by the labour inspection agency. Moreover, undocumented workers who do not have access to the legal labour market, also have an interest in getting hired informally, a situation that illustrates the perverse effects of the law.

Interviewees also mention "cultural motivations" of the exploiters. "It is also an importation of what they do there," explains the Head of the Paris Prosecutor's Office, who notes that such working relationships are tolerated in the countries of origin of victims or perpetrators but are considered exploitation in Europe. However, associations are strongly opposed to these cultural explanations because, according to them, they rely on racist distinctions and, in their experience, lead prosecutors to be more tolerant with foreign exploiters. As it turns out, perpetrators themselves also use "cultural differences" to justify their acts, according to the Head of the Paris Prosecutor's Office, or even to deny the alleged offense entirely. "The awareness of having committed an offense punishable by law is complicated.[...] They adopt a posture of helping on the one hand and being owed debt on the other" notes the OICEM, which also emphasizes that the hierarchical relationships rest on class relations and North-South positions⁴⁹. Note that these representations encourage the processes of 'othering' those involved in trafficking, thereby suggesting that this is not a local and French problem.

Finally, some interviewees emphasized the desire to seize power and wield control over others expressed through the exploitation of domestic workers. According to the Head of the Paris Prosecutor's Office, the exploiters seek a sense of ownership:

You are my thing, you do what I want when I want. [...] They want someone who will not cause problems related to labour law, someone who will not complain, and who will not request time off or sick leave (Interview JUS1, Paris Prosecutor's Office, 2015.).

Yet only few interlocutors make the link between this demand for vulnerable workers - particularly women, youth, and undocumented migrants – and the existing migration laws. Nonetheless, these laws play a role in increasing the vulnerability of undocumented workers who are in a dependent situation because they lack an economic alternative. In practice, this status establishes a second class of workers and empowers exploiters who know that their employees are in no position to negotiate their working conditions (Brown, 2003, Brown 2006, Morice & Potot 2010, Terray 1999).

Moreover, the fear of arrest and deportation that prevents them from resorting to protective institutions (police, the courts) also limits their entry into public settings and thereby reinforces their confinement at home and in their relationship to their exploiter.

Note, finally, that according to informants, arrested exploiters are unaware of the penalties they might incur for trafficking. It is therefore not possible to conclude that exploitation is encouraged by a feeling of impunity due to knowledge about the difficulties of enforcement. Nevertheless, most respondents recognize, as put by the National Coordinator of the fight against trafficking, that exploitation of domestic workers "is convenient. It's not expensive. And there is little risk" (Interview GVT13, National Coordinator anti-THB, 2015). Even so, we can be sure that the social acceptance of undeclared employment, under conditions inferior to those guaranteed by law in terms of pay, hours or social security in the domestic sector, creates a fertile breeding ground for exploitation at work.

⁴⁹ However, their fear of the police also demonstrates their awareness of being outside the law.

3.3 Principal gaps in the legislation and policies in the fight against THB

The consensus on the fight against trafficking, the large number of interested actors and official reports, and the ambition displayed by the PANTEH combine to provide a stark contrast with the low number of convictions actually brought down by the courts. The associations and the specialized actors deem the situation to be progressing, but too slowly. According to the National Coordinator of the fight against trafficking "in the field [of exploitation by] work, we are at year zero. There is still much work to do" (Interview GVT13, National Coordinator anti-THB, 2015). Lawyers as well as prosecutors recognize the reluctance of judges to use the trafficking classification due in large part to the novelty of the law.

The low number of convictions is also explained by the non-retroactivity of the law and the difficulties in implementing the version previous to 2013 (Vernier 2010). Thus, most stakeholders believe that this new law will allow more convictions but it remains complex and includes different offenses that may be regarded separately or jointly. Many interviewees, including participants in the justice system, are still unfamiliar with this new law and question its compatibility with existing case law. The Ministry of Justice (2015) seems to recognize these difficulties, as indicated by its circulation of an educational pamphlet explaining the law.

Even before the justice system gets involved, the detection of victims in the domestic sector is difficult because the private home of the employer is protected by law, which stands in the way of effective supervision. It is therefore improbable that cases of trafficking would be discovered by the police or labour inspectors, and it thus often up to the victims to escape on their own. Thus, paradoxically, the protection of private homes can promote the exploitation of workers.

Intervention occurs only after a trafficking victim files a complaint. At this stage, many cases are closed by the investigating judge who can deem the facts not serious enough or the evidence insufficient. Criminal prosecution can also occur but on the basis of a reclassification of the facts and usually for less serious offenses. The associations are concerned about situations they perceive as an ideological brake applied by prosecutors.

But the Head of the Paris Prosecutor's Office explains these choices are also based on other considerations: "with prosecution for THB, we open ourselves up to an acquittal!" According to her, THB in the domestic sector "is an extremely difficult offense to prove (Interview JUS1, Paris Prosecutor's Office, 2015).. Evidence gathered by police is subsequently put to the wind and drawn out investigations leave time for exploiters to erase the traces. Moreover, there is little material evidence in cases of exploitation and abuse: workloads, schedules, mistreatment and psychological manipulations are hard to demonstrate, save than by the stories each party tells. The accusation is often supported only by the testimony of the victim because, according to the Head of the Paris Prosecutor's Office, "the defendants never admit the facts" (Interview JUS1, Paris Prosecutor's Office, 2015.). "This is the word of one against the word of the other. There is little external evidence," (Interview JUS3, Lawyer, 2015) admits a lawyer who emphasizes the 'closed doors' behind which abuses are conducted, and the lack of witnesses who can endorse the complaint. Yet according to the Head of the Paris Prosecutor's Office:

When the abuser denies all offenses, we have little choice but to drop the complaint. Because there will be an acquittal on the basis of a benefit of the doubt. The Benefit of the doubt lies with the accused. [...] This is the difficulty of these types of laws that are based on facts that are not physically ascertainable (*Interview JUS1, Paris Prosecutor's Office, 2015.*).

Reclassification of proceedings on the basis of other offenses can punish the exploiters, but with lower penalties, including financial penalties, back taxes, and a criminal record. However, the choice of how to classify an offense comes into tension with the protection of victims. Only victims of THB are entitled to protection and a residence permit. Reclassification

therefore deprives them of these rights, an aspect that is not often taken into account by the magistrates. Several actors recognize that the protection of victims is not the government's priority. "At the level of the *gendarmes* or the police forces, we have no suitable structure. We delegate to Ac.Sé and to the associations," (Interview POL6, OCLTI, 2015.) notes the OCLTI. The protection of persons results from their identification as victims of THB; therefore in a certain way the fight against illegal immigration is in direct conflict with the protection of victims. While the work of identifying victims is long and difficult, verifying their residence status is much faster, and causes them to move from being innocent to guilty. Several associations say they are shocked by the expulsion of trafficking victims.

4 Concluding remarks and suggestions for policy makers

Recent progress in terms of judicial clarification, co-operation among stakeholders and the integration of civil society in the fight against THB should all be highlighted. These advances, however, have come late and may contribute to the explanation for the small number of convictions and the unwillingness of the judiciary to initiate procedures for THB.

The predominance of foreigners without a residence permit who are victims of THB in the domestic sector raises questions about the negative effects of migration law. By prohibiting migrants without residence permits to work, the law keeps them in the informal labour market and increases the risk of all kinds of abuse. Weakened by their status, they cannot assert their rights against exploitative employers. It seems important to stop the stratification of workers (Brown 2003, 2006, Morice & Potot, 2010; Morris 2003) and to increase legal protection accessible to all migrant workers, including those without residency status. They should enjoy *de jure* and *de facto* equal protection to that of local workers. Giving them the opportunity to access a residence permit would allow them to work and could help reduce cases of THB.

It is also worth questioning the relevance of migration policy for the purposes of work which is mainly oriented towards highly skilled people and which heavily restricts the legal entry of low-skilled workers. Taken from the standpoint of demand, the question of exploitation in domestic work appears to be a sector that lacks labour force. Perhaps domestic labour should enter into the list of jobs for which recruitment is difficult and should be open to immigrants from developing countries. Giving them the opportunity to immigrate to France legally, to work in the domestic sector and be protected in legal terms, would be a way to stem the supply of exploitable workers.

Tensions between the mission to fight against illegal immigration and the mission to protect victims against other offenses produce perverse effects. The police and justice system are subject to contradictory orders. The reluctance of administrative staff to identify victims of THB and to validate their complaints is partly linked to the fear of misuse of the procedure to obtain a residence permit, which could create a new migration route. It is therefore important that the government clarify its position on this subject and explain the priority given to protecting victims of THB.

On the side of the victims, this paradoxical situation explains their fear to speak to police and justice, which benefits exploiters. The priority is to reaffirm the role of these institutions to protect all residents, including migrants without residence permits.

It is also important to clarify the priorities for police services and the justice system as cases of exploitation in the domestic sector usually involve very few victims, do not threaten public order but require time and staff to detect and convict. This partly explains why the resolution of these cases may have been overlooked.

If private homes must be protected, it is important for domestic workers that they not become a no-go area. Labour inspectors should have access whenever they find domestic workers because they are entitled to the same protection as other workers.

If trafficking is understood to lie at one end of a continuum that begins with informal employment and to depend on a broader social acceptance of working conditions inferior to the legal standards for work in the domestic sector, then it becomes clear that the fight against trafficking also entails confronting this tolerance and standing against undeclared work in this sector more generally.

Specifically, the fight against THB requires the development of common tools to facilitate the work of actors on the ground particularly in terms of the police service and justice system. Biased representations should be addressed and there should be a shared definition of THB. It is therefore important to have a tool to assess the national situation including official statistics on cases of exploitation.

Police and justice services need specialized training. They must be aware of the complexity of THB situations to better identify cases, collect relevant information during investigations and hearings and be able to provide that information for trials. The planned creation of indicators will facilitate the process of identification of THB situations as well as victims and exploiters (Interview POL6, OCLTI, 2015.).

The fight against THB should be based on labour inspectors' role, whose mandate needs to be broadened. Proposing a framework of legal procedures that would allow professional secrecy to be lifted and the free exchange of information in cases of THB among labour inspectors and police officers would strengthen the effectiveness of inspections. However, these exchanges must be framed so that labour inspectors are not associated with the repression of undocumented workers.

From a legal standpoint, it would be advisable to clarify the definition of vulnerability attached to THB. In the Penal Code this is defined very narrowly and does not include the economic vulnerability that is addressed in other articles, which may well encourage prosecutors to opt for other classifications.

All informants call the general population to be mobilized through information campaigns. This is to increase the level of disapproval of all forms of exploitation of workers but also to rely on the public to identify and report cases of THB by private employers. The expected proposals from PANTEH or suggested by trade unions (Interview TU16, CFDT, 2015) to share information among hospital personnel, teachers or security guards who may come into contact with victims represent positive initiatives.

Domestic workers should also be targeted by information campaigns that address what the labour exploitation is and identify the rights governing their profession. Soliciting unions, workers' associations and associations of migrants is one way to contact these workers who are generally isolated in the homes of their employers.

It is also necessary to address the employers of domestic workers and potential exploiters by informing them about the rights of workers but also the penalties they may incur if abuse does occur.

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Annex

List of Interviews and consultations

Sector	Position	Organization	Date	No
Judicial	Deputy prosecutor	Parquet the High Court of Paris financial center	07/08/2015	JUS1
	Deputy Public Prosecutor	Parquet of the Criminal Court of Evry	06/08/2015	JUS2
	Lawyer. Specializes in criminal and civil law	Private law firm	05/28/2015	JUS3
	Lawyer. Specializes in criminal and civil law	Private law firm	05/11/2015	JUS4
	Lawyer. Specializing in labor law	Private law firm	05/06/2015	JUS5
National Gendarmerie	Responsible for the fight against THB	OCLTI	06/09/2015	POL6
Labour inspection	Head of the Health Service Safety. Interim Head of pole work	Direccte ile de France	05/06/2015	LAB7
Associations	Lawyer	Committee against modern slavery	01/30/15	NGO8
	Collective Coordinator	Collective "Together against Trafficking in Human Beings"	04/20/2015	NGO9
	President of the association	SOS Slaves	05/11/2015	NGO10
	Director of the association	OICEM	05/28/2015	NGO11
Government	General Secretary MIPROF	MIPROF	07/09/2015	GVT12
	National Action against Trafficking Coordinator	MIPROF	05/26/2015	GVT13
	Coordinator	Ministry of Labour, Directorate General of Labour	06/08/2015	GVT14
Unions	CGT prestigious hotels	CGT	04/23/2015	TU15
	General Secretary of the union employees of the particular employer in Ile-de-France	CFDT	06/09/2015	TU16

About the author

Florence Lévy is a Research Assistant for the project “Addressing demand in anti-trafficking efforts and policies (DemandAT)”. She is in charge of the French research of the ‘Demand side of trafficking in the domestic sector’.

She has completed her PhD in sociology in The School for Advanced Studies in the Social Sciences (EHESS, Paris, France) and in Neuchatel University (Switzerland). She analyses the gender dimensions of contemporary Northern Chinese migration to France and the transnational dynamics of its social networks. She tries to understand how migrants experience and give sense to the constant change of their migratory projects.

Florence Lévy has worked as researcher in many research projects focusing on gender and migration, irregular migration, Chinese migration, family migration

Addressing demand in anti-trafficking efforts and policies (DemandAT)

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Edinburgh, United Kingdom

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Lund, Sweden

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Florence, Italy

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FURTHER READING:

Levy, F (forthcoming 2016) *Policy Brief: Trafficking in Human Beings in Domestic Work in France: Tackling severe exploitation in hidden spaces*, DemandAT Policy Brief, Vienna: ICMPD

Ricard-Guay, A. (2016) *Trafficking in Domestic Work: Looking at the demand-side*. DemandAT Working Paper 5. Vienna: ICMPD

More DemandAT Country Studies on the Domestic Work Sector:

Angeli, D (2016a) *Demand in the Context of Trafficking in Human Beings in the Domestic Work Sector in Cyprus*, DemandAT Country Study No. 2, Vienna: ICMPD

Angeli, D (2016b) *Demand in the Context of Trafficking in Human Beings in the Domestic Work Sector in Greece*, DemandAT Country Study No. 4, Vienna: ICMPD

Camargo, B (2016) *Demand in the Context of Trafficking in Human Beings in the Domestic Work Sector in Belgium*, DemandAT Country Study No. 1, Vienna: ICMPD

De Volder, E (2016) *Demand in the Context of Trafficking in Human Beings in the Domestic Work Sector in the Netherlands*, DemandAT Country Study No. 6, Vienna: ICMPD

Maroukis, T (2016) *Demand in the Context of Trafficking in Human Beings in the Domestic Work Sector in the United Kingdom*, DemandAT Country Study No. 7, Vienna: ICMPD

Palumbo, L (2016) *Demand in the Context of Trafficking in Human Beings in the Domestic Work Sector in Italy*, DemandAT Country Study No. 5, Vienna: ICMPD



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