

FINANCING OF TRAFFICKING IN HUMAN BEINGS IN FRANCE

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Trafficking in human beings (THB) for sexual exploitation¹ is one of the most prevalent types of individual exploitation and it is a major concern in France. Despite the long existing awareness of this phenomenon, often linked to increasingly structured criminal organisations, it has not stopped evolving and adapting to ensure its permanence (FR-E2). Taking advantage of the pauperisation of some populations throughout the world and allowing victims to hope for quick earnings, criminal structures hire, transport, handle and profit more and more from the sexual exploitation of their victims. France is both a country of destination and a country of transit for these organised groups, “who use the free movement of people principle within the Schengen area to enable the circulation of their victims throughout a large part of the Europe” (SIRASCO, 2016; FR-E1).

Since its creation in 1958, the Central Office for Combating Human Trafficking (OCRTEH) of the judicial police conducts investigations on acts of procuring and human trafficking for sexual exploitation and draws up, from the data gathered by services dealing with this phenomenon, its evolution and main trends. According to these trends, in the last decades transnational criminal organisations have specialised in the trafficking of human beings for the purpose of prostitution, thus occupying the place left vacant by the French “traditional milieu” (FR-E3). Being highly structured, they recruit the victims in their country of origin. Young women, most of whom have no family ties and do not speak the French language, when in France most often live without any residence permit. They must pay back to the criminal network the very high cost of their irregular immigration (FR-E4). The women are forced, sometimes through physical violence, to prostitute themselves at extremely low rates and under very precarious material and sanitary conditions. This is particularly the case for Nigerian networks or for criminal organisations from the Roma community (Romanian and Bulgarian), who then repatriate all profits generated in their respective countries, by money transfers, by money couriers or other informal value transfer systems working in their community (FR-E3).

The offense of trafficking in human beings is indeed not much utilised by the magistrates who prefer to pursue for aggravated procuring, which is considered simpler to identify and better defined by the case law (FR-E11).

¹ Provisions implementing Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting victims. The French law is too recent to reflect the reality of THB linked with the exploitation of forced labour. Thus, it is complicated to evaluate the magnitude of that phenomenon. Unsurprisingly, there is no official data. The Committee Against Modern Slavery, a French NGO, is trying to set up a database but it suffers from methodological weaknesses. Likewise, the central office combating illegal labour is struggling to gather robust data (GRETA, 2017).

If the French legal framework, de facto authorises prostitution by not mentioning it in the Penal Code (Mainsant, 2008), it enforces the ban of procuring and recently the prosecution of the clientele.

From procuring to aggravated procuring:

- The act of procuring alone is the offence provided for in article 225-5 of the Penal Code, without the addition of at least one of the aggravating circumstances listed in article 225-7.
- Insofar as only one circumstance is enough to cause the aggravation of the penalty, **there are very few simple procuring cases**. Thus it is extremely common that an investigation opened on the basis of procuring continues on the basis of aggravated procuring. The most frequent causes of aggravation and the easiest ones to demonstrate are the plurality of perpetrators or victims, the use of a telecommunications network and the use of force or fraudulent manoeuvres.

The definition of human trafficking (article 225-4-1 of the Penal Code):

- It is defined as the act performed in exchange for remuneration, promise of remuneration or any other advantage, to hire a person, transport, transfer, and host or accommodate said person to make them available to oneself or to a third party, even unidentified, in order to either allow to be committed against this person offenses of procuring, aggression, sexual violence, exploitation of panhandling, working or living conditions counter to their dignity, organ trafficking, or to force this person to commit any crime or offense.

Since the Second World War, France has adopted several international conventions regarding human trafficking for sexual exploitation purposes:

- The 1950 United Nations Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others;
- The year 2000 additional protocol (the Palermo Protocol) to the United Nations Convention against Transnational Organised Crime (UNTOC);
- The 2005 Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism (the Warsaw Convention).

More recently, the European Directive 2011/36/UE on human trafficking and its prevention has led France to define the components of the THB offence. Thus, the August 5, 2013 laws transposed in the Penal Code under article 225-4-1, the definition of the offence as the act of “hiring a person, transporting, transferring, hosting or welcoming her for purposes of sexual exploitation.”

A circular letter of the Minister of Justice of January 22, 2015 defining the penal policy in the fight against trafficking in human beings has been sent to the prosecutors and transmitted, for information, to the presidents of the various courts competent in criminal matters. This circular letter reaffirms the need to use the qualification of trafficking during criminal proceedings to dismantle the networks more effectively, to facilitate the implementation of international cooperation tools.

The July 13, 2016 law came to complete the French legislative system regarding human trafficking and specifically provides:

- The strengthening of the protection of the victims of sexual exploitation: the law alters the dispositions of the Code on the entry and residence of foreigners and right of asylum (CESEDA) in France and allows for granting of a six-months residence permit to individuals who had been identified as victims of trafficking and engaged into sexual exploitation, without preconditions for the denunciation of the trafficking networks exploiting them. The law also stipulates the accessibility of the “penitent” system of article 706-63-1 of the Code of Criminal Procedure for THB victims as well as family members “for having prevented the commission of offences, for stopping or limiting the damage caused by an offence”.
- The incrimination of the purchase of sexual acts: the act of seeking, accepting or obtaining sexual relations from a person engaged in prostitution in exchange for remuneration or some advantage is punishable by a fifth class fine. The offence becomes a crime in the event of repetition over a timeframe lesser than or equal to one year.
- The repeal of the offense of solicitation.

“France has the most repressive arsenal against procuring” (FR-E12). While prostitution is not incriminated, the exploitation of prostitution is severely punished. The repression of procuring has the unique characteristic of punishing an activity that is not, in itself, illegal. In 2010, the Directorate of Criminal Affairs and Pardons showed that in the cases of aggravated procuring the prison sentences amounted to an average of 27.2 months. Of those convicted, 78% were older than 25, 28% were women, and 56% were foreigners, still in regards of only aggravated procuring. The average fine amounted to €13,080 (FR-E4). Even if the legal framework for procuring violations seems to be complete, the offense of trafficking remains, to this day, rarely applied (3 cases in France in 2009, 3 cases as well in 2010). Few judges use the cumulative nature of the procuring and trafficking violations. However, current legal texts allow, in theory, to incriminate human trafficking with the purpose of sexual exploitation as a whole. While France has managed to limit the development of prostitution compared to its Spanish and German neighbours, sex trafficking and prostitution nevertheless remains a lucrative industry in France where networks continue to invest. As people become vulnerable to exploitation and businesses continually seek the lowest cost for labour sources (Wheaton et al., 2010).

The main aim of this report is to offer an account of the financial aspects of trafficking in human beings in France. The majority of respondents who were interviewed for this report come from the ministries of justice and interior, at the central and local level. Experts from the following institutions have been approached – the Central Office against THB based in Nanterre from the French Judicial Police, the Brigade Against Procuring (Prefecture of Police of Paris), the Brigade for Protection of Minors (Prefecture of Police of Paris), and the Penal

Court of Paris (General Prosecution – section C2). All these institutions are specialised in countering THB and procuring. Moreover, we had the opportunity to interview the head of the department of regional intervention (Prefecture of Police of Paris) involved in the tracing of criminal assets and their seizure.²

1. MARKET OVERVIEW

In 2016, 65 networks (38 in 2015) of aggravated procuring, including 35 (17 in 2015) that can be qualified as human trafficking, were dismantled by police services and the Gendarmerie. Of these networks, 38 pertained to street prostitution and 24 to internet prostitution; 816 respondents were taken in for questioning in the course of this same year (611 in 2015) (FR-E3). China has become the most important country for France in terms of the origin of structured networks (15), followed by Nigeria (11) and Romania (9). Still in 2016, 1,118 victims (712 in 2015) were identified by French services during the procedures carried out against procuring, aggravated procuring and THB. With 323 victims, France has become the most represented source country in terms of numbers of victims identified, surpassing China (202), Nigeria (114) and Romania (104). Lastly, as of December 31, 2016, 586 clients were prosecuted for engaging in prostitution within the framework of the new law³ (FR-E18).

TABLE 1. EVOLUTION OF POLICE INVESTIGATIONS AND RESULTS

	2015	2016	Change (%)
Investigations of procuring	224	259	+16
Suspected individuals	611	816	+34
Identified victims	712	1,118	+57
Share of male victims (%)	4	7	/
Share of suspected male procurers (%)	64	66	/

Source: OCRTEH, 2017.

The number of people suspected of procuring as well as the number of identified victims mainly reflect law enforcement activity, which tends to vary from one year to another considering the discovery of new trends and guidelines.

“We need to take into account the absence of a verified number of prostitutes in France, even though some NGOs (e.g. Amicale du nid, Médecins du Monde, Hors les Murs) try to provide some estimations, but without a robust methodological approach” (FR-E17).

² The sources have been coded in order to preserve their anonymity. The first two letters of the code indicate the country, “E” indicates an expert, while “C” means criminal entrepreneur. The description of the background of the individual sources referenced can be found in the list of interviewees in the references section.

³ LOI No. 2016-444 du 13 avril 2016 visant à renforcer la lutte contre le système prostitutionnel et à accompagner les personnes prostituées.

Specifically, law enforcement activity has produced the following results (OCRTEH, 2017):

- 40 investigations of acts of simple procuring (42 in 2015):
 - 43 suspects (29 French men, 4 Brazilians, 2 Romanians, 2 Moroccans, 2 Cameroonians) compared to 46 in 2015;
 - 46 victims (26 French women, 6 Romanians, 3 Dominicans, 3 Cameroonians, 2 Bulgarians) compared to 49 in 2015.
- 154 investigations were geared towards acts of aggravated procuring (148 in 2015):
 - 343 suspects (229 French men, 28 Chinese men, 13 Romanians, 8 Algerians, 7 Tunisians, 6 Nigerians) compared to 324 in 2015;
 - 465 victims (262 French women [140 in 2015], 46 Chinese women, 33 Cameroonians, 23 Romanians) compared to 411 in 2015.
- 30 investigations of networks of aggravated procuring (without being qualified as human trafficking) (21 in 2015):
 - 177 suspects (55 French men [31 in 2015], 33 Chinese men, 22 Romanians, 11 Bulgarians, 11 Ecuadorians) compared to 112 in 2015;
 - 221 victims (70 Chinese women [29 in 2015], 31 Frenchwomen [4 in 2015], 20 Romanians, 18 Ecuadorians, 16 Brazilians) compared to 112 in 2015.
- 35 investigations of networks involved in human trafficking (17 in 2015):
 - 253 suspects (70 Nigerians [10 in 2015], 41 Romanians, 32 Chinese men, 31 Frenchmen [4 in 2015], 27 Hungarians) compared to 129 in 2015;
 - 386 victims (109 Nigerians [12 in 2015], 86 Chinese women [6 in 2015], 60 Hungarians, 55 Romanians) compared to 150 in 2015.

1.1. The victims

Since 2014, “an increase in the prostitution of minors has been observed on French soil” (FR-E6), and more particularly concerning victims of French nationality. In 2016, out of 120 identified minors victims of prostitution, 100 had the French nationality (98 females and 2 males), or a 50% increase compared to 2015. This new trend is to be linked with the development of the phenomenon of sexual exploitation carried out by youths from the *banlieues* – large city suburbs notorious for their criminality (FR-E9).

Young victims, oftentimes minors, appear to be easy prey for young “gang leaders” from urban areas, who force them into prostitution (FR-E10). The average age of these young girls is around 15 years old and the extreme instability of their personal situation (runaways or school dropouts) often drives them to great mobility throughout the territory, and notably in big urban areas (Marseille, Lille, the Paris region). Left without family support and personal financial resources, they prostitute themselves in cheap hotels via ads posted online by their procurers. This type of exploitation tends to structure itself in networks, with regards to the new means of hiring, managing and sexually exploiting these young minors, and thus tends to be similar to the *modus operandi* used by sexual exploitation criminal groups. Moreover, for a year now, France has been confronted with the regular arrivals of increasingly young

females exploited by Nigerian prostitution networks. However, the real age of these victims remains difficult to establish due to the false papers they present, provided to them by the networks, as well as the lack of verification by Nigerian authorities.

TABLE 2. VICTIMS UNDER 18 YEARS OF AGE (2015 – 2016)

	Males	Females	Total
France	3	155	158
Nigeria	0	6	6
Romania	0	6	6
Bulgaria		2	2
Cameroon	0	3	3
Algeria	0	3	3
Belgium	0	1	1
Hungary	0	1	1
Morocco	0	2	2
Ivory Coast	0	1	1
Gabon	0	1	1
Guinea	0	1	1
Senegal	0	1	1
Total	3	183	186

Source: OCRTEH, 2017.

The figures:

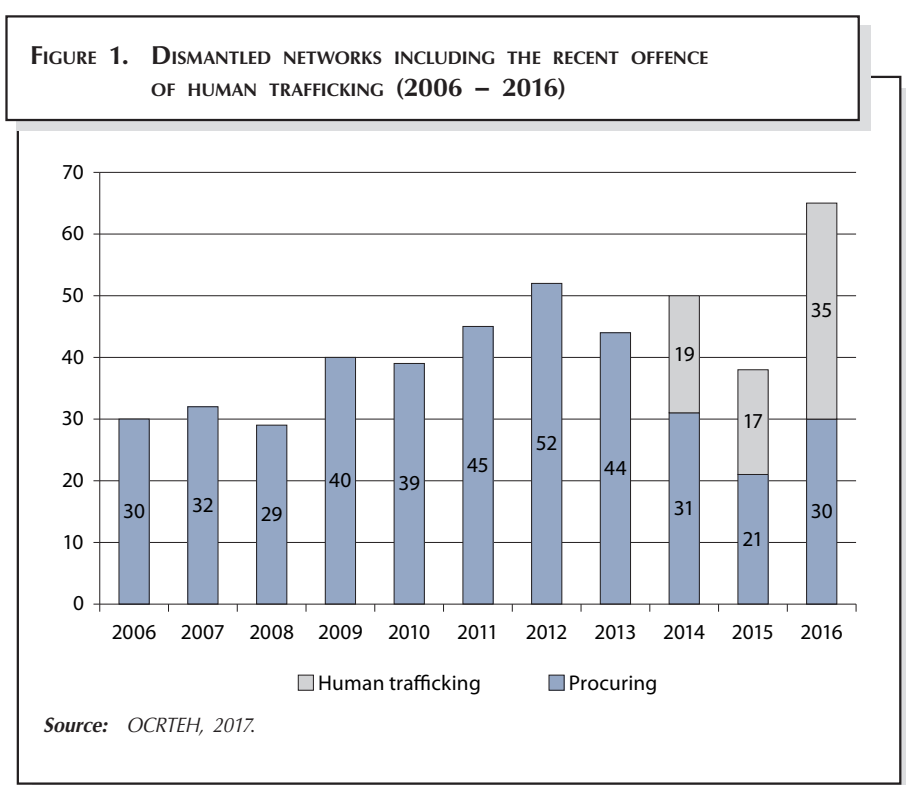
The statistics about the number of suspects and identified victims reflect the annual activity of law enforcement and gendarmerie services, taking into account new trends and guidelines. Indeed, unlike in other European Union countries, such as Germany and the Netherlands, where prostitution is paid, declared and controlled employment, France can only rely on criteria linked to law enforcement activity in order to try and estimate the number of victims on its soil. The so-called number of identified victims and perpetrators nevertheless remains an effective indicator to grasp the general trends of prostitution in France (FR-E16).

Of the 1,118 victims identified in 2016 by the law-enforcement authorities in France, 46 were involved in simple procuring, 466 in aggravated procuring, 221 in networks without THB and 386 in THB networks (FR-E16). French women represent 29% of the total number of identified victims (323), ahead of Chinese women who account for 18% (202), Nigerian women for 10% (114) and Romanian women for 9.2%

(104). In terms of source regions, east Europeans represent 20.2% of the total, followed by Asians (18.14%), Africans (16.62%) and South Americans (10.10%). France has thus become the most represented source country concerning active prostitution on French territory, followed by east European countries (FR-E3).

1.2. Dismantled networks in 2016

Police and gendarmerie services' activity has strongly increased throughout 2016. With 65 dismantled networks, it reached a record peak, higher than 2015 (38 networks) and twice the registered activity for the years 2006 to 2008. This evolution illustrates the experience of criminal investigation services in carrying out complex inquiries on certain types of networks such as those of the Nigerian or Chinese community (see Figure 1).



The THB offence has been gradually supplanting the simple procuring offence in the French criminal justice system. Thus the number of dismantled networks qualified as THB has increased from 38% in 2014 to 54% in 2016.

The statistics from OCRTEH show that when all offences are taken into account, the networks from eastern Europe remain the most numerous (18). Romania alone represents half of them (see tables 3 and 4). Fourteen out of fifteen dismantled African networks were qualified as THB, 11 of which were Nigerian. This particularity demonstrates, if it still needed to be done, that these structures have high level of organisation that fully pertains to organised crime. The number of dismantled Chinese networks remains high, but the similarity between networks with

TABLE 3. PROCURING NETWORKS BY NATIONALITY

Eastern Europe	10
Romania	5
Bulgaria	2
Albania	2
Hungary	2
Asia	7
China	7
Western Europe	6
France	5
Multinational	1
South America	5
Brazil	4
Ecuador	1
North America	1
Dominican Republic	1
Africa	1
Guinea	1
Total	30

Source: OCRTEH, 2017.

THB (8) and without THB (7) is a sign that for this community it remains difficult to establish the elements defining human trafficking. The development of judicial and police cooperation with China could help reverse this trend in the course of the coming years.

These figures illustrate the rapid evolution of the phenomenon, which tends to increasingly organise itself in order to exploit more and more victims and thus multiply its financial gain. One can also note the emergence of “multinational” procuring. It consists of opportunity alliances between several individuals of different nationalities, exploiting victims of different nationalities as well. For example, the network referred to as “multinational” in Table 4 was organised by two Algerians allied to two Tunisians, exploiting Romanian and Italian victims. These opportunity alliances also appear within networks ran by a national community (FR-E18). This state of things thus needs to lead to a modulation of the intra-community dimension that had until now been attributed to THB (see Tables 3 and 4).

TABLE 4. HUMAN TRAFFICKING NETWORKS BY NATIONALITY

Multinational	1
Africa	14
Nigeria	11
Guinea	2
Cameroon	1
Eastern Europe	8
Romania	4
Bulgaria	2
Hungary	1
Albania	1

National Police services have dismantled 58 out of 65 networks in 2016. Twenty-five of these networks pertained to aggravated procuring and 33 to human trafficking. The National Gendarmerie units have dismantled 6 networks, 4 of which pertained to aggravated procuring and 2 to human trafficking. One network of aggravated procuring investigation was the result of cooperation between the police and the gendarmerie.

TABLE 4. HUMAN TRAFFICKING NETWORKS BY NATIONALITY (CONTINUED)

Asia	8
China	8
Western Europe	1
France	1
South America	3
Argentina	1
Brazil	1
Peru	1
Total	35

Source: OCRTEH, 2017.

2. MARKET STRUCTURE AND SOCIAL ORGANISATION OF TRAFFICKING NETWORKS

In France, the organisation of human trafficking for the purpose of sexual exploitation has recently tended towards horizontality in criminal activities. In other words, procurers are not at the head of a large hierarchy, but favour small structures and outsource some of their actions.

Street prostitution concerns 54% of identified victims, internet prostitution 34%, and massage parlours 10% (FR-E3). Among the 65 dismantled networks in the course of 2016, more than half (38) concerned **street prostitution**. Despite new legal dispositions regarding client penalisation, street prostitution maintains a constantly high level, and remains the primary form of sexual exploitation in France (604 victims counted in street exploitation or 54% of the total number of identified victims). It should be noted that considering the very recent application of the law its effects are not yet noticeable within the prostitution setting.

Almost all (94%) of the women who practice it are foreign, particularly people of Nigerian nationality, as well as from Roma communities, either Romanian or Bulgarian. In this type of prostitution, the women rarely report to the police. They are mainly exploited by family members or close acquaintances. Nigerian prostitution is organised by established criminal structures, from the recruitment in Nigeria all the way to the exploitation of the victims by the “mamas” (“madams”) in Europe. The geographic mobility of these groups throughout France, and also throughout Europe, could be considered as an asset for these organisations, to meet a new demand and to escape from law enforcement pressure.

The supply of **internet prostitution** represents about 34% of the recorded victims in France for the year 2016. It is the second most used type of prostitution. Constantly growing, this form of sexual exploitation tends to diversify itself. Practiced mainly in hotels or rented apartments from specialised websites, this type of prostitution primarily concerns young women of French nationality hired by young procurers, Chinese women and, to a lesser extent, South American victims. At the age of the digital explosion, “cyber-prostitution” continues to grow, particularly through the design, production, management and maintenance of advertising sites, taking photographs, videos, protection and site management (FR-E4).

Prostitution in massage parlours amounts to 10% of the victims of 2016 with 106 exploited women identified, 57 of whom French nationals and 41 Chinese nationals. The massage parlours in the Paris metropolitan area are almost all run by people from the Dongbei region in China who exploit young women also from this region (FR-E10). This type of prostitution is very popular in Paris, but also tends to develop in other places as well. Out of 22 cases in 2016, 14 concerned the sexual exploitation of young Chinese women, and 8 of them prostitution of women of diverse nationalities, primarily French. Cities such as Nice (06), Béziers (34), Le Cannet (06) or even Aix les Milles (13) have seen this type of parlours prosper, illustrating a tendency to relocate to new geographic zones.

The lack of regulation regarding this activity gives ample leeway to the procurers, who, using the cover of wellness massages, hide prostitution activities involving young women in an irregular situation. The identified French victims had an average age of 27-28. Sexual intercourses are priced between €100 for a half-hour and €120 to €150 an hour (massage and sexual finish). However, investigations have shown that it would be inaccurate to talk about “very structured” networks. The monthly income of a salon can reach an average of €8,000 to €15,000. It seems that currently the activity is less flourishing as evidenced by the rapid closure of massage parlours.

A similar type of prostitution is **the hostess bar prostitution**, which has almost fully disappeared (0.19% of identified victims), though it remains in some big urban areas (Mulhouse, Lyon, Strasbourg). The majority of victims are French nationals, and the others are mostly of Brazilian and African origins.

The social organisation of trafficking networks also differs depending on the nationality of the perpetrators.

2.1. East European trafficking networks

East European prostitution almost exclusively concerns Romanian or Bulgarian Roma communities and to a lesser extent Hungarian and Albanian women. The structure of the networks is family and clan-based, dominated by a strong patriarchal culture. Women from these

communities (sisters, wives, cousins) prostitute themselves for the clan chief (FR-E13). There is seldom any violence linked directly to this type of prostitution. However, women do suffer from interfamilial aggressions. Because of the free movement of people within the Schengen area, this type of prostitution is mobile and remains one of the most visible, both in big agglomerations (Paris, Lyon, Marseille), as well as medium-size cities (Besançon, Avignon, Limoges, Troyes).

The majority of the women who are victims of this type of prostitution are in the hands of networks: out of 104 Romanian prostitutes identified in 2016, 75% were enrolled in a procuring network, with or without THB. Moreover, Hungarian prostitution is also making progress on the French territory. Hungarian women represented 28% (64 victims) of east European prostitution in 2016. The modus operandi of this type of network is the same as the one used for the exploitation of Roma women. The procurer keeps several lots on the street for the victims, and acts as their lover-boy. He encourages competition between these young women, promising them a better life at his side in order to push them to profit as much as possible from their activity. The amounts of money charged are usually superior to those generally observed in street prostitution.

2.2. Nigerian trafficking networks

Nigerian prostitution systematically occurs in human trafficking context – 109 victims of THB networks were identified (12 in 2015). This sharp growth can be explained by an increased focus by specialised investigation services on this particular type of prostitution. From the recruitment in Nigeria and all the way to the European sexual exploitation, the organisation is supervised by “mamas.” In the countries of destination, this activity occurs merely on the street.

An important change regarding the itinerary taken by the victims to get to Europe was noticeable in 2016 – travelling by land was favoured, to the detriment of travel by air. Additionally, the route of Nigerian women through Eritrea and the entry via Greece is not taken anymore. These women now cross Nigeria, then pass through Libya and Italy before entering French territory. Most of the time, they do not arrive in Italy on makeshift rafts like the majority of migrants because their journey has already been paid by the mamas, for which they are going to work in Europe. The preference for land travel is explained by the much lower cost than that of air travel. On average, the transfer costs between €3,000 and €5,000 per victim, compared with €10,000 to €15,000 for air travel. Therefore, this new trend has a direct impact on the development of Nigerian THB networks. Victims can pay back their debt to their mama much more rapidly than before – in the span of one or two years. Those changes in the physiognomy of Nigerian networks are accompanied by a significant modification of the debt incurred to the mamas after their arrival. In three years, between 2013 and 2016, the debt had decreased by 30%, and was on average worth between €40,000 and €50,000 (FR-E14).

The identification of prostitutes during the course of the investigations shows a resurgence of increasingly young victims, though it remains difficult to determine their exact age as Nigeria does not possess a personal records national database (FR-E5). One can also note the propensity of certain victims becoming *mamas* themselves, allowing them to pay their debt back more rapidly than in the past. Some begin as prostitutes, then prostitute-procurer and finally procurer. If they return to their country of origin, nothing is known about their economic and social integration (Quattoni, 2013).

The pressures applied by the *juju* ritual, closely tied to the voodoo tradition, represent one of the most important forms of control imposed by the *mamas*. The weight of *juju* in Nigerian culture is especially heavy in the south-western part of the country (Edo Region), where Benin City is located, home of most of the trafficking victims being exploited in France. Moreover, Nigerian sexual exploitation networks rely both on a strong cultural dimension as well as a solid presence of the Nigerian community throughout the world. They depend on a system of mutual aid based on brotherhoods created at the time of the decolonisation of Nigeria, which favours the group structure of international THB organised crime (FR-E14).

The fight against the exploitation of Nigerian prostitution is a priority for the French police authorities (FR-E9). The latest developments have shown that it accounts for one of the most violent types of human trafficking. Despite the number of networks dismantled every year, Nigerian organised crime continues to develop in every European country and conquers new territories that had been spared so far. After having settled in Spain and Italy – the two main entryways into western Europe coming in from the south – the networks have installed themselves in France, then in Germany and Austria, using Greece and Turkey as immigration corridors to enter into the Schengen area. From here on, north European countries are now being targeted by the same networks. Countries such as Denmark, Sweden and Finland see a certain number of Nigerian prostitutes setting up shop there, whether it is on their streets or in hotels and apartments serving as a cover-up for a type of prostitution organised via the internet. In the context of constant change, Nigerian criminal networks rely on Libya, a country of utmost importance in the organisation of victim transfer. Kept along the Libyan coasts in inhumane conditions, the victims are subject to the whims of organisers and boatmen who wait for the opportunity to get them across the Mediterranean and sell them to the *mamas* already implanted in different European countries.

At the heart of this very lucrative criminal activity, Nigerian brotherhoods have all the control, relegating *mamas* to the lowest position of a very effective and well-oiled organisation. Born in the 1950s in Nigeria's principal universities, these brotherhoods had taken as their mission the fight against the former European colonial powers and struggled to open access for the black population to studies and education. Their members have, however, quickly diverted themselves from this honourable goal and, following splits and fratricidal fights,

have increasingly turned themselves towards organised crime as a whole (Ellis, 2016).

If it is presently not possible to count precisely how many brotherhoods exist, some of them have taken a real importance and have extended themselves beyond the Nigerian borders. It is notably the case with the Black Axe, more specifically present in Italy, which has concluded an agreement with the Calabrian Ndrangheta for the local management of cocaine trafficking (FR-E2). In terms of sexual exploitation, Supreme Eiyé Confraternity (SEC) is the most widespread of these organisations in Europe. After having settled in Spain and Italy, it pursues its expansion on French territory, specialising in prostitution logistics. Similarly to other brotherhoods, the SEC uses a symbol (an eagle with spread wings), a slogan (secret-autocracy-discipline-fraternity-no friend, no fiend), a dress code primarily characterised by a blue beret, as well as a terminology borrowed from the realm of birds.⁴

Like other brotherhoods, the unspoken goal of the SEC stands to spread its territorial influence well beyond the Nigerian borders and conquer Europe, seen both as the symbol of the “white enemy” and an extremely lucrative territory in terms of benefits tied to organised crime, including human trafficking. In order to reach this goal, the organisation permanently seeks to hire new members using false promises (university diploma, a large sum of money to be made), voodoo practices as well as violence and intimidation. Each new member is then submitted to an indoctrination destined to instil the norms, values, and practices of the group, before paramilitary training in order to test the members and their psychological and physical resistance. If they pass the final exam, the new members have to swear allegiance, loyalty, and confidentiality to the chief of the structure during an initiation ceremony called “flight.” SEC members who have been sworn in to the organisation cannot drop out without risk of retribution ranging all the way to murder.

Based on a highly hierarchized and authoritarian structure, the SEC is spread over the country in seven different regional divisions called “nests,” each of them ruled by a chief (IBAKA or IBK) and different levels of command, each referred to by a bird’s name (Ostrich, Nightingale, Eagle, Woodpecker, Canary). At the bottom of the ladder are the performers (Doves) and those without a rank (Rats), whose lives are expendable.

In France, the SEC members necessarily work together with an influential mama within their networks. They serve as “screens” so the members are less exposed. Their role includes hiring victims and sending back the money made from prostitution to Nigeria. The fear that their status as an SEC member creates within the Nigerian community allows them to solve conflicts generated by the oftentimes ferocious competition on French sidewalks (FR-E3).

⁴ *Eiyé* in Yoruba, one of the main languages in Nigeria, means “bird.”

2.3. “Deprived neighbourhood” trafficking networks

The year 2015 had already brought to light this emerging phenomenon among problem neighbourhoods throughout the country, and the trend has been largely confirmed by the 2016 investigations. An increase in the prostitution of young French women at the hands of urban offenders can be observed: they represent 13.8% of identified victims (154 women) in 2016 (142 in 2015); 56% of them are under the age of 18 (87). This type of exploitation is particularly common in big urban areas (Paris, Marseille, Lyon, Lille etc.) and is spreading to other cities (Avignon, Cannes, Clermont-Ferrand, etc.). In addition to their young age (17/18 years old), the majority of these victims have a particular profile: psychologically fragile (dissocialised, disconnected from family and school, habitual runaways), they thus become easily exploitable prey (FR-E6).

The procurers are mainly known for common types of crime (theft, extortion, drug dealing). Their average age is 22 years and they regularly rely on violent coercive methods towards their victims (confinement, food privation, death threats, and rape). The victims are advertised via small ads published on the internet. Sexual exploitation is then carried out in cheap hotels or apartments. The procurer manages the logistics and controls the prostitutes, often alone or with two to three accomplices, coming from the same problem neighbourhood.

In judicial terms, this is a type of aggravated procuring (122 identified victims). However, a trend towards the structuring of networks has come to light (32 identified victims). “Poor areas” prostitution is a new phenomenon linked to the social profile of pimps, who come from cities and use violent methods. This prostitution happens in Airbnb apartments or residences-hotels, often rented through fraudulent bank card numbers retrieved from the so-called dark internet (darknet). It is not street prostitution, but a prostitution that is facilitated by online ads (FR-E18).

2.4. Chinese trafficking networks

Chinese prostitutes represent 18% of identified victims for 2016, with 42% of them exploited by human trafficking networks. This type of prostitution is in full expansion on the internet: web-masters from the community are hired and rely on specialised or community sites to share ads online. Telephone operators work as intermediaries and make appointments for the clients. The prostitutes then meet these clients in apartments rented by the procurers.

This type of prostitution takes the shape of “sex tours,” and networks do not hesitate to relocate their activities to medium-sized cities (Limoges, Chartres, Saint-Brieuc, etc.). Most of the time, victims come to France deliberately to practice prostitution. Hiring in China is facilitated by the support of smugglers, who help prostitutes obtain tourist visas for France; some get an enrolment in French universities. “Once arrived

on French soil, the victims are harboured by people from the Chinese diaspora who put them in touch with procurers. Generally speaking, the latter handle the logistics but can also delegate the work to accomplices charged with finding accommodations for one or several prostitutes" (FR-E4).

Since the beginning of 2016 in Paris, a decline has taken place, largely related to the activity of the service combatting procuring. This includes several cases realised in the district of Belleville aiming at real estate owners who provide apartments for brothels, or "dormitories," to street prostitutes. Information gathered from prostitutes indicates that they encountered many difficulties to find apartments because of the reluctance of owners and the inflation of Parisian rents (FR-E9).

The street prostitutes that the BRP has had to know are mostly from north-eastern China and peri-urban areas. With an average age of 40 years, they arrive in France via traditional immigration channels for economic reasons. Former prostitutes also serve as a bridgehead in France to criminal organisations based in China and bring their young compatriots providing visas acquired under the guise of tourist stays. They have to pay back a debt corresponding to their passage – between €10,000 and €15,000 (FR-E10).

Like other communities, Chinese networks use webmasters who can sometimes recruit French-speaking switchboard operators who provide logistics for booking hotel rooms, renting apartments via, for example, Airbnb-based community platforms, receiving incoming calls, managing the number of guests and appointments.

Another type – more discrete – prostitution takes place in bars, restaurants or transformed warehouses, housing Chinese karaoke, mainly located in Seine-Saint-Denis. Clients may also be offered a prostitution service, accessible through a network of illegal taxis. The illicit gains are sent to China via a straw man (FR-E10).

2.5. Trafficking networks from South America

South American prostitution remains active on French soil and with 113 identified victims in 2016, it represents 10% of the total sexual exploitation in France, all nationalities considered. Victims are mainly from Brazil (41), Peru (25) and Ecuador (18), with 41% of them exploited in THB networks (31) and without THB (47). Males represent half of identified victims, their activity solely practiced on the street. As for females, they are exploited in apartments rented via ads published online. The majority of the victims come from Spain, this movement being explained by the fall in prices of internet prostitution in Spain. The victims mostly perform sex tours for several weeks, before returning to Spain. It is usually a type of prostitution facilitated by a communitarian mutual aid, with a weak control of the victims by the traffickers (FR-E3).

3. FINANCING AND FINANCIAL MANAGEMENT

The law enforcement services in France do not have a strong “follow the money” culture. Certainly, there has been substantial progress, but financial investigations used to work mainly from what is discovered in the places where the procurers live. As a result, the perpetrators have adapted by trying to handle the minimum amount of cash in their apartment (FR-E7).

The financial dimension of human trafficking suffers from a lack of systematic knowledge; nevertheless, the qualitative information allows to draw some patterns (FR-E8).

3.1. Initial capital

As regards initial capital, the tendency is to place the burden on the victim. Generally, procuring networks feed on earnings acquired through prostitution. The more a network “works,” the more it grows and matters, and the more it becomes self-sufficient. Conversely, the Nigerian networks are characterised by a different pattern, since there are credits granted to their victims who are expected to repay this initial investment. There is no evidence for financing THB from other illegal activities such as drug trafficking. A French sociologist (Nguie, 2015) who extensively studied the African tontines concluded that they operate both as financing instrument and socialisation vehicle. In the Parisian (Château-Rouge market) migratory context, African women feel the need to replicate this device: tontines thus become a market integration instrument and a vehicle for socialisation. Moreover, illegal female migrants excluded from the French banking and insurance system resort to tontines as a means of social protection and savings. Through financing projects in their country of origin, tontines establish a bridge between immigrant populations and their relatives back home. In the specific case of female prostitutes, tontines appear to be an instrument of money laundering.

For networks from eastern Europe, if they were to run out of funds, there are usurers, especially in the Roma community, in the villages mainly made up of wealthy traders, who lend at exorbitant rates. Usurers are usually preferred over the banks because the latter refuse to lend to Roma people in the absence of official and declared income (FR-E13).

3.2. The business costs: transport as the most significant expense

The African network requires an investment estimated at between €10,000 and €15,000, depending on the kind of routes used for transportation of the victims (land routes or air routes). By using the air travel, the costs are much higher, which generally causes the purchase of visas in an African country from an employee of a European embassy. Then a

ticket consistent with the issued visa is purchased, and a stopover in Paris is made, in order to set foot in the desired territory. This gives rise to two conditions:

- If the visa was put in the passport of the “future” victim of prostitution, the girl can get off the plane and move freely in the territory.
- If the smuggler recovers the visa and the passport from the victim before she leaves the airport, then she would be apprehended by the border authorities and placed in a retention center. In this case the traffickers hire a lawyer to set her legal status, which usually costs between €1,500 and €2,000.

For its part, the land route is much cheaper since there are only smugglers to pay, but it is riskier because of sea crossings on unsuitable boats.

The east European network, which is mainly by road and clan network, requires an investment estimated at €300, because of reduced travel costs. For girls from the east, outside the European Union, it is necessary to add approximately €500 to pay the company which arranged the invitations on the French territory and the visas.

It is difficult to estimate the investment cost of a Chinese networks because of the multiplicity of European visas obtained, thereby allowing the victims to prostitute in more than one EU country.

From Nigeria, if the cost of transportation drops because of the use of land and sea routes, this entails greater risk taking. Indeed, the crossing of the desert and the Mediterranean Sea is particularly dangerous for the victims. “Tolls” have been established by local insurgent groups especially on the borders of Libya where the victim is forced to pay for her way or to agree to prostitute herself (FR-E17).

Regarding online transactions, it is also necessary to pay for the switch-board – about €20 per appointment made, or about 10% of the service. Furthermore, there are costs for providing security to the prostitutes, i.e. to pay for the security guard that the network uses to provide the service.

The links between procurers and prostitutes continue to persist even if one of them goes to jail. Procurers sometimes accuse their victims of being responsible for their incarceration, and, as a result, request that the prostitutes keep working in order to meet their consumption needs in prison and, above all, to afford lawyers’ services, so that the procurers could be defended (FR-E15).

3.3. Settlement of payments

In some big cities, French prostitutes used to apply rates similar to earnings made in bars, on average €400 per hour. Then, networks from eastern Europe came, which offered significantly lower rates of up to €250 per hour. In the light of an increasing competition and of an

almost steady demand, the rates have stabilised at €150 per hour for a girl met through internet. For street prostitution, the supply is such that we find that a full sexual service is priced at €40, a decrease of 20% in comparison with the rate in force 10 years ago.

Generally, money is collected daily if the procurer acts not far from his victims. Funds are thus collected by himself or by a member of his organisation in cash. If the procurer resides in the source country, he recovers the money by any means available, either by a fellow countryman who is going back to the home country, and who is given money, or through money transfer agencies (Western Union and MoneyGram), or through other informal remittance systems (FR-E18).

For Chinese networks, the funds are collected by collectors or by switchboards that come to an agreement via telephone with the victim, so that she transfers 30% of the profits from prostitution. The prostitute must give them the money at the end of the week. Failing that or disregarding the imposed rules, the girls become target of specially recruited agents, not hesitating to use violence.

In the 1990s, prostitutes were little considered, perceived more as criminals than victims. Since 2016, with the new law, the act of touting is no longer criminalised, although the level of violence remains high, especially from the Nigerian, Albanian, Romanian, and Bulgarian procuring networks. New forms of funds appropriation have emerged and are the subject of commercial agreements with profit sharing between prostitutes and procurers, depending on a percentage determined in advance, taking into account the incurred expenses (accommodation, switchboard, food, health, etc.) of each party. Internet networks have facilitated the funds appropriation by working with a switchboard which allows tracing the earnings of a victim without any errors.

In African networks, victims work under the supervision of their procurer (madam/mama) who keeps the accounts up to date. The victims also have interest in paying their debt to recover their freedom and thus, in most cases, become procurers in turn. The debt bondage helps to expand the prostitution network and pull prices down (FR-E14).

In the case of short-term apartment rentals, the owner is rarely informed of what is happening in his property. Even when he is aware of what is happening in his place, there is no extra billing because the regularity of the rental gives him satisfaction, but also because of possible in-kind profits with the girls in exchange for his silence. Chinese networks rely on French couples who own apartments and knowingly accommodate on request prostitutes to enable them to exercise their activity, either for remuneration or for payment in-kind. In the dismantling of such a network, in addition to the penal sanctions to which they are exposed, all their movable and real estate assets are also seized.

For east European networks, payment is often made through official funds transfers and also through bank transfers, from account to account. For Chinese networks, payment is made by exporting luxury goods

previously purchased in branded stores, in countries where prostitution is exploited, which is difficult to control. In addition, everything is paid in cash, including the rental of apartments like Airbnb. Network members cannot take the risk of leaving traces of their identity. Some procurers have foreign forged documentation to fulfil leases or send money through remittances companies. However, these fake documents cannot be used to open bank accounts because of their low quality, so it is common that frontmen are used as recipients of money orders in the country (FR-E7).

3.4. Profits and profit sharing

The case of east European prostitution

According to FR-E3, “in a typical network, a procurer manages an average of two of three prostitutes. The remuneration varies between €100 and €300 per day and per victim.” In general, victims receive next to nothing for their work (about €20), the rest of the money given directly to the procurer who spends it in diverse ways (casinos, luxury cars, real-estate goods in their home country).

Some victims, who do not belong to the Roma community, charge a bit more and can make between €300 and €900 per day, depending on the location they occupy on the street (busy places). The procurer makes between €100 and €400 a day from renting the work location. For this specific type of prostitution, the rates of sexual services are between €30 and €50 for a sexual intercourse and can go up to €80 for Hungarian women. On average, the distribution of earnings follows a division at 80% for the procurer, 20% for the prostitute.

The case of Nigerian prostitution

Nigerians networks make considerable benefits and the money is usually dispatched via an informal value transfer system, which avoids the riskier physical transfer of large sums of money in cash. Frequently called “euro to naira” (Nigerian currency), this system works through a peculiar mechanism: a French agent receives the transfer orders and in exchange gives a code to the sender, that will serve as an identification code for the payment in Nigeria. The agent then contacts the payer in Nigeria (usually a shop owner) and gives him the order of payment in the following order: sender, recipient, sum of money and code. The agent in Nigeria keeps an accounts book in which his outstandings are recorded. The transfer is immediate and will be compensated by the regular sending of important cash sums by a trusted individual, responsible for collecting funds from several agents and sending them to the payer in Nigeria. A commission is deducted in France for the agent and the sender. This system does not leave traces and allows avoiding official exchange rates.

Nigerian women usually charge the lowest prices on the market: between €20 and €40 for sexual intercourse. Considering the debt

incurred by coming to Europe and the daily expenses of the victims (food, accommodation), a Nigerian prostitute gives back to her mama around €3,000 per month. A mama usually manages between one and three girls, but recent trends have shown that five to ten girls can work for the same mama. The organisations have adapted to law enforcement repression and keep the cash in their possession for a very short time, after which it is quickly transmitted to an operator for transferring abroad. In some cases, the modus operandi to launder the earnings comes down to buying second hand vehicles in France, shipping them by containers to west African countries and then selling them locally (FR-E10).

The case of prostitution linked to “deprived neighbourhoods”

A procurer manages between two and ten prostitutes. The rate for sexual services is €100 for a half-hour and €150 for an hour. The revenue is usually shared 50% for the prostitute and 50% for the procurer. The head of the anti-procuring enforcement administration in Paris (FR-E9) said that these young adults (usually with criminal backgrounds) do not consider themselves as procurers. They squander their earnings for luxury goods, high-end cars, travels, and holidays.

The case of Chinese prostitution

A procurer exploits on average five prostitutes, who can earn between €4,000 and €7,000 a month by sex tours. The pricing ranges around €100 for a half hour and €150 for an hour. Generally, 60% to 70% of the benefits are paid back to the procurer, according to the involvement of the network within the logistics (payment of the plane ticket from China, advance for the rent). Financially, this type of network relies on a well-functioning informal value transfer system: either the benefits made from prostitution are invested in the purchase of luxury goods (designer bags, jewellery)⁵ that are exported to China or the money is given to an intermediary in France who, in exchange for a commission, unfreezes an equivalent sum in China that is given to a beneficiary pointed out by the sender. In this case, the Hawala system is also completely integrated in the scheme of money laundering.

The case of South American prostitution

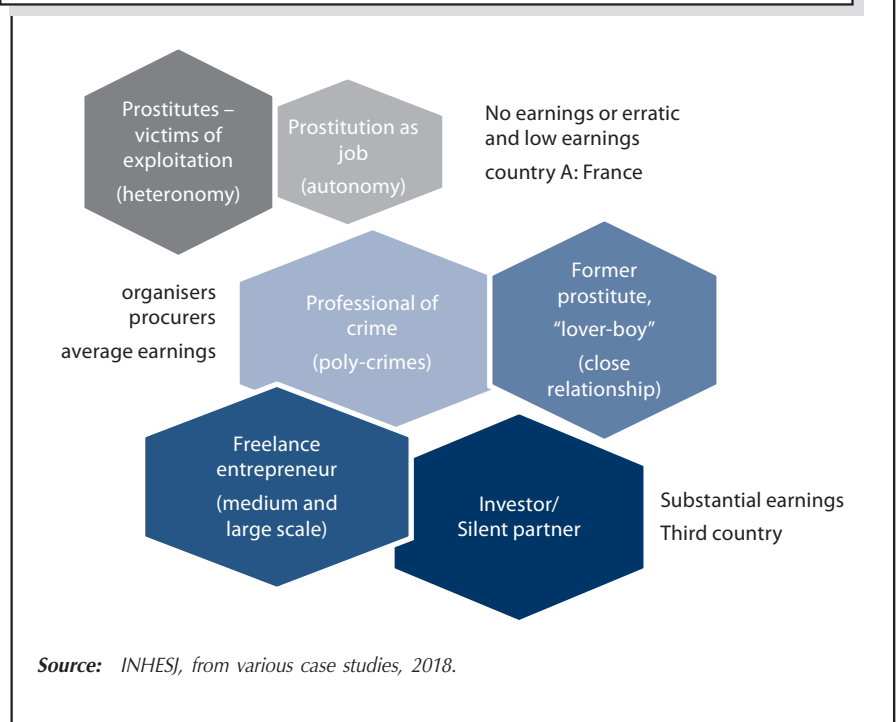
Pricing for sexual relations ranges from €100 for a half hour to €150 an hour. Victims give back on average of 40% of their earnings to the person who facilitated the logistics (apartment rent, appointment making) for their sex tour and can make from €3,000 to €5,000 a month.

Different intermediaries intervene in every stage of exploiting women (see Figure 2): recruiters, multiple facilitators, website developers, advertising managers, travel agencies, hotels, restaurants, “canvassers” who manage the locations on the sidewalk, bouncers in charge of protecting the girls, and sometimes, “solicitors” (bar owners, hotel concierges,

⁵ The case of Louis Vuitton© goods is particularly illustrative.

taxi drivers, etc.). Faced with such a complex structure, it is generally difficult to find those who are responsible. Thanks to cell phones and the internet, procurers can manage their business away from the field of operations, without the risk of being caught.

FIGURE 2. THE ACTORS OF HUMAN TRAFFICKING AND EARNINGS



3.5. Earnings and their use

Regarding the earnings distribution, it has already been said that this is a kind of contract between two parties and that the terms of this contract are unequal and differ depending on the origin of the victims. A case under investigations in 2018 by the OCRTEH shows that the professionals responsible for the safety of the young victims receive a wage of €1,000 monthly (approximately 3 times the average wage in the home country) with a sum of €300 for food. The earnings of a prostitute in this kind of network are €500 to €800 per day (FR-E3).

Primarily, earnings are used to buy or improve housing in the home country and then to acquire property for rent in order to profit when the activity is over. The large networks from eastern Europe also invest their money in hotels, bars, or even in night clubs that will be used to hire further victims. As a result, only large networks are investigated for their assets because no answer is given by the African countries, and because of the lack of cooperation with China. In Roma networks, the money is spent buying vehicles, gambling and paying for parties (FR-E4). Earnings obtained by the *banlieues* networks are as a rule immediately spent in a conspicuous consumption manner.

4. THE ROLE AND IMPACT OF THE INTERNET ON HUMAN TRAFFICKING ACTIVITIES AND FINANCES

In 2015, 78% of people residing in France used the internet in the preceding three months, compared with only 56% in 2007 (Institut national des statistiques et des études économiques, 2017). The accelerated development of mobile internet accompanies these evolutions. Almost all prostitution markets presented above have an online component. The internet inevitably affects the contours and practices of human trafficking. Supply and demand of sexual services are prone to use internet to develop their activities. Most of the websites are hosted abroad which makes it difficult for the law enforcement to initiate investigations. Networks use websites based in third countries, or common advertising sites such as Vivastreet, Wannonce or Coco. The encounters take place in accommodations rented through Airbnb.

From the point of view of law enforcement, the internet has both advantages and disadvantages – it is easy to use for illegal purposes (e.g. organise the transactions, settle payments and transfer the money abroad for the purpose of laundering), but at the same time, it leaves traces that can help the investigation.

Prostitution exclusively organised via escorting websites is essentially dominated by procuring networks from ex-USSR countries (Russia, Ukraine). The ads are put out on specialised websites and the sexual activity takes place either in luxury hotels or in apartments rented for short periods of time. It is usually a sex tour type of prostitution offer, with victims staying for a couple days in a city before leaving for somewhere else in France or to another country. Escorting agencies manage the appointment making after the publication of the advertisements, telephone operators being systematically accommodated outside the EU (FR-E9). Prostitutes move around the entire territory, mostly in big urban centres (Paris, Marseille) but also in resorts (Cannes, Courchevel).

Procurers settled in eastern Europe (Russia and Ukraine, mostly) take 50% of the total benefit of each sexual encounter. An escort girl earns between €600 (places other than Paris) and €1,000 (Paris) a day. Rates for sexual relations range from €100 for 30 minutes to €1,500 for the whole night. The web is very useful in an underground milieu, with the ability to pay the services using internet banking (there have been no recorded instances of bitcoin use).

5. FINANCIAL INVESTIGATIONS OF THB CRIMES: CHALLENGES AND GOOD PRACTICES

The main drive of sexual exploitation criminal groups is the search for maximum profit. Increasing profits are generated by this criminal activity throughout the European territory and are reinvested in the countries from which these networks originate. To combat this, within the framework of the Europol strategic orientation plan EMPACT, a sub-project is dedicated to financial investigations and the seizure of criminal assets in the human trafficking field in order to identify money circuits proceeding from sexual exploitation and to strengthen the cooperation on cross-border assets confiscation. The financial analysis of Europol estimates that the annual profits linked to human trafficking amount to €1.8 billion, and evaluates the revenue of a sexually exploited victim to amount to around €9,500 per month (FR-E1).

At the national level, seizure of criminal assets has become a full-blown inquiry line in investigations. To fight as efficiently as possible the criminal financial flux tied to sexual exploitation, the investigators attempt to identify the net profit made by networks and the methods of reinvestment of this money abroad. The assessment figures depend on the number of exploited victims, which can change from one network type to another, and the prices of the sexual services charged, which directly depend on the format of the prostitution offer (street prostitution has the lowest prices of the market, compared to those charged by internet prostitution). The durability of the network is another determining factor in the global consideration of generated revenue.

Once the criminal income is estimated, it becomes easier to grasp the network in terms of its assets, thus allowing to direct investigations towards money laundering schemes abroad. At this stage in the inquiries, international bilateral cooperation is a determining factor for the investigation, the aim being to identify the goods acquired by the procurers in their home countries in order to proceed to their definitive seizure.

In sexual exploitation networks there is a clear propensity towards reinvestment of criminal revenue in real estate in the country of origin, as well as in the purchase of luxury consumer goods (designer purses and jewellery). The mobilisation of specialised investigating services has allowed for better knowledge of the profits generated and the financial circuits used by trafficking criminal organisations. The OCRTEH has recorded an increase of more than 300% of criminal assets seizures in 2016 compared to 2015, which amounts to €1,275,000 (FR-E3).

The designation “financial approach to human trafficking investigation” is not entirely new (cf. Cacho, 2012, p. 200). This approach can fundamentally be understood as **an approach that apprehends and governs the human trafficking phenomenon from a strictly financial point of view**. The financial approach is thus firstly based

on the assumption that the human trafficking phenomenon pertains to a dynamic that is eminently profit driven. This proposition is indeed confirmed with respect to trafficking victims, as studies have shown that it is essentially socio-economic precariousness that pushes individuals to submit themselves to various exploitation systems (economic or sexual). The proposition is even more valid when it comes to the traffickers: indeed, it is strictly the benefit linked to the trafficking activity that justifies its exercise – the expression “high profit and low risk” used concerning the phenomenon is extremely revealing in this regard.⁶ Thus, the financial approach is one which **offers a way to act against this phenomenon through measures of a financial nature.**⁷

We will first examine **the perception of the financial approach to investigating human trafficking**, taking into account that its effectiveness eminently depends on objective knowledge. Then, we will question **the experience of the financial approach** concerning trafficking, taking note that the financial measures in the fight against human trafficking meet with evident difficulties of application, which raise questions on how to improve public policies in this field.

5.1. A relative lack of knowledge of the financial approach

The financial approach initially suffered from a sort of rejection, mostly because of lack of knowledge about its nature among law enforcement officials. (FR-E11). Doubtless, this lack of knowledge stems from the way its transposition into national law was carried out, which complicated the comprehension of concerned measures. To start with, we can emphasise that the measures constituting the financial approach (tracing, identification, freezing, seizures, confiscations, money laundering sanctions for capital accumulated by human trafficking) are found in texts of various levels – international,⁸ European,⁹ and national – which form in many ways a wide kaleidoscope. Even though it is not rare for an infraction to be governed by texts of various origins, the fact remains that this does not help with the intelligibility of the law or the unification of the measures in question: not only do the texts overlap only to some extent, but one also

⁶ It is in fact this financial parameter which allows to distinguish between human trafficking and migrant trafficking, as soon as human trafficking generates – by the exploitation of its victims – a permanent revenue to the trafficker, whereas when it comes to migrant traffic, the profit made is one-off, considering that the link between the migrant and trafficker ceases as soon as the border is crossed. On the question of profits, see Belser, 2005.

⁷ This option is justified by the fact that traffickers are sensitive to those patrimonial sanctions, more than to incarceration: as soon as it is possible for them to financially benefit from the traffic (during and especially after the incarceration period), the prison is thus perceived as a calculated and accepted risk.

⁸ The 2003 additional Protocol to the UN Convention against transnational organized crime, and the UN Convention itself of which its dispositions are applied *mutatis mutandis* to the Protocol.

⁹ See the 2005 Council of Europe Warsaw Convention, the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism, and the EU Council's Framework Decision 2002/629/JAI, Directive 2011/36/EU of the European Parliament and Council of April 5th, 2011.

needs to take into account the ratifications and transpositions of various chronology by the states,¹⁰ besides the possibility they have of expressing reservations, which in the end leads to the impression of a rather complex regulatory framework. The frequent use of references to other legal acts in terms of financial measures makes it even more complex, as one can notice by reading the 2003 additional protocol to the United Nations Convention against Transnational Organised Crime,¹¹ or even the 2005 Warsaw Convention.¹² If the concept of referring one legal act to another is obviously not questionable or problematic in law, nevertheless the effect achieved by this type of legal construction in “two steps” can be doubly negative. On one hand, this cross-reference between documents *de facto* leads to an even bigger splitting up of texts relative to the financial approach to human trafficking, which makes it harder for its actors to master intellectually and therefore weakens its application. Furthermore, a sort of unconscious disregarding of the referred text and the measures contained in it from the actors is to be feared, as though the financial measures figuring in the referred texts were only secondary and thus, less effective (see Dandurand, 2012, p. 220).

The relative lack of knowledge of the financial approach by the actors of the fight against trafficking can also be explained by deficiencies in the received training. The phenomenon is not new: we know that the necessity of raising actors’ awareness (police, judiciary) on the general question of human trafficking was ignored for a long time, until the reality of this phenomenon and the proportion it had taken forced its taking into account and justified the implementation of mandatory training seminars, both in police-gendarmerie schools as well as those training future magistrates. Today, however, if one wishes that financial measures be deployed by the very same actors, it is necessary to perfect their human trafficking expertise, but also develop in them a strong “financial culture.” Yet, in practice, one finds regrettable the default of those teams who enjoy this double trafficking-and-finances specialty.¹³ It has indeed been observed that, according to the signatory states, specialised anti-trafficking teams exist to fight against the phenomenon – but they lack financial expertise and often exclusively focus themselves only on the trafficking infraction and neglect the financial infractions (money laundering) and measures (freezing, seizures, and confiscations) that are tied to it.

¹⁰ See European Commission Memo/13/1005 of November 20th, 2013.

¹¹ If the 2003 Protocol added to the UN Convention against Transnational Organised Crime indicates in its introduction that an effective action aiming to prevent and fight against human trafficking necessitates a “global” and international approach, it does not however contain any disposition relative to the financial approach, it is only because of the general dispositions that the Protocol proceeds to a referral, indicating that it “completes the UN Convention,” whose dispositions are “applied *mutatis mutandis* to the Protocol, unless stated otherwise” and do concern financial measures.

¹² See article 23-3 Paragraph 3 of the Warsaw Convention, though it does not directly mention the infraction question of money laundering: it is the 141 Convention of 1990 that applies by its article 6 which provides for the obligation of all parties to incriminate laundering.

¹³ The statement is general: there are few teams that have a double specialisation. The French Border Guard has created in 2011 a specialised unit for tracing, seizure, and confiscation of criminal assets. The amount of the seized assets in 2011 went up to €1.66 million, or 8 times more than in 2010, which seems to show the effectiveness of the new measures.

These observations highlight the necessity of promoting a more comprehensive training to the actors of the fight against human trafficking in general but also more particularly in terms of financial means. The necessary multidisciplinary approach implied by the financial approach of human trafficking does not only work through the training of various actors but also through their cooperation.¹⁴ This implies the creation of new mixed specialised teams of investigators and magistrates – financial and trafficking section – at the level of the financial investigation, and the recruitment of more financial specialists in the judiciary, at both the public prosecutor's department and examining magistrate levels, in order to implement the whole of the preventive and repressive measures of financial nature (FR-E12).

5.2. Recent advances

The most recent institutional developments with regard to tackling the proceeds of crime in France include the establishment of several important institutions. In chronological order of appearance these include:

- The establishment in 2004 by Europol of the CARIN network (Camden Asset Recovery Interagency Network)¹⁵ as an informal network of practitioners and experts with the specific objective of improving mutual knowledge of methods and techniques – including in the domain of transnational cooperation – in terms of identification, freezing, seizures, and confiscation of the proceeds of crime.
- In 2005, the Criminal Assets Identification Platform (PIAC) was established in France – a police unit¹⁶ responsible for the identification of criminal assets, including those deriving from human trafficking, which serves as a tool at the disposal of investigators and magistrates and which has the power to lead financial and patrimonial investigations under the supervision of a legal authority.
- In 2010, the French Agency for Managing and Recovering of Seized and Confiscated Assets (AGRASC) was established, with the aim to manage all seized and confiscated goods, as well as ensuring the priority compensation of civil parties' from the confiscated assets.

AGRASC has become the Bureau of Assets Recovery and has been increasingly active¹⁷ – proof of the financial approach's dynamism in terms of human trafficking and more generally activities stemming from organised crime. In France today, the institutional network is thus very tightly knit with these three institutions¹⁸ that allow, among other things,

¹⁴ The ineffectiveness of the cooperation between the different actors in the fight against THB needs to be underlined. In some cases, a money laundering investigation can be opened in parallel with a trafficking one, but the outcome is uncertain because of the lack of cooperation between the competent institutions.

¹⁵ The aim of CARIN is to increase the effectiveness of members' efforts, on a multi-agency basis, in depriving criminals of their illicit profits. It also serves as an expertise center that promotes good practices and provides recommendations to various institutions such as the European Commission and the European Council.

¹⁶ It is multidisciplinary: police, gendarmerie, civil servants from various departments (taxes, tariffs).

¹⁷ See AGRASC's 2012 annual report.

¹⁸ See also the STAR initiative, the Egmont group, etc.

to facilitate and make progress in the implementation of the financial approach in terms of human trafficking from start to finish: from the financial investigation which allows criminal assets to be located and monitored (via CARIN and the PIAC), up until their final management-sharing-distribution, or their restitution (via AGRASC) (FR-E17).

5.3. Actual practice of the financial approach when dealing with human trafficking

If the perception of the financial approach with regard to the fight against human trafficking seems to have evolved in a positive way, its practice remains nevertheless fairly problematic. Yet, this means a discrepancy between theoretical issues and practical immaturity. If the practice of financial measures is relatively defective, a significant part of these difficulties seem to be inherent in the phenomenon of human trafficking itself, that is to say to its conspiracy, which is employed by the traffickers in order to disrupt those financial measures and/or to make them less effective. This statement can be verified through two elements that constitute singular features of human trafficking compared to other criminal infractions and thus hinder the practice of financial combat measures: the attitude and route of trafficking victims, on the one hand, and the important share of cash payments resulting from the trafficking, on the other hand.

When it comes to the victims, the necessity of their participation in the fight against trafficking, including financial investigations, should be emphasised, in particular as regards the denunciation of the crime through the filing of complaints or giving information to authorities on the network or the use and destination of the funds generated by the activity of exploitation (FR-E15). These measures are essential to start an investigation and for its advancement, and they are based on the collaboration of victims. Yet, especially when it comes to trafficking, most of the victims are passive or even accomplices, thus decreasing the effectiveness from the potential implementation of financial measures. To understand this passivity or complicity, one needs to be reminded that the victims of trafficking are often constrained by a “passage debt”¹⁹ (linked to the crossings of international borders, especially in the case of Asian and sub-Saharan countries), contracted at the beginning of the travel and that will be at the start of their retention in a situation of exploitation (sexual or economic). This debt – which should in theory be paid back gradually over time, by imputation of sums resulting from the forced work imposed on victims – is very often a bottomless pit since the victim in question would be systematically extorted by the network, to the point where the debt would be maintained – or even increased (Poulin, 2003) – leaving the victim without any solution. From then, the day-to-day condition is one of silent suffering and the only way out of this lifelong imprisonment resides in the victim’s capacity to climb the ladder of the criminal organisation, until she starts exploiting

¹⁹ The passage debt ranges from €5,000 to €50,000. Prostitution is a way to repay this debt rapidly, since the passage cost is relative to the difficulty of crossing the borders. The higher the debt, the longer the prostitution work has to be to pay it back.

other victims. This form of progression is well known in the prostitution sphere, where prostitutes sometimes become procurers, or pimps, and buy back their freedom by recruiting other prostitutes (FR-E18). Thus former victims become in turn the new victims' creditors (Simoni, 2010). These characteristics of the victims explain why financial measures are difficult to put in place: as long as the victims are either inert (by weakness) or become accomplice to the trafficking (by necessity), it becomes useless to wait for their filing of a complaint against their traffickers and participate in exposing the reality of the trafficking or tracking the amount of money generated by this activity, in view of their freezing, confiscation and the blocking of a money laundering operation.

5.4. The recurring issue of international cooperation

Human trafficking also occurs on a transnational dimension, which increases the difficulties for the implementation of tools to identify money laundering schemes, since the cooperation between states becomes an indispensable element in the process of fighting this type of crime.²⁰ One of the main issues is the relation between the state where THB occurs, called the "claimant" state, which initiates judicial proceedings with the aim of freezing, seizure and confiscation, and another, called the "requisitioned" state, in charge of executing the rogatory measures of seizure and confiscation initiated by the claimant state, since in practice criminal assets are identified abroad. This common approach of traffickers seeks to complicate states' repressive actions and preserve their proceeds from confiscation. The difficulties in cooperation still remain a main source of inefficiency: it is a source of paralysis of penal and financial measures against THB (FR-E11).

This can be explained by the complex dimension of cooperation, independent of the context in which it happens: the divergences between Roman judicial traditions and the common law jurisdictions, the dualist or monist conception in terms of incorporation of international law within national law, as well as the linguistic barriers are all recurring obstacles to cooperation. But when this cooperation is carried out with a view to seize or confiscate criminal assets, specific difficulties add on to those already mentioned.²¹ Indeed, beyond the lack of strategic framework for cooperative actions in this matter,²² the main obstacle is obviously based on the eclecticism of seizure/confiscation regimes in different states – some of them applying a system based on "goods" which allows to seize/confiscate goods deemed to be the product or instrument of the crime, others working with a system based on "value" that allows to determine the value of the product or instrument of the crime and to seize/confiscate the equivalent value from the trafficker.

²⁰ See on this theme, Lavaud-Legendre, B., "La coopération répressive en matière de traite des êtres humains-du droit à sa mise en œuvre", *Cahiers de la sécurité et de la justice*, n° 29, Octobre 2014.

²¹ On the difficulties see chapters VI and VIII of UNODC, 2013.

²² See Ministry of Foreign Affairs, Report "Strategic Evaluation of cooperative actions in the fight against human trafficking" October 2013.

Still others apply cumulatively the two aforementioned systems, which sometimes leads to a telescoping of the claimant state's demands with the working regulations of the requisitioned state, thus risking to render the cooperation entirely ineffective. In the same perspective, one also needs to underline the lack of exact correspondence in the regulations of states called upon to cooperation when it comes to offences leading to confiscations, or their specific definition as regards the necessity of the delinquent's preliminary indictment, pertaining to the rule of required proof, or even when it comes to the conditions in which third parties' goods can be confiscated. Besides, in implementing legal cooperation procedures for seizure and confiscation it cannot be ignored that it remains under the condition of an extremely formal procedure,²³ imposed time frames, as well as required information, which does not facilitate its implementation and partly explains the rather disappointing results of the financial investigations as a tool for fighting THB (FR-E3).

Despite these weaknesses, the increasingly active participation of EU agencies opens new perspectives of cooperation. At the European level, the creation of joint investigation teams²⁴ is a progress not only for the financial investigation but also for the transnational police and legal cooperation. This also underlines the reality of the association between Europol and Eurojust to transnational affairs of human trafficking, and the increasing success that results from it.²⁵ The other interesting initiative is seen at the level of the implementation of measures of freezing, seizure and confiscation – it involves the implementation of a mechanism aiming to facilitate demands of legal mutual aid in that matter. With China and Nigeria, the international cooperation faces some obstacles, but there is progress due to direct interpersonal contacts (FR-E4).

European institutions are crucial to strengthen the fight against THB networks – Eurojust for the establishment of JITs, and Europol for the exchange of operational intelligence. In the meantime, bilateral cooperation with some countries remains an ordinary tool (FR-E11). Romania is a key partner in bilateral police cooperation because of the return issues in terms of internal security. Operational exchanges are widely implemented, as currently illustrated by the detachment of 14 Romanian police officers in the French police and gendarmerie services (which is reinforced during the Christmas holidays), as well as the detachment of three French liaison officers of the Central Directorate of Border Police on border crossing points (air, land, sea) in the context of Romania's accession to the Schengen area (FR-E17).

In criminal matters, France and China are bound by the Franco-Chinese agreement on mutual legal assistance in criminal matters, signed in Paris on April 18, 2005 and in force since September 20, 2007. The predictable

²³ LOI n° 2010-768 du 9 juillet 2010 " visant à faciliter la saisie et la confiscation en matière pénale ", JORF n°0158 du 10 juillet 2010. Chapitre III : dispositions de coordination, relatives à la coopération internationale et à l'outre-mer.

²⁴ Framework Decision 2002/465/JHA (13/06/2002), as well as Créatin, 2000, Coz, 2008, and Samuel Vuelta Simon, "L'entraide judiciaire internationale," *Revue de science criminelle et de droit pénal comparé*, n°2, avril/juin 2007.

²⁵ See the conclusions of the Eurojust 2012 Report, p. 27, and – as regards France – GRETA, 2012.

development of population flows and the concomitant phenomenon of organised crime (procuring) are all indications of an expected improvement of the relations between the two countries, thereby developing of judicial proceedings in a clearer framework and in accordance with French requirements.

Through 23 measures adopted between 2014 and 2016, Nigeria committed to implementing a policy of repression by making the fight against human trafficking a top priority. The measures include increasing funds for prevention of prostitution, which is provided for by the law aimed at strengthening the fight against the prostitution system. Although the implementation of the 23 measures of the plan is still partial, it seems that Nigeria tends to open up to an international policy against human trafficking with the obvious aim of curbing this crime.

The link between the financial approach and compensation can also be made more explicit. Victim compensation²⁶ is part of the objectives pursued by many international organisations (FR-E15), such as the European Court of Human Rights, the International Criminal Court, and UN Women.²⁷ The promotion of compensation for victims could motivate them to cooperate. The opportunity to develop special funds in that sense could be productive in terms of (public) response. The funds could be supplied by the repayment of fines imposed on traffickers, as well as by the confiscation of criminal assets. The multiplying of criminal assets seizure and confiscation could thus contribute to facilitating financial compensation for the victims of human trafficking.

²⁶ On this issue, see chapter 8 of UNODC, 2009, in particular, item 8.12.

²⁷ Thus, section 6-6 of the UN Convention provides that “each State Party shall ensure that its legal system measures provides the victims of HT an opportunity to obtain compensation for the harm suffered”, that s. 15-3 of the Council of Europe Convention provides that “each Party shall provide in its domestic law the right of victims to be compensated by offenders”; Directive 2011/36/EU enshrines its art. 17 on compensation to victims, providing that “Member States shall ensure that victims of trafficking in human beings have access to the existing schemes for compensation to victims of violent intentional crime”.

LIST OF ABBREVIATIONS

AGRASC	Managing and Recovering of Seized and Confiscated Assets Agency
BPM	Minors Protection Brigade, Paris Police Prefecture
BRP	Brigade Fighting Procuring, Paris Police Prefecture
DCPJ	Central Directorate of Judicial Police
GIR	Regional Response Group
GRETA	Group of Experts on Action against Trafficking in Human Beings, Council of Europe
INHESJ	Institut National des Hautes Etudes de la Sécurité et de la Justice, France
JIRS	Specialised interregional courts fighting organised crime, Ministry of Justice
MoI	Ministry of Interior
MoJ	Ministry of Justice
NGO	non-governmental organisation
OCRTEH	Central Office for Combatting Human Trafficking
PIAC	Criminal Assets Identification Platform
SEC	Supreme Eiyé Confraternity, Nigeria
SIRASCO	The Intelligence and Strategic Intelligence Information Service on Organised Crime, Central Directorate of Judicial Police
THB	trafficking in human beings
UNODC	United Nations Office on Drugs and Crime

LIST OF INTERVIEWEES

Respondent code	Position/Department	Institution/Role
FR-E1	Head (commissioner)	SIRASCO, DCPJ, Collecting the data necessary to the analysis of the organized crime groups' activities from the French administrations
FR-E2	Head (commissioner)	Central Office against Organised Crime, DCPJ, Specialised Office
FR-E3	Head (commissioner)	OCRTEH, DCPJ, Specialised Office
FR-E4	Police officer, Deputy Head	OCRTEH, DCPJ, Specialised Office
FR-E5	Head (commissioner)	Minors Protection Brigade, Paris Police Prefecture
FR-E6	Police officer	Chief of the operational section Minors Protection Brigade, Paris Police Prefecture
FR-E7	Head (commissioner)	Regional Response Group, Paris Police Prefecture
FR-E8	Deputy head	Regional Response Group, Paris Police Prefecture
FR-E9	Head (commissioner)	Brigade Fighting Procuring, Paris Police Prefecture
FR-E10	Deputy Head (police officer)	Brigade Fighting Procuring, Paris Police Prefecture
FR-E11	Magistrate	Head of the Investigation Division, Court of Appeal of Paris
FR-E12	Magistrate	Specialised Interregional Jurisdiction, Criminal court of Marseille
FR-E13	Sociologist	Consultant
FR-E14	Research fellow (Law)	Centre for Comparative Labour and Social Security Law, a joint research unit operated by the University of Bordeaux and the National Centre for Scientific Research (CNRS – is a public organisation under the responsibility of the French Ministry of Education and Research)
FR-E15	Coordinator	Association "Together against trafficking in human beings," Caritas France (Secours Catholique)
FR-E16	Research Fellow, Demographer	National Observatory on Crime and Criminal Justice
FR-E17	Deputy head (commissioner)	Sub-directorate fighting organised crime and financial crime, DCPJ
FR-E18	Head	Documentation Centre, OCRTEH, DCPJ, Specialised Office.

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