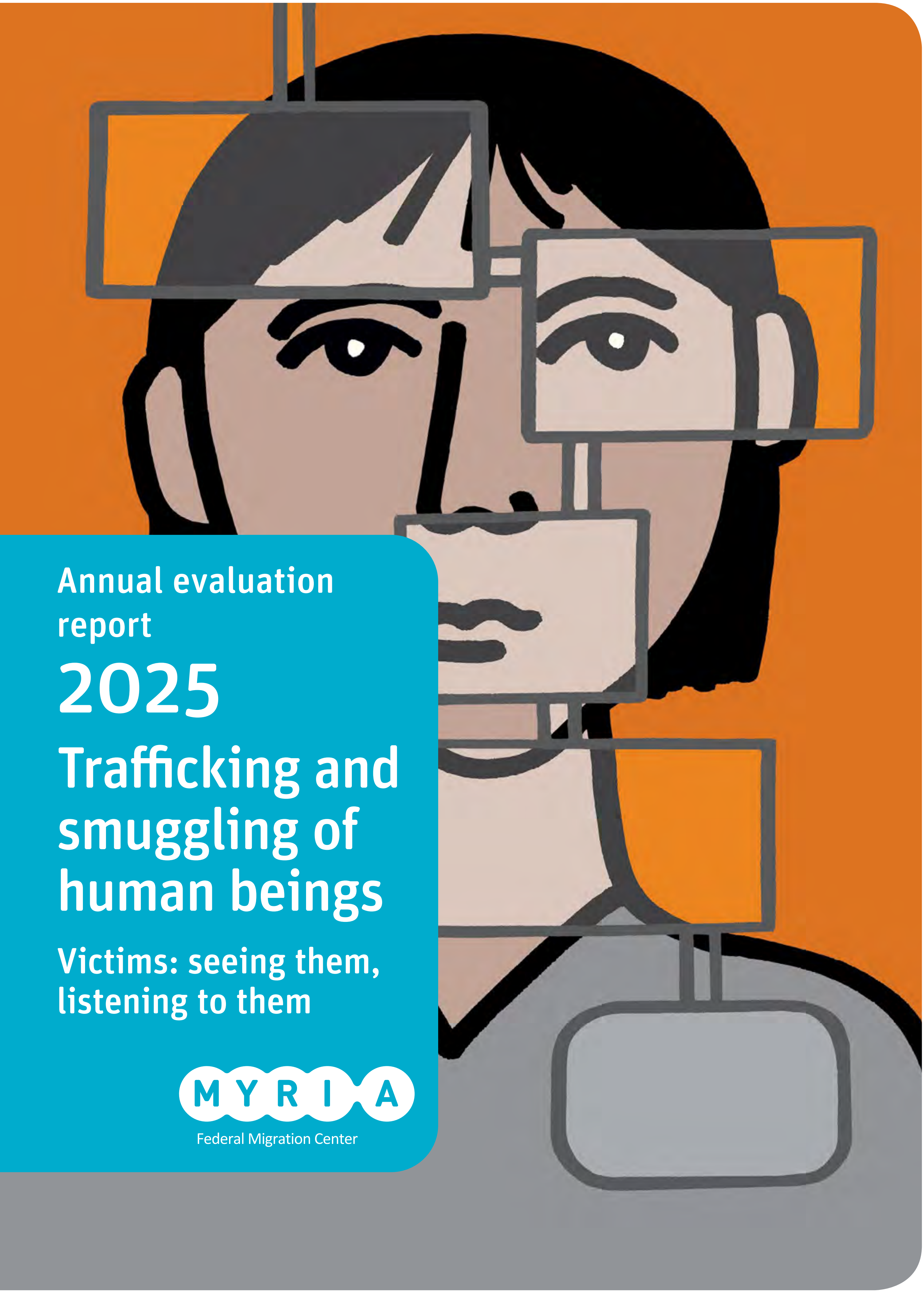

Annual evaluation report

2025

Trafficking and smuggling of human beings

Victims: seeing them, listening to them

MYRIA

Federal Migration Center

Annual evaluation report

2025

Trafficking and smuggling of human beings

Victims: seeing them, listening to them

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Foreword

"Victims: seeing them, listening to them" is the title of the 2025 annual report by Myria, the independent rapporteur on trafficking in human beings. By focusing on the vulnerability of victims, Myria aims to address the topicality and urgency of this issue at the present time.

The federal coalition agreement gives victims a central place in the judicial system. Although the chapter on justice mentions victims of trafficking in human beings at the end, it emphasises that enhanced cooperation with the authorities and partner organisations helps ensure that victims are identified, taken into care and supported, and that perpetrators are arrested and convicted.

In his speech at the formal opening of the Brussels Court of Appeal on 1 September, Prosecutor General Frédéric Van Leeuw also focused on victims and explained in detail how our law deals with them. He gave numerous examples illustrating how political discourse attempts to exploit this approach. This prompted the Prosecutor General to recall the essential and necessary development that makes Article 3*bis* of the Preliminary Title of the Code of Criminal Procedure a cornerstone of criminal policy. This article stipulates that victims of crime and their relatives must be treated correctly and conscientiously, in particular by providing them with the necessary information and, where appropriate, by putting them in contact with specialist services, including legal assistants.

Similarly, in the conclusions of the conference 'Traite des êtres humains, 30 ans de lutte, un futur à écrire' (Trafficking in human beings, 30 Years of Struggle, a Future to be Written), held on 20 October at the Egmont Palace in Brussels, Minister of State Johan Vande Lanotte immediately drew attention to the sometimes excessive expectations placed on victims of trafficking when they are expected to make statements and place their trust in the justice system and the 'system'. In his view, it is essential to take a serious look at the actual benefits that these victims can derive from this system.

However, with this newfound focus on victims, there is a real risk that they will primarily serve as entry points into underground chaos. The judiciary therefore relies on them, and everything must be done to ensure that victims can rely on it.

Working with victims of trafficking in human beings is an extremely demanding task. Language and cultural barriers, perceptions of time and reality, context, and what is standard practice and acceptable are all specific challenges. The problem is often compounded by substance dependence on the part of victims, fear of reprisals and repeated breaches of trust. Of course, every victim is different. Moreover, we must not overlook the importance of agency, intelligence and resilience.

Criminal judges seek material truth, but in doing so, they sometimes encounter statements from witnesses and victims that, at first glance, give contradictory versions of events.

In this annual report, Myria highlights the psychological vulnerabilities of victims and how their care and support can best respond to these vulnerabilities, so that they can be seen and listened to, in order to bring the facts to light and ensure that there is better understanding for what they have been through. Situations can also deteriorate – and unfortunately, this is often the case – when victims have to keep playing the role of victims, having to re-live what they are trying to forget, or what others are trying to rescue them from.

This is the first time that Myria has examined and analysed this issue in such depth.

Another new feature of this annual report is that the chapter on data also includes figures on the vulnerable group of (presumed) minor victims of trafficking in and/or smuggling of human beings that have been taken in by Esperanto and Meza. According to estimates, at least one-third of victims of trafficking in human beings worldwide are minors. As regards smuggling of human beings, there has also been an overall increase in the number of (unaccompanied) minor victims. Additional information on the number and characteristics of identified (presumed) minor victims can help us understand their needs when they are taken in, and what support they need, and to what extent the currently available reception and support capacities meet these needs.

More generally, reliable figures provide a better understanding of the nature of the phenomena and, consequently, inform policy and enable targeted enforcement and preventive measures. However, Myria faces significant limitations, in particular a lack of harmonised data, which means it lacks a complete overview of the criminal phenomena in question. Furthermore, in recent years, Myria has found it increasingly difficult to report clearly on the data collected, in particular due to inaccuracies and incompleteness in the data received. Myria regrets this decline in data quality, but also notes the willingness of the actors concerned to resolve ambiguities and, where possible, remedy the inaccuracies identified.

I invite readers to carefully take note of the recommendations made by Myria and to contribute, in their own way, to the mission and commitment of identifying, listening to, taking into account, preserving, protecting and compensating victims.

I sincerely hope you find this report stimulating reading.

Koen Dewulf
Director

Part 1

Focus: Psychological vulnerabilities of victims of trafficking

Introduction

For the focus of this report, Myria decided to address the psychological vulnerabilities of victims of trafficking and how different actors take these into account to help reduce or prevent secondary victimisation[1].

Secondary victimisation is when a victim suffers additional harm that is not a direct consequence of the crime, but rather the result of the reaction of the institutions and individuals in contact with them. Secondary victimisation includes "negative consequences for victims that may result from victims' participation in criminal proceedings, including victims' exposure to contacts with their perpetrators, judicial authorities and/or the general public"[2].

After explaining the reasons for this decision and the sources consulted, Myria addresses the following points in turn: the psychological vulnerabilities of victims of trafficking (Chapter 1); the victim-centred approach before and during the criminal investigation (Chapter 2); support for victims by specialised reception centres for victimes of traffcking in human beings (chapter 3); taking into account victims' vulnerabilities by the judge (chapter 4). In conclusion, Myria summarises some of the good practices and makes recommendations.

This focus is enhanced by an external contribution from *Victim Support Europe* (VSE)[3]. This contribution sheds light on the specific needs of victims of trafficking in human beings and the impact of trauma on them, with a particular focus on victims of economic exploitation, and identifies certain good practices.

The choice of theme for this focus is based on several observations: both specialised reception centres and the analysis of case law and cases in which Myria filed a civil suit highlight **significant psychological vulnerabilities among victims of trafficking**. On top of this is a collective desire to pay **(increasing) attention to preventing secondary victimisation**, in particular in the context of the recovery process of victims. This intention is explicitly illustrated in the latest 'mercuriale' by the Prosecutor General at the Brussels Court of Appeal, Frédéric Van Leeuw, who emphasises the importance of aspects of secondary victimisation for victims[4]. Having addressed this issue in a previous annual report on victims' rights to legal aid and protection[5], Myria now wishes to explore the question in more depth, focusing on the psychological aspects in the light of the current context.

1 See Article 18 of Directive 2012/29/EU on victims' rights and Article 12.4 of Directive 2024/1712 of the European Parliament and of the Council of 13 June 2024 amending Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims, *OJ* L, 24 June 2024.

2 *Victim Support Europe*, COVIS Handbook of Best Practice for Court-based Support, *Practical Guidelines and Recommendations*, 2024.

3 *Victim Support Europe* (VSE) is the leading European umbrella organisation representing the interests of all victims of crime, regardless of the type of crime or victim.

4 The Mercuriale, dated 1 September 2025, is available on the website of the Public Prosecutor's Office: Mercuriales | Ministère public.

5 See Myria, *2019 Annual Report Trafficking and Smuggling of Human Beings, Empowering Victims*, pp. 19 et seq.

However, this focus does not address aspects related to long-term psychological follow-up[6]. Furthermore, due to time and format constraints, this report does **not** claim to be **exhaustive**. For these practical reasons, it does not cover, for example, the specific issue of support for minor victims, as this topic requires a separate focus.

In order to provide a broad overview of this issue, Myria spoke with various **stakeholders**, including specialised reception centres for victimes of trafficking in human beings, a doctor specialising in psychological trauma, the coordination of the TAM-section (Technique for the Audiovisual Interview of Minors) section of the Central Directorate of Technical and Scientific Police (DJT) of the Federal Judicial Police, and the EVA (Emergency Victim Assistance) unit of a Brussels police zone.

Other **sources** for this report include: case law received by Myria in recent years[7]; analysis of cases in which Myria filed a civil suit (which forms the starting point for this analysis); previous Myria annual reports; a review of the literature; various parliamentary documents[8]; and reports and data from various Belgian, European and international organisations.

The rights of victims of trafficking are set out in various European and Belgian legal instruments[9]. Myria refers to these instruments throughout thisfocus.

6 In order to respect the complexity of the psychological realities experienced by victims and to avoid encroaching on the field of mental health professionals, Myria avoids using clinical terms and employs the general term "psychological vulnerabilities".

7 The decisions analysed by Myria, along with their summaries, are available on the website: Case law | Myria.

8 See the Report of the Special Commission responsible for evaluating legislation and policy on the trafficking and smuggling of human beings12 June 2023, *Doc. Parl.*, Chamber, DOC 55 2530/002; Policy statement Justice, 13 March 2025, *Doc. Parl.*, Chamber, DOC 56 0767/017.

9 Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA, *OJ* L 315, 14 November 2012 (hereinafter referred to as 'Directive 2012/29/EU on victims' rights'); 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 its victims, and replacing Council Framework Decision 2002/629/JHA, OJ L 101, 15 April 2011 (hereinafter referred to as the 'Directive 2011/36/EU on trafficking in human beings'); Directive 2024/1712 of the European Parliament and of the Council of 13 June 2024 amending Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims, *OJ* L, 24 June 2024; Code of Criminal Procedure; Circular of 23 December 2016 on the implementation of multidisciplinary cooperation concerning victims of trafficking in human beings and/or certain aggravated forms of smuggling of human beings; Law of 15 December 1980 on the entry, stay, establishment and removal of foreign nationals.

Chapter 1
Psychological vulnerabilities of victims

Trafficking in human beings is a crime that can have serious consequences for the mental health of victims.

The **psychological repercussions of** trafficking in human beings, the **intensity of the trauma**[10] and the resulting **reactions vary from one victim to another**. These differences can be explained by a combination of individual factors, such as experiences or personality, and situational factors, such as social environment, cultural context or living conditions.

1. Causes and risk factors

The experience of **violence**, whether physical, sexual, verbal, psychological or institutional, is a relatively common denominator among victims of trafficking. Violence may be a result of exploitation, or may occur before or after it. In examining case law and cases related to trafficking in which it filed a civil suit, Myria notes the existence of various forms of violence perpetrated by the exploiter: forced abortion[11], forced marriage[12], rape[13] and even attempted murder[14].

Living or working conditions that are contrary to human dignity, restrictions on victims' freedom of movement, and various **forms of coercion** by perpetrators result in considerable stress and can be deeply traumatic experiences for victims.

10 "Trauma can be defined as a psychological and emotional response to an event or an experience that is deeply distressing or disturbing. It is often a life-changing event with negative, sometimes lifelong consequences." (S. Lamonaca, K. Vanhoutte, L. Linthout, L. De Schrijver, V. Clarke, R. Correia, & I. Keygnaert [2021], Good practice tool for police hearings with migrant, applicant for international protection, refugee (MAR), trafficked, and LGBT+ victims of sexual violence, Payoke & Ghent University: Belgium, p. 8).

11 For examples, see Myria, *2017 Annual Report Trafficking and Smuggling of Human Beings, Online*, p. 106: Crim. Court, Dutch-speaking, Brussels, 30 June 2016, ch. 46*bis*. See also Myria, *2018 Annual Report Trafficking and Smuggling of Human Beings Minors at Major Risk*, p. 130: Crim. Court, Dutch-speaking, Brussels, 31 May 2018, 60th ch.; Myria, *2019 Annual Report Trafficking and Smuggling of Human Beings*, p. 118: Brussels, 3 April 2019, 13th ch. See also the analysis of this case in the *2020 Annual Report Trafficking and Smuggling of Human Beings: Behind Closed Doors*, p. 59.

12 For examples, see Myria, *2020 Annual Report Trafficking and Smuggling of Human Beings* p. 79: Crim. Court, East Flanders, Oudenaarde division, 30 August 2019; Ghent, 28 February 2020, 10th ch.; See also Myria, *2015 Annual Report Trafficking and Smuggling of Human Beings, Tightening the Links*, p. 18: Crim. Court, Hainaut, Charleroi division, 13 October 2014, 10th ch.; Mons, 24 February 2015, 3rd ch.

13 See Myria, *2017 Annual Report Trafficking and Smuggling of Human Beings*, p. 100: Crim. Court, Dutch-speaking, Brussels, 28 March 2017, 60th ch. (final). See also the analysis of this case in the *2018 Annual Report Trafficking and Smuggling of Human Beings*, p. 87.

14 See Myria, *2024 Annual Report Trafficking and Smuggling of Human Beings, Latin American sex work: a high-risk carousel*, p. 112: Crim. Court, Limburg, Hasselt division, 17 July 2023, 17th ch. (in absentia). See also the analysis of the case on p. 91 of the same report.

In an old case concerning the economic exploitation of 23 women in a large Brussels hotel by a princess from the United Arab Emirates and seven of her daughters, who were also princesses[15], the court justified the sentence as follows (freely translated): "The defendants took advantage of their privileged status to exploit their staff (...) in conditions contrary to human dignity. These women who were employed by them had no freedom or privacy whatsoever. They were not allowed to leave the hotel (...) unaccompanied, meet people of their choice, or enjoy moments of freedom or rest. Their lives were reduced to their place of work and the whims of the princesses (...) to whom they were subject. They were not treated with the slightest human consideration. Such working conditions border on slavery. These individuals, the victims of such treatment, could reasonably have suffered both physical and psychological trauma. These allegations are particularly serious".

The onset of psychological vulnerabilities does not only result from **sexual exploitation**, but also affects victims of **economic exploitation**. According to interviews conducted with specialised reception centres, traumatic symptoms are particularly evident when the **physical integrity** of victims has been violated (in cases of rape, sexual assault, physical violence or bodily injury resulting from an accident at work) or when the exploitation has taken place over a **very long period of time**.

Victims' mistrust of the authorities also exacerbates their precarious situation. This may have been reinforced by false information spread by the exploiters, who may have suggested that the police are corrupt, violent or treat victims as perpetrators. Among victims of foreign origin, it may be linked to bad experiences in their country of origin.

Fear of reprisals by the exploiter against the victims or their families, or **debt bondage**, may also deter them from speaking out and cause stress that contributes to psychological trauma.

Cultural factors may play a role in the onset of psychological vulnerabilities among victims of trafficking. For example, in several Nigerian cases, victims were forced into prostitution or were afraid to make statements on account of threats made through **voodoo rituals**[16].

In a recent case of trafficking and smuggling of human beings[17] the victim had been recruited with the promise of a job as a saleswoman in Europe and had taken a voodoo oath. In Antwerp, she was forced to work as a prostitute in bars, a hotel and on the street, and had to pay off a debt. She was approached by someone who put her in touch with an organisation that helps victims of trafficking. When the defendant found out, she threatened the victim. The victim was sent a video containing insults and threats by telephone from a voodoo priest and relatives of the defendant in Nigeria. The victim stated that her family in Nigeria, her children and her sister had been threatened. They had been summoned to the voodoo shrine in Benin City because the victim had not repaid her debts in full.

15 See Myria, *2017 Annual Report Trafficking and Smuggling of Human Beings* , p. 122: Crim. Court, French-speaking, Brussels, 23 June 2017, 59th ch. (final).

16 For examples, see Myria, *2011 Annual Report Trafficking and Smuggling of Human Beings, The money that matters*, p. 17: Crim. Court, Tongeren, 3 May 2012, 9th ch. See also the analysis of the case on p. 90 of the report. This older case of trafficking and smuggling is particularly revealing of the psychological impact of voodoo practices. According to the police, the victim appeared to be in "considerable anxiety regarding the impact of the voodoo spells that had been cast on her". The report stated (freely translated): "She was very emotional and burst into tears several times. During the conversations, she admitted to working as a prostitute and added that she had not been forced into it. She stated that if she did not say anything, she could return to these 'men in the milieu' and say that she had not told the police anything, and then nothing would happen to her. She said she did not want to make a statement and that she had nothing to add to what we already knew. The victim said that she herself was a victim of voodoo practices and that she had nightmares. She also attributed her late menstruation to these voodoo practices. She said she was suffering from this type of anxiety and that she would only leave the detention centre to speak to an African priest, that she feared for her life and that she only felt safe in the detention centre.

17 See Myria, *2024 Annual Report Trafficking and Smuggling of Human Beings*, p. 98: Crim. Court, Antwerp, Antwerp division, 23 May 2023, ch. AC10, No. 1812; Antwerp, 14 December 2023, ch. C6.

In another case of trafficking and smuggling of human beings[18] the defendant had brought two young Nigerian girls to Belgium, one of whom was her own sister, on the pretext that they could work there as cleaners or nannies. In Nigeria, they had both been forced to take a voodoo oath. Once in Belgium, they had to work as window prostitutes to repay their travel debts, in Brussels and cafés in Antwerp. The defendant's sister was pressured by telephone calls from the voodoo priest. The victims were also threatened by the defendant and her associates during the investigation.

In addition to the exploitative situation itself, a **combination of risk factors** can lead to psychological vulnerabilities developing in victims of trafficking. These factors also impact **how they cope with their exploitation**. **Individual risk factors** include poverty, lack of education, homelessness, age-related vulnerability, substance use, and material, financial and/or emotional instability. **Psychosocial factors** include gender, language barriers, social isolation, emotional or economic dependence, and discrimination.[19]

For foreign victims of trafficking, their **migration journey**, often marked by physical assault, sexual violence or other types of violence, can also contribute to psychological vulnerabilities or traumatic effects.

Irregular **administrative status** can also contribute to victims' psychological vulnerabilities, limiting their access to housing, employment, social assistance and healthcare. Fear of their irregular residence status or the risk of deportation may deter them from reporting incidents or making statements.

In a case involving economic exploitation in the hospitality industry[20] workers believed they were working legally in Belgium with valid residence permits and work permits. They lived in appalling conditions above restaurants, worked seven days a week without holidays and were paid nothing, or only part of their wages, for their work. Wage promises were not kept, making them reluctant to confront their employer, for fear of losing both their residence permit and their wages.

18 See Myria, *2023 Annual Report Trafficking and Smuggling of Human Beings, A Chain of Responsibilities*, p. 96: Crim. Court, Antwerp, Antwerp division, 11 October 2022, ch. AC10 ; Antwerp, 9 March 2023, ch. C6.

19 L. Gonzalez & E. Hopper (2018), "A Comparison of Psychological Symptoms in Survivors of Sex and Labor Trafficking", in *Behavioral Medicine*, vol. 44(3), pp. 177-188.

20 See Myria, *2023 Annual Report Trafficking and Smuggling of Human Beings*, p. 115: Crim. Court, Dutch-speaking, Brussels, 22 June 2022, 25th ch. (objection); as well as the objection judgment below in Part 2, Chapter 3, point 2.3.2.: Crim. Court, Dutch-speaking, Brussels, 28 February 2024, 25th ch. (appeal).

2. Psychological effects and reactions of victims

Psychological vulnerabilities can take the form of various disorders[21], mainly **depression**, **anxiety**, **post-traumatic stress disorder** (PTSD)[22] or **substance dependence**.

In a case of sexual exploitation and smuggling[23], a young woman born in Nigeria had been forced into window prostitution in the Brussels Gare du Nord district. The defendant had demanded €45,000 for the trip and was putting pressure on her family by insisting on more than the initial amount. A certificate of care was issued by a psychologist, noting the post-traumatic stress experienced by the victim.

In a case of sexual exploitation involving the *loverboy* method, a minor victim reported the effects of her exploitation in her statement to the police, which states (freely translated): "(...) She often had infections and unpleasant odours, cried every day, felt weak and listless, and neglected herself.[24] A few days earlier, she was sitting by the canal, with suicidal thoughts."

In a recent case of sexual exploitation and smuggling[25], a Moroccan trans* victim was verbally threatened and physically attacked with a knife by the defendant when she refused to accept the working conditions. The victim had to go to the hospital for treatment. The expert report, commissioned by the investigating judge and cited in the judgment, mentions that the victim reported suffering from insomnia, anxiety, avoidance, flashbacks, panic attacks, and concentration and memory problems. It also mentions that the victim said she was taking antidepressants, sleeping pills, an anxiolytic, a nutritional supplement and using an inhaler. According to the report, the psychologist who treated her revealed that she was taking an antidepressant and an antipsychotic. The judge considered that, given the various injuries, their nature and location, and the specific circumstances in which they were inflicted, it could be assumed that she suffered from post-traumatic stress disorder.

Psychological vulnerabilities can manifest themselves in **behavioural changes** in victims, including feelings of anger, agitation, aggression, impulsiveness, being withdrawn, silent or hyper vigilant.[26]

Furthermore, these effects can manifest themselves in **self-perception**, generating **feelings of shame or guilt**[27], for example. The reaction of the victim's own family is also a major factor that can cause a renewed sense of victimisation. In many cultures, prostitution is considered shameful, even if the victims were forced or duped into it, or have experienced traumatic situations.

21 For examples, see Myria, *2016 Annual Report Trafficking and Smuggling of Human Beings*, p. 160 Crim. Court, West Flanders, Bruges division, 17 June 2015, 17th ch.; Myria, *2017 Annual Report Trafficking and Smuggling of Human Beings*, p. 19: Ghent, 29 June 2016, 3rd ch. (unpublished). See also the analysis of the case in the *2021 Annual Report Trafficking and Smuggling of Human Beings* , p. 41. In this case of sexual exploitation involving the *loverboy* method, one victim stated that, on account of her relationship with the defendant, she was completely isolated from her family in France and had become addicted to alcohol and drugs. See also Myria, *2017 Annual Report Trafficking and Smuggling of Human Beings*, p. 103: Crim. Court, Walloon Brabant, 22 May 2014, 2nd ch. (unpublished); Brussels, 16 November 2016, 14th ch. In this case of sexual exploitation by a Belgian-Chinese couple in a massage parlour, the Court of Appeal took into account the psychological distress caused to the victim in determining their sentence: "Beyond the material damage caused (...) the actions of the defendants (...) also caused her psychological distress. A social report and a psychiatric report, submitted to the first judge, confirm that she suffers from significant psychological trauma resulting from the exploitation, in particular sexual exploitation, to which she was subjected."

22 "PTSD is a mental health condition that can occur in people who have experienced or witnessed a shocking, frightening or dangerous event such as a natural disaster, a serious accident, a terrorist act, war/combat or rape, or who have been threatened with death, sexual violence or serious injury." (freely translated) (S. Lamonaca, K. Vanhoutte, L. Linthout, L. De Schrijver, V. Clarke, R. Correia, & I. Keygnaert, *op. cit.*, p. 8).

23 See Myria, *2023 Annual Report Trafficking and Smuggling of Human Beings*, p. 98: Crim. Court, French-speaking, Brussels, 16 February 2023, 47th ch. (final)

24 See Myria, *2022 Annual Report Trafficking and Smuggling of Human Beings, Bound by Debt*, p. 71: Crim. Court, West Flanders, Bruges division, 22 September 2021, ch. B.17; Myria, *2023 Annual Report Trafficking and Smuggling of Human Beings*, p. 103: Ghent, 18 February 2022, 10th ch.

25 See Myria, *2024 Annual Report Trafficking and Smuggling of Human Beings*, p. 102: Crim. Court, Limburg, Tongeren division, 4 January 2024, ch. 9K3R (appeal).

26 L. L. Gonzalez & E. Hopper (2018), *op. cit.*, pp. 177-188.

27 L. Lederer & C. Wetzel (2014), ''The Health Consequences of Sex Trafficking and Their Implications for Identifying Victims in Healthcare Facilities'', in *Annals of Health Law*, 23(1), pp. 61-91 ; L. Gonzalez & E. Hopper (2018), *op. cit.*, pp. 177-188.

In a case involving an Albanian[28] Loverboy, the victim could not return to her country of origin because she had left her husband and then earned money as a prostitute under the influence of a *loverboy*. As a result, her family no longer wanted to have any contact with her. The young woman was also still in love with her *loverboy*. The gang to which the *loverboy* belonged controlled an entire region in Albania, both criminally and politically. The perpetrators in pre-trial detention in Belgium were all released during the proceedings. The victim felt threatened and had no social safety net. She needed money to pay her *loverboy*'s lawyer. She was therefore forced to work for another pimp from the same family clan.

In a previous case of sexual exploitation[29], several Thai victims were implicated. Lured to Belgium with false promises, they ended up in massage parlours where they were forced to perform sexual services in exchange for payment. Lured under the pretext of a job as a cook, one of the victims made the following statement: "My parents have already told me that the defendant claims that I told the police everything and that this is why they are now in trouble. I am now considered the black sheep of my family. However, I cannot admit to my family that I was forced to work in a massage parlour. They would not believe me or accept it."

In addition, victims may also somatise and suffer from **physiological symptoms**, such as stomach aches, headaches, or sleep[30] and eating disorders.[31]

In a case mentioned above involving the *loverboy* method, a Belgian minor victim reported the effects of her exploitation in her statement to the police, which states in its report: "She had been traumatised by the events and had nightmares every night about the clients.[32] She did not know what the long-term impact would be. (...) She had had another nightmare about a client with whom she had been forced to have sex." Another minor victim also reported the physical and psychological consequences of her exploitation. The police wrote: "Her injuries were still causing her pain. (...) punched her in the knees and head. It was getting more and more extreme, and her ear was hurting. (...) She was still having nightmares, suffering from trauma and panic attacks, and living in fear that (...) would come and get her. She had a bleeding nose, a black eye and had been beaten so badly that she was unable to bend down or sleep for two days. Her back was covered in bruises, her leg was cut open (...) Her weight had dropped from 68 kg to 52 kg (...), and she often woke up sweating, suffering from flashbacks.

In a recent case of sexual exploitation and smuggling[33] mentioned above, the expert report cited in the judgment notes that the victim reported suffering from insomnia and flashbacks, and was taking sleeping pills and anxiolytics.

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28 See Myria, *2019 Annual Report Trafficking and Smuggling of Human Beings*, p. 49; *2020 Annual Report Trafficking and Smuggling of Human Beings*, p. 78: Crim. Court, French-speaking, Brussels, 28 June 2019, 47th ch.; *2022 Annual Report: Trafficking and Smuggling of Human Beings, Bound by Debt*, p. 75: Brussels, 28 April 2022, - 12th ch.

29 See Myria, *2013 Annual Report Trafficking and Smuggling of Human Beings, Building Bridges*, pp. 17 and 106: Crim. Court, Antwerp, Mechelen division, 9 April 2014, 9th ch.Antwerp, 19 February 2015, 18th ch. (unpublished). See also the analysis of the case in the *2016 Annual Report Trafficking and Smuggling of Human Beings* , p. 95.

30 R.I. Pascale, C. Tzani, M. Ioannou, T.J.V. Williams & D. Hunt (2024), ''Trafficking trauma: a review on the psychological effects of trafficking in human beings'', in *Mental Health and Social Inclusion*, vol. 28, n° 2, pp. 144-161.

31 This information comes from various interviews conducted by Myria as part of this focus.

32 See Myria, *2022 Annual Report Trafficking and Smuggling of Human Beings*, p. 71: Crim. Court, West Flanders, Bruges division, 22 September 2021, ch. B.17; Myria, *2023 Annual Report Trafficking and Smuggling of Human Beings*, p. 103: Ghent, 18 February 2022, 10th ch.

33 See Myria, *2024 Annual Report Trafficking and Smuggling of Human Beings*, p. 102: Crim. Court, Limburg, Tongeren division, 4 January 2024, ch. 9K3R (appeal).

Trauma can also alter victims' **memories**[34], cause **flashbacks** or **hallucinations**, or trigger **defence mechanisms.** These include derealisation[35], dissociation[36], denial[37] and depersonalisation[38].

In a recent case of sexual exploitation and smuggling[39], the expert report cited in the judgment notes that the victim reported suffering from insomnia, anxiety, avoidance, flashbacks and panic attacks.

In a case mentioned above involving the *loverboy* method, a Belgian minor victim regularly woke up at night and experienced flashbacks of her exploitation.[40]

To avoid **flashbacks**[41], victims may adopt various **avoidance strategies**, including situational and relational avoidance.

Due to their negative experiences in Belgium, victims of foreign origin may wish to **leave the country** as soon as possible, in search of safety or to rejoin their families in their country of origin. This is particularly the case for workers employed under fraudulent secondment arrangements, who prefer to return to their country of origin[42].

In a case of economic exploitation involving a fraudulent secondment scheme in the pallet sector[43], several Bulgarian victims wanted to return to their country of origin as quickly as possible. They declined any legal assistance and did not want to claim victim status.

In a previous case of sexual exploitation by a Hungarian Roma network[44], most of the victims had no interest in obtaining victim status. They refused because they did not consider themselves victims. They were too anxious or wanted to return home as soon as possible.

Psychological vulnerabilities can also lead to **high-risk behaviour**, such as substance abuse[45], self-destructive or suicidal behaviours[46].

34 For more information on the impact of trauma on memory, see Chapter 2, point 2.2 below.

35 "*A state characterised by a diminished feeling of reality; that is, an alteration in the perception or cognitive characterisation of external reality so that it seems strange or unreal ("This can't be happening"), often due to trauma or stress*" (American Psychological Association - Dictionary).

36 "*A defense mechanism in which conflicting impulses are kept apart or threatening ideas and feelings are separated from the rest of the psyche*" (American Psychological Association - Dictionary).

37 "*A defence mechanism in which unpleasant thoughts, feelings, wishes, or events are ignored or excluded from conscious awareness. It may take such forms as refusal to acknowledge the reality of a terminal illness, financial problem, substance use or other addiction, or partner's infidelity. Denial is an unconscious process that functions to resolve emotional conflict or reduce anxiety*" (American Psychological Association - Dictionary).

38 "*A state of mind in which the self appears unreal. Individuals feel estranged from themselves and usually from the external world, and thoughts and experiences have a distant, dreamlike character. In its persistent form, depersonalization is observed in such disorders as depression, hypochondriasis, dissociative states, temporal lobe epilepsy, and early schizophrenia. It also often occurs as a result of a traumatic experience*" (American Psychological Association - Dictionary).

39 See Myria, *2024 Annual Report Trafficking and Smuggling of Human Beings*, p. 102: Crim. Court, Limburg, Tongeren division, 4 January 2024, ch. 9K3R (appeal).

40 See Myria, *2022 Annual Report Trafficking and Smuggling of Human Beings*, p. 71: Crim. Court, West Flanders, Bruges division, 22 September 2021, ch. B.17; Myria, *2023 Annual Report Trafficking and Smuggling of Human Beings*, p. 103: Ghent, 18 February 2022, 10th ch.

41 Repeatedly reliving events can take various forms (freely translated): "(...) sudden flashbacks that bring the scene back to life or make you think you are in the presence of your attacker, involuntary and intrusive images or thoughts related to the event, recurring nightmares or reflexive fear in response to sudden noises or movements... This re-experiencing occurs spontaneously, in response to a stimulus (sound, place, smell...) or when less vigilant (falling asleep). It causes physical manifestations related to psychological distress: sweating, paleness, tachycardia, stiffness, etc." (French National Institute of Health and Medical Research, *Troubles du stress posttraumatique – diagnostic et symptômes*, available at https://www.inserm.fr/.

42 See the external contribution by Stéphanie Schulze, NSSO Inspection Services – The Thematic Directorate for trafficking in human beings, in: Myria, *2024 Annual Report Trafficking and Smuggling of Human Beings*, p. 146.

43 See Myria, *2017 Annual Report Trafficking and Smuggling of Human Beings*, p. 116: Crim. Court, Antwerp, Turnhout division, 18 January 2017, ch. TC1; *2019 Annual Report Trafficking and Smuggling of Human Beings*, p. 126: Antwerp, 24 January 2019, ch. C6. See also the analysis of the case in the *2021 Annual Report Trafficking and Smuggling of Human Beings*, p. 46.

44 See Myria, *2015 Annual Report Trafficking and Smuggling of Human Beings*, p. 107: Crim. Court, Ghent, 21 August 2014, 19th ch. (final). See also the analysis of the case on p. 65 of the same report.

45 This information is based on various interviews conducted by Myria as part of this focus; with regard to the Belgian girls who were victims of sexual exploitation via the loverboy method, the mechanisms of drug addiction have been addressed by Myria in its annual reports: *2015 Annual Report Trafficking and Smuggling of Human Beings* , pp. 23-40; *2018 Annual Report Trafficking and Smuggling of Human Beings* p. 24, *2021 Annual Report Trafficking and Smuggling of Human Beings* , pp. 64-68; and *2022 Annual Report Trafficking and Smuggling of Human Beings* , pp. 72-76.

46 For examples, see Myria, *2007 Annual Report Trafficking and Smuggling of Human Beings*, p. 100; Myria, *2008 Annual Report Trafficking and Smuggling of Human Beings*, p. 58: Crim. Court, Antwerp, 26 January 2009, ch. 4C; Myria, *2009 Annual Report Trafficking and Smuggling of Human Beings*, p. 55: Antwerp, 20 May 2010, 14th ch. In this older case of sexual exploitation of a Moroccan minor, the victim's body bore traces of cigarette burns and self-harm. The victim told the doctor that she had inflicted the cigarette burns on herself. This type of injury suggested self-harming behaviour and may have indicated underlying psychological trauma, according to the doctor.

In a case of sexual exploitation of a Belgian victim[47], the case was initiated after the police were contacted by the victim's school, which had concerns, even though the victim was an adult. The girl had visible self-inflicted injuries on her arms and appeared very nervous. She was no longer completing her schoolwork properly. The police then contacted the girl, who appeared extremely nervous and anxious. She stated that she was self-harming due to stress and anxiety.

In a previous case involving the *loverboy* method, a Belgian minor victim reported the psychological consequences of her exploitation.[48] The police noted in a report: '(...) she was self-harming. Sometimes she wanted to end it all."

In a previous case of large-scale sexual exploitation in Thai massage parlours[49], the case was initiated when several Thai women attempted suicide within a short period of time.

In a recent case of sexual exploitation and smuggling mentioned above[50], a Moroccan trans* victim stated, according to the expert report cited in the judgment, that she had fallen into excessive alcohol and drug use after the events. She reportedly drank a lot of beer throughout the day since then and claimed to have used heroin, cocaine, ecstasy and cannabis. According to the report, the victim also stated that she had attempted suicide and been admitted to hospital, before receiving outpatient treatment from a psychologist.

[51]Finally, in an old case involving victims of the *loverboy* method, two 14-year-old Belgian girls stated that they had resorted to drugs, to cope with the situation. One of the two girls had worked alone and was very anxious. She took drugs when the men came, to forget everything. She had experienced a dangerous incident with a client. She reported being forced to take drugs and narrowly escaped a life-threatening situation.

These various defence mechanisms and psychological symptoms can affect **victims' ability to participate in criminal proceedings** and result in them to refuse to make statements about the facts or to file a civil suit[52]. In addition, memory problems, **emotional difficulties** or **communication** problems can hinder the effective **course of interviews**.

47 See Myria, *2021 Annual Report Trafficking and Smuggling of Human Beings*, p. 69: Crim. Court, Antwerp, 23 July 2020, ch. ACV3 (final)

48 See Myria, *2022 Annual Report Trafficking and Smuggling of Human Beings*, p. 71: Crim. Court, West Flanders, Bruges division, 22 September 2021, ch. B.17; Myria, *2023 Annual Report Trafficking and Smuggling of Human Beings*, p. 103: Ghent, 18 February 2022, 10th ch.

49 See Myria, *2016 Annual Report Trafficking and Smuggling of Human Beings*, p. 156: Crim. Court, Brussels, 27 January 2016, 46th ch.; Myria, *2019 Annual Report Trafficking and Smuggling of Human Beings*, p. 119: Brussels, 13 November 2018, 15th ch.

50 See Myria, *2024 Annual Report Trafficking and Smuggling of Human Beings*, p. 102: Crim. Court, Limburg, Tongeren division, 4 January 2024, ch. 9K3R (appeal).

51 See Myria, *2016 Annual Report Trafficking and Smuggling of Human Beings*, p. 154: Crim. Court, Antwerp, 15 December 2015, ch. AC4 (final), 22 December 2015, ch. AC4 (final), 21 March 2016, ch. AC4 No. 1397 (appeal) and No. 1398 (final and unpublished)). See also the analysis of the case concerning the decision of 15 December 2015 on page 81 of the same report, as well as the analysis concerning the decision of 22 December 2015 on page 104 of the same report *2019 Annual Report Trafficking and Smuggling of Human Beings*.

52 See the external contribution from *Victim Support Europe* at the end of this focus.

Chapter 2

Victim-centred approach before and during the criminal investigation

Belgian law recognises victims' **right to attentive and appropriate treatment**[53]. Myria welcomes the fact that the federal authorities have reaffirmed this commitment in their federal coalition agreement (freely translated): "We are implementing the legal provision on the attentive and appropriate treatment of victims of crime and their relatives by ensuring that all victims and their relatives are treated appropriately, attentively and in a respectful manner at all times by all the professionals involved."[54] This right, which applies at every stage of criminal proceedings, therefore also concerns all those involved in combating trafficking in human beings (police, inspection services, the judiciary, specialised reception centres, etc.).

Respectful support tailored to victims' needs is based on key principles: emotional safety, clear communication in an understandable language, recognition of cultural differences, empathy and interactions based on respect, empowerment and recognition of victims. Secondary victimisation, which can exacerbate their trauma, can result from blaming attitudes, an impersonal approach or a misunderstanding of victims' psychological vulnerabilities, leading to misinterpretations or inaccurate perceptions of their behaviour or situation[55].

Respectful support strengthens victims' trust in the authorities, **encourages** their **participation in the proceedings** (statements, filing civil suits) and makes it easier to collect evidence, thereby helping to ensure that perpetrators are prosecuted and convicted[56]

53 Article 3*bis*, paragraph 1 of the Preliminary Title of the Code of Criminal Procedure states (freely translated): "Victims of offences and their relatives must be treated correctly and conscientiously, in particular by providing them with the necessary information and, where appropriate, putting them in contact with specialised services and, in particular, with legal assistants."

54 Federal Coalition Agreement, 2025-2029, p. 152.

55 This information is based on various interviews conducted by Myria as part of this focus; see the external contribution by *Victim Support Europe* at the end of this focus, see Myria, *2019 Annual Report Trafficking and Smuggling of Human Beings*, p. 48.

56 *Victim Support Europe*, COVIS Handbook of Best Practice for Court-based Support, *Practical Guidelines and Recommendations*, 2024, p. 17.

1. Detection, identification and referral

Any professional who comes into contact with a victim of trafficking is required to **inform** them of the existence of the special protection procedure and the possibility of being put in touch with a specialised reception centre. This is a legal obligation[57]. Furthermore, informing victims about the services available and **referring** them to these services can help them regain some control over the situation and help them be more independent[58].

A good practice can be highlighted in a case of economic exploitation in the construction sector[59]. The police had been called by a victim, a Ghanaian man, who was in extreme distress. He was asking for help and kept saying that a man wanted to kill him. When they arrived at the scene, the victim spoke very poor English. The man was so distraught and panicked that it was impossible to ascertain his name, and he had no identity documents on him. It was therefore decided to take him to the police station to continue the investigation. Once at the station, he calmed down somewhat and gave his name. He was jumping from one subject to another and often contradicted himself. He was continually talking to an imaginary person. The victim confirmed that he worked in the construction industry for this person. It didn’t take long for the investigators to trace the matter back to the defendant’s estate agency. The defendant was linked to a real estate company that had been under investigation for some time. Due to suspicions of trafficking in human beings, the public prosecutor's office was informed, and the victim was transferred to PAG-ASA.

A case file regarding sexual exploitation involving child marriage in the Roma community[60] had been initiated following a report by the social services department of the youth court to the Public Prosecutor. The service had itself received several reports from a day centre. According to the centre, the minor had been living with a man for a year and a half and the family had refused to give the man's name and address for fear of reprisals.

With the aim of providing accurate information and ensuring the identification and referral of potential victims, **staff at specialised reception centres** are generally called in following initial detection by the police or inspection services in order to draw on their expertise in the field of trafficking. They establish initial contact with the presumed victims more quickly and directly and ensure that the victims clearly understand the framework of the trafficking procedure. They explain the advantages and limitations of support from a specialised reception centre, as well as the role it can play in the individual's process. This approach **ensures that suspected victims have clear information and a good understanding of the procedure**. The aim is to refer them more quickly to **specialised assistance**. The fact that this information comes from someone other than the authorities also helps to **gain their trust**[61]. This practice is discussed in more detail below in Chapter 3, point 1.

A **network** has also been set up around the EVA (*Emergency Victim Assistance*)[62] unit of a Brussels police zone, which conducts the initial interview when victims of sexual and domestic violence file a complaint. This network brings together the SAC[63] in Brussels, the CPCVF ASBL[64], SOS Viol[65], a specialized reception centre for victims of trafficking in human beings, and various lawyers trained in dealing with victims of such violence, as part of the *Lawyer Victim Assistance* (LVA) project at the Brussels Bar. Myria supports these existing

57 See Article 11, §1/1 of the Law of 13 April 1995 containing provisions for the suppression of trafficking and smuggling of human beings; Article 61/2 of the Law of 15 December 1980 on the entry, stay, establishment and removal of foreign nationals (hereinafter: Aliens Act); point 3.2 of the circular of 23 December 2016 on the implementation of multidisciplinary cooperation concerning victims of trafficking in human beings and/or certain aggravated forms of smuggling of human beings; Article 4 of Directive 2012/29/EU on victims' rights.

58 See the external contribution from *Victim Support Europe* at the end of this focus.

59 See Myria, *2018 Annual Report Trafficking and Smuggling of Human Beings*, p. 138: Crim. Court, West Flanders, Bruges division, 21 March 2018, 17th ch.; Myria, *2020 Annual Report Trafficking and Smuggling of Human Beings*, p. 81: Ghent, 24 April 2019, 3rd ch.

60 See Myria, *2023 Annual Report Trafficking and Smuggling of Human Beings*, p. 111: Crim. Court, Antwerp, 5 March 2021, ch. AC8; Antwerp, 23 December 2021, ch. C6.

61 This information is based on various interviews conducted by Myria.

62 For further details on EVA units, see points 2.1, 2.2 and 2.8 below.

63 Sexual Assault Centres.

64 Centre for the Prevention of Domestic and Family Violence.

65 SOS Viol – A place to talk about it.

partnerships, which can help ensure a **suitable referral** of victims of trafficking for sexual exploitation.

Training on the psychological effects of trafficking and the needs of victims not only helps to identify victims, but also ensures that they receive appropriate care. Training initiatives have already been organised, and supplementing them would further strengthen support for professionals. Examples of training have already been organised by the Federal Public Prosecutor's Office, in conjunction with DJSOC (Central Directorate for the Fight against Serious and Organised Crime) within the Federal Judicial Police (PJF), to frontline police and inspection services, and to magistrates, aimed at recognising presumed victims of trafficking and avoiding any **secondary victimisation** during the preliminary investigation[66].

Taking into account the **cultural dimensions** specific to victims can help professionals to better adapt their care. Myria highlights, as an example of good practice, training in Vietnamese culture, in collaboration with a specialised reception centre**,** provided by the Vietnamese-American NGO *Pacific Links Foundation* at the National Social Security Office (NSSO). The aim of the training was to explain the context of Vietnamese migration and provide guidance on how to identify and help potential Vietnamese victims of trafficking[67].

Another good practice is that of the **specialised "Team Africa"** of the Federal Judicial Police (PJF) in Brussels, which, familiar with Nigerian voodoo culture, was able to make contact with several Nigerian victims[68].

With regard more specifically to foreign victims of trafficking, it is important that **frontline services** are **fully aware** of the importance of ticking the box for 'trafficking in human beings' in addition to the box for 'victim of a crime' in the **administrative report after a check on a foreign national**, which must be completed and sent to the Immigration Office[69]. This approach aims to **ensure** that victims of trafficking are **identified** and **referred** to the appropriate services, in particular specialised reception centres. It also prevents victims from being subject to an order to leave the country, detention in a detention centre pending their removal, or prosecution for illegal residence – measures that are likely to have a traumatic effect.

In a case involving a young presumed victim who was a minor, a duty magistrate asked the police to initiate proceedings for 'illegal residence' instead of ordering them to contact a specialised reception centre and the Guardianship Service[70]. However, being subject to proceedings related to illegal residence as a victim can have serious **psychological consequences** and make victims less **trusting** of the authorities[71].

This illustrates more broadly the importance of having frontline services that are aware of the issue and **Human Trafficking Reference Magistrate**, in order to reduce the risk of exacerbating the vulnerabilities of victims linked to proceedings for illegal residence.

66 Government report on trafficking and smuggling of human beings 2019-2020, p. 23 (available at dsb-spc.be).

67 *Ibid.*, p. 22. This American NGO, working in Vietnam, contributes to the prevention of and awareness about trafficking in Vietnam and in transit and destination countries in Europe and Asia. More information is available on the NGO's website: About Us — Pacific Links Foundation.

68 See in this regard: Myria, *2023 Annual Report Trafficking and Smuggling of Human Beings*, p. 57.

69 See the circular of 23 December 2016 on the implementation of multidisciplinary cooperation concerning victims of trafficking in human beings and/or certain aggravated forms of smuggling of human beings.

70 See Myria, *2018 Annual Report Trafficking and Smuggling of Human Beings,* p. 130 Crim. Court., Dutch-speaking, Brussels, 31 May 2018, 60th ch.; Myria, *2019 Annual Report Trafficking and Smuggling of Human Beings,* p. 118: Brussels, 3 April 2019, 13th ch. See also the analysis of this case in the *2020 Annual Report Trafficking and Smuggling of Human Beings*, p. 57.

71 This information comes from various interviews conducted by Myria as part of this focus.

2. interviews: taking into account the vulnerability of victims

The objective evidence gathered during the investigation is generally the main source of evidence in cases of trafficking in human beings, with victims' statements representing an added value. **The importance of these statements varies depending on the type of investigation**. In cases initiated by a complaint, they are often central to launching and directing the investigation to gather further material evidence. In large-scale cases involving numerous investigative tasks (multiple checks and interceptions, searches, telephone tapping, smartphone digital analysis, open-source research, etc.), they serve primarily to confirm or clarify the objective evidence gathered, which forms the main basis of the investigation.

The interviews with victims also serve to identify them as such and are useful to magistrates in motivating their decisions, although they are not always decisive. A person may therefore be recognised by the judge as a victim of trafficking, even if they did not consider themselves as such during their interview.

> In a recent case of economic exploitation in the bakery sector[72] the judge based his reasoning mainly on the victims' statements, which he found both qualitative and credible. These statements had been collected thanks to the work of the inspection and police services.

Due to their potential importance in trafficking cases, victims' statements should, as far as possible, be taken in a manner **appropriate to their needs**, particularly when victims are vulnerable and have to recount traumatic events. This can reopen psychological wounds and exacerbate their vulnerability. This chapter highlights the difficulties that victims may experience during interviews and mentions several examples of good practice.

2.1. Taking into account the (psychological) vulnerabilities of victims

During an interview, victims may encounter various difficulties related to their traumatic experiences or psychological vulnerabilities, which can complicate their decision to make statements or cooperate with the investigation. These difficulties may be **emotional, communicative or related to concentration**[73].

> In a previous Nigerian sexual exploitation case mentioned above[74], the young minor girl was under considerable pressure. To protect herself, she initially concealed the true role of her exploiters and invented fictive perpetrators. Only later did she tell the whole truth: 'I want to change my statement. I am very distressed. (...) I will tell you the truth." The official record indicates that the interview was interrupted for a quarter of an hour because the victim was too emotional.
>
> [75]In a case of sexual exploitation involving the *loverboy* method, the violence was not only physical but also psychological. The victim stated that the defendant wanted to break her emotionally. The interview had to be interrupted twice due to her emotional state.

72 See below, Part 2, Chapter 3, point 2.3.5: Crim. Court, French-speaking, Brussels, 25 June 2024, 69th ch. (the case was reopened for the NSSO aspect).

73 See the external contribution from *Victim Support Europe* at the end of this focus.

74 See Myria, *2017 Annual Report Trafficking and Smuggling of Human Beings*, p. 100: Crim. Court, Dutch-speaking, Brussels, 28 March 2017, 60th ch. (final). See also the analysis of this case in the *2018 Annual Report Trafficking and Smuggling of Human Beings*, p. 89.

75 Myria, *2016 Annual Report Trafficking and Smuggling of Human Beings*, p. 160: Crim. Court, West Flanders, Bruges division, 17 June 2015, 17th ch.; Myria, *2017 Annual Report Trafficking and Smuggling of Human Beings*, p. 19: Ghent, 29 June 2016, 3rd ch. (unpublished) See also the analysis of this case in the *2021 Annual Report Trafficking and Smuggling of Human Beings*, p. 41.

The **avoidance strategies** and **defence mechanisms** developed as a result of the traumatic experience may lead victims to refuse to make statements, or may lead to inconsistencies in their account[76].

In a previous case of economic exploitation in the construction sector[77] some victims stated that they were not interested in pursuing the case because they wanted to close this chapter and forget their involvement with the Belgian businessman: 'I now work as a physical education teacher, and I am (...) married.... I no longer have any contact with [...], and I don't want to hear about him anymore."

In addition, **some victims do not identify themselves as such**, due to psychological defence mechanisms or a tendency to minimise the seriousness of the facts. Victims of foreign origin may compare their situation in Belgium to the **standards in their country of origin**, considering that their living or working conditions, although precarious, are better and therefore tolerable.

A **traumatic attachment to their exploiter**[78][79], a dynamic that is particularly visible in cases involving intra-family exploitation[80] or the *loverboy* method, can also make it difficult to recognise situations of exploitation.

In the above-mentioned case of sexual exploitation involving the *loverboy* method, another victim applied for victim status.[81] During her interview, investigators confronted her with the truth, namely that she may have been manipulated by this relationship into working as a prostitute: 'It is extremely difficult to hear the truth. I told myself other things. I know that the relationship with (...) is, in the end, not what it seemed to be. I see everything from a different perspective now. I want to rest."

In a case mentioned above involving the sexual exploitation of seven Albanian women by seven Albanian defendants using the *loverboy* method, the Court of Appeal justified the sentence as follows (freely translated): "Analysis of the telephone wiretaps showed how the defendants maintained ambivalent relationships with their victims, constantly switching between romantic manipulation and threats or continuous control, with the victims completely at their mercy.[82] They were also threatened if they wanted to stop working. The defendants' control over their victims was also evident from the victims' statements, since the latter never dared to condemn the former, and merely stated that they were acting on their own initiative, without any coercion from the defendants, and were unable to provide any credible explanation when confronted by investigators with the analysed telephone wiretaps. In this way, the defendants demonstrated complete disregard for anyone else, taking advantage of the vulnerable situation of the victims, all of whom were in a precarious situation in Belgium and facing serious financial difficulties. Such actions are likely to cause significant psychological distress to the victims.

76 This information comes from various interviews conducted by Myria as part of this focus.

77 See Myria, *2016 Annual Report Trafficking and Smuggling of Human Beings*, p. 166 Crim. Court, Hainaut, Mons division, 21 April 2016, 8th ch. (nal). See also the analyss of this case in the *2017 Annual Report Trafficking and Smuggling of Human Beings*, p. 84 See also *2019 Annual Report Trafficking and Smuggling of Human Beings*, p. 47.

78 R.I. Pascale, C. Tzani, M. Ioannou, T.J.V. Williams & D. Hunt (2024), *op. cit.*, pp. 144-161.

79 J. Lorré (Ed.), F. De Ketelaere, F. Demeester, M. Manderick, 'Mensenhandel en -smokkel, De weg naar een eengemaakte vervolging en berechting' in *Cahiers Antwerpen Brussel Gent*, Larcier 2018, p. 52.

80 Myria's 2018 annual report refers to several cases in which victims are forced by certain Roma family clans to beg and commit criminal acts: see Myria, *2018 Annual Report Trafficking and Smuggling of Human Beings*, p. 27.

81 See Myria, *2016 Annual Report Trafficking and Smuggling of Human Beings*, p. 160: Crim. Court, West Flanders, Bruges division, 17 June 2015, 17th ch.; Myria, *2017 Annual Report Trafficking and Smuggling of Human Beings*, p. 19: Ghent, 29 June 2016, 3rd ch. (unpublished). See also the analysis of the case in the *2021 Annual Report Trafficking and Smuggling of Human Beings*, p. 41.

82 See Myria, *2019 Annual Report Trafficking and Smuggling of Human Beings*, p. 49; See Myria, *2020 Annual Report Trafficking and Smuggling of Human Beings*, p. 76: Crim. Court, French-speaking, Brussels, 28 June 2019, 47th ch.; Myria *2022 Annual Report Trafficking and Smuggling of Human Beings*, p. 75: Brussels, 28 April 2022, 12th ch.

Various sociological and psychological barriers can prevent victims of trafficking from recounting their experiences of exploitation. The **language barrier** can be a factor affecting how victims interact with the police, as can **cultural** or **gender** issues.

In **cross-cultural contexts**, differences in the **perception of time** can influence the way victims recount events and possibly lead to chronological inaccuracies[83]. In addition, the duration of traumatic experiences may also be overestimated due to the victims' emotional reactions[84]. These aspects are particularly important in assessing the credibility of the victims' statements.

Furthermore, victims of trafficking often have a **low level of education**, which can make it harder for them to recount their experiences and situate themselves in space or time. They may need more guidance during the interview[85].

Substance abuse or self-medication can also cause inconsistencies in the victims' accounts[86].

Fear of reprisals may also hinder their willingness to make statements or lead to changes in their statements[87].

In a previous case of sexual exploitation involving an Albanian-Kosovar gang[88], the women were intimidated by the main defendant and his associates. The main defendant asked to speak to the mother of his 13-year-old son. She immediately indicated that she would not say anything negative about him, in the interests of her son. She pointed out that if she spoke ill of the main defendant, he would turn against her. This had already happened several times in the past when she had told the truth about her son's father. In addition, the Albanian-Kosovar gang also manipulated another victim. The latter stated that she had been contacted by the main defendant's cousin to make a statement in his favour, which she did. She was also contacted by the main defendant from prison, who told her not to lie about the club, which, according to her, he owned.

In a previous case of economic exploitation in the horticultural sector[89], several Romanian victims were employed by an intermediary, the defendant's sole proprietorship, in around 15 horticultural companies. According to the defendant, a company director, he was responsible for finding accommodation for the workers, who usually lived and worked in Belgium for only a few months. The Romanian victims came from the same region as the defendant, which made it easy for him to exert pressure on them. Workers were recruited via personal contacts, including members of the defendant's family and friends seeking workers in Romania. In Belgium, the defendant interfered in all areas of the victims' lives, making them completely dependent on him. Several victims stated during their interviews that they were afraid of the defendant and that they would have been sent back to Romania if they had told the truth about him. They had been threatened with reprisals against their families in Romania. Some victims stated they would tell the truth only if they were given assurances that

83 "*In cross-cultural settings, it is important to consider that there are many cultures in which exact dates are less important – and thus less likely to be remembered. For instance, the UN has assessed that every fourth child in the world remains unregistered. In some criminal and other cases, the fact that a parent says they are unaware of their child's date or even year of birth has caused considerable confusion. There is a risk that, measured by Western norms, this lack of knowledge may be taken as a sign that the interviewee is untruthful. It may also hamper the criminal investigation, where information about temporal details tends to be important when pressing charges. The questions we pose about the timing of experiences may therefore rely on culturally biased perceptions of what the interviewee "should" be able to remember and report, which may compromise the possibilities for the interviewee to respond credibly. This may also lead to a pattern of communication that hampers the interviewee from telling what they in fact could provide, which risks missing out on possibly crucial information from the point of view of the criminal justice process*" (J. Korkman, HEUNI, "Handbook for forensic child interviews in presumed cases of trafficking, *Council of the Baltic Sea States*, April 2024, p. 17).

84 See P.J. Van Koppen, D.J. Hessing, H.F.M. Crombag, "Het Hart van de Zaak, Psychologie van het Recht, 1997, Gouda Quint, p. 286; see also below for further discussion on the malleable nature of memory: point 2.2.

85 This information is based on various interviews conducted by Myria as part of this focus; "*Illiteracy is known to negatively affect the capacity to express opinions, thoughts, experiences, and emotions.Illiterate persons may therefore provide a lower amount of detail in testimonies. "This may put them at risk of being assessed as less credible, since the number of details in many countries is seen as an indicator of credibility*" (J. Korkman, HEUNI, *op. cit.*, p. 16).

86 This information comes from various interviews conducted by Myria as part of this focus.

87 For example, see Myria, *2015 Annual Report Trafficking and Smuggling of Human Beings*, p. 107: Crim. Court, Dutch-speaking, Brussels, 17 October 2014, ch. 46*bis* (final). In this case involving the loverboy method, one of the victims was taken to a specialised reception centre for victims, but refused to accept the status of a victim. She refused to make any further statements for fear of reprisals against her child and family. See also Myria, *2016 Annual Report Trafficking and Smuggling of Human Beings*, p. 156: Crim. Court, French-speaking, Brussels, 21 May 2015, 47th ch. (final) In this case involving the loverboy method, the victims had to hand over their earnings to the defendants. They were also victims of physical and psychological violence. The judge upheld the defendants' convictions on the basis of the victims' consistent statements. The victims appeared frightened when they first made their statements, fearing the defendants' reaction to their decision to stop working as prostitutes.

88 Myria, *2016 Annual Report Trafficking and Smuggling of Human Beings*, p. 160: Crim. Court, West Flanders, Bruges division, 17 June 2015, 17th ch.; Myria, *2017 Annual Report Trafficking and Smuggling of Human Beings*, p. 19: Ghent, 29 June 2016, 3rd ch. (unpublished). See also the analysis of the case in the *2021 Annual Report Trafficking and Smuggling of Human Beings*, p. 41.

89 See Myria, *2015 Annual Report Trafficking and Smuggling of Human Beings*, p. 118: Crim. Court, Mechelen, 21 January 2015, ch. MC1;Myria, *2016 Annual Report Trafficking and Smuggling of Human Beings,* p. 169: Antwerp, 4 February 2016, 14th ch. See also the analysis of this case in the *2020 Annual Report Trafficking and Smuggling of Human Beings,* p. 60.

the defendant would no longer pose a threat. One victim initially stated during an interview that her employer, the owner of the horticultural company where she was employed, had paid her in cash for overtime worked for undeclared work. The defendant had informed the owner of the horticultural business about this interview, whereupon he became angry. The victim then asked to be interviewed a second time, in order to change her statement. She now claimed that all payments had been officially declared. To justify this, the victim stated that she did not want to lose her job and wanted to show the defendant that she had not said anything about the undeclared work in order to regain his trust. In addition, other victims repeatedly stated that they did not want copies of their contracts and invoices taken, for fear that the defendant would no longer help them and would subsequently have them dismissed. The police informed the victims of their status before each interview, but they said that they did not want to be put in contact with a specialised reception centre. None of the victims accepted their status as victims.

Cultural factors may also be a factor in victims' being afraid to make a statement. This is particularly the case in several Nigerian cases, due to threats made through **voodoo rituals**.

In a Nigerian case of sexual exploitation[90], the victims were subjected to a voodoo ritual. The father of the main defendant, a tribal chief, was a voodoo priest who, in Nigeria, ordered the victims to swear to obey their exploiters and to repay in full the €25,000 to €30,000 in smuggling debts they had incurred. They also swore never to speak to the police and never to run away. Furthermore, they could never reveal the names of their smugglers or exploiters. The families of the perpetrators and victims knew each other well, which made it easier to exert pressure. One victim was the main focus of the investigation. She had filed a complaint against the defendants with the investigating judge through her lawyer from a detention centre. She was then interviewed three times and questioned about new elements of the investigation. It emerged that she had received death threats and that a curse had been placed on another victim. She also reported to the police that the main defendant had tried to contact her at the reception centre and that she had informed her carers. Furthermore, the families of the victims living in Nigeria were also threatened. Based on emails from several victims, the police were able to establish that their families were being pursued by the families of the perpetrators. The police were also able to deduce that all those involved in the network, both in Nigeria and Italy, were closely informed of the events that had taken place in Belgium. This gave them the opportunity to react in a particularly threatening manner towards the victims and therefore exert extensive pressure on them, both physical and psychological. Thanks to his contacts with his family, another victim had informed the police via PAG-ASA that the family of the arrested defendant intended to approach the Oba (King of Benin City)[91] "They said they wanted to go to his palace to put a curse on him. They want the person responsible for the arrest of (...) to be cursed, to go mad, for example, or something like that."

In a Nigerian case of sexual exploitation and smuggling[92], the victim had incurred a debt of €25,000 for the journey, which she then had to repay. She had to promise, during a voodoo ritual, that she would repay the money and not say anything to the police. She changed her statements several times. It later transpired that she and her family in Nigeria were being threatened by the first defendant. The defendant's mother visited the voodoo shrine with a photo of the victim. These cultural aspects can also lead to shame, stigmatisation or guilt on the part of the victims[93].

90 See Myria, *2021 Annual Report Trafficking and Smuggling of Human Beings* p. 61: Crim. Court, Dutch-speaking in Brussels, 12 January 2021, 26th ch. (final). See also the analysis of this case in the *2023 Annual Report Trafficking and Smuggling of Human Beings*, p. 83.

91 In Nigeria, the Oba is a person with a very important religious function and moral authority. The Oba is the religious leader of the Edo culture and can be considered the king of Edo State.

92 See Myria, *2020 Annual Report Trafficking and Smuggling of Human Beings*, p. 73: Crim. Court, Antwerp, Antwerp division, 26 June 2019, ch. AC10, No. 2019/3379 (final).

93 K. K. Bales & S. Lize (2007), "Investigating Human Trafficking Challenges, Lessons Learned, and Best Practices" in FBI *Law Enforcement Bulletin*, No. 76(4), pp. 24-32.

According to research and interviews conducted by Myria, police and inspection services are paying **increasing attention to the vulnerabilities of victims during their interviews**. For example, police officers often give victims **time** and **space**, offering them the opportunity to take breaks during questioning to ease the emotional burden, as Myria has observed in several trafficking cases[94].

In a recent case of economic exploitation in the demolition and waste sorting sector[95], the victims were interviewed by the local police or the PJF, assisted by the NSSO inspection service and the Social Legislation Inspectorate. The police systematically began the interview with an explanation of trafficking in human beings and gave the victims a brochure on trafficking in case they had any further questions. The police officers also made an effort to put victims at ease and contextualise the interview, as revealed in the police report: "You have been informed of the reason for your interview. Are you familiar with the term 'trafficking in human beings'? (...) We have reason to believe that you are a victim of trafficking. If it is OK with you, we will discuss it today, agreed? If you don't know the answer to a question, don't hesitate to say so. Similarly, if you do not understand a question, please do not hesitate to say so and we will explain it again. If you would prefer not to discuss a particular subject, you can also say so, but I will then ask you why you would prefer not to discuss it. We reiterate that you are being interviewed as a victim and that you may have information that is useful to our investigation. If you need a break, please let us know".

In a recent Latin American sexual exploitation case[96], one of the victims was offered a break from the interview for an hour and a half so that she could speak to a specialised reception centre. After this break, the victim wished to amend her statement and declared that she was a victim of sexual exploitation and wished to reflect on her situation at the centre before a new, more comprehensive and truthful police interview.

In addition, victims are generally informed of their rights, the role of investigators and their expectations, as well as the reasons for the interview, which helps reassure them and their understanding of the situation[97].

The interviews conducted by Myria show that particular attention is paid to **establishing a rapport** with victims from the outset of the interview. This is based on active listening, an attentive approach to the **needs expressed** and **body language**, as well as an empathetic and **non-judgmental reception**. These elements help to create a more respectful and calming environment, fostering a climate of trust.

Building rapport is part of the interview technique used by **TAM sections**[98] in audiovisual interviews with minors or vulnerable adults who are victims or witnesses of certain offences[99]. These TAM interviews may, where appropriate, be used with victims of trafficking, at the request of the public

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94 For example, see Myria, *2013 Annual Report Trafficking and Smuggling of Human Beings*, p. 16 and 107: Crim. Court, Leuven, 4 July 2013, 17th ch.; Brussels, 13 November 2013, 13th ch.; Myria, *2015 Annual Report Trafficking and Smuggling of Human Beings*, p. 40. In this Romanian case involving the loverboy method, the interview of the minor victim concerning her forced abortion was interrupted for several official record when she started to cry. See also another case: Myria, *2016 Annual Report Trafficking and Smuggling of Human Beings*, p. 160: Crim. Court, West Flanders, Bruges division, 17 June 2015, 17th ch.; Myria, *2017 Annual Report Trafficking and Smuggling of Human Beings*, p. 19: Ghent, 29 June 2016, 3rd ch. (unpublished). See the analysis of this case in the *2021 Annual Report Trafficking and Smuggling of Human Beings*, p. 41. In this case of economic exploitation involving the loverboy method, the interview of a victim had to be interrupted twice due to her emotional state.

95 See below, Part 2, Chapter 3, point 2.3.1: Crim. Court, West Flanders, Bruges division, 28 June 2024, ch. B17. See also the analysis of the case in Part 2, Chapter 2, point 1 below.

96 See Myria, *2022 Annual Report Trafficking and Smuggling of Human Beings*, p. 68: Crim. Court, Hainaut, Charleroi division, 27 October 2021, 6th ch.; Myria, *2023 Annual Report Trafficking and Smuggling of Human Beings*, p. 103: Mons, 5 October 2022, 4th ch.; See also the analysis of the case in the *2024 Annual Report Trafficking and Smuggling of Human Beings*, p. 67.

97 This information comes from various interviews conducted by Myria as part of this focus.

98 The TAM section is one of four sections comprising the Behavioural Sciences Department of the Central Directorate of Technical and Scientific Police, within the Directorate-General of the Judicial Police. (freely translated) "Created in 2001 within the DJT, the TAM section is the national point of contact for all matters relating to audiovisual interviews with minors who are victims or witnesses of offences" (for more information, see the federal police website: TAM – Dévoiler les plus profonds secrets | Police fédérale). COL No. 03/2021 is the circular that currently governs all interviews with minors and vulnerable adults who are victims or witnesses of offences. The protocol used by the network is based on a non-suggestive, step-by-step interview protocol, which is itself based on the NICHD (*National Institute of Child Health and Human Development*) interview protocol.

99 See Article 92, §1, paragraph 1 of the Code of Criminal Procedure. These are essentially offences against sexual integrity, the right to sexual self-determination and public decency, as well as the practice, facilitation or promotion of any form of female genital mutilation.

prosecutor or the investigating judge[100]. TAM interviewers are certified[101] and receive ongoing training[102]. They establish a relationship of trust by using **interview techniques that respect the victims**[103]. For example, TAM interviews begin with non-threatening topics, such as their interests, to put them at ease and make them feel involved in the interview[104].

EVA units[105] also pay particular attention to building a rapport with victims. Active in Brussels police zones, they conduct the initial interview when a complaint is filed, mainly in cases of sexual assault and domestic violence. The investigators in these units also interview victims of trafficking, especially for sexual exploitation, when necessary. The latter represented around 10% of all victims interviewed in 2024 in an EVA unit in one of the Brussels police zones[106].

In this unit, investigators hold the TAM network certificate and, in turn, train SAC inspectors twice a year[107]. The objectives of the EVA units are to improve the **quality of care provided to victims**, prevent secondary victimisation and [108]conduct interviews that are as comprehensive as possible[109]. EVA units do not yet have a specific legal framework and only exist in the Brussels district[110], but extending them to as many police zones as possible is provided for in the federal coalition agreement[111].

Interviewing victims by professionals trained for this purpose or with their assistance, which is also a right recognised by the Victims' Rights Directive,[112] helps to ensure that victims are treated appropriately. Myria believes that topics such as trafficking in human beings, the psychological aspects of victimisation, cultural and gender dimensions, and interview techniques adapted to vulnerable victims are relevant subjects that could be covered in training courses.

Another example of good practice is the **training on trafficking in human beings** provided **by specialised reception centres** within police academies. Myria is aware of one such training course, delivered by one of these centres, which focuses on the different types of victimisation and the appropriate approaches to dealing with them[113].

Understanding the possible reactions of victims makes it possible to provide them with better support and strengthen their sense of trust in the actors involved. For example, emotional avoidance can lead victims to talk about their traumatic experiences without showing the emotion that would normally be expected[114].

In a recent case of economic exploitation in the construction sector[115], one of the victims was put in mortal danger after one of the defendants fired a gun at him when he confronted the defendants following a deduction from his wages and those of several other workers. He was left with a physical disability as a result.

100 See Article 92, §1, paragraph 2 of the Code of Criminal Procedure.

101 The training includes a theoretical component, following a comprehensive and integrated approach, a practical component and a final certification exam. It covers law, interview protocol, communication, working with interpreters, new phenomena, child pornography, online harassment, abuser profiles, child development and language development. The subjects are taught by qualified and specialised external lecturers (this information comes from an interview conducted by Myria as part of this focus).

102 Every year, TAM network interviewers receive one day of training on a specific topic. There is also remedial training for TAM network interviewers who lack professional practice. This is a 14-hour module (3 hours of theory and 11 hours of practice). It is a refresher course that is not assessed. Investigators either enrol voluntarily (if they feel they need to brush up on their technique) or on the basis of an individual follow-up interview (this information comes from an interview conducted by Myria as part of this focus).

103 See the report of the Special Commission responsible for evaluating legislation and policy on the trafficking and smuggling of human beings, 12 June 2023, *Doc. Parl.*, Chamber, DOC 55 2530/002, Annex 4, p. 295, interview of Karine Minnen, Brussels-Capital Ixelles local police zone.

104 For further details on the TAM interviews, see points 2.2, 2.4, 2.5 and 2.7 below.

105 For further details on EVA units, see point 1 above and points 2.2 and 2.8 below.

106 Based on an interview with this unit (which conducted a total of 168 interviews in 2024). This unit was created in 2020 at the instigation of the Sexual Assault Centre (SAC) in Brussels.

107 Sexual Assault Centres. The investigators from this unit with whom Myria spoke have also received training on gender issues (notably from the non-profit organisation Tels Quels) and hold certificates in Victimology and Psychotraumatology and in a Multidisciplinary Approach to Child and Youth Abuse. This information comes from an interview conducted with this unit by Myria.

108 G. van Meerbeeck, inspector in the EVA unit of the Brussels Capital-Ixelles Police Zone, transcript of the symposium "Troubles de la mémoire traumatique : impacts sur les victimes de traite des êtres humains" (Traumatic memory disorders: impacts on victims of trafficking in human beings), *Samilia*, 7 October 2024, p. 1.

109 This information comes from an interview conducted with the unit by Myria.

110 Several EVA units were set up in the Brussels region in 2022. See the written question from Julie Chanson (Ecolo-Groen) to the Minister of the Interior, Institutional Reforms, and Democratic Renewal, *Bulletin*, Chamber, S.O. 2023-2024, QRVA 55 128, 8 February 2024.

111 Federal Coalition Agreement, 2025-2029, p. 138.

112 See Article 23 of Directive 2012/29/EU on victims' rights.

113 It is unfortunate, however, that this type of training is only offered to participants who request it. This information comes from an interview conducted by Myria as part of this focus.

114 This information comes from various interviews conducted by Myria as part of this focus.

115 See Myria, *2024 Annual report Trafficking and smuggling of Human Beings*, p. 112: Crim. Court, Limburg, Hasselt division, 17 July 2023, 17th ch. (in absentia). See also page 92 of the same report.

During his interview with the police at the hospital, the victim recounted the extremely traumatic attempted murder in detail and calmly, completely detached, as if it were not his own experience. This is clearly evident in the following excerpt from the police report of his interview: "He threatened me via WhatsApp; it was a video call. I reminded X that he owed me money, to which he reacted very violently, making threats. He told me he would take revenge on my wife and child. X said, "I'm going to kill your wife and son." X and Y both set me up. It was Y who contacted me yesterday to come and work on the building site with (...) and when we arrived, Y and X both got out of the same car. Y grabbed me to stop me from running away, and X tried to aim at my head and fired twice, but the gun didn't fire. Seeing that the weapons were jammed, Y backed off. X reloaded several times, probably because the gun was jammed, then aimed at my legs. Fortunately, the gun didn't fire."

Another interesting initiative to support the police in taking into account the vulnerabilities and traumas of victims is a **toolkit of good practices for police interviews** with migrants, applicants for international protection or refugees, victims of trafficking in human beings and LGBT+ victims of sexual violence[116]. This tool was developed as part of the European project *Inclusive Holistic Care for Migrant victims of sexual violence* (INhERE)[117], in which a specialised reception centre participated on behalf of Belgium. The project aimed to strengthen the capacities of multisectoral[118] professionals working with victims of sexual violence and trafficking in human beings by developing and scientifically evaluating tailor-made training courses and tools. Among other things, the project addresses communication with victims, creating a safe and supportive environment for building a relationship of trust and preventing secondary victimisation.[119]

2.2. Taking into account how memory works

During an interview, victims may sometimes make inconsistent statements[120]. These **inconsistencies** can sometimes be explained by the **normal functioning of memory** and are not necessarily signs of lying. Psychological sciences offer several scientific explanations for the slight discrepancies that may arise between statements and objective reality.

When an event arouses strong emotions, attention becomes more selective: it may focus mainly on certain central details of the situation, ignoring peripheral details of the environment[121].

Furthermore, **memory** in both children and adults is highly **malleable**. Memories of past experiences are not neutral data, but are shaped by **patterns** derived from unconscious cognitive processes. These patterns serve as a kind of cognitive dictionary for interpreting or reconstructing events. They can have a stereotypical effect or give rise to **biases,** such as elements being added to or omitted from accounts[122].

As such, details may be added or altered based on **information** received after the fact (***post-hoc***), especially when it comes from sources or people perceived as reliable. The more time passes after the exploitative situation, the more vulnerable the memory becomes to the influence of subsequent information[123]. This means that the perception of an experience, including an exploitative situation, can change over time.

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116 S. Lamonaca, K. Vanhoutte, L. Linthout, L. De Schrijver, V. Clarke, R. Correia, & I. Keygnaert (2021), *op.cit.*

117 The project consortium consisted of Ghent University: International Centre for Reproductive Health (ICRH) & Centre for the Social Study of Migration and Refugees (CESSMIR) (BE); the Belgian Federal Public Health Service (BE); Payoke (BE); *Victim Support Europe* (EU); NHS, The Havens (UK) and the Irish Ministry of Justice (IE). This project, carried out in partnership with the United Kingdom and Ireland, ran for a period of two years, from November 2019 to October 2021. For more information, see: Inclusive Holistic Care for Migrant victims of sexual violence (INHeRE) | ICRH.

118 The project targeted five professional groups: (1) staff working in reception centres for applicants for international protection, (2) staff working in sexual assault centres, (3) psychologists, (4) cross-cultural mediators and interpreters, and (5) police officers and law enforcement officials.

119 V. V. Clarke, I., Keygnaert, I., S. Lamonaca, L. Linthout, N. Szelei & H. Verrept, Brochure for the project "*Integrated holistic care for migrant victims of sexual violence*", October 2021, p. 2. However, Myria does not know to what extent this tool is actually used in the field.

120 See also point 2.1 above and chapter 4, point 1 below on this subject.

121 For further discussion of this phenomenon concerning witness statements, see P.J. Van Koppen, D.J. Hessing, H.F.M. Crombag, *op.cit.*, pp. 290 and 337 ; D. Putwain & A. Sammons (2019), *Psychology and Crime* (2d ed.), Routledge, New York, p. 87 ; J. Christie, J. M. Fawcett, K. A. Peace & E. J. Russell (2013), "Of guns and geese: a meta-analytic review of the 'weapon focus' literature" in *Psychology, Crime & Law*, vol. n° 19:1, pp. 35-66.

122 A schema can be described as a cognitive structure that represents organised knowledge about a concept or stimulus. Schemas consist of connections that we have formed based on previous experiences (see P.J. Van Koppen, D.J. Hessing, H.F.M. Crombag, *op. cit.*, pp. 25–28 and 32–33).

123 For further discussion of this phenomenon, see P.J. Van Koppen, D.J. Hessing, H.F.M. Crombag, *op. cit.*, pp. 316 et 389.

Furthermore, memory can be influenced by the interaction between trauma and culture, as **cultural and personal context** can also influence how events are remembered and recounted[124].

Trafficking victims may also suffer from **trauma-related memory disorders**, which can increase the likelihood of inconsistencies in their accounts[125], for example due to intrusive memories or post-traumatic flashbacks[126].

According to research and interviews conducted by Myria, police interviews already incorporate, to varying degrees, mechanisms specific to how memory works. This topic seems to be attracting growing interest.

For example, in the initial interviews conducted by **EVA units**[127] when a complaint is filed, investigators take the necessary time with victims of sexual and domestic violence[128]. The interview is based on a free account, and inconsistencies in the victims' statements are treated as part of a normal process.

A second example: **TAM audiovisual interviews**[129] focus on recall memory and episodic memory[130] through the use of open-ended questions ("tell me about...", "tell me more about..."), also encouraging the victim to speak freely and avoiding a direct confrontation with the facts. This **non-suggestive interview technique**[131] makes it possible to collect as much information as possible, without confirmation bias. In trafficking cases, this approach can sometimes be useful for severely traumatised victims.

However, the **relevance of the non-suggestive approach varies depending on the type of investigation.** It is particularly important when no objective evidence has yet been gathered. This could be the case, for example, in trafficking cases initiated on the basis of victims' statements, or more generally in cases of sexual or domestic violence. In such cases, the statements can serve as a basis for subsequently gathering objective evidence. On the other hand, in trafficking cases already supported by objective evidence[132], as is often the case in large-scale cases, combining open and closed questions can be useful for comparing statements and identifying similarities, already substantiated by objective evidence.

In a recent case mentioned above involving economic exploitation in the construction sector[133], investigators interviewed a victim who had been the target of an attempted murder with a revolver at the hospital immediately after the incident. During the interview, the following open-ended question was asked in order for the victim to recount the traumatic events: 'Tell us what happened yesterday morning, in chronological order.

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124 See Z. Given-Wilson, A. Memon & A. Vredeveldt (2023), "Culture, trauma, and memory in investigative interviews" in *Psychology, Crime and Law*, pp. 1-21.

125 See L. Gonzalez & E. Hopper (2018), *op. cit.*, pp. 177-188.

126 M. B. Bonsall & E.A. Holmes (2023), "Temporal dynamics of trauma memory persistence" in *Journal of the Royal Society Interface*, vol. n° 20, pp. 1-12.

127 For further details on EVA units, see points 1 and 2.1 above and point 2.8 below.

128 For example, interviews conducted by the EVA unit of a Brussels police district last on average between 2-3 hours and 5-6 hours, whereas a standard interview at a police station lasts between 30 minutes and 1 hour 30 minutes (this information comes from an interview conducted by Myria as part of this focus).

129 For further details on TAM interviews, see point 2.1 above and points 2.4, 2.5 and 2.7 below.

130 "*The ability to remember personally experienced events associated with a particular time and place*" (American Psychological Association - Dictionary).

131 "*Suggestibility may be defined as the tendency to: Incorporate non-experienced elements to memories, thus distorting them; Respond according to the perceived opinion of the interviewer (while knowing the answer differs from the actual memory)*". Suggestibility can lead to false testimony or false confessions (J. Korkman, HEUNI, *op. cit.*, p. 9).

132 For example, photo recognition, digital analysis of smartphones, or analysis of Facebook pages.

133 See Myria, *2024 Annual Report Trafficking and Smuggling of Human Beings*, p. 112: Crim. Court, Limburg, Hasselt division, 17 July 2023, 17th ch. (in absentia). See also the analysis of the case on p. 91 of the same report.

2.3. Reconciling judicial reality and victims' truth

It is not uncommon for the investigation to have to start immediately or progress rapidly, particularly when the suspect has been arrested or there is a danger to other victims. The urgency may also be linked to the risk of evidence disappearing, particularly when the suspect is released, which may also compromise the correct course of the investigation, cause it to lose its priority status and harm the victims.

However, the **reality of the judicial system does not always correspond with the reality experienced by victims**. Experts often refer to this discrepancy[134]. If the correct course of the investigation is not compromised, **postponing the victim's first interview** can sometimes be useful in order to give them the time they need to recover, work on their memory of the events or gain their confidence, particularly through support from a specialised reception centre[135]. The victim would then be better prepared for the interview, reducing the risk of inconsistencies. It would also make it possible, where necessary, to clarify certain facts or to confirm, through the victim's statements, objective evidence already gathered during the investigation.

It is for these same reasons that additional interviews can be beneficial in many cases[136]. They strengthen the investigation and increase the likelihood of securing a conviction. When new evidence or information emerges, it may be important to verify it with the victim in order to obtain additional details and evidence. Sometimes it is the victims themselves who request an additional interview.

In a recent case of Latin-American sexual exploitation[137], some victims were initially not interested in victim status during their first interview, or did not consider themselves to be victims. They then showed interest during subsequent interviews and ultimately filed civil suits. In this case, further interviews were conducted on the basis of new evidence, such as additional photographs, telephone analysis, etc. This was in the interests of both the investigation and the victims.

In the above-mentioned Nigerian sexual exploitation case[138], one victim was at the centre of the investigation. She had filed a complaint against the defendants with the investigating judge through her lawyer from a detention centre. She was then interviewed three times and questioned about new elements of the investigation. It emerged that she had received death threats and that a curse had been placed on another victim: "There was indeed a girl, X, who had been smuggled in by Y (the main defendant). I heard that X had run away. Y cursed this girl and told me that I would never be able to escape. If I tried, he would kill me."

In a previous case of sexual exploitation by a Belgian-Moroccan bar owner[139], a Moroccan victim initially refused to cooperate with the police and was very distressed. She also feared that the defendant might read her statement and use it against her family, whom the defendant knew well. Ultimately, she was granted victim status. Even though she feared reprisals from the defendant, she was willing to tell her story when she was interviewed again by the police in the detention centre.

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134 See the exchange between several experts on this subject in the transcript of the symposium "Troubles de la mémoire traumatique : impacts sur les victimes de traite des êtres humains" (Traumatic memory disorders: impacts on victims of trafficking in human beings), *Samilia*, 7 October 2024, pp. 11-13.

135 This information comes from various interviews conducted by Myria as part of this focus. This support is discussed in more detail below in Chapter 3.

136 For other examples of the use of second interviews, see Myria, *2011 Annual Report Trafficking and Smuggling of Human Beings*, p. 134: Crim. Court, Charleroi, 19 September 2011, 6th ch. (unpublished); Mons, 21 May 2012, 3rd ch. See also the analysis of this case in the *2012 Annual Report Trafficking and Smuggling of Human Beings, Building Trust*, p. 50. In this case of sexual exploitation, a young Romanian girl was intercepted in the street by the police following a report made by another Belgian prostitute to the local police. During her interview, she was very emotional and began to panic when asked questions about her place of residence and her contacts. Fearing reprisals, the victim made few statements during her initial interview. In subsequent statements, she recounted her life and how the defendant had forced her into prostitution, in particular by threatening her with a revolver. During a police check, she asked for help. Her body showed signs of violence: she initially explained that she had fallen on a mirror in Romania, but later admitted that the defendant was responsible.

137 See Myria, *2022 Annual Report Trafficking and Smuggling of Human Beings*, p. 68: Crim. Court, Hainaut, Charleroi division, 27 October 2021, 6th ch.; Myria, *2023 Annual Report Trafficking and Smuggling of Human Beings*, p. 103: Mons, 5 October 2022, 4th ch.; See also the analysis of the case in the *2024 Annual Report Trafficking and Smuggling of Human Beings*, p. 67.

138 See Myria, *2021 Annual Report Trafficking and Smuggling of Human Beings*, p. 61: Crim. Court, Dutch-speaking in Brussels, 12 January 2021, 26th ch. (final). See also the analysis of this case in the *2023 Annual Report Trafficking and Smuggling of Human Beings*, p. 83.

139 See Myria, *2011 Annual Report Trafficking and Smuggling of Human Beings*, p. 130: Crim. Court, Termonde, 3 April 2012, 19th ch. See also the analysis of the case on p. 87 of the same report.

Some experts emphasise that it is preferable **not** to allow **too much time** between identifying the victim and conducting the interview. A longer period could be detrimental, as the victim's memories could fade or even become distorted[140].

In a previous case involving the *loverboy* method, the chief inspector who found the minor victim called on the victim support services to provide first aid.[141] The police wanted to conduct an audiovisual interview, but circumstances meant that this was not possible straight away. It was decided to conduct an ordinary interview first. A second interview, this time in the form of an audiovisual interview, did not take place until a month later, which provoked negative feelings in the victim. The interview was particularly emotionally difficult for the victim, as she was in the process of coming to terms with what had happened and had to relive it all. However, a support worker from the youth centre managed to convince her that it was important for her to go through with it. The interview took place without the support worker, who was in an adjacent room.

The Victims' Rights Directive and the Directive on the prevention of trafficking in human beings stipulate that the **number of interviews** must be **kept to a minimum** and that interviews must only take place to the extent strictly necessary for the criminal investigation[142]. As far as possible, it is important to take into account the **emotional and physical state** of victims when they are asked to recount traumatic events in detail[143]. What matters above all is the manner in which these interviews are conducted. Carefully conducted interviews can therefore limit the risk of new trauma when the facts are recounted.

2.4. Audiovisual recording of interviews

Audiovisual recording of interviews is mandatory for minors and vulnerable adults who are victims or witnesses of certain offences[144]. For victims of trafficking, this type of interview is optional and takes place at the request of the public prosecutor or investigating judge. However, the victim's explicit consent is always required[145]. These interviews are conducted by specialised investigators from the TAM sections. The aim is to gather and rationalise as much information as possible during the first interview in a safe environment[146]. The TAM section within the Central Directorate of Technical and Scientific Police (DJT) has "the mission to ensure the collection of more and more accurate information on the circumstances in which an offence was committed, while ensuring that each case is treated individually. To this end, the section focuses primarily on ensuring the quality and standardisation of the appropriate interview techniques used by the investigation teams. It conducts investigations, provides training and information, and offers material and methodological support."[147]

According to interviews conducted by Myria, **opinions on the practice differ**. According to its proponents, this interview technique has the advantage of limiting the number of interviews imposed on the same victim. It offers investigators the opportunity to truly listen to victims without having to simultaneously write up the official report, giving them the time they need to conduct the interview, which strengthens the bond of trust with victims[148]. It also allows investigators to observe the victims' body language, which provides a more complete picture than a written transcript[149].

140 See above for more on the malleable nature of memory: point 2.2.

141 See Myria, *2016 Annual Report Trafficking and Smuggling of Human Beings*, p. 154: Crim. Court, Antwerp, 15 December 2015, ch. AC4 (final), 22 December 2015, ch. AC4 (final), 21 March 2016, ch. AC4 No. 1397 (appeal) and No. 1398 (final and unpublished)). See also the analysis of the case concerning the decision of 15 December 2015 on page 81 of the same report, as well as the analysis concerning the decision of 22 December 2015 on page 105 of the *2019 Annual Report Trafficking and Smuggling of Human Beings*.

142 See Article 20 of Directive 2012/29/EU on victims' rights; see Article 12 of Directive 2011/36/EU on trafficking in human beings.

143 See the external contribution from *Victim Support Europe* at the end of this focus.

144 See Article 92, §1, paragraph 2 of the Code of Criminal Procedure.

145 In the case of a minor victim under the age of 12, it is sufficient to inform them.

146 For further details on TAM interviews, see points 2.1. and 2.2. above and points 2.5. and 2.7. below.

147 For more information, see the federal police website: TAM – Dévoiler les plus profonds secrets | Police fédérale.

148 This information is based on interviews conducted by Myria as part of this focus.

149 *Ibid.* See also the external contribution from *Victim Support Europe* at the end of this focus.

Criticisms include the risk of further intimidating victims who know that they will be recorded, the complexity of the subject matter of trafficking and the resulting need for specialisation; various logistical difficulties; and the lack of (specialised) staff and financial resources. Myria is aware of **court cases in which this technique has been used with minors**[150].

In a sexual exploitation case[151], four young teenage girls, who were minors at the time of the offences, three of whom were under the age of 16, were exploited using the *loverboy* method. The court based its decision on the audiovisual interviews of three of them, conducted with a psychologist. One of the victims stated during her interview with the psychologist that she had lied during her first audiovisual interview because she loved the defendant more than anything and did not want to harm him. Her primary concern was to get him out of all this trouble. The girl also expressed her attachment on several occasions during her interviews with investigators. The court considered that her second statement was accurate, comprehensive, and confirmed by evidence from the investigation, other victims, and the defendant.

In a case of trafficking for the purpose of forced criminality[152], the victim, a Romanian girl aged 14 at the time of the events, was interviewed via an audiovisual interview and had been placed by the youth court judge in a centre for minors who are victims of trafficking. She was forced to shoplift. The defendant was convicted of trafficking in human beings.

The widespread use of audiovisual recording during interviews with victims of trafficking and smuggling of human beings and, where necessary, the use of TAM interview rooms for this purpose, is one of the recommendations made by the latest Special Parliamentary Commission on Trafficking and Smuggling of Human Beings[153].

However, the widespread use of audiovisual recording of interviews raises several questions. Apart from the question of resources, does it not carry the risk of highlighting the inconsistencies often found in initial statements, when victims, out of fear or mistrust, are generally less willing to testify at this stage[154]? In this context, could it undermine the credibility of victims' statements and subsequently encourage, for example, a request for confrontation by the defence lawyer?

Furthermore, if a second interview is necessary, particularly as a result of new evidence, will this also be conducted in audiovisual format? Could this lead to a reduction in the number of second interviews?

Finally, how will this procedure be adapted to large-scale cases involving a significant number of victims?

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150 An interview conducted by Myria as part of this focus group revealed that in 2024, no TAM interviews were conducted with victims of trafficking, whether vulnerable adults or mnors, accordng to ocal TAM nterview statstcs. However, t s possble that ths was not recorded as such, or example, the nterview was requested on account of multiple offences. For example, with regard to audiovisual interviews of minors, see Myria, *2018 Annual Report Trafficking and Smuggling of Human Beings*, p. 152: Crim. Court, French-speaking, Brussels, 24 November 2017, 59th ch.; *2021 Annual Report Trafficking and Smuggling of Human Beings*, p. 74: Brussels, 2 December 2019, 11th ch.; Brussels, 2 March 2021, 11th ch.; Myria, *2019 Annual Report Trafficking and Smuggling of Human Beings*, p. 31. In this case of economic exploitation involving a Congolese minor working as a domestic servant, the 15-year-old victim (12 years old at the start of the events) was interviewed in depth 6 months ater her stuaton was dscovered, by means o an audovsual nterview. The Court o Appeal convcted the deendant o trakngn human bengs, basedn particular on the victim's statements. See also another case: Myria, *2016 Annual Report Trafficking and Smuggling of Human Beings*, p. 154: Crim. Court, Antwerp, 15 December 2015, ch. AC4 (hal), 22 December 2015, ch. AC4 (hal), 21 March 2016, ch. AC4 No. 1397 (appeal) and No. 1398 (final and unpublished). See also the analysis of the case concerning the decision of 15 December 2015 on page 81 of the same report, as well as the analysis concerning the decision of 22 December 2015 on page 105 of the same report *2019 Annual Report Trafficking and Smuggling of Human Beings*; See also a summary of the case below in Part 2, Chapter 3, point 2.2.4.: Crim. Court, Brussels, 26 April 2024, 47th ch. (hal).

151 See Myria, *2023 Annual Report Trafficking and Smuggling of Human Beings*, p. 104: Crim. Court, Liège, Liège division, 15 July 2021, 19th ch. ; Liège, 15 March 2022, 18th ch.

152 See Myria, *2021 Annual Report Trafficking and Smuggling of Human Beings*, p. 79: Crim. Court, West Flanders, Termonde division, 8 December 2020, ch. D19D (final).

153 See Report of the Special Commission responsible for evaluating legislation and policy on trafficking and smuggling of human beings, 12 June 2023, *Doc. Parl.*, Chamber, DOC 55 2530/002, recommendation 33, p. 55.

154 See J. Lorré (Ed.), F. De Ketelaere, F. Demeester, M. Manderick, *op. cit.*, pp. 51-52.

2.5. Confrontation with perpetrators

Myria has concerns about the effect that confrontations with perpetrators may have on victims. This goes without saying for victims of sexual exploitation, but perhaps also for victims of economic exploitation, who are traumatised by their negative experiences, both psychologically and physically. As victims, they risk finding themselves caught up in a process of revictimisation.

For this reason, it is important that a staff member from the specialist centre makes it clear that confrontation is not compulsory. Ideally, victims should have access to a lawyer (free of charge) to inform them of their rights in the context of a confrontation[155].

In practice, requests for confrontation with the defendant are not requests for additional objective investigations, but rather attempts by the latter to manipulate the victim to intimidate them and/or encourage them to withdraw their statements.

The highly specific **socio-cultural context** of **victims** can also sometimes be a decisive factor in this process. For the Nigerian victims, the confrontations may lead to the defendant casting a new voodoo spell.

In a previous Nigerian case of trafficking and smuggling of human beings mentioned above[156], one victim did not want to be confronted with the defendants during the investigation under any circumstances. She was still afraid of the voodoo ritual she had been subjected to, wanted to forget the whole thing as quickly as possible and feared that a confrontation would result in a new voodoo spell. The police noted that the Nigerian 'madam', the defendant, had repeatedly asked for a personal confrontation with the victim during her initial statement. The police linked this request to the victim's statement: "It is in this overall context," according to the analysis, "that the defendant asked from her first interview to be confronted with the victim, with the sole aim of reawakening the victim's dormant and permanent fears about a possible curse. The defendant probably hoped that the victim, due to the latent pressure during a confrontation, would ultimately decide to withdraw the complaint against her." As such, there was never any confrontation between the two women.

Such confrontations are often pointless, even **counterproductive** to the investigation. An analysis of case law shows that the parties tend to repeat their initial statements during confrontations.

In a previous case involving economic exploitation in a Pakistani restaurant[157], the defendant denied all charges and requested to hear witnesses who confirmed his version of events. During the confrontation between the witnesses and the Tibetan victim, all parties maintained their statements and contradicted each other. The accountant's testimony revealed that the defendant was a "person of power" in Pakistan, which made the victim's fear plausible and reinforced her position of dependence.

In a case involving the *loverboy* method, several confrontations were organised between the victim, a Senegalese woman, and some of the defendants.[158] One of them, assisted by his counsel, refused to allow the victim to be accompanied by a staff member from a specialised reception centre during the confrontation. The police highlighted direct verbal abuse and threats of criminal intent against the victim. Another defendant, when confronted with the victim, was adamant in her position. It is essential that investigating judges are sufficiently aware of this and definitely do not immediately grant this type of request[159].

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155 In this regard, see Myria, *2019 Annual Report Trafficking and Smuggling of Human Beings*, p. 49.

156 See Myria, *2012 Annual Report Trafficking and Smuggling of Human Beings*, p. 68: Crim. Court, Tongeren, 3 May 2012, 9th ch. See also the analysis of the case on p. 52 of the same report.

157 See Myria, *2017 Annual Report Trafficking and Smuggling of Human Beings*, p. 117: Crim. Court, West Flanders, Bruges division, 4 May 2016, ch. B17; Ghent, 11 October 2017 (unpublished). See also the analysis of this case in the *2019 Annual Report Trafficking and Smuggling of Human Beings*, p. 106.

158 See Crim. Court, Liège, Liège division, 20 October 2021, 19th ch. (unpublished); Myria, *2023 Annual Report Trafficking and Smuggling of Human Beings*, p. 109: Liège, 14 September 2022, 4th ch.

159 In recent years, Myria has not observed any requests for confrontations from investigating judges in its cases.

In order to avoid any encounter between the victim and the perpetrator, the **TAM sections** have an interview room, a technical room and an **isolated reception room**, separate from the area accessible to the public, which makes it possible to avoid being face to face with a suspect[160].

2.6. Presence of a trusted person and assistance from a lawyer

Victims of trafficking are, in principle, entitled to be accompanied by a trusted person during their interview by the judicial authorities[161].

In several cases, the presence of a **member of staff from a specialised reception centre** during the interview **as a trusted person** also helped to reassure the victims of trafficking and gain their trust. This practice is discussed in more detail below in Chapter 3, point 3.

Immediately **appointing a lawyer** at the start of the investigation means that the victim can be represented at all stages of the proceedings. For example, this allows them to take a position when a request for confrontation is made by the perpetrator. This recommendation has already been made by Myria in a previous report[162].

With this in mind, a provision in the federal coalition agreement provides for the possibility for victims of serious offences involving physical or sexual assault to request the general assistance of a lawyer **before and during their interview**. The agreement also provides for the organisation of an on-call system within the legal profession so that victims can receive the necessary **specialised legal assistance** 24 hours a day, 7 days a week[163]. This was also a recommendation of the Special Parliamentary Commission on Trafficking and Smuggling of Human Beings: "Ensure the immediate appointment of a lawyer, particularly when assistance from local centres is not possible (e.g. in the case of an initial police interview after the intervention)"[164]. It remains to be seen how this point of the federal coalition agreement will be implemented, particularly in terms of resources and budget. The Policy Statement Justice also provides for consultation with the bar associations and an analysis of the budgetary impact of this measure[165].

The Parliamentary Commission also recommended that legal aid offices keep an up-to-date list of **lawyers specialising in the trafficking and smuggling of human beings**[166]. Beyond specialisation in trafficking in human beings, the fact that some lawyers are aware of, or even trained in, victimology issues can help in understanding victims better. Training lawyers in helping victims of sexual and domestic violence at the Brussels Bar,[167] as part of the *Lawyer Victim Assistance* (LVA) project, is an example of good practice that should be encouraged.

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160 This information comes from an interview conducted by Myria as part of this focus; for more details on the TAM sections, see points 2.1, 2.2 and 2.4 above, and point 2.7 below.

161 Under Article 20 of Directive 2012/29/EU on victims' rights, transposed in Belgium into Article 91*bis* of the Code of Criminal Procedure, which nevertheless provides that the public prosecutor or the investigating judge may refuse this right in the interests of the minor or vulnerable adult, or in the interests of establishing the truth.

162 See Myria, *2019 Annual Report Trafficking and Smuggling of Human Beings*, p. 175.

163 Federal Coalition Agreement, 2025-2029, p. 152.

164 See Report of the Special Commission responsible for evaluating legislation and policy on trafficking and smuggling of human beings, 12 June 2023, *Doc. Parl.*, Chamber, DOC 55 2530/002, recommendation 24, p. 53. For an analysis of the work of this Commission, see Myria, *2023 Annual Report Trafficking and Smuggling of Human Beings*, p. 74-81.

165 Policy statement Justice, 13 March 2025, *Doc. Parl.*, Chamber, DOC 56 0767/017., p. 8.

166 See the report of the Special Commission responsible for evaluating legislation and policy on the trafficking and smuggling of human beings, 12 June 2023, *Doc. Parl.*, Chamber, DOC 55 2530/002, recommendation 24, p. 53.

167 C. Poiré, criminal lawyer at the Brussels Bar, transcript of the symposium "Troubles de la mémoire traumatique : impacts sur les victimes de traite des êtres humains" (Traumatic memory disorders: impacts on victims of trafficking in human beings), *Samilia*, 7 October 2024, p. 10.

2.7. Language barrier

The language barrier is a factor that can contribute to the secondary victimisation of victims. Communicating in a language that the victim understands helps to overcome this barrier[168].

Recruiting police officers who speak the victims' language and/or are **familiar with their culture** is an **added value**, enabling them to establish contact with victims more easily[169]. This is the case in certain federal and local police departments. For example, the "Team Africa" of the Brussels federal judicial police, a team that conducts investigations exclusively into the Nigerian prostitution milieu[170]. For example, in a local police district in Brussels, recruiting police officers who speak Spanish or Portuguese makes it easier to approach suspected victims of trafficking from Latin America[171].

In addition to translating statements, the presence of an interpreter can also facilitate understanding of certain cultural aspects and recognise the impact that the victims' cultural background may have on their reactions.

Training interpreters in the issue of trafficking in human beings is an effective way of ensuring that victims' statements are translated accurately. A good practice in this area is illustrated by the contribution by a specialised reception centre for minor victims of trafficking to a training course on trafficking organised for interpreters by the NGO ECPAT (*End Child Prostitution and Trafficking*). This initiative aimed to raise awareness among interpreters and familiarise them with the various parties involved in victim care[172].

Training interpreters in police interview techniques can also have a positive impact on the conduct of interviews. Myria highlights, as an example of good practice, the involvement of the TAM network[173] in a university module for interpreting students, to familiarise them with police interview techniques.

Good collaboration between investigators and interpreters can also play an important role, as illustrated by the inclusion of a module on this topic in the certificate programme offered by the TAM section[174].

2.8. Environment of trust

Creating a victim-friendly, safe and reassuring environment for victims is an effective way of making them feel more emotionally secure and increasing their trust in the authorities[175] and their ability to recall events, which can be severely impaired in a stressful environment[176]. Besides the fact that the **accessibility, comfort and layout of interview rooms** are factors that influence the decision to make statements or cooperate with the investigation; they can also contribute to the secondary victimisation of victims who have to recount traumatic events[177].

168 See the external contribution from *Victim Support Europe* at the end of this focus.

169 K. Bales & S. Lize (2007), *op. cit.*, p. 29.

170 The team has built up solid know-how and extensive expertise through its contacts over the years with hundreds of victims, perpetrators and other individuals involved, its permanent presence in the Nigerian prostitution milieu and several international letters rogatory carried out in Nigeria. See the external contribution by Commissioner Franz-Manuel Vandelook, head of the Trafficking in Human Beings Unit of the Federal Judicial Police in Brussels, in the *2018 Annual Report Trafficking and Smuggling of Human Beings*, p. 78.

171 In this regard, see Myria, *2024 Annual Report Trafficking and Smuggling of Human Beings*, p. 33

172 See the Government report on trafficking and smuggling of human beings 2019-2020, p. 28 (available at dsb-spc.be).

173 For further details on TAM interviews, see points 2.1, 2.2, 2.4 and 2.5 above.

174 This information comes from an interview conducted by Myria as part of this focus.

175 See the external contribution from *Victim Support Europe* at the end of this focus.

176 J. Korkman, HEUNI, *op cit.,* p. 15; See also the external contribution from *Victim Support Europe* at the end of this focus.

177 See also the external contribution from *Victim Support Europe* at the end of this focus.

According to the Victims' Rights Directive, victims with specific protection needs[178] are interviewed during the criminal investigation in **rooms designed or adapted for this purpose**[179]. With this in mind, the Code of Criminal Procedure provides that, in the specific case of the recorded interview of a minor or vulnerable adult (TAM interview), the victim must be interviewed in specially adapted rooms[180].

An example of good practice is the **EVA rooms**[181], where victims are **interviewed while seated in armchairs**. Opinions differ on the added value of having a **police assistance dog** present during the interview. While most of the actors interviewed by Myria emphasise the reassuring effect on victims, which means they are more trusting more quickly, some fear that the dog may be a source of distraction or that minor victims may tend to talk more to the dog than to the investigators. In this regard, Myria recommends following the example of the EVA unit in a Brussels police district. The dog is present at the beginning, during breaks and at the end of the interview with adult victims, but not during the interview itself. The dog is only present at the end of the interview with minor victims, to prevent them from giving answers in order to see the dog[182].

In several cases, police interviews with victims were conducted **on the premises of specialised reception centres**[183]. In some cases, this practice helped to gain the victims' trust and encourage them to make statements when they were initially reluctant to cooperate with the investigation.

2.9. Importance of official records of interviews for victims

Anonymising certain personal data of victims of trafficking in official records of interviews can help to increase their sense of security and gain their trust[184]. The federal coalition agreement contains an interesting provision in this regard: "The right to privacy of all victims must be respected. We will therefore ensure that in future only the victim's name and national registration number appear in the official report, and that contact details are kept in a separate, secure file to which only authorised persons, in particular the police, the public prosecutor's office and the victim support service, have access."[185]

With regard to trans* victims in particular, the **correctly recording their gender in the police reports** also helps to **strengthen their trust** in the authorities. In a case involving the sexual exploitation of Latin American victims, the police reports concerning a trans* woman systematically referred to her as male[186]. Raising awareness of this issue among magistrates, centres and the police would lead to better recording of trans* persons in their databases and a more appropriate way of referring to them in police reports and court decisions.

Another important aspect relating to police reports concerns the mention of **non-verbal language used by victims of trafficking**. Recording or describing non-verbal communication, provided it is mentioned in an objective, neutral and factual manner (e.g. "the victim is crying" or "the victim is trembling"), can be useful.

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178 These are needs identified in accordance with Article 22(1) of Directive 2012/29/EU.
179 See Article 23.
180 See Article 94.
181 For further details on EVA units, see points 1, 2.1 and 2.2 above.
182 This information comes from an interview conducted by Myria as part of this focus.
183 See in particular Myria, *2017 Annual Report Trafficking and Smuggling of Human Beings*, p. 100: Crim. Court, Dutch-speaking, Brussels, 28 March 2017, 60th ch. (final). See also the analysis of this case in the *2018 Annual Report Trafficking and Smuggling of Human Beings, Minors at Major Risk*, p. 89. See also another case: Myria, *2022 Annual Report Trafficking and Smuggling of Human Beings*, p. 68: Crim. Court, Hainaut, Charleroi division, 27 October 2021, 6th ch.; Myria, *2023 Annual Report Trafficking and Smuggling of Human Beings*, p. 103: Mons, 5 October 2022, 4th ch.; See also the analysis of this case in the *2024 Annual Report Trafficking and Smuggle of Human Beings, p. 67.*
184 See the external contribution from *Victim Support Europe* at the end of this focus.
185 Federal Coalition Agreement, 2025-2029, p. 152.
186 Myria, *2022 Annual Report Trafficking and Smuggling of Human Beings*, p. 68: Crim. Court, Hainaut, Charleroi division, 27 October 2021, 6th ch.; Myria, *2023 Annual Report Trafficking and Smuggling of Human Beings*, p. 103 Mons, 5 October 2022, 4th ch.; See also the analysis of the case in the *2024 Annual Report Trafficking and Smuggling of Human Beings*, p. 67.

Non-verbal communication, which is less controllable and regulated than verbal language, can be a more reliable source of information. It is less controllable due to uncontrollable emotions (fear, surprise), a reduced awareness of one's gestures, the fact that it is impossible to completely inhibit them, and the fact that habitual behaviour cannot always be replicated at any given moment[187].

Observing non-verbal signals can enable investigators to assume that the person is uncomfortable, to look for the cause and to **remain alert to possible psychological vulnerabilities**. In addition, recording non-verbal language in the official record of the interview can be useful for magistrates in substantiating their closing arguments or, for trial judges, their decisions.

In a recent case of economic exploitation in the demolition and waste sorting sector mentioned above[188], the police accurately and objectively recorded non-verbal communication during the interview. The judicial section of a local police zone in West Flanders conducted the interview and made the following remark in the official record: 'It is clear to us that (...) is afraid and does not dare to speak freely'. When asked by the police whether he had been physically or verbally assaulted, he said no and that he was not afraid. However, in the report of the interview, the police wrote in the margin of this response: "the individual looks down and trembles". In its conclusions, the public prosecutor also noted that he had initially been arrested and interviewed as a suspect due to his presumed role in the company's bankruptcy, whose liabilities exceeded €70,000. However, the public prosecutor referred to the police's findings regarding non-verbal communication in order to draw his conclusions: "The interview with (...) nevertheless painted a completely different picture. The reporting officer had the impression that (...) was frightened and did not dare to speak." The public prosecutor then added in parentheses: 'see the description of their body language and their responses during the interview, as recorded in the official record'. The court also considered him to be a victim of trafficking in human beings.

187 See P.J. Van Koppen, D.J. Hessing, H.F.M. Crombag, *op. cit* ., pp. 430-431.

188 See below, Part 2, Chapter 3, point 2.3.1: Crim. Court, West Flanders, Bruges division, 28 June 2024, ch. B17. See also the analysis of the case in Part 2, Chapter 2, point 1 below.

Chapter 3

Support for victims provided by specialised reception centres for victims of trafficking in human beings

1. Support for victims in a safe environment

Specialised centres play a central role in the **multidisciplinary cooperation model**. They provide administrative, psychosocial and legal support to victims and offer them residential accommodation.

The aim of **psychosocial support** is "(...) to assist victims in overcoming their situations and traumas, to help them regain control of their lives and to work with them to develop plans for the future. In this regard, every aspect of the person's life can be taken into account: language, training, civic integration, accommodation, work, family, health and integration."[189] In addition, **legal support** "concerns the investigation and legal proceedings: centres must assist victims when making statements or filing complaints, inform them of the progress of the investigation and proceedings, and notify them of court decisions. This also involves cooperation and consultation with the police, social inspection services and the relevant magistrates. The centres also work with lawyers to defend the interests of victims in court." [190]

The centres aim to build trust and create a safe environment for victims. They provide victims with a space where they can obtain information about their rights and a place to rest, which gives them a certain stability.

The centres strive to offer **each victim**[191] as **personalised support** as possible.

Specialised centres indicate that victims who are granted protection status have often experienced trauma in one way or another. These traumas are not necessarily always the result of exploitation, and sometimes existed beforehand. In their view, victims come from increasingly precarious situations. In their experience, there are now more victims suffering from serious mental health issues: severe depressive thoughts, suicidal tendencies, victims experiencing psychotic episodes or who resort to alcohol and drug abuse. This "**multiple problem**" means that victims more often need intensive support.

Victims are referred to a specialised centre through various channels. They may be referred by the police and inspection services. But they can also be referred by other services such as social services, guardians, hospitals, etc. In addition, a large proportion of victims **contact the centres themselves**, sometimes with the help of acquaintances or other victims.

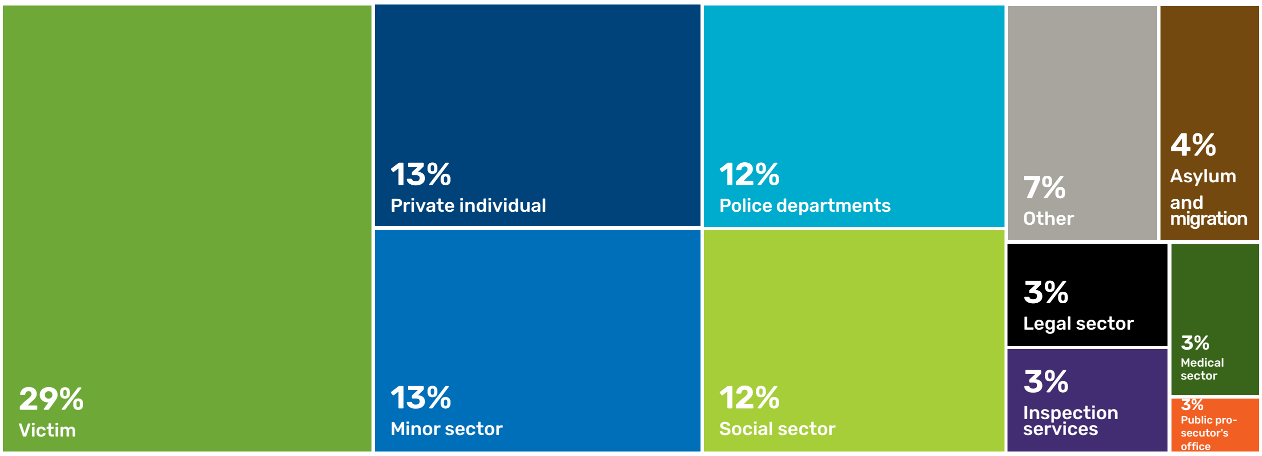
Figures[192] from 2024 show that one third of reports to specialised centres are made by the victims themselves(29%).

189 Circular of 23 December 2016 on the implementation of multidisciplinary cooperation concerning victims of trafficking and/or certain aggravated forms of smuggling 190 *Ibid.* See also Myria, *2019 Annual Report Trafficking and Smuggling of Human Beings*, p. 38 et seq.

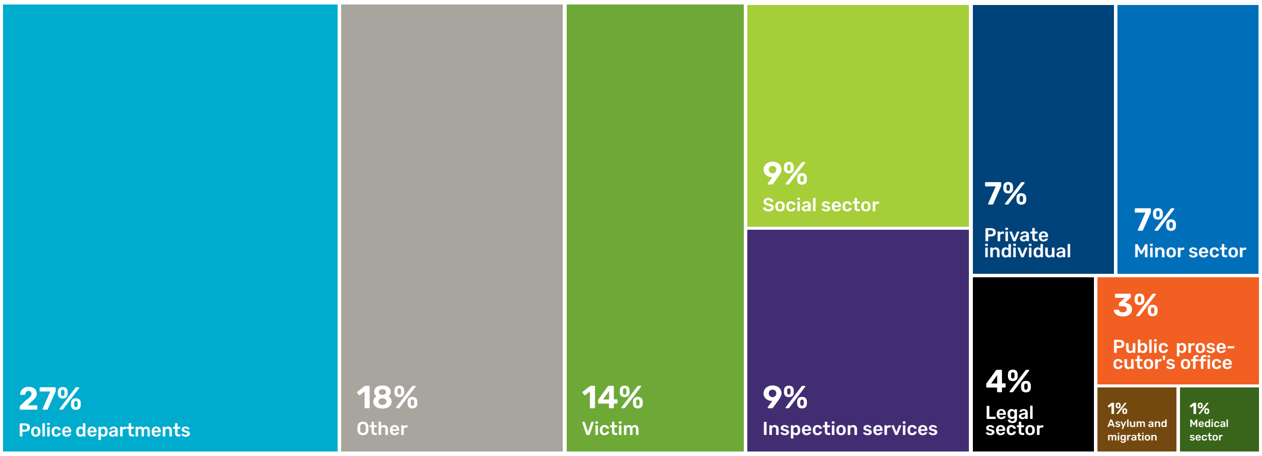
191 This is also an obligation under Article 11 of Directive 2012/29/EC on victims' rights and Article 11.7 of Directive 2024/1712 on trafficking in human beings.

192 Figures from the Payoke, PAG-ASA and Sürya reception centres via the MyEldo electronic case management system. MyEldo is a joint database for recording victims' files developed by Myria in collaboration with the three specialised reception centres for victims of trafficking in human beings It has been operational since March 2023.

Reports submitted by reporting bodies



New support programmes launched according to the reporting bodies (2024)



The 2024 figures on new support measures actually implemented also show that the largest group of victims were referred to the centres by the police, whilst in 14% of cases, the victims came forward of their own accord.

According to the centres, victims reported by (frontline) services have more often experienced serious trauma than those who came forward spontaneously[193]. The latter generally have more agency and are therefore less often psychologically vulnerable.

As mentioned above,[194] any service that comes into contact with a suspected victim of trafficking is **required to inform them** of the existence of the special protection procedure and to put them in touch with a specialised reception centre[195]. Victims who do not consider themselves as such must also be informed and referred[196].

The three specialised centres have an on-call system that means they are available 24 hours a day, 7 days a week.

193 This information is taken from various interviews conducted by Myria as part of this focus.

194 See Chapter 2, point 1 above.

195 See Article 11, §1/1 of the Law of 13 April 1995 containing provisions for the suppression of trafficking and smuggling of human beings; Article 61/2 of the Law of 15 December 1980 on the entry, stay, establishment and removal of foreign nationals (hereinafter: Aliens Act; point 3.2 of the circular of 23 December 2016 on the implementation of multidisciplinary cooperation concerning victims of trafficking in human beings and/or certain aggravated forms of smuggling of human beings; This also applies to other services that come into contact with suspected victims, such as the Immigration Office. The obligation to be informed of one's rights as soon as possible is also provided for in Article 4 of Directive 2012/29/EU on victims' rights.

196 See point 3.1 of the circular of 23 December 2016 on the implementation of multidisciplinary cooperation concerning victims of trafficking in human beings and/or certain aggravated forms of smuggling of human beings.

When a frontline service encounters a suspected victim of trafficking during an inspection, it should, in principle, contact a specialised centre. This centre conducts an **initial intake interview** to check for signs of trafficking[197]. This initial contact may be made by telephone, the victim may visit the centre, or – in some cases – the centre may visit the victim[198].

If there is sufficient evidence of trafficking, a more in-depth **admission interview** is then organised with the victim, and support may be offered. The victim's safety situation will also be assessed. If the victim is safe, outpatient support will generally be proposed. If there are safety concerns, support with accommodation in a shelter will be offered[199].

Victims are often initially reluctant to cooperate with the investigation, but after contacting the centres, they are often willing to make statements. Myria has seen this happen in several cases.

In a case mentioned above concerning the sexual exploitation of victims from Latin America[200], the police discovered several victims who did not initially consider themselves to be victims. After the intervention of a centre, they eventually came to see themselves as victims and made statements.

One of the victims was a trans* person from Brazil who had been seduced by her *loverboy* and forced into prostitution. Initially, she made false statements. She claimed to work as a hairdresser. She also refused to consider herself a victim. At the suggestion of the Liège police, she agreed to meet with a representative from a specialised reception centre. When the representative arrived, the interview was interrupted, and she was able to talk to him for an hour and a half. At the end of this interview, she agreed to be accompanied by this centre and decided to change her initial statements and tell the truth.

Another victim in the same case did not consider herself a victim during an initial interview and said she was unaware of the possibility of obtaining help from the centres. She was then put in touch with the centre, finally made a statement in the presence of a staff member and was recognised as a victim.

197 See Myria, *2019 Annual Report Trafficking and Smuggling of Human Beings*, p. 27. See also the Report of the Special Commission responsible for evaluating legislation and policy on trafficking and smuggling of human beings 12 June 2023, *Doc. Parl.*, Chamber, DOC 55 2530/002, Annex 4, p. 296, interview of Sarah De Hovre, director of PAG-ASA.

198 One example is PAG-ASA's Outreach project in Brussels: see Government report on trafficking and smuggling of human beings 2019-2020, p. 37 (available at dsb-spc.be).

199 The infrastructure of the reception centres is designed to ensure victims' safety: discreet addresses and entrances, video surveillance, security badges, and night duty.

200 Myria, *2022 Annual Report Trafficking and Smuggling of Human Beings*, p. 68: Crim. Court, Hainaut, Charleroi division, 27 October 2021, 6th ch.; Myria, *2023 Annual Report Trafficking and Smuggling of Human Beings*, p. 103: *Mons, 5 October 2022, 4th ch.;* See also the analysis of this case in the *2024 Annual Report Trafficking and Smuggling of Human Beings*, p. 67.

In a previous case involving the sexual exploitation of Chinese victims[201], the victims were found by the police in private apartments. During an initial interview, the four victims denied that they worked as prostitutes. They stated that they were not victims of trafficking and made up a story. One month after the initial interviews, PAG-ASA contacted the local police by telephone on behalf of one of the victims to file a complaint. During a second interview, the victim stated that she had come to Belgium from China after receiving false promises of employment and was then forced to repay her smuggle debt by prostituting herself.

In a previous case concerning the economic exploitation of Indian victims in a restaurant[202] where they were also housed, the Court of Appeal noted that "(...) the statements of the civil parties have changed, but it is necessary to take into account the changing circumstances of the civil parties' lives". During the first two checks, they did not want to cooperate. After the third check, they were taken in by Sürya, who explained their rights to them, which they had been unaware of until then.

In other cases, Myria notes that, over time, victims provide **more complete and detailed information** once they are supported by a centre.

In a previous case of sexual exploitation[203], Nigerian victims were more trusting of the investigation after being taken in by PAG-ASA and Payoke. The court found that "(...) all the evidence in the case file led to the conclusion that several girls had initially made their statements with reluctance, uncertainty and fear. As the interviews progressed and the girls became more trusting of the investigation, they revealed facts that were not exaggerated to obtain a favourable outcome."

201 Myria, *2018 Annual Report Trafficking and Smuggling of Human Beings*, p. 132: Crim. Court, West Flanders, Bruges division, 17 May 2017, 17th ch.; and Myria, *2020 Annual Report Trafficking and Smuggling of Human Beings*, p. 74: Ghent, 10 April 2019, 10th ch.

202 Myria, *2018 Annual Report Trafficking and Smuggling of Human Beings*, p. 142: Crim. Court, Namur, Namur division, 22 November 2017, 12th ch., and Myria, *2020 Annual Report Trafficking and Smuggling of Human Beings*, p. 83: Liège, 13 February 2020, 6th ch.

203 Myria, *2018 Annual Report Trafficking and Smuggling of Human Beings*, p. 127. Crim. Court, West Flanders, Bruges division, 20 September 2017, 17th ch.; and Myria, *2019 Annual Report Trafficking and Smuggling of Human Beings*, p. 117: Ghent, 1 June 2018, 10th ch.

2. Reflection period and access to protection status

The procedure relating to trafficking in human beings provides for a **45-day reflection period** for victims[204]. Victims sometimes need time, a calm environment and trust in order to make statements. During this initial period, staff at the centres can start working with victims by acting as trusted persons[205].

The reflection period is envisaged in various situations. One such situation is when a victim is found to be in such a state of shock that they are unable to cooperate with the investigation. The authorities or the centre are then generally convinced that there are indications of trafficking in human beings and that the person needs support, but the victim is not yet ready to make a statement. This makes it possible to quickly remove the victim from their distressing situation, and certain administrative procedures to be completed[206].

According to the specialised centres, **opting for the reflection period is not that common in practice**[207], which is also confirmed by the figures[208].

Several experts believe[209] that the 45-day period is sometimes too short to allow victims to recover from serious traumatic experiences. At the end of this period, they are not yet ready to make full or detailed statements. Experts are therefore calling for the **45-day period to be extended to three months**, to give victims more time or to seek another solution[210]. Staff in the centres also point out that abruptly interrupting support during the reflection period, due to insufficient time to find a solution for the victim, has a significant impact on all parties involved and weighs heavily on their motivation. Extending the reflection period was also a recommendation made by the Special Parliamentary Commission on Trafficking and Smuggling of Human Beings[211].

In several cases, Myria found that after a reflection period, victims had been put back in touch with frontline services through the centres to make statements.

In the above-mentioned case of sexual exploitation[212], several Nigerian victims had approached a specialised centre after being supported and encouraged to do so by other Nigerian victims with whom they were still in contact on Facebook or whom they had met on the street. In addition, former Nigerian victims had communicated with other Nigerian girls in difficulty or had met them within the Nigerian community and referred them to the centres. They had arranged to meet at one of the centres specialising in assisting victims of trafficking, which had contacted the police at their request. Twelve Nigerian victims, including four minors, were granted victim status after coming forward and making statements to the police. One of the victims had filed a civil suit during the trial.

In a previous case involving the economic exploitation of domestic workers and handymen by a businessman involving several victims, one of the victims[213] was referred to a specialised centre by the local Social Welfare Centre. The reflection period was then applied. Initially, the investigation focused only on the non-payment of wages.

204 Art. 61/2 of the Aliens Act The reflection period granted to victims is also an obligation under Article 6 of European Directive 2004/81/EC on the residence permit issued to third-country nationals who are victims of trafficking or who have been the subject of an action to facilitate illegal immigration and who cooperate with the competent authorities.

205 Victims may also make use of the reflection period while awaiting voluntary return to their country of origin.

206 This information is taken from various interviews conducted by Myria as part of this focus.

207 See in particular: Report of the Special Commission responsible for evaluating legislation and policy on trafficking and smuggling of human beings, 12 June 2023, *Doc. Parl.*, Chamber, DOC 55 2530/002, Annex 4, p. 296, interview of Christian Meulders, director of Sürya.

208 See below, Part 3, point 1.11. When a victim comes to one of the specialised centres, the centre submits an application for a residence permit, namely an Annex 15, to the Immigration Office on their behalf.

209 See in particular: Report of the Special Commission responsible for evaluating legislation and policy on trafficking and smuggling of human beings, 12 June 2023, *Doc. Parl.*, Chamber, DOC 55 2530/002, Annex 4, p. 296, interviews of Sarah De Hovre, director of PAG-ASA, Christian Meulders, director of Sürya, and Patsy Sörensen, founder of Payoke.

210 A 90-day reflection period is also provided for in the Netherlands, in Regulation B8/3.

211 In its recommendation No. 47, the Special Commission on Trafficking and Smuggling of Human Beings recommends extending the reflection period to three months in situations where the 45-day reflection period proves too short, but where undeniable progress has been made. This decision is taken by the magistrate in charge, after consulting the centres. The draft of the new Migration Code also provides for the possibility of extending this 45-day period.

212 Myria, *2017 Annual Report Trafficking and Smuggling of Human Beings*, p. 100. Crim. Court, Brussels, Dutch-speaking, 28 March 2017, 60th ch. (final); See also the analysis of this case in the *2018 Annual Report Trafficking and Smuggling of Human Beings, Minors at Major Risk*, p. 89.

213 Myria, *2016 Annual Report Trafficking and Smuggling of Human Beings*, p. 105 and 173: Crim. Court, French-speaking, Brussels, 19 June 2015, 59th ch.

After being interviewed by the labour prosecutor's office, the victim was granted the status of a victim of trafficking. The support of the specialised centres proved essential, as it demonstrated the usefulness of the reflection period and the importance of social and legal assistance. The investigation into trafficking in human beings was only really initiated after the labour prosecutor's office's office received additional information about the victims from the specialised centre.

As soon as the victim decides to cooperate, the **second phase of the procedure** is launched. If the victim does not have a residence permit, three-month residence papers are requested from the Immigration Office[214].

Several experts, including magistrates, also emphasise that magistrates must interpret the victim's cooperation in the investigation broadly. The 2016 circular[215] specifies that cooperation with the judicial authorities consists of making statements or filing a complaint. In this regard, statements must be interpreted broadly. This may involve, for example, the victim providing information. The victim's intention to cooperate with the investigation would suffice in itself[216].

3. Staff at the centres acting as trusted persons in the context of criminal proceedings

Specialised centres will not only inform victims about criminal proceedings[217] and their rights, but will also **prepare them for their Interview by the police and inspection services**: They will explain the procedure and the interview, what to expect, administrative matters (declaring oneself an aggrieved party) and practical matters (requesting breaks during the interview). They will also emphasise the importance of the chronology of events, answering truthfully, mentioning any uncertainties, the way in which certain elements can be interpreted, etc.

In some cases, the centres will call on an **interpreter** to communicate with the victim. Experience shows that it can be helpful for this interpreter to be an expert by experience (a former victim of trafficking in human beings) to gain the victim's trust and help them tell their story[218].

According to some actors **psychological support** can help victims decide to make statements[219].

In most cases, staff at the centres will accompany victims as **trusted persons during interviews** conducted by the police or inspection services[220]. They will always be physically present at the interviews, unless the victim has already established a relationship of trust with another person, such as their lawyer or guardian (in the case of an unaccompanied minor). Practices in other countries also show that close cooperation between the authorities and organisations supporting victims yields positive results[221].

214 This is a registration certificate. See point 5.2 of the circular dated 23 December 2016.

215 See point 1.4 of the circular dated 23 December 2016.

216 See in particular: Report of the Special Commission responsible for evaluating legislation and policy on trafficking and smuggling of human beings, 12 June 2023, *Doc. Parl.*, Chamber, DOC 55 2530/002, Annex 4, p. 298, interview of Ann Lukowiak, magistrate at the Federal Public Prosecutor's Office. See also Myria, *2023 Annual Report Trafficking and Smuggling of Human Beings*, p. 57.

217 This obligation also stems from Articles 4 and 6 of Directive 2012/29/EC on victims' rights and Article 11(5) of Directive 2024/1712 on trafficking in human beings.

218 F. F. Klerx-Van Mierlo, D. Youngs, M. Oostinga, L. Mergaerts, D. Van Daele, & P. Van der Velden (2014), *Bejegening van getraumatiseerde slachtoffers van mensenhandel ten behoeve van coherente of consistente getuigenverklaringen. Een internationaal verkennende studie*, International Victimology Institute Tilburg (INTERVICT); Tilburg, p. 118.

219 *Ibid.*, p. 118. See point 4 below.

220 See above, Chapter 2, point 2.6.

221 See in particular FRA, *Underpinning victims' rights: support services, reporting and protection*, 2023, pp. 6, 41 and 47.

In several cases, it was clear that the presence of a staff member from aspecialised centre allowed victims to feel safe enough to make statements[222].

In a case mentioned above concerning the sexual exploitation of Latin American victims[223], one of the victims initially made false statements. Once accompanied by a staff member from the centre, she was willing to tell the truth and provide coherent explanations.

The law stipulates that a trusted person must be present[224]. Specialised services are aware of this and, depending on the centre, problems in this regard are rare. Sometimes the police or a magistrate may object. This is usually the case with services or magistrates who are inexperienced in trafficking in human beings.

Having a colleague present as a trusted person also makes it possible to evaluate the interview after the fact. This can reveal problems with the interpreter during the interview. If necessary, a new interview may also be requested to clarify certain points[225].

An **assistance dog** is available at one of the centres. When interviews take place at the centre, the dog attends if the victim so wishes. The dog is also present during preparatory interviews with social workers. This can have a reassuring effect on some victims.

4. Psychological support

The centres refer victims to **psychological support** if they need it and request it. They do not have psychologists on staff. However, their social workers often provide psychosocial support or receive training in this area.

For therapy, other centres collaborate with external services, psychologists and psychiatrists. The centres state that this allows them to better respond to the specific needs of victims and gives them greater autonomy. One of the centres also pointed out that internal psychological support would mean that the continuity of the therapy could not be ensured after the end of the care. Furthermore, a conflict of interest could arise if psychological support is provided by a member of staff if the victim reveals information during therapy sessions that is incompatible with their protected status. A medical expert indicated that the presence of a psychologist in a reception centre could add value, as he or she could help manage psychotraumatic symptoms (such as flashbacks) without necessarily being the victim's designated psychologist[226]. In specialised centres, emphasis is also placed on regular staff training on the trauma experienced by victims.[227] Peer review sessions are also regularly organised within the team. Esperanto, the specialised centre that takes in minor victims of trafficking, works with a multidisciplinary team (including a psychologist, a social worker, a criminologist, psychomotor experts, educators and nurses) that offers young people individual psychological support[228]. This is an example of good practice.

In addition, external services are often more specialised in terms of language, type of exploitation, type of therapy, origin of the victim (migration, refugees) and knowledge of certain cultural customs (e.g. voodoo, djinns). The centres note that, for many victims, undergoing therapy is taboo, whether for cultural reasons or otherwise. A psychologist familiar with the person's

222 See in particular Myria, *2024 Annual Report Trafficking and Smuggling of Human Beings*, p. 79 and Myria, *2018 Annual Report Trafficking and Smuggling of Human Beings*, p. 94.

223 Myria, *2022 Annual Report Trafficking and Smuggling of Human Beings*, p. 68: Crim. Court, Hainaut, Charleroi division, 27 October 2021, 6th ch.; Myria, *2023 Annual Report Trafficking and Smuggling of Human Beings*, p. 103: Mons, 5 October 2022, 4th ch.; See also the analysis of this case in the *2024 Annual Report Trafficking and Smuggling of Human Beings*, p. 67.

224 Article 91*bis* of the Code of Criminal Procedure provides that any minor or vulnerable adult who is a victim or witness of trafficking in human beings may be accompanied by an adult of their choice during their interview. This is also an obligation under Article 20(c) of Directive 2024/1712.

225 See above, Chapter 2, point 2.3.

226 This information comes from an interview conducted by Myria as part of this focus.

227 Since 2023, the three centres have participated in the European VONA project, which aims to improve the care of victims of trafficking from non-EU countries by adopting a more gender-sensitive and trauma-focused approach. The project takes a two-pronged approach: 1) direct assistance to victims by covering the costs of psychological support; 2) training staff to integrate a trauma- and gender-based approach. See also the PAG-ASA website and the Payoke website.

228 Myria, *2018 Annual Report Trafficking and Smuggling of Human Beings*, p. 56. See also the Report of the Special Commission responsible for evaluating legislation and policy on trafficking and smuggling of human beings, *Doc. Parl.*, Chamber, DOC 55 2530/002, Annex 4, p. 296, interview of Sébastien Biaudelle, director of Esperanto.

cultural background can therefore provide added value. Collaboration has therefore been established with organisations such as *Solentra*[229], *Woman'Do*[230] and *Tabane*[231]. Family planning centres and health centres that have psychologists, psychiatrists and doctors on staff and which, thanks to long-standing collaboration, have gained experience with victims of trafficking are also often called upon. Waiting lists are often long, and the costs of psychological support can be high, especially if it has to continue after the protection procedure has ended. Victims have to bear a large part of the costs themselves, which can represent a significant financial burden. It is also often necessary to hire an interpreter, which incurs additional costs. Recently, Sexual Assault Centres (SAC) have started offering free psychological consultations under certain conditions[232]. The fact that the federal coalition agreement stipulates that victims (in general) should be able to receive free psychological support is a positive development in this regard, and Myria looks forward to seeing how this will be implemented[233].

229 Solentra – UZ Brussel.

230 Womando.

231 Tabane asbl.

232 Among the conditions, the violence must be sexual in nature and a certain period of time must have elapsed between the incident and the moment when the victim contacts the centre, etc. The 2025-2029 federal coalition agreement recognises the need for a holistic and multidisciplinary approach to gender-based violence in all its forms, in which prevention, assistance, policing and justice are coordinated and provides for the continued deployment of the SACs, p. 84.

233 Federal Coalition Agreement, 2025-2029, p. 153. See also Policy statement Justice, 13 March 2025, *Doc. Parl.*, Chamber, DOC 56 0767/017., p. 8.

Chapter 4

The vulnerabilities of victims taken into account by the judge

1. Taking psychological vulnerabilities into account in the grounds for the decision.

The statements and testimonies of victims can constitute important evidence in cases of trafficking in human beings. However, as mentioned above, victims of trafficking sometimes make inconsistent statements out of fear or mistrust. This does not call into question the credibility of the victims' statements[234]. Judges, who generally do not come into contact with victims except sometimes during the court hearing, must rely on the evidence in the criminal case file. It is therefore important that judges also have expertise and receive training on the vulnerabilities of victims of trafficking.

A few magistrates specialising in trafficking in human beings have contributed to a book on the subject and have attempted to raise awareness among other magistrates. They stated the following (freely translated): "Criminal judges seek material truth, but in doing so, they sometimes encounter statements from witnesses and victims that, at first glance, give contradictory versions of events"[235].

"When ruling on cases related to trafficking and smuggling of human beings, a judge must take into account the fact that using 'internal logic' as a criterion for assessing statements can sometimes be problematic, given that external verification is impossible. In other words, while **judges** generally **tend to be suspicious of inconsistent statements, intrinsic inconsistency** may in fact be a **sign they are telling the truth**. Victims of trafficking and smuggling say one thing and then the complete opposite, and there is often a good reason why. Discrediting them **by describing their statements as implausible** would lead to **errors**[236]".

"Measuring truthfulness in the context of trafficking and smuggling of human beings therefore requires more than simply checking for internal consistency: the judge must adopt a social attitude that goes beyond simple rational understanding and is based on knowledge of human nature, understanding, empathy and socio-clinical experience, which are the foundations on which a pragmatic and emotional assessment of truthfulness can be based"[237].

In many cases and decisions, Myria notes a good practice: judges take into account the **psychological vulnerabilities** and **lived experiences of victims of trafficking**, whether in assessing the facts or deciding on possible compensation. In one case mentioned below, for example, the judge took into consideration the serious trauma suffered by the young victim as a result of exploitation. The judges also noted that the victims or their relatives remained under pressure from the exploiters, were threatened by them, or constrained by certain cultural codes, such as voodoo. Reference has already been made above to a case in which the judge recognised someone as a victim of trafficking, even though that person did not consider themselves to be one[238].

234 *2023 Annual Report Trafficking and Smuggling of Human Beings*, p. 57.

235 Free translation; J. Lorré (Ed.), F. De Ketelaere, F. Demeester, M. Manderick, *op.cit.*, pp. 51 et seq. 236 *Ibid.*, pp. 51-52. See also Chapter 2, point 2.2 above on how memory works.

237 *Ibid.*, p. 52.

238 See above, Chapter 2, point 2.2.

In this regard, it is useful for magistrates that the official reports of victim interviews also mention the victim's attitude and reactions during the interview[239].

In a previous case involving domestic slavery[240], the judge ruled that the working conditions in which the victims were employed could be considered slavery and that "the victims of such treatment have reasonably suffered both physical and psychological trauma".

In the above-mentioned case of sexual exploitation and smuggling[241], a Moroccan trans* victim was verbally threatened and physically attacked with a knife by the defendant when she refused to accept his conditions. The judge considered that, given the various injuries, their nature and location, and the specific circumstances in which they were inflicted, it could be assumed that she suffered from post-traumatic stress disorder.

In a case mentioned above concerning the sexual exploitation of young victims using the *loverboy* method, the defendant systematically targeted very young and particularly vulnerable girls, often with a history of institutional care or from problematic family backgrounds.[242] The case was based on several statements from victims, which could also be corroborated by other evidence. One victim was interviewed at least 6 times. The judgment explicitly referred to these interviews and to the fact that the victim had stated during an initial interview that she was still traumatised by the events. The investigating judge appointed a medical expert to examine the injuries suffered by the victims as a result of the exploitation. The judge considered that: "There is no reason to doubt the veracity of the numerous and consistent statements made by the victims, which were – as is clear – reported, repeated and clarified without exaggeration and, in some cases, in great detail, and which are corroborated by various other objective evidence."

In another case involving sexual exploitation using the *loverboy* method, a victim initially made statements incriminating her exploiter.[243] However, she later retracted her statements under pressure from the exploiter. The court correctly assessed and ruled that: "This new statement by X is clearly not credible and contradicts her two previous statements, which were very detailed. There is no doubt that she was pressured to make a new statement immediately after Y's release. This new statement is not supported by any objective evidence in the criminal case file, unlike her previous statements, which are corroborated by witness testimony and telephone recordings."

In a case mentioned above concerning sexual exploitation[244], a victim had changed her statement several times because she and her family had received threats in their country of origin. The judge took this into account: "During subsequent interviews, she confirmed the first version of events she had given. She explained that she had changed her statements during the second interview because she had been threatened by X, who had told her that he would make sure that her parents would never live in peace again if she made an incriminating statement. Later in the investigation, after X's arrest, she also reported threats against her mother. X's mother was going to take a photo of Y to the voodoo priest.

239 See the examples mentioned above in Chapter 2, point 2.9.
240 Myria, *2017 Annual Report Trafficking and Smuggling of Human Beings*, p. 122: Crim. Court, French-speaking, Brussels, 23 June 2017, 59th ch. (inal).
241 Myria, *2024 Annual Report Trafficking and Smuggling of Human Beings*, p. 102: Crim. Court, Limburg, Tongeren division, 4 January 2024, ch. 9K3R (appeal).
242 Myria, *2022 Annual Report Trafficking and Smuggling of Human Beings*, p. 71: Crim. Court, West Flanders, Bruges division, 22 September 2021, ch. B.17 (appeal); Myria, *2023 Annual Report Trafficking and Smuggling of Human Beings*, p. 103: Ghent, 18 February 2022, 10th ch.
243 Myria, *2021 Annual Report Trafficking and Smuggling of Human Beings*, p. 66: Crim. Court, Antwerp, Antwerp division, 14 May 2020, ch. AC4 (appeal).
244 Myria, *2020 Annual Report Trafficking and Smuggling of Human Beings*, p. 73: Crim. Court, Antwerp, Antwerp division, 26 June 2019, ch. AC10, No. 2019/3379 (final).

In several cases, Myria has observed that judges placed the **contradictory statements** made by victims **in the context of their exploitation** (e.g. the fact that they were initially too frightened to make statements or too dependent on their exploiters). As their trust in the investigation grows or they receive support from the centres, they reveal the truth. In some cases, judges also understand that victims may be approached by exploiters during the investigation and therefore retract their statements.

In a previous case of economic exploitation in a restaurant, several Indian victims[245], including a minor, were working and living in very precarious conditions in the restaurant and in the basement. The victims were found in this restaurant during successive inspections. During each inspection, they were interviewed and made statements to the inspection services. They initially denied being employed in the defendant's restaurant. However, as soon as they arrived at a reception centre, they retracted their initial statements. The Court of Appeal considered that the civil parties' statements had indeed changed over time, but that this was linked, in its view, to changes in their living circumstances: they fled during the first inspection; they were obliged to maintain contact with the defendant who was exploiting them, as they were dependent on him due to their illegal residence status during the second inspection; they were housed in a specialised reception centre after the third check, where they were informed of their rights, of which they had been unaware until then.

In another case mentioned above concerning child marriage within the Roma community[246], the minor victim was interviewed on video several times and changed her statements during the investigation in favour of the defendants. The victim was under significant pressure from her family and the exploiters. However, the court took into account her initial statements, which she later changed but which could be corroborated by several objective elements.

In some cases, an official diagnosis or **report written by a doctor or expert** is **included in the file**, certifying that the victim is psychologically vulnerable. In some cases, an expert was appointed by the public prosecutor or an investigating judge, while in others, this information was provided by the civil parties themselves.

In case law, Myria notes that judges have taken this into account in a positive manner.

In a case involving the economic exploitation of domestic workers involving several Bulgarian victims[247], including a person with a disability, the investigating judge appointed a forensic medical expert to examine one of the victims. The latter established that the man had been the victim of chronic physical neglect and physical and psychological abuse by the defendant. He considered that "long and intensive psychological treatment [would] be necessary to treat the psychological damage. The scars are so extensive that they can no longer be treated appropriately with current medical means."

In a case concerning the economic exploitation of an Egyptian victim in a restaurant[248], the court decided, in an interlocutory judgment, to grant the public prosecutor's request to reopen the proceedings and call a witness to the stand, in this case a psychologist working for Médecins du Monde. She testified under oath that the victim had come to seek psychological help. The man was undergoing therapy following traumatic events and had recounted what had happened in the restaurant.

In a case of economic exploitation in the newspaper distribution sector[249] involving a vulnerable Slovak victim who was housed and

245 Myria, *2018 Annual Report Trafficking and Smuggling of Human Beings*, p. 142: Crim. Court, Namur, Namur division, 22 November 2017, 12th ch., and Myria, *2020 Annual Report Trafficking and Smuggling of Human Beings*, p. 83: Liège, 13 February 2020, 6th ch.

246 Myria, *2023 Annual Report Trafficking and Smuggling of Human Beings*, p. 111: Crim. Court, Antwerp, Antwerp division, 5 March 2021, ch. AC8; Antwerp, 23 December 2021, ch. C6.

247 Myria, *2021 Annual Report Trafficking and Smuggling of Human Beings*, p. 75: Crim. Court, East Flanders, Ghent division, 7 October 2020, ch. G29 and Myria, *2022 Annual Report Trafficking and Smuggling of Human Beings*, p. 86: Ghent, 18 November 2021, 3th ch.

248 Myria, *2024 Annual Report Trafficking and Smuggling of Human Beings*, p. 115: Crim. Court, East Flanders, Ghent division, 20 September 2023, ch. G29, No. 2455 (final).

249 Myria, *2020 Annual Report Trafficking and Smuggling of Human Beings*, p. 92: Crim. Court, East Flanders, Ghent division, 15 January 2020, ch. G29 (final).

employed in inhumane conditions, the labour prosecutor's office appointed a forensic medical expert to "give an opinion on the vulnerability of the person concerned due to illness, physical or mental disability or incapacity". During the interview with the forensic medical expert, it emerged that the victim had not disclosed certain information for fear of reprisals from the exploiters. In his judgment, the judge expressly took into account the expert's conclusions and convicted the defendant of trafficking in human beings, with the aggravating circumstance of having abused the victim's vulnerable situation: "The report of the forensic medical expert appointed by the labour prosecutor's office reveals that (...) is highly impressionable and vulnerable".

The **defence** often **questions** the **veracity of victims' statements**. Defendants sometimes also claim that the support provided to victims by a specialised centre constitutes a violation of their right to a fair trial. Myria has observed in several decisions that judges do not automatically follow this line of reasoning.

In a recent case of economic exploitation in a poultry slaughterhouse[250], the opposing party argued that some victims had learned during their interview that they could obtain residence status if they declared that they had worked in poor conditions. The court found that "there was no reason to doubt the veracity of the victims' statements, which were consistent and very often revealed indications of exploitation".

In a recent case concerning the economic exploitation of domestic workers employed by diplomats[251], the Ethiopian victim made several statements, which the defendants refuted on appeal. According to the Court of Appeal, the victim's statements—which were sometimes contradictory—could not be verified based on other evidence. However, the court ruled that the work was contrary to human dignity and therefore constituted trafficking in human beings.

In the above-mentioned case concerning economic exploitation in the hospitality industry[252], involving an Egyptian victim, the opposing party also highlighted the frequency of communications between the reception centre and the inspection services. According to the defendants, this demonstrated the bias of the inspection services. However, the judge found no evidence in the case file to conclude that the inspection had not been objective. The opposing party also argued that the labour prosecutor's office had acted unfairly and influenced the witnesses (the doctor and the psychologist). Again, the court stated that there was no reason to believe that the witnesses had made false statements.

In a case concerning economic exploitation in the second-hand clothing sorting sector[253] involving Algerian victims, the defendant considered that the fact that the victims were accompanied by a specialised centre constituted a violation of his right to a fair trial. However, the court emphasised that there was nothing untoward about the workers being assisted by a specialised reception centre during the proceedings. Indeed, this non-profit organisation has a legal mission, established by royal decree, to receive and support victims of trafficking. The fact that the labour prosecutor, in his capacity as a senior judicial police officer, conducted direct checks with a non-profit organisation that assists undocumented migrant workers (Fairwork Belgium) is not surprising and does not constitute a violation of the right to a fair trial.

250 Crim. Court, West Flanders, Bruges division, 21 February 2025, ch. B17 (appeal). See Part 2, Chapter 3, point 2.3.7.

251 Brussels, Dutch-speaking, 21 November 2024, 15th ch. (appeal in cassation). See Part 2, Chapter 3, point 2.3.3.

252 Myria, *2024 Annual Report Trafficking and Smuggling of Human Beings*, p. 115: Crim. Court, East Flanders, Ghent division, 20 September 2023, ch. G29, No. 2455 (final).

253 Myria, *2020 Annual Report Trafficking and Smuggling of Human Beings*, p. 88: Crim. Court, Brussels, French-speaking, 9 March 2020, 69th ch. (appeal).

2. The importance of specialised judges

The previous point underscores the importance of judges having the necessary expertise and experience in trafficking in human beings cases. The model in West Flanders, which has chosen to **pool and centralise the expertise** of magistrates both **in terms of criminal prosecutions** and the **judgements handed down**, is a good example. In other words, a chamber specialising in the trafficking and smuggling of human beings has been designated. The magistrates in Bruges stated the following on this subject in their book (freely translated):

"In courts, it may be interesting to have a specific chamber or judge responsible for examining all cases relating to the trafficking and smuggling of human beings. This would allow the court to fully appreciate the seriousness of the facts. However, the judge hearing the case may also need a certain amount of experience to evaluate the evidence in cases relating to trafficking and smuggling of human beings."[254]

The magistrates also refer to a university study conducted in 2014[255] in which Belgian, Dutch and British magistrates were interviewed. This study showed that the magistrates referred to, who are regularly confronted with this issue and, despite their less frequent contact with the victims, are well aware that the pressure and fear faced by victims of trafficking can lead to inconsistencies and contradictions in their statements. Since these cases are systematically referred to the same chamber or judge, the experience gained in dealing with this type of case means that the latter can assess statements more effectively[256].

It is also important that judges receive **appropriate training**, not only on trafficking in human beings in general, but also on the particular vulnerabilities of victims. Several training courses on this topic have been organised for magistrates in the past, which Myria considers to be good practice[257]. The new directive on trafficking in human beings also encourages Member States to provide general and specific training for judges, in particular to prevent secondary victimisation and protect victims[258].

254 Free translation; J. Lorré (Ed.), F. De Ketelaere, F. Demeester, M. Manderick, *op.cit.*, pp. 51

255 F. Klerx-Van Mierlo, D. Youngs, M. Oostinga, L. Mergaerts, D. Van Daele & P. Van der Velden (2014), *op. cit.*, p. 106.

256 J. Lorré (Ed.), F. De Ketelaere, F. Demeester, M. Manderick, *op. cit.*, p. 52.

257 See, in particular, the 2017-2018 European project "Strengthening multidisciplinary cooperation to ensure effective referral, assistance and protection of victims' rights of human trafficking", focused on supporting and assisting victims; a training course organised in 2018 by the IFJ and Caritas International focused on the trauma experienced by victims; a guide entitled *"Handbook for legal, social, and health professionals involved in the protection of the rights and the assistance of victims of THB*"; a study day entitled "Victims of trafficking and smuggling of human beings. People as evidence" in 2022 for police and magistrates, focusing on interviewing and the trauma experienced by victims.

258 Art. 18(c) of Directive 2024/1712 on preventing and combating trafficking in human beings.

3. The court hearing and possible confrontations with exploiters

The court hearing is often a setting in which victims are once again confronted by their exploiters. In Belgium, victims are not required to attend the trial; they can be represented by a lawyer. This can be considered good practice to prevent the risk of secondary victimisation, given that in some other Member States, attendance is mandatory[259]. If, in exceptional cases, victims still wish to attend the court hearing, they are (in principle) accompanied by specialised centres. In all cases, the impact on victims can be significant.

In some cases, such as those involving *loverboys* or Nigerian victims threatened with voodoo, it has been found that the perpetrators continued to exert influence over the victims until the court hearing.

In a previous case involving a Hungarian *loverboy*[260], several victim statements revealed that even after the perpetrators had been arrested, the victims were still pressured and threatened. Even behind bars, the perpetrator continued to pressure them to stay silent. When this Hungarian *loverboy* appeared in court, the courtroom was filled with victims who, despite the violence he had inflicted on them, had come to offer him moral support and found it terrible that he was being tried.

Some victims expressly wish to file a civil suit. Others believe there is no point in doing so. The reasons may be that they prefer to distance themselves emotionally from the traumatic event as quickly as possible or because they fear reprisals against themselves or their families. Sometimes, the victim simply cannot afford to hire a lawyer if they are not or are no longer entitled to legal assistance. As soon as a victim starts working (again), they often find themselves above the threshold for entitlement to free legal assistance.

Myria has learned that one centre has exceptionally provided *pro bono* legal representation for victims who have returned to their country of origin, so they can still be represented in court. This can be considered good practice[261].

In a previous case of economic exploitation in the construction sector[262], some victims stated that they did not wish to pursue the matter further because they wanted to turn the page and forget everything that connected them to the Belgian businessman (the defendant): 'I now work as a physical education teacher, and I am (...) married. I no longer have any contact with [...], and I don't want to hear about him anymore."

In a previous case mentioned above concerning economic exploitation in a pallet factory[263], several Bulgarian victims who had been granted victim status also wished, after a certain period of time, to return to their country of origin to rejoin their families. The specialised centres, therefore, informed the police and the magistrate in writing that they had ended their support because the individuals had returned to Bulgaria. Interviews with Myria revealed that the centres had put the victims in touch with a *pro bono* lawyer before their departure so that they could be represented in subsequent proceedings. Nearly a decade later, several victims therefore filed a civil suit.

Confrontations between victims and defendants at the hearing rarely, if ever, occur in Belgium. In most cases, this does not add any value, as both parties remain entrenched in their positions[264].

259 This is also an obligation for Member States, in accordance with Article 19 and Article 23(3) of Directive 2012/29/EU on victims' rights and Article 12(4) of Directive 2024/1712 on preventing and combating trafficking in human beings.

260 Myria, *2015 Annual Report Trafficking and Smuggling of Human Beings*, p. 104: Crim. Court, East Flanders, Ghent division, 21 August 2014, 19th ch. (final). See also the analysis of the case on p. 65 of the same report.

261 See also Article 13 of Directive 2012/29/EC on victims' rights.

262 Myria, *2016 Annual Report Trafficking and Smuggling of Human Beings*, p. 105 and 173: Crim. Court, French-speaking, Brussels, 19 June 2015, 59th ch. (final).

263 Myria, *2017 Annual Report Trafficking and Smuggling of Human Beings*, p. 115: Crim. Court, Antwerp, Turnhout division, 18 January 2017, ch. TC1 and Myria, *2019 Annual Report Trafficking and Smuggling of Human Beings*, p. 126 : Antwerp, 24 January 2019, Ch. C6. See also the analysis of the case in the *2021 Annual Report Trafficking and Smuggling of Human Beings*, p. 46.

264 See point 1.2 above. See Myria, *2017 Annual Report Trafficking and Smuggling of Human Beings*, p. 115: Crim. Court, Antwerp, Turnhout division, 18 January 2017, ch. TC1; *2019 Annual Report Trafficking and Smuggling of Human Beings*, p. 126: Antwerp, 24 January 2019, ch. C6. See also the analysis of this case in the *2021 Annual Report Trafficking and Smuggling of Human Beings*, p. 46.

In Belgium, compared to other countries, **victims** are **rarely called to testify in court**. Judges will mainly rely on the evidence in the criminal case file, such as the official record of the victims' interviews. This is good practice because of the considerable impact on the victim and the risk of secondary victimisation.

In a case concerning the *loverboy* method used on adult women[265], the defendant, a well-known businessman, was prosecuted and convicted in the first instance for trafficking in human beings. Two victims had filed a civil suit. One of the victims had a child with the defendant, whom he often used to put pressure on her. On appeal, the opposing party requested that several witnesses be heard. The Court of Appeal agreed and, in an interlocutory judgment, summoned several people to testify at the interview. The two civil parties were also summoned to appear in person and testify at the interview before the court.

The Code of Criminal Procedure[266] provides that a judge may decide to hear the case **behind closed doors** if one of the parties or the victim so requests, in particular to protect their privacy[267]. However, judges only authorise this in exceptional cases. Even in a case[268] involving smuggling and serious sexual exploitation of Afghan victims, the judge did not grant the request of several civil parties, namely the centres and a victim. The public prosecutor was against having a trial behind closed doors, given the public interest.

The federal coalition agreement stipulates that all existing and new courthouses must have **specially equipped rooms to accommodate victims**. These must be spaces where victims and their families can feel respected and safe, and where the victim support service can carry out its work[269]. This could improve the situation.

265 Myria, *2023 Annual Report Trafficking and Smuggling of Human Beings*, p. 106 Antwerp, 28 April 2022, ch. C6.
266 This is also an obligation under Article 23(3) of Directive 2012/29/EC on victims' rights.
267 Art. 190 of the Code of Criminal Procedure.
268 Crim. Court, Antwerp, Antwerp division, 27 November 2024, ch. 10C (appeal). See Part 2, Chapter 3, point 3.2 Myria was also a civil party in this case.
269 Federal Coalition Agreement, 2025-2029, p. 152.

4. The impact of a decision and the damages awarded to the victim

According to experts, legal proceedings and, ultimately, the **conviction of the perpetrator** have a **considerable** impact **on victims**[270]. Of course, this varies considerably from one victim to another. It is important that specialist centres also explain the court decision clearly to victims.

A positive decision can help them feel recognised as victims. For others, the legal proceedings themselves constitute recognition of their status as victims.

Conversely, the acquittal of a perpetrator also affects the victim. Or, as one lawyer who assists victims of trafficking said (freely translated): "In any case, we will end up with a legal reality that is different from the victim's reality. (...) We are really dealing with two different time frames: the victim's reality, their experience, which is based on a belief system (...), and the judicial system, which is based on evidence.[271]"

The centres emphasise that, in the event of an acquittal, it is important to explain to victims that the prosecution believed the facts, but that there was insufficient evidence to actually convict the exploiter.

The fact that the victim receives **compensation** can also have an impact on their post-traumatic recovery process[272]. Myria notes that, in case law, victims who have filed a civil suit often obtain compensation, both material and non-pecuniary. In several decisions, the judge took into account a certificate issued by a doctor or psychologist when awarding compensation.

In a case mentioned above concerning the sexual exploitation of victims from Nigeria[273], a psychologist was appointed to write a report on the assistance provided to the victim to treat the post-traumatic stress she was suffering from. The court took this into account in awarding moral and material damages of €5,000.

In the above-mentioned case of sexual exploitation by a Belgian-Chinese couple in a massage parlour[274], the Court of Appeal took into account the psychological distress caused to the victim in determining their sentence: "Beyond the material damage caused (...) the actions of the defendants (...) also caused her psychological distress. A social report and a psychiatric report, submitted to the first judge, confirm that she suffers from significant psychological trauma resulting from the exploitation, in particular sexual exploitation, to which she was subjected." The victim was awarded €2,000 in compensation.

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270 See, in particular, the experts in the transcript of the symposium "Troubles de la mémoire traumatique : impacts sur les victimes de traite des êtres humains" (Traumatic memory disorders: impacts on victims of trafficking in human beings), *Samilia*, 7 October 2024.

271 Expert at the symposium: *ibid.*, p. 11.

272 The right to compensation is also an obligation under Article 16 of Directive 2012/29/EC on victims' rights and Article 17 of Directive 2024/1712 on preventing and combating trafficking in human beings.

273 See Myria, *2023 Annual Report Trafficking and Smuggling of Human Beings*, p. 98: Crim. Court, French-speaking, Brussels, 16 February 2023, 47th ch. (final)

274 Myria, *2017 Annual Report Trafficking and Smuggling of Human Beings*, p. 103: Crim. Court, Walloon Brabant, 22 May 2014, 2nd ch. (unpublished); Brussels, 16 November 2016, 14 ch.

In some cases, although no certificate relating to the victims' mental health was appended, the judges nevertheless awarded compensation for non-pecuniary damage.

In a case concerning the sexual exploitation of Nigerian victims[275], the Court of Appeal found that it had been proven that the sexual exploitation had harmed the psychological well-being of the civil parties. Originally from Nigeria and lured to Belgium by false promises, they ended up working as prostitutes, where they were abused. "As they were undocumented, did not know the language and had no social network, they had no choice but to allow themselves to be exploited for a considerable length of time. In the absence of objective data allowing for a more concrete estimate of the damage, the court also estimated non-pecuniary damage at €2,500 per civil party. The fact that the civil parties have since obtained the status of victims of trafficking in human beings, which means they now have legal residence status, does not in any way constitute a reason to consider that the non-pecuniary damage is less serious and to award them lower compensation."

In a case mentioned above concerning the economic exploitation of domestic workers and involving several Bulgarian victims[276], including one victim with a disability, a forensic medical expert was appointed during the proceedings to assess the physical and psychological injuries suffered by one of the victims. According to the judge, there was indeed a causal link between the facts and the non-pecuniary damage. Even though the victim did not provide evidence of the specific damage suffered, the judge considered that the existence of such damage was established, given the appalling nature of the facts: "On a moral level, the damage lies in the fact that, during the period in question, he was the victim of serious social exploitation and abuse, but also in the findings of physical and psychological assault and neglect." The judge ordered the defendants to pay compensation for non-pecuniary damage in the amount of €10,000. Another victim was awarded €2,000 in non-pecuniary damage.

In a case involving the sexual exploitation of several minor victims using the *loverboy* method, the defendant had been particularly violent.[277] The court awarded one of the victims provisional compensation of €5,000 and appointed a medical expert in its judgment. The medical expert was to examine the victim in order to detect any physical or psychological injuries or disorders resulting from the exploitation. He was also to determine the impact of the sexual exploitation on the victims in different areas of their lives and assess whether there was any economic, domestic or personal incapacity. Finally, he had to assess and record any particular cosmetic, sexual or non-pecuniary damage, as well as determine the degree of physical or psychological harm.

275 Myria, *2024 Annual Report Trafficking and Smuggling of Human Beings*, p. 99: Ghent, 15 September 2023, 10th ch.

276 Myria, *2021 Annual Report Trafficking and Smuggling of Human Beings*, p. 75: Crim. Court, East Flanders, Ghent division, 7 October 2020, ch. G29. On appeal, the damages were upheld. See also Myria, *2022 Annual Report Trafficking and Smuggling of Human Beings*, p. 84: Ghent, 18 November 2021, 3th ch.

277 See Myria, *2022 Annual Report Trafficking and Smuggling of Human Beings*, p. 73: Crim. Court, Antwerp, Antwerp division, 29 July 2021, ch. ACV3 (final)

Furthermore, the fact that judges in certain cases and under certain conditions award **confiscated assets** to victims is a good practice[278]. Myria has observed this in several decisions. Nevertheless, in criminal proceedings, a victim can only claim compensation if they have filed a civil suit[279]. Furthermore, in practice, it is often difficult to actually collect the damages awarded, despite a court decision, due to several obstacles, including the perpetrator's insolvency, costs and the effective enforcement of the decision[280].

In a case of sexual exploitation[281], a victim had to undergo 13 abortions in the space of a few years and was finally forced to undergo surgery to prevent her from having any more children. The victim sought and ultimately obtained compensation of €804,000 for combined material and non-pecuniary damage. "The non-pecuniary damage is demonstrated in particular by the condition of the victim during the preliminary interview, who had to undergo numerous abortions to continue her activities." The court ordered the confiscation of €804,000, which was awarded to the victim.

278 Art. 43*bis* of the Criminal Code.

279 Article 236 of the Social Criminal Code provides that, in the event of a conviction for certain social criminal offences, the judge shall automatically order the perpetrator to reimburse the salary, even if the injured party has not filed a civil suit. This is particularly the case in the event of non-payment of wages in the context of employed third-country nationals residing illegally, in accordance with Article 171/3 of the Social Criminal Code.

280 See Myria, *2019 Annual Report Trafficking and Smuggling of Human Beings*, p. 54 et seq.

281 See Myria, *2022 Annual Report Trafficking and Smuggling of Human Beings*, p. 75: Crim. Court, Liège, 10 November 2021, 19th ch. (in absentia). For another recent example, see Myria, *2024 Annual Report Trafficking and Smuggling of Human Beings*, p. 105

Conclusions

Trafficking in human beings is a crime that can have **far-reaching consequences on the mental health** of victims.

The psychological repercussions of exploitation are influenced by a complex combination of individual, psychosocial and cultural factors. **Causes** may include the violence suffered, living and working conditions contrary to human dignity, various forms of coercion, restrictions on freedom of movement, fear of reprisals, mistrust of authorities, migration history, administrative status, and cultural factors such as voodoo rituals.

The **psychological effects** vary from one victim to another and can manifest themselves in disorders such as depression, anxiety, post-traumatic stress, substance dependence, behavioural changes and physiological symptoms. These effects can manifest themselves in self-perception and generate feelings of shame or guilt, affect memory, or lead to flashbacks, hallucinations, or avoidance strategies. As such, they can impair victims' ability to participate in criminal proceedings and result in them to refusing to make statements about the facts or to file a civil suit.

Respectful support tailored to victims' needs, provided by all professionals involved, strengthens their trust in the authorities, prevents secondary victimisation and encourages their participation in the proceedings, thereby helping to ensure that evidence is collected and perpetrators are prosecuted.

Appropriate **identification, detection and referral**, clear information about the proceedings, and enhanced training for frontline services on the psychological effects of trafficking, the specific needs of victims and cultural dimensions help ensure more adequate care.

During **interviews**, victims may encounter various difficulties related to their traumatic experiences or psychological vulnerabilities, complicating their decision to make a statement or cooperate with the investigation. Interviewing victims by professionals trained for this purpose or with their assistance ensures that they receive adequate treatment. Topics such as trafficking in human beings, the psychological aspects of victimisation, cultural dimensions, and interview techniques adapted to vulnerable victims are relevant subjects that could be covered in training courses. The quality of the care, understanding emotional reactions, taking into account how memory works and the effects of trauma, the balanced use of second interviews, creating a trusted environment, avoiding confrontation with the presumed perpetrator, promptly appointing a lawyer, and the presence of competent interpreters in cases of language barriers are all factors that have a positive influence on the course of the interview. Furthermore, the official report of the interview can help to reinforce victims' sense of security and confidence when it respects the anonymity of personal data and correctly states their gender. Objectively noting victims' non-verbal cues in the official report can help investigators remain alert to signs of psychological vulnerability and allow magistrates or trial judges to substantiate their closing arguments or decisions.

Centres specialising in the reception of victims of trafficking play an essential role in the multidisciplinary protection model. In addition to residential accommodation, they also offer tailored psychosocial and legal support, adapted as far as possible to the complex needs of victims. The centres create a safe environment in which victims can recover, be informed of their rights, and be supported in their recovery. Thanks in particular to the presence of trusted persons during interviews, a reflection period and collaboration with external psychological support services, victims feel more confident during the proceedings and are more willing to make statements. Practical experience has shown that this support has a direct impact on the quality and completeness of victims' statements.

Myria has noted several positive examples where **judges** take into account the psychological vulnerabilities of victims. For example, when assessing inconsistent or contradictory statements made by victims, they take into account the fact that victims may initially be too anxious to speak, or that they are still emotionally and financially dependent on their exploiters. Judges also rely on the expertise of doctors or experts and are reluctant to organise confrontations between victims and defendants. Specialist chambers and judges can help ensure that magistrates are better informed and specialise in this area, and that a victim-centred approach is taken.

These examples illustrate the importance of long-term investment in expertise, multidisciplinary cooperation and victim-centred support as part of Belgium's policy to combat trafficking in human beings.

EXTERNAL CONTRIBUTION

Supporting Victims of Trafficking: From early identification to long-term care

On behalf of *Victim Support Europe*
Paula Peralta Agustí and Efthymios Antonopoulos, supported by Áine Hanrahan and Chrysanthi Materi

About Victim Support Europe

Victim Support Europe (VSE) is the leading European umbrella organisation advocating on behalf of all victims of crime. With a network of 81 member organisations across 36 countries, VSE, through their members, provides support to over 3 million people affected by crime every year. Established in 1990, VSE envisions a Europe, and a world, where all victims of crime have access to robust rights and comprehensive support services, regardless of the nature of the crime or whether they report it.

VSE's core activities include advocacy, research, knowledge development through EU-funded projects, and capacity building at international, national and local level. We collaborate with leading institutions worldwide, including the European Union and its justice and home affairs agencies, the United Nations, OSCE, and the Council of Europe, among many others. Through these partnerships, VSE actively engages in shaping European policies to ensure that the rights, needs, and experiences of victims and those affected by crime are listened to, recognised, and prioritised.

Trafficking of Human Beings: what do victims need and how are they impacted?

Human trafficking is a complex and multifaceted crime that affects millions of individuals worldwide, violating their dignity, rights, and freedom. It involves the exploitation of people through coercion, deception, or force for various purposes, including sexual exploitation, forced labour, domestic servitude, and other criminal activities. Trafficking in human beings is not only a criminal offense but a severe **violation of fundamental human rights**; its impacts are physical, psychological, emotional, social, and economic, often leaving long-lasting scars. Victims – especially those that are vulnerable or have experienced severe exploitation - require **holistic, trauma-informed support and a comprehensive ecosystem of rights and services** to truly rebuild their lives, regain autonomy, and access safe justice[282]; this system should guarantee justice, safety, empowerment and inclusion.

Victims need recognition and dignity, early identification and referral, legal assistance, access to compensation, safe housing, economic empowerment, medical and psychological care, protection from retaliation and re-traumatisation, and meaningful participation in shaping the systems that affect them.

282 Safe Justice starts from the position that strategies, laws, rights, policies and practices for victims in criminal justice should be designed to address the harm to victims and meet their needs. In doing this, it must be victim sensitive – following core principles of recognition, respectful treatment, empowerment, wellbeing & safety. Those actions may then be adjusted to be balanced with other principles of justice, such as fair trial rights, impartiality, due process, non-discrimination, equality of arms, as well as feasibility. https://victim-support.eu/wp-content/files_mf/1699611215SafeJusticeforvictimsofCrime_compressed.pdf

While significant attention has rightly been given to trafficking for sexual exploitation, trafficking for the purpose of labour exploitation remains one of the most prevalent yet **under-identified and under-reported** forms in the EU. In 2023, 36% of registered victims were trafficked for forced labour, compared to 43.8% for sexual exploitation[283]. This marks a steady rise since 2019, when labour trafficking accounted for just 14–21% of cases. Trends which highlight a growing need to **strengthen and expand targeted responses** across the EU.

Timely intervention can depend on the **awareness of frontline professionals** to **identify and act on early warning signs.** This requires strong capacity-building across a wide range of sectors, including law enforcement, healthcare, social services, education, labour inspection, and civil society, and language support services to ensure effective communication with all victims, regardless of their linguistic background. These actors must be equipped to recognise common indicators of exploitation, such as:

- Individuals who appear withdrawn, anxious, or fearful;
- Workers who avoid eye contact or allow others to speak on their behalf;
- Absence of employment contracts, fake or manipulated payslips/contracts, irregular wages, or confiscated documents;
- Visible signs of neglect, injury, or exhaustion;
- Workers who are reluctant to speak openly, especially around employers or supervisors;
- Extreme submission or nervousness in the presence of others in control;
- Workers housed in overcrowded, substandard, or employer-controlled accommodation;
- Same place for living and working, especially in isolated areas (e.g., farms, factories, construction sites);
- Threats of violence, dismissal, or deportation used to maintain compliance;
- Restricted movement, isolation, and lack of autonomy;
- All workers in a group brought by the same recruiter or agency, especially from a vulnerable region.

It should be noted that the abovementioned indicators are often contextual and cumulative – one sign alone may not confirm trafficking, but a pattern of several raises concern. In parallel, while recognising certain signals is essential for early intervention, supporting victims goes beyond identification. It requires an **understanding of the complex impact of the harm**, and an **acknowledgement of the full scope of victims' needs in its aftermath.**

Crime can have a profound and lasting impact on individuals. Victims often endure not only the immediate harm caused by the offence but also a **wide range of longer-term consequences** that may affect them psychologically, physically, financially, and in their work, social, and family life. Beyond these practical impacts, experiencing a crime can also alter how victims see the world around them, shaping their emotions, behaviours, sense of trust or safety, and their ability to communicate—especially when language barriers prevent them from fully expressing their needs or accessing support.

In the case of victims of trafficking, impacts of victimisation can be intensified by factors such as **isolation, fear, shame, stigma, cultural and linguistic barriers, or a lack of knowledge about their rights or available services**. They may be in unfamiliar environments, cut off from support networks, and coerced into silence through threats or manipulation. Many are fearful of authorities or uncertain about their legal status, which often results in underreporting or disengagement from formal support systems.

Where a victim experiences trauma as a result of the crime**,** the effects can be far-reaching. It can affect a victim's memory, communication skills, emotional regulation, how they cope with stressors, or even **their reaction when recalling or talking about the crime.** In cases of trafficking, victims may appear disengaged, hostile, or even compliant with their exploiters, behaviours that can be often misunderstood by responders.

Building trust with victims is fundamental to providing effective support, since each interaction can influence their willingness to disclose information, seek help, and remain engaged. Providing language assistance is crucial to overcoming communication barriers that might otherwise hinder trust. Mishandling can lead to **secondary victimisation,** where further harm is caused by the behaviours, reactions, and attitudes of institutional stakeholders or others involved.

Recognising the diverse and evolving impacts of crime, it is essential that responses to crime are grounded in a clear understanding of victims' core needs. At a minimum, victims require **recognition and respectful treatment,** as individuals who have experienced harm

283 https://ec.europa.eu/eurostat/web/products-eurostat-news/w/ddn-20250403-1

and deserve to be treated with dignity. They need **safety and protection**, including secure accommodation and measures to **prevent further victimisation**. Access to **support services**, as well as **clear, accessible information** about their rights and available services, so that they are empowered to make informed decisions, including the availability of highly trained interpreters so that information is given in a format accessible to the victim. Equally important is **access to justice**, supported by trauma-sensitive legal procedures and representation that takes into account the emotional and cognitive effects of trauma, as well as **timely and adequate compensation**.

In the specific case of victims of trafficking, these **core needs often take on additional urgency and complexity.** Victims may require immediate safety, including secure accommodation and protection from potential retaliation or relocation by traffickers. **Comprehensive medical care** is also often needed, including a thorough health assessment to address injuries or ongoing health issues, as well as specialised care for victims who have suffered physical or sexual abuse. Access to qualified, **trauma-informed psychological care** can be central to long-term recovery, offering safe spaces to process experiences and address conditions such as post-traumatic stress disorder (PTSD), anxiety, or depression. **Ongoing, individualised support,** rather than short-term, is essential to ensuring that victims are not only protected but truly empowered to recover and thrive.

Best Practices in supporting victims of trafficking

The initial interaction with a potential victim of trafficking is a crucial moment. How this first contact is managed can either open the door to trust and long-term support or reinforce fear, mistrust, and silence. Supporting victims of trafficking demands a **deliberate, trauma-informed approach** that places trust, empathy, safety, language accessibility and effective communication at the centre of every interaction. Effective engagement begins with acknowledging the emotional, psychological, and physical toll of trafficking and adapting support accordingly to avoid further harm.

A key starting point is to create a **safe and neutral environment** right from the beginning. Victims should be welcomed into spaces that are calm, private, and where they feel comfortable to have open conversations. Warmth and human connection are vital, since even small gestures like using a gentle tone, offering a glass of water, or sitting at eye level can foster a sense of safety.

Establishing this trust is not a one-off action but the beginning of a longer process of recovery and empowerment. A trauma-informed and empathetic approach is essential to laying this groundwork and involves responding in ways that actively **avoid re-traumatisation**. This approach centres the victim's safety, rights, and wellbeing at every stage, ensuring that support is both respectful and empowering. By doing so, it creates the conditions for recovery to begin and for victims to regain a sense of control over their lives.

At the heart of this approach is victim-centred communication. Practitioners should use **clear, simple, non-judgemental language**, avoiding expressions that may imply blame or disbelief. For example, rather than asking *"Why didn't you leave?"*, which can inadvertently question a victim's credibility, it is more appropriate to ask, *"Can you tell me what you were thinking or feeling at that time?"*. Ensuring **language accessibility** is equally critical – questions and explanations should be provided in a language the victim fully understands. The presence of trained, independent interpreters can bridge communication gaps and support victims in fully expressing their needs and experiences. Professional interpreters should always be used when needed, and never replaced by friends or informal contacts, who may have their own agendas or connections to the traffickers. Alongside language, **cultural sensitivity** also plays a vital role, as practitioners need to be aware of cultural differences in communication styles, expressions of emotion, and concepts of trust or authority.

In breaching this communication barriers, **empathy plays a crucial role.** It involves understanding the victim's perspective and responding with compassion and patience. True empathy is not just about listening, it is about **creating a space where the victim feels seen, heard, and validated, regardless of language and cultural differences**. Practitioners should be aware of their own biases and remain open to the victim's reality, even when it differs from their own expectations or beliefs. Empathy is essential to establish and maintain rapport, increase co-operation, identify needs, and address trauma and wellbeing issues.

Safety, privacy, and transparency must underpin every step of the support process. For victims of human trafficking, a specialised **individual needs and risk assessment** should be carried out early on to identify vulnerabilities and establish a tailored safety plan. This assessment should address concerns related to physical safety, privacy, and the security of family members. Additionally, it is important to explain or provide **training to victims on digital cleanliness**, ensuring they understand how to protect their personal information and communications. Prioritising these measures not only safeguards victims but also empowers them to take part in their own recovery with greater confidence and control.

At the heart of every step, there should be a commitment to empower victims. This means not only informing victims of their rights and available services in a language they understand but giving them real **choices and respecting their voice within the decision-making process.** Whilst it is not always possible to put the preference of victims at the forefront, it is important they are supported as autonomous individuals who are best placed to judge what is safe and right for them. True empowerment also involves **building skills and confidence through tailored support**, enabling victims to regain control over their lives and begin to heal on their own terms, guided by trauma-informed principles that prioritise safety, trust, and self-determination.

At a systemic level, national frameworks should ensure **strong referral mechanisms, well-trained professionals, and coordinated service delivery**. Effective frameworks must include specialised services that address the unique challenges faced by victims of exploitation, such as access to safe housing away from the workplace, legal support to navigate complex employment and immigration laws, asylum and compensation systems, and targeted psychological care addressing work-related trauma. Equally important is the integration of labour inspectors, social services, healthcare providers, and law enforcement to **work collaboratively in identifying and protecting victims** promptly. Practitioners should be **clear on their role** within this ecosystem and understand that their behaviour directly impacts a victim's willingness to disclose exploitation and engage with support services.

Furthermore, national frameworks should be **designed to empower victims** to regain economic independence and rebuild their lives, through the promotion of **long-term reintegration support.** For instance, this can be achieved through vocational training, education opportunities, or community-based social inclusion programmes. An important aspect of successful **social reintegration**, complementing efforts to restore a sense of empowerment and wellbeing, is helping victims reconnect with their families, rebuild support networks, and regain a sense of belonging within their communities.

Best practices in supporting victims of trafficking include a holistic, trauma-informed approach that prioritizes the safety, dignity, and autonomy of survivors. This involves early identification and confidential referral to specialized services, comprehensive legal and medical assistance, and tailored psychosocial support. Multidisciplinary collaboration among law enforcement, social services, healthcare providers, and NGOs is essential to address the complex needs of victims. Language and cultural sensitivity, along with the inclusion of survivors' voices in the design and delivery of support services, enhance effectiveness and trust. Ensuring access to safe housing, economic empowerment, and pathways to justice are also critical to long-term recovery and reintegration.

Part 2
Developments and the fight against trafficking and smuggling of human beings

Chapter 1

Recent developments in the legal and political framework

1. Developments in the European legal and political framework

1.1. Trafficking in human beings

Revision of the 2011 anti-trafficking

At European level, 2024 was marked by Directive 2024/1712, adopted on 13th June and entered into force on 14th July, and revising Directive 2011/36/EU against trafficking in human beings[284]. Belgium is required to transpose it by 15 July 2026 at the latest. Myria analysed this new directive in its previous report.[285]

The main points are here briefly summerized. The changes introduced by the new directive concern three aspects: prevention and the criminal justice response; detection, assistance and protection of victims; and institutional aspects.

The main changes in terms of criminal justice response concern, on the one hand, an extension of the definition of trafficking to include forced marriage, illegal adoption and surrogacy[286] and, on the other hand, the criminalisation of knowingly using services provided by a victim of trafficking[287].

With regard to victims, the Directive emphasises the need to offer them specialised assistance[288] and to provide sufficient accommodation[289]. Member States are also required to organise or promote regular, specialised training, which should be extended to a wider range of professionals likely to come into contact with potential victims[290].

Finally, at the institutional level, formally setting up a National Referral Mechanism for victims[291], improved coordination between official referral mechanisms and asylum authorities[292], and the adoption of national action plans[293] are all new obligations under the new directive.

284 Directive (EU) 2024/1712 of the European Parliament and of the Council of 13 June 2024 amending Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims, *OJ* L, 24 June 2024.
285 Myria, *2024 Annual Report Trafficking and Smuggling of Human Beings, Latin American sex work: a high-risk carousel*, p. 50-54.
286 New §3 of Article 2 of Directive 2011/36, replaced by Directive 2024/1712.
287 Article 18(a) introduced into Directive 2011/36.
288 Article 11(1) of Directive 2011/36, replaced by Directive 2024/1712. Persons with disabilities and children, among others, have specific needs (see recital 17 of Directive 2024/1712).
289 New (5)(a) of Article 11 of Directive 2011/36, introduced by Directive 2024/1712.
290 New Article 18(b) of Directive 2011/36, introduced by Directive 2024/1712. This concerns, in particular, front-line police officers in the field, court staff, assistance and support services, labour inspectors, social services and healthcare workers.
291 (4) of Article 11 of Directive 2011/36, replaced by Directive 2024/1712.
292 (1) of the new Article 11(a) of Directive 2011/36, introduced by Directive 2024/1712.
293 New Article 19(b) of Directive 2011/36, introduced by Directive 2024/1712.

Fifth report from the Commission on the progress made by Member States in combating trafficking in human beings.

On 20 January 2025, the Commission presented its fifth report to the European Parliament on Member States' progress in combating trafficking in human beings[294].

This report identifies notable trends, describes the main measures to combat trafficking in human beings implemented between 2021 and 2024, and provides an analysis of statistics for the period 2021-2022.

The report notes that the shift of trafficking in human beings to the digital space is a fundamental challenge that emerged during the COVID-19 pandemic and has further intensified since then. It also highlights the fact that it is still difficult to identify victims and refer them to assistance and support services.

During the 2021-2022 reporting period, 17,248 victims of trafficking were registered in the EU. This is an increase of 20.5% compared to the previous period (2019-2020, 14,311 victims). Women and girls account for 65% of victims.

While the vast majority of victims of sexual exploitation are female (92%), men account for the majority of victims of trafficking for labour exploitation (70%).

Third-country nationals account for 54% of registered victims, while 46% are EU citizens. This is a change from the previous period, when the majority of registered victims were EU citizens (55%).

Among third-country nationals, victims from Nigeria, Cameroon, China and Latin America are mainly women and are trafficked for sexual exploitation, while victims from Morocco, Bangladesh, Pakistan, the Philippines, Algeria and India are mainly men and are trafficked for labour exploitation.

Trafficking for sexual exploitation remained the most prevalent form of exploitation in the EU during the period 2021-2022. The *loverboy* method remains the most common method of recruiting young women and girls for sexual exploitation.

More Member States reported an increase in the number of women and trans* persons from Latin America trafficked for sexual exploitation.

Trafficking for labour exploitation remained the second most common form of trafficking in the EU in 2021. Member States noted the specific vulnerabilities of seasonal workers.

Forms of trafficking other than sexual exploitation and labour exploitation accounted for 14% of all victims. These mainly include forced criminal activities, forced begging and illegal organ removal.

Some Member States have noted an increase in forced criminality as a form of exploitation. This is often associated with theft, petty crime, pickpocketing, shoplifting and drug dealing.

European Knowledge and Expertise Centre for Combating trafficking in human beings (anti-trafficking hub)

In line with the 2021-2025 EU Strategy on Combating trafficking in human beings[295], the European Commission launched the EU Anti-Trafficking Hub at the meeting of national coordinators and rapporteurs responsible for combating trafficking in human beings on 5 June 2025[296]. This collaborative centre brings together experts and will carry out three main activities: research, analysis and advice, in collaboration with stakeholders. Its objectives are to contribute to the development of EU policies on trafficking, support the implementation of the EU strategy and the new directive, exchange good practices and strengthen cooperation between experts and professionals in the field of trafficking in human beings.

294 Report from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on progress in the European Union in the fight against trafficking in human beings (fifth report), 20 January 2025, COM(2025) 8 final.

295 2021-2025 EU Strategy on combating trafficking in human beings.

296 EU anti-trafficking hub flyer

Other measures

Other measures intended to bolster the fight against trafficking have also been adopted or are in the final stages of adoption at the European level.

Violence against women and domestic violence

A new directive on combating violence against women and domestic violence was adopted on 14 May 2024.[297] This directive recognises that the offence of trafficking in human beings for the purpose of sexual exploitation constitutes a form of violence against women. The specific prevention, protection and support measures envisaged in the directive on combating violence against women and domestic violence complement the measures provided for in Directive 2011/36/EU on trafficking in human beings[298]. It entered into force on 13 June 2024 and must be transposed by Member States by 14 June 2027 at the latest.

Sexual abuse and sexual exploitation of children, including online

On 6 February 2024, the Commission proposed a new directive to strengthen the fight against child sexual abuse and sexual exploitation, including online[299]. The revised rules aim to broaden the definitions of offences, ensure effective investigation and prosecution, and strengthen both the prevention of sexual abuse and sexual exploitation of children and support for victims. The Council agreed on the text on 13 December 2024, and the European Parliament adopted its position on 17 June 2025[300]. The text still needs to be negotiated between the Parliament and the Council.

Regulation prohibiting products made with forced labour

On 27 November 2024, the Regulation prohibiting products made with forced labour on the Union market[301] was adopted. It entered into force on 13 December 2024 and must be applied by Member States from 14 December 2027. The regulation covers both products manufactured in the EU and imported products made using forced labour. Any presumed use of forced labour must be investigated and, if proven, the products must be withdrawn from the market. Companies that fail to comply may be subject to fines. Products may be reintroduced to the market if forced labour is eliminated from the supply chain.

Decisions to investigate will be based on a body of factual and verifiable information from, for example, international organisations, cooperating authorities or whistleblowers. The authorities of the Member States and the European Commission will be able to investigate not only suspicious products but also supply chains and manufacturers.

The national competent authorities under the regulation will therefore have two main responsibilities: firstly, to investigate suspect products manufactured using forced labour in EU Member States and, secondly, to decide on and enforce product bans, with additional obligations to cooperate with the European Commission and other EU Member States.

In April 2025, a group of NGOs published a note[302] setting out their recommendations for designating these authorities by Member States, based on criteria of effectiveness and efficiency.

297 Directive (EU) 2024/1385 of the European Parliament and of the Council of 14 May 2024 on combating violence against women and domestic violence, *OJ* L, 24 May 2024.

298 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 its victims, and replacing Council Framework Decision 2002/629/JHA, *OJ* L 101, 15 April 2011. This Directive has been partially amended by Directive 2024/1412 (consolidated version).

299 Proposal for a Directive of the European Parliament and of the Council on combating the sexual abuse and sexual exploitation of children and child sexual abuse material and replacing Council Framework Decision 2004/68/JHA (recast), COM(2024) 60 final.

300 Fight against child sexual abuse: updated rules to address new technologies | News | European Parliament.

301 Regulation (EU) 2024/3015 of the European Parliament and of the Council of 27 November 2024 on prohibiting products made with forced labour on the Union market and amending Directive (EU) 2019/1937, *OJ* L, 12 December 2024.

302 Designation-of-National-Competent-Authorities-under-the-EU-FLR_Final.pdf. Previously, the European Centre for Constitutional and Human Rights (ECCHR) and Anti-Slavery International had also published an analysis explaining the provisions of the final text and describing the measures to be taken for its implementation.

Corporate due diligence and omnibus packages

On 13 June 2024, the Corporate Sustainability Due Diligence Directive (CSDDD)[303] was adopted.

Companies falling within the scope of the Directive must undertake to identify, prevent, mitigate and take into account their negative impacts on human rights and the environment. This applies not only to their own activities, but also to those of their subsidiaries and, where linked to their value chain(s), those of their business partners, from the upstream production of goods or provision of services to the downstream distribution, transport or storage of products. The companies concerned will have to adopt and implement risk-based due diligence to prevent or remedy damage to human rights (including trafficking in human beings) or the environment identified by the directive, in the context of their own operations and throughout their value chains.

While Member States must transpose this directive by 26 July 2026, the Commission, under President Ursula von der Leyen, tabled a package of new proposals known as the "omnibus" package on 26 February 2025, almost halfway through the transposition period[304]. These proposals cover several related legislative areas, confirming the fears of NGOs[305] and national human rights institutions[306] that the interests of large companies will take precedence over human rights and sustainability.

For the Commission, the aim is to simplify EU rules, boost competitiveness and free up additional investment capacity. The first omnibus packages provide for far-reaching simplification, particularly in the areas of sustainability-related financial reporting and sustainability due diligence. In reality, this Commission proposal significantly weakens the corporate sustainability due diligence directive[307].

It eases the main due diligence requirements and enforcement mechanisms. For example, the proposal reduces due diligence obligations to direct suppliers only and limits them to companies with more than 500 employees, requiring an audit every five years instead of once a year as envisaged. Similarly, enforcement mechanisms would be significantly weakened, in particular by removing minimum sanctions[308].

This has prompted a number of civil society actors to object to the proposal[309].

1.2. Smuggling of human beings

With regard to smuggling, the Commission's November 2023 proposal for a directive[310] to replace the 20-year-old "Facilitators" package, consisting of the 2002 directive[311] and framework decision[312] on combating smuggling of human beings, is part of the Commission's commitment to strengthening the fight against this form of crime. The proposed directive provides for stricter criminalisation, harsher penalties and a broader jurisdiction. Myria presented this proposal in its previous report[313].

On 13 December 2024, the Council adopted its position on the text[314], which serves as a basis for discussions with the European Parliament[315]. The long months of negotiations within the Council reflect the difficulty of reaching an agreement on the text, particularly regarding assistance provided on humanitarian grounds. Some Member States would have liked to include this humanitarian clause in the body of the text itself, as is the case in current European instruments[316]. The Council finally decided to leave it, as proposed by the Commission, among the recitals, therefore leaving Member States free to decide how they will deal with this issue in their national law.

303 Directive (EU) 2024/1760 of the European Parliament and of the Council of 13 June 2024 on corporate sustainability due diligence and amending Directive (EU) 2019/1937 and Regulation (EU) 2023/2859, *OJ* L, 5 July 2024.

304 Commission simplifies rules on sustainability and EU investments, delivering over €6 billion in administrative relief - European Commission

305 Omnibus Proposal: Prioritising Big Businesses Over Human Rights - La strada International

306 Omnibus Directive: ten national human rights institutions call on the European Commission

307 Corporate sustainability due diligence - European Commission

308 For more details on the criticism of this new package of measures, see Omnibus Proposal: Prioritising Big Businesses Over Human Rights - La strada International and on the impact of this package of measures: European Coalition for Corporate Justice - ECCJ

309 See, in particular, the statement by 361 civil society actors.

310 Proposal for a Directive of the European Parliament and of the Council laying down minimum rules to prevent and counter the facilitation of unauthorised entry, transit and stay in the EU and replacing Council Directive 2002/90/EC and Council Framework Decision 2002/946/JHA, 28 November 2023, COM(2023) 755 final.

311 Council Directive 2002/90/EC of 28 November 2002 defining the facilitation of unauthorised entry, transit and residence, *OJ* L 328, 5 December 2002.

312 Council Framework Decision 2002/946/JHA of 28 November 2002 on the strengthening of the penal framework to prevent the facilitation of unauthorised entry, transit and residence, *OJ* L 328, 5 December 2002.

313 Myria, *2024 Annual Report Trafficking and Smuggling of Human Beings, Latin American sex work: a high-risk carousel*, p. 55-56.

314 Migrant smuggling: Member States reach agreement on criminal law - Consilium

315 For the status of discussions, see: Timetable

316 However, Article 1(2) of Directive 2002/90 provides that this exception on humanitarian grounds is optional.

The adopted text provides that knowingly assisting a third-country national to enter, transit or reside in the territory of one of the Member States of the European Union in exchange for financial or material gain constitutes a criminal offence[317]. The Council therefore abandoned the alternative proposed by the Commission in the definition, which also mentioned the 'high probability of causing serious harm to a person'. However, a new recital 6(a) has been added to the Commission's initial text, stipulating that Member States are free to adopt or maintain legislative provisions providing for a broader criminalisation than that envisaged, with a view to strengthening the effectiveness of the fight against migrant smugglers. Member States therefore have the option of criminalising assistance that is not motivated by financial gain, and therefore humanitarian assistance. The result is stricter criminalisation, as more than 100 NGOs pointed out in an open letter[318] calling on the European Union to ensure more effective protection for migrants.

The Council's position came at a time when the Court of Justice of the European Union had to rule on the compatibility of the 2002 European legislation and its transposition into Italian law with the Charter of Fundamental Rights of the European Union, in particular on the principle of proportionality enshrined in Article 52 of the Charter[319], read in conjunction with various fundamental rights guaranteed by this instrument (in particular the right to respect for family life and the rights of the child).

The case concerned a Congolese mother who arrived at Bologna airport with her 8-year-old daughter and 13-year-old niece, all three carrying false passports, on a flight from Casablanca. The Italian authorities decided to prosecute her for violating the 2002 EU directive and framework decision, as transposed into national law, because she had helped the two girls to enter the country illegally. She then applied for international protection.

The Italian national court decided to refer the validity of the 2002 directive to the Court of Justice for a preliminary ruling. The Italian judge also asked the Court of Justice whether the Charter of Fundamental Rights ruled out the criminalisation under national law of facilitating the illegal entry of a foreign national into the territory of a Member State, even where that act of facilitation was committed without profit and was intended to provide humanitarian assistance to the foreign national.

In a judgment of 3 June 2025[320], the Court ruled that EU law (in particular the right to respect for family life and the rights of the child) precludes national legislation which criminalises the conduct of a person who illegally brings into the territory of a Member State minors who are third-country nationals and for whom that person has effective care. While acknowledging that the wording of Article 1 of Directive 2002/90, which criminalises the facilitation of unauthorised entry, was open to different interpretations, the Court nevertheless held that that provision could not be interpreted as allowing the punishment of a person who facilitates the illegal entry into the territory of a Member State of minors placed under his or her responsibility. It therefore found that the acts in question did not constitute the offence of facilitating unauthorised entry and concluded that there was no need to examine the validity of Article 1 of Directive 2002/90 or to interpret paragraph 2 of that provision concerning acts aimed at providing humanitarian assistance to the person concerned.

317 Text adopted by the Council

318 Statewatch | Call to reject new EU laws that "criminalise migrants and human rights defenders". See also: How-the-New-EU-Facilitation-Directive-Furthers-the-Criminalisation-of-Migrants-and-Human-Rights-Defenders_EN.pdf

319 Article 52 of the Charter states that any limitation on the exercise of the rights and freedoms recognised by the Charter must be provided for by law, respect the essence of those rights and freedoms, and be proportional to legitimate objectives.

320 Court of Justice of the European Union (Grand Chamber), Kinsa judgment of 3 June 2025, C-460/23, available at: CURIA - Documents. See for a brief analysis: The definition of the offence of facilitating illegal entry into a Member State in light of the Charter of Fundamental Rights of the European Union - Centre for European Legal Studies (CELS) - UNIGE

2. Developments in the Belgian legal and political framework

Due to elections at all levels of governance, there were no specific developments in the area of trafficking and smuggling of human beings in 2024 and early 2025. In its previous annual report, Myria already mentioned measures in related areas that could have an impact on the fight against trafficking in human beings[321]: the far-reaching reform of the Criminal Code, which is due to come into force on 8 April 2026; the outlines of authorisations for advertising prostitution by adults; and, finally, the possibility of engaging in sex work under an employment contract.

With regard to trafficking in human beings, at the time this report was finalised (September 2025), no draft bill transposing the new European directive on trafficking had yet been submitted to Parliament. Furthermore, as the deadline for the national action plans on trafficking and smuggling of human beings[322][323] is the end of 2025, the office of the Interdepartmental Coordination Unit for the Fight against Trafficking and Smuggling of Human Beings is currently considering the priorities to be defined in the next action plans.

However, Myria would like to cover a few points from the federal government agreement relating to the fight against trafficking in human beings that it supports or questions.

Federal Government Agreement and the fight against trafficking and smuggling of human beings

The federal government agreement of 31 January 2025 contains a specific point on combating trafficking and smuggling of human beings in the chapter on asylum and migration[324]. Myria supports the federal government's commitment to stepping up the fight against trafficking in human beings. The measures envisaged include strengthening social inspection services, the police and the judiciary, and training magistrates and social inspectors. Similarly, the commitment to tackle the profits earned from this form of crime by promoting a chain approach, cooperation and information exchange at the European and international level is also to be welcomed.

To strengthen the fight against trafficking and smuggling of human beings, the government agreement specifically provides for optimising the multidisciplinary cooperation model, based on the recommendations of the Special Commission on Trafficking in Human Beings[325]. As such, in order to ensure a harmonised vision and implementation, there are plans to create a **National Coordination Centre for the Fight against Trafficking and Smuggling of Human Beings**. This Centre would serve as a central reporting point, an operational information and analysis centre, and an interdepartmental and intra-federal coordination unit, which would play a proactive coordination role. The current model would also be submitted to the Court of Auditors for review. Further information on this point can be found in the general policy note from the Minister for Asylum and Migration[326]. It states that a progressive action plan will be drawn up in collaboration with the Minister of Justice. The initial objective is to optimise the Interdepartmental Coordination Unit[327] "so that it becomes a flexible and effective instrument (...), supported by several permanent sub-units (working groups)". The Minister also wishes to examine, "within these sub-units, how the various components of the

321 See Myria, *2024 Annual Report Trafficking and Smuggling of Human Beings, Latin American sex work: a high-risk carousel*, p. 57-66.

322 Action Plan on trafficking in human beings 2021–2025.

323 Action Plan on smuggling of human beings 2021–2025.

324 Federal Coalition Agreement 2025-2029, 31 January 2025, pp. 177-178. In Myria's opinion, this point should have been included in the chapter on "Justice", since trafficking affects Belgians as well as foreign nationals. The Flemish government agreement also mentions trafficking in human beings among the measures to support victims (p. 126). The Flemish government wants to examine how to strengthen cooperation with partner authorities and organisations to quickly detect, assist and support victims of trafficking. It also wishes to clarify the responsibilities of the various partner organisations with a view to optimising operational cooperation between the different actors.

325 Report of the Special Commission responsible for evaluating legislation and policy on trafficking and smuggling of human beings, 12 June 2023, *Doc. Parl.*, Chamber, DOC 55 2530/002.

326 General Policy Note on Asylum and Migration, 24 April 2025, *Doc. parl.*, Chamber, 2024-2025 session, DOC 56-0856/038, p. 18. In the general policy note on Justice, however, no additional information is available, even though the judiciary must remain the driving force in the fight against trafficking in human beings.

327 For the composition, functioning and tasks of the current Interdepartmental Unit, see Articles 4 to 11*ter* of the Royal Decree of 16 May 2004 on combating trafficking and smuggling of human beings. This Unit is chaired by the Minister of Justice and is composed of representatives of the relevant ministers and administrations, as well as various actors (in the field). Among other things, its mission is to enable effective coordination between the departments involved and to formulate proposals for action. The Unit meets at least twice a year. It has an executive body, which meets monthly.

National Coordination Centre should be structured". Finally, a crisis plan should also be drawn up, in consultation with the partners concerned and specialised reception centres, which would be launched in the event of a sudden influx of large groups of potential victims.

Myria has already had the opportunity to analyse this recommendation from the Parliamentary Commission in detail in a previous annual report[328]. While Myria agrees with the idea of the need to harmonise and coordinate the fight against trafficking and to constantly and progressively improve the image of the phenomenon, it is cautious about the implementation of such a 'battleship' structure. It also questions whether it will provide a real solution to the coordination problems observed in the field.

Given the wide range of responsibilities that would likely be entrusted to this National Coordination Centre, several questions arise regarding its implementation. For example, a centralised point of contact for victims already exists[329]. In addition, reception centres provide 24/7 support. Would the new Centre integrate this existing responsibility? Or is the aim to create an additional body? What about strengthening the resources of the reception centres?

The objective of obtaining an up-to-date picture of trafficking and smuggling of human beings by the National Coordination Centre, which would also serve as an operational information and analysis centre, is commendable. It remains to be seen how this aspect can be implemented in practice. Such an integrated analysis centre would be very useful, provided past mistakes are not repeated. When the Interdepartmental Coordination Unit was created, there were also plans to set up an Information and Analysis Centre on Trafficking and Smuggling of Human Beings (CIATTEH) under the supervision of the Ministers of Justice and the Interior. This would be a computerised information network based on relevant anonymous data from various partners[330]. The remit of the CIATTEH was to collect, centralise, manage, transmit and analyse anonymous data useful in the fight against trafficking and smuggling of human beings[331]. However, the Centre never saw the light of day, mainly due to a lack of clarity and agreement on its objective (strategic or operational) objectives, budgetary issues and data processing related to privacy protection.

In any case, if the government wishes to restart a similar project, the necessary means and resources should be allocated to this objective.

Finally, with a view to interdepartmental and intra-federal coordination, Myria advocates reinvigorating the functioning of current Unit and making it more effective.

Another point in the government agreement provides that the **funding of the specialised centres specialising** in the reception and support of victims of trafficking will be **reviewed and optimised if necessary**, including in terms of the number of reception places, in collaboration with the federated entities[332]. If the aim is to find reception solutions in emergency situations or to increase the number of reception places, Myria considers this point of the agreement to be positive.

Another point in the agreement, also in the chapter on 'asylum and migration', concerns **vulnerable profiles and minors in particular**. In this context, the government wishes to "take measures to quickly and resolutely dismantle trafficking and smuggling of human beings networks, but also to better protect and support child victims". To this end, it wishes to change the status and protection of child victims of trafficking and extend it to victims of child marriage. A separate, secure reception facility would also be set up for these unaccompanied foreign minors. Myria welcomes these measures aimed at better protecting child victims. However, it questions the type of change envisaged in the status and the status of the new centre to be created: is it a question of strengthening the resources of existing centres such as Esperanto in Wallonia? Or to create a new structure under Fedasil? In any case, Myria recommends a small-scale structure, as it has already recommended in the past[333], in line with the Special Parliamentary Commission. In her general policy note, the minister responsible mentions in this regard that consultations will take place with Fedasil and the regions "to determine the needs in terms of reception and support so that the accommodation meets all the necessary criteria"[334].

328 See Myria, *2023 Annual Report Trafficking and Smuggling of Human Beings, A Chain of Responsibilities*, p. 76-78

329 This is a website called Stop Trafficking in Human Beings and a centralised telephone hotline. Available in 13 languages, the site provides information on the forms and indicators of trafficking, as well as the contact details of the three specialised reception centres. This reporting point (*meldpunt* in Dutch) for trafficking in human beings functions as a helpline for victims or people wishing to report a potential case of trafficking. It is managed by the three centres and funded by the Judiciary.

330 See Articles 12 to 20 of the Royal Decree of 16 May 2004.

331 Art. 14 of the Royal Decree of 16 May 2004.

332 The Flemish government agreement (p. 126) also mentions this aspect. It provides for clarification of the funding of psychosocial support and reception for victims of trafficking in human beings.

333 See in particular recommendation 12 of Myria's *2023 Annual Report Trafficking and Smuggling of Human Beings: A Chain of Responsibilities*, p. 179.

334 General Policy Note on Asylum and Migration, 24 April 2025, *Doc. parl.*, Chamber, 2024-2025 session, DOC 56-0856/038, p. 16.

Finally, trafficking in human beings is also mentioned among the types of fraud that the government intends to combat[335].

Other measures mentioned in the government agreement are also relevant to the fight against trafficking and smuggling of human beings: the priority given to combating sexual exploitation and a series of measures taken in favour of victims (such as the Salduz system, which would be extended to victims of serious offences affecting physical or sexual integrity, and the possibility of receiving free psychological support)[336].

In addition, the government also intends to **tackle smuggling of human beings** through appropriate prosecution and a multidisciplinary approach. The Minister of Justice's policy note specifies in this regard that there will be collaboration with the College of General Prosecutors "to ensure the full effectiveness of criminal policy, in particular to combat networks smuggling migrants on motorway car parks, in ports and at airports"[337].

Sex work under an employment contract: adoption of royal decrees and first employer accreditations

In its previous annual report[338], Myria discussed the recently adopted autonomous law allowing the organisation of prostitution of others under an employment contract[339]. However, the law still had to be supplemented by royal decrees before it could enter into force on 1 December 2024. Two royal decrees were adopted, one specifying the inspection services responsible for controlling the provisions of the law[340], the other detailing the additional conditions to be met by employers in terms of safety, health, well-being and quality of work for sex workers[341].

Furthermore, an essential condition for sex workers to be employed under an employment contract is the obligation for the employer to obtain prior accreditation[42]. At the time of writing this report (September 2025), four accreditations had already been granted[343].

335 For example, by strengthening and updating the role of the SIRS (Social Information and Research Service).

336 See also the Justice Policy Note of 22 April 2025, *Doc. Parl.*, Chamber, 2024-2025 session, DOC 56-0856/017, pp. 4-9.

337 Justice Policy Note of 22 April 2025, *Doc. Parl.*, Chamber, 2024-2025 session, DOC 56-0856/017, p. 40.

338 Myria, *2024 Annual Report Trafficking and Smuggling of Human Beings, Latin American sex work: a high-risk carousel*, p. 63-65.

339 Law of 3 May 2024 on provisions relating to sex work under employment contracts, *B.O.G*, 6 June 2024. However, various associations have lodged an appeal with the Constitutional Court to have this law overturned.

340 These are the social inspectors of the Social Legislation Inspectorate and Well-being at Work Inspectorate of the FPS Employment, Labour and Social Dialogue, as well as the social inspectors of the NSSO: see the Royal Decree of 12 September 2024 amending the Royal Decree of 1 July 2011 implementing Articles 16, 13°, 17, 20, 63, 70 and 88 of the Social Criminal Code and setting the date of entry into force of the Law of 2 June 2010 containing provisions of social criminal law for the implementation of Articles 7, § 3, and 19 of the Law of 3 May 2024 containing provisions on sex work under an employment contract, *B.O.G.*, 3 October 2024.

341 Royal Decree of 20 October 2024 laying down additional conditions for accreditation pursuant to Article 17, paragraph 2, of the Law of 3 May 2024 laying down provisions on sex work under an employment contract, *B.O.G.*, 12 November 2024.

342 Articles 11 to 16 of the Law of 3 May 2024 laying down provisions on sex work under an employment contract.

343 Ministerial Decree of 2 July 2025 approving the company VANHIMO ZEN SRL as an employer of sex workers within the meaning of the Law of 3 May 2024 laying down provisions on sex work under an employment contract, *B.O.G.*, 8 July 2025; Ministerial Decree of 22 September 2025 approving the company SRL Bij Sofie as an employer of sex workers within the meaning of the Law of 3 May 2024 laying down provisions on sex work under an employment contract, *B.O.G.*, 26 September 2025; Ministerial Decree of 22 September 2025 approving the company DREAMS THULIN SRL as an employer of sex workers within the meaning of the Law of 3 May 2024 laying down provisions on sex work under an employment contract, *B.O.G.*, 26 September 2025; Ministerial Decree of 23 September 2025 approving the company SRL *JDOB* as an employer of sex workers within the meaning of the Law of 3 May 2024 laying down provisions on sex work under an employment contract, *B.O.G.*, 26 September 2025.

Chapter 2

Case Analysis

In this chapter, Myria analyses two court cases where it acted as a civil party. One concerns trafficking for economic exploitation, the other concerns the smuggling of human beings. This year, Myria did not analyse any cases of sexual exploitation.

The analysis of cases provides an insight into how an investigation is initiated and then conducted in the field. This chapter also paints a picture of the phenomenon of trafficking for this particular form of exploitation and highlights changing trends in the smuggling of human beings.

The analysis is based on the reports of these cases and focuses primarily on the criminal system, the investigation and the victim's perspective. First, the summary reports, in which the investigators summarise the case, are examined in depth and critically. The initial police reports are then scrutinised. This makes it possible to determine on what basis the case was initiated and whether any victims were intercepted. The file also contains the official record of interviews of victims, suspects and witnesses; informative official record; magistrates' decisions and apostilles; recorded telephone contacts; files containing transcripts of telephone wiretaps; observation reports; digital analyses of smartphones and digital investigations; financial analyses; investigation reports from ECOSOC, the Social Legislation Inspectorate and other inspection services; and, finally, letters rogatory reports, other investigation reports and international information exchanges.

The study of specific cases is essential for evaluating policies. It provides a better understanding of the implementation of the investigation and prosecution policy in the field and the accompanying problems. This type of result is always an essential source of information for the focus of Myria's annual evaluation report and an indispensable basis for making recommendations.

1. Trafficking in human beings – Economic exploitation: case in the demolition and waste management sector

Introduction

In this case, four defendants, including one legal entity, were convicted of trafficking for the purpose of economic exploitation in the demolition, dismantling and waste sorting sector[344]. The events took place between 2020 and 2022, mainly in West Flanders, but also in a few locations in East Flanders. The victims and perpetrators were Romanians from the Roma community.

1.1. Structure of the network

Through their companies, the defendants carried out demolition and waste-sorting work as subcontractors for larger companies. They operated on construction sites in Kortrijk, Menen, Aalter, Middelkerke, Ostend, Blankenberge and Knokke-Heist. At the same time, they asked workers to sort waste and scrap metal for a short period at a company in Menin and Ghent, as a test. The victims of trafficking received little or no pay. In addition to the appalling conditions in which they were housed and made to work long hours, they were also financially exploited (see below).

344 See below, Chapter 3, point 2.3.1: Crim. Court, West Flanders, Bruges division, 28 June 2024, ch. B17 (appeal).

Dozens of Romanian workers were put to work by the defendants in their companies as bogus associates or bogus self-employed workers, and sometimes even without any status at all. This finding was made by the local police during interviews with the victims. The information was then forwarded by the labour prosecutor's office to the inspection services of the National Social Security Office (NSSO) and the National Institute for the Social Security of the Self-Employed (NISSE). Based on this information, they searched their databases. A comparison of this data led to the conclusion that the suspects had committed large-scale fraud by registering or failing to register the people employed under their status. These practices continued even while the defendants were in pre-trial detention.

The defendants used various social secretariats to fraudulently register the victims as self-employed, but never paid the contributions. This resulted in €144,837.08 in arrears with one of the social security funds. The funds criticised both the inadequacy of checks and the recurring practice of 'shopping' between funds, even though they themselves have a legal obligation to register the persons concerned. In their view, these practices are commonplace, but they have few legal means to counter them. They call for more checks and claim to have raised this issue in various (political) forums.

The main defendants had already been convicted of similar offences between 2015 and 2017[345]. According to the public prosecutor's office, they continued their criminal modus operandi until 2022 during the proceedings relating to the previous case, and even applied them on a bigger scale in the new case.

In the previous case, they had exploited Romanian workers for their construction company by passing them off as bogus self-employed workers and housing them in substandard conditions. The victims also had to hand over their identity papers, after which water, electricity and telecommunications contracts were drawn up in their names, which meant they received various bills (see below). Poor working conditions and inadequate wages also led to verbal and physical abuse. Furthermore, the main defendant had already been sentenced on 28 June 2017 in Romania to five years' imprisonment for voluntary manslaughter.

After that, the defendants in the current case had refined their modus operandi somewhat. For example, they used a person with a mental disability as a front man for one of their companies, placing the responsibility on him. This person was then considered a victim of trafficking (see below).

1.2. Investigation

1.2.1. Start of the investigation

On 7 June 2020, a Romanian worker had a traffic accident with the car belonging to his employer, one of the defendants. The driver told officers from the Vlas police station[346] that he had been working in Belgium for three and a half months for the employer in question, information that was confirmed by the employer once he arrived at the site. The Romanian driver also gave his address, which, after verification, turned out to be the registered office of another company. Unable to find any proof of employment, the police sent an initial report for undeclared work, accompanied by their findings, to the labour prosecutor's office, which in turn instructed the labour inspectorate to conduct a more thorough investigation.

During checks carried out by the Social Legislation Inspectorate, the NISSE, the NSSO and the local Mira police district[347] on the companies' construction sites, several workers were intercepted and interviewed. Several offences were identified on this occasion. In the meantime, the labour prosecutor's office had received the reports from the ONEM (National Employment Office) inspection concerning the infringements found during the inspections carried out on the construction sites of these companies. At the same time, the Occupational Health and Safety Inspectorate (CBE) had also identified offences during asbestos removal at construction sites.

The police also carried out checks on the premises and interviewed the occupants. Alerted by passers-by, the police also carried out checks on the construction site. They inspected a site located on a busy shopping street in Blankenberge following a call to the emergency services reporting that "scrap metal and other waste was being thrown from the first floor into a construction skip, without any protection for passers-by and pedestrians".

345 Ghent, 1 June 2023, 3rd ch. (unpublished).

346 The Vlas police district covers the municipalities of Kortrijk, Kuurne and Lendele in the province of West Flanders.

347 The Mira police district covers the municipalities of Waregem, Anzegem, Avelgem, Spiere-Helkijn and Zwevegem in the province of West Flanders.

According to a local resident, asbestos was also observed. One of the Romanian victims of trafficking was intercepted there as he was throwing rubble on the ground. The man had no identity or residence documents on him, except for a photo of his identity card on his smartphone, revealing that he was 17 years old. He was taken into administrative custody by the police, who contacted the Immigration Office (IO). Everything suggested that he was staying in Belgium without any family. As he was initially considered to be an unaccompanied foreign minor, the IO instructed the police to draw up an 'unaccompanied minor' file and forward it to the Guardianship Service. It later transpired that he was living with his family in one of the properties rented by the defendants. His mother and brother came to pick him up at the police station and then returned to Romania. The court did not treat him as a minor, but did recognise him as a victim of trafficking.

1.2.2. Judicial investigation

On 8 September 2022, the labour prosecutor's office referred the case to the investigating judge with a view to conducting a judicial investigation – and more specifically to carrying out searches – into presumed cases of undeclared work, contribution and benefit fraud, non-payment of wages and trafficking in human beings for the purpose of economic exploitation.

The police and inspection services were assigned a role in the investigation strategy based on their powers and expertise. The judicial section of the Mira local police district and the Federal Judicial Police (PJF) of West Flanders were tasked, along with the NSSO inspection services of West Flanders, with investigating the 'trafficking in human beings for economic exploitation' aspect. At the same time, the NSSO was to examine aspects related to organised bogus self-employment and structural undeclared work. The Social Legislation Inspectorate was to focus on wage-related offences, and the NISSE inspectorate on fictive affiliations as self-employed carers and on structural fraud in relation to benefits linked to the bridging right in the context of the COVID-19 crisis.

1.2.3. Financial investigation

The police were instructed by the labour prosecutor's office to consult the CARIN[348] network via the Central Office for Seizure and Confiscation (OCSC)[349] in order to verify whether the defendants had real estate and/or bank accounts or other significant assets abroad. The police were unable to carry out this verification and referred in this regard to the OCSC's response: "Pending further information establishing a link with Romania, we are refraining for the time being from consulting the asset recovery office in Romania".

The investigation conducted with money transfer agencies revealed that the main defendant had transferred approximately €16,000 to Romania between 2020 and 2022.

According to the court, the criminal financial gain amounted to more than €700,000 in evaded social security contributions. To assess this amount, it relied on NSSO calculations based on the minimum wage applicable to the employer category of demolition and recycling work.

1.3. Analysis of victims

According to the public prosecutor and the court, 26 Romanian workers could be considered victims of trafficking in human beings. According to the NSSO inspection services, they all belonged to the Roma community and those living under the same roof were related. They lived there with their partners, young children and babies. Most did not consider themselves victims of trafficking in human beings and were not interested in victim status.

According to the public prosecutor's office and the court, 115 people were also victims of social criminal law offences, such as non-payment or late payment of wages. These individuals were interviewed about this by one of the labour inspectorate services. In addition to several Roma victims, they included an Afghan asylum seeker who had no residence permit, work permit or single permit. He was discovered

348 CARIN stands for '*Camden Asset Recovery Inter-Agency Network*'. This informal regional network, set up in 2004, brings together the authorities responsible for asset recovery. Its aim is to increase the effectiveness of measures taken by network members to deprive criminals of the proceeds of their illegal activities on an inter-institutional basis. The network is made up of law enforcement officers, mainly from Europe but also from North America. It is a network of individuals from 53 jurisdictions and nine international organisations. It is linked to similar networks in Southern Africa, Latin America, Asia Pacific, East Africa and West Africa; https://www.carin.network/ Myria, *2024 Annual Report Trafficking and Smuggling of Human Beings, Latin American Sex Work: A High-risk Carousel*, p. 79 and *2019 Annual Report Trafficking and Smuggling of Human Beings, Empowering Victims*, p. 75.

349 The Central Office for Seizure and Confiscation (OCSC) is a knowledge centre for judicial authorities in criminal matters relating to the seizure of assets. It provides assistance in public confiscation proceedings and facilitates the enforcement of judgments and rulings involving confiscation. One of the OCSC's main tasks is to manage data relating to seizures and confiscations. Each seizure must be reported to the OCSC. The OCSC is the Belgian Asset Recovery Office. Each EU Member State must set up one. The OCSC maintains contact with its foreign counterparts and exchanges information with them.

following a joint inspection of the construction site by the Social Legislation Inspectorate and the NISSE. According to his statements, he had presented himself spontaneously to the site manager and was staying with a friend. During the inspection, he was unable to make himself understood and presented a document from an asylum seekers' centre. It later transpired that he had actually been staying there. After the inspection, the Social Legislation Inspectorate and NISSE handed him over to the police, who had been called to the site for further identification and investigation. The NSSO and Social Legislation Inspectorate interviewed him at the local police station. The police drew up a report for illegal residence and contacted the IO, which decided to issue him with an OQT (Order to Leave the Territory). His asylum procedure had been closed in the meantime.

Several victims knew the main defendant because they came from the same region of Romania. He advertised his business in Belgium. Some of them then came to Belgium with most of their families in a minibus, each passenger paying the driver €150. They came to Belgium in the hope of a better future. Several victims had been recruited via Facebook. Many of them remained in contact with the main defendant via Facebook while they were working. Another victim responded to a classified ad offering work in slaughterhouses, but was instead offered demolition work.

1.3.1. Elements of trafficking in human beings

Payment of wages

The victims were paid €10 per hour or €500 per week in cash. Days off or sick days were not paid. Sometimes, workers weren't paid at all. They worked five or six days a week, 48 to 50 hours, and had to work unpaid overtime. They were also required to pay €150 to €170 in rent. They also had €400 or €450 deducted from their wages to 'regularise their papers', without even knowing what papers these were. According to some testimonies, there were reports of aggressive recruitment of workers and threats when questions about wage payments were asked.

Bogus self-employed workers

Interviews with victims employed as bogus self-employed workers or bogus associates revealed that most of them were unaware of their employment status. The victims had to sign documents in Dutch, a language they did not understand. They themselves did not have access to these documents. They were not covered by any insurance in the event of an accident at work.

The victims then received bills from the social security funds, as they had been registered without their knowledge. In 2021, one victim received a court order to pay €6,716 for arrears from 2020 and part of the arrears from 2021.

Working conditions

The interviews with the victims revealed that they found their work on construction sites dangerous. Some workers were concerned that they were not insured, even though they had to take significant risks.

The investigation report by the NISSE inspection service revealed that the company website of the defendants mentioned asbestos removal among its activities. In their statements, the victims also indicated that they had to remove materials containing asbestos without any safety measures. In some cases, workers had undergone basic training and could present their training certificates to the main contractors or clients. The investigation revealed that these certificates were often forged.

According to an investigation report by the Well-being at Work Inspectorate (CBE), this inspection service had already issued an administrative order on 25 February 2021 to cease asbestos removal activities against the defendant's company. The CBE then found further asbestos removal violations during an inspection carried out on 6 September 2022 at the defendants' premises.

Inspection

One victim stated that he did not have his identity card; it was being held by one of the defendants. Another victim was unable to move freely and had to remain where they lived to do unpaid odd jobs.

Accommodation

The workers all lived together in several houses, in appalling conditions. Sometimes, dozens of them slept on mattresses laid out on the floor in the same room, or the garage was used as a communal dormitory. The houses were very poorly maintained and barely heated.

The defendants even made additional profits at the victims' expense by surreptitiously charging them for utilities for the homes where they themselves resided. Although energy costs were included in the €150 rent that the victims had to pay, the defendants had put the contracts for these charges in the victims' names. To this end, the workers had to hand over their identity papers to the defendants. As a result, they received all kinds of bills without knowing where they came from. The defendants knowingly and deliberately had the victims sign documents written in Dutch, even though they did not understand what was written. In the meantime, the bills revealed that the suspects had used excessive amounts of electricity and gas.

1.3.2. Victims' statements

The NSSO inspection services analysed the workers' interviews and concluded that the defendants had briefed them on what to say in the event of a check by the police or inspection services. Despite several workers' denials, the records in the database (checkin@work) clearly showed that they had worked in the construction sector for the defendants' companies. In their statements, they hardly ever mentioned the main defendant, even though one of the workers had saved his name in his mobile phone.

The presumed victims of trafficking were interviewed by the judicial section of the local Mira police zone or by the PJF, with the assistance of the NSSO inspection services and the Social Legislation Inspectorate. The police systematically began the interview with an explanation of trafficking in human beings and gave the victims a brochure on trafficking if they still had questions. They also tried to put the victims at ease and put the interview into context, as shown in the official report:

"Question: You have been informed of the reason for your interview. Are you familiar with the term 'trafficking in human beings'?

We have reason to believe that you are a victim of trafficking. If it is OK with you, we will discuss it today, agreed?

If you don't know the answer to a question, don't hesitate to say so. Similarly, if you do not understand a question, please do not hesitate to say so and we will explain it again. If you would prefer not to discuss a particular subject, you can also say so, but I will then ask you why you would prefer not to discuss it. We reiterate that you are being treated as a victim and that you may have information useful to our investigation. If you need a break, please let us know."

One of these workers, who did not consider himself a victim of trafficking in human beings, nevertheless explained during his interview that he had worked and been exploited. He stated that he "had not yet received any wages" because he "owed the defendant money to support himself". He "still had to repay this amount to him".

1.3.3. Victim status

Victim status was established on the basis of objective evidence in the case file, which could be taken into account independently of the victims' statements and whether or not they considered themselves to be victims. Several workers who were intercepted and interviewed after a raid denied that they had been exploited and stated that they had no problem with their appalling housing conditions. During their interviews, they were treated as victims of trafficking in human beings by the police and placed on the corresponding list by the public prosecutor's office, followed by the court.

Some workers considered themselves victims of trafficking but wanted to return to Romania as soon as possible. They were therefore not interested in obtaining victim status. The two victims mentioned below were discovered and interviewed after the inspection of their places of residence.

One of the victims had arrived in Belgium by train from Italy and had started working two days earlier. The man had not been required to sign any documents. He was unsure whether he could consider himself a victim of trafficking, but found it "difficult to work without papers". There were no toilets on the construction site. The safety clothing did not fit him and he did not know what to do if he found asbestos. He felt he was working at his own risk and did not know what would happen if a serious accident occurred at work.

The other victim clearly considered himself a victim of trafficking. The police explained the status of victim of trafficking in human beings to him, but he immediately refused it because he was looking for a way to return to Romania quickly. He had planned to stay in Belgium for up to 2 months to work.

This victim stated that he had never received any wages and that "the paperwork cost €450", which "was going to be deducted from his first wage". During the first week, he did not work and the defendants lent him €60 to tide him over for the week. He worked during the second week and earned €460, but he still had to repay €450, in addition to the €60, to the defendants. During the third week, he worked one day but did not receive any money for it. He had no work during the fourth and fifth weeks because the defendants were not satisfied. During this period, the defendants had again lent him €200 to buy food. During the sixth and seventh weeks, he worked three days each week but was never paid for it.

On the contrary, they demanded even more money from him. The defendants had told him shortly before that he owed them an additional €600, namely €400 for the papers and €200 to repay the money they had lent him. On top of that, there were €150 in transport costs.

The victim was angry with the defendants because they had made false promises about prompt payment and good working conditions. In reality, it was dangerous work with inadequate safety equipment. He had already cut himself several times and had to treat himself without any help from the defendants. He had applied a bandage himself and put a glove over it so that he could return to work. He thought he would be fired if he had a serious accident at work. One of the defendants had already shouted at him that he had better do his best, otherwise he would lose his job and his accommodation, that he 'would be sacked and would have to sleep in the park'.

He also stated that he was not free to move around as he wished. When he was not working on the building site, he had to stay in the house to avoid police checks and any problems for the company. He was then given domestic tasks such as gardening or cleaning the kitchen, but he was not paid for this. The house was very dirty and had no heating. His 'bedroom' was in the garage.

Two weeks before the police check, the victim had considered going to the police, but was afraid that he would not be understood because of his poor command of the language. The man wanted to talk about the poor working conditions and lack of freedom of movement imposed on him.

1.3.4. Front man victim of trafficking in human beings

The defendants used a man with a mental disability as a front man for one of their companies. One of the defendants had replaced himself as manager with this front man just before his company went bankrupt. He had him sign documents appointing him as company director on the pretext that they were papers "to make it easier to work". It emerged from the interview that the front man was completely unaware of these responsibilities. Invoices issued in his name were found on the smartphone of the defendant who actually managed the company. Analysis of emails, among other things, revealed that the invoices had been issued by the latter.

The front man was initially arrested and questioned as a suspect, but was then considered a victim and released. His interview revealed that he was completely unaware of the company's activities and had no access to the bank accounts. He did not even know the name of his company and actually worked under the same conditions as the other workers on behalf of the defendants. He had to make do with the same accommodation as the others, was transported with them to the construction site and was paid in cash. At the end of the interview, he finally added: "(...) now that I hear all this, yes, I feel abused (nods affirmatively)". He was considering returning to Romania.

What is striking about this case is the way in which non-verbal communication during the interview was perceived, analysed and later taken up by the police and the judiciary. The police recorded this meticulously and objectively, which was a relevant factor in the public prosecutor's conclusions. As a result, the public prosecutor included him in the list of victims of trafficking confirmed by the court.

The judicial section of the local police zone Mira conducted the interview and made the following remark in the official report 'It is clear to us that X is afraid and does not dare to speak freely'. When asked by the police whether he had been physically or verbally assaulted, he said no and that he was not afraid. However, in the report of the interview, the police wrote in the margin of this response: "the individual looks down and trembles".

In its conclusions, the prosecution also noted that he had initially been arrested and questioned as a suspect due to his presumed role in this bankrupt company, whose liabilities exceeded €70,000.

However, the public prosecutor referred to the police's findings regarding non-verbal communication in order to draw his conclusions: "The interview with X nevertheless painted a completely different picture. The reporting officer had the impression that X was frightened and did not dare to speak." The public prosecutor then added in parentheses: 'see the description of their body language and their responses during the interview, as recorded in the official record'.

The court considered him to be a victim of trafficking in human beings and explicitly referred in its judgment to his vulnerable situation, which led to him being used as a scapegoat by the defendants:

He systematically points the finger at other people, such as his son, who was a minor at the time, and X (the victim), whom the investigation showed to have limited intellectual abilities and who was used as a front man."

2 Smuggling of human beings: smuggling by small boat by an international Kurdish network.

Introduction

In this case, which runs to tens of thousands of pages, an international Kurdish smuggling network was convicted of smuggling of human beings and criminal organisation for transporting nautical equipment from Germany to smuggling camps in northern France via Belgium and the Netherlands in 2021 and 2022. From there, migrants were to cross the North Sea in makeshift boats to reach the UK[350]. Twenty-one defendants appeared in court, including one in absentia. Most of them were Iraqi. The chief coordinator of the smuggling operation was Iranian. There were also German defendants, a Syrian defendant, and an Afghan defendant. All but one defendant were convicted at first instance and on appeal.

The smuggling route passed through the English Channel (Calais-Dover), which is the shortest sea route (33 kilometres) between mainland Europe and the United Kingdom. In some cases, the departure was from the Belgian coast, but the journey was then longer. These clandestine crossings caused the deaths by drowning of 27 people in 2021 and nearly caused a disaster that could have cost the lives of 49 migrants on the Belgian coast.

At the same time, smugglers were smuggling Kurds from Iraq to Europe via Turkey and collaborating with Albanian and Vietnamese smuggling organisations to transport victims from these regions. This case is the result of an international investigation linked to investigations into armed gangland killings and an attempted murder in smuggler camps in northern France.

350 See Myria, *2024 Annual Report Trafficking and Smuggling of Human Beings, Latin American sex work: a high-risk carousel*, p. 123: Crim. Court, West Flanders, Bruges division, 18 October 2023, ch. B.17 and the Myria website (case law). See also below in this section, Chapter 3, point 3.4.: Ghent, 29 January 2025, 8th ch.

2.1. Smuggling network

According to the public prosecutor, the Kurdish network had set up its smuggling system on an almost industrial scale. In addition to the logistical smuggling of nautical equipment, particularly boats, the network smuggled migrants in transit on small boats, but also yachts and lorries. They were loaded into containers or cabins, in which case lorry drivers were involved and paid. It took 14 hours to reach the United Kingdom from Calais aboard a small boat.

The normal price to be smuggled from France to the United Kingdom in a lorry cabin was €17,000. Transport in a container cost between €12,000 and €15,000, and between €2,000 and €3,000 in a small boat[351]. For children under 10, the price was halved, while children aged 10 and over paid the adult price. Prices often varied depending on the nationality of the victims. Kurds enjoyed the lowest prices.

To analyse the network in more detail, we will first examine the coordination of the smuggling organisation (section 2.1.1). Section 2.1.2. will address the smuggling of nautical equipment and section 2.1.3. will address the transport of migrants from Germany to northern France, including the smuggling of boats, which was also carried out in collaboration with Albanian and Vietnamese smuggling organisations (section 2.1.4). There was also a link to the lucrative Vietnamese smuggling market, where fierce competition led to settling of scores and attempted murders (section 2.1.5). Finally, the smuggling of migrants from Iraq to Germany will be examined in section 2.1.6.

2.1.1. Coordination

The chief coordinator operated from the United Kingdom and worked closely with three coordinators in Germany via WhatsApp groups. The defendants were related to each other in various ways. Several smugglers, including the leaders, held residence permits that allowed them to operate freely across different countries. Some smugglers were German nationals or had obtained papers through the asylum procedure.

The three smuggling coordinators regularly left Germany to make purchases in Turkey before travelling to their small base in the Netherlands to store and oversee the nautical equipment. One of these coordinators stated during his interview that he had worked for 14 years as a police officer in the anti-terrorism unit after the fall of Saddam Hussein in Iraq. Within the smuggling network, he served as a liaison to the lieutenants in the smugglers' camps in Calais.

2.1.2. Smuggling of nautical equipment

The smuggling coordinators purchased large quantities of nautical equipment at bargain prices in Turkey. The equipment was transported by coach and lorry to Germany, and sometimes also to a transport company's warehouse in Haarlem (Netherlands). To conceal their illegal trade, the smugglers used conventional transport companies and warehouses. During a police inspection of this Dutch transport company – which had also ordered and received equipment – four illegally employed workers were discovered and subsequently arrested.

Most of the equipment was transported to and stored in garages, containers and hangars in Osnabrück (Germany). There, they prepared ready-to-use packages containing an inflatable boat, a bottom plate, an outboard motor, around 40 life jackets, and a jerry can of fuel. At the same time, they recruited drivers to transport the equipment to smuggling camps in northern France or sometimes to the Belgian coast. They received €500 in return.

In addition to transporting these ready-to-use packages to the coast themselves, they positioned themselves as a "logistical hub" for nautical equipment in Germany, where other smugglers bought the equipment for €6,000 to €8,000. The other smugglers would then send their own drivers to this meeting point.

The drivers transported these kits on behalf of criminal smuggling organisations to the north coast of France (and sometimes to the Belgian coast), where migrants in transit were gathered or waited with the smugglers as they inflated the small boat and prepared to set sail for the United Kingdom. The routes these drivers took in Belgium differed in part from the usual smuggling routes. In general, the drivers passed through the Netherlands. They first travelled from Eindhoven (Netherlands) to Ghent and Mouscron via Antwerp, then crossed the French border at Kortrijk. They then returned via La Panne, Ghent, and Antwerp, reaching Aachen (Germany) via Genk and Heerlen (Netherlands). Sometimes they returned to Eindhoven. Later, they also took other routes via Brussels and Ostend.

351 As of May 2025, 1 pound sterling was worth 1.18 euros. Conversely, 1 euro was worth 0.85 British pounds.

The vehicle transporting the nautical equipment was escorted by a second vehicle responsible for detecting any police checks, with which it remained in contact. The drivers were generally monitored by the organisation, received instructions and had to share their location in real time. The smuggling coordinators also considered police checks. According to a statement made by one of the defendants during his interview, they had even predicted that of the 12 drivers sent, only one would reach his destination, and the others would end up in prison. As proof that the smuggling coordinators were well informed about the arrests, a photo of the police report of one of the drivers' interviews by the PJF was even found on a smartphone.

After several interceptions and arrests of drivers, the smuggling organisation took more precautions and adapted its methods. Previously, it had communicated warehouse locations to drivers via WhatsApp. Now, drivers were no longer allowed to go to the storage locations; they had to meet them at another location, such as a motorway rest area or a service station. There, the drivers would meet the smugglers, who would transport the equipment themselves to the meeting point and then take over, heading for northern France. This meant that, if arrested, the drivers could not disclose to the police where the nautical equipment was stored.

During one of these arrests, a driver who was also involved in the smuggling died in a police station cell[352]. During the interception, he had felt unwell due to heart problems, following which the police had alerted the emergency services, who had taken him to the hospital. After a few hours, he was able to leave the hospital and was placed in a cell by the police. That same evening, the public prosecutor was informed of the man's death after attempts to resuscitate him had failed.

2.1.3. Smuggling of migrants in transit by small boat

Several migrants in transit were transported from Cologne or Essen (Germany) to northern France by taxi, minibus or private car. For this, they had to pay €1,000 each to the smugglers. The other migrants were already housed in the smugglers' camps. As soon as around 30 migrants in transit had paid to cross by boat, the drivers would collect a package for the crossing from the warehouse in Germany.

The network had lieutenants in the smugglers' camps who organised transport to the United Kingdom. They recruited candidates and collaborated with other smugglers under financial agreements. They had to gather the migrants in transit who had paid at the designated spot on the beach. Payments from candidates for the illegal crossing were verified by the chief coordinator in the United Kingdom, who forwarded the list of names and photos to the lieutenants. The lieutenants could then use the photos to verify which migrants in transit were authorised to board a small boat. A video was found on the smartphone of one of the smuggling coordinators, in which candidates for illegal crossing stated their identity one by one in front of the camera.

2.1.4. Partnerships with Albanian and Vietnamese smuggling organisations

Analysis of messages exchanged on social media revealed that the network collaborated with Albanian and Vietnamese smuggling organisations to obtain additional candidates. They paid tens of thousands of pounds to the chief smuggling coordinator in London for this.

Albanian smugglers transported many candidates for illegal crossings to camps in northern France. They were often transported from Cologne. The messages show that the chief coordinator of the smuggling operation had attached dozens of photos of Albanian candidates for the illegal crossing to the lists of names.

The chief coordinator of the smuggling operation worked closely with a Vietnamese network leader operating from England. According to the police, no fewer than 1,063 messages were exchanged between the two smugglers between 22 February and 26 April 2022. The police noted that after this period, the head of the Vietnamese smuggling network had activated a WhatsApp feature that deleted his messages after 24 hours. The messages revealed that the Vietnamese victims were not only smuggled aboard small boats, but also in containers or on a yacht.

352 See Myria, *2023 Annual Report Trafficking and Smuggling of Human Beings: A Chain of Responsibilities*, p. 135: Crim. Court, West Flanders, Bruges division, 22 June 2022, ch. B17, No. 1531.

2.1.5. The lucrative Vietnamese smuggling market leads to settling of scores and attempted murders

The Vietnamese smuggling market had become very lucrative in 2022 after the tragedy in Essex[353] that left 39 people dead in October 2019. Due to the considerable risk involved, drivers refused to transport other Vietnamese nationals, or only did so at particularly high rates. In an exchange between the smuggling coordinator and the head of the Vietnamese network, the price of €16,000 per person for container transport was mentioned, which was much higher than the usual rate.

Other Kurdish smugglers offered lower prices (between €1,500 and €1,700 for a crossing), which led to conflicts. One of the smugglers in the network in France complained that a competitor belonging to another Kurdish smuggling organisation had caused him to lose €50,000 by successfully smuggling Vietnamese clients into the United Kingdom. In a similar case, a Kurdish smuggler asked the chief coordinator for a firearm to shoot a competitor. The latter replied that he would take care of it and that he had people capable of resolving such conflicts.

The situation escalated and degenerated into score-settling and shootings between smuggling organisations. Messages exchanged between Kurdish smugglers referred to a murder committed in May 2022 in a camp in northern France. Two other people were injured in the shootout. At the same time, a wide-ranging investigation was being conducted in Germany and France into two previous murder attempts in the smuggling underworld. On 5 September 2021, a first murder attempt had already been made against one of the network's lieutenants in the Grande-Synthe camp near Calais. In response, on 13 November 2021, an attack was carried out in Osnabrück (Germany) against a rival Kurdish smuggler, seriously injuring him. According to the German and French authorities, these incidents were linked to the Iraqi-Kurdish human smuggling network under investigation. One of the defendants in this case was being held in a French prison on suspicion of involvement in this latest murder attempt. In addition, dozens of photos of firearms, listening devices, night vision and thermal imaging equipment, walkie-talkies and cryptophones[354] were found on his smartphone.

As part of the request for mutual legal assistance, the German and French authorities indicated that this case was part of an internal struggle for control of the Vietnamese migrant smuggling market. Originally, these Kurdish smugglers were part of the same network that organised smuggling via small boats. As the Vietnamese smuggling market proved highly lucrative, disagreements broke out. This led to a split and a veritable power struggle. According to the report, they were trying to take over each other's Vietnamese smuggling market in order to gain a monopoly and "be able to negotiate directly with the organiser of a vast Vietnamese smuggling network based in the UK". One of the other Vietnamese smugglers appeared to be aware of the attack on the rival smuggler in Osnabrück, as he had asked two days earlier to "exercise caution when shooting [...]". This Vietnamese smuggler, like the Kurdish network, was also collaborating in this case and profiting from the higher prices charged to clients.

2.1.6. Illegal migration routes from Iraq to Germany

The Kurdish smuggling network also organised smuggling from countries of origin, such as Iraq, to Germany. The chief coordinator of the smuggling network in the United Kingdom had contacts, in addition to Western European countries, with smugglers in Poland, Belarus, Greece, Turkey, Iran, Iraq and Afghanistan.

As part of the investigation conducted in Germany, the illegal migration route linking Iraq to Germany was reconstructed. This discovery was the result of a judicial investigation into the smuggling activities carried out by the same Kurdish network from the Kurdish region of Iraq to the Federal Republic of Germany, via the eastern external borders of the European Union. In the report summarising the results of the European legal assistance request, the Belgian and French authorities received a summary of the investigation into the smuggling, which referred to the involvement of the Belarusian authorities at the time. The following is a relevant excerpt from this summary of the German study:

"In 2021, it was found that many Iraqi nationals were victims of smugglers. They were crossing Belarus and Poland before entering the Federal Republic of Germany illegally. They then attempted to obtain longer-term residence in Germany or a neighbouring country.

353 See Myria, *2022 Annual Report Trafficking and Smuggling of Human Beings, Bound by Debt*, part 1: pp. 25-41 and part 2: 92-95; *2023 Annual Report Trafficking and Smuggling of Human Beings, A Chain of Responsibilities*, pp. 129-132.

354 A cryptophone is a smartphone from which all features that could identify its user, such as Bluetooth, GPS, the camera, and the microphone, have been removed. This type of device has only one application. This allows users to communicate via encrypted messages.

Sometimes, migrants would cross the English Channel clandestinely when their final destination was the United Kingdom. Migrants or their relatives paid up to US$25,000[355] for the journey, depending on the family size and the destination country. Visas were issued to migrants to enable them to travel to Belarus. Once in Belarus, migrants stayed in hotels or other places until local smugglers took them to the border between Belarus and Poland. The border was crossed with the help of local Belarusian authorities. After successfully entering Poland, the migrants hid in nearby forests until they were picked up. Once the next stage of their journey had been arranged, they were taken by drivers hired for this purpose and divided into groups. At least one migrant in the group had a mobile phone, which allowed them to share their location via WhatsApp and receive precise instructions about a meeting point to continue their journey. The recruited drivers remained in direct contact with the smugglers in charge, who coordinated the group's transport. After picking up the migrants, the drivers crossed the German-Polish border and dropped them off... According to the police's findings, the migrants had paid €2,500 each for the journey between Poland and Germany. Of this amount, the drivers recruited received approximately €1,000 per adult and €100 per child.

Conversations between smugglers reveal that, according to the instructions they were given, the drivers sometimes dropped off Iraqi clients at an asylum seekers' reception centre so that they could submit their applications. In other cases, these clients were picked up by family members or intercepted by German customs or police. For many clandestine migrants, Germany was either their final destination or a stopover on their way to neighbouring countries. According to their WhatsApp messages, the smugglers also provided Portuguese residence documents to Kurdish acquaintances. Those who wished to continue their illegal journey to the United Kingdom were instructed by the smugglers to leave the asylum seekers' reception centre and, upon payment, were provided with accommodation before being transported to a camp in northern France.

2.2. Investigation

2.2.1. Start of the investigation

In recent years, numerous vehicles carrying nautical equipment have been intercepted in West Flanders on their way to the north coast of France. Several small-scale smuggling cases of this type, in which only drivers were implicated, were linked to suspects in Germany who supplied the equipment.

The public prosecutor's office opened an investigation based on files from 2021 containing several telephone numbers, identities, and locations in Germany linked to the smuggling. The investigation was based on findings by the German police and judicial authorities, as well as information from previous Belgian cases, which made it possible to trace the telephone number of the coordinator of the smuggling network in the United Kingdom.

The German police had uncovered several warehouses used by the smugglers. After nautical equipment was delivered to the wrong address, the occupants of the house notified the police, which enabled them to establish a link to the address of one of the defendants in the German city of Osnabrück. This address was then put under surveillance, revealing its role as a storage facility for the smuggling network. Based on various investigative operations and findings, further links were established with small-scale smuggling cases in Mons, Flemish Brabant, Hainaut, West Flanders, and East Flanders, as well as with operations conducted in northern France targeting smuggling of human beings.

The smuggling network was also uncovered through statements, observations, searches, telephone tapping, interception, analysis of ANPR camera images, and mobile phone extraction.

2.2.2. Digital investigation

The smugglers systematically developed counterstrategies to stay under the police's radar. The smuggling ringleaders constantly gave orders to delete messages and not to make calls over a normal telephone line, but to use WhatsApp or Facebook Messenger instead. For example, one of the leaders would interrupt the conversation about smuggling and ask to be called back via an instant messaging app whenever the subject of money or boat crossings came up, or when a client seeking illegal migration contacted him.

355 At the time of the events, one US dollar was worth approximately one euro.

The smugglers were wary of digital investigative techniques and sought to evade police scrutiny. One of the conversations about deleting messages spoke volumes on this subject: "I'm telling you to delete it! Do you have any idea what they could have got from my mobile phone? They extracted photos I had sent to [a client], including maps showing him how to get there."

Despite the deliberate deletion of many conversations, the phones still contained considerable information. This was partly because the conversations had not been deleted completely or quickly enough at the time of the raid, and partly because the police had managed to recover a great deal of information. In many cases, the police could only note the telephone contacts, but this illustrated the scale of the criminal operation.

2.2.3. Financial investigation

According to the investigation, the criminal organisation smuggled at least 171 people, amounting to a total of €312,700. This is a minimum estimate based on a sheet of paper found in a notebook during a search of one of the smugglers' homes in Germany. In reality, the amount was much higher, as many clandestine transports went undetected.

The organisation had particularly substantial financial resources at its disposal. During the investigation, sums exceeding $100,000 changed hands on several occasions. Not only the transport, but also the financial management was organised professionally, in the form of cash payments or via the *hawala* system. The leaders of the smuggling network were in direct contact with *hawala* bankers ("*hawaladars*") based in Turkey and Iraq. Most of the funds were transferred to the country of origin or to Turkey. Payments for nautical equipment sold by the network to other smugglers from its warehouse in Germany were also settled via the *hawala* system in the country of origin. This left few traces of the financial transactions.

Hawala

According to the police, financial arrangements within the international smuggling of human beings community are based on trust, which is reinforced by ethnicity or family ties. However, a professional attitude is essential. The success of smuggled migrant smuggling depends on how the funds are paid. The agreed salaries of smugglers are rarely transferred directly. Payment is usually made via *hawala* in the countries of origin or destination, to trusted individuals or to so-called 'payment offices', which often operate in shops.

Any involvement of banking institutions is avoided. The amount to be transferred is paid in the shop of a "*hawaladar*", who charges a commission of 5%, or sometimes as much as 7%. Smuggled migrants also pay smugglers via *hawala*. These payments are made in several stages, for example, upon successful entry into Turkey, in transit countries, and upon arrival in the desired destination country. During a search of a smuggler's premises, a notebook with the word "accounting" handwritten on it was found, containing amounts up to $115,200 and a list of the smugglers involved.

The summary report explains the *hawala* system in detail. It can be defined as a method of transferring money outside the traditional banking system. This requires at least two *hawala* brokers (or "*hawaladars*") to handle the "transactions".

A person who wishes to transfer money to another country contacts a *hawala* broker (broker A). The payer gives the broker a sum of money, a commission and information about the recipient of the payment. The payer then receives a unique code.

The broker contacts a *hawala* broker (broker B) in the country where they wish to send the money. Broker B will transfer the amount that broker A has asked him to give to the recipient as soon as the latter has provided the same code to prove that he is indeed the person designated by the initial requester as the recipient of the money.

To put it simply, in the *hawala* system, cash circulates without moving an inch. If someone deposits a certain amount of money at one *hawala* point, someone else can withdraw that amount in the blink of an eye at another point, without the money actually being transferred to that location.

As there is no physical transfer of cash, *hawala* Brokers play a key role in these transactions. The entire system is based on trust (which is the meaning of the word 'hawala') between them. They generally keep informal accounts to record transactions and repay their debts in various ways. It is important to note that *hawala* Brokers are not licensed and operate illegally. People involved in criminal activities use *hawala* because the transactions are untraceable. There are no visible financial flows, communication between the parties is limited, and transactions are not subject to any limits. The *hawala* system is used worldwide to launder money and finance criminal activities. It is also referred to as 'underground banking'.

In this case, the chief coordinator of the smuggling operation in the United Kingdom and a coordinator in Germany were themselves *hawala* brokers. The chief smuggling coordinator had a shop in London that served as a *hawala* office for smugglers. In addition to his usual contacts in Iraq and Turkey, he had already arranged payments for Albanian smugglers with *hawala* brokers in Tirana (Albania) and Rome (Italy) for a commission of 7%. He also received bags filled with cash from Albanian and Vietnamese smugglers. If he needed money quickly, he had a network of couriers who would collect it, transport it, and deliver it.

Criminal investments

According to reports prepared following requests for mutual legal assistance from the judicial authorities, most of the smugglers who held residence permits in Germany were receiving benefits. Many of them lived in social housing. They could not use illegal income there without attracting attention. This is why most of their income was transferred to their families in their countries of origin via the *hawala* system. One of the leaders of the smuggling network had a house built in Iraq through his brother.

The chief coordinator of the smuggling operation invested in cryptocurrencies that were difficult to trace. He also invested in luxury items such as high-end cars, luxury clothing, and Rolex, Richard Mille, and Breitling watches, which are estimated to be worth between several thousand and tens of thousands of euros and can be used as a means of payment. He was also planning to buy another yacht with an Albanian smuggler for clandestine crossings to the United Kingdom. He had also planned to buy a car wash in London.

Businesses where large amounts of cash circulate, such as shops and hospitality establishments, are ideal for laundering money for a criminal organisation. Some smugglers owned a restaurant through a brother or a front man and were planning to buy a shop.

2.2.4. International cooperation

Since 2018, the British, French and Belgian authorities have seen a rise in the illegal smuggling of migrants to the United Kingdom via the English Channel in small boats. Several investigations conducted by the British (Operation *Punjum*), Belgian (Operation *Rubberboot*) and French (Operation Thoren) authorities have focused on Iraqi Kurdish smugglers.

During the trial, Myria's lawyer asserted in their closing statement that these crossings had increased exponentially between 2020 and 2022. According to figures from the British authorities, there were 8,500 people in 2020. By 2021, this number had risen to 28,000. And in 2022, it had skyrocketed to nearly 45,000 people.

Meanwhile, the German authorities had also noticed that boats had been transported from Germany to France and Belgium as part of smuggling of human beings operations. A joint unit was set up within the German police force, which in 2021 identified incidents that could endanger lives, including the incident on the Belgian coast (see below). Since January 2022, the German police have been conducting a criminal investigation on behalf of the Osnabrück public prosecutor's office against several smugglers who had already been convicted in the Belgian case.

At the beginning of 2022, however, cooperation between the French and German authorities encountered some difficulties. In its closing arguments at the trial, the Belgian public prosecutor's office referred to an article published in the French weekly magazine *Paris Match* on 8 January 2022, which was included in the case file. This article quoted a French commissioner from the Central Office for the Suppression of Illegal Immigration and the Employment of Undocumented foreign nationals (OCRIEST), who referred to the nautical equipment delivered by mistake. This had put the police on the trail of the smugglers (see point 2.2.1 above) and made it possible to establish a link between the two assassination attempts in northern France and Osnabrück. According to the public prosecutor, the French police commissioner "had not been very flattering to the German police and justice system " and had made several acerbic comments in the interview, which the public prosecutor quoted. The article claimed that information had not been shared and that German magistrates had closed the case without further action. Or, as Paris Match wrote (freely translated): "The French, Belgians and British are regularly shocked by the phlegmatic attitude of German magistrates. When it comes to illegal immigration, Germany is described as a comfort zone."[356] The public prosecutor concluded with the following quote: "Poor judicial cooperation serves the interests of smugglers based in Germany."[357]

356 Translation provided by the public prosecutor's office: "Geregeld uiten Fransen, Belgen en Britten hun ongenoegen over de flegmatieke houding van de Duitse magistraten. Wat clandestiene immigratie betreft, wordt Duitsland beschouwd als een veilige zone'.

357 Translation provided by the Public Prosecutor's Office: "Een slechte gerechtelijke samenwerking dient de belangen van de mensenmokkelaars die in Duitsland zijn gevestigd."

According to the public prosecutor's office, the article published in the French press did not go unnoticed in Germany and "the police and the judiciary were questioned about its content". A German article reporting on this, along with the original French article that also mentioned the assassination attempts, was found on the smugglers' smartphones, proving they were aware of the situation. According to the public prosecutor's office, everything possible was done in the period that followed to dismantle the criminal organisation. On 5 July 2022, 18 suspects were arrested in Germany following European arrest warrants issued by the investigating judge in Bruges. To carry out all the arrests and searches, the German judiciary and police mobilised more than 900 police officers from various departments.

Meanwhile, the chief coordinator of the smuggling operation was still in the United Kingdom and, according to the public prosecutor's office, "international cooperation with the United Kingdom was strengthened, and an agreement was reached between the Belgian and British judicial authorities to set up a joint investigation team (JIT)[358]". The head of the smuggling network was arrested in London on 4 May 2022 and extradited to Belgium on 27 July 2022.

2.3. Smuggled migrants

The Iraqi-Kurdish network mainly smuggled Kurds, Vietnamese and Albanians, but also Afghans. Many of them were minors.

2.3.1. Interceptions of illegal crossings and statements by victims in the United Kingdom

WhatsApp messages revealed that the chief coordinator of the smuggling operation gave specific instructions to clients who were smuggled into the United Kingdom in the cab or trailer of the lorry with the driver's consent. "They cannot say that the driver let them on board if the police check them. And they must turn off their mobile phones."

Several boats were intercepted while en route to the United Kingdom. On 8 June 2021, 44 Afghan migrants (32 adults and 12 minors) were apprehended while crossing the English Channel.

With regard to smuggling by boat, the British authorities informed the German judicial authorities, as part of a request for mutual legal assistance, of several interceptions in which the seized material revealed links to Osnabrück. This information also included a summary of some of the victims' statements.

In particular, it referred to a crossing by 29 people on 16 October 2021, the boat having been delivered from Osnabrück two days earlier. The victims included 10 Iraqis, 12 Afghans, 4 Iranians and 3 Albanians. There were 25 men, one woman and three minors. Among them were one Iraqi victim and one Afghan victim who stated that they had passed through Germany. In his statement, the Afghan victim provided further details about the illegal migration route. The man told the British authorities that he had left Afghanistan, travelled through Iran, Turkey and Serbia before being smuggled into Germany in a lorry. From Germany, he travelled by train to France and then by small boat to the United Kingdom.

358 Myria, *2019 Annual Report Trafficking and Smuggling of Human Beings, Empowering Victims*, p. 74. A JIT is a partnership between the competent authorities of two or more Member States to conduct a criminal investigation into punishable offences where there are links between suspects in several Member States. Under the leadership of a single Member State, a joint investigation team will take charge of and carry out the judicial investigation. The legal framework is formed by the legislation and regulations in force in the country where the team operates. At the end of the investigation, the case is referred to the first prosecuting authority of the Member State to take action. In Belgium, the procedures for joint investigation teams are set out in Chapter 3 of the Law of 9 December 2004 on the international transmission of personal data and information for judicial purposes, international mutual assistance in criminal matters and amending Article 90*ter* of the Code of Criminal Procedure (*BOG*, 24 December 2004).

2.3.2. Dangerous illegal crossing from the Belgian coast and statements from victims

In addition, on 19 May 2021, an incident involving the smuggling of migrants occurred off the coast of De Panne, where 49 people were rescued by the Belgian coastguard after being found in distress on board a small boat. The victims included 44 Vietnamese nationals and five Iraqi Kurds. According to the maritime police's calculations, there was not enough fuel on board to reach the United Kingdom.

Some victims reported experiencing moments of extreme distress[359]:

- They were unaware beforehand that so many people would be travelling together in an unsuitable boat with inadequate equipment.
- At the time of the rescue, the boat was already taking on water.
- When boarding the boat, all the migrants in transit had doubts because of the inadequate equipment. It was chaos.
- They (the smugglers) increased the pressure to board the boat.
- The migrants in transit were stressed at the idea of boarding.
- They explained that they could not swim. They had to wade far out into the water before they could board. Once inside, they could not get out.
- They feared for their lives.

The report of this incident included excerpts from the statements of one Kurdish victim and three Vietnamese victims. The Kurdish victim stated:

"When asked whether the smugglers put us in danger, my answer is yes. I didn't know there would be so many people on the boat, and it was already in the water. I couldn't swim and was completely unable to jump off the boat."

One of the Vietnamese victims responded to the question of whether the smugglers had used violence and/or whether they had been forced onto the boat:

"They shouted at me to hurry up. Everyone had doubts when we saw how many of us there were and that we all had to fit into such a small boat, but they increased the pressure to get us all on board. We had to carry the boat to the sea, and when we had to jump into the boat with the water up to our waists, it was chaos. There were four Westerners (smugglers) telling us to jump into the boat. I thought we had to go very far into the water before we could jump... I thought I was going to die. When you actually get into the boat, you realise how dangerous it is, and you get really scared".

The same Vietnamese victim explained how they had to prepare themselves on the beach:

"We had to wait several hours before the boat and engine were delivered to the beach. It was already starting to get light. Everyone had to help out. The boat and engine had to be carried to the beach. Once there, everyone had to put on a life jacket. The Westerners (the smugglers) assembled the boat, but they asked us to inflate it."

Another Vietnamese victim explained why she had attempted this illegal journey: "I want to go to London. I can work there to pay off my past debts."

The third Vietnamese victim knew that the illegal transport was by boat, but thought it would be a larger, more professional vessel. The man felt cheated after all the promises of a better life and pointed out that the smugglers were only looking to make money. "These people earn a lot of money for a 'supposedly' better life in England. But you wonder if life there is really that much better."

2.3.3. Fatal illegal crossing from Calais

On 24 November 2021, 27 migrants in transit, including women and children, drowned in tragic circumstances while making the crossing to England in a small boat.

This prompted an outcry; the bodies were found in the water off the coast of Calais.

The smuggler, who belonged to a rival Kurdish organisation, made statements about the incident. He gave the names of the organising smugglers and explained to the police that three small boat had left Dunkirk. All three capsized, but the people on board of the other two boats were rescued.

Despite the tragic events of November 2021, the smugglers continued their dangerous activities. They often set off at night in small boats bound for the United Kingdom.

359 The file contains summaries and quotations from victim statements from other related files to which reference is made. This file, therefore, does not contain information on the number of smuggling victims assisted by specialised reception centres under victim status, for which the original files must be consulted and in which Myria did not file a civil suit.

The boats were in one of the busiest shipping lanes in the world, with many commercial ferries and cargo ships passing by. According to the police, it was extremely dangerous to follow the same route in a small boats: the risk of collision – with fatal consequences – could not be ruled out. In an emergency, they were often out of mobile phone range and had no way to send a distress signal.

The inflatable boats equipped with outboard motors and life jackets used to this end did not meet any standards guaranteeing the safety of the North Sea crossing. The criminal organisation used unsuitable or even defective engines. They were cobbled together without much expertise. Inflatable boats were sometimes delivered in a completely torn state. Life jackets were purchased as cheaply as possible, in large quantities, at seven dollars each. According to the police, the equipment was completely unsuitable: "The life jackets they ordered for the migrants were not fit to be called 'life jackets'. They gave migrants a false sense of security in this regard."

The technical analysis by the maritime police speaks volumes: "We observe that several essential components of the outboard motors are severely damaged. Some cables are secured with household adhesive tape. The smugglers had patched up the inflatable boats with adhesive tape."

Besides being unsuitable, these boats were overloaded. A nine-metre boat carried up to 40 people, if not more. The smugglers' conversations revealed a total lack of concern for human life. They referred to the migrants as "chickens", as if they were transporting poultry. The smugglers viewed these perilous crossings as purely a business venture, seeking to make as much profit as possible.

The police emphasised the smugglers' cynicism: "Smuggler X reports to a network leader that the boat is overloaded. Some 48 to 50 people were crammed together. The smuggling boss knew full well that there were too many of them, but he responded as follows: 'Well, they'll get there safely, God willing'.

The chief coordinator of the smuggling operation was kept informed in the United Kingdom of the migrants' crossings in transit. He received photos and videos of them on the small boats and their live location to track their crossing. Migrants on board of the boats who wanted to call the emergency services were urged to wait until they entered British waters.

In this regard, the police found a disturbing WhatsApp conversation between the smugglers on the smartphone of the head smuggling coordinator, mentioning the terrified migrants:

- "They're terrified, man."
- "They're telling me they don't want to die."
- "Tell them to wait another 30 minutes."
- "They're going to reach British waters."
- "The engine isn't working, man."

The police recontextualised this conversation as follows: "It's just appalling. Migrants have been at sea for nine hours already, with an engine that isn't working properly, and people are scared. You can even hear them saying, 'We don't want to die'. But business comes first; the head smuggler keeps repeating that they must try to reach British waters. A successful crossing earns them a lot of money. When the migrants are rescued by the French emergency services, the criminal organisation does not make any profit from the smuggling, forfeits its nautical equipment and has to organise a new attempt.

2.3.4. Minors: smuggled for arranged marriages

Interceptions, telephone conversations and digital messages revealed that the Kurdish network had smuggled many minors, often accompanied by their parents. Telephone wiretaps also recorded a conversation between one of the smuggling coordinators in Germany and a client who wanted to bring a Kurdish minor to the UK for an arranged marriage. However, the telephone conversation was immediately interrupted by the head of the smuggling ring when the subject of smuggling was raised. The smugglers suspected that their phones were being tapped and used WhatsApp as a counter-strategy for their more sensitive conversations.

During the recorded conversation, the woman told the smuggling boss that she wanted to bring a 16-year-old girl from Hawler (Erbil) to Germany. This girl was intended for her son. The smuggling coordinator replied, "If the escort was to take place in Turkey...", but he didn't finish his sentence and asked the woman to call via WhatsApp. The conversation then ended.

Chapter 3

Overview of case law 2024 – early 2025

1. Trends

What were the major trends in trafficking and smuggling of human beings cases in 2024 and early 2025? The analysis of case law in this edition is based on cases in which Myria files a civil suit, decisions received by Myria from the three centres specialising in victim support, and a number of decisions communicated by the judiciary or other partners.

Myria also presents three decisions of the European Court of Human Rights relating to trafficking in human beings. Finally, the Aliens Litigation Council (ALC) granted refugee status to two women, one from Cameroon and the other from Guinea, who were victims of trafficking in human beings. Myria also discusses these decisions at the end of this overview.

Since 2023, Myria has only received decisions from the judicial authorities in exceptional cases, due to new legislation on the protection of privacy and the partial entry into force of the law on the central register for judicial decisions[360]. However, if agreements were reached on this issue in the future, the effective functioning of the central register would likely remedy this shortcoming. The lack of access to a wide range of decisions complicates Myria's work in analysing case law. This is an important tool in the context of its mission as national rapporteur (evaluation of policy on trafficking and smuggling of human beings). It provides a clear picture of trends in case law, which is of great added value to those involved in the fight against the trafficking and smuggling of human beings.

Myria has only been aware of 33 decisions[361] this year, 21 of which were in Dutch and 12 in French[362]. The 26 most interesting and relevant decisions are listed below[363]. They relate to 25 cases dealt with in different jurisdictions across the country[364].

Of the decisions in this selection, 19 concern **trafficking in human beings** and 6 concern **smuggling of human beings.**

It should be noted that this year, in several cases, the public prosecutor's office or the labour prosecutor's office brought **proceedings for smuggling of human beings (rather than trafficking)** in cases involving economic exploitation in the construction and car wash sectors. These decisions are detailed in the section on economic exploitation[365].

Nine selected decisions relate to **sexual exploitation**. They were handed down in the jurisdiction of the courts of appeal of Antwerp (Antwerp division and court of appeal), Brussels (Brussels [French-speaking and Dutch-speaking]), Ghent (court of appeal) and Liège (court of appeal).

360 Law of 16 October 2022 establishing the Central Register for Judicial Decisions and relating to the publication of judgements and amending the assize procedure relating to the challenge of jurors, *BOG*, 24 October 2022.

361 Last year, Myria received 43 decisions. By way of comparison, 100 decisions were received in 2023 and 107 decisions in 2022.

362 These are decisions handed down by criminal courts and courts of appeal. Myria also received a ruling from the Court of Cassation, which is discussed below: see point 2.3.6.

363 In several cases, the first instance judgment has already been mentioned in previous annual reports.

364 These decisions are also published on the Myria website (case law).

365 See below on this subject, points 2.3.1. (construction) and 2.3.4. (car wash): Crim. Court, Namur, Namur division, 14 February 2024, ch. 12 (in absentia); Crim. Court, Liège, Liège Division, 8 April 2024, ch. 18 (appeal).

Unlike in previous years, Myria analysed only one decision relating to sexual exploitation involving a **Nigerian** prostitution network, in a large Brussels case where the subletting of brothel windows to Nigerian women by contract sex workers (the *Yemeshe*[366] system) played an important role.[367]

A trend already observed by Myria continues this year, with several decisions concerning trafficking in human beings for the sexual exploitation of victims from **Latin American countries**[368].

In addition, a few decisions involved the *loverboy* method. This year, the cases concern the exploitation of victims through drug addiction by Belgian and Moroccan[369] perpetrators, and the exploitation of an Albanian woman by her Albanian husband[370]. Myria has also noted the use of this method in a case involving young adult South American women[371]. An appeal decision concerns a case, already examined last year, involving several Romanian victims in hotel rooms[372].

One case involved a large **escort agency** where several women were sexually exploited, including several Belgian victims.

Ten decisions concerning **economic exploitation** in various sectors were selected and are presented below by sector: construction, hospitality, domestic work, car washing, hairdressing, baking, and meat processing. These decisions were handed down in the jurisdiction of the courts of appeal of Brussels (Brussels [French-speaking, and Dutch-speaking] and Court of Appeal), Ghent (West Flanders [Bruges division], East Flanders [Ghent and Dendermonde divisions]), and Liège (Liège and Namur divisions).

Myria notes that in order to conclude that working conditions are contrary to human dignity — which is a constituent element of trafficking in human beings — judges take into account various factors such as working conditions and environment (excessive working hours, excessively low wages, lack of rest days), poor accommodation, wage withholding under various pretexts, and dependence on the employer.

In 2024, a French-language decision on **forced criminality** was handed down. It concerned a case of romance fraud in which fake profiles were created online. The victim was a model who gave the fictive characters a real and credible life[373].

Among the selected decisions relating to **smuggling of human beings,** six were handed down in the jurisdiction of the courts of appeal of Ghent (West Flanders [Bruges division] and court of appeal), Antwerp (Antwerp division), Brussels (French-speaking, Brussels) and Liège (Namur division and court of appeal). Since last year, Myria has received fewer decisions relating to smuggling of human beings, for the reasons mentioned above.

Smuggling of human beings often involves **well-structured, even criminal organisations**. Based on the communicated decisions, it appears that these organisations sometimes collaborate with other nationalities. This is particularly the case in a case heard on appeal in Liège concerning large-scale international smuggling via commercial vehicles, cars and vans[374]. Another case concerned the Belgian branch of an international Vietnamese criminal organisation[375].

In one major case, several defendants were prosecuted for smuggling young **Afghan** men and teenagers from Afghanistan to Europe, who were victims of violence and sexual abuse both during their journey and on arrival at their destination[376].

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366 This is a system whereby the contractual sex worker allows another girl to prostitute herself in exchange for a share of the earnings between the two of them.

367 See point 2.2.1 below: Crim. Court, Dutch-speaking, Brussels, 20 December 2024, ch. 23N (appeal). The second decision is not discussed in this report: Crim. Court, West Flanders, Bruges division, 7 February 2024, ch. B17 (final).

368 See also the focus of the previous annual report: Myria, *2024 Annual Report Trafficking and Smuggling of Human Beings, Latin American sex work: a high-risk carousel*, p. 9-48.

369 See point 2.2.3 below: Crim. Court, Antwerp, Antwerp division, 9 April 2024, ch. AC10 (objection and appeal).

370 See point 2.2.3 below: Crim. Court, French-speaking, Brussels, 31 October 2024, ch. 47 (in absentia).

371 Crim. Court, Liège, Liège division, 22 November 2023, ch. 19 (appeal): Myria, *2024 Annual Report Trafficking and Smuggling of Human Beings, Latin American sex work: a high-risk carousel*, p. 105 and the Myria website (case law); see point 2.2.2 below. : Liège, 26 November 2024, ch. 18.

372 Crim. Court, West Flanders, Bruges division, 10 May 2023, ch. B17 (appeal). See Myria, *2024 Annual Report Trafficking and Smuggling of Human Beings, Latin American sex work: a high-risk carousel*, p. 106 and the Myria website (case law); see point 2.2.3 below. : Ghent, 26 April 2024, 10th ch.

373 See point 2.4 below: Crim. Court, Luxembourg, Arlon Division, 8 April 2024, ch. 14 (appeal).

374 Crim. Court, Liège, Liège division, 13 December 2023, ch. 19*bis* (appeal): Myria, *2024 Annual Report Trafficking and Smuggling of Human Beings, Latin American sex work: a high-risk carousel*, p. 120 and the Myria website (case law); see point 3.1 below. : Liège, 5 December 2024, ch. 6.

375 See point 3.3 below: Crim. Court, French-speaking, Brussels, 16 January 2025, ch. No. 47 (appeal and objection).

376 See point 3.2 below: Crim. Court, Antwerp, Antwerp division, 27 November 2024, ch. AC10 (objection and appeal).

In addition, case law provides a better understanding of cases involving the '**logistics**' of small boats, where nautical equipment is transported from abroad to France via Belgium for the purpose of smuggling migrants across the North Sea.

Another case concerned the large-scale smuggling of Pakistanis through **sham marriages** contracted in Portugal with mainly Portuguese women. At the same time, the victims were exploited economically in the context of debt bondage. However, the defendants were only prosecuted for smuggling of human beings[377].

Finally, a case in which a Belgian defendant was prosecuted for smuggling in connection with the fraudulent **adoption** of several Congolese children by Belgian adoptive parents resulted in an acquittal on this charge[378].

2. Trafficking in human beings

2.1. European Court of Human Rights

In 2024, the Court handed down two landmark judgments in which it reiterated the positive obligation of national authorities to conduct effective investigations into trafficking in human beings and to prosecute and punish those responsible, in accordance with Article 4 of the European Convention on Human Rights (prohibition of slavery and forced labour)[379]. A third judgment also concerns the obligation to protect victims.

2.1.1. Case T.V. v. Spain, 10 October 2024

Obligation to investigate serious allegations made by a victim of trafficking in human beings

This first judgment concerns the investigation conducted by the Spanish authorities following serious allegations by a Nigerian woman who filed a complaint in 2011 for trafficking and sexual exploitation[380].

The applicant stated that she had been recruited in Nigeria in 2003 by an acquaintance of her family when she was 14 years old. This person allegedly advanced her €70,000 to bring her to Spain via Paris using a false adult passport, and did not inform her of the nature of the work she would be doing. Upon her arrival in Spain, the acquaintance allegedly took her to his home in south-east Seville and forced her into prostitution in order to repay her debt. Together with his partner, he allegedly took all her money and exercised constant control and surveillance over her, as well as making threats against her, including through voodoo practices, in order to dissuade her from reporting the facts. The applicant reportedly managed to escape in 2007 and continued to work as a sex worker in several regions of Spain. In 2010, she received assistance from an NGO, which provided her with accommodation and healthcare and encouraged her to file a complaint. After the investigation was opened, she was granted protected witness status.

377 See point 3.5 below: Crim. Court, West Flanders, Bruges division, 5 June 2024, ch. B17 (appeal).

378 See point 3.6 below: Crim. Court, Namur, Namur Division, 10 October 2024, ch. 12 (appeal).

379 Myria summarises these decisions below and refers to the insightful commentary on this subject by the Centre Charles de Visscher. This is the research institute for international and European law at UCLouvain. See J.-P. Jacques, "Les obligations positives à charge des États en matière de traite des êtres humains au regard de l'article 4 de la Convention européenne des droits de l'homme", *Centre Charles de Visscher*, 29 January 2025, available at Eur. Court. D.H., 10 October 2024, T.V. v. Spain, application no. 22512/21 and Eur. Court. D.H., 24 October 2024, B.B. v. Slovakia, application no. 48587/21 | Catholic University of Louvain.

380 ECHR, *judgment T.V. v. Spain*, 10 October 2024, application no. 22512/21.

GRETA (Group of Experts on Action against Trafficking in Human Beings)[381], and the AIRE Centre (Advice on Individual Rights in Europe)[382] were authorised to intervene as third parties in the proceedings before the Court. The Court found that the applicant's allegations were detailed and consistent, as her version of events had remained unchanged throughout the proceedings. According to the Court, the facts were consistent with the *modus operandi* generally used by Nigerian traffickers. The applicant was also in a situation of extreme vulnerability, as the Spanish authorities had always considered her to be a victim of trafficking. However, the Court noted the absence of any measures taken during the first two years of the investigation. It also emphasised that the most basic measures, such as interviewing the managers of the clubs where the applicant claimed to have worked, or identifying the presumed traffickers, were taken long after the investigation was opened. The police had failed to exercise due diligence and to follow up all obvious lines of investigation. As for the Spanish courts, the Court found the decisions dismissing the case to be superficial and insufficiently reasoned, based on unexplained assumptions.

The Court concluded that there had been a violation of Article 4 of the Convention, considering that the Spanish authorities had failed in their obligation to investigate serious allegations of trafficking, with serious consequences for the applicant. Spain was ordered to pay the applicant €15,000 in non-pecuniary damages.

2.1.2. Case of B.B. v. Slovakia, 24 October 2024

Obligations to investigate allegations of trafficking and to prosecute and punish those responsible

This case concerns the failure of the Slovak authorities to investigate the trafficking of a Slovak woman of Roma ethnicity[383].

The applicant alleged that she had been forced into prostitution and domestic servitude for a year in the United Kingdom, working for a person to whom she handed over all her earnings. Taken into care by the Salvation Army in the United Kingdom, the applicant finally returned to Slovakia in 2012 through a programme to support and protect victims of trafficking. There, she was registered with a charitable organisation as a victim of trafficking. However, the Slovak police investigated the case as a matter of pimping rather than trafficking, despite a report from the British authorities concluding that trafficking had taken place and despite information provided by the charity about the applicant's conditions of exploitation. It was also solely on the basis of this offence that the public prosecutor's office prosecuted the exploiter and that the Slovak courts convicted him.

In the Court's view, the circumstances of the case gave reasonable grounds to believe that the applicant had been a victim of trafficking. The Court took into account her vulnerability and the abuse she had suffered, based in particular on her statements. According to the applicant, the exploiter had organised her transfer to the United Kingdom in 2010 for the purpose of prostitution, to which she had consented for fear of becoming homeless again. The Court also noted that the prosecution focused on the offence of pimping – rather than trafficking in human beings – which carries a lighter penalty. In addition, the Court highlighted the length of the trial and the Slovak authorities' failure to interview the applicant's relatives or other witnesses who could corroborate her statements. Finally, the Court recalled that, in general, Slovakia had already been criticised for the sentences imposed in trafficking cases, which were considered too lenient and without the deterrent effect, security and effectiveness of efforts to combat trafficking.

The Court found a violation of Article 4 of the Convention, considering that the Slovak authorities had knowingly refrained from investigating the allegations of trafficking

381 Council of Europe Group of Experts on Action against trafficking in human beings.

382 Council on individual rights in Europe.

383 ECHR, *judgment B.B. v. Slovakia*, 24 October 2024, application no. 48587/21.

and had failed to fulfil their duty to open and conduct an investigation to establish the facts and identifying and punishing those responsible. Slovakia was ordered to pay the applicant €26,000 in non-pecuniary damages.

2.1.3. Case of I.C. v. Republic of Moldova, 27 February 2025

Obligations to investigate allegations of trafficking or exploitation and to take measures to protect a person at real or immediate risk of becoming a victim of these offences

In 2025, the Court handed down a judgment also concerning the failure to investigate allegations of trafficking or exploitation, this time by the Moldovan authorities, and the failure to take measures to protect a person at real or immediate risk of being a victim of these offences[384].

The applicant was a Moldovan woman with an intellectual disability. Abandoned at birth, she had always been cared for by the State, in particular by a neuropsychiatric institution, until 2013, when she was recruited by a couple to work on their farm. Five years later, she ran away and, with the help of an NGO for persons with disabilities, filed a complaint against the couple for exploitation and non-payment of wages, as well as for rape and sexual abuse by the man. She was allegedly threatened with dismissal if she demanded her wages and escaped from the farm several times before returning due to the cold, hunger and the fact she had nowhere else to go. Her lawyer had asked the police to investigate trafficking in human beings.

However, the Moldovan courts acquitted the couple of trafficking in human beings charges, ruling that she was free to leave the farm and that there was no evidence that she had been threatened or forced to work there, or sexually abused. The dispute over her wages was considered a civil matter rather than a criminal one.

GRETA and the AIRE Centre were authorised to intervene as third parties in the proceedings before the Court. The Court emphasised that it was not disputed that the Moldovan laws in force were adequate in terms of prohibiting trafficking, slavery, forced labour or sexual violence. However, it concluded that there had been a violation of Article 4 of the Convention, as the Moldovan legal regime governing the ending of state care for persons with intellectual disabilities and without legal capacity, as well as the Moldovan policy of "dehospitalisation", did not provide effective protection against trafficking or exploitation. The Court took into account the lack of risk assessment, support, and monitoring when the applicant was placed on the farm, even though the couple had indicated to the neuropsychiatric institution that they were seeking both a worker and a housekeeper or companion for one of the employees, which should have alerted the authorities. The Court also recalled that the applicant belonged to a group likely to be abused on account of her disability, her gender and her care by the State. It concluded that the authorities had failed to comply with their obligation to take measures to protect a person at real or immediate risk of being trafficked or exploited.

Article 4 was also violated since the allegations of labour exploitation and trafficking, which were substantiated by prima facie evidence, were not investigated[385]. According to the Court, the investigation conducted by the public prosecutor's office had numerous shortcomings, including the failure to investigate certain obvious leads, in particular the role of the administration in the applicant's placement or that of the social services in the absence of subsequent follow-up. Furthermore, the Court considered that the investigation should also have been conducted from the perspective of slavery or forced labour, offences distinct from trafficking and exploitation.

The Court also found a violation of Articles 3 (prohibition of inhuman and degrading treatment) and 8 (right to respect for private and family life) of the Convention, namely the failure to fulfil the obligation to apply in practice the criminal law provisions punishing rape and sexual abuse, either in themselves or from the perspective of trafficking, through effective investigation and prosecution. It held that the authorities had not taken sufficient account of the applicant's vulnerability and circumstances in assessing her credibility[386].

Finally, the Court concluded that there had been a violation of Article 14 of the Convention (prohibition of discrimination) in conjunction with the articles cited above, arguing that "(...) the authorities clearly had a discriminatory attitude towards the applicant as a woman with an intellectual disability" by failing to take into account the overlapping elements of vulnerability and by failing to make reasonable procedural

384 ECHR, *judgment I.C. v. Republic of Moldova,* 27 February 2025, application no. 36436/22.

385 Witnesses confirmed that they had seen the applicant working on the farm, and the labour inspectorate confirmed that the work had not been declared.

386 The Court considered that her description of the sexual abuse was detailed and consistent. The Moldovan courts had dismissed the statements of a psychologist indicating that "(...) the applicant was capable of presenting reality as it was, without exaggeration or fantasy, and that she was traumatised", considering that these were her "personal conclusions" and relying more on the statements of witnesses who, according to the Court, had hardly known the applicant.

adjustments to enable her to obtain justice. The Republic of Moldova was ordered to pay the applicant €35,000 in non-pecuniary damages.

2.2. Sexual exploitation

2.2.1. Nigerian networks

Exploitation of young Nigerian women organised by West African men and Nigerian contract sex workers via the *Yemeshe* system

In this voluminous case, which was the subject of a **judgment handed down on 20 December 2024** by the **Dutch-speaking Criminal Court of Brussels**[387], a total of 27 defendants were prosecuted. The defendants – 3 men and 24 women – were from Nigeria, Ghana, Togo, Sierra Leone, Liberia and Belgium, with several of them having Belgian, Dutch, French, Greek or Italian nationality. Nine defendants—two men and seven women—were prosecuted for trafficking in human beings for sexual exploitation, with aggravating circumstances. In addition to trafficking in human beings, the defendants were also prosecuted for pimping, obtaining and possessing images of sexual abuse of minors, production and distribution of extremely pornographic or violent content, forgery and verbal threats.

The offences took place in the Brussels prostitution milieu, in the area around the Gare du Nord between 2017 and 2023. The Federal Judicial Police (PJF) often carry out checks in this neighbourhood to identify newly arrived young women and prevent them from becoming victims of trafficking and sexual exploitation. During these checks, the police noticed an increase in the number of Nigerian women coming from Italy and France, especially since the COVID-19 crisis. The women, often in possession of Italian and French (provisional) identity documents, were employed in bars and as window prostitutes. These women often travelled back and forth between Italy and Belgium and stayed briefly in Belgium to work as prostitutes. The police also noticed that it was not the contractual operators who stood in the windows, but new girls without location contracts or with false contracts.

The investigation revealed that the main male defendants brought new girls to Belgium and assigned them a place in a window as prostitutes.

The windows were used by contract operators who rented them from the owners of the premises and sublet them via the *Yemeshe* system at excessively high rents. The contractual operators controlled the windows and were responsible for paying the rent to the owners of the premises. The young women were told that they had to be Belgian nationals in order to rent the windows. Only older Ghanaian and Nigerian women who held Belgian nationality could therefore allegedly rent the window spaces directly from the owners, thereby holding a monopoly over them.

The *Yemeshe*[388] system meant that the girls had to hand over at least half of their earnings. They paid particularly high rents, often exceeding €1,000 per week (a weekend day cost more than a weekday), to the operators, which amounted to between €4,000 and €6,000 per month. Most of the windows were occupied by two women, one during the day and another at night, which allowed the operators to collect twice as much money. These high rents put the girls under pressure. On bad days, most of their income went to the operators. They also felt obliged to take on dubious clients in order to be able to pay these high sums. If a girl did not pay or did not satisfy the operators, she was thrown out onto the street and replaced by another girl. She would then be discredited within the community and unable to work anywhere else.

The defendants, nicknamed "Mama *Yemeshe*" and "Mama Ghana", among others, monitored their windows and were regularly present to check on the girls. They readily resorted to threats and violence. For example, when a young girl decided at one point to rent directly from a landlord, one of the defendants threatened to put a voodoo curse on her and even to have her son murdered in Nigeria. She would send someone to smash the window and beat up the girl. To back up her threats, she sent videos showing women being subjected to extreme violence.

The male defendants received money to organise the brothel windows, both from the operators and from the young women. The first defendant was responsible for organising and controlling the occupancy of the windows and bars. He told the girls where to stand and knew which windows were available. He acted as an intermediary between the operators and the girls. His name was well known in the district. Girls would contact him from Italy to find out how to come and work in Belgium and to ask him to find them accommodation and a place to work.

387 Crim. Court, Dutch-speaking, Brussels, 20 December 2024, ch. 23N (appeal).
388 See footnote 366 above.

He had also brought girls from Nigeria to Brussels to work in bars. Several girls stated during the investigation that they also had to have sex with him in exchange for a place in a window and because he had to 'try them out'. They also had to give him money to secure a place in the window.

The second defendant also organised, in return for payment, the employment of women in the red light district. In addition, the women could turn to him for all sorts of things, and he sold work clothes.

The court found that the facts constituted trafficking in human beings and that the victims were clearly in a position of social vulnerability**.** The Nigerian women, most of whom were young, were brought to Belgium from Italy and France, where they were in an irregular or precarious situation. They worked as prostitutes to support their families back home. Without residence papers, these women often had no choice but to prostitute themselves. Once they arrived in Belgium, they were housed and put to work in appalling conditions. They worked in a particularly filthy environment for long hours and without breaks. They were not allowed to refuse clients and were often subjected to verbal and physical abuse by the latter. In view of these factors, the court described the employment as degrading to human dignity.

According to the court, trafficking in human beings differs from pimping in that it is characterised by the exploitation of victims in degrading conditions and by particularly strict control exerted over the victims. The young women had to report on the number of clients and their earnings. If they did not earn enough, they were replaced by other girls. Often, an older woman would stay near the windows to supervise the younger ones. The women were regularly threatened with voodoo practices and reprisals in their country of origin. The court found that they were, therefore, subjected to strict control.

The court also examined the facts in light of the law of 21 March 2022 amending the Criminal Code regarding sexual criminal law.

The court found that this also constituted pimping, i.e. either the organisation of prostitution for financial gain or the promotion, incitement, encouragement or facilitation of prostitution with the aim of obtaining, directly or indirectly, an abnormal financial gain.

The investigation revealed that the male defendants organised the employment of young women in windows and received money from both the women and the operators. Some defendants also received sexual services from the victims in exchange for a place in the windows. The women had to pay at least half of their earnings to the contractual operators (between €4,000 and €6,000 per month), an amount that far exceeded the actual rents. According to the court, it has been established that this is a form of organised prostitution with the aim of obtaining an (abnormal) economic advantage at the expense of young women in vulnerable situations.

Some of the defendants were acquitted of charges of pimping and organising prostitution. In one case, a Belgian contractor worked directly with Nigerian girls. The case revealed that the girls had to pay her much lower sums than they paid to other exploiters.

When determining the sentence, the court took into account the fact that many contractual operators had themselves been employed as former sex workers in an exploitative system for a long period of time. They had therefore worked throughout this time in a socially precarious, uncertain and even dangerous situation, which had been tolerated for a long while. The court considered that, while this could not, of course, justify the abuse of a younger generation, it may have seriously distorted the defendants' perception of norms.

The two main male defendants were found guilty of trafficking in human beings, as well as the other charges. They were sentenced to five and six years in prison and fines of €8,000 and €24,000. The seven contractual operators were also found guilty of trafficking in human beings. They were sentenced to five years' imprisonment (with a three-year suspended sentence for the part exceeding the period of preventive detention) and fines ranging from €24,000 to €64,000. They were all stripped of their rights for ten years.

Large sums of money were confiscated.

Four victims, women of Nigerian nationality, and Myria filed civil suits. The victims were awarded between €750 and €3,000 for non-pecuniary damages and between €1,950 and €16,500 for material damages. Myria received symbolic compensation of one euro.

Three defendants were convicted in absentia.

2.2.2. Victims from Latin America

Various cases involve victims from Latin America[389]. In one of these cases, the defendants were prosecuted for both trafficking in human beings for sexual exploitation and trafficking for economic exploitation of Latin American and Ukrainian victims in the cleaning sector. Another case concerns the use of the *loverboy* method. An interesting decision concerning an escort agency was also handed down.

Sexual and economic exploitation in the cleaning sector with victims from Latin America

In a **Ruling dated 5 December 2024**, the **Antwerp Court of Appeal** [390]ruled on a trafficking in human beings case involving several victims from Latin America.

Two defendants, a couple of Dutch nationality, were prosecuted for trafficking in human beings for the purpose of sexual exploitation with aggravating circumstances in relation to four victims, as well as for pimping. In addition, the two defendants, as well as their Belgian company, were prosecuted for trafficking in human beings for economic exploitation involving a dozen victims during the period 2021-2022. The victims were from Latin America (mainly Venezuela) and Ukraine. One victim of economic and sexual exploitation had filed a civil suit.

With regard to the sexual exploitation, the defendants organised the arrival of women from Spain and Venezuela in the Netherlands and Belgium with the aim of exploiting them for prostitution. They found them flat and bungalow accommodation in holiday parks. The women paid weekly rent and other expenses to the defendants and had to hand over a large part of their earnings to them. The defendants collected the money every day and monitored the women with cameras.

With regard to economic exploitation in the cleaning sector, the defendants had set up an arrangement with their Belgian company, the third defendant, under which the third defendant was responsible for staff subcontracted to another cleaning company. In particular, they employed two Ukrainian workers who lived in a container in the garden.

Two victims from Venezuela were housed in an attic room at the defendants' home. They were not paid (on time) for their work and their identity documents had been confiscated.

At first instance, the **Hasselt Criminal Court** had convicted the defendants in a **judgment handed down on 1 December 2023** [391]for trafficking in human beings for the purpose of sexual exploitation, but had acquitted them in respect of certain victims, including the victim who had filed a civil suit. It also convicted them of trafficking for economic exploitation, in particular for the offences committed against the civil party, but acquitted them in respect of the other victims due to a lack of objective evidence.

An appeal was lodged, and the **Court of Appeal** upheld the conviction for trafficking for economic exploitation and the reasoning of the first judge. It overturned the first decision, also finding the defendants guilty of trafficking in human beings for sexual exploitation in relation to the civil party. The criminal file shows that the defendants knowingly and willingly recruited a person in a vulnerable situation and then brought them from Spain to Belgium. The victim had financial problems, had to support her family in Venezuela and suffered from psychiatric problems. They had taken her in on several occasions, provided her with accommodation and employment, and organised her work as a prostitute. She had to devote a large part of her income to all kinds of expenses and debts, and had little in the way of control over these. Regarding the other victims, the court acquitted the defendants due to insufficient evidence.

The defendants were sentenced to 30 and 40 months' imprisonment, partially suspended, and fined €32,000. The company was fined €192,000. A special confiscation order equivalent to €1,000 was issued.

The civil party was awarded compensation of €1,000 for material damage and €1,500 for non-pecuniary damage.

389 This topic was the focus of the previous annual report: see Myria, *2024 Annual Report Trafficking and Smuggling of Human Beings, Latin American sex work: a high-risk carousel*, p. 9-48.

390 Antwerp, 5 December 2024, ch. C6 (appeal to the Court of Cassation).

391 Crim. Court, Limburg, Hasselt division, 1 December 2023, ch. 18A (appeal). See Myria, *2024 Annual Report Trafficking and Smuggling of Human Beings, Latin American sex work: a high-risk carousel*, p. 103 and the Myria website (case law).

Exploitation of several South American women via the loverboy method

The **Liège Court of Appeal** re-examined a case heard in the first instance by the **Liège Criminal Court** in a **judgment handed down on 22 November 2023**[392]. Discussed in a previous annual report, this judgment concerned the exploitation of several young women by a Belgian defendant.

At first instance, the Liège Criminal Court had convicted the defendant of aggravated trafficking[393] of a Venezuelan victim (civil party) and of arranging for the victim and 6 other women to work as prostitutes. All were of South American origin (from Venezuela, Brazil and Colombia).

The investigation began in 2020, following a report made to the police by the wife of a lawyer whose office was located in the building where the prostitution was reported to be taking place. Following a raid in June, a woman on her way to the flat and three other women inside, one of whom was with a client, were identified on the basis of their passports. Prostitution-related material was found there. Their interviews made it possible to identify other women involved in prostitution who had also been staying in the flat at various times.

The lease agreement had been concluded between the landlord and one of the victims, who had presented herself as an NGO worker and was accompanied by the defendant for translation purposes. The defendant had paid the rental deposit and was the landlord's contact person. According to the various victims' statements, the rent was to be paid to this worker, who then passed it on to the defendant, who demanded exorbitant prices. On average, he demanded €250 per week from each girl, while the rent payments to the landlord totalled €690 per month. The defendant was identified from the victims' telephone number.

The civil party stated that she was contacted by the defendant in 2016 on a dating site and communicated with him for 2 years. He allegedly promised her money for herself and her family, marriage and a family, as well as the possibility of bringing her ten-year-old son to Belgium. He allegedly offered her a cleaning job in his restaurant in Liège, but also mentioned a job as a sex worker, albeit only for two months. Under his influence, she left Venezuela on foot in February 2018 before flying to Colombia and, via Madrid, travelling to Brussels where the defendant was waiting for her.

The defendant then allegedly demanded that she reimburse him for the cost of the plane ticket, amounting to €1,300. She stated that she had to work as a prostitute seven days a week, with eight to ten clients a day, from 8 a.m. to 9 or 11 p.m. Half of her earnings had to be handed over to the defendant, along with her rent and bills.

The investigation revealed that the defendant had used the same method of being a 'boyfriend' with other victims whom he had brought over from South America. He imposed rates, clients, frequency, location, behaviour and certain types of sexual services, particularly "slave" services, on them, putting pressure on them to be profitable. The young women were replaced as soon as they fell ill. The court noted a degree of professionalism in the way the victims were set up, including the fact that some of them had been directly recruited, and the fact that there was an abnormal economic advantage given the prohibitive prices charged. He enjoyed a higher standard of living from these prostitution activities than that derived from his mutual insurance payments.

The court found the defendant guilty of trafficking in relation to the civil party, having used his powers of seduction to recruit her and having transported, transferred, housed and accommodated her. He had "taken control" of her. For both charges, the court considered the aggravating circumstance of abuse of vulnerability in relation to the victims' precarious administrative, financial and social situation. It also pointed out that the absence of any real and acceptable alternative to submitting to this abuse, as provided for in Article 433*septies*, 2° of the Criminal Code, does not in itself constitute an aggravating circumstance of abuse of vulnerability. This is a reminder that the victim's vulnerable situation necessarily means that they have no other choice. The fact that they have consented is irrelevant.

The defendant was sentenced to five years' imprisonment and a fine of €56,000, both of which were partially suspended. Confiscation of the equivalent of €113,370 was ordered, of which €51,000 was awarded to the civil party as material damages. Pending a contradictory expert assessment to evaluate the non-pecuniary damage, the defendant was ordered to pay the civil party a provisional amount of €4,000.

392 Crim. Court, Liège, Liège division, 22 November 2023, ch. 19 (appeal): Myria, *2024 Annual Report Trafficking and Smuggling of Human Beings, Latin American sex work: a high-risk carousel*, p. 105 and the Myria website (case law).

393 The aggravating circumstances of abuse of a vulnerable situation, fraudulent acts and habitual activity were taken into account.

The defendant and the public prosecutor lodged an appeal. On **26 November 2024**, the **Court of Appeal**[394] upheld the judgment in all its criminal and civil provisions, with the exception of the prison sentence, which it increased to seven years without parole, and the period of offence applicable to the prevention of the organisation of prostitution, which it specified and individualised with regard to four victims. The court referred the case back to the Liège Criminal Court for the remaining civil party claims after the expert assessment was completed. Contrary to the first judge, the court ordered the immediate arrest of the defendant.

Well-organised escort agency exploiting dozens of women

In a **judgment of 7 November 2024**, the **Antwerp Court of Appeal**[395] was called upon to retry a case of trafficking for sexual exploitation involving an escort agency, in which several defendants were prosecuted[396], including two for trafficking in human beings for sexual exploitation with aggravating circumstances relating to 9 victims.

The charges had been assessed in the first instance by the **Antwerp Criminal Court** in a **judgment handed down on 24 October 2023**[397].

The case came to light during a coordinated operation to combat illegal prostitution, in which the police had arranged a meeting with an escort via a website. One of the defendants was identified through connections between several websites with similar URLs and telephone numbers. At the same time, two people who had worked as webmasters for the defendants' escort agency reported the agency for sexually exploiting women in a vulnerable financial situation.

The two defendants, both Dutch nationals, ran an escort agency. All the sex workers recruited by the defendants were in vulnerable situations. They were single mothers in financial difficulty, of various nationalities (Belgian, Bulgarian, South American, etc.). The sex workers were assigned a driver who picked them up in the evening and drove them to their appointments throughout the night. They had to work long hours, be available all night and even sleep in the vehicle. They had to hand over two-thirds of their earnings to the driver and the defendants.

The more clients they saw, the more money they had to hand over. The defendants had several telephone operators who were responsible for arranging appointments. The drivers were notified by the telephone operators. The girls themselves had no insight into the practical and financial arrangements that had been made. In general, the rate was €150 to €180 per hour, of which €50 went to the escort, €50 to the driver and the rest to the agency. The girls also had to pay the driver per kilometre, which left them with less than €50 per hour.

The two defendants readily insulted and threatened them. They also encouraged the sex workers to fleece clients in order to generate maximum profits, which sometimes put the girls in danger.

During a search, 45 escorts, 13 drivers and 14 telephone operators were identified.

The first defendant ran the escort agency and played a leading and decisive role. The second defendant was the manager and replaced the first defendant in his absence. The agency generated substantial revenues, and the defendants enjoyed a luxurious lifestyle.

The defendants denied having used coercion or deception and requested that the charges be reclassified as pimping. The court did not grant this request and, in its judgment, confirmed that the victims were in a vulnerable situation and had no real choice but to comply due to the various forms of pressure exerted by the defendants. The defendants had sexually exploited them by resorting to 'psychological' coercion. Trafficking in human beings was therefore proven.

The first judge sentenced the defendants to five and four years' imprisonment respectively, with partial suspension, and fines of €36,000 and €72,000. Several items were confiscated, as was €73,700.

One victim, a Spanish national born in Bolivia, filed a civil suit and was awarded €1,000 in compensation for non-pecuniary and material damages.

The two defendants appealed the decision.

394 Liège, 26 November 2024, ch. 18 (appeal dismissed in a ruling of 9 April 2025, P.25.0008.F).

395 Antwerp, 7 November 2024, ch. C6.

396 Four defendants were prosecuted in the first instance, two of whom were charged only with forgery. Only the other two defendants, prosecuted for trafficking in human beings, appealed and are affected by this ruling.

397 Crim. Court, Antwerp, Antwerp division, 24 October 2023, ch. AC10 (unpublished, appeal).

The **Court of Appeal** upheld the classification of trafficking in human beings and took several factors into consideration in assessing the "purpose", namely sexual exploitation: the victims' permanent availability, seven days a week, without wages for waiting hours, unlike their drivers; no control over pricing and services; no consideration of the services they wished or did not wish to provide; the abusive practice of sending a woman other than the one chosen by the client on the website to an appointment; the absence of bonuses for the women, whereas the telephone operators received bonuses if a certain turnover was achieved; if a client or a service was refused, the girls had to reimburse the loss of earnings themselves; their income was not proportional to the services provided, as they only kept 35% of it overall.

The court confirmed the aggravating circumstance of vulnerability and emphasised the fact that the young women were working as escorts out of necessity, due to debt or their precarious financial situation, that they were suffering from addiction or were in a difficult social situation as single mothers.

Furthermore, the court confirmed the aggravating circumstance of '(psychological) violence', referring to the high pressure at work that left the victims with no say, the long working days and the fact that the women were sent to clients they had not chosen. Furthermore, no consideration was given to the services the women did or did not wish to provide, and if they refused, they had to pay for the loss of earnings themselves.

The court upheld the sentences handed down by the first judge.

2.2.3. Loverboy method

Once again this year, Myria took cognisance of several cases involving the *loverboy* method. Among the most striking decisions, one case involved the exploitation of a young Albanian woman by her husband, a fellow Albanian. In another case, drug addiction was used as a way to exert control over the victims by Belgian and Moroccan defendants. Finally, an appeal decision concerned the exploitation of young (adult) Romanian victims in hotel rooms.

Loverboy method used by an Albanian defendant

On **31 October 2024**, the **French-speaking criminal court in Brussels**[398] convicted an Albanian defendant in absentia for aggravated trafficking for the purposes of sexual exploitation and pimping, as well as for harassment of his wife, a young Albanian woman.

The case began in December 2021 when the victim contacted the police to report threats made by her husband. The wife was known to the police as a window prostitute on Rue d'Aerschot.

Following a virtual meeting while the defendant was in prison in Belgium[399], the couple married in 2020 and lived together in Albania. In August 2021, the victim travelled to Belgium alone to work as a prostitute, according to her statements, at the insistence of her husband, something he denied. However, the investigation revealed that the defendant, who remained in Albania, had contacted two Albanian prostitutes, including his ex-girlfriend, to inform them of his wife's arrival. The two women provided the victim with work clothes and money. One of them stated that the other had found a place for the wife to work as a prostitute, at the same place where she herself had worked. The defendant sent multiple abusive and threatening messages to his wife, threatening to inform her friends and family of her activities or even to kill her. The harassment and threats allegedly intensified after she broke off the relationship and filed a complaint. She stated that she had been monitored by her husband's relatives and pressured regarding custody of their daughter, who stayed in Albania. The husband went so far as to appear twice on an Albanian television programme, which generated a lot of reaction on social media, in which he made false statements about her.

The two Albanian prostitutes were interviewed, a telephone investigation was carried out and an international letter of request was sent to Albania, in which the victim's father was interviewed.

In convicting the defendant of trafficking in human beings, the court based its decision on the fact that the defendant had contacted the two prostitutes upon his wife's arrival and that his intention to exploit the victim for prostitution was demonstrated by the control he exercised, particularly over the number of clients, the management of schedules and daily earnings. The defendant alternated between praise and encouragement when earnings were deemed sufficient, and insults and threats when they were not enough. Furthermore, the multiple money transfers via Western Union and MoneyGram between the victim and the defendant, or the defendant's family, demonstrate that he derived an abnormal economic advantage from her prostitution.

398 Crim. Court, French-speaking, Brussels, 31 October 2024, ch. 47 (in absentia).

399 The defendant had been convicted of burglary, attempted burglary and criminal association.

In determining the penalties, the court took into account the fact that the defendant had not hesitated to take advantage of his romantic relationship with the victim in order to lure her into prostitution and keep her there, and then to damage her reputation among her friends and family and in the Albanian media. As a repeat offender, the defendant was sentenced in absentia to four years' imprisonment, fined €8,000 and was stripped of his rights

Loverboy method used by Belgian and Moroccan defendants via drug addiction

In a **judgment handed down on 9 April 2024**, the **Antwerp Criminal Court ruled**[400] on a case in which two defendants, of Belgian and Moroccan nationality, were tried for rape and trafficking in human beings for the purpose of sexual exploitation.

The police had received several reports and complaints from victims and a concerned client, each involving one of the defendants. The defendants began by entering into romantic relationships with their victims, who were often in vulnerable situations. These relationships were regularly accompanied by coercion and violence. Over time, they forced the victims into prostitution in exchange for drugs. The defendants posted advertisements on a platform for sexual encounters. Often, the victims were drugged to the point where they were unable to resist the defendants' and clients' often extreme sexual demands.

The court found that the charges were proven. Despite the heavy drug addiction of the (mostly) Belgian victims, their statements were credible and could be corroborated by other objective evidence. According to the court, the defendants plunged their victims into drug addiction or satisfied an existing addiction, thereby rendering them completely subservient. The defendants took advantage of the power they had over the victims due to their constant drug addiction to abuse and sexually exploit them.

The court found that the victims were in a vulnerable situation. They suffered from serious drug addiction and were in a precarious social and financial situation, which made them dependent on the defendants in every respect. The court also found that the rape charges were proven.

Both defendants had extensive criminal records and were repeat offenders. They were sentenced to five and six years' imprisonment respectively and fined €16,000. They were also stripped of their rights for ten years. Small sums of cash and telephones were confiscated. The second defendant was convicted in absentia[401].

Five people had filed a civil suit, namely two victims and the mother and two sisters of one victim. The victims were awarded provisional compensation of €10,000 and €5,001 respectively. The relatives each received provisional compensation of €2. The court found that there was no doubt that what their daughter and sister had experienced had left deep emotional scars and caused non-pecuniary damage.

The second defendant ultimately lodged an appeal. In a **judgment dated 28 August 2024**, the **Antwerp Court of Appeal**[402] re-examined the case and found that there was insufficient evidence to convict the defendant beyond a reasonable doubt. The court expressed doubts about the reliability of one victim, as she had also exchanged numerous friendly messages with the defendant, was voluntarily engaged in prostitution and had withdrawn her statement against the other defendant at the request of a third party in exchange for drugs. With regard to another victim, apart from a complaint filed with the police by a client, the evidence was also insufficient. The defendant was acquitted on all charges. For one victim who had filed a civil suit, the claim for compensation was dismissed due to the acquittal.

Exploitation of young Romanian girls in hotel rooms, in particular through the loverboy method

In a **ruling dated 26 April 2024**, the **Ghent Court of Appeal**[403] ruled on a case of trafficking in human beings for the purpose of sexual exploitation with aggravating circumstances and pimping involving several Romanian victims.

400 Crim. Court, Antwerp, Antwerp division, 9 April 2024, ch. AC10 (appeal and objection concerning the second defendant; the decision is final for the first defendant).

401 He appealed against this first judgment in absentia. The Antwerp Criminal Court upheld the first decision in an objection judgment: Crim. Court, Antwerp, Antwerp division, 11 June 2024, ch. AC10 (unpublished, appeal).

402 Antwerp, 28 August 2024, ch. vac.

403 Ghent, 26 April 2024, 10th ch.

In a **judgment of 10 May 2023**, the **Bruges Criminal Court**[404] had already found that the charges of trafficking with aggravating circumstances had been proven in relation to two defendants. A third defendant had been acquitted of trafficking in human beings but convicted of pimping. An appeal was lodged by the latter, as well as by the public prosecutor.

In this case, young Romanian girls had been lured to Belgium under false pretences. They were in love with one of the defendants and thought they were going to get a job as a cleaner. Upon their arrival, they were locked in a hotel room and forced into prostitution. Sex advertisements featuring them were published online, and they received clients at the hotel. They had to work from morning to night, were beaten and threatened, and were not allowed to use contraception. The money they earned was collected every day at the hotel by the defendant (originally the third defendant) and transferred every week to Romania so that it could not be found by the police during checks at the hotel.

According to the first judge, the third defendant collected the money and was aware of the prostitution activities, but it could not be established with sufficient certainty that he was responsible for recruiting, transporting, transferring, accommodating or receiving the girls, or that he exercised control over them. However, he was convicted as a co-perpetrator for exploiting a young girl for prostitution.

The court upheld the acquittal for trafficking in human beings, but found him guilty as a co-perpetrator of the exploitation of prostitution with aggravating circumstances of one of the victims. By regularly collecting the daily proceeds from prostitution, he participated in the exploitation. He was fully aware that the other defendants were the girls' pimps.

He was sentenced to a six-month suspended prison sentence and a fine of €8,000. Payoke, who had filed a civil suit, did not receive any compensation due to the acquittal for trafficking in human beings. The victim was awarded €10,000 in compensation for material damage and €1,192 for non-pecuniary damage.

2.2.4. Belgian minor

Exploitation of two young victims, including a minor, by a Belgian couple

In a **judgment handed down on 26 April 2024**, the **French-speaking Criminal Court of Brussels**[405] convicted a young Belgian couple[406] of aggravated trafficking for the purpose of sexual exploitation of a young woman and a Belgian minor of Syrian origin who was 14 years old at the time of the offences. The latter was represented by an *ad hoc* guardian, who had filed a civil suit.

The case began in January 2023 following a police inspection of an apartment in Saint-Gilles, prompted by an advertisement posted on the "Quartier Rouge" website. The defendant and the minor were present, while the co-defendant had quickly left the premises before being identified by the minor.

The defendants contested the charges and denied that they knew the girl was underage. The male defendant claimed to be only a regular client of the female defendant, who had become his girlfriend, and that the latter had worked with the young minor, sharing the rent, without being involved in her prostitution[407].

The young minor claimed to be an adult before being identified at the police station. Coming from a complicated family situation, she had run away from juvenile institutions on several occasions. She had met the defendant in a bar, and they had communicated via Snapchat. During her audiovisual interview, she denied having been mistreated by the couple and claimed that she worked freely on her own behalf.

Information provided by the company that manages "Quartier Rouge" made it possible to link several seized phones and phone numbers to several email addresses, accounts and advertisements. A telephone investigation, computer and banking analyses and a "retro-zoller" examination were carried out.

The defendants used the identity cards and photos of the defendant and another young woman of legal age to circumvent Quartier Rouge's age verification of the minor victim. The account of this adult victim was also purchased by the defendant, as the age verification had already been carried out.

404 Crim. Court, West Flanders, Bruges division, 10 May 2023, ch. B17 (appeal). See Myria, *2024 Annual Report Trafficking and Smuggling of Human Beings, Latin American sex work: a high-risk carousel*, p. 106 and the Myria website (case law).

405 Crim. Court, French-speaking, Brussels, 26 April 2024, 47th ch. (final).

406 The man was a repeat offender for violent robbery and aggravating circumstances.

407 The defendant stated that she had been providing sexual services herself, as an escort, since she was a minor.

Unlike the minor, she confirmed the defendants' involvement in her recruitment and exploitation and identified them in photographs. She stated that she had met them in a café and had been offered to keep 30% of her earnings. She was ultimately forced to hand over her money and only received €100. She said she received an average of seven to ten clients a day, day and night, at a rate of €180 per hour. The defendants managed the advertisements and contacts with clients, particularly via Snapchat, as well as her travel to Airbnb properties registered on the Heetch transport app. She was allegedly mistreated by the defendants, who became violent when she threatened to report it to the police.

According to the court, her statements are corroborated by the ad activations, Heetch ride records and various screenshots. Information provided by Booking.com confirmed that the defendants had rented several aparthotels. The court considered that the charge of trafficking had been proven, as the defendants had received and accommodated the victims for the purpose of prostitution.

The defendants were also convicted of inciting a minor to prostitution and exploiting her prostitution, with aggravating circumstances, as well as pimping the other young woman.

The judge handed down a 50-month suspended sentence for the male defendant and a six-year sentence for the female defendant. The defendants were ordered to pay a fine of €8,000, with the female defendant receiving a full suspended sentence. They were also stripped of their rights and ordered to pay €1,012.25 in confiscated funds. The defendants were jointly ordered to pay the guardian the sum of €20,000 in material damages and €10,000 in provisional damages for non-pecuniary damages[408], which will be placed in an account that cannot be accessed until the victim reaches adulthood.

2.3. Economic exploitation

2.3.1 Construction

Myria took cognizance of several decisions in the construction sector. These cases were heard in various districts, predominantly in the Dutch-speaking part of the country. It should be noted that two of them involve the use of fraudulent constructions.

Exploitation of Romanian workers in the demolition and waste sorting sector

In a **judgment dated 28 June 2024**, the **Bruges Criminal Court**[409] ruled on a case of trafficking in human beings for economic exploitation in the demolition and waste sorting sector in West Flanders. Five defendants, four Romanian nationals and one Belgian company, were prosecuted. The second defendant, the company, failed to show up in court. It had been dissolved by court order in October 2023. The public prosecutor had also summoned the company of the fourth defendant to appear as civilly liable for its representative. The fourth defendant was the director of this company. All the defendants – with the exception of the fifth (the accountant) – were prosecuted for trafficking in human beings for economic exploitation with aggravating circumstances. They were also prosecuted for several offences under social criminal law, in particular for non-payment or late payment of wages to 80 individuals. The trafficking offences concerned 26 workers of Romanian nationality.

The offences took place between 2020 and 2022 and came to light following a road accident involving a Romanian worker driving his employer's car. An official report was first drawn up for undeclared work, after which the labour prosecutor's office instructed inspectors from the National Social Security Office (NSSO) and the Social Legislation Inspectorate to conduct a more thorough investigation into the potentially illegal working practices of the first defendant. Several checks were carried out by the social inspectorate on construction sites where Romanian workers employed by the defendants were found and interviewed.

408 The judge reserved judgment on the additional compensation for non-pecuniary damage, as he was unable to determine the extent of the psychological damage suffered. However, according to the court, "(…) it is undeniable that being forced into prostitution at such a young age can only leave psychological scars". In addition, the victim was hospitalised in a neuropsychiatric centre for adolescents when the court handed down its verdict.

409 Crim. Court, West Flanders, Bruges division, 28 June 2024, ch. B17 (appeal).

The defendants were carrying out demolition and waste sorting work as subcontractors for large companies. The investigation revealed that the defendants employed dozens of Romanians through the second defendant (the company). The court ruled that the dissolution of the company did not annul the criminal proceedings against it, as the second defendant had already appeared before the chamber and been summoned to appear before the criminal court prior to the dissolution[410]. The fourth defendant was the director of a company, the party liable in civil law. The investigation also revealed that he had used a front man with a mental disability. He had registered the company in the name of this worker without the latter understanding the ins and outs of the situation, in order to remain as much under the radar as possible. The first defendant, the third defendant and the fourth defendant were distant relatives. They had worked together initially but had lost touch due to a family dispute.

The fifth defendant was the accountant. She advised the other defendants on how the system worked and informed them about working with (bogus) self-employed workers. She also gave them advice on obtaining bridging loans during the coronavirus crisis in exchange for a share of the proceeds.

The defendants employed dozens of Romanians in their companies as bogus self-employed workers or associates, and sometimes even without any status at all. The men were often from the same region as the defendants and had come to Belgium in the hope of a better future. They were paid €10 per hour or €500 per week in cash. Of this, they had to pay €150 to €170 for rent. They worked between 48 and 50 hours per week, over five or six days. Travel time to the construction sites was not paid. They all lived together in houses, in appalling conditions: sometimes several people per room, on mattresses laid directly on the floor, or even in the garage. The houses were very poorly maintained and barely heated. They were not paid if they were ill. Sometimes, the workers weren't paid at all.

They often had to handle materials containing asbestos without protective equipment. To this end, false training certificates were sometimes presented to the main contractors or clients.

The matter was referred to an investigating judge. Observations, several searches, a financial investigation and arrests followed.

The court found that the first, second and third defendants were guilty of trafficking for the purpose of economic exploitation with aggravating circumstances (authority and habitual nature). The fourth defendant was also found guilty of trafficking in human beings, but in relation to other individuals. According to the court, they had housed and recruited the victims with a view to making them work in conditions contrary to human dignity, either as independent carers, as associates, or without any status. They imposed hard, dirty and dangerous work on these people under a fictive status, in total violation of their rights as workers. They paid them only ten euros an hour, failing to comply with their obligations in terms of social security contributions and taxes. The individuals were kept in the dark or deceived. The defendants took advantage of the fact that they did not speak the language and were entirely dependent on them for administrative matters. The offences were committed over a long period of time and involved multiple individuals, which clearly demonstrates they were habitual.

The defendants were also found guilty of social security offences. The court found that they ran and managed their businesses in a manner that showed complete disregard for the social legislation applicable to their workers. They did not hesitate to set up fictive arrangements to conceal their status as employers, to seriously undermine the social security system by working with bogus self-employed workers and, moreover, to pocket COVID-19-related aid.

The second and third defendants had already been convicted in 2023 by the Ghent Court of Appeal for trafficking in human beings offences committed between 2015 and 2017[411]. The first defendant had also been sentenced to jail in Romania for voluntary manslaughter. The fourth defendant also had a criminal record and had already been convicted in Germany for serious offences.

The defendants were sentenced to either 180 hours of community service or prison terms ranging from 15 months to two years, as well as fines ranging from €80,000 to €128,000 (some of which were partially suspended). The second defendant, the company, was fined €384,000. Special confiscations by equivalent were ordered.

The court did not grant the public prosecutor's request to order the closure of the fourth defendant's company, which was liable under civil law.

410 The public prosecutor did not insist that this defendant be convicted, and the court took note of this.

411 Ghent, 1 July 2023, 3rd ch. (unpublished).

However, the court ruled that in cases of trafficking in human beings offences, the employer cannot be held jointly liable for the payment of fines and costs imposed on the perpetrator, the agent.

The fifth defendant, the accountant, who was not prosecuted for trafficking in human beings, was acquitted of the other charges.

Myria had filed a civil suit in this case, alongside the FPS Social Security and Securex, the social insurance fund for self-employed workers. The judge ordered the first, third and fourth defendants to jointly pay Myria compensation of €2,500. The claim for compensation against the second defendant and the party liable under civil law was declared inadmissible.

Exploitation of Brazilian workers through fraudulent construction practices

On 14 February 2024, the **Namur Criminal Court** handed down a **judgment**[412] in which a Belgian defendant of Brazilian origin and two Brazilian associates were convicted in absentia for various offences under social criminal law (including non-payment of wages and the employment of foreign workers without residence permits). These offences were committed against a dozen Brazilian workers, eight of whom did not have residence permits. Two of them filed a civil suit. The Belgian defendant, his wife and one of the associates were also convicted of smuggling of human beings in connection with one of the civil parties. In this case, there were no charges for trafficking in human beings.

The case began when one of the workers without a residence permit was stopped in Rixensart while driving a van belonging to the Belgian defendant's construction company. When he was checked again at a construction site in Jambes in February 2017, it turned out that the worker had been seconded by a Portuguese company, which in reality had no activity in Portugal, on behalf of a Belgian shell company, itself a subcontractor of the Belgian defendant's company. The latter Belgian company had been set up in 2011 with his wife and a third party. The defendant then became an associate of the two Brazilian defendants, one of whom was his former employee.

In 2017, they set up a second Belgian company, of which the Belgian defendant was the first manager and which served as his Belgian subcontractor. The NSSO carried out various inspections on various construction sites. Several complaints were also filed by workers, either with the police, the Social Legislation Inspectorate, or via the NGO Fairwork. The defendant set up two fraudulent schemes in order to employ cheaper labour.

Firstly, Brazilian workers were recruited directly in Belgium and declared in Portugal via Portuguese companies. They were fraudulently posted to Belgium via subcontracting and various companies in order to avoid their being subject to Belgian social security contributions.

Secondly, the defendant recruited European workers, particularly Spanish and Portuguese nationals, as bogus self-employed associates of his Belgian company, in a subordinate relationship with no autonomy or independence.

With regard to the conviction for smuggling of human beings, the court took into account the fact that the victim had been recruited by the Belgian defendant, whom he had met through his hairdresser, who was from the same village in Brazil. In exchange for a payment of €1,000, he provided him with false Portuguese residence papers so he could enter Belgian territory illegally with the aim of making him work for him, undeclared, via a bogus secondment from Portugal. The defendant had invited her and her husband on a supposed holiday to Belgium, picked her up at Brussels-Midi station and provided her with temporary accommodation. The victim stated that he had never received the full wages to which he was entitled. The court also convicted the wife, on the grounds that her assistance was crucial, and one of the associates, on the grounds of his active role in the network of companies and in providing false residence papers.

The defendant and his associates were sentenced in absentia to prison terms ranging from six to 13 months and fines ranging from €24,000 to €80,000. The wife was sentenced in absentia to a fine of €8,000. The defendants were jointly ordered to pay €33,205.80 in material damages to the victim of smuggling, as well as €91,819 to the other civil party, which was concerned solely with the offences under social criminal law. The two civil parties were awarded €2,000 in non-pecuniary damages.

412 Crim. Court, Namur, Namur division, 14 February 2024, ch. 12 (in absentia).

Exploitation of asylum seekers recruited in reception centres for asylum seekers

In a **judgment of 26 February 2025**, the **Termonde Criminal Court ruled**[413] on a case of trafficking in human beings for economic exploitation in the construction sector involving 15 victims, mainly of Afghan and Iranian nationality. The defendant, a woman of Dutch nationality, was also prosecuted for offences under social criminal law.

The case was opened in 2017 following a call to the police by a victim who had had an argument with the defendant. When the police arrived at the scene, they found several men in a living room, as well as work equipment, which suggested that the company was based at that address. In the years that followed, the police received further complaints against the defendant.

The investigation revealed that the defendant mainly recruited illegal immigrants and asylum seekers from reception centres to work for her in the construction sector, particularly in demolition, masonry and sometimes cleaning. She promised to pay them and to regularise their papers. In reality, she made the men work between 12 and 15 hours a day, 7 days a week, paying them little or nothing at all. They barely had enough to eat and had no money to buy food. Many of them were starving as they were doing physically strenuous work. If they did receive a salary, it was reduced by the amount of rent. They could stay with the defendant, often in undignified conditions (four people in a room, sleeping on the floor). Most of the time, the workers stayed on the construction site where they worked. They slept on the floor, without toilets, electricity or hot water. They had no protective equipment. If they were injured at work, they received no medical care and simply had to continue working. When the workers demanded their money, the defendant became aggressive and threatened them or threatened to have them deported by reporting them to the police. When one of the victims became too ill to work, he was simply thrown out onto the street.

All the companies were registered in the name of the defendant's children. She sent the money they earned directly to the Netherlands.

The court found that the charges of trafficking in human beings and the aggravating circumstances with regard to the 15 people were proven. The court referred to the consistent statements of the workers, who all felt abused. The working conditions were contrary to human dignity: long working days, low wages (or even no wages at all), lack of social protection, psychological abuse, total dependence on the defendant for transport and poor housing conditions. The defendant took advantage of their precarious (administrative) situation. She also visited reception centres for asylum seekers in order to seek out the most vulnerable individuals: those who did not speak the language and were in a precarious situation. She told several victims that they could not go to the police because they were staying illegally.

The court ruled that the reasonable time limit had been exceeded.

The defendant already had a criminal record and was ultimately sentenced to three years in prison and a fine of €112,000, with both sentences partially suspended.

Eight victims filed a civil suit and were awarded compensation for unpaid wages, ranging from €12,847 to €92,311, as well as compensation for non-pecuniary damage ranging from €300 to €2,000.

2.3.2. Hospitality industry

The two Dutch-language cases presented below involved single permits.

Exploitation of Turkish workers with single permits in a chain of Turkish restaurants

In a **judgment handed down on 5 February 2025**[414], the **Ghent Criminal Court ruled** on a case of trafficking in human beings for economic exploitation, the facts of which took place in a series of restaurants where several Turkish victims were found.

Eight defendants were prosecuted in this case, five Belgian nationals (with Turkish origin) and three Belgian companies.

413 Crim. Court, East Flanders, Termonde division, 26 February 2025, ch. D23 (final).

414 Crim. Court, East Flanders, Ghent division, 26 February 2025, ch. G29 (appeal).

Five of them, including two companies, were prosecuted for trafficking in human beings involving a total of 16 victims, mainly of Turkish nationality. Five victims had filed a civil suit. The criminal proceedings against one company were dropped after it filed for bankruptcy in the interim.

Like the other defendants, it was also prosecuted for several offences under social criminal law, such as non-payment (within the prescribed time limits) of wages, failure to submit Dimona declarations, non-payment of social security contributions, etc. A total of 26 charges were brought against it.

The offences took place in several restaurants in Ghent between 2009 and 2020. The defendants were from the same family. The case came to light following an administrative investigation conducted by the Flemish inspectorate in October 2018 in two restaurants, which revealed evidence of several offences under social and criminal law and economic exploitation. This investigation was launched after repeated reports to the Flemish social inspectorate by the main defendant himself about a competing restaurant where one of his former employees was allegedly employed completely illegally. The inspectorate launched the investigation into the defendants after hearing the testimony of the worker, one of the civil parties.

Subsequently, the Labour prosecutor's Office requested a judicial investigation. Searches were carried out and several defendants were arrested. A financial investigation was also conducted.

The defendants employed several Turkish workers in their restaurants. Some of them were recruited in Turkey. They were promised good wages. Another worker had been lent money in Turkey, which he would be able to repay in Belgium thanks to his job in restaurants. The defendants had applied for single permits so that they could work as cooks in Turkish restaurants. Other workers were already resident in Belgium. Some of them were employed as bogus self-employed workers.

In the end, their pay was much lower than what they had been promised. They received €250 in cash per week. They were housed in areas that were not intended for habitation, such as a storage space above the restaurant. They were sometimes asked to pay rent for it, which was deducted directly from their wages. They worked long days without any days off. The main defendant had opened a bank account in Belgium for several workers, but he retained control of it himself.

The investigation revealed that sums had been paid into these accounts, but that they had then been transferred to the main defendant's account or his wife's account.

The defendants were very controlling. Two workers who no longer agreed with their working conditions were forcibly taken to the airport by the defendants to board a flight to Turkey.

Another worker had voluntarily returned to Turkey on account of the working conditions. After he left, the defendant threatened him on account of an unpaid debt. The defendants also readily threatened workers who had made statements to the social inspectorate.

The court considered that the reasonable time limit had been exceeded due to the COVID-19 pandemic and an unjustified procedural delay. The judge took this into account in deciding on the sentence.

The defendants also argued that the investigation had not been conducted objectively and requested that several witnesses be heard, but the court did not grant this request.

Only the main defendant and the fifth defendant, a company, were convicted of trafficking in human beings in relation to five victims**.** The court based its judgment on various elements supported by the victims' statements and other material evidence: empty promises, low wages, poor housing conditions, poor working conditions, control of bank accounts, bogus self-employed status and forced return to Turkey.

With regard to the other victims, the court found that there was insufficient evidence. The second and eighth defendants were acquitted of the charge of trafficking in human beings. This was because the victims had been recruited by the first defendant. There was no evidence to show that the second and eighth defendants had knowingly and willingly cooperated in or contributed to trafficking in human beings. The fact that they were both responsible for managing the restaurant (fifth defendant) is not sufficient to assert that they knowingly and willingly participated in trafficking in human beings.

The defendants were convicted of the other social law offences, with some acquittals for specific charges.

The main defendant was sentenced to one year in prison, suspended for five years, and a fine of €40,000, suspended for three years.

The company was fined €24,000, half of which was suspended for three years. The other defendants were sentenced to effective fines ranging from €9,600 to €52,800, partially suspended. Special confiscations by equivalent were ordered for amounts ranging from €25,000 to €500,000. Several vehicles were also confiscated. Part of the confiscated assets was awarded to the civil parties.

Seven victims, five of Turkish nationality and two of Syrian nationality, had filed a civil suit. The prevention of trafficking was upheld in the case of four of them. The victims were awarded compensation ranging from €1 to €500 for non-pecuniary damage and from €75 to €322,882.1 for material damage. Myria and PAG-ASA also joined the proceedings as civil parties and were awarded compensation of €2,500.

"Exotic" restaurants run by victims with single permits

In a **judgment handed down on 28 February 2024**, the **Dutch-speaking Criminal Court of Brussels**[415] ruled on charges of trafficking in human beings for economic exploitation in a restaurant involving five victims of Indian and Afghan nationality[416].

Two defendants of Dutch nationality but Indian origin were also prosecuted for violations of social criminal law. In the proceedings in absentia, a company was also initially prosecuted, but it was subsequently dissolved.

The defendants operated several Indian restaurants in Flanders, where several workers were found during inspections.

The defendants recruited people, mainly in India, to work in Belgium as cooks, promising them a good salary and a residence permit. Some had been put to work on a single permit, while others had no residence permit at all. They were left in complete uncertainty about their residence and work permits.

They had to work long hours without days off. They were not paid, or received only a fraction of what they had been promised. Their living conditions were appalling: they slept above restaurants, in areas with virtually no sanitary facilities. They had to work and sleep alternately in different restaurants in Flanders (Liedekerke, Ostend, Antwerp). The workers were dependent on the defendants.

They didn't dare to object, as they were scared of losing their income. The court found that the charges of trafficking in human beings had been proven, as was the case for the aggravating circumstances. The other charges relating to social law were also upheld.

The defendants were all sentenced to two years' imprisonment and fined €12,000. A sum of €20,663 was confiscated. A victim of Indian nationality had filed a civil suit, which enabled him to obtain compensation of €7,000 for material damage and €4,000 for non-pecuniary damage. Part of the confiscated money was awarded to the civil party.

2.3.3. Domestic work

Domestic work for diplomats

In a **ruling dated 21 November 2024**, the **Brussels Court of Appeal**[417] ruled on a case of trafficking for economic exploitation involving domestic staff working for diplomats. The defendants had already been convicted of these offences in a **judgment handed down on 22 June 2023** by the **Dutch-speaking Criminal Court of Brussels**[418].

The defendants, diplomats from Kuwait, were also prosecuted for the illegal and arbitrary detention of the victim, non-payment of wages and other offences under social criminal law.

The victim, an Ethiopian refugee, had been working for the defendants as a domestic worker in Kuwait since 2012. In 2017, she accompanied the family to Belgium. The victim was required to work seven days a week and be available to serve the family 24 hours a day. She had no contact with the outside world, no private life and hardly any personal belongings. She earned practically nothing. She only got the leftovers from the family's meals to eat. If they were angry, they would insult her. She was not allowed to leave the house. All the doors were locked when the family was away. The couple had confiscated her passport. One night, she managed to escape when the couple forgot to lock the door. She fled and found refuge at PAG-ASA. With the help of a social worker from a reception centre for asylum seekers, she filed a complaint with the police.

415 Crim. Court, Dutch-speaking, Brussels, 28 February 2024, 25th ch. (appeal).

416 The judgment in absentia was handed down by the Brussels Criminal Court (Dutch-speaking) on 22 June 2022, 25th ch. See Myria, *2023 Annual Report Trafficking and Smuggling of Human Beings, A Chain of Responsibilities*, p. 114 and the Myria website (case law).

417 Brussels, Dutch-speaking, 21 November 2024, 15th ch. (appeal in cassation).

418 Crim. Court, Dutch-speaking, Brussels, 22 June 2023, ch. 25N (appeal and objection to a judgment in absentia of 15 December 2021). See Myria, *2024 Annual Report Trafficking and Smuggling of Human Beings, Latin American sex work: a high-risk carousel*, p. 118 and the Myria website (case law).

In the first instance, the court found that the facts of trafficking in human beings had been established.

Upholding the court's view, the Court of Appeal found that the defendants no longer enjoyed the immunity provided for by the Vienna Convention on Diplomatic Relations. Under this Convention, immunity and privileges cease to apply when diplomatic personnel and their family members leave the country. Furthermore, the victim's employment in the household had no connection with the defendant's diplomatic mission. In the meantime, the defendants had returned to Kuwait.

During the appeal proceedings, the defendants asserted that the victim's statements did not reflect reality. The victim was not confined, had her own mobile phone and did receive a salary. According to the Court, the victim's statements—which were sometimes contradictory—could not be verified on the basis of other evidence. However, the court ruled that the work was contrary to human dignity and therefore constituted trafficking in human beings. The victim had been brought to Belgium on a tourist visa and was therefore in a precarious situation. Her employment had never been declared and her income depended on the goodwill of the defendants. She was therefore entirely dependent on the defendants for her accommodation and livelihood.

The defendants were acquitted of the charge of detaining the victim, but not the other social law offences.

The defendants were sentenced to 12 months' imprisonment, suspended for three years, and a fine of €40,000. The court confirmed the victim's compensation. The latter was awarded compensation for material damage (€33,327.44, i.e. unpaid wages) and non-pecuniary damage (€5,000).

2.3.4. Car wash

On 8 April 2024, the **Liège Criminal Court** handed down a **judgment**[419] in which it convicted two defendants, a company and its manager, who had Indian nationality, for aggravated smuggling and trafficking for the purpose of economic exploitation of an Indian victim, who was a civil party, as well as for various offences under social criminal law.

The case began following an inspection carried out in 2020 by the social inspectorate. The civil party was interviewed by the inspectorate on the same day. She stated that she had left India in 2012 to work in Belgium in undeclared odd jobs, notably in several other car washes and finally in the defendant's car wash when it opened in 2017.

The court convicted the defendant and his company of trafficking for economic exploitation on the basis that the wages offered the victim no decent alternative, that the defendant was aware of her illegal and precarious administrative situation, and that she was given no breaks or opportunities to seek medical treatment. In addition, the accommodation was considered unfit for human habitation: the worker was housed in an unsanitary caravan without heating parked in the car wash, the sanitary facilities consisted of a toilet without running water and a double sink without hot water, the floor was littered with vermin droppings, the only fridge available was for customer use, and he slept on a mattress in the commercial office when it was too warm. These elements were corroborated by the photographs taken by the inspectors. In this regard, the court recalled that the concept of human dignity and the classification of an employment relationship must be assessed in the light of Belgian law.

With regard to the conviction of the defendant and his company for smuggling of human beings, the court took into account the fact that he had recruited the victim, a customer of his night shop, by highlighting their shared Indian nationality and under the false promise that he would be able to work as much and as he wanted. Misled about the working conditions, in particular the promised salary, the victim found himself in a precarious situation, mainly since he felt indebted on account of the accommodation provided and the fact that he was staying illegally, which the defendant knew. According to the court, the defendant[420] had to be considered as the employer, and benefited from a substantial financial advantage by allowing the victim to stay in Belgium. The fact that there was no intention to pay the victim in accordance with the legal rates and declare the fact that he was employed was also taken into account.[421].

The defendants were both sentenced to a fine of €24,000 and the manager to four years' imprisonment, all with partial suspension. The confiscation by equivalent of €206,639.83 was imposed against the manager.

419 Crim. Court, Liège, Liège Division, 8 April 2024, ch. 18 (appeal).

420 The court stated that the fact there was no employment contract did not mean that the defendant was not the employer, and that wages paid in cash represented insecurity for the worker.

421 As the amounts claimed by the parties differed (€1,240 per month according to the defendant and €400 per month according to the civil party) and in the absence of a signed receipt, the court considered that the wages had not been paid.

The court ordered that the sum of €66,468.36, recovered during the confiscation, be awarded to the civil party as unpaid wages. The defendants were also ordered to pay €1,000 to the civil party as compensation for non-pecuniary damage.

2.3.5. Bakery

On **25 June 2024**, the **French-speaking Criminal Court of Brussels**[422] handed down a judgment in which it convicted a couple of Moroccan and Dutch nationality, as well as their company, for various offences under social criminal law with regard to several workers. The husband was also convicted of aggravated trafficking for the purpose of economic exploitation of two Moroccan men. The Moroccan men and the NSSO filed a civil suit.

The couple operated several bakeries and bread depots through a number of companies, some of which had gone bankrupt. The husband was the manager and was in charge of the staff. His brothers and nephew were active partners in some of the companies. His partner co-managed certain companies at the administrative level and also worked as a pastry chef.

The case began in 2017, following an inspection during which a worker ran away. The worker, who was identified by the employer, was interviewed by the social inspectorate. He stated that he was an illegal immigrant, had no employment contract and was living in the bakery. He filed a civil suit. Multiple inspections were subsequently carried out at the defendant's various bakeries and warehouses by the ONEM, the Regional Employment Inspectorate (IRE), the NSSO and the police. Numerous violations of social criminal law were identified regarding the employment of other workers. The second civil party came forward in 2020 to a specialised reception centre for victims of traffing in human beings to file a complaint against the defendant. He stated that he had been required to work intense and changeable hours, had not received his wages, and had been housed on site. Both civil parties were recognised as victims of trafficking.

The court convicted the husband of aggravated trafficking[423] of the two civil parties: he recruited them, provided them with accommodation and exercised control over them with a view to making them work.

The defendant was aware that the civil parties were in a vulnerable situation due to their illegal administrative status at the time of their employment. Among the working conditions that were contrary to human dignity, the judge noted the significant number of days or weeks in a row without days off, until a replacement eventually arrived; the low daily wage, which was disproportionate to the long working hours (the first victim stated that he worked from 6 a.m. to 6 p.m. and from 7.30 p.m. to 10 a.m. and was paid €60 per day in cash at the end of the week); and the deduction from wages to oblige the victims to continue working in order to receive their back pay. Their employment had not been declared to the NSSO, nor had social security contributions been paid, which meant they had no social security cover. These factors, together with the fact that their pay was below the applicable rates, meant that the employer enjoyed a material advantage. As regards accommodation conditions, the first victim lived in the employer's car or on a mattress on the floor of the bakery's cellar, which had no shower, and washed in the sink in the toilet. The second victim also stayed on site two to three times a week, without a mattress, using a tarpaulin as a blanket. The judge also considered the failure to report the first victim's accident at work in March 2019[424], in which one of his fingers was amputated, to the statutory insurance company as an element of trafficking.

The court considered that the civil parties' statements were qualitative and credible, as they were clear, precise and detailed. They were corroborated by other elements in the case file, including statements from several workers, CCTV footage, a telephone investigation and checks carried out by the social inspectorate.

The couple appeared in court, but the company failed to appear at the trial. The defendant was sentenced to five years' imprisonment, suspended in full, and a fine of €40,000, as well as the permanent forfeiture of his rights. A confiscation order for €49,966.61 was issued and awarded to the two Moroccan men, while €26,900 deposited in the OCSC account was confiscated and awarded to the three civil parties. The wife was given a partially suspended fine of €25,600, while the company was fined €120,000 in absentia. The husband was ordered to pay the two Moroccan men €18,502.28 and €31,464.33 in material damages and €3,000 and €4,000 in non-pecuniary damage.

423 The aggravating circumstances of authority over the victims, abuse of thei r vulnerable situation and offence causing serious mutilation were upheld.

424 The victim's finger was sliced off in a dough cutter. The husband was also prosecuted for unintentional assault and battery as a result of this accident at work, but hewas acquitted by the judge.

422 Crim. Court, French-speaking, Brussels, 25 June 2024, 69th ch. (the case was reopened for the NSSO aspect).

2.3.6. Hair salon

On **24 April 2024**, the **Brussels Court of Appeal**[425] re-examined a case concerning a hairdressing salon, which had been heard in the first instance by the **French-speaking Criminal Court of Brussels** in a **judgment of 21 December 2021**[426] and analysed in a previous annual report.

Three defendants, with Belgian nationality and Palestinian origin, were prosecuted for trafficking in human beings for the purpose of labour exploitation of two Moroccan nationals and for various social criminal law offences.

The case began when one of the defendants called for the police to intervene at the hair salon. He claimed to have the right to occupy the premises and presented a lease agreement to that effect. One of the workers was also present. He claimed to be a worker and that his boss, the main defendant, had all the lease documents. The worker described his working conditions: seven days a week, from 10 a.m. to 8 p.m., for 50 to 70 euros per week (never more than 350 euros per month), and this for more than two years. His boss had promised him an employment contract from the outset, but had never kept this promise. The worker slept at the back of the shop. In addition to his boss, two associates also allegedly benefited from his exploitation. The police noted that there was no bathroom or shower, nor was there a dedicated kitchen area. Meals were cooked on a gas stove. The worker was illegaly in the country. According to his statements, his boss and his partners, the two other defendants, allegedly owned several hair salons where other undocumented migrants were exploited. He also stated that the three defendants transferred companies between themselves, employing several undocumented migrants in order to regularise their status, before declaring them bankrupt.

The investigation was conducted on the basis of statements from the workers, analysis of the sending agencies, a neighbourhood inquiry and various checks in the hair salons, where the other victim was found.

In the first instance, the court upheld the charge of trafficking in human beings, but only against the main defendant, based in particular on the statements of the workers, one of which was corroborated by analyses carried out on the worker's telephone and by the neighbourhood inquiry. The court found that the two men had indeed worked in a hairdressing salon, in a position of insecurity and total dependence on their employer. Furthermore, this work took place in conditions contrary to human dignity (poor material conditions of accommodation; illegal residence making them vulnerable; lack of social protection; excessive working hours; low pay well below the minimum hourly wage; unable to have a social or family life). The court found that the main defendant had recruited and housed the two victims with the intention of exploiting them. However, it acquitted the other two defendants due to the lack of evidence implicating them in the offences and their denials.

Similarly, the court upheld the social criminal law charges, but only against the main defendant, who was considered to be the employer. The other defendants were acquitted of the charges brought against them.

The main defendant was given a 30-month suspended prison sentence, a fine of €24,000 and a five-year professional ban. He was also ordered to pay the worker, who was a civil party, €74,169.75 in compensation for material damage and €14,000 for non-pecuniary damage.

The main defendant and the public prosecutor lodged an appeal. The **Court of Appeal** granted the defendant's request to annul the interview of one of the workers employed at the salon and the interview of one of the two victims of trafficking, on the grounds of failing to respect the right to the assistance of an interpreter. However, the Court of Appeal rejected his request to annul his own interview on the grounds of failing to respect his rights of access to a lawyer. The court upheld the decision and the compensation, but reduced his prison sentence to 24 months on the grounds that the reasonable time limit had been slightly exceeded.

The main defendant appealed to the Court of Cassation against the civil part of the Court of Appeal's judgment. On **20 November 2024**, the **Court of Cassation**[427]

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425 Brussels, 24 April 2024, ch. 11.

426 Crim. Court, French-speaking, Brussels, 21 December 2021, ch. 69: Myria, *2022 Annual Report Trafficking and Smuggling of Human Beings, Bound by Debt*, p. 86 and the Myria website (case law).

427 Cass. 20 November 2024, No. P.24.0792.F.

handed down a judgment overturning the contested judgment, ruling that the calculation of material damage did not match the defendant's request that the damage be calculated on the basis of a reduced period of infringement. The Court dismissed the appeal in all other respects and referred the case back to the Brussels Court of Appeal[428].

2.3.7. Meat processing

Exploitation of undocumented Moroccan workers in meat processing companies

In a **judgment handed down on 21 February 2025**, the **Bruges Criminal Court ruled**[429] on a case of economic exploitation in the meat processing industry, in which four defendants were prosecuted. The defendants, three men and one woman, were of Moroccan, Belgian and Dutch nationality. Only the first, second and fourth defendants were prosecuted for trafficking in human beings with aggravating circumstances (authority, abuse of a vulnerable situation, habitual activity) concerning 17 victims in total. The three defendants were also prosecuted for several offences under social criminal law, such as employing foreign workers without residence permits. The third defendant was only prosecuted for making threats.

The case came to light in early 2020 when a man filed a complaint for assault and battery against the first defendant, his employer, who refused to pay him. The inspection services launched an investigation and found that, although only two workers were registered, the company was generating considerable turnover. Several companies were therefore uncovered.

The defendants operated a one-man business in the poultry sector. The first defendant was the manager of a company, despite a previous ban on carrying out activities in his own name. The company was in the name of his wife, the third defendant. The investigation revealed that the second defendant, the brother of the first, was also closely involved in the activities.

A judicial investigation was finally conducted, including observations, telephone tapping, consultation of telephones, questioning of suspects and workers, and searches.

The investigation also revealed the activities of the fourth defendant. The first defendant purchased poultry from the fourth defendant.

The investigation revealed that the defendants employed several undocumented immigrants in their meat processing business. The workers were paid between €6 and €8 an hour for long working days of 7 to 11 hours. They had no fixed hours and worked 'on demand', when called by the defendants They often had to work at night and on weekends without additional pay. They were not provided with protective clothing, but had to buy their own gloves for €10. The workplace had no facilities for them, not even toilets. They sometimes had to work for hours in refrigerated rooms, with very few breaks. In the event of an accident at work, they simply had to cover their injury with a plastic bag and continue working. They were monitored by cameras. At the slightest sign of objection, they were kicked out. The second defendant was himself in a precarious situation in Belgium (he had a Spanish residence permit), but was helping his brother in the business. He was the one who called the workers and gave them instructions and tasks to perform. According to the court, he also had to be considered an employer.

The court found that the charges of trafficking in human beings and aggravating circumstances had been established, as well as violations of social law.

The third defendant had threatened the civil party, whose complaint had prompted the criminal investigation, saying that something would happen to him if he didn't withdraw his complaint. Due to lack of evidence, she was acquitted of these charges.

The first and second defendants were sentenced to 18 and 15 months' imprisonment respectively, as well as a fine of €48,000, both sentences being partially suspended[430].

The fourth defendant already had a criminal record. He was sentenced to two years' imprisonment and a fine of €88,000 (with a partial suspension).

Special confiscations were ordered, amounting to €37,750 and €45,000.

Two victims filed a civil suit, as did Payoke and Myria.

428 The date for the interview of the case before the Court of Appeal was not yet known at the time this report was drafted (September 2025).
429 Crim. Court, West Flanders, Bruges division, 21 February 2025, ch. B17 (appeal).
430 The public prosecutor had also requested the permanent and complete closure of the businesses of the first and fourth defendants, but these had since been declared bankrupt.

The victims were awarded compensation of €54,086.45 and €4,234.80 respectively for their loss of earnings and €1,000 for non-pecuniary damage. The confiscations were awarded to them. Myria and Payoke were awarded compensation of €2,500 and €2,750 respectively.

2.4. Forced criminality

In a **judgment handed down on 8 April 2024**[431], the **Arlon Criminal Court** examined a case in which two Mauritian defendants, a man and a woman, were prosecuted on various charges, including trafficking for the purpose of forced criminality (committing fraud) against two Mauritian men, and trafficking for the purpose of sexual exploitation of a woman from Cape Verde.

With the male defendant's help, the female defendant posted fake profiles on the internet in order to seduce and maintain an electronic relationship with several women of Malagasy or Cape Verdean origin, with a view to defrauding them. Three of the victims, including the Cape Verdean woman involved in the trafficking for sexual exploitation case, as well as the two Mauritian men, filed a civil suit.

The first Mauritian man was a model. Recruited by the female defendant, at the instigation of the male defendant, he made the fictive characters seem real and credible. He sent messages and photos to the women he had seduced and arranged meetings in person.

For these acts, the court upheld the charge of prevention of trafficking for the purpose of forced criminality, taking into consideration the surveillance over the victim, the threats (in the form of violent beatings) from the male defendant, the findings relating to all her activities, the deception regarding the purpose of her work and her illegal residence status. The judge also noted that the relative comfort of her accommodation provided by the defendants did not rule out their control over her. The male defendant was also convicted of assault and battery against the victim.

However, the charge of trafficking in human beings was not upheld against the second Mauritian man, who was accompanied by a reception centre. The female defendant had offered him the opportunity to come to Belgium to work as a mechanic and had actually taken steps to this end. Like the male defendant, this man had monitored the activities of the first Mauritian man and had participated in the assault by the male defendant on this victim. The judge considered that control had not been established in the case of the second Mauritian man, as he enjoyed autonomy and freedom of movement and had knowingly consented to the defrauding activity[432]. The court therefore declared that it did not have jurisdiction to hear his civil claim, as the defendants had been acquitted of all charges against him.

The defendants were also acquitted of the charges of trafficking for sexual exploitation against the woman of Cape Verdean origin. The latter, at the request of her fictive 'partner' (behind whom the defendant was hiding), had in fact been staying at her home. According to her statements, she was forced to have sexual relations with the two defendants, again at the request of her fictive "partner". However, the court found that she had sufficient discernment and material means to make other choices, and there was no control. The judge therefore dismissed the charge, ruling that it did not constitute sexual exploitation within the meaning of Article 433*quinquies* of the Criminal Code relating to trafficking, as this would distort the meaning of these words, and based in particular on the fact that she did not claim to have been a victim of such exploitation. However, the female defendant was convicted of rape and sexual assault against the victim, as she had not given consent in view of the sexual activities that were part of the ruse[433].

431 Crim. Court, Luxembourg, Arlon Division, 8 April 2024, ch. 14 (appeal).

432 He had lived with the female defendant and had also had sexual relations with the male defendant. The defendants were also prosecuted for rape and sexual assault. However, the judge acquitted them, ruling that the absence of consent could not be established with certainty.

433 The male defendant was also prosecuted for these two charges against him, but the judge considered that there was still doubt as to whether he had been aware of the lack of consent. The judge based his decision in particular on the high frequency of sexual acts between the victim and the defendant, and the fact that she had not complained about them to her fictive "partner".

The female defendant was also convicted of aggravated rape by deception against another woman of Malagasy origin who had been seduced by fake profiles. The victim, like the woman of Cape Verdean origin, had moved into her home and had sexual relations with her in order to please her fictive "partner"[434].

The court also convicted the defendants on various charges of computer fraud, fraud[435], criminal association and violation of the Law on firearms.

The defendants were sentenced to suspended prison terms of two years (for the man) and four years (for the woman), as well as a fine of €8,000, suspended for the male defendant. The male defendant was ordered to pay €335 in confiscation costs. The defendants were ordered to pay the civil party, who was the victim of forced criminality, a provisional sum of €1,000. The other civil parties were awarded provisional sums ranging from €10,000 to €20,000.

3. Smuggling of human beings

The following sections present several cases of smuggling of human beings tried in various French- and Dutch-speaking districts. An appeal decision involved a case of international smuggling via rented commercial vehicles, cars and vans, as part of a criminal organisation involving around 30 defendants. Myria also addresses a case concerning the Belgian branch of an international criminal organisation involving mainly Vietnamese defendants and victims. Another important case concerns smuggling of human beings and sexual abuse committed against young Afghan men and boys, both on their migration route and in Belgium. An appeal decision re-examined a case involving the transport of nautical equipment from other countries to France via Belgium. Another high-profile case concerns the smuggling of Pakistani nationals through sham marriages, mainly with Portuguese women, and their economic exploitation through debt bondage. A final case concerns prosecutions for smuggling in connection with fraudulent adoptions of Congolese children.

3.1. Smuggling by vehicle as part of a criminal organisation involving around 30 defendants

The **Liège Court of Appeal** re-examined a case, heard at first instance by the **Liège Criminal Court** in a **judgment handed down on 13 December 2023**[436], discussed in a previous annual report, in which numerous defendants were convicted as part of a criminal organisation involved in large-scale international smuggling using rented commercial vehicles, cars and vans.

This case involved smuggling from Turkey to Italy or Austria, via the Balkan route or via border crossings between countries such as Slovenia, Croatia, Hungary and Bosnia-Herzegovina. In reality, the criminal organisation independently supervised only a limited part of the journey.

434 However, the female defendant was acquitted of the charge of sexual assault.

435 The court took into account the fact that the defendants had kindled the romantic feelings of the victims in order to obtain money or furniture. The damage was estimated at €12,000 for one of the victims, €52,000 for the second and an unspecified amount for the third.

436 Crim. Court, Liège, Liège division, 13 December 2023, ch. 19*bis* (appeal): Myria, *2024 Annual Report Trafficking and Smuggling of Human Beings, Latin American sex work: a high-risk carousel*, p. 120 and the Myria website (case law).

This was part of a larger structure, coordinated from Turkey, which organised the journey from the country of origin to other European countries. Around 30 defendants, the majority of whom were Belgian nationals, were prosecuted. Around ten of them came from the Liège region. The other defendants were French, Congolese, Armenian, Iranian, Bulgarian and Turkish. Thirteen defendants failed to show up at the trial. Several hundred victims from Afghanistan, Iran, Iraq, Syria, Turkey, Bangladesh, Pakistan, India and Egypt, including minors, were involved. All were in the country illegally. The convoys could carry several dozen people at a time. They were crammed together without seats, seat belts or ventilation.

The investigation began in October 2020 after the arrest in Croatia and Slovenia of several people living in the Liège region who were intercepted in vehicles, notably those registered in Belgium, transporting migrants. The case was the subject of a European investigation decision.

The criminal organisation consisted of a Turkish leader and a dozen members (including the leader's partner and father). Some of the defendants were also members of the same family or former partners.

The organisation had a standard *modus operandi*. The larger structure, of which the organisation was a part, included people active near refugee camps who were responsible for taking the migrants to the loading points and collecting the fee for the journey. The candidates were represented remotely by a *sahibi* (owner) who sometimes housed them in buildings while they waited to board. Their numbers and locations were communicated to the head of the organisation, who then informed his drivers. From Belgium, the organisation mapped out routes, organised journeys and rentals, recruited drivers, geolocated and guided them, supplied them with anything they needed and ensured they had paid. Members used nicknames and different phones and SIM cards to conceal their identities. Several defendants were able to pay off debts with the money they earned from smuggling.

The court estimated that the leader made a net profit of €1,654,664.31 from the smuggling. Some drivers transported the migrants, while others drove lead or follow cars[437]. Recruited on the street or by word of mouth, these were inexperienced individuals in precarious situations due to their health or financial circumstances[438]. The recruiters, and one female defendant in particular, used death threats and intimidation against them. Once recruited and after receiving a sum of money[439], the drivers were taken to a Belgian, German or Dutch rental agency to pay for the rental. They were also provided with a telephone and SIM card so that they could be geolocated and guided step by step via WhatsApp[440]. They were instructed to drive at high speed without stopping before reaching their final destination and to film the people being transported as they were unloaded. Some were under the influence of drugs. One of the convoys resulted in the death of a passenger following a serious accident caused by a driver who had consumed cocaine and cannabis while attempting to evade a police check. Around 15 people were seriously injured. Several drivers were arrested, imprisoned or convicted by foreign courts (in Croatia, Slovenia, Austria, Hungary, etc.). The drivers were paid via money transfer organisations such as Western Union, BPN, GönderAL and Ria, or via the "*Hawala*"[441] and "*Mektep*"[442] systems.

Three defendants were repeat offenders. Although the proceedings against several defendants were separated[443] and three defendants were acquitted on the basis of the *ne bis in idem* principle, all the other defendants were found guilty in the first instance of smuggling of human beings.

Several of the defendants were also convicted of criminal organisation.

The defendants were sentenced by the Liège Criminal Court to prison terms ranging from 18 months to ten years, fines ranging from €8,000 to €4,552,000, both with or without partial or total suspension, and a five-year professional ban.

437 In order to alert to the presence of any police checks.

438 These were people who were drug-dependent, homeless, marginalised, in need or in debt.

439 This money was used to pay for vehicle hire and to cover their travel expenses (fuel, food, pre-booked hotels, etc.). According to the head of the organisation, the drivers received between €5,000 and €10,000, while those driving the lead or follow-up cars received less.

440 The drivers were not informed in advance of the destination and route, nor of the number, identity and origin of the people being transported.

441 A "*Hawala*" type system can be regarded as a parallel banking system for transferring money from one country to another, but there is no trace of the transaction. The system is completely anonymous.

442 "*Mektep*" is a Turkish term that can be translated as "office". It is a system for circulating trafficking money. The offices receive the identities of the migration candidates and their payment of the amount requested for the journey. This sum is kept and released by the offices once the journey is complete. The manager then receives the money in cash. "*Mekteps*" can be located in various types of buildings abroad, such as travel agencies, currency exchange offices, jewellery shops, night shops, car washes, etc. In this case, the offices were located in Belgium, Turkey, Iran, Iraq, Egypt, Afghanistan and Syria.

443 The judge referred the case to a later hearing (29 May 2024) at the Liège Criminal Court.

The court suspended the sentencing of three defendants. A confiscation order of €500,000 was issued against the manager. The defendants were ordered to pay a final sum of one euro to Myria, the civil party.

Five defendants appealed: the Turkish leader, a couple of drivers who were found guilty in the first instance[444], and two members of the criminal organisation who played an active role in organising the trips and recruiting the drivers. In its **ruling of 5 December 2024**, the **Court of Appeal**[445] upheld the judgment with regard to the basis of the prosecution and the charges, but partially revised their penalties.

The ten-year prison sentence handed down to the leader, who was absent from the appeal, was increased to 14 years, while his fine of €4,552,000 was upheld. The confiscation of €500,000 was increased to €3,924,517 and his immediate arrest was ordered. In the case of the two members of the organisation, the court ordered confiscation of €15,950 and €59,533, and confirmed their five-year prison sentences and €160,000 fines, suspended. The prison sentence for the couple of drivers was replaced by 120 hours of community service, and their €56,000 fine was suspended.

3.2. Afghan smuggling network that sexually exploited Afghan minors

In a **judgment handed down on 27 November 2024**, the **Antwerp Criminal Court ruled**[446] on a large-scale smuggling of human beings case involving 23 defendants. The defendants were all Afghan nationals. Eight of them were already in custody at the time of the judgment and nine were absent.

Eighteen defendants were prosecuted for aggravated smuggling of human beings (minors among the victims, abuse of vulnerability, violence, coercion and threats, endangering the lives of victims, habitual activity and participation in a criminal organisation).

In addition, two defendants, including the main defendant, were prosecuted for leading a criminal organisation. With regard to the other defendant, the court reclassified the charges as participation in decision-making in the context of the activities of a criminal organisation. The court found that it had not been proven beyond reasonable doubt that he played a leading role within the criminal organisation. Six other defendants were also prosecuted for participation in decision-making in the context of the activities of a criminal organisation. The others were prosecuted for affiliation with a criminal organisation.

Two defendants, including the second defendant, were also prosecuted for rape or indecent assault with violence and threats against minors. Six defendants were also prosecuted for several offences related to the production, distribution, acquisition, possession and access to images of sexual abuse of minors. Some defendants were prosecuted for robbery with violence, possession of prohibited weapons, threats and harassment.

The offences took place between August 2020 and October 2023.

The criminal investigation revealed the existence of a criminal organisation involved in large-scale smuggling of human beings, whose victims were subjected to violence, intimidation and sexual abuse both during their journey and once they reached their destination.

444 They were involved in the transport of seven Iraqi and Egyptian victims to Croatia in April 2021.
445 Liège, 5 December 2024, ch. 6.
446 Crim. Court, Antwerp, Antwerp division, 27 November 2024, ch. AC10 (objection and appeal).

The case was opened in October 2021 on the basis of police information that several individuals were part of an international criminal organisation involved in organising smuggling of human beings from Afghanistan/Pakistan to Europe and in drug trafficking. This organisation allegedly operated from Antwerp and was known as '2060'. The facts and the scale of the operation were uncovered thanks in particular to research on social media (especially TikTok). The investigation also relied on telephone surveillance, wiretapping, analysis of the defendants' mobile phones, interviews with victims, etc.

The criminal organisation had a strong international presence and branches in Belgium, Turkey, Serbia, France and Germany. It consisted of two groups: '2060 — Government of Nangarhar', based in Antwerp, and 'Dam Gham Lamba', based in both Turkey and France, although the investigation revealed that the two groups maintained close contact with each other. The organisation was extremely aggressive. The smuggled victims were threatened, beaten and sexually abused, both during their journey and upon arrival at their destination. Acts of serious violence and sexual abuse were filmed and shared privately and on social media for the purpose of extorting and controlling the victims. The individuals who had the courage to testify against members of the criminal organisation were threatened, harassed and physically assaulted. One of the victims had to move several times after receiving threats and was eventually placed in a shelter protected by the police.

The members of the criminal organisation all had different roles and tasks.

The main defendant was the leader of the criminal organisation comprising the groups "Dam Gham Lamba" and "2060". He had a large number of people under his command, mainly based in Turkey and Serbia, each with their own tasks within the organisation. He had complete control over the illegal migration routes and was in contact with all the smugglers.

The second defendant also had an important role within the organisation. He was responsible for the practical implementation of the smuggling in several countries located on the intra-European migration route: he organised transport and waited for the victims. He readily resorted to violence, including with knives and firearms. In addition, he committed sexual abuse, distributed images of the abuse and threatened the victims. He had abused one of the minor victims for eight months and filmed the abuse. He also stood trial for rape.

They had several defendants under their command, each of whom played a role within the organisation and helped to carry out the smuggling of victims, with some of them also helping to produce or distribute images of the abuse.

The court found that the charge of smuggling of human beings had been established.

The investigation revealed that the defendants had gained financial benefit from smuggling of human beings. The court considered that anyone who knowingly cooperated was a co-perpetrator, regardless of whether or not they had gained any personal financial advantage.

The court took into account the aggravating circumstances. The victims were in a precarious and vulnerable situation, where they were entirely at the mercy of the defendants. The victims' lives were put at risk on this dangerous clandestine migration route. The potentially high risks were not taken into account, indicating deliberate endangerment, or at least gross negligence, of the victims' lives.

According to the court, the classification as a criminal organisation was indisputable. The group was able to collaborate at the right time and make significant financial gains by smuggling people across borders for wages on fixed routes and following a well-established modus operandi. Members sometimes travelled long distances from different countries to meet regularly, demonstrating the habitual nature of their activities.

However, three defendants were acquitted of all charges of smuggling of human beings, but were found guilty of belonging to a criminal organisation. One of them was acquitted on all counts.

The court considered that the main defendant was the leader of the organisation. The other defendants were found guilty of participating in decision-making within a criminal organisation or of belonging to a criminal organisation.

The two defendants prosecuted for rape and/or indecent assault were found guilty of these offences.

The defendants prosecuted for producing, distributing, possessing and acquiring images of sexual abuse were also found guilty.

One of the defendants was a repeat offender. Several other defendants were already known to the courts in other European countries for drug trafficking, assault and battery, etc.

The court handed down harsh sentences.

The main defendant and the second defendant were sentenced to 18 years' imprisonment and fines of €2,712,000 and €96,000.

The defendants found guilty of smuggling and participating in decision-making within a criminal organisation were sentenced to prison terms of between nine and 14 years and fines of between €24,000 and €2,064,000. They were also all stripped of their rights for 20 years.

The other defendants, found guilty of smuggling and membership of a criminal organisation, were sentenced to prison terms ranging from 40 months to eight years and fines ranging from €1,600 to €24,000. They were stripped of their rights for 10 years.

Four victims, Afghan males, one of whom was a minor, filed a civil suit. One victim was awarded compensation totalling €3,470 for material and non-pecuniary damage, as well as provisional compensation of €10,000 and the appointment of a legal expert. Another victim received provisional compensation of €5,000 for non-pecuniary and material damage.

Myria, Child Focus, PAG-ASA and Payoke joined the proceedings as civil parties and were awarded compensation of €1 and €2,500 respectively.

3.3. Vietnamese smuggling via the Belgian branch of an international criminal organisation

In a **judgment handed down on 16 January 2025**, the **French-speaking criminal court of Brussels** [447]convicted nine defendants, belonging to the Belgian branch of an international criminal organisation, for aggravated smuggling of a significant number of victims, mainly of Vietnamese nationality. It is not known how many they were, as only five have been identified. Myria filed a civil suit.

The trial involved 10 defendants from South Vietnam, eight of whom were Belgian of Vietnamese origin and two of whom were Vietnamese. Nine of them were prosecuted for smuggling and criminal organisation, while one defendant was prosecuted solely for the latter offence.

The criminal organisation was responsible for transporting the victims within the European Union, with the ultimate aim of getting them to the United Kingdom, in exchange for large sums of money. The organisation had branches in the Netherlands, France, England and Germany. The organisers of the networks were in contact with each other and agreed on the number of people to be transported and the methods of transport. The transport was in dangerous conditions, among other things in specially-made containers placed in lorry trailers. Sprays or aerosol cans containing toxic substances were used to mask the smell of the migrants on board.

The investigation began in September 2022 following the interception of a vehicle by the Schaerbeek police, in which two Vietnamese nationals without any papers were discovered. They did not speak either the national languages nor English. A combined analysis of telephone tracking on their number and ANPR examination made it possible to identify the various actors involved in the Belgian network.

The first defendant played a central role in the Belgian network. She sought out candidates for illegal immigration and coordinated transport, organised on her own behalf or on behalf of other clients, who belonged to other networks within the international organisation. Her nail salon served as a meeting place, where she acted as a point of contact and gave instructions to other members of the organisation.

Among the defendants were her ex-partner, her sister, her sister's ex-husband and his new partner. According to the judge, "(...) each member of the criminal organisation had a specific role, which enabled this human smuggling network to operate: drivers[448], landlords, sponsors and organisers of migrant transport by car or taxi, guiding migrants, finding accommodation and organising the accommodation of victims, collecting money, transferring money to bank accounts, contacting other criminal networks, finding migrant candidates, etc."

447 Crim. Court, French-speaking, Brussels, 16 January 2025, ch. No. 47 (appeal and objection).

448 One of the defendants had been recruited by the former partner of the main defendant as a driver via the Heetch app.

On behalf of the organisation, a couple of defendants had also taken in and housed migrants in a context of undeclared work in their two nail salons[449]. On the advice of his girlfriend, the partner had also fictively acknowledged paternity of his stepson and stepdaughter's child, in order to enable the latter to apply for a residence permit for family reunification and to be able to work in their salon. According to telephone wiretaps, the partner seemed to be considering setting up a special channel for granting residence permits in Belgium to other potential candidates for fictive sham acknowledgement of paternity.

A telephone investigation, a bank investigation, observations, analysis of surveillance cameras and seized computers, interviews of the defendants, and confrontations were carried out. Searches were carried out at their homes and in nail salons.

The judge upheld the charge of aggravated smuggling against the 9 defendants. The court found that the direct or indirect assistance provided to migrants took various forms: advancing or paying travel expenses; booking travel tickets; possession of travel or identity documents; accommodation for the victims, particularly in safe houses in Brussels; payment of rent guarantees; and even undeclared work, which facilitated their entry or stay in the country. The judge took into account their illegal or precarious administrative situation, the fact that they only spoke Vietnamese and their total dependence on the smugglers. Rejecting the defendants' claims that their motives were philanthropic and humanistic, the judge found that they were acting out of financial gain, benefiting from the costs of transport, food and accommodation, or by hiring some of the victims at low wages in return for the assistance provided. The debt bond was also revealed by the investigation.

The 10 defendants were convicted of criminal organisation, while the couple who had made a sham acknowledgement of paternity were convicted of forgery and use of forged documents.

With the exception of one defendant who was sentenced to community service, the other defendants were sentenced to between two and six years' imprisonment and fines ranging from €4,000 to €120,000, with some defendants receiving suspended sentences. One defendant did however receive a simple suspension of her sentence for five years[450]. All were stripped of their rights for 5 years.

An optional confiscation of €770 was ordered against one defendant. The nine defendants convicted of smuggling were ordered to pay Myria *ex aequo et bono* compensation of €2,500 for non-pecuniary and material damage combined. The immediate arrest of the former partner of the main defendant, who failed to appear at the trial, was ordered[451].

3.4. Transport of nautical equipment from Germany by a network of Kurdish smugglers

In a **ruling handed down on 29 January 2025**, the **Ghent Court of Appeal**[452] examined a major case of smuggling of human beings. The defendants, mainly of Iraqi, Iranian and German nationality and residing in Germany, were prosecuted for their involvement in the transport of inflatable boats and other nautical equipment from Germany for illegal crossings to the United Kingdom. In the first instance, the **Bruges Criminal Court** had ruled on the case in a **judgment handed down on 18 October 2023**[453], in which 21 defendants appeared on charges of aggravated smuggling of human beings and criminal organisation[454]. At first instance, the court had found that the charges of aggravated smuggling of human beings had been proven, and all the defendants, with the exception of one, had been sentenced to prison terms, some of which were suspended.

449 The couple had taken countermeasures to avoid being questioned in the event of a check, in particular by installing an alarm in their living rooms to allow the staff to hide and by providing identity documents belonging to other individuals.

450 This was the new partner of the ex-brother-in-law of the first main defendant. The judge took into account her partial confession, her limited role in the events, the fact that she expressed remorse at the interview, and the fact there was no personal gain.

451 The latter objected to the decision and three defendants lodged an appeal.

452 Ghent, 29 January 2025, 8th ch.

453 Crim. Court, West Flanders, Bruges division, 18 October 2023, ch. B17 (appeal). See Myria, *2024 Annual Report Trafficking and Smuggling of Human Beings, Latin American sex work: a high-risk carousel*, p. 123 and the Myria website (case law).

454 The case was linked to an older case concerning the transport of nautical equipment from Germany, in which three people had already been convicted of smuggling of human beings. Crim. Court, West Flanders, Bruges division, 22 June 2022, ch. B.17 (appeal): see Myria, *2023 Annual Report Trafficking and Smuggling of Human Beings, A Chain of Responsibilities*, p. 135 and the Myria website (case law).

The defendants' responsibility was gradually established thanks to an in-depth telephone investigation and an accidental delivery of nautical equipment to the wrong address in Germany. The German police then managed to locate storage sites for nautical equipment and arrest several defendants. The activities of the international smuggling network stretched from Turkey to France via Germany and Belgium. The defendants were responsible for various tasks, including purchasing nautical equipment, renting warehouses, loading and unloading equipment, preparing and carrying out transport, organising the crossing of the English Channel and settling payments.

At first instance, the court had found that the charges of aggravated smuggling of human beings had been proven, and all the defendants, with the exception of one, had been sentenced to prison terms, some of which were suspended.

Seven defendants appealed.

Several defendants criticised the presumed bias of the investigators. They also requested that all mobile phones be examined in full. They also requested that evidence from the United Kingdom and evidence related to the joint investigation team (JIT) agreement be added to the case file. The Court of Appeal did not grant these requests.

It broadly upheld the first judge's decision, both in relation to the charge of preventing smuggling of human beings and that of leading or participating in a criminal organisation. However, the court partially revised the sentences and imposed harsher prison terms on several defendants. They were sentenced to prison terms ranging from 30 months to 13 years.

Myria's compensation was upheld. Half of the sums confiscated by court order were awarded to Myria.

3.5. Smuggling and debt bondage of Pakistanis via sham marriages in Portugal

In a **judgment handed down on 5 June 2024**, the **Bruges Criminal Court ruled**[455] on a case of smuggling of human beings via sham marriages involving 22 defendants, mainly of Pakistani nationality, but also Belgian, Indian, Guinean and Portuguese.

Ten defendants were prosecuted for smuggling of human beings. Twelve defendants appeared for participation in a criminal organisation: the ten defendants also prosecuted for smuggling of human beings, as well as two other defendants. Twenty-one defendants were prosecuted for forgery and/or computer fraud.

Eleven defendants were prosecuted by the public prosecutor's office, but had in fact been smuggled themselves and entered into a sham marriage with the help of the main defendants in exchange for payment. Two of them were prosecuted for both forgery and participation in a criminal organisation. The other nine were prosecuted solely for forgery. A Portuguese woman and an accountant were also prosecuted.

The smuggling offences primarily took place between 2012 and 2016. The case came to light when several municipalities in West Flanders noticed an unusually high number of registrations of Pakistani men married to European women. They were often registered at the same addresses.

The investigation revealed that a Brussels-based network was organising sham marriages for Pakistani men, mainly with Portuguese women, but also with Polish women. In Pakistan, young men eager to escape poverty and move to Europe were actively looked for. In Portugal, women willing to marry Pakistanis for money were also sought out. The couples that got together were provided with Portuguese marriage certificates. Once in Belgium, the women applied for family reunification with their Pakistani husbands. The marriage certificates often attested to marriages contracted in a specific location in Portugal. After verification, it transpired that these were forgeries.

455 Crim. Court, West Flanders, Bruges division, 5 June 2024, ch. B17 (appeal).

To help the Portuguese women find employment, which is a condition for family reunification between a European national and a third-country national, arrangements were made through Brussels-based companies of which the women became partners. After a short stay, they returned to Portugal or Poland. When they had to appear before a Belgian official body, they were notified and returned to Belgium. The Pakistani husbands would then receive their residence papers for Belgium.

An investigation into sham marriages was also launched in Portugal. Police and judicial cooperation between Belgium and Portugal led to searches and arrests. People were also arrested in Portugal for organising sham marriages.

The victims paid between €7,000 and €30,000. Sometimes they only paid for the sham marriage to be organised. But in other cases, they paid for a complete package, which included the conclusion of the marriage, accommodation and employment, as well as assistance in obtaining the necessary residence papers and setting up companies.

In addition, these men became victims of economic exploitation in order to repay their debts to the criminal organisation[456]. The main defendant and his three cousins owned several companies involved in the wholesale clothing trade and the sale of clothing in markets. The Pakistani men who were victims of smuggling had to repay their debts by selling clothing at markets for very low wages (€30 per day). For each victim, the amount to be repaid was meticulously recorded. In some cases, the victims were registered in companies, supposedly as shareholders and self-employed workers. The clothing they had to sell at markets had to be purchased from the organisation, creating additional debt for the victim and further enriching the organisation. At one point, the main defendants employed 35 people in the markets.

The court assessed the specific role of each of the defendants.

The main defendant was the 'big boss'. He was the head of the organisation and, together with his three cousins, was responsible for arranging sham marriages. The second, third and fourth defendants were brothers and cousins of the main defendant. They belonged to a well-known family in their region of origin. They helped with the organisation of smuggling through sham marriages and exploitation in the markets, where the victims had to repay their debts.

The other defendants prosecuted for smuggling had less important roles. They acted as intermediaries and took care of the administrative and logistical aspects of the smuggling, such as providing an address, arranging transport, accompanying people to appointments at the local council and setting up companies.

The court found that the charges of smuggling of human beings had been established and ruled that there was also involvement in a criminal organisation.

One of the defendants, an accountant through whom the defendants set up the companies, was acquitted of all charges. According to the court, the charges of smuggling of human beings were not sufficiently proven in his case.

The 11 defendants who had actually been smuggled by the criminal organisation and had entered into sham marriages with Portuguese women in exchange for large sums of money were all acquitted of the charges of forgery and computer fraud relating to the sham marriages. According to the court, there was no moral element, namely the specific intent required for these offences.

However, two of the 11 defendants were subsequently involved in organising the smuggling of other victims. Although they were also prosecuted for participation in a criminal organisation, the court ultimately sentenced them to a simple verdict of culpability.

The other 9 defendants were considered by the court to be victims of smuggling of human beings. They were in a vulnerable situation and had no choice but to agree to the sham marriage in order to comply with the organisation's methods. They had had to pay a lot of money and were then forced to repay their debts by working in the markets.

Among the defendants was a Portuguese woman who had deliberately entered into a sham marriage with a Pakistani man. She had done that on account of her precarious financial situation. She was given a simple verdict of culpability.

The court took into account the fact that a reasonable time limit had been exceeded in determining the sentence. The main defendant was sentenced to five years' imprisonment and a fine of €192,000. Two properties and €200,000 were confiscated. The other defendants were sentenced to prison terms ranging from one to four years and fines ranging from €8,000 to €136,000.

456 Nevertheless, there were no prosecutions for trafficking of human beings for economic exploitation.

3.6. Fraudulent international adoptions of Congolese children

In a **judgment handed down on 10 October 2024**[457], the **Namur Criminal Court** examined a case in which a Belgian defendant was prosecuted for smuggling in connection with the adoption of several Congolese children by Belgian adoptive parents. She was also prosecuted for abduction of minors, hostage-taking of minors, fraud, forgery and corruption.

The Belgian State, the French Community, the Democratic Republic of Congo, the agency *Opgroeien* and Myria[458] joined the proceedings as civil parties, as did the *ad hoc* guardian of one of the children and the adoptive and biological parents[459].

The defendant, a Belgian national born in Congo, was the administrator and coordinator responsible for project management at a non-profit organisation in Namur promoting the adoption of abandoned Congolese children, in collaboration with the Central Community Authority (ACC). In this context, she had set up an orphanage in Kinshasa in 2011.

From 2013 onwards, this association was the subject of several reports highlighting the precarious conditions of the children, and financial analysis showed that the purchases made by the defendant were not intended for the orphanage but were related to her daily living expenses.

In December 2013, the orphanage was the subject of a news flash published by a Congolese association reporting the abduction of children in Kinshasa by a man, convicted a few days earlier for these acts, who allegedly acted on behalf of the association and the defendant.

The investigation revealed that the defendant had indeed had these children abducted, particularly in Gemena, in order to replace other children who had died and were due to be adopted.

Following the moratorium imposed in 2013 by the Congolese government suspending child adoptions, the defendant had moved 11 children from the orphanage in 2015 to Belgium. She refused to disclose their whereabouts to the Belgian embassy. Statements and witness testimony indicate that she had wanted to negotiate the return of the children in exchange for payment.

The defendant was convicted of abducting five minors under the age of 12[460] and of taking 11 minors hostage with aggravating circumstances. The charges of fraud[461], forgery[462] and corruption[463] were also upheld.

However, the court acquitted the defendant of the charge of smuggling the five abducted and adopted children. The judge pointed out that this would have required the entry into the country of a person who was not a national of a European Union Member State and considered that these children had Belgian nationality before entering Belgian territory. According to the judge, the adoption procedures had already been completed, given that the adoption judgments had already been handed down by the Congolese authorities and recognised by the Federal Central Authority (ACF), even though these adoption procedures were the result of fraudulent acts by the defendant.

The defendant was sentenced to ten years' imprisonment and a fine of €8,000, and her rights were stripped for 10 years[464]. The judge ordered her immediate arrest.

She was also ordered to pay the various civil parties compensation ranging from €1 (provisional) to €100,000.

457 Crim. Court, Namur, Namur Division, 10 October 2024, ch. 12 (appeal).

458 Myria's civil action was declared inadmissible, but, surprisingly, the court nevertheless ordered the defendant to pay her the sum of one euro on a provisional basis.

459 Acting on their own behalf, and in some cases on behalf of their child. However, the court ruled that the biological parents had lost parental authority over their children and that their claims on behalf of the children were inadmissible as they did not have the capacity to represent them.

460 The proceedings on this charge concerning five other children were declared inadmissible on the grounds that they had Congolese nationality at the time they were abducted and the Belgian courts did not have territorial jurisdiction over them.

461 The defendant had obtained the sum of €2,680 from Belgian nationals into the Belgian account of the non-profit organisation by using fraudulent means, with the aim of making people believe that the children were orphans and eligible for international adoption.

462 The defendant had false abandonment documents and care and adoption judgments drawn up.

463 Analysis of her telephone, including WhatsApp messages, revealed that she had paid at least US$10,000 to a Congolese magistrate, through a Congolese lawyer, to prevent investigations from being carried out against her, to ensure that decisions were taken not to proceed with the case, and to ensure that confidential information was passed on to her about the progress and duties requested by the international letter rogatory executed by Belgium in 2017.

464 In determining the sentence, the judge took into account the defendant's financial motives, inspired solely by the desire to earn as much money as possible by organising adoptions. The judge also took into account the fact that the defendant had legal training, which made her perfectly capable of understanding the criminal nature of her actions. The court stated that such actions deserve a harsh criminal penalty, despite the lack of vigilance and culpable leniency on the part of officials of the French Community, managers of approved adoption agencies (OAA) and the Community Central Authority (ACC), from which the defendant benefited and without which she would not have been able to arrange these adoptions.

4. Recognition of refugee status for victims of trafficking in human beings

The **Aliens Litigation Council (ALC)** recognised a Cameroonian woman of *Ewondo* ethnic origin as a refugee in a **ruling dated 22 March 2024**[465].

She stated that she had been recruited in Cameroon by the daughter of a person she had cared for, under the false promise of a job as a nursing assistant in a home for the elderly in Turkey. She reportedly accepted the offer in order to finance her son's education and her mother's healthcare. She travelled there with a false passport in June 2019 and discovered that she had been duped and recruited into a trafficking network for the purpose of prostitution. The recruiter allegedly threatened the applicant. She was allegedly assaulted and held captive before escaping in August and receiving international protection in Greece. However, she reportedly lived there in extremely difficult and precarious conditions and travelled to Belgium in 2022. Her application for international protection was then rejected by the Office of the General Commission for Refugees and Stateless Persons (CGRS). The CGRS had argued that there was no well-founded fear of persecution or real risk of serious harm if she returned to Cameroon, based in particular on the fact that the recruiter was based in Turkey and on the possibility of obtaining protection in Cameroon given the various measures in place in Cameroon to detect, prosecute and punish acts of trafficking and smuggling of human beings.

However, the ALC recognised her as a refugee and established her fear of persecution due to her membership of the social group of victims of trafficking from her country of origin. It considered that there was no reason to believe that the recruiter would not be able to find and threaten her if she returned to Cameroon, particularly given her Cameroonian origin and her influence with the Cameroonian authorities[466]. Referring to the analysis carried out by the Greek authorities, the ALC emphasised that, despite existing measures and laws, the Cameroonian authorities are unable to provide effective protection against trafficking and smuggling[467].

In another **decision handed down on 23 October 2024**[468], the ALC recognised a young Guinean woman of *Badiaranké* ethnicity as a refugee.

She had stated that she had been subjected to double excision in Guinea at the request of her adoptive parents and feared that her eldest daughter, who had remained in the country, would also be excised. She also stated that she feared returning because she was accused of pimping, and in particular of acting as an intermediary to facilitate paid homosexual relations. She was fearful of her ex-husband and his wife, her brothers, her adoptive parents, the Guinean population and the Guinean authorities. Evidence showed that she suffers from serious psychological problems resulting from the traumatic experiences she was subjected to.

The ALC finally recognised her as a refugee on the grounds of her gender and her membership of the social group of women. It considered that various surgical operations for serious gynaecological problems, as well as the fact that she had been the victim of rape, forced prostitution and trafficking in human beings after her release from a detention centre in Belgium, could have reignited the trauma associated with this double excision.

Myria also highlights **two interesting decisions** in which the ALC overturned the CGRS's decisions refusing asylum seekers refugee status and subsidiary protection status and referred the cases back to the CGRS for review.

In the first decision, the ALC found that the CGRS had fast-tracked the asylum application of a young Nigerian woman, even though she had been subjected to traumatic events of forced prostitution in Greece and trafficking as a victim of a network in Turkey, which required an examination of the merits and additional investigative measures (see ALC, 21 November 2024, judgment no. 317 052).

465 ALC, 22 March 2024, judgment no. 303 601.

466 The ALC took into account the fact that she had managed to bypass airport controls in Cameroon and Turkey, despite the presence of police officers, in order to bring the applicant there, and that she had been able to obtain photos of her son who had stayed in Cameroon, and find out where she was in order to threaten her.

467 The ALC referred in particular to the fact there is no national policy and specific protocol or budget for the care of victims of trafficking; corruption; inadequate legislation; and a lack of investigative capacity and resources.

468 ALC, 23 October 2024, judgment no. 315 341. The applicant had already submitted two previous applications for international protection.

In the second decision, the ALC overturned the CGRS's decisions refusing international protection to a Bosnian couple, as the applicant had stated that she had been forced into prostitution in clubs for the mafia and there was documentary evidence that she had indeed been a victim of trafficking. The ALC considered that a deeper investigation into their situation was warranted, given their vulnerable profile and the traumatic events they had experienced, in particular the fact that a corrupt police officer had disclosed to the trafficking network the location of the safe house where the applicant, a key witness in the trial against the criminal group, was hiding. She had been found by the latter and left for dead. The ALC referred the case back to the CGRS to examine whether the couple could obtain national protection in another country (see ALC, 30 April 2024, judgment no. 305 882).

Part 3
Data

Introduction

This part of the report brings together key figures that Myria requested from a selection of relevant actors active in the field of trafficking and smuggling of human beings in Belgium. The most recent data on the subject are presented and, where possible, compared with figures from previous years in order to put them in a broader perspective. The actors from whom Myria received the figures are:

- The Federal Judicial Police, with information taken from the National General Database (NGD);
- The Inspection Service of the National Social Security Office (NSSO, Thematic Directorate for Trafficking in Human Beings, ECOSOC teams);
- The College of Prosecutors General, with information on prosecutions brought by criminal prosecutors and labour prosecutor's office;
- The Immigration Office (IO);
- PAG-ASA, Payoke and Sürya: centres specialising in the reception and support of victims of trafficking and aggravated forms of smuggling in human beings; since March 2023, Myria has had access to anonymised data from the three centres via the MyEldo digital platform, a system created on a basis for more efficient case management within the centres and a better picture of the phenomenon of victims in Belgium. Since MyEldo was launched in 2023, the centres have also been able to record multiple forms of exploitation or a combination of trafficking and smuggling for the same victim. While the 2024 annual report mainly referred to the primary form of exploitation, this annual report describes in more detail the mixed victim profiles and how frequently they occur.
- The Criminal Policy Service (SPC) of the FPS Justice, with information on final convictions.
- Esperanto and Meza (Minor-Ndako): At the start of this year, Myria requested Esperanto and Meza (Minor-Ndako) to provide it with annual figures for inclusion in its annual report. Both organisations responded favourably. Incorporating this data to the annual report fulfils Recommendation 94 of the Special Commission responsible for evaluating legislation and policy on trafficking and smuggling of human beings. Recommendation 94 calls on Myria to pay particular attention to minor victims in its annual report. Esperanto and Meza provide care for minor victims. Esperanto (based in Wallonia) has 20 reception places in a secure setting for minor victims of trafficking, aggravated smuggling of human beings and honour-related violence. Meza (based in Flanders) offers 6 reception places in a secure setting, mainly for unaccompanied underage girls who are victims of trafficking in human beings. In addition to this priority target group, Meza can also accommodate other minors who are presumed to be victims, regardless of the type of exploitation. The decision to accept or reject an application for admission from a young person who is not part of the main target group is always examined on a case-by-case basis.

This section is supplemented by an external contribution from the NSSO inspection service, which provides more detailed statistical data on the investigations carried out in 2024 by the ECOSOC teams.

Please note:

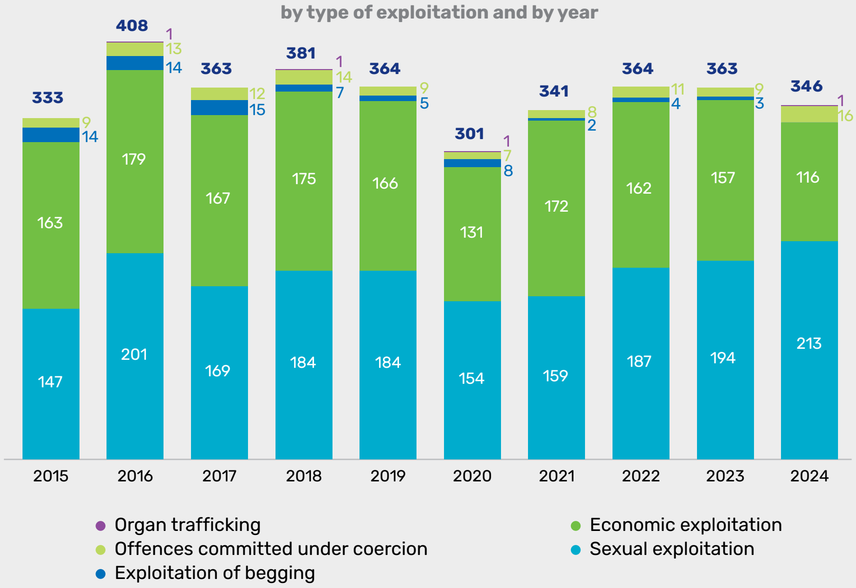
- The figures in this report do not in any way reflect the true extent of trafficking and smuggling of human beings in Belgium. They only pertain to the facts, victims and perpetrators identified as such by the authorities. No statements can be made regarding undocumented incidents.
- These figures and how they evolve provide more information about the actions taken by the authorities to combat trafficking and smuggling of human beings than about the phenomena themselves.
- The figures provided by the various actors are not harmonised and do not give a coherent and uniform picture of these criminal phenomena. This limits the possibilities for evaluating policies, informing strategic analyses and reporting to European institutions. Myria works with the actors mentioned above to compile the best possible figures.

1. Trafficking in human beings

1.1. Offences relating to trafficking in human beings (police data)

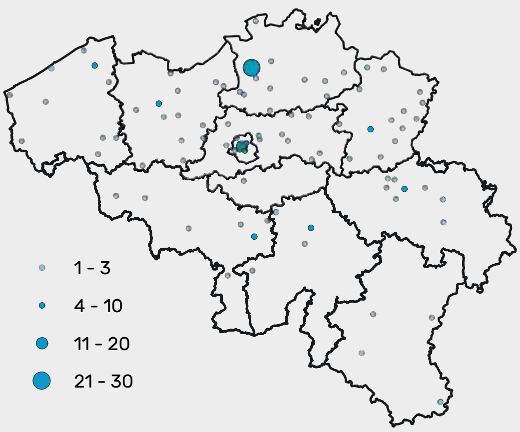
In 2024, 346 offences related to trafficking in human beings were identified by the police, a comparable figure to the previous period. However, there has been a change in the specific forms of exploitation. While a record number of cases of sexual exploitation were recorded, the number of cases of economic exploitation reached its lowest level during the period under review (even lower than in 2020). For the first time, no offences were recorded in relation to exploitation of begging.

Recorded offences relating to trafficking in human beings by type of exploitation and by year



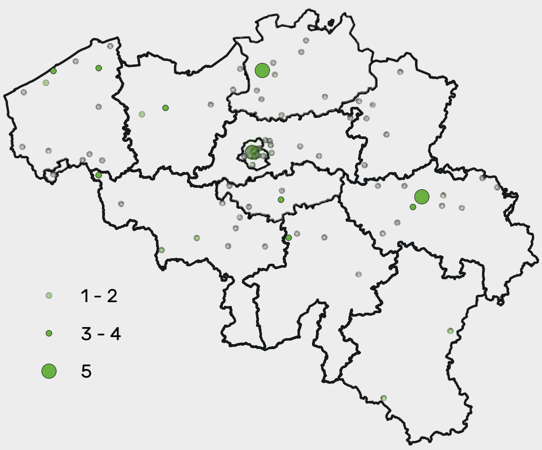
In 2024, **sexual exploitation** was mainly identified in the Brussels-Capital Region (42 offences in the 19 municipalities) and in the cities of Antwerp (25), Liège (9), Charleroi (9) and Ghent (8).

Offences recorded in relation to sexual exploitation



Most offences of trafficking for **economic exploitation** were identified in the Brussels-Capital Region (15 offences in the 19 municipalities) and in the cities of Antwerp (5) and Liège (5).

Recorded offences relating to economic exploitation



Source: National General Database, Police

1.2. NSSO inspection services (ECOSOC teams) – Trafficking in human beings for economic exploitation

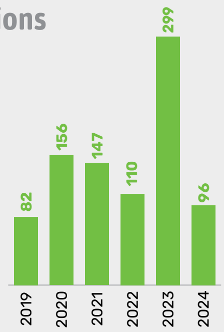
Two indicators are used to present the work of the ECOSOC teams and their role in combating trafficking in human beings:

- The annual number of suspected victims of trafficking in human beings, based on completed investigations and referred to the judicial authorities on the basis of criminal reports or official reports.
- The number of checklists prepared each year. A checklist is drawn up for each presumed victim as soon as there is sufficient evidence of a possible trafficking situation, regardless of the status of the investigation (at the beginning, during or at the end).

Not all closed investigations were opened during the same calendar year. Some investigations take several months or years to complete. This is also why the number of presumed victims from closed investigations is not the same as the number of presumed victims from the checklists.

For more information on the results of the NSSO inspection services see the external contribution at the end of this section.

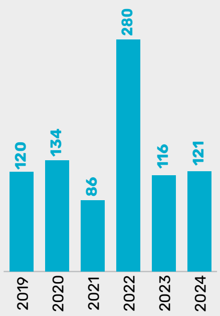
Presumed victims in closed investigations



In 2024, 96 presumed victims of trafficking were referred to the judicial authorities after the investigation was closed, a number similar to that in 2022. The peak observed in 2023 is due to large-scale violations recorded during the summer of 2022 at a construction site belonging to the chemical company Borealis. Men account for the vast majority of presumed victims (83, or 86%). Among the presumed victims, Eastern Europeans (Slovaks, Romanians and Bulgarians) make up the lion's share. They were employed in the construction sector. There were also a significant number of Brazilian and Chinese nationals exploited in the same sector.

Nationality	Construction	Hospitality	Land transport	Other personal services	Domestic staff	Garages	Retail	Other	Total
Slovakia	16					1			17
Romania	12								12
Brazil	9							1	10
Morocco	1	1			2			5	9
Belgium		5		1			2		8
China	6	1		1					8
Turkey		3	2						5
Spain		3		1					4
Bulgaria	3								3
Philippines			3						3
Algeria	1							1	2
Georgia						2			2
Kyrgyzstan			1					1	2
Tunisia		1		1					2
Other	3	1		1	2		1	1	9
Total	**51**	**15**	**6**	**5**	**4**	**3**	**3**	**9**	**96**

Checklists drawn up



121 checklists were drawn up in 2024, in line with the number of presumed victims in 2023 and in the years prior to 2022. The sharp increase observed in 2022 is due to large-scale offences identified during the summer at a construction site belonging to the chemical company Borealis. Men account for the vast majority of presumed victims (106, or 88%). More than 40% (52) of all findings were connected to the construction sector. With lower figures, the hospitality (20), cleaning (11) and transport (11) sector also feature relatively often.

Nationality	Construction	Hospitality	Cleaning	Transport	Other personal services	Garages	Domestic staff	Retail	Other	Total
Slovakia	16					1				17
Romania	13			3						16
China	6	2			3					11
Morocco	3	2	3				1		2	11
Belgium		6						1		7
Turkey		3		3					1	7
Algeria	2		2					1	1	6
Afghanistan	4									4
Philippines				3			1			4
Bulgaria	3									3
Egypt	1	1							1	3
Ivory Coast	1			1				1		3
Spain		2			1					3
Palestine			3							3
Tunisia		1			1				1	3
Other	3	3	3	1	1	3	2	1	3	20
Total	**52**	**20**	**11**	**11**	**6**	**4**	**4**	**4**	**9**	**121**

Source: NSSO Inspection Service (ECOSOC teams)

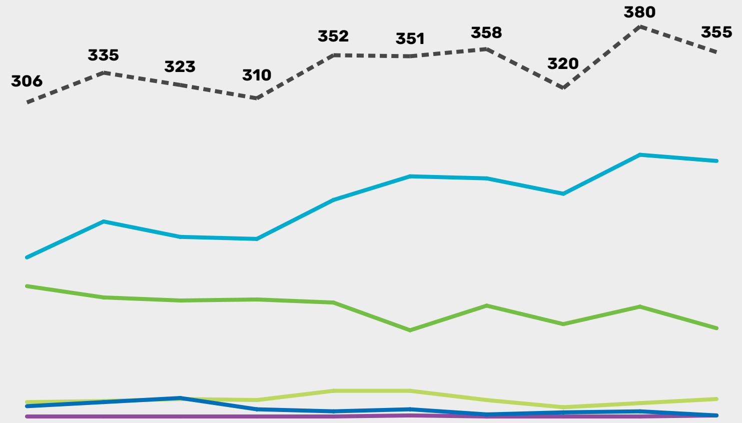
1.3. Cases referred to public prosecutors for trafficking in human beings

In 2024:

- The criminal courts received 355 criminal cases related to trafficking in human beings.
- This number mainly includes cases related to sexual exploitation and, to a lesser extent, cases related to economic exploitation (249 and 86 cases respectively). In the majority of cases, criminal cases related to sexual exploitation involved the exploitation of adults (199 cases). In 50 cases, the offences involved the exploitation of minors.
- In the jurisdiction of Ghent, one criminal case of trafficking in human beings was recorded without being linked to a specific form of exploitation.

A **new criminal case** is opened on the basis of an initial official report. It may also be opened on the basis of a complaint, with or without civil action. No new criminal cases will be opened on the basis of a subsequent official report.

Number of criminal cases received by the public prosecutor's offices broken down by year and by type of exploitation



	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024
Sexual exploitation	155	190	175	173	211	234	232	217	255	249
Economic exploitation	127	116	113	114	111	84	108	90	107	86
Exploitation of begging	10	14	18	7	5	7	2	4	5	1
Offences committed under coercion	14	15	17	16	25	25	16	9	13	17
Organ trafficking	0	0	0	0	0	1	0	0	0	1
Total	306	335	323	310	352	351	358	320	380	355

Methodological notes

- This data was extracted from the database of the College of Prosecutors General as at 4 January 2025.
- They relate to the number of criminal cases received by the public prosecutor's offices (including the federal public prosecutor's office) and are limited to offences committed by adults.
- Cases filed with the public prosecutor's office in Eupen have only been recorded since 19 February 2019. Previous years have not been taken into account due to a problem with harmonising the IT system.
- There is a risk of double counting criminal cases referred to another district for decision or when they are referred to a different division of the same judicial district.
- A single case may involve one or more defendants.
- When data are transferred, a significant number of encoding errors were identified in 2023 in the data relating to the jurisdiction of Mons. More specifically, many criminal cases were incorrectly coded under the heading 'forced criminality', when in fact they were sham marriages. As a result of the above-mentioned encoding error, criminal cases within the jurisdiction of Mons were excluded from the analysis in last year's annual report, in order to verify the evolution over time of the number of criminal cases relating to trafficking in human beings at the level of the public prosecutor's offices. As this coding error has since been corrected, the data for the jurisdiction of Mons has been reintegrated into the above analysis.

Source: Database of the College of Prosecutors General

Jurisdiction: the territorial scope of a court's jurisdiction. Belgium is divided into five main judicial districts, each with its own court of appeal. Each court of appeal has jurisdiction over several judicial districts.

- Antwerp → Antwerp and Limburg
- Brussels → Brussels (Brussels and Halle-Vilvoorde), Leuven and Walloon Brabant
- Ghent → West Flanders and East Flanders
- Liège → Liège, Eupen, Namur and Luxembourg
- Mons → Hainaut

Federal Prosecutor's Office

- In 2024, four new criminal cases were registered by the Federal Public Prosecutor's Office, continuing a downward trend observed since 2022.
- In 2023, three out of four criminal cases were related to sexual exploitation.

Antwerp jurisdiction

- In 2024, 90 new criminal cases related to trafficking in human beings were recorded. This is a similar figure to 2023.
- Nearly 8 out of 10 new criminal cases are related to sexual exploitation (71). In just under one in five cases, the victims were minors (14).

Ghent jurisdiction

- The total number of new criminal cases related to trafficking in human beings in 2024 was 62, which represents a slight decrease compared to the previous three years and the second lowest figure in the last 10 years.
- Just over 7 out of 10 new criminal cases were related to sexual exploitation (44). Less than 1 in 10 involved minor victims (4).

Brussels jurisdiction

- In 2024, 108 new criminal cases related to trafficking in human beings were registered. The Brussels and Antwerp jurisdictions had the highest number of new criminal cases opened in 2024.
- The slight upward trend observed since 2018 is stabilising.
- Just over 7 out of 10 new criminal cases were related to sexual exploitation (78). In just over a third of cases, the offences involved minor victims (25).

Liège jurisdiction

- The number of new criminal cases related to trafficking in human beings in 2024 (60) is comparable to that of 2023.
- Just over 4 out of 10 cases (25) involved economic exploitation.

Mons jurisdiction

- In 2024, 31 new criminal cases related to trafficking in human beings were recorded, the second highest figure in the last decade.
- Two out of three criminal cases were related to sexual exploitation (21).

List of offences

- Sexual exploitation — 37L
  Art. 433*quinquies* § 1, 1° of the Criminal Code.
- Economic exploitation — 55D
  Art. 433*quinquies* § 1, 3° of the Criminal Code.
- Exploitation of begging — 29E
  Art. 433*quinquies* § 1, 2° of the Criminal Code.
- Forced criminality — 55F
  Art. 433*quinquies* § 1, 5° of the Criminal Code.
- Trafficking in organs — 55E
  Art. 433*quinquies* § 1, 4° of the Criminal Code.

Mandates of the Federal Public Prosecutor's Office

The mandate of the federal prosecutor includes:

- Prosecuting a comprehensive list of offences referred to in Article 144ter of the Judicial Code, provided that the intervention of the federal public prosecutor's office adds value. This includes, amongst other things, the offences of organised human smuggling and human trafficking;
- coordinating public action when related charges are brought before several public prosecutors or several investigating judges.

Source: Database of the College of Prosecutors General

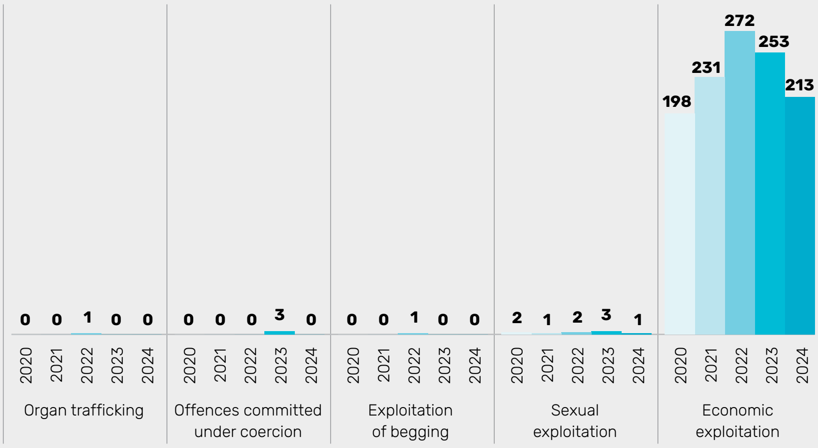
Source: Database of the College of Prosecutors General

1.4. Cases referred to labour prosecutor's office for trafficking in human beings

In 2024:

- Labour prosecutor's offices received 214 criminal cases related to trafficking in human beings, 20% slightly less compared to 2023 (259).
- Given the specific remit of the labour prosecutor's office, these cases relate exclusively to economic exploitation, with the exception of one new criminal case opened for sexual exploitation.

Number of criminal cases related to trafficking in human beings received by labour prosecutors' offices by type of exploitation and by year



Labour prosecutor's office	New criminal cases of economic exploitation in 2024
Brussels	49
Liège	43
Ghent	39
Antwerp	33
Hainaut	18
Halle-Vilvoorde	13
Walloon Brabant	10
Leuven	7
Eupen	1
Total	**213**

With regard specifically to cases of economic exploitation:

- The cases were mainly registered by the labour prosecutor's offices in Brussels (23%), Liège (20%), Ghent (18%) and Antwerp (15%).
- The labour prosecutor's offices in Leuven and Eupen recorded the lowest number of criminal cases received, with 7 and 1 case(s) respectively.

67% of criminal cases received in 2024 were still at the judicial investigation stage on 4 January 2025

Of the 214 criminal cases received by the labour prosecutor's offices in 2024, 24 were dealt with without criminal prosecution as of 4 January 2025. In 89% of cases, no criminal proceedings were brought for technical reasons, including lack of evidence (17), absence of punishable charges (4) or unknown identity of the perpetrator(s) (3).

As of 4 January 2025, 144 of the 214 cases (approximately 67%) were still at the judicial investigation stage.

Methodological notes

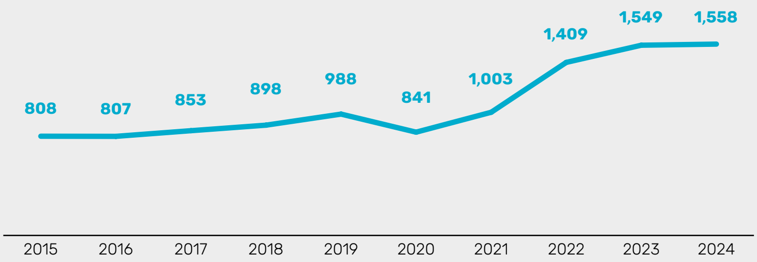
- This data was extracted from the database of the College of Prosecutors General as at 4 January 2025.
- It relates to the number of criminal cases entered into the labour prosecutor's offices and is limited to offences committed by adults.
- This data is available from 2019 onwards.
- There is a risk of double counting cases transferred to another district for decision or when they are transferred to a different division of the same judicial district.
- A single case may involve one or more defendants.
- In the 2024 annual report, three organ trafficking cases were incorrectly reported in 2023. However, these three cases concerned offences committed under coercion. This error has been corrected in the graph above.

Source: Database of the College of Prosecutors General, analysts

1.5. Reports to specialised centres

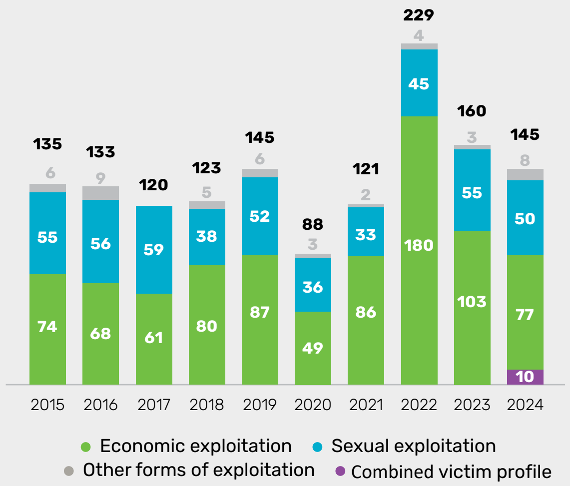
After declining in 2020, the year of the Coronavirus pandemic, the **annual number of reports** to specialised centres rose sharply between 2021 and 2023. This increase appears to have stabilised in 2024, with the number of reports received in 2024 (1,558) similar to that received in 2023 (1,549).

Number of reports of suspected victims of trafficking in and/or smuggling of human beings



1.6. New support trajectories for victims of trafficking in human beings initiated by specialised centres

Number of support cases initiated for victims of trafficking in human beings broken down by year and by type of exploitation



Support is provided as soon as the first phase (reflection period) begins, i.e. when an Annex 15 is issued.

See the section "Documents issued by the Immigration Office" for more information.

The data on new support cases does not allow a reflection on the full extent of the work carried out by the specialised centres.

The support can last for several years, but how long it lasts is not addressed here as an indicator. However, the Immigration Office's figures on the renewal of documents in the context of trafficking in human beings procedures can serve as an indicator in this regard.

In 2024:

- **Support was started up for 145 victims of trafficking in human beings. Ten of them** had a **combined victim profile**, meaning that the person concerned had been a victim of:
  - economic exploitation and sexual exploitation (5);
  - economic exploitation and forced criminality (1);
  - sexual exploitation and forced criminality (1);
  - economic exploitation and aggravated smuggling in human beings (2);
  - sexual exploitation and aggravated smuggling in human beings (1).
- If we consider victims without a combined victim profile (135), we see that:
  - **77 people are victims of economic exploitation.** This group is made up of people of 28 different nationalities. Morocco is the most represented nationality within this group, with 24 victims.
  - **50 people are victims of sexual exploitation.** This group is made up of people of 14 different nationalities. Those receiving support include nationals of Belgium (14), Brazil (11) and Colombia (8).
  - **Six people are victims of forced criminality.**
  - At the time the data was extracted (March 2025), the type of exploitation suffered by one person receiving support was not yet clearly identified. In addition, a young girl has been supported by Sürya since 2024, together with her mother. Unlike her mother, the girl was not a victim of trafficking. This shows the extent to which the victim's condition also has an impact on those around them. These two individuals were included in the graph under the group "other forms of exploitation".

Source: Payoke, PAG-ASA and Sürya via MyEldo

1.7. New support trajectories for victims of trafficking in human beings initiated in 2024 by type of exploitation, gender, age and nationality.

Nationality	Economic exploitation				Sexual exploitation				Forced criminality				Total
	Women		Men		Women		Men		Women		Men		
	<18	≥18	<18	≥18	<18	≥18	<18	≥18	<18	≥18	<18	≥18	
Morocco		4		22		1		1				1	29
Belgium	2			2	8	7			3		1		23
Brazil		1		2		11							14
Colombia				2		8		1					11
Afghanistan				6			1					1	8
Romania		2		1		4							7
Ivory Coast		1		4									5
China		1		1		3							5
Peru		2				2				1			5
India				4									4
Algeria		2		2									4
Nigeria				1		2							3
Turkey				3									3
Tunisia		1		1							1		3
Serbia				2									2
Spain				2									2
Cameroon		1		1									2
Ukraine				2									2
Philippines		1											1
Senegal		1											1
El Salvador				1									1
Kyrgyzstan				1									1
France						1							1
Ghana				1									1
Poland				1									1
Guinea				1									1
Russia						1							1
Dominican Republic								1					1
Vietnam	1												1
Pakistan				1									1
Paraguay						1							1
Venezuela						1							1
Eritrea				1									1
Netherlands						1							1
Mozambique		1											1
Mexico						1							1
Total	3	18	0	65	8	44	1	3	3	1	2	2	150

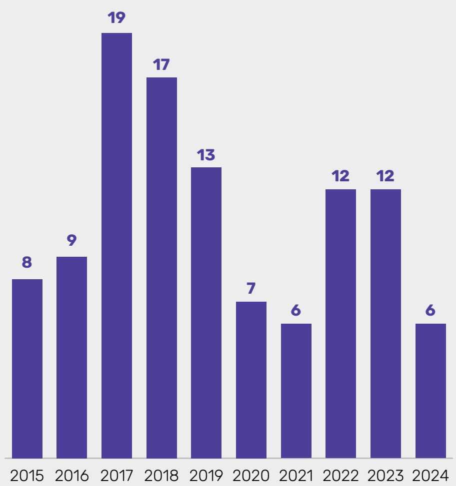
Methodological notes

As mentioned on the previous page, several forms of exploitation were observed among different victims: five people were victims of economic and sexual exploitation; one person was a victim of both economic exploitation and forced criminality; and one person was a victim of sexual exploitation and forced criminality. Furthermore, for one individual, the type of exploitation was not yet known when the data was extracted, which is why this person could not be included in this table. The minor who was taken into care by one of the centres because her mother was a victim of exploitation, despite not being a victim herself, was also not counted. **Given the combined victim profiles and the exclusion of these two individuals, the total shown in the table above (150) is higher than the number of unique individuals (143) to which the table refers.**

Source: Payoke, PAG-ASA and Sürya via MyEldo

1.8. New admissions at Esperanto of (presumed) minor victims of trafficking in human beings

Number of (presumed) minor victims of trafficking in human beings taken in per year



- Between **2015 and 2024**, Esperanto took in **109 (presumed) victims of trafficking in human beings.**
  - One victim had just reached adulthood when she was taken in;
  - Two people were victims of both trafficking in human beings (forced criminality) and aggravated forms of smuggling of human beings.
  - Between 2018 and 2024, 8 of the 73 young people taken in at that time initiated **special proceedings for victims of trafficking in human beings and aggravated forms of smuggling of human beings**. The 8 young people for whom the procedure was initiated were all taken in between 2018 and 2020. As a result, they are also included in the data from the specialised centres. Since 2020, no young victims of trafficking in human beings have initiated proceedings under the special procedure for victims of trafficking in human beings and aggravated smuggling of human beings.
- In **2024**, **6** victims of trafficking in human beings were taken in. These were:
  - **5 girls and 1 boy**;
  - 2 victims of **sexual exploitation**, 2 victims of **economic exploitation** and 2 victims of **forced criminality**.

Number of (presumed) minor victims of trafficking in human beings taken in in 2015-2024 by type of exploitation, gender and nationality

Nationality	Forced criminality		Sexual exploitation		Economic exploitation		Exploitation of begging		Forced Criminality		Exploitation of begging and economic exploitation		Total
	F	M	F	M	F	M	F	M	F	M	F	M	
Serbia	12	5	1		4	1	2						25
Belgium			16										16
Romania	4		4		1		2	3			1		15
Morocco		1	4		1	3							9
Vietnam					4	4							8
Bosnia and Herzegovina	4								1				5
France	4		1										5
Croatia	3	1											4
Nigeria			3	1									4
Bulgaria	1		1		1								3
DR Congo			1		1								2
Italy	2												2
Macedonia					1								1
Ukraine					1								1
Sierra Leone			1										1
Tunisia		1											1
Germany			1										1
China						1							1
Algeria									1				1
Guinea			1										1
Egypt		1											1
Hungary			1										1
Kosovo					1								1
Total	30	9	35	1	15	9	4	3	2	0	1	0	109

Source: Esperanto

Based on the table above, which breaks down victims by gender, nationality and type of exploitation, we can see that **Serbian (25), Belgian (16) and Romanian (15) nationalities** were the most represented among the victims of trafficking in human beings taken in by Esperanto over the last ten years (2015-2024).

The following profiles can be identified among the victims taken in by Esperanto:

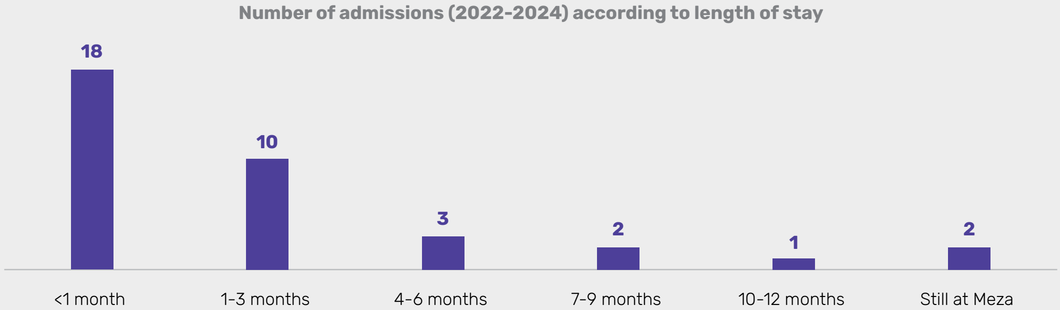
- **Young people (35) belonging to the Roma community** of Serbian (17), Bosnian (5), Romanian (4), Croatian (4), French (4) and Bulgarian (1) nationality and **forced to commit criminal acts.** The average age of this group is approximately thirteen and a half years old. Between 2015 and 2024, young people matching this profile were taken in by Esperanto every year, except in 2016 and during the years 2021-2022.
- **Belgian girls** who were victims of **sexual exploitation** via the *loverboy* method (16). The average age of this group is around 15. The vast majority (15) of these victims were taken into care by Esperanto over the last six years (2019-2024).
- **Girls belonging to the Roma community who are economically exploited in a domestic context** (10). The average age of this group is 15.
- **Young people belonging to the Roma community** (5 girls, 3 boys) and **forced into begging** (8). The average age of this group is approximately fourteen and a half.
- **Young Vietnamese** victims of **economic exploitation** (8). The majority of them (6) were taken in by Esperanto between 2018 and 2019. The average age of these young people is around sixteen and a half.
- **Girls from south-eastern Europe** (Romania, Serbia, Bulgaria and Hungary) **exploited in prostitution (7).** The average age of these girls is 15.
- **Nigerian girls** (4) who are victims of **sexual exploitation.** The average age of this group is sixteen. Since 2017, this profile no longer appears among the minors taken in by Esperanto.
- **Young people of Moroccan nationality** (9) who are victims of **economic exploitation** (4), **forced criminality** (1) and **sexual exploitation** (4).

For a more in-depth analysis of these and other figures from Esperanto, see also the Myria report published in March 2026 on underaged victims, which is available in Dutch ("Minderjarige slachtoffers van mensenhandel en/of -smokkel met verzwarende omstandigheden: Een exploratieve mapping en analyse van cijfergegevens uit België") and French ("Mineurs victimes de traite et/ou de trafic aggravé d'êtres humains : Cartographie et analyse exploratoire des données chiffrées existantes en Belgique"). Data on minors from a range of other actors, such as the Guardianship Service, the General Commission for Refugees and Stateless Persons, Fedasil, Child Focus, the General Administration of Youth Assistance, Payoke, PAG-ASA and Sürya, are also examined and analysed.

1.9. New admissions at Meza of (presumed) minor victims of trafficking in human beings

- Between **2022 and 2024**, Meza took in **32 (presumed) victims of trafficking in human beings.**
  - A total of 36 admissions took place involving 32 individuals. One young girl was taken in twice by Meza in 2023 and another was taken in four times in total by Meza: three times in 2023 and once in 2024. This explains why the total in the bar chart is 33, as the same girl is counted in the number of people taken in in 2023 and 2024.
  - Two victims had just reached adulthood at the time they were admitted (18 and 19 years old).
  - Nine victims entered the **special procedure for victims of trafficking and aggravated forms of smuggling of human beings.** As a result, they are also included in the figures for specialised centres.

- In **2024**, **13** new cases were recorded. The victims taken in were:
  - **12 girls and 1 boy**;
  - Two of them were young adults (aged 18 and 21);
  - Five people were victims of **sexual exploitation**; Four others were victims of **forced criminality** and four others had a **combined victim profile:** two were victims of both sexual and economic exploitation, one was a victim of both sexual exploitation and forced criminality, and one was a victim of both forced criminality and aggravated forms of smuggling in human beings.



Half (18) of the stays lasted less than one month. Twelve of them lasted less than a week, including six that lasted only one day. Ten cases resulted in a stay of one to three months. Seven cases resulted in a stay of four to nine months, and only one girl stayed longer (just under a year) at Meza. At the time the data was received (February 2025), two young people who had been taken in at the end of July 2024 were still staying at Meza.

The short length of stay may also be linked to the challenge of **disappearances** or **runaways** occur at Meza has to deal with. A total of 14 of the 36 cases ended with the person **running away**. In ten cases, the young people stayed at Meza for less than a month, while in the other four cases, they stayed for between one and three months.

It is primarily **young people from south-eastern Europe** (8) who disappear.

Source: Meza (Minor-Ndako)

New admissions at Meza of (presumed) minor victims of trafficking in human beings

Based on the table below, in which victims have been classified by gender, nationality and type of exploitation, we can see that **Belgian (6), Romanian (5), Serbian (3) and Bosnian (3) nationals** were the most represented among the victims of trafficking in human beings taken into care by Meza between 2022 and 2024.

Nationality	Sexual exploitation		Forced criminality		Economic and sexual exploitation		Sexual exploitation and forced criminality		Smuggling of human beings and forced criminality		**Total**
	F	M	F	M	F	M	F	M	F	M	
Belgium	3		1	1			1				6
Romania	4				1						5
Serbia			3								3
Bosnia and Herzegovina			3								3
Croatia			2								2
Afghanistan										1	1
Poland					1						1
Tunisia	1										1
Algeria	1										1
Cameroon	1										1
North Macedonia	1										1
Benin	1										1
Portugal	1										1
Malta	1										1
Brazil	1										1
Mexico	1										1
Bulgaria	1										1
Niger	1										1
Total	18	0	9	1	2	0	1	0	0	1	32

- **Girls from south-eastern Europe** (Romania, Bulgaria, Macedonia) **exploited in prostitution** (7). The average age of this group is around 16.
- **Girls of Belgian nationality**, victims of **sexual exploitation** through the so-called the *loverboy* method (4). The average age of this group is around 16.
- **Young people from south-eastern Europe** (10) of Serbian (3), Bosnian (3), Croatian (2) and Belgian (2) nationality **exploited in forced criminality.** The average age of this group is around thirteen.

For a more in-depth analysis of the above figures and other figures from Esperanto, see also the Myria report published in March 2026 on underaged victims, which is available in Dutch ("Minderjarige slachtoffers van mensenhandel en/of -smokkel met verzwarende omstandigheden: Een explorative mapping en analyse van cijfergegevens uit België") and French ("Mineurs victimes de traite et/ou de trafic aggravé d'êtres humains : Cartographie et analyse exploratoire des données chiffrées existantes en Belgique"). Data on minors from a range of other actors, such as the Guardianship Service, the General Commission for Refugees and Stateless Persons, Fedasil, Child Focus, the General Administration of Youth Assistance, Payoke, PAG-ASA and Sürya, are also examined and analysed.

Source: Meza

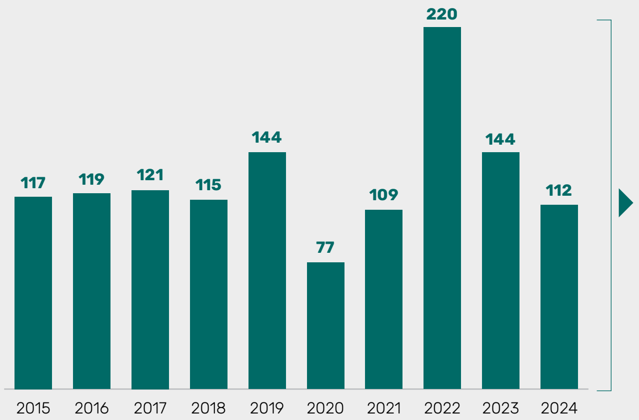
1.10. Victims of trafficking in human beings entering the procedure (IO)

In Belgium, victims of trafficking in human beings who agree to cooperate with the judicial authorities may be granted a specific residence status (Articles 61/2 to 61/5 of the Law on foreign nationals).

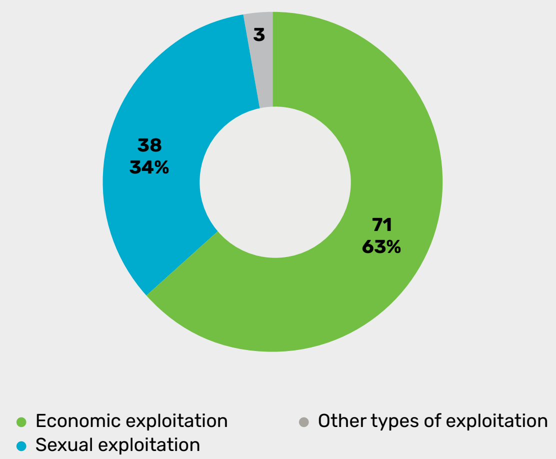
This is subject to three fundamental conditions, namely that the victim:

- cooperates with the criminal investigation into human trafficking;
- breaks off all contact with the exploiter;
- agrees to be supported by one of the specialised centres.

Number of victims of trafficking in human beings entering the procedure per year



Number of victims of trafficking in human beings entering the procedure in 2024, by type of exploitation



After peaking in 2022, the number of trafficking victims entering the procedure in 2024 fell back to a level comparable to the totals reported during the period 2015-2019.

In 2024:

- 112 victims of trafficking in human beings entered the procedure.
- The decrease compared to 2023 is mainly due to a reduction in the number of victims of economic exploitation who entered the procedure (71 in 2024 compared to 106 in 2023).
- The number of victims of sexual exploitation entering the procedure in 2024 (38) is similar to that in 2023 (37).
- According to IO data, no victims of forced criminality entered the procedure in 2024.
- For two other persons, the sector of exploitation had not yet been determined at the time of the initial application.

Note: The Immigration Office does not wish to disclose certain information in order to prevent the identification of the persons involved.

Source: IO

Among the 71 victims of trafficking in human beings for economic exploitation in 2024:

- Just over 70% are men (51). The remaining 20 victims are women.
- The most common nationalities among new applications in the economic exploitation category are Moroccans (22), Afghans (6), Ivorians (6) and Indians (6).

Among the 38 victims of trafficking in human beings for sexual exploitation in 2024:

- The victims are mainly female (36, or 95%), but there are also two male victims.
- In terms of nationality, a significant group is made up of Brazilians (10), Colombians (8), Romanians (3) and Nigerians (3).

Number of victims of trafficking in human beings entering the procedure by age, gender, type of exploitation, and by year

		0-17	18-25	26-30	≥ 31 years old	Total	Men	Women
Sexual exploitation	2021	1	6	7	12	26	2	24
	2022	3	13	11	10	37	6	31
	2023	3	11	9	14	37	3	34
	2024	1	13	10	14	38	2	36
Economic exploitation	2021	5	9	14	52	80	62	18
	2022	4	9	20	145	178	168	10
	2023	10	13	12	71	106	83	23
	2024	4	11	7	49	71	51	20
Exploitation of begging	2021	0	1	0	0	1	0	1
	2022	0	0	0	0	0	0	0
	2023	0	0	0	0	0	0	0
	2024	0	0	0	0	0	0	0
Forced criminality	2021	0	0	0	0	0	0	0
	2022	0	0	0	1	1	1	0
	2023	0	0	0	0	0	0	0
	2024	0	1	0	0	1	1	0
Other types of exploitation	2021	1	0	0	1	2	2	0
	2022	3	1	0	0	4	3	1
	2023	0	1	0	0	1	1	0
	2024	1	0	1	0	2	2	0
Total	2021	7	16	21	65	109	66	43
	2022	10	23	31	156	220	178	42
	2023	13	25	21	85	144	87	57
	2024	6	25	18	63	112	56	56

Source: IO

1.11. Documents issued by the Immigration Office to victims of trafficking and smuggling of human beings

		2015	2016	2017	2018	2019	2020	2021	2022	2023	2024
OLT (Order to leave the territory) 45 days		17	10	3	0	0	0	0	0	0	0
Annex 15		0	0	20	44	43	16	42	49	27	24
Immatriculation certificate (IC)		114	116	112	113	136	80	98	204	119	103
Renewal of IC		22	26	31	19	16	7	6	4	3	3
Trafficking in human beings / Smuggling of human beings	A-Card	90	84	97	91	108	78	62	140	129	87
	Renewal of A-card	425	413	383	348	370	384	398	395	583	633
	B-Card	36	49	50	61	42	29	25	35	38	30
Humanitarian	A-Card	6	2	0	3	3	5	0	1	11	11
	Renewal of A-card	29	20	29	20	26	34	40	49	37	44
	B-Card	36	22	23	18	26	13	22	14	28	25
Total		775	742	748	717	770	646	693	891	975	960

In 2024:

- The Immigration Office made 960 positive decisions to issue or renew residence permits. These decisions concern new victims from 2024 onwards, but also those from previous years who are in the process of having their victim status recognised and for whom one or more decisions have been taken previously.
- The total number of documents issued is similar to that of 2023, resulting on the one hand from a decrease (129 in 2023 compared to 87 in 2024, i.e. -32.6%) in the number of A cards issued compared to 2023 and on the other hand from an increase (583 in 2023 compared to 633 in 2024, i.e. +8.6%) in the number of A cards renewed. A cards (renewed) were issued mainly to persons of Moroccan (23), Brazilian (11), Nigerian (7), Ivorian (6) and Chinese (5) nationality.

Annex 15
When the victim arrives at one of the specialised centres, these residence papers are requested by the centre. Annex 15 is valid for 45 days and covers the so-called reflection period. During this period, the victim has time to decide whether to cooperate with the criminal investigation or to abandon the proceedings. If the victim files a complaint directly or makes statements against the perpetrators, this document is not required, but an Immatriculation certificate (IC) is.
Since 21 May 2017, Annex 15 has replaced the order to leave the territory (OLT) – 45 days. If the type of document is changed, the legal basis and conditions for obtaining it remain unchanged.

Immatriculation certificate
If the victim decides to cooperate with the criminal investigation (make statements and/or file a complaint), the centre requests an immatriculation certificate.
This is valid for a period of three months and may be extended once for a further three months, provided that the case is still pending before the public prosecutor's office.

A-Card
This residence permit is valid for six months and is issued under various conditions, including that the magistrate accepts the victim's status. It can be renewed for the same period as long as the court proceedings are ongoing.

B-Card
A residence permit for an indefinite period is granted if the victim's statements or complaint have led to a conviction or if the charges of trafficking or aggravated smuggling have been upheld in the indictment by the public prosecutor's office or the labour prosecutor's office.

Humanitarian regularisation
The Minister or their representative may decide to regularise a victim's stay at their discretion.

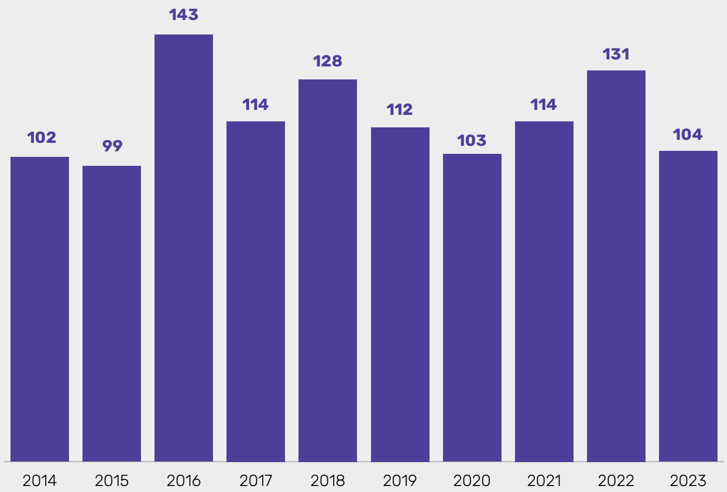
Source: IO

1.12. Final convictions for trafficking in human beings

In 2023, 104 final convictions were handed down for trafficking in human beings, one of the lowest figures for the period under review.

The type of trafficking in human beings for which the convicted person(s) were tried was mentioned in 81% of convictions (84). These were mainly sexual exploitation (58) and economic exploitation (24). In one case, the conviction related to the exploitation of begging and in another to the exploitation of forced criminality.

Number of final convictions for trafficking in human beings per year



Note: On 15 April 2025, when submitting the data for 2023, the Criminal Policy Service (CPS) informed Myria that the data previously submitted for 2022 needed to be corrected. Based on the updated data in the database, the SPC found that a total of 131 convictions for trafficking in human beings had been recorded in 2022, not the total of 123 convictions previously reported.

Number of sentences by type of sentence and by year

Principal sentences and ancillary sentences	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
Imprisonment	**93**	**94**	**128**	**93**	**120**	**100**	**97**	**104**	**107**	**88**
Unsuspended	37	41	40	44	63	43	42	46	59	32
Suspended (partial or full)	56	53	88	49	57	57	55	58	48	56
Fine	**99**	**82**	**132**	**109**	**126**	**103**	**97**	**105**	**111**	**94**
Unsuspended	62	49	73	58	83	51	54	48	73	53
Suspended (partial or full)	37	33	59	51	43	52	43	57	38	41
Confiscation	**58**	**53**	**64**	**39**	**67**	**58**	**38**	**57**	**65**	**54**
Stripped of rights (Art. 31 of the Criminal Code)	**73**	**53**	**115**	**71**	**102**	**85**	**77**	**94**	**91**	**74**
Community service	**3**	**1**	**6**	**2**	**1**	**4**	**0**	**5**	**4**	**6**
Other	**3**	**3**	**4**	**7**	**19**	**14**	**12**	**12**	**10**	**14**
Total	**329**	**286**	**449**	**321**	**435**	**364**	**321**	**377**	**388**	**330**

330 sentences were handed down in 2023.

Since a conviction may result in multiple penalties (e.g. fine, prison sentence, etc.), the total number of penalties is higher than the total number of convictions.

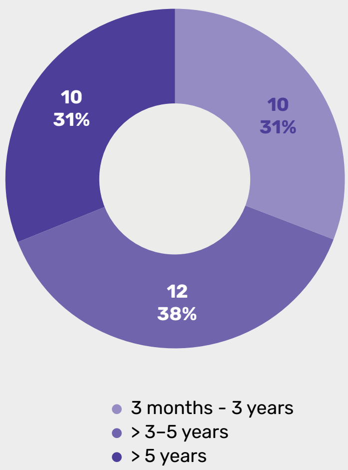
In 90% of convictions, a fine was imposed as the penalty. Almost half (41, or 44%) of the fines imposed were fully or partly suspended.

In 85% of convictions, a prison sentence was handed down. Most (56, or 88%) of the prison sentences imposed were fully or partly suspended.

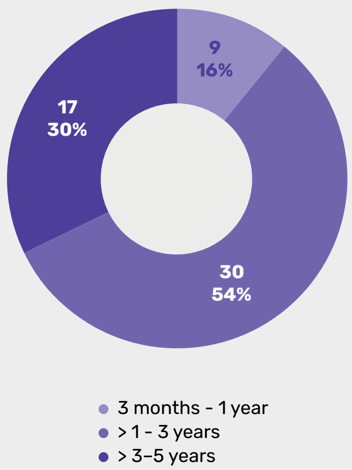
In 71% of convictions, the convicted person had their civil rights stripped. Of the 104 convictions, 54 (or 52%) were accompanied by an order for confiscation. Other types of sentences are only handed down sporadically.

Source: Criminal Policy Service, Federal Public Service Justice

Number of prison sentences handed down in 2023 unsuspended, depending on the duration



Number of prison sentences handed down in 2023 with full or partial suspension depending on the duration



With regard to the duration of unsuspended prison sentences:

- Most (12, or 38%) prison sentences are for 3 to 5 years (or more).
- A prison sentence of between 3 months and 3 years was handed down in 10 cases (31%).
- Prison sentences of more than 5 years were handed down in 10 cases (31%).

With regard to the duration of total or partial suspended prison sentences:

- Most (30, or 54%) prison sentences are for 1 to 3 years (or more).
- Prison sentences of between 3 and 5 years (or more) were handed down in 17 cases (30%).
- A prison sentence of between 3 months and 1 year was handed down in 9 cases (16%).

Methodological notes

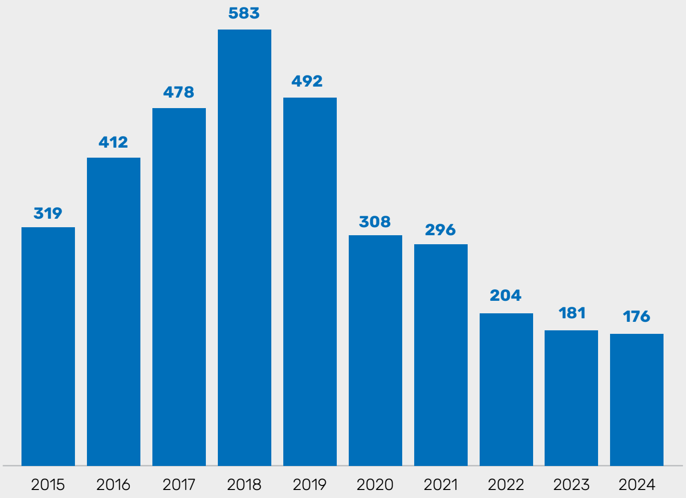
- These figures relate to the number of final convictions, which can therefore no longer be appealed.
- As the type of offence is not known for each conviction, the convictions are presented in aggregate form.
- Various cases have been entered into the database several months late, which explains why the data from 2024 is not yet available.
- These figures reflect the situation as recorded on 13 February 2025.
- As was the case last year, the Criminal Policy Service identified various discrepancies in the criminal records when the requested data was collected. At the time the data was extracted, it was not possible to ascertain the extent of these reliability issues. If the database allows, these discrepancies must be corrected prospectively. The reported data should therefore be interpreted with suitable caution.

Source: Criminal Policy Service, Federal Public Service Justice

2. Smuggling of human beings

2.1. Offences related to smuggling of human beings (police data)

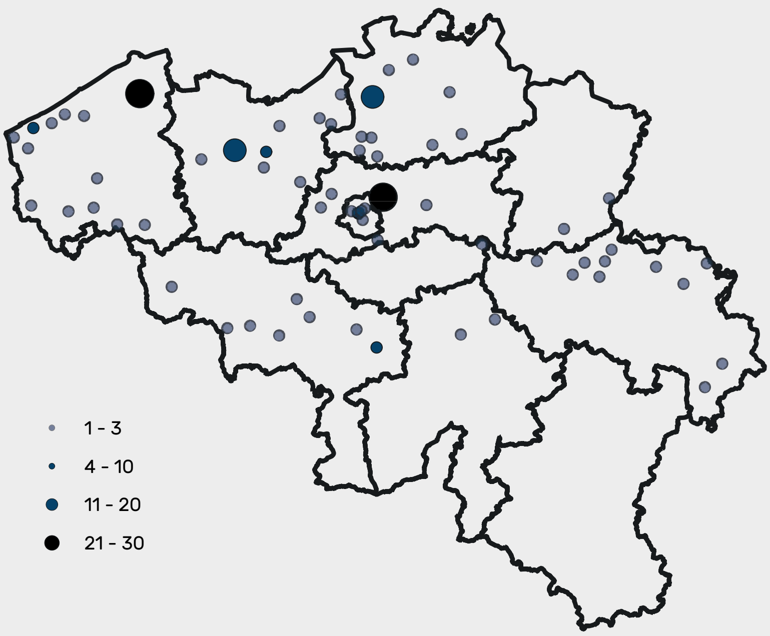
Recorded offences relating to smuggling of human beings per year



In 2024, 176 cases of smuggling of human beings were detected by the police.

- Three out of four cases were recorded in the Flemish Region, particularly in the provinces of West Flanders, East Flanders and Flemish Brabant. These offences were recorded mainly in provincial capitals such as Bruges (29), Antwerp (13) and Ghent (12). 25 offences were recorded at Zaventem Airport.
- In the Walloon Region and the Brussels-Capital Region, 34 (19%) and 11 (6%) incidents were recorded respectively.

Recorded offences relating to smuggling of human beings per year



Provinces and the Brussels-Capital Region	Number of offences
West Flanders	49
Flemish Brabant	29
East Flanders	28
Antwerp	23
Liège	16
Hainaut	14
Brussels-Capital Region	11
Namur	3
Limburg	2
Walloon Brabant	1
Luxembourg	0
Total	**176**

Source: National General Database, Police

2.2. Criminal cases referred to the public prosecutor's office for smuggling of human beings

Methodological notes

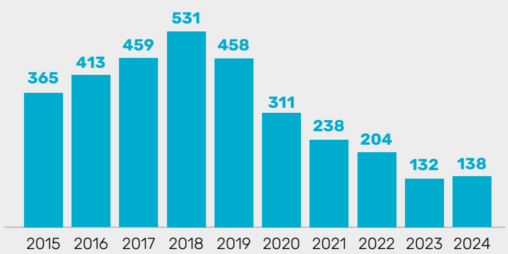
Since 2019, the Mons judicial district has recorded a significantly high number of criminal cases relating to smuggling of human beings. In 2024, nearly twice as many criminal cases were opened in the Mons judicial district (151) as in the Ghent judicial district (78), which covers the provinces of East and West Flanders. The small number of offences recorded by the police in the province of Hainaut makes this situation all the more remarkable.

Important information to put this trend into context:
- The public prosecutor's office may initiate new criminal proceedings on its own initiative. This may follow a report drawn up by the police, but also findings made by customs officials (for example, at Charleroi Airport).
- In recent years, nautical equipment intended for the crossing to the United Kingdom has been found with increasing frequency in the greater Tournai area.
- Specifically for the year 2024, many cases have originated at Charleroi Airport and relate to forged identity documents. At the time of finalising this annual report, the public prosecutor's office was still considering whether these cases can be classified as smuggling of human beings or whether they were wrongly recorded as such.

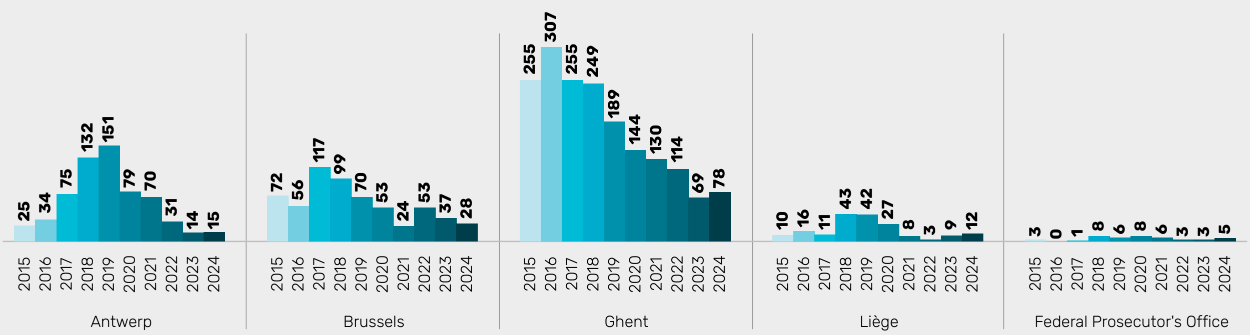
In order to be able to track any changes in the number of criminal cases relating to smuggling of human beings handled by public prosecutors' offices over time, criminal cases falling within the jurisdiction of Mons have been excluded from the analyses below as a precautionary measure.

In 2024:
- 138 criminal cases relating to smuggling of human beings were referred to the public prosecutor's offices, a figure comparable to that of the previous year, marking a break from the downward trend observed since 2019.
- For the sake of completeness, it should be noted that the public prosecutor's offices in Brussels and Liège both opened one criminal case into smuggling of human beings in 2024.

Number of criminal cases filed with criminal courts, per year



Number of criminal cases received by criminal courts, by year and by judicial district



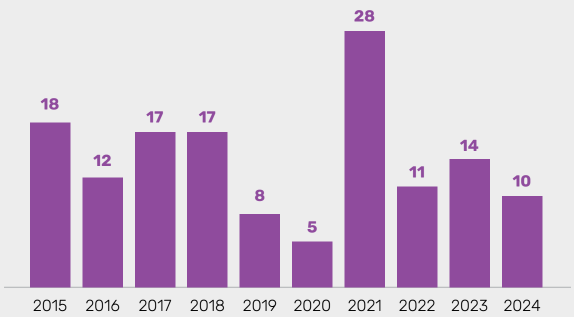
Smuggling of human beings:
- Sections 77*bis*, 77*ter*, 77*quater* and 77*quinquies* of the Law on Foreign Nationals;
- Code 55G.

Jurisdiction: the geographical scope of a court's jurisdiction. Belgium is divided into five main judicial districts, each with its own court of appeal. Each court of appeal has jurisdiction over several judicial districts.
- Antwerp → Antwerp and Limburg
- Brussels → Brussels (Brussels and Halle-Vilvoorde), Leuven and Walloon Brabant
- Ghent → West Flanders and East Flanders
- Liège → Liège, Eupen, Namur and Luxembourg
- Mons → Hainaut

Source: Database of the College of Prosecutors General

2.3. New support trajectories for victims of smuggling of human beings initiated by specialised centres

Number of support trajectories initiated for victims of smuggling of human beings per year



- In 2024, **10 victims of an aggravated form of smuggling of human beings were supported byone of the specialist centres.**
- **Three of them** were **victims of** a combined **form of abuse**, having also been victims of a form of trafficking in human beings. Consequently, these three cases were also included in the total of 145 new support programmes initiated for victims of trafficking in human beings. Given the overlap between the two phenomena, a support programme was therefore launched in 2024 for 152 people. More specifically, the three cases involved:
  - economic exploitation and aggravated forms of smuggling of human beings (2);
  - sexual exploitation and aggravated forms of smuggling of human beings (1).

In **2024, 10 victims of an aggravated form of smuggling of human beings** joined a support programme at one of the three specialized centres.

Number of new support trajectories provided to victims of smuggling of human beings in 2024, by gender, age and nationality

Nationality	Women		Men		Total
	<18	≥18	<18	≥18	
India		1	1	2	4
Afghanistan			2		2
Vietnam	1				1
Liberia				1	1
China				1	1
Kosovo	1				1
Total	**2**	**1**	**3**	**4**	**10**

- In **7 out of 10 cases, the individuals were men,** 4 of whom were adults.
- Of the **three female victims, two** were **minors**.
- **Four Indians and two Afghans** were among the victims.

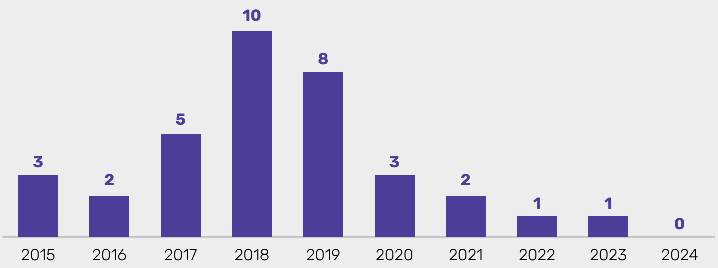
Methodological notes

- Some of the victims taken in by Esperanto and Meza were also receiving support from one of the specialized centres as part of the special procedure for victims of trafficking and aggravated forms of smuggling of human beings
- It was possible to identify data that overlapped between Esperanto and the three centres during the period 2018–2024. For the period 2015–2017, Myria does not have any individual information regarding whether or not the special procedure for victims of trafficking and aggravated smuggling of human beings was initiated. The overlap in Meza's figures has been identified for the entire period (2022–2024).
- The overlap between the figures for victims of trafficking and/or smuggling of human beings reported by Esperanto and specialist centres for the period 2018–2024 concerns 14 minors, of whom 8 were victims of trafficking and 6 of an aggravated form of smuggling of human beings.
- For the period 2022–2024, the overlap between Meza's data and that of specialized centres regarding victims of trafficking and/or smuggling of human beings concerns 11 individuals: 5 young adults (4 victims of trafficking in human beings and 1 victim of an aggravated form of smuggling of human beings) and 6 minors (5 victims of trafficking in human beings and 1 victim of an aggravated form of smuggling of human beings).
- For a more detailed analysis of double counting, please refer to the Myria report published in March 2026 on underaged victims, which is available in Dutch ("Minderjarige slachtoffers van mensenhandel en/of -smokkel met verzwarende omstandigheden: Een explorative mapping en analyse van cijfergegevens uit België") and French ("Mineurs victimes de traite et/ou de trafic aggravé d'êtres humains : Cartographie et analyse exploratoire des données chiffrées existantes en Belgique").

Source: Payoke, PAG-ASA, Sürya

2.4. New admissions at Esperanto of (presumed) minor victims of smuggling of human beings

Number of (presumed) minor victims of smuggling of human beings taken in by Esperanto per year



- In both 2017 and 2018, one victim fell into a mixed category, having been subjected to both trafficking in human beings (involving coercion) and an aggravated form of smuggling of human beings.
- In **2024, no new** victims of smuggling of human beings were **taken in**.

Source: Esperanto

Number of (presumed) minor victims of smuggling of human beings taken into care between 2015 and 2024, by type of exploitation, gender and nationality

Nationality	Smuggling of human beings		Forced criminality and smuggling of human beings		Total
	F	M	F	M	
Vietnam	7	8			15
Iraq	3	3			6
Afghanistan	1	2			3
Cameroon	1	1			2
Bosnia Herzegovina			1		1
Syria		1			1
Albania	1				1
Eritrea	1				1
Palestine		1			1
Algeria			1		1
Somalia		1			1
Angola	1				1
Burundi	1				1
Total	16	17	2	0	35

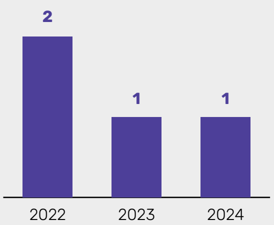
The table on the left identifies the following profiles among the (presumed) minor victims of aggravated forms of smuggling of human beings:

- **The Vietnamese victims**, most of whom (11) were taken in by Esperanto between 2018 and 2019. The average age of this group when they were first taken in was approximately 16 years old. Six victims started a special procedure for victims of aggravated smuggling of human beings.
- **The Iraqi victims**, all of whom were taken in by Esperanto between 2017 and 2019. The average age of this group when they were first taken in was approximately 9 years old.
- **The Afghan victims**, all of whom were taken in by Esperanto between 2015 and 2018. The average age of this group when they were first taken in was approximately 12 years old.

The timeline relating to the reception of the above-mentioned groups partly explains the upward and then downward trend observed in the number of new cases of individuals being taken in during the period 2016–2020.

2.5. New admissions at Meza of (presumed) minor victims of smuggling of human beings

Number of (presumed) minor victims of smuggling of human beings taken in each year



In total, **four** victims of smuggling of human beings were taken in **between 2022 and 2024**. These were:

- **3 boys and 1 girl;**
- One of them had a combined victim profile, having been a victim of both aggravated forms of smuggling of human beings and exploitation through forced criminality;
- The defendants were all **Afghan nationals**.
- In both 2022 and 2023, an adult victim (aged 18 in 2022 and 19 in 2023) was present when they were first taken in;
- In 2022, two victims initiated special protection proceedings for victims of aggravated forms of smuggling of human beings.

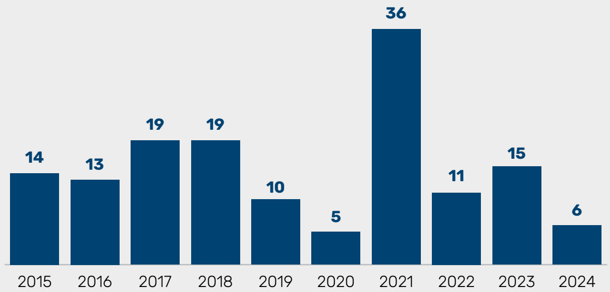
Source: Meza (Minor-Ndako)

2.6. Victims of aggravated forms of smuggling of human beings who started

Like victims of trafficking in human beings, victims of an aggravated form of smuggling of human beings may also claim victim status. These aggravated forms of smuggling of human beings are defined in Article 77*quater* 1 to 5 of the Law on Foreign Nationals of 15 December 1980 and apply if:

- the offence was committed against a minor;
- there was an abuse of the particularly vulnerable situation in which the person found themselves, leaving the victim with no real and acceptable alternative but to be abused;
- violence, coercion, threats or deception were involved;
- the victim's life was put at risk, either deliberately or through gross negligence;
- the offence has caused permanent physical or psychological harm.

Number of victims of aggravated forms of smuggling of human beings who started the procedure each year



In 2024, the IO received its first application for residence from **6 victims of aggravated forms of smuggling of human beings**. This is the second-lowest figure recorded over the last 10 years.

Among the victims were:

- 4 men and 2 women;
- 2 Afghans, 2 Indians and 2 victims of another nationality;
- 2 victims under the age of 18, 2 victims aged between 26 and 30, and 2 victims aged 31 or over.

Number of victims of aggravated forms of smuggling of human beings who started the procedure, by age, gender and year

	0-17	18-25	26-30	≥ 31	**Total**	Men	Women
2015	5	2	4	3	14	7	7
2016	2	6	1	4	13	8	5
2017	4	6	5	4	19	13	6
2018	8	5	4	2	19	12	7
2019	3	2	3	2	10	6	4
2020	0	3	1	1	5	2	3
2021	0	20	7	9	36	31	5
2022	5	3	1	2	11	9	2
2023	1	6	1	7	15	12	3
2024	2	0	2	2	6	4	2

Note: The Immigration Office does not wish to disclose certain information in order to avoid the persons involved being identified.

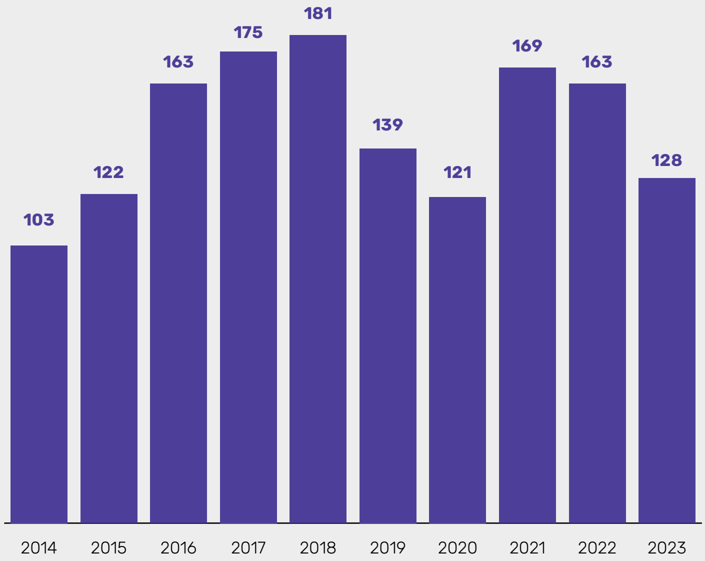
Source: IO

2.7. Final convictions for smuggling of human beings

In 2023, 128 final convictions were handed down for smuggling of human beings, a figure lower than that for the period 2021–2022, but similar to that for the period 2019–2020.

Since a conviction may result in multiple penalties (e.g. fine, prison sentence, etc.), the total number of penalties is higher than the total number of convictions.

Number of final convictions for smuggling of human beings per year



Number of sentences by type of sentence and by year

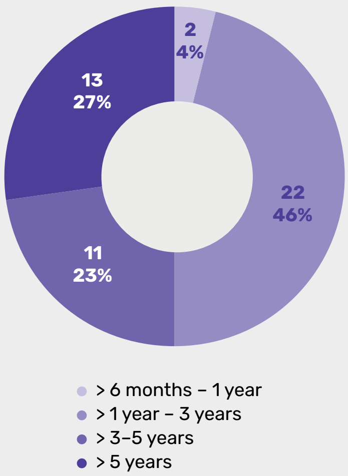
Principal sentences and ancillary sentences	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
Imprisonment	**100**	**120**	**154**	**174**	**176**	**128**	**118**	**161**	**154**	**111**
Unsuspended	59	60	56	123	113	85	71	87	72	48
Suspended (partial or full)	41	60	98	51	63	43	47	74	82	63
Fine	**100**	**117**	**158**	**172**	**177**	**132**	**120**	**164**	**159**	**115**
Unsuspended	69	57	71	102	110	87	56	88	78	47
Suspended (partial or full)	31	60	87	70	67	45	64	76	81	68
Confiscation	**55**	**76**	**76**	**101**	**110**	**88**	**77**	**111**	**127**	**76**
Stripped of rights (Art. 31 of the Criminal Code)	**75**	**89**	**120**	**130**	**135**	**90**	**97**	**137**	**149**	**82**
Community service	**1**	**1**	**4**	**1**	**5**	**8**	**2**	**4**	**7**	**7**
Other	**0**	**0**	**1**	**0**	**4**	**8**	**2**	**5**	**2**	**10**
Total	**332**	**403**	**513**	**578**	**607**	**454**	**416**	**582**	**598**	**401**

401 sentences were handed down in 2023.

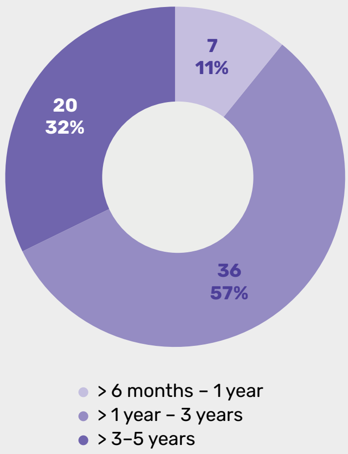
- 111 of these were prison sentences, 63 of which were suspended.
- 115 convictions resulted in a fine, 68 of which were suspended.
- In 82 cases, the convicted person had their civil rights stripped.
- Confiscation orders were issued in 76 cases.
- Other types of sentences are only handed down occasionally.

Source: Criminal Policy Service, Federal Public Service Justice

Number of prison sentences handed down in 2023 unsuspended according to duration



Number of prison sentences handed down in 2023 with total or partial suspension according to duration



With regard to the duration of unsuspended prison sentences:

- Most (22, or 46%) of the prison sentences were for 1 to 3 years.
- A prison sentence of more than five years was handed down in 13 cases (27%).
- A prison sentence of 3 to 5 years (or more) was handed down in 11 cases (23%).
- A prison sentence of between 6 months and 1 year (or longer) was handed down on 2 occasions (4%).

With regard to the duration of total or partial suspended prison sentences:

- Most (36, or 57%) of the prison sentences were for 1 to 3 years.
- A prison sentence of 3 to 5 years was handed down in 20 cases (32%).
- A prison sentence of between 6 months and 1 year was handed down in 7 cases (11%).

Methodological notes

- These figures relate to the number of final convictions, which can therefore no longer be appealed.
- Various cases have been entered into the database several months late, which explains why the data from 2024 is not yet available.
- These figures reflect the situation as recorded on 23 April 2025.
- As was the case last year, the Criminal Policy Service identified various discrepancies in the criminal records when the requested data was collected. At the time the data was extracted, it was not possible to ascertain the extent of these reliability issues. If the database allows, these discrepancies must be corrected prospectively. The reported data should therefore be interpreted with suitable caution.

Source: Criminal Policy Service, Federal Public Service Justice

External contribution

Explanation of statistical data relating to investigations conducted by ECOSOC teams from the NSSO inspection services in 2024 on trafficking in human beings

Stéphanie Schulze
NSSO inspection services – Thematic Directorate for Trafficking in Human Beings

Introduction

This contribution looks at the NSSO inspection services (Thematic Directorate for Trafficking in Human Beings and ECOSOC teams).

In addition to purely statistical data, this contribution aims to provide qualitative information on the investigations carried out by the ECOSOC teams of the NSSO inspection services in 2024.

The data included in this contribution comes from several sources:

1. The internal investigation management system, ARTEMIS, from which data relating to investigations closed in 2024 were extracted. In 2024, 217 investigations into trafficking in human beings (hereinafter referred to as THB) were completed, involving 96 presumed victims. Some investigations did not meet our definition of a THB investigation or were duplicates. As such, after verification, **189 closed THB investigations** were retained.

2. Analysis of the checklists drawn up by social inspectors in 2024 in accordance with Chapter VIII of the Joint Circular from the Minister of Justice, the Minister of Employment, the Minister of Security and the Interior, the Secretary of State for Combating Social Fraud and the College of Prosecutors General on the policy for investigating and prosecuting trafficking in human beings (COL 01/2015). The NSSO inspectors complete this checklist as soon as possible after the finding, provided that there are sufficiently precise indications that this is potentially a case of trafficking in human beings. In 2024, **121 checklists** were completed, meaning that the situation of 121 presumed victims was examined as part of our inspections. The difference with the 96 potential victims from the ARTEMIS investigation management programme is due to the fact that checklists are, in principle, completed as soon as there is sufficient evidence of economic exploitation, regardless of the stage of the investigation (at the time of opening, during the investigation or when it is concluded), whereas the figures from our ARTEMIS programme relate to investigations concluded in 2024 but started in 2024 or earlier. Therefore, the data relating to the checklists are the most representative of 2024.

A specific analysis report based on these checklists is sent annually by our Thematic Directorate to the Criminal Policy Service of the Federal Public Service Justice.

Another source of qualitative information is the exchange of information on investigations into trafficking of human beings set up with ECOSOC team leaders.

1. Statistics on police reports and criminal reports (ARTEMIS).[469]

ECOSOC investigations by the NSSO inspection services are processed in an investigation management tool called ARTEMIS. The statistics relating to **investigations closed in 2024** are therefore taken exclusively from this programme. This management tool is continually

469 These statistics are based on closed investigations.

evolving. Since inception, it has already been adapted several times to better meet our statistical needs.

During the course of 2024, as part of the **189 THB investigations processed**, the NSSO drafted **53 initial criminal reports and/or official records (OR), 27 supplementary criminal reports and 36 reports** on economic exploitation (Art. 433*quinquies* of the Criminal Code).

These reports involved **96 presumed victims**. In addition, following investigations carried out with other inspection or police services, the *Pro Justitia* or criminal report on THB may be drawn up by another service (usually the police); 11 reports or PJs were drawn up by other services in collaboration with the NSSO.

A supplementary criminal report is drawn up when the magistrate requests additional duties for a situation of exploitation that has already been reported through a *Pro Justitia* or an initial criminal report, provided that it concerns the same victim(s). This distinction between initial criminal reports and supplementary criminal reports avoids situations where the same situation of exploitation or the same presumed victim is counted multiple times in the results.

The "information report" result is used to highlight reports intended for the judicial authorities, either to report minor instances of economic exploitation (without a presumed victim, for example) or to transmit the results of research, collected information or data analysis when a THB investigation has not yet been started or is in its early stages.

It should also be noted that ECOSOC inspectors handle investigations other than investigations into trafficking in human beings. These are investigations relating to foreign labour and/or high-risk sectors. The "ECOSOC" theme therefore covers investigations relating to trafficking in human beings (economic exploitation), foreign labour and high-risk sectors. In total, **4,049 ECOSOC investigations were handled in 2024**, including 189 investigations into THB.

Results of investigations into THB

Provincial directorates	OR/CR drawn up by the NSSO	Supplementary criminal reports	Information reports	PJ/CR drawn up by another service[470]	Presumed victims
West Flanders	2	0	1	2	2
East Flanders	6	2	3	8	12
Antwerp	2	0	1	1	3
Limburg	2	0	1	0	7
Hainaut	3	2	6	0	3
Namur-Luxembourg	12	4	4	0	24
Liège	11	11	11	0	10
Flemish Brabant	7	2	2	0	22
Brussels	6	6	7	0	7
Walloon Brabant	2	0	0	0	6
Total	**53**	**27**	**36**	**11**	**96**

It should also be noted that in 2024:

- **96** presumed victims of THB were referred to the judicial authorities by the NSSO inspection services through criminal reports or official records
- The most represented nationalities are: Slovakia (17), Romania (12), Brazil (10), Morocco (9), China (8) and Belgium (8). It should also be noted that among these 96 presumed victims, 44 were EU nationals, including 8 Belgians. In terms of gender distribution, 13 of the presumed victims were women and 83 were men.
- The most represented sectors of activity were construction, hospitality and transport.
- The three provincial directorates with the highest number of presumed victims according to figures from investigations completed in 2024 are Namur-Luxembourg, Flemish Brabant and East Flanders.

470 As part of an investigation carried out in collaboration with the NSSO. It should be noted that when the OR or CR is drawn up by another service, we do not include the victims in our management programme.

2. Analysis of checklists

Introduction

Taking into account the provisions of COL 01/15, a checklist was completed **in 2024** as soon as there were **sufficiently reliable indications** of a potential situation of trafficking in human beings, either during the investigation or at the time it was closed.

A total of **121 checklists** were drawn up (one checklist per presumed victim; several checklists may therefore relate to the same employer/exploiter). They are broken down as follows:

Provincial directorates	Number of checklists drawn up
West Flanders	13
East Flanders	13
Antwerp	2
Limburg	7
Hainaut	5
Namur-Luxembourg	16
Liège	11
Flemish Brabant	29
Brussels	20
Walloon Brabant	5
Total	**121**

2.1. Geographical distribution by sector (2024)

	Namur-Luxembourg	Brussels	Liège	Hainaut	Limburg	Walloon Brabant	Flemish Brabant	Antwerp	East Flanders	West Flanders	Total
Agriculture/horticulture	0	0	1	0	0	0	1	0	0	0	2
Butchers	0	0	0	1	0	0	1	0	0	0	2
Bakery	0	0	0	0	0	0	1	0	0	0	1
Car wash and truck wash	0	0	1	1	0	0	0	0	0	0	2
Hairdressing and beauty	3	3	0	0	0	0	0	0	0	0	6
Retail	0	2	1	0	0	0	1	0	0	0	4
Construction	7	5	1	3	4	5	17	1	9	1	53
Advertising/mail distribution	0	1	0	0	0	0	0	0	0	0	1
Garage	2	0	0	0	0	0	0	0	0	0	2
Hospitality	4	3	3	0	0	0	3	0	4	3	20
Logistics	0	0	0	0	0	0	0	1	0	0	1
Cleaning	0	0	2	0	0	0	0	0	0	9	11
Amusement parks	0	1	0	0	0	0	0	0	0	0	1
Transport	0	3	1	0	3	0	4	0	0	0	11
Domestic work/personal care	0	2	1	0	0	0	1	0	0	0	4
Total	**16**	**20**	**11**	**5**	**7**	**5**	**29**	**2**	**13**	**13**	**121**

2.2. Breakdown by age, gender and nationality of presumed victims 2024

Nationality	Men	Women
Afghanistan	4	0
Algeria	4	2
Belgium	5	2
Brazil	2	0
Bulgaria	3	0
Cameroon	1	0
China	7	4
Colombia	1	0
Ivory Coast	3	0
Egypt	3	0
El Salvador	1	0
Spain	2	1
Georgia	2	0
Ghana	1	0
Guinea-Bissau	1	0
Kyrgyzstan	2	0
Macedonia	2	0
Morocco	9	2
Palestine	3	0
Netherlands	1	0
Peru	0	1
Philippines	3	1
Romania	16	0
Rwanda	1	0
Senegal	0	1
Slovakia	17	0
Syria	2	0
Tunisia	2	1
Turkey	7	0
Unknown	1	0
Total	**106**	**15**

Age	Men	Women
Minors (under 18)	1	0
Between 18 and 30 years old	40	3
Between 30 and 40 years old	24	7
Between 40 and 50 years old	18	3
Over 50 years old	23	2
Total	**106**	**15**

A quick analysis of the tables above shows that nearly 90% of presumed victims of economic exploitation are men (106/121). In terms of age, approximately 35% of presumed victims are between 18 and 30 years old, approximately 25% are between 30 and 40 years old, approximately 17% are between 40 and 50 years old, and approximately 20% are over 50 years old. One presumed victim was 17 years old at the start of his employment (an adult at the time of the inspection, which took place at the end of 2023). This was a young man working in the cleaning sector. Among the presumed male victims, the oldest was 76 years old. As regards presumed female victims, the oldest was 54 at the time of the events. It should be noted that women are primarily active in the hospitality, home help and beauty care sectors.

As regards the nationality of the victims, 74 are from third countries (outside the EU). Among the 47 EU nationals, there were 17 Slovaks, 16 Romanians, 7 Belgians, 3 Bulgarians, 3 Spaniards and 1 Dutch national.

2.3. Indicators of trafficking in human beings identified and aggravating circumstances

Several indicators of trafficking in human beings are included in the checklists. Analysis of those received in 2024 leads to the following findings:

Identity documents

Approximately 80% of third-country nationals were residing illegally on Belgian territory. They either had no identity or travel documents, or they had their national passport or a residence permit in their country of origin or an EU country. It should be noted that around 10% of these third-country nationals had applied for asylum. Among non-Belgian Europeans, only a few were based in Belgium and had a Belgian residence permit.

The others were generally in possession of their national identity documents.

Several presumed victims did not have their own identity documents, but sometimes had copies of them.

Financial aspects – social security – social documents

As regards income: the vast majority of situations observed show insufficient, very low or even non-existent wages. In some cases, wages are promised but are only partially paid, or nothing is paid, or it may decrease over time. Among the 121 presumed victims identified, some received no pay at all. Others were forced to hand over part of their pay, reimburse travel expenses to Belgium or pay rent for accommodation provided by their employer. In addition, several victims were required to work long hours of overtime without financial compensation, sometimes working twice as long as their paid hours.

The following are several concrete examples encountered in 2024, in cases where wages were paid: €50 per day for 10 to 12 hours; €375 per month for 10 to 14 hours per day; €300 per month for 12 hours per day, 7 days a week; €1,500 per month for 13 to 14 hours per day, 6 days a week; numerous cases of hourly pay of less than €2 to €10 per hour (€1.80; €2.25; €4.00; €6.00; €7.25; €8.00).

As regards social security and social documents: with regard to potential victims, just over 10% were registered with Dimona or Limosa. In the case of presumed victims registered as posted workers in the context of the free movement of services, there was often proven or suspected fraudulent posting. Only a few workers were registered with social security and were authorised to work on Belgian territory, where applicable. In addition, they generally worked more than the number of hours specified in their employment contract or declared to social security.

Circumstances of the exploitation

Some of the indicators of exploitation are recurrent, such as substandard accommodation conditions or excessive working hours. Details and examples are given below for certain indicators.

The victim does not have suitable work equipment/clothing and works in dangerous/insalubrious conditions

Indicators relating to occupational health and safety (hygiene measures, clothing and workplaces, etc.) concern approximately 50% of the presumed victims encountered. In addition, six victims had an accident at work, some of which resulted in partial or permanent incapacity to work.

The victim has no free contact with the outside world or is restricted in their freedom of movement

Just over 20% of the presumed victims encountered were cut off from the outside world and/or had their freedom of movement restricted.

The victim lives in appalling conditions

In many potential situations of trafficking in human beings, victims are housed in unsuitable or insalubrious accommodation. This accommodation is often provided by the perpetrator/employer. In 2024, this indicator was identified for just over 40% of presumed victims.

The victim is deprived of medical care

Approximately 10% of presumed victims were denied medical care when they needed it.

The victim works long hours

Just over 70% of presumed victims interviewed work abnormally long hours. For some, the weekly working time varies between 45 and 60 hours with one or two days off per week, which is already an excessive workload. However, for nearly 40% of potential victims, the workload reaches particularly extreme levels. For example, some victims reported working between 12 and 15 hours a day, 7 days a week, or 6 or 7 days a week for 10 to 12 hours a day.

Aggravating circumstances

Several aggravating circumstances were identified in the cases encountered in 2024:

Relating to the perpetrator

In most cases, the perpetrator abuses the victim's vulnerable situation, has authority over them or abuses their position. One presumed victim was exploited by officials of an intergovernmental organisation. No checklist mentions a perpetrator who is a law enforcement officer acting in the course of their duties.

Relating to the victim's situation

Among the checklists drawn up in 2024, one involved a minor (aged 17).

As mentioned above, many presumed victims from third countries were particularly vulnerable, primarily on account of their illegal or precarious administrative status. Two victims even had intellectual disabilities.

Of the 121 victims identified in the 2024 checklists, 34 reported having been subjected to threats, violence or coercion by the perpetrator. Several victims were beaten and one of them stated that she had been raped.

2.4. Referral of victims to a specialised reception centre in 2024

Of the 121 checklists recorded, **52** concerned presumed victims who were put in contact with a specialised centre (Sürya, Payoke or Pag-Asa).

Some had already been in contact with these centres prior to the intervention of the NSSO social inspectors. In such cases, the NSSO intervenes, among other things, to hear the presumed victim and/or conduct an investigation into economic exploitation, in collaboration with the reception centre, the magistrate and, where appropriate, the police or other services.

It should be noted that among these 121 presumed victims, there was only one minor (of age at the time of the inspection but a minor during the period of "exploitation"). We can also state that some of the presumed victims of THB did not wish to contact a specialised centre.

The breakdown by provincial directorate is as follows:

Provincial directorates	Number of presumed victims referred	Nationality and gender
Antwerp	1	1 Unknown (M)
Brussels	17	4 Afghanistan (M) 2 Algeria (M) 1 Brazil 2 China (W) 1 Egypt (M) 1 El Salvador (M) 1 Spain (W) 2 Morocco (W) 1 Philippines (W) 1 Tunisia (W) 1 Turkey (M)
Flemish Brabant	6	1 Cameroon (M) 1 Ivory Coast (M) 1 Egypt (M) 1 India (M) 2 Morocco (M)
West Flanders	1	1 Guinea (M)
East Flanders	3	2 Spain (M) 1 Egypt (M)
Hainaut	5	2 Algeria (M) 1 Côte d'Ivoire (M) 1 India (M) 1 Tunisia (M)
Liège	11	2 Algeria (W) 3 Belgium (2M – 1W) 1 China (M) 2 Kyrgyzstan (M) 2 Morocco (M) 1 Slovakia (M)
Limburg	3	3 Philippines (M)
Namur - Luxembourg	5	3 China (M) 1 Senegal (W) 1 Tunisia (M)
Total	**52**	

3. Empact Action Days

In 2024, for the eighth consecutive year, the NSSO inspection services took part in the ***Empact Action Days,*** a European initiative supported by Europol, also known as *Joint Action Days (JAD).* This EU initiative is part of the European EMPACT project (*European multidisciplinary platform against criminal threats*), in which the fight against trafficking in human beings is one of the priority criminal phenomena. The EMPACT project, for its part, is part of the EU Action Plan against trafficking in human beings.

Elsewhere, the "*EAD labour exploitation*" actions organised **from 20 to 27 April 2024** targeted two phenomena:

1) detecting economic exploitation in car washes and night shops where third-country nationals posted from Portugal were employed;

2) the supply of workers by a foreign temporary employment agency in the logistics sector.

Our ECOSOC thematic directorate coordinated the inspections conducted in car washes and night shops.

It should be noted that this campaign made it possible to simultaneously inspect companies using posted workers in several provinces of the country. In addition, Portuguese labour inspectors attended some of the inspections.

During the week of **3 to 9 June 2024**, two ECOSOC teams participated in the "**Global Chain**" operations under the leadership of the federal police (DJSOC). These actions focused on detecting sexual exploitation, begging and forced criminality.

4. Highlights of 2024

The year 2024 was marked by several major developments: industrial restructuring, the arrival of a new government, reforms in economic immigration policy, and the entry into force of the Law of 3 May 2024 on sex work under employment contracts. The latter reform profoundly changes the legal framework applicable to the sector. For the first time in Belgium, sex workers employed under an employment contract are granted legal status, with the aim of guaranteeing them a basic set of social rights.

Nevertheless, our ECOSOC teams continued their work, focusing as always on identifying suspected victims of trafficking in human beings for economic exploitation. In addition, they were assigned a new type of investigation, namely investigations related to identity fraud and, more specifically, identity creation.

Identity creation is one of the four forms of identity fraud defined by Circular 08/2019[471]. The other three forms are identity theft, identity delegation and identity exchange.

In practice, when the Directorate-General for Identification and Declaration Control of the NSSO is informed by SIGEDIS[472] that a Dimona has been submitted for a worker who has provided false identity documents to obtain a social security identification number and that the Dimona is active, our inspection service, and more specifically our thematic directorate on THB, is informed so that it can investigate the employer. It should be noted that the finding that the identity documents are not authentic is made by the federal police (OCRF) at the request of SIGEDIS.

In terms of **figures**, 2024 saw the ECOSOC teams close 217 investigations labelled 'trafficking in human beings' in our investigation management programme, ARTEMIS. However, some investigations did not meet our definition of a THB investigation or were duplicates. As such, after verification, the thematic directorate **closed 189 THB investigations**.

An ECOSOC investigation is labelled "THB" as soon as serious indicators are identified during an inspection or as soon as an investigation into this matter is expressly requested by a third party (magistrate, etc.).

As of 31 December 2024, 144 THB investigations were open, i.e. currently being processed.

Approximately 50% of THB investigations processed and closed by the specialised ECOSOC teams do not result in a finding of exploitation, in particular because the evidence in the investigation is not relevant or the indications of exploitation are too weak, as the evidence suggests illegal work rather than economic exploitation.

It is also important to note that around 15% of closed investigations are follow-ups to incidents that were previously identified and reported to the judicial authorities. Indications of THB that result in a potential "new" situation of THB being identified were found in just over 30% of the investigations conducted.

471 COL 08/2019 of 27 February 2020 - Identity fraud - Joint circular from the Minister of Justice, the Minister of Security and the Interior, the Minister of Foreign and European Affairs and Defence, responsible for Beliris and Federal Cultural Institutions, the Minister of Employment, Economy and Consumers, responsible for Foreign Trade, the Fight against Poverty, Equal Opportunities and Persons with Disabilities, the Minister for Social Affairs and Public Health, and Asylum and Migration, the Minister for the Digital Agenda, Telecommunications and Postal Services, responsible for Administrative Simplification, Combating Social Fraud, Privacy Protection and the North Sea, and the College of Prosecutors General (available at: Circulars | Public Prosecutor's Office).

472 SIGEDIS is a non-profit public association founded by social security institutions. This service plays a unique role as a one-stop data source and offers end-to-end solutions to any party who needs data in the areas of personal identification, career and pensions. (see Sigedis.be). As such, SIGEDIS is involved in creating social security identification numbers for DIMONA declarations.

It should also be noted that **as regards staffing levels, our ECOSOC teams** finally saw a significant increase in 2024, bringing the total number of staff to 45.10 FTE as at 31 December 2024 (an increase of 2 FTE compared to 31 December 2023). This workforce at the end of 2024, on top of which will be a further four inspectors who joined the ECOSOC teams at the beginning of 2025, will allow us to reach the minimum requirement of 49 ECOSOC inspectors stipulated by our administration. This minimum composition is deemed necessary to conduct high-quality investigations within a reasonable time frame following requests and missions received and, at the same time, to enable our teams to maintain a proactive presence in high-risk areas, which is essential in order to ensure detections of exploitative situations are at an acceptable level.

It goes without saying that inspectors who join the ECOSOC teams are not 100% operational upon arrival, as they have to familiarise themselves with the subject matter and working procedures within ECOSOC, i.e. foreign labour, trafficking in human beings and inspections in so-called high-risk sectors.

As is the case every year, the thematic directorate, assisted where necessary by the NSSO Analytics and AI directorate[473] and other services, chooses a **specific annual project (focus).**

In 2024, we selected **corporate cleaning** as our focus. Each ECOSOC team has conducted investigations in this sector, taking into account their investigative capacities and staffing levels.

A total of 115 employers, 359 workers and 29 self-employed persons were inspected. Various infringements of the Social Criminal Code were identified (Dimona, part-time work, social security, foreign labour, etc.). In addition, three victims of economic exploitation were identified during these inspections.

Also in 2024, the ECOSOC teams continued to process **reports of economic exploitation (THB) submitted to the contact point for fair competition of the SIRS** (Social Information and Research Service). After analysis by our THB department, 40 relevant reports resulted in an investigation being opened, which was entrusted to our specialised inspectors.

Of these cases, 14 investigations — opened in 2023 or 2024 — were closed during the year with various offences found which are punishable under the Social Criminal Code. However, no victims of trafficking in human beings were identified in the course of these investigations.

As regards the investigations into identity fraud mentioned above, 154 investigations were opened (128 on behalf of the employer and 26 on behalf of the worker); 45 were closed in 2024. In the course of these investigations, offences under the Social Criminal Code were found to have been committed by several employers, but also by several workers for forgery and use of forged documents under social criminal law, fraud under social criminal law or residence, but no victims of trafficking in human beings were identified.

It should be noted that investigations initiated in the context of the 'annual focus' or identity fraud only become 'THB investigations' if sufficient evidence of exploitation is identified during the inspection.

As was the case in previous years, ECOSOC social inspectors used **specific investigation tools and techniques** such as:

- telephone investigations;
- the use of CCTV images;
- mobile phone analysis;
- research in open source intelligence (internet, social media, etc.).

These investigative techniques are carried out with the specialised services of the federal police, most often at the request of the labour prosecutor's office. These techniques can be used to identify and interview presumed victims, identify potential witnesses and corroborate victims' statements without further implicating them or placing the burden of proof on them. They also make it possible to ascertain the employment status of other workers/victims, identify perpetrators and highlight links between individuals or companies.

The use of social media and the internet is becoming more and more important for conducting deeper research and investigating trafficking in human beings for workplace exploitation. However, in order for our social inspectors to make optimal use of these resources, the existing technical possibilities need to be explored, as well as the legal conditions that must be met.

473 The mission of the Analytics & AI team is to support NSSO officers in their daily work. For this, it uses analytical tools that allow it to analyse large amounts of data to look for patterns. In this way, they can, for example, produce risk analyses that identify fraud. They also develop machine learning models that can assist officers in tasks such as detecting suspicious signals.

Finally, with regard to **emerging or growing phenomena**, 2024 followed the pattern of previous years. Cases of identity fraud appear to be intensifying in various sectors of activity, whether through identity creation or identity delegation. Cases involving identity delegation have meant that we have been able to detect a number of potential situations of economic exploitation.

The sectors most affected by economic exploitation in recent years still prompt most of our investigations and remain the focus of our attention. Domestic staff, construction, hospitality, car washes, massage parlours, nail salons, cleaning, etc. are all easily accessible sectors of activity that do not require lengthy training and where it is easy to employ under-qualified workers in precarious situations.

We still see situations of exploitation developing within the same ethnic or cultural community, part of the reason why potential victims become even more dependent. In addition, there are a growing number of Belgian victims.

In general, our inspectors are increasingly confronted with complex situations where, despite the appearance of compliance, irregularities persist. Employers are adapting their practices to circumvent legislation (e.g. limited work is declared, wages paid are below legal standards, the posting is fraudulent). In some cases, workers use false identities.

Although these investigations do not always clearly detect cases of trafficking in human beings, they do highlight alarming signs. They underscore the need for frontline services to remain vigilant, deepen investigations and devote the necessary time in this regard.

5. Conclusion

The year 2024 followed the pattern of previous years. No current events had a particular impact on the work of our ECOSOC teams.

This report draws on figures from two different sources:

- the case management programme, which covers **investigations closed** in **2024** and lists **96 presumed victims**;
- the analysis of **checklists** drawn up in 2024, as soon as the ongoing or closed investigation provides sufficiently accurate indications of a potential situation of trafficking in human beings involving **121 presumed victims**. These data are therefore the most representative for the year 2024.

If we compare the figures for 2024 with those for previous years, we see that the number of potential victims identified on the basis of the checklists varies slightly but remains relatively constant, with the exception of 2022, when 159 victims were identified in a single large case.

The number of THB investigations handled in 2024 remained stable at 189. As for the number of ECOSOC investigations handled in 2024, the figure was 4,049, a slight increase, undoubtedly linked to the increase in ECOSOC staff numbers in 2023 and 2024.

	2021	2022	2023	2024
Number of potential victims included in closed investigations	147	110	299	96
Number of potential victims according to checklists	86	280	116	121
Number of victims for whom reception centres intervened (according to checklists)	42	188	65	52
Number of THB investigations (economic exploitation)	235	181	181	189
Number of ECOSOC surveys (including THB investigations)	**3,661**	**3,154**	**3,782**	**4,049**

Analysis of the checklists shows that potential situations of economic exploitation occur in both urban and rural areas and mainly involve men.

The majority of THB investigations generally involve between one and four potential victims. However, in 2024, several cases involved a larger number of presumed victims working for the same employer. For example, one investigation involved 17 workers in Flemish Brabant, another involved 9 individuals in West Flanders, and a third case involved 7 victims in the province of Namur.

The sectors of activity most affected, according to an analysis of the 2024 checklists, are the hospitality industry, home care and beauty care.

The most common practices were undeclared work (no DIMONA declaration), irregular employment of foreign workers residing illegally in Belgium and fraudulent posting (to a lesser extent).

Among the indicators of trafficking in human beings, the most common were the following:

- Little or no wages
- Abnormally long working hours
- Appalling housing conditions
- Abuse of vulnerable situation
- Use of threats/violence
- Restriction of freedom of movement and contact with the outside world

It should be noted that some presumed victims found working in conditions contrary to human dignity did not contact a specialised reception centre, in particular because they refused any support. Many victims fear reprisals against them or their families, are ashamed for not having found the El Dorado they were looking for, or simply want to receive what they are owed.

It should also be noted that in some cases, our services met with the presumed victims after they had contacted a reception centre, either at the request of the centre itself or at the request of the labour prosecutor's office.

As mentioned above, the most revealing figures on economic exploitation are those relating to checklists, as these are, in principle, drawn up as soon as a presumed victim is identified.

Other data, such as official reports, criminal reports or other information reports, record the number of victims that were part of investigations closed in 2024 (even if the investigation started earlier).

As part of their ECOSOC investigations, our specialist inspectors pay close attention to the working conditions, living conditions, accommodation and attitude of the workers they meet, in order to detect indications of trafficking in human beings and rescue presumed victims from the clutches of their exploiters.

In conclusion, and as often stated by those working in the field, economic exploitation is a hidden phenomenon that is often difficult to detect. Besides the information and reports received by our services, proactive inspections and a heightened presence in the field of social inspectors who are specialised or trained in trafficking in human beings makes it possible to uncover situations of exploitation. The more the human resources there are, and the more frontline inspection services are aware and trained, the stronger and more effective the fight against this phenomenon can be.

Part 4
Recommendations

Victim-centred approach

RECOMMENDATION 1

Ensure that professionals are trained and specialised in the psychological vulnerabilities and specific needs of victims of trafficking in human beings.

Strengthening the **training** of actors on the **psychological effects of trafficking** and the **specific needs** of victims facilitates appropriate care, focused on the trauma the person has been subjected to. Training initiatives have already been put in place, but continuing and expanding them would further improve the support provided by professionals. A better understanding of the possible reactions of victims would help ensure better support and strengthen trust in the intervening officers. Themes such as the psychological aspects of victimisation in the context of trafficking in human beings, cultural dimensions and interview techniques adapted to vulnerable victims are particularly relevant training content.

There are **examples of good practice**. These include the training courses that the **Federal Public Prosecutor's Office**, in conjunction with DJSOC, has already organised for the FJP, frontline police and inspection services, and magistrates, in order to make it easier to recognise presumed victims of trafficking and avoid them becoming victims again during preliminary investigations. **Specialised reception centres** also intervene in **police academies**, focusing on types of victimisation and appropriate approaches. In an **EVA** (*Emergency Victim Assistance*) unit in a Brussels police zone, investigators hold TAM (Techniques for Interviewing Minors) network certification and certificates in Victimology and Psychotraumatology and in Multidisciplinary Approaches to Child and Juvenile Abuse, and have been trained in gender issues.

They in turn provide training for inspectors from the al SAC Coalition (Sexual Assault Centres). The EVA units conduct the initial interview when victims of sexual and domestic violence file a complaint and, where necessary, victims of trafficking, above all with a view to sexual exploitation. Their objectives are to improve the quality of reception provided to victims, prevent secondary victimisation and conduct interviews that are as comprehensive as possible. The EVA units do not yet have a specific legal framework and only exist in the Brussels district, but extending them to as many police zones as possible is provided for in the federal coalition agreement[474]. Training has also been organised by the NGO *Pacific Links Foundation* for the various actors involved, focusing on the specific context of Vietnamese victims.

Recruiting **police officers who speak the victims' language** or have **in-depth knowledge of their culture** is also an **added value** that makes it easier to connect with them. For example, the "Team Africa" of the Brussels federal judicial police is a team that conducts investigations exclusively into the Nigerian prostitution milieu. In the same vein, a local police zone in Brussels has hired police officers who speak Spanish or Portuguese, in order to more easily approach presumed victims of trafficking from Latin America.

Finally, **bolstering collaboration and partnerships** between frontline services and various actors trained or even specialised in caring for victims (of trafficking) is a good way to ensure that they are referred to the relevant services, to exchange good practices and to provide care that is tailored to their specific needs.

One example of an existing partnership in the field of sexual violence is the **network** set up around an **EVA unit** in a Brussels police zone. This network brings together the Sexual Assault Centre (SAC) in Brussels, the Centre for the Prevention of Domestic and Family Violence (CPCVF ASBL), SOS Viol, a centre specialising in the reception of victims of trafficking, and various lawyers trained in the care of victims of such violence.

474 Fedral Coalition Agreement, 2025-2029, p. 138.

RECOMMENDATION 2

Offer the legal option of extending the reflection period from 45 days to three months, so that victims of trafficking in human beings suffering from severe trauma have more time to recover before deciding whether or not to make a statement.

MYRIA Federal Migration Center

RECOMMENDATION 3

Guarantee the right to free legal assistance from the start of the investigation and throughout the proceedings for all victims of trafficking in human beings.

MYRIA Federal Migration Center

Sometimes, the shock suffered by victims of trafficking in human beings is still too overwhelming for them to be able to make statements. The **reflection period allows** victims **to recover** and allows centres to take initial measures[475].

Various experts argue that the 45-day reflection period is often too short for victims who have suffered serious traumatic events. At the end of this period, these victims are sometimes not yet ready to make full or detailed statements. That is why experts recommend extending the 45-day period to three months. The Special Parliamentary Commission on Trafficking and Smuggling of Human Beings has also recommended extending the reflection period to three months after a decision by the magistrate in charge, based on an opinion issued by a specialised centre (recommendation 47).

Quickly appointing a lawyer to provide free legal assistance **from the start of the investigation means that** victims can be represented throughout the proceedings, whether during the interview, when consulting the case, in the event of the case being dismissed, or if additional investigative measures need to be requested from the investigating judge. Myria reiterates its earlier recommendations in this regard[476].

Myria refers to the intention in the federal coalition agreement[477] to provide general legal assistance before and during the interview of victims of serious offences in which their physical or sexual integrity have been harmed, as well as permanent access to specialised legal assistance. Myria recommends **that this free legal aid be extended to all victims of trafficking in human beings.** This measure would ensure that victims of trafficking in human beings who have been recognised as such during the investigation but who have not been accompanied by specialised centres are legally represented, as are victims of trafficking who have returned to their country of origin.

The Special Parliamentary Commission on Trafficking and Smuggling of Human Beings has also recommended immediately appointing a lawyer, in particular when centres are unable to provide assistance on site. It also invited the country's main legal aid offices to provide a list of ***pro bono* lawyers specialising in assisting victims of trafficking in human beings.**[478]

475 Point 1.4 of the circular of 23 December 2016 on implementing multidisciplinary cooperation concerning victims of trafficking in human beings and/or certain aggravated forms of smuggling of human beings specifies in this regard (freely translated): "The concept of statements should be interpreted broadly: (this may include, for example, information provided by the victim)".

476 Myria, *2019 Annual Report Trafficking and Smuggling of Human Beings, Empowering Victims*, p. 174-175 (recommendations 3 and 4)

477 See Federal Coalition Agreement, 2025-2029, p. 148; See also Policy Statement Justice, 13 March 2025, *Doc. Parl.*, Chamber, DOC 56 0767/017., p. 8.

478 See Report of the Special Commission responsible for evaluating legislation and policy on trafficking and smuggling of human beings, 12 June 2023, *Doc. Parl.*, Chamber, DOC 55 2530/002, recommendation 24, p. 53.

Detection & referral

RECOMMENDATION 4

Emphasise the importance, within the police services, of ticking the "trafficking in human beings" box in the adminis-trative report of the police check on a foreign national.

The **quality of the administrative report on the sitution of a foreign national** is an essential tool for preventing **foreign victims becoming even more vulnerable** in proceedings relating to their irregular residence.

That is why it is important that the police services are fully aware of the importance of ticking the box for 'trafficking in human beings' in addition to the box for 'victim of a crime' in the administrative report after a police check on a foreign national, which must be sent to the Immigration Office.

This approach aims to **ensure** that victims of trafficking are **identified** and **referred** to the appropriate services, in particular specialised reception centres. It can also strengthen their sense of trust in the authorities and encourage them to cooperate with the investigation or file a complaint. In addition, it helps to prevent victims from being subjected to measures such as an order to leave the country, detention in a detention centre with a view to their removal, or prosecution for illegal residence. These measures can have traumatic effects or serious psychological consequences and reinforce victims' mistrust of the authorities.

Interviews of victims

RECOMMENDATION 5

Ensure a trusting environment during interviews with vulnerable victims of trafficking.

Creating a safe and calming environment that takes into account the (psychological) vulnerabilities of victims during their interviews is beneficial for their emotional well-being, their ability to remember, their trust in the authorities and their willingness to cooperate with the investigation.

Myria has noted that police and inspection services are **paying increasing attention** to the vulnerabilities of victims during interviews, whether by giving them time and space, actively listening, being attentive to their **expressed needs** and **non-verbal**, or **receiving them with empathy and without judgment**.

The **way interview rooms are set up** also plays a crucial role in preventing secondary victimisation. Measures such as EVA (*Emergency Victim Assistance*) rooms, where victims are interviewed while seated in armchairs, or interviews of victims by the police in the rooms of specialised reception centres, are examples of effective approaches to meeting the specific needs of victims.

The **presence of a trusted person**, such as a staff member from a specialised reception centre, is also a good practice that helps to create an environment of trust.

Finally, the presence of an **interpreter who is aware of**, or even trained in**, trafficking in human beings and police interview techniques** makes it easier to understand the victim's cultural background and ensures that their statements are translated accurately.

RECOMMENDATION 6

Pay specific attention to the particularities of victims of trafficking when drafting interview reports.

MYRIA
Federal Migration Center

RECOMMENDATION 7

Foster consideration of how memory works in the context of interviews during training organised for frontline services and magistrates.

MYRIA
Federal Migration Center

Anonymising certain personal data in official interview reports can enhance victims' **safety** and foster their **trust** in the authorities. With this in mind, Myria encourages the implementation of a provision in the federal coalition agreement relating to the **right to privacy** of all victims. This provision stipulates that only the victim's name and national registration number should appear in the official reports, with contact details kept in a separate, secure file accessible only to authorised persons such as the police, the public prosecutor's office and the victim reception service[479].

Another important aspect relating to police reports is the mention of **non-verbal language used by victims of trafficking**. Recording or describing non-verbal language, provided this is in an objective, neutral and factual manner, can be valuable. Less controllable and regulated than verbal language, it can be a more reliable source of information for investigators. For example, it can provide clues to the victim's unease and possibly suggest the cause. It also allows investigators to **remain attentive to any psychological vulnerabilities** the victim may have. Finally, it can be useful to magistrates in substantiating their closing arguments or to trial judges in **subsequently substantiating their decisions**.

The **psychological sciences** offer several explanations that may sometimes enlighten for the **inconsistencies observed in victims' accounts.** Potential explanations include the emotional impact of events on selective attention, the influence of cultural and personal context on perception or memory, the malleable nature of memory, the presence of unconscious cognitive biases, the influence of information received after the fact (*post-hoc*), and the natural evolution of memory over time.

Police interviews already incorporate, to varying degrees, the mechanisms specific to how memory works. For example, during the initial interviews conducted by **EVA** (*Emergency Victim Assistance*) units when a complaint is filed, investigators take the **necessary time** with victims. These interviews are based on **free account**, and inconsistencies in the victims' statements are considered part of a **normal process**. **TAM audiovisual interviews** also encourage victims to give a free account. This technique makes it possible to collect as much information as possible while limiting confirmation bias. In trafficking cases, this approach can sometimes be useful for **severely traumatised victims**.

In order to encourage the already growing interest in this topic, it may be useful to develop relevant **training** for frontline services and magistrates.

479 Federal Coalition Agreement, 2025-2029, p. 153.

Support for victims provided by specialised reception centres

RECOMMENDATION 8

Continue to provide structural financial resources to specialised reception centres in order to guarantee the reception and support of victims of trafficking in human beings in a specialised, safe and reassuring environment, and provide for the possibility of free psychological support for victims in this context.

MYRIA
Federaal Migratie Centre

Victims should be received as much as possible in a **safe and reassuring environment**, to allow them to regain confidence in their surroundings, in the centres supporting them and in the public authorities.

The specialised reception centres of victims of trafficking in human beings play a **crucial role** in the multidisciplinary collaboration model. In addition to residential accommodation, they offer tailored psychosocial and legal support, adapted as far as possible to the complex needs of victims. In this way, the centres create a safe environment in which victims can rest, be informed of their rights and be supported in their recovery process. It is important that the specialised centres are able to continue to offer this reception and support.

The federal coalition agreement states that victims must be entitled to **free psychological support**[480]. Myria welcomes this ambition and emphasises that support for victims must be continuous, sustainable, personalised and tailored to traumatic experiences.

480 See Federal Coalition Agreement, 2025-2029, p. 149.

Judges and the public prosecutor's office

RECOMMENDATION 9

Raise awareness among judges and public prosecutors of the (psychological) vulnerabilities of victims.

MYRIA
Federal Migration Centre

The statements and testimonies of victims can constitute important evidence in cases of trafficking in human beings. However, victims of trafficking **sometimes** make **inconsistent statements** out of fear or mistrust. This does not, however, call into question the credibility of these statements. Judges and the public prosecutors, who generally do not come into contact with victims, must rely solely on the evidence in the criminal case file. It is important that they are also **aware of the (psychological) vulnerabilities** of victims of trafficking in human beings, particularly with regard to the influence of trauma on memory and the resulting inconsistencies in victims' accounts, as well as the risks of secondary victimisation that must be avoided, for example during confrontations between victims and perpetrators.

It is important that judges and the public prosecutors have the possibility to attend the **necessary training** on the issue of trafficking in human beings and the specific vulnerabilities of victims. The new European Directive on trafficking in human beings also encourages Member States to set up general and specific training for judges and public prosecutors, in particular to prevent secondary victimisation and protect victims.

Some magistrates have called on their colleagues to be particularly vigilant in cases of trafficking in human beings when assessing the veracity of victims' statements.

This means, in particular, that it is not enough to assess victims' statements on the basis of 'internal logic' with a 'simple check of intrinsic consistency'. Victims of trafficking may make contradictory statements for a variety of reasons. The magistrates add that judges must demonstrate **social awareness and go beyond simple rational understanding,** also drawing on their knowledge of human nature, empathy and a psychosocial approach to assess the veracity of statements.

A good example of how to strengthen this expertise among magistrates is the model in West Flanders, where the decision was taken to **pool** and **centralise the expertise of** magistrates, both in criminal prosecutions and when judgments are handed down, in particular through a chamber specialising in the trafficking and smuggling of human beings.

APPENDIX: Recommendations

Victim-centred approach

2025/1	Ensure that professionals are trained and specialised in the psychological vulnerabilities and specific needs of victims of trafficking in human beings.	**Aimed at** Police and inspection services & judiciary Interdepartmental Coordination Unit for the Fight against Trafficking and Smuggling in Human Beings
2025/2	Offer the legal option of extending the reflection period from 45 days to three months, so that victims of trafficking in human beings suffering from severe trauma have more time to recover before deciding whether or not to make a statement.	**Aimed at** Minister for Asylum and Migration Interdepartmental Coordination Unit for the Fight against Trafficking and Smuggling in Human Beings
2025/3	Guarantee the right to free legal assistance from the start of the investigation and throughout the proceedings for all victims of trafficking in human beings.	**Aimed at** Minister of Justice Interdepartmental Coordination Unit for the Fight against Trafficking and Smuggling in Human Beings

Detection & referral

2025/4	Emphasise the importance, within the police services, of ticking the "trafficking in human beings" box in the administrative report after a check on a foreign national.	**Aimed at** Police services

Interviews of victims

2025/5	Ensure a trusting environment during interviews with vulnerable victims of trafficking.	**Aimed at** Police and inspection services
2025/6	Pay specific attention to the particularities of victims of trafficking when drafting interview reports.	**Aimed at** Police services
2025/7	Foster consideration of how memory works in the context of interviews during training organised for frontline services and magistrates.	**Aimed at** Police and inspection services & judiciary Interdepartmental Coordination Unit for the Fight against Trafficking and Smuggling in Human Beings

Support for victims provided by specialised reception centres

2025/8	Continue to provide structural financial resources to specialised reception centres in order to guarantee the reception and support of victims of trafficking in human beings in a specialised, safe and reassuring environment, and provide for the possibility of free psychological support for victims in this context.	**Aimed at** Federal Government Interdepartmental Coordination Unit for the Fight against Trafficking and Smuggling in Human Beings

Judges and the public prosecutor's office

2025/9	Raise awareness among judges and public prosecutors of the (psychological) vulnerabilities of victims.	**Aimed at** Prosecutors specialised in trafficking in human beings, judges, Interdepartmental Coordination Unit for the Fight against Trafficking and Smuggling in Human Beings

Notes

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Colophon

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Victims: seeing them, listening to them

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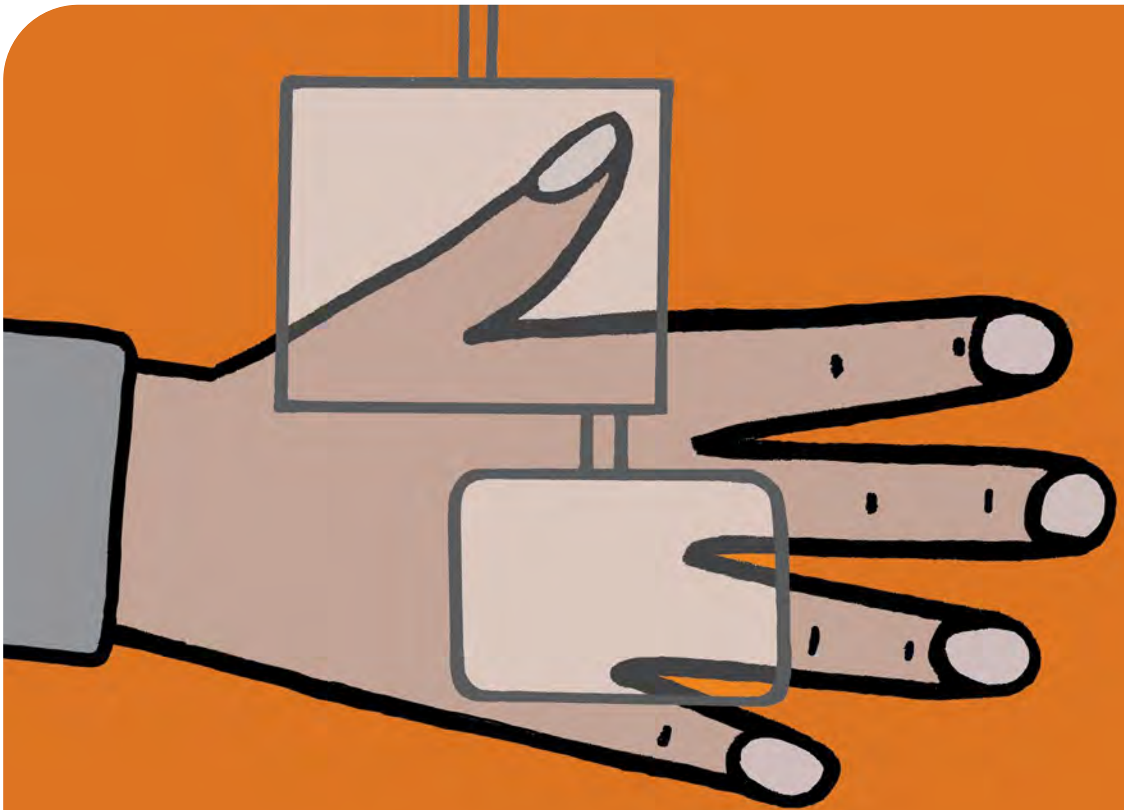

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Myria, the Federal Migration Centre, is an independent public body. It analyses migration, defends the rights of foreign nationals and combats trafficking and smuggling of human beings. Myria promotes a policy based on knowledge of the facts and respect for human rights.

The report on *trafficking and smuggling of human beings* aims to provide an independent assessment of progress and outcomes in the fight against trafficking and smuggling of human beings.

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