



# THIRD-COUNTRY NATIONAL VICTIMS OF TRAFFICKING IN HUMAN BEINGS IN BELGIUM: DETECTION, IDENTIFICATION AND PROTECTION

April 2022



The European Migration Network Belgium is a multi-institutional entity composed of experts from the Immigration Office, the Office of the Commissioner General for Refugees and Stateless Persons (CGRS), Myria - the Federal Migration Centre, and Fedasil - the Federal Agency for the Reception of Asylum Seekers. It is coordinated by the Federal Public Service Home Affairs.

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## BELGIAN STUDY AND EU COMPARATIVE STUDY

**Belgian report:** This is the Belgian contribution to the EMN Study “Third-country national victims of trafficking in human beings”. Other National Contact Points (NCPs) produced a similar report on this topic for their (Member) State.

**Common Template and Synthesis Report:** The different national reports were prepared on the basis of a common template with study specifications to ensure, to the extent possible, comparability.

**Synthesis report:** On the basis of the national contributions of 27 NCPs, a Synthesis Report was produced by the EMN Service Provider in collaboration with the European Commission and the EMN NCPs. The Synthesis Report gives an overview of the topic in all the (Member) States.

**Scope and aim of the study:** The present study aims to explore the legislation, policies and practices in the field of detection, identification and protection of third-country national victims of trafficking in human beings in Belgium between 2015 and 2020.

**Available on the website:** The Belgian report, the Synthesis report and the links to the reports of the other (Member) States are available on [www.emnbelgium.be](http://www.emnbelgium.be).





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# 01

## INTRODUCTION



## INTRODUCTION<sup>(1)</sup>

Trafficking in human beings is a **crime against people** consisting in various actions taken for the purpose of sexual, labour or other forms of exploitation.<sup>(2)</sup> Since the turn of the millennium, a range of international instruments have been adopted to prevent and combat trafficking and to protect and assist its victims.<sup>(3)</sup> At European level, the Charter for Fundamental Rights explicitly prohibits trafficking in human beings,<sup>(4)</sup> with EU Directives setting out the conditions for residence permits for victims (Residence Permit Directive)<sup>(5)</sup> and establishing rules to prevent, combat and protect (Anti-Trafficking Directive).<sup>(6)</sup> Despite these legal initiatives, trafficking in human beings is believed to remain significantly underreported.<sup>(7)</sup>

Belgium has been **at the forefront of the fight against trafficking in human beings** since several decades. Since 1995, trafficking in human beings is punishable under Belgian law.<sup>(8)</sup> The Belgian long-standing “multidisciplinary approach”, based on cooperation between all competent actors – including both state authorities and non-governmental organisations –

contributed to the detection, identification and protection of victims of trafficking in human beings. This study aims to explore how the national legislation, policies and practices aimed at detecting, identifying or protecting these victims have evolved in recent years.

This study exclusively focuses on victims of trafficking in human beings who are **third-country nationals**. These include asylum seekers, persons in possession of a valid authorisation to stay and persons in an irregular situation.

The temporal scope of the present study is **from January 2015 up to December 2020**. The study updates, without adopting the same scope, the 2013 EMN Study “Identification of victims of trafficking in human beings in international protection and forced return procedures”.

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1 For details about the current EU legal framework, see the overarching EMN Study *Third-country national victims of trafficking in human beings: detection, identification and protection*, March 2022.

2 Definitions of the crime vary across (inter)national legal instruments.

3 United Nations Convention against Transnational Organised Crime, supplemented by the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, 15 November 2000 [Palermo Protocol]; Council of Europe Convention on Action against Trafficking in Human Beings, Warsaw, 16 May 2005.

4 Art. 5 Charter of Fundamental Rights of the European Union.

5 Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities, OJ L 261, 6 August 2004.

6 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.

7 See for instance Europol, *European Union serious and organised crime threat assessment (SOCTA)*, Publications Office of the European Union, Luxembourg; 2021.

8 At present, trafficking in human beings is defined as “the recruitment, transport, harbouring, receipt of persons, taking control or transferring the control exercised over them for the purpose of 1° exploitation of prostitution or other forms of sexual exploitation; 2° exploitation of begging; 3° labour or services in conditions contrary to human dignity; 4° removal of organs; or 5° forced criminality” (Art. 433quinquies Belgian Criminal Code).



The **following topics** are covered in this study:

- national developments in relation to trafficking in human beings, in particular focusing on legislative and policy changes and available data, trends and patterns (Section 2);
- measures to detect third-country national victims of trafficking in human beings, including information on competent actors and detection of vulnerable persons (Section 3);
- the identification of third-country national victims of trafficking in human beings and its link with the special residence procedure (Section 4);
- measures to protect third-country national victims of trafficking in human beings, with a focus on the types of assistance offered and the residence procedure (Section 5);
- cooperation mechanisms with other Member States and third countries in addressing the detection, identification and protection of third-country national victims of trafficking in human beings (Section 6);
- key challenges and good practices in Member States, such as those concerning vulnerable persons and those related to the COVID-19 pandemic (Section 7).





02

**BELGIAN DEVELOPMENTS  
2015-2020**



This first section provides an overview of the national developments related to the detection, identification and protection of victims of trafficking in human beings between 2015 and 2020. It focuses on legislative changes, policy reforms, awareness-raising campaigns, media coverage and publications (2.1) and briefly discusses the characteristics of third-country national victims of trafficking that were detected or identified in the reported period (2.2).

## 2.1. POLICY DEVELOPMENTS AND DEBATES

### Legislative changes<sup>(9)</sup>

Between 2015 and 2020, the relevant Belgian legislation was modified on three occasions:

- The Law of 31 May 2016 modified certain aspects of the Belgian criminal law and criminal procedure in accordance with the **Anti-trafficking Directive**.<sup>(10)</sup> Among other provisions, it completed the list of aggravating circumstances of trafficking in human beings and it extended the extraterritorial competence of the Belgian judiciary. The law also introduced certain measures aimed at protecting victims of human trafficking, such as the possibility to request the court to handle a case *in camera*.<sup>(11)</sup>
- Since 20 May 2017, the date of entry into force of the Law of 30 March 2017,<sup>(12)</sup> potential victims of trafficking are issued a **temporary residence document (annex 15) valid for 45 days** in order to recover, escape from their suspected traffickers and decide on whether or not to cooperate with the authorities. The temporary document replaced the previously applicable “order to leave the territory” of 45 days, as the latter was deemed detrimental to the relationship of trust to be built with potential victims.<sup>(13)</sup>
- The Law of 22 May 2019<sup>(14)</sup> introduced the **principle of non-punishment** of victims of human trafficking in the Penal Code (Art. 433quinquies). According to this principle, the victims cannot be punished for acts that they have committed as a direct result of their exploitation, regardless of the type of exploitation they are victims of.

9 At the time of writing of this study, the federal parliament was discussing a bill on the decriminalisation of sex work. According to experts, once entered into force the law may have a positive impact on the detection of victims of human trafficking for the purpose of sexual exploitation. At the same time however, the law may limit their access to the protection status, as criminal investigations and prosecutions may be based on the new crime of “abuse of prostitution” instead of trafficking (interviews with the specialised centres in the fall of 2021).

10 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.

11 Law of 31 May 2016 further implementing the European obligations in the area of sexual exploitation of children, child pornography, human trafficking and facilitation of unauthorised entry, transit and residence, *Belgian Official Gazette*, 8 June 2016; Federal Migration Centre Myria, *Annual report 2016 Trafficking and smuggling of human beings. Beggars in the hands of traffickers*, 76-78.

12 Law of 30 March 2017 modifying article 61/2 of the Law of 15 December 1980 regarding the entry, residence, settlement and removal of foreign nationals [Immigration Act] aimed at replacing the order to leave the territory by a temporary residence document in the procedure for victims of human trafficking, *Belgian Official Gazette*, 10 May 2017.

13 Belgian House of Representatives, explanatory memorandum to the legislative proposal modifying article 61/2 of the Immigration Act aimed at replacing the order to leave the territory by a temporary residence document in the procedure for victims of human trafficking, 20 September 2016, DOC 54 2045/001, 4-5.

14 Law of 29 May 2019 regarding the trafficking of human organs and the principle of non-punishment of victims of human trafficking, *Belgian Official Gazette*, 21 June 2019 (entry into force 1 July 2019).



## Policy reforms

No major policy reforms regarding the detection, identification and protection of (third-country national) victims of trafficking in human beings were reported in the period 2015-2020. The few measures taken mostly consisted in **updates of the existing framework**:

- Belgium adopted its third *Action Plan on Trafficking in Human Beings* for the period 2015-2019. The plan listed specific actions with regard to legislation and regulations, trainings, protection of victims, awareness-raising and coordination, including actions to be taken by the regional authorities.<sup>(15)</sup> In the same period, tackling trafficking in human beings was listed as a priority in the National Security Plan 2016-2019<sup>(16)</sup> and the first Global Plan for Security and Prevention 2016-2019 of the Brussels Government.<sup>(17)</sup>
- In 2015, the Office of the Prosecutor-General and the Minister of Justice published the confidential *directive COL 01/2015* on the investigation and prosecution of trafficking in human beings (update of COL 01/2007). The document contained specific direc-
- tives for cooperation between public prosecutors and included a list of indicators of trafficking, to be used by the police and social inspection services<sup>(18)</sup> during their operations.<sup>(19)</sup> In 2017, another confidential directive on the exploitation of begging was published, which included references to the phenomenon of human trafficking.<sup>(20)</sup>
- The Circular of 23 December 2016 on multidisciplinary cooperation<sup>(21)</sup> set out the *national referral mechanism* for victims of trafficking in human beings and of certain more serious forms of smuggling. The document updated and simplified the Circular of 26 September 2008.<sup>(22)</sup>
- The Royal Decree of 22 June 2018 re-confirmed the recognition of non-profit organisations PAG-ASA, Payoke and Sürya as the *specialised centres for the reception and support of victims of human trafficking* and certain more severe forms of human smuggling for a period of five years. As a result of this recognition the financing of these centres by the government has become more stable. The recognition as specialised centre includes a recognition to take legal action.<sup>(23)</sup>

15 Action Plan Against Trafficking in Human Beings 2015-2019, available in Dutch at [http://www.dsb-spc.be/doc/pdf/ACTIEPLAN\\_MH\\_2015\\_2019-NL-13072015.pdf](http://www.dsb-spc.be/doc/pdf/ACTIEPLAN_MH_2015_2019-NL-13072015.pdf) and in French at [http://www.dsb-spc.be/doc/pdf/ACTIEPLAN\\_MH\\_2015\\_2019-FRpr%2013072015.pdf](http://www.dsb-spc.be/doc/pdf/ACTIEPLAN_MH_2015_2019-FRpr%2013072015.pdf).

16 The plan is available in Dutch at <https://www.politie.be/5998/sites/5998/files/downloads/NVP2016-2019.pdf> and in French at <https://www.police.be/5998/sites/5998/files/downloads/PNS2016-2019.pdf>.

17 The plan is available in Dutch at [https://bps-bpv.brussels/sites/default/files/2019-05/C2259\\_Plan\\_GVPP\\_N.pdf](https://bps-bpv.brussels/sites/default/files/2019-05/C2259_Plan_GVPP_N.pdf) and in French at [https://bps-bpv.brussels/sites/default/files/2019-05/C2259\\_Plan\\_GVPP\\_FR.pdf](https://bps-bpv.brussels/sites/default/files/2019-05/C2259_Plan_GVPP_FR.pdf).

18 These include the Inspection Department of the National Social Security Office (NSSO; former Social Inspectorate of the Federal Public Service Social Security), and two services within the Federal Public Service Employment, Work and Social Negotiation: the Inspection Service of Social Legislation and Supervision of Well-being at Work.

19 Federal Migration Centre Myria, *Annual report 2015 Trafficking and smuggling of human beings. Tightening the links*, 62-63.

20 Federal Migration Centre Myria, *Annual report 2017 Trafficking and smuggling of human beings*. Online, 77-78.

21 Circular of 23 December 2016 concerning the implementation of multidisciplinary cooperation regarding the victims of trafficking in human beings and certain more serious forms of human smuggling, *Belgian Official Gazette*, 10 March 2017.

22 Circular of 22 September 2008 concerning the implementation of multidisciplinary cooperation regarding the victims of trafficking in human beings and/or certain more serious forms of human smuggling, *Belgian Official Gazette*, 31 October 2008.

23 Royal Decree of 22 June 2018 concerning the recognition of the centres specialised in the reception and support of victims of trafficking and of a more serious form of human smuggling and on the recognition to take legal action, *Belgian Official Gazette*, 5 July 2018.





Besides these updates, several measures were taken to **protect minors victims of trafficking** in human beings:

- In August 2018, an addendum to the *National Action Plan on Trafficking in Human Beings 2015-2019* was adopted by the Interdepartmental Unit for the Fight against Trafficking and Smuggling in Human Beings. The addendum intended to improve the protection of minor victims of trafficking,<sup>(24)</sup> following a report by Child Focus on victims of “loverboys” (recruiters using seduction techniques) in Flanders in 2016.<sup>(25)</sup>
- In 2019 the Flemish government approved the creation of a new shelter for underage victims of trafficking. The shelter, scheduled to open in 2022, will be managed by Minor Ndako,<sup>(26)</sup> with the support of the specialised centre for victims PAG-ASA and civil society organisation De Wissel. This small reception structure will offer a therapeutic community (*leefgroep*) to a maximum of 6 unaccompanied underaged female foreign nationals who are victims of sexual exploitation. The

structure will be secured and on a secret location.<sup>(27)</sup>

Experts generally noted that Belgium used to play a pioneering role in the fight against human trafficking, but that it was **not as high on the political agenda** as it used to be.<sup>(28)</sup>

In the fall of 2020 however, the new federal government agreed that the fight against trafficking would constitute an **absolute priority**. In its coalition agreement,<sup>(29)</sup> the government announced that it would ensure sufficient resources for all specialised services, invest in the detection of victims, consolidate the funding of the specialised reception centres, and evaluate the existing policies and legislation through a parliamentary “working group”.<sup>(30)</sup> The Secretary of State for Asylum and Migration later on confirmed that victims of trafficking needed to be informed about possibilities to obtain residence rights and stressed the crucial role of the specialised centres.<sup>(31)</sup>

24 Addendum to the Action Plan Against Trafficking in Human Beings 2015-2019, available in Dutch at <http://www.dsb-spc.be/doc/pdf/Addendum-Actieplan-MH-NL.pdf> and in French at <http://www.dsb-spc.be/doc/pdf/Addendum-plan-action-teh-FR.pdf>.

25 Child Focus, *Slachtoffers van tienerpooiers in Vlaanderen*; available at [https://childfocus.be/sites/default/files/rapport\\_tienerpooiers\\_en\\_hun\\_slachtoffers\\_1.pdf](https://childfocus.be/sites/default/files/rapport_tienerpooiers_en_hun_slachtoffers_1.pdf).

26 The non-profit organisation Minor-Ndako offers specialised care and help for children and youngsters, including unaccompanied minors, in problematic situations. Minor-Ndako has been recognised by The Flemish Government within the framework of *Integrale Jeugdhulp* (Integrated Youth Care).

27 <https://minor-ndako.be/minor-ndako-start-begin-2022-met-een-nieuw-opvanghuis-voor-minderjarige-slachtoffers-van-mensenhandel/?fbclid=IwAR00GJYHGml9iWmVvKtNO4POZQc0efQp475W49EJk4gOc-XW1PELRnDAXpk>.

28 Federal Migration Centre Myria, *Annual report 2019 Trafficking and smuggling of human beings. Empowering victims*; interviews with experts in the fall of 2021.

29 Coalition Agreement of the Federal Government, 30 September 2020, available in Dutch at [https://www.belgium.be/sites/default/files/Regeerakkoord\\_2020.pdf](https://www.belgium.be/sites/default/files/Regeerakkoord_2020.pdf) and in French at [https://www.belgium.be/sites/default/files/accord\\_de\\_gouvernement\\_2020.pdf](https://www.belgium.be/sites/default/files/accord_de_gouvernement_2020.pdf). The parliamentary working groups

30 The “special commission” was eventually established on 24 February 2022 and charged with an analysis of the state of affairs of the fight against trafficking, an evaluation of the relevant legal provisions and an assessment of the international cooperation mechanisms, with particular attention being paid to minors and other vulnerable profiles (Parliamentary Document n. CRIV 55 PLEN 166, 24 February 2022).

31 General Policy Note on Asylum and Migration, 4 November 2020, DOC 55 1580/014, 21.



## Awareness-raising campaigns

Since 2015, the federal government has distributed **dedicated leaflets** to several target groups, such as the banking sector and the medical sector, in order to inform them about indicators of trafficking in human beings (see Section 3).

In Belgium many initiatives have been taken within the context of the UNODC's **Blue Heart Campaign**.<sup>(32)</sup> the lighting of town halls of several major cities, a benefit concert and a theatre performance, the dressing of Manneken Pis (a key figure of Brussels folklore) in a blue heart inspired costume, depiction of shadows of victims on the floor at the Carrefour de l'Europe in Brussels ... In the context of the Blue Heart Campaign of 2021, three leaflets were drafted by the FPS Justice to raise awareness about human trafficking. The leaflets, available in French, Dutch and English, focus on the building sector, beauty parlours and "loverboys".<sup>(33)</sup> The leaflets were also distributed in libraries, city halls and other public places to inform the general public about the phenomenon.

In 2019, the "**Facts About Belgium**" campaign was launched to inform actual and potential migrants about Belgian legislation, policies and procedures regarding migration. It consists of a website and Facebook page.<sup>(34)</sup> The overall goal of the campaign is to provide correct information and facts, so that third-country nationals

can make a well-informed choice when it comes to migration. Although human trafficking is not the main focus of the campaign, the phenomenon is addressed on several occasions. For instance, the website warns about the risk of exploitation, and informs victims on how to escape from a trafficker.<sup>(35)</sup>

## Media coverage

Some cases of trafficking in human beings made the national headlines between 2015 and 2020. On 31 May 2018 for instance, a **large Nigerian network** lead by "Mama Leather" was convicted of human trafficking for the purpose of sexual exploitation by the criminal court of Brussels. The criminal investigation revealed that the network recruited young girls through voodoo practices in the country of origin, before smuggling them from Nigeria to Belgium and exploiting them in the Brussels' red-light district. The case received extensive media coverage due to its extent.<sup>(36)</sup>

## Relevant publications

In 2016, Child Focus published a report on the **victims of "loverboys" in Flanders**.<sup>(37)</sup> The report led to the adoption of an addendum to the National Action Plan on Trafficking in Human Beings 2015-2019, intended to improve the protection of minors victim of trafficking (see above).<sup>(38)</sup>

32 The Blue Heart Campaign is a global awareness raising initiative to fight human trafficking and its impact on society (<https://www.unodc.org/blueheart/>).

33 See [http://www.dsb-spc.be/web/index.php?option=com\\_content&task=view&id=172&Itemid=225&lang=french](http://www.dsb-spc.be/web/index.php?option=com_content&task=view&id=172&Itemid=225&lang=french).

34 <http://www.factsaboutbelgium.be> and <http://www.facebook.com/factsaboutbelgium>.

35 Information provided by the Immigration Liaison Officers (Ilobel) Unit of the Immigration Office in the fall of 2021.

36 Federal Migration Centre Myria, *Annual report 2018 Trafficking and smuggling of human beings. Minors at major risk*, 54-60.

37 Child Focus, *Slachtoffers van tienerpooiers in Vlaanderen*; available at [https://childfocus.be/sites/default/files/rapport\\_tienerpooiers\\_en\\_hun\\_slachtoffers\\_1.pdf](https://childfocus.be/sites/default/files/rapport_tienerpooiers_en_hun_slachtoffers_1.pdf).

38 Addendum to the Action Plan Against Trafficking in Human Beings 2015-2019, available in Dutch at <http://www.dsb-spc.be/doc/pdf/Addendum-Actieplan-MH-NL.pdf> and in French at <http://www.dsb-spc.be/doc/pdf/Addendum-plan-action-teh-FR.pdf>.





Every two years, the federal government publishes a report on the **activities of the different partners** in the field of trafficking and smuggling in human beings.

Each year, the **independent national rapporteur** on trafficking in human beings, the Federal Migration Centre Myria, publishes a report on trafficking and smuggling in human beings. These reports discuss a specific theme (in recent years for instance online services, minor victims and exploitation of domestic staff) and report on policy and legal developments, case law and data. The situation of unaccompanied minors who become victims of trafficking (and smuggling) was analysed in a recent contribution by an expert from Myria.<sup>(39)</sup>

In 2021, the International Labour Organization (ILO) published a comparative study on **access to protection and remedy** for victims of trafficking for the purpose of labour exploitation in Belgium and the Netherlands.<sup>(40)</sup>

## 2.2. CHARACTERISTICS OF THIRD-COUNTRY NATIONAL VICTIMS OF TRAFFICKING

In Belgium, there is **no central collection of data** on trafficking in human beings. The actors involved in the detection, identification and protection of victims of trafficking – the police, social inspection services, the Board of Procurators General, the Immigration Office, the specialised centres PAG-ASA, Payoke and Sürya and

the Criminal Policy Department of the FPS Justice – all gather information within the limits of their respective competences. These data are published by the national rapporteur Myria in its annual report on human trafficking and smuggling.

An analysis of these heterogeneous data result in the following **main characteristics** of third-country national victims of trafficking who were detected and/or identified in Belgium:

- Age: victims of trafficking were found in **all age groups**, but many of them were under the age of 30.<sup>(41)</sup>
- Gender: in the period 2015-20, there was an overall balance between **male and female victims**.
- Country of origin: the top nationalities of victims who were detected and/or identified in the reporting period were **Morocco** and **Nigeria**, followed by other nationalities such as Egypt, Algeria, Ukraine, Brazil, India, Pakistan, China and Vietnam.
- Trafficking purposes: most of the detected and/or identified victims were trafficked for the purpose of **labour exploitation** or **sexual exploitation**. Only few of these victims were exploited for other purposes (exploitation of begging, forced criminal activities and removal of organs).

39 Patricia Le Cocq, *Niet-begeleide minderjarige vreemdelingen, slachtoffers van mensenhandel en mensensmokkel*, in E. Desmet, J. Verhellen, S. Bouckaert (eds.), *Migratie en migrantenrecht*, 18, Brugge, die Keure, 2019, 237-258.

40 Irene Wintermayr and Amy Weatherburn, *Access to protection and remedy for victims of human trafficking for the purpose of labour exploitation in Belgium and the Netherlands*, International Labour Organization, 2021.

41 Please note that the Immigration Office does not make any further distinctions in the category >30 years.



Several **new trends** were detected in Belgium between January 2015 and December 2020:

- Among victims of trafficking for the purpose of sexual exploitation, a remarkable increase of cases of trafficking of **young Nigerian women** was observed.<sup>(42)</sup>
- There was also a notable rise in the number of victims from **Vietnamese origin**, many of whom were exploited in nail studios in Brussels.<sup>(43)</sup>
- Recently, actors recorded an increase in the number of **transgender victims** from Latin American countries (often Venezuela and Brazil).<sup>(44)</sup>
- Among unaccompanied minors, many victims were recruited by means of seduction by “**loverboys**”. They were mostly EU citizens, Nigerian girls or minors from the Balkans.<sup>(45)</sup>
- Finally, the COVID-19 pandemic resulted in a sharp drop in the total number of **detected victims** (also see Section 7).

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42 Belgian answer to the 2020 questionnaire by the Groupe d'Experts sur la lutte contre la traite des êtres humains (GRETA) of the Council of Europe, 46 (<https://rm.coe.int/reponse-de-la-belgique-au-questionnaire-pour-l-evaluation-de-la-mise-e/1680a408ae>).

43 Belgian answer to the 2020 questionnaire by GRETA, 45 (<https://rm.coe.int/reponse-de-la-belgique-au-questionnaire-pour-l-evaluation-de-la-mise-e/1680a408ae>).

44 Interview with the specialised centres in the fall of 2021.

45 Federal Migration Centre Myria, *Annual report 2018 Trafficking and smuggling of human beings. Minors at major risk*, 22.





03

**DETECTION OF THIRD-COUNTRY  
NATIONAL VICTIMS OF  
TRAFFICKING IN HUMAN BEINGS**



## DETECTION<sup>(46)</sup> OF THIRD-COUNTRY NATIONAL VICTIMS OF TRAFFICKING IN HUMAN BEINGS

This section describes the existing practices in the field of detection of victims of trafficking in human beings in Belgium. It discusses the actors competent to detect (3.1.) before focusing on the general detection measures (3.2.) and specific measures for vulnerable persons (3.3).

### 3.1. ACTORS COMPETENT TO DETECT VICTIMS

All frontline services – including, but not limited to police services, labour inspectors, migration and asylum services – have a **duty to inform** potential victims about the special procedure for victims.<sup>(47)</sup>

Police and labour inspection services detecting potential victims moreover should:

- inform the public prosecutor; and
- contact one of the three specialised centres; and
- in case of third-country national victims, inform the Immigration Office by sending the administrative report and checking the category “trafficking in human beings”.<sup>(48)</sup>

The central actors moreover receive general or specialised **trainings** to detect potential victims (see table below). The specialised centres for victims also organise trainings on demand to a range of stakeholders, such as health workers, trade unions or civil society organisations.<sup>(49)</sup>

Actors	Details
<b>Police</b>	Trainings on trafficking are part of the training police officers receive. A new curriculum is currently under development for all officers (basic) and for officers specialised in trafficking in human beings (advanced). <sup>(50)</sup>
<b>Labour inspectors</b>	The 40 inspectors of the specialised ECOSOC teams at the Inspection Department of the NSSO are trained to detect trafficking in human beings. The Thematic Directorate for Trafficking in Human Beings of the NSSO moreover gives basic trainings to its non-specialist inspectors. <sup>(51)</sup>
<b>Magistrates</b>	The Institute for Judicial Trainings organises a basic optional course on trafficking (and smuggling) for judicial trainees and magistrates. <sup>(52)</sup> Every four months, the “reference magistrates” (i.e. public prosecutors specialised in human trafficking) hold a meeting to receive information about new phenomena and to exchange best practices. <sup>(53)</sup>

46 For the purpose of this study, “detection” is defined as the process of identifying a possible situation of trafficking in human beings.

47 Circular of 23 December 2016, 3.2.

48 Circular of 23 December 2016, 3.3.

49 In 2021, the specialised centre Payoke and Ghent University developed a good practice tool to detect victims during hearings as part of the EU-funded INHeRE project (Silvia Lamonaca, Klaus Vanhoutte and Lotte De Schrijver, *Good practice tool for police hearings with migrant, applicant for international protection, refugee (MAR), trafficked, and LGBT+ victims of sexual violence*, Payoke and Ghent University, 2021).

50 Interview with the Unit of Human Smuggling and Trafficking of the Federal Judicial Police in the fall of 2021.

51 Federal Migration Centre Myria, *Annual report 2019 Trafficking and smuggling of human beings. Empowering victims*, 60.

52 See the information provided on the institute’s website <https://www.igo-ifj.be>.

53 Interview with the Federal Prosecutor’s Office in the fall of 2021.





<b>Migration services</b>	The frontline asylum and migration services of the Immigration Office (e.g. staff of detention centre, registration stage of asylum procedure) receive a special training on trafficking in human beings, organised by the Trafficking Unit. <sup>(54)</sup>
<b>Asylum case officers</b>	Frontline workers at the Immigration Office (e.g. those involved in the registration stage of the asylum procedure) receive a special training on trafficking in human beings (see above under “Migration services”). Protection officers at the independent asylum authority competent for the examination of application for international protection, the CGRS, <sup>(55)</sup> do not receive a specific training on trafficking in human beings. In case of self-reporting by the asylum-seeker during the procedure or in case of indications of trafficking within the asylum narrative, an information leaflet is handed to the asylum-seeker. <sup>(56)</sup>

### 3.2. DETECTION MEASURES

In Belgium, there are various measures in place to detect victims of trafficking in human beings: self-reporting, awareness-raising campaigns, collection of indicators, intelligence gathering and, to a certain extent, pro-active screening in the asylum procedure.

#### Self-reporting

Police and social inspection services detecting victims of human trafficking should inform these persons about the procedure for human trafficking and refer them to the recognised specialised centres for reception and support.<sup>(57)</sup> The **obligation to inform** about the procedure also applies to other frontline services detecting potential victims of human trafficking, such as the judiciary, migration authorities, customs departments, social services or hospitals.<sup>(58)</sup>

At the moment of detection by the police or social inspection services, these potential victims should be offered a **multilingual leaflet** encouraging them to contact one of the specialised centres for the reception of victims of human trafficking in Brussels, Antwerp and Liège.<sup>(59)</sup>

The specialised centres in Brussels, Antwerp and Liège are **accessible 24/7**, so that cases of human trafficking can be reported and victims be assisted at any moment in time.

Once referred to a specialised centre, potential victims may decide to file a complaint or make statements about their situation (see 5.2).

54 Information provided by the Trafficking Unit of the Immigration Office in the fall of 2021.

55 Office of the Commissioner General for Refugees and Stateless Persons.

56 Information provided by the CGRS in November 2021.

57 Art. 61/2, §1 Immigration Act.

58 Circular of 23 December 2016, 3.1-3.3.

59 The leaflet can be found at <https://www.myria.be/en/publications/multilingual-brochure-for-victims-of-human-trafficking>.



## Awareness-raising campaigns

Since 2015, the federal government has distributed dedicated leaflets to various target groups in order to inform them about indicators of trafficking in human beings:

- The Bureau of the Interdepartmental Coordination Unit for the Fight against Trafficking and Smuggling in Human Beings, the FPS Justice and the Immigration Office published a leaflet on **unaccompanied minors** in order to inform guardians and other actors about indicators of trafficking in human beings in 2015.<sup>(60)</sup> In 2019, the leaflet was adapted for a training for youth support workers.
- A (confidential) leaflet on indicators of trafficking in human beings was distributed to the **police and social inspection services** in 2016.
- In 2018, an information leaflet for the **banking sector** was published by the Minister of Justice with the Belgian federation of the financial sector (Febelfin) and the Financial Intelligence Processing Unit (CTIF-CFI). The leaflet, which is not for wider dissemination, intends to inform actors in this sector on how to detect financial transactions related to trafficking of human beings and report these transactions to the authorities. The leaflet was drafted in line with the 2015-2019 Action Plan to combat human trafficking.

- The Federal Public Service Justice also reached out to the **medical sector**, given this sector's important role in the detection of potential victims of trafficking (e.g. exploited construction workers who have an accident and are brought to the emergency room or victims of sexual exploitation who are forced to have an abortion). In 2018, a seminar was organised to make health care workers aware of indicators of human trafficking and to exchange information with experts in the field. That same year, an earlier information leaflet on human trafficking was updated and distributed to hospitals across Belgium.<sup>(61)</sup>

Initiatives to raise awareness about indicators of trafficking in human beings were also taken by several non-governmental actors including NGO's.

## Collection of indicators

In order to assess the presence of indications of human trafficking during their operations, the police and social inspection services make use of a list of indicators, attached to the confidential Circular COL 01/2015 on the investigation and prosecution of trafficking in human beings. Such indicators may be collected on the basis of findings on site and/or statements by the persons involved.<sup>(62)</sup>

60 *Human trafficking and human smuggling? How to respond?*, available at [http://dsb-spc.be/multi/tehn/wp-content/uploads/sites/2/2015/04/FICHE\\_VOOGDEN\\_NL.pdf](http://dsb-spc.be/multi/tehn/wp-content/uploads/sites/2/2015/04/FICHE_VOOGDEN_NL.pdf).

61 Cellule Interdépartementale de coordination de la lutte contre le trafic et la traite des êtres humains, *Traite des êtres humains, que faire ? Conseils pour le personnel hospitalier* ([https://justice.belgium.be/sites/default/files/mensenhandel\\_ziekenhuis\\_fr.pdf](https://justice.belgium.be/sites/default/files/mensenhandel_ziekenhuis_fr.pdf)); Interdepartementale Coördinatieceel ter bestrijding van mensensmokkel en mensenhandel, *Mensenhandel... wat te doen ? Advies voor ziekenhuispersoneel* ([https://www.justitie.belgium.be/sites/default/files/mensenhandel\\_ziekenhuis\\_nl.pdf](https://www.justitie.belgium.be/sites/default/files/mensenhandel_ziekenhuis_nl.pdf)).

62 Circular of 23 December 2016, 3.1.





## Intelligence gathering

Police officers screen specific websites (such as [www.redlights.be](http://www.redlights.be) and [www.quartierrouge.be](http://www.quartierrouge.be), a website where escorts, masseuses and other sex workers advertise their services) to discover potential situations of sexual exploitation.<sup>(63)</sup>

The social inspection service of the NSSO started developing a data mining tool to assess the risk of detecting situations of human trafficking during social inspections on the basis of earlier investigations. The tool will be launched in 2022.

## Proactive screening in asylum procedures

If a third-country national applies for international protection in Belgium, a registration form is filled in by an officer of the Immigration Office. A section of this form is about vulnerabilities and includes a category “victims of human trafficking”.

form includes questions on the reasons for the minor’s migration to Belgium, as well as indications of trafficking in human beings and vulnerabilities.<sup>(64)</sup> Guardians of unaccompanied minors receive a special training and a dedicated leaflet about trafficking in human beings.<sup>(65)</sup>

The private **domestic staff of diplomats** is particularly vulnerable due to the immunity of their employers. Upon the yearly renewal of their residence permits, they are invited for a personal interview about their labour situation by the Directorate Protocol and Security of the FPS Foreign Affairs,<sup>(66)</sup> a measure that was introduced to enhance the detection of victims of trafficking among these employees.

## 3.3. SPECIFIC MEASURES TO DETECT VULNERABLE PERSONS

Specific measures are in place to enhance the detection of two categories of victims of trafficking who are particularly vulnerable: unaccompanied minors and the domestic staff of diplomats.

Frontline services confronted with an **unaccompanied minor** during their procedures should report this person to the Guardianship Service by filling in a standard form with their personal details. This

63 Interview with the Unit of Human Smuggling and Trafficking of the Federal Judicial Police in the fall of 2021.

64 Circular of 23 December 2016, 6.2.2.2.

65 *Human trafficking and human smuggling? How to respond?*, available at [http://dsb-spc.be/multi/tehn/wp-content/uploads/sites/2/2015/04/FICHE\\_VOOGDEN\\_NL.pdf](http://dsb-spc.be/multi/tehn/wp-content/uploads/sites/2/2015/04/FICHE_VOOGDEN_NL.pdf).

66 Circular of 23 December 2016, 6.1.





# 04

## IDENTIFICATION OF THIRD-COUNTRY NATIONAL VICTIMS OF TRAFFICKING IN HUMAN BEINGS



Detection may be followed by “identification”, that is, the formal confirmation that the detected person(s) can be considered victim(s) of trafficking according to the competent authorities.<sup>(67)</sup> In the Belgian context, identification can be equated with the confirmation by the public prosecutor that the person concerned can be considered as victim during the special residence procedure.<sup>(68)</sup> This confirmation by the prosecutor forms a prerequisite for the issuance of a residence permit of 6 months, discussed in the next section (see 5.2). This section describes the actors involved in the identification process (4.1), the link between identification and residence rights (4.2) and specific measures for the identification of unaccompanied minors (4.3).

#### 4.1. ACTORS COMPETENT TO IDENTIFY VICTIMS

Under the Belgian system, the **public prosecutors** are the only actors that are competent to identify victims of trafficking in human beings, as part of the special residence procedure.<sup>(69)</sup> The three recognised specialised centres for the reception and support of victims, PAG-ASA, Payoke and Sürya, are competent to open the procedure. Other frontline actors are not directly involved in the identification process. They can only detect victims, inform them about the procedure and refer them to the recognised specialised centres.

#### 4.2. IDENTIFICATION AND RESIDENCE RIGHTS

A victim does not have to be identified by the public prosecutor in order to be granted a reflection period or a temporary residence document of 3 months. Identification by the public prosecutor is however a requirement for the subsequent **residence permit of 6 months**. The victims who have been identified by the prosecutor can be granted a residence permit of unlimited duration following the conclusion of the criminal proceedings if all conditions are met.

#### 4.3. SPECIFIC MEASURES FOR UNACCOMPANIED MINORS

The identification procedure of **unaccompanied minor** victims is overall similar to the general process. However, these minors already receive a temporary residence document for 3 months from the start of the reflection period,<sup>(70)</sup> unlike other presumed victims who receive a temporary residence document of 45 days at this stage (see 5.2). Furthermore, the public prosecutor and the police services may contact the guardian of the unaccompanied minor if necessary and in the best interest of the child.<sup>(71)</sup>

67 See the definition of “identified victim” by Eurostat, *Trafficking in human beings*, 2013, 22.

68 This choice implies however that certain groups of victims are excluded from the data on “identified” victims: not only third-country national victims for whom the special procedure was not opened, but also EU citizens and Belgian nationals.

69 Art. 61/3, §2 Immigration Act.

70 Art. 61/2, §2 Immigration Act.

71 Circular of 23 December 2016, 6.2.2.3.









05

**PROTECTION OF THIRD-COUNTRY  
NATIONAL VICTIMS OF TRAFFICKING  
IN HUMAN BEINGS**





(Presumed) victims of trafficking in human beings can benefit from various measures to support and protect them. This section discusses the types of assistance and support provided to victims (5.1) as well as the residence procedures and statuses they have access to (see 5.2).

### 5.1. ASSISTANCE AND SUPPORT PROVIDED TO VICTIMS

All frontline services that detect potential victims of human trafficking should **inform** them about the special residence procedure. The police and labour inspection services should moreover refer them

to the recognised specialised centres for further assistance.<sup>(72)</sup>

The **specialised centres** PAG-ASA, Payoke and Sürya assess whether the potential victim may be considered as victim of trafficking during an intake interview and whether they are interested in obtaining the protection status. If this is the case, the centres open the residence procedure for victims of trafficking (see 5.2) and offer personalised, all-encompassing assistance adopted to the needs of the victim. The types of assistance offered are summarized in the table below.<sup>(73)</sup>

Type of assistance	Details
<b>Information on protection mechanisms</b>	The specialised centre informs the potential victims about the residence procedure for victims of trafficking in human beings and encourages them to share any useful information with the competent authorities.
<b>Appropriate and safe accommodation</b>	Each specialised centre has a collective shelter where victims can recover for a certain period of time. Minor victims are referred to tailor-made reception structures, such as Esperanto and Minor Ndako. <sup>(74)</sup>
<b>Psychosocial and medical assistance</b>	The victims are offered assistance to overcome their situation and traumas, to take their lives into their own hands and to work on future projects.  The assistance offered by the centres may regard language, training, integration, accommodation, education, work, <sup>(75)</sup> family, health or other aspects.
<b>Administrative assistance</b>	The centre takes all necessary steps for the issuance of residence documents in the procedure for victims of trafficking, and for other administrative matters.

72 Circular of 23 December 2016, 3.1. and 3.2.

73 Unless indicated otherwise, the information in this table is drawn from the Circular of 23 December 2016, 4.

74 Circular of 23 December 2016, 6.2.1.2.

75 Since 24 December 2018, third-country nationals authorised to stay on the basis of their status as victims of human trafficking no longer need to request a separate work permit (art. 10, 9° Royal Decree of 2 September 2018 implementing the Law of 8 May 2018 on the employment of foreign nationals in a particular residence situation; *Belgian Official Gazette*, 17 September 2018).



<b>Legal assistance</b>	The assistance offered to the victims by the specialised centres includes legal assistance (e.g., aid when making statements or filing a complaint and information about the progress made in their case or court decisions). The centres cooperate with lawyers to defend the interests of the victims in court. <sup>(76)</sup>
<b>Translation and interpretation</b>	The specialised centre calls on an interpreter if the victim does not speak one of the national languages. <sup>(77)</sup>
<b>Subsistence</b>	The specialised centre can refer the victim to the local Public Centre for Social Welfare (PCSW) for financial assistance. During the residence procedure, victims are entitled to financial assistance equivalent to the national integration allowance (FR: <i>revenu d'intégration</i> , NL: <i>leefloon</i> ). <sup>(78)</sup>

## 5.2. RESIDENCE PROCEDURES

Third-country national victims of trafficking have access to the special residence procedure for victims through the recognised specialised centres. The residence procedure consists of various stages, from the initial reflection period of 45 days to the eventual issuance of a residence permit for unlimited duration. Victims of trafficking who do not fulfil the criteria in each stage of the procedure may be eligible for other protection statuses. In any case, the principle of *non-refoulement* should be respected vis-à-vis all victims of trafficking.

### Reflection period

The **recognised specialised centres** for the reception of victims of human trafficking are the only actors competent to submit an application for an authorisation to stay on behalf of the (presumed) victim.<sup>(79)</sup>

The reflection period for (presumed) victims of trafficking in human beings lasts 45 days. During this period, a **temporary residence document** (“annex 15”) is granted to the victim.<sup>(80)</sup>

Holders of this document are expected to cooperate with the authorities to a certain extent. They should:

- accept the support provided by a recognised specialised centre;<sup>(81)</sup> and
- discontinue contact with the presumed traffickers.<sup>(82)</sup>

During this period, presumed victims are offered the opportunity to file a complaint or to make relevant statements to the police,<sup>(83)</sup> to reflect upon voluntary return to their country of origin or other alternative options.<sup>(84)</sup>

76 For more information about the conditions for free legal aid in Belgium see the answer to the 2020 questionnaire by GRETA, 6-8 (<https://rm.coe.int/reponse-de-la-belgique-au-questionnaire-pour-l-evaluation-de-la-mise-e/1680a408ae>).

77 Victims also have access to an interpreter in the context of criminal proceedings (Art. 31 and 32 of the Law of 15 June 1935 on the use of languages in judicial matters, Belgian Official Gazette, 22 June 1935).

78 Art. 60, §3 Organic law of 8 July 1976 concerning the Public Centres for Social Welfare, Belgian Official Gazette, 5 August 1976; Circular of 23 December 2016, 5.2.1.

79 Art. 110bis, §1 Royal Decree of 8 October 1981 implementing the Immigration Act.

80 Art. 61/2, §2 Immigration Act.

81 Art. 61/2, §2 Immigration Act.

82 Art. 61/2, §3 Immigration Act.

83 Art. 61/2, §2 Immigration Act.

84 Circular letter of 23 December 2016, 5.2.2.



### Residence document of 3 months for presumed victims

In order to obtain an initial temporary residence document of **3 months** (“certificate of registration”<sup>(85)</sup>), the presumed victim should:

- have filed a complaint or made relevant statements to the authorities;<sup>(86)</sup> and
- accept the support offered by one of the three specialised centres.

The residence document can be renewed once if this is necessary for the investigation or deemed appropriate.<sup>(87)</sup>

### Residence permit of 6 months for identified victims

For the issuance of a subsequent residence permit of **6 months** (“A-card”), the following conditions should be fulfilled:

- the criminal proceedings are ongoing; and
- the person concerned may be “considered” (i.e. identified) as a victim of trafficking in human beings;
- the victim has shown a clear intention to cooperate;
- the victim severed all relations with the presumed traffickers;
- the victim does not pose a threat to public order or national security;<sup>(88)</sup>

- the victim accepts the support offered by a recognised specialised centre.

The public prosecutor needs to confirm that the first four criteria – including the victimhood of the person concerned – are met, and can thus be considered as the authority competent for the “identification” of the victim (see Section 3).

The residence permit of 6 months for identified victims can be renewed until the end of the criminal procedure.

### Residence permit of unlimited duration

A residence permit of **unlimited duration** (“B-card”) can be issued if:

- the complaint or statements by the victim lead to the conviction of the traffickers; or
- the public prosecutor established the offence of trafficking in human beings in their charges.<sup>(89)</sup>

During the special residence procedure – as soon as possible and at the latest during the assessment of the application for an authorisation to stay of unlimited duration –,<sup>(90)</sup> the victim should try to prove their **identity** by submitting a national passport, an equivalent travel document or a national identity card.<sup>(91)</sup>

85 French: *attestation d'immatriculation*; Dutch: *attest van immatriculatie*.

86 Art. 61/3, §1 Immigration Act.

87 Art. 61/3, §2, second paragraph Immigration Act.

88 Art. 61/4, §1 Immigration Act. The Immigration Office is competent to assess whether the person involved does not pose a threat to public order or national security. As there are no definitions of “public order” or “national security”, nor legal criteria to assess such threat, the Immigration Office can take this decision on a discretionary basis. In practice, a dialogue takes place between the specialised centre, the public prosecutor and the Immigration Office.

89 Art. 61/5 Immigration Act.

90 Art. 110bis, §3, second paragraph Royal Decree of 8 October 1981 regarding the entry, residence, settlement and removal of foreign nationals, *Belgian Official Gazette*, 27 October 1981 [Royal Decree implementing the Immigration Act.

91 Art. 61/3, §4 Immigration Act.



## Other protection statuses

If the public prosecutor ends the criminal investigation after a period of more than two years (for instance due to insufficient evidence, lack of resources or other priorities), the victim may qualify for an authorisation to stay for **humanitarian reasons** on the basis of Article 9bis Immigration Act (so-called “stop procedure” based on an informal guideline).<sup>(92)</sup>

Some victims of trafficking in human beings may also fall within the definition of a **refugee** or may qualify for **subsidiary protection**.

Finally, **unaccompanied minors** may obtain an authorisation to stay in the context of the durable solution procedure.<sup>(93)</sup>

## Principle of non-refoulement

The Immigration Office developed several practices in order to respect the principle of non-refoulement vis-à-vis potential victims of trafficking in human beings.

The Immigration Office notes that a **return measure** will never be taken from the moment of interception by the police until the end of the residence procedure for victims of human trafficking.

Police services that detected a person who could be a victim of human trafficking, should mention this on the **administrative report** to be sent to the Immigration Office in case of a check of a third-country national. This administrative procedure intends to avoid that a return decision is taken towards such a (potential) victim.

If a person is in **detention**, and only at that moment, the return officers of the Immigration Office receive information which could lead to a status of victim of human trafficking, they immediately have to inform the responsible service within the Immigration Office as well as the specialised centres. Once a specialised centre assessed the case and concluded that the person may be a victim of trafficking, this person will be released out of detention and transferred to the centre.<sup>(94)</sup>

92 Interviews with the specialised centres and the Federal Public Prosecutor’s Office in the fall of 2021.

93 Art. 61/14 to 61/25 Immigration Act; also see EMN Belgium, *Comparative overview of national protection statuses in Belgium 2010-2019*, April 2020.

94 Information provided by the Return Unit of the Immigration Office in the fall of 2021.







06

**INTERNATIONAL COOPERATION  
WITH OTHER MEMBER STATES  
AND THIRD COUNTRIES**



Given the transnational nature of trafficking in human beings, cooperation at European and international level is important not only for the investigation and prosecution of the crime, but also for the detection, identification and protection of its victims. This section examines the nature and extent of Belgium's cooperation with other Member States (6.1) as well as its cooperation with third countries aimed at detecting, identifying or protecting victims of trafficking in human beings (6.2).

### 6.1. INTRA-EU COOPERATION MECHANISMS

Belgium participates in various cooperation mechanisms, both with neighbouring countries and with other EU Member States, both at governmental and at non-governmental level.

In 2016, the **Benelux countries** adopted a declaration of intent regarding cooperation in the fight against trafficking in human beings. The declaration covers cooperation in relation to reception centres, assistance to victims, judicial authorities, police services, immigration and integration and social and labour inspection services. In the context of this informal cooperation mechanism, several initiatives were taken to bring together stakeholders of these three countries to exchange information.

One of these initiatives is the drafting of a leaflet that provides an overview of legislation, mechanisms and actors within the Benelux countries.<sup>(95)</sup>

At EU level, Belgium participates in the **European Network of National Rapporteurs or Equivalent Mechanisms** co-ordinated by the EU Anti-Trafficking Coordinator, a platform to exchange knowledge and best practices.<sup>(96)</sup> The Federal Migration Centre Myria acts as the independent national rapporteur on trafficking in human beings for Belgium. The FPS Justice, who is also part of this network, has a coordinating role when it comes to tackling trafficking in Belgium.

Belgium is the (co-)leader of several activities of the European Multidisciplinary Platform Against Criminal Threats (**EMPACT**)<sup>(97)</sup> in the field of trafficking in human beings: 1.3 labour exploitation (with the Belgian NSSO); 2.4 sex trafficking; 8.2 ETUTU (project on trafficking of Nigerians in the EU for the purpose of sexual exploitation); 8.3 Chinese THB; 8.5 North-African related. Belgium is also involved in several other EMPACTs as a member.

Since 2019, Belgium has been an active member of the Eurojust **Focus group on migrant smuggling**, which brings together expert prosecutors from various EU Member States to exchange best practices and to identify challenges and lessons

95 *Coopération Benelux en vue de l'accueil des victimes de la traite des êtres humains* (<https://www.benelux.int/fr/publications/publications/cooperation-benelux-en-vue-de-laccueil-des-victimes-de-la-traite-des-etres-humains/>); *Benelux-samenwerking ter bejegening van slachtoffers van mensenhandel* (<https://www.benelux.int/nl/publicaties/publicaties-overzicht/benelux-samenwerking-ter-bejegening-van-slachtoffers-van-mensenhandel/>).

96 The tasks of these rapporteurs and equivalent mechanisms include "the carrying out of assessments of trends in trafficking in human beings, the measuring of results of anti-trafficking actions, including the gathering of statistics in close cooperation with relevant civil society organisations active in this field, and reporting" (Art. 19 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).

97 EMPACT is a security initiative driven by EU Member States to identify, prioritise and address threats posed by organised and serious international crime. Trafficking in human beings is one of the EMPACT priorities for the cycle 2018-2021.





learned.<sup>(98)</sup> The focus group discussed the links between migrant smuggling and trafficking in human beings during a recent session.<sup>(99)</sup>

The specialised centres Payoke and PAG-ASA are members of **La Strada International**. La Strada International is a European platform of civil society organisations that supports trafficked persons from a human rights perspective. The platform aims to prevent human trafficking and to protect the rights of victims, among other means via information and knowledge exchange, capacity building and cross-sectoral cooperation.<sup>(100)</sup>

### Cooperation within the scope of the Dublin III regulation

In Belgium, there are no intra-EU cooperation mechanisms to detect victims of trafficking in the specific context of the Dublin Procedure.<sup>(101)</sup> The practice of the Belgian Immigration Office, responsible for the registration of applications for international protection and the determination of the state responsible for the examination of these applications, is based on the existing national and European legal framework:

- There is no specific procedure in place for **identification and referral** of victims during the Dublin procedure. If a victim of trafficking in human beings is detected during this procedure, the THB Unit of the Immigration Office will be contacted.

- The Dublin Unit of the Immigration Office will not apply the Dublin regulation if the **special residence procedure** for victims of trafficking is pending. Dublin transfers will be halted when the special procedure has been initiated.
- Belgium has used the **humanitarian and sovereignty clauses** under Articles 3 and 17 of the Dublin III Regulation for cases of trafficking in human beings.<sup>(102)</sup>

## 6.2. COOPERATION MECHANISMS WITH THIRD COUNTRIES

Belgium does not have any specific cooperation mechanisms with third countries aimed at detecting, identifying or protecting victims of trafficking in human beings.

The Federal Police has **liaison officers** in several third-countries, e.g. Thailand, Vietnam, Brazil, Turkey and Morocco. These officers can be contacted for questions related to crimes including trafficking (and smuggling) in human beings.

The Belgian authorities also welcome **delegations from third countries** to share national practices. These meetings focus on the prevention of and the fight against trafficking (and smuggling) in human beings, as well as on protective measures for victims.<sup>(103)</sup>

98 Council document 15250/18, 6 December 2018.

99 Eurojust, *Eurojust meeting on migrant smuggling 04-05 November 2021. Outcome report*, 2021/00545.

100 <https://www.lastradainternational.org/>.

101 Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person, OJ L 180, 29 June 2013.

102 provided by the Dublin Unit of the Immigration Office in the fall of 2021.

103 EMN Belgium, *Annual report on migration and asylum in Belgium 2018*, June 2019, 129.



## Cooperation in the context of voluntary return

The federal agency Fedasil and its partners IOM and Caritas International provide support to third-country nationals wishing to return to their country of origin, including victims of trafficking. Fedasil cooperates with **local partners** in the third country (administrations, civil society and NGOs) to provide reintegration support. Depending on the needs of the returnee, and taking into account the possibilities in the country of origin, a tailor-made support can be provided for a limited time, with a maximum of 1 year.<sup>(104)</sup>

If a victim returns voluntarily to his or her country of origin, the specialised centre may give all **useful information** about the case to the Directorate for the fight against serious and organised crime of the federal police or to the reference magistrate, in consultation with the victim and in compliance with the rules on professional secrecy and deontology. The police and judiciary may transfer this information in turn to their counterparts in other states (including third countries) in order to prevent further trafficking in human beings.<sup>(105)</sup>

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104 Information provided by the Federal Agency for the Reception of Asylum-seekers in the fall of 2021.

105 Circular of 23 December 2016, 5.2.5.4.







07

**KEY CHALLENGES  
AND GOOD PRACTICES**



Over the past decades, Belgium has established several good practices in the fight against trafficking in human beings and the protection of its victims, and yet important challenges remain. This Section first discusses the general challenges in the detection, identification and protection of victims, the specific challenges for vulnerable groups and the impact of Covid-19 (7.1). It then describes some good practices within the Belgian “multi-disciplinary cooperation” (7.2).

## 7.1. KEY CHALLENGES

### Detection

Detection of victims of trafficking in human beings remains a central challenge in Belgium, for reasons ranging from the institutional to the individual level.

During the reported period, stakeholders noted that due to other political priorities, police services and social inspection services often **lacked human and financial resources** to detect potential victims of human trafficking.<sup>(106)</sup>

According to experts, frontline services sometimes failed to detect signals that someone could be a victim of trafficking in

human beings. This could be due to a **lack of awareness** among non-specialised units confronted with potential victims during their operations.<sup>(107)</sup> For frontline services it may also be difficult to make a clear distinction between migrant smuggling and trafficking in human beings, especially if potential victims do not cooperate with the authorities.

Experts also noted that due to the previously mentioned lack of resources, police services at times **failed to transfer potential victims** to the specialised centres for victims, for instance during operations at night.<sup>(108)</sup>

Some experts observed that victims may at times be **reluctant to cooperate with the authorities**, for a range of reasons: they are afraid of repercussions by their traffickers against themselves or their families, are emotionally dependent on their exploiter(s), do not trust the authorities, feel ashamed, are afraid others will judge them, are afraid they will be deported or other reasons.<sup>(109)</sup> The specialised centre PAG-ASA is in favour of creating an alternative solution for these victims, who are identified as victims of human trafficking by the authorities but are too afraid to cooperate; this alternative solution could take the form of a separate procedure.<sup>(110)</sup>

106 Federal Migration Centre Myria, *Annual report 2019 Trafficking and smuggling of human beings. Empowering victims*, 36; P. VAN HAUWERMEIREN and S. SCHULZE, “External contribution: Initiatives of the Thematic Directorate for Trafficking in Human Beings NSSO Inspection Department and the role of social inspectors in informing potential victims of their possibilities for assistance” in Federal Migration Centre Myria, *Annual report 2019 Trafficking and smuggling of human beings. Empowering victims*, 85; answer by the Minister of Work to parliamentary question nr. 142 of 5 January 2021, 12-14; interviews with the specialised centres, the Unit of Human Smuggling and Trafficking of the Federal Judicial Police and the Thematic Directorate for Trafficking in Human Beings of the NSSO Inspectorate in the fall of 2021.

107 Federal Migration Centre Myria, *Annual report 2019 Trafficking and smuggling of human beings. Empowering victims*, 35; interviews with the specialised centres and the Thematic Directorate for Trafficking in Human Beings of the NSSO Inspectorate in the fall of 2021.

108 Federal Migration Centre Myria, *Annual report 2019 Trafficking and smuggling of human beings. Empowering victims*, 27; Belgian House of Representatives, answer by the Minister of Work to parliamentary question nr. 142 of 5 January 2021, 18; interviews with the specialised centres and the Thematic Directorate for Trafficking in Human Beings of the NSSO Inspectorate in the fall of 2021.

109 See for instance Federal Migration Centre Myria, *Annual report 2019 Trafficking and smuggling of human beings. Empowering victims*, 27.

110 Interview with PAG-ASA in the fall of 2021.





Furthermore, **victims do not always consider themselves victims** and are not aware of the fact that they are exploited, for instance because they believe the labour conditions are better in comparison with the situation in their country of origin.<sup>(111)</sup>

## Identification

Third-country national victims of trafficking in human beings may be formally “identified” by the public prosecutor during the special procedure for victims (see Sections 3 and 4). In Belgium, there are 28 public prosecutors specialised in human trafficking or “reference magistrates”,<sup>(112)</sup> one for each (labour) prosecutor’s office. Most of them also handle cases that aren’t related to human trafficking. These prosecutors assess cases of trafficking within their territory and regularly meet with their counterparts to exchange information. While this level of specialisation is in itself a good practice, actors in the field noted that the **high staff turnover** in these positions constituted a challenge, since new magistrates often needed to acquire expertise and could fail to detect or identify victims.<sup>(113)</sup>

## Protection

While the Belgian system provides for all-encompassing support and assistance for victims of trafficking, various challenges were reported in the field of protection. These challenges relate to the financing of the specialised centres on the one hand, and to the position of the victim in judicial

procedures on the other.

Despite their formal recognition and central role in the protection of victims of trafficking in human beings, until today the three specialised centres PAG-ASA, Payoke and Sürya do not receive any **structural funding**. Myria, the national rapporteur on trafficking noted that such funding is necessary to enable the centres to fully carry out their duties.<sup>(114)</sup>

The national rapporteur also detected several **shortcomings in the legal aid** offered to victims of human trafficking. First, in various cases the specialised centres only appointed a lawyer for the victim at the very end of the criminal procedure. According to Myria, this late appointment could have a negative impact on the victim’s case: in the absence of a lawyer, they may fail to request access to their file and/or to request to carry out further investigative measures during the criminal investigation. Second, Myria reported a financial threshold for those victims who found employment during the criminal proceedings and as a consequence, could no longer benefit from the pro-Deo system.<sup>(115)</sup>

Myria also identified various challenges in the criminal investigation itself. In particular, it questioned the occasional **confrontations between the victim and the defendant**, as the former risk being manipulated and intimidated by the latter during such investigative measures.<sup>(116)</sup>

111 Circular of 23 December 2016, 3.1.

112 French: *magistrat de référence*, Dutch: *referentiemagistraat*.

113 Interviews with the specialised centres and the Federal Public Prosecutor’s Office in the fall of 2021.

114 Federal Migration Centre Myria, *Annual report 2019 Trafficking and smuggling in human beings. Empowering victims*, 177.

115 Federal Migration Centre Myria, *Annual report 2019 Trafficking and smuggling in human beings. Empowering victims*, 45.

116 Federal Migration Centre Myria, *Annual report 2019 Trafficking and smuggling in human beings. Empowering victims*, 52-53.



Several actors moreover raised the point that public prosecutors may decide to **end the criminal investigation at any moment in time**, e.g. due to insufficient evidence or a lack of human resources. As a consequence, victims risk not being eligible for the status of victim of human trafficking, as it requires either a final conviction of the trafficker(s) or charges of trafficking by the (labour) prosecutor.<sup>(117)</sup>

Finally, victims of trafficking in human beings often **fail to obtain compensation** for the harm suffered by them (e.g. outstanding wages in the case of economic exploitation). This may be due to the fact that these victims refuse to file a civil suit against their traffickers, for instance out of fear for reprisals, or have limited access to compensation schemes.<sup>(118)</sup>

### Vulnerable persons

The detection of victims of human trafficking proves to be particularly challenging when the victims are **minors**. Frontline actors, including school teachers and youth care services, are often not sufficiently aware of the existing procedures for victims of trafficking in human beings for a range of reasons, e.g. limited knowledge of the phenomenon, lack of human resources or confusion with other types of crime, such as child abuse.<sup>(119)</sup> As a consequence, these **actors often fail to refer potential victims** to the specialised centres. Detec-

tion seems to be especially difficult where minors (who can be third-country nationals, but also EU and Belgian citizens) become victims of so-called “loverboys”, who recruit their victims through seduction.<sup>(120)</sup>

The national rapporteur on trafficking Myria moreover identified challenges regarding the identification and protection of these minor victims following their detection. The **special reception structure Esperanto** offers an adequate and secure environment for these minors, yet many actors in the field are not aware of its existence. Myria thus recommends to officially recognise Esperanto as a structure for the reception of minor victims of human trafficking to increase its visibility among frontline workers, to strengthen its cooperation with the competent authorities and to ensure better care for the victim.<sup>(121)</sup>

Both minor and adult victims of human trafficking often have **mental health problems**. These can be the result of traumatic experiences in their country of origin, during their journey to Europe, or during their exploitation in Belgium. Practitioners noted that these victims do not always have access to adequate psychological and medical care, partly due to language barriers.<sup>(122)</sup>

117 Federal Migration Centre Myria, *Annual report 2019 Trafficking and smuggling in human beings. Empowering victims*, 45; interviews with the specialised centres in the fall of 2021. It has moreover been noted that the requirement does not take into account special criminal procedures such as the recently introduced guilty plea or the settlement procedure. See the Belgian answer to the 2020 questionnaire by GRETA, 22-26 (<https://rm.coe.int/reponse-de-la-belgique-au-questionnaire-pour-l-evaluation-de-la-mise-e/1680a408ae>).

118 Federal Migration Centre Myria, *Annual report 2019 Trafficking and smuggling in human beings. Empowering victims*, 56-57. Also see Irene Wintermayr and Amy Weatherburn, *Access to protection and remedy for victims of human trafficking for the purpose of labour exploitation in Belgium and the Netherlands*, International Labour Organization, 2021.

119 Federal Migration Centre Myria, *Annual report 2018 Trafficking and smuggling in human beings. Minors at major risk*, 46-49.

120 Federal Migration Centre Myria, *Annual report 2015 Trafficking and smuggling of human beings. Tightening the links*, 33.

121 Federal Migration Centre Myria, *Annual report 2018 Trafficking and smuggling in human beings. Minors at major risk*, 49-50.

122 Interview with a specialised centre in the fall of 2021.

## Impact of COVID-19

The COVID-19 pandemic had various consequences on the detection, identification and protection of (presumed) victims of trafficking:

- Vulnerable workers became **even more vulnerable** due to the pandemic, their visibility being reduced (for instance, domestic workers or construction workers who were forced to keep on working while ill and housed in unhealthy accommodation with no respect of COVID-19 measures).<sup>(123)</sup>
- During the first months of the COVID-19 pandemic, the police and social inspection services had to **reduce the number of operations** due to other priority tasks related to COVID-19, safety measures and company closures. Besides the limited detection capacity, social inspection services also noted a remarkable drop in the number of reports of exploitation received.<sup>(124)</sup>
- At the same time, the **specialised centres had to close their doors** and could only be reached by phone or online. This closure created various challenges for both the victims and the centres. For instance, not all victims had access to the internet or were familiar with new communication technologies, such as video calls. In this context, it was harder to create a relationship of trust with potential victims.<sup>(125)</sup>

- Victims of trafficking who were referred to a reception centre during the pandemic had to stay in their room for a week as a **quarantine measure**. The measure had an impact on the mental well-being of some of these victims.<sup>(126)</sup>
- Due to the COVID-19 measures, a lot of **court cases**, including cases regarding trafficking in human beings, were **postponed**.
- Finally, the **integration of victims** was hampered by the suspension or the virtual organisation of trainings and language classes.

At the time of writing of this study, it was too early to determine new patterns and trends in trafficking in human beings because of the COVID-19 pandemic. However, the COVID-19 measures seem to have caused a shift to **more hidden exploitation**. For instance, victims of sexual exploitation that were previously active in public places (e.g. bars or nail studios) may have moved to private places (e.g. apartments or hotels) where detection is more difficult.<sup>(127)</sup>

123 Information provided by the Thematic Directorate for Trafficking in Human Beings of the NSSO Inspectorate in the fall of 2021.

124 P. VAN HAUWERMEIREN and S. SCHULZE, "External contribution: impact of the COVID-19 pandemic on labour exploitation" in Federal Migration Centre Myria, *Annual report 2020 Trafficking and smuggling in human beings. Behind closed doors*, 38-39.

125 Interviews with the specialised centres in the fall of 2021.

126 Interviews with the specialised centres in the fall of 2021.

127 Interviews with the Unit of Human Smuggling and Trafficking of the Federal Judicial Police and Thematic Directorate for Trafficking in Human Beings of the NSSO Inspectorate in the fall of 2021.



## 7.2. GOOD PRACTICES

In general, the Belgian long-standing **multidisciplinary approach** to trafficking in human beings can be considered as good practice. The approach is based on mutual respect and (in)formal exchange of information between all competent actors (the specialised centres for victims, police services, labour inspection services, Immigration Office and specialised magistrates), and pays particular attention to the prevention of trafficking in human beings and the protection of its victims.<sup>(128)</sup> In addition, several good practices could be identified with regard to a) the detection of victims by police and social inspection services and b) their protection by the specialised centres.

### Detection

In the field of detection, the existence of **specialised units at the NSSO Inspectorate** is considered as a good practice. The wide presence of these social inspectors on the field (with thousands of visits a year), their extensive powers (e.g. being able to enter work sites day and night, to identify and to interview persons, etc.) and their knowledge of the phenomenon of trafficking for the purpose of economic exploitation (e.g. the indicators, referral procedures and persons to contact) increase the chances of detecting potential victims. In addition, these inspectors have a legal mandate to investigate trafficking cases and can directly report on labour trafficking cases to the prosecutor's office.<sup>(129)</sup>

At the level of the police services, two good practices could be identified. First, a **manual on trafficking in human beings**, which is regularly updated, is available on the intranet of the Belgian police. All local police officers have access to this manual and can use it when they are confronted with a potential case of trafficking in human beings. Second, the unit of Human Smuggling and Trafficking of the Federal Police can be **reached 24/7**. This way local police officers can ask for guidance at any moment during their operations.<sup>(130)</sup>

### Protection

Regarding the protection of victims, the **official recognition of NGOs** PAG-ASA, Payoke and Sürya as specialised centres for the reception of victims can be considered as a good practice: their non-governmental nature facilitates their interaction with the victims, while their recognition guarantees their credibility toward other actors, enhancing cooperation, awareness raising and information exchange.<sup>(131)</sup>

Furthermore, the assistance for victims of trafficking in human beings is provided by the specialised centres for on average 3 to 5 years. This **long-term support** and follow-up by the centres facilitates the integration of the victim into Belgian society.<sup>(132)</sup>

128 Interviews with the competent actors in the fall of 2021.

129 Information provided by the Thematic Directorate for Trafficking in Human Beings of the NSSO in November 2021.

130 Interview with the Unit of Human Smuggling and Trafficking of the Federal Judicial Police in the fall of 2021.

131 Interviews with the THB Unit of the Federal Public Service Justice and the specialised centres in the fall of 2021.

132 Interviews with the specialised centres in the fall of 2021.











08

## CONCLUSIONS



In Belgium, the detection, identification and protection of third-country national (as well as EU citizen and Belgian) victims of trafficking in human beings is based upon well-rooted **multidisciplinary co-operation** between all the competent actors. The detection of these victims is performed mostly by police, social inspection and other frontline services, while the identification of (third-country national) victims who are willing to cooperate with the national authorities is carried out by the public prosecutor. The protection and assistance of the victims is ensured by the recognised specialised centres for victims of trafficking in human beings, the NGOs PAG-ASA (Brussels), Payoke (Antwerp) and Sürya (Liège). The Immigration Office is competent for issuing residence documents and permits throughout the special residence procedure, from the “annex 15” during the reflection period to the permit of unlimited duration in case of conviction of the traffickers or establishment of the offence of trafficking in the public prosecutor’s charges. The frequent (in)formal exchange of information between all these actors – both at the individual and the structural level – is key for the early detection, identification and protection of victims of trafficking in human beings.

Only **minor developments** were reported by experts and practitioners in the period 2015 to 2020. In addition to some relatively minor legal amendments, these included an update of the circular describing the national referral mechanism, and the publication of the third national Action Plan on Trafficking in Human Beings, which was later on complemented by an addendum intended to improve the protection of minor victims of trafficking. During the reported period, the federal government

services continued to raise awareness of (victims of) trafficking in human beings, for instance by distributing leaflets to specific professional sectors.

Despite the clear merits of the multidisciplinary approach, between 2015 and 2020 actors in the field faced **important challenges** in their fight against trafficking in human beings and the protection of the victims of this crime. Most importantly, several frontline services were reported to have insufficient resources to detect potential victims. At the same time, practitioners pointed to a persisting lack of awareness among certain non-specialised units when confronted with potential victims. In general, the fight against trafficking in human beings and the protection of its victims seemed to be not as high a priority on the political agenda as in earlier periods.

The final months of the reported period may however turn out to be a **turning point**, with the new federal government announcing that the fight against trafficking would constitute an absolute priority. In September 2020, the federal coalition agreed that it would ensure adequate funding for all specialised actors – an ambition that had not yet materialized at the time of writing of this report. At the same time, the new government announced that it would set up a parliamentary working group charged with the evaluation of the existing policies and legislation on trafficking in human beings. This second intention resulted in the establishment of a “special commission” in the House of Representatives in February 2022. Its conclusions, expected to be published in the fall of 2022, may or may not bring about policy changes in the near future.





# ANNEXES



## ANNEX 1: REFERENCES

### Legislation

#### International

United Nations Convention against Transnational Organised Crime, New York, 15 November 2000.

Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, 15 November 2000 [Palermo Protocol].

Council of Europe Convention on Action against Trafficking in Human Beings, Warsaw, 16 May 2005.

#### European

Charter of fundamental rights of the European Union, *OJ C 326*, 26 October 2012.

Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person, *OJ L 180*, 29 June 2013 [Dublin III Regulation].

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 [Anti-Trafficking Directive].

Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities, *OJ L 261*, 6 August 2004 [Residence Permit Directive].





## National

Law of 29 May 2019 regarding the trafficking of human organs and the principle of non-punishment of victims of human trafficking, *Belgian Official Gazette*, 21 June 2019.

Law of 31 May 2016 further implementing the European obligations in the area of sexual exploitation of children, child pornography, human trafficking and facilitation of unauthorised entry, transit and residence, *Belgian Official Gazette*, 8 June 2016.

Law of 30 March 2017 modifying article 61/2 of the Immigration Act aimed at replacing the order to leave the territory by a temporary residence document in the procedure for victims of human trafficking, *Belgian Official Gazette*, 10 May 2017.

Law of 15 December 1980 regarding the entry, residence, settlement and removal of foreign nationals, *Belgian Official Gazette*, 31 December 1980 [Immigration Act].

Organic law of 8 July 1976 concerning the Public Centres for Social Welfare, *Belgian Official Gazette*, 5 August 1976.

Law of 15 June 1935 on the use of languages in judicial matters, *Belgian Official Gazette*, 22 June 1935.

Criminal Code of 8 June 1867, *Belgian Official Gazette*, 9 June 1867.

Royal Decree of 2 September 2018 implementing the Law of 8 May 2018 on the employment of foreign nationals in a particular residence situation, *Belgian Official Gazette*, 17 September 2018.

Royal Decree of 22 June 2018 concerning the recognition of the centres specialised in the reception and support of victims of trafficking and of a more serious form of human smuggling and on the recognition to take legal action, *Belgian Official Gazette*, 5 July 2018.

Royal Decree of 8 October 1981 regarding the entry, residence, settlement and removal of foreign nationals, *Belgian Official Gazette*, 27 October 1981 [Royal Decree implementing the Immigration Act].

Circular of 23 December 2016 concerning the implementation of multidisciplinary cooperation regarding the victims of trafficking in human beings and certain more serious forms of human smuggling, *Belgian Official Gazette*, 10 March 2017.

Circular of 22 September 2008 concerning the introduction of multidisciplinary cooperation regarding the victims of trafficking in human beings and/or certain more serious forms of human smuggling, *Belgian Official Gazette*, 31 October 2008.



## Parliamentary and policy documents

Parliamentary Document n. CRIV 55 PLEN 166, 24 February 2022.

Réponse de la Belgique au Questionnaire pour l'évaluation de la mise en œuvre de la Convention du Conseil de l'Europe sur la lutte contre la traite des êtres humains par la Belgique, 22 February 2021.

Belgian House of Representatives, answer by the Minister of Work to parliamentary question nr. 142 of 5 January 2021.

General Policy Note on Asylum and Migration, 4 November 2020, DOC 55 1580/014.

Coalition Agreement of the Federal Government, 30 September 2020.

Brussels Global Plan for Security and Prevention 2016-2019.

National Security Plan 2016-2019.

Addendum to the Action Plan Against Trafficking in Human Beings 2015-2019.

Action Plan Against Trafficking in Human Beings 2015-2019.

Belgian House of Representatives, explanatory memorandum to the legislative proposal modifying article 61/2 of the Immigration Act aimed at replacing the order to leave the territory by a temporary residence document in the procedure for victims of human trafficking, 20 September 2016, DOC 54 2045/001.

## EMN Studies

EMN Belgium, *Identification of Victims of Trafficking in Human Beings in International Protection and Forced Return Procedures in Belgium*, October 2013.

EMN Belgium, *Comparative overview of national protection statuses in Belgium 2010-2019*, April 2020.



## Other documents

Child Focus, *Slachtoffers van tienerpooiers in Vlaanderen*, 2016.

Eurojust, *Eurojust meeting on migrant smuggling 04-05 November 2021. Outcome report*, 2021/00545.

Europol, *European Union serious and organised crime threat assessment (SOCTA)*, Publications Office of the European Union, Luxembourg, 2021.

Silvia Lamonaca, Klaus Vanhoutte and Lotte De Schrijver, *Good practice tool for police hearings with migrant, applicant for international protection, refugee (MAR), trafficked, and LGBT+ victims of sexual violence*, Payoke and Ghent University, 2021.

Patricia Le Cocq, *Niet-begeleide minderjarige vreemdelingen, slachtoffers van mensenhandel en mensensmokkel*, in E. Desmet, J. Verhellen, S. Bouckaert (eds.), *Migratie en migrantenrecht*, 18, Brugge, die Keure, 2019, 237-258.

Federal Migration Centre Myria, *Annual report 2020 Trafficking and smuggling in human beings. Behind closed doors*.

— *Annual report 2019 Trafficking and smuggling in human beings. Empowering victims*.

— *Annual report 2018 Trafficking and smuggling in human beings. Minors at major risk*.

— *Annual report 2017 Trafficking and smuggling of human beings*. Online.

— *Annual report 2016 Trafficking and smuggling of human beings. Beggars in the hands of traffickers*.

— *Annual report 2015 Trafficking and smuggling of human beings. Tightening the links*.

Irene Wintermayr and Amy Weatherburn, *Access to protection and remedy for victims of human trafficking for the purpose of labour exploitation in Belgium and the Netherlands*, International Labour Organization, 2021.



## ANNEX 2 : PUBLICATIONS BY EMN BELGIUM (2009-2022)

The present annex lists the studies and reports published by EMN Belgium between 2009 and 2020. The other EMN National Contact Points produced similar reports on these topics for their (Member) State. For each study, the EMN Service Provider, in cooperation with the European Commission and the EMN NCPs, produced a comparative Synthesis Report, which brings together the main findings from the national reports and places them within an EU perspective.

The Belgian reports mentioned below are available for download on [www.emnbelgium.be](http://www.emnbelgium.be).

The reports from the other NCPs as well as the Synthesis Reports are available on:

[http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european\\_migration\\_network/index\\_en.htm](http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/index_en.htm).

2009	
April 2009	The Organisation of Asylum and Migration Policies in Belgium
June 2009	Annual Report on Asylum and Migration Policy in Belgium – 2008
July 2009	Unaccompanied Minors in Belgium - <a href="#">Also available in French and Dutch</a>
October 2009	Programmes and Strategies in Belgium Fostering Assisted Voluntary Return and Reintegration in Third Countries - <a href="#">Also available in French and Dutch</a>
December 2009	EU and Non-EU Harmonised Protection Statuses in Belgium
2010	
January 2010	Annual Report on Asylum and Migration Policy in Belgium – 2009
August 2010	Satisfying Labour Demand Through Migration in Belgium
2011	
January 2011	Temporary and Circular Migration in Belgium: Empirical Evidence, Current Policy Practice and Future Options
March 2011	Annual Report on Asylum and Migration Policy in Belgium – 2010
May 2011	EU and Non-EU Harmonised Protection Statuses in Belgium (update)
October 2011	Visa Policy as Migration Channel in Belgium



## 2012

January 2012	Practical Measures for Reducing Irregular Migration in Belgium
March 2012	Annual Report on Asylum and Migration Policy in Belgium – 2011
April 2012	Misuse of the Right to Family Reunification: Marriages of Convenience and False Declarations of Parenthood in Belgium - <a href="#">Also available in French and Dutch</a>
September 2012	Establishing Identity for International Protection: Challenges and Practices in Belgium - <a href="#">Also available in French and Dutch</a>
September 2012	The Organization of Migration and Asylum Policies in Belgium (update)
October 2012	Migration of International Students to Belgium, 2000-2012
December 2012	Intra-EU Mobility of Third-Country Nationals to Belgium - <a href="#">Also available in French</a>

## 2013

May 2013	Annual Report on Asylum and Migration Policy in Belgium – 2012
July 2013	Attracting Highly Qualified and Qualified Third-Country Nationals to Belgium
August 2013	Organisation of Reception Facilities in Belgium
October 2013	Identification of Victims of Trafficking in Human Beings in International Protection and Forced Return Procedures in Belgium

## 2014

February 2014	Migrant Access to Social Security – Policy and Practice in Belgium - <a href="#">Also available in French and Dutch</a>
June 2014	Good Practices in the Return and Reintegration of Irregular Migrants: Belgium's Entry Bans Policy and Use of Readmission Agreements
June 2014	Use of Detention and Alternatives to Detention in the Context of Immigration Policies in Belgium
July 2014	Annual Report on Asylum and Migration Policy in Belgium – 2013
October 2014	Policies, Practices and Data on Unaccompanied Minors in Belgium (2014 Update)
December 2014	Admitting Third-Country Nationals for Business Purposes in Belgium





## 2015

June 2015	Determining Labour Shortages and the Need for Labour Migration from Third Countries in Belgium - <a href="#">Also available in French</a>
July 2015	Annual Report on Asylum and Migration Policy in Belgium – 2014
August 2015	Dissemination of Information on Voluntary Return: How to Reach Irregular Migrants Not in Contact with the Authorities in Belgium

## 2016

May 2016	Changes in Immigration Status and Purposes of Stay in Belgium
May 2016	Integration of Beneficiaries of International Protection into the Labour Market in Belgium
June 2016	Annual Report on Asylum and Migration Policy in Belgium – 2015
December 2016	Returning Rejected Asylum Seekers: Challenges and Good Practices in Belgium
December 2016	Resettlement and Humanitarian Admission in Belgium

## 2017

June 2017	Annual Report on Asylum and Migration Policy in Belgium – 2016
July 2017	Family Reunification with Third Country National Sponsors in Belgium
August 2017	Illegal Employment of Third Country Nationals in Belgium
November 2017	Challenges and Good Practices for Establishing Applicants' Identity in the Migration Process in Belgium



## 2018

May 2018	Changing Influx of Asylum-Seekers in 2014-2016
July 2018	Effectiveness of Return in Belgium: Challenges and Good Practices Linked to EU Rules and Standards
August 2018	Annual Report on Asylum and Migration Policy in Belgium – 2017
September 2018	Labour Market Integration of Third-Country Nationals in Belgium
September 2018	Impact of Visa Liberalisation on Countries of Destination
December 2018	Socio-Economic Profile and Socio-Economic Careers of People Granted International Protection in Belgium, 2001-2014

## 2019

June 2019	Annual Report on Asylum and Migration Policy in Belgium – 2018
July 2019	Beneficiaries of International Protection Travelling to their Country of Origin: Challenges, Policies and Practices in Belgium

## 2020

May 2020	Comparative overview of National Protection Statuses in Belgium 2010-2019
June 2020	Annual Report on Asylum and Migration Policy in Belgium – 2019
June 2020	Migratory Pathways for Start-ups and Innovative Entrepreneurs in Belgium
July 2020	Pathways to Citizenship in Belgium

## 2021

January 2021	Attracting and Protecting the Rights of Seasonal Workers in Belgium
June 2021	Annual Report on Asylum and Migration Policy in Belgium - 2020
July 2021	Data Management in the Belgian Asylum Procedure



## 2022

April 2022

Third-country National Victims of Trafficking in Human Beings in Belgium: Detection, Identification and Protection

Upcoming

Detention and Alternatives to Detention in International Protection and Return Procedures in Belgium

Upcoming

Integration of Migrant Women in Belgium: Policies and Measures





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