



# **The Identification of victims of trafficking in human beings in international protection and forced return procedures in Belgium**

Focused Study of the Belgian Contact Point of the European Migration Network (EMN)

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**EMN Focussed Study 2013:**  
*Identification of victims of trafficking in human beings in international protection and forced return procedures*

The European Migration Network was set up with the purpose of providing up-to-date, objective, reliable and comparable information in the areas of asylum and migration for the European institutions, national authorities and other stakeholders.

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## List of abbreviations and acronyms

**Action Plan 2012-2014:** Action Plan against trafficking in human beings for 2012-2014

**Bureau of the Interdepartmental Coordination Cell:** Bureau of the Interdepartmental Coordination Cell on Action against Trafficking in Human Beings

**CALL:** Council for Aliens Law Litigation

**CEOOR:** Center for Equal Opportunities and Opposition to Racism.

**Circular no. COL 1/2007:** Circular no. COL 1/2007 of 17 January 2007 of the Bench of Appeal Court Prosecutors General relating to investigations and prosecutions of acts of trafficking

**Circular on multidisciplinary cooperation:** Circular of 26 September 2008 on implementing multidisciplinary co-operation in respect of victims of trafficking in human beings and/or certain aggravated forms of smuggling of migrants

**CGRS:** Office of the Commissioner General for Refugees and Stateless Persons

**COO:** Centers for Observation and Orientation of unaccompanied foreign minors

**FEDASIL:** Federal Agency for the Reception of Asylum-Seekers

**GRETA:** Group of Experts on Action against Trafficking in Human Beings

**Immigration Law:** Law of 15 December 1980 on access to the territory, residence, establishment and removal of foreigners

**MINTEH:** Minors and trafficking in human beings cell of the Immigration Office

**Royal Decree of 8 October 1981:** Royal decree of 8 October 1981 on access to the territory, residence, establishment and removal of foreigners

**Specialized Reception Centers:** Specialized reception centers for victims of trafficking in human beings (Pag-Asa in Brussels), Sürya in Liège and Payoke in Antwerp)

**THB:** Trafficking in human beings

## Executive Summary

Belgium has a **specific residence permit procedure** for victims of trafficking in human beings (THB) in accordance with Council Directive 2004/81/EC. In **2012, 848 residence permits** (including orders to leave the territory, temporary residence permits and unlimited residence permits issued or extended on THB and on humanitarian grounds) have been issued by the Immigration Office. The Action Plan against trafficking in human beings for 2012-2014 (Action Plan 2012-2014) however reports that the “**current status for victims of THB**, based on the issuance of a residence permit, **don’t longer adequately suit stakeholders** (victims/judicial authorities). Following the EU enlargement, a number of victims are already allowed to stay<sup>1</sup>”. In addition to this, the Action Plan 2012-2014 points out that **unaccompanied foreign minors** should be able to obtain a residence permit regardless of **whether or not they collaborate with judicial authorities** and an amendment to legislation should be envisaged in this respect<sup>2</sup>.

Belgium has a **national referral mechanism** that is described in the Circular of 26 September 2008 on implementing multidisciplinary co-operation in respect of victims of trafficking in human beings and/or certain aggravated forms of smuggling of migrants (**Circular on multidisciplinary cooperation**). Stakeholders whose role is described in the Circular, including the Police and Social Inspectors (victims’ detection and referral to specialized reception centers), Public Prosecutors (granting of victim status), the minors and trafficking in human beings cell (MINTEH) of the Immigration Office (issuance of documents) and the specialized reception centers (psychosocial - medical, administrative and legal assistance), very much value this multidisciplinary approach. They note that such cooperation allows **flexible pathways to referral**.

However the Circular on multidisciplinary cooperation is complex and actors stress that **simplified tools** are needed to provide guidance to services concerned<sup>3</sup>. Moreover the Circular don’t include **other stakeholders who don’t specialize in THB** but are still in contact with (potential) victims, including in international protection/Dublin/forced return procedures. Competent authorities responsible for registering and examining applications for international protection, managing Dublin transfers or implementing forced return have no specific methods of detection nor systems of referrals described in official documents, except for internal guidelines for protection officers in the Officer of the Commissioner General for Refugees and Stateless Persons (CGRS).

In international protection/Dublin/forced return procedures, some staff members are aware of THB; they are of the opinion that they have a role to play in this matter and they make use of other tools (interviews, brochures for victims, administrative reports, identification sheets, contacts with MINTEH/THB unit, etc.). Some others aren’t informed of THB related issues or are of the opinion that it is not their role to look for indications of THB. In any case, it is required to **clarify what role competent authorities in international protection/Dublin /forced return procedures are invited to play** in the detection and referral of (potential)

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<sup>1</sup> The Action Plan 2012-2014, p. 19

<sup>2</sup> The Action Plan 2012-2014, p. 24

<sup>3</sup> A leaflet has already been produced and distributed to reception centres for unaccompanied foreign minors

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victims and to develop **specific information/training tools** (taking into account **gender and age dimensions**) to help them assume this role.

Detection in and referral from international protection/forced return procedures occur **mainly through other actors**, particularly social workers (in reception centers as well as in closed centers), jointly with educators, medical staff, night workers etc. This is mainly due to (1) the social worker's basic education, training and skills, (2) the social worker's (interdisciplinary) role (case management, investigation, counseling, etc.) (3) the resident-social worker relationship (confidence, trust) (4) the quantity-quality time spent together.

Detection and referral of victims of THB is also facilitated in Centers for Observation and Orientation (**COO**) for unaccompanied foreign minors. Due to the small size of their structure and higher staff ratio, they **more systematically examine** possible indications of THB, based on detailed **guidelines/indicators** elaborated with Esperanto<sup>4</sup>. However, in its report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Belgium, from 25 September 2013, the Group of Experts on Action against Trafficking in Human beings (GRETA) is concerned about the difficulties relating to the identification of child victims of THB and disappearances from accommodation centres. GRETA believes that those involved in child protection, including COO, should be **better trained in detecting and referring child victims**<sup>5</sup>. It is worth noting in this regard that the Action Plan 2012-2014 pays particular attention to minor victims of THB, anticipating awareness-raising and information tools and specific instructions and indicators relating to this vulnerable group.

Both for competent authorities in international protection/forced return procedures and for other actors involved in these procedures, **training should be stepped up**, as highlighted in evaluation reports on the application of the Circular on multidisciplinary cooperation<sup>6</sup> and the above mentioned GRETA report. Based on the Action Plan 2012-2014, actions have already been taken to provide training and information leaflets to certain target groups, particularly reception centres for unaccompanied foreign minors<sup>7</sup>. However (elementary and continuous) **training needs are still important, including for the staff of the Immigration Office** registering asylum applications, implementing Dublin transfers, involved in closed centres or housing units, implementing forced returns, as well as for protection officers **in the CGRS** and judges in the Council for Alien Law Litigation (**CALL**), and for **reception centres for adult asylum seekers**.

**Pag-Asa, Sürya and Payoke**, which are officially recognized<sup>8</sup> as specialized centers for THB victims (specialized reception centres), are key actors in this field, offering support both to authorities and other actors facing (potential) victims of THB and to victims themselves inter alia to launch the specific residence permit procedure and legal proceedings. In order to fulfil

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<sup>4</sup> Esperanto is a non-profit association providing accommodation and assistance to minor victims

<sup>5</sup> Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Belgium, 25 September 2013, p.24 & p.36

<sup>6</sup> The Circular on multidisciplinary cooperation is assessed by the Bureau of the Interdepartmental Coordination Cell on Action against THB (Bureau of the Interdepartmental Coordination Cell).

<sup>7</sup> Training workshop in 2012 and 2013 are presented in section 5

<sup>8</sup> Royal decree 18 April 2013

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their missions and to raise awareness on these, the specialized reception centres should be granted **structural funding** (i.e. of a perennial nature) as reminded by the GRETA in the above mentioned report.

Finally monitoring and evaluation are crucial, and for this purpose statistical information are needed. There is however **currently no practice of collecting centralized and standardized data on THB** in Belgium. Each institution gathers information on the basis of its own remit. The Centre for information and analysis in the field of smuggling of and trafficking in human beings (CIATTEH), which was instituted on the basis of the Royal Decree of 16 May 2004, isn't operational. ELDORADO, the IT tool managing electronic files of victims of THB, which was introduced in 2012 by the three specialized reception centers and the Center for Equal Opportunities and Opposition to Racism (CEOOR), is still facing problems. Therefore a **coherent system collecting and analyzing reliable data on THB from different sources and broken down** (in particular by sex, age, country of origin, type of exploitation, source of referral, residence permit) should be implemented. **Research on THB related issues** should also be supported in order to assist in evaluating current mechanisms and in developing future measures.



## **Section 1: Residence permits, protection statuses and national programmes available for victims of trafficking in Belgium**

*Q.1 What residence permits specifically for victims of trafficking in human beings are available in Belgium? Are they conditional on cooperation with the authorities? In which year were they introduced?*

Since the early 1990's, victims of THB can be granted specific residence permits (temporary stay permits which, subject to certain conditions, result in unlimited residence permit). Conditions for requesting and issuing such permits were determined in ministerial guidelines in 1994<sup>9</sup> and 1997<sup>10</sup>. As part of the implementation of Directive 2004/81/EC<sup>11</sup>, Belgium inserted this model with some modifications in the Law. Since 1 June 2007<sup>12</sup>, the procedure is detailed in **Article 61/2 to 61/5 of the Law of 15 December 1980** on access to the territory, residence, establishment and removal of foreigners (hereafter called the "Immigration Law"). The types of documents issued are specified in **Articles 110a and 110b of the Royal Decree of 8 October 1981** on access to the territory, residence, establishment and removal of foreigners (hereafter called the "Royal Decree of 8 October 1981")<sup>13</sup>. These texts are complemented by a Circular (see answer to question 3 below).

The granting of such permits is made **conditional upon cooperation with judicial authorities**. In order to qualify for the "victim status", the concerned person must meet **three basic requirements**: (1) break off contacts with suspected exploiters, (2) accept the assistance of a specialized reception centre and (3) cooperate with judicial authorities by filing a complaint or making statements (except during the reflection period).

The following residence permits are granted during the procedure:

1. The presumed victim, who has broken off contacts with exploiters and has accepted the support of a specialized reception centre, is allowed a 45 day reflection period during which he/she is granted an **order to leave the territory**.
2. Once the presumed victim has made a statement or filed a complaint, he/she is granted a **registration certificate**<sup>14</sup> **valid for three months**.
3. If the Prosecutor is of the opinion that the person concerned is a victim of THB (or of aggravated forms of human smuggling), (b) legal proceedings are still ongoing, (c) the

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<sup>9</sup> [Circular of 7 July 1994](#) concerning the issuance of residence permits and work permits to foreigners victims of trafficking in human beings, published in the Belgian Official Gazette on 7 July 1994.

<sup>10</sup> [Directives of 13 January 1997](#) to the Immigration Office, Prosecutors, Police and Social Inspection concerning assistance to victims of trafficking in human beings, published in the Belgian Official Gazette on 17 April 2003.

<sup>11</sup> [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 subjects of an action to facilitate illegal immigration, who cooperate with the competent authorities.

<sup>12</sup> This date corresponds to the entry into force of amending provisions that were inserted by the [Law of 15 September 2006](#) modifying the Aliens Law and published in the Belgian Official Gazette on 6 October 2006.

<sup>13</sup> The changes were introduced by the [Royal Decree of 27 April 2007](#) modifying the Royal Decree of 8 October 1981 and published in the Belgian Official Gazette on 21 May 2007.

<sup>14</sup> The registration certificate (*attestation d'immatriculation – A.I.*) is not a residence permit but a document that attests the temporary right to stay in the territory in order to apply for asylum or for another residence permit.

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victim is clearly willing to cooperate and has broken all ties with exploiters and (d) is not considered as a threat to public order or national security, he/she is granted a (renewable) **certificate of registration in the register of foreigners, valid for six months**<sup>15</sup>.

4. If the above mentioned complaint or statements of the victim result in the conviction of perpetrators on the basis of the law on THB or other legislation where the Prosecutor withheld the prevention of THB in the requisitions, the victim can be granted an **unlimited residence permit**<sup>16</sup>.

*Q.2 Are international protection statuses granted to third-country nationals for the reason of being a victim of trafficking in human beings in Belgium?*

International protection statuses are **not granted to third-country nationals for the reason of being a victim of THB** as such. However victims of THB are **eligible to such protection statuses** and they are invited to communicate THB-related information during their application for international protection<sup>17</sup>.

In October 2010, the CALL recognized the refugee status to a victim of THB based on the grounds that the alleged facts (several years of forced prostitution, limited freedom of movement, maltreatment) were sufficiently serious by the repetitive nature and character as to constitute persecution and also considered as mental and physical violence and acts directed against a person as a result of gender. The Council then found that the persecution endured by the applicant fell under the criterion of **membership of a particular social group**, pursuant to the Geneva Convention of 28 July 1951 relating to the status of refugees<sup>18</sup>.

*Q3. Does Belgium have a national referral mechanism?*

Belgium has a national referral mechanism that is detailed in the **Circular of 26 September 2008**<sup>19</sup> concerning the implementation of a **multidisciplinary cooperation** about victims of THB and/or certain aggravated forms of human smuggling. The Circular applies to victims of all forms of exploitation of THB and aggravated forms of human smuggling in Belgium<sup>20</sup>. The Bureau of the Interdepartmental Coordination Cell regularly assesses the application of the above mentioned Circular.

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<sup>15</sup> The certificate of registration in the register of foreigners (*C.I.R.E.*) valid for a limited period can be renewed every six months until the end of legal proceedings.

<sup>16</sup> The victim has to try to prove his/her identity, by presenting a passport/ travel document or national identity card.

<sup>17</sup> See the brochure "Women, Girls and Asylum in Belgium" published by the CGRS, p. 30

<sup>18</sup> Council for Alien Law Litigation, 20 October 2010, No 49.821, *Rev. dr. étr.*, 2010, No 160, pp. 501-505.

<sup>19</sup> The [Circular of 26 September 2008](#) was assessed as being too extensive and not practical enough. The Action Plan 2012-2014 envisages the drafting of simplified tools for those working on the ground, Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Belgium, 25 September 2013, p. 23

<sup>20</sup> In its Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Belgium, 25 September 2013, p. 34, the GRETA underlines that not sufficient attention is devoted to Belgian victims as the Circular of 26 September 2008 and the machinery that it establishes are intended to apply to foreign victims, particularly those illegally present on the Belgian territory.

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The Circular describes the specific **role and duties** of key stakeholders, particularly frontline services including the Police and Social Inspectors (victims' detection and referral to specialized reception centers), Public Prosecutors (granting of victim status), the minors and trafficking in human beings section (MINTEH) of the Immigration Office (issuance of documents) and the specialized reception centers (psychosocial - medical, administrative and legal assistance).

The Circular incorporates guidance on:

- **How to detect** a (potential) victim: a victim is detected by the statements made to that effect and/or spotting of clues pointing to the fact that their situation corresponds to THB. **Circular no. COL 1/2007**, elaborated for frontline services and public prosecutors, contains, in appendix 2, a list of **indicators**.
- **What actions** are to be taken once a (potential) victim is detected: the services concerned must inform the public prosecutor (who is responsible for carrying out the formal identification of the person concerned as a victim of THB entitled to the protection status provided for in Belgian law), contact one of the three specialized reception centers and inform the Immigration Office. It must also inform the (potential) victim about the status affording protection to victims under Belgian law.
- **What support services** are provided to victims by specialized reception centers: three components (psychosocial and medical, administrative and legal assistance)
- **How the procedure** is launched and the **status granted** (see answer to Q1 above)

## **Section 2: Detection, identification and referral of victims in International Protection Procedures**

### **2.1 Legislative framework**

*Q.4 Are there established mechanisms for detecting and identifying victims of trafficking in human beings in the procedure for international protection?*

There are no established mechanisms for detecting and identifying victims of THB when the application for international protection is being registered in the Immigration Office and when it is being dealt with at the appeal stage by the CALL. However there is a mechanism set up in the CGRS.

The CGRS has developed **internal guidelines** on Trafficking in Human Beings and Public Order<sup>21</sup>. These guidelines aim to provide practical instructions to protection officers, who are invited to pay particular attention to this issue, particularly with regard to possible misuse of the asylum procedure by trafficking networks and to provide adequate assistance to victims.

The guidelines provide that “on the basis of individual asylum claims, the CGRS verifies and/or notes, on its own initiative or upon request of other police services, if there are “**suspicious elements**” indicating cases involving THB”. The guidelines mention various elements that should attract protection officers’ attention, both in the preparatory phase and in the course of the interview, including suspicious address, legal representative’s dubious reputation, asylum seekers’ account (stereotypical) and possible fears, other evidence (e.g. medical certificate).

The guidelines also refer to **supporting tools** that may help protection officers in this task: (i) in-depth interview, (ii) specialized protection officer/supervisor/interpreter, (iii) press articles, (iv) contacts and interview with specialized reception centers for victims of THB, (v) contacts with doctors producing medical certificates.

Several supporting tools<sup>22</sup> and action points<sup>23</sup> contained in the above mentioned guidelines no longer exist or are not (longer) implemented. For this reason, the **current update** of the guidelines and their subsequent dissemination are crucial to foster their use (see 2.5).

*Q5. Are there different protocols and/or practices for children and adults?*

There are no protocols regarding the detection and identification of children victims of human trafficking specifically in international protection procedures. However the Circular on multidisciplinary cooperation contains a specific section<sup>24</sup> on unaccompanied foreign minor victims of THB, including **specific measures for reporting and identifying them**. Based on this, any authority or institution that is aware of the presence, at the border or on the territory, of an unaccompanied foreign minor, including those who have applied for

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<sup>21</sup> These guidelines: « Nota mensenhandel en openbare orde – Note traite des êtres humains et ordre public » from 28 January 2002 are currently being updated.

<sup>22</sup> Some specialized protection officers/supervisors mentioned in the guidelines no longer assume this function.

<sup>23</sup> Posters supposed to be in the reception area and in corridors are no longer to find there.

<sup>24</sup> Circular of 26 September 2008, p. 19

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international protection<sup>25</sup>, is requested to complete, and send to the Guardianship Service and the Immigration Office, a **standard identification sheet containing a checkbox**<sup>26</sup> to indicate whether the minor says he/she is a victim of THB.

In addition to this, special attention is paid to vulnerable groups, including **vulnerable (unaccompanied) minors**, both in the Immigration Office and in the CGRS. Concrete measures, including the appointment of specialized units/officers, interviewing of children training, adequate interview premises, etc. are taken in this regard.

*Q6. Are there different protocols and/or practices for men and women?*

Women asylum seekers are systematically given a brochure entitled “**Women, girls and asylum in Belgium**”<sup>27</sup> available in nine different languages. The brochure, which includes a **section on human trafficking**, underlines that “women may be victims of human trafficking (and that victims) are entitled to **specific guidance**”. The brochure provides women with a simple definition of human trafficking (e.g. sexual abuse, abuse of workers, etc.) and invites them to mention possible information on human trafficking during the asylum interview. Women are also advised to speak to a social worker or to contact one of the three specialized reception centres (whose contact details are included in the list of useful contacts).

In addition to this, special attention is paid to vulnerable groups, including **vulnerable women**, both in the Immigration Office and in the CGRS. Concrete measures, including the appointment of specialized units/officers, guidelines for the processing of gender-related asylum applications, specific information and training needs, etc. are taken in this regard.

## 2.2 Detection and identification of victims

*Q7. How are (potential) victims of trafficking in human beings detected in procedures for international protection?*

At the time of registering the application for international protection, the Immigration Office doesn't proactively screens all or those applicants with a particular profile for indications of THB. The staff interviewed for the purpose of this study is of the opinion that the registration is too early in the process and too short in duration to implement such screening. The staff also notes that favourable conditions (trust-based relationship, confidentiality of interviews, etc.) are not created to facilitate the detection of victims of THB. (Potential) victims are however expected to **self-report**.

At the time of examining the application for international protection, screening as such doesn't take place neither but protection officers of the CGRS still indicate that they focus more on **victims of sexual exploitation** from **certain African countries** such as Cameroon, Nigeria, the Democratic Republic of Congo and Guinea; and women from the **Balkans**, especially Albania. Information on THB is also provided in general information tools

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<sup>25</sup> This reporting and identification practice is also used for unaccompanied foreign minors who don't meet the requirements to access to or stay on the territory.

<sup>26</sup> Please note that, based on interviews undertaken for the purpose of this study, the checkbox is rarely used.

<sup>27</sup> The brochure “Women, Girls and Asylum in Belgium” was published by the CGRS in June 2011, with the financial support of the European Refugee Fund.

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(brochure, DVD, website), to help (potential) victims to self-identify and **self-report** to asylum authorities and other specialized stakeholders.

The **legal representative** is in a position to draw the attention of the CGRS, both during the asylum interview or subsequently, to the potential applicant's victimization. Other actors, especially in reception centers for asylum-seekers, are in an adequate position to detect (potential) victims (see section 4).

A (potential) victim of THB **can in principle be detected at any phase of the procedure for international protection**. Whether at the time of the registration of the application for international protection or at the time of a possible transfer under the Dublin Regulation (see 2.4), or at the time of handling the application at first instance or still at appeal stage, a victim of THB can potentially be detected or self-report.

*Q8. If the competent authority detects that an applicant may be a victim of trafficking in human beings, what are the next steps in terms of assessment?*

As a first step, competent staff members within the immigration or asylum authorities are involved. Within the Immigration Office, the staff member who faces a (potential) victim of THB takes contact with the MINTEH cell<sup>28</sup>, who can personally meet the person concerned to **assess that reported facts occurred in Belgium and that they overall relate to THB**. Within the CGRS, the staff member who prepares the interview of a (potential) victim of THB takes contact with a more experienced protection officer to take over the case<sup>29</sup>. Given their limited role and the restricted access to the set of indicators<sup>30</sup>, the staff members of the immigration or asylum authorities don't make use of such indicators and rather rely on their experience to **interview the (potential) victim**. If they assess that the person concerned may be a victim of THB, they provide him/her with a multilingual brochure (see 5.4) that presents THB related situations allowing the person to self-identify and to contact one of the specialized reception centers.

As a second step, actors outside of immigration or asylum authorities who are specialized in THB are involved. The **specialized reception centers are responsible for assessing further** whether or not the applicant may a victim of THB. The purpose of such assessment is to (1) check that the person concerned experiments a situation related to THB, (2) make sure that verifiable evidence allow subsequent investigation and (3) inquire whether or not the person can accept the assistance scheme. Such assessment takes place during one or more than one interviews (depending on the urgency of the case), during which the person is asked **questions based on a set of indicators**<sup>31</sup>.

In order to assess whether a person detected as a (potential) victim should be identified as such or referred onto formal identification procedures, the specialized reception centres can

<sup>28</sup> Persons interviewed for the purpose of this study acknowledge that they don't systematically take contact with the MINTEH cell when they have doubts only but will do so when facing obvious cases (self-reporting).

<sup>29</sup> Please note that there are no protection officers specialized in THB within the CGRS due to the lack of training. Protection officers who are more experienced in interviews are therefore involved.

<sup>30</sup> The list of indicators contained in appendix 2 of Circular COL 1/2007 is restricted (see question 3).

<sup>31</sup> The list of indicators contained in appendix 2 of Circular COL 1/2007. These indicators include the existence of an excessively high level of debt; falsified travel documents received from another person; insalubrious workplaces and physical working conditions; no or very little income; and limited freedom of movement.

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take contact and exchange information with **partners specialized in THB, including the police, inspection services and contact prosecutors.**

If the person concerned is not assessed as a (potential) victim by one of the specialized reception centers, he/she will be provided with information on possible alternatives (including return, wage complaint under labor law etc.) and corresponding contact persons. Should the person wish to seek **alternative assessment** as a potential victim of THB, he/she can still contact **another specialized reception centers.**

*Q9. Have methods for the detection and/or identification of victims in international protection procedures been evaluated in Belgium?*

Methods for the detection and/or identification of victims in international protection procedures **haven't been evaluated as such.** However recently released reports, interviews and figures provide useful elements in this regard.

In its Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Belgium, dated from 25 September 2013, the GRETA refers to the involvement of the (THB unit of the) Immigration Office and (specialized officers of) the CGRS in the detection and identification of (potential) victims of THB and the close cooperation they maintain with partners specialized in THB. However the GRETA underlines that **shortcomings overall persists** in the identification of victims. The GRETA notes cases where victims of THB are identified when they are already in closed centres. Therefore **training should be stepped up** for operatives in contact with migrants so that they are capable of detecting cases of THB and know who to turn to in such situation<sup>32</sup>.

Based on interviews conducted for the purpose of this study with officers responsible for registering and handling applications for international protection, detection of (potential) victims of THB seems to be **rare and limited to obvious cases.** Some interviewees mention that training would help make detection more effective. Others state that, in any case, work conditions (premises, relationship etc.) are not favourable to such detection. In addition to this, some raise the fact that, while examining applications for international protection, attention is more focused on facts in the country of origin (while THB related facts must have occurred in Belgium) and that too much attention to possible THB related facts could encourage misuse of the procedure.

Finally, both in data from the MINTEH and from specialized reception centres, **few cases are reported** by authorities responsible for registering/examining applications for international protection.

### 2.3 Referral

*Q10. If an applicant is identified as a (potential) victim, can s/he access tailored statutory assistance and support whilst remaining in the international protection procedure (i.e. without referral to other procedures)?*

An applicant identified as a (potential) victim can indeed access assistance and support whilst remaining in the international protection procedure.

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<sup>32</sup> Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Belgium, 25 September 2013, p. 37.

The ambulatory or residential assistance is **provided by specialized reception centers**<sup>33</sup>, including administrative and legal support (contact with police, inspection services, lawyers and prosecutors) and psychosocial assistance (trauma, life projects, integration).

The assistance can be provided **if** the specialized reception centre **assesses that the person may indeed be a victim of THB** and if the presumed victim (1) **breaks off contacts** with suspected exploiters, (2) **cooperates** with judicial authorities by filing a complaint or making statements and (3) **accepts** the assistance of the specialized reception centre, the latter assistance can indeed be provided to the presumed victim whilst remaining in international protection procedure.

There aren't specific mechanisms or agreements in place to facilitate the provision of such assistance to presumed victims remaining in the international protection procedure. Actors involved underline that situations are **considered individually** and that **partnerships** (e.g. between specialized reception centres and Fedasil reception centres for asylum seekers) are good enough to adapt to particular needs.

*Q11. If an applicant is identified as a (potential) victim and there is the possibility to change to procedures as foreseen under Directive 2004/81/EC or national equivalent measures how does this work in practice?*

*Q11a. Does the applicant have to withdraw from the procedure for international protection in order to do so?*

The note "Trafficking in Human Beings and Public Order" (see 2.1) elaborated by the CGRS stipulates that "before the victim can start the residence permit procedure for victims of THB, the **asylum procedure must first be terminated**, either by the applicant abandoning the procedure or by the CGRS confirming or refusing the refugee or subsidiary protection status.

The presumed victim has the opportunity to discuss this during the interview with specialized reception centers (see Q8). He/she is **informed of the requirements for and consequences of each option before deciding** in his/her own interest on whether or not he/she wishes to pursue the application for international protection (in which case it can be treated in priority) or to abandon it to launch the residence permit procedure for victims of THB.

If the application for international protection is likely to lead to the granting of the refugee or subsidiary protection status, the presumed victim is generally advised/inclined to **continue on this path**. In this case, the application for international protection is examined objectively and independently of the fact that the applicant is a presumed victim of THB.

In most exceptional cases where a presumed victim decides to abandon the procedure for international protection and where he/she is not granted a residence permit under the specific procedure for victims of THB, he/she **can still lodge a subsequent application for international protection afterwards**, referring to asylum motives that have not yet been assessed.

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<sup>33</sup> The three specialized reception centres for victims of THB are non-profit organizations officially recognized by the Royal Decree of 18 April 2013.



*Q11b. How is referral to the procedure as foreseen under Directive 2004/81/EC organised?*

As mentioned above, **the presumed victim is given**, during interviews with specialized reception centres, key **information on possibilities and attached rights and obligations**. It is important not to “sell the residence permit procedure for victims of THB” at any price, but rather to allow the presumed victim to weigh the pros and cons and to decide in his/her best interest. While the person is invited to decide for him/herself to engage in the specific procedure for victims of THB, he/she doesn’t have to initiate it on his/her own. **The specialized reception centres are empowered to initiate the specific residence permit procedure for victims of THB** (as well as to file a civil lawsuit)<sup>34</sup>. Concretely the specialized reception centre takes contact with the MINTEH cell to issue a temporary stay permit (see Q1).

*Q11c. Can the applicant’s dossier /evidence gathered to date in the procedure for international protection (e.g. personal interview) be transferred to and used in the new procedure for a reflection period or residence permit as foreseen under Directive 2004/81/EC?*

The **judicial authorities** and the **police** have the possibility to obtain a copy of the asylum file and thus the information gathered in the processing of the application for international protection.

*Q12. If an applicant is identified as a victim and there is the possibility to change to obtain a residence permit (other than that described in Q11) or international protection status on grounds of being a victim of trafficking in human beings, how does this work in practice?*

There is no other residence permit or international protection status on grounds of being a victim of THB than the specific residence permit procedure for victims of THB.

*Q13. Have systems of referral of (potential) victims of trafficking in human beings from international protection procedures to other procedures been evaluated in Belgium?*

Systems of referral of (potential) victims of THB from international protection procedures to other procedures haven’t been evaluated in Belgium. However recently released reports, interviews and figures provide useful elements to evaluate the referral system in general.

In its Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Belgium, dated from 25 September 2013, the GRETA welcomes the efforts made to apply a **multidisciplinary approach** to the identification and referral of victims of THB on the basis of the 2008 Circular on multidisciplinary cooperation regarding victims of THB.

Key actors interviewed for the purpose of this study agree on the above mentioned point and highly value the coordination and cooperation between partners in this field. They add that such cooperation allow **flexible pathways to referral**. The referral system, although based on general practices described in this study, remains founded on the careful assessment of each situation and oriented towards tailor-made responses.

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<sup>34</sup> See Royal Decree of 18 April 2013, published in the Belgian Official Gazette on 22 May 2013.

In the above mentioned report, the GRETA however notes that some victims may not be referred to the specialized reception centres, owing to a lack of knowledge of the referral mechanism set up for trafficking victims in Belgium. In this regard, several actors note that efforts invested in awareness-raising and training help **make the referral system better known**. They also positively note that referral isn't promoted at any price but rather based on **verifiable elements** and subject to the **decision consciously taken** by the (presumed) victim.

The Action Plan 2012-2014 raises another aspect in relation to the effective referral of victims of THB: "the current status for victims of THB, as currently designed and based on the issuance of a residence permit, don't longer adequately suit stakeholders (victims/judicial authorities). Following the EU enlargement, a number of victims are already allowed to stay."<sup>35</sup> Given **constraints of the specific procedure for victims of THB and without residence related benefits**, (potential) victims, who are already allowed to stay on the territory, might not be inclined to opt for referral to this specific procedure and for cooperation with the police and judicial authorities. Those who apply for/obtain an international protection status and attached residence permit may fall in this category.

Finally the above mentioned report of the GRETA stress that those involved in child protection (particularly legal guardians, the guardianship service, the centres for observation and referral of unaccompanied foreign minors, the reception centres for unaccompanied foreign children not specializing in THB) **should be better trained in (detecting and) referring child victims**<sup>36</sup>. Moreover the Action Plan 2012-2014 indicates that unaccompanied foreign minors, victims of THB, should receive a residence permit regardless of his/her cooperation with judicial authorities.

## **2.4 Detection and identification and referral in relation to Dublin procedures**

*Q14. If, in accordance with Council Regulation 343/2003, the competent authority decides that another Member State is responsible for examining the application for international protection (i.e. Dublin procedures apply) and the applicant is detected as a (potential) victim of trafficking in human beings, does this trigger Article 3(2)<sup>37</sup> and/or Article 15<sup>38</sup> of the Regulation – i.e. can the Dublin transfer be suspended?*

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<sup>35</sup> The Action Plan 2012-2014, p.19.

<sup>36</sup> Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Belgium, 25 September 2013, p. 70.

<sup>37</sup> Article 3(2) states that "each Member State may examine an application for asylum lodged with it by a third-country national, even if such examination is not its responsibility under the criteria laid down in this Regulation."

<sup>38</sup> Article 15(1) states that, "Any Member State, even where it is not responsible under the criteria set out in this Regulation, may bring together family members, as well as other dependent relatives, on humanitarian grounds based in particular on family or cultural considerations. In this case that Member State shall, at the request of another Member State, examine the application for asylum of the person concerned. The persons concerned must consent." Article 15(3) refers specifically to Unaccompanied Minors and states, "If the asylum seeker is an unaccompanied minor who has a relative or relatives in another Member State who can take care of him or her, Member States shall if possible unite the minor with his or her relative or relatives, unless this is not in the best interests of the minor".

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So far the Dublin Unit of the Immigration Office has experienced **very few situations** (less than 10 in recent years) where an asylum applicant subject to a Dublin procedure was detected as a potential victim of THB. In some of these cases, the applicants didn't cooperate with the authorities and the Dublin procedure was continued. In other cases, the Dublin procedure was suspended while awaiting further information and guidance from the MINTEH cell. In the latter cases, the file was still pending after six months and consequently the transfer of the applicant could not be carried out anymore<sup>39</sup>. In other words, the decision has never been taken to suspend the transfer based on the Articles concerned (although considered relevant) but the practice has been to **suspend the procedure while awaiting THB related developments** and eventually to accept the responsibility of handling the application after the six months' time limit.

*Q14a If yes, how are (potential) victims subject to Dublin transfers detected?*

Applicants subject to Dublin transfer **aren't proactively screened** for indications of THB, nor are applicants with a particular profile screened. It is worth noting in this regard that officials from the Dublin Unit come very little into personal contact with applicants. They rely on the information gathered by the Interview & Decision cell, and are brought to see them only when critical information is lacking from the interview or sometimes when the decision on the transfer is being notified to them.

The specific interview for applicants subject to the Dublin procedure may help suspect trafficking cases, mainly through questions relating to the **travel route, possible use of smuggler** etc., but officials rather expect that the applicants **self-report**. In the potential THB cases mentioned above, attention was drawn by **other actors, inter alia detention centres** where applicants were held for the purpose of transfer or **specialized reception centres**. The latter actors are seen as key in detecting and identifying possible victims, unlike officials of the Dublin Unit who have **neither training nor personal contacts nor sufficient information** to do so.

*Q14b. If a (potential) victim is detected, what are the next steps in terms of assessment and identification? Is there a specific level of evidence needed to suspend a Dublin II transfer?*

Next steps in terms of assessment and identification are overall the same as those explained in answer to Q8. The Dublin Unit or Interview & Decision cell facing a (potential) victim of THB takes contact with the MINTEH cell, which overall assesses that facts occurred in Belgium and overall relate to THB. Further assessment falls under the responsibility of specialized reception centers which inter alia make sure that verifiable evidence allow subsequent investigation and that the person concerned can accept the assistance scheme.

There is **no specific level of evidence** to suspend a Dublin transfer. In such (exceptional) cases, the Dublin Unit doesn't implement any transfer until provided with feedback and guidance from the MINTEH cell.

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<sup>39</sup> According to Article 29 of Regulation (EU) n° 604/2013 (Dublin Regulation), the transfer of the applicant shall be carried out as soon as possible and at the latest within six months of acceptance of the request by another Member State to take charge or to take back the person concerned.

*Q15. If being a victim of trafficking in human beings does not trigger Article 3(2) or Article 15 in Belgium can Dublin II transfers be suspended anyway?*

As mentioned above, the practice has been to **suspend the procedure** while awaiting THB related developments and eventually to **accept the responsibility** of handling the application after the six months' time limit.

*Q16. Are third-country nationals subject to Dublin procedures informed of possibilities offered under Directive 2004/81/EC or national equivalent measures, or other residence possibilities?*

Third-country nationals subject to the Dublin procedure **aren't informed** of possibilities offered under Directive 2004/81/EC, neither during the specific Dublin interview, nor at the time of notification of the transfer decision. While some officials from the Dublin Unit consider it desirable to provide such information (through posters, brochures etc.), other believe that it is not part of their duties or even fear that providing such information may encourage third-country nationals to misuse the procedure for victims of THB.

## **2.5 Future measures**

*Q17. Are any future measures anticipated in relation to improving or facilitating the detection and identification of victims of trafficking in human beings in procedures for international protection?*

The CGRS is in the process of **updating internal guidelines** on Trafficking in Human Beings and Public Order (see 2.1). The note from 28 January 2002 is partly out-dated and the current work will therefore allow identifying existing contact persons and resources as well as specific problems and practical instructions to deal with potential victims of THB whilst in international protection procedure within the CGRS. Different staff members are involved in this process, including the legal cell, the THB cell and specialized protection officers<sup>40</sup>.

The Immigration Office is planning to dedicate time to **raising-awareness and training** on THB for immigration (and asylum) authorities. In this framework, efforts will be pursued to provide each new staff member in the Immigration Office with a compulsory 3 hour basic training module on MENA/THB (see 5.2). In addition to this, an optional training session will internally be proposed to the staff and strongly recommended to those dealing with asylum applications. The latter continuous training will be open to interested CGRS staff members.

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<sup>40</sup> The Belgian Contact Point of the EMN is also invited to contribute to this update, based on lessons learnt in the framework of this study.

## **Section 3: Detection, identification and referral of victims in Forced Return Procedures**

### **3.1 Legislative framework**

*Q18. Are there established mechanisms for detecting and identifying victims of trafficking in human beings in forced return procedure?*

Based on persons interviewed for the purpose of this study<sup>41</sup>, the process for detection and identification of victims of THB in forced return procedures is not outlined in legislation or in soft law, or in (internal) guidelines.

However an **Administrative Report for the Control of Foreigners**<sup>42</sup> that is attached to the Circular of 26 September 2008, provides for a **specific box where to indicate whether there are indications of THB** and whether one of the specialized reception centres have been contacted. For each person summoned or arrested, the Police complete the above mentioned Administrative Report and in principle<sup>43</sup> indicate possible THB-related elements. Completed reports are then sent to the Immigration Office's departments<sup>44</sup> taking the decision to detain in view of a forced return.

*Q19. Are there different protocols and/or practices for children and adults?*

Practices for reporting and identifying unaccompanied foreign minors, possibly victims of THB, are specific (see Q5) but those unaccompanied foreign minors aren't forcibly returned.

Practices for detecting and identifying accompanied minor victims of THB are also likely to be different than those of adults, taking into account **alternatives to detention**<sup>45</sup> and **staff involved for families with children prior to removal**. Families with minors in housing units, who are required to leave the territory, are in daily contact with their "**return coach**" who provides them with return counselling but also with overall personal support. Children, who have greater confidence in the return coach, may be more likely to disclose possible THB related elements and conversely, the coach, who spends time with children, is in a better position to detect possible THB related indications.

*Q20. Are there different protocols and/or practices for men and women?*

There aren't different protocols or practices for detecting and identifying men and women victims of THB in forced return procedures. However the majority of social workers working in closed centres are female and can therefore accommodate possible requests made by women.

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<sup>41</sup> Interviewees from different services from the Immigration Office, including Repatriation cell, SEFOR, closed centres coordination cell, Identification of detainees.

<sup>42</sup> The [Administrative Report for the Control of Foreigners](#) is available on the website of the Immigration Office.

<sup>43</sup> The evaluation report of the Circular on multidisciplinary cooperation, dated from June 2011, notes that the administrative report is sometimes filled with neglect and incomplete and that it is not clear who should fill it. The report also notes that some services make use of previous documents.

<sup>44</sup> Duty service, SEFOR, Clandestine etc.

<sup>45</sup> Since October 2009, families with minors who are required to leave the Belgian territory are no longer held in closed centres, but are rather placed in open housing units. This allow them to receive intensive counselling from a so-called "return coach".

### 3.2 Detection of victims

*Q21. How are (potential) victims of trafficking in human beings detected, amongst rejected applicants, in forced return procedures?*

The Immigration Office' departments<sup>46</sup> competent to supervise and enforce the forced return process, including of rejected applicants, **don't proactively screen** all rejected applicants or those with a particular profile, for indications of THB. Persons interviewed for the purpose of this study suggest that this is neither feasible nor desirable, inter alia taking into account possible misuse of such screening by rejected applicants in a last attempt to avoid return.

Either **indications of THB are brought to light by other actors** in contact with the (potential) victim, mainly the Police when completing the Administrative Report for the Control of Foreigners (see 3.1), the social workers<sup>47</sup> in detention facilities (closed centres) / return coaches in alternatives to detention (housing units), or **victims self-report**.

*Q22. If the competent authority detects that a rejected applicant may be a victim of trafficking in human beings, what are the next steps in terms of assessment?*

In most cases, the staff of the closed centre or of the housing units takes contact with a **specialized reception center** whose team meets the (potential) victim to check that (1) the person concerned experiments a situation related to THB, (2) verifiable evidence allow subsequent investigation and (3) the person can accept the assistance scheme. The specialized reception centers make use of a **set of indicators**<sup>48</sup> that are translated into questions asked during the interview.

In case of doubt and given the implications of the assessment that the person concerned is a presumed victim of THB, mainly the suspension of repatriation and release of the rejected applicants to be referred on to residence permit procedure for victims of THB, the specialized reception centers **contact a Prosecutor to confirm the assessment made**<sup>49</sup>. The **Police** are requested to conduct another interview with the presumed victim and to inform the Prosecutor. Further **information exchanges** take place, involving inter alia the MINTEH cell, to cross-check information and make sure that the person concerned doesn't try this as a last resort to avoid return.

If, following the assessment, the third-country national concerned is not identified as a (potential) victim, the forced return procedure is re-initiated.

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<sup>46</sup> Mainly the Repatriation cell, SEFOR, and the staff from detention centres (closed centres) and alternatives to detention (housing units) managed by the Immigration Office.

<sup>47</sup> More information on the role played by social workers in detention facilities in section 4.

<sup>48</sup> The list of indicators contained in appendix 2 of Circular COL 1/2007. These indicators include the existence of an excessively high level of debt; falsified travel documents received from another person; insalubrious workplaces and physical working conditions; no or very little income; and limited freedom of movement.

<sup>49</sup> In 50% - 60% of the cases, according to persons interviewed for the purpose of this study.

*Q23. Have methods for the detection and/or identification of victims in forced return procedures been evaluated in Belgium?*

Methods for the detection and/or identification of victims in forced return procedures haven't been evaluated as such in Belgium. However recently released reports, interviews and figures provide useful elements in this regard.

In its Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Belgium, dated from 25 September 2013, the GRETA specifically includes **the staff of closed centres in the list of front-line actors who are particularly in need of training** in the detection and identification of victims. Persons interviewed for the purpose of this study, and who say that they aren't facing such cases, also acknowledge that they haven't received training in this matter<sup>50</sup>.

Some interviewees argue that the effectiveness of the detection and identification process **very much relies on victims themselves**. Without elements or indications provided by victims, the authorities in charge of implementing forced return can hardly detect such situations. They note that victims may also have good reasons to conceal THB related elements.

The specialized reception centres say however that **reporting occurs** from closed centres<sup>51</sup>. The coordination of closed centres underlines that the staff has experience and, although there aren't protocols or guidelines in this matter, that they pay attention to THB related elements while in contact with detainees. Social workers play a key role in the detection of (potential) victims of THB in closed centres (see section 4).

### **3.3 Referral**

*Q24. If a rejected applicant is identified as a (potential) victim and there is the possibility to open up a procedure as foreseen under Directive 2004/81/EC, how does this work in practice?*

If, based on interviews to assess whether the person may be a victim of THB, the specialized reception centres, possibly in cooperation with the police and prosecutor, conclude that the person is a presumed victim, he/she is **given information on** the specific residence permit procedure for victims of THB. Information is provided on the specific requirements of such procedure and possible outcomes.

Based on the information received, the presumed victim **has to decide** whether or not he/she wishes to access the specific residence permit procedure for victims of THB. When facing forced return, the person concerned is very much inclined to opt for the specific residence permit procedure. The presumed victim is responsible for deciding but not for initiating the said procedure on his/her own.

As mentioned under Q11b, **specialized reception centres are empowered to initiate the specific residence permit procedure for victims of THB** (as well as to file a civil lawsuit)<sup>52</sup>. Concretely, specialized reception centres take contact with the MINTEH cell (liaising with

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<sup>50</sup> Services including SEFOR and the Detainees Identification cell.

<sup>51</sup> Sürya estimates that 0 to 8 victims are reported by closed centres per year.

<sup>52</sup> See Royal Decree of 18 April 2013, published in the Belgian Official Gazette on 22 May 2013.

*Identification of victims of trafficking in human beings in international protection and forced return procedures*

other concerned departments of the Immigration Office) to lift the removal order, to request the release of the presumed victim and initiate the residence permit procedure for victims of THB<sup>53</sup>.

During the subsequent investigation, the Prosecutor **can request the Immigration Office to provide information from the applicant's dossier**, in most cases to clarify the applicant's residence status during a specific period of time.

*Q25. Have systems of referral of (potential) victims from forced return procedures to other procedures been evaluated in Belgium?*

Systems of referral of (potential) victims of THB from forced return procedures to other procedures haven't been evaluated in Belgium. However, elements of appreciation, including regarding the **multidisciplinary approach, flexibility, increasing awareness of but also obstacles** to the referral system in general, have been presented under Q13.

Specifically when it comes to referral from forced return procedures to the specific residence permit procedure for victims of THB, persons interviewed for the purpose of this study, express **greater caution**. Given that referral in this case results in the lifting of the removal order and release of the presumed victim, specialized actors involved consult and cooperate to **ensure that the procedure isn't misused** by the person to avoid being forcibly returned.

### 3.4 Future measures

*Q26. Are any future measures anticipated in relation to improving or facilitating the detection and identification of victims of trafficking in human beings in procedures for forced return?*

There aren't future measures anticipated with a view to improving or facilitating the detection and identification of victims of THB in procedures for forced return, except in the Action Plan 2012-2014 which stresses the need to continue **training the staff of closed centers** to facilitate the identification of victims of THB<sup>54</sup>. According to this, specialized actors from the Immigration Office are anticipating to reorganize training sessions in closed centers in the near future.

While many persons interviewed for the purpose of this study underline that ongoing training is indeed crucial in THB related issues, the staff of closed centers is generally considered as well experienced and aware of what to do to allow referral onto the specific residence permit procedure for victims of THB.

Based on **limited resources**, improving the detection and identification of victims of THB in procedures for forced return is overall given **lower priority** than measures for example allowing better detection and identification of unaccompanied foreign minor victims, who are not subject to forced return procedures.

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<sup>53</sup> In cases where the Prosecutor has confirmed the assessment that the person is a presumed victim, the latter is immediately granted a registration certificate (rather than an order to leave the territory).

<sup>54</sup> Action Plan 2012-2014, p. 28



## Section 4: Detection, identification and referral of victims by other related actors

### 4.1 Detection and identification of victims in reception centres / detention facilities

*Q27. How are (potential) victims of trafficking in human beings detected in reception centres and in detention facilities?*

(Potential) victims of THB are being detected both whilst residing in reception centres for applicants of international protection and whilst detained in detention facilities for irregular migrants awaiting return. The **social worker** is considered in both situations as the key actor for the detection of (potential) victims of THB, inter alia for the following reasons: (1) the social worker's basic education, training<sup>55</sup> and skills, (2) the social worker's (interdisciplinary) role (case management, investigation, counselling, etc.) (3) the resident-social worker relationship (confidence, trust) (4) the quantity-quality time spent together.

In most cases, detection occurs in two ways. In the first case, **the social worker centralizes a series of elements allowing to suspect** that the concerned person is a victim of THB. Some information are collected during interviews with residents, others are relayed by other actors, including the **medical staff, night workers** etc., coming into contact with the residents. Such elements include inter alia external calls or visits, number and hours of exits (whilst in open reception centres), fears and nightmares, psychological problems, financial related issues, etc. In the second case, **victims self-report**.

**Screening** all residents/detainees or those with a particular profile to collect indications of THB **doesn't take place as such**. However the following information points allow a more nuanced answer. Firstly in reception centres: The two COO<sup>56</sup>, which are first-stage reception centres for unaccompanied foreign minors, due to the small size of their structure and higher staff ratio, **more systematically examine** possible indications of THB. In this perspective, standard questions are asked during early interviews inter alia to detect possible types of exploitation, threats or fears of residents. In addition to this, the management of FEDASIL identifies certain **risk profiles** (pregnant girls, teenage mother population etc.) in reception centres that are targeted in priority for training initiatives. Secondly in closed centres<sup>57</sup>: The staff is kept informed by other departments of the Immigration Office of recent nationalities and issues in the field of THB, and is therefore in a better position to focus on **possible profiles and trends**. Thirdly: the specialized reception centres, when meeting (potential) victims of THB in FEDASIL reception centres or in closed centres, regularly brief the management of the centres regarding **latest persons assisted** as well as possible **misuses identified**.

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<sup>55</sup> Social workers are trained as well by other actors, including Fedasil and Sürya. See section 5 for further information on the (multidisciplinary) training workshop organized on 19 September 2013.

<sup>56</sup> The two Centres for Observation and Orientation of unaccompanied foreign minors, created in 2004 and 2005 in Neder-Over-Hembeek, are managed by Fedasil.

<sup>57</sup> The five closed centres (Bruges, Merksplas, Steenokkerzeel, Melsbroek, Vottem) are managed by the Immigration Office

*Q28. Is the practice described above based on established guidelines / protocol?*

The practice described above is **generally not based on established guidelines**. Persons interviewed in FEDASIL reception centres for the purpose of the study underline that it is part of their work to assess whether beneficiaries are provided with adequate reception conditions and care. They specifically mention **Article 36 of the Law of 12 January 2007** on the reception of asylum seekers and certain other categories of foreigners (Reception Law) which refers to responding to the specific needs of vulnerable groups, including victims of THB, and for this purpose to agreements concluded with specialized institutions. Persons interviewed in closed centres for the purpose of this study consider that the practice is rather based on **experience as well as contacts and training** with the Immigration Office as well as specialized reception centres.

However **guidelines formalizing practices regarding minor victims exist**. Detailed guidelines have in fact been elaborated by the COO<sup>58</sup> for unaccompanied foreign minors in cooperation with Esperanto<sup>59</sup>. The guidelines relate to (1) observations to conduct at the time of resident intake, in daily life and during (formal and informal) interviews, as well as actions to take on this basis (collection and exchange of information, cooperation, data collection etc.), (2) distribution of roles over time, (3) interviews (information points, techniques, questions etc.). In addition to this, a leaflet “Human trafficking and smuggling? How to react?”<sup>60</sup>, specifically focusing on minors of age, has recently been distributed to staff involved in reception centers/units for unaccompanied foreign minors. The leaflet includes a short section aimed at guiding practice when facing (potential) minor victims.

*Q29. Are there different protocols and/or practices for children and adults?*

To date, **practices regarding unaccompanied foreign minors who are victims of THB** and who reside in specific reception centres are **more detailed** (see Q28) and more systematically implemented (see Q27). This is in line with the implementation of the Action Plan 2012-2014 which devotes particular attention to the detection of young victims and proposes specific actions in this field (factsheets, training for reception centres for minors, etc.).

Practices for children are **different** inter alia due to the specific (1) time allocated to observation and referral in COO, (2) guidance developed/agreements concluded with specialized accommodation centres for minor victims, (3) training on the issue of THB for social workers of several reception centres for unaccompanied foreign children, (4) involvement of the Guardianship service and other actors.

*Q30. Are there different protocols and/or practices for men and women?*

There aren't different practices for men and women for the purpose of detecting and identifying victims of THB, neither in reception centres nor in detention facilities

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<sup>58</sup> The COO in Neder-Over-Hembeek developed guidelines in French and the COO in Steernokkerzeel developed equivalent guidelines in Dutch.

<sup>59</sup> Esperanto is one of the specific accommodation centers for unaccompanied foreign minors who are victims of THB in Belgium and is also a non-profit organization. Esperanto is located in Wallonia. Similar organizations are located in Brussels (Minor-Ndako) and in Flanders (Juna).

<sup>60</sup> See Section 5.4 for more information

*Q31. What are the next steps in terms of assessment and identification?*

When the staff of reception or closed centres are in doubt about possibly facing a victim of THB, they are invited to directly contact one of the **specialized reception centres**, which are accessible 24 hours a day. During this **initial contact (often by telephone)**, they have the opportunity to **discuss the case made anonymous** and focus on key questions. The staff of reception or closed centres isn't specialized in THB related issues and isn't provided with restricted lists of indicators. The aim of this initial contact is to help them question their feeling that the person may be a victim of THB. After this, some cases aren't considered anymore as THB related while others require further assessment.

As mentioned under Q8, specialized reception centers are responsible for assessing further whether the persons detected may be victims of THB. To that end, **interviews** take place, either in the reception center or closed center (if the person concerned can't exercise free movement or otherwise required) or in the specialized reception center (if the person can exercise free movement).

During the abovementioned interviews, specialized reception centers, which are in possession of the **list of indicators** contained in appendix 2 of Circular COL 1/2007<sup>61</sup>, (1) further check that the person concerned experiments a situation related to THB, (2) make sure that verifiable evidence allow subsequent investigation and (3) inquire whether or not the person can accept the assistance scheme.

The specialized reception centres can take contact and **exchange information with partners specialized in THB**, including the MINTEH cell, the police, inspection services and contact prosecutors. Contact must be taken with the public prosecutor to launch the formal identification process. As mentioned under Q22, specialized reception centres are inclined to **contact the public prosecutor to seek advice / launch the formal identification** process when the presumed victim is detained in a closed centre.

#### **4.2 Referral of (potential) victims in reception centres / detention facilities**

*Q32. What are the next steps in terms of referral?*

As mentioned above (see Q11b & 24), specialized reception centres are responsible for:

1. **providing a (presumed) victim with detailed information** on the specific residence permit procedure for victims of THB (conditions, progress, possible outcomes) and on their missions to allow the person concerned to make an informed decision whether or not he/she wished to engage in such procedure.
2. **contact the MINTEH cell** of the Immigration Office for issuing a **temporary permit** to allow the person concerned a 45 day reflection period.

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<sup>61</sup> The list of indicators contained in appendix 2 of Circular COL 1/2007. These indicators include the existence of an excessively high level of debt; falsified travel documents received from another person; insalubrious workplaces and physical working conditions; no or very little income; and limited freedom of movement.

*Q33. Have systems of detection and referral by actors in reception centres or detention facilities to procedures for victims of trafficking in human beings been evaluated in Belgium?*

Systems of referral of (potential) victims of THB by actors in reception centres or detention centres haven't been evaluated as such in Belgium. However, elements of appreciation, including regarding the **multidisciplinary approach, flexibility, increasing awareness of but also obstacles** to the referral system in general, have been presented under Q13.

Also elements specifically relating to the detection of (potential) victims and the referral by actors in closed centres have been presented under Q23 and Q25.

As to detection and referral by actors in reception centres, the GRETA underlines in its Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Belgium from 25 September 2013, that "**efforts must clearly continue to improve raising the awareness of staff** to a certain number of non-specialist reception services in terms of THB". During a training workshop on 19 September 2013 (see 5.1.2), it appeared that the staff of reception centres feels it can play a role in the detection and referral of THB but that several aren't sufficiently trained to recognize possible signs of THB and some even not aware of the existence and role of specialized reception centres for victims of THB.

It is worth noting however that COO are at this stage much better informed and trained to detect and refer foreign unaccompanied minor (potential) victims of THB. Figures provided by specialized reception centres on actors reporting (potential) victims of THB explicitly recognize cases reported by specialized reception centres for unaccompanied foreign minors<sup>62</sup>.

#### **4.3 Role of other actors**

*Q34. Do other actors coming into contact with applicants and rejected applicants – e.g. legal representatives, civil society organisations, medical staff – formally detect (potential) victims amongst third-country nationals in international protection and/or forced return procedures and refer them onto other authorities competent to identify and assist?*

(Potential) victims in international protection/forced return procedures are **also detected by other actors**, particularly the various team members in contact with residents in reception centres and detainees in (alternatives to) detention centres, including **social workers, educators, coaches, medical staff, night workers etc.** They work jointly and use team meetings to exchange and cross-check information which, taken in isolation, might not be sufficient to raise doubts about a possible THB situation but, when accumulated, facilitate detection. This **joint approach** allows those more experienced or better trained staff members to question and link information that other staff members report at times for other purposes.

Third-country nationals in international protection/forced return procedures are **also detected by specialized reception centres**, which, although presented in previous sections as second players, can also be **contacted directly** by (potential) victims. Applicants for international protection, whilst residing in open reception centres, can directly go to

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<sup>62</sup> Annual Report 2012, Pag-Asa, p. 18.

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specialized reception centres to self-report. One specialized reception centre might also refer a (potential) victim of THB to another specialized reception centre.

For 2012, figures<sup>63</sup> from specialized reception centres on actors reporting (potential) victims of THB refer as well to, next to the police and judicial services, **legal representatives, legal guardians, individuals and social organizations**. Specialized reception centres interviewed for the purpose of this study confirm that reporting originates from a growing number of actors and that awareness-raising allows greater involvement of such actors.

The role of other actors is **limited to observe** and, in case of doubt about a potential THB situation, **contact one of the specialized reception centres** for victims of THB. Actors specialized in THB underline that such actors can't be encouraged to go further than this, both in terms of assessment/identification and in terms of information to provide to (potential) victims. Therefore direct contact and referral to specialized reception centres is the preferred route.

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<sup>63</sup> Such figures don't make distinctions for those in international protection/forced return procedures but still may include some of these cases

## Section 5: Training

*Q35. What guidance and training do competent authorities (and optionally other actors) receive regarding the detection and identification of victims?*

Belgian stakeholders pay particular attention to initiatives aimed at raising awareness and at training persons (frontline actors as a priority) who come into contact with potential victims of THB. The emphasis on this type of activity results from different developments, inter alia:

1. **Historical context:** the number of missing children/youth, including unaccompanied foreign minors (potential victims of THB) from COO, has been identified in Belgium as a serious cause of concern in the 2000s.
2. **Political commitment:** the Action Plan 2012-2014 on the fight against THB underlines the need to (continue to) train different actors, including police officers, social inspectors, prosecutors, staff from reception centres for unaccompanied foreign minors and closed centres.
3. **Stakeholders' mission:** actors involved in the fight against THB incorporate awareness-raising and training activities as a core mission, showing the strategic importance of investing in information sharing and training.
4. **Demand from field workers:** social workers, education teachers, medical staff etc. report uneasiness and lack of tool when facing possible trafficking cases.

Guidance and training is sometimes general sometimes rather specific. It focuses on one or more of the following aims:

1. Enable concerned actors to **better understand the phenomenon** (definition)
2. Clarify **stakeholders' roles** (responsibilities & cooperation)
3. Explain **stakeholders' activities** (residence permits, assistance, protection etc.)
4. Help concerned actors **detect possible victims** of THB (vigilance level & detection)
5. Teach them **what to do** in such cases (referral)

While the 4<sup>th</sup> and 5<sup>th</sup> aspects specifically aim at improving detection and referral, the 1<sup>st</sup>-3<sup>rd</sup> aspects indirectly contribute to the above objectives. Depending on trainees' functions and experiences, teaching sometimes focuses on promoting better understanding and referral to specialized structures, and sometimes concentrates on relaying indicators and instructions.

### 5.1 Training workshops

Training workshops were organized and refined based on the experience gained gradually. Although targeted at a specific target audience, workshops were generally attended by a representative of another target group invited to provide **feedback and suggestions on how to adapt the said training to the needs of their group** to be trained subsequently.

The following workshops were recently provided on a **voluntary basis**:

### 5.1.1 Multidisciplinary training workshop in Rixensart

On 2 October 2012, a one-day training workshop was organized for around 20 persons: social workers of the **reception centre** in Rixensart (facing possible THB cases among the unaccompanied foreign minors and teenage mothers' population of the centre), a **nurse** and 3 representatives of **COO** for unaccompanied foreign minors.

The aim of the training was to **improve the detection** and protection of **child victims** of THB and facilitate the **implementation of the referral** mechanism towards specialized structures. Participants were provided with key information and definitions as well as concrete examples illustrating the path of victims and the role of different stakeholders.

The training was **provided by a range of stakeholders**, including the MINTEH cell of the Immigration Office, the specialized reception centre Pag-Asa<sup>64</sup>, the reception centre for unaccompanied foreign minor victims of THB Esperanto<sup>65</sup> and the COO.

Participants found the training very useful; they particularly appreciated to develop a network of contacts and to better define the limits of their work. The experience showed how important is the use of simple terms and concrete case studies.

Based on this first experience, it was decided that the two other specialized centres - Payoke and Sürya – take part as trainers in future workshops, that training<sup>66</sup> should be expanded to other reception centres and that new supporting tools should be developed (see 5.1.2 + 5.4).

### 5.1.2 Multidisciplinary training workshop in Florival

On 19 September 2013, a one-day training workshop was organized in French and in Dutch for around 100 persons: mainly managers/coordinators, social workers and educators in **unaccompanied foreign minors' centres/units from the FEDASIL network**. Other participants included inter alia representatives of the Guardianship Service<sup>67</sup> and of Minor-Ndako & Juna<sup>68</sup>.

The aim of the training was to enable persons who organize and provide reception and support to third-country nationals, more particularly unaccompanied foreign minors in the centres of the FEDASIL network, to **inform (potential) victims and refer them to** specialized reception centres. Concretely participants were provided with theoretical information on the phenomenon and the role of each actor during the morning session. They were invited in the afternoon to share questions and experiences in subgroups moderated by a member of a specialized reception centre (or of Esperanto) and a staff member of a COO more

<sup>64</sup> Pag-Asa <http://www.pagasa.be/> together with Payoke (<http://www.payoke.be/>) and Sürya, are recognized specialized centres which provides legal- administrative and psycho-social assistance to presumed victims of trafficking in human beings in Belgium.

<sup>65</sup> Esperanto is a centre created in 2002 with a view to protect and secure presumed unaccompanied minors victims of trafficking. The centre provides them with protection and support to enable them to settle and be quickly reassured about their future. More information on Esperanto on: <http://www.esperantomena.org/historique.html>

<sup>66</sup> This objective "Improve the detection of MENA victims of trafficking through training in the centres of Fedasil" is included in the National [Action Plan 2012-2014](#) (9<sup>th</sup> proposal).

<sup>67</sup> Raising Guardians' awareness on THB is also provided for in the National [Action Plan 2012-2014](#).

<sup>68</sup> Minor Ndako & Juna provide assistance to 124 minors, including 86 unaccompanied foreign minors. Victims of THB, who are part of this group of beneficiaries, are of particular concern to this association.

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experienced in the active detection of potential victims. Participants were encouraged, when facing a potential victim of THB or in case of doubt, to contact specialized reception centres.

The training was again **provided by a range of experts**, including the Chair of the Bureau of the Interdepartmental Coordination Cell, the MINTEH cell of the Immigration Office, the specialized reception centres Pag-Asa, Payoke and Sürya, and Esperanto. It was also based on practical experiences and working tools developed by the two COO.

For this occasion, a flyer entitled “Trafficking in Human Beings? How to react?” – including indicators - was produced and disseminated among participants (see 5.4).

### 5.1.3 Other

In addition to the above mentioned initiatives, workshops are organized for those who specialize in this field. For example specialized magistrates annually participate in a one day workshop to share information on recent developments, discuss specific themes (including (formal) **identification related themes** and difficulties in dealing with **concrete cases**. Such workshops rather aim at fostering exchanges of information and experience.

### 5.2 Training modules

Training modules are organized by various stakeholders for different target groups.

The **Immigration Office**, more particularly the person responsible for the MINTEH cell (for French-speaking participants) and another immigration expert who is also a member of the Bureau of the Interdepartmental Coordination Cell (for Dutch-speaking participants) provides modules for basic and continuous training on THB:

- A **compulsory 3 hour basic training module on MENA/THB** is given to new staff members (all levels) of the Immigration Office since September 2013<sup>69</sup>. It provides participants with a better insight into national actors, definitions, residence permits, status and trends in THB. It clarifies what types of exploitation occur but doesn't provide as such indicators to detect victims. It mentions the referral mechanism towards specialized structures.
- **Optional continuous training sessions** on THB were organized, from 2008 to 2010, for staff members of the Immigration Office (plus some trainees from the CGRS and the CALL). Continuous training didn't take place since then.

The Immigration Office also offered in the past training modules on THB to social, medical and other interested staff members in **closed centres**.

**Specialized reception centres** also organize training modules for different target groups, including the police, legal guardians, medical staff, public social welfare centres, students and the wider public. Some are given on a regular basis (especially for the police), others on an ad hoc basis.

Specific training modules on THB are offered to **other actors** who may be involved in the referral system, both elementary training courses for those who don't specialize in THB (start-of-career police officers, magistrates in internship) and refresher or advanced training courses for those who specialize in THB, including police officers and prosecutors (every year

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<sup>69</sup> Before September 2013, THB was not very much addressed in the training in question.



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refresher courses for police investigators, supplementary week-long theme-based training courses for investigators, twice a year thematic training sessions for police officers and open to reference prosecutors within the public prosecutor's office)<sup>70</sup>.

Other training modules, although not specifically targeted on THB, may be useful to those possibly detecting victims of THB in international protection procedures. For example the European Asylum Support Office (EASO) training module "Interviewing vulnerable persons" provides **protection officers from the CGRS** with specific guidance and techniques to be used in vulnerable person interviews.

### 5.3 Guidelines

Key guidelines have been developed and incorporated in Circulars:

- COL 01/2007 on the organization of investigation and prosecution of cases of THB contains, in **Annex 2, a list of indicators**<sup>71</sup>.
- Circular of 26 September 2008 on the Implementation of a Multidisciplinary Cooperation concerning victims of THB and/or aggravated forms of THB<sup>72</sup> organizes the cooperation between key stakeholders, including Police, Social Inspection, Immigration Office, Specialized Centers and Public Prosecutors. The Circular includes specific sections on "**How to detect a victim?**" (self-reporting and/or above mentioned indicators) and "**What to do when having detected a potential victim?**". It also addresses the detection of presumed unaccompanied foreign minor victims of THB, requiring specific reporting and identification<sup>73</sup>.

It is worth noting that the above mentioned guidelines are considered complex and there is a need to provide actors with **simplified guidance material**.

**Practical guidelines** have recently been elaborated by the COO<sup>74</sup> in cooperation with Esperanto<sup>75</sup> to help detect and refer unaccompanied foreign minor victims of THB (see Q28).

Guidelines dated from 2002<sup>76</sup> are also available to protection officers of the CGRS which produced an **internal note** on "Trafficking in Human beings and Public Order". Protection officers are encouraged to pay particular attention to potential victims of THB both in the preparatory phase and in the course of the interview. They aren't provided with indicators as such but with examples of trafficking situations and contact details of specialized centers.

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<sup>70</sup> Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Belgium, 25 September 2013, p. 25.

<sup>71</sup> Annex 2 of COL 01/2007 is kept confidential.

<sup>72</sup> The Circular from 26 September 2008 was published in the Official Belgian Gazette on 31 October 2008. French version is accessible on:

[http://www.diversite.be/diversiteit/files/File//wetgeving\\_legislation/national/mensenhandel\\_TEH/circulaire%20traite%20sept08%20-%20fr.pdf](http://www.diversite.be/diversiteit/files/File//wetgeving_legislation/national/mensenhandel_TEH/circulaire%20traite%20sept08%20-%20fr.pdf)

<sup>73</sup> The MENA sheet, which includes a THB related checkbox, is to be sent to the Guardianship Service with copy to the Immigration Office.

<sup>74</sup> The COO in Neder-Over-Hembeek developed guidelines in French and the COO in Steernokkerzeel developed equivalent guidelines in Dutch.

<sup>75</sup> Esperanto is one of the specific accommodation centres for unaccompanied foreign minors who are victims of THB in Belgium and is also a non-profit organization. Esperanto is located in Wallonia. Similar organizations are located in Brussels (Minor-Ndako) and in Flanders (Juna).

<sup>76</sup> The CGRS internal memo is being updated.

Finally, other actors produced guidelines for their own use. The Police elaborated an “Investigation Manuel THB” for frontline services. This Manuel incorporates information on how to use the Victim Translation Assistance Tool - VITA<sup>77</sup>.

#### **5.4 Brochures & leaflets**

In September 2013, a new leaflet “**Human trafficking and smuggling? How to react?**”<sup>78</sup> was distributed to staff from reception centres, with a specific focus on minors of age. The leaflet provides a list of **different types of indicators**: (1) psychological, (2) behavioural/physical, (3) related to the residence status, (4) related to the minor’s contacts and (5) related to exploitation conditions. The leaflet clarifies the role of reception centres’ staff, who is invited to **observe and in case of doubt, contact** one of the specialized structures for victims of THB.

Since 2009, a **multilingual brochure** is available for victims<sup>79</sup>. The brochure aims to help (potential) victims of THB to **identify themselves as such** and encourage them to contact or be put into contact with one of the three specialized reception centers. The brochure, which is available in 27 languages and uses accessible language, draws attention to specific situations (being forced to do things one’s doesn’t want to, being hardly paid or not paid at all, being threatened, being isolated or locked up, being deprived from documents, etc.). This brochure is very much used by other stakeholders.

Another **multilingual brochure for women and girls in the asylum procedure** in Belgium, including a section on human trafficking, was produced by the CGRS in 2011. Persons who have been exploited, who have been sexually abused or abused as workers, are **encouraged to self-report** during the asylum interview and/or to contact one of the specialized reception centers. This brochure is given to women and girls who file an application in the Immigration Office.

Brochures were produced for **other actors**, inter alia for medical staff. “Trafficking in human beings? What to do? – **Advices for hospital staff**”<sup>80</sup>, which was produced by the Bureau of the Interdepartmental Coordination Cell and distributed in 2012, contains a section which invites the hospital staff and social services to pay attention to **certain indicators** (being continuously accompanied by a person who acts as an interpreter - who seems to monitor or control the patient, bearing marks of abuse, expressing fear and stress etc.). Moreover the brochure provides **concrete examples** of trafficking cases identified in hospitals.

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<sup>77</sup> VITA is a unique tool, consisting of key encounter messages (in 40 languages), developed to facilitate the identification of a trafficked person and the launch of a criminal investigation. More information on the VITA tool: <http://www.unodc.org/unodc/en/human-trafficking/2011/vita.html>

<sup>78</sup> The leaflet “Human trafficking and smuggling? How to react?” was produced by the Interdepartmental Cell for the fight against THB, the Immigration Office and Fedasil, and distributed during the training workshop on 19 September 2013 (see 5.1). This (slightly adapted) leaflet will be distributed to Guardians soon.

<sup>79</sup> The multilingual brochure for victims of THB, which was produced by the Centre for Equal Opportunities and the Fight against Racism in 2009, can be found on: [http://www.diversiteit.be/?action=publicatie\\_detail&id=107&thema=5&setLanguage=3](http://www.diversiteit.be/?action=publicatie_detail&id=107&thema=5&setLanguage=3)

<sup>80</sup> The brochure for hospital staff is available:

In FR: [http://justice.belgium.be/fr/binaries/BROCHURE\\_MENSENHANDEL\\_FR\\_tcm421-198754.pdf](http://justice.belgium.be/fr/binaries/BROCHURE_MENSENHANDEL_FR_tcm421-198754.pdf)

In NL: [http://justice.belgium.be/fr/binaries/BROCHURE\\_MENSENHANDEL\\_NL\\_tcm421-198794.pdf](http://justice.belgium.be/fr/binaries/BROCHURE_MENSENHANDEL_NL_tcm421-198794.pdf)

Other products, such as flyers for diplomatic posts<sup>81</sup>, are not relevant for the detection /identification of (potential) victims of THB in international protection/forced return procedures.

### 5.5 Newsletters

Two types of **(restricted) newsletters « Trafficking in Human beings »** are produced by the Police. The first one is disseminated among police officers in the field. The second one is disseminated among external partners, including asylum and immigration authorities and others actors represented in the Interdepartmental Coordination Cell. The newsletters provide key information inter alia on recent **trafficking cases identified, profiles, location, trends, possible links with other procedures** etc. which undoubtedly help draw attention on potential victims of THB.

### 5.6 Other (websites, etc.)

The website of the Centre for Equal Opportunities and the Fight against Racism includes pages specific to human trafficking. Besides background information, documentation and contact details, the website displays a short movie telling the harrowing tale of a young Bulgarian woman, forced into prostitution in Brussels.

*Q36a. Have **joint training sessions** been organized for trainees from different backgrounds – e.g. personnel involved in procedures for international protection, forced return and those for victims of trafficking in human beings.*

Training sessions are generally **targeted at trainees from a particular background** in order to meet their specific needs and concerns<sup>82</sup>. Training sessions have been directed for example at police officers only, public prosecutors only, social workers only, immigration authorities only etc. This inter alia facilitated the sharing of work experiences and practices.

However some training sessions organized in 2008 by the Immigration Office were open to staff from the CGVS and from the CALL. In addition to this, the Action Plan 2012-2014 underlines that “it is advisable to consider the organization of **joint training for police officers in the field and prosecutors**”<sup>83</sup>.

*Q36b. Has **multi-disciplinary training** –as provided by a range of experts – been organized?*

Given that cooperation between Belgian stakeholders on THB is functioning well, multidisciplinary training is being offered. Training workshops (see 5.1) are **provided by a range of experts**, including the Bureau of the Interdepartmental Coordination Cell, the MINTEH cell of the Immigration Office, the specialized reception centres Pag-Asa, Payoke and Sürya, and Esperanto.

Multidisciplinary workshops allow (1) a better insight into key actors’ roles and their **interrelations** in THB situations, (2) the **grouping of information** on persons at risk, (3) the

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<sup>81</sup> The flyer is rather aimed at work visa applicants who are provided with information on standard work conditions in Belgium as well as useful contact details

<sup>82</sup> Please note, as mentioned above, that a representative from another target group is often invited at a workshop to provide feedback and help adjust the training format/content to a subsequent training session.

<sup>83</sup> See section 4.2 of the [national Action Plan 2012-2014 on the Fight against THB](#).

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**combination of approaches** (prevention, protection, prosecution and partnership), (4) a better **use of resources**.

Also the Bureau of the Interdepartmental Coordination Cell, within which information/training tools are coordinated (see 5.4), promotes this multidisciplinary approach.

Finally it is worth noting that the Action Plan 2012-2014 emphasizes that there is a need to further improve the multidisciplinary approach in the fight against THB.

## Section 6: Statistics

In Belgium, there is currently **no practice of collecting centralized and standardized data** on THB. Each institution gathers information on the basis of its own remit. The figures on trafficking published by the CEOOR and used for its annual assessment are collected by the following bodies: the federal police, labour inspectorates, the Bench of Prosecutors General, the Immigration Office, the specialized reception centers and the Crime Policy Department.

The Centre for information and analysis in the field of smuggling of and trafficking in human beings (**CIATTEH**<sup>84</sup>), which was instituted on the basis of the Royal Decree of 16 May 2004, is not currently operational, notably due to a lack of human and financial resources as well as due to the necessary revision of the Royal Decree of 16 May 2004. Besides this, the IT tool managing electronic files of victims of THB, called **ELDORADO**<sup>85</sup>, which was introduced by the three specialized centers and the CEOOR in 2012 in order to centralize anonymous data on THB cases followed up by the three centers and to elaborate analysis, doesn't yet provide reliable data.

Based on the above, relevant statistical information provided in this section mainly come from (1) the **MINTEH** cell (Immigration Office), (2) the **specialized reception centers** and (3) annual reports on trafficking in and smuggling of human beings from the **CEOOR**<sup>86</sup>.

*Q37. Has Belgium conducted any research into the scale of victims of trafficking in human beings in international protection procedures and/or procedures for forced return?*

No research has so far been conducted in Belgium into the scale of victims of THB specifically in international protection procedures and/or forced return.

*Q38. Statistics available in Belgium (as requested in [Annex 1](#)).*

Statistics requested on the number of third-country nationals identified as (potential) victims and (1) who have withdrawn from or stopped procedures for international protection and (2) who have been rejected from procedures for international protection following a (final) negative decision aren't available to date in Belgium.

However it can be estimated that the number of applicants for international protection who have **withdrawn from or stopped procedures for international protection** to engage in the specific residence permit procedure for victims of THB is **very low** (see also Q11 a).

Statistics on **referrals to national referral mechanisms** do exist in Belgium. However figures which are available can't be integrated as such in the Annex. In fact figures provided by specialized reception centres illustrate from where new persons receiving their assistance originate (excluding (potential) victims who were referred onto them but who didn't accept the assistance scheme). Figures provided by the MINTEH cell illustrate whether (potential) victims were in international protection procedure/closed centres when a specific residence

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<sup>84</sup> CIATTEH : Centre d'information et d'analyse en matière de trafic et traite des êtres humains

<sup>85</sup> Eldorado: Elektronische Dossiers Rassemblement de Données

<sup>86</sup> Useful data in this field are presented in the annual reports on human smuggling and trafficking in human beings produced annually by the CEOOR and made available on their website

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permit was requested. The fact that a (potential) victim was in international protection procedure doesn't allow to deduce which authority referred him/her (authorities examining the application for international protection, authorities managing reception centres, other actors in contact with victims?). The fact that a (potential) victim was in closed centres doesn't allow to deduce which authority referred him/her neither (authorities implementing forced return, authorities managing closed centres, other actors in contact with victims?). Moreover (potential) victims who were in closed centres when the residence permit was requested may not be rejected applicants as understood for the purpose of this study.

For all these reasons and in order to avoid misinterpretations, statistics relating to referrals to national referral mechanisms are being presented below rather than in the Annex:

**(Potential) Victims** who were in international protection procedure or in closed centers when a residence permit was requested by specialized reception centers to the MINTEH cell  
Reference period: **2012** – Source: **MINTEH cell**:

By gender

	<i>Female</i>	<i>Male</i>	<i>Total</i>
<b>International protection</b>	3	5	8
<b>Closed centers</b>		4	4
<b>Total</b>	3	9	12

By age

	<i>&lt;18</i>	<i>18-25</i>	<i>26-30</i>	<i>&gt;30</i>	<i>Total</i>
<b>International protection</b>	2	2	3	1	8
<b>Closed centers</b>			2	2	4
<b>Total</b>	2	2	5	3	12

By nationality

	<i>AM</i>	<i>BD</i>	<i>BR</i>	<i>CN</i>	<i>MA</i>	<i>NP</i>	<i>RU</i>	<i>Total</i>
<b>International protection</b>	1	1			1	3	2	8
<b>Closed centers</b>			1	3				4
<b>Total</b>	1	1	1	3	1	3	2	12

AM: Armenia - BD: Bangladesh - BR: Brazil - CN: China - MA: Morocco - NP: Nepal - RU: Russian Federation

**Source of referral of new persons assisted**

Reference period: **2012** – Source: **Pag-Asa**:

<i>Source of referral</i>	<b>2012</b>
<b>Judicial services</b> (including police, social inspection, prosecutor...)	33
<b>Individuals</b> (including clients, neighbors, friends...)	7
<b>Sürya, Payoke</b> (other specialized reception centers)	7
<b>Persons themselves</b>	6
<b>Services for unaccompanied foreign minors</b> (including guardianship service, legal guardians, reception centers for unaccompanied foreign minors)	5
<b>Social sector</b> (including public social welfare center...)	3
<b>Legal aid services</b> (including lawyers, legal aid, CEOOR...)	1
<b>Diplomatic sector</b> (including embassies, consulates...)	1
<b>Total</b>	<b>63</b>

*Identification of victims of trafficking in human beings in international protection and forced return procedures***Source of referral** of new persons assistedReference period: **2012** – Source: **Payoke**:

<i>Source of referral</i>	<i>2012</i>
<i>Social organizations</i>	7
<i>Centers for illegally staying persons</i>	2
<i>Local Police</i>	12
<i>Federal Police</i>	17
<i>Lawyers</i>	7
<i>Pag-Asa (other specialized reception centers)</i>	9
<i>Sürya (other specialized reception centers)</i>	2
<i>Individuals</i>	5
<i>Victims</i>	7
<b>Total</b>	<b>68</b>

Finally **general statistics** are also available regarding the **number and types of residence permits issued by the MINTEH cell** in the specific residence permit procedure for victims of THB. Such figures however illustrate the number of residence permits issued and extended, not the number of persons who were granted residence permits, taking into account the fact that the same person may have been successively issued different types of residence permits and that residence permits of persons concerned may have been extended.

For this reason and in order to avoid misinterpretations, statistics relating to residence permits issued in the specific residence permit procedure for victims of THB are being presented below rather than in the Annex:

**Residence permits** issued in **2011 and 2012** -

Source: Immigration Office (figures published in CEOOR 2011 Annual Report on trafficking in and smuggling of human beings, English version, p. 151)

					Total	
	2011	2012	2011	2012	2011	2012
	Male	Male	Female	Female	M+F	M+F
<b>45 days</b> order to leave the territory (THB)	20	18	10	18	<b>30</b>	<b>36</b>
<b>Temporary</b> registration certificate (A.I)	73	70	47	73	<b>120</b>	<b>143</b>
Extension of temporary registration certificate (A.I)	1	4	11	8	<b>12</b>	<b>12</b>
<b>Temporary</b> certificate of registration in the register of foreigners (THB).	45	61	27	45	<b>72</b>	<b>106</b>
Extension of certificate of registration in the register of foreigners (THB)	282	285	180	158	<b>462</b>	<b>443</b>
<b>Unlimited</b> certificate of registration in the register of foreigners (THB).	31	15	20	20	<b>51</b>	<b>35</b>
<b>Temporary</b> certificate of registration in the register of foreigners (Humanitarian).	0	2	1	2	<b>1</b>	<b>4</b>

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Extension of certificate of registration in the register of foreigners ( <b>Humanitarian</b> )	14	17	33	34	<b>47</b>	<b>51</b>
<b>Unlimited</b> certificate of registration in the register of foreigners ( <b>Humanitarian</b> ).	5	7	6	4	<b>11</b>	<b>11</b>
Annex 13 (order to leave the territory)	3	3	4	4	<b>7</b>	<b>7</b>
Extension of Annex 13 (order to leave the territory)	0	0	1	0	<b>1</b>	<b>0</b>
<b>Total</b>	<b>474</b>	<b>482</b>	<b>340</b>	<b>366</b>	<b>814</b>	<b>848</b>

Please note that the figures in the table above **don't illustrate the number of persons** granted residence permits but rather the number of residence permits issued/extended, knowing that the same person is granted different types of residence permits during the specific residence permit procedure for victims of THB and that some are extended.

The **numbers of new assistance schemes that are annually initiated by specialized reception centers** are also available below. Such figures again don't properly feed categories proposed in Annex 1 as they don't refer to all those third-country nationals who were referred onto them but only those for whom the assistance scheme was initiated:

**New assistance schemes** initiated by specialized reception centers from **2008 to 2012**

Source: Specialized reception centers (figures published in CEOOR 2011 Annual Report on trafficking in and smuggling of human beings, English version, p. 152)

<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>
196	158	141	153	174



## **Section 7: Conclusions**

The Immigration Law enshrines in its Article 61/2 to 61/5 a **specific residence permit procedure for victims of THB**. According to this, victims, who cooperate with judicial authorities, can be issued temporary stay permits which may, subject to certain conditions, result in being granted an unlimited residence permit.

The identification and referral of victims of THB onto this specific residence permit procedure is provided for in the 2008 Circular on **multidisciplinary co-operation**. The Circular describes the specific role and duties of key stakeholders, particularly frontline services including the Police and Social Inspectors (victims' detection and referral), Public Prosecutors (granting of victim status), the (MINTEH cell of the) Immigration Office (issuance of documents) and the specialized reception centers (psychosocial - medical, administrative and legal assistance). The Bureau of the Interdepartmental Coordination Cell assessed the application of the Circular and concluded inter alia that (1) **front-line actors are not sufficiently aware** of the Circular and should be informed of its content (for example through **simplified information tools** adapted to each service concerned) and (2) **other actors** than those mentioned in the Circular are in contact with (potential) victims of THB and **should be sensitized**.

Authorities competent for examining applications for international protection and those for implementing forced return are for example not mentioned in the Circular on multidisciplinary cooperation. The process for **detection and referral of (potential) victims in international protection/forced return procedures is not outlined in official documents**, except for practical guidelines from 2002 that are made available to protection officers in the CGRS and that are currently being updated.

Nevertheless some (potential) victims of THB are detected in international protection/forced return procedures. Competent authorities **don't proactively screen** all (rejected) applicants or those with a particular profile for indications of THB. Nevertheless several persons interviewed for the purpose of this study state that they are aware of THB (through past training and experience) and that they use **tools at their disposal to detect (potential) victims** (interviews, multilingual brochure, administrative reports, identification sheets, contacts with MINTEH/THB unit, etc.). Others note however that they are not informed or trained or feel that it is not their role, and rather expect (potential) **victims to self-report**.

According to interviewees, **conditions may not be favourable** enough for competent authorities in international protection/forced return procedures to allow detection or encourage self-reporting. For example those who register applications for international protection refer to **time constraints** or the **lack of confidentiality** due to several interviews taking place in the same room. Some who examine applications for international protection focus attention on facts which occurred in the country of origin and not in Belgium. Those who are responsible for implementing forced return emphasize that they can hardly establish a relationship based on **confidence and trust** to allow detection or self-reporting.

Based on the above, competent authorities in international protection/forced return procedures seem to detect "obvious cases" or refer those (potential) victims who report themselves as such. Competent authorities rather **rely on other actors** in contact with

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(potential) victims during the said procedures. The **social worker** is considered both in reception centers for asylum seekers and in closed centers for rejected applicants as the key actor for the detection of (potential) victims of THB, thanks to: (1) the social worker's basic education, training<sup>87</sup> and skills, (2) the social worker's (interdisciplinary) role (case management, investigation, counseling, etc.) (3) the resident-social worker relationship (confidence, trust) (4) the quantity-quality time spent together. Other staff, including **educators, medical staff, night workers** provide the social worker with information as well.

COO - **first-stage reception centers** for unaccompanied foreign minors - due to the small size of their structure and higher staff ratio, are considered as adequate for the detection of (potential) victims of THB. COO, in cooperation with Esperanto - non-profit association providing accommodation and assistance to minor victims - have elaborated **detailed guidelines** on observations to conduct, questions to ask and roles to assume to detect/identify and refer (potential) unaccompanied foreign minor victims of THB. Several social workers of reception centers for unaccompanied foreign minors participated in a **training workshop** and a simplified **factsheet** was also distributed.

The role of the above actors is to observe, stay alert for possible indications of THB and, in any doubt, contact one of the **three specialized reception centers** for victims of THB (Pag-Asa, Payoke and Sürya) that operate a round-the-clock service, 7 days a week. Specialized reception centers are responsible for **further assessing** (i) whether a person experiments a THB situation (inter alia making use of the **list of indicators** set out in Appendix 2 to Circular No. COL 1/2007), (ii) whether verifiable evidence allows subsequent investigation and (iii) whether the person agrees to receive the assistance scheme. Specialized reception centers are also tasked to **inform** (presumed) victims on the conditions and possible outcomes of the specific procedure in order to allow them to consciously take a decision in this matter. When decided so, specialized reception centers are authorized to **contact the MINTEH cell to issue a residence permit and the public prosecutor to launch the procedure for the formal identification** of the victim. Specialized reception centers note that a growing number of actors put (potential) victims directly in contact with them (thanks to awareness-raising, multidisciplinary training, visits, etc.) but they complain that they **don't have structural and permanent funding support** from the Belgian State enabling them to fulfill their missions.

Victims of THB can in principle **at any stage be referred** from international protection and Dublin procedures as well as from forced return procedures onto the specific residence permit procedure for victims of THB. In practice many victims choose to **pursue their application for international protection** (and whilst remaining in the said procedure, can, subject to certain conditions, access assistance provided by specialized reception centers) and only engage in the specific residence permit procedure for victims of THB if they aren't granted an international protection status. Victims who are in the Dublin procedure have their **transfer suspended while THB elements are further assessed** and, given the time needed for this, have their application finally examined by Belgian authorities if THB elements don't allow launching the specific residence permit procedure for victims of THB. Victims of THB can also be referred from forced return procedure, taking into account the

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<sup>87</sup> Social workers are trained as well by other actors, including Fedasil and Sürya. See section 5 for further information on the (multidisciplinary) training workshop organized on 19 September 2013.

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caution applied in such cases and efforts from competent authorities to avoid that the procedure for victims of THB be misused to avoid forced return.

**Multidisciplinary training** is considered as key by Belgian stakeholders to help above mentioned authorities and other actors to better understand and draw their attention on possible indications of THB, clarify their role and encourage them to refer to specialized reception centers. In line with the Action Plan 2012-2014, some training workshops for FEDASIL reception centres for unaccompanied foreign minors have taken place in 2012 and 2013 and should continue in 2014. Elementary and refresher or advanced training modules are also provided to different (specialized and not specialized) target groups, including the staff of the Immigration Office, police officers, legal guardians, prosecutors, medical staff, etc. **Training needs are however still important** as highlighted in evaluation reports and interviews undertaken for the purpose of this study, specifically given the difficulties characterizing the detection/identification of victims of THB (complexity and evolving nature of THB situations, obstacles to disclosure of THB indications: victim's dependency, threats, trauma, fears, etc.) and sometimes discomfort of some actors.

Finally detection/identification and referral of victims of THB, including in/from international protection/Dublin/forced return procedure, require adequate monitoring and evaluation. **Statistical information, research and analysis are therefore needed.** In Belgium, there is currently no practice of collecting centralized and standardized data on THB. Each institution gathers information on the basis of its own remit. Such institutions are unable to provide statistics on third-country national victims of THB identified specifically in procedures for international protection and forced return.

## **Bibliography**

### Documentation

Action Plan against trafficking in human beings for 2012-2014

Circular of 26 September 2008 on implementing multidisciplinary co-operation in respect of victims of trafficking in human beings and/or certain aggravated forms of smuggling of migrants.

Circular of 7 July 1994 concerning the issuance of residence permits and work permits to foreigners victims of trafficking in human beings, published in the Belgian Official Gazette on 7 July 1994.

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 subjects of an action to facilitate illegal immigration, who cooperate with the competent authorities.

Directives of 13 January 1997 to the Immigration Office, Prosecutors, Police and Social Inspection concerning assistance to victims of trafficking in human beings, published in the Belgian Official Gazette on 17 April 2003.

Evaluation Report of the Circular of 26 September 2008 on implementing multidisciplinary cooperation in respect of trafficking in human beings and/or aggravated forms of smuggling of migrants, June 2011

Law of 15 December 1980 on access to the territory, residence, establishment and removal of foreigners

Note "Trafficking in Human Beings & Public Order", CGRS, 28 January 2002

Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Belgium, GRETA, 25 September 2013

Royal Decree of 18 April 2013 on the status of specialized reception centers for victims of trafficking in human beings and of certain aggravated forms of smuggling of migrants and the authorization to bring legal action

Royal Decree of 8 October 1981 on access to the territory, residence, establishment and removal of foreigners

Trafficking in and Smuggling of Human beings: The Money that Matters, 15<sup>th</sup> annual report (2011), CEOOR, English version, 2013

Women, girls and asylum in Belgium, Information for women and girls who apply for asylum, CGRS, June 2011

## Interviews

The following persons provided substantive information for the purpose of this study, mainly on the occasion of specific interviews but also through telephone calls or extensive email exchanges:

- Audate Valentine, Gender unit, CGRS, FPS Interior
- Beeckman Sally, asbl Pag-Asa
- Brackman Lionel, THB unit, Immigration Office, FPS Interior
- Bricmant Françoise, HR department, Immigration Office, FPS Interior
- Catala Cid, Investigation unit, Immigration Office, FPS Interior
- Cluydts Solange, Payoke
- Dartois Cédric, Project unit, CGRS, FPS Interior
- De Bondt Annelies, Council for Aliens Law Litigation
- Desnyder Griet, Legal support unit, CGRS, FPS Interior
- Fievez Serge, THB unit, CGRS, FPS Interior
- Frémal Muriel, Knowledge & Learning center, CGRS, FPS Interior
- Geeroms Lien, Strategic cell of the State Secretary for Migration and Asylum Policy, Social Integration and the Fight Against Poverty
- Hongenaert Johan, representative of the Immigration Office in the Bureau of the Interdepartmental Coordination Cell on Action against Trafficking in Human Beings
- Kestemont Anne, MENA cell coordination, FEDASIL
- Le Cocq Patricia, THB unit, Centre for Equal Opportunities and the Fight against Racism
- Meulders Christian, asbl Sürya
- Meyer Ruth, Vulnerable groups unit, Immigration Office, FPS Interior
- Minet Jean-François, Chair of Bureau of the Interdepartmental Coordination Cell on Action against Trafficking in Human Beings, Criminal Policy Service, FPS Justice
- Payen Mélanie, Congo unit, CGRS, FPS Interior
- Plumat Isabelle, MENA operational unit, FEDASIL
- Raymaekers Renée, THB unit, Immigration Office, FPS Interior
- Urun Yakup, Interview & Decision cell, Immigration Office, FPS Interior
- Van Dorpe Els, Dublin unit, Immigration Office, FPS Interior
- Van Reyment Edwin, Close Centers Coordination, Immigration Office, FPS Interior
- Verbauwhede Geert, Identification and removal unit, Immigration Office, FPS Interior

**ANNEX 1****Table 1 – Statistics on third-country national victims of trafficking in human beings identified in procedures for international protection and forced return**

	2008	2009	2010	2011	2012	Source / further information
<b><i>Third-country nationals identified as (potential) victims and who have <u>withdrawn from or stopped</u> procedures for international protection</i></b>						
Number of third-country nationals who have <u>withdrawn</u> from or <u>stopped</u> (EU harmonised) international protection procedures (or – where relevant – have stayed in international protection procedures) <sup>88</sup> and who have (later) been granted a <b><u>reflection period</u></b> as a (potential) victim of trafficking in human beings (e.g. under procedures outlined in Directive 2004/81/EC, Directive 2011/36/EU or other national provisions).						
Where possible, please disaggregate for: - Gender, age, nationality of the person identified						
Number of third-country nationals who have <u>withdrawn</u> from or <u>stopped</u> (EU harmonised) international protection procedures and who have (later) <b><u>applied for</u></b> a (temporary or permanent) <b><u>residence permit</u></b> as a <u>victim of trafficking in human beings</u> cooperating with the authorities (i.e. under procedures outlined in Directive 2004/81/EC or alternative procedures where your (Member) State does not implement this Directive <sup>89</sup> ).						
Where possible, please disaggregate for: - Gender, age, nationality of the person identified						

<sup>88</sup> The measure provided here depends on the (Member) State's response to Q11a – i.e. whether the applicant has to withdraw from the procedure for international protection in order to be granted a reflection period and/or residence permit under Directive 2004/81/EC.

<sup>89</sup> Denmark, **Ireland** and the **United Kingdom** are not signatory to and therefore do not transpose Directive 2004/81/EC; however, each of these offers alternative procedures for granting residence permits.

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<p>Number of third-country nationals who have <u>withdrawn</u> from or <u>stopped</u> (EU harmonised) international protection procedures and who have (later) been <b>granted</b> a (temporary or permanent) <b>residence permit</b> as a <u>victim of trafficking in human beings</u> (i.e. under procedures outlined in Directive 2004/81/EC or alternative procedures where your (Member) State does not implement this Directive).</p> <p>Where possible, please disaggregate for:</p> <ul style="list-style-type: none"> <li>- Gender, age, nationality of the person identified</li> </ul>						
<b><i>Third-country nationals identified as (potential) victims and who have <u>been rejected</u> from procedures for international protection <u>following a (final) negative decision</u></i></b>						
<p>Number of third-country nationals who have been <u>rejected</u> from (EU harmonised) international protection procedures <u>following a (final) negative decision</u> on their application and who have (later)<sup>90</sup> been <b>granted</b> a (<b>non-EU harmonised</b>) <b>protection status or residence permit</b> (e.g. on humanitarian grounds)<sup>91</sup> as a victim of trafficking in human beings (e.g. due to humanitarian reasons).</p> <p>Where possible, please disaggregate for:</p> <ul style="list-style-type: none"> <li>- Gender, age, nationality of the person identified</li> </ul>						
<p>Number of third-country nationals who have <u>been rejected</u> from (EU harmonised) international protection procedures <u>following a negative decision</u> and who have – following official identification procedures - (later) been <b>granted</b> a <b>reflection period</b> as a (potential) victim of trafficking in human beings (e.g. under procedures outlined in Directive 2004/81/EC or Directive 2011/36/EU or other national provisions).</p>						

<sup>90</sup> **Note:** in some (Member) States, where all third-country nationals applying for international protection are assessed against all categories of international protection simultaneously in the same process, this reference to two separate processes may not be relevant. (Member) States with single procedure are not required to provide an answer here, and can state “Not Applicable” in the box.

<sup>91</sup> Where possible, please specify the type of protection status / residence permit.

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Where possible, please disaggregate for: - Gender, age, nationality of the person identified						
Number of third-country nationals who have <u>been</u> rejected from (EU harmonised) international protection procedures <u>following a negative decision</u> and who have – following official identification procedures - (later) been <b>granted a residence permit</b> as a <u>victim of trafficking in human beings</u> (i.e. under procedures outlined in Directive 2004/81/EC or alternative procedures where your (Member) State does not implement this Directive).						
Where possible, please disaggregate for: - Gender, age, nationality of the person identified						
<b><i>Statistics on referrals to national referral mechanisms (where existing in (Member) States)</i></b>						
If an national referral mechanism (NRM) exists in your (Member) State, please provide statistics on:  - Number of third-country nationals referred by the authorities responsible for <u>examining and deciding upon applications</u> for international protection to the NRM  - Number of third-country nationals referred by the authorities responsible for <u>enforcing forced returns</u> to the NRM  - Number of third-country nationals referred by the authorities responsible for <u>managing reception centres</u> to the NRM  - Number of third-country nationals referred by the authorities responsible for <u>managing detention facilities</u> to the NRM  - Number of third-country nationals referred by <u>legal representatives</u> to the NRM						



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<ul style="list-style-type: none"> <li>- Number of third-country nationals referred by <u>civil society</u> to the NRM</li> <li>- Number of third-country nationals referred by <u>other actors</u> to the NRM</li> </ul> <p>Where possible, please disaggregate for:</p> <ul style="list-style-type: none"> <li>- Gender, age, nationality of the person identified</li> </ul>						
<b>General statistics</b> <sup>92</sup>						
Number of third-country nationals who have been <b>granted</b> a (non-EU harmonised) <b>protection status or residence permit</b> as a victim of trafficking in human beings (e.g. <b>due to humanitarian reasons</b> ). <sup>93</sup>						
Number of third-country nationals who have been granted a <b>reflection period</b> as a victim of trafficking in human beings (e.g. under procedures outlined in Directive 2004/81/EC or Directive 2011/36/EU).						
Number of third-country nationals who have been granted a <b>residence permit as a victim of trafficking in human beings</b> (i.e. under procedures outlined in Directive 2004/81/EC or alternative procedures where your (Member) State does not implement this Directive).						
Number of third-country nationals <b>referred</b> to procedures for victims of trafficking in human beings through the <b>NRM</b>						

<sup>92</sup> The purpose of presenting these general statistics is to allow for the possibility to present the statistics above as a proportion of wider groups of (potential) victims of trafficking in human beings.

<sup>93</sup> Where possible, please specify the type of protection status.