

**Prevention and Fight against Trafficking:  
Institutional Developments in Europe**

**Belgium Report**

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**October 2003**

## **1. Introduction**

Belgium is a country of transit and destination for trafficking in women and children for purposes of commercial and sexual exploitation. Brussels is now considered the European centre for child prostitution (Protection Project 2002). The subject of trafficking was first discussed in Belgium in 1993. At that time, public awareness on the issue of Trafficking in Human Beings (THB) rose with the appearance of the book "*Elles sont si gentilles, Monsieur*" ("They are so sweet, you know") by Chris De Stoop, which focused on the phenomenon of the trafficking in human beings. Due to this, alongside the lobbying activities of Patsy Sørensen, Belgian member of the European Parliament, the Belgian government was forced to become active on behalf of the victims. Also in 1993, the first parliamentary commission on this subject was formed. First, the penal law was changed, and trafficking in women or in human beings became a criminal offence. Second, the rights and protection of victims of trafficking were strengthened. Over the last ten years, Belgium has developed a comprehensive system of measures and strategies to fight THB, based on extensive cooperation between the actors in the field nationally.

## **2. Statistics**

According to a report by the Centre for Equal Opportunity and the Fight against Racism, trafficking in humans for prostitution and forced labour is increasing in Belgium. The report noted that in 2001 there were at least 150 cases of people who had escaped some form of exploitation. In 88 of the 150 cases, women and children testified that they had been forced into prostitution. The victims were from Albania, Bulgaria, China, Hungary, Liberia, Nigeria, Poland, Sudan, and Thailand.

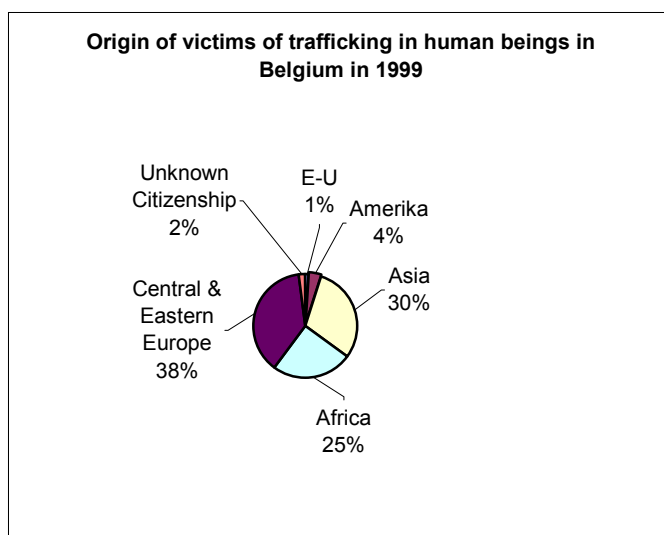
Albanian, Bulgarian, and Polish women have been brought into Belgium under the pretence that they would be working as dancers and entertainers. On their arrival, the women are kidnapped and forced into prostitution. The situation has become most serious for young Albanian women, who now constitute more than 50% of foreign women in prostitution in Belgium. African countries and the former Soviet

republics are other frequent countries of origin of the victims. Countries noted for the trafficking of children into Belgium include Albania, the Democratic Republic of the Congo, Nigeria, Romania, Rwanda, the former Soviet republics and Yugoslavia. Cases of women trafficked from the Cameroon, the Côte d'Ivoire, Gabon and Ghana have been documented (c.f. Protection Project 2002).

The number of the persons who are victims of other forms of slavery is also growing. The labour of the victims of trafficking is exploited in the textile industry, agriculture, the transport industry and the service sector (restaurants, cafés, hotels, [Turkish] bakeries etc.). This type of exploitation has grown from 20% between 1995 -1998 to 26% in 1999. In other categories of exploited persons, including girls working as au-pairs, domestic workers, professionals athletes, and those abused under the rubric of marriage, there has been a decrease (from 11% to 7%).

More than half of the victims are between 18-25, while on a quarter are between 26-30. They are generally in an irregular residency situation: 17.1% of the victims are holders of a short-residence permit, a tourist visa or are filing claims for asylum.

Concerning the number of law suits against traffickers between the 1 January 1998 and 31 August 1999, a total of 429 internment orders (*Haftbefehle*) were issued. Of these, 104 resulted in convictions (c.f. Victims of Trafficking and Violence Protection Act: 2002).



## **Legal Framework**

### *Trafficking in human beings*

Belgian law has not yet defined what is to be understood by “trafficking in human beings”. It refers to a certain number of offences included in the Criminal Code which are components of trafficking in persons. However, these offences do not necessarily involve international THB, nor do they imply exploitation of the victims. The law provides for “aggravating circumstances” specific to trafficking for the purpose of incitement to “immoral behaviour” or prostitution. “Aggravating circumstances” covers the following offences:

- making use, either directly or indirectly, of fraudulent operations, violence, threats or any form of coercion whatsoever;
- taking advantage of the particularly vulnerable situation of a person as a result of their illegal or precarious administrative status, pregnancy, illness or disability, or mental or physical handicap (IOM Conference paper 2002: 5).

The law of 13 April 1995 on trafficking in persons, which amended the law of 15 December 1980 by recognising, in article 77: “trafficking in foreign nationals” as a crime. On the basis of this article, traffickers can be sentenced to one to five years imprisonment, and in severe and regular cases up to twenty years.

Forced or compulsory labour is prohibited by law. The minimum employment age is fifteen years.

### *Prostitution*

Prostitution is legal in Belgium. However, the Code of Criminal Procedures prohibits certain prostitution-related activities. These prohibited activities include engaging, enticing, coercing, or holding a person who is not of legal age for the purposes of prostitution or debauchery (art. 380[1]); keeping a house of prostitution or debauchery (art. 380 [2]); selling, renting, or making available rooms or any other

premises for the purposes of prostitution with the aim of earning “abnormal profit” (art. 380 [3]); and exploiting the prostitution or debauchery of others (art. 380 [4]).

These offences carry a fine and up to 5 years imprisonment. Aggravating circumstances include the use of fraudulent tactics, violence, threats and duress, as well as the abuse of a person’s “vulnerability.” These increase the penalty. The punishment in such cases is 10 to 15 years. Under article 381 of the Code of Criminal Procedures, the penalty is increased to twenty years in cases of “participation in the principal or accessory activity of an association”, that is an organised activity, “whether or not the guilty party plays a marginal role in such association” (Protection Project 2002).

Furthermore, the Code of Criminal Procedures prohibits the “corruption of youth.”. The code, article 379, states that:

“any person who, to satisfy the passions of another, isolates public morals by inciting, furthering, or facilitating the corruption or debauchery of a minor, of either sex, shall be punished by imprisonment and a fine.”

The severity of the punishment for such an offence depends on the age of the victim and the circumstances surrounding the offence. Exploiting the prostitution or debauchery of a minor under the age of 10 is punishable by a fine and by 15 to 20 years (art. 380). The penalties imposed may also include a ban from operating “a drinking establishment, an employment agency, a tobacco or smoking shop, a café offering live performances, a public ballroom, a massage parlour, or a manicure salon” (art. 382) (Protection Project 2002).

The Protection of Young People Law allows the juvenile court to take appropriate protective measures in cases involving people under the age of 18. The court may also order the closure of the establishment “in which the infraction was committed” (art. 382). Conviction for “corruption of a minor” (article 382) may also bar the offender from teaching in public or private institutions that admit minors (Protection Project 2002).

### *Victim Assistance*

In 1995 the Act to Combat Trafficking in Persons and Child Pornography was implemented in order to set up support programmes for the victims of trafficking. Among other things, this act led to the recognition of authorised shelters for the victims of THB. The Code of Criminal Procedures allows a victim to file as part of the pending criminal proceedings a civil complaint that seeking damages (art. 55).

The circular dated 7 July 1994, supplemented by that of 13 January 1997, stipulates the rules on residence for victims of trafficking, who report the crime to the police or who testify at the trial. An initial reflection delay is granted (45 days) and, in case of a report to the police or depositions, a three-month temporary residence permit (declaration of arrival) is granted. Eventually, based on the opinion of the prosecutor, a temporary six-month visa (Certificate of Registration in the Immigration Register) is issued, which can be extended until the trial is over. If the report of the depositions is considered important for the conviction, permanent residence is given. The victim may also be granted a temporary work permit and financial assistance. If the prosecutor decides to initiate legal proceedings, the victim will receive a longer residence permit that can be renewed until the conclusion of the legal proceedings (Protection Project 2002).

### *Witness Protection*

The Code of Criminal Procedures allows a witness to testify without the presence of the accused (art. 73). The code also allows the testimony of a minor who is under 15 years of age to be conducted outside the court (art. 83). Furthermore, partial or full anonymity is legally guaranteed.

During the trial, the victims have the right to legal assistance and support of one of the three specialised reception centres; support usually includes housing, education, medical and psychological care, as well as support in finding a job (see below). There is also the possibility of file for compensation and damages.

## *International Conventions*

Belgium has ratified the International Labour Organisation (ILO) Convention (105) on the Abolition of Forced Labour; the United Nations (UN) Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery; the Optional Protocol to the UN Convention on the Rights of the Child on the Sale of Children, Child Prostitution, and Child Pornography. It has signed the UN Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children. Belgium has not signed the ILO Convention (182) to Eliminate the Worst Forms of Child Labour or the UN International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Protection Project 2002).

### **3. Institutional Framework**

#### **3.1. State Institutions**

In the early 1990s the Belgium government began to establish specialised institutions dealing with the fight against trafficking and the assistance of victims. In the early nineties the activities concentrated mainly on the law enforcement sector, and especially on the role of the public prosecutors. Measures to support the victims of trafficking followed. This strengthened the position of the specialised assistance centres and gave the coordinating function to the Centre for Equal Opportunities and Opposition to Racism.

Around ten years later the Belgium government drew up an Action Plan in response to the problem of trafficking in human beings, based on an integrated and multidisciplinary approach to the THB phenomenon. This plan was introduced in each public federal department whose services contribute or potentially contribute to combating THB (IOM conference paper 2002: 2). All important Ministries and services involved in combating trafficking are included in the plan. These include the Federal Department of Justice, the Ministries of Foreign Affairs, the Interior, Labour

and Employment, Social Affairs, and the Departments of Social and Labour Inspection.

### *Task Force on Trafficking in Persons*

The task force on trafficking in persons was established in December 2000 at the initiative of the Prime Minister. It is located within the Office of the Prime Minister and brings together experts from all departments dealing with THB. The task force currently involves around twenty five persons. Its main task for the short term is to determine the essential conditions for an integrated policy in administrative, social and criminal law. The task force is also mandated to ensure assistance to victims and effective cooperation between all state departments and services involved with THB. Experts active in anti-trafficking activities meet every two months. The taskforce's first proposal was to set up an Information and Analysis Centre on Trafficking in Persons (*Centre d'information et d'analyse en matière de traite des êtres humains –CIAT*) (IOM Conference paper 2002: 24). The taskforce follows a multidisciplinary approach in the fight against THB. To this end, a number of different instruments in fighting trafficking have been developed.

### *Information and Analysis Centre on Trafficking in Person (Center d'information et d'analyse en matière de traite des êtres humains –CIAT)*

The aim of the CIAT is to gather and analyse information related to THB and disseminate this to all the actors involved. The information gathered is in various forms, including embassy reports, reports from immigration officials, information from the NGOs, statistical data, findings of the controls by the inspection departments etc. All the information is transmitted anonymously to the CIAT, and then processed by the centre's analysts, so that policies on crime prevention may be developed (IOM Conference paper 2002: 24).



### *Federal Justice Department*

The Federal Justice Department is responsible for guaranteeing the coherence of activities implemented by the various state departments in the scope of the governmental plan. It draws up an annual report.

### *Inspectorate of the Ministry of Labour and Ministry of Social Affairs*

In Belgium, in contrast to other European member states, there is a strong emphasis on fighting exploitation of labour and trafficking in forced labour. A special department of the Ministry of Labour and Employment and the Ministry of Social Affairs is responsible for dealing with these kind of crimes. It carries out on-site controls and inspections of workplaces in different sectors, e.g. construction, the apparel industry, gastronomy, agriculture and prostitution. The joint inspectorate was born out of a protocol of collaboration in 2001, when it became clear that THB was an issue of socio-economic exploitation, thus falling within the remit of both ministries. On the basis of the work of this inspectorate, the decision was taken to set up an annual plan for stipulating which sectors of the economy should be controlled in each juridical district. Monthly controls are currently carried out in accordance with this plan.

### *Aliens Office of the Ministry of Home Affairs*

The main task of the Aliens Office is to issue residence permits for victims of trafficking. This is done in close cooperation with the three specialised shelters and the public prosecutors.

### *The Ministry of Foreign Affairs*

As concerns the issue of THB, the Ministry of Foreign Affairs is involved mainly in repatriating victims of trafficking and conducting preventative in the countries of origin. These activities necessitate extensive cooperation with the Belgian embassies abroad, and THB itself is a priority on the foreign policy agenda.

### *Centre for Equal Opportunities and Fight Against Racism*

On 16 June 1995, the royal decree was issued on the role and powers of the Centre for Equal Opportunities and Fight against Racism with respect to measures taken to combat international trafficking in human beings. This royal decree authorised the Centre for Equal Opportunities and Fight against Racism to coordinate and promote cooperation between the various private services specialising in the assistance of victims of international trafficking in persons (art. 10) (c.f. Protection Project 2002, Belgium). Since 1995, the Centre has been responsible for the stimulation, coordination and the follow-up of policy for countering international trafficking in human beings.

The centre acts as a secretariat for the Inter-ministerial Conference, chaired by the Minister of Justice, and prepares an independent and public annual report, assessing the results of the fight against trafficking. For example, it describes and analyses the situation in large cities. These annual reports provide an important encouragement and support to all workers in the field. Last year the Centre published a work on jurisprudence in the field of trafficking in human beings, which includes more complete information on the work of the justice department and the situation of the victims. It describes the differences between legal procedures and constitutes a working tool for the future.

In response to a call by parliamentary commission for a body to coordinate and encourage the work of the shelters, the Centre oversees the three specialised shelters for the victims of THB: Payoke, Pag-Asa and Sürya. Every three months the centre organises a meeting with the three shelters. It also establishes performance standards for the three regional shelters.

The centre also works on the local level. It raises problems and brings them on to the interdepartmental agenda. A departmental workgroup has been created with all actors in the field (from administration to social inspection). Two persons from the centre (one for the Flemish region, one for the francophone region) are responsible

for the collaboration between institutions and the organisation of collective projects. The particular task of this unit, which brings together the various ministerial departments involved in the fight against trafficking in human beings, is to enable effective coordination between the departments and to contribute to the formation of proposals and recommendations in this area.

Finally, the Centre is authorised to appear in court in lawsuits related to trafficking in human beings. It may prosecute in its own name or on behalf of the victims who authorise it to do so (Interview Centre 2002).

### **3.2. Law Enforcement**

The criminal policy on THB in Belgium is based on the departmental circular (COL 12/1999) on the policy and prosecution in the area of child pornography and trafficking in persons. This paper outlined the different roles and strategies of the services involved in investigation and prosecution in the area of THB. It also lays down guidelines for the circulation of information and the coordination of the activities of all involved actors, mainly the police forces, the departments of public prosecution and the local magistrates.

#### *Trafficking in Human Beings Unit of the Federal Police – Directorate General for the Criminal Investigation Department*

In 1992 the Directorate General for the Criminal Investigation set up a special department within the national police force for combating THB. It works under the responsibility of the Ministry of Justice. There are more than thirty people working on the central level (including strategic analysts, legal advisors and partners from outside the police force). The main tasks of the department are to coordinate investigations into THB, conduct policing operations and inform and advise policy makers on their activities. Furthermore, they provide local police services with information by issuing a fortnightly email newsletter on THB topics. Agencies outside the police force are informed on THB issues via a monthly bulletin. On the European and international levels, they are the contact point for Europol and Interpol, and

function as the central point of entry for all police information and files regarding trafficking in human beings. Bilateral cooperation is in place with various countries e.g. with France, Lithuania, in which issues such as travel routes etc. are discussed.

The work of the police is based mainly on the national security action plan, issued by the Belgian government in 1999. This plan prescribes the activities the entire Belgian police force, and includes multi-agency checks and controls (border controls, controls in prostitution, controls in the employment sector for evidence of forced labour), as well as systemic information exchange and collection. Besides this national plan, a specific action plan for the federal police is in place.

### *Local Police*

In each of the twenty six local police districts, there are police officers acting as liaison officers with the central unit in the area of THB. The local police is involved in operational activities and direct support of victims of trafficking. There is a specific action plan on THB in each local police district. If no action plan is drawn up by the local district it can lead to cuts in funds. The action plans are monitored regularly by the Ministry of Interior and Ministry of Justice. One aim of these local action plans is to prioritise combating THB and ensure regular cooperation between the various police districts, as well as between the federal and local levels.

In recent years the issue of forced labour has become more and more an issue for the local police forces, and they assist the labour market inspectorate in their controls. However it is often difficult for police officers to make a distinction between forced labour and black labour.

Concerning the training of police officers, the Police Training School offers specific modules on combating trafficking in human beings. Trainee police officers become acquainted with how to approach the phenomenon. The approach to the phenomenon of trafficking in persons is actually more a matter of awareness raising. In addition, the police officers receive ongoing and systematic training to update their knowledge (Conference paper 2002: 25).

### *Liaison Magistrates*

Since 1996 a system of liaison magistrate is in place which designates a liaison magistrate to each juridical district and each attorney-general dealing with THB cases. The main task of these liaison magistrates at the level of the attorneys-general is to follow up important cases in the area of THB, to draw up annual reports on THB cases and to make recommendations how to improve the fight against THB. At the local level the liaison magistrates are the main contact points for external contributors such as the police, NGO representatives, other liaison magistrates. Furthermore they have to follow up THB cases within their district and to keep the attorney general informed on all important dossiers.

### *Federal Department of Public Prosecution*

The Federal Department of Public Prosecution was created by the laws of 22 December 1998 and 21 June 2001, coming into force on 21 May 2002. It is responsible for the whole of Belgium. The Federal Department has the following tasks in the area of THB: on the national level it oversees the coordination of the prosecution. The activities of the federal prosecutor facilitate the exchange of information between all engaged operation and investigative services. It has the power to centralise several cases in one department or under one investigating judge. In certain cases THB falls under the direct competence of the public prosecutor e.g. in the case of a criminal networks. On the international level, the Federal Department for Public Prosecution is the main contact point for international institutions and judiciary authorities from abroad. It also supports other services of the judiciary in Belgium with trans-national contacts. On the operational level, the Federal Department of Public Prosecution is the direct partner of the Directorate General for the Criminal Investigation Department of the Federal Police (see above).

### *Board of Attorneys-General*

The Boards of Attorneys-General was set up in 1997. Of the five attorneys-general, the Attorney-General of Liège is responsible for THB related crime. He is assisted by a team of experts including members of the federal department of public prosecution, the criminal policy department of the Ministry of Justice and the trafficking in persons unit of the federal police. One of the duties of this board is to oversee the implementation and coordination of policy measures adopted to assist victims of trafficking.

In 2001, an initial project was subsidised by the Deputy Prime Minister and the Minister of Employment and Equal Opportunities. Its objective was to gather and disseminate information on the services available to trafficking victims, so that mechanisms and procedures for safe and dignified repatriation may be set up involving the proper channels. In accordance with the priority of the Belgian government (Conference paper 2002: 26), this applies particularly to the women and girls who have been trapped in the sex trade and other sectors of the unofficial economy.

### **3.3. Specialised shelters**

With the Act of 1995 on the assistance of victims of trafficking, three shelters were authorised to specialise in supporting trafficking victims (Pag-Asa, Payoke, Sürya). Alongside victim support (housing, financial assistance, legal counselling, psychological and medical care, vocational guidance and training, contact to other institutions), they have the right to undertake civil proceedings on the behalf of the victims. Most importantly, the three centres are authorised to request residence permits for the victims of trafficking.

One main goal of the three shelters is to ensure the rights and interests of the victims of trafficking, especially during legal proceedings. The three NGOs cooperate closely with the police, the inspection services of the Ministry of Labour and Social Affairs,

the social services and other services involved in the integration of the victims of trafficking.

In 1998 the three shelters had 190 residents, in 1999 this was 175, and in 2000 it was 230. The trafficking victims came mainly from central and eastern Europe (44%), Africa (23%) and Asia (23%). The victims were mainly young women who had been trafficked in order to be sexually exploited (57%), or especially in the case of Chinese women, to be used in sweatshops (10%) (Centre pour l'égalité des chances et la lutte contre le racisme, 2000). Between 1996 and 1998, the number of Nigerian nationals in accommodation centres increased from 48 to 73, that of Albanians from 4 to 21, of Chinese from 3 to 22, and of Turkish nationals from 7 to 15.

The victims of trafficking supported by the three NGOs are either brought to them by the police to the shelter or they arrive through street work, the assistance of their clients and other activities in contact with them. Victims of forced labour are usually detected by the labour inspectorate of the Ministry of Labour and Social Affairs. Only in some cases do the victims contact the NGOs independently. Depending on the distinct situation of the trafficking victim, the NGOs provide either direct shelter or counselling and care to individuals in privately rented flats. The victims usually stay between five and six months in the shelter, before being transferred to an individual apartment or another care provider. This is the length of time needed to stabilise the victims, who are in many cases traumatised and suffering from psychological illnesses. After transferral to new accommodation, the victims are still accompanied externally by one of the three specialised centres.

Since 1995 the specialised NGOs have been financed by the federal government, in cooperation with the respective federal states (Wallonia, Flanders and Brussels region). However the financing structure has changed over the years, as have the amounts of the subsidies. According to the three NGOs, the amount of financing and the distribution of funds is still a problem. The funds are very limited and only allow them to provide direct shelter to a fixed number of trafficking victims. However, if all places in the three centres are occupied, collaboration with other women's shelter

and similar institutions providing temporary accommodation is possible. According to some experts, there is a need for another support agency and more shelter places, but there are currently no funds to support further agencies willing to engage in this area. The Centre for Equal Opportunities and Combating Racism coordinates and promotes the work of the three NGOs in providing care to trafficking victims.

### *Payoke*

Payoke is an independent organisation located in Antwerp. It was founded in 1988 as a support organisation for prostitutes.<sup>1</sup> The main goal of Payoke is to break the taboo around prostitution and support prostitutes in their struggle for emancipation. Payoke opposes against any form of forced prostitution. Since 1995, it has been the officially recognised support agency for victims of trafficking in the Flemish part of Belgium since the early 1990s. To this end Payoke has set up a separate division which concentrates solely on fighting trafficking and providing support to victims (mainly women and minors), who have been deceived or 'bought and sold'. Payoke encounters an enormous variety of people active in sex-work. The most important group is of course the sex-workers themselves. Payoke currently employs sixteen members of staff, including social workers, three shelter workers and five criminologists and a psychologist.

In 1993, Payoke opened a shelter of refuge for prostitutes called Asmodee. Anyone who wants to leave prostitution either temporarily (for example to escape pimps) or permanently, and anyone who has become a victim of the human trafficking network, may come to Payoke. Asmodee accommodates a maximum of 12 residents. It is mainly female victims who are given shelter. This means that Asmodee is characterised by a rapidly changing and multicultural group of residents. The Payoke staff seek to help individuals form perspectives on their futures. They also assist and accompany victims of human trafficking in giving evidence and during the trial. They

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<sup>1</sup> As the work and problems of the three shelter providing NGOs, Payoke, Pag-Asa and Sürya is very similar only the first Payoke is described in detail.



take care of the legal, administrative and financial needs of their clients (c.f. Information by Payoke).

Alongside the permanent shelter, the Saralek team provides external counselling and assistance to victims of human trafficking. They establish initial contact with potential victims and refer them to Asmodee or other shelters. Contact is established through intermediaries (friends/clients) or the police services. Victims also make contact themselves. The ambulant counselling and assistance has several aspects: visits on location, judicial and administrative aspects (residence permits, work permits, accompaniment during contact with the police, education) and contact with other organisations. Clients of Payoke must follow the rules and regulations laid out by the NGO. These include regulations on behaviour in the shelter and individual duties. If a victim repeatedly violates the regulations, Payoke may withdraw support (c.f. interview: Bruno Moens).

In 2000, Payoke was a partner in an international project within the framework of the European STOP program, *Forum Européen pour la Sécurité Urbaine*, which aimed to raise the awareness of the police services on the situation of trafficking victims. In 2000, an international project within the framework of the European DAPHNE program was completed, in which Payoke, alongside On the Road (Italy), ALC (France) and Terre des Femmes (Germany), was one of the partners. Payoke's contribution consisted of international visits and a paper entitled "Research about prostitution and trafficking (with a special focus on victims coming from Kosovo)". In December 2000, a new international project within the framework of the European DAPHNE programme began, which has a partners Payoke, Pag-Asa, Centre contre le esclave mondial CCEM (France), IOM, On the Road (Italy) and Differenza Donna (Italy). The project bears the title "*Pour une meilleure assistance et protection des victimes de la traite des êtres humains*" ("For a better assistance and protection of victims of trafficking in human beings"). Its goal is to set up exchange between and within five countries of experiences in the reception of victims of human trafficking, the development of a website, a manual, a brochure and a video.

According to staff of Payoke, a main problem of victims of trafficking in Belgium is in access to the labour market. This has to do with the difficult process of obtaining a working permit, and the duration of the permits, which is often only three months. In July 2002 a reform was passed granting all victims of trafficking who possess a declaration of arrival or an official registration a work permit for the duration of one year; this does not involve the employer. This might facilitate the situation of the victims of THB. Apart from this, there are problems in finding jobs that match the qualifications of the victims of trafficking. Economic integration is crucial for the social integration of the victims. Another problem faced by Payoke in the support of the victims of trafficking is finding adequate housing for them. They are often confronted with racism, in other cases rents are too high or there are high deposits to be paid.

Since 1994 Payoke has been financed by the Belgian authorities. Before that it had been difficult to obtain funding. In the early years of their work in supporting victims of trafficking, mainly in 1992 to 1995 collaboration with the police and other authorities was difficult. At this time there was still a lack of awareness in the police forces due to a lack of comprehensive training. After the legal reforms in 1995, collaboration with the police and other law enforcement agencies improved. Another problem faced by Payoke is the shortage of places in their shelter; they would like to be able to accommodate more women.

### *Pag-Asa*

Pag-Asa, which means the word “hope” in Tagalog, the most widely spoken language in the Philippines, is the specialised shelter responsible in Brussels and the Brussels region for the accommodation and support of victims in trafficking. Pag-Asa currently employs fifteen members of staff, including three administrators, four legal advisers, four social workers and one caretaker. Pag-Asa provides sixteen places in its own shelter. Victims of trafficking residing outside the shelter are also supported by the Pag-Asa team. The activities of Pag-Asa focus on all areas of support to the victims of trafficking before, during and after the trial against their persecutors. This includes psychological, legal and medical support, as well as assistance in regulating

daily issues, vocational training and integration into the labour market. In total, Pag-Asa offers 16 places in its own shelter and further places in external accommodation. Alongside this, Pag-Asa is active in information and awareness raising activities on the phenomenon of THB. Together with Payoke, the IOM and other institutions, they have been involved in a project raising the awareness of law enforcement agencies of the issue of TBH funded under the DAPHNE programme of the European Union. Within this project, Pag-Asa was responsible for the development of educational material and training matters.

Pag-Asa face similar problems as Payoke. Alongside the difficulties in finding work for the victims, problems are encountered in accessing vocational training programmes, since the victims often do not fulfil the necessary administrative preconditions. Another problem encountered by Pag-Asa is the shortage of interpreters for certain languages e.g. Chinese in their work with the victims.

Pag-Asa has a successful cooperation with the law enforcement agencies, especially the liaison magistrate based in Brussels. They have carried out awareness raising campaigns for the local police. This has improved cooperation with the police, which now refers many victims to Pag-Asa. Good cooperation is in place with the Aliens Office in Brussels, the department responsible for the issuing and extension of residence permits to the victims. Pag-Asa meets regularly with the responsible persons of the foreigners office to discuss the individual files of the victims, their situation and potential problems. At the local level, Pag-Asa is integrated into a network of social agencies providing support to the victims of THB. This include health institutions, training institutions, psychological counselling agencies and similar agencies. Collaboration within this network functions well and is crucial for the integration and reception activities of Pag-Asa.

### *Sürya*

Sürya is the specialised NGO working for the support of victims of trafficking in the Walloon region and was founded in 1995. It has its office in Liège. Of the three

NGOs focussing on the victims of trafficking in human beings, Sürya has a special focus on victims whom have been trafficked into forced labour. Cases of labour exploitation in the context of trafficking are especially reported in the textile industry, domestic service sector, small scale commerce (e.g. bakeries and groceries). Victims of forced labour make up around 20% of all victims of THB supported by the three shelters. Thus, in contrast to Payoke and Pag-Asa, around a third of all victims of trafficking supported by Sürya are men. The activities offered by Sürya include shelter, medical, social and psychological care, legal and administrative support as well as help for labour market integration. Good cooperation is in place with other regional and local institutions involved in the fight and prevention of THB in the Walloon region.

#### Network Assistance to Victims of Trafficking (*Netwerk Hulpverlening Mensenhandel*)

The Network Assistance to Victims of Trafficking was founded in 2000 and seeks to raise awareness of social service providers for the situation of victims of THB. It seeks to enhance cooperation between the two victim support NGOs (Payoke and Pag-Asa) and social welfare institutions. This network has been established by Payoke, Pag-Asa and Steunpunt Algemeen Welzijnswerk (Agency for General Welfare Work) and is funded by the regional government of Flanders.

#### **Role of the three NGOs in the overall system of fighting THB**

The three officially authorised and specialised NGOs for supporting victims of trafficking (Payoke, Pag-Asa and Sürya) are an integral element of the overall strategy to fight THB in Belgium, while at the same time offering effective protection to the victims of THB. Thus at first glance a good system for the support of victims of THB seems to be in place.

However, critique regarding the structure of the victim support can also be levelled. Since the three NGOs are financed almost entirely from state sources, the extent to which they really independent is doubtful. This apart, their duties and activities are

clearly regulated and bound by the law regulating the treatment of victims of trafficking in Belgium. It seems problematic that the shelters are actively involved in the decision of whether a person is a victim of trafficking, since this intrudes upon their “neutral” position vis-à-vis the victim. The three specialised victim support agencies must give an opinion on the victim status of the persons referred to the within a 45 day consideration period, and thus their role in whether a person is recognised as a victim or not becomes decisive. They act as a quasi-investigative body.<sup>2</sup> This puts the NGO in an ambiguous position, in which they must cooperate closely with the police. While they are able to identify the victims, they are also confronted with the task to prevent abuse of the victim protection status, which can lead to an indefinite residence in Belgium. Through the task of paying out social welfare benefits to the victims of trafficking directly and also controlling these, the activities and duties of the three support NGOs go beyond the conventional work of NGOs and bring them under the auspices of the state.

Furthermore, through the selection of three organisations fully financed to support the victims of trafficking, it is nearly impossible for other independently working NGOs to become active in the field. Therefore it is also not surprising that there no other prominent NGOs can be found in Belgium working in this area. The access to this field is “controlled” through state funding and selective nomination of NGOs working in this area, something seen as a problem by some organisations. The representative for THB issue of the Centre for Equal Opportunities and Combatting Racism however points out that the concentration on three agencies has a number of advantages. Firstly, the services and activities of the three NGOs are known by all involved agencies throughout Belgium, and it is clear for example to law enforcement agencies whom they have to refer the potential victims to. More importantly, knowledge about the activities and the status of the three NGOs within the area of prostitution has increased. Furthermore, throughout the year the three centres have gathered a lot of experience and have been able to specialise further. This was only possible through such a concentrated approach.

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<sup>2</sup> This role is in most other countries taken by the police.

### **3.4. Other organisations**

#### *IOM*

The regional IOM office in Brussels is responsible for the repatriation of victims of trafficking. The specialised centres get in contact with IOM, which then organises the voluntary repatriation of the victim. This includes, if necessary, contacting the victim's family and NGOs providing support in the country of origin (e.g. in training and reintegration). The IOM has carried out a pilot project for the return and reintegration of victims of trafficking in persons financed by the Deputy Prime Minister, the Minister of Employment and Equal Opportunities and the Minister of Foreign Affairs. Twenty victims of trafficking were voluntarily repatriated. Project activities included advising and assisting the victims during the period before their departure. Furthermore, local associations for the reintegration and assistance of these persons were put in contact with the returnees. The IOM received funds from the Belgian government in order to carry out information campaigns to prevent trafficking in the countries of origin.

### **4. COOPERATION**

With the creation of the taskforce on trafficking of persons in December 2000 (see above), the level of cooperation between all agencies engaged on the national level in combating THB has improved considerably. Furthermore, cooperation on the national level is facilitated through the establishment of a network of expertise on THB which is overseen by the board of the attorneys-general and was set up in 2001. In general one can speak of functioning and well-structured cooperation on the national level. This degree of cooperation does not always exist on the regional and local levels, however.

In the various areas of combating THB, e.g. law enforcement, police services and NGOs, regular cooperation is also in place. Juridical cooperation is very developed (e.g. liaison magistrates), and organised throughout all levels. Thus there is effective

cooperation between the local, regional and national level. The same accounts for the police services, which have set up a structure to combat THB from the national level down to the individual local districts. Training efforts and the installation of responsible officers for THB at all levels was crucial for effective cooperation within the police force itself.

According to some experts, cooperation within the various ministries (at the national as well as regional levels) active in the field of THB could be improved. This goes especially for the different perspectives and thus activities undertaken by the individual ministries in the context of preventing and combating THB. Thus, while the focus of the Ministry of Foreign Affairs and Ministry of Economic Cooperation clearly lies with prevention activities, the Justice Ministry and the Interior Ministry see their main point in deterrence strategies, while the Ministry of Social Affairs and the Ministry of Employment are more concerned with the victims of trafficking themselves. Furthermore, the federal structure of Belgium and the wide remits at the regional levels (Brussels, Flanders and Wallon) presents obstacles and limits to the cooperation in the area of THB. There are conflicts about responsibilities and work is duplicated or done without the knowledge of the other agencies.

Cooperation between the police and the three specialised victim support NGOs depends on both sides functioning well. Especially in the first investigations regarding the situation of the victim, the police and the NGOs support each other firmly. The centres and the police meet regularly for an open discussion regarding all upcoming problems.

## **5. Discussion and Analysis**

Over the last ten years, awareness on trafficking in human beings has increased greatly. Belgian institutions can be seen as some of the most innovative and active in Europe in fighting trafficking in human beings. Belgium has developed a set of specialised institutions focussing on this issue. They have been brought together by the task force on trafficking in human beings. The active approach to prevent and

fight trafficking in human beings has been enabled through comprehensive legislation and the smooth cooperation of all actors involved in the field. Special emphasis is given to systematic and strong cooperation of all actors and institutions active in the field. One can speak of a near uniform approach to fighting trafficking, in which statutory organisations, law enforcement bodies and NGOs cooperate extensively. This degree of cooperation has its basis in a top-down approach, beginning with activities of the Ministry of Justice and the task force for trafficking in persons. However, as outlined above, this close cooperation leads to a “closed circle” of actors involved, and does not easily permit the integration of new actors such as further NGOs. Furthermore, the close cooperation has the tendency to blur the boundaries between statutory and non-statutory agencies, with the danger of the NGOs losing their autonomy. The three NGOs run that the risk of acting more in interests of the Belgium government than the victims they supporting. Though the level of cooperation of institutions involved in preventing and combating TBH in Belgium is extensive, it remains difficult to measure the effectiveness and outcome of this kind of intensive cooperation. Here an in-depth evaluation would be necessary.

The overall approach of the Belgium government is to combine highly punitive measures towards the offenders with preventive measures and the protection of victims of THB. However the protection is provided on the condition that the victims are willing to cooperate with the police. Thus only the strongest victims receive protection. In this respect, the Belgium system differs from the Italian.

Finally, it should be underlined that until now Belgium can be also seen as unique in the European Union, with its focus on fighting trafficking of persons whom have been brought to Belgium for labour exploitation.

## **6. Good practices**

- The three specific support NGOs carry out a regular survey on the victims of trafficking. Based on the analysis of the questionnaires, a national analysis of the



situation of victims is generated. This allows the agencies involved to implement strategies meeting the specific needs and circumstances of the victims.

- A special database providing information on THB (Centre d'information et d'analyse on trafficking or CIAT) has been to be accessible to all institutional actors involved in preventing and combating THB.

- The special focus on combating forced labour as one form of trafficking in human beings is worth mentioning. A statement of collaboration in this priority area was signed between the Department of Inspection of the Social Legislation (Ministry of Labour) and the Department of Social Inspection (Ministry of Social Affairs).

- The establishment of a task force on trafficking in persons, involving all important agencies for combating trafficking in Belgium and coordinating and monitoring the activities in this area in a systematic manner.

- The drawing up of a national security plan for the entire police force in parallel with the implementation of special action plans at the federal and local levels. These allow for focused policing while at the same time promoting thorough information exchange and collaboration at all levels of the police forces and throughout the entire law enforcement sector.

## **7. Recommendations**

- There should be a stronger focus on preventative activities, especially in the countries of origin. The link between migration and trafficking in human beings should also receive emphasis in this context.

- In view of training deficits, schemes already in place for training police officers and magistrates, especially on the local level, should be expanded. This will avoid cases in which victims of trafficking in human beings are not recognised by the police and deported.

- Mechanisms for the regular monitoring and evaluation of the effectiveness and outcomes of the collaboration within agencies such as the police, and across different institutions involved in combating trafficking, should be established.
- Consideration should be given to appointing a national deputy on THB who supports the Belgium government in reviewing and improving policing in the area of THB. This person could also reinforce cooperation between different ministries and enhance cooperation between federal and regional bodies.
- The investigative role of the three specialised shelter NGOs should be reconsidered, since this might prejudice their position as independent advocates for the victims of THB.
- Consideration should be given to offering support roles to other interested NGOs. Apart from financial support, the range of NGOs should be increased, in order to set up sufficient shelter places and the necessary related support services.
- In the context of the persecution of the traffickers it seems important to undertake financial inquiries into their economic situation. Convicted traffickers should be obliged to pay higher fines in combination with severer prison sentences. It is especially necessary to increase the bail for traffickers. Currently, a high percentage of traffickers can easily leave detention and often are often unavailable during the trial.
- More efforts should be made to support the labour market integration of victims of trafficking, as employment is crucial for the social integration. Better access to language courses for victims of trafficking is important.
- While prostitution is legal in Belgium, a greater focus should be placed on the clients of victims of sexual exploitation. There should be campaigns set up informing this group and the support they can offer to victims of THB.

- When asking for financial compensation, victims of trafficking should have access to the Special Fund for Victims of Violence (*Speciaal Fonds voor Hulp voor Slachtoffers van Opzettelijke Gew addedaden*). This access is currently only granted to victims with Belgian nationality at the moment of the crime. The releasing of the fund however would be important, as victims often do not receive a financial compensation from the trafficker, as they might claim to be insolvent.<sup>3</sup>
- The possible link between asylum seeking and trafficking should be investigated. Various sources suggest that asking for asylum is used as an inroad for traffickers bringing the victims into Belgium.

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<sup>3</sup> Victims of trafficking are in general granted between 500 and 17500 Euro financial compensaton by the criminal courts.

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