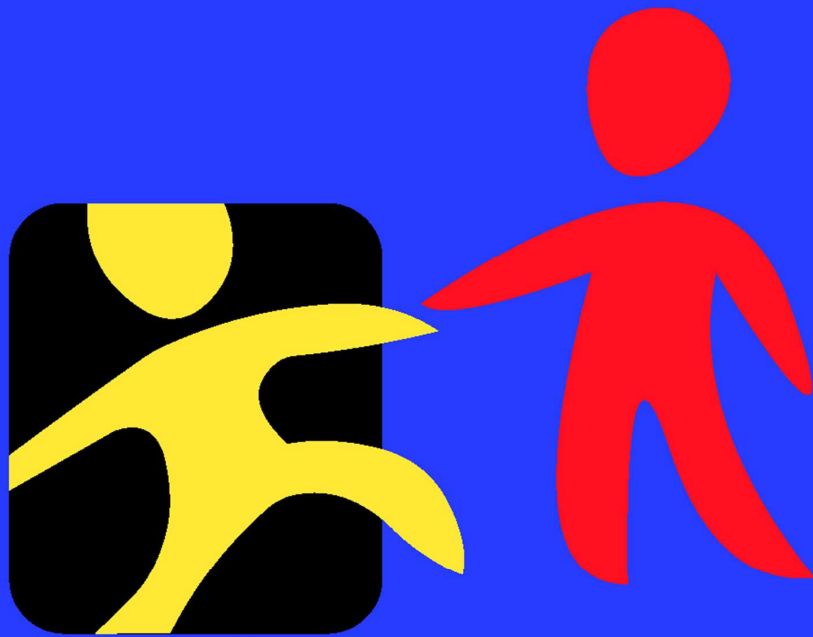


Kingdom of Belgium

**The fight against trafficking
in human beings**

Action Plan 2012-2014



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ACTION PLAN – THE FIGHT AGAINST TRAFFICKING IN HUMAN BEINGS 2012-2014

Introduction

Trafficking in human beings (THB) violates the basic rights¹ of the individual: the right to live, the right to freedom, security and human dignity. Universal human rights establish the fact that no one shall be held in slavery or servitude. The fight against trafficking in human beings therefore seeks to ensure that these basic rights are respected or restored.

The United Nations has integrated the fight against trafficking in human beings into the international fight against organised crime². The EU has supported this point of view through the adoption of various directives. Finally, international forums such as the OSCE are also continuing their work on the basis of this idea.

Belgium was practically the first country in the EU to develop an integral and integrated approach to trafficking in human beings. The pragmatic development of this Belgian approach led to its becoming an internationally recognised system.

During Belgium's presidency of the European Union, conclusions resulting from the organisation of the Fourth "Anti-Trafficking Day"³ were tabled. These highlight the need to work according to the four "P" principles: Prevention, Prosecution of traffickers, Protection of victims and Partnership.

Be it at national or European level, the conclusions highlight the need to consider various initiatives:

- the improvement of the multidisciplinary approach in the fight against THB;

¹ Universal Declaration of Human Rights, 10 December 1948

² Palermo Convention of the United Nations

³ The Fourth EU Anti-Trafficking Day, Towards a multidisciplinary approach to prevention of trafficking in human beings, prosecution of traffickers and protection of victims?, 18 – 19 October 2010

Presidency conclusions: <http://ec.europa.eu/anti-trafficking/entity.action?id=47cce4c7-a077-4349-9a78-7203c85f5daa>

- the importance of introducing joint control operations – Joint Investigation Team;
- the implementation of the EU Directive on sanctions and measures against employers of illegally staying third-country nationals;
- the need to consider the shared responsibility of clients who use intermediaries who engage in trafficking in human beings;
- the simplification of the confiscation and seizure procedures between EU countries;
- the improvement of the protection of victims, including the question of cross-border cooperation within this framework;
- the development of awareness and information tools for different levels of society (specific sectors, general public, etc.).

Besides these elements, new discussions will have to be held within the context of the transposition into Belgian law of Directive 2011/36/EU of the European Parliament and of the Council on preventing and combating trafficking in human beings.

The annual reports of CEOFAR and the regular evaluation of policy relating to trafficking in human beings have also drawn attention to certain innovations and modifications to be implemented. Among other things, the latest CEOFAR reports have insisted on the need to combat the subcontracting chains organised so as to allow the exploitation of persons or the problems associated with the fraudulent use of certain EU procedures, such as the secondment of workers.

The Government's latest report also mentions the need to continue the efforts undertaken to raise awareness.

Finally, the report on the hearings conducted by the Senate's working group should also act as a source for the present action plan.

PROSPECTS AND COMMITMENTS

- The continuation of Belgium's international pioneering role in the way trafficking in human beings is approached.
- The interdisciplinary pooling of information relating to the efforts or actions undertaken by the various departments, services and institutions in the interdisciplinary fight against trafficking in human beings - in particular the pooling of information relating

to people in situations of risk, to victims, investigations, prosecutions, convictions – to be able permanently to adapt an integral and integrated strategic approach.

- An integrated and coordinated strategic approach based on the four Ps (prevention, protection, prosecution and partnership): prevention, protection of victims, investigation, prosecution and conviction of traffickers and partnership with organisations that also have to deal with forms of trafficking in human beings.
- An integrated and integral strategic approach to trafficking in human beings that mobilises all authorities – federal, Community and local.
- Support for new initiatives and new short-term projects (maximum two years) that can contribute visibly to at least one of the four Ps.
- Particular attention should also be paid to the situation of persons of foreign origin who are more vulnerable.
- A quality social reaction for all potential victims of trafficking in human beings.
- A reduction in the “social demand” that generates certain forms of trafficking in human beings.
- Strong social disapprobation of any form of exploitation of persons contrary to human rights.



1. Legislative and regulatory aspects

1.1. Criminalisation of THB

The Law of 10 August 2005 introduced the specific criminalisation of THB into the Penal Code.

The assumptions regarding exploitation within the context of THB were extended to different situations: sexual exploitation, exploitation in working conditions contrary to human dignity, the exploitation of begging, organ trafficking, the act of forcing someone to commit an offence against their will.

Furthermore, the *modi operandi* of exploitation were transferred to aggravating circumstances (duress, use of force, of misrepresentation, abuse of authority, status as minor, etc.). This transfer was decided on for two reasons: firstly, it was felt that exploitation constituted the heart of the definition of THB, and secondly, this transfer made the burden of proof easier in connection with prosecutions.

After this law being in force for more than five years, an overall assessment can now be made. In accordance with the 2008 action plan, various evaluation documents attest to the implementation of the law⁴. In general, it has been applied without any fundamental difficulties. The widening of criminalisation has not led to extensive applications. The fact that the *modi operandi* had been transferred to aggravating circumstances provided a clear framework for the definitions of trafficking and smuggling in human beings.

Several questions should nevertheless be raised:

- should not the definition of sexual exploitation be widened and clarified, notably in relation to the reference to the descriptions of immoral behaviour and exploitation of the prostitution of others?
- In terms of economic exploitation, would it not be appropriate to ensure that fines are consistent *vis-à-vis* criminal labour law?

⁴ Annual report on trafficking in human beings of the Centre for Equal Opportunities and the Fight against Racism (CEOFAR), evaluations of the circular of the College of Principal Public Prosecutors (Col 01/07). The annual CEOFAR report contains an analysis of case-law. The Government's 2007-2008 report on THB includes an analysis of the case-law contained in the omtranet of the Public Prosecutor's Office.

- What changes should be envisaged within the context of the transposition of the European Directive of 5 April 2011 on preventing and combating trafficking in human beings?
- Following a recent ruling by the Court of Cassation (Cass., 27 May 2009, RD P.09.0240.F), it is no longer possible to confiscate property where this is not provided for by a text, even if the property was used to commit the offence. The confiscation of property would therefore no longer be possible for trafficking in human beings (in contrast to slum landlords). It would be preferable for the legislation to be adapted on this point. Reference will be made to the progress of the discussions on the proposed European directive concerning the freezing and confiscation of the proceeds of crime in the EU.

The legislation needs to be revised to clarify these various points. At the same time, the continuous efforts to evaluate our policies must be pursued. Among other things, the ompranet of the Public Prosecutor's Office should continue to be supplied with court decisions.

A better knowledge of the case-law could allow more effective work on practices, the finishing touches to be put to the training provided in this area and could also be of use in connection with the evaluation of charges.

1	Proposal	Who?	Deadline
	To adapt the Law of 10 August 2005 in accordance with the European Directive of 5 April 2011 and the developments noted through evaluations.	Directorate-General of Legislation, FPS Justice	01/04/2013

1.2. Penalties for clients who use intermediaries who engage in THB

Based on the government's declaration in 2003, the Interdepartmental Unit has worked on a system of penalties for clients who use intermediaries who engage in THB.

The 2003 annual CEOFAR report on THB illustrated the problem through the question of sweatshops. Depending on the circumstances, the client may be the brand, the wholesalers or a retail outlet.

When these sweatshops are dismantled, only their managers are troubled. It is difficult to prove that the client knowingly used the services of an intermediary who failed to respect social legislation, or indeed engaged in THB.

One way of discouraging the use of such intermediaries could be the introduction of joint civil and criminal client responsibility.

A first ad-hoc working group of the Interdepartmental Unit was charged with drawing up a draft bill based on the following principle:

The client must ask the intermediary for a series of documents attesting that he is in order as regards social standards and labour law; if the intermediary is subsequently found to have committed an offence relating to THB and the client did not previously ask for the required documents, he will be deemed to be jointly responsible under civil law and, if the option is taken, under criminal law.

However, the draft came under criticism. In particular, the text was censured for the fact that implementing the scheme would create too many administrative steps.

A request was therefore made for a draft text to be produced that took account of this criticism. A new working group, chaired by the Criminal Policy Service and the Directorate-General of Legislation of the FPS Justice, therefore proposed a new version of the scheme that was finalised in 2010.

This draft corresponds more to the provisions contained in the European instruments, notably Article 18.4 of the Directive of 5 April 2011.

The new text imposes penalties in relation to civil and criminal responsibility if the client knows or should have known that the intermediary he used was exploiting persons in working conditions contrary to human dignity. The draft also makes the application of these measures conditional on the intermediary first being convicted of THB.

Such a mechanism is likely to have a significant impact in terms of preventing THB. Moreover, joint responsibility is limited solely to the assumption of situations of THB.

Finally, the governmental agreement of December 2011 explicitly states that: "A mechanism of joint responsibility will also be introduced to make the main enterprise responsible if workers who are exploited by its subcontractors are used."

2	Proposal	Competence	Deadline
	To update and adopt the text on the penalisation of clients who use intermediaries in relation to THB.	Bureau of the Interdepartmental Unit THB, DG Legislation FPS Justice	31/12/2012

1.3. Initiatives on the international front

Trafficking in human beings is an international problem. Numerous international institutions play a major role in proactively stimulating debate between countries on the prospects and innovations associated with combating trafficking in human beings.

Belgium has a major role to play in this debate inasmuch as its legislation and the mechanisms it has put in place to combat this criminal phenomenon are among the most successful.

The country should therefore be represented in international circles to defend projects such as: the responsibility of main contractors , the harmonisation of legislations, protection of victims, etc.

There should also be active participation in international and European projects that allow THB and its cross-border aspects to be tackled more effectively.

Belgium is currently involved in the following projects:

- "Enhancing multi-stakeholders' cooperation to fight human trafficking in countries of origin and destination"

This project is being conducted by the UNODC in partnership with the International Organisation for Migration (IOM) and is based on developing partnerships within the context of the fight against sexual exploitation from the countries of West Africa. The contributors are the Immigration Office and the Criminal Policy Service.

- In 2009 and 2010, the Immigration Office worked closely with the IOM on two projects initiated and implemented within the framework of preventing the economic exploitation of Brazilian nationals in Belgium.

These projects were developed because the social inspection services and the police services noted increasing crime levels in connection with the immigration of Brazilians into Belgium. Immigration flows from Brazil are increasingly structured and the constructions used are complex.

The first project concerned an information and awareness campaign in Belgium. The second project is a mixed project in Belgium and Brazil aimed at establishing bilateral collaboration between all competent services in the two countries.

On 14 and 15 July 2011, a bilateral multidisciplinary meeting was held at the Brazilian Ministry of Foreign Affairs in Brasilia to continue the consultation on the joint prevention of and fight against the economic exploitation of Brazilian nationals. This visit, under the direction of the Immigration Office, was the continuation at the highest federal level of the initiatives launched in 2009 and 2010 (see above). The preventive aspect was also addressed in Brazil itself.

In 2012, a meeting will be held to develop the practical collaboration.

- Within the context of preventive diplomacy, the Belgian State is supporting, together with Switzerland, Serbia and UNGIFT, the "*Combat Human Trafficking in Serbia*" programme. Among other things, the programme comprises training and exchanges of information on judicial practice, the concept of trafficking in human beings, the identification and protection of victims.

This momentum should be continued.

To do this, the Bureau of the Interdepartmental Unit will examine the European projects submitted to it, either directly or on the initiative of one of its members. Depending on the interest shown, participation will be envisaged with the approval of the competent ministers.

Besides participating in these projects, the competent departments should consider introducing their own projects.

These projects should relate to the following priorities:

- Strengthening knowledge of the forms of the criminal phenomenon and investigative techniques within a European context;
- Developing prevention and information tools in potential sectors of exploitation;
- Protecting victims.

3	Proposal	Competence	Deadline
	<p>To ensure Belgian representation in connection with international projects and discussions on the trafficking of human beings.</p> <p>Conference of States Parties – UNODC, OSCE, Council of Europe, European Union, etc.</p> <p>To participate more in projects funded by the EU in connection with combating THB</p>	<p>FPS Foreign Affairs, FPS Justice + others depending on the subject</p>	

2. Preventive aspects

The development of preventive initiatives is a key aspect of the fight against all forms of crime. They consist mainly of information given to the various target groups to prevent offences being committed or to warn people of the risks that exist.

Like other western European countries, Belgium is essentially a destination and transit country for THB. The question of possible preventive actions is therefore conditioned by this situation.

2.1. Awareness-raising campaigns

Prevention is one of the four Ps of the policies to be implemented in relation to THB. Most international instruments refer to the need to take measures aimed at providing information about and raising awareness of the problem of trafficking in human beings. The European Directive of 5 April 2011 makes specific reference to this in its Article 18.2. Article 5 of the Council of Europe Convention on Action against Trafficking in Human Beings also recalls the importance of these measures.

In 2008 the action plan highlighted the small number of initiatives taken in this area.

For this reason, the Bureau of the Interdepartmental Coordination Unit for the fight against Trafficking and Smuggling in human beings carried out an analysis of what had been done and the initiatives likely to be taken. Following this study, two projects were initiated by the Interdepartmental Unit:

- Firstly, a flyer was made available to certain diplomatic missions. This document can be given to work visa applicants and informs them about THB. It provides some guidance on the points to be checked with employers prior to departure. It also lists Belgian contact points in case of problems once on Belgian territory.
- Secondly, a newsletter for hospitals. The draft is currently being finalised. It is designed to inform, among others, the emergency and social services of hospitals about THB and how to react if a patient is suspected of having been the victim of exploitation.

In the future, it will be interesting to be able to assess the result of these initiatives and develop other instruments.

Thus, certain social services likely to be confronted with victims of THB (Public Social Welfare Centres) should be made aware of the problem. This aspect was highlighted in the 2010 CEOFAR report. Furthermore, during assessment of the multidisciplinary circular on the protection of victims, it also emerged that social services, including the Public Social Welfare Centres, were familiar with the problem to varying degrees.

Domestic exploitation is also an issue of concern. Difficult to identify because it takes place in private, combating this form of exploitation assumes that the public will continue to be informed on a regular basis.

Finally, if these initiatives are given priority, other sectors should also be informed/made aware: trade unions, enterprises, etc.

To achieve this objective, an ad-hoc working group will be created in the Interdepartmental Unit. Among other things, the group will examine the forms these awareness-raising initiatives should take. Furthermore, it will also examine the possibilities of using media such as the Internet. A website could contain a range of information on THB, either for private individuals or for professionals. Existing sites will be taken into account.

If necessary, a minimum budget will be released to achieve this objective.

Finally, in the context of the European Union's action plan, it was asked that "a press contact point" be designated to provide "publicity" for the investigations, prosecutions and penalties in actual files. In Belgium, it is Liège Public Prosecutor's Office that was designated as the contact point.

A press conference had therefore been organised on 16 October 2009 to provide information about the reality of THB and the investigations being conducted.

Awareness-raising of this type should be able to be repeated on a regular basis (every two years).

The Council of Europe Convention on Protection of Children against Sexual Exploitation and Sexual Abuse (2007) imposes a penalty for frequently visiting this type of site, even if no images are downloaded. The European Directive on combating the sexual abuse and sexual exploitation of children and child pornography, replacing Council Framework Decision 2004/68/JAI, not only defines child pornography but also asks Member States to criminalise "Knowingly obtaining access, by means of information and communication technology, to child pornography". Furthermore, the Directive indicates that Member States shall take the necessary measures to ensure the prompt removal of web pages containing or disseminating child pornography hosted in their territory. Member States can also take measures to block web pages.

As regards national experiences, Norway, Sweden and the Netherlands already block access to sites containing images of child pornography in collaboration with their ISPs.

In these countries, the police identifies sites that contain images of child pornography primarily on the basis of a system of reports of this type of site by Internet users. Once the illegal content is established, it sends the details of these sites via a procedure to the ISP, which blocks access to it (domain names). Internet users who request access to these blocked sites receive a message that reads as follows: "Your browser has taken you to this site but the site is blocked because of its content. If you wish to register your disapproval, you may call XXXXX (a given number)". To date, no one has clearly complained.

Furthermore, some sites offer the possibility of paying by bank card. Certain card issuers have developed a code of conduct under which it is impossible to pay by card for this type of use. Not all enterprises take this approach.

A system aimed at blocking websites with illegal content is currently being developed. A working group is studying how to block and/or remove illegal Internet services and is made up of various sub-groups:

- firstly, the sub-group responsible for the legal framework, legal proceedings and information flows;
- secondly, the sub-groups that provide the technical implementation of the solution aimed at blocking the domain names.

After review, the sub-group responsible for the legal framework, legal proceedings and information flows noted that the current legislation allows Internet services to be blocked if they publish illegal content.

The corresponding legal basis may be:

- the "e-commerce" Law of 11 March 2003;
- Article 39*bis* of the Code of Criminal Procedure;
- a court decision.

Working agreements have been entered into on the subject between the police services and the Federal Prosecutor's Office.

All Belgian Internet service providers will receive a requisition on each occasion.

The principle has been tested within the context of a file. The automation of the procedure is at the technical development stage.

The blocking in Belgium of access to sites located abroad is also being studied.

The work begun should be finalised. The procedures to be implemented should be able to be recorded in a "manual" or in a directive of the Minister for Justice/Board of Prosecutors General.

5	Proposal	Competence	Deadline
	<ul style="list-style-type: none"> - Finalisation and implementation of a method for blocking websites offering images of child pornography to Belgian Internet users. 	FPS Justice (+ Federal Prosecutor's Office, Board of Prosecutors General)	31/12/2013
	<ul style="list-style-type: none"> - Adoption of a directive specifying the procedures to follow for blocking sites disseminating child pornography. 	Minister for Justice, Board of Prosecutors General.	June 2014

Finally, the possibility of adopting a general directive on the investigation and prosecution of instances of child pornography will be examined.

3. Protecting victims of trafficking in human beings

3.1. Legislative framework

In accordance with what had been planned, the Government transposed into law the procedure relating to the granting of the status of victims of trafficking in human beings; a procedure previously contained in ministerial circulars.

This procedure can now be found in Articles 61/2 to 61/5 of the Law of 15 December 1980.

It concerns foreign victims of trafficking in human beings within the meaning of Article 433*quinquies* of the Penal Code or who are victims of smuggling in human beings within the meaning of Article 77*bis* of the Immigration Law of 15 December 1980 in the circumstances referred to in Article 77*quater*, 1° (except with regard to unaccompanied minors) to 5°, and who collaborate with the authorities.

Broadly speaking and one or two modifications aside, the content of these articles corresponds to that of the Ministerial Circular of 7 July 1994 and the Ministerial Directives of 13 January 1997 and 17 April 2003. The main aim was to incorporate the procedure as provided for in the aforementioned circular and directives in the form of a law, in application of the European Directive of 29 April 2004.

Overall, this procedure specifies that when a presumed victim of trafficking is discovered, this person has 45 days to decide whether or not he or she wishes to collaborate with the investigation by giving a statement or testifying. If this person actually delivers elements linked to the investigation, he or she may then receive a 3-month residence permit (renewable once). If the legal proceedings are still in progress after these various stages, he or she may receive a 6-month residence permit then an indefinite permit at the end of the process, if the perpetrator is convicted (or if the Public Prosecutor's Office so requested on the basis of the descriptions of THB).

These new provisions came into effect on 1 June 2007 (Royal Decree of 21 April 2007).

To ensure a uniform implementation of these procedures across the country, an ad-hoc group of the Bureau of the Interdepartmental

Unit for combating trafficking in human beings prepared a draft circular. This was adopted in 2008 by the government and the Board of Prosecutors General (Circular on the implementation of multidisciplinary cooperation concerning the victims of trafficking in human beings and of certain aggravated forms of smuggling in human beings – 31.10.2008).

This circular details and organises the way in which the various parties must collaborate when implementing procedures to protect victims of trafficking in human beings.

It also contains specific directives aimed at providing a solution to the problem of victims of THB who were in the private service of a diplomat. Previously, diplomatic immunity was an obstacle to the implementation of the protection of victims, because the files are subject to dismissal of proceedings. This question has now been resolved by the multidisciplinary circular, and several victims have been protected and have obtained a permanent residence permit.

An evaluation of this instrument was also conducted in 2010-2011. One of the things this evaluation revealed is that it could be useful to provide for simplified information tools for the operators on the ground. The circular is a large and generally impractical document.

For this reason, it is recommended that instruments (leaflet, folder, etc.) of more immediate use be drafted, to complement the circular and according to the specific requirements of each party.

In accordance with the discussions that took place during the meeting of the Interdepartmental Unit in July 2011, each department concerned will examine the practical tools to be provided for. The Bureau will ensure the consistency and coordination of the whole process.

6	Proposal	Competence	Deadline
	To draft simplified tools on the protection of victims for operators on the ground	Each department + coordination of the Bureau of the Unit	31/12/2013

Work should also be carried out into the status and effective counselling of victims of THB:

Firstly, the support should take greater account of the victims' personal situation. Some, after being assessed, do not always need to be housed in accommodation centres, and certain types of follow-up can be carried out on an "out-patient" basis.

Secondly, the status as it currently stands, based on the issuing of a residence permit, no longer provides an answer entirely suited to the various parties (victims/justice). Following the expansion of the EU, the residence of a certain number of victims is already in order. This is an incentive to rethink the way this status is organised.

Furthermore, when a victim is discovered in Belgium but has been exploited in another country of the European Union, there is no joint procedure for handling the matter. This point should be able to be discussed at European level (see in particular the conclusions of the Belgian Presidency of the EU in 2010 within the framework of the "Anti-Trafficking Day" Conference).

7	Proposal	Competence	Deadline
	The working group that had been charged with drafting the multidisciplinary circular of 26 September 2008 will meet to produce a report on this issue and consider possible actions.	Immigration Office	31/12/2013

3.2. Minors

The multidisciplinary circular includes a specific chapter on unaccompanied foreign minors (UFM) who are victims of THB. In particular, it outlines the procedures relating to guardianship and those specific to trafficking in human beings. It also organises the contacts between the youth magistrate and the "THB" reference magistrate when one or the other is acquainted with a situation of THB involving an UFM.

Despite the existence of these provisions, it must be said that the question of the protection of minors still poses a problem in practice due to the complex architecture of the system of youth protection, guardianship and the specific procedures regarding trafficking in human beings. For this reason, a specific assessment of the application of these procedures to minors will be carried out. Depending on the outcome of this assessment, the effective communication of the information between relevant players should be ensured.

8	Proposal	Competence	Deadline
	<p>To finalise the assessment of the protection of victims who are minors</p> <p>Based on this assessment, to develop the appropriate tools to encourage the best possible exchange between operators on the ground.</p>	<p>Bureau of the Interdepartmental Unit THB</p>	<p>31/12/2012</p>

An unaccompanied foreign minor (UFM) who is a victim of THB should be able to benefit from a residence permit independently of his or her collaboration with Justice. A change in the law in this regard should be considered. Furthermore, the concept of foreigner in connection with the UFM procedure currently has a more restricted scope (only non-EU nationals are taken into consideration), whereas the concept of victim of trafficking is broader. As a result, some minors will be considered UFM and victims of THB, while others will simply be considered victims of THB. To answer these questions, the governmental agreement stipulates that European unaccompanied foreign minors must also benefit from specific protection and be assigned a guardian.

Furthermore, particular attention should be paid to the question of the exploitation of minors in general (begging and the forced commission of crimes). Specific incrimination was adopted to this end in 2005. Very young minors are also more likely than others to be used for begging. However, very little is currently known about this phenomenon. This issue should therefore be studied to see what solutions could be applied.

Finally, it is necessary to be aware that some minors withdraw from the planned guidance measures, which increases the risk of their being exploited again. These situations should therefore be followed closely, and solutions considered that aim to prevent this risk.

Specific information and awareness tools will be developed in relation to the protection of minors who are victims of THB. More systematic information should be provided to UFM guardians to make them all more aware of the need to pay particular attention to the detection of young victims. For example, the MINTEH service will devote time to raising awareness of THB at each meeting with guardians. Within this framework, a specific sheet for the highly practical use of guardians could be produced, as well as tools for detecting young victims or for indicating the process to be followed and the people to be contacted if there is a suspicion of THB.

It will also be necessary to ensure that the detection of UFM victims improves, through general and systematic training in FEDASIL accommodation centres for UFM. More than 800 UFM are housed in these centres. The staff in charge of these children, both social services and educators, the medical services, etc., must be made aware of the indicators of THB for these children.

9	Proposal	Competence	Deadline
	<p>To produce a specific flyer to make guardians more aware of the problem of THB;</p> <p>To improve the detection of UFM victims through training in FEDASIL centres.</p>	<p>Immigration Office and Guardianship Service</p> <p>Immigration Office</p>	<p>31/12/2013</p>

The purpose being to emphasise the identification of minors, criminal policy directives concerning THB should be able to contain specific instructions and indicators relating to these vulnerable people.

3.3. Private domestic staff

The multidisciplinary circular (2008) provided a response as to how to offer protection to domestic staff exploited within the context of private services for diplomats. Henceforth, diplomatic immunity no longer represents an obstacle to protecting the victim.

However, there are in practice other questions concerning domestic exploitation in general. In some cases, the person exploited escapes from his or her place of "work". He or she is then often on his or her own, does not speak one of the national languages and if discovered by the police, it is not certain that he or she will be able to be identified as a victim of THB because no direct link can be made with the exploitation (the victim is discovered not at the place of exploitation but on the street, for example).

Finally, there is an old brochure on domestic exploitation published by the King Baudouin Foundation and the FPS Employment with the support of the national lottery. It is worth examining whether this document should be updated.

It is therefore vital to insist on the need to correctly inform the police services about this aspect of exploitation. This issue should

be addressed within the context of the working group charged with producing awareness and prevention tools (see 2.1.).

10	Proposal	Competence	Deadline
	To continue efforts relating to the prevention of exploitation in domestic settings. This dimension will be integrated into the awareness working group (see Proposal 4.)	Interdepartmental Unit	31/12/2014

3.4. Situation in countries of origin

It is useful to have targeted and up-to-date information on how victims are returned to their country of origin: what is the state of the reception structures, what are the risks of the victims falling back into the environment of THB.

Embassies and consulates should maintain up-to-date information on this subject so as to have an overall assessment.

It would also be interesting to obtain, through our Belgian embassies abroad, an insight into the ways perpetrators of trafficking in human beings apply threats to the family still living in the country of origin, threats that create considerable pressure on the victim of trafficking in human beings. These methods should be combated.

11	Proposal	Competence	Deadline
	To have targeted and up-to-date information on how victims are returned to their country of origin.	FPS Foreign Affairs	

3.5. Recognition and funding of reception centres for victims of trafficking in human beings

The Interdepartmental Unit commissioned the Bureau to examine the situation of specialist reception centres in terms of both status and funding.

Since 2006, the procedure for granting residence permits to victims of THB has been enshrined in the Law of 15 December 1980. Contrary to the old circulars, the law does not indicate the specialist reception centres directly.

Article 61/2 states: *Where the police or inspection services have indications that a foreigner is a victim of the offence referred to in Article 433quinquies of the Penal Code or a victim in the circumstances referred to in Article 77quater, 1°, solely in relation to unaccompanied minors, to 5°, of the offence within the meaning of Article 77bis, they shall inform the minister or his or her representative of this immediately and notify the foreigner of the possibility of obtaining a residence permit by cooperating with the competent authorities in charge of the investigation or the prosecutions concerning these offences and put him or her in contact with a centre recognised by the competent authorities that specialises in the reception of victims of these offences.*

The article quoted therefore restricts itself to simply stating that there are "centres recognised by the competent authorities".

We must turn to the recitals to find out what the "recognised" centres are: *For the moment, it is possible to call on three reception centres with extensive experience. These are the non-profit organisation Payoke in Flanders, the non-profit organisation PAG_ASA in the Brussels Region and the non-profit organisation Sürya in Wallonia.*

We therefore find ourselves in a strange situation, since no regulatory text has formally recognised the centres since the law came into force.

As a consequence, the Interdepartmental Unit tasked the Bureau with examining the possibility of objectivising a system of recognition and approval (to take part in legal proceedings) of reception centres for victims of trafficking in human beings.

Similarly, the Bureau was asked to give an opinion on the question of the funding of reception centres. Besides regional and Community sources, this funding comes from various institutions at federal level. Similarly, the reception centres have on several occasions reported difficulties regarding the level of funds or at any rate their review.

The Bureau of the Interdepartmental Unit submitted a final memo in July 2011 accompanied by a draft Royal Decree on the recognition of reception centres.

This proposal should be discussed and a decision taken in order to meet the elements of the governmental agreement:

"The centres for the reception and assistance of victims of trafficking in human beings shall be the subject of legal recognition, ..."⁶

12	Proposal	Competence	Deadline
	The Government will look into adopting the system of recognition and approval of reception centres based on the memo and the draft Royal Decree produced.	Minister for Justice, Secretary of State for Immigration	31/12/2012

3.6. The electronic management of files on victims of trafficking in human beings

On the initiative of CEOFAR, the specialist centres and CEOFAR have developed a system for electronically managing files that allows the centres to manage a file uniformly through the various phases: opening, progress and end of assistance for victims of trafficking in human beings and of aggravated forms of smuggling in human beings. This method of managing files allows the various elements of victims' declarations and anonymised information to be gathered in a database managed by the Centre. Particular attention is also paid to respecting privacy legislation.

13	Proposal	Competence	Deadline
	With a view to supporting victims but also to obtaining a better insight into their needs, the reception centres and CEOFAR are developing a computerised system that allows victims' files to be created and managed uniformly and which gathers the relevant information anonymously.	CEOFAR + reception centres	2012/2013

⁶ Governmental Agreement, December 2011, p. 132

4. Investigations and prosecutions

Numerous initiatives have been taken in connection with the investigation and prosecution of offences involving trafficking in human beings. These include the relevant directives and their annexes, the regular meetings of the network of expertise "Trafficking and Smuggling in Human Beings", the training given to police and magistrates, etc.

However, the efforts must be continued. Among other things, the emphasis must be placed on financial investigations as well as seizures and confiscations.

The Central Service for THB of the FJP indicates that, within the framework of the fight against trafficking and smuggling in human beings, the main emphasis is on law enforcement, but it would also be interesting to see to what extent a form of "administrative involvement" (of, among others, the fire service, the land registry, local authorities, etc.) might contribute towards an integral approach to trafficking and smuggling in human beings.

Specifically with regard to trafficking in human beings, we should point out that it is very important to (continue to) invest in swift, systematic interventions along motorways and in car parks at ferry terminals. Furthermore, there are several factors that could undermine the police response to trafficking in human beings. Consequently, a series of measures and initiatives is required.

4.1. Evaluation of the circular on investigations and prosecutions in relation to trafficking in human beings

On 1 February 2007, a new directive on investigations and prosecutions of trafficking in human beings came into force (Col 01/2007). This circular is an update of the previous directive, which was no longer adapted to the legislative changes introduced by the Law of 10 August 2005.

Thus, the following elements were reviewed:

- the scope of the Col was adapted to the new Article 433^{quinquies} of the Penal Code;
- the concept of human dignity was clarified in an annex to the circular; at the same time, the list of indicators of trafficking was also revised to provide further details of cases of exploitation in economic circles;

- The Law of 3 December 2006 amending various legal provisions with regard to criminal labour law was taken into account such that the directive insists on the constitution of chambers of three judges in connection with THB (labour court judge and criminal court judges);
- The documents recording information intended for the police were amended; in particular, an attempt was made to clarify the distinction between "smuggling" and "trafficking" in these documents;
- An annex relating to the codes to be used to encode information in Public Prosecutor's Offices was also added.

The new circular should be reviewed annually. An evaluation report for the College of Principal Public Prosecutors was produced for 2007 as well as for 2008-2009. The report for the 2010-2011 period is currently being drafted.

Inasmuch as the legislation will be revised, the directive itself should be adapted. In addition to the elements arising out of the legislative changes, attention should be paid to the following points:

- the list of indicators of THB should be updated;
- the annexes to the directive could contain a document listing procedures useful in gathering evidence;
- a section on cross-border aspects, financial investigations and seizures should be added;
- links should be established between the directive and the new investigation manuals available at federal police level.

14	Proposal	Competence	Deadline
	Updating of Circular Col 01/07 on investigations and prosecutions of trafficking in human beings	Minister for Justice, Board of Prosecutors General	31/12/13

4.2. Training and exchange of best investigative practices

Various efforts have been made in terms of training in application of the previous action plan.

Basic training in trafficking and smuggling in human beings was organised for magistrates and legal trainees in March/April 2011. The programme combined theoretical elements with the practical experience of certain operators to provide a sufficiently clear picture of this phenomenon. The training should be repeated on a regular

basis for new magistrates and legal trainees (if possible every two years).

Specialised training for contact magistrates will also be organised.

Furthermore, the federal police has developed an investigation manual on "Trafficking in Human Beings" as well as a leaflet for front-line services. The manual also includes information on the "VITA" software⁷ and its use. These instruments will be used to accentuate police training.

Moreover, the possibility of organising joint training between police on the ground (neighbourhood officers etc.) and magistrates should also be considered.

The training of social inspectors should also be continued with all services and departments concerned (FPS Employment, FPS Social Security, Social Information and Investigation Service (SIRS), etc.).

Within the social inspection service of the FPS Social Security, a theme group on "Trafficking in Human Beings" at national level monitors developments in legislation as well as the relevant directives and circulars of the Minister for Justice. The coordinators of this theme group organise training for inspectors involved with the issue of THB; they organise regular meetings for the exchange of best practices and the transmission of relevant instructions.

Given that the training is essentially continuous, it is proposed to provide already training in trafficking in human beings to the social inspectors of the Social Laws Inspectorate. This service is competent within the framework of the exercise of rights of posted workers employed on Belgian territory, which can sometimes involve trafficking in human beings.

Finally, the training given to the staff of closed centres should also be continued, to facilitate the identification of potential victims of trafficking in human beings.

⁷ VITA is a software tool developed by the United Nations (UNODC) that helps facilitate initial contact with potential victims. It involves a series of basic questions drafted in 40 different languages for use by front-line services.

15	Proposal	Competence	Deadline
	<ul style="list-style-type: none"> - To organise compulsory basic training for magistrates and legal trainees; - To organise training in the form of an exchange of professional experiences for magistrates specialising in THB; - To accentuate basic and continuous police training for the benefit of the instruments developed by the FJP; - To organise new training for social inspectors charged with monitoring social legislation; - To consider organising joint training between specialist magistrates and police officers on the ground 	<p>Board of PG</p> <p>Federal police</p> <p>FPS Employment</p> <p>Board of PG and federal police</p>	<p>31/12/2014</p> <p>31/12/2013</p> <p>31/12/2012</p> <p>31/12/2013</p>

Besides the training as such, the "THB" network of expertise of the Board of Prosecutors General has met on several occasions to discuss evaluations of criminal policy and current problems relating to THB. Two days were organised, one in 2009 and the other on 21 September 2011.

In accordance with the application of Directive Col 01/07, these meetings should continue.

Finally, the sharing of information on the training provided should be accentuated within the Interdepartmental Unit.

4.3. Financial investigations and dismantling of networks

The importance of identifying networks involved in trafficking and smuggling human beings has been emphasised on several occasions in the various reports on trafficking in human beings of the Centre for Equal Opportunities. In 2002, the report insisted on "an integrated approach, which studies the depth and complexity of files and networks to highlight their internal connections and which carries out financial analyses of files in order to get to the engine

that drives the system of networks”⁸. The 2004 report again stressed that, “an analysis of the network is vital to understanding the complex operation of smuggling in human beings by criminal organisations”⁹. “To effectively combat the tangled web of the world of organised crime, an overall insight must be provided of the financial aspects of these networks involved in trafficking human beings and money-laundering practices tackled. Only then will organised crime and its ramifications in the networks of trafficking in human beings be able to be affected at grass-roots level”¹⁰. These various considerations are not recent, as they match the conclusions of the Parliamentary Sub-Committee on “Trafficking in Human Beings and Prostitution”, according to which “the investigation and prosecution of financial networks and money laundering relating to the trafficking of human beings required further attention”¹¹.

According to the United Nations report of 2002¹², THB is the third most lucrative criminal activity, after drugs and arms. It actually seems that all these activities are linked, the proceeds of THB being used to finance the traffic in drugs and arms. According to the latest GAFI report¹³ (report on international money laundering), in 2004 the criminal proceeds from drugs, arms and THB would be approximately the same. Certain estimates mention global annual profits for traffickers of between 10 and 32 billion dollars¹⁴.

To effectively combat THB, we must strike at the heart of the criminal system and, to do this, financial analyses of these systems’ monetary flows must be carried out.

⁸ Centre for Equal Opportunities and the Fight against Racism, *Annual report 2002: The case for an integrated approach*, p. 26.

⁹ Centre for Equal Opportunities and the Fight against Racism, *Annual report on trafficking in human beings: Analysis of the victims’ point of view*, 2004, p. 6.

¹⁰ *Ibid.*, p. 43.

¹¹ *Report on trafficking in human beings and prostitution in Belgium produced on behalf of the Sub-Committee on “Trafficking in Human Beings and Prostitution” by Mrs Thijs and Mrs T’Serclaes*, Senate, 1999-2000, n° 2-152-1.

¹² *Trafficking in Human Beings in Southeastern Europe*, UNICEF/UNOHCHR/OSCE-ODIHR, Europe, 2002.

¹³ Financial Action Task Force (FAFT) – Groupe d’action financière (GAFI), *money laundering & terrorist financing typologies 2004-2005*, 10 June 2005.

¹⁴ Council of Europe (CoE), European Committee on Crime Problems (CDPC) and Select Committee of Experts on the Evaluation of Anti-Money Laundering Measures (MONEYVAL), *Proceeds from trafficking in human beings and illegal migration/human smuggling (2005)*; Expert seminar on Leveraging Anti-Money Laundering Regimes to Combat Human Trafficking, Opening Speech, M.-G. Giammarinaro, Special Representative and Co-ordinator for Combating Trafficking in Human Beings (OSCE), October 2011, Alliance against TIP (citing Shelley, L., *Human Trafficking: A Global Perspective*).

4.4. Combating the informal economy

The fight against the informal economy, that is, the fight against social fraud and illegal labour, is one of the tasks of the Social Inspection Service of the FPS Social Security and the Social Legislation Inspectorate of the FPS Employment.

With regard to trafficking in human beings, the Social Inspection Service of the FPS Social Security and the Social Legislation Inspectorate of the FPS Employment concentrate on the economic exploitation aspect (working in conditions contrary to human dignity – Article 433quinquies, §1, 3°).

It has become clear that more and more sectors are looking for “cheap” labour and are employing workers in indecent if not dangerous conditions, and under conditions of pay significantly below the legal and conventional minimum levels in Belgium. The indicators of THB cited in annex 2 to Col 01/07 are an effective tool for detecting employment situations that match the definition of “work in conditions contrary to human dignity”.

Furthermore, the Social Inspection Service of the FPS Social Security and the Social Legislation Inspectorate of the FPS Employment collaborate on inspection activities within the context of district units (the organisation of which is coordinated by the SIRS¹⁵) and the aim of which is to combat illegal labour in general.

Within the different legal districts, the Social Inspection Service of the FPS Social Security and the Social Legislation Inspectorate of the FPS Employment regularly take part in THB platform meetings as well as in activities organised within this framework with the police services.

Since 1 January 2010 a cooperation agreement has been in place between the Financial Administration (more specifically with the General Taxation Administration) and the social inspection services. The purpose of this agreement is to promote the exchange of information between services in relation to social and fiscal fraud as well as spontaneous and reciprocal exchanges (such as, for example, within the context of regularisations, taxable benefits, taxable remuneration, etc.).

Since 1 September 2011, the Social Legislation Inspectorate Directorate-General has had access to the electronic platform IMI (Internal Market Information System) of the EU. Information can be

¹⁵ Social Information and Investigation Service

requested from the (labour) inspection services on employers who do not work as posted staff in Belgium.

Another protocol between the social inspection services and Finance has existed since 1.01.2007 and is still applicable. This is the protocol with the Special Tax Inspectorate (ISI, Inspection spéciale des Impôts / BBI, Bijzondere Belastingen Inspectie). This protocol operates with a system of SPOC (contacts appointed per region for all social inspection services), and quarterly meetings are scheduled.

5. Coordination and gathering of information

5.1. Review of the functioning of the Interdepartmental Unit for coordinating the fight against trafficking and smuggling in human beings and its Bureau (appellation complete)

To ensure the various initiatives associated with the fight against trafficking and smuggling in human beings are properly coordinated, an Interdepartmental Unit for coordinating the fight against trafficking and smuggling in human beings was established by Royal Decree of 16 May 2004¹⁶. Through its proactive role among the various players involved in the fight against THB, this Unit effectively satisfies the concept of an integrated approach mentioned previously.

This *Unit*, presided over by the FPS Justice, therefore brings together all the federal players (both operational and political) active in combating the aforementioned phenomena. Besides this coordinating role, it also has to provide a critical assessment of the results of the fight against trafficking and smuggling in human beings and, where appropriate, collaborate on drafting proposals and recommendations relating to the policies associated with the two phenomena.

As this Unit meets at least twice a year, a *Bureau* composed of the services of the principal departments (Justice, Interior, etc.) involved in the fight against trafficking and smuggling in human beings was created. Presided over by the Criminal Policy Service of

¹⁶ More specifically, this is a reinvigorated version of a Unit set up in 1995, but which gradually became bogged down, justifying the establishment by the Prime Minister in December 2000 of a “Task-Force on Trafficking in Human Beings”, charged with laying down in the short term the basic conditions of an integrated policy on the subject.

the FPS Justice, this Bureau, which meets monthly, must ensure that the Unit runs smoothly and draft or implement its decisions, recommendations and initiatives.

5.2. The work of the Unit

Since the adoption of the first action plan (2008) on combating THB, the Unit and its Bureau have helped to implement various projects, others being carried out by the FPSs or competent institutions. Below is a brief list of the work carried out specifically by the Unit and its Bureau.

a. In terms of victim protection

- drafting of the circular on the implementation of multidisciplinary cooperation concerning victims of trafficking in human beings and certain aggravated forms of smuggling in human beings – 31.10.2008;
- production of an evaluation report on the “multidisciplinary circular” (2010 – 2011);
- drafting of an opinion and a draft Royal Decree on the recognition of accommodation centres specialising in THB (2008 – 2011);

b. In terms of prevention

- drafting of a basic paper on preventive initiatives (2009);
- creation of an awareness flyer intended for certain diplomatic missions within the context of applications for work visas (2009);
- preparation of an information newsletter on victims of THB for the social services of hospitals (2009 – 2011);

c. In terms of incriminations, investigations and prosecutions

- ad-hoc working group charged with drawing up a draft bill on the penalisation of clients who use intermediaries who engage in THB (first draft finalised in 2008; second version 2010);
- working group charged with drafting an analysis paper and recommendations on the issue of the use of interpreters during investigations and interviews of victims of THB;

- following the request from the Deliberating Commission of Justice and Social Affairs, the Bureau of the Interdepartmental Unit has drafted an opinion on the issue of organ trafficking.

d. Belgian presidency of the EU

- participation as monitoring group in the organisation of the Conference "Towards a multidisciplinary approach in prevention of trafficking in human beings, prosecution of traffickers and protection of victims" – Anti-Trafficking Day – 18 and 19 October 2010

e. Others

- drafting and monitoring of the implementation of the 2008 action plan;
- reception of foreign delegations (Vietnam, Bulgaria, Bosnia-Herzegovina, Brazil, etc.).

5.3. Development of the Interdepartmental Unit

In several files, the Unit's Bureau combined the centres specialising in the accommodation of victims of trafficking in human beings. It should, however, be noted that the accommodation centres are not represented within the Interdepartmental Unit. The Royal Decree of 16 May 2004 on the fight against THB should be amended to provide for this representation.

Similarly, the College of Principal Public Prosecutors is represented in the Unit but not on the Bureau. As a key player with regard to THB, its representation on the Bureau should be considered (the form would need to be discussed).

16	Proposal	Competence	Deadline
	To allow for the formal integration of accommodation centres specialising in the mechanism of interdepartmental coordination	FPS Justice	01/12/13
	To consider the representation of the College of Principal Public Prosecutors on		

	the Bureau of the Interdepartmental Unit.		
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5.4. Review of the operation of the CIATTEH

The Royal Decree of 16 May 2004 on the fight against trafficking and smuggling in human beings (Ministerial Order 28/05/2004) was intended to lead to the creation of a Centre for Information and Analysis regarding Trafficking and Smuggling in Human Beings (CIATTEH). A Management Committee was set up to ensure the smooth running of the CIATTEH. This Management Committee brings together the key players in the fight against trafficking and smuggling in human beings, and is presided over by the Criminal Policy Service.

To be able to carry out relevant strategic analyses, the CIATTEH has to gather information from various services and departments and base itself on this information. The need for an overall picture of these phenomena clearly emerges from the results of the evaluation of COL 10/04.

An initial attempt at analysis led to the conclusion that several problems are preventing an effective result from being achieved.

The **only possibility** of achieving the objectives of the CIATTEH is for the legislation to allow the use of **personal data** instead of anonymous data. In addition, the Management Committee feels that the structure should be reviewed in order to optimise its operation.

17	Proposal	Competence	Deadline
	<p>To clarify and/or adapt the mission of the CIATTEH within the Interdepartmental Unit for coordinating the fight against trafficking in human beings and specify the legal framework, and in particular:</p> <ul style="list-style-type: none"> • the objective of the analysis of the CIATTEH in relation to the Interdepartmental Unit for coordinating the fight against trafficking in human beings; • the legal basis and the concepts used by the Royal Decree; • the provision of operational resources for the CIATTEH. 	<p>Ministers represented in the Unit under the direction of the Minister for Justice</p> <p>Implementation by the Management Committee of the CIATTEH</p>	December 2013

18	Proposal	Competence	Deadline
	<p>To adapt the regulations in order to allow the use of personal data within the framework of the CIATTEH. A check should be carried out to see if this also involves amending the privacy law.</p>	<p>Minister for Justice and Minister of the Interior</p>	December 2013

19	Proposal	Competence	Deadline
	<p>To consider the budget required to allow the optimum operation of the CIATTEH.</p>	<p>Governmental decision on the proposal of the Minister for Justice</p>	

5.5. Evaluations

To have up-to-date information on the phenomenon of trafficking in human beings, as well as on the operation of the institutions charged with combating this phenomenon, regular evaluations will continue. The main tasks to be performed include:

- The annual publication of the independent and public evaluation report produced by the Centre for Equal Opportunities and the Fight against Racism concerning the progress and results of the fight against trafficking and smuggling in human beings;
- The biennial publication of the Government report on policies implemented. Every effort will be made to respect the publication deadline;
- The evaluation of the circulars of the Minister for Justice and the Board of Prosecutors General by the Criminal Policy Service;
- The publication of the activity reports of the FPSs or services involved in interdepartmental work (e.g.: Immigration Office, Federal Police, etc.).

6. Decisions – Table of recommendations – 2012 - 2014

The purpose of this action plan is to determine the actions that will be able to be implemented in the coming years in relation to trafficking in human beings. Some of these may be carried out on the simple decision of the Interdepartmental Unit, while others require government decisions. Furthermore, each proposal concerns different types of action. We are therefore listing them here in a summary document, arranged by category.

6.1. Legislative initiatives

Listed here are all the proposals that involve a change in the law. Particular emphasis will be placed on adapting our provisions to the European Directive of April 2011 and on the question of making clients who use intermediaries who engage in THB responsible.

1	Proposal	Who?	Deadline
	To adapt the Law of 10 August 2005 in accordance with the European Directive of 5 April 2011 and the developments noted through evaluations.	Directorate-General for Legislation, FPS Justice	01/04/2013

2	Proposal	Competence	Deadline
	To update and adopt the text on the penalisation of clients who use intermediaries who engage in THB.	Bureau of the Interdepartmental Unit THB, DG Legislation FPS Justice	31/12/2012

3	Proposal	Competence	Deadline
	<p>To ensure Belgian representation in connection with international projects and discussions on the trafficking of human beings. (Conference of States Parties – UNODC, OSCE, Council of Europe, European Union, etc.)</p> <p>To participate more in projects funded by the EU in connection with combating THB</p>	<p>FPS Foreign Affairs, FPS Justice + others depending on the subject</p>	

6.2. Prevention / awareness / information

Prevention is one of the key aspects of combating trafficking in human beings (four Ps = Prevention, Prosecution of traffickers, Protection of victims, Partnership). The action plan therefore proposes emphasising the initiatives to be taken in this area.

4	Proposal	Competence	Deadline
	<p>To organise a “press” review of investigations and convictions relating to trafficking in human beings on a recurrent basis.</p> <p>Setting up of an ad-hoc group in the Interdepartmental Unit charged with implementing projects:</p> <ul style="list-style-type: none"> - to inform/raise awareness among social services; - to prevent “domestic exploitation” - to set up a website devoted to information about THB. 	<p>Board of Prosecutors General</p> <p>Interdepartmental Unit</p>	<p>31/12/2012 (2014)</p> <p>31/12/2014</p>

5	Proposal	Competence	Deadline
	<ul style="list-style-type: none"> - Finalisation and implementation of a method for blocking websites offering images of child pornography to Belgian Internet users. - Adoption of a directive specifying the procedures to follow for blocking sites disseminating child pornography. 	<p>FPS Justice (+ Federal Prosecutor’s Office, Board of Prosecutors General)</p> <p>Minister for Justice, Board of Prosecutors general.</p>	<p>31/12/2013</p> <p>June 2014</p>

6.3. Protection of victims

The protection of victims is a cornerstone of the policies introduced to combat trafficking in human beings. However, these procedures face new challenges, such as the expansion of the EU, the protection of particularly vulnerable victims such as minors, etc. New impetus should therefore be given to these systems.

6	Proposal	Competence	Deadline
	To draft simplified tools on the protection of victims for operators on the ground	Each department + coordination of the Bureau of the Unit	31/12/2013

7	Proposal	Competence	Deadline
	The working group that had been charged with drafting the multidisciplinary circular of 26 September 2008 will meet to produce a report on this issue and consider possible actions.	Immigration Office	31/12/2013

8	Proposal	Competence	Deadline
	To finalise the assessment of the protection of victims who are minors Based on this assessment, to develop the appropriate tools to encourage the best possible exchange between operators on the ground.	Bureau of the Interdepartmental Unit THB	31/12/2012

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9	Proposal	Competence	Deadline
	To produce a specific flyer to make guardians more aware of the problem of THB;	Immigration Office and Guardianship Service	31/12/2013
	To improve the detection of UFM victims through training in FEDASIL centres.	Immigration Office	

10	Proposal	Competence	Deadline
	To continue efforts relating to the prevention of exploitation in domestic settings. This dimension will be integrated into the awareness working group (see Proposal 4.)	Interdepartmental Unit	31/12/2014

11	Proposal	Competence	Deadline
	To have targeted and up-to-date information on how victims are returned to their country of origin.	FPS Foreign Affairs	

12	Proposal	Competence	Deadline
	The Government will look into adopting the system of recognition and approval of accommodation centres based on the memo and the draft Royal Decree produced.	Minister for Justice, Secretary of State for Immigration	31/12/2012

13	Proposal	Competence	Deadline
	With a view to supporting victims but also to obtaining a better insight into their needs, the accommodation centres and CEOFAR are developing a computerised system that allows victims' files to be created and managed uniformly and which gathers the relevant information anonymously.	CEOFAR + accommodation centres	2012/2013

6.4. Investigations and prosecutions

It is appropriate to ensure that legislation is followed by the most effective effect possible on the ground. For this reason, the emphasis will be on updating and monitoring criminal policy instruments aimed at identifying and prosecuting perpetrators of trafficking in human beings.

14	Proposal	Competence	Deadline
	Updating of Circular Col 01/07 on investigations and prosecutions of instances of trafficking in human beings	Minister for Justice, Board of Prosecutors General	31/12/13

15	Proposal	Competence	Deadline
	To organise compulsory basic training for magistrates and legal trainees;	Board of Prosecutors General	31/12/2014
	To organise exchange of professional experiences for magistrates specialising in THB;		
	To accentuate basic and continuous police training for the benefit of the instruments developed by the FJP;	Federal police	31/12/2013
	To organise new training for social inspectors charged with monitoring social legislation;	FPS Employment	31/12/2012
	To consider organising joint training between specialist magistrates and police officers on the ground	Board of Prosecutors General and federal police	31/12/2013

6.5. Coordination and gathering of information

Belgium has good experience in working on a multidisciplinary basis. In this sense, coordination should be strengthened and endeavour to accentuate collaboration between operators at all

levels. The evaluation of our policies and the efficient gathering of statistical data are also a cornerstone of the tasks to be accomplished.

16	Proposal	Competence	Deadline
	<p>To allow for the formal integration of accommodation centres specialising in the mechanism of interdepartmental coordination</p> <p>To consider the representation of the Board of Prosecutors General on the Bureau of the Interdepartmental Unit.</p>	FPS Justice	01/12/13

17	Proposal	Competence	Deadline
	<p>To clarify and/or adapt the mission of the CIATTEH within the Interdepartmental Unit for coordinating the fight against trafficking in human beings and specify the legal framework, and in particular:</p> <ul style="list-style-type: none"> • the objective of the analysis of the CIATTEH in relation to the Interdepartmental Unit for coordinating the fight against trafficking in human beings; • the legal basis and the concepts used by the Royal Decree; • the provision of operational resources for the CIATTEH. 	<p>Ministers represented in the Unit under the direction of the Minister for Justice</p> <p>Implementation by the Management Committee of the CIATTEH</p>	December 2013

18	Proposal	Competence	Deadline
	To adapt the regulations in order to allow the use of personal data within the framework of the CIATTEH. A check should be carried out to see if this also involves amending the privacy law.	Minister for Justice and Minister for the Interior	December 2013

19	Proposal	Competence	Deadline
	To consider the budget required to allow the optimum operation of the CIATTEH.	Governmental decision on the proposal of the Minister for Justice	