

Action Plan in the Fight against Human Trafficking 2015-2019



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1. Introduction

1.1. Context

Often qualified as "modern-day slavery", human trafficking is an international as well as a national concern. At global level, it is very difficult to ascertain the exact scope of this phenomenon as a large portion of cases go undetected. Nonetheless, some estimates set the potential number of victims at 2.5 million people¹.

In 2012, the European countries recorded around 10,998 presumed or duly identified victims². Obviously this figure includes only the number of victims uncovered by the authorities. A lot of victims of human trafficking remain below the radar.

In the same year, in Belgium 143 new victims were admitted into care as part of the guidance offered by a specialist reception centre.

Women and men do not suffer the same type of exploitation. In the area of sexual exploitation, as good as all victims are women whereas in the field of economic exploitation the victims are largely men.

At least 77 people were convicted for human trafficking (HT)³ offences in 2012.

Since the mid-1990s, Belgium has put in place a considerable number of legal instruments to combat human trafficking and protect the victims.

In addition, Belgian legislation in this respect has been updated so as to institute a formal criminal charge that complies with international requirements and facilitates the criminal prosecution of offenders. The system for the protection of victims and the delivery of residence permits too has been reviewed by Parliament (2006) and a multi-disciplinary circular letter now provides a framework for the work of those involved on the ground (2008). All of these instruments have been reviewed.

Belgium has also put in place various tools that allow suitable efforts to be brought at policy level and at the level of local initiatives. As such, the Interdepartmental Coordination Cell for the fight against people smuggling and human trafficking was established with the aim of galvanising the interaction between the various departments involved and of devising new projects. The expertise network of the College of Attorneys-General also ensures the due implementation of the criminal justice policy tools in the legal districts around the country. As it is, each department sets up its own projects in accordance with its responsibilities. Finally, the recognised NGOs tasked with victim support are continuing their efforts, both in delivering support to the victims as well as in terms of providing information on the phenomenon of

¹ UNODC, http://www.unodc.org/unodc/en/human-trafficking/faqs.html#How_widespread_is_human_trafficking

² Eurostat, Trafficking in Human Beings (2010 - 2012), European Commission, 2014, p. 23

³ Certain convictions may still be registered in the criminal convictions database, in consideration of the term for the dispatch and registration of the conviction bulletins.

human trafficking.

The authorities also receive information on the trends, the actions undertaken and the impact of the policy measures through the office of the National Rapporteur or equivalent mechanism as assumed by the Federal Centre for the Analysis of Migration Flows, the protection of basic rights and the fight against human trafficking (referred to below as the Federal Migration Centre) (independent rapporteur) as well as the Interdepartmental Cell chaired by the Ministry of Justice (see the Royal Decree of 16 May 2004 on the fight against people smuggling and human trafficking as amended by the RD of 21 July 2014) (tasked with delivering a report to the Government).

Belgium has previously adopted and implemented two action plans (2008 - 2012/2012 - 2014). The majority of the projects set up under these two actions plans have already been accomplished, whilst other projects have been launched but remain to be completed.

This new action plan provides an operational framework for the 2015 to 2019 timeframe, and continues to build on the work performed under the previous action plan whilst also introducing proposals for schemes on the ground in areas that have previously barely been explored.

This is explained by the fact that the main actions undertaken under the previous action plans were aimed at consolidating the overarching multi-disciplinary work that had been put in on key elements of the policy to counteract human trafficking (mechanism of national referral, criminalisation, educating and informing the specialist parties involved, identification of under-age victims, formal recognition of the reception centres, ...). From now on, greater attention needs to specifically go out to issues which were previously put on the backburner or dealt with to a lesser extent (educating/informing the specialist parties involved, minimum follow-up of victims who do not come under the protection procedure, compensation, structural funding of the reception centres, ...).

The present action plan also takes into account the results of the international recommendations addressed to Belgium in various reports or assessments.

1.2. Human trafficking in Belgium

Human trafficking can be seen in any number of sectors. Generally speaking, most of the victims are found in the areas of sexual exploitation and labour exploitation.

The visible forms of sexual exploitation are mainly noticeable in bars. Criminal gangs use direct violence against the exploited prostitutes but the majority of procurers (*pimps*) uses more subtle means of coercion (voodoo in African circles, false promises through seduction, blackmail of the victims vis-à-vis the families who stayed behind in their countries of origin, ...).

"Private" prostitution and the possible exploitation this may involve has developed in a way that has kept pace with the development of the Internet and other means of modern communication.

Women are the main victims of sexual exploitation. Moreover, more women than men live in poverty and find themselves on the dole. Often, they live on the fringes of society even before they become victims. The present action plan therefore acknowledges that human trafficking involves a gender equality dimension.

Few sectors are spared the practice of economic exploitation. Even though the sectors most affected are the construction industry, the hospitality industry and night shops, victims are frequently seen to be exploited as domestic servants, as farm hands, meat processing workers, etc.

Moreover, the exploiters set up labyrinthine structures in Belgium to avoid getting caught or to cover up their responsibility (bogus self-employed workers, sub-contracting chains, ...).

Finally, other forms of human trafficking have emerged. We are gradually starting to see convictions being handed down for human trafficking with a view to the exploitation of begging. This was the case of one exploiter who used disabled people of foreign extraction to beg on the car parks of supermarkets.

A particular focus also needs to go out to the use of people to have them commit crimes or misdemeanours. In a number of cases, the traffickers prey on the vulnerability of some people to force them to engage in reprehensible acts and to avoid getting caught themselves. The Centre for Equal Opportunities and the Fight against Racism devoted its 2012 report to this issue and the non-penalisation of these victims.

Even though the number of convictions in Belgium is comparatively quite considerable, the system as a whole rests on the identification of cases. Which is not always easy as the offenders are becoming increasingly more ingenious in covering up their activities or in forcing their victims to remain silent.

As such, the present action plan is aimed at developing new perspectives to firm up the Government's undertaking to counteract this phenomenon.

2. Implementation of the previous action plan (2012 - 2014)

The 2012 - 2014 action plan first and foremost was an update of the first Belgian action plan in light of the impending close of the then Parliamentary term. Some developments are covered in the specific chapters below. First, here is a succinct run-down of the measures that have been implemented pursuant to the previous action plan.

- The criminal charge of human trafficking was amended in the Act of 29 April 2013 amending article 433 *quinquies* of the Criminal Code with a view to clarifying and expanding the definition of HT (measure 1);
- The fines are now multiplied by the number of victims (Act of 24 June 2013⁴) (measure 1);
- A new directive, issued by the College of Attorneys-General and the ministers who have material jurisdiction, on the criminal investigations and prosecutions was discussed and came into force on 15 May 2015 (measure 14);
- The information campaign for the hospitals was launched and repeated (2012 and 2014), and was also assessed since then. An information fact sheet was compiled for the social workers at the "Fedasil" centres (*Belgian Federal Agency for the Reception of Asylum Seekers*). The first talks were held on the launch of a website on the coordination and actions undertaken by the Government (measure 4);
- The organisation of formalised meetings on the topic of HT was agreed with the Benelux Secretariat. The first seminar was held to explore a transnational mechanism for the referral of victims. It was agreed to work up an information fact sheet to be disseminated among the 3 countries (measures 3 and 7);
- The assessments of the "adults" and "minors" components of the victim referral mechanism have been completed (measure 8);
- In keeping with the implementation of the national referral mechanism, a training course has been devised and organised by the Immigration Office, Fedasil and the 3 reception centres to facilitate the identification of under-age victims (measure 9). Similarly, a training course was set up for the guardians in charge of unaccompanied foreign minors;
- As part of a workshop organised by the OSCE in Brussels in March 2014, the Bureau of the Interdepartmental Cell held a side-event on the protection of victims exploited in the households of diplomats (measure 10);
- Also within the context of victim protection, the Government adopted the Royal Decree of 18 April 2013 on the recognition and the approbation of the specialist reception centres for the victims of HT (measure 12). However, the issue of the structured funding of the reception centres remains topical;
- Various training courses were organised for the police, the judiciary (Public Prosecution Services), the Inspectorates and other departments (Defence) (measure 15);
- In the area of coordination, the constitution of the Interdepartmental Cell was revised (Royal Decree of 21 July 2014) with a view to the formal integration of the reception centres and an official framework was put in place for the National Rapporteur or

⁴ Act of 24 June 2013 criminalising the exploitation of begging and prostitution, people smuggling and human trafficking in consideration of the number of victims, Belgian Official Journal, 23 July 2013.

equivalent mechanism (measure 16). The CIATTEH/IAMM (*Information and Analysis Centre on People Smuggling and the Trafficking in Human Beings*) is still set to evolve.

Below are the new commitments undertaken by the Government.

3. Ensuring the optimisation of our statutory or regulatory instruments in criminal matters and the further efficient application thereof

3.1. Refining the charge and some procedural provisions

In compliance with the steps set out in the 2012 - 2014 action plan, the legislation on human trafficking was adapted in order to refine the national provisions in light of the international standards, as well as in order to comply with the findings to emerge from various evaluations.

To this end, the Act of 29 April 2013 amending article 433 quinquies of the Criminal Code with a view to clarifying and expanding the definition of human trafficking revised the phrasing of the aim of sexual exploitation, adopting the exact same wording as the one used in the Palermo Protocol, the Warsaw Convention and the European Union Directive of 5 April 2011. Moreover, the concept of "services" was added to the aim of economic exploitation.

The new legislation also cleared up a number of divergent interpretations in case law which considered HT would only be said to exist if a network was in place, not in cases of "personal" exploitation.

The Act of 24 June 2013 penalising the exploitation of begging and prostitution, people smuggling and the trafficking in human beings in consideration of the number of victims introduced a mechanism that multiplies the fines by the number of victims involved.

Since a ruling has been in place returned by the Court of Cassation in 2009, the special confiscation of immovable property could no longer be handed down as a sentence by the criminal courts unless the law giver had expressly set out this sentence for the offences concerned. This posed a problem in the context of the confiscation of immovable property for human trafficking or in cases against "slum lords". In compliance with the recommendations of the 2012-2014 action plan, this issue has been remedied by the Act of 13 December 2013 supplementing articles 43bis, 382ter and 433novies of the Criminal Code, as well as article 77sexies of the Act of 15 December 1980 on the admission to the national territory, residence, settlement and the expulsion of aliens.

The current legislation is consequently particularly comprehensive and no longer requires major changes. Nonetheless, a few final modifications remain to be brought so as to ensure optimum compliance with the EU Directive of 5 April 2011:

First and foremost, the aggravating circumstances set out in article 433septies of the Criminal Code are to be expanded to include all *modi operandi* specified in the 2011 European directive. These are kidnapping, deception and the offering or acceptance of payments or benefits to obtain the consent of a person who has control over another person. The *modus operandi* of fraud is already covered

by the term "manœuvres frauduleuses / listige kunstgrepen" (*fraudulent manipulations*).

In second place, procedural changes need to be made:

- The statute of limitations must be able to be deferred as from eighteen years of age in cases of attempted human trafficking for the purposes of sexual exploitation, by way of an amendment to article 21bis of the Preliminary Title of the Criminal Procedure Code (see article 9.2 of the Directive).
- In order to render the current legislation compliant with article 10.2 of the Directive on the extraterritorial jurisdiction, the attempted offence must be included in article 10ter of the Preliminary Title of the Criminal Procedure Code. In the way it currently stands, this article specifies only serious forms of the criminal offence of human trafficking (which correspond to the ordinary form of human trafficking in the European and international instruments).

Project	Party/ies responsible	Timing
A draft bill adapting the aggravating circumstances, the provisions relating to the statute of limitation and the attempted offence are to be worked up.	Minister of Justice/Federal Public Service (<i>Ministry of Justice</i>)	Project to be completed in 2015 and follow-up of the procedure for adoption in 2015

3.2. An increasingly more efficient criminal justice policy

The criminal investigation and prosecution policy has always been one of the spearheads of Belgian policy.

In compliance with the statutory amendments brought in 2013 and in implementation of the previous action plan, the circular letter on the investigation and prosecution of human trafficking offences has also been updated. The aim of the circular is to improve the previous text, in observance of the outcomes of assessments of the directive itself as well as of the other instruments associated therewith.

Below is a summary of the principal new elements that have been introduced:

1. From now on, a magistrate of the Public Prosecution Service's Youth Section will systematically be invited to attend the coordination meetings that are held in each legal district. The assessment of the multi-disciplinary circular of 2008 conducted for the Bureau of the Interdepartmental Cell had recommended greater synergy between the Public Prosecution Service's Youth Section and the Public Prosecution Services attached to the Criminal Trial Courts as part of the protection of under-age victims;

2. A more detailed section has been introduced on the protection of victims, which specifies the issue of the non-penalisation (without derogation from the principle of the ban on negative injunctions);
3. A section on international investigations and contacts with the Federal Public Prosecution Service has been added, as well as elements in respect of the investigation of estates, seizures and confiscations;
4. From now on, an investigation flow chart prepared by the Federal Police is included as an appendix to the circular letter;
5. The list of indicators has been updated and compiled in a more practical way so it can be readily used on the ground. This list also includes a section on minors as demanded in the previous action plan;

A new assessment cycle will get under way when these new instruments take effect.

As set out in the text, and in line with the old Col 01/2007, circular letter Col 01/2015 is to be assessed every 2 years by the College of Attorneys-General with the assistance of the Criminal Justice Policy Service. Moreover, as part of the implementation of the new Act and the circular letter, emphasis is placed on making sure feedback is generated by the police forces and the social law Inspectorates.

Project	Party/ies responsible	Timing
In compliance with directive Col 01/15, an assessment of the new statutory provisions will be conducted every two years. Particular attention will also go out to feedback from the police forces and the Inspectorates	College of Attorneys-General, Federal Public Service Justice (Criminal justice policy)	1st assessment in 2017

3.3. Jurisprudence

Some court rulings are already available for the magistrates of the Public Prosecutor's Office through the ompranet which is intended for that purpose. However, the entry of court rulings into the database is fragmentary and is contingent on the amount of time the magistrates can set aside to do so.

The collection of the court rulings is to be improved. In doing so, the registries of the Public Prosecution Services will be asked to communicate the rulings to the Federal Public Service (*Ministry of*) Justice and the College of Attorneys-General by way of a list of available references on rulings, drawn up on the basis of the recorded conviction bulletins. Which means the database will certainly be much more comprehensive if not entirely exhaustive.

Project	Party/ies responsible	Timing
Collection of the court rulings on the basis of the references of the available judgments	College of Attorneys-General and the Federal Public Service Justice (omptranet)	2016

3.4. Liability of the instructing parties

In cases where third country nationals are employed who are illegally residing in Belgium, from now on the instructing parties will be jointly and severally liable with regard to the protection of worker pay (Act of 11 February 2013). A general regime has equally been introduced by the Act of 29 March 2012.

Moreover, the Bureau of the Interdepartmental Cell at the request of the Cell had set up an ad hoc group tasked with working up a draft bill on the joint and several liability of the instructing parties that call on intermediaries who in turn engage in human trafficking.

The 2003 annual report on human trafficking by the Centre for Equal Opportunities illustrated the problem by way of the problem of clandestine sweatshops in the clothing industry.

Depending on the situation, the instructing party can either be the actual brand, the wholesalers or the retailers.

When such sweatshops are dismantled, only the managers in charge of these sweatshops get into trouble. Especially as it is difficult to prove that the instructing party deliberately called on the services of an intermediary who fails to comply with social and labour laws, or engages in human trafficking.

The institution of joint civil and criminal liability on the part of the instructing parties could have a dissuasive impact on the use of such intermediaries.

A first ad hoc working group of the Interdepartmental Cell was instructed to produce a draft bill, based on the following principle:

The instructing party is required to insist that the intermediary produces a set of documents showing that he is acting in compliance with applicable social and labour law standards. If the intermediary is subsequently found to have engaged in human trafficking offences and the instructing party has not called up the required documents in advance, the latter will be held jointly and severally liable under civil law and, if so decided by the judiciary authorities, under criminal law.

The draft bill has since come in for criticism. The reproach levelled at the draft bill was that its enforcement would involve too many administrative steps.

As such, a new draft bill was to be authored that addressed this criticism. A new working group, chaired by the Criminal Justice Policy Service and the General Directorate of Legislation of the Federal Public Service Justice, subsequently came up with a new version of the measure, which

was finalised in 2010.

This draft bill is more in keeping with the provisions set out in the European instruments, viz. article 18.4 of the Directive of 5 April 2011.

The new draft provides for sanctions in the areas of criminal and civil liability if the instructing party was aware or should have been aware that the intermediary on whose services he had called was exploiting people in labour conditions that offend human dignity. In order to ensure the specific implementation of this system, the draft bill makes the application of these measures contingent on the prior conviction of the intermediary on charges of HT.

The text will be examined by the Government, which will adopt a position on how it is to be dealt with.

Project	Party/ies responsible	Timing
Text on the liability of the instructing parties to be examined with a view to further steps	Minister of Justice (intercabinet meetings and discussions on the topic)	2015

Moreover, the Act of 27 February 2002 instituted a social label, which few companies have used to date. Initiatives would need to be put in place to get companies to commit to greater vigilance in the face of the risks of exploitation under conditions that offend human dignity.

An ad hoc working group is to be established to take stock of the way in which the social label is being used and on reducing demand for services supplied by exploited workers. In addition, the working groups will need to explore which other projects could be set up in this connection.

Project	Party/ies responsible	Timing
Formation of an ad hoc "socially responsible production" working group	To be discussed at the Cell/Bureau	2018

3.5. The fight against specific forms of human trafficking

A question that is often raised is which policies should be adopted in the area of prostitution and the impact thereof on human trafficking. For all that, it is worth pointing out that, generally speaking, the debate on prostitution transcends the debate on human trafficking.

In this respect, the 2011 European Directive and the Convention of the Council of Europe on human trafficking invite the countries to put in place criminal sentences for those that who wittingly call on the services of people who are victims of human trafficking.

Strictly in reference to human trafficking and sexual exploitation, the European texts imply that at the very least the penalisation should be taken up of those who wittingly call on sexual services performed by people who are victims of human trafficking.

In Finland for instance, such measures are in place. However, there have been few actual criminal prosecutions due to the burden of proof. A ruling by the Finnish Supreme Court for instance resulted in the acquittal of a client, as doubts continued to exist as to whether or not he had been aware of the fact that the prostitute in question was working as a victim of human trafficking. Currently, a relaxation of the terms of this charge is being considered, for instance by excluding the ethical dimension.

A similar proposal has already been introduced⁵ in Parliament although objections were raised at the time in respect of the issue of the burden of proof and the likely inefficacy of the measure. In France, as part of the wider debate on the penalisation of clients calling on sexual services of people forced to prostitute themselves, the National Consultation Committee on Human Rights, which has been designated as the independent National Rapporteur on human trafficking, returned a highly qualified opinion on the draft bill strengthening the fight against the prostitution system. Even though the Committee revealed itself to be in favour of the administrative or social law measures that make it easier for people to step away from the sex trade, it was of the opinion that there were more arguments against the penalisation of clients than there are in favour of this measure⁶ (in particular because of the implications with regard to the risk of increased clandestine prostitution).

In this connection, the Bureau of the Interdepartmental Cell and the institutions/departments that make up the Bureau are obviously available to provide information on the impact of the policy measures on the penalisation of clients who wittingly call on the services of people who are victims of human trafficking.

To this end, the Bureau will draw up a memo, containing information on the experiences abroad and setting out the views of the actors concerned.

For that matter that, it is worth pointing out that, with regard to sexual exploitation, the criminal prosecution policy in the context of human trafficking has been tightened with the new circular letter col 01/2015. The present action plan also contains proposals for preventive measures in this respect.

Even though our legislation makes the exploitation of begging in the context of human trafficking into a criminal offence, and convictions have effectively been handed down by the courts, the phenomenon remains insufficiently understood.

The convictions seen in recent times revolve around fairly straightforward situations. For instance, there was a case where an exploiter had disabled people begging on the car parks of supermarkets. However, a lot of situations are complex. In some circles, the fact that an adult - usually the parent - is seen to be passively begging with a child in tow may be to do with fears of getting separated from the child if the latter were to be left elsewhere, if police perform an on the spot check. Moreover, none of these situations conceal exploitation networks for instance.

⁵ Draft bill inserting an article 380quater into the Criminal Code on the use of sexual services of victims of human trafficking (12 October 2004)

⁶ http://www.cncdh.fr/sites/default/files/14.05.22_avis_ppl_renforçant_la_lutte_contre_le_système_prostitué_onnel_0.pdf

A working group has already been established with the College of Attorneys-General and the Federal Public Service Justice. Its main remit will be to set up a contact platform for police and judicial authorities, mainly in Brussels. Nonetheless, the deliberations of the working group show that an instrument for criminal policy could provide expedient. The situations encountered on the ground are complex and shaded, as a factor that needs to be taken into account.

A working group established within the College of Attorneys-General will work up a directive focusing on the assignments of the Public Prosecution Services in this area. The working group of the Federal Public Service Justice and the College in turn will continue to serve as a spearhead for the exchange of information of a more general nature on the problem and the administrative response that can be brought.

A directive on the criminal investigations and prosecutions of exploitation of begging offences is to be completed. In addition, an assessment is planned within one or two years further to the adoption of the directive.

Project	Party/ies responsible	Timing
Adoption of a directive on the exploitation of begging and setting up an assessment.	College of Attorneys-General	2016

3.6. Ensuring the most systematic conduct of financial investigations with a view to dismantling the networks

The various reports on human trafficking put out by the Centre for Equal Opportunities/Federal Migration Centre have repeatedly underscored the importance of the identification of the people smuggling and human trafficking networks. In its 2013 report, the Centre suggests for an in-depth financial investigation to be conducted as soon as possible. In amongst other things, this would allow for a more efficient implementation of the seizure and confiscation measures.

People smuggling and human trafficking are known to generate considerable criminal gains. In its 2012 report, the CTIF-CFI (*Belgian Financial Intelligence Processing Unit*) indicates that in the same year, 54 dossiers were referred to the Unit in connection with cases of people smuggling and the trafficking in human beings. The revenues derived from these activities were estimated at 16 million euros. It should be pointed out that these were cases that were identified during the course of a single year, leaving a significant portion of the phenomenon undetected, which would suggest that these criminal activities involve huge profits, both in Belgium and in the rest of the world.

In order to efficiently combat human trafficking, we need to get to the core of the system. To do so, financial analyses of the money flows of these systems need to be performed.

From this perspective, the new circular letter on the criminal investigation and prosecution of HT offences places a much greater premium on the interest of financial investigations and puts forward a few basic guidelines in this regard. Pains will be taken to ensure the due implementation of these

guidelines.

It is also important that the transmission of information in the area of the financial industry (banks) and of the other sectors that are subject to the obligations set out in the Act of 11 January 1993 prevention of the use of the financial system for the laundering of unlawfully obtained money.

Exploitation and human trafficking activities in the broader sense effectively generate considerable financial profits which at some point are channelled through the financial, economic and business networks.

The detection and traceability of the financial flows is crucial to prosecute criminal organisations and to deprive them from the financial resources derived from their activities.

Heightened awareness-raising efforts in the financial, legal and accountancy sectors will act to step up both the number and the quality of the reported suspicions which these sectors are required to signal to the CTIF-CFI (*Belgian Financial Intelligence Processing Unit*).

The CTIF-CFI will continue its efforts and transmit all suspect cases that could bring human trafficking activities to light to the judicial authorities.

4. Developing training courses over the long term

A wide number of training courses have already been organised by the various departments and partners involved in the fight against human trafficking. These courses focused on the various Inspectorates as well as on magistrates and frontline actors who are not investigators.

A non-limited listing:

- The Judicial Training Institute organised both specialist and foundational training courses aimed at reference magistrates and trainee magistrates alike and has done so on a regular basis (approximately every two years);
- In compliance with the 2012 - 2014 action plan, Fedasil, the Immigration Office and the specialist reception centres organised several training courses intended for the field teams of Fedasil's network for the reception of unaccompanied foreign minors;
- Similarly, a training course was organised in March 2015 for the guardians in charge of unaccompanied foreign minors;
- The Federal Police (Central "HT" Service) organised theme days on people smuggling and the trafficking in human beings twice a year;
- On 27 and 28 March 2013, the Ministry of Defence organised an "HT" seminar to educate some of its trainers to enable them in turn to train armed forces personnel as part of their foreign deployments ("Train the trainers");
- In 2012, the Federal Public Service (*Ministry of*) Labour organised a training course for its inspectors on the definition and the various types of human trafficking, with the assistance of the Federal Police. The aim was also to appoint the contact persons at the Inspectorates;
- In 2012, the Federal Public Service (*Ministry of*) Social Security organised a basic training course aimed at 65 social law inspectors. The course focused on issues such as the definition of human trafficking and the procedures to be observed if suspicions should arise at

inspections that such situations might exist. Other local training courses were laid on in 2013 and 2014;

- The specialist reception centres had direct input in the organisation of some of these training courses or were otherwise involved in these courses. Moreover, they also operate as NGOs on a local level, which contributes to ensuring there is a degree of complementarity between national and regional schemes.

4.1. Organising cyclical training courses for the frontline actors

The previous action plans had already focused on the training dimension. They included the organisation of specific sessions or the new initiatives to be rolled out as outlined above.

It would be worthwhile however to include the training courses provided as part of training cycles and to ensure follow-up by the Interdepartmental Cell.

To this end, the current action plans includes the table below:

	Organising entities	Training course types	Frequency
Immigration Office training courses	Immigration Office	Basic training	Every 2 years
Fedasil training courses	Fedasil	Basic training	Every year/every 2 years as needed
Federal Police training courses	Federal Police	- Basic training courses - Specialist training courses	Theme days (at least once a year) Provincial Training Centre - in consideration of recruitments
FPS Social Security	FPS Social Security	- Basic training upon joining the FPS - Specialist training course	Every 2 years
FPS Labour	FPS Labour	Basic training	Every 3 years (2015)
Defence training course	Defence	Basic training	As needed

For the training of magistrates, useful contacts will be maintained with the Judicial Training Institute to continue the organisation of training courses, particularly for the trainee magistrates as has already been the case on repeated previous occasions. The representative of the Minister of Justice at the Board of Directors of the Judicial Training Institute will make sure a due focus of attention is made to go out to this topic.

With regard to the departmental training courses, the FPSs in question or the organising entities will make every effort to comply with the timing schedule agreed. The Bureau of the Cell or its members will be involved in preparing the training courses as needed. The training programmes will be communicated to the Bureau. Moreover, the training courses will be made

to include evaluations of the participants. This information will be included in the Government report. The Bureau of the Cell will administer and keep the table up to date.

Project	Party/ies responsible	Timing
Each department / institution organises a training course in compliance with the cycles detailed in the training course table. They inform the Bureau of the Cell of the programmes.	Each Minister/State Secretary/Department specified in the training courses table. The Bureau CIC administers on the table.	See "training courses" table.

In addition, the EMN (*European Migration Network*) study on the identification of the victims of human trafficking in the international protection and forced return⁷ procedures showed the need for beefing up the transmission of information between the agencies involved in the asylum procedure. To this end, the Office of the Commissioner General for Refugees and Stateless Persons will be involved in the next training course which will be organised by the Immigration Office as part of an ad hoc working group at the Interdepartmental Cell. Subsequent thereto, they will look into the best way to follow up this initiative.

The training courses organised by Fedasil in collaboration with the Immigration Office, the specialist reception centres, the Esperanto specialist shelter centres and Minor N'dako (the latter since 2014), aimed at raising awareness among Fedasil's frontline staff make for an interesting experience (training courses held in 2012 - 2013 - 2014). The scheme will be continued.

With a view to improving the identification of under-age victims, the fact sheet worked up by the Bureau of the Interdepartmental Cell on under-age victims of HT will be amended for the guardians of unaccompanied foreign minors. A training course especially aimed at these guardians is also set to be staged (see 6.3.).

In this connection, the Bureau of the Interdepartmental Cell and the partners involved will put together a general "handbook" on human trafficking which may be used in the various training courses and a manual that specifically deals with the situation of unaccompanied foreign minors, in compliance with the results of the assessment of the multi-disciplinary circular letter.

Project	Party/ies responsible	Timing
Compile a "handbook" or digital information carrier for the benefit of the training courses on human trafficking to be handed out to	Bureau of the HT Cell	2017

⁷ Identification of the victims of human trafficking in the asylum and of return procedures, European Migration Network, March 2014

Finally, the possibility of staging a training course/information session at the Crisis Centre of the FPS (*Ministry of*) Home Affairs will be looked into.

4.2. Information for diplomats

Awareness of the issue of human trafficking needs to be raised among Belgian diplomats serving abroad. For one thing, as part of the management of the diplomatic post and the consular aspects, and for another thing as part of the contacts they may have with their counterparts in the countries where they are posted. The Belgian diplomatic corps needs to be able to play a proactive role whenever necessary to encourage measures to fight human trafficking or to ensure the exchanges between our countries on the matter.

The following initiatives are to be rolled out:

1. An information fact sheet on human trafficking will be prepared by the FPS (*Ministry of*) Foreign Affairs and the Bureau of the Interdepartmental Cell. This fact sheet will provide a summary of the human trafficking issue, provide references to the international sources to be consulted as well as basic advice for the diplomats;
2. The fact sheet will be disseminated at the bilingual information sessions for diplomats assigned to new posts. Moreover, direct information will be supplied by the FPS Foreign Affairs and the chairmanship of the Bureau of the Cell at some of the sessions. A section on how to spot indications of human trafficking will also be included so as to specifically raise awareness of the staff who handle consular case files;
3. The measure will include an assessment of the scheme, whereby it will be established to what extent the information provided was useful and how it was acted upon. The assessment results will be included in the Government report;
4. Finally, the diplomats will be asked to ensure a minimum follow-up of the human trafficking situation and to exchange information with the countries where they are posted or for which they have jurisdiction. A circular letter from the Minister of Foreign Affairs is to be prepared to this end.

Project	Party/ies responsible	Timing
A basic information fact sheet is to be prepared for the diplomats.	Minister of Foreign Affairs/FPS Foreign Affairs with the Bureau of the HT Cell	Late 2015
Direct information on human trafficking to be included in the training sessions for diplomats assigned to new posts.		
A circular letter from the Minister of Foreign Affairs is to be prepared so as to specify the role of the diplomats in regard to the issue of human trafficking	Minister of Foreign Affairs/FPS Foreign Affairs	Late 2015

The issue of human trafficking first and foremost concerns the diplomats who hold a consular assignment. However, we will also examine if the diplomats attached to the federated entities can be involved in some training courses or at least be provided with some basic information if the relevant documentation is worked up as part of other training courses.

The matter will be discussed with the Bureau of the Interdepartmental Cell.

5. Refining the protected status of the victims and improving the position of the reception centres

At an institutional level, major advances were made over the last ten years. The residence permit delivery system to victims of human trafficking was introduced by law, the multi-disciplinary circular of 26 September 2008 helped clarify the roles of all parties involved, the reception centres were recognised by Royal Decree and are now members of the Interdepartmental Cell (Royal Decree of 21 July 2014 amending the Royal Decree of 16 May 2004⁸).

However a number of issues remains to be dealt with.

⁸ Belgian Official Journal, 1 September 2014.

5.1. Structural funding of the reception centres

In this connection, the protection of and the assistance provided to victims are core elements. Belgium has been at the forefront in the creation and endorsement of assistance measures intended for victims of human trafficking. In the meantime, these aid and protection measures have been incorporated into most international instruments.

In addition to the Palermo Protocol, Belgium has ratified the Convention of the Council of Europe on the Fight against Human Trafficking (Warsaw 16 May 2005) and has also undertaken to observe the implementation of the European instruments it has transposed into national law (Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combatting trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA).

Among the obligations under the international instruments is the assistance to and protection of the victims.

The States are required to provide victims with aid and assistance to enable them to exercise their rights in criminal proceedings. In amongst other things, this aid consists of providing shelter, legal assistance as well as medical care.

The 2011 European Directive also specifies that the assistance and aid measures are to be adapted in consideration of gender equality where necessary.

In Belgium, this support and shelter is provided by the recognised reception centres. However, the debate on how these centres are to be funded has been ongoing for years. The financial resources to provide this funding exist both at federal and at regional level. At federal level, the recognised reception centres have often signalled that there is no structural funding and that moreover, the amounts paid were not or rarely index-corrected. As such, this makes for frequent concerns and uncertainty as to the services they will be able to provide. All the more so as they are often asked to take part in awareness raising or training schemes whereas their primary assignment is to follow-up on the individual situations of victims.

The GRETA, the Council of Europe's assessment body for compliance with the implementation of the Warsaw Convention, has highlighted this issue as one of the main focus areas for the authorities in the fight against human trafficking.

As such, the GRETA report says:

Even though the three reception centres that specialise in the care for victims of human trafficking (Pag-Asa, Payoke and Sürya) have been tasked with a crucial assignment to provide assistance to these victims and they have been officially recognised since the Royal Decree of 18 April 2013, they are unable to rely on structural and permanent funding from the Belgian State that would enable them to perform their assignment. The aforesaid Royal Decree states that the recognition does not entail any entitlement to subsidies. Every year, they are required to apply for subsidies with the various institutions, and the local authorities in particular, to enable them to continue to fund their activities. The Belgian authorities have indicated that structural funding (that is to say sustainable long-term funding) of the three specialist reception centres is

currently being discussed within the Government. The GRETA stresses the importance of finding solutions to fund the assistance delivered to the victims of human trafficking, thereby ensuring the continued delivery of services to the people concerned⁹.

The Committee of the Parties to the Convention of Council of Europe has moreover adopted the following recommendation:

The GRETA urges the Belgian authorities to ensure that the assistance provided to the victims of human trafficking is adapted to their needs, particularly in cases where they require urgent shelter. As this assistance has been delegated to NGOs, who consequently assume the role of service providers, the State is under obligation to allocate the funding required and to ensure the quality of the services provided by the NGOs¹⁰.

If Belgium means to continue to comply with its obligations, we will need to work towards organising structural funding for the reception centres.

To this end, the following measures are being examined:

a. Further to the reform of the Federal Investment Fund and given the non-indexation of the subsidies over several years, the allocation of the federal subsidies will need to be revised. The ministers who have material jurisdiction will look into the existing possibilities to sustainably compensate the shortfalls already established and those to be expected in 2016. In the long term and depending on the further developments, the Bureau will look into the possibility of putting in place additional measures such as the possibility of using assets that have been confiscated from the traffickers to compensate the victims or as part of the victim support policies.

b. Ensuring the follow-up of the reception centre funding problems

The exchange of information on the funding applications filed by the reception centres has not always been ideal between the various partners concerned. Due to the fact that several sources exist, it was established that communication is not always easy between the various actors that followed up on these cases at different levels of administration. Often, the coordination function itself was not informed until a problem occurred, which meant that the latter was able to act only after the event.

So as to ensure optimum follow-up, the reception centres who intend or wish to file a funding application are now to immediately inform the Bureau of the Interdepartmental Cell which in turn will notify the cabinets represented at the Interdepartmental Cell.

Moreover, a monitoring committee made up of the Chairmanship of the Bureau and the cabinets involved within the Cell will be established and convened to meet when required.

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http://www.coe.int/t/dghl/monitoring/trafficking/Docs/Reports/GRETA_2013_14_FGR_BEL_with_comments_fr.pdf, p. 44.

10

http://www.coe.int/t/dghl/monitoring/trafficking/Docs/CommitteeParties/Recommendations/CP_2013_8_BE_L_fr.pdf, p. 5.

Project	Party/ies responsible	Timing
Exploring the existing avenues to compensate the subsidy reductions which the specialist centres have been facing in recent years + implementation.	Justice, Asylum and Migration, Equal Opportunities/Labour	2015
Implementation of a monitoring system for the funding of the specialist reception centres	Minister of Justice as part of the operations of the Interdepartmental Cell + Ministers/Cabinets concerned	Mid-2015

5.2. Facilitating the attachment of earnings

When an employer is convicted but the victim has returned to his country of origin, the Act of 12 April 1965 on the protection of worker pay allows for the recovered sums to be restituted. If the payment cannot be transacted immediately because the employee has not left any contact details, the sum payable must be paid into the Deposit and Consignment Fund. In that case the victim needs to come forward to recover the sum in question.

An information brochure will be prepared on the terms and the procedures to be observed for potential victims to be able to recover the sums they are due.

Project	Party/ies responsible	Timing
Preparing an information brochure for the victims of HT on the recovery of the sums due.	Federal Public Service Labour/ Federal Public Service Social Security and consultation with the Bureau of the Interdepartmental Cell (follow-up)	2017

5.3. Appointing a contact person within the NISSO and refraining from payment of social security contributions for bogus self-employed workers recognised as victims of human trafficking.

In its 2013 report, the Federal Migration Centre suggested that, in situations where the "bogus self-employed worker" device has been used and the person in question is recognised as victim of human trafficking, the NISSO (*National Institute for the Social Security of the Self-employed*) should be able to be notified thereof and be allowed to waive some of the debts incurred.

As part of the proceedings of the Bureau of the Interdepartmental Cell, consultation will be made to take place, especially with the member representing the Federal Public Service Social

Security, and the NISSO to examine this possibility. Further thereto, the introduction of the relevant changes will be considered if necessary. The mechanism could then be included as part of the multi-disciplinary circular letter of 2008 which regulates the protection of the victims of human trafficking. Such a mechanism would be implemented only from the time the victim received a first CRAR (*Certificate of Registration with the Aliens' Register*) that had an suspensive or even final effect, which is why the status as a victim of human trafficking was maintained until the offender is convicted.

Project	Party/ies responsible	Timing
Appointing a contact person at the NISSO and limiting the social security debts for victims of human trafficking	Minister of the SMEs, Small Businesses and Traders, Self-employed workers, Agriculture and Social Integration/NISSO in concert with the Bureau of the Interdepartmental Cell (Federal Public Service Social Security)	2017

5.4. Victim protection procedure

As stated at the outset of this section, various legal and administrative initiatives have been put in place. For that matter, the multi-disciplinary circular letter of 2008 has been assessed by the Bureau of the Interdepartmental Cell.

In addition, the Act of 12 May 2014 amending Title XIII, Chapter VI, of the Programme Act of 24 December 2002¹¹ on the guardianship of unaccompanied foreign minors has enabled the guardianship system to be applied to European minors, and especially to European minors who are potentially victims of human trafficking for whom guardianship needs to be put in place. In amongst other things, the Act complies with the observations put forward by the GRETA and now needs to be put into effect. The implementation of the Act will be duly followed up (specify).

Further to the assessment of the multi-disciplinary circular letter of 2008, conducted by the Bureau of the HT Cell, the new directive issued by the Minister of Justice and the College of Attorneys-General on the investigation and criminal prosecution of human trafficking offences requires a Youth magistrate to be present at the existing coordination meetings at legal district level.

In doing so, the Government gradually complied with the demand to improve the implementation of the protection system of under-age victims.

Other initiatives remain to be decided based on the assessment of the multi-disciplinary circular letter:

- a. The assessment of the Bureau of the Interdepartmental Cell and the discussions between the various stakeholders have highlighted the inconsistency involved in using "an order to leave the territory (*expulsion order*)" in order to "authorise" the victim of human trafficking

¹¹ Belgian Official Journal, 21 November 2014.

in actual fact to stay in Belgium during the reflection period he would normally be given. This document is ill-suited vis-à-vis a victim who is about to be invited to assist in the investigation. It is therefore suggested for this document to be replaced by another document offering the same validity duration but made to carry a different name. The Immigration Office will look into the statutory amendments that need to be brought, put the required steps in place the qualified Minister/State Secretary (Asylum and Migration) and keep the Bureau of the Interdepartmental Cell informed;

- b. The assessment also highlighted the need to have simplified tools to implement the circular letter. A fact sheet model has been established for the Social Law Inspectorates and the policemen, which comes with the fact sheet listing various human trafficking indicators. The same fact sheet will be disseminated among the actors involved. Efforts in this regard will be pursued. The Bureau of the Cell will look into what extent the tool will need to be intended for other actors.

- c. Finally, the ad hoc working group set up for this purpose within the Interdepartmental Cell, will examine to what extent certain part of the multi-disciplinary circular letter need to be updated. In amongst other things, the circular letter does not make any mention of the Belgian victims. Various international sources have made comments regarding this particular point, stating that enhanced detection of "internal" victims would be expedient, if possible. This aspect would therefore merit greater attention in the multi-disciplinary circular letter.

Moreover, it should be investigated if it might not be possible to draw up guideposts for situations where victims who were exploited abroad are uncovered in Belgium. Talks on this matter have already been held between the Benelux countries.

Project	Party/ies responsible	Timing
<p>The victim protection procedure is to be improved:</p> <ul style="list-style-type: none"> - The 45-day reflection period will be granted by way of a document other than the 'Order to leave the territory'; - The 2008 multi-disciplinary circular letter will be updated and amended so as to also encompass the measures for the benefit of the Belgian victims. 	<p>State Secretary in charge of Asylum and Migration/Immigration Office + Bureau of the HT Cell (for follow-up and coordination)</p>	<p>1st quarter 2017</p>

6. Maintaining international focus as part of the fight against human trafficking

As part of the actions of the FPS Foreign Affairs and in coordinating efforts, Belgium has devised various schemes to counteract exploitation in diplomatic circles. As such, practical tools have been worked up for the embassies to inform work permit applicants of the risks of exploitation.

These initiatives have been stepped up (see 3.2.).

In recent years, Belgium has worked with various international organisations or collaborated on a regular basis on certain projects, in particular with the United Nations, the OSCE, the Council of Europe, the European Union, the Benelux, the IOM (International Organisation for Migration), etc

...

This collaboration and exchanges will be continued with a Belgian representation as soon as added value can be brought as well as through the exchange of information with the partnering countries in the fight against HT within and outside of the EU.

In the United Nations, Belgium systematically takes part in the Conference of the Countries that are signatories to the Convention on Organised Crime. We also support and bring our expertise at as part of dedicated working groups.

In March 2014, Belgium hosted an OSCE seminar on the prevention of the exploitation of domestic servants. On the occasion, the Bureau of the Interdepartmental Cell and its members also laid on a side-event on the protection of victims in this type of situations. In 2013, Belgium also supported

the elaboration of an addendum to the OSCE's action plan on the fight against HT.

The Benelux collaboration, which was launched by The Netherlands in 2012, has been further intensified. As such, a seminar was organised with the Benelux Secretariat on the implementation of a "cross-border" mechanism for the identification and protection of the victims.

The Federal Migration Centre and the Criminal Justice Policy Service (on behalf of the Bureau of the Interdepartmental Cell) systematically take part in the meetings of the informal network of the National Rapporteurs and equivalent mechanisms organised by the EU in response to the conclusions of the EU Council of 4 June 2009.

In 2012, Belgium was evaluated by the GRETA (the Council of Europe's monitoring mechanism). Even though the assessment was positive globally speaking, some of the recommendations put forward still need to be given a response.

Without fail, Belgium continues to take cognisance of the various international external assessments of its efforts in the fight against human trafficking and bring a suitable response wherever possible.

6.1. The flyer for the Belgian diplomatic posts abroad

In 2009, a flyer was devised in an ad hoc working group of the Interdepartmental Cell. The flyer is administered by the FPS Foreign Affairs and was worked up at the request of a Belgian diplomatic post abroad which had found some work permit applications to involve a degree of risk. It has been translated and disseminated around ten of our posts abroad (in consideration of the number of victims identified in Belgium).

Various further steps were put in place in continuing this initiative:

1. An online assessment questionnaire is to be put together by the Coordination and the FPS Foreign Affairs intended for the diplomatic posts that already have the flyer. The assessment takes place as part of the general instructions for the diplomatic stations and will be included in the Government report.
2. The Bureau of the Interdepartmental Cell will check to see if the flyer needs updating;
3. The dissemination of flyer other diplomatic posts is being considered.

Project	Party/ies responsible	Timing
The flyer intended for the diplomatic posts is to be updated as needed. The way in which it is used will be assessed by the coordination body.	FPS Foreign Affairs and Bureau of the Interdepartmental Cell	2015

6.2. Exploitation of domestic servants working for diplomats in a private capacity

Various major steps have already been instituted to prevent the exploitation of staff working for diplomats in a private capacity, and to protect the victims uncovered. For a good number of years, and since 2003 especially, the Protocol Directorate of the FPS Foreign Affairs has developed mechanisms to prevent exploitation at the households of diplomats, in amongst other things by conducting an interview with the domestic servants when they are given their special identity card. At these interviews, the domestic servants are informed of the rules which their employer are required to comply with, and are explained which steps to take in the case they are being exploited.

In addition, the circular letter of 26 September 2008 on the introduction of multi-disciplinary collaboration in respect of victims of human trafficking and/or certain aggravated forms of trafficking in human beings set out a mechanism that may provide protection for the victims in spite of diplomatic immunity which may act as an obstacle. As such, just the opinion of the Public Prosecutor with the Industrial Tribunal in itself suffices in such cases for the victim to qualify for the specific protection measures put in place for human trafficking, even if no criminal prosecution is instigated against the offender.

A seminar is to be organised on the issue to instate exchanges between the department of the Foreign Affairs and the actors on the ground (policemen, social Inspectorates, magistrates,...).

6.3. Devising tools to facilitate the implementation of the referral mechanism for victims found in a Benelux country and between the Benelux countries

On 2 April 2014, Belgium organised a meeting of experts in collaboration with the Benelux Secretariat. The meeting dealt with the issue of the implementation of the mechanisms for the protection of victims, when a victim is found in one country whilst having been exploited in another country.

In this kind of situations, it is not always easy to know exactly what to do. In Belgium, normally victims qualify for the system of residence permit delivery only if an investigation and a legal procedure are made to take place in Belgium. How does one proceed when learning that the victim was exploited in a neighbouring country? How is the victim to be referred to this neighbouring country? Who should be contacted?

At the end of the meeting, which brought together the various partners of the three countries, it was also decided to put the finishing touches to a summary document containing the practical basic information on the protection of the victims and the contact details of the key partners.

In addition, Belgium will follow up on the proceedings at the Benelux Parliament on the matter.

Project	Party/ies responsible	Timing
Finalising a summary document/fact sheet containing basic information on the protection of victims within the Benelux	Bureau of the Interdepartmental Cell for the Belgian part (Justice/Immigration Office)	2015

7. Raising awareness among and informing professional stakeholders, civil society stakeholders and citizens

Various international reports¹² have drawn attention to the need to bolster initiatives aimed at raising awareness among and informing the members of the general public. Information on the sexual exploitation of and violence against women in particular needs to be stepped up.

The supply of information and awareness raising efforts need to be aimed at the administrations and professional workers who may be in contact with potential victims of human trafficking as well as community organisations and members of the public at large.

Details of various measures regarding the supply of information and the training of the administrative stakeholders (training courses at different levels, diplomats, ...) have already been put forward. Below, we will confine ourselves to the complementary elements and the schemes that are more focused on raising awareness among members of civil society.

7.1. Finalising the website containing information on the Interdepartmental coordination

The 2012 - 2014 action plan specified the building of a website about the coordination of the efforts in the fight against HT. Preliminary discussions and initial proceedings were held without the project reaching completion.

In line with the 2012 - 2014 action plan, the Justice department will build the website, whose chief aim will be to provide information on the actions undertaken by the Government. The website will be made to contain Government reports as well as certain notes or schemes that have been worked up as part of the coordination with the various departments.

The site will also refer visitors to the websites of each of the partners involved in the Interdepartmental Cell. The sharing of joint information between the sites is another option.

¹² GRETA, http://www.coe.int/t/dghl/monitoring/trafficking/Docs/Reports/GRETA_2013_14_FGR_BEL_with_comments.en.pdf, p. 34.

Project	Party/ies responsible	Timing
Building a website carrying information on the action undertaken by Government and for coordination purposes	Cell Bureau	2015/2016

7.2. Setting up of training tools for basic training sessions

Although a number of training courses and shared tools for these training courses are already in place, what could equally prove useful would be a short online module that could provide basic information in cases where a full training course has not been organised or deemed expedient yet, or serving in complement to training course.

This could be made to occur by way of an (interactive) film with fixed images with audio commentary. This tool could be made available in support of the training of diplomats or magistrates who are not specialists in the area of human trafficking but for whom some basic information would be useful for instance. Any number of other stakeholders could also use this tool. In support, other tools could also be used, such as the "10 minutes" film.

The idea would be this tool to be prepared at the initiative of the Bureau of the Cell in joint consultation with the relevant partners, such as the specialist reception centres for example.

Project	Party/ies responsible	Timing
Building of an online teaching tool on human trafficking	Cell Bureau + Cell partners	2016

7.3. Continuous improvement of the detection of under-age victims

The previous action plan showed the importance of devising more measures to identify under-age victims of human trafficking. The assessment of the multi-disciplinary circular letter of 2008 put forward several recommendations, some of which have already been met with concrete actions. From now on, the Youth magistrates are involved in the coordination meetings of the reference magistrates on "human trafficking". A specific training course for the staff of Fedasil's observation and referral centres has also been staged. For the occasion, an information fact sheet on human trafficking was worked up.

In 2014, the law was changed to allow guardianship for unaccompanied minors to also be put in place for European minors and those that are believed to be victims of human trafficking in particular.

In keeping with the 2012 - 2014 action plan, the information initiative is to be expanded to

include the guardians tasked with following up on the situation of unaccompanied foreign minors. During the course of their role as guardians, some of these guardians may find that the minors whose interests they are upholding were victims of exploitation. As a first step, an information fact sheet similar to the one in place for Fedasil is to be completed. In due course, a training course is planned.

Project	Party/ies responsible	Timing
Finalise the information fact sheet for the guardians	Federal Public Service Justice/Minister of Justice (unaccompanied foreign minors component) + State Secretary in charge of Asylum	2015

7.4. Raising awareness in hospitals

In 2012, an awareness campaign was launched in every hospital around the country. Brochures and posters were distributed to raise awareness among staff at Accident and Emergency wards and gynaecology units to the issue of human trafficking. Some hospitals responded favourably to this scheme but the reception centres reported they had seen little impact in terms of the referral of potential victims.

As a result, in 2014 it was decided to stage a repeat performance, this time supplemented with an online assessment questionnaire. This yielded some ninety incoming replies whilst approximately 200 hospitals had been invited to take part.

The analysis shows there is an interest in the issue as around 50% of the respondents states they believed they had previously encountered potential human trafficking situations. A good deal of feedback was received on the use of the brochure for that matter.

At local level , the specialist reception centres are also seen to contribute to raising awareness among hospital staff through their direct contacts with hospitals. Thanks to these initiatives carers and nursing staff are more alive to the issue.

The information efforts needs to be continued.

- a. The brochure will be sent out to the colleges that train medical staff, accompanied by an online questionnaire. Subsequent thereto, the possibility of laying on more specific information sessions with the specialist reception centres will be looked into, in consideration of the availabilities of all the parties involved and of the other initiatives;
- b. The specialist information journals disseminated among medical professionals will also be used to continue to provide information on the matter.

Project	Party/ies responsible	Timing
The brochure is to be dispatched to medical colleges (see colleges for social studies)	Bureau of the HT Cell	2015
Drawing on existing occupation-related media to raise awareness of the phenomenon	Bureau of the HT Cell	2016

7.5. Delivering information to sectors sensitive to economic exploitation

The existing reports and assessments clearly mark out the sectors where economic exploitation is seen to occur. Although this is often the case in the hospitality and the construction industry, human trafficking is just as rife in quite a few other sector (agriculture, clothing manufacturing, fisheries, etc.).

It is important that the various sectors are better informed about what human trafficking entails, about the rules to be observed to avoid getting involved in such situations and about the ways in which we can help victims.

The first step is to engage in dialogue with the trade unions to see to what extent the shop stewards can be provided with information online. It is conceivable for the latter to spot or hear talk of human trafficking situations, in which case they can refer potential victims.

The second step is to raise awareness in the various sectors of trade and industry, which extends to include the employers. To this end, a set of informative documentation is to be worked up and disseminated.

As part of their participation in a European human trafficking prevention project (Corporate Social Responsibility to prevent Human Trafficking - Prévenir la traite des êtres humains par la responsabilité sociale des entreprises), the Centre for Equal Opportunities has developed a tool aimed at businesses operating in the Belgian construction industry. The tools worked up by the Centre as part of this project are aimed at prevention by raising awareness of target audiences at different levels.

A brochure of some fifteen pages was worked up, aimed at construction company, and the staff dealing with the selection of subcontractors in particular. The brochure includes theoretical information about the phenomenon, examples derived from case law as well as a list of indicators to uncover or prevent at risk situations.

For the implementation of the prevention tools devised over the course of the project, the Centre chose to work with the official bodies of the construction industry, which specialise in

prevention at different levels.

Project	Party/ies responsible	Timing
Devising an information tool for the trade unions	HT Cell Bureau (Federal Public Service Labour) and reception centres in particular	2017
Devising an information tool for specific occupational sectors	To be discussed at the Bureau	2016

7.6. "Exploitation of domestic servants" awareness brochure

As phenomena of exploitation go, the exploitation of domestic servants is difficult to counteract. These are situations which for the most part take place behind closed doors and are very difficult to detect. Nonetheless, various cases have been uncovered in the past already, which have resulted in criminal convictions.

In addition to the fact that attention will be focused on the issue in the criminal justice policy instruments, the Federal Public Service Labour is set to devise an information brochure explaining the rules to be observed in the context of domestic work. The brochure will be made to contain a section on human trafficking authored in joint consultation with the members of the Bureau of the Interdepartmental Cell.

Project	Party/ies responsible	Timing
Devising an information brochure on domestic work	Minister of Labour /Federal Public Service Labour (in joint consultation with the HT Bureau)	2016

7.7. Raising awareness among the public at large of the issue of human trafficking and sexual exploitation in particular

To date, various initiatives have already been rolled out to raise awareness among citizens of the issue of human trafficking, albeit especially as part of the actions undertaken by the NGOs at local level.

These efforts need to be taken further, with an initiative at institutional level. As a response to the problem of exploitation and sexual slavery, the statutory measures put in place are insufficient. It

is important to more information is made available about the hidden and often unsuspected reality of these practices.

However, we need to be alive to the importance of delivering an appropriately loud and clear message that encapsulates the issue in its full complexity.

To this end, it is advisable to stage more smaller-scale and targeted information sessions. For instance, the proposal has been table to organise several panel discussions around Flanders, Wallonia and Brussels in a joint effort with the associations that work on the ground. The panel discussions are to be held further to the screening of a film (such as "10 minutes" or "Sisters") or another initiative.

The information provides also needs to have a dissuasive impact on the demand for sexual services that lead to exploitation, in particular of women and children.

In addition, we will examine whether it would be expedient to put out leaflets to be disseminated in public places (town halls, for example).The deposition of a European project could be considered in this context.

Project	Party/ies responsible	Timing
Staging a series of panel discussions on human trafficking and sexual exploitation	Every administrative level according to the topic to be addressed, the type of initiative and the intended audience (cf. also 9.3.)	2016/2017

8. Continuing the coordination of the actions and driving forward a due understanding of the phenomenon

The constitution of the Interdepartmental Coordination Cell of the Fight against human trafficking has been amended by the Royal Decree of 21 July 2014. From now on, the Specialist reception centres are members of the Cell and a link with the federated entities has been established.

As its name suggests, the main role of the Cell is to coordinate the actions undertaken. The Bureau can take on certain interdepartmental assignments whilst it is also for each department to lend shape to the governmental initiatives that come under their responsibility. The Cell and its Bureau also act as an information exchange platform whilst they also ensure the follow-up of and facilitate the implementation of the action plan.

In this respect, a flyer has been completed for the "Fedasil" centres, the Royal Decree on the recognition of the specialist centres has been worked up, the 2008 multi-disciplinary circular letter has been evaluated on various aspects (protection of the victims in general and the protection of minors in particular), an information brochure for hospitals has been disseminated in 2012 and 2014 and has subsequently been evaluated, ...

The Royal Decree of 21 July 2014 also formalises the National Rapporteur or equivalent mechanism.

Even though the existing texts previously already mentioned the reporting duties, it was deemed expedient to clarify this in light of the European Directive of April 2011. For one thing, through the Cell and its Bureau the Government reports on the initiatives and actions undertaken by the authorities every two years, and for another, the Federal Migration Centre publishes an independent report every year.

8.1. Ensuring optimum exchange of information between the partners of the Cell

The Interdepartmental Cell and its Bureau see to the implementation of some assignments set out in the action plan. Other assignments are performed by the departments or other bodies depending on their competence or under a mandate. Even though the exchange of information is made to take place on a regular basis most of the time, there are times when interesting initiatives are not communicated, especially by services for whom human trafficking is not their usual field of operation.

Which is why it is important to draw attention to the existing contact points, especially after a new Government has come into office. To this end, the brochure that acquaints readers with the Belgian system will also be disseminated at political level and around the various (federal or federated) administrations.

8.2. CIATTEH/IAMM (Information and Analysis Centre on People Smuggling and the Trafficking in Human Beings)

The Royal Decree of 16 May 2004 on the fight against people smuggling and the trafficking in human beings was meant to result in the establishment of the Information and Analysis Centre on People Smuggling and the Trafficking in Human Beings. In order to arrive at an all-encompassing picture of the phenomenon, a strategic analysis had to be undertaken, but this was on the assumption that the data would be gathered of the various services and departments involved.

The first analysis attempt led to the finding that there were any number of problems left that stood in the way of an actual result. Which explains why in point 5.4. of the 2012 -2014 national action plan national on human trafficking there was the suggestion to amend the legislation to allow for personal details instead of anonymised data to be used . However, no consensus was reached on this matter.

The Management Committee consequently decided to work with the data per service, with the aim of developing a database containing standardised data. In amongst other things, this database can be used to answer questionnaires. Needless to say the various standardised data need to deliver greater insight into the phenomena, without a link required to be established between the case details at different levels.

In 2014, it was decided to hold meetings with various stakeholders and to work on an "item" basis, with examples of "items" including victims, conviction details, data from the Public Prosecution

Services, police statistics, statistics derived from the various Inspectorates... The relevant partners are invited depending on the topics of these meetings.

These efforts are to be continued.

8.3. Continuation of initiative assessments and adaptation of actions tailored to the initiatives

The evaluation of the statutory and regulatory instruments is a broad-based activity. The Criminal justice policy directive on criminal investigations and prosecutions of human trafficking offences systematically includes assessment measures. The Bureau of the HT Cell and some departments have also performed various analyses into specific topics (multi-disciplinary circular letter, use of interpreters,...).

The Federal Migration Centre too conducts thematic analyses as part of its annual report.

This dimension will be given added emphasis in the future. At government level, efforts will be made to optimise the statistics, in particular by better distinguishing between the various forms of exploitation in the conviction data. The Bureau of the HT Cell and the Management Committee of the CIATTEH/IAMM will examine where further specification is needed to respond to certain questionnaires, such as the Eurostat questionnaires. In doing so, the Bureau will ensure that the authorities systematically have ready "standard" answers available to them.

The information available will also need to be drilled down in consideration of the gender dimension in order to arrive at the appropriate measures and to strengthen this dimension as part of the proceedings of the institutions tasked with the follow-up, generation and analysis of the data.

As the backbone of the initiatives rolled out by the Government, the action plan will be more central in the assessments as part of the preparation of the Government report for instance.

To this end, the initiatives (mainly in the area of training and awareness raising efforts) launched as part of the present action plan at a minimum will be made to include an evaluation process. The Government report will also contain a summary of the assessment of the directives on criminal justice policy pursuant to the new instructions on the picture of the phenomenon.

9. Towards an intensification of the initiatives at every level - The projects of the federated entities

The point of departure was always that human trafficking had to be tackled adopting an integrated multi-disciplinary approach. Even though the matter comes under any number of federal institutions, especially in terms of the criminal prosecution of offenders and the delivery of residence permits to victims, the phenomenon obviously does not stop at "just the federal actors ". This type of crime takes on many different forms which several partners and services of the federated entities may be faced with.

There is a need for optimum synergy to beef up the actions between the different levels and innovative initiatives may be launched at federated level.

The Regions and Communities are considering to focus their efforts on the approaches set out below as a matter of priority:

9.1. Raising awareness among the regional labour Inspectorates

Even though the regional labour Inspectorates do not have the powers of judicial police, they are tasked with ensuring the implementation of the law, for instance on the employment of foreign workers.

Whilst exercising the duties of their office, these Inspectorates may find themselves faced with human trafficking situations.

So it is important for these services to have the right basic information available to them in regard to human trafficking and how to respond thereto.

Depending on the preferences expressed, several options may be considered. For instance, a training course may be organised specifically aimed at these services; didactic information tools such as fact sheets or leaflets are another option, for which the training and information tools that have already been developed can serve as a basis.

Project	Party/ies responsible	Timing
The federated entities will launch initiatives to train/inform the regional Inspectorates about human trafficking	Federated entities	2018

9.2. Information for the Houses of Justice

As the Houses of Justice are tasked with first line legal aid, they are able to serve as points of entry. Moreover, as part of the judicial procedure, the victim support services of the Houses of Justice can also contribute towards delivering assistance to the victims. The best way to create synergies between the federated entities and the federal level in delivering training and information to these actors will be examined.

9.3. Prevention and raising awareness among civil society

In joint consultation with the Bureau of the Interdepartmental Cell, the federated entities will consider the organisation awareness raising initiatives aimed at the general public.

The field of education could be a vector for the first schemes to be rolled out in this respect.

Even though only sporadic occurrences, young girls end up working as prostitutes at the end of their studies after having been seduced by "loverboys". This risk needs to be explained, whilst at the very least also providing information on how they can extricate themselves from such situations.

Teachers/educational workers too should be given information on the issue of under-age victims of human trafficking.

In the field of education organised by the French Community for instance, the existing Guide for the Prevention and Containment of Violence in Schools is to be supplemented with information on the care and support of victims of human trafficking.

The staff who take incoming calls at the "Assistance Écoles" freephone number will be informed of the measures put in place aimed at preventing and controlling human trafficking situations, enabling them to help schools find their way around the services that deal with the issue.

In Flanders, there is the "sensoa" website set up by the Flemish Expertise Centre for Sexual Health. The site provides information on loverboys and can also be used as a platform for the campaigns undertaken in schools.

In addition, the Flemish Department of Education and Training supports schools through its *Sexuality and Policy framework* and the *Manual against Violence*. These tools can also be relevant in the area of human trafficking.

Awareness of the phenomenon of human trafficking will also be raised among the actors on the ground (mobile teams, school mediators). In this respect, digital learning tools could be devised and disseminated over the Internet so as to cut down on costs.

Moreover, the staff working in the youth welfare sector could be provided with basic information. The Coordination Cell and the federated entities will sit down to jointly look into initiatives that could be undertaken.

The French Community is also working on a study on the situation of prostitution in the French Community. This analysis will take into account the structural inequalities that exist between men and women and could be used as input for awareness projects. The Brussels Region already had the Brussels Observatory for Prevention and Security conduct a sociological study into the various forms of prostitution in Brussels. This report will be used to lend shape to a number of future actions.

In a general sense, the social workers who operate in the care and support for prostituted persons at federated entity level will be better informed and made aware of human trafficking. In compliance with the recommendations of the CEDAW Committee (*UN Convention on the Elimination of All Forms of Discrimination against Women*), schemes need to be set up to make it

easier for people to step away from the sex industry by pointing out the existing alternatives and facilitating access to these alternatives.

As part of these options, each federated entity will look into the kind of schemes they wish to develop. However, it is important that overall consistency is maintained and that the Bureau of the Interdepartmental Cell is called upon to provide information or to get involved whenever the expertise of one or several of its members can prove useful.

Project	Party/ies responsible	Timing
Devising schemes or tools aimed at delivering a better understanding of HT in schools and strengthening its prevention	Federated entities	2018
Raising awareness in the youth welfare sector	Federated entities (+ follow-up by the Bureau)	2017

Finally, in consideration of the specificities of the federated entities and the existing types of services within each of the federated entities, specific schemes could be put in place to improve collaboration on and a due understanding of the phenomenon.

For instance, the regional services in charge of the integration of foreigners or persons of foreign extraction or the grant-maintained operators who are subsidised by the integration sector could also be made benefit from awareness raising efforts.

Depending on the nature of the initiatives, the gender dimension will also be taken into account.