



***KINGDOM OF BELGIUM***

***The fight against trafficking  
and smuggling in human beings***

***Policy and approach***

# **1. Introduction**

The fight against trafficking in human beings has been for several years now a priority of the Belgian government.

Belgium is not only a transit country within the European Union – namely to the United Kingdom, one of the traffickers' preferred destinations – but it is in this respect a popular country of destination, as well.

In the mid-nineties, Belgium confirmed its determination to fight this plague by adopting the Law of 13 April 1995 concerning the fight against trafficking in human beings and child pornography.

Belgium has been ever since conducting a particularly active policy regarding this matter. The fight against trafficking and smuggling in human beings is considered as a priority crime issue in the Framework Document on Integral Security of 30 and 31 March 2004, as adopted by the Council of Ministers of 30 March 2004.

Taking into account that we are dealing here with a crime issue on an international scale, Belgium contributes actively to the fight against trafficking in human beings within both the international and the European framework.

## **2. National legislation**

The previous Law of 13 April 1995 concerning the fight against trafficking in human beings and child pornography has been changed by the Law of 10 August 2005 amending a number of provisions in order to strengthen the fight against trafficking and smuggling in human beings and against rackrenting (Law of 10 August 2005). The aforementioned Law has itself been completed by the Law of 9 February 2006 concerning rackrenting.

This Law was in the first place designed to put Belgian legislation in line with the relevant European and international legislative provisions, such as the Additional Protocols on trafficking and smuggling in human beings to the United Nations Convention against Transnational Organised Crime as well as the European Union Framework Decisions concerning trafficking in human beings and actions to facilitate illegal immigration, illegal transit and illegal residence.

The above Law therefore makes a clear distinction between “trafficking in human beings”, on the one hand, and “smuggling in human beings”, on the other hand.

### **2.1. Trafficking in human beings**

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Article 433quinquies of the Penal Code (P.C.) stipulates that the following shall constitute the offence of **trafficking in human beings**: “ *recruiting, transporting, transferring, housing, receiving a person, as well as passing or transferring control exercised on the person concerned in order:*

- 1. to enable the offences as mentioned in articles 379, 380, §1er and §4 and article 383bis, §1 to be committed against that person (sexual exploitation);*
- 2. to enable the offence as mentioned in article 433ter to be committed against that person;(exploitation of begging)*
- 3. to employ or enable that person to be employed in circumstances that are contrary to human dignity;*

4. *to remove or enable the removal of organs or tissues on that person in violation of the Law of 13 June 1986 concerning the removal and transplant of organs;*
5. *or, to force that person to commit a crime or an offence against his will.*

*Except for the case as mentioned under point 5°, it is completely irrelevant whether the person referred to in paragraph 1, gave his/her consent to either envisaged or effective exploitation”.*

As soon as the exploitation has been established, the offence will be considered as trafficking in human beings. Whether the victim has consented to the exploitation is completely irrelevant, except for the latter case of exploitation in which the person is obliged to commit a crime or an offence against his/her will, in which case it has to be established that force has been used.

Unlike before, not only foreigners are considered victims of trafficking in human beings. Along with the extension of the scope of the Law to all human beings, which justifies its integration in the Penal Code, criminalisation of trafficking in human beings has been substantially modified as well. From now on it includes explicitly a series of forms of both sexual and economic exploitation as well as organ and tissue removal and transplant and exploitation of begging.

The Law does not make a difference between trafficking in human beings, on the one hand, and trafficking in children, on the other hand. The minority of the victim of trafficking in human beings is however an aggravating circumstance that results in tougher punishment. The Belgian legislator punishes practices such as incitement of minors to immoral behaviour, corruption or prostitution (articles 379 and 380, § 1 and 3 Penal Code) as well as child pornography (article 383bis Penal Code). It has to be mentioned that the age of minority that must be taken into consideration, is the age as mentioned in the Convention on the Rights of the Child, which is under eighteen.

## **2.2. Smuggling in human beings**

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Article 77bis of the Law of 15 December 1980 concerning the access to the territory, the residence, the settlement and the removal of foreigners (“Law of 15 December

1980”) stipulates that the following shall constitute the offence of **smuggling in human beings**:

*“Helping, in one way or another, either directly or through an intermediary, a person who is not a national of a Member State of the European Union, to enter into, transit over or reside on the territory of such an aforementioned Member State, or of a State party to an international agreement on the crossing of the external borders that is binding on Belgium, in violation of the legislation of the said State, with the aim to obtaining, either directly or indirectly, a profit”.*

Providing help for illegal border crossing for profit is the main characteristic of the smuggling in human beings offence. Therefore, a clear distinction has been made between smuggling in human beings, on the one hand, and “free” actions to facilitate illegal immigration, on the other hand. In the second case actions to facilitate illegal immigration are punishable on the basis of article 77 of the Law of 15 December 1980, **except** if these actions are mainly aimed at providing help for humanitarian reasons. In the case of smuggling in human beings (article 77bis), there is no exception whatsoever.

### **2.3. General characteristics of the offences “trafficking in human beings” and “smuggling in human beings”**

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The legal sentences for these offences are: a jail sentence from 1 to 5 years and a fine from 500 to 50,000 euro <sup>[1]</sup>. They are aimed at increasing repression, taking into account the financial gains these forms of crime generate.

The Law provides three levels of aggravating circumstances. A first level is related to the capacity of the perpetrator who has authority over the victim or misuses either that authority or the opportunities his/her function provides him/her with. The second level includes aggravating circumstances related to minority, means of action, consequences of the offence or circumstances in which the act has been committed. The third level of aggravating circumstances refers to the criminal organisation and the unintentional death of the victim.

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<sup>[1]</sup> Fines are multiplied by 5,5 *décimes additionnels* (additional tax).

The period of limitation relating to sexual offences does not begin to run until the day on which the victim has reached the age of 18, which is a noticeable improvement of the status of the victims.

Article 10ter of the Preliminary title of the Code of Criminal Procedure, finally, authorises the prosecution in Belgium of any person, either Belgian or foreigner, who has committed aggravated acts of sexual exploitation or sexual abuse against children (extra-territoriality).

## **3. Integral and integrated approach of the phenomenon**

### **3.1. Integral approach**

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#### **3.2.1. Prevention**

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Prevention of trafficking and smuggling in human beings includes in the first place, awareness and information campaigns conducted by the Belgian Development Cooperation in the countries of origin of the victims of trafficking in human beings. These campaigns are aimed at providing information to the inhabitants of these regions, mainly women and children, on the risks they can be exposed to.

Awareness-raising is also conducted towards the Belgian public, namely by providing better information within the embassies and consulates on the methods traffickers in human beings use, such as the use of false documents.

Certain campaigns are more focused, such as the campaign “Stop child prostitution”, launched in 2004. This campaign endeavours to raise tourists’ awareness on the issue of child prostitution, by advising them how to react and to report such practices.

#### **3.2.2. Investigation and prosecution**

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The basic tool in the criminal policy is the Ministerial Directive concerning the investigation and prosecution of trafficking in human beings, called Col 01/2007. The Directive entered into force on 1 February 2007.

The new Directive is actually an update of a previous Directive (Col 10/04), which had not been put in line with the new provisions of the Law of 10 August 2005 (especially regarding the scope of the Directive).

The aforementioned Ministerial Directive (Col 01/07) is designed to develop a coherent investigation and prosecution policy concerning trafficking in human beings. It therefore provides a clear-cut framework as well as precise criteria in order to

guarantee the cohesion of the policy conducted in the field: young age of the victims, extent of infringement of human dignity, degree of violence and threats, presence of a criminal organisation, scope of the social impact and persistence of a criminal activity.

The aforementioned Directive is aimed at coordinating the investigation and prosecution policies regarding trafficking in human beings as a whole. This means that its scope is not limited to the “traditional” forms of exploitation such as prostitution and economic exploitation. Other, more recent, forms of exploitation such as illegal adoption, marriage of convenience, forced begging, organ trade ... are also dealt with in the Directive.

The directive provides a coordination structure involving all the Belgian prosecution bodies namely the Offices of the Public Prosecutor at various levels: federal level, First Instance, Labour Attorneys General and Labour Attorneys. The coordination meetings which take place at least every three months, and to which all the investigation and prosecution services of the districts are invited, offer the opportunity to prepare and evaluate actions, to guarantee an efficient flow of information, to establish and maintain useful contacts.

The Directive moreover regulates the organisation of the investigations. To this end, major attention is paid to the ways of drawing a comprehensive picture of the trafficking in human beings phenomenon, both on local and domestic level. The Directive also insists on using the existing legal financial and patrimonial means in the fight against trafficking in human beings. The optimal use of the specific investigating methods is advisable in this respect.

The Directive also includes a separate chapter on the respect for the victims' rights. According to the Directive, the persons concerned must be seen first, and above all, as victims of trafficking in human beings, even if they violated the Belgian law (e.g. by their illegal residence situation, by violation of the social security legislation,...).

The Directive will be the subject of a yearly assessment.

### **3.2.3. Assistance to and protection of victims**

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► As early as 1993 a specific system for assistance and aid to victims of trafficking in human beings was introduced in Belgium. Until recently, the whole procedure was incorporated in a ministerial circular letter dating from 1994 and in two ministerial directives dating from 1997 and 2003. These texts described the measures to be taken for the issuance of temporary (and in certain cases permanent) residence documents.

The current legal basis is the Law of 15 September 2006 amending the Law of 15 December 1980. The insertion of the procedure into the law is the result of the recent implementation of several European directives in Belgian law, among which the Directive of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities.

In the near future, the whole system for the protection of victims will be incorporated in a new ministerial circular letter. This circular letter will contain concrete instructions for all actors who are involved in the fight against trafficking in human beings and who have to cooperate in this field.

The system is the result of a compromise between two concerns: on the one hand there is the necessity to offer to the victims a series of measures for aid and assistance; on the other hand there is the fight against persons and networks involved in trafficking in human beings. This implies the collaboration of the victim.

The emphasis was laid on the fact that the system does not only concern sexual exploitation but also other forms of exploitation such as economic exploitation, exploitation of begging, the illegal removal of organs and tissues, and forcing a person to commit a crime or a major offence.

One of the new possibilities introduced by the Law of 15 September 2006 is the fact that the protection system intended for the victims of trafficking in human beings can also be used for victims of certain serious kinds of smuggling in human beings as

mentioned in article 77quater, 1 to 5, of the Law of 15 December 1980 (if the crime was committed against an unaccompanied minor, if the crime was committed by taking advantage of the very fragile situation of the victim, ... ).

In order to be able to benefit from the system, the victims have to meet three conditions:

- Break off contact with the suspected offenders;
- Obligatory guidance by a specialized and approved reception centre for victims of trafficking in human beings;
- Cooperate with the judicial authorities by making a statement or by instituting legal proceedings against the offenders.

In actual practice, the procedure consists of three main phases:

- Detection of the person as a victim by the first-line services in the field, information on the different possibilities for follow-up and reference to the specialized reception centre;
- Reflection period;
- Issuance of a temporary residence permit, possibly followed later by a residence permit for an unlimited period.

**First phase:** *detection, information and guidance of the victims*

In most cases, victims of trafficking in human beings are detected by police and inspection services. These first-line services play an important role in the implementation of the procedure. They regularly receive training within the framework of the fight against trafficking in human beings. In this context, the Minister of Justice adopted a specific directive related to the investigation and prosecution policy. One of the annexes to this directive provides indicators allowing to determine whether or not trafficking in human beings is being committed.

These services have to make sure that the victims are correctly informed on the existence of the protection status they are entitled to, among other things through a multilingual information brochure. These services have to direct each potential victim to one of the three registered specialized reception centres for victims of trafficking in human beings.

These three registered specialized reception centres for victims of trafficking in human beings provide shelter, guidance and psychosocial, medical and legal aid. Only these centres are authorized to apply for issuance and renewal of residence permits directly from the Immigration Service. As to foreign unaccompanied minor victims of trafficking in human beings, there are specific provisions. In this case, shelter is supplied by a specific reception centre for unaccompanied minors. Administrative support and legal aid are provided through these centres, in cooperation with one of the three specialized reception centres.

**Second phase: *the reflection period***

This period comprises two phases. First there is a phase of 45 days that should allow the victim to recover and to regain serenity. In the course of this period, the victim can decide either to file a complaint or make a statement or to return to his/her country of origin. During this period the victim has access to social assistance. This first phase is materialized through the issuance of an order to leave the territory, which is valid for 45 days. If the victim immediately files a complaint or makes a statement, the second phase will be applied directly.

The second phase (three months) will start once the victim has filed a complaint or made a statement. In the course of this period the Public Prosecutor or the Labour Auditor has to confirm to the Immigration Service that:

- The legal procedure is still pending;
- The person concerned is still willing to cooperate;
- The person concerned can still be considered as a victim of trafficking in human beings;
- The person concerned has broken off all contacts with the suspected offenders.

In this phase a certificate of registration model A is issued, valid for three months. This document can be renewed once. In his/her own interest, the victim will be incited in this phase to try to provide evidence of his/her identity by submitting a passport, a valid travel document or an identity card. From this phase onwards, the victim can obtain a type C work permit.

With regard to the unaccompanied minor victims, the reflection period comprises only one phase. Consequently, they are immediately put in possession of a certificate of registration.

Moreover, for the whole duration of the procedure the competent authorities have to consider the higher interest of the child. These authorities will take the necessary steps to establish the identity and the nationality of the minor and to trace his/her family. Moreover a guardian will be appointed for the minor.

**Third phase:** *issuance of a temporary residence permit*

This phase materializes through the issuance of a certificate of registration in the foreigners register, valid for six months (temporary residence), provided that the Public Prosecutor or the Labor Auditor confirms that:

- The legal procedure is still pending;
- The person concerned is cooperating to the legal procedure;
- The person concerned has broken off all contacts with the suspected offenders;
- The person concerned cannot be considered as a potential threat to public order or to national security.

This certificate of registration in the foreigners register can be extended under the same conditions for the whole duration of the legal procedure.

The competent minister or his/her deputy can grant the victim an unlimited residence permit by issuing a certificate of registration in the foreigners register (unlimited residence) on the following conditions:

- The complaints or the statements have led to a conviction;
- Or the Public Prosecutor or the Labour Auditor have stated in their charges the element of trafficking in human beings or of a serious form of smuggling in human beings;
- And the victim either has submitted an identity document, or has legitimately proved the impossibility to obtain this document in Belgium.

In the course of the procedure, the residence permit can be discontinued in the following cases:

- When the person concerned had obtained a registration certificate:
  - If it was established that he/she deliberately resumed relations with the suspected offenders;
  - If he is considered as a potential threat to public order or to national security.
  
- When the person concerned had obtained a certificate of registration in the foreigners register:
  - If it was established that he/she deliberately resumed relations with the suspected offenders;
  - If he/she does not cooperate with the judicial authorities;
  - If the judicial authorities have decided to end the procedure;
  - If the person concerned is considered as a potential threat to public order or to national security;
  - If the cooperation of the person concerned is fraudulent or if the complaint is fraudulent or unfounded.
  
- ▶ Victims of trafficking in human beings were given access to the Commission for financial aid for victims of deliberate acts of violence by the Law of 26 March 2003. According to this law, in force since 1 January 2004, a person receiving an unlimited residence permit from the Immigration Service within the framework of an inquiry into trafficking in human beings, will under certain conditions be entitled to receive – as a victim of trafficking in human beings - financial aid from the Commission.

### **3.3. Integrated approach**

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#### **3.3.1. Interdepartmental Coordination Unit for the Fight against Trafficking and Smuggling in human beings**

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In order to co-ordinate the various initiatives taken within the framework of the fight against trafficking and smuggling in human beings, the Interdepartmental

Coordination Unit for the Fight against Trafficking and Smuggling in human beings has been set up. The aforementioned Unit has been in existence since 1995 but it has been given a new boost by a Royal Decree of 16 May 2004 concerning the fight against trafficking and smuggling in human beings <sup>[2]</sup>. The chairmanship of the Interdepartmental Coordination Unit was handed to the Minister of Justice.

The Interdepartmental Coordination Unit for the Fight against Trafficking and Smuggling in human beings is made up of all the federal (operational as well as political) actors actively involved in the fight against the aforementioned phenomena.

Along with this co-ordination task, the Interdepartmental Coordination Unit for the Fight against Trafficking and Smuggling in human beings also submits the results of the fight against trafficking and smuggling in human beings to a critical assessment.

As the Interdepartmental Coordination Unit for the Fight against Trafficking and Smuggling in human beings only meets two or three times a year, a “Bureau” made up of services of the major departments involved in the fight against trafficking and smuggling in human beings, has been set up. The Bureau <sup>[3]</sup> meets on a monthly basis. It is responsible for the functioning of the Interdepartmental Coordination Unit for the Fight against Trafficking and Smuggling in human beings and prepares or carries out its decisions, recommendations and initiatives.

### **3.3.2. Centre for Information and Analysis of data concerning trafficking and smuggling in human beings (Centre)**

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Concerning the fight against trafficking and smuggling in human beings, it is of utmost importance that the actors involved are provided with the most complete information available and that they can make the information in their possession available to other services.

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<sup>[2]</sup> *Moniteur Belge* (Belgian Official Gazette) of 28 May 2004

<sup>[3]</sup> Members of the Bureau are the representatives of the Service for criminal Policy) (chairmanship), the Centre for Equal Opportunities and Opposition to Racism (secretariat), the Immigration Office, the Central Service “Trafficking in Human Beings” of the Federal Police, the State Security, the Social Inspection Service of the Federal Public Service Social Security and the Inspection Service Social Legislation of the Federal Public Service Employment, Labour and Social Dialogue.

For that reason, a Centre for Information and Analysis of data concerning trafficking and smuggling in human beings has been set up by Royal Decree.

The purpose of the Centre is twofold. It is designed to collect, centralise and exchange information and make strategic analyses as well. These analyses are sent to the members of the Interdepartmental Coordination Unit for the Fight against Trafficking and Smuggling in human beings, who, according to their respective competences, adopt the necessary policies and take initiatives in order to fight more efficiently against trafficking and smuggling in human beings.

The Centre's role is thus not limited to the exchange of information

In order to guarantee the optimal functioning of the Centre, it has been provided with a Management Committee <sup>[4]</sup>.

However, for a series of reasons (problem resulting from the anonymity of the data, lack of budget), the Centre is not operational yet.

### **3.3.3. Major actors involved in the fight against trafficking in human beings**

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#### **► Board of Prosecutors General, Federal Public Service Justice - FPS Justice <sup>[5]</sup>**

The Board of Prosecutors General was set up by the Law of 4 March 1997.

It makes decisions for the purpose of the coherent implementation and coordination of the criminal policy as laid down by the directives of the Minister of Justice.

The Minister of Justice establishes the directives in the area of criminal policy, which includes the directives relating to investigation and prosecution policies, after having taken the advice of the Board of Prosecutors General.

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<sup>[4]</sup> The members of the Management Committee of the Centre are the same as those of the Bureau of the Interdepartmental Unit. Are also part of it: a representative of the Federal Office of the Attorney General as well as strategic analysts who have been appointed in order to participate in the activities of the Centre. The Centre meets on a monthly basis under the presidency of the Service of criminal Policy.

<sup>[5]</sup> The denomination « Federal Public Service (FPS) » refers to a Ministry

The trafficking in human beings issue was handed to the Prosecutor General of Liège, who is assisted in this task by an expertise network “trafficking and smuggling in human beings” presided by one of the advocates general to the Prosecutor General.

► **The expertise network “trafficking and smuggling in human beings” of the Board of Prosecutors General - FPS Justice**

The Law of 12 April 2004 on the vertical integration of the Office of the Public Prosecutor provided the expertise networks with a legal basis by authorising the Board of Prosecutors General to set up such networks.

The expertise network “Trafficking and smuggling in human beings” was set up in the second half of 2001. It is made up of members of the Office of the Public Prosecutor, of the Service for criminal Policy, of the Central Service “Trafficking in human beings” of the Federal Police as well as of members from outside who are invited, depending on the subject that is on the agenda: Centre for Equal Opportunities and Opposition to Racism, inspection services, representatives of the academic world...

A coordination team is responsible for the daily management as well as for the coordination of the activities of the expertise network “Trafficking and smuggling in human beings”.

► **The Federal Office of the Public Prosecutor - FPS Justice**

The competence of the Federal Public Prosecutor extends to the whole territory of the country. The fight against trafficking and smuggling in human beings is a priority target the legislator set for the Federal Office of the Public Prosecutor. The fight takes place at both national and international level.

At national level, the Federal Public Prosecutor is responsible for public legal action in whatever area. This may include all forms of trafficking and smuggling in human beings, an area in which criminal organisations operate throughout the country. The intervention of the Federal Public Prosecutor is aimed at facilitating the flow and exchange of information between the different Public Prosecution Authorities, investigation magistrates and police services who have to deal with the same

criminal phenomenon (in the current case, trafficking and smuggling in human beings).

At international level, facilitating international cooperation is the key role of the Federal Public Prosecutor, as trafficking in human beings generally is a cross-border crime.

► **The Service for criminal Policy - FPS Justice**  
([www.dsb-spc.be](http://www.dsb-spc.be); Contact : [dsb@just.fgov.be](mailto:dsb@just.fgov.be))

The role of the Service for criminal Policy is to help the Ministry of Justice as well as the Board of Prosecutors General, outline a crime-fighting policy, particularly regarding trafficking and smuggling in human beings.

The Service for criminal Policy thus participates in the activities of the Interdepartmental Coordination Unit for the Fight against Trafficking and Smuggling in human beings, by holding the presidency of both the Bureau of the Unit and the Management Committee of the Centre. The Service also takes part in the coordination team of the expertise network of the Board of Prosecutors General.

Furthermore, the aforementioned Service has been asked by the Minister of Justice to draw up the annual governmental report concerning this matter.

► **The Central Service “Trafficking in Human Beings” of  
the Federal Police - Directorate-General of Criminal Investigation -  
FPS Home Affairs**  
(<http://www.polfed-fedpol.be>)

The Central Service “Trafficking in Human Beings” is part of the Federal Criminal Investigation Department. Its role is to develop the police’s approach of groups of traffickers and smugglers in human beings. The Central Service “Trafficking in Human Beings” gives advice and provides information to the (political) decision-makers, the consultation structures, the administrations concerned, specific organisations or groups who are actively involved in the fight against trafficking and smuggling in human beings.

The Central Service also draws up five-year police action plans concerning trafficking and smuggling in human beings. It monitors the implementation of the action plans in the field.

The Central Service “Trafficking in Human Beings” is the main access for individual Belgian police officers, for the Federal Public Prosecution Authorities, Interpol, Europol, but also for the foreign special police services who wish to seek help in Belgium for the purpose of their investigations or inquiries and to obtain information on trafficking and smuggling in human beings.

► **Centre for Equal Opportunities and Opposition to Racism**

([www.diversite.be](http://www.diversite.be); Contact: [epost@cntr.be](mailto:epost@cntr.be))

Since 1995, the role of the Centre for Equal Opportunities and Opposition to Racism has been to boost, coordinate and follow up the fight against trafficking in human beings. In 2004 this assignment was extended to smuggling in human beings.

This means concretely:

- Draw up an annual independent and public assessment report of the outcomes of the fight against trafficking and smuggling in human beings, which must be submitted to the government;
- Coordinate cooperation between the three reception centres for victims (Pag-Asa, Sürya, Payoke);
- Take court action against acts of trafficking and smuggling in human beings, if necessary;
- Participate actively in the activities of the Interdepartmental Coordination Unit for the Fight against Trafficking and Smuggling in human beings and of its Bureau as well as ensure the secretariat of the said organisation.

► **Social Inspection Services of the FPS Employment, Labour and Social Dialogue and of the FPS Social Security**

([www.meta.fgov.be](http://www.meta.fgov.be) and [www.socialsecurity.be](http://www.socialsecurity.be))

The Social Inspection Service of the FPS Social Security as well as the Social Legislation Monitoring Service of the FPS Employment, Labour and Social Dialogue are actively involved in the fight against trafficking in human beings, at two levels:

1. On the one hand, both services participate in the coordination meetings provided for by Col 01/07;
2. On the other hand, they carry out targeted controls, mainly in the so-called « (high)-risk » sectors (prostitution, exotic restaurants, agriculture and horticulture, clothing factories, building sector and, specifically, in the building renovation).

During these controls, social inspection services check if social legislation is being observed, particularly by looking at “social papers”, labour conditions, pay and employment of foreign workforce. They also help detect cases of trafficking in human beings. These controls take place within the framework of legal district units (one unit per legal district under the presidency of the Labour Attorney General). The social inspection services generally receive assistance from (either local or federal) police services.

► **Immigration Service - FPS Home Affairs**  
([www.dofi.fgov.be](http://www.dofi.fgov.be))

The Immigration Service a Directorate-General of the FPS Home Affairs, provides its assistance to the fight against trafficking in human beings, within the framework of the Belgian multidisciplinary approach.

Three departments of the Immigration Service are directly concerned by the issue: the department “Unaccompanied minors and victims of trafficking in human beings”, the Investigation Department and the Legal Department. Three other internal services are indirectly involved in this issue: the service « Hearings » attached to the directorate “Asylum”, the directorate “Centres” and the unit “Immigration Officers”.

The department “Unaccompanied minors and victims of trafficking in human beings” is responsible for the investigation and follow up of the administrative records of the two aforementioned categories of individuals and it issues the relevant residence papers.

The Investigation Department is responsible for collecting and centralising all internal data relating to illegal immigration, trafficking and smuggling in human beings.

The Legal Department provides an operational and administrative support in the field to the police and control services when they carry out controls.

When either the service “Hearings” attached to the direction “Asylum”, or the closed (transit) centres come in touch with foreigners who are presumed to be victims of trafficking in human beings, they inform them of the existence of the status “Protected victim of trafficking in human beings”.

Immigration officers collect within the framework of their competences, information on trafficking in human beings during their visits to the countries of origin or the countries of transit.

► **The Federal Public Service Foreign Affairs**  
([www.diplobel.be](http://www.diplobel.be))

The Service “Trafficking in human beings” is attached to the Directorate-General “Multilateral Affairs and Globalisation” of the FPS Foreign Affairs.

The aforementioned service’s main role is to guarantee the assistance of the services concerned and of the diplomatic missions in the implementation of governmental policy, specifically in the prevention and information area.

The service contributes to the participation of Belgium in the activities of international organisations concerning the fight against trafficking in human beings.

► **State Security, FPS Justice.**

It is the responsibility of the State Security to detect, analyse and process information relating to whatever activity that is a threat or could be a threat to the internal security of the State.

With this purpose, and bearing in mind the interests of the government, State Security detects, analyses and processes any data concerning trafficking and smuggling in human beings. State Security thus attends the meetings of the Interdepartmental Coordination Unit as well as those of the Bureau and the Management Committee of the Centre for Information and Analysis of data concerning trafficking and smuggling in human being.

► **Specialised reception centres (NGO)**

Since 1995, three specialised reception centres have been recognised, approved and subsidised by both the federal government and the decentralised entities (Communities and Regions) for receiving and assisting victims of trafficking in human beings. These three reception centres are: Pag-Asa (located in Brussels), Sürya (located in Liège, in the Walloon Region) and Payoke (located in Antwerp, in the Flemish Region).

These centres as well as their pluridisciplinary teams (educators, social workers, criminologists...) must provide assistance to victims of trafficking in human beings. The assistance plan is threefold: psychosocial and medical assistance, administrative assistance and legal assistance. The centres also have a shelter (the address is kept secret).

*Residential or ambulant reception and assistance*

The victims often have no other housing than the one that is linked to the environment in which they have been abused, or in which their security is jeopardised. The centres therefore have shelters where victims in need can be housed during a limited period of time. Afterwards, ambulant assistance is provided. If housing in a shelter turns out not to be necessary, ambulant assistance is the option that is immediately chosen for.

*Psychosocial and medical assistance*

It is designed to help the victims to come to terms with what they have been through and with the traumas they have suffered, to stimulate them so that they take charge of their life in the best possible way and to work together with them to realistic plans for the future, which implies for example helping them register for language courses, professional training or helping them actively look for a job.

*Administrative assistance*

This assistance mainly includes the application for papers related to the status of victim of trafficking in human beings.

### *Legal assistance*

The centres have been set up for defending the rights and interests of the victims during the legal procedure concerning trafficking issues by providing information and by proposing the assistance of a lawyer. The victims so can decide if they want to take civil action or not. The reception centres can also take civil action either in their own behalf or in behalf of the victim.

### **Websites and e-mails:**

<b>Pag-asa :</b>	<a href="http://www.pag-asa.be">www.pag-asa.be</a> ; <a href="mailto:info@pag-asa.be">info@pag-asa.be</a>
<b>Payoke :</b>	<a href="http://www.payoke.be">www.payoke.be</a> ; <a href="mailto:admin@payoke.be">admin@payoke.be</a>
<b>Sürya :</b>	<a href="mailto:info@asblsurya.be">info@asblsurya.be</a>