Part 3
Data



Introduction

This part contains the key figures given to Myria by the six stakeholders likely to play a role in a human trafficking or smuggling case in Belgium. It presents data on human trafficking and on human smuggling. This chapter ends with an external contribution by the NSSO inspection service.

The six stakeholders who provided this data are:

- the police, with information from the National General Database (NGD) ;
- the NSSO Inspection Department (Thematic Directorate for Trafficking in Human Beings, ECOSOC teams) ;
- the College of Prosecutors General, with information on the prosecutions made by the public prosecutor's office;
- the Immigration Office (IO) ;
- PAG-ASA, Payoke and Sürya: the specialised victim reception centres;
- the Criminal Policy Service of FPS Justice, with information on the convictions.

There is a lack of harmonisation between the figures from these stakeholders. Therefore, they aren't sufficient as a basis for policy evaluation or to support strategic analyses. This lack of harmonisation also significantly restricts the possibilities of reporting to the European institutions. Myria works with these stakeholders on a daily basis in order to obtain figures of the best possible quality.

Warning

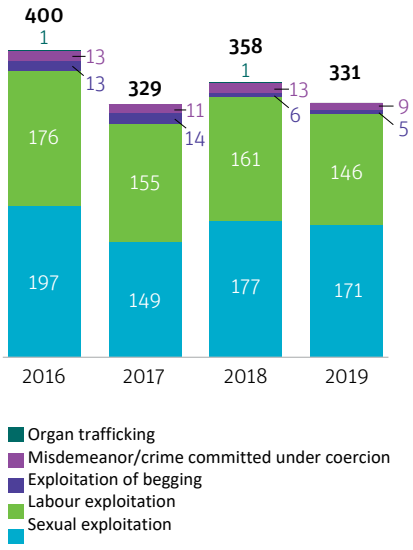
- The figures in this report don't reflect the true extent of the phenomenon of human trafficking and smuggling. They only indicate the acts and the victims identified by the authorities. There are currently no estimates on unidentified acts and victims.
- These figures and their evolution provide more information on the actions of the authorities to combat human trafficking and smuggling than on the phenomena as such.

The figures available on human trafficking and smuggling only show the visible tip of the iceberg. The real extent of the phenomenon is unknown.



1. Human trafficking

Human trafficking offences (police data)

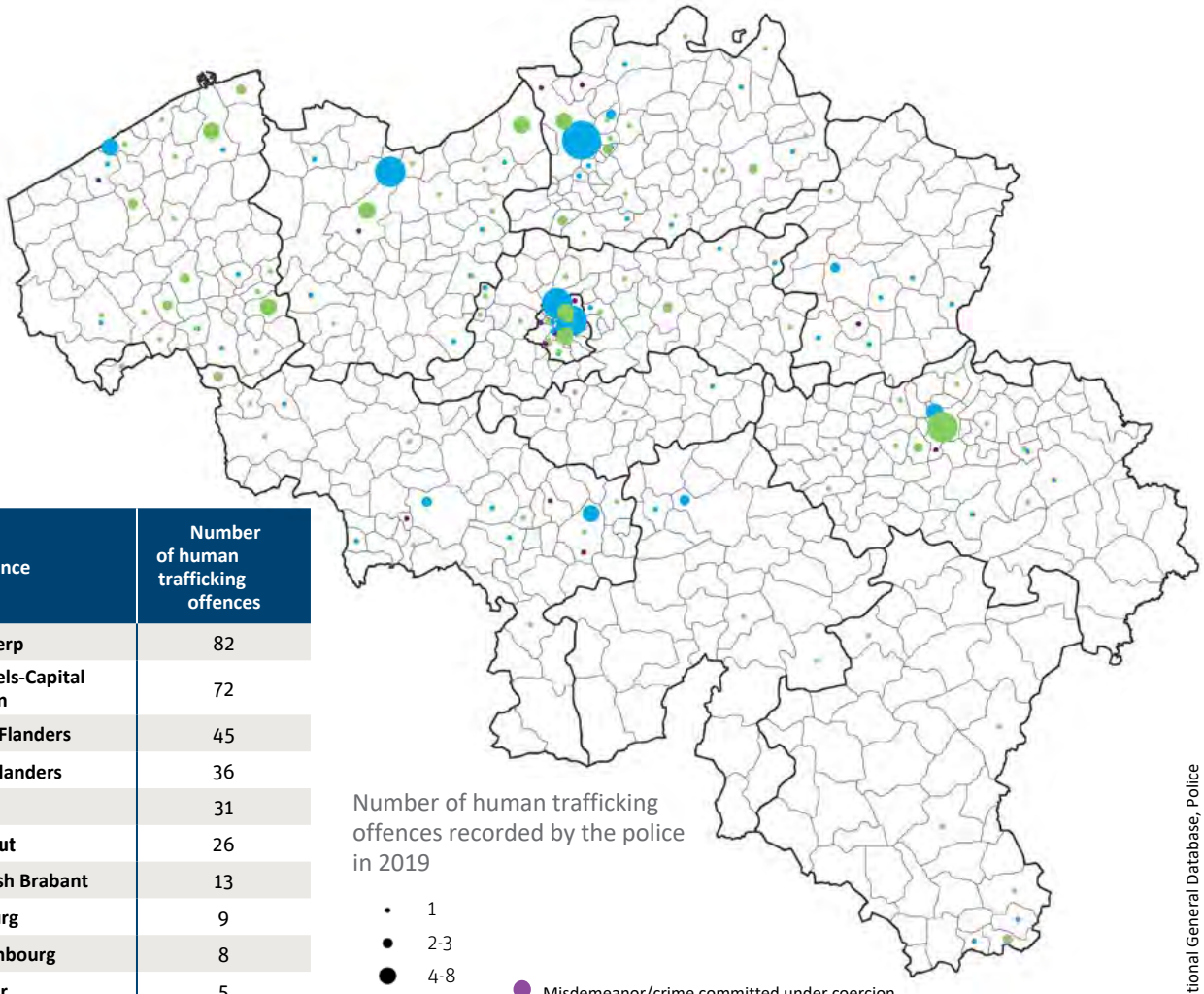


Since 2016 , the number of offences is below 400 and fluctuates from one year to the next. In 2019, there were slightly less than in 2018.

In 2019:

- The police recorded a total of **331 human trafficking offences**, mainly concerning sexual exploitation (52%) and labour exploitation (44%). Nevertheless, there were 9 offences involving misdemeanors or crimes committed under coercion and 5 involving exploitation of begging. There were no organ trafficking offences in 2019.
- There were more offences concerning human trafficking in big cities, mainly in the capital (72 offences in total in the 19 municipalities) and in the municipality of Antwerp (with 52 offences recorded) .
- The province of Antwerp and the Brussels-Capital Region accounted for 60% of the offences associated with sexual exploitation at national level. Concerning labour exploitation, the offences were mainly recorded in the provinces of West Flanders (31), Antwerp (24), Liège (21) and in the whole of the Brussels Region (20).

Province	Number of human trafficking offences
Antwerp	82
Brussels-Capital Region	72
West Flanders	45
East Flanders	36
Liège	31
Hainaut	26
Flemish Brabant	13
Limburg	9
Luxembourg	8
Namur	5
Walloon Brabant	4
Total	331



Source : National General Database, Police

Reports from the NSSO Inspection Department (ECOSOC units)

Among the investigations closed in 2019:

- The NSSO Inspection Department drew up 58 reports on human trafficking (Art. 433 *quinquies* of the Criminal code).
- 82 presumed victims of human trafficking were referred to the judicial authorities and the specialised reception centres by the NSSO Inspectorate through criminal reports or reports (compared with 65 in 2018).
- The most represented sectors of activity were hospitality, construction and retail.

For more information, see the external contribution by the NSSO Inspection Department at the end of this part.

Sector of activity and nationality of workers identified as presumed victims of human trafficking by the NSSO Inspection Department in 2019

Country	Agriculture and horticulture	Food industry	Construction	Garages	Wholesale trade	Retail trade	Land transport	Hospitality	Cleaning	Sports, recreational and leisure activities	Others	Total
Poland			7			2					7	16
Morocco		1	2		2		1	4	1			11
Egypt								8				8
Romania			2		1	1	2	1				7
Vietnam											5	5
Afghanistan				3		1						4
Pakistan						4						4
Belgium						1		1		1		3
Ghana	1										2	3
Cameroon											2	2
China								2				2
Ivory Coast						1					1	2
Kosovo								2				2
Rwanda						1		1				2
Ukraine			2									2
Brazil								1				1
Burkina Faso						1						1
Lithuania			1									1
Mali											1	1
Niger											1	1
Nepal								1				1
Portugal			1									1
Tunisia								1				1
Turkey								1				1
Total	**1**	**1**	**15**	**3**	**3**	**12**	**3**	**23**	**1**	**1**	**19**	**82**

Source: NSSO Inspection Department (ECOSOC units)

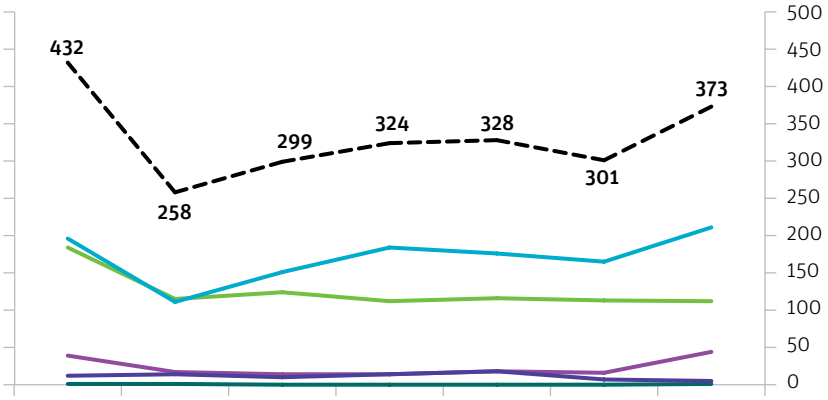
Human trafficking cases dealt with by the public prosecutor's office

In 2019,

- **373** human trafficking cases were dealt with by the public prosecutor's office.
- After remaining stable for several years, this marks an increase of 24% compared with 2018.
- 57% of these cases concerned sexual exploitation, 30% labour exploitation, 12% misdemeanors or crimes committed under coercion and 1% exploitation of begging.

Between 2018 and 2019, there was an increase in the number of cases linked to sexual exploitation. This rose from 165 in 2018 to 211 in 2019. Similarly, cases linked to misdemeanors or crimes committed under coercion more than doubled between 2018 and 2019.

A **new case** is opened on the basis of the initial report (subsequent reports won't lead to the opening of a new case). A case can also be opened on the basis of a complaint or a civil action.



	2013	2014	2015	2016	2017	2018	2019
Sexual exploitation	196	111	151	184	176	165	211
Labour exploitation	184	115	124	112	116	113	112
Exploitation of begging	12	14	10	14	18	7	5
Coercion to commit a misdemeanor/crime	39	17	14	14	18	16	44
Organ smugglging	1	1	0	0	0	0	1
Total	**432**	**258**	**299**	**324**	**328**	**301**	**373**

Methodological remarks

- This data corresponds to the status on 9 May 2020 and comes from the College of Prosecutors General database.
- It represents the number of cases submitted to the crown prosecution service (including the federal prosecutor's office) in 2019.
- It is limited to offences committed by adults and doesn't include cases dealt with by the labour prosecutor.
- The cases submitted to the public prosecutor's office of Eupen have only been included since 19 February 2019. They weren't included in the data in previous years due to a harmonisation problem regarding the computer system.
- For cases sent to another district, or when they are sent to another division in the same judicial district, there is a risk they will be counted twice.
- Each criminal case can involve one or more defendants.

Increase in the number of cases dropped

	Cases dropped	Total
Sexual exploitation	78	211
Labour exploitation	28	112
Exploitation of begging	3	5
Misdemeanor/forced crime	30	44
Total	**139 (37%)**	**373**

- **37%** of human trafficking cases submitted to the public prosecutors' offices in 2019 were dropped on 9 May 2020. This percentage has continued to increase over the last few years, from 24% in 2017 to 28% in 2018.
- In 2019, of the 139 cases dropped, more than half of them involved sexual exploitation.
- Among these 139 cases, 31 were dropped on discretionary grounds and 108 for technical reasons (70 cases owing to insufficient charges, 23 owing to "unknown perptrators" and 15 for other reasons).

source: College of Prosecutors General database, analysts

Jurisdiction: Extent of a jurisdiction's territorial competence. Belgium is divided into five major jurisdictions, which each have a court of appeal. Every court of appeal is responsible for several judicial districts.

- Antwerp → Antwerp and Limburg
- Brussels → Brussels (Brussels and Halle-Vilvoorde), Leuven and Walloon Brabant
- Ghent → East Flanders and West Flanders
- Liège → Liège, Eupen, Namur and Luxembourg
- Mons → Hainaut

Jurisdiction of Antwerp

- **Antwerp is the jurisdiction in which the most human trafficking cases were submitted in 2019.**
- Increase in the number of cases submitted in the jurisdiction of Antwerp, owing to an increase in the number of cases concerning sexual and labour exploitation.
- Majority of cases opened for sexual exploitation (72%).

Jurisdiction of Brussels

- Recent increase in the total number of cases related to the increase in the number of sexual exploitation cases, which more than doubled between 2018 and 2019.
- Majority of cases concerning sexual exploitation (58 cases out of 88 in 2019).

Jurisdiction of Ghent

- Slight decrease compared with 2018.
- This is the only jurisdiction where there was a decrease in the number of sexual exploitation cases in 2019.
- The number of sexual exploitation cases is on par with labour exploitation cases (33).

Jurisdiction of Liège

- Slight rise between 2018 and 2019.
- There were more cases of labour exploitation (25) than sexual exploitation (20) in 2019.

Jurisdiction of Mons

- After a period of stability, the total number of cases rose again, mainly due to the increase in the number of cases concerning crimes or misdemeanors committed under coercion.
- In 2019, the latter was the most common form of exploitation (26 out of 37).

Federal public prosecutor's office

- In 2019, there were five cases of sexual exploitation and one of labour exploitation.

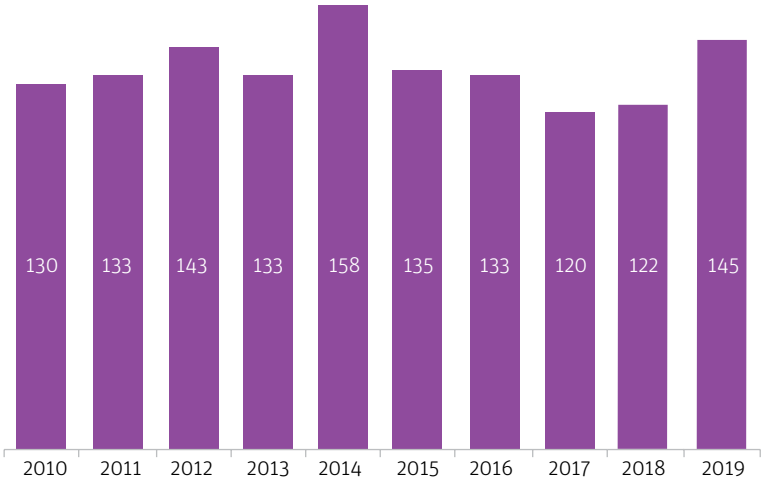
Classification of charges

Sexual exploitation	37L	art.	433*quinquies*	§	1	1°C.C.
Labour exploitation	55D	art.	433*quinquies*	§	1	3°C.C.
Exploitation of begging	29E	art.	433*quinquies*	§	1	2°C.C.
Forced misdemeanor/crime	55F	art.	433*quinquies*	§	1	5°C.C.
Organ trafficking	55E	art.	433*quinquies*	§	1	4°C.C.

Antwerp
Brussels
Ghent
Liège
Mons
Federal public prosecutor's office
Sexual exploitation
Labour exploitation
Exploitation of begging
Forced crime/ misdemeanor
Organ trafficking
Total per jurisdiction
2013 2014 2015 2016 2017 2018 2019
26 26 45 56 50 73 89
38 26 30 20 31 19 30
1 2 2 3 0 3 0
2 1 2 3 1 6 3
0 1 0 0 0 0 1
67 56 79 81 82 101 123
116 26 25 66 41 24 58
35 25 23 17 19 28 19
5 3 2 2 8 1 2
14 7 4 3 7 4 9
1 0 0 0 0 0 1
171 61 54 88 75 57 88
22 38 47 41 48 45 33
52 30 27 52 20 30 33
2 3 6 6 6 0 1
6 1 5 4 2 0 2
0 0 0 0 0 0 0
82 72 85 103 76 75 69
43 14 20 11 29 18 20
43 25 26 13 33 22 25
4 6 0 2 4 3 1
15 2 3 3 7 0 4
0 0 0 0 0 0 0
84 52 48 29 73 43 50
9 6 14 10 8 5 6
16 9 18 9 12 13 4
0 0 1 0 1 0 1
1 1 2 1 1 6 26
0 0 0 0 0 0 0
26 15 33 22 21 24 37
1 1 0 0 0 0 0
0 0 0 1 0 0 0
0 0 0 0 0 0 0
1 1 0 1 1 1 1
0 0 0 0 0 0 0
2 2 0 1 1 1 6
1 1 0 0 0 0 5
0 0 0 0 0 0 0
0 0 0 0 0 0 0
0 0 0 0 0 0 0
0 0 0 0 0 0 0
Source: College of Prosecutors General database, analysts

New support for victims of human trafficking initiated by the specialised reception centres

145 victims of human trafficking began receiving support in a specialised reception centre in 2019



- Clear increase compared with 2018. In 2019:
- Of the 145 victims, **87 were victims of labour exploitation** (79 in 2018) and **52 of sexual exploitation** (38 in 2018).
- Among the new cases of support, there were also 3 victims who were the subject of exploitation of begging and 3 victims of offences committed under coercion. No new support was organised for victims of organ trafficking.
- There were 75 male victims compared with 70 female ones.

- There were 26 Moroccan victims, 16 Nigerians and 13 Egyptians. These are the top 3 nationalities concerning victims of human trafficking who began receiving support in one of the 3 specialised centres in 2019.

Support is organised once the initial phase (period of reflection) has begun, i.e. as soon as an Annex 15 has been issued.

It isn't possible to evaluate the extent of the specialised centres' work based on the data on new support

- The indicator for the duration of the support isn't discussed here. The Immigration Office's figures on the extension of documents, within the framework of the human trafficking procedure, do however offer a potential indicator.

  See documents issued by the Immigration Office to victims of trafficking and smuggling of human beings
- Reports of persons for whom no support was initiated aren't mentioned here either.

Source: Payoke, Pag-asa, Sürya

Among the 87 victims of **labour exploitation**:

- 23 were Moroccan nationals and 13 Egyptian nationals.
- Women were in the minority.
- There were 4 minors among these victims.

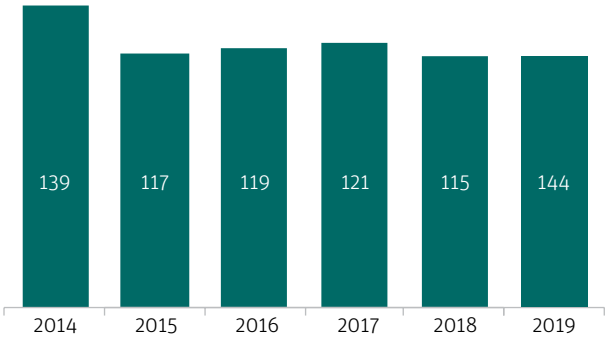
Among the 52 victims of **sexual exploitation**:

- The main nationality was Nigerian (15 victims).
- They were almost exclusively women (except for 2 Brazilians).
- There were 2 minors.

Nationality	Sexual exploitation				Exploitation of begging				Labour exploitation				Misdemeanor/crime committed under coercion				Total
	Women		Men		Women		Men		Women		Men		Women		Men		
	Min.	Maj.	Min.	Maj.	Min.	Maj.	Min.	Maj.	Min.	Maj.	Min.	Maj.	Min.	Maj.	Min.	Maj.	
Morocco		1								3		20					24
Nigeria		15								1							16
Egypt												13					13
Brazil		5		2						2		2					11
Romania		7				1				2		1					11
Bulgaria		4										3					7
Algeria		1										4					5
Vietnam									1	1	2	1					5
China										1		3					4
Hungary		3						1									4
Belgium	1	1														1	3
Burkina Faso												3					3
Spain												3					3
India												3					3
Macedonia		2							1								3
Pakistan												3					3
Armenia										1				1			2
Ecuador												2					2
Serbia					1					1							2
Afghanistan												1					1
Albania		1															1
Cuba		1															1
Ivory Coast										1							1
Italy		1															1
Iraq												1					1
Guinea		1															1
Kazakhstan		1															1
Mali												1					1
Montenegro												1					1
Uganda		1															1
Philippines												1					1
Poland		1															1
DR Congo										1							1
Rwanda														1			1
Somalia	1																1
Ukraine		1															1
Tunisia												1					1
Turkey												1					1
Venezuela		1															1
Yemen												1					1
Total	**2**	**48**	**0**	**2**	**1**	**1**	**0**	**1**	**2**	**14**	**2**	**69**	**0**	**2**	**0**	**1**	**145**

Source: Payoke, Pag-asa, Surya

Victims of human trafficking who entered the procedure (IO data)



- In 2019, Brazilians and Moroccans were the two main nationalities of victims of human trafficking who entered the procedure (for all types of exploitation).
- Between 2018 and 2019, the number of Brazilian victims rose from 2 to 21. The number of Moroccan victims remained stable.
- Specifically regarding labour exploitation, there were 19 Moroccans and 16 Brazilians.
- Among all the victims of sexual exploitation, Nigeria was the most represented nationality (16 people).

For the pas few years, the number of new residence applications submitted on the basis of the human trafficking procedure remained stable. In 2019, the number increased, especially for victims of sexual exploitation.

In 2019:

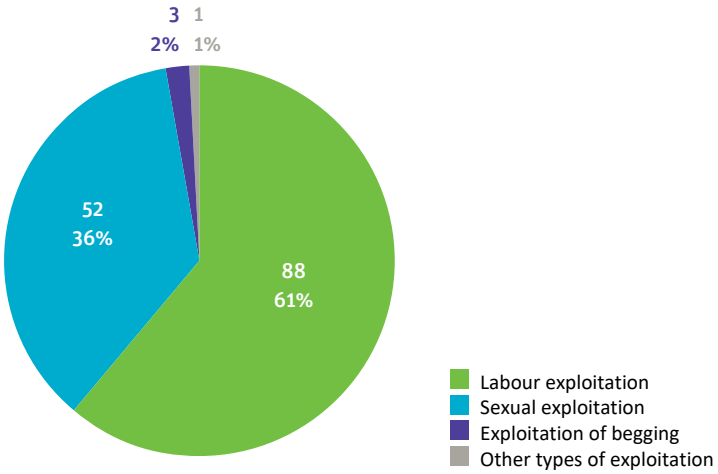
- **144 victims** of human trafficking entered the procedure (increase compared with 2018).
- More than **60%** of victims were exploited **economically**. More than a third of the victims were trafficked for the purpose of sexual exploitation and only 2% were exploited in the begging sector.
- No victims of organ trafficking or misdemeanors committed under coercion entered the procedure in 2019 according to IO data. However, this data refers to one victim of "another type of exploitation".

In Belgium, trafficking victims who agree to collaborate with the judicial authorities can benefit from a specific residence status.

Ranking of the main nationalities of trafficking victims in Belgium

Nationality	2019
Brazil	21
Morocco	20
Nigeria	16
Egypt	11
Romania	9
Bulgaria	8
Algeria	4
Vietnam	4
Hungary	4
Spain	4
Others	43
Total	144

Victims of human trafficking who entered the procedure per type of exploitation



source: IO

Age		0-17	18-25	26-30	31 years +	Total	Men	Women
Sexual exploitation	2018	3	20	7	3	33	0	33
	2019	3	28	12	9	52	3	49
Labour exploitation	2018	1	14	25	35	75	66	9
	2019	7	13	11	57	88	65	23
Exploitation of begging	2018	3	1	0	0	4	2	2
	2019	1	1	0	1	3	1	2
Other types of exploitation	2018	0	0	0	3	3	3	0
	2019	0	0	1	0	1	0	1
Total	2018	**7**	**35**	**32**	**41**	**115**	**71**	**44**
	2019	**11**	**42**	**24**	**67**	**144**	**69**	**75**

In 2019, there were slightly more female victims (52%) than male ones (48%).

In 2019:

- There were 75 female victims and 69 male victims. In 2018, it was the opposite.
- There were more victims of labour exploitation (88 out of 144), especially men, two-thirds of whom were over 30 years old (57 people).
- Victims of sexual exploitation were practically all women (49 out of 52). Among them, 28 were aged between 18 and 25, and 3 were minors.

The category "**Other types of exploitation**" corresponds to cases for which the type of exploitation hadn't been clearly identified when the first application was made.

11 child victims of human trafficking entered the procedure in 2019:

- 7 victims of labour exploitation, 3 victims of sexual exploitation and 1 victim of exploitation of begging;
- Some of them are unaccompanied foreign minors (UFM). A UFM who is a presumed victim must also be reported to the Guardianship Service. After they have been identified by the latter, they will be assigned a guardian.

source: IO

Documents issued by the Immigration Office to victims of trafficking and smuggling of human beings

		2012	2013	2014	2015	2016	2017	2018	2019
OLT 45 days (human trafficking)		36	28	32	17	10	3	0	0
Annex 15		0	0	0	0	0	20	44	43
Certificate of immatriculation (CI)		140	117	133	114	116	112	113	136
CI extension		12	15	11	22	26	31	19	16
Human trafficking	**Temporary CIAR (Card A)**	104	98	84	90	84	97	91	108
	Extension Card A	437	458	443	425	413	383	348	370
	Unlimited CIAR (Card B)	35	44	33	36	49	50	61	42
Humanitarian	**Temporary CIAR (Card A)**	4	2	2	6	2	0	3	3
	Extension Card A	44	31	30	29	20	29	20	26
	Unlimited CIAR (CarD B)	11	24	21	36	22	23	18	26
Annex 13 (OLT)		7	11	14	2	2	4	0	0
Total		**830**	**828**	**803**	**777**	**744**	**752**	**717**	**770**

In 2019:

- The data presented here concerns both vicitms of **trafficking** and certain aggravated forms of human **smuggling**.
- The **770** decisions to issue or extend a residence permit concern both new victims from 2019 and those from the previous year, who are in the process of being granted victim status and for whom one or more decisions were taken in the past.

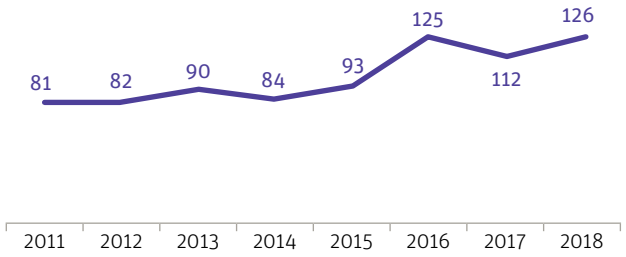
The total number of documents issued to victims of trafficking and smuggling in human beings rose slightly in 2019 (+7% compared with 2018).

- A certificate of immatriculation in the aliens register (**CIAR**), which can be temporary and/or extended, is always issued for a period of six months. Normally, victims receive two a year until the end of the legal proceedings.
- Annex 15 has replaced the 45-day OLT since 21/05/2017. The legal basis and the requirements haven't changed, only the type of document. This document is issued during the period of reflection. If the victim lodges a complaint directly or makes statements against the perpetrators, this document won't be issued. The victim will directly receive a certificate of immatriculation (CI).

source : IO

Convictions for human trafficking (Justice Department data)

Number of convictions



In 2018:

- **126** convictions were pronounced. Numbers have increased overall in the past few years.
- These convictions led to 428 decisions, 93 of which were suspended. The most common sentences were fines (29%), incarceration (28%) and the deprivation of rights (24%).
- Almost half the prison sentences pronounced in 2018 ranged from 1 to 3 years (59% suspended).

Every **conviction** concerns a convicted person (convictions are different from judgments, which can include several convictions).

1 conviction = 1 person

Sentences correspond to the decisions of the convictions. For one conviction, several sentences may be pronounced at the same time (prison, fine, etc.). As a result, one category doesn't exclude the other (with a few exceptions) and the total number of sentences is higher than the total number of perpetrators/convictions.

Sentences	Decisions	Suspended (fully or partly)
Fine	124	40
Incarceration	118	53
Deprivation of rights	101	/
Confiscation	67	/
Professional ban	3	/
Community service	1	/
Other bans	14	/
Total	**428**	**93**

As in 2017, it was mainly Belgians who were convicted in 2018. However, there was an increase in convicted persons of Nigerian origin, a result of the increase in activity of certain criminal networks in Europe in terms of sexual exploitation. According to FPS Justice, *the phenomenon of the exploitation of Nigerian minors in prostitution has led to numerous investigations and interventions over the past few years, which is ultimately reflected in the data on convictions.*

Main nationalities of persons convicted of human trafficking in 2018

Nationality	2018
Belgium	32
Unknown	25
Nigeria	22
Bulgaria	7
Pakistan	5
Romania	5
Others	30
Total	**126**

Methodological remarks

- These figures show the number of final convictions, i.e. convictions that couldn't be appealed.
- The data were extracted in March 2020.
- The database doesn't provide the type of exploitation for all the convictions.
- The Department of Criminal Policy of FPS Justice once again corrected its data for 2017.
- A certain number of cases are only entered in the database after several months. This is why the data for 2018 is also likely to be corrected in the future and the data for 2019 isn't available yet.

source: Department of Criminal Policy, FPS Justice

2. Human smuggling

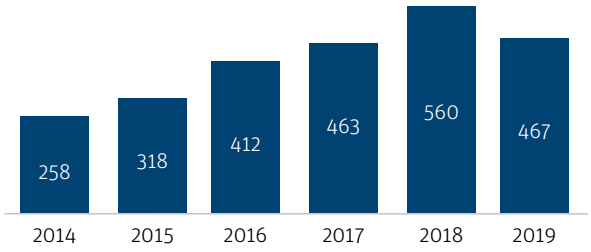
Human smuggling offences (police data)

In 2019, 467 human smuggling offences were recorded by the police. 82% of these cases were in Flanders.

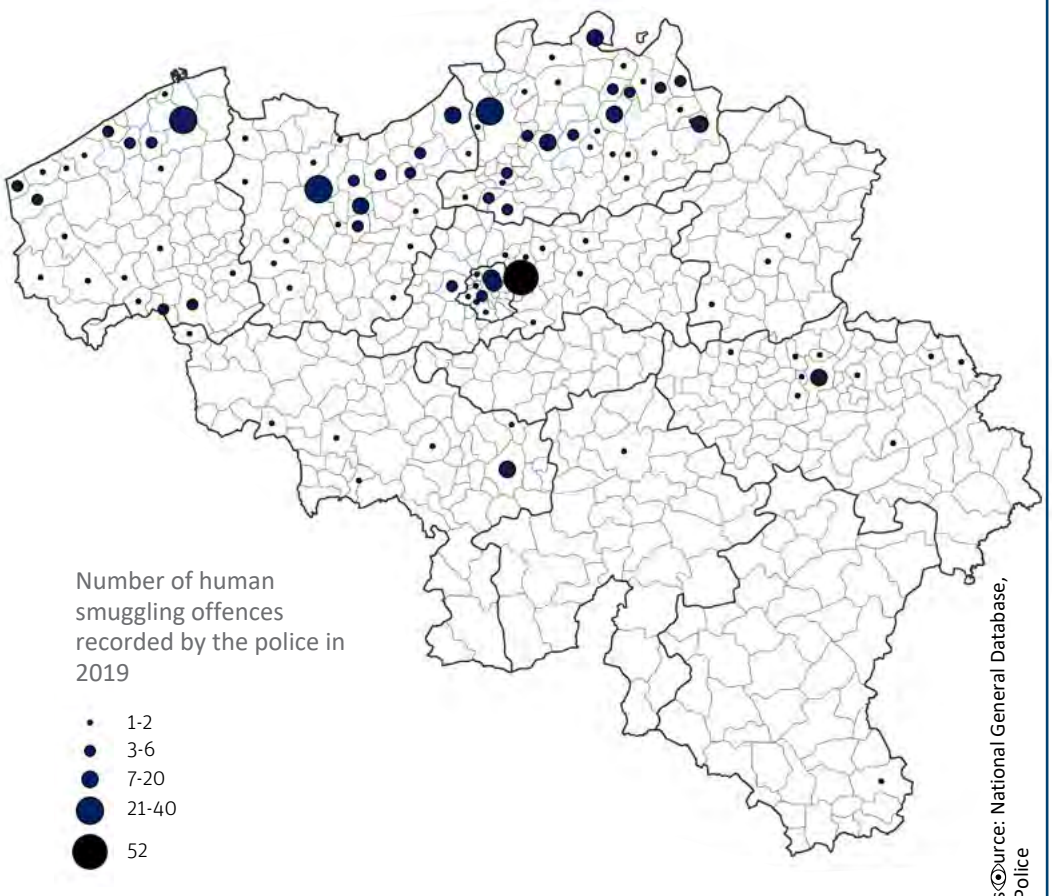
- In 2019, 82% of human smuggling offences were recorded in Flanders, 10% in Wallonia and 7% in the Brussels-Capital Region.
- The province of Antwerp recorded the highest number of offences, i.e. 30% of the total.
- At municipal level:
  - In Flanders, Zaventem (53) is in first position. The police there recorded almost all the offences at the airport (52). Bruges (40) and Antwerp (37) are in second and third position respectively in the ranking.
  - In Wallonia, Liège is the municipality with the most offences (15).
  - In the Brussels-Capital Region, there were 13 offences in the city of Brussels, placing it at the head of the 19 municipalities.

Recent developments:

- Since 2014, the number of offences recorded has continued to rise, reaching 560 in 2018 (i.e. more than double than in 2014). For the first time in 5 years, this figure fell in 2019 thus matching the level in 2017.
- Between 2018 and 2019, the number of offences fell (-44%) especially in the province of East Flanders, which had 167 in 2018 (and 93 in 2019).
- The big annual differences can chiefly be explained by police interventions within certain criminal cells, which make the statistics go up.

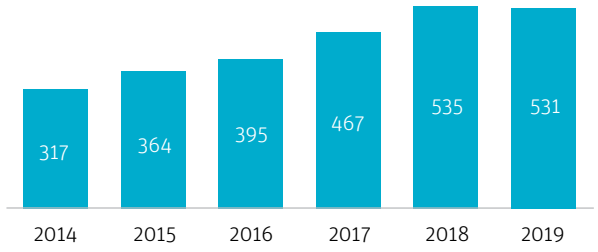


Province	Number of human smuggling offences
Antwerp	139
East Flanders	93
West Flanders	86
Flemish Brabant	63
Brussels-Capital Region	34
Liège	26
Hainaut	17
Limburg	4
Luxembourg	2
Namur	1
Walloon Brabant	0
Unknown	2
Total	467



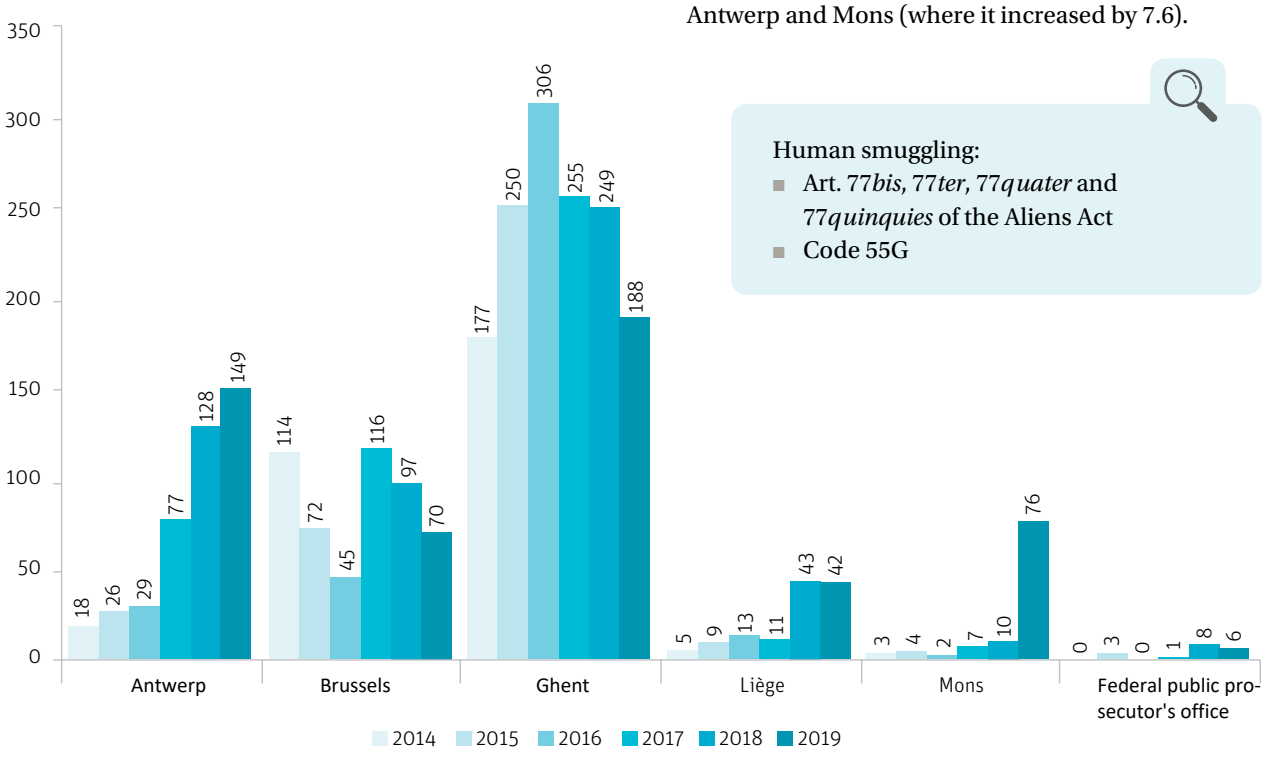
Source: National General Database, Police

Human smuggling cases submitted to the public prosecutor's office



In 2019, **531** cases were submitted to the crown prosecution service.

- After a continuous rise, the number of cases submitted to the public prosecutors offices for human smuggling has been stable since 2018.
- In 2019, it was the jurisdiction of Ghent that had the highest number of human smuggling cases (with 188 cases, i.e. 35% of the total), followed by the jurisdiction of Antwerp (with 149 cases).
- Between 2018 and 2019, the number of cases submitted fell in nearly all jurisdictions except those of Antwerp and Mons (where it increased by 7.6).

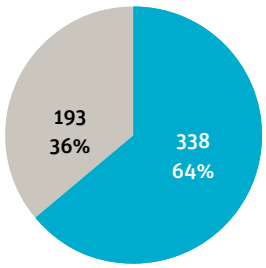


Human smuggling:

- Art. 77*bis*, 77*ter*, 77*quater* and 77*quinquies* of the Aliens Act
- Code 55G

Difficulty in bringing successful prosecutions for human smuggling

Cases submitted to the public prosecutors offices in 2019 for human smuggling and dropped on 9 May 2020



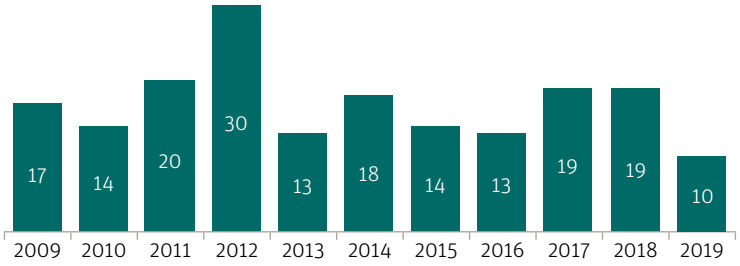
- Of the 531 human smuggling cases submitted to the public prosecutors offices in 2019, 338 were dropped on 9 May 2020, i.e. 64%. In 2017, this percentage was only 40%.
- Among the 338 cases dropped, 83 were on discretionary grounds and 255 for technical reasons (187 because the perpetrator(s) was(were) unknown and 60 owing to insufficient charges).
- More than half of the cases were dropped because the offences were committed by perpetrators who couldn't be identified.

Source: College of Prosecutors General database, analysts

Victims of an aggravated form of human smuggling who entered the procedure (Immigration Office data)

Just like victims of human trafficking, victims of an aggravated form of human smuggling can also apply for victim status.
Aggravated forms of human smuggling are mentioned in Article 77 *quater* 1° to 5° of the Act of 15/12/1980. They mainly concern the fact that the victim is a child and that their life is endangered, etc.

In 2019, there were **10 victims of human smuggling** with aggravating circumstances for whom a residence permit was issued for the first time by the IO. This figure has never been so low in 10 years.



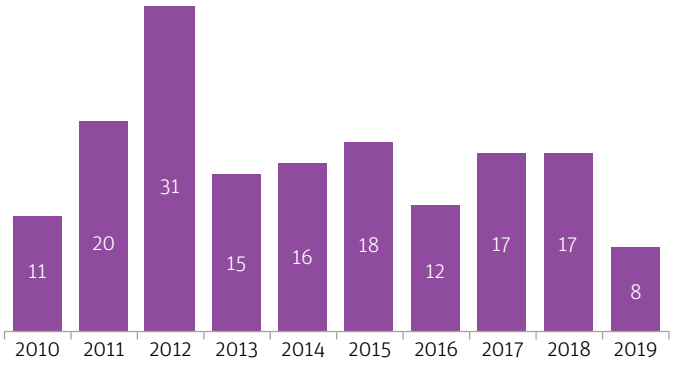
3 child victims of human smuggling entered the procedure in 2019.

Among all the smuggling victims, there were:
- 6 men and 4 women;
- 3 victims under 18 years old;
- 4 Vietnamese, 3 Moroccans and 3 victims with another nationality.

Human smuggling	0-17	18-25	26-30	31 and over	Men	Women	Total
2018	8	5	4	2	**12**	**7**	**19**
2019	3	2	3	2	**6**	**4**	**10**

source: IO

New support for victims of human smuggling initiated by the specialised reception centres



n 2019:

- **8** victims of aggravated smuggling began receiving support in one of the three specialised centres in Belgium. This number hasn't been as low since 2010.
- There are as many women as men among these victims.
- Of the 8 victims, 4 were Vietnamese.

3 child victims of smuggling began receiving support from a specialised centre in 2019:

- 3 Vietnamese minors:



Nationality	Women		Men		Total
	<18	≥18	<18	≥18	
Eritrea				1	1
Morocco		1		1	2
Sudan				1	1
Vietnam	2	1	1		4
Total	2	2	1	3	8

source: Payoke, Pag-asa, Sürya

Convictions for human smuggling (Justice Department data)

In 2018, **181 final convictions** were pronounced for human smuggling. This is double the amount of 2015.

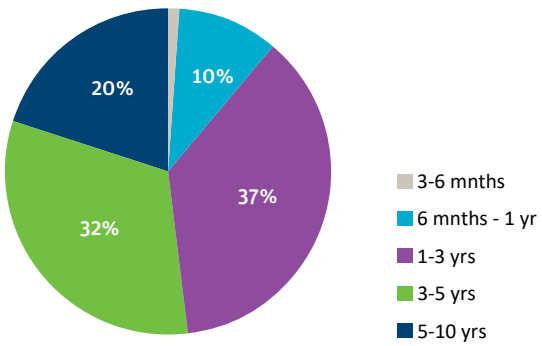
- Several decisions can be taken per conviction. The total number of decisions therefore differs from the number of convictions. In 2018, these convictions led to 607 decisions, 130 were suspend (in full or partly). Among the 607 sentences handed down, both prison sentences and fines (176) were at the top.
- In 2018, the prison sentences handed down (including suspended sentences) were mainly for a duration of 1 to 3 years (37%), followed closely by those of a duration of 3 to 5 years (32%).

Methodological remarks

- These figures show the number of final convictions, i.e. those that can't be appealed.
- A certain number of cases are only entered in the database after several months. This is why the data for 2019 isn't available yet.

Main sentences	Decisions	Suspended (in full or partly)
Incarceration	176	63
Fine	176	67
Community service	5	/
Confiscation	110	/
Deprivation of rights (Art.31 of the C.C.)	130	/
Others	10	/
Total	**607**	**130**

Duration of prison sentences pronounced (suspended or not)



- Nigerians (11%), Belgian (10%), Egyptians (8%), and Albanians along with Syrians (7%) are the top 5.
- However, in 18% of cases, the nationality of the convicted parties was unknown in 2018. Nevertheless, this is less than in 2017 (33 convicted parties of unknown nationality in 2018 compared with 43 in 2017).

Nationalities of those convicted of human smuggling in 2018

Nationality	2018
Unknown	33
Nigeria	20
Belgium	19
Egypt	15
Albania	13
Syria	13
Algeria	8
Romania	8
Iraq	7
Afghanistan	6
India	5
Iran	5
Morocco	4
Pakistan	4
China	3
United Kingdom	3
Georgia	2
Ghana	2
Palestine	2
Netherlands	2
Brazil	1
Bulgaria	1
DR Congo	1
Ivory Coast	1
Greece	1
Lithuania	1
Sudan	1
Total	**181**

source: Department of Criminal Policy, FPS Justice

External contribution: explanation of the statistical data relating to the investigations into human trafficking conducted by the NSSO Inspectorate's ECOSOC teams in 2019

Stéphanie Schulze

Peter Van Hauwermeiren

NSSO Inspection Department
Thematic Directorate for Trafficking in Human Beings

1. | Introduction

This report concerns the NSSO Inspection Department (Thematic Directorate for Trafficking in Human Beings and ECOSOC teams).

Besides the purely statistical data, this contribution aims to provide qualitative information on the performance of the NSSO Inspection Department's ECOSOC teams in 2019.

The data included in this report stems from two sources:

1. The internal file management system (Pegasis), from which the data relating to the cases closed in 2019 was extracted. This data concerns 82 potential victims.
2. The analysis of the checklists drawn up by the social inspectors in 2019 in accordance with Chapter VIII of the Joint Circular of the Minister of Justice, the Minister for Employment, the Minister for Security and the Interior, Secretary of State for the fight against social fraud and the College of Prosecutors General on the policy of investigation and prosecution regarding trafficking in human beings (COL 01/2015).

NSSO inspectors draw up a checklist as soon as possible after making observations and as long as there are sufficiently precise indications of a potential situation of human trafficking.

In 2019, 120 checklists were established, which means that 120 potential victims were discovered. The fact that the data from the Pegasis management system only relates to 82 potential victims is because not all the cases for which a checklist was drawn up in 2019 were closed that year.

A specific analysis report based on these checklists is submitted annually by our Thematic Directorate to the Department of Criminal Policy, FPS Justice.

Another source of qualitative information is the information sharing relating to investigations into the trafficking of human beings (THB) set up with the ECOSOC team leaders.

2. | Statistics from reports and criminal reports (Pegasis)[235]

According to the statistics received (internal departmental statistics – Pegasis) concerning the **investigations closed in 2019** (investigations begun in 2019 or before 2019):

- **During 2019**, the NSSO compiled **58 reports and/or criminal reports** (82 potential victims) for THB (Art. 433 *quinquies* of the Criminal Code). In addition, following investigations carried out with other inspection or police services, the pro justitia or criminal report on THB were sometimes compiled by another service (generally by the police); 17 criminal reports or reports were written by other services within the framework of a collaboration with the NSSO.

235 These statistics are based on closed investigations.

Provincial departments	R/CR compiled by the NSSO	R/CR compiled by another service[236]
West Flanders	2	3
East Flanders	6	5
Antwerp	4	0
Limburg	0	0
Hainaut	4	1
Namur-Luxembourg	10	0
Liège	4	1
Flemish Brabant	4	1
Brussels	23	6
Walloon Brabant	1	0
Total	**58**	**17**

- **82** presumed victims of THB were referred to the judicial authorities by the NSSO Inspection Department through criminal reports or pro justitia.
- The most represented nationalities are: Polish (16 people), Morocco (11), Egypt (8), Romania (7) and Vietnam (5). Also note that among these 82 presumed victims, 27 were EU nationals, 3 of whom were Belgians.
- The most represented sectors of activity were hotel and catering industry, construction and trade (retail).

3. | Analysis of the checklists

3.1. | Introduction

In accordance with the stipulations of COL 01/15, a checklist was established **in 2019** as soon as there were **sufficiently precise indications** of a potential situation of human trafficking, whether the investigation was ongoing or closed.

In total, **120 checklists** were established (1 checklist per potential victim; hence, several checklists may concern the same employer/exploiter); they are distributed as follows:

Provincial departments	
West Flanders	11
East Flanders	20
Antwerp	11
Limburg	7
Hainaut	4
Namur-Luxembourg	39
Liège	4
Flemish Brabant	4
Brussels	20
Walloon Brabant	0
Total	**120**

3.2. | Geographic distribution per sector of activity (2019)

	Namur-Luxembourg	Brussels	Liège	Hainaut	Limburg	Walloon brabant	Flemish brabant	Antwerp	East Flanders	West Flanders	Total
Butcher/ Abattoir							3				**3**
Bakery		1							2		**3**
Car wash and Truck wash	2			1							**3**
Hairdressing and beauty		2								2	**4**
Retail trade		2	1								**3**
Construction		2			5				12	3	**22**
Hotel and catering industry	1	13	3	3	1			2	2	6	**31**
Horticulture/ Fruit production	34				1						**35**
Logistics								9			**9**
Riding school	1										**1**
Cleaning	1						1				**2**
Haulage									1		**1**
Sorting/Recycling									3		**3**
Total	**39**	**20**	**4**	**4**	**7**	**0**	**4**	**11**	**20**	**11**	**120**

236 Within the framework of an investigation conducted in collaboration with the NSSO.

3.3. | Distribution according to age, gender and nationality of the presumed victims 2019

Nationalité	Men	Women
Afghanistan	2	0
Algeria	1	0
Belgium	2	2
Brazil	0	1
China	2	0
Ivory Coast	1	0
Egypt	10	0
Equador	2	0
Spain	3	0
Ghana	5	0
Hungary	3	2
India	2	0
Italy	3	0
Morocco	14	1
Nepal	1	0
Nigeria	5	0
Pakistan	3	0
Philippines	1	0
Romania	25	14
Turkey	1	0
Ukraine	12	0
Vietnam	1	1
Total	**99**	**21**

Age	Men	Women
Minors (-18 years)	1	0
Between 18 and 30 years	43	8
Between 30 and 40 years	26	4
Between 40 and 50 years	25	4
More than 50 years	8	1
Total	**103**	**17**

A quick analysis of the table above leads to the conclusion that 85% of the potential victims of labour exploitation are men (103/120). As regards age, 42% of the presumed victims are between 18 and 30 years old, and a quarter between 30 and 40 years old. Women are mainly active in hotel and catering industry, horticulture and nail bars. The exploited minor (Vietnamese), aged 17 years old when the check took place[237], was employed in a nail bar in Brussels.

As regards the nationality of the victims, more than half of them (66/120) are from third countries (non-EU). Among the 54 EU nationals, 4 are Belgian and 39 Romanian[238].

3.4. | Indicators of human trafficking found and aggravating circumstances

Appendix 5 of COL 01/2015 includes several human trafficking indicators under the point 'Circumstances'. The analysis of the checklists received in 2019 led to the following findings:

Identity papers

Very often (in approximately 80% of cases), third country nationals were staying illegally in Belgium. Either they had no identity papers or travel documents, or they had their national passport. Among the Europeans, only 20% were established in Belgium and had a Belgian residence permit. The others were generally in possession of their national identity papers.

In approximately 25% of the cases encountered, the potential victims didn't have their own identity papers or travel documents. In some cases, they only had copies.

Financial aspect – social security – social documents

In terms of income: in almost all the situations encountered, wages were low, very low, and even non-existent. Sometimes, the potential victim also has to hand over part of their wages, or they were promised wages that were never paid.

Several victims said they had to reimburse their travel expenses either in part or in full.

A dozen or so presumed victims had to hand over a large part of their wages. Some of them

237 In the course of the investigation, this worker stated that they had another identity and that they weren't a minor. They also denied all the indications of labour exploitation stating, for instance, that they received high wages. 238 An investigation into the horticulture/fruit production sector concerned 34 Romanians.

had to work under the identity of their exploiters who thus obtained social protection. The salary due for the work was paid onto the account of the exploiters, who only paid the victims two-thirds of the money they received. One victim was even asked to reimburse the sum of €1,000 to regularise their situation and €5,000 to pay the exploiter's fines.

Here are several concrete examples encountered in 2019, in cases where victims were actually paid: €1.92/hour; €2,90/hour; €3.85/hour; €4.50/hour; €5/hour; €30/17 hours; €10/14 hours; €50/56 hours; €150 per week; €15/night; €400/month for 63 hours/week.

In terms of social security and social documents: approximately 10% of workers were informed about Dimona; 25% were the subject of a Limosa declaration but within the context of a fraudulent posting. The others were employed illegally and no steps were taken in terms of social security or social documents. As regards foreign workers, among the third country nationals, only some of them were authorised to work in Belgium (work permit/single permit).

Circumstances of the exploitation

The checklist includes the indicators listed below. Some are recurring, such as squalid housing conditions or excessive work hours. Details and examples are provided below for each one.

- **The victim has no appropriate equipment/work clothes**
- **The victim works in dangerous/squalid conditions**
  Indicators relating to work protection (health and safety of workers: hygiene measures, clothes and workplaces, etc.) concern approximately 20% of the presumed victims encountered.
- **The victim isn't allowed to be in contact with the outside world**
- **The victim's freedom of movement is restricted**
  Approximately 40% of the presumed victims encountered had no contact with the outside world and had limited freedom of movement.
- **The victim lives in squalid conditions**
  In many potential situations of human trafficking, the victims are housed in substandard or insanitary accommodation. This was the case for 72 people, i.e. for 60% of the presumed victims.
- **The victim is deprived of medical care**
  Four presumed victims were deprived of medical care.
- **The victim works for long periods**
  Almost 80% of the presumed victims encountered worked for abnormally long periods. Here are a few examples encountered in 2019: working 13h/d, 7d/wk; 14h/d, 6d/wk; 17h/d, 6-7d/wk; 8-12h/d, 7d/wk; 84h/wk; 80-90h/wk; etc.

Aggravating circumstances

Appendix 5 of COL 01/2015 includes several aggravating circumstances of human trafficking. Several were noted in the cases encountered in 2019:

- **Relating to the victim's situation**
  Among the victims listed, a 17-year-old Vietnamese boy was exploited in a nail bar.
- **Relating to the perpetrator**
  In the majority of cases, the perpetrator abuses the victim's vulnerable situation, has authority over them or abuses their position.
  None of the checklists describe a law enforcement officer performing their duties as a perpetrator.
- **Relating to the circumstances and consequences of trafficking**
  Among the 120 victims concerned by the 2019 checklists, 20 explained they had suffered threats, acts of violence or coercion at the hands of the perpetrator. The lives of several presumed victims were put at risk. Among them, two are permanently unable to work as a result of their exploitation. In the large majority of cases, the activity concerned is a usual activity.
  Several victims were exploited as part of a criminal association.

3.5. | Referral of victims to a specialised reception centre in 2019

Among the 120 checklists recorded, **73** concerned presumed victims who were put in contact with or supported by a specialised reception centre (Sürya, Payoke or Pag-Asa).

Some of them were already there; the investigation therefore focused on the hearing of these persons and/or more in-depth searches into THB.

Among these 73 presumed victims, 1 minor was sheltered by Esperanto.

The distribution per provincial department is as follows:

Provincial department	Number of presumed victims referred	Nationality and gender
Namur-Luxembourg	37	1 Belgium (M) 1 Pakistan (M) 1 Afghanistan(M) 34 Romania (22M-12W)
Brussels	20	7 Morocco (M) 9 Egypt (M) 2 Pakistan (M) 2 Vietnam (1M-1W)
Liège	3	1 Morocco (M) 1 Belgium (M) 1 India (M)
Hainaut	1	1 India (M)
Walloon Brabant	0	
Antwerp	1	1 Ghana (M)
Flemish Brabant	4	4 Morocco (3M-1W)
East Flanders	1	1 Philippines (M)
West Flanders	0	
Limburg	6	1 China (M) 2 Ecuador (M) 3 Spain (M)
Total	**73**	

4. | Joint Action Days *labour exploitation*

In April 2019, the Belgian social inspection services took part in the *Joint Action Days (JAD) labour exploitation* for the fourth consecutive year.

This EU initiative is part of the European EMPACT project (European multidisciplinary platform against criminal threats), with human trafficking as one of its priority areas of crime. The EMPACT project is part of the EU action plan against human trafficking. Europol offers its infrastructure and expertise to allow social inspection services in the different Member States to implement this initiative.

Labour exploitation in 1 workplace out of 10

The working and housing conditions of workers were targeted during these actions, as well as compliance with social legislation. Fifty-three workplaces, 140 employees and 41 self-employed persons were checked. Workers were questioned in depth about their working and housing conditions.

Indications of labour exploitation were encountered in 6 workplaces. Inspectors identified **6 potential victims of human trafficking** who were working in inhuman conditions and, in some cases, they were housed by the employer in appalling conditions. A report was written for the attention of the labour prosecutors concerned.

Support from the police and the justice department

In Belgium, the National Social Security Office's Inspection Department organised and implemented actions, in which many other federal and regional inspection departments participated. The Federal Police's central department for the fight against serious and organised crime, the provincial departments of the Federal Judicial Police and local police districts gave their active support. The initiative was also actively supported by labour prosecutors.

Cooperation with the Netherlands and Slovenia

This action also had a **significant international aspect**. The Dutch and Belgian inspection services worked closely together in a joint action concerning foreign workers from Dutch interim agencies housed in Belgian holiday parks close to the Dutch border.

In a second joint action, Dutch and Belgian inspectors from both countries checked the establishments of a beauty salon where foreign beauticians were employed.

Lastly, a check was carried out in the construction sector to detect fraud in the posting of Serbian workers by a Slovenian company. For this purpose, Belgium collaborated with the Slovenian labour inspectorate.

Europol support

Europol extended its traditional scope by also giving social inspection services a role in coordinating action against labour exploitation. It was possible for participating Member States to send "special requests" to another Member State, in particular to ask foreign inspectorates to provide information or carry out additional investigations. As a result, several investigations into labour exploitation will be launched in cooperation with labour inspectorates in other European countries. The exchange of information isn't limited to the duration of this JAD period. Indeed, even after these actions, information will still be exchanged in ongoing cases.

5. | Highlights from the THB investigations conducted in 2019

During 2019, ECOSOC teams closed 207 THB investigations. On 31 December 2019, 151 investigations were open, i.e. in progress.

Approximately 20 to 25% of the THB investigations initiated by the specialised ECOSOC teams don't lead to the discovery of potential situations of labour exploitation. This is mainly because the evidence in the investigation isn't relevant or the THB indications are too insignificant, bearing more of a resemblance to illegal work rather than labour exploitation.

It is also important to underline that several investigations are follow-up investigations of acts previously detected and reported to the judicial authorities.

To carry out their investigations, the ECOSOC teams' social inspectors use specific investigation techniques such as:

- aerial reconnaissance;
- phone investigations;
- use of video-surveillance images;
- use of mobile phones;
- searches in "open-source intelligence" (internet, social media).

These investigation techniques are employed in collaboration with the federal police's specialised services, usually upon the request of the labour prosecutor. Techniques such as these can help to identify and hear potential victims, identify potential witnesses, corroborate victims' statements and also ascertain the employment of other workers/victims, identify perpetrators and reveal links between individuals or companies.

In the investigations conducted in 2019, it was observed that the exploitation phenomena already known in certain high-risk sectors are still very much present, for instance:

- a fruit farm in the province of Namur: 34 presumed victims;
- a vegetable farm in the province of Limburg: 1 presumed victim;
- various building sites including 2 in East Flanders with 6 presumed victims at each site;
- various hospitality establishments throughout Belgium;
- etc.

Emerging or growing phenomena, such as the exploitation of presumed victims in nail bars, hookah lounges, domestic staff, the logistics and haulage sector, were also noted in 2019. It should be pointed out that in the international haulage sector, more and more workers from third countries are turning to Belgian or foreign trade unions to report acts of exploitation that aren't always easy to detect, because these drivers are always on the move and there are special rules that apply to them, especially as regards periods of rest.

In addition, several investigations revealed that workers assumed the identity of another person and had to pay part of their wages to this person, or that the money paid into the victim's bank account was withdrawn by the exploiters.

6. | Conclusion

The cases of exploitation in 2019 occurred both in urban and rural environments and involved mostly men.

In the large majority of cases, one, two, or possibly three people were concerned. Nevertheless, several investigations led to the detection of several potential victims exploited by the same person or the same network.

Some of the presumed victims encountered, who are included in this summary, weren't supported by a specialised reception centre mainly because they were complacent with their situation and refused any kind of support. In some cases, our department contacted the presumed victims after they had approached this type of centre, either at the request of the centre itself or at the request of the labour prosecutor.

This report includes figures from two different channels:

- the file management program concerning investigations that were closed in 2019, regarding 82 presumed victims;
- the analysis of the checklists established in 2019 as soon as the ongoing or closed investigation showed sufficiently precise indications of a potential situation of human trafficking; this concerns 120 presumed victims.

The most commonly encountered sectors of activity in the analysis of the 2019 checklists were horticulture/fruit production, hotel and catering industry, the construction industry and logistics.

The most common practices were: undeclared work (no DIMONA), illegal employment of foreign workers and illegal stay.

Among the human trafficking indicators, the most common were :

- low wages or none at all
- abnormally long working hours
- squalid housing conditions
- abuse of a vulnerable situation
- use of threats / violence
- limitation of freedom of movement and contact with the outside world

Lastly, it is important to emphasise that during the last few years, we have seen an increase in the number of presumed victims encountered during our investigations.

	2017	2018	2019
Number of potential victims involved in the closed investigations	65	65	82
Number of potential victims according to the checklists	119	78	120
Number of victims who benefited from the intervention of the reception centres	25	39	73

The number of checklists in 2017 has no significance insofar as a checklist was established as soon as one or more indications of THB were found and not as soon as there were sufficiently precise indications of a potential situation of human trafficking.

THB is a hidden phenomenon. It is difficult to define and estimate the extent of it. Thanks to checks by social inspectors specialised in or aware of THB, it is possible to bring to light situations of exploitation. The greater the human resources, the greater the awareness among frontline inspection services, and the stronger and more effective the fight against this phenomenon will be.

During 2018 and 2019, the Thematic Directorate for Trafficking in Human Beings organised quite a number of training sessions on labour exploitation and the detection of THB indicators, both for the social inspectors of the NSSO Inspection Department and for external services wishing to make the most of their presence in the field to detect THB situations. By raising awareness, the Thematic Directorate for Trafficking in Human Beings hopes to have contributed – even if modest – towards an increase in the detection of THB cases!