Part 3
Data



Introduction

This part of the report contains the key figures given to Myria by the stakeholders likely to play a role in a human trafficking or human smuggling case in Belgium. It presents the most recent data on human trafficking and human smuggling, as well as a retrospective of the last 10 years, insofar as this is possible, in an effort to put this data into perspective.

The stakeholders who gave their figures to Myria 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 prosecutors' offices and the labour prosecutors' offices;
- the Immigration Office (IO);
- PAG-ASA, Payoke and Sürya: centres specialised in the reception and support of victims;
- the Criminal Policy Service (CPS) of FPS

As usual, this chapter ends with an external contribution from the NSSO's inspection services. Lastly, the federal police's Central Directorate for Combating Serious and Organised Crime (Direction centrale de la lutte contre la criminalité grave et organisée - DJSOC) describes certain important developments in terms of human smuggling.

Warning



- The figures in this report in no way reflect the true extent of the phenomenon of human trafficking and human smuggling in Belgium. They only concern the acts, victims and perpetrators identified as such by the authorities. Nothing can be said about unidentified events.
- These figures and their evolution provide information about the action taken by the authorities to combat human trafficking and smuggling rather than about these phenomena as such.
- There is a lack of harmonisation between the figures from the various stakeholders and, therefore, there is no coherent and uniform image of these criminal phenomena. This limits the possibilities for policy evaluation, strategic analysis and reporting to the European institutions. It goes without saying that Myria collaborates with the above-mentioned stakeholders to collect figures of the best quality possible.

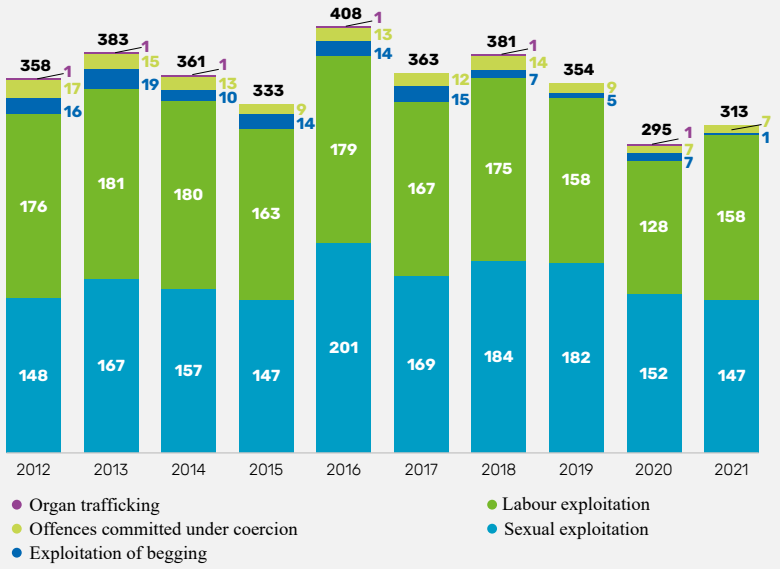
1. Human trafficking

Human trafficking offences (police data)

In 2021:

- The police detected 313 human trafficking offences, marking a slight increase compared with 2020, although this remains lower than the level before the coronavirus crisis.
- Labour exploitation (51%) and sexual exploitation (47%) remain the most detected offences of human trafficking.
- Only one case of exploitation of begging came to light. Strikingly, this form of exploitation has rarely been detected over the past few years, with an average of 15 offences reported per year between 2012 and 2017. A similar fall was also observed regarding forced criminality.

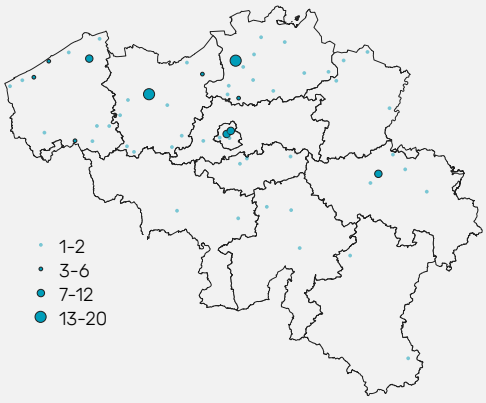
Evolution of human smuggling offences recorded in 2012-2021, per type



In 2021, offences concerning trafficking for the purpose of sexual exploitation **sexual exploitation** were those most often detected in large conurbations such as Brussels-Capital (24 offences in the 19 communes), Antwerp (20), Ghent (13), Liège (9) and Ostend (5). Offences were only sporadically observed outside cities.

Very few offences were recorded in some provinces over the past 10 years, with only 11 offences noted in Walloon Brabant. There were also only a few offences concerning sexual exploitation in Namur (36) and Flemish Brabant (38) during the same period.

Offences recorded in terms of sexual exploitation in 2021

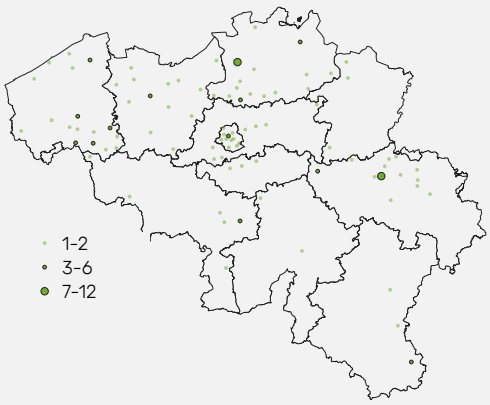


Province	Number of offences
Antwerp	34
West Flanders	29
East Flanders	28
Brussels-Capital	24
Liège	14
Limbourg	5
Namur	4
Walloon Brabant	3
Hainaut	3
Luxembourg	2
Flemish Brabant	1
Total	**147**

The majority of offences of **labour exploitation** recorded in 2021 were in Brussels-Capital (22 offences in the 19 communes), Antwerp (10) and Liège (8). Contrary to sexual exploitation, the geographic expansion of these offences is more pronounced and those recorded seem far less connected to urban centres.

Only 48 offences concerning human trafficking for the purpose of labour exploitation were recorded by the police in the province of Luxembourg over the past 10 years. Relatively few offences were also recorded in Walloon Brabant (51) and Limbourg (55) during the period 2012-2021.

Infractions enregistrées en matière d'exploitation économique en 2021



Province	Number of offences
Antwerp	33
West Flanders	30
Liège	22
Brussels-Capital	22
East Flanders	18
Hainaut	10
Flemish Brabant	9
Luxembourg	5
Walloon Brabant	4
Limbourg	3
Namur	2
Total	**158**

Source: National General Database, Police

NSSO inspection department (ECOSOC teams)
Human trafficking for the purpose of labour exploitation

To present the work of the ECOSOC teams and their role in the fight against human trafficking, two indicators have been used:

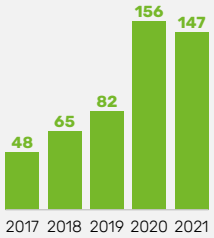
- The annual number of presumed victims of human trafficking, from closed investigations, given to the judicial authorities on the basis of criminal reports or police reports.
- The number of checklists prepared every year. In this case, a checklist is drawn up for every presumed victim as soon as there is sufficient evidence of a possible trafficking situation, regardless of the investigation's status (at the start, during, or at the end).

Not all investigations closed in 2021 were opened in the same calendar year; some investigations take several months or years to complete. This is also why the number of presumed victims from closed investigations isn't the same as the number of presumed victims from checklists.

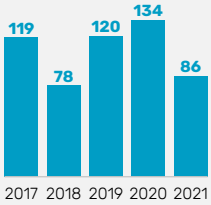
» *See the external contribution at the end of this chapter for more for more information on the results of the NSSO's inspection services.*

Presumed victims in closed investigations

In 2021, 147 potential trafficking victims were referred to the judicial authorities after the investigation was closed. This is three times more than in 2017. The vast majority of these victims were men (123). Of note is the large group of Romanian victims who were employed in the agriculture and horticulture sector.



Checklists drawn up



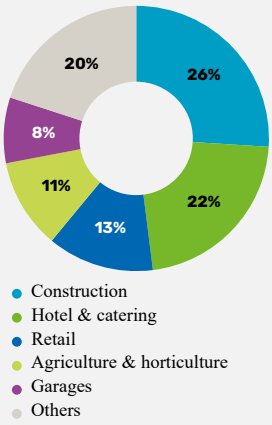
In the last five years, 537 check lists have been drawn up, which means that on average, more than 100 presumed victims are detected by the inspection services every year, even if the number of checklists drawn up varies significantly from year to year. For instance, 86 presumed victims were detected in 2021.

Nationality	Construction	Agriculture & horticulture	Hotel & catering	Garages	Retail industry	Metallurgy	Domestic worker	Food industry	Cleaning	Others	Total
Romania	3	37								2	42
Morocco			1	1	2		3	1	3	1	12
Portugal	10										10
Turkey			8					2			10
Ukraine	7									1	8
Guinea-Bissau	6			1	1						8
Bulgaria		1	4								5
Albania				1		4					5
Pakistan	1				3						4
Spain	4										4
Afghanistan				4							4
Brazil	2						1				3
Tunisia				1	1					1	3
Belgium		1		1						1	3
Palestine			1							1	2
Hungary			2								2
Egypt			2								2
Syria			2								2
Ecuador	2										2
Bangladesh			2								2
Algeria	1				1						2
Mali				1						1	2
Senegal	2										2
Others	3	1	2							2	8
Total	**41**	**40**	**24**	**10**	**8**	**4**	**4**	**3**	**3**	**10**	**147**

Almost half of the findings were in the construction and hospitality sectors, with 139 and 118 checklists respectively. Although the numbers are lower in the retail trade (69), agriculture and horticulture (59), and garages and car washes (45), they are nonetheless significant.

The most frequent nationalities in the past five years have been Moroccan, Romanian (38 cases in agriculture and horticulture), Ukrainian (37 cases in construction), Bulgarian and Afghan (20 cases in the garage and car wash sector).

Main sectors and nationalities featuring in the checklists 2017-2021



Morocco	63
Romania	62
Ukraine	40
Bulgaria	31
Afghanistan	26
Poland	25
Egypt	21
China	20
India	20
Belgium	18
Others	211
Total	**537**

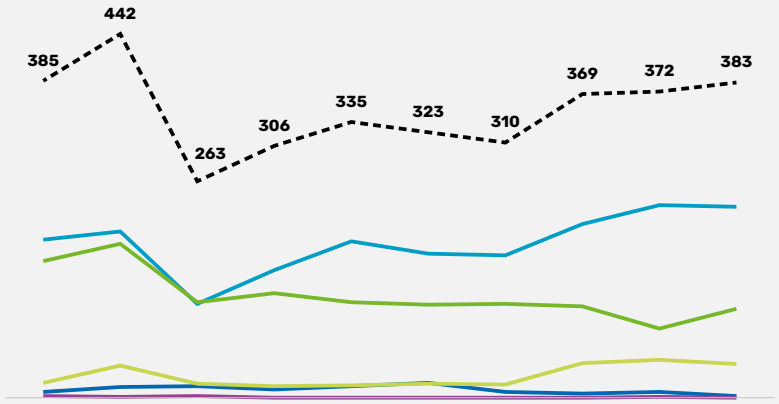
Source : Service d'inspection de l'ONSS (équipes ECOSOC)

Human trafficking cases dealt with by the public prosecutors

In 2021:

- The criminal prosecutors' offices received 383 criminal cases related to human trafficking, i.e. only slightly more than in 2020.
- With the exception of labour, a modest decrease in the number of cases was observed for each purpose of exploitation.
- Only two new criminal cases were recorded for exploitation of begging, i.e. the lowest number since the last decade.

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



	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
Sexual exploitation	192	202	114	155	190	175	173	211	234	232
Labour exploitation	166	187	116	127	116	113	114	111	84	108
Exploitation of begging	7	13	14	10	14	18	7	5	7	2
Offences committed under coercion	18	39	17	14	15	17	16	42	46	41
Organ trafficking	2	1	2	0	0	0	0	0	1	0
-- Total	385	442	263	306	335	323	310	369	372	383

Methodological remarks

- This is data from the College of Prosecutors General dating from 7 May 2022.
- It relates to the number of criminal cases received by the criminal prosecutors' offices (including the federal prosecutor's office) and is limited to offences committed by adults.
- For a more complete view of judicial action on labour exploitation, it is also necessary to take into account the number of cases received by the labour prosecutors. In 2019, 2020 and 2021, 277, 198 and 231 new cases respectively were opened by the labour prosecutors for labour exploitation.
- The cases submitted to the public prosecutor's office of Eupen have only been included since 2019. They weren't included in the data in previous years owing to a harmonisation problem concerning the computer system.

As at 7 May 2022, more than one in four cases submitted in 2021 were dropped.

Of the 383 criminal cases submitted to the public prosecutors' offices during 2021, 137 cases were dropped, as at 7 May 2022.

In 97 cases, this decision was taken because the case couldn't lead to prosecution (mainly owing to a lack of evidence or the fact that the perpetrators couldn't be identified). In 40 cases, prosecution wasn't considered worthwhile.

Source: College of Prosecutors General database, analysts

Jurisdiction: extent of a jurisdiction's territorial competence. Belgium is composed of five major jurisdictions, each with a court of appeal. Each court of appeal has jurisdiction over several judicial districts.

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

Jurisdiction of Antwerp

- The total number of new criminal cases concerning human trafficking decreased for the second consecutive year. Nevertheless, this jurisdiction had the greatest number of new criminal cases in 2021, just like the jurisdiction of Brussels.
- Almost three out of every four new criminal cases was related to sexual exploitation (67).

Jurisdiction of Ghent

- The total number of cases returned to the pre-2020 level, a year marked by the coronavirus.
- There were 52 new criminal cases concerning sexual exploitation, a historical record for this jurisdiction.

Jurisdiction of Mons

- Avec 46 nouvelles affaires pénales, le ressort de Mons a enregistré le plus faible nombre de dossiers de traite des êtres humains.
- La plupart des dossiers ont été ouverts pour des crimes commis sous la contrainte (31 sur 46)

Jurisdiction of Brussels

- With 92 new criminal cases concerning human trafficking in 2021, this figure has remained relatively stable over the past few years.
- Seven new criminal cases out of 10 were related to sexual exploitation (64).

Jurisdiction of Liège

- With 57 new criminal cases concerning human trafficking in 2021, this figure has remained relatively stable over the past few years.
- The only jurisdiction where there are consistently more criminal cases concerning labour exploitation than sexual exploitation.

Federal public prosecutor's office

- More and more new criminal cases are being recorded by the federal public prosecutor's office, even though the absolute numbers remain relatively low.
- In 2021, there were 20 new criminal cases concerning human trafficking, 17 of which for sexual exploitation.

Classification of charges

Sexual exploitation	37L	Art. 433quinquies § 1 1°C. of the Criminal Code.
Labour exploitation	55D	Art. 433quinquies § 1 3°C. of the Criminal Code.
Exploitation of begging	29E	Art. 433quinquies § 1 2°C. of the Criminal Code.
Forced criminality	55F	Art. 433quinquies § 1 5°C. of the Criminal Code.
Organ trafficking	55E	Art. 433quinquies § 1 4°C. of the Criminal Code.


Sexual exploitation
Labour exploitation
Exploitation of begging
Forced criminality
Organ trafficking
Total per jurisdiction
Antwerp
Brussels
Ghent
Liège
Mons
Fed. prosecutor

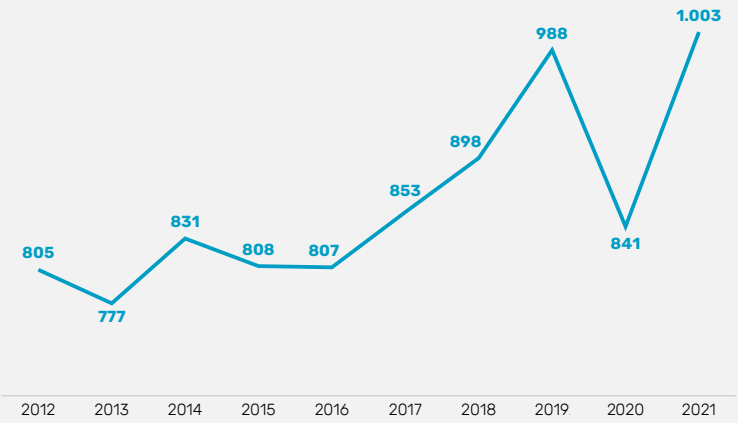
Reports to specialised centres

Over the past 10 years, the centres have received a total of 8,611 reports of presumed victims of trafficking and/or smuggling of human beings

The annual **number of reports** submitted to the specialised centres has increased significantly in recent years, except for the decrease in 2020, the year marked by the coronavirus. Hence, more than 1,000 presumed victims were reported for the first time in 2021.

The growing number of reports contrasts with the number of new cases of support initiated, which has averaged around 130 cases over the years.

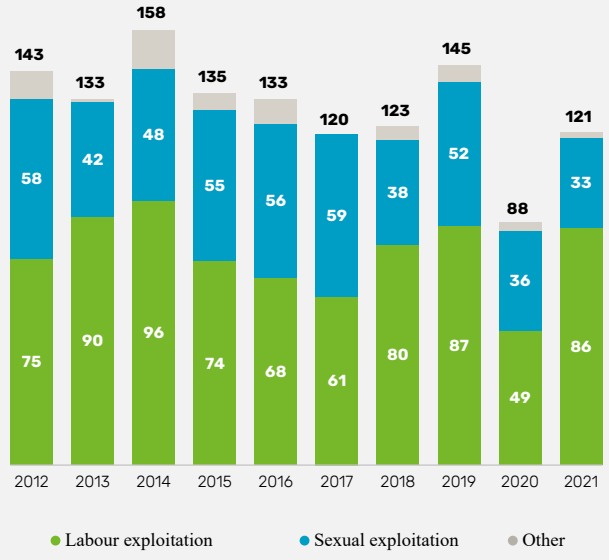
Number of reports of potential victims of human trafficking and/or smuggling 2012-2021



Source: Payoke, PAG-ASA, Surya

New support for human trafficking victims initiated by the specialised centres

Number of cases of support initiated for THB victims according to the type of exploitation 2012-2021



Support is discussed as soon as the first phase (period of reflection) has begun, i.e. when Annex 15 is issued.

›› *See 'Documents issued by the Immigration Office' for more information.*

In 2021:

- Un accompagnement a été initié pour 121 victimes de traite des êtres humains. Parmi elles : **86** étaient victimes d'**exploitation économique** et **33** d'**exploitation sexuelle**.
- Support was initiated for 121 victims of human trafficking. Among them: 86 were victims of labour exploitation and 33 of sexual exploitation.
- New support also concerned a Romanian victim of exploitation of begging as well as a Moroccan victim who was coerced into committing crimes.
- There were 18 Moroccan, 14 Bulgarian and eight Ukrainian victims. These are the three main nationalities of human trafficking victims who entered a support programme in one of three specialised centres in 2021.

Les dThe data relating to new support doesn't reflect the extent of the specialised centres' work.

Support may last several years, but its duration isn't discussed here as an indicator. However, the Immigration Office's figures on the renewal of documents in the context of human trafficking proceedings can be used as an indicator in this respect.

Source: Payoke, PAG-ASA, Surya

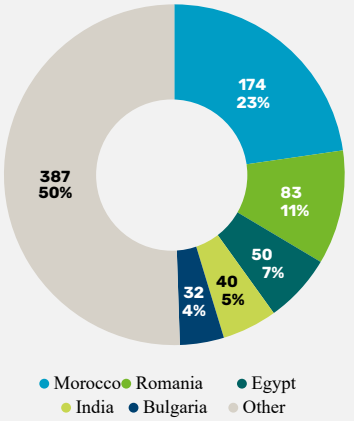
New support for THB victims initiated in 2021 per type and per nationality

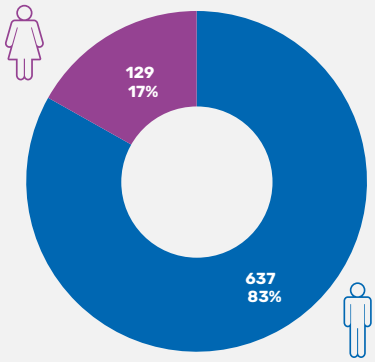
Nationality	Labour exploitation				Sexual exploitation				Exploitation of begging				Forced criminality				Total
	Women		Men		Women		Men		Women		Men		Women		Men		
	<18	≥18	<18	≥18	<18	≥18	<18	≥18	<18	≥18	<18	≥18	<18	≥18	<18	≥18	
Morocco		1		13				2							1		17
Bulgaria		1		12		1											14
Ukraine				7		1											8
Nigeria				1		5											6
Brazil		3		1		1											5
Columbia				3		2											5
Romania		2		2						1							5
Turkey		3		1		1											5
Guinea				3		1											4
Ivory Coast				4													4
Albania						3											3
Mali				3													3
Senegal			1	2													3
Spain		1		1		1											3
China						2											2
Congo		1				1											2
Ecuador						1		1									2
Egypt				2													2
India				2													2
Iran				1		1											2
Moldavia		1		1													2
Tunisia		1		1													2
Venezuela						2											2
Afghanistan				1													1
Algeria				1													1
Belgium						1											1
Cuba				1													1
Germany						1											1
Ghana				1													1
Hungary						1											1
Iraq				1													1
Italy				1													1
Cameroon				1													1
Kosovo				1													1
Liberia				1													1
Macedonia		1															1
Serbia						1											1
Surinam						1											1
Syria				1													1
Thailand						1											1
Sweden						1											1
Total	**0**	**15**	**1**	**70**	**0**	**30**	**0**	**3**	**0**	**1**	**0**	**0**	**0**	**0**	**1**	**0**	**121**

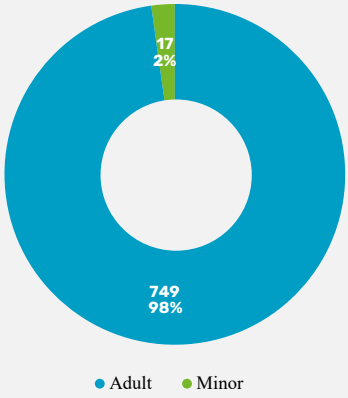
Source: Payoke, PAG-ASA, Sürya

Support initiated for THB 2012-2021 according to the type of exploitation

In the past 10 years, 766 victims of labour exploitation began receiving support





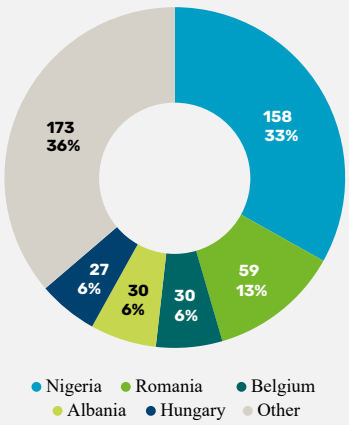


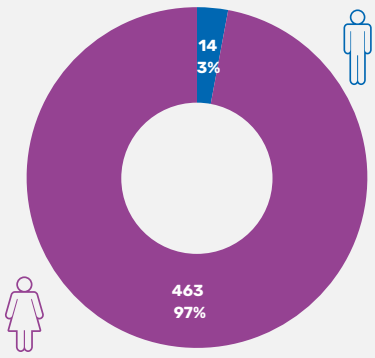
Between 2012 and 2021, almost one in four new cases of support involved a victim of Moroccan nationality (23%). Then, to a lesser extent, victims of Romanian (11%) and Egyptian (7%) nationality, Indian (5%) and Bulgarian (4%).

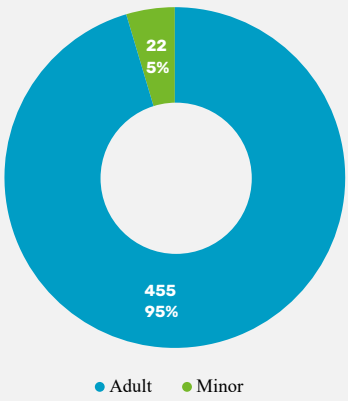
Among all the beneficiaries of new support initiated over the last decade, men are in the majority (637). They represent 83% of the total number of victims.

The majority of victims are adults, but in 17 cases support was initiated for a child victim. However, this proportion varies from one gender to another. Hence, there are nine minors for 120 adult women, compared with eight minors for 629 adult men.

In the past 10 years, 477 victims of sexual exploitation began receiving support







Over the past 10 years, no less than one in three victims was a Nigerian national. The other most represented nationalities were Romania (13%), Belgium, Albania and Hungary (6% each).

Victims of sexual exploitation are almost exclusively women; support was only initiated for men in 14 cases. One in two of these men was of South American nationality.

Between 2012 and 2021, support was initiated for 22 child victims, 21 of whom were girls.

Source: Payoke, PAG-ASA, Sürya

Over the past 10 years, support has been initiated for 31 victims of exploitation of begging, including:

- The vast majority were Romanian nationals (24) and, to a lesser extent, of Slovakian (3) and Serbian (2) nationality;
- 18 men compared with 13 women;
- 7 child victims.

Over the past 10 years, support has been initiated for 22 victims of forced criminality, including:

- 7 Romanian victims;
- An equal number of male and female victims (11);
- 6 child victims

Source : Payoke, PAG-ASA, Surya

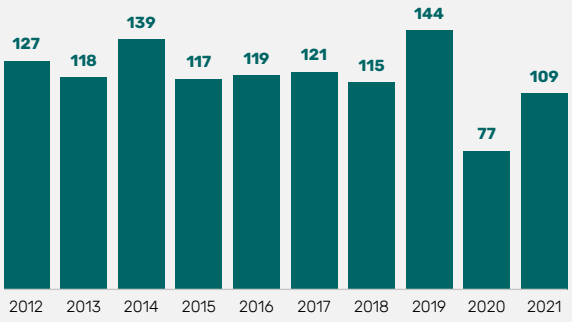
Victims of human trafficking who entered the procedure (IO)

In Belgium, human trafficking victims who agree to cooperate with the judicial authorities can benefit from a specific residence status (articles 61/2 to 61/5 Aliens Act).

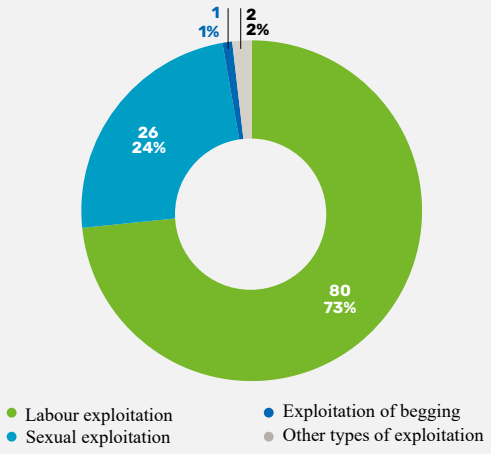
This is subject to three basic conditions, namely that the victim:

- cooperates with the criminal investigation into human trafficking;
- cuts off all contact with the exploiter;

Number of human trafficking victims who entered the procedure 2012-2021



TBH victims who entered the procedure in 2021, per type of exploitation



After the drop in 2020, there has been a modest increase in the number of trafficking victims who have entered the procedure

In 2021:

- 109 trafficking victims entered the procedure.
- More than 70% of these were victims of labour exploitation. Almost one in four was a victim of trafficking for the purpose of sexual exploitation and one person was exploited in the begging sector.
- According to the IO's data, no victims of organ trafficking or forced criminality entered the procedure in 2021. However, there is reference to two victims of 'another type of exploitation'.

The category 'Other types of exploitation' corresponds to cases for which the type of exploitation hadn't been clearly identified at the time of the first application.

N.B.: The Immigration Office decided not to divulge some information to prevent the identification of certain persons involved.

Source : IO

Among the 80 victims of THB for the purpose of labour exploitation in 2021:

- Men were largely in the majority (62);
- Ukrainian was the most common nationality (13 victims), followed by Moroccan (12) and Bulgarian (11);
- The relatively high number of Ukrainian victims contrasts sharply with the last decade. During the period 2012-2020, 3 Ukrainian victims of labour exploitation in total entered the procedure.

Among the 26 victims of TBH for the purpose of sexual exploitation in 2021:

- Women were largely in the majority (24);
- Nigerian was the most common nationality with 5 victims, followed by Venezuelan and Bulgarian (3 each);
- Nevertheless, the number of Nigerian victims who entered the procedure has been falling since 2017. At the time, 42 victims of Nigerian nationality were recorded.

7 child victims of THB entered the procedure in 2021, including:

- 5 victims of labour exploitation, 1 victim of sexual exploitation and 1 victim of another type of exploitation;
- 6 underage boys and 1 underage girl;
- All were under 14 years old;
- One of these victims was an unaccompanied minor (UAM). Note that a UAM who is a presumed victim must be reported to the Guardianship Service. Once the latter has identified them, the minor is allocated a guardian.

Victims of THB who entered the procedure, by age, gender and type of exploitation

		0-17	18-25	26-30	31 ans et +	Total	Hommes	Femmes
Sexual exploitation	2019	3	28	12	9	52	3	49
	2020	0	7	12	7	26	3	23
	2021	1	6	7	12	26	2	24
Labour exploitation	2019	7	13	11	57	88	65	23
	2020	2	8	6	32	48	37	11
	2021	5	9	14	52	80	62	18
Exploitation of begging	2019	1	1	0	1	3	1	2
	2020	0	1	0	0	1	0	1
	2021	0	1	0	0	1	0	1
Other types of exploitation	2019	0	0	1	0	1	0	1
	2020	2	0	0	0	2	0	2
	2021	1	0	0	1	2	2	0
Total	2019	11	42	24	67	144	69	75
	2020	4	16	18	39	77	40	37
	2021	7	16	21	65	109	66	43

Source: IO

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

		2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
Order to leave the territory 45 days		36	28	32	17	10	3	0	0	0	0
Annex 15		0	0	0	0	0	20	44	43	16	42
Certificate of immatriculation (CI)		140	117	133	114	116	112	113	136	80	98
Certificate of immatriculation extension		12	15	11	22	26	31	19	16	7	6
Human trafficking/ Human smuggling	Card A	104	98	84	90	84	97	91	108	78	62
	Extension card A	437	458	443	425	413	383	348	370	384	398
	Card B	35	44	33	36	49	50	61	42	29	25
Humanitarian	Card A	4	2	2	6	2	0	3	3	5	0
	Extension card A	44	31	30	29	20	29	20	26	34	40
	Card B	11	24	21	36	22	23	18	26	13	22
Total		823	817	789	775	742	748	717	770	646	693

In 2021:

- These figures include both victims of human trafficking and victims of certain aggravated forms of human smuggling.
- The 693 decisions to issue or renew a residence permit concern both new victims as of 2021 as well as those from previous years who are in the process of being granted victim status and for whom one or more decisions were taken in the past.

Since 21 May 2017, Annex 15 has replaced the order to leave the territory (OLT) - 45 days. The legal basis and the conditions for obtaining it haven't changed, but the type of document has. If the victim files a complaint directly or makes statements against the perpetrators, this document isn't issued, but the victim immediately receives a certificate of immatriculation (CI).

Annex 15
When a victim goes to one of the specialised centres, this residence document is requested by the centre. Annex 15 is valid for 45 days and covers the so-called reflection period. During this period, the victim has time to decide whether to cooperate with the criminal investigation

Certificate of immatriculation
If the victim decides to cooperate with the criminal investigation (make statements and/or lodge a complaint), the centre requests a certificate of immatriculation. This is valid for a period of three months and can be extended once for another three months, provided that the case is still ongoing at the public prosecutor's office.

Card A
This residence permit is valid for six months and is issued under various conditions, namely that the magistrate accepts the status of victimisation. It can be extended for the same period of time as long as the legal proceedings are ongoing.

Card B
A residence permit for an indefinite period of time is granted if the victim's statements or complaint have led to a conviction or if the charges of trafficking or smuggling with aggravating circumstances have been accepted in the indictment of the public prosecutor's office or the labour prosecutor's office.

Humanitarian regularisation
The minister or their representative may decide to regularise the stay of a victim by virtue of their discretionary power.

Source : IO

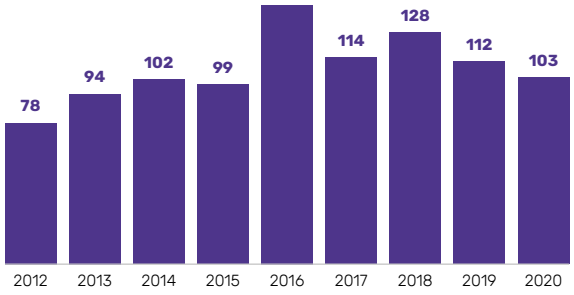
Final convictions for human trafficking

In 2020, 103 final convictions were pronounced for human trafficking, continuing the downward trend observed since 2018.

Given that a conviction can be accompanied by several sentences, the total number of sentences is higher than the number of convictions. Hence, 321 sentences were handed down in 2020.

On average, 90% of all convictions result in a prison sentence combined with a fine (suspended or not). In 77 cases, the convicted person was deprived of their civil rights and in 38 cases, there was confiscation. Other forms of punishment are only occasionally pronounced.

Number of final convictions for human trafficking
2012-2020

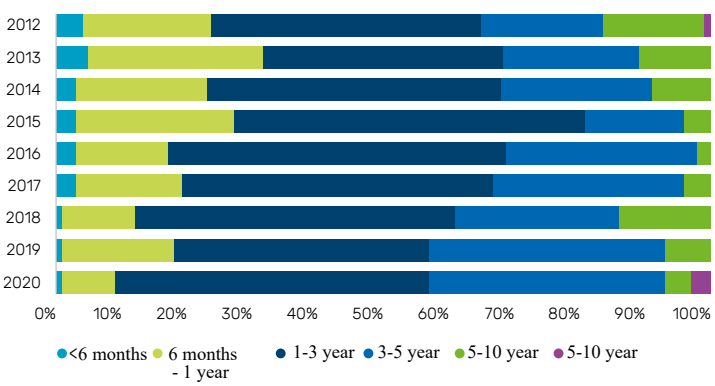


Main sentences	2012	2013	2014	2015	2016	2017	2018	2019	2020
Incarceration	72	82	93	94	128	93	120	100	97
Not suspended	36	45	37	41	40	44	63	43	42
Suspended (partly or fully)	36	37	56	53	88	49	57	57	55
Fine	71	85	99	82	132	109	126	103	97
Not suspended	43	54	62	49	73	58	83	51	54
Suspended (partly or fully)	28	31	37	33	59	51	43	52	43
Confiscation	31	40	58	53	64	39	67	58	38
Deprivation of rights (Art. 31 Crim. Code)	58	57	73	53	115	71	102	85	77
Community service	0	3	3	1	6	2	1	4	0
Others	5	11	3	3	4	7	19	14	12
Total	237	278	329	286	449	321	435	364	321

Methodological remarks

- These figures concern the number of final convictions, which can therefore no longer be the subject of an appeal.
- Since the type of exploitation isn't known for each conviction, this data is presented in an aggregated form.
- Several cases were entered into the database a few months late, which explains why the data for 2021 isn't yet available.
- This data corresponds to the status on 16 March 2022.

Duration of prison sentences pronounced 2012-2020
(suspended or not)



Of the 97 prison sentences handed down in 2020, 82 were from one to five years. Prison sentences of more than five years were handed down in only six cases.

Both in absolute and relative terms, shorter prison sentences (less than one year) have decreased significantly in recent years. For example, only nine such prison sentences were handed down in 2020, compared to 26 in 2013, indicating a toughening of verdicts on human trafficking.

Source: Service de la Politique Criminelle, SPF Justice

Main nationality of persons convicted of human trafficking in 2020

Belgium	35
Romania	15
Unknown	11
Bulgaria	8
Albania	7
Nigeria	6
Brazil	4
Netherlands	3
Poland	3
Others	11
Total	**103**

As in previous years, the majority of convicted persons in 2020 were of Belgian nationality, while Romanians, Bulgarians and Albanians were among the top five. In 11 cases, the nationality of the convicted person wasn't known.

Looking at a longer period, these nationalities recur in a similar order of magnitude. Thus, persons of Belgian nationality represented 30% of the total number of convicted human traffickers between 2012 and 2020, while convicts of Eastern European origin (Romania, Bulgaria and Hungary) accounted for 16%. In 13% of cases, the nationality of the convicted person was unknown.

Main nationalities of persons convicted of human trafficking between 2012 and 2020 (n=973)

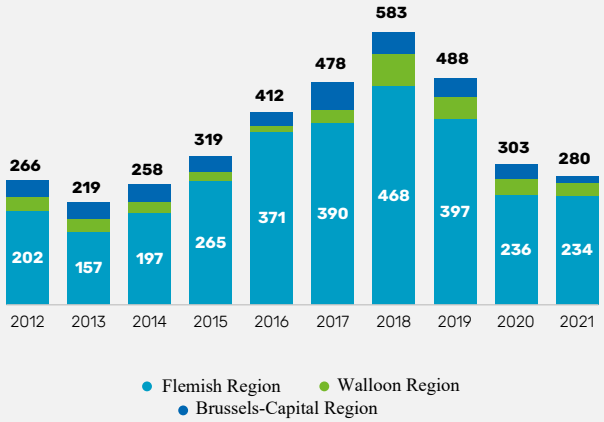


Source: Department of Criminal Policy, FPS Justice

2. Human smuggling

Human smuggling offences (police data)

Evolution of human smuggling offences recorded in 2012-2021, per region



In 2021:

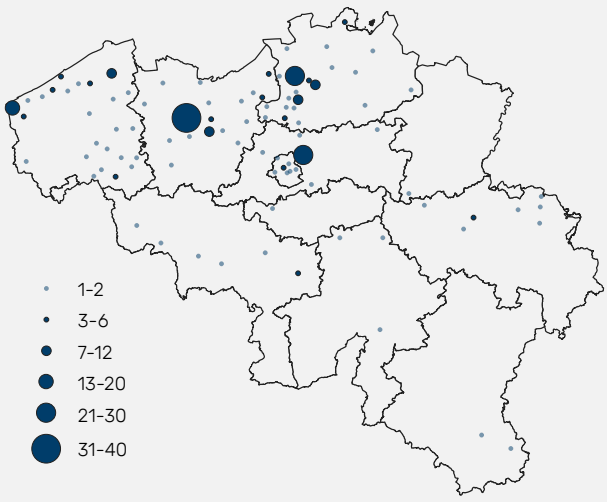
- 280 human smuggling offences were reported by the police.
- The downward trend observed after the peak in 2018 is therefore continuing.
- There were even fewer incidents recorded than in 2020, a year marked by the health crisis, the lockdown measures and the resulting travel restrictions.
- 85% (234) of these findings were made in the Flemish Region. In the Walloon Region and the Brussels-Capital Region, 27 and 14 acts were recorded respectively. Five acts couldn't be linked to a place.

Evolution of human smuggling offences recorded in 2012-2021, in the main provinces



Together, the provinces of East Flanders, West Flanders and Antwerp account for two-thirds of the total number of human smuggling offences recorded over the last 10 years.
During this period, the focal point of the findings shifted eastwards from West Flanders (2012-2015) to East Flanders (2016-2018), and then to Antwerp (2019), before the figures were impacted by the coronavirus crisis.

Human smuggling offences recorded in 2021



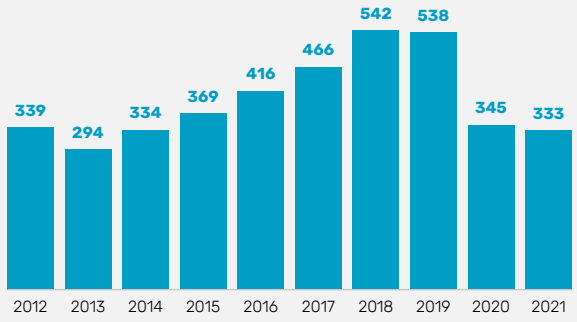
The offences were mainly recorded in the provinces of East Flanders (70 offences), Antwerp (69) and West Flanders (66). They occurred mainly in the provincial capitals of Ghent (33), Antwerp (23) and Bruges (12) and at the site of Zaventem airport (23). In 2021, 15 offences were recorded in the coastal municipality of De Panne.

Source: National General Database, Police

» *For more information on recent developments in human smuggling, see DJSOC's external contribution at the end of this chapter.*

Human smuggling cases submitted to the public prosecutor's office

In 2021, 333 criminal cases of human smuggling were referred to the criminal prosecution service:

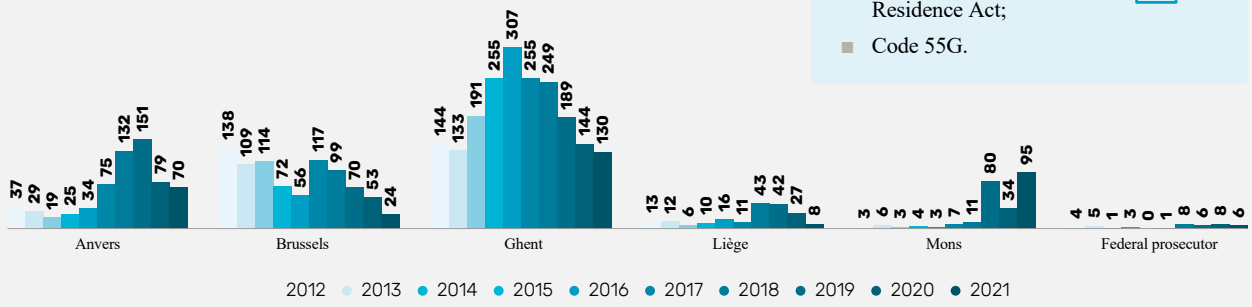


- After a peak between 2018 and 2019, the number of criminal cases received has remained stable in the past few years.
- Every jurisdiction had fewer new cases than in 2020, with
- the exception of the jurisdiction of Mons where the amount
- of criminal cases received almost tripled, rising from 34 to 95. This situation is again striking in view of the low number of offences recorded by the police. Only 37 offences were recorded between 2019 and 2021, whereas the Mons public prosecutor's offices opened 209 new criminal cases for human smuggling during the same period.
- As has been the case since 2012, the jurisdiction of Ghent had the largest number of new cases in 2021 (130 cases for 39% of the total), followed by the jurisdictions of Mons and Antwerp (29% and 21% respectively).

Jurisdiction: the extent of a court's territorial jurisdiction. Belgium consists of five major judiciary areas, each with a court of appeal. Each court of appeal has jurisdiction over several judicial districts.

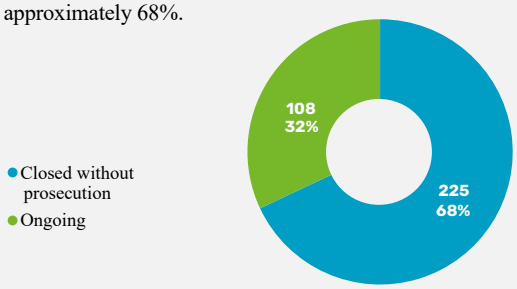
- Antwerp → Antwerp and Limburg
- Brussels → Brussels (Brussels and Halle-Vilvoorde), Leuven and Walloon Brabant
- Ghent → West Flanders and East Flanders
- Liège → Liège, Eupen, Namur and Luxembourg
- Mons → Hainaut

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



The impossibility of identifying perpetrators remains the main obstacle to successful prosecution

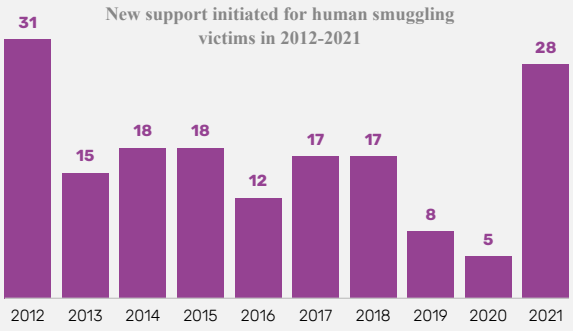
Of the 333 criminal cases concerning human smuggling received by the public prosecutors' offices in 2021, 225 had already been processed without criminal prosecution as at 7 May 2022, i.e. approximately 68%.



- In 80 of these cases, the reasons were expediency and in 145 cases technical reasons (of which 35 were due to insufficient burden of proof).
- Nearly half (105) of these decisions resulted from the impossibility of identifying the perpetrator(s). In other words, almost one in three criminal cases received in 2021 were processed without prosecution as at 7 May 2022 because the perpetrator(s) was unknown.
- In 30 cases, no criminal proceedings were initiated due to insufficient investigation capacity; in 2020, this was the case in only seven cases.

Source: College of Prosecutors General database, analysts

New support for human smuggling victims initiated by the specialised centres

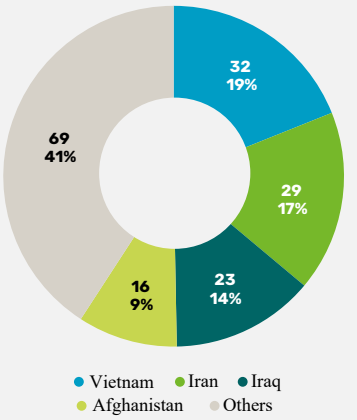


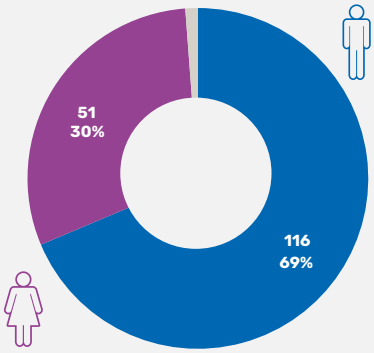
In 2021, 28 victims **28 victimes** of an aggravated form of human smuggling entered a support programme in one of the three specialised centres, more than five times more than in 2020 and the second highest figure in the last 10 years.

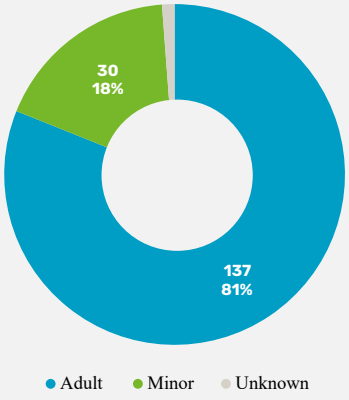
- With the exception of a female child victim, all the victims were **adult men**.
- The vast majority of victims were of **Vietnamese nationality** (23).

Nationality	Women		Men		Total
	<18	≥18	<18	≥18	
Iraq				1	1
Iran				3	3
Surinam				1	1
Vietnam	1			22	23
Total	**1**	**0**	**0**	**27**	**28**

Over the past 10 years, 169 victims of human smuggling with aggravating circumstances began receiving support







Almost one in five victims is a Vietnamese national. This high proportion is explained by the relatively recent entry of this nationality in the statistics, particularly in 2021. Between 2012 and 2018, only one Vietnamese victim was recorded.

Other major groups of nationalities originate from Western Asia, such as Iran, Iraq and Afghanistan, although they hardly figure among the new cases of support initiated since 2019.

Among those to benefit from support initiated during the last decade, male victims are in the majority, with 116 individuals representing approximately 70% of all victims, while female victims account for 30% of the total.

Adult victims are in the majority, but support was initiated for a child victim in 30 cases.

However, the proportion changes from one gender to another. For instance, there are 14 minors for every 37 adults among women, compared to 16 minors for every 100 adult men.

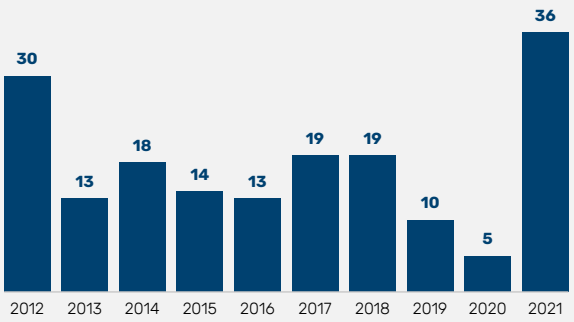
Source : Payoke, PAG-ASA, Surya

Victims of an aggravated form of human smuggling who entered the procedure (IO)

Like victims of human trafficking, victims of an aggravated form of human smuggling can also claim victim status. Aggravated forms of human smuggling are defined in Article 77quater 1° to 5° of the Residence Act of 15 December 1980 and apply if:

- the offence was committed against a minor ;
- there was abuse of the particularly vulnerable situation in which the person found themselves, leaving the victim with no real and acceptable choice but to be abused;
- violence, coercion, threats or deception were used;
- the victim's life was endangered, either deliberately or through gross negligence;
- the crime caused permanent physical or psychological harm.

Number of victims of human smuggling with aggravating circumstances entering the procedure



In 2021, the IO received a first application for residence for **36 of hvictims of human smuggling** with aggravating circumstances. This is the highest number in 10 years.

Among these victims, there were:

- men and 5 women;
- 24 Vietnamese nationals, 4 Iranians and 8 victims of another nationality.
- For the second consecutive year, no child victims were recorded as having entered the procedure.

Victims of human smuggling with aggravating circumstances entering the procedure, by age and by gender

	0-17	18-25	26-30	31 +	Total	Hommes	Femmes
2012	8	7	5	10	30	20	10
2013	1	3	5	4	13	11	2
2014	5	3	3	7	18	9	9
2015	5	2	4	3	14	7	7
2016	2	6	1	4	13	8	5
2017	4	6	5	4	19	13	6
2018	8	5	4	2	19	12	7
2019	3	2	3	2	10	6	4
2020	0	3	1	1	5	2	3
2021	0	20	7	9	36	31	5

N.B.: this year, the Immigration Office has chosen not to divulge certain information to prevent identification of those involved

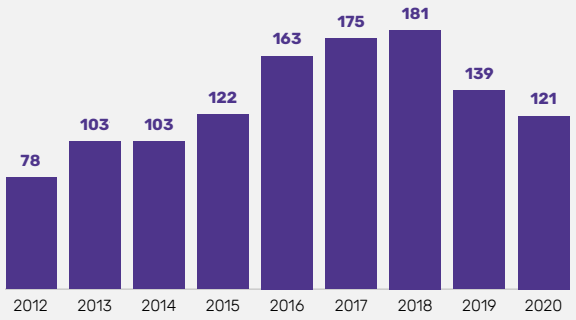
Source IO

Final convictions for human smuggling

There were 121 final convictions for human smuggling in 2020, i.e. 33% less than the record number in 2018.

Given that a conviction can be accompanied by several sentences, the total number of sentences is higher than the number of convictions. Hence, 416 sentences were handed down in 2020.
Almost all the convictions resulted in a prison sentence combined with a fine (suspended or not). In 97 cases the convicted person was deprived of their civil rights and in 77 cases there was confiscation. Other forms of punishment are only occasionally pronounced.

Number of final convictions for human smuggling 2012-2020

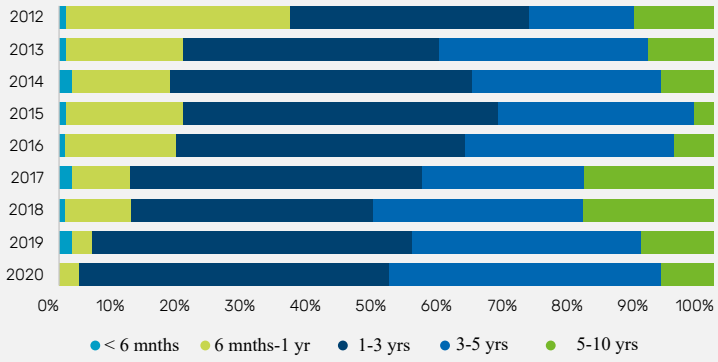


Main sentences	2012	2013	2014	2015	2016	2017	2018	2019	2020
Incarceration	74	96	100	120	154	174	176	128	118
Not suspended	43	45	59	60	56	123	113	85	71
Suspended (partly or fully)	31	51	41	60	98	51	63	43	47
Fine	76	94	100	117	158	172	177	132	120
Not suspended	40	64	69	57	71	102	110	87	56
Suspended (partly or fully)	36	30	31	60	87	70	67	45	64
Confiscation	48	64	55	76	76	101	110	88	77
Deprivation of rights (Art. 31 Crim. Code)	60	79	75	89	120	130	135	90	97
Community service	1	4	1	1	4	1	5	8	2
Others	3	0	0	0	1	0	4	8	2
Total	264	338	332	403	513	578	607	454	416

Methodological remarks

- These figures concern the number of final convictions, which can therefore no longer be the subject of an appeal.
- Several cases were entered into the database a few months late, which explains why the data for 2021 isn't yet available.
- This data corresponds to the data as at 14 March 2022.

Duration of prison sentences pronounced 2012-2020 (suspended or not)



Of the 118 prison sentences handed down in 2020, 104 were prison sentences of one to five years. Prison sentences of more than five years were handed down in 10 cases.

Both in absolute and relative terms, shorter prison sentences (less than one year) have decreased significantly in recent years. Hence, only four such prison sentences were handed down in 2020, compared to 26 in 2012, indicating a toughening of the verdicts concerning human smuggling.

Source: Department of Criminal Policy, FPS Justice

Main nationalities of those convicted of human smuggling in 2020

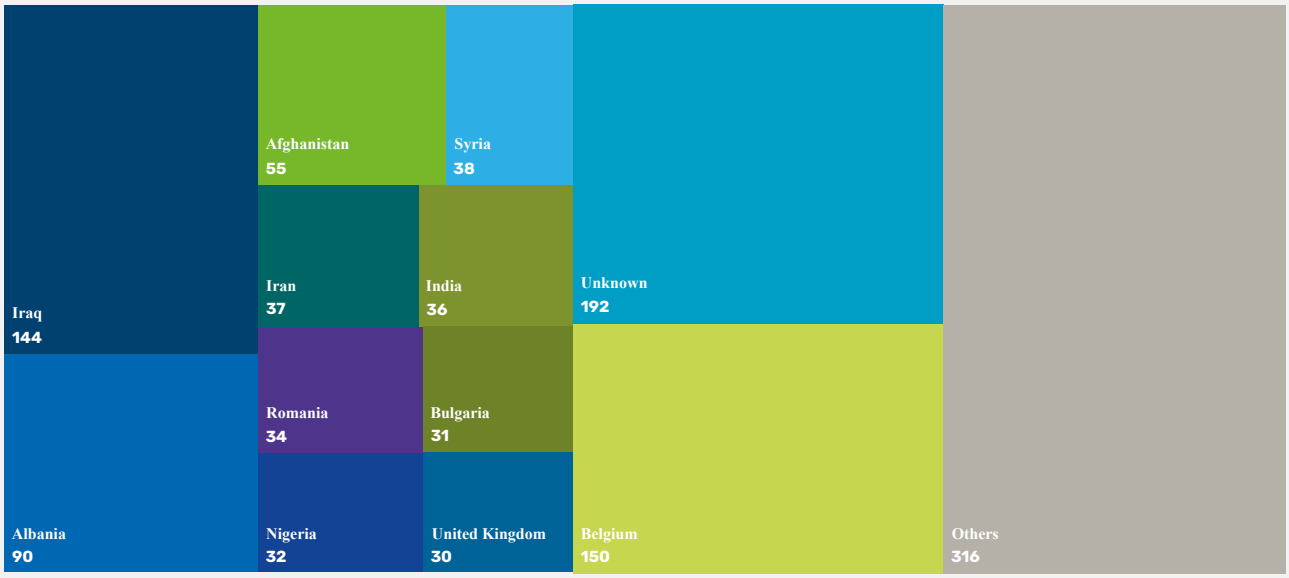
Unknown	25
Iraq	17
Sudan	9
Albania	8
Belgium	7
Italy	7
Algeria	6
Eritrea	5
Syria	4
Afghanistan	3
United Kingdom	3
Ethiopia	3
Others	24
Total	**121**

As in previous years, the nationality of many of those convicted in 2020 was unknown. Iraq, Sudan, Albania and Belgium were among the top five.

The appearance of some East African nationalities is a recent phenomenon: for instance, there were no convicted persons of Ethiopian or Eritrean nationality in the period 2012- 2019. There is also a surprising increase among Sudanese with nine convictions compared with only two between 2012 and 2019.

Over a longer period of time, those mainly convicted of human smuggling can be largely reduced to a few nationality groups, namely Belgians, Western Asians (Iraq, Afghanistan, Syria and Iran), Albanians and Eastern Europeans (Bulgaria and Romania).

Main nationalities of those convicted of human smuggling between 2012 and 2020 (n=1.185)



Source: Department of Criminal Policy, FPS Justice