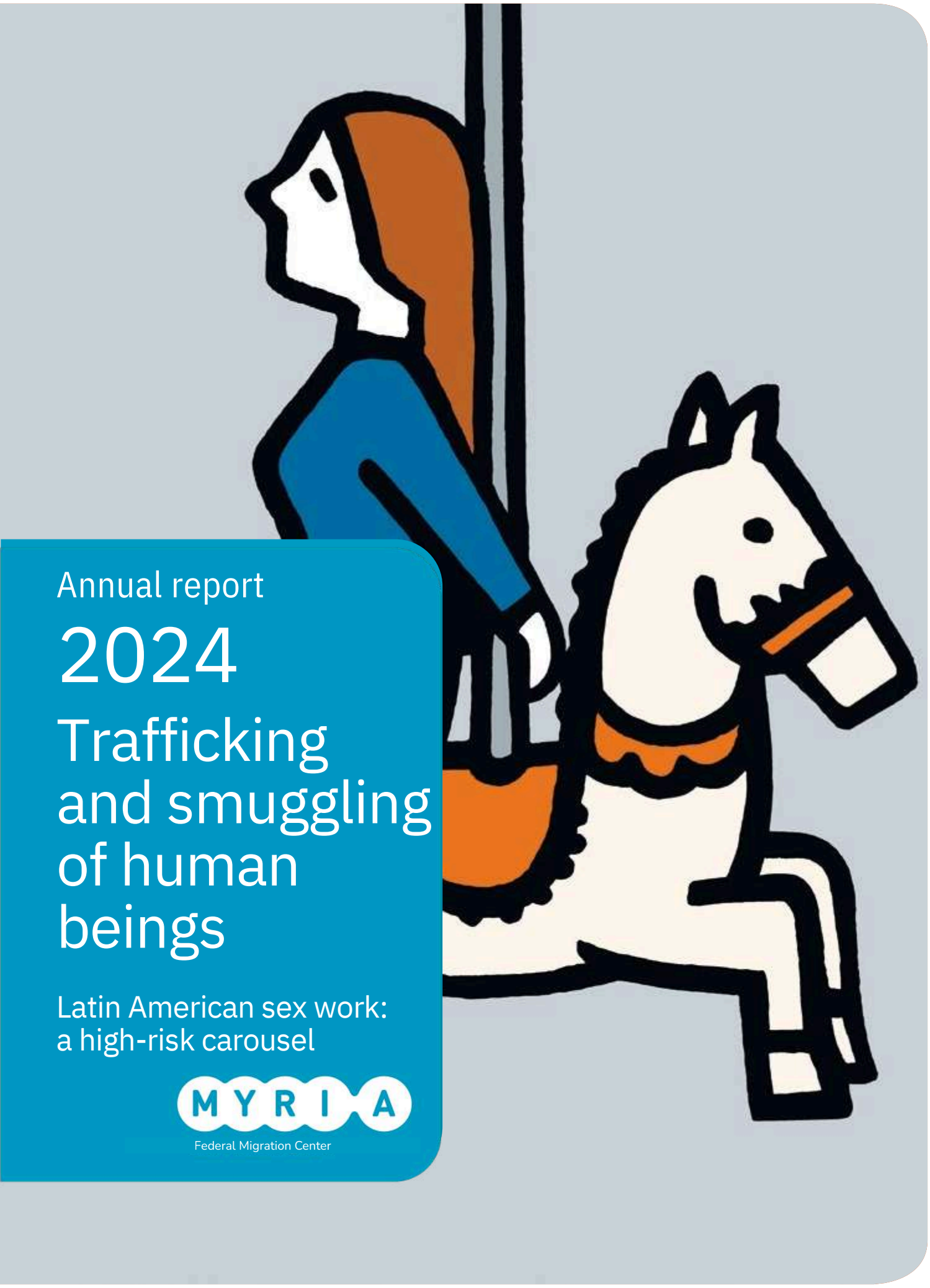


Annual report

2024

Trafficking and smuggling of human beings

Latin American sex work: a high-risk carousel

MYRIA

Federal Migration Center

Annual report

2024 Trafficking and smuggling of human beings

Latin American sex work: a high-risk carousel

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Foreword



Foreword

‘A high-risk carousel’ is the title chosen by Myria, the independent rapporteur on trafficking in human beings, for its 2024 annual report, which focuses on the exploitation of sex workers of Latin American origin.

The phenomenon of trafficking in Latin American sex workers is not new. According to victim figures, case law and interviews, it seems to be growing and becoming increasingly problematic. Patterns and trends are emerging, and these deserve to be studied and explored in greater depth. What we are increasingly seeing are the hallmarks of transnational organised crime networks. Victims often come from Brazil, Colombia and Venezuela. They are exploited in private homes and moved around as the risk of detection and new opportunities arise.

These mobile carousels offer travel, accommodation, advertising, appointment scheduling and transportation services. Irregular movements make sex workers less visible and even more dependent on networks that take control of their every move. This can sometimes go very far: earnings largely skimmed off the top, income seized, travel documents confiscated, situations of debt bondage to reimburse travel expenses, and so on.

However, not everything is black and white in this reality. Sex work carried out willingly is sometimes difficult to distinguish from sex work carried out under a mild form of coercion or outright force. In many cases, there are also shifts, or win-win situations that turn into the exploitation of people under permanent control who can, in the space of a few days, be moved and offered to clients in other European cities.

Detecting these carousels can be particularly difficult. By focusing on this issue, Myria aims to encourage frontline services – and the police in particular – to pay attention, detect and identify victims. Cultural and linguistic sensitivities must be taken into account and refined. It is also important to show the same level of care and sensitivity when monitoring internet platforms and social media. Specialised centres for victims and grassroots associations play an important role. At the end of this foreword, I will emphasise the role of the justice system.

Our focus is complemented by two external contributions:

Ms. Conny Rijken, Dutch National Rapporteur, details the trends and observations relating to Latin American sex workers who are victims of trafficking in the Netherlands. This analysis reveals strong similarities, but also some differences. In particular, the Field Lab programme supports multidisciplinary collaboration when dealing with highly complex challenges in the field, which is of great interest for policy in this domain. It contributes to the development of measures that have an impact on situationsconsidered critical or requiring an immediate response.

Myria also invites four organisations to share their experiences: Alias, Boysproject, Espace P... and Violett, in a joint contribution on their experiences of diversity and vulnerability in helping Latin American sex workers. The accumulation of vulnerabilities, grey areas and the perception of win-win situations are some of the issues addressed.

The year 2024 was full of challenges for Myria and for the different roles it plays in the fight against human trafficking. I can safely say that Myria has risen to all the challenges it has faced, as is reflected in this report. The Special Commission responsible for evaluating legislation and policy on human trafficking and smuggling made many recommendations, but also refined expectations with regard to the coordination mechanism. The work of the Interdepartmental Coordination Unit and its office intensified, requiring an additional commitment from Myria, which serves as the secretariat.

The new directive on human trafficking has been in force since 14 July 2024. This report clarifies its content, as well as the changes to be made in terms of prevention, the role of the judiciary, detection and assistance to victims and, above all, as regards coordination and guidance, as well as certain questions that arise. Transposition must be completed by 15 July 2026.

Myria is continuing to develop MyEldo with PAG-ASA, Payoke and Sürya, whose approval was renewed in 2023. The first promising results in terms of analysis and reporting on alerts and new support were presented in March 2024 as part of a demo to the Minister of Justice, Mr. Paul Van Tigchelt, in the presence of members of the office of the Coordination Unit and the European Funds Unit. The project was financed using resources from the Internal Security Fund. In the meantime, the system is being constantly evaluated and improved, and is proving to be a useful reporting tool for the centres.

As part of this annual report, the Special Commission also asked Myria to endeavour to draw up a more detailed picture of underage victims every year. Myria has set about this task using its own resources. You will find the initial results in a sub-section of the report, which we co-authored with Meza on the Flemish side, a section of Minor-Ndako that works with PAG-ASA, and with Esperanto, which is active in the Wallonia-Brussels Federation.

While Myria is doing its utmost to paint a better picture of victims, the data produced by the six players who provide figures is far from perfect and is sometimes lacking. This remains a cause for concern and attention. The NSSO's Thematic Department for Trafficking in Human Beings provides us with the results of a qualitative analysis of its own data, which certainly offers significant added value, particularly since the ECOSOC service, which specialises in human trafficking, has been strengthened.

As is often said and much to our regret, our knowledge of trafficking victims in our country is still too often limited to the basic data provided by those involved in the multidisciplinary cooperation model; victims who do not acquire victim status or who abandon it – or disappear – at an early stage are often missing from the picture. The migrants supported by the IOM under the Assisted Voluntary Return and Reintegration programme also include people who are, or have been, involved in human trafficking situations. The IOM's contribution to this report reveals and analyses this data, providing a dynamic picture of a phenomenon that is often approached in an overly static manner. This contribution is invaluable.

Finally, I would like to address the main challenge in the fight against human trafficking, at a time when no government agreement has yet been reached at federal level.

The Flemish government agreement has already shown ambition – and interest – regarding the issue of human trafficking.

"We are examining how to strengthen cooperation with the authorities and partner organisations to detect, help and support victims of human trafficking quickly. We are mapping the procedures implemented between detection and the formal recognition of the victim, and clarifying the responsibilities of the various partner organisations with a view to optimising how things work on an operational level between the different players. With this in mind, we are combating operational fragmentation, both in terms of regular operations and crisis response. We are striving to ensure transparency in the funding of psychosocial support and the reception of trafficking victims [free translation]."

The federal approach — with all the entities and stakeholders active in the field of human trafficking — is facing its greatest challenge in many years and will have to focus on the heart of the problem.

The Special Commission for human trafficking has rightly focused on all forms of labour exploitation, including those that cannot be tackled within the framework of the fight against human trafficking, thus enabling exploited workers who cannot claim the status to also turn to a trusted contact person to seek information, redress and justice. Such an environment will also help to prevent human trafficking and, in some cases, detect it.

However, the fight against human trafficking itself will still have to be initiated and led mainly by the justice system.

The same applies to the tendency to approach human trafficking through the prism of migration policy. This incurs the risk of focusing on residence guarantees for illegally staying third-country nationals, which could obscure the fact that the status of victim of human trafficking is an essential condition for the support and protection of third-country victims.

However, this must not become the sole concern of policy in this domain. It is one of the four cornerstones of the model known as the four 'Ps': prevention, prosecution, protection and partnership.

Nevertheless, by focusing on third-country nationals, we must not lose sight of the fact that the human trafficking industry also operates unimpeded at the expense of the EU and – lest we forget – Belgian citizens, for whom the granting of protection should also remain a major goal.

This is why we expressly expect the justice system to make human trafficking an absolute priority. Active reference magistrates and an attentive, proactive judicial policy are the best guarantees of effective detection and protection of vulnerable victims, with little or no agency.

In a multidisciplinary model, where local players and specialised centres work together in the field and in mutual trust, justice must be the driving force behind the system. If this engine stalls, there is a real risk of the system imploding. The much-vaunted Belgian model is based on balance and commitment. This model, in itself, is certainly not a guarantee of success; it requires considerable and constant attention, and it cannot succeed if attention is diverted away from the core issues.

This is why it is so important to have full and complete court records, which focus on the victims, their right to redress and gaining their essential trust, in order to empower them and strengthen the rule of law.

I hope you find this report a stimulating read.

Koen Dewulf
Director

Part 1

Focus: Image of the phenomenon of human trafficking for the purpose of the sexual exploitation of victims originating from Latin America



Introduction

For this report's focus, Myria has chosen to examine trafficking for the purpose of the sexual exploitation of people originating from Latin America. After outlining the reasons for this choice, the sources consulted and the terminology used, it paints a picture of the phenomenon by addressing the following points in turn: the profile of Latin American sex workers (hereafter: SW), including victims of trafficking (Chapter 1); the exploitation of Latin American victims in Belgium (Chapter 2); investigations, prosecutions and the protection of victims (Chapter 3). It ends by citing a number of good practices and drawing several conclusions.

This focus is accompanied by two external contributions. Firstly, field organisations working that support SWs give us an insight into their work, particularly with this target group. Secondly, the Dutch National Rapporteur on Trafficking in Human Beings and Sexual Violence against Children explains the phenomenon in the Netherlands.

The theme of this focus was chosen following Myria's observation that, since 2016[1], there has been an increase in the **number of decisions** concerning human trafficking involving people originating from Latin America. These are decisions Myria has received as part of its case law monitoring work, both on the French-speaking and Dutch-speaking sides of the country. Although sex work by Latin Americans is not a new phenomenon in Belgium[2], their sexual exploitation under the prism of trafficking is a new trend observed in case law[3].

Myria was also motivated to address this issue for a number of other reasons: the **large number of adverts published online** involving Latin American SWs in Belgium[4], the **EMPACT Joint Action Days** held in various European Union Member States focusing on certain Latin American nationalities (Colombia, Bolivia and Brazil)[5], and an analysis of the **figures** showing an increase in the intake of SWs by specialised reception centres for victims of human trafficking[6].

As this is a **private and hidden** form of **prostitution**, there are few publications or information available on the subject to date. Moreover, this phenomenon was not given any particular attention by the last Special Parliamentary Commission on Human Trafficking and Smuggling[7]. This reinforces Myria's conviction that it should be the subject of its focus.

In order to get a clearer picture of this phenomenon, Myria spoke to various **players**, including several public prosecutors, federal and local police forces, centres specialised in the reception of victims of human trafficking, as well as several field organisations offering psychological, medical and social support for SWs[8].

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1 The first decision Myria received concerning the trafficking of Latin American trans persons for the purpose of sexual exploitation was handed down on 21 December 2016 by Liège Criminal Court and concerned events dating back to 2014. See Myria, *Annual report 2019 - Trafficking and smuggling of human beings, Empowering victims*, p. 120: Liège Crim. Court, Liège division, 21 December 2016 (unpublished); Liège, 17 May 2018, 18th ch. and Myria's website (case law).

2 See J. Rausenberger: "¿Mi cuerpo? ¡Mi vida ! Voicing Latin American transgenders in Antwerp's sex industry" in *Journal of Comparative Research in Anthropology and Sociology*, 2016, vol. n° 7, n° 2, pp. 125-142.

3 In terms of the sexual exploitation of Latin Americans, Myria received 16 decisions relating to 12 cases, both French-speaking and Dutch-speaking, for which judgments or rulings were handed down between 2016 and 2024.

4 This information emerged from the various interviews that Myria conducted as part of this focus.

5 Europol, *Human trafficking action week: 219 criminals arrested and 1,374 victims identified*, 24 June 2024, available at www.europol.europa.eu.

6 Figures for support provided by the reception centres are available in Myria's reports published on its website.

7 See Report of the Special Commission responsible for evaluating legislation and policy on human trafficking and smuggling, 12 June 2023, *Parl. Doc.*, Chamber, DOC 55 2530/002. For an analysis of this commission's work, see Myria, *Annual report 2023 – Trafficking and smuggling of human beings, A chain of responsibilities*, pp. 73-89.

8 There are four organisations, two of which specialise in supporting men and trans people in sex work, while the other two support all SWs. See their external contribution at the end of this focus.

The other sources for this report are: the case law Myria received over the past few years (which is the starting point of this analysis of the phenomenon); the analysis of cases in which Myria has brought a civil suit[9], including a major case discussed later in this report[10]; Myria's previous annual reports; a review of the literature; articles in the Belgian and international press; various parliamentary documents[11]; the decisions of the Netherlands Public Prosecution Service regarding Field Labs[12]; and reports and data from various Belgian, European and international bodies[13].

As this focus concerns the sexual exploitation of Latin Americans, it is necessary to take a closer look at the reality of Latin American sex workers in general. However, Myria stresses the importance of making a clear distinction between independent sex work and situations of exploitation. **Hence, throughout this focus, Myria is careful to specify whether or not it is referring to a situation of exploitation involving human trafficking**. In particular, Myria has chosen to use the more neutral term '**sex work**' when referring to sexual services in the general sense, and to sometimes use the term 'prostitution' when referring to situations of exploitation.

To ensure that the diversity of identities within the gender spectrum is included, Myria uses the term '**trans people**', which is a "an umbrella term used to describe people whose gender identity and/or gender expression differs from the sex assigned to them at birth"[14], in accordance with the terminology adopted by the Institute for the Equality of Women and Men (IGVM-IEFH).

9 See, in particular, a case concerning a trans defendant prosecuted for exploiting other Peruvian trans people. In a judgment of 4 October 2024, the French-speaking criminal court of Brussels acquitted the defendant: Brussels French-speaking Crim. Court, 4 October 2024, 47th ch. (final).

10 See Part 2, Chapter 2, point 1.

11 Written question from Emmanuel Burton (MR) to the Minister of Justice, *Bulletin*, Chamber,S.O. 2020-2021, QRVA 55040, 25 February 2021; answers from the Minister of Justice to the questions of Ben Segers (Vooruit), Sophie Rohonyi (DéFI), Chamber Committee on Justice, *Full report*, Chamber, S.O. 2020-2021, CRIV 55-COM 463 of 5 May 2021; Parliament of the Brussels-Capital Region, United Assembly of the Common Community Commission, Report concerning prostitution in the Brussels-Capital Region, hearings, 19 May 2022; Report of the Special Commission responsible for evaluating legislation and policy on human trafficking and smuggling, 12 June 2023, *Parl. Doc.*, Chamber, DOC 55 2530/002.

12 See hereafter on this subject: Part 1, Chapter 2, point 5 and the definition in the external contribution of the Dutch National Rapporteur at the end of this focus.

13 Myria also used data from the specialised reception centres for victims of trafficking through the MyEldo electronic case management system. MyEldo is a shared database for recording the cases of victims, developed by Myria together with three specialised reception centres for victims of human trafficking. It has been operational since March 2023.

14 Institute for the equality of women and men, *Guide for transgender people at work*, 2016, p. 26.

Chapter 1
Profile of Latin American SWs, including victims of trafficking

1. Context and developments

Historically, **sex work** carried out by Latin Americans has existed in Belgium **since the 1980s and 1990s**, both in Antwerp and in other cities[15]. There was already talk of trans people in the Belgian sex industry as far back as the 1990s. However, the last few decades have seen an increase in Latin American sex work in Belgium, as well as in the international sex industry, due to the globalisation that has led to the increased migration of women and sex tourism[16]. However, the phenomenon of **human trafficking** for the purpose of the sexual exploitation of Latin American victims is new.

There is a striking **over-representation of women** compared with other gender identities among Latin **American SWs** in Belgium[17], and it is particularly flagrant in the case of Latin American **victims** of trafficking for the purpose of sexual exploitation. All victims in the case law decisions are cisgender or trans women, and account for the majority of the support provided by the specialised reception centres (see Table 1 below).

The field organisations that Myria met confirmed the less visible presence of **cisgender men among Latin American SWs**. Moreover, they never appear in the case law relating to trafficking, and **only exceptionally among the victims of trafficking** for the purpose of sexual exploitation supported by the specialised reception centres (see Table 1 below). The under-representation of this group among the victims of trafficking can be explained by the fact that they are a minority of the general SWs population, and by the fact that they are less visible, although just as vulnerable.

Trans people, who are strongly represented in Latin American sex work[18], are clearly affected by trafficking. This finding is supported by various players that Myria interviewed, as well as by case law and the case analysed later in this report[19].

Trafficking for the purpose of the sexual exploitation of Latin Americans in Belgium almost exclusively involves people **of legal age**, ranging from their 20s to their 50s. As far as Myria is aware, there is no information to suggest that any of these victims are minors, with the exception of information obtained from interviews with the police, according to which minors have sometimes been identified.

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15 See J. Rausenberger: "¿Mi cuerpo ? ¡Mivida ! VoicingLatin American transgenders in Antwerp's sex industry" in *Journal ofComparative Researchin Anthropologyand Sociology*, 2016, vol. no. 7, n° 2, pp. 125-142.

16 See in particular for the Netherlands: M.-L. Petra Catharina Janssen, Reizende sekswerkers, *Latijns-Amerikaanse vrouwen in de Europese prostitutie*, 2007, p. 7; and for France: F. Guillemaut, "Prostitution et immigration : une histoire conjointe" in *Vacarme*, 2009/1, n° 46, pp. 40-41; see L. Oso, "Money, Sex, Love and the Family: Economic and Affective Strategies of Latin American Sex Workers in Spain" in *Journal of Ethnic and Migration Studies*, janvier 2010, vol. n° 36 (1), pp. 47-65.

17 According to interviews conducted by Myria; see also the hearing of the judicial commissioner, head of the DJSOC's 'Human trafficking and smuggling' unit concerning the ratio of approximately 12 women to 1 man among people who prostitute themselves or offer sexual services on the internet: *Report of the Special Commission responsible for evaluating legislation and policy on human trafficking and smuggling*, 12 June 2023, *Parl. Doc.*, Chamber, DOC 55 2530/002, p. 31.

18 See the hearing of the judicial commissioner, head of the 'Human trafficking and smuggling' unit, of DJSOC: Report of the Special Commission responsible for evaluating legislation and policy on human trafficking and smuggling, 12 June 2023, *Parl. Doc.*, Chamber, DOC 55 2530/002, p. 31.

19 See Part 2, Chapter 2, point 1: two trans people were considered to be victims of trafficking and exploitation of prostitution.

The lack of any general observation of underage victims in Belgium[20] can certainly be explained by their absence from Latin American sex work in general, due to European migration controls[21].

Latin Americans often obtain Spanish or Portuguese nationality within the context of their migration[22]. This is why the various tables in this focus include these nationalities. However, no Portuguese victims of trafficking received support from the reception centres between 2019 and 2023. Consequently, the tables on support for victims of trafficking do not include Portuguese nationality.

Table 1[23]: Number of Latin American or Spanish victims of sexual exploitation receiving support from the centres, according to legal or perceived gender[24] (source: specialised reception centres)

	Total	Women	Men	X	Nationality
2019	9	7	2	/	Brazil, Cuba, Venezuela
2020	9	8	1	/	Brazil, Colombia, Dominican Republic, Spain, Venezuela
2021	9	8	1	/	Brazil, Colombia, Ecuador, Spain, Suriname, Venezuela
2022	17	16	0	1	Brazil, Peru, Spain, Venezuela
2023	14	12	2	/	Brazil, Colombia
Total	**58**	**51**	**6**	**1**	**Brazil, Colombia, Cuba, Dominican Republic, Ecuador, Peru, Suriname, Venezuela**

The **most common nationalities in Belgium** among **Latin American SWs** are Brazilian and Colombian, and to a lesser extent Venezuelan and Dominican. This finding is based on various interviewsand on the statistics provided by the Central Directorate of the for Combatting Serious and Organised Crime (DJSOC) within the Federal Judicial Police, indicating the number of adverts for sexual services placed by Latin Americans on a given internet platform, according to their nationality (see Table 2 below).

20 On an international level, the exploitation of young Colombian boys has reportedly been reported to Europol as part of a Colombian smuggling network that was transporting them to the United States, South America and Europe for the purpose of sexual exploitation (Europol, situation report, *Criminal networks involved in the trafficking and* exploitation of underage victims in the European Union, The Hague, October 2018, pp. 21-22).

21 This absence is apparent from the case law analysed and various interviews conducted by Myria, as well as data from the MyEldo system indicating that the Latin American individuals supported between 2019 and 2023 by the specialised reception centres for sexual exploitation were all of legal age when the support began.

22 See hereafter Part 1, Chapter 1, point 4 for more information on the migration trajectory.

23 Comment regarding tables 1 and 3 and graph 1: the presentation of the figures for support in 2023 is taken from the MyEldo data management system and Myria's 2023 annual report, while the breakdown for 2021, 2020 and 2019 is taken from the figures presented in Myria's previous annual reports: *Annual report 2020 - Trafficking and smuggling of human beings, Behind closed doors*, *Annual report 2021 – Trafficking and smuggling of human beings Visibly invisible*, *Annual report 2022 – Trafficking and smuggling of human beings, Bound by debt*, *Annual report 2023 – Trafficking and smuggling of human beings, A chain of responsibilities* and Myria's website. Thanks to the new computer system introduced in 2023, reporting is much more accurate. The figures relating to reports of potential victims that have not been followed up in sufficient detail in recent years cannot be presented.

24 X corresponds to non-binary people. Since 2023, it has been possible to choose between legal gender and perceived gender in the MyEldo system. The choice of perceived gender was not provided for in previous years in the old system and to date, there is no clear directive regarding the entry of trans people in the MyEldo system.

Table 2: Number of adverts for sexual services with Latin Americans or Spanish/Portuguese persons, according to nationality (source: DJSOC)

	2022	2023	January-June 2024[25]	Total
Brazil	2.614	2.317	1.344	6.275
Colombia	1.270	1.373	903	3.546
Venezuela	363	407	334	1.104
Dominican Republic	123	86	65	274
Cuba	104	76	63	243
Argentina	71	79	47	197
Peru	53	53	49	155
Paraguay	35	24	14	73
Chili	14	13	13	40
Panama	17	18	10	45
Ecuador	11	13	11	35
Bolivia	11	8	3	22
Total (Latin Americans)	**4.686**	**4.467**	**2.856**	**12.009**
Spain	1.136	864	563	2.563
Portugal	432	334	171	937
Total (Spanish and Portuguese persons)	**1.568**	**1.198**	**734**	**3.500**

The same applies to **Latin American victims** of human trafficking. In the past, specialised reception centres provided support for Latin American people, mainly Brazilian men who were victims of labour exploitation, whereas in recent years a greater number of women and trans people who were victims of sexual exploitation, mainly Brazilian and Colombian, have been provided with support (see Table 1 above and Table 3 below). It often happens that several victims who are receiving support are involved in the same case.

Case law, figures from the specialised reception centres and various interviews corroborate this observation, as does the presence of a smaller number of victims from Venezuela, Peru, Ecuador, Bolivia and Argentina. In addition to Latin Americans, some court decisions include other nationalities among the victims (in particular Romanians, Moroccans and Nigerians)[26].

Table 3: Number of Latin American or Spanish victims of sexual exploitation receiving support, according to nationality (source: specialised reception centres)

	Brazil	Colombia	Venezuela	Peru	Spain	Ecuador	Suriname	Dominican Republic	Cuba
2019	7	/	1	/	/	/	/	/	1
2020	2	3	2	/	1	/	/	1	/
2021	1	2	2	/	1	2	1	/	/
2022	12	/	1	3	1	/	/	/	/
2023	8	6	/	/	/	/	/	/	/
Total	**30**	**11**	**6**	**3**	**3**	**2**	**1**	**1**	**1**

25 This data is limited to the period from 1 January to 1 July 2024, corresponding to half of 2024.

26 See Part 2, Chapter 3, point 2.2.2.: a decision concerning Latin American victims and a Moroccan trans person (Limburg Crim. Court, Tongeren division, 4 January 2024, ch. 9K3R); a case concerning both Nigerian and Latin American SWs (Brussels Dutch-speaking Crim. Court, 29 March 2023, 13th ch.); and another case on the exploitation of Latin American and Ukrainian victims (Limburg Crim. Court, Hasselt division, 1st December 2023, ch. 18A). See also a decision concerning a dual Brazilian and Colombian prostitution network: Brussels French-speaking Crim. Court, 27 May 2022, 47th ch. (unpublished).

2. Vulnerabilities and reasons for migration

The SWs generally come from the same **poor regions** of Latin America[27], in countries where the economic situation is fragile[28]. Some of them also have less vulnerable profiles, such as a university education, but this is not a general rule. The majority of Latin American **SWs** are economically vulnerable people, whose **reason for migrating** is generally to **find money** to send home to their families, to use for their own studies, to make their own lives more comfortable or to pay off a personal debt[29].

In some cases, SWs are already **active** in their country of origin or in another Latin American country[30]. The **sex work market in Europe** is more appealing than that in Latin America: on the one hand, it is more attractive in terms of income for these people and, on the other, it is more accessible for cisgender Latin American men[31].

The interviews conducted by Myria show that the majority of Latin American **SWs**, as well as most of the **victims** concerned by the trafficking decisions analysed, are in an **irregular or precarious** situation in Belgium.

The precarious status of SWs, owing to the lack of recognition and the stigma attached to sex work and, for some, to their illegal residence status, severely restricts their **access to housing**, **social rights, regular work and healthcare**, and opens the way to their exploitation by others. This lack of access was exacerbated by the COVID-19 pandemic[32]. As for the difficulties in accessing housing, they often have no choice but to accept **high rental prices**.

Latin American SWs are also particularly at risk of exploitation due to the many forms of **violence and discrimination** to which they are subjected[33]. The **risk of rape and theft** are also among the many factors that make **Latin American SWs** vulnerable[34].

In addition, **trans Latin Americans** are a particularly vulnerable group, regularly facing multiple forms of violence **in their countries of origin**[35]. **Transphobia** can take the form of institutional violence, particularly by the police[36], as well as verbal and physical aggression, sometimes even from their families. These people have to bear the " (...) brunt of the social structure of their background, and particularly that of gender norms in working-class environments (heteronormativity, homophobia, punishment of deviant masculinity). This interweaving of class and gender places people in the marginal and stigmatised social position of prostitution"[37]. For **political reasons**, they are forced to enter the informal sex industry to gain **financial independence**.

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27 According to interviews conducted by Myria, many Ecuadorian SWs are said to come from the city of Guayaquil, while Brazilian SWs generally come from the states of Minas Gerais and Goiás; see an ongoing investigation in Namur concerning a network based in the states of the Federal District and Goiás (G. Dupont, 'Prostitution — "J'ai fui un réseau de prostitution brésilien à Namur'", 1st July 2024, *DH Les sports+*, available at https://www.dhnet.be/).

28 Plunged into an economic crisis for the past 10 years, Venezuela suffers from hyperinflation and is subject to economic sanctions and a reduction in oil production, which has caused extreme poverty among its population (DAO migration, "Analyse migratoire: Amérique du Sud", Federal Police, August 2023). Concerning Colombia, see also the economic study carried out by the OECD in February 2022: "(…) both growth and social inclusion are hampered by the shortcomings of structural policies, which exclude more than half of the people in paid work from formal employment and social protection, while preventing companies from developing and becoming more productive" (OECD, Colombia Economic Snapshot, available at https://www.oecd.org/en).

29 According to various interviews conducted by Myria; see Part 2, Chapter 2, point 1.3.; see the external contribution of field organisations at the end of this focus; see also a case in which Myria filed a civil suit: Brussels French-speaking Crim. Court, 4 October 2024, 47th ch. (final).

30 The police assume that the women have already worked in the sex work in their country of origin because of the stamps in their passports attesting to the fact that they have already travelled extensively in Latin America before coming to Europe.

31 An interview with field organisations revealed that the sex work market in Latin America is generally less accessible to men who have sex with men than to women and trans people. This may be explained by more pervasive social and religious discrimination in the country of origin.

32 See the external contribution from Johan Debuf, First Chief Inspector of Police, Brussels North Police Zone, in: Myria, *Annual report 2020 – Trafficking and smuggling of human beings, Behind closed doors*, p. 46.

33 See hearing of M. Guilhem Lautrec (Alias) concerning Latin American men involved in sex work: Parliament of the Brussels-Capital Region, United Assembly of the Common Community Commission, Report concerning prostitutionin the Brussels-Capital Region, hearings, 19 May 2022, pp. 48-56.

34 See the testimony of a victim as part of an ongoing investigation in Brazil and Namur: G. Dupont, 'Prostitution — "J'ai fui un réseau de prostitution brésilien à Namur'", 1 July 2024, *DHLes sports+*, available at https://www.dhnet.be/.

35 According to Trans Murder Monitoring (TMM) of 2020, 353 murders of trans women were reported worldwide the previous year, half of which occurred in Brazil, and 62% of them were sex workers: TMM (Trans versus Transphobia), "Update Trans Day of Remembrance 2020", TGEU, 11 November 2020.

36 See the report of CGRA (CEDOCA) on acts of violence and/or discrimination by the police against LGBT+ people: CGRA, *"Colombia – Seksuele minderhedenen transgenders"*, COI focus,19 October 2020.

37 L. Gonzalez, "L'imbrication classe et sexe à l'œuvre: parcours identitaires et migratoires chez les personnes trans MtF latino-américaines" in *Genre, sexualité & société*, 2018, vol. n° 20.

Sometimes the economic motivations of trans people are also guided by the aim of being able to pay for their gender transition. In their pursuit of this independence, the search for a higher income drives them towards the European sex work market. In **Europe**, Latin American trans people, **whatever their gender expression**[38], nevertheless face violence, stigmatisation and social discrimination, just like other Latin American SWs, particularly in terms of **access to healthcare, housing and employment**[39].

Latin American sex work in Belgium is **less visible** as it is concealed and its community is closed and itinerant, making it difficult to make contact with those concerned, thus increasing the risk of vulnerability. As these people generally do not speak or understand French, Dutch or English, the **language barrier** also plays a role in their social isolation. This results in a certain powerlessness when dealing with clients or renting flats in a language they do not understand, which can lead people to resort to phone operators or intermediaries. Owing to their linguistic isolation, Latin American victims of trafficking generally have their exploiters as their only point of contact when they arrive in Belgium, which reinforces their dependence on them[40].

Belgian courts and tribunals regularly base the vulnerability of Latin American victims of trafficking for the purpose of sexual exploitation in Belgium on the fact that they are controlled by their exploiters, and on the fact that a large proportion of their income is handed over to them[41]. The vulnerability of this group also lies in the fact that they have no means of subsistence other than that derived from sex work. Some case law decisions mention a certain amount of violence, either physical or through threats, used by exploiters against victims of trafficking, but the control exercised by the perpetrators is generally more subtle[42]. In a decision involving a double network, the Colombian victims said they felt threatened and feared reprisals, while the Brazilian victims said they agreed with the system in place[43].

3. Recruitment methods

This point concerns both Latin American SWs in general and victims of trafficking for the purpose of sexual exploitation.

Latin American **SWs** often know that they will be working in prostitution in Europe but are unaware of the exact conditions. In rare cases, they are offered jobs in childcare, domestic work, hospitality, hairdressing or nail salons. **False promises** are sometimes used to recruit Latin American victims of trafficking[44]. This is also the case in an investigation currently underway in Namur, in which Brazilian female influencers and models were initially recruited for a decent job[45]. Case law shows that recruitment is generally carried out **in the country of origin** over the internet, and more rarely in Belgium.

During various interviews, Myria learned that, in general, the **Latin American community** in Europe is very active on **social media** and **instant messaging applications**. Information is exchanged through numerous groups on social media, which sometimes have thousands of members and deal with a variety of subjects. This is a practical and accessible way for newcomers to create a network and obtain information.

SWs from Latin America who want to work in Europe also use social media and instant messaging applications such as Facebook, Instagram, TikTok, WhatsApp, WhatsApp Business, Signal and Telegram. For instance, there are WhatsApp groups for people needing accommodation or somewhere to stay, for explanations on how to obtain residence documents, for beauty advice, for private taxis, for contacts, for prostitution-related activities, etc. Advice and tips are shared and contacts are made[46]. It is a way for SWs to quickly find their feet in another town or country.

38 Including"(…) but not limited to: men and women with a transsexual past, and anyone who identifies as transsexual, transgender, transvestite, androgynous, polygender, genderqueer, agender, gender variant or with any other gender identity and/or expression other than the standard man or woman and who expresses their gender through their choice of clothing, their presentation or body modifications, including the use of multiple surgical procedures" (Institute for the equality of men and women, *op.cit.*, p. 26).

39 According to case law and interviews conducted by Myria; see the hearing of Guilhem Lautrec (Alias), *op.cit*.

40 According to the interviews conducted by Myria; see Part 2, Chapter 2, point 1.3.

41 See hereafter Part 1, Chapter 2, point 3.4. for more details on the notion of control.

42 See Part 2, Chapter 3, point 2.2.2.: Brussels Dutch-speaking, 29 March 2023, 13th ch.

43 Brussels French-speaking Crim. Court, 27 May 2022, 47th ch. (unpublished).

44 According to the interviews conducted by Myria; see also a decision concerning a job in a nail salon in Part 2, Chapter 3, point 2.2.2.: Limburg Crim. Court, Hasselt division, 1 December 2023, ch. 18A.

45 See G. Dupont, 'Prostitution — "J'ai fui un réseau de prostitution brésilien à Namur"', 1 July 2024, *DH Les sports+*, available at https://www.dhnet.be/.

46 See Part 2, Chapter 2, point 1.2.3.

This then allows them to move around quickly and easily from one place to another and to find a place to stay. SWs thus learn about the areas known for sex work and the customs and prices in force in a specific country or town.

The **sexual exploitation** cases also reveal that SWs sometimes come into contact with a **facilitating organisation** through the use of social media and instant messaging applications[47].

One case revealed that a Brazilian trans SW had travelled from Brazil to Italy, had worked there independently for several weeks before travelling to Denmark. Through a WhatsApp group, she learned that it was possible to earn a lot of money in Belgium, so she went to Charleroi. After a few weeks, she headed back to Italy before returning to her family in Brazil. She returned to Europe when she realised, after several months, that she needed money[48].

Word of mouth also plays an important role. Knowing someone who does sex work in Europe and earns a lot of money can be a starting point for subsequent contact via social media and instant messaging applications. In addition, although this is not a recurring method of recruitment, the **loverboy** method was used in two cases, where the defendant used his power of seduction to recruit the victim[49].

In many cases, SWs come to Europe by their own means. Others use organised networks that act as '**travel agencies**'[50]. They facilitate travel **to and within Europe**. They provide the necessary travel documents (including plane tickets). They also take care of the administrative procedures involved in obtaining a tourist visa. For instance, they provide them with cash (EUR 1,000 or EUR 2,000), to prove their solvency when crossing the border[51].

This observation was made as part of an investigation carried out in Brazil and Namur into a prostitution network operating through travel agencies[52].

According to an interview with police, this phenomenon is mainly – but not exclusively – seen among Brazilian **'tour operators'** who offer a complete package including the flight, the hotel in the case of a stopover/transit, a flat to start with, as well as other services.

4. Migration trajectories

This section first looks at the international trajectory of Latin American people before examining more specifically the situation of Latin American SWs and, in particular, Latin American victims of trafficking for the purpose of sexual exploitation.

The migration trajectories and residency status of **Latin Americans working in the sex industry** can take different forms: from legal migration with residence permits or tourist visas, to illegal stay.

According to various interviews, many Latin American nationals enter the Schengen area **via Spain or Portugal**. Historically, Brazilians arrive mainly via Portugal. People from other Latin American countries enter via Spain. Affinity with the language and culture certainly plays a role here. Certain countries in South and Central America have not been **subject to visa requirements** for several years. Their nationals[53] may, under certain conditions, travel freely within the Schengen area for a certain period[54]. For instance, this has been the case since 2015 for Colombians and Peruvians wishing to enter the Schengen area. Brazilians have been able to travel freely within it since 2001.

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47 See hereafter Part 1, Chapter 2, point 2.1. for more details on facilitating organisations.

48 See Part 2, Chapter 2, point 1.3.

49 See Part 2, Chapter 3, point2.2.2.: Liège Crim. Court, 22 November 2023, 19th ch.; see Part 2, Chapter 2, point 1.3.4.

50 See M. Mariën, "Twee Brazilianen in cel voor mensenhandel in de prostitutiesector: 'Werden onder druk gezet en bedreigd'", *Het Laatste Nieuws*, 7 June 2024, available at www.hln.be and Belga, "Brazilianen blijven in de cel voor mensenhandel in de prostitutiesector", *Krant van West-Vlaanderen*, 11 June 2024, available at www.kw.be.

51 The migration service at the external border of the Schengen area can check whether a person has sufficient means of subsistence to travel in the EU. See Part 2, Chapter 3, point 2.2.2.: Limburg Crim. Court, Hasselt division, 1 December 2023, ch. 18A.

52 See the testimony of a victim: G. Dupont, 'Prostitution – "J'ai fui un réseau de prostitution brésilien à Namur"', 1 July 2024, *DH Les sports+*, available at https://www.dhnet.be/.

53 For Latin America, this means Argentina, Brazil, Chile, Colombia, Costa Rica, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Peru, Uruguay and Venezuela. Bolivia, Belize, Cuba, the Dominican Republic, Ecuador and Surinam, for example, are not concerned. See also L_2018303NL.01003901.xml (europa.eu) for the exhaustive list Applying for a Schengen visa – European Commission (europa.eu).

54 This is 90 days over a period of 180 days.

They often obtain a **residence permit in** Spain and Portugal, or even the **nationality** of these countries, after a certain period of time. This residence permit allows them to move freely within the EU, but does not necessarily mean that they can stay, work or settle long-term in another Member State. The more flexible visa policy for nationals of Latin American countries has been identified by several experts as one of the main reasons why more people of certain nationalities have recently been staying in Europe, particularly Colombians and Venezuelans.

In some cases, people stay in the EU for three months and then **return** to their country of origin. In other cases, once their visa has expired, they **remain** in the EU illegally. Sometimes they apply for **international protection**[55]. They may also be reluctant to be recognised as refugees, as this means that they are not allowed to return to their country of origin. The **COVID-19** pandemic also had a certain impact on the migration itinerary of Latin American SWs, as they were unable to return to Latin America during this health crisis.

Latin American SWs are known for their high level of **mobility in Belgium and Europe**. They spend only a few days or weeks in one town and then move on to another. **Domestic travel** seems to have a dual purpose. Commercial on the one hand, by virtue of the '**New in town**' principle: a new SW in a specific region attracts more customers. At the same time, these relocations prevent SWs from building up a network at local level and enable them to remain under the radar of the authorities. The local police and organisations working in the field with sex workers say that it is difficult to establish a good understanding of the SWs and to build a relationship of trust with them[56].

The **Latin American SWs** (temporarily) move to other Member States from their point of arrival in **Spain and Portugal**[57]. One decision involving a dual network is particularly representative of these trends among Latin American victims of trafficking: the Brazilian victims stated they lived and worked in Portugal, while the Colombian victims said they had lived in Spain[58]. In general, they travel to Belgium by plane or car. SWs also sometimes reach Belgium via **Amsterdam or Paris**[59]. In addition to Belgium, they are also present in France, the Netherlands[60], Luxembourg, Switzerland and Croatia[61]. These are generally the countries where customers pay the most and where they can earn the most money. They often operate in **areas bordering** the Netherlands[62], France and Luxembourg. Interviews with police revealed that **Poland** used to be an important gateway, including for other groups such as Chinese SWs, but that since 2017, this gateway has slowly shifted towards Spain.

It is not uncommon for Latin Americans to **marry** someone from an EU Member State[63]. In one case[64], several Brazilian victims of trafficking **married** in Spain before arriving in Belgium. One Brazilian victim also stated that they had come to work in Belgium in order to conceal their sex work activities from their entourage in Spain.

This is reminiscent of a decision concerning the organisation of **a marriage of convenience** in the Dominican Republic in order to bring a young Dominican victim of trafficking to Belgium to be exploited[65].

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55 According to a migration analysis carried out by the Federal Police; "Since the beginning of 2023, Venezuelans, Colombians and Peruvians have been among the most represented nationalities in applications for international protection across Europe. According to the known data reported in Eurostat, they represent a total of 16% of all applications in the EU+ (VEN: 41,575, COL: 38,000 and PER: 12,875)" (Eurostat - https://ec.europa.eu/eurostat/databrowser/view/MIGR_ASYAPPCTZM/default/table in DAO migration, "Analyse migratoire: Amérique du Sud", Federal Police, August 2023, p. 1).

56 According to the interviews conducted by Myria.

57 See the route taken by the Venezuelan civil party in a decision discussed in Part 2, Chapter 3, point 2.2.2.: Liège Crim. Court, 22 November 2023, 19th ch.

58 Brussels French-speaking Crim. Court, 27 May 2022, 47th ch. (unpublished).

59 See also a case in which Myria filed a civil suit: Brussels French-speaking Crim. Court, 4 October 2024, 47th ch. (final); see also the analysis of a case (in Part 2, Chapter 2, point 1.3.) in which several victims flew from their country of origin to Paris before arriving in Belgium.

60 See Part 2, Chapter 3, point 2.2.2.: Limburg Crim. Court, Hasselt division, 1 December 2023, ch. 18A.

61 See M. Mariën, "Twee Brazilianen in cel voor mensenhandel in de prostitutiesector: 'Werden onder druk gezet en bedreigd'", *Het Laatste Nieuws*, 7 June 2024, available at *www.hln.be* and Belga, "Brazilianen blijven in de cel voor mensenhandel in de prostitutiesector ", *Krant van West-Vlaanderen*, 11 June 2024, available at www.kw.be.

62 See a case in which Myria filed a civil suit: Brussels French-speaking Crim. Court, 4 October 2024, 47th ch. (final). In this case, the prostitution was organised in Utrecht and in several Belgian towns, in flats and hotels rented for this purpose. Myria received a decision relating to activities that took place both in the Netherlands and just across the border, in Limburg; see also Part 2, Chapter 3, point 2.2.2.: Limburg Crim. Court, Hasselt division, 1 December 2023, ch. 18A.

63 See M.-L. Petra Catharina Janssen, *Reizende sekswerkers, Latijns-Amerikaanse vrouwen in de Europese prostitutie*, 2007, p. 2, available at www.uva.nl.

64 See Part 2, Chapter 2, point 1.3.

65 See Myria, *Annual report 2023 – Trafficking and smuggling of human beings, A chain of responsibilities*, p. 99 (Leuven Crim. Court, 6 December 2022, ch. C2) as well as Myria's website (case law).

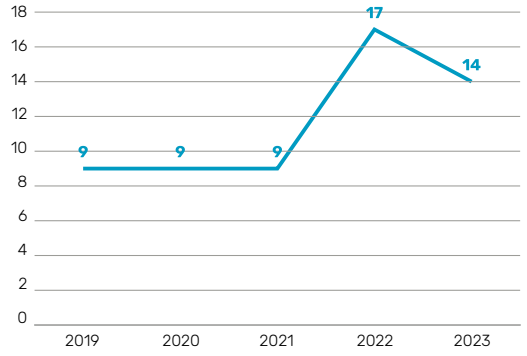
Chapter 2
Exploitation in Belgium

1. The phenomenon in figures

As mentioned above, the first judgment in a case of human trafficking for the purpose of sexual exploitation of Latin American victims of which Myria was aware only dates back to 2016, in a case where the events took place in 2014[66]. Since 2016, Myria has regularly received court rulings concerning the sexual exploitation of Latin American victims[67]. The information provided by the police shows that the existence of Latin American criminal gangs organising the exploitation of victims in Europe was reported for the first time at international level during the same period[68].

Figures from the specialised centres[69] also show an increase in the number of victims of trafficking from Latin America who have received support. However, they suspect there is a dark figure and that the real figures are much higher. Latin American victims of sexual exploitation are generally not interested in the status of victim of human trafficking, for a number of reasons[70]. As a result, the number of victims who have acquired the status is probably not a true reflection of reality.

Graph 1: Number of Latin American victims receiving support in 2019-2023 (source: specialised reception centres)



Police forces believe that the phenomenon of trafficking involving victims from Latin America is on the increase, and expect it to continue to grow, both in Belgium and in other European countries. This is based in particular on the increase in the number of adverts for sexual services published online involving people from Latin America[71].

From 2019 to the third quarter of 2023, the police recorded **125 confirmed sexual offences** involving suspects of Latin American nationality[72]. Most of these offences were committed in 2020 and 2021. Since then, numbers have started to fall again[73].

66 See Myria, *Annual report 2019 – Trafficking and smuggling of human beings, Empowering victims*, p. 120 (Liège Crim. Court, Liège division, 21 December 2016 (unpublished) and Liège, 17 May 2018, 18th ch.) and Myria's website (case law).
67 Myria received 16 decisions in this regard in the context of 12 cases, Dutch-speaking and French-speaking, for which judgments or rulings were handed down between 2016 and 2024.
68 As regards minors, see Europol, status report, *Criminal networks involved in the trafficking and exploitation of underage victims in the EU*, The Hague, October 2018. Europol, *Early Warning Notification on Cases of sexual exploitation involving suspects and potential victims from South America*,September 2020.
69 See tables 1 and 3 above.
70 See hereafter Part 1, Chapter 3, point 3 "Protection through victim status accepted by few".
71 See table 2 above. This also emerges from the interviews with the police.
72 In the figures, a distinction should be made between offences and investigations (cases). Offences are initial findings made by the police, who often cannot immediately determine whether human trafficking is involved. They consider that these sexual offences may be related to the phenomenon of human trafficking. As part of the investigation, it is up to the magistrates to decide whether or not to classify the acts as human trafficking.
73 According to the police, this decrease may be due to a change in the database and the uncertainty surrounding the new legislation on sexual criminal law concerning the way in which checks in private places can be carried out, resulting in a decrease in the number of checks.

Table 4: Confirmed sexual offences involving a suspect of Latin American nationality for the period 2019-2023 (3rd quarter) (source: DJSOC)

Offences	2019	2020	2021	2022	2023	Total
Exploiting the debauchery of others	8	13	15	8	1	45
Sexual exploitation	4	8	10	9	7	38
Inciting debauchery	9	14	9	3	0	35
Abuse of prostitution - Adults (new SPC[74])	0	1	0	2	4	7
Total	**21**	**36**	**34**	**22**	**12**	**125**

The nationality most frequently encountered among suspects is Brazilian, followed by Spanish and Colombian. The proportion of women (68%) is much higher in this category of offence.

Table 5: Nationalities of suspects in confirmed sexual offences according to gender for the period 2019-2023 (3rd quarter) (source: DJSOC)

Nationalities	Men	Unknown/Other[75]	Women[3]	Total
Brazil	11	3	7	51
Spain	14	0	29	43
Colombia	3	0	20	23
Venezuela	3	0	10	13
Portugal	8	0	1	9
Dominican Republic	2	0	6	8
Peru	4	1	2	7
Ecuador	0	0	1	1
Total	**45**	**4**	**106**	**155**

Looking at the sexual offences confirmed per judicial district, it is clear that the phenomenon is present almost everywhere in Belgium, both in cities and in smaller towns. The centre of gravity of the problem involving these nationalities is located mainly in West Flanders.

74 New Sexual Criminal Code.

75 This column includes, in particular, data from the Federal Police relating to suspects of foreign origin from countries where it is legally possible to indicate something other than 'man' or 'woman' on the identity card.

Table 6: Geographical distribution of confirmed sexual offences involving suspects of Latin American nationality for the period 2019-2023 (3rd quarter) (source: DJSOC)

Judicial district	2019	2020	2021	2022	2023	Total
Antwerp	2	1	2	6	4	15
Walloon Brabant	0	0	1	0	2	3
Brussels (Brussels-Capitale)	3	5	7	4	0	19
Brussels (Halle-Vilvoorde)	1	2	1	1	0	5
Hainaut (Charleroi)	3	2	0	0	0	5
Hainaut (Mons)	1	0	0	1	1	3
Leuven	0	2	0	1	0	3
Liège	0	8	1	0	1	10
Limburg	1	0	4	3	0	8
Luxembourg	1	1	0	2	0	4
Namur	0	0	2	0	1	3
East Flanders	1	2	3	3	3	12
West Flanders	8	13	13	1	0	35
Total	**21**	**36**	**34**	**22**	**12**	**125**

2. Organisation of the exploitation

In this section, Myria explores the structure of human trafficking organisations, their practices and their working methods. It mainly relied on information from court rulings and human trafficking cases, supplemented by the expertise of the police and the judiciary.

Many SWs from Latin America work **independently** in Europe and retain control over their work and their lives. They regularly use intermediaries, often compatriots, to familiarise themselves with the sex industry in Belgium or other European countries. This sometimes results in **win-win situations** for both parties, with the SW paying the intermediary for the service provided[76].

Some practices — such as the role of phone operators (*telefonistas* in Spanish)[77], sex work in private homes or the high level of mobility — are generally phenomena particular to SWs from Latin America. Myria stresses the importance of distinguishing between situations of exploitation and the situation of independent SWs, and of not assuming from the outset that there is exploitation.

Structure of the organisation

Thanks to the cases analysed and the information provided by the police, Myria has been able to identify a certain **structure in the organisation** of the exploitation. This generally involves **international networks with several facilitation units in Europe.**

Facilitation organisations organise and facilitate both travel and sex work. As explained above, they often act as **tour operators** offering travel packages at high prices[78]. They plan the journey to and within Europe, and facilitate sex work by advertising online and managing contact with clients. As they are often not familiar with the language and customs, victims rely on the network and pay a high price for these services.

76 This is confirmed by both field organisations and the police.

77 The term 'standardiste' (phone operator) is generally used by magistrates in French-language decisions.

78 See in particular M. Mariën, "Twee Brazilianen in cel voor mensenhandel in de prostitutiesector:'Werden onder druk gezet en bedreigd'", *Het Laatste Nieuws*, 7 June 2024, available at www.hln.be and Belga, "Brazilianen blijven in de cel voor mensenhandel in de prostitutiesector", *Krant van West-Vlaanderen*, 11 June 2024, available at www.kw.be.

According to some experts, an imbalance in the balance of power has emerged in recent years. Criminal networks have probably seen this as an opportunity. The initial win-win situations have become '**so-called win-win situations**', with the profits being higher for the organisations than for the SWs. The exploitation is often very **subtle** and the coercive aspect is less present. However, the victims find themselves in situations where they are dependent on the organisations to earn money and sometimes find it difficult to escape. This form of pimping is much harder to detect, particularly because the victims are not always aware that they are being exploited[79]. In some cases, SWs take this situation for granted because they are still earning more than in their country of origin, and their families depend on them. Little by little, these situations can become exploitative[80].

Information provided by the police reveals that instructions are often given by people higher up in the organisation. The **head of the organisation** is usually in the **country of origin** or in a neighbouring Latin American country.

In Europe, the organisations work with different cells for each **country or province**. They carry out the operational work: they organise accommodation and sex work and monitor the victims. They 'employ' several of them at the same time in different locations.

One case involved a woman with Belgian nationality, originally from the Dominican Republic, who had exploited no fewer than 36 victims – some of them from the Dominican Republic – over a period of four years[81].

However, the organisation is not pyramid-shaped: several groups co-exist within the different nationalities and there is not necessarily a single connected system[82]. The cells are made up of people from Latin America who have already settled in Europe and retain links with their country of origin. They often come from the same country as the victim or from a neighbouring country. A common language and culture play a major role. This type of organisation is often, but not exclusively, found in Brazilian networks[83].

The individual cells interact and often work together, sometimes mixing different nationalities. There is a sort of relay system between these different cells for sharing addresses and victims. This makes it possible to move around quickly, creating a kind of prostitution carousel[84].

Some cases also involved Romanian or Nigerian SWs in the same buildings as the Latin American SWs.

In one case, exploiters were looking for women in Ukraine who wanted to work for them[85].

In another case, Myria identified a cooperation between Brazilian and Colombian organisations. The same company rented premises for prostitution for two separate units, one facilitating the prostitution of Brazilian women and the other the prostitution of Colombian women[86].

The exploiters are both men and women. It is not uncommon for them to be former SWs or victims who have reimbursed their debts and are now recruiting new victims themselves in their country of origin, creating their own cell[87].

79 This has been confirmed by specialised reception centres for victims of trafficking. See Part 2, Chapter 2, point 1.3.2.
80 On the subject of win-win situations, see also in particular Myria, *Annual report 2009 – Trafficking and smuggling of human beings, In a haze of legality*, pp.17-18 and Myria, *Annual report 2013 – Trafficking and smuggling of human beings, Building bridges*, p. 24.
81 See Myria, *Annual report 2023 – Trafficking and smuggling of human beings, A chain of responsibilities*, p. 99 (Leuven Crim. Court, 6 December 2022, ch. C2) as well as Myria's website (case law).
82 According to police sources, there is no 'Latin American mafia'.
83 According to some experts, Brazilian organisations are better organised than others. The longer-standing presence of these organisations in Belgium is partly to blame for this.
84 See Part 2, Chapter 2, point 1.1.1.
85 See Part 2, Chapter 2, point1.3.1.; see also Part 2, Chapter 3, point 2.2.2.: Brussels Dutch-speaking, 29 March 2023,13th ch.
86 Brussels French-speaking Crim. Court, 27 May 2022, 47th ch. (unpublished).
87 See Part 2, Chapter 2, point 1.1.1.

One case involved a woman from the Dominican Republic who acted as an intermediary between the Belgian exploiter and the young women, and had obtained the status of victim of human trafficking in the past[88].

Facilitation organisations employ **henchmen** to get the operation up and running. They use **drivers**, **phone operators**, guards and photographers. It is not uncommon for ambitious henchmen to set up their own cell after a while and to start exploiting victims on their own account[89].

Drivers are responsible for driving victims from the airport to their accommodation when they arrive in Europe. They take victims to their place of work or come to collect money. Sometimes they also bring work supplies, such as contraceptives or sex toys. In some cases, they supply drugs to clients and victims. Drivers sometimes work for several networks at the same time, recruiting and monitoring victims.

In one case, the driver recruited and hired victims at the request of his 'superiors'. After recruiting them, he had to supervise them and became their 'chaperone'[90].

As for the use of **phone operators**, this is a general phenomenon specific to Latin American SWs. They play an important facilitating role. They are generally women, often (former) SWs, working to make ends meet.

Their job is to manage online adverts for sexual services. Their phone number is shown on the advert. They handle communications with the clients: they answer calls, arrange appointments, send the address to the SW, inform them of the arrival of a client, monitor the duration and terms and conditions of the services, and report to their superiors.

The clients never directly contact the SW, who must continuously inform the phone operators of the arrival, duration of the service and departure of the client. The phone operators keep scrupulous records of each SW. They are paid for their service, generally receiving a flat rate or a percentage per client. This varies from EUR 5 to EUR 15 per client. In one case, the victims even had to hand over 50% of their income when the client was brought to them by the phone operators[91]. These agents operate in Belgium or abroad, for example in Spain or the Netherlands, where they work with Belgian phone numbers. Sometimes there are even actual call centres with several operators. SWs depend on them to get work because of the language barrier[92].

In some cases, they are also responsible for maintaining the buildings and providing work supplies.

In one case, the phone operator managed six phones at the same time, each with two SIM cards (one victim per SIM card). The adverts were published by the manager on the sex site. She worked from 10:00 to midnight on weekdays and until 02:00 or 03:00 at weekends. She was paid EUR 5 per client. She earned around EUR 700 a week[93].

Owners also play an important role, as explained hereafter.

88 See Myria, *Annual report 2023 – Trafficking and smuggling of human beings, A chain of responsibilities*, p. 100 (Ghent Crim. Court, 10 June 2022, 10th ch.) as well as Myria's website (case law).
89 See in particular Part 2, Chapter 2, point 1.1.1.
90 See Part 2, Chapter 2, point 1.1.1.
91 See Myria, *Annual report 2022 – Trafficking and smuggling of human beings, Bound by debt*, p. 69 (West Flanders Crim. Court, Bruges division, 5 November 2021, ch. B15).
92 See Part 2, Chapter 3, point 2.2.2.: Limburg Crim. Court, Tongeren division, 4 January 2024, ch. 9K3R; see Part 2, Chapter 2, point 1.1.1.; See also Brussels French-speaking Crim. Court, 27 May 2022, 47th ch. (unpublished).
93 See Part 2, Chapter 2, point 1.2.1.

3. Exploitation practices and modus operandi of facilitation organisations

3.1. Sex work in private settings

The sex work undertaken by Latin Americans mainly takes place in the SW's private living space. They stay in one place for only a short time, sometimes just a few days or weeks, and then move to another place in Belgium or another country[94]. As a result, properties and their owners/managers also play a major role in the **carousel system**.

Initially, (cheap) **hotels**, apartment hotels, motels and cottages in holiday parks were used, before moving onto **private homes**. The properties are often rented through rental platforms such as **Airbnb or Booking.com**, as this allows a certain degree of anonymity to be maintained. They can be rented out for short periods, allowing the occupants to quickly move on[95]. Increasingly, properties on the **conventional property market** are also being used. In some cases, the exploiters of a cell are the actual **owners** of the property. In other cases, they rely on owners of properties on the regular market to rent them out for longer periods.

Private property is rented to SWs with or without the consent of the owners. Sometimes, several rentals are managed at the same time, and sometimes by Belgians, but there is generally a link with Latin America, for instance because they are married to someone from that region[96].

According to information provided by the police, rented apartments and villas are often specially fitted out for sex work. Small spaces are created with gypsum boards or curtains, where SWs can receive customers. Several cisgender and trans SWs live and work there together. Living conditions are often appalling.

SWs rent these cramped rooms at a **high daily or weekly rate**, well above the market price. They pay between EUR 250 and 600 per week, and between EUR 30 and 150 per day[97]. Rooms are often offered for rent through adverts on Redlights, in closed WhatsApp groups or by word of mouth[98].

According to police information, Latin American networks are also active in the property business. These are individuals who receive residence documents in Portugal or Spain and use them to come to Belgium to rent a property, which they then sublet to SWs through closed WhatsApp groups. They then return abroad and manage the rented property from there.

94 Sex work in private places through online adverts is a general trend that has increased since the coronavirus pandemic. See in particular Parliament of the Brussels-Capital Region, United Assembly of the Common Community Commission, Report on prostitution in the Region of Brussels-Capital, hearings, 19 May 2022.

95 See Report of the Special Commission responsible for evaluating legislation and policy on human trafficking and smuggling, 12 June 2023, *Parl. Doc.*, Chamber, DOC 55 2530/002, pp. 237-238.

96 See in particular: Brussels French-speaking Crim. Court, 27 May 2022, 47th ch. (unpublished); see also the case law decisions in the following annual reports: Myria, *Annual report 2022 – Trafficking and smuggling of human beings, Bound by debt*, p. 69 (West Flanders Crim. Court, Bruges division, 5 November 2021, ch. B15); *Annual report 2023 – Trafficking and smuggling of human beings, A chain of responsibilities*, p. 101 (West Flanders Crim. Court, Bruges division, 8 February 2023, ch. B17) as well as Myria's website (case law).

97 See Part 2, Chapter 3, point 2.2.2.: Limburg Crim. Court, Tongeren division, 4 January 2024, ch. 9K3R; see also the case law decisions in the following annual reports: Myria, *Annual report 2023 – Trafficking and smuggling of human beings, A chain of responsibilities*, p. 99 (Leuven Crim. Court, 6 December 2022, ch. C2) and p. 100 (West Flanders Crim. Court, Bruges division, 8 February 2023, ch. B17) as well as Myria's website (case law).

98 See in particular: Brussels French-speaking Crim. Court, 27 May 2022, 47th ch. (unpublished); see also the case law decisions in the following annual reports: Myria, *Annual report 2022 – Trafficking and smuggling of human beings, Bound by debt*, p. 69 (West Flanders Crim. Court, Bruges division, 5 November 2021, ch. B15) and Myria, *Annual report 2023 – Trafficking and smuggling of human beings, A chain of responsibilities*, p. 99 (Corr. Louvain, 6 December 2022, ch. C2) and p. 100 (West Flanders Crim. Court, Bruges division, 8 February 2023, ch. B17) as well as Myria's website (case law).

This is illustrated by a number of cases resulting in convictions for human trafficking or smuggling:

In one case, the Belgian exploiter managed several villas in which he rented out some 35 rooms to various victims. Some properties were even rented through an estate agency, which was well aware that they were being used for prostitution[99].

In another case, the owner was convicted of human trafficking for having knowingly rented out several properties to trans victims staying illegally and taking advantage of this vulnerable situation to demand a very high rent of EUR 3,000 a month[100].

In a recent case, the Belgian owner of a champagne bar that also rented out rooms to women from Latin America was convicted of human trafficking[101].

Some cases involved Latin American victims working in **champagne bars** and **massage parlours**[102]. In a few cases, however, the victims worked in windows, as street prostitutes or as escorts[103].

According to experts, trans SWs from Latin America generally work in private settings and in street sex work. In cities, they offer their services in specific locations known for this type of activity. In Brussels, for instance, they work as street sex workers in specific neighbourhoods. In Antwerp, they are also sometimes involved in window sex work[104].

3.2. Advertising and recruiting clients via websites advertising sex services and social media

Advertising and recruiting clients take place online via platforms that advertise sexual services[105].

The facilitation organisations manage these adverts for the SWs[106]. The cases show that the victim in the photos and adverts is not always one whom the client meets. Sometimes, there are several women behind one advert. By managing the adverts, the exploiters control the women's sexual activities and can charge very high sums for these 'services'[107]. In practice, it is often the phone operators who take care of the adverts and who are in contact with the clients[108].

Sometimes, a professional photographer is used to take sexy photos for the adverts. This also costs the SWs a lot of money. In one case, the photographer was prosecuted as a co-perpetrator[109].

Often, social media and instant messaging apps are used to contact clients, such as **Instagram** and other channels, including closed groups on **WhatsApp, Telegram** or **Signal**. These channels are much less visible than online adverts, as clients have to be admitted to a closed group. This also makes SWs less visible to the authorities or field organisations.

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99 See Myria, *Annual report 2023 – Trafficking and smuggling of human beings, A chain of responsibilities*, p. 100 (Ghent, 10 June 2022, 10th ch.) and Myria's website (case law).

100 See Myria, *Annual report 2022 - Trafficking and smuggling of human beings, Bound by debt*, p. 70 (West Flanders Crim. Court, Bruges division, 13 July 2021, ch. B17) as well as Myria's website (case law).

101 See Myria, *Annual report 2023 – Trafficking and smuggling of human beings, A chain of responsibilities*, p. 101 (West Flanders Crim. Court, Bruges division, 8 February 2023, ch. B17) as well as Myria's website (case law).

102 See Myria, *Annual report 2023 – Trafficking and smuggling of human beings, A chain of responsibilities*, p. 99 (Leuven Crim. Court, 6 December 2022, ch. C2) as well as Myria's website (case law); see also Part 2, Chapter 2, point 1.3.1.

103 See Myria, *Annual report 2023 – Trafficking and smuggling of human beings, A chain of responsibilities*, p. 101 (West Flanders Crim. Court, Bruges division, 8 February 2023, ch. B17) as well as Myria's website (case law).

104 For Brussels: see Parliament of the Brussels-Capital Region, United Assembly of the Common Community Commission, Report on prostitution in the Brussels-Capital Region, hearings, 19 May 2022. For Antwerp: information was provided by field organisations.

105 Parliament of the Brussels-Capital Region, United Assembly of the Common Community Commission, Report on prostitution in the Brussels-Capital Region, hearings, 19 May 2022, p. 38. The most used websites in Belgium are Redlights and Quartier-Rouge. From court decisions and information provided by the police, it appears that Vivastreet is also used (especially in French-speaking Belgium). Ohlala, Afspraakjes.be, Kinky.nl, Cyberotica, Badoo.com and Onlyfans are mainly used for the heterosexual sex market between women and men. Other platforms such as Hunqz and Boys4you are used for the homosexual sex market between men.

106 The exploiter registers and creates a profile. A profile allows several adverts to be created for different victims.

107 In reality, it is free to place adverts. To increase the visibility of the adverts, it is possible to pay a supplement. See, for instance, the general terms and conditions of use of the Quartier-Rouge website.

108 See point 2 above.

109 See Part 2, Chapter 2, point 1.1.1.

3.3. Distribution of earnings and debt bondage

In some cases, it is a question of **debt bondage**. The victims have to reimburse their travel debt and the other allegedly incurred expenses[110].

In one case, the victim had to pay off their debts by working as a cleaner and prostitute. Every evening, the money was collected by the exploiters and the victim was given food, as they had no money to buy it themselves. The victim kept nothing of the proceeds from their sexual activities[111].

In another case, a young woman from the Dominican Republic had to reimburse up to EUR 8,500 for her journey and arranged sham marriage so that she could come to Belgium. When a regular client wanted to spend the weekend with the young woman, the exploiters refused unless the man agreed to pay a large part of her outstanding debt[112].

The victims' situation varies greatly depending on the network, and even within a network, the conditions can sometimes be very different. The more the victims have agency, the more the payment system can be interesting[113].

The victims pay for accommodation and so-called 'services'. In general, they have to hand over **50% of their earnings**, but this percentage can be higher[114]. Sometimes, the agreement states that they must hand over half their earnings but that they do not have to pay rent. In other cases, they have to pay a **high daily or weekly rent** of several hundred euros for the room, but they are allowed to keep their earnings.

Often, **additional services** are added to the rent, such as the online adverts for sexual services, a contribution for the phone operators, photos taken by a professional photographer, condoms, sex toys, sometimes the cost of food and board, etc[115]. In practice, many victims barely get to keep more than 20% of their earnings[116]. In some cases, the exploiters keep everything and the victims occasionally receive a small sum of money[117].

In one case, the exploiter used different formulas for several girls in the same building, with some paying EUR 80 a day for a small room, and other a weekly rate of EUR 450. However, these girls were allowed to keep all their earnings. Other girls did not pay any rent, but had to hand over half their earnings every day. In return, the exploiter provided various services. For instance, he took care of the online adverts and contact with the clients, and provided free condoms[118].

In another case, the girls could choose between two formulas: either the 50/50 formula, where they handed over half of their earnings, but did not have to pay any rent, any costs for advertising or for the phone operator; or the 40/60 formula, where they had to pay rent and additional advertising costs[119].

In yet another case, a combination of different payment systems was used: either the 50/50 rule; or a weekly rate; or sometimes a combination of the two. In some cases, all the earnings were taken[120].

110 However, the amount of the debt bondage is often less than in other human trafficking and human smuggling networks, such as the Nigerian networks.

111 See Part 2, Chapter 3, point 2.2.2.: Limburg Crim. Court, Hasselt division, 1 December 2023, ch. 18A.

112 See Myria, *Annual report 2023 – Trafficking and smuggling of human beings, A chain of responsibilities*, p. 99 (Leuven Crim. Court, 6 December 2022, ch. C2) as well as Myria's website (case law).

113 See Part 2, Chapter 2, point 1.3.1.

114 See Part 2, Chapter 3, point 2.2.2.: Limburg Crim. Court, Tongeren division, 4 January 2024,ch. 9K3R.

115 See in particular: Brussels French-speaking Crim. Court, 27 May 2022, 47th ch. (unpublished); see Part 2, Chapter 3, point 2.2.2.: Limburg Crim. Court, Hasselt division, 1 December 2023, ch. 18A; see also the case law decision in the following annual report: *Myria, Annual report 2023 – Trafficking and smuggling of human beings, A chain of responsibilities*, p. 99 (Leuven Crim. Court, 6 December 2022, ch. C2) as well as Myria's website (case law).

116 According to police information.

117 In some cases, the exploiters keep all the income. See G. Dupont, "Prostitution – 'J'ai fui un réseau de prostitution brésilien à Namur'", 1 July 2024, *DH Les sports+*, available at https://www.dhnet.be/.

118 See Part 2, Chapter 3, point 2.2.2.: Limburg Crim. Court, Tongeren division, 4 January 2024, ch. 9K3R.

119 Brussels French-speaking Crim. Court, 27 May 2022, 47th ch. (unpublished).

120 See Part 2, Chapter 2, point 1.3.1.

However, **income** from sex work is high. The SWs earn several thousand euros a month. The rates vary between EUR 50 and 80 for half an hour and between EUR 100 and 160 for an hour. In a case concerning young Colombian women, the monthly income was between EUR 8,000 and 30,000, depending on the amount of work[121].

The rates are generally higher for trans SWs than for cisgender SWs, since there are less of them[122].

3.4. Monitoring of victims and work conditions

Often, Latin American SWs arrive, work in one building and leave for another location after a short period. They are relatively isolated and have no contact with field organisations or the police, which makes them particularly vulnerable. In addition, the language barrier makes them prone to abuse. This vulnerability is also heightened by their precarious administrative, social and financial situation[123].

Victims are often **monitored** by their exploiters from a distance, **via social media or instant messaging apps**, most often WhatsApp. There is often virtually no physical contact between victims and exploiters, who see each other only when the money is being collected, if at all. In one case, Myria learned that the perpetrator had been able to log onto the victim's phone and monitor what they were doing and who they were in contact with[124].

In some cases, the victims are **monitored by camera**. Sometimes, a camera is installed in the accommodation, sometimes even in the bedrooms[125]. This means the victims' movements are monitored. For instance, the exploiter can check that the clients do not stay for too long and that the victims are 'honest' about their earnings[126]. According to information from the police, this camera surveillance often serves as protection against certain gangs of thieves who attack places of prostitution[127].

In one case, a surveillance camera was placed in the victim's bedroom. This allowed the exploiters to monitor the victim, communicate with them and give them orders[128].

There are often **guards** or 'bodyguards' who are in charge of security at the premises where the SWs work. Sometimes, they live the same place as the SWs, or sometimes, they can simply be called if there is a problem. In several cases, their job was to ensure that the victims did not leave the premises without their authorisation[129]. In some cases, the guards are **violent** towards the SWs. In a case analysed by Myria, the guard was aggressive and supplied the victims in the building with cocaine. They also brought over clients for the victims – for their own account and demanded a share of the income[130].

Sometimes, the victims had to **hand over their passport**[131].

The victims have **little or no choice in the selection of clients** and in the place of prostitution. Contact with the clients is done through the phone operators, so the victims have no idea who the clients are. In several cases, the victims **were not allowed to refuse clients**[132]. If they did, they were subjected to remarks and pressure. **They have no say in the rates either,** which are imposed on them by their superiors. The terms and conditions are non-negotiable and sometimes, they have to provide sexual services free of charge to their bosses or exploiters[133].

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121 According to information provided by a local police department.

122 In particular according to the information provided by field organisations. See also J. Rausenberger: "¿Mi cuerpo ? ¡Mi vida ! Voicing Latin American transgenders in Antwerp's sex industry" in *Journal of Comparative Research in Anthropology and Sociology*, 2016, vol. n° 7, n° 2, pp. 125-142.

123 This is particularly apparent from information from specialised reception centres for victims of trafficking.

124 This is particularly apparent from information from specialised reception centres for victims of trafficking.

125 See Part 2, Chapter 3, point 2.2.2.: Limburg Crim. Court, Hasselt division, 1 December 2023, ch. 18A; Limburg Crim. Court, Tongeren division, 4 January 2024, ch. 9K3R; see Part 2, Chapter 2, point 1.3.3.

126 See Part 2, Chapter 3, point 2.2.2.: Limburg Crim. Court, Tongeren division, 4 January 2024, ch. 9K3R.

127 See also G.Dupont, "Prostitution — 'J'ai fui un réseau de prostitution brésilien à Namur'", 1 July 2024, *DH Les sports+*, available at https://www.dhnet.be/.

128 See Part 2, Chapter 3,point 2.2.2: Limburg Crim. Court, Hasselt division, 1 December 2023, ch. 18A.

129 See Part 2, Chapter 2, point 1.3.3.

130 See Part 2, Chapter 2, point 1.3.3.

131 See Part 2, Chapter 3, point 2.2.2.: Limburg Crim. Court, Hasselt division, 1 December 2023, ch. 18A.

132 See also G.Dupont, "Prostitution — 'J'ai fui un réseau de prostitution brésilien à Namur'", 1 July 2024, *DH Les sports+*, available at https://www.dhnet.be/.

133 See also Part 2, Chapter 2, point 1.3.3.

Victims often have long working days: they have to be **available to receive clients** from morning to night[134]. They cannot set their own working hours. In one case, the victims had to pay a 'fine' to take a day off[135]. The victims' absence can never lead to a loss of income for the exploiter.

In the majority of cases, the victims are allowed to choose which **sexual acts** they perform but they are asked to show a degree of flexibility. They are also pressurised to engage in more explicit sexual acts. They are often expected to participate in group sex or other extreme sexual acts. In one case, clients could choose the 'slave' option, which allowed them to use violence for an extra EUR 300 an hour[136]. Sometimes, they are also obliged to have sex against their will, for example during menstruation or when they are ill. Sometimes exploiters even use very personal details, such as the victim's virginity or pregnancy, as a bonus to attract clients. If the clients complain, the victims are usually subjected to pressure or repercussions[137].

Victims are often exposed to risks such as clients who are aggressive or under the influence of drugs or alcohol[138].

The victims are punished if they do not cooperate, for instance, by being refused clients, thus depriving them of income[139]. However, physical violence is not that common. Sometimes, **victims and members of their family are threatened** if they say they want to stop sex work or if they do not work hard enough. Often, the exploiters have links with the region the victim is from and know their entourage, or they make sure they know them so that they can use this against the victim later.

Victims fear that their family is in danger in the country of origin. Exploiters also exert pressure by threatening to tell their families about the sex work[140], as they do not always know about it[141], or by threatening to report the victim to the police for staying illegally.

In some cases, the exploiters applied the ***loverboy* method**[142] to recruit, influence and control victims once they were in Belgium[143].

3.5. Drug use

Drug use – as in society in general – is widespread in the sex industry. And this applies to both SWs and clients. Sometimes, SWs take drugs at the request of clients. Often, the drugs – mainly cannabis and cocaine – are available on the premises[144].

In addition, 'chemsex', i.e. the use of drugs during sex, is on the rise. The risks for SWs are greater, especially for their health[145].

According to interviews with some experts, SWs often use drugs to cope with their work. The interviews did not lead to the conclusion that SWs are forced to use drugs or are deliberately made to become addicted by their exploiters.

134 See Part 2, Chapter 3, point 2.2.2.:Limburg Crim. Court, Tongeren division, 4 January 2024,ch. 9K3R.
135 See Part 2, Chapter 2, point 1.3.3.
136 See Part 2, Chapter 3, point 2.2.2.: Liège Crim. Court, 22 November 2023, 19th ch.
137 See Part 2, Chapter 3, point 2.2.2.: Limburg Crim. Court, Hasselt division, 1 December 2023, ch. 18A; see also the case law decision in the following annual report: Myria, *Annual report 2023 – Trafficking and smuggling of human beings, A chain of responsibilities*, p. 99 (Leuven Crim. Court, 6 December 2022, ch. C2) as well as Myria's website (case law).
138 See also G.Dupont, "Prostitution — 'J'ai fui un réseau de prostitution brésilien à Namur'", 1 July 2024, *DH Les sports+*, available at https://www.dhnet. be/.
139 See Part 2, Chapter 2, point 1.3.4.
140 See also M. Mariën, "Twee Brazilianen in cel voor mensenhandel in de prostitutiesector: 'Werden onder druk gezet en bedreigd'", *Het Laatste Nieuws*, 7 June 2024, available at www.hln.be and Belga, "Brazilianen blijven in de cel voor mensenhandel in de prostitutiesector", *Krant van West-Vlaanderen*, 11 June 2024, available at www.kw.be.
141 This is particularly apparent from information from specialised reception centres for victims of trafficking; see also Part 2, Chapter 2, point 1.3.4.
142 See also above.
143 See Part 2, Chapter 3, point 2.2.2.: Liège Crim. Court, 22 November 2023, 19th ch.
144 According to information provided by the local police department. See also G. Dupont, "Prostitution — 'J'ai fui un réseau de prostitution brésilien à Namur'", 1 July 2024, *DH Les sports+*, available at https://www.dhnet.be/.
145 See also Sensoa, Chemsex in Vlaanderen en Brussel : feiten en cijfers | Sensoa et Drugs — Chemsex — Exaequo

In one case, the victims were forced to have sex with the clients of the building's caretaker, who supplied them with drugs, and to use them in order to maximise his profits[146].

According to some players[147], drug addiction is very common among trans SWs. Drugs are also sometimes used as a means of payment for sex in the sex industry[148].

There appear to be regular links between facilitation organisations and drug-related crime. In several cases, acts of human trafficking and sexual exploitation were uncovered as part of a drugs investigation[149].

4. Money laundering and money transfers abroad

The money the exploiters obtain is often transferred abroad and rarely stays in Europe. The proceeds are mainly paid in **cash**. This complicates **financial investigations** and makes it difficult to identify **financial flows**.

The earnings are transferred to Latin America via **money transfer companies** such as Western Union, Moneytrans, Ria Money Transfer or online banks such as Wise. The exploiters often use the names of other people to do this, such as family members, so that they themselves do not appear in the picture.

In one case, the exploiter used the victims' accounts to transfer illegal income abroad. As she had too much cash, she could not transfer the funds in her own name[150]. New types of payment are also increasingly being used, such as Bitcoin ATMs[151].

There is also mention of money couriers, i.e. people who transfer money to the country of origin for a small fee, or in exchange for a 'free service'[152]. The Latin American community uses an underground banking system. A trustworthy person in Europe acts as guarantor for a banker in the destination country, who then makes the payment.

Furthermore, a number of money laundering schemes have been uncovered in Belgium, including through the use of companies. Money from prostitution is laundered by organising other activities that generate particularly high costs and by means of false invoices[153].

One case led to the discovery that funds of illegal origin were being laundered through a company operating in the construction and cleaning sectors[154].

In another case, several companies were used to pay cash into a German bank account. Large sums of money were transferred to private individuals or company directors, especially in Luxembourg, who then transferred the money to the German or French bank account of the head of the organisation in Belgium. These money transfers were then justified by fictitious invoices or non-existent loans/debts. Company bank accounts were also used to pay rent to landlords for flats. This made it possible to conceal the identity of the tenant. The intermediaries were paid 3% to issue the fictitious invoices[155].

146 See Part 2, Chapter 2, point 1.1.3.
147 According to information provided by the police and specialised reception centres for victims of trafficking.
148 According to information provided by grassroots organisations.
149 See Part 2, Chapter 3, point 2.2.2.: Limburg Crim. Court, Tongeren division, 4 January 2024, ch. 9K3R.
150 See Myria, *Annual report 2023 – Trafficking and smuggling of human beings, A chain of responsibilities*, p. 99 (Leuven Crim. Court, 6 December 2022, ch. C2) as well as Myria's website (case law).
151 A Bitcoin ATM is a mobile physical automatic machine that allows users to buy or sell Bitcoin tokens. See a case in which Myria filed a civil suit: Brussels French-speaking Crim. Court, 4 October 2024, 47th ch. (final).
152 According to information provided by the police.
153 See also CTIF-CFI, *Activity Report 2021*, p. 6.
154 See Part 2, Chapter 2, point 1.1.2.
155 Brussels French-speaking Crim. Court, 27 May 2022, 47th ch. (unpublished).

In some cases, there is also a link with **other criminal phenomena, such as drug-related crime**. In this case, prostitution is sometimes used as a means of laundering drug-related income. But according to some experts, this is certainly not a fixed pattern[156].

5. Exploitation in other (EU) countries

Sexual exploitation of Latin American victims is also a growing phenomenon in other EU member states. Information provided by Europol and police forces shows a growing number of cases of human trafficking involving Latin American suspects and victims in Europe.

The **United Nations Office on Drugs and Crime (UNODC)** stresses that the majority of these victims are recruited through deception by international networks with links and offices in Colombia. **Europe and Mexico** are the main destinations[157].

In **France**, it is mostly Brazilian networks that operate out of Spain.

Press reports[158] reveal that networks are also regularly dismantled in Spain and Portugal[159]. In Spain, the phenomenon mainly involves Colombian and Venezuelan victims and perpetrators[160]. In recent years, the number of Latin American victims in Spain has increased from 28.9% to 50.9%[161].

Information provided by police forces shows that these countries adopt a different approach in the fight against these networks, which aims to dismantle a maximum number of cells in a network as quickly as possible. Belgium, on the other hand, prefers to carry out long-term investigations in order to move up the chain of networks.

In the **Netherlands** too, checks on prostitution have revealed an increase in the number of cisgender and trans SWs from Latin America in recent years[162].

The Netherlands uses what it calls the ***Mensenhandel Field Lab*** **(MFL)**, a specific form of multidisciplinary cooperation. Depending on the topic, this research team may include representatives from the public prosecutor's office, the police, the *Koninklijke Marechaussee*, local authorities and support services. In 2021, one Field Lab investigated the prostitution of Latin American trans people, while another *Field Lab* investigated the situation of Latin American SWs in Amsterdam[163].

Police information and cases reveal that there are very often international links[164]. Prostitution activities in Belgium often take place in border areas, for instance in Limburg on the border with the Netherlands[165] and in the province of Luxembourg on the border with Luxembourg[166].

156 According to information provided by magistrates and the police.
157 See UNODC, Trafficking in Persons to Europe for sexual exploitation, 2007.
158 See in particular: *Liberadas seis víctimas de explotación sexual en un club de Zamora cercano a la frontera con Portugal*, *Diario de Castillay León*, 8 April 2022.
159 See also Europol, *Human trafficking gang exploiting South American victims busted in France and Spain*, 11 April 2022.
160 See L. Ortiz, Más de 20 colombianas eran retenidas como esclavas sexuales en España: una de ellas era discapacitada, *Infobae*, 11 April 2024.
161 See Más del 50% de las víctimas de trata proceden de América Latina, *Ethic*, 20 October 2022.
162 See D. Schouten, Toename van illegale transgender prostituees uit Latijns-Amerika, justitie vermoedt mensensmokkel en uitbuiting, *AVRO TROS*, 20 September 2021.
163 On this subject, see also the external contribution of the Dutch National Rapporteur at the end of this focus.
164 See Part 2, Chapter 2, points 1.1.2. and 1.2.4.
165 A few years ago, a large case came to light, with a significant number of victims and links to Belgium. This gave rise to a separate case in which the perpetrators were also convicted in Belgium: Part 2, Chapter 3, point 2.2.2.: Limburg Crim. Court, Hasselt division, 1 December 2023, ch. 18A; see also Public Prosecutor's Office, Aanhoudingen vanwege netwerk illegale Latijns-Amerikaanse prostituees.
166 D. Zachary, "Un important trafic d'êtres humains entre la Colombie et la Belgique démantelé à Arlon", 11 September 2024, available at https://www.dhnet.be/.

Chapter 3
Investigations, prosecutions and protection of victims

1. Detection of victims and investigation methods

The case law analysed shows that **the starting point of a case** may be a **report** made to the police by a client or the neighbours of the place of prostitution regarding numerous visits or noise pollution. In one case[167], a client reported a failure to comply with the COVID measures.

Clients can play a relevant role in the fight against human trafficking, as they can identify certain abuses more easily and quickly in places that are difficult or impossible for the police to access. The police see client awareness as an important form of social control in the fight against human trafficking in private sex work via the internet. According to the police, the clients of SWs sometimes inform them, anonymously, of possible abuse. They are not afraid of the police, but they do not want their name to go on record so as not to damage their reputation. Making clients aware of human trafficking and encouraging them to report possible abuse can reduce the demand for human trafficking for the purposes of sexual exploitation. As a result, they are less likely to use the services of victims of trafficking, especially if, as part of the transposition of the revised European directive on trafficking, they could be punished themselves[168].

According to police officers, clients are not afraid for themselves at present, but rather of negative reactions from their social circle.

It is rare for Latin American victims to denounce a situation of exploitation. They are more likely to come forward in situations of violence or obvious danger.

According to case law and various interviews conducted by Myria, the case may also be initiated as part of a proactive police check following **routine virtual patrols**, consisting of screening sex sites or social media for dubious adverts or private addresses included in a large number of adverts relating to Latin Americans. Checks are generally carried out by making an appointment with the SW indicated in the advert.

Victims are detected and suspects identified through **searches** of places of prostitution and through statements or interviews with the first victims identified. In several cases[169], the victims were detected following a search carried out as part of an initial investigation into drug-related offences.

In the case law analysed, Myria notes that investigators use a variety of **investigative methods**. These include tapping suspects' phones with their consent, carrying out a financial investigation and analysing their bank accounts, carrying out neighbourhood investigations and a retroactive phone analysis, identifying suspects from a photo lineup and comparing reported phone numbers with adverts published online. In addition to these investigative methods, the investigators regularly carry out surveillance at the addresses given in the adverts for sexual services.

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167 See Myria, *Annual Report 2022 – Trafficking and smuggling of human beings, Bound by debt*, p. 70 (West Flanders Crim. Court, Bruges division, 13 July 2021, ch. VK1) and Myria's website (case law).

168 See also chapter on evolutions of the Belgian legal and policy framework in this report: part 2, chapter 1, point 1.1.1.

169 See part 2, chapter 3, point 2.2.2.: Limburg Crim. Court, Tongeren division, 4 January 2024, ch. 9K3R; See part 2, chapter 2, point 1.2.1.

According to various interviews, wiretaps are regularly employed in cases as part of (judicial) investigations. However, they are being used to a much lesser extent, in favour of an increase in the number of searches carried out on the basis of **open sources** on social media and internet platforms. As the phenomenon is increasingly taking place online, the police need to be able to make greater use of digital tools to speed up and facilitate detection and investigation.

The investigation regularly comes up against a lack of cooperation from social media, instant messaging apps and internet platforms or other media used to advertise prostitution, as well as regulations on **privacy protection**. In terms of **good practice**, however, it should be noted that the police are very satisfied with their good **collaboration with a certain internet platform**. It checks the identity and content of each advert published and informs the police if there is any **suspicion** of trafficking, coercion or minors. They may also receive information through a **client** reporting a suspicious situation on the website, further demonstrating the need to raise awareness. The collaboration of internet platforms is essential for the successful completion of police investigations in the detection of victims, particularly those who are minors. The then Minister of Justice confirmed to members of parliament in 2021 that the police use the internet as an investigative tool, but also that providers of internet platforms used to advertise prostitution are already cooperating with the authorities: 'Specialised' websites are indeed monitored by investigators, as are adverts placed on other internet platforms and in paper publications (junk mail, etc.). The site managers readily cooperate with our services when a suspicious advert is detected. Unfortunately, this type of platform is only the tip of the iceberg"[170].

During its interviews with magistrates in 2021, Myria learned that some internet service providers were also requesting memorandums of understanding with the judiciary in order to report abuse, but such agreements were not possible at the time because of the legislation prohibiting advertising for prostitution[171].

The situation should change in this respect with the new provisions on advertising for sexual services. Since the adoption of the recent royal decree on advertising the prostitution of adults, providers of an internet platform whose registered office is established in Belgium, or who distribute advertising for prostitution to an audience specifically located in Belgium, are required to comply with certain preventive measures, in particular to avoid the risks of sexual exploitation. They are thus required to act promptly whenever they suspect a case of abuse of prostitution or human trafficking, or when a case is brought to their attention, and to report these cases to the police or judicial authorities[172].

The multitude of **straw men** also complicates the investigation in terms of identifying the individuals and IP addresses linked to the adverts. It emerged from several interviews that **the investigative difficulties in this type of case relate to several parameters**. Detection of the phenomenon is limited owing to its **hidden nature**. In addition, the **constant mobility** of Latin American SWs in Belgium and Europe, as well as the **language barrier**, complicate contact and the establishment of a relationship of trust between the investigators and this group. In addition, **Latin American SWs very rarely consider themselves victims**, which considerably reduces the number of **statements** they make. **Collaboration with the centres** specialising in the reception of victims of trafficking is vital in this respect. This is why certain checks are sometimes carried out at the addresses shown on adverts for sexual services, in the presence of a centre employee, in order to strengthen contact with this group.

One **good practice** identified by Myria relates to the awareness-raising carried out by **field organisations** offering psychological, medical and social support to SWs.

170 Written question from Emmanuel Burton (MR) to the Minister of Justice, *Bulletin*, Chamber, S.O.2020-2021, QRVA 55 040, 25 February 2021.

171 Answers from the Minister of Justice to the questions of Ben Segers (Vooruit), Sophie Rohonyi (DéFI), the Chamber Committee on Justice, *Full report*, Chamber, S.O. 2020-2021, CRIV 55-COM 463 of 5 May 2021.

172 On this subject, see also the chapter on recent developments in the Belgian legal and political framework in this report: Part 2, Chapter 1, point 2.3.

Discussion groups in the presence of (former) SWs are organised once a week to inform this group about the existence of situations of exploitation and specialised help[173].

The **training and specialisation of police officers**, as well as the **sharing of information between local and federal police**, and even within local police zones, are crucial for this type of case. In some cases, checks were initiated by a specialised vice or human trafficking section within the police force[174]. However, according to one local police force, frontline police services are not sufficiently aware of the phenomenon in general, which limits the number of checks carried out, in addition to shifting priorities to other issues such as drugs and terrorism. The police also suffers from a **staff shortages**, which hampers the expertise of its members. Myria points out that **recruiting police officers who speak Spanish or Portuguese** is a good practice that already exists in some local police areas. Sharing the same language and having an affinity with the victims' culture gives police officers greater access to the victims[175].

A final **good practice** identified concerns the organisation of **international cooperation** in various cases in order to dismantle international criminal organisations. This cooperation can take the form of letters rogatory or simple exchanges of information between the countries concerned[176].

Several municipalities also adopt an **administrative approach**. For instance, if there are serious indications of human trafficking and smuggling[177], the mayor may decide to close a building for a certain period of time[178].

2. Prosecution of the perpetrators and elements used in sentencing

Most of the case law decisions analysed by Myria concern prosecutions for **trafficking** in human beings for the purpose of sexual exploitation and **exploitation of prostitution/pimping**. However, Myria notes that certain strategies differ depending on the case, especially regarding prosecutions for human smuggling and not for human trafficking.

For the charge of **trafficking for the purposed of sexual exploitation**, the case law indicates that the courts base themselves on the objective elements of the criminal record demonstrating the guilt of the accused, such as recruitment in the country of origin; the reception of victims as soon as they arrive in the country; the provision of accommodation; the abuse of their precarious administrative situation; the provision of sexual services at this accommodation; the publication of online adverts on websites; managing contacts with potential clients; organising the regular transfer of victims to other workplaces or accommodation; controlling the victims[179]; the amounts of money given to the defendants; the working conditions; the use of force or coercion; or making an abnormal profit; all with the aim of exploiting their prostitution.

Most of the decisions involve the charge of **exploitation of prostitution**, reclassified as **pimping** where appropriate, after the entry into force of the sexual criminal law of 21 March 2022[180]. In one decision, the judge found that **property pimping**[181] continues to be considered a criminal offence,

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173 This is apparent from an interview conducted with these field organisations.

174 Namely the prostitution team of the Antwerp police zone in one case and the human trafficking section of the FJP in another, as well as the THB-Prostitution section of the Brussels local police according to an interview conducted by Myria; see Myria, *Annual report 2022 – Trafficking and smuggling of human beings, Bound by debt*, p. 70 (West Flanders Crim. Court, Bruges division, 13 July 2021, ch. VK1) and Myria's website (case law); see also M. Mariën, "Twee Brazilianen in cel voor mensenhandel in de prostitutiesector:'Werden onder druk gezet en bedreigd'", *Het Laatste Nieuws*, 7 June 2024, available at www.hln.be and Belga, "Brazilianen blijven in de cel voor mensenhandel in de prostitutiesector ", *Krant van West-Vlaanderen*, 11 June 2024, available at www.kw.be.

175 According to information provided by a local police department.

176 Myria has observed this in several cases: see Part 2, Chapter 2, point 1.2.4.; see also Part 2, Chapter 3, point2.2.2: Limburg Crim. Court, Hasselt division, 1 December 2023, k. 18A.

177 Article 134*quinquies* of the New Municipal Law grants the mayor special police powers.

178 See, in particular, Stad Antwerpen, *Politie stelt ernstige aanwijzingen mensenhandel vast in Molenaarstraat in Ekeren en Bisschoppenhoflaan in Deurne*, Pressroom, available at https://pers.antwerpen.be.

179 Control may include restrictions on freedom of movement or the degree of surveillance (in particular camera surveillance, retention of identity documents, requiring authorisation to leave the premises, imposed choice of clients and sexual acts offered, etc.).

180 See new Article 433*quater*/1 of the Criminal Code.

181 Previously criminalised by Article 380, §§1. 3° and 7 and Article 382, §§1 and 4 of the Criminal Code.

since its removal under this new law, by the new provision on pimping. According to the judge, the provision or rental of a property is indeed an act that facilitates prostitution. It is irrelevant whether or not the person concerned is the owner of the rooms rented out[182].

In a number of decisions, the courts have based themselves on the concept of **abnormal profit**, as demonstrated in particular by the use of excessively high rents. In one decision, the concept was developed in detail by the Criminal Court of Bruges, which found several defendants guilty of having acted as co-perpetrators in making an abnormal profit for a first defendant, even though they themselves only benefited from a rather limited economic benefit[183].

In another decision, the defendants were jointly prosecuted for trafficking in human beings for the purposes of **sexual** exploitation and for the purpose of **labour** exploitation, as well as for pimping. In addition to sexual exploitation, this decision also concerned subcontracting in the cleaning sector[184].

In two cases, the charges of **trafficking and smuggling** were combined, as well as the **exploitation of prostitution**[185]. In one of the two cases, analysed further on in this report, the prosecutions for smuggling (and exploitation of prostitution) concern several defendants who played the role of **phone operator or driver**, while the two defendants convicted of trafficking and smuggling (and exploitation of prostitution) played a more important role within the two networks concerned[186].

In another decision, the perpetrators were only prosecuted for **human smuggling and pimping**. The judge took into account the fact that the couple were aware of the fact that they were renting the rooms to illegally staying persons, because their accountant has warned them about it several times; they mainly rented to foreigners; they did not ask them to sign a rental agreement or require the agreement to be registered with the local registration office; they asked for the rent to be paid in cash; and the amount of rent they charged was not in accordance with market prices[187].

In these three decisions, the judge convicted the defendants of having facilitated the illegal stay of their tenants, and facilitating their prostitution through the provision of accommodation and means of subsistence, with a view to obtaining a financial benefit, all of which constituted smuggling as defined in Article 77*bis* of the Law of 15 December 1980[188].

In comparison, only a few of the decisions analysed by Myria relating to the sexual exploitation of Latin Americans resulted in acquittals[189].

3. Protection of victims: few victims in the status

The interviews conducted by Myria revealed that **it is difficult for the police to obtain statements from victims** and that **very few of them are interested in the protection status**. In 2023, despite the 41 reports of sexual exploitation of Latin Americans submitted to the specialised reception centres for trafficking victims, only 14 victims actually sought support[190]. In one decision, no more than one of the five Latin American victims agreed to integrate the status[191].

182 See Part 2, Chapter 3, point 2.2.2.: Liège Crim. Court, 22 November 2023, 19th ch.

183 Myria, *Annual report 2022 – Trafficking and smuggling of human beings, Bound by debt*, p. 69 (West Flanders Crim. Court, Bruges division, 5 November 2021, ch. B15) and Myria's website (case law).

184 See Part 2, Chapter 3, point 2.2.2.: Limburg Crim. Court, Hasselt division, 1 December 2023, ch. 18A.

185 Myria, *Annual report 2019 – Trafficking and smuggling of human beings, Empowering victims*, p. 120 (Liège, 17 May 2018, 18th ch.) and Myria's website (case law); see Part 2, Chapter 2, point 1.3.1.

186 See Part 2, Chapter 2, point 1.3.1.

187 See Myria, *Annual report 2023 – Trafficking and smuggling of human beings, A chain of responsibilities*, p. 101 (West Flanders Crim. Court, Bruges division, 8 February 2023, ch. 817) and Myria's website (case law).

188 Myria, *Annual report 2019 – Trafficking and smuggling of human beings, Empowering victims*, p. 120 (Liège, 17 May 2018, 18th ch.); Myria, *Annual report 2023 – Trafficking and smuggling of human beings, A chain of responsibilities*, p. 101 (West Flanders Crim. Court, Bruges division, 8 February 2023, ch. 817) and Myria's website (case law); see Part 2, Chapter 2, point 1.3.1.

189 Two decisions that resulted in an acquittal at first instance (one acquittal for trafficking and one acquittal for smuggling) were overturned on appeal. A recent third decision (handed down on 4 October 2024) also resulted in an acquittal and is final.

190 These figures are taken from the MyEldo system. The 41 reports concern people from Brazil (26), Colombia (13) and Venezuela (2). The 14 cases of support concern Brazilian and Colombian victims.

191 See Part 2, Chapter 3, point 2.2.2.: Limburg Crim. Court, Tongeren division, 4 January 2024,ch. 9K3R.

Several filed a civil suit in a case analysed further on in this report as well as in several case law decisions, but it is usually only a minority compared with all the victims concerned[192].

It is not uncommon for victims who agree to enter the status not to remain. For instance, one of the victims in this case decided to stop receiving support[193]. The interviews carried out by Myria show that drug use and the psychiatric vulnerabilities of this group can influence their decision to exit the status. Failure to respect the status' basic conditions[194] is usually linked to the fact of having to cut all ties with the exploiter.

According to these interviews, **the main reason behind the victims' refusal to enter the status or to exit it** is economic, owing to the **limited income** when stopping sex work, a basic condition of the status among the conditions for support[195]. The income they receive within the framework of the status is significantly lower than what they would earn from sex work. The fact that they are required to reimburse a debt or meet family expectations can also lead them to refuse the status.

Another reason is because **the victims do not consider themselves as trafficking victims**, especially because the majority of them were already SWs in their country of origin, and generally in **much worse living and working conditions**. The victims are not always aware of their exploitation, because they earn more in Europe and also because of the **lack of explicit constraint** in this new subtle form of exploitation. Victims are more likely to accept the status and the support of a reception centre in the event of a dangerous situation or violence, which is rare in Latin American trafficking cases.

Lack of trust in the Belgian authorities is also a factor that limits the number of Latin Americans entering the status, especially trans victims.

Various interviews have shown that Latin Americans are generally afraid of being ordered to leave the country. The **language barrier** when they are picked up by the police can also act as a deterrent. This lack of trust is particularly acute if the person fears reprisals from their recruiter in their country of origin. Furthermore, the **handling of victims and their complaint** is closely linked to their trust in the authorities[196].

One **good practice** is for **a member of staff from a specialised reception centre to be present** when trafficking victims are heard by the police.

In one case[197], several victims were able to receive this type of support. A change of attitude was noted in the case of a Brazilian trans victim who finally entered the status, after initially declaring that they were not a victim of trafficking, following a hearing in the presence of an employee of a specialised centre.

Lastly, the national and international **itinerancy** of Latin American SWs and the fact that not all victims necessarily intend to **stay in Belgium** are also obstacles to their entering the status.

192 See Part 2, Chapter 2, point 1.3.4.; see Part 2, Chapter 3, point 2.2.2.: Liège Crim. Court, 22 November 2023, 19th ch.; Limburg Crim. Court, Hasselt division, 1 December 2023, ch. 18A; see also the case law decision in the following annual report: Myria, *Annual report 2023 – Trafficking and smuggling of human beings, A chain of responsibilities*, p. 99 (Leuven Crim. Court, 6 December 2022, ch. C2) and Myria's website (case law).

193 See Part 2, Chapter 2, point 1.3.4.

194 Victims must meet three basic conditions to qualify for the status of victim of trafficking: they must leave the person or network that exploited them; they must be supported by a recognised centre specialising in receiving and supporting victims of human trafficking; and they must file a complaint or make a statement against the people or trafficking networks that exploited them.

195 Under the circular letter of 23 December 2016 on the implementation of multidisciplinary cooperation for victims of human trafficking and/or certain aggravated forms of human smuggling, the victim may receive financial support equivalent to the social benefits granted by the CPAS (social services) throughout the procedure.

196 See the case of a victim who had to spend seven hours in a police cell on the orders of the investigative judge following their arrest after a search. The victim expressed their dissatisfaction regarding the waiting time for using the toilet or receiving a meal: Part 2, Chapter 2, point 1.3.2.

197 See Part 2, Chapter 2, point 1.3.4.

Conclusions

In its analysis of the sexual exploitation of people originating from Latin America, Myria identified a number of good practices, but also areas for improvement. It has reviewed them and made a number of recommendations.

In the course of its investigation, Myria found that Latin American sex workers (SW) often operate in a **grey zone**. In many cases, SWs come to work willingly in the Belgian sex industry because it is more lucrative than in their country of origin. In this context, they are sometimes offered services by facilitators who, in some cases, may be linked to human trafficking. Furthermore, high mobility and private sex work are characteristic of Latin American SWs in general. It is therefore often difficult, but important, to distinguish sex work from situations involving the trafficking of victims originating from Latin America.

Detecting victims, identifying suspects and prosecuting perpetrators is a difficult task for the police, not least because of the hidden nature of the phenomenon, the constant mobility of Latin American SWs, and the fact that they rarely consider themselves as victims. Myria stresses the need to pay greater attention to the phenomenon of trafficking for the purpose of sexual exploitation of Latin Americans in **police training**, to strengthen **police workforces** and to develop more **local police teams specialised** in this domain. Within a local police force in Brussels, a THB-Prostitution section carries out **proactive work** by means of virtual patrols and checks, making it an example of good practice. It is also necessary to build victims' trust in the authorities in order to reduce the dark figure. In this respect, recruiting police officers who speak the language of the target group and have an affinity with the victims' culture is one way of gaining their trust. Myria points out that **the way victims are treated in police cells** can have a significant impact on their **level of trust**. The role of organisations that support SWs is also essential in order to reach these people whose activities mainly take place in private settings.

Only a small number of victims from Latin America wish to enter or remain in the status. This is mainly due to economic reasons, given that their income is limited once they stop the sex work, as well as to the itinerancy of Latin American SWs, who rarely wish to benefit from a (permanent) residence status in Belgium. It is necessary, particularly through preventive measures, to **increase information and awareness among this group, as well as their resilience**. One good practice was mentioned in an interview conducted by Myria with field organisations supporting SWs: **discussion groups** are regularly organised, in the presence of (former) SWs, to inform them about the existence of exploitative situations and specialised assistance[198].

The analysis of the phenomenon shows that the reality of **trans Latin Americans** is still largely unknown to the various players involved. It would be useful to **raise awareness of the situation of trans Latin American victims among the police and the judiciary, and in the specialised reception centres for victims of trafficking**, in order to draw more attention to the issue and strengthen their relationship of trust with the authorities. In one case, Myria noted positively that the **presence of a member of staff from a centre specialising in the reception of trafficking victims during a police interview** helped to win the trust of a Latin American trans victim and obtain their statement. Another example of good practice is the fact that the vice section of a local police force gave the trans person a **choice over the gender of the person conducting the body search**[199].

Given the increase in the number of Latin American SWs, and the associated risks of exploitation, both nationally and internationally, as well as their itinerancy, strengthening **international collaboration** when it comes to exploitation is essential.

198 Also see the external contribution of these field organisations at the end of this focus.
199 See Part 2, Chapter 2, point 1.3.4.

In the Netherlands, national cooperation takes the form of an **inter-regional investigation** by the Coordination Point for Unitary Interventions against Trafficking in Human Beings (CEMI)[200], providing an overview of the phenomenon, which is a good practice. In Belgium, DJSOC (Central Directorate for Combatting Serious and Organised Crime) within the federal judicial police (FJP), plays a similar role at police level. The organisation of the sexual exploitation of people from Latin America generally takes place within the context of **organised international networks. Financial investigations** make it possible to identify the financial flows and these networks, which may be linked to other criminal activities, and to dismantle them using the strategy of financial draining. Myria notes a good example of this practice in a case in which the police used the **CARIN network**[201] to gather information on perpetrators in Portugal and Brazil, which revealed the use of money laundering and links with the construction sector.

Generally speaking, the Latin American community in Europe, including SWs, is very active on social media, **internet platforms** and instant messaging apps. As a result, investigations carried out by **the police or the public prosecutor's office** into acts of trafficking for the purpose of sexual exploitation involving this group of people should inevitably include searches on internet platforms, which requires **collaboration** with the latter. Myria points out that a **certain internet platform dedicated to advertising prostitution is already collaborating with the police**, by reporting problematic situations identified in adverts and by forwarding client reports, which constitutes good practice in this area. It would be worthwhile **ensuring that this good practice is disseminated within all police services**, at both local and regional level, and to strengthen this **collaboration with other internet platforms** concerned by the phenomenon.

200 Free translation of "Coördinatiepunt Eenheidsoverstijgende Mensenhandel Interventies". On this subject, see the Dutch National Rapporteur's external contribution the at the end of this focus.

201 *Camden Asset Recovery Inter-Agency Network*. See Part 2, Chapter 2, point 1.2.4.

External contribution

Experiences in relation to diversity and vulnerability in the context of support for sex workers from Latin America

Authors: Alias, Boysproject, Espace P...[202] and Violett

This report is the result of a joint contribution between Alias, Boysproject, Espace P and Violett. Alias, Espace P and Violett are health and social care centres that provide medical care (linked to professional activities) and social assistance to sex workers (SW). Our activity is subsidised by the federal authorities, the communities and several local authorities. Violett operates in Flanders and Brussels, and Espace P in Brussels and Wallonia. Alias operates in Brussels and specifically targets men who have sex with men and trans people in the context of sex work. Lastly, Boysproject is a branch of CAW (Centrum Algemeen Welzijnswerk) in Antwerp, which offers social assistance to men and trans people in sex work and refers this target group to Violett's medical services. Our organisations only work with adult SWs.

Thanks to their experience in the field, they have become key players in the area of sex work. Health and social sector organisations at local, regional, national and European level call on our expertise. We are recognised and consulted by policymakers, and we advocate for improved rights for SWs.

What is sex work?

When sex work is the subject of discussion or written material, stereotypes quickly come into play. This is why we would like to explain what constitutes sex work at the outset of this contribution. We define it as the exchange of sexual services for money or goods. Therefore, it is not only physical sexual services in return for payment, but also, for instance, erotic massages, online sex work or sexual services provided in exchange for accommodation.

This means that we also encounter people who do not identify as SWs or who do not define their services as sex work, but who can nevertheless be helped and supported within our organisations.

People generally choose to do sex work for economic reasons. Just like any other job, their goal is to earn money to meet their needs or to lead a more comfortable life for themselves or for their loved ones. In addition, sex work offers a certain flexibility and independence.

To reach as many SWs as possible, we employ a low-threshold approach, with no strings attached, free of charge and with respect for anonymity. We know the SWs by their working name, i.e. the name they use for their clients during their sexual activities. We do not organise an intake session, but work on a face-to-face basis (in our offices, in the street, at their workplace, online or by phone), during which we explain how our organisations can help them. We do not always ask them about their residency status, their family situation or why they are involved in sex work. Of course, these subjects are often raised at subsequent meetings or as part of advice on a specific request for help.

Our organisations provide both medical and social assistance to SWs. They can contact our medical teams for sexual health issues related to their work: information on safe sex, contraception, regular screening for sexually transmitted diseases and, if necessary, treatment or referral, pregnancy tests, etc. These consultations take place within our organisation, but we also make workplace visits to private houses, bars or erotic massage parlours, among other places, or we make home visits to SWs who receive their clients there.

202 Espace P... is the official name of the organisation, but for the sake of readability, the name 'Espace P' is used in this contribution.

Our social assistance services are not limited to work-related issues. Of course, conversations often revolve around sex work. Given the stigma associated with it, we are often the only place where these people can talk about their work and their experiences, whether positive or negative. However, our social support services are broad-based and provide a point of contact for questions relating to many areas of life. These might include administrative concerns, financial problems, issues relating to their children such as school enrolment or childcare, housing, social security rights, right of residence, reorientation, support after facing violence, etc. We offer help if these issues fall within our area of expertise and connect them with mainstream legal services or assistance through referral, mediation or by visiting the service in question with the client.

Together, Violett, Espace P, Alias and Boysproject reached around 4,000 SWs in 2023[203], although it is difficult to estimate the exact number. This population is on the move, working in a wide variety of locations that are sometimes less visible, and combine activities in different places. It is not always easy to identify them. The fact that sex work was in a grey zone before it was decriminalised in June 2022 undoubtedly has something to do with this. Even today, the stigma attached to sex work means that not all SWs (want to) identify themselves as such. This is why the number of SWs in Belgium is difficult to quantify.

The 4,000 SWs we have reached make up a particularly diverse group. Some are new to the sector or first approached our organisations in 2023, while others we have known for many years. We have encountered SWs from all sectors (private houses, bars, escorts, erotic massage parlours, windows, the street, parks, etc.), of all ages, with or without a migration story. There are both men and women, but also trans people[204]. Some SWs carry out this activity on a daily basis, while others do so sporadically, alongside another possible job. In view of the diversity of the group, we should be wary of making general statements about 'the' sex worker.

Latin American SWs in the context of specialised support

In the rest of this contribution, we will focus on SWs of Latin American origin. Once again, this is a very diverse group about whom it is not possible to make general statements.

In recent years, more and more Latin American SWs have approached our organisations. There are a number of reasons why we are better able to reach this group. For instance, the COVID-19 pandemic made the group more visible in the eyes of certain organisations and made it possible to establish contacts with SW who did not already know us: they were often unable to return to their country of origin because of the lockdown and came to us for financial assistance or to be vaccinated against COVID-19. In addition, in recent years we have (further) stepped up our online outreach activities, actively informing SWs who use sex websites to post their adverts, about what our organisations have to offer. This way, we can reach more SWs who work as escorts or in less visible places such as private homes and their own homes. SWs of Latin American origin often work in these sectors. Finally, we have found that word of mouth helps to raise awareness among SWs. Latin American SWs are very connected to each other, which encourages them to share our contact details.

The fact that our organisations reach a higher proportion of Latin American SWs does not necessarily mean that there are more of them working in Belgium, but rather that we are more successful in reaching them.

In 2023, one out of every three SWs encountered was of Latin American nationality. Brazil, Venezuela, Colombia, the Dominican Republic and Ecuador were the nationalities most frequently encountered. Gender diversity is also observed within the group of Latin American SWs, which includes women, men and trans people. Their residency status varies: some are legally resident in Belgium or another EU country, while others are illegally resident.

203 This figure is based on the number of SWs that we reach through our medical and social services. Some SWs are monitored by both our medical and social services, and others are known to several of our organisations.

204 By trans people, we mean anyone who identifies differently from the gender assigned to them at birth, regardless of their (possible) physical transition process. These are therefore people who identify as transgender, transsexual, transvestite or non-binary.

Latin American SWs operate in different sex work sectors and often combine activities in other sectors. Figures provided by Violett[205] show that in Flanders, the majority work from home or in private premises (42%), receiving their clients in their own home or in a flat rented exclusively for this purpose. Among this group, 23% work in a private house, where several SWs work and live together. The third most popular sector is escort work, which employs 15% of Latin American SWs. Window work attracts 11% of them. The rest work in bars, erotic massage parlours or public places (on the street or in non-erotic cafés). In Brussels and Wallonia, Latin American SWs also operate mainly in private homes. Around 80% of the Latin American SWs encountered by Espace P work in Airbnb rentals, aparthotels or private homes. They regularly change location, work and town, and use sex websites and WhatsApp groups to find their clients.

As mentioned above, we do not always ask our clients to tell us about their migration history or the reasons why they came to Belgium or Europe. However, Latin American SWs tell us that they travelled to Europe mainly for economic reasons. For trans people and men who have sex with men, discrimination and violence are often among the main reasons for leaving their country of origin.

Latin American SWs also tend to engage in sex work for financial reasons. Trans people sometimes opt for sex work in order to raise the financial resources needed for their transition.

A large proportion of Latin American SWs find themselves at the intersection of several vulnerable situations: they are sex workers, have a migratory background, find themselves in a precarious residence situation, do not speak the language and/or are LGBTI. The combination of these factors makes them vulnerable to discrimination, which exposes them to an increased risk of exploitation. In addition, their access to medical care is complicated by the lack of health insurance. Financial pressure makes it more difficult for SWs to properly control their boundaries with clients. They sometimes provide sexual services that they would prefer to avoid, such as unprotected sexual contact, in order to have more clients and therefore more income.

These same vulnerabilities may also prevent them from contacting the public authorities or the police if they are victims of discrimination or other punishable acts. More specifically, men who have sex with men are employed in the most hidden sectors of sex work and feel an additional stigma with regard to their homosexual encounters. In addition, many SWs distrust the police or other public services, due to bad experiences in their country of origin, in Belgium or in other countries. It is therefore difficult to measure the vulnerability of Latin American SWs, as this cannot be quantified by the number of reports or convictions, owing to the large number of dark figures in this area.

As we have seen, a large proportion of Latin American SWs work in private homes or as escorts. As a result, they often, and increasingly, rent an Airbnb, hotel room or other tourist accommodation. The rents are high, which is often considered by the administrative and judicial authorities to be a form of exploitation.

We have found that SWs generally pay the same price as city trip tourists, for instance, to rent a room or flat for a week. While the fact that SWs rent these flats at a higher price is not necessarily a sign of abuse, there may be exploitation if the offer of such expensive accommodation is specifically aimed at SWs in a precarious situation.

SWs, particularly those in precarious residency situations, often have little or no access to the regular housing market, forcing them to resort to Airbnb or similar accommodation. The lack of alternatives, the shortage of affordable and quality accommodation, and discrimination in the housing market, make SWs vulnerable to abuse or situations of exploitation.

205 Based on Violett data for the year 2023.

Exploitation and human trafficking

SWs help each other a lot. The same is true of SWs of Latin American origin: we see that those with the most experience or who have been working in a country or town for much longer, show new SWs the ropes. They show them potential workplaces, help them to rent a window or to publish an advert online. New SWs in a specific place regularly find a first port of call with their more experienced colleagues.

Their precarious (residence) status often prevents Latin Americans from working officially, thus limiting their opportunities to earn money. Hence, sex work is one of their few options. This makes them vulnerable to abuse. Although mutual aid generally works well, the balance is sometimes lost, with the more experienced sex worker demanding an increasingly large financial contribution (for example for accommodation or a percentage of the income from sex work) or keeping the other person in sex work in order to gain a financial advantage themselves.

However, the SWs do not always consider these situations as amounting to abuse or exploitation. Their idea of exploitation or human trafficking is the stereotype of a person forced into sex work and locked up, without a choice. As a result, they often do not consider themselves to be victims of trafficking. Therefore, it is difficult to start working on these cases straight away within the framework of our support programmes.

Of course, we remain alert to situations of exploitation or human trafficking. We sometimes see or hear of cases where a sex worker receives help to travel to Europe and then engages in sex work to pay off their debts. In most cases, they know before they leave that they will be doing sex work. However, we sometimes hear of situations in which these people have been misled about the income they could potentially earn in Belgium, forcing them to work as sex workers for much longer than they initially thought, in order to pay off their debts.

When we suspect human trafficking or exploitation, we try to approach the subject with caution. This is because the SWs do not always perceive their situation as problematic. We explain to them that some people are forced to prostitute themselves or hand over a large part of their income, and that specialist help is available for this type of situation. We do not give up. We continue to offer support and maintain warm relations with them, so that when they are ready to talk about trafficking or exploitation, we are there for them.

We then contact one of the support centres for victims of trafficking with which we work closely. If the client so wishes, we can also attend the intake meeting together. In the fight against human trafficking, all the stakeholders are necessary, but each one must also be able to play their role. The role of the medical and social care centres is to inform the SWs, establish a relationship of trust, pick up on signals, help them and improve their social status. The SWs remains in control throughout this process. Exceptionally, if there is an immediate risk to the client's safety, we may take the initiative to inform the police or the public prosecutor's office, for instance.

Conclusion

As grassroots organisations, we meet many Latin American SWs. This group is characterised by a high degree of diversity. A large proportion of them find themselves at the intersection of different vulnerabilities, because of their residency status, their migratory status, their sexual orientation, their gender, their sex work, etc. This makes them vulnerable to abuse, exploitation or human trafficking. In order to detect them and take action, every link in the chain (grassroots organisations, trafficking victim support centres, police, public prosecutors, etc.) must be able to play their part. Our job is to stand by the SWs unconditionally and non-judgmentally, to discuss the situation and to be there when they are ready to take action.

You can find more information about our organisations on our websites:

www.alias.brussels
www.boysproject.be
www.espacep.be
www.violett.be

External contribution

Latin American sex workers, victims of human trafficking in the Netherlands

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1. Introduction

In its 2024 annual report, Myria pays particular attention to the issue of trafficking and smuggling of human beings originating from Latin America[206]. This problem has been the subject of a report by EMPACT-Europol for several years, but to date the nature of these practices remains largely unknown. This also applies to the Netherlands where, until recently, it was considered to be more a case of smuggling than trafficking in human beings. In recent years we have also seen increasing evidence of trafficking for the purpose of sexual exploitation and a degree of organisation in the Netherlands. This contribution provides an overview of the situation and the Dutch approach to human trafficking involving Latin American SWs. First, trends and developments in the Netherlands are reviewed. Next, a certain number of interventions aimed at gaining a better picture of this problem are examined, bearing in mind that multidisciplinary collaboration lies at the heart of these various interventions.

2. Trends and developments

2.1. Characteristics of the victims

The large majority of SWs active in the Netherlands are of Latin American origin. Studies carried out by the Dutch Research and Data Centre (WODC) show that more than 30% of non-Dutch SWs who placed an advert were of South American origin[207]. On average, 23% of all SWs who placed an advert were from South America[208]. Police experts in human trafficking[209] estimate that 40% to 50% of the SWs they encounter are of Latin American origin. The Dutch Centre of Expertise on Human Trafficking and Migrant Smuggling (EMM)[210] indicates in its 2024 overview of the phenomenon that 96% of the 162 investigations into sexual exploitation included and completed between 1 January 2019 and 1 July 2023 involved at least one victim from the Netherlands, Eastern Europe or Latin America (n=155)[211]. In the 155 investigations analysed, Latin American victims (18%) were among the largest groups of victims of sexual exploitation, alongside Dutch (49%) and Eastern European (29%) victims.

In principle, nationals of non-EU countries require a residence and work permit to live and work in the Netherlands.

206 The term 'Latin America' refers to the countries of Central and South America, as well as the Caribbean countries. However, only one publication uses the term 'South America'. This terminology was used when the geographical indication was limited to the countries located in South America.

207 Y. Bleeker and G. van den Braak, *De Nederlandse seksbranche. Een onderzoek naar omvang en aard, beleid, toezicht en handhaving.* Regioplan, Amsterdam, December 2021, p. 12.

208 *Ibidem*, p. 69.

209 This information was obtained from the National Consultation of Human Trafficking Specialists (Landelijk Overleg Specialisten Mensenhandel - LOSM) on 18 June 2024. LOSM is a monthly consultation attended by all police units specialising in human trafficking, and the agenda includes topics related to the joint strategy on human trafficking, national developments and an in-depth examination of emerging issues (LOSM note, March 2021).

210 For the mission statement and partnership, see the website of Expertisecentrum Mensenhandel en Mensensmokkel.

211 Fenomeenbeeld mensenhandel 2024, EMM, september 2024.

Nearly all the Latin American SWs present in the Netherlands have no (or no longer a) valid residence permit and therefore do not reside legally in the Netherlands. When they are legally resident, it is usually on the basis of a tourist visa or a residence permit for another European country (usually Spain, see point 2.3.)[212]. A tourist visa does not give the right to work.

The majority of victims from Latin America (n=58),who appeared in the 18 investigations analysed by EMM, came from Colombia (23) and Venezuela (20). There were also victims from Brazil (8), Peru (3) and Cuba (2)[213]. Following civil wars and socio-economic and political crises, large numbers of people have fled Venezuela[214]. In addition, a large proportion of the population who remain in Venezuela live in extreme poverty. These factors make them vulnerable to exploitation and recruitment by human traffickers. As a result of the years of civil war in Colombia, similar vulnerabilities also exist in that country, including for the more than 9 million Colombians who have had to seek refuge elsewhere in Colombia[215].

Of the Latin American victims identified in EMM's overview of the phenomenon, 13% are registered as trans people. They were often already working in the prostitution industry in their country of origin, but were the subject of numerous acts of violence and disadvantages. Latin American SWs who fall into the trap of trafficking tend to be older: they are on average 30 years old[216], whereas almost 70% of SWs who have posted an advert are under 30 years old[217] according to the WODC study.

Latin American SWs are often employed in prostitution before emigrating to Europe. They expect working conditions to be better in Europe and to earn more money than in their country of origin. For the victims identified in the investigations, these expectations do not materialise. All the victims declared that they had to hand over at least 50% of their earnings. Many of them had to hand over (at one point or another during the period of exploitation) all their earnings[218].

There are many exploited Latin American SWs who do not consider themselves as victims. They are also very reluctant to make incriminating statements about those who brought them to the Netherlands and arranged work for them in prostitution. They were often approached through sex adverts or WhatsApp groups, or when looking for accommodation or work. Statements often refer to favours for friends, while there is clearly evidence of abuse and exploitation[219].

2.2. Modus operandi

Traffickers in human beings often use what is known as a 'carousel'. This involves the continuous movement of criminal activities, in this case the exploitation of SWs. Latin American SWs are moved every few days or weeks to another location in the Netherlands or Europe, a method also used by traffickers with victims of sexual exploitation from Eastern Europe[220]. What we often see is a criminal network with a non-hierarchical structure, made up of different cells that collaborate in a flexible manner[221]. However, these networks are barely visible, if at all.

As we saw above, most Latin American SWs reside illegally in the Netherlands. The carousel system is often used in these cases, as exploiters want to keep SWs under the radar of the authorities. This is why Latin American SWs are often monitored to minimise their appearance outside the workplace[222]. They are often housed with other people, sometimes in the trafficker's home. They often live and work in the same place, a location chosen by the human traffickers.

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212 Fenomeenbeeld mensenhandel 2024, EMM, September 2024.

213 Fenomeenbeeld mensenhandel 2024, EMM, September 2024.

214 There are 7.7 million Venezuelan refugees and migrants worldwide. Some 6.5 million of them are in Latin America and the Caribbean. See https://reporting.unhcr.org/operational/situations/venezuela-situation.

215 See https://www.unhcr.org/countries/colombia.

216 Fenomeenbeeld mensenhandel 2024, EMM, September 2024.

217 Y. Bleeker and G. van den Braak, *op. cit.*, p. 13.

218 Fenomeenbeeld mensenhandel 2024, EMM, September 2024.

219 Informative discussion with the municipality of Amsterdam, 13 June 2024; Fenomeenbeeld mensenhandel 2024, EMM, September 2024.

220 The Dutch National Rapporteur on Human Trafficking and Sexual Violence against Children (2022), Dadermonitor 2017-2021, pp. 63-64.

221 The Dutch National Rapporteur on Human Trafficking and Sexual Violence against Children (2022), Dadermonitor 2017-2021, pp. 63-64, info LOSM. See also the 221 judgment of the Midden-Nederland court of 5 September 2023 (ECLI: NL: RBMNE: 2023:4564). NB: Dutch case law uses the European standard for the unique numbering of court decisions: the European Case Law Identifier (ECLI). For more information and an overview of Dutch court codes, see www.rechtspraak.nl/Uitspraken/Paginas/ECLI.aspx.

222 Fenomeenbeeld mensenhandel 2024, EMM, September 2024.

Websites and WhatsApp groups are used to exchange information about available accommodation. Sometimes they work and live in a place rented via Booking.com, sometimes in holiday villages[223].

Human traffickers recruit Latin American SWs to earn money in prostitution in the Netherlands by abusing their vulnerable position. As well as being illegal residents, they do not speak the language and are looking for a better life for themselves or their loved ones. A small proportion of SWs are also misled into believing that they can work in the Netherlands, for instance as cleaners or beauticians. Traffickers in human beings force SWs to make false declarations during checks. They have to declare, for instance, that they are self-employed, that they live with friends and that they can keep their earnings. SWs are also subject to constraint: their money and passports are taken away and they are monitored[224].

Exploiters of Latin American SWs are mainly men. EMM notes in its overview of the phenomenon that when the exploiter is a woman, she is the partner or a family member of a male suspect. Travel, workplaces and creating adverts are almost always organised by the trafficker. Hence, the autonomy of Latin American SWs is severely restricted. For instance, it has emerged that SWs have no control over their working hours, in particular, or the number of clients they have each day or the sexual acts they are required to perform.

There are also signs of exploitation at other times. For instance, the police mention having been in contact with a Dutch-speaking man or woman when making an appointment as a client, even though the SW does not speak Dutch. In addition, after a visit to an SW, a request for payment is often sent digitally by a third party, and not by the SW. The money is therefore not sent to the SW[225].

2.3. Link with Spain and Belgium

Many Latin American SWs have a link with Spain. Using a tourist visa, they go to Spain and often already start working as a prostitute. Spain is therefore a gateway to Europe for them, but also a place where human trafficking can begin. As GRETA's third report on Spain shows, the number of victims from Latin America, particularly Colombia, Venezuela and Paraguay[226], has been rising in Spain since 2019. Many Latin American SWs who come to work in the Netherlands are recruited in Spain through intermediaries or from the Netherlands[227]. It is also common for Latin American SWs to be recruited directly from Latin America[228].

In addition to a link with Spain, a connection with Belgium has also been observed more recently. This connection manifests itself in two ways. Latin American SWs also pass through Belgium, and more specifically through Zaventem airport, on their way to the European Union. They generally use a tourist visa to do so. As part of the carousel, victims are also put to work in Belgium, which borders the Netherlands[229]. This means that an SW can be working in the Netherlands one day, and working in a Belgian town the next day.

3. Interventions

3.1. Criminal proceedings

Over the past four years, the number of cases in which suspects have been prosecuted for trafficking and/or smuggling SWs from Latin America has increased. In 2020, some 20 such cases were published on Rechtspraak.nl. These were cases that were tried at first instance.

These cases show that it is difficult to confirm suspicions of exploitation of Latin American SWs and thus gather sufficient evidence to initiate proceedings or make a conviction for human trafficking.

223 See, in particular, ECLI: NL: RBROT:2022:11669 of 29 December 2022, ECLI: NL: RBMNE: 2023: 4564 of 5 September 2023, ECLI: NL: RBAMS:2024:22 of 3 January2024, ECLI: NL: RBOVE: 2024:2780 of 28 May 2024, ECLI: NL: RBNNE: 2024:1854 of 8 May 2024.
224 Info LOSM. See, in particular, ECLI: NL: RBOVE: 2022:1440 of 19 May 2022, ECLI: NL: RBMNE: 2023:4560 and 4564 of 5 September 2023.
225 See, in particular, ECLI: NL: RBAMS:2024:22 of 3 January 2024, ECLI: NL: RBOVE: 2022:1440 of 19 May 2022, ECLI: NL: RBROT:2022:11669 of 29 December 2022.
226 GRETA, *Third Evaluation Report Spain*, Council of Europe, 12June 2023, p. 9, §14.
227 See, in particular, ECLI: NL: RBAMS:2024:22 of 3 January 2024, ECLI: NL: RBOVE:2022:1440 of 19 May 2022.
228 Fenomeenbeeld mensenhandel 2024, EMM, September 2024.
229 Informative discussion with the municipality of Amsterdam, 13 June 2024, info LOSM.

Trafficking in human beings is often not considered proven, for instance because the court assumes that there is no intention to exploit. To establish exploitation, the nature and duration of the work, the constraints imposed on the victim and the economic benefit derived by the exploiter are generally taken into account. The conclusion that there is no exploitation may result from the fact that the victim's statements are not sufficiently supported by other evidence[230], that the judge assumes a certain degree of willingness to engage in prostitution[231] or that there are contradictory statements[232]. The Amsterdam court seems to have set the bar relatively high as regards exploitation in a case where the suspect had employed seven Latin American women and run an escort business in the illegal prostitution sector[233]. The court ruled that exploitation only existed in cases of excessive abuse of a situation of vulnerability. Despite a vulnerable situation, the court considers that abuse only occurs if this vulnerability is used unfairly or unethically, and that this was not the case here, since there was apparently a 50/50 split and the victim had to pay a modest sum for the hotel rooms. The court also assumed that the victim had a certain degree of free will with regard to their activities and that their freedom was not restricted. In the court's view, the facts and circumstances did not point to any unacceptable control or pressure over work activities, their duration or income, or any hindrance to freedom of movement. The defendant was acquitted of the charge of human trafficking.

In other (similar) cases, exploitation was deemed to have occurred. In one case, exploitation was accepted on the grounds of inequality and a situation "not equivalent to that of a licensed prostitute in the Netherlands". Arguments by the defence that the victims had acted of their own free will and had been able to decide for themselves whether or not to work did not change this. The finding of exploitation was based on the circumstances (in particular, illegality, situation in the country of origin, inability to speak the language) and on the fact that 50% of the income had to be transferred[234].

In another case, exploitation was deemed to have occurred because the victim was not staying legally, a 50/50 split was agreed upon, and violence and drug use were involved[235].

In other cases with similar acts, human trafficking was not accepted[236], or the 'officier van justitie' requested[237] during the hearing that trafficking not be accepted owing to a lack of evidence[238]. If a specific case leads to criminal proceedings, a conviction for human smuggling is generally handed down. In addition, the carousels used make it difficult to get a clear picture of the work and the networks, and to obtain evidence of human trafficking.

Delimitation of trafficking and smuggling in human beings

In many of the cases examined, the charge of human smuggling is (also) upheld, and convictions are often handed down for human smuggling, but not for human trafficking. Dutch criminal law provides for two variants of human smuggling: in short, aiding illegal entry into and transit through the Netherlands, and aiding illegal residence in the Netherlands for financial gain[239]. The lure of financial gain translates into a 50/50 split of the proceeds from prostitution and/or rental income from a home and/or workspace[240].

In principle, trafficking and smuggling of human beings are two different offences. While trafficking in human beings involves the exploitation of a person, smuggling of human beings in principle involves the illegal crossing of a national border. By also classifying facilitating residence for profit as smuggling of human beings, the dividing line between smuggling and trafficking in human beings becomes blurred in the Dutch context.

230 ECLI: NL:RBROT: 2021-3951 of 23 April 2021 and ECLI: NL:RBROT: 2021:3925 of 23 April 2021.
231 ECLI: NL: RBMNE: 2023:4564 of 5 September 2023.
232 ECLI: NL: RBNNE: 2024:1854 of 8 May 2024.
233 ECLI: NL: RBAMS:2024:22 and 23 of 3 January 2024.
234 ECLI: NL: RBMNE: 2023:4560, 4564 and 4626 of 5 September 2023.
235 ECLI: NL: RBOVE: 2022:1440 of 19 May 2022.
236 1See, in particular, ECLI:NL: RBOVE: 2024:2780 of 28 May 2024, ECLI: NL:RBGEL:2023:7111 and 7112 of 21 December 2023.
237 In the Netherlands, '*officier van justitie*' is the public prosecutor and has a similar role to that of the 'procureur du Roi' in Belgium.
238 See, in particular, ECLI: NL: RBROT:2022:11669 of 29 December 2022.
239 Respectively, Art. 197a, para. 1 and Art. 197a, para. 2 of the Criminal Code.
240 See, in particular,ECLI: NL: RBAMS:2024:22 of 3 January 2024, ECLI: NL: RBOVE: 2024:2780 of 28 May 2024, ECLI: NL: RBOVE: 2022:1440 of 19 May 2022, ECLI: NL: RBROT:2022:11669 of 29 December 2022, ECLI: NL: RBROT:2021:3951 of 24 April 2021.

Deliberately taking advantage of a person's illegal status and their potentially difficult situation in their country of origin, as is the case in Venezuela or Colombia, thus preventing them from returning to their country of origin, are not only characteristics of the lure of financial gain in the context of human smuggling, but also characteristics of exploitation. It is therefore reasonable to consider how the profit motive for aiding illegal residence in the Netherlands differs from exploitation in the context of trafficking in human beings. As the analysis of the relevant case law above shows, the courts do not respond to this issue in an unequivocal manner.

The importance of this issue goes beyond a purely legal interest and is also significant for the protection of victims. Protection obligations have been agreed at international level for victims of trafficking. The option provided for in Article 3(2) of Directive 2004/81 to extend this protection to victims of human smuggling has not been accepted by the Netherlands, unlike Belgium[241].

Besides criminal proceedings, there are other initiatives in the Netherlands to raise the profile of and strengthen the approach to the exploitation of Latin American SWs, particularly through specific partnerships. These are discussed hereafter.

3.2. Transregional criminal investigation and knowledge of networks

As already mentioned, Latin American SWs generally do not stay in one place for long and are employed in different regions of the Netherlands and sometimes in different countries. This requires cooperation between investigation services beyond regional and sometimes national borders. In the Netherlands, this cooperation is implemented by the Coordination Point for Unitary Interventions against Trafficking in Human Beings (*Coördinatiepunt Eenheids-overstijgende Mensenhandel Interventies* - CEMI), set up in 2022[242]. A trans-regional investigation into the exploitation of Latin American SWs is underway within the CEMI[243].

The investigation is currently being carried out by several regional police units, which makes it a good example of inter-unit work to obtain an overview of human trafficking.

In parallel with this cross-disciplinary investigation, a major criminal investigation has been underway since last year against five people suspected of human trafficking and involving 13 Latin American victims, mainly from Venezuela and Colombia. The case came to light following a statement from a Belgian victim, after which other evidence was gathered, in particular on the basis of checks, phone taps and a digital investigation[244].

The two investigations are seeking to draw up a picture of the structure of the criminal network behind the offence of human trafficking, while also specifying the role of the different players.

3.3. Multidisciplinary collaboration

Multidisciplinary collaboration also provides a better understanding of the problems of Latin American SWs. As part of such collaboration, information on human trafficking involving Latin American SWs, gathered by different disciplines, is brought together to form a more complete picture. In the Netherlands, this collaboration takes shape, among other things, in the regional information and expertise centres and the *Field Labs*, discussed below.

Regional information and expertise centres

To jointly combat subversive crime[245], which also covers human trafficking, a national network has been set up in the Netherlands through 10 regional information and expertise centres (Regionale Informatie- en Expertisecentra - RIEC). Each RIEC operates within the boundaries of a region, under the guidance of an independent regional steering committee. The RIECs act as an information hub with a view to processing cases for public services. They prepare recommendations for full implementation and coordinate project-based administrative, penal and fiscal interventions with regional partners.

241 Directive2004/81 of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities, O.J.L 261, 6 August2004.
242 For more information on CEMI, see the Dutch National Rapporteur on Human Trafficking and Sexual Violence against Children (2022), Dadermonitor 2017-2021, p. 64.
243 Information provided by the police on 25 June 2024.
244 Public prosecutor, *Vijf mannen opgepakt in omvangrijk onderzoek naar mensenhandel*.
245 Subversive crime is when criminals use legitimate companies and services to carry out their illegal activities. This blurs standards and reduces the sense of security and quality of life, see www.rijksoverheid.nl/onderwerpen/ondermijning.

There is also a national information and expertise centre (*Landelijk Informatie- en Expertisecentrum* - LIEC) that acts as a liaison between the RIECs, identifying and cataloguing developments in the field of subversion. For trans-regional crime problems, the LIEC coordinates the national approach[246].

One way of achieving this is to adopt a global approach to cases. In short, this means that one of the agreement partners submits a 'signal'[247] after which an analysis is carried out on the basis of the information provided by the agreement partners concerned. This analysis leads to an opinion on the possible interventions to be implemented. If action is to be taken, an action plan will be drawn up, which should at minimum specify the resources to be deployed and the agreement partner responsible for doing so[248].

Field Lab

At the LIEC, we have a specific form of multidisciplinary collaboration, namely Field Labs. Since 2014, *Field Labs* have been organised in the area of security in the Netherlands, in particular the Field Lab on human trafficking. The fourth edition of this Field Lab is in preparation and will start at the beginning of November 2024. The *Field Lab* is a programme that supports multidisciplinary collaboration in solving complex societal problems. A *Field Lab* is made up of at least five teams, each consisting of six to eight people from different organisations. The *Field Labs* aim to develop and implement interventions that have a strong impact on what are known as 'wicked problems' in society. According to Mark Moore's 'public value' theory[249], teams work for a week to define a common social problem and then propose an intervention to reduce this problem.

At the end of the week, the teams present their interventions to their managers and other stakeholders, after which they have 100 days to implement the intervention and learn from it. At the end of 100 days, there is a debriefing session where the teams report on what they have done, what they have achieved, what they have learned and what they need to do to take their plan or intervention forward[250].

Field Lab Piñata

As part of the 2023 Field Lab, one of the teams, known as Piñata, focused on issues relating to Latin American SWs in the Amsterdam region[251]. The active sharing of information between the municipality, the police, the Financial Intelligence Unit (FIU) and the *Koninklijke Marechaussee* (KMar) on people present in the systems and likely to be identified as facilitators/exploiters of Latin American SWs enabled the identification of potential perpetrators. A list of nine people was submitted to the RIEC, which led to various actions being taken: criminal (investigations into trafficking and smuggling of human beings and surveillance), administrative (in particular penalty payments, fines for change of housing assignment, recovery of benefits) and fiscal (in particular debt recovery, investigation of income). This led to the apprehension of several people who were previously under surveillance, but seemingly elusive. By pooling the information provided by the various organisations, it was possible to gain a better understanding of the illegal employment of Latin American SWs without valid residence permits and the vulnerable situation in which they find themselves. In addition, the scale of the illegal, unlicensed prostitution sector in Amsterdam became clear[252].

The Field Lab decided on an approach for the Amsterdam region. However, such a regional approach is not sufficient owing to the mobility of the networks. In order to obtain a clear picture and to get a grip on these issues, a commitment is needed at national level. Given the international ramifications, intensified collaboration at international level is also necessary.

246 See www.riec.nl/riecs-en-liec

247 In the description of the global approach process for managing cases, a signal is defined as follows: '(an) indication(s) from one or more partners in the RIEC partnership that certain behaviours and/or situations could possibly be linked to (manifestations of) organised crime' (Description of the global approach process for managing cases, August 2019 version, free translation, at: www.riec.nl/maatregelen-en-documenten/documenten/ publicaties/2019/08/15/procesbeschrijving-integrale-casusaanpak).

248 Description of the global approach process for managing cases, version August 2019, at: www.riec.nl/maatregelen-en-documenten/documenten/ publicaties/2019/08/15/procesbeschrijving-integrale-casusaanpak.

249 See, in particular, J. Benington & M.Moore (2010), Public Value: *Theory and Practice*, Bloomsbury Publishing.

250 Information provided by LIEC on 8 July 2024. For more information: fieldlabhub@liec.nl.

251 In the first edition of the human trafficking *Field Lab* for the period 2020-2021, the Bermuda team also focused on the group of Latin American SWs, and more specifically on trans people. Some actions aimed at combating human smuggling emerged from this Field Lab, directed in particular against the facilitators (*After Action Report Field Lab Bermuda*, January 2022, not public).

252 *After Action Report Field LabPiñata*, June 2024, not public.

4. Conclusion

This contribution provides an overview of the problem of trafficking and smuggling of Latin American SWs in the Netherlands. Many of them have fled the situation in their own countries only to find themselves in a situation of exploitation; a deliberate profit is made from the abuse of the distress of these Latin American victims. The effects of the crisis in Venezuela in particular are also clearly perceptible and visible in the Caribbean, in the Netherlands and in other countries of the Kingdom of the Netherlands and, for this reason, require particular attention. In the Netherlands, the situation in which the Latin American SWs find themselves is often classified as human smuggling, i.e. assisting illegal immigrants for profit. This classification needs to be reconsidered, especially as we have a better understanding of the modus operandi of traffickers and smugglers, as well as the structures of the networks that underpin them.

In order to complete this picture, multidisciplinary collaboration is essential, with different disciplines bringing together the pieces of information. To achieve this, the Netherlands has set up excellent structures within the *Field Labs*, the LIEC and the RIEC. Their findings can be used in criminal proceedings, where it is very important to examine the issue from the perspective of human trafficking and to provide victims with the corresponding reception and protection to which the Netherlands has committed itself at international level.

The networks engaging in these practices often operate in several countries. The exchange of knowledge between countries and detection beyond national borders are therefore necessary in order to also tackle the structures behind these practices. The Dutch National Rapporteur on Trafficking in Human Beings and Sexual Violence against Children hopes to have made a modest contribution in this respect.

Part 2

Evolution and combating the phenomena of trafficking and smuggling of human beings



Chapter 1
Recent developments in the legal and political framework

1. Developments in the European legal and political framework

1.1. Trafficking in human beings

1.1.1. Revision of the 2011 anti-trafficking directive

At European level, 2023 and the beginning of 2024 were marked by discussions on the proposal to revise the 2011 anti-trafficking directive[253]. The previous annual report[254] covered the Commission's submission of that proposal in December 2022. Adopted on 13 June, it came into force on 14 July 2024[255]. Belgium is required to transpose it by 15 July 2026, at the latest.

The adopted text amends a far greater number of articles of Directive 2011/36 than in the Commission's initial proposal[256]. It also contains new articles introduced into Directive 2011/36. Parliament has played an important role in this respect[257]. The EU wanted to take into account the changing trends in the fight against human trafficking, to remedy the shortcomings identified by the Commission and to further intensify the fight against this form of crime[258]. In Myria's view, the text of Directive 2011/36 was nevertheless an adequate legal text, bearing in mind that it was, above all, the sometimes very different implementation in the Member States that posed a problem.

The amendments introduced by the new directive concern three aspects: prevention and the criminal justice response; detection, assistance and protection of victims; and institutional aspects.

Here are the main amendments:

a. Prevention and the criminal justice response

- **extension of the definition of trafficking in human beings:** forced marriage, illegal adoption and surrogacy have been explicitly added to the types of exploitation included in the revised directive[259], even if, as the new directive makes clear, these forms of exploitation were already covered if all the criteria constituting trafficking were met.

253 Proposal for a directive of the European Parliament and of the Council amending Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims, 19 December 2022, COM(2022) 732 final.
254 Myria, *Annual report 2023 – Trafficking and smuggling in human beings, A chain of responsibilities*, pp. 71-72.
255 Directive (EU)2024/1712 of the European Parliament and of the Council of 13 June 2024 amending Directive 2011/36/EU on preventing and combating trafficking in human beings, and protecting its victims, *O.J.* L, 24 June 2024.
256 The Commission's initial proposal made six amendments to Directive 2011/36: the addition of forced marriage and illegal adoption as new forms of exploitation; explicit reference to the online aspect in the definition of trafficking; the introduction of a mandatory system of sanctions against legal persons; mandatory criminalisation of the knowing use of the services of a victim of trafficking; formal creation of national referral mechanisms and national focal points responsible for referring victims; annual collection of statistical data according to certain indicators.
257 See, in particular, the report on the proposal for a directive of the European Parliament and of the Council amending Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims, plenary session of the European Parliament on 10 October 2023, A9-0285/2023 and the Position of the European Parliament adopted at first reading on 23 April 2024. Almost 300 amendments (294 to be exact) had thus been initially tabled by the Parliament.
258 Recital 5 of Directive 2024/1712.
259 New §3 of Article 2 of Directive 2011/36, replaced by Directive 2024/1412.

As for surrogacy, the directive "targets those who coerce or deceive women into acting as surrogate mothers"[260]. The latter also specifies that these amendments are "without prejudice to the definitions of marriage, adoption, forced marriage and illegal adoption, or to those of offences related thereto other than trafficking, where provided for in national or international law" and "without prejudice to the national rules on surrogacy, including criminal law or family law"[261].

- **introduction of an additional aggravating circumstance relating to the use of information and communication technologies:** where the perpetrator has facilitated the dissemination or has themselves disseminated images, videos or similar material of a sexual nature involving the victim, the sentences handed down may be increased[262].

- **criminalisation of the use of services provided by a victim of trafficking, with full knowledge of the facts:** a new Article 18*bis* was added to the 2011 directive, in order to make such criminalisation compulsory, whereas previously, Member States were free to decide whether or not to include such a provision. Applicable to all forms of trafficking, the recitals of the new directive nevertheless provide a number of clarifications[263]. Hence, the offence should only target the use of services provided within the framework of trafficking. Consequently, it should not apply to customers who purchase products produced under conditions of labour exploitation, since they are not the users of such a service[264]. However, Member States are free to adopt or maintain more stringent criminal rules. Furthermore, they can criminalise the purchase of sexual services[265]. To establish knowledge, account must be taken of the specific circumstances of the case, such as the conditions under which the services were provided or facts indicating signs of control of the victims by the trafficker[266].

- **tougher sanctions for legal persons:** sanctions against legal persons responsible for breaches have been strengthened and can now include exclusion of access to public funding, tender procedures and subsidies, or the withdrawal of operating permits or authorisations[267].

b. Detection, assistance and protection of victims

- **principle of non-punishment:** the principle of non-prosecution and non-punishment of victims, which only concerned criminal activities, has now been extended to any unlawful acts committed under coercion[268]. This makes it possible to explicitly target a series of administrative offences relating, for instance, to prostitution or undeclared work, or other acts that are not criminal in nature but are subject to administrative or financial penalties[269].

- **training and capacity building:** Member States should extend training to a larger number of professionals likely to come into contact with potential victims of human trafficking[270], especially children[271], and encourage general and specialised training for judges and prosecutors involved in criminal proceedings[272]. The persons, units and services involved need to be provided with adequate expertise and technological capabilities. In addition, States are encouraged to create specialised units within law enforcement agencies and prosecution services[273].

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260 Recital 6 of Directive2024/1712.
261 *Ibid*.
262 Article 4, §3 of Directive 2011/36, replaced by Directive 2024/1412.
263 See recitals 26 to 28 of Directive 2024/1712.
264 Recital 26 of Directive 2024/1712.
265 *Ibid*.
266 Recital 27 of Directive 2024/1712. This recital gives concrete examples.
267 Article 6 of Directive 2011/36, replaced by Directive 2024/1712.
268 Article 8 of Directive 2011/36, replaced by Directive 2024/1712.
269 Recital 14 of Directive 2024/1712.
270 New Article 18ter, §1 of Directive 2011/36, introduced by Directive 2024/1712. This especially concerns frontline police officers, court staff, assistance and support services, labour inspectors, social services and healthcare workers.
271 On this subject, see recital 23 of Directive 2024/1712.
272 New Article 18ter, §2 of Directive 2011/36, introduced by Directive 2024/1712.
273 New §3 of Article 9 of Directive 2011/36, replaced by Directive 2024/1712.

- **specialised assistance for victims and sufficient accommodation:** assistance and specialised support for victims is a crucial point in the revised directive[274]. Sufficient shelters and suitable (temporary) accommodation should also be available. These should be easily accessible to victims, and equipped to meet the specific needs of children[275].

- **possibility of establishing a national fund for trafficking victims or similar instruments to compensate victims:** this possibility is expressly provided for alongside the obligation to provide victims with access to existing compensation schemes for victims of violent crimes of intent[276].

c. Institutional developments

- **implementation of a formal national referral mechanism, created and defined by laws, regulations or administrative provisions:** in order to enhance the national capability to detect and identify victims at an early stage, and to refer them to the appropriate support services, the revised directive reinforces the need to establish a (or several) formal referral mechanism(s)[277]. It defines the minimum tasks. This mechanism should include minimum standards for the early detection and identification of victims, their referral to the most appropriate support and assistance and the establishment of cooperation agreements or protocols with the competent asylum authorities, in order to ensure that assistance, support and protection are provided to victims of trafficking who are also in need of international protection. Ideally, this will involve identifying the competent authorities, civil society organisations and other stakeholders involved and defining their respective responsibilities, including procedures and lines of communication[278]. Another important aspect: Member States must appoint a focal point responsible for the cross-border referral of victims. This contact point should serve in the relations between the authorities or institutions responsible for the cross-border support of victims in the various Member States, but not for the victims themselves.

  These focal points can be based on existing mechanisms or governance structures and should not replace national complaint mechanisms or hotlines[279].

- **improving coordination between the official referral mechanisms and the asylum authorities:** complementarity and coordination between the authorities involved in anti-trafficking activities and the asylum authorities must be ensured[280]. At the same time, victims must be able to exercise their right to apply for international protection or equivalent national status, including when the victim is receiving assistance, support or protection as a presumed or identified victim of trafficking[281]. Member States must therefore ensure that the two relevant procedures are complementary and not mutually exclusive[282].

- **national anti-trafficking coordinators:** Article 19 of Directive 2011/36 on national rapporteurs was also revised. From now on, Member States must establish national coordinators or equivalent mechanisms and provide them with the adequate resources to improve internal cooperation. Their tasks shall include carrying out assessments of trends in human trafficking, measuring the results of anti-trafficking and reporting, i.e. the tasks previously assigned to the national rapporteur or equivalent mechanism in the previous version of Article 19. Their tasks may also include setting up contingency response plans, and promoting, coordinating and, where appropriate, financing anti-trafficking programmes. Furthermore, Member States may also establish independent bodies whose role may include monitoring the implementation and impact of anti-trafficking actions, submitting reports on matters requiring special attention and carrying out assessments of root causes and trends in trafficking. However, the new article states that where such an independent body is established, it may be assigned one or more of the coordinators' tasks.

274 Art. 11, §1 of Directive 2011/36, replaced by Directive 2024/1712. Persons with disabilities and children, among others, have specific needs (see recital 17 of Directive 2024/1712).

275 New §5*bis* of Article 11 of Directive 2011/36, inserted by Directive 2024/1712.

276 Article 17 of Directive 2011/36, replaced by Directive 2024/1712.

277 §4 of Article 11of Directive 2011/36, replaced by Directive 2024/1712.

278 Recital 15 of Directive 2024/1712.

279 *Ibid*.

280 §1 of new Article 11bis of Directive 2011/36, inserted by Directive 2024/1712.

281 §2 of new Article 11bis of Directive 2011/36, inserted by Directive 2024/1712.

282 Recital 21 of Directive 2024/1712.

- **data collection and statistics**[283]**:** a system for the recording, production and provision of anonymised statistical data based on various indicators (victims,suspects, defendants, decisions, convictions) must be set up in every Member State to monitor the effectiveness of their systems. Moreover, an annual collection of data on human trafficking at EU level, carried out and published by Eurostat, has been formalised.

- **national action plans**[284]**:** Member States are required to adopt, implement and regularly update (at least every five years) a national action plan including objectives, priorities and general measures to address trafficking. There may also be various preventive measures, measures to strengthen the fight against trafficking and the early identification of victims, as well as monitoring procedures and the implementation of these action plans.

While Myria finds some points of the directive positive, some provisions raise questions. For instance, the strengthening of support and assistance for victims[285], in particular through the formalisation of national referral mechanisms, the obligation to provide specialised support and a sufficient amount of accommodation, and the extension of the non-punishment provision are all improvements on the 2011 directive. Another positive point is the obligation for Member States to offer more training to all types of professionals who may come into contact with potential trafficking victims, and to improve coordination between asylum and anti-trafficking authorities.

On the other hand, the extension of the definition, not only to the exploitation of forced marriage or illegal adoption[286] but also to surrogacy, raises questions, especially in terms of application in practice.

For instance, in concrete terms, how will the distinction be made between autonomous offences and those that fall under trafficking? It will be essential to provide practical guidelines for practitioners in the field, otherwise trafficking will become a catch-all concept. It will also be important to determine which victims should be referred and provided with support, particularly in cases of exploitation of illegal adoption.

At the same time, Myria wonders how Belgium will transpose and implement in practice the new Article 18bis on the mandatory criminalisation of knowingly using services provided by a victim of trafficking, given that it has reformed its sexual criminal law by decriminalising certain forms of pimping, and that it wishes to allow sex workers to benefit from a proper employment relationship under certain conditions[287]. Furthermore, the real impact of this type of measure on victims' rights has not been demonstrated[288] and may even prove counter-productive in the fight against human trafficking[289]. It is therefore essential to step up checks on all forms of prostitution in order to detect abuses, and to allocate resources for this purpose.

Finally, Myria regrets that the final version of Article 19 on coordinators and rapporteurs does not require the separate appointment of national coordinators and independent monitoring bodies, as proposed by the European Parliament[290]. While the role of coordinating internal policies is essential, an independent monitoring and evaluation function is just as important. The existence of independent rapporteurs makes it possible to examine policies objectively, critically and from different perspectives, taking into account the realities in the field and the players involved, to be more attentive to violations of victims' rights and to make recommendations to Member States with a view, in particular, to strengthening these rights.

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283 New Article 19*bis* of Directive 2011/36, inserted by Directive 2024/1712.

284 New Article 19*ter* of Directive 2011/36, inserted by Directive 2024/1712.

285 Even if the NGOs regret that the rights of the victims have not really been reinforced: on this subject, see La Strada, Joint NGO Statement on Recast EU Anti-Trafficking Directive, 25 April 2024.

286 The reform of the Belgian Criminal Code, which is due to come into force in 2026, has already included these two forms of exploitation in the definition of trafficking, See below point 2.2.2.

287 On this subject, see point 2.4 below.

288 In this sense: La Strada, Joint NGO Statement on Recast EU Anti-Trafficking Directive, 25 April 2024.

289 On this subject, see Myria, Annual report 2021 – *Trafficking and smuggling in human beings, Visibly invisible*, pp. 39-40. By criminalising clients, it would become more difficult for them to report potential abuse and cases of trafficking to the authorities.

290 Parliament proposed, on the one hand, the introduction of national coordinators responsible for assisting the government in the development of coherent and effective policies, including national action plans, and, on the other hand, the appointment of independent national rapporteurs or the establishment of equivalent mechanisms. The latter would be responsible for monitoring the impact of anti-trafficking measures, submitting annual reports and monographic reports on topics considered serious, urgent or requiring special attention to the competent national authority, and gathering complaints. They would also be responsible for carrying out assessments of the root causes and trends in human trafficking, and at least the collection of statistics. See the report on the Proposal for a Directive of the European Parliament and of the Council amending Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims, European Parliament plenary session of 10 October 2023, A9-0285/2023, p. 27.

It is in this respect that Myria's reports serve as a basis for GRETA, the Council of Europe's group of experts responsible for evaluating Belgium's implementation of the Council of Europe Convention on Action against Trafficking in Human Beings, which emphasises the quality of the reports[291].

Moreover, there is no clear distinction between the coordinators' tasks and those of any independent bodies, so they may have very different responsibilities depending on the Member States. Belgium should maintain the current system since it already has a policy coordination mechanism, under the aegis of the Minister of Justice[292] and both governmental[293] and independent reporting[294].

1.1.2. Other measures

Other measures likely to have an impact on the fight against human trafficking have also been adopted or are in the final stages of adoption at European level.

New directive on asset recovery and confiscation

A new directive on asset recovery and confiscation came into force on 22 May 2024[295]. Member States must have transposed it by 23 November 2026, at the latest. The directive lays down minimum rules at EU level relating to the tracing, identification, freezing, confiscation and management of assets derived from criminal activities in connection with a wide range of offences, including human trafficking. The aim of the directive is to improve the means available to the Member States to fight organised crime and the associated illegal profits.It also obliges EU Member States to ensure that the authorities have the necessary resources to carry out their activities.

The new directive contains an important reference to compensation for the victims of crime, stating for instance that assets may also be frozen with a view to possible subsequent restitution or to guarantee compensation for damages caused by a criminal offence.

Corporate due diligence

In February 2022, the Commission proposed a corporate sustainability due diligence directive (CSDDD)[296]. The directive was hotly debated and finally adopted on 13 June 2024. It came into force on 25 July 2024 and must be transposed by the Member States by 26 July 2026[297].

The directive applies to companies in the EU and to certain companies in non-EU countries with a turnover in excess of EUR 450 million. It concerns their own activities, the activities of their subsidiaries and, where linked to their value chain(s), those of their business partners, ranging from the upstream production of goods or provision of services to the downstream distribution, transport or storage of products. It concerns their own activities, the activities of their subsidiaries and, where linked to their value chain(s), those of their business partners, ranging from the upstream production of goods or provision of services to the downstream distribution, transport or storage of products. The companies concerned will have to adopt and implement appropriate risk-based due diligence to monitor, prevent or remedy the harm to human rights (including human trafficking) or to the environment identified by the directive, in the context of their own operations and throughout their value chains.

The directive requires companies to ensure that human rights and environmental obligations are respected throughout their chain of activities. If a company is found to be in breach of these obligations, it must take appropriate measures to prevent, mitigate, eliminate or minimise negative impacts resulting from its own activities, those of its subsidiaries and those of its business partners in its chain of activities.

Companies may be held liable for any damages caused and will have to guarantee adequate compensation. The directive also requires Member States to designate a supervisory authority.

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291 See §17 of the report of the last evaluation cycle of Belgium: GRETA, Evaluation Report Belgium, *Access to justice and effective remedies for victims of trafficking in human beings*, third evaluation cycle, 20 October 2022.
292 Art. 4 to 11ter of the Royal Decree of 16 May 2004 on combating the smuggling and trafficking of human beings.
293 Art. 21, 1° of the Royal Decree of 16 May 2004 on combating smuggling and trafficking of human beings and Art. 12 of the Law of 13 April 1995 containing provisions for the suppression of trafficking and smuggling of human beings.
294 Art. 1, 2 and 21, 2° of the Royal Decree of 16 May 2004 on combating the smuggling and trafficking of human beings.
295 Directive (EU) 2024/1260 of the European Parliament and of the Council of 24 April 2024 on asset recovery and confiscation, *O.J.* L, 2 May 2024.
296 Proposal for a Directive of the European Parliament and of the Council of 23 February 2022 on Corporate Sustainability Due Diligence and amending Directive (EU) 2019/1937, COM/2022/71 final/2. On this subject, see Annual report 2023 – Trafficking and smuggling of human beings, *A chain of responsibilities*, p. 36.
297 Directive (EU) 2024/1760 of the European Parliament and of the Council of 23 February 2022 on Corporate Sustainability Due Diligence and amending Directive (EU) 2019/1937 and regulation (EU) 2023/2859, *O.J.* L, 5 July 2024.

Proposal for a regulation prohibiting products made using forced labour on the Union market

On 23 April 2024, the European Parliament gave its final approval to a new regulation enabling the EU to ban the sale, import and export of goods produced using forced labour[298].

Member State authorities and the European Commission will be able to investigate suspicious goods, supply chains and manufacturers. If a product is deemed to have been made using forced labour, it will no longer be possible to sell it on the EU market (including online) and will be intercepted at the EU's borders. At the time of writing this report (July 2024), the text was still awaiting the Council's formal agreement.

1.2. *Human smuggling*

In 2023, the European Commission took a number of initiatives to step up the fight against human smuggling. In her State of the Union address on 13 September 2023, the President of the Commission, Ursula von der Leyen, announced the need for new European regulations and governance in this area, with a greater role for European agencies[299].

A few months later, the European Commission organised an international conference on the subject, at which it presented a proposal for a directive and a proposal for a regulation, as well as launching a call for a 'Global Alliance to Counter Migrant Smuggling'[300]. These three initiatives are discussed one after the other below.

Reforming the 'Facilitators' Package'

The first initiative[301] consists of a proposal for a directive to replace the 20-year-old 'Facilitators' Package', consisting of the 2002 directive[302] and framework decision[303] on combating smuggling of human beings. The 2023 proposal aims to reinforce the fight against human smuggling, in particular by making it a more serious offence, imposing stiffer penalties and extending jurisdiction.

The Commission thus proposes to criminalise contributing to the unauthorised entry, transit or residence of a third-country national, not only if the perpetrator seeks (or requests, receives or accepts) an (in)direct financial benefit[304], but also if there is a "high likelihood of causing serious harm to a person" (Article 3). The preamble states that these alternative conditions will 'generally' not be met in the case of humanitarian assistance[305]. Third-country nationals should also not be held criminally liable for having been the subject of such criminal offences[306]. In addition, the proposal provides for an "aggravated criminal offence" (Article 4) — which is very similar to the Belgian rules[307] — and explicitly criminalises incitement, complicity and attempted human smuggling (Article 5). Lastly, the proposal introduces a series of aggravating and mitigating circumstances.

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298 Proposal for a regulation of the European Parliament and of the Council on prohibiting products made with forced labour on the Union market, 14 September 2022, COM (2022) final and position of the European Parliament adopted at first reading on 23 April 2024.
299 European Commission, *State of the Union 2023 - President von der Leyen's speech*, 13 September 2023.
300 European Commission, *A Global Alliance to Counter Migrant Smuggling*, 28 November 2023.
301 Proposal for a directive of the European Parliament and of the Council laying down minimum rules to prevent and counter the facilitation of unauthorised entry, transit and stay in the Union, and replacing Council Directive 2002/90/EC and Council Framework Decision 2002/946/JHA, 28 November 2023, COM/2023/755 final [Proposal for a directive on migrant smuggling].
302 Directive 2002/90/EC of the Council of 28 November 2002 defining facilitation of unauthorised entry, transit and stay, O.J. L 328, 5 December 2002.
303 Council Framework Decision 2002/946/JHA of 28 November 2002 on the strengthening of the penal framework to prevent the facilitation of unauthorised entry, transit and residence, *O.J.* L 328, 5 December 2002.
304 In the 2002 directive, the financial benefit in question was required only in the case of a contribution to an unauthorised stay, and not in the case of a contribution to unauthorised entry or transit (Article 1(1) of Directive 2002/90/EC). Under current Belgian legislation, each of these situations already requires the aim of obtaining a financial benefit (Article 77bis of the Aliens Act, transposed to Article 259 of the Criminal Code, as of the entry into force of the new Criminal Code on 8 April 2026).
305 Recital 7 of the proposal for a directive on the smuggling of human beings. The Commission therefore proposes to replace the optional exception on humanitarian grounds (provided for in Article 1(2) of Directive 2002/90/EC) with a case-by-case assessment.
306 Recital 7 of the proposal for a directive on the smuggling of human beings.
307 The current Art. 77quater of the Aliens Act. This article will be transposed to Article 260 of the Criminal Code as of the entry into force of the new Criminal Code on 8 April 2026.

Aggravating circumstances include cases where the offence has resulted in the illegal employment[308], exploitation[309] or 'instrumentalisation'[310] of a person who has been the subject of smuggling (Article 9)[311]. On the other hand, it will be a question of mitigating circumstances where the perpetrator provides information that is unavailable, that helps the authorities to identify other perpetrators or to find evidence (Article 10).

The proposal provides for severe penalties, in particular for forms of 'aggravated smuggling of human beings', with maximum prison sentences of at least 10 or 15 years[312] (Article 6). It also considerably extends Member States' jurisdiction over criminal offences. Thus, a Member State would also have jurisdiction if the offence were committed for the benefit of a legal person established or exercising their activities on its territory. Furthermore, a Member State could also declare itself competent if the offence leads to the entry, transit or residence of the persons concerned in its territory (for instance, as a result of human smuggling in international waters) (Article 12). Finally, minimum limitation periods have also been introduced (Article 11).

Besides this harmonisation of the rules on prosecuting and punishing human smuggling, the proposal lays down obligations for the Member States in terms of prevention, making the necessary resources available, training and data collection. On this last point, Member States are required to collect data concerning, among other things, the number and profile of perpetrators and smuggled persons, as well as the length of proceedings (Article 17).

Amendment of the Europol Regulation

In parallel with the proposal for a directive, the European Commission has also launched a proposal to amend the Europol Regulation[313]. The main aim of this second text is to strengthen Europol's role in the fight against the smuggling and trafficking of human beings (Article 1). Among other things, the Commission is proposing to extend the powers of the European Migrant Smuggling Centre, which has been part of Europol since its creation in 2016. Despite its name referring to human smuggling, the Centre, renamed the European Centre Against Migrant Smuggling, would also be responsible for trafficking (Article 3). In addition, the Centre would not only be responsible for carrying out analyses and monitoring relevant trends — tasks which it already performs — but would also be entrusted with important operational tasks (Articles 5-6).

Global Alliance to Counter Migrant Smuggling

Finally, the European Commission launched a call for action to national governments, international organisations (including UNODC[314]) and —remarkably — online service providers, with the aim of creating a 'Global Alliance to Counter Migrant Smuggling'[315]. Within this framework, the Commission convened several expert groups during 2024. The first expert group, which met at Europol at the end of April 2024, focused on the fight against human smuggling using online platforms[316].

308 This is illegal employment within the meaning of the 'sanctions' directive (Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals, O.J. L 168, 30 June 2009.
309 Although the term 'exploitation' is not defined, according to the preamble it includes sexual exploitation (recital 14 of the proposed directive on migrant smuggling).
310 The term 'instrumentalisation' is not defined in the proposal, but it refers to a situation in which a third country encourages illegal migration flows to the EU in order to destabilise it. The term first appeared in two Commission proposals dating from the end of 2021: Proposal for a regulation of the European Parliament and of the Council on addressing situations of instrumentalisation in the field of migration and asylum, 14 December 2021, COM/2021/890 final and Proposal for a regulation of the European Parliament and of the Council amending Regulation (EU) 2016/399 on a Union Code on the rules governing the movement of persons across borders, 14 December 2021, COM/2021/891 final.
311 However, the rationale behind the introduction of these aggravating circumstances is not explained in the European Commission memorandum.
312 In Belgium, this maximum prison sentence already exists for all forms of human smuggling with the aggravating circumstances listed in Article 77quater of the Aliens Act.
313 Art. 2 of the Proposal for a regulation of the European Parliament and of the Council on enhancing police cooperation in relation to the prevention, detection and investigation of migrant and trafficking in human beings, and on enhancing Europol's support to preventing and combating such crimes and amending Regulation (EU) 2016/794, 28 November 2023, COM/2023/754 final.
314 United Nations Office on Drugs and Crime.
315 European Commission, *Call to action on a global alliance to counter migrant smuggling*, 28 November 2023.
316 Europol, *New network to target migrant smugglers in the digital domain*, 3 May 2024.

2. Developments in the Belgian legal and political framework

With the exception of a development directly related to human trafficking (a new Royal Decree on the recognition of reception centres, point 2.1.), several important measures were adopted in Belgium in 2023 and early 2024 that could have an impact on the fight against human trafficking. These include the adoption of the new Criminal Code (point 2.2.), the conditions for authorising advertising for the prostitution of an adult (point 2.3.) and the possibility of performing sex work under an employment contract (point 2.4.).

Other measures are also worth mentioning (point 2.5.), such as the new law on the administrative approach to criminal phenomena.

2.1. Renewal of the recognition of the three specialised reception centres

On 28 June 2023, the three reception centres specialising in the reception and support of victims of trafficking (Payoke in Antwerp, PAG-ASA in Brussels and Sürya in Liège) obtained new recognition for a period of five years[317]. This recognition, which also serves as an authorisation to take legal action, allows them to apply to the Immigration Office (IO) for residence permits for the victims they support.

Centres must meet certain conditions to be recognised as specialised centres[318]. These essentially consist of having non-profit status, having as their main social purpose the reception of human trafficking victims, ensuring the administrative follow-up of child and adult victims, and having reception places. They are also required to submit a strategic plan every five years and a report every year to the competent ministers[319].

2.2. New Criminal Code: an in-depth reform

One of the major developments of 2023 and early 2024 was the adoption and passing of the new Criminal Code[320]. This reform was the subject of two separate draft bills introducing Book 1[321], and Book 2[322] of the Criminal Code respectively. Even though it will not come into force until 8 April 2026, Myria wanted to highlight the main changes adopted. One of these is the extension of the definition of human trafficking and the inclusion of the offence of human smuggling in the Criminal Code in place of the Law of 15 December 1980 on the entry, residence, establishment and removal of foreign nationals (hereinafter referred to as the Aliens Act).

2.2.1. Key elements of the new code

Here is a summary of the key elements of this new code:

a. The new code contains Book 1 and Book 2.

Book 1 contains the general rules of criminal law: the general principles of criminal law and the rules that determine the general conditions of charges, criminal liability and penalties. Book 2 sets out the offences (constituent elements, aggravating factors and penalties) corresponding to the fundamental social values protected by criminal law.

317 Royal Decree of 28 June 2023 on the granting of recognition to centres specialising in the reception and support of victims of trafficking and certain aggravated forms of human smuggling and on authorisation to take legal action, *M.B.*, 1 September 2023.
318 See the Royal Decree of 18 April 2013 on the recognition of centres specialising in the reception and support of victims of trafficking and certain aggravated forms of human smuggling and on authorisation to take legal action, *M.B.*, 22 May 2013.
319 This concerns the Minister of Justice and the Minister or Secretary of State whose responsibilities include access to the territory, residence, settlement and deportation of foreign nationals.
320 Law of 29 February 2024 introducing Book I of the Criminal Code and Law of 29 February 2024 introducing Book II of the Criminal Code, *M.B.*, 8 April 2024.
321 Draft bill (I) of 23 May 2023 introducing Book I of the Criminal Code, *Parl. Doc.*, Chamber, ordinary session 2022-2023, Doc. 55-3374/001. This first book was introduced concomitantly with another draft bill: Draft bill (II) with a view to inserting a security measure for the protection of society, *Parl. Doc.*, Chamber, ordinary session 2022-2023, Doc. 55-3375/001.
322 Draft bill of 24 July 2023 introducing Book II of the Criminal Code, *Parl. Doc.*, Chamber, ordinary session 2022-2023, Doc. 55-3518/001.

b. Three principles form the common thread of the reform: accuracy, simplicity and coherence.

The Criminal Code dates back to 1867, and since then, there has been no general revision. This resulted in a two-tier code, with numerous (virtually) unchanged provisions on the one hand, despite the fact that national and international developments had profoundly changed society. And on the other hand, an exponential increase in one-off legislative amendments and new legal and jurisprudential rules, which meant that substantive criminal law had become a complex tangle that was difficult to decipher.

c. In terms of content, penalties stand out the most.

The correctional system no longer exists, but the Code contains and defines the concepts of aggravating constituents, aggravating factors and mitigating circumstances[323]. Penalties are now divided into eight levels, and imprisonment has been abolished for the least serious offences (corresponding to penalty level 1).

In the current Code, aggravating circumstances, as described in the legal provision, are what the legislator considers to be aggravating factors, that are in addition to the constituent elements of the basic offence thus constituting an aggravation of this offence. Hence, these aggravating factors increase the theoretical penalty provided for by the law. There are two types of aggravating circumstances. On the one hand, **objective aggravating circumstances**, which are objective factors that increase the seriousness of the offence (for instance, a robbery committed with the use of violence carries a heavier penalty than a simple robbery). These are aggravating circumstances that are inherent in the behaviours that constitute the offence, such as the means used, the circumstances in which the offence was committed or its consequences. On the other hand, there are **subjective aggravating circumstances**, which are causes of aggravation that are personal to the individual being prosecuted. They form part of the process of individualising the penalty. Examples include premeditation, which turns murder into assassination.

The new Code now distinguishes between '**aggravating constituents**', which, in the eyes of the legislator, should result in one or more steps up the ladder of penalties; and, '**aggravating factors**' that the legislator wishes the judge to take into account when determining the penalty. Unlike aggravating constituents, aggravating factors do not automatically lead to a heavier sentence, but their impact on the choice of punishment and sentencing is at the judge's discretion. For the purposes of determining the penalties applicable to offences under Book 2 of the Criminal Code, a distinction is now made between aggravating circumstances that fall into the first category, henceforth referred to as 'aggravating constituents' (leading to an increase in the level of penalty), and those belonging to the second category, henceforth referred to as 'aggravating factors' (which are left to the discretion of the judge when determining the penalty). The concept of aggravating factor (formerly known as an aggravating circumstance) has no impact on the applicable level of penalty.

The current system for reducing sentences due to mitigating circumstances has been maintained. This is because the legislator considers that it allows for a high degree of flexibility in the criminal justice response. Mitigating circumstances may still be taken into account at the discretion of the judge.

d. Book 2 contains a new overall structure.

The offences are grouped under eight headings corresponding to eight themes[324]. New offences have been added, such as ecocide, incitement to suicide and the sale of children. Some criminal provisions stemming from special laws are also incorporated into the Criminal Code for certain offences (such as those relating to the punishment of discrimination, incitement to hatred and negationism). In addition, the Criminal Code decriminalises several offences when civil, administrative or disciplinary sanctions are sufficient to respond to the offending behaviour, or decriminalises certain behaviours because the offences are now obsolete.

323 On this subject, see Articles 20, 28 and 30 of the new Criminal Code.

324 The eight headings are as follows: serious violations of international humanitarian law (1); the crime of ecocide (2); offences against the person (3); offences against public safety (4); forgery (5); offences against property (6); economic offences (7); offences against the State and its functioning (8).

2.2.2. Human trafficking and smuggling and the principle of non-punishment in an autonomous provision

Human trafficking and smuggling included together in Criminal code

Trafficking in human beings (new Article 258 of the Criminal Code) will now form part of the new Chapter 7 of Title 3 (offences against the person), which deals with offences against human dignity and abuse of the victim's vulnerable situation. Trafficking is thus included alongside other offences such as the abuse of prostitution, the sale of children, trafficking in human organs, the exploitation of begging, slum landlords, forced marriage and forced legal cohabitation. Offences relating to discrimination, incitement to hatred and negationism are also included in this chapter.

As already mentioned, human smuggling has been incorporated into the Criminal Code and is found in the same section as human trafficking. This grouping is justified by the legislator in the interests of consistency and simplification, since these offences have similarities, particularly in terms of aggravating circumstances and applicable penalties[325]. Moreover, these issues sometimes overlap. However, the current Article 77 of the Aliens Act, relating to aiding illegal immigration, has not been incorporated into the Criminal Code.

The new article of the draft Criminal Code[326] initially included the offence of human trafficking as it appears in Article 433quinquies of the Criminal Code in its current version.

However, following an amendment[327] adopted at first reading by the Justice Committee[328], the definition of human trafficking was expanded to include illegal adoption and forced marriage. These were added to the exploitative purposes of human trafficking (new points 6° and 7° of §1 of Article 258).

The authors of the amendment thus intended to respond to one of the recommendations of the Special Commission on trafficking and smuggling in human beings[329], which called for such an extension, while also being attentive to the discussions on the new European directive on the subject. It should be noted that they thus anticipated the extension decided at European level (see point 1.1.1. above). However, another purpose of exploitation will still have to be introduced to comply with the directive: the exploitation of surrogacy.

Human trafficking is punishable by a level 3 penalty[330], in line with the existing penalty.

Like the current system, a fine as an accessory penalty may be applied as many times as there are victims[331].

As for the **new Article 259, it incorporates the offence of human smuggling in the Criminal Code**, which appears in Article 77bis of the Aliens Act of 15 December 1980.

The penalties are the same as those for human trafficking.

The new Criminal Code reorganises the aggravating circumstances of the offence. Hence, aggravating constituents (human trafficking and aggravated human smuggling in Article 260) and aggravating factors (Article 261) have now been set out in two separate articles.

The first paragraph of Article 260 includes the eight identical aggravating circumstances for human trafficking set out in Article 433septies of the Criminal Code and for human smuggling set out in Article 77quater of the Aliens Act. They are as follows: the fact the victim is a minor (1°), abuse of their situation of vulnerability (2°), use of fraudulent tactics, violence, coercion or threats (3°), offer or acceptance of payment or benefits to obtain the consent of a person with authority over the victim (4°), endangering the victim's life (5°), third-degree physical harm (6°), habitual activity (7°), and criminal association (9°).

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325 Explanatory memorandum to the draft bill of 24 July 2023 introducing Book II of the Criminal Code, *Parl. Doc.*, Chamber, ordinary session 2022-2023, Doc. 55-518/001, p. 223.

326 Article 259 of the draft bill.

327 Amendment no. 26 of Mr. Segers et al. to the draft bill introducing Book II of the Criminal Code, *Parl. Doc.*, Chamber, ordinary session 2023-2024, Doc 55-3518/003, p. 25.

228 Article 259 of the draft bill introducing Book II of the Criminal Code, adopted at first reading by the Justice Committee, *Parl. Doc.*, Chamber, ordinary session 2023-2024, Doc 55- 3518/007,p. 72.

229 Report of the Special Commission responsible for evaluating legislation and policy on human trafficking and smuggling, 12 June 2023, *Parl. Doc.*, Chamber, ordinary session 2022-2023, Doc. 55-2530/002: see recommendation 83, p. 124. For an analysis of the Commission's recommendations, see Myria, *Annual report 2023 – Trafficking and smuggling of human beings, A chain of responsibilities*, pp. 75-82.

230 Level 3 offences are punishable by imprisonment for a term of more than three years but not more than five years, or by a custodial sentence of more than two years but not more than four years (Article 36 of the new Criminal Code).

231 Article 258, §3 of the new Criminal Code. If the main punishment is a level 3 penalty, the range of the fine as an additional penalty is EUR 200 to a maximum of EUR 10,000 according to Article 52, §1,6° of the new Criminal Code.

The legislator also added the motive of discrimination (8°). As these are aggravating constituents, the applicable penalty is level 4.

A second paragraph incorporates the two aggravating constituents set out respectively in Article 433octies of the current Criminal Code and Article 77quinquies of the Aliens Act, namely the unintentional death of the victim (1°) and participation in a criminal organisation (2°). The penalty in this case is level 5.

The aggravating factors in Article 261 correspond to the aggravating circumstances in Articles 433sexies of the current Criminal Code and 77ter of the Aliens Act: the fact that the offence was committed by a person with authority over the victim or who abused the authority or opportunities provided by their functions (1°); or by a person holding a public office in the exercise of that office (2°).

Article 262 deals with confiscation and incorporates the system currently applicable to human trafficking and human smuggling. Article 263 sets out specific prohibitions in the event of conviction for human trafficking.

Non-punishment provision

Lastly, the **non-punishment provision** for victims of trafficking, which is grounds for exemption from punishment, is now the subject of a **specific article** (new Article 264[332]) rather than a specific paragraph in the basic charge of trafficking (see §5 of current Article 433quinquies[333]). The explanatory memorandum[334] specifies in this respect that it will be applicable to offences under the Criminal Code (including the use of fake documents or theft), the Social Criminal Code (including undeclared work under article 183/1) and special laws (for instance, the sale of narcotics or offences under the Aliens Act). However, this provision has been amended so that it is not applicable to offences punishable by a level 7 or 8 penalty (i.e. the most serious offences such as murder, assassination or non-consensual sexual acts resulting in death without intent).

In such cases, only the coercion (irresistible force) referred to in Article 22 of Book 1[335] may be considered.

Myria would like to stress the importance of having opted for a separate article concerning the non-punishment provision, hoping that this will give it greater visibility. In addition, the details provided in the explanatory memorandum are very useful in reminding players in the field of the broad scope of this provision, especially as the revised European directive on trafficking has extended its scope.

Myria would also like to point out that this article should only be applied as a last resort, the aim being above all to avoid prosecution when it can be established that the victim must have committed offences in the context of their exploitation[336].

2.2.3. Other new relevant provisions

Sale of children

The criminalisation of the **sale of children** has been **explicitly included in the Criminal Code**[337]. In so doing, the legislator is seeking to comply with the international obligation arising from Belgium's ratification, on 17 March 2006, of the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, signed in New York on 25 May 2000, which requires States to prohibit the sale of children and specifically criminalise it[338].

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332 Article 264 of the new Criminal Code, entitled the "grounds of excuse in favour of the victim of human trafficking" states that "a victim of human trafficking who takes part in offences for which the law provides a level 1, 2, 3, 4, 5 or 6 penalty as a direct consequence of their exploitation shall not incur any penalty for these offences".

333 Article 433*quinquies*, §5 is worded as follows: "the victim of human trafficking who takes part in offences as a direct consequence of their exploitation shall not incur any penalty for these offences."

334 Explanatory memorandum to the draft bill of 24 July 2023 introducing Book II of the Criminal Code, *Parl. Doc.*, Chamber, ordinary session 2022-2023, Doc. 55-3518/001, pp. 226-227.

335 This article stipulates that "a person is not criminally responsible for an act committed while under the effect of physical or moral coercion that they were unable to resist".

336 On the principle of non-punishment of victims, see Myria, *Annual report 2012 – Trafficking and smuggling of human beings, Building trust*, part 1, pp. 8-41.

337 Article 273 of the new Criminal Code defines the sale of children as follows: "The sale of children consists of deliberately offering, promising, handing over or accepting a minor, whatever the means used, in exchange for a profit or comparable gain for oneself or for others."

338 See Articles 1 to 3 of the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography and the explanatory memorandum to the draft bill of 24 July 2023 introducing Book II of the Criminal Code, *Parl. Doc.*, Chamber, ordinary session 2022-2023, Doc. 55-3518/001, p. 228.

This is because of the seriousness of the offence and the need to protect minors from this form of crime, even if in some respects this offence may overlap with other offences such as human trafficking or offences relating to the sexual exploitation of children[339].

As the legislator also wished to draw a parallel with the punishment of human trafficking with regard to child victims, the aggravated sale of children[340] is punishable by a level 4 penalty "when its purpose is: 1) exploitation of prostitution or other forms of sexual exploitation; 2) exploitation of begging; 3) work or services in conditions contrary to human dignity; 4) exploitation through the removal of organs or bodily material; 5) to make that person commit a crime against their will".

Similarly, the aggravating circumstances currently provided for in Articles 433sexies and octies of the Criminal Code for trafficking are included both as aggravating factors[341], and as aggravating constituents in the sale of children[342].

The explanatory memorandum specifies that "where appropriate, the aggravated sale of children will also constitute human trafficking or organ trafficking (compound crime)"[343].

As the definition of the aggravated sale of a child is quite similar to that of human trafficking, Myria again questions its practical application. This is not without consequences for the victims of trafficking (in this case, children), who may or may not benefit from the special status depending on the definition used.

Unauthorised entry into a vehicle and grounds for exemption from punishment

Among the offences against public safety (new Title 4), in addition to trespassing in a port area, there is a **new offence** in the context of human smuggling and trafficking: **unauthorised entry into a vehicle**, punishable by a level 1 penalty[344].

However, a **new ground for exemption from punishment** has been introduced **for victims of human trafficking and smuggling** who enter port areas or vehicles **under coercion**[345]. While victims of trafficking already benefit from the general exemption in Article 264 (see point 2.2.2. above), victims of smuggling will not be punished if they can show that they were forced by smugglers to enter a vehicle or a port area[346].

Myria questions the value of such a provision concerning unauthorised entry into a vehicle. This approach may prove counter-productive in terms of gaining the trust of potential victims of smuggling who would be prepared to cooperate with the police and the justice system by making statements or providing relevant information. Furthermore, the case for exemption from punishment seems difficult to apply in practice, given that migrants are often moved and transported clandestinely in groups.

2.3. Advertising for the prostitution of an adult: what is and is not allowed

Despite the reform of sexual criminal law, which decriminalised certain forms of pimping, **advertising the prostitution of an adult remains prohibited**, except in certain specific cases (current article 433*quater*/2 of the Criminal Code[347]).

The law specifies what is meant by advertising. It refers to the creation, publication, distribution or dissemination of advertising for an offer of sexual services by an adult, as well as the fact of making it known that an adult is engaging in prostitution or facilitating prostitution, by any means of advertising, whether explicit or implicit.

339 Explanatory memorandum to the draft bill of 24 July 2023 introducing Book II of the Criminal Code, Parl. Doc., Chamber, ordinary session 2022-2023, Doc. 55-518/001, p. 228.
340 Article 274 of the new Criminal Code.
341 Article 275 of the new Criminal Code, which covers the fact of having authority over the victim or of exercising a public function.
342 §2 of Article 274 covers causing the death of the victim without the intention of doing so and participation in a criminal organisation.
343 Explanatory memorandum to the draft bill of 24 July 2023 introducing Book II of the Criminal Code, Parl. Doc., Chamber, ordinary session 2022-2023, Doc. 55-3518/001, p. 232.
344 Article 421 of the new Criminal Code, which states: "In the context of the offences referred to in Articles 258 to 260, unauthorised entry into a vehicle consists of deliberately entering or intruding, without being entitled or authorised to do so, into a vehicle, ship, railway carriage, container, semi-trailer or aeroplane." Articles 258 to 260 concern the smuggling and trafficking of human beings.
345 See Article 422 of the new Criminal Code, which states: "Subject to the application of Article 264, which already contains a ground for exemption from punishment for victims of human trafficking, victims of human smuggling who take part in the offences provided for in this chapter as a direct consequence of the coercion exercised over them shall not incur any penalty for these offences."
346 Explanatory memorandum to the draft bill of 24 July 2023 introducing Book II of the Criminal Code, Parl. Doc., Chamber, ordinary session 2022-2023, Doc. 55-3518/001, pp. 363-364.
347 This article will become Article 266 in the new Criminal Code.

However, advertising for prostitution is **allowed in three cases:**

- when an adult advertises their own sexual services behind a window, in a place specifically intended for prostitution;
- when an adult advertises their own sexual services on an internet platform or other medium specifically intended for this purpose;
- for the provider of an internet platform or any other medium, specifically intended for this purpose, which disseminates advertising for services of a sexual nature or for a place dedicated to the provision of services of a sexual nature by adults, subject to certain conditions. They must take measures to protect the sex worker and to prevent abuse of prostitution and human trafficking, at least but not only[348] by immediately reporting any cases of abuse or exploitation to the police or judicial authorities, and by complying with the procedures laid down by the King.

The royal decree defining these procedures, as well as the personal data that may be processed, was issued on 18 May 2024[349].

Internet platform providers are required to comply with certain preventive measures, in particular to avoid the risk of sexual exploitation. The report to the King prior to this decree specifies that they must be able to play a role in identifying problematic situations and must not turn a blind eye to the risks of their platform being used for criminal purposes.

The decree specifies what is meant by 'supplier': it is a company[350] that disseminates, online or offline (e.g. via the print media), adverts of a sexual nature. A provider offering only storage space (cloud services) without disseminating the advert, and therefore not in direct contact with the advertiser, does not fall within the scope of the royal decree.

Furthermore, the supplier's registered office must be located in Belgium or, if this is not the case, the target audience must be specifically located in Belgium[351] regardless of the location of the sexual services or the place dedicated to offering such services[352].

As for the 'advertiser', they include both their own services or those of a third party (e.g. the manager of a brothel).

Providers are required to take certain steps with regard to each advertiser before any advert is published[353]: to check the identity (by means of an identity document and a recent photo of the face) and whether the advertiser or service provider is an adult. As the decree does not specify the type of identity document to be presented, the report to the King indicates that it may be an identity card, passport or any other document (birth certificate, family record book, student card). Suppliers are also expected to check the validity of the phone number and, where applicable, the e-mail address provided. If there is any doubt about the accuracy or veracity of the identity or age of the advertiser or the provider of sexual services, suppliers are obliged to request additional information. If this information is not provided or is inconclusive, they must refuse to place the advert.

Providers are also required to make available a range of useful information[354], in particular on referral options, such as voluntary services active in the field that provide advice to sex workers. They must also provide advertisers with the contact details of certain organisations, in particular centres recognised as specialised in the reception and support of victims of trafficking, and clearly mention the contact point for victims of trafficking and the phone number.

348 This distinction was introduced by Article 51 of the Act of 15 May 2024 containing provisions on the digitisation of justice and various provisions II, M.B., 28 May 2024. This same article also specified the essential elements of the processing of personal data for internet providers. This concerns the identification data of advertisers and, where applicable, providers of sexual services, as well as data relating to the placement of the advert. This addition was made in response to an observation by the Council of State on the draft royal decree.
349 Royal Decree of 18 May 2024 implementing Article 433*quater*/2 of the Criminal Code, *M.B.*, 13 June 2024.
350 Art. 1, 1° of the Royal Decree of 18 May 2024. The company may be a natural person working on a self-employed basis, a legal person or any other organisation without legal personality.
351 For instance, by using a Belgian domain name (.be).
352 Art. 2, para. 2 of the Royal Decree of 18 May 2024.
353 Art. 3 of the Royal Decree of 18 May 2024.
354 Art. 4 of the Royal Decree of 18 May 2024.

As regards cooperation with the authorities, providers are not expected to carry out an overall monitoring of adverts, but they must act promptly if they suspect a case of abuse of prostitution or human trafficking[355]. In the case of online providers, they must provide a contact point that can be reached by the authorities and communicate the details to the police[356]. Finally, they must respond quickly and free of charge to requests made by the police and judicial authorities.

Providers of an internet platform are also required to provide visitors with a visible means of reporting any suspicion of abuse of prostitution or trafficking linked to a profile posted on the platform, for instance by means of an alert button[357]. Specialised associations may also create an account on the platform in order to provide assistance, if necessary, to an advertiser or a provider of sexual services[358].

Myria has noted and welcomes the fact that a number of precautions have been taken to prevent the risks of abuse and trafficking in relation to advertising the prostitution of an adult. However, it wonders what type of checks providers will put in place to verify the identity and authenticity of the person behind the documents presented, in the case of documents other than an identity card or passport. Similarly, what type of monitoring of adverts will be implemented by providers and to what extent will their cooperation with the authorities in the event of suspected abuse or trafficking be effective? Adequate monitoring, both by the providers and by the authorities on the platforms, therefore seems necessary. Sufficient resources should therefore be made available, even though some police services are already carrying out checks and there is already good cooperation between the authorities and certain sites[359].

2.4. Sex work under an employment contract: a new development that raises questions

In line with the reform of sexual criminal law[360] and the unenforceability of the nullity of the employment contract of persons who prostitute themselves[361], an autonomous law has been passed to allow the organisation of the prostitution of others within the framework of an employment contract, thereby giving sex workers full employment rights[362]. In principle, it will come into force on 1 December 2024[363]. A series of royal decrees have yet to be issued, which was not yet the case at the time of writing this report (July 2024).

The reform of sexual criminal law defined pimping as, among other things, organising the prostitution of others in order to obtain a benefit, except in the cases provided for by law (Art. 433quater/1 of the Criminal Code). Consequently, while working as a self-employed sex worker poses no problem and therefore does not fall within the scope of this new law[364], it was still necessary to define the conditions under which a sex worker could be employed as a salaried employee under an employment contract.

The law defines the scope, the specific labour law rules and the conditions for approval for the employer.

The sex work covered by the law concerns the performance of sexual acts in fulfilment of a sex worker's employment contract involving physical contact. Consequently, other types of services, such as purely digital services via webcam, do not fall within the scope of this law[365].

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355 Art. 7 of the Royal Decree of 18 May 2024.
356 Art. 10 of the Royal Decree of 18 May 2024.
357 Art. 9, §1 of the Royal Decree of 18 May 2024.
358 Art. 9, §2 of the Royal Decree of 18 May 2024.
359 On this subject, see the focus of this report: Part 1, Chapter 3, point 1.
360 Law of 21 March 2022 amending the Criminal Code with regard to sexual criminal law, *M.B.*, 30 March 2022. On this subject, see Myria, Annual report *2021 – Trafficking and smuggling of human beings, Visibly invisible*, p. 14 et seq. and 2022, *Bound by debt*, pp. 55-57.
361 Law of 21 February 2022 concerning the unenforceability of the nullity of the employment contract of persons who prostitute themselves, M.B., 21 March 2022. On this subject, see Myria, *Annual report 2022 – Trafficking and smuggling of human beings, Bound by debt*, p. 58.
362 Law of 3 May 2024 containing provisions on sex work under an employment contract, M.B., 6 June 2024. See the explanatory memorandum of the draft bill containing provisions on sex work under an employment contract of 22 March 2024, *Parl. Doc.*, Chamber, ordinary session 2023-2024, Doc 55-3926/001, p. 4.
363 Early entry into force for each provision may, however, be established by royal decree.
364 The Council for Equal Opportunities for Men and Women, whose opinion was sought on the draft bill (opinion no. 171 of 8 September 2023), reiterated that all prostitutes have the option of working as self-employed persons and therefore already benefit from full social security coverage, like all self-employed persons who contribute to NISSE: see the explanatory memorandum of the draft bill containing provisions on sex work under an employment contract of 22 March 2024, *Parl. Doc.*, Chamber, ordinary session 2023-2024, Doc 55-3926/001, p. 101.
365 Explanatory memorandum to the draft bill containing provisions on sex work under an employment contract, 22 March 2024, *Parl. Doc.*, Chamber, ordinary session 2023-2024, Doc 55-3926/001, p. 8.

While all provisions of **labour law and social security rights** will **apply** to such a contract, certain **specific features** are **provided for and regulated** by this new law. Thus, only adults may enter into a sex worker employment contract[366].Similarly, contracts, flexi-jobs and occasional work are prohibited for anyone whose principal status is a student[367].Homeworking is only possible under certain cumulative conditions, some of which have yet to be determined by royal decree[368]. The law also emphasises respect for the free consent of the worker, who cannot be forced to perform any act of prostitution. The rights and freedoms commonly recognised for sex workers must be respected by the employer, who may not attach any negative consequences to them: the right to refuse sexual relations with a client or the performance of certain sexual acts, the right to stop or interrupt sexual activity at any time and the right to impose their own conditions on the sexual activity or act[369]. The sex worker also has the right to terminate the sex worker employment contract without notice or compensation[370].

Specific measures for the well-being of workers are also provided for, such as the compulsory appointment of a person of trust[371].

An essential condition for the employment of sex workers under an employment contract is **that the employer must obtain prior authorisation**[372]. Without it, they could be prosecuted for pimping[373]. To obtain this approval, strict requirements have been introduced to prevent the abuses and risks of the exploitation of sex workers: the employer can only be a legal entity and must have the registered office or a place of business in Belgium; the directors must be clearly identified and may not have been previously convicted of a series of offences (including human trafficking); the articles of association of the company or association must clearly indicate respect for the rights and freedoms of the sex workers it employs, and in particular the four basic freedoms mentioned above.

Approval is granted jointly by the Minister of Justice and the Minister of Employment.

A series of concrete measures have yet to be adopted by royal decree, such as the procedures for submitting and processing applications for approval, and the procedures for suspending and withdrawing approval.

In addition to approval, the employer must comply with a series of conditions for employing sex workers[374], such as the prohibition of delegating the exercise of employer authority and the related obligations to subcontractors, the availability of a reference person for the duration of the services to intervene if the sex worker is in danger[375], equipping each room where sex work is performed with an emergency button, and guaranteeing that social, medical and professional organisations of sex workers have access to the premises.

Additional approval procedures have yet to be defined by royal decree concerning specific safety, health, welfare and quality of work measures for sex workers, such as specific hygiene conditions to be complied with, or obligations to display information on emergency numbers and contact details for trade union and support organisations, such as the three specialised reception centres for victims of trafficking[376].

366 Art. 4 of the Law of 3 May 2024.
367 Art. 5, para.1 of the Law of 3 May 2024.
368 In particular concerning the conditions to be met in terms of health and safety and the adoption of a collective agreement within a joint committee to be appointed (see Art. 5, para. 2 of the Law of 3 May 2024).
369 Art. 7 of the Law of 3 May 2024.
370 Art. 8 of the Law of 3 May 2024.
371 Art. 10 of the Law of 3 May 2024.
372 Art. 11 to 16 of the Law of 3 May 2024.
373 Explanatory memorandum to the draft bill containing provisions on sex work under an employment contract, 22 March 2024, *Parl. Doc.*, Chamber, ordinary session 2023-2024, Doc 55-3926/001, p. 8.
374 Art. 17 of the Law of 3 May 2024.
375 Report on the first reading of the draft bill containing provisions on sex work under an employment contract, made on behalf of the Committee on Social Affairs, Employment and Pensions by Ms Anja Vanrobaeys, *Parl. Doc.*, Chamber, ordinary session 2023-2024, Doc 55-3926/002, p. 4.
376 Art. 17, para. 2 of the Law of 3 May 2024 and explanatory memorandum to the draft bill containing provisions on sex work under an employment contract, 22 March 2024, *Parl. Doc.*, Chamber, ordinary session 2023-2024, Doc 55-3926/001, p. 23.

Lastly, the law[377] specifies that social inspectors have the powers referred to in Articles 23 to 49 of the Social Criminal Code[378] when acting on their own initiative or upon request, as part of their mission to provide information, advice and monitoring relating to compliance with the law and its implementing decrees[379]. It is a royal decree that must determine the inspection service(s) competent to carry out this monitoring.

Amendments have also been made to the Social Criminal Code to penalise non-compliance with the provisions of this new law.

Lastly, an **evaluation of the law** and its implementing decrees is planned **two years after their entry into force.**

These new provisions have raised numerous questions about their implementation and impact, including during the debates in Parliament's Social Affairs Committee[380]; even though the Minister of the Economy and Employment, who introduced the draft bill, felt that by providing a legal framework to bring prostitution out of the shadows, the draft bill would help to combat the unacceptable forms of forced prostitution and human trafficking[381].

Like certain members of parliament when the draft bill was discussed at first reading, Myria questions the practical scope of these new provisions and their consequences for sex workers who are not covered by this status, in particular those working or residing illegally, who may include victims of human trafficking. Are they not at risk of going further underground?

Given the rigidity of the system and the extremely strict requirements laid down, it is likely that only a limited number of employers will adhere to this system[382]. Furthermore, a series of rules governing the feasibility of this system have yet to be determined by royal decree. So what will happen to other forms of organised work? At present, the social inspectorates are tolerant of sex workers who are registered as workers (e.g. in hospitality, beauty or massage parlours). Questions therefore arise as to whether or not such a policy of tolerance will be maintained and what approach the inspection services will adopt in this context[383]. There is also the question of the mechanisms for monitoring compliance with these new provisions and the resources that will be allocated to them[384], in particular to prevent and detect abuses[385].

2.5. Other measures

New law on the administrative approach to criminal phenomena

On 17 February 2024, a new law[386] relating to the municipal administrative approach[387] to 'destabilising' criminal phenomena came into force. The draft bill[388] was adopted after nearly 60 amendments and no less than four opinions from the Council of State. This shows how much discussion and criticism it provoked, particularly from a human rights perspective[389].

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377 Art. 19 of the Law of 3 May 2024.
378 Among other things, this means free access to all workplaces, day and night; access to private spaces under certain conditions; the power to identify and hear people.
379 Which was not yet the case at the time of writing this report (July 2024).
380 On this subject, see the report of the first reading of the draft bill containing provisions on sex work under an employment contract, drawn up on behalf of the Committee on Social Affairs, Employment and Pensions by Ms Anja Vanrobaeys, Parl. Doc., Chamber, ordinary session 2023-2024, Doc 55-3926/002.
381 *Ibid.*, p. 20.
382 *Ibid.*, p. 5.
383 *Ibid.*, p. 6.
384 In this sense, see also the report of the first reading of the draft bill containing provisions on sex work under an employment contract, drawn up on behalf of the Committee on Social Affairs, Employment and Pensions by Ms Anja Vanrobaeys, *Parl. Doc.*, Chamber, ordinary session 2023-2024, Doc 55-3926/002, pp. 12-13, 17 and the opinion of the Council for Equal Opportunities for Men and Women (opinion no. 171 of 8 September 2023, in the Explanatory Memorandum to the draft bill containing provisions on sex work under an employment contract of 22 March 2024, *Parl. Doc.*, Chamber, ordinary session 2023-2024, Doc 55-3926/001, p. 102).
385 See the opinion of the Council for Equal Opportunities for Men and Women (opinion no. 171 of 8 September 2023, *ibid.*, p. 106), which called on the government to massively increase the resources available to combat trafficking, clandestine prostitution and pimping.
386 Law of 15 January 2024 on the municipal administrative approach, on the implementation of a municipal integrity investigation and establishing a Directorate for the Evaluation of Integrity for the Public Authorities, M.B., 7 February 2024. Two royal decrees published in the Moniteur belge of 15 May 2024 completed this law: one, dated 22 April 2024, relates to economic sectors and activities on the basis of which a police ordinance may be adopted in accordance with Article 119ter of the New Municipal Law, and the other, issued on 26 April 2024, relates to entry, access and consultation of data in the Central Register of Integrity Investigations.
387 The administrative approach is defined in Article 2, 3° of the Law of 15 January 2024 as "all preventive administrative decisions to guarantee public order and safety and prevent disturbances".
388 Draft bill of 8 February 2023 on the municipal administrative approach, the implementation of a municipal integrity investigation and the creation of a Directorate for the Evaluation of Integrity for the Public Authorities, *Parl. Doc.*, Chamber, ordinary session 2022-2023, DOC 55-3152/001.
389 See opinion no. 13/2022 of 28 October 2022 of the Federal Institute of Human Rights (FIRM/IFDH) on the first draft bill.

This law introduces a new Article 119*ter* in the new municipal law, which provides municipalities with a new tool to prevent crime hidden behind legal activities from taking root in their territory. This is what the law calls 'destabilising crime', which has its origins in a series of punishable offences, including trafficking and smuggling in human beings[390]. The new tool introduced is the integrity investigation. Municipalities will be able to conduct such an investigation into the setting up or operation of establishments accessible to the public in certain economic sectors and activities, after adopting a municipal police ordinance. When such an ordinance is adopted, all establishments accessible to the public belonging to the targeted sectors will be subject to this investigation, and not just new establishments[391].

Among the economic sectors and activities that may be subject to an integrity investigation are sectors that are sensitive to trafficking or smuggling in human beings, such as hospitality, the automotive sector (especially car washes), retail (including bakeries and butchers) or the beauty sector (massage parlours, nail salons)[392].

Based on the results of the integrity investigation, municipalities may refuse, suspend or revoke the establishment's licence or have the establishment closed down.

The law also provides for the creation of a Directorate for Integrity Assessment for Public Authorities (DEIPP), responsible for carrying out analyses and issuing opinions on destabilising crime[393]. Finally, local information and expertise centres (CIEAR) set up within the federal police have been further developed[394]. Their role is to provide support to the DEIPP and the municipalities in the administrative approach to destabilising crime.

It should also be noted that this new law also amends Article 134quinquies of the new municipal law, which allows the mayor to close an establishment where there are serious indications of human trafficking. This measure is now extended to a maximum of six months and is renewable twice[395].

New action plans in relation to human trafficking

A few measures relating to human trafficking can also be mentioned. For instance, a plan for fair competition in the construction sector[396] was signed on 21 February 2024 by the social partners in the construction sector, the social inspectorates, the Social Information and Research Service (SIRS) and the ministers responsible for the sector.

In addition, a second national 'Business and Human Rights' plan covering the period 2024-2029 was adopted by the Council of Ministers on 5 April 2024[397]. Its implementation applies both to Belgian companies operating in Belgium and/or abroad and to international companies operating in Belgium. The plan comprises no fewer than 67 actions, including the Belgian federal government's intention to play a pioneering role in drawing up a European legislative framework on the duty of care and a national support framework for the implementation of the duty of care in the value chains of Belgian companies, particularly those operating in high-risk sectors. Other actions concern the commitment of Belgian governments to legislate for a ban on products derived from forced labour on the European Union market, and the active fight against social fraud and social dumping, which have a major impact on human trafficking.

390 See Article 2, 6° of the Law of 15 January 2024 and Article 119ter, §10, 7° and 8° of the New Municipal Law, inserted by Article 35 of the Law of 15 January 2024.
391 Art. 119ter,para. 3of the New Municipal Law, inserted by Article 35 of the Law of 15 January 2024.
392 See Article 1 of the Royal Decree of 22 April 2024 on economic sectors and activities, on the basis of which a police ordinance may be adopted in accordance with Article 119ter of the New Municipal Law, M.B., 15 May 2024.
393 See Articles 4 to 9 of the Law of 15 January 2024.
394 See Articles 32 to 34 of the Law of 15 January 2024. See also the external contribution on the role of the administrative approach in the fight against the trafficking of human beings in the focus of Myria's *Annual report 2023, A chain of responsibilities*, pp. 62-67.
395 See Article 41 of the Law of 15 January 2024.
396 20240221_PCL Secteurde la construction FR.pdf (belgique.be).
397 National Action Plan "Business and Human Rights" 2.0 (developpementdurable.be).

Chapter 2
Case analyses

In this chapter, Myria analyses two court cases involving human trafficking to which it had access as a civil party. This analysis provides an overview of how an investigation is initiated and conducted in the field. This chapter also paints a picture of the phenomenon of human trafficking in terms of the main forms of exploitation. This year, special attention is given to a vast Latin American case of sexual exploitation, in line with the focus.

The analysis is based on the official records of these cases and focuses on the criminal system and the victim's perspective. Firstly, the summary reports, in which the investigators summarise the case, are examined critically and in depth. The initial police reports have also been scrutinised, revealing the basis on which the case was actually initiated and whether any victims were intercepted and detected. In addition, the file contains the official records of hearings of victims, suspects and witnesses; the information reports; the folders containing the transcripts of phone taps; the observation reports and, finally, the reports of letters rogatory. Studying specific cases is a cornerstone of policy evaluation. It provides a better understanding of the implementation of the investigation and prosecution policy in the field, as well as the thorny issues that accompany it.

These types of results are an essential source of information for the focus of Myria's annual evaluation report and an indispensable basis for formulating recommendations.

1. Sexual exploitation: Latin American case in Charleroi

Introduction

In this case investigated in Charleroi, dozens of Latin American victims and several Romanian victims were sexually exploited in 2018 and 2019 in private locations in La Louvière and Lodelinsart by two interconnected Latin American criminal networks with multiple ramifications. Clients were contacted via the 'Quartier-Rouge' and 'Cyberotica' websites. Some of the victims stated that they were registered as masseuses, but worked on the basis of 'happy endings' (see section 1.3.1. below: Profiles of sex workers: victims of smuggling). The defendants in both networks were convicted of human smuggling and exploitation of prostitution. Two of the main defendants in the second network were also prosecuted and convicted of human trafficking. Several defendants were convicted of selling drugs[398].

To make the text easier to read, first names are used instead of initials, as well as diagrams.

398 Mons, 5 October 2022, 4th ch.; Hainaut Crim. Court, Charleroi division, 27 October 2021, 6th ch. See Myria, *Annual report 2023 – Trafficking and smuggling of human beings, A chain of responsibilities*, pp. 102-103; *Annual report 2022 – Trafficking and smuggling of human beings, Bound by debt*, pp. 71-72 and Myria's website (case law).

1.1. Criminal system

According to the public prosecutor's office, this investigation included numerous victims and suspects, some of whom could not be located. In addition, the case involved extensive networks, both in Belgium and in other countries.

1.1.1. Criminal networks

The link between the two networks was an old factory site in Lodelinsart that had been converted into a large block of flats. This was the main base for dozens of female sex workers (SW), who carried out their activities in flats with private rooms. The owner of the building complex, the French defendant Michel, was the main protagonist and acted as an intermediary with all the main defendants. The caretaker of the building, the defendant Ali, acted both as an intermediary with the main defendants and as a supplier of cocaine. In the past, he had run another café with Gilberto, the partner of Dulce, the main defendant in the first network.

The defendant Michel rented the flats to the main defendants in the second network, Mae and Fausto, as well as to the main defendant Dulce and her partner Gilberto, who also owned several flats in the building. He also rented out private rooms to SW, including several Romanian women and a few Belgians, who had to pay him high rents based on weekly rates and could work for themselves. He also brought back Latin American SW from his trips to Portugal. He himself had a large flat where he organised sex parties in collaboration with the second network. According to numerous statements and publications on social networks, this owner was protected by corrupt police officers who were clients themselves (see section 1.1.4. below: Police corruption).

The owner, Michel, is registered in the police database for 'exploitation of prostitution, money laundering, assault and battery and offences relating to social documents'. He owns several companies, including abroad, which have been the subject of a financial investigation (see section 1.2.4. below: Financial investigation).

	First network	Second network	Co-operation Not a defendant	Smuggling/ trafficking
Dulce	Leader Main defendant			Smuggling
Gilberto	Partner of the leader Main defendant			Smuggling
Sophie	Belgian *telefonista* Case opened			Smuggling
Michel	Owner Lodelinsart Police corruption	Owner Lodelinsart Police corruption		Smuggling
Mae		Main defendant Coordination		Trafficking - smuggling
Fausto		Assistant partner Main defendant		Trafficking - smuggling
Ali	Contact with the first network	Caretaker Lodelinsart Drug supplier		Smuggling
Valentin		Driver Recruiter Chaperone		Smuggling
Jean			Drug dealer Charleroi with caretaker Ali Hotel Charleroi Pimp Brothel project with the main defendants and the driver Valentin	
Agostinho			Pimp Schaerbeek Collaboration Driver Valentin	
Telma			Schaerbeek Partner Agostinho *telefonista*	

a. First network

The first prostitution ring was managed by the main Brazilian defendant, Dulce. She set up and ran the network, defined the roles of its members and gave instructions on how to receive the SW when they arrived at the airport, how to allocate them to the various prostitution sites and how to manage the phone. She received half the income of the women who worked for her and determined the working conditions (hours, rates and locations). According to the statements made by the Belgian phone operator (*telefonista* in Spanish) Sophie, a good day's prostitution could earn Dulce EUR 8,000.

A second defendant, Gilberto, a Belgian of Syrian origin and partner of the main defendant Dulce, helped her to write the adverts, publish them on the 'Quartier-Rouge' website and buy all the equipment needed for prostitution. He also collected the money generated by prostitution and arranged the rental of a flat. He had several businesses, particularly in the construction sector.

Three other defendants, one of Belgian nationality and two of Peruvian nationality (mother and daughter) acted as phone operators[399]. They answered clients' calls and made appointments. They were paid EUR 5 or EUR 10 per customer. During the search of the Belgian phone operator's home, notebooks containing references to financial transactions relating to prostitution were found and seized. The phone operators had been recruited while working as cleaners in the café of co-defendant Gilberto.

One of the phone operators explained how her job worked at her hearing:

"The client makes contact by phone and is directed to an address, and the prostitute is notified by WhatsApp. When the client arrives, the prostitute says how long the service will last and what time the client will leave... I mainly communicate with her on WhatsApp to keep her up to date with the girls' accounts."

Two other defendants were drivers. One was the son of the main defendant Dulce (a Brazilian) and the other a Belgian. They picked up the SW when they arrived in Belgium at Charleroi or Brussels airport, and took them to the prostitution sites or transported them from one prostitution site to another.

One Belgian defendant was a professional photographer who took erotic photos of the SW for online adverts, at the request of the main defendant, in return for payment.

Another Belgian defendant owned flats for prostitution in La Louvière and had made an abnormal profit. As an intermediary, he had put the photographer in contact with the main defendant, Dulce. He benefited from free sex, which the SW were pressured into by Dulce.

Creation of the first network

The statements of the main defendant, Dulce, and her partner, Gilberto, paint an interesting picture of how these networks arose spontaneously and developed gradually on the basis of a flat hierarchical structure, with couples at the centre and the woman playing a central role. According to police information, Dulce and Gilberto had been managing a prostitution network with Brazilian SW from the Spanish city of Valencia from a private home in La Louvière since February 2015. In February 2016, a local police officer ran a check on Gilberto in this house in La Louvière, in the presence of three Brazilian SW.

According to the defendants' statements, this first network was created in early 2016, when Dulce was still working as a sex worker in a Brussels champagne bar. It was then that she met Gilberto and that they came up with the idea of creating their own network. They then tried unsuccessfully to take over a champagne bar in Kortrijk in 2018.

During his hearing concerning the launch of their network, Gilberto stated the following:

"*In February/March 2016, when things were getting a bit more serious between us, she told me she wanted to stop working as a prostitute, because she loved me and she wanted to provide for her children who had stayed in Brazil by sending them money. So she came up with the idea of getting prostitutes to work for her.*"

The main defendant, Dulce, explained the context during her hearing:

"*Initially, at the beginning of 2016, I was prostituting myself and working for myself. Then other girls joined me to work. These girls came from contacts I'd made in Spain when I was selling luxury underwear.*

399 See Part 1, Chapter 2, point 2: Organisationof exploitation.

At that point, they were all working independently. I started managing the phones for the internet ads, and the girls would give me EUR 10 for each client who came up. That only lasted a week. After that, the girls paid me 50% of their earnings. I continued to work as a phone operator. I also worked from time to time as a prostitute."

When an SW left, she looked for a replacement:

"In general, when a girl left, I asked her if she knew another girl who would be interested in working for me. I've had girls come back with me from Spain to work for me in Belgium. Most of the girls I found on the WhatsApp group for girls working in prostitution.In fact, every girl who comes to work knows other girls who are interested in prostitution, and that's how the network of contacts is created. I had three or four girls maximum with me on the plane from Spain. There were also girls from the East who worked for me, but I didn't go looking for them, they came of their own accord.For example, in Lodelinsart, there were three Romanian girls working for me when you came here in June last year.They had been there for about a week.I don't know their identities, but they were interviewed by your services. They also shared 50% of their earnings with me."

Dulce often had to travel abroad and was looking for a phone operator and someone she could trust to look after her finances. Gilberto explained how he became her accountant:

"So she found someone, a Brazilian woman whose identity I don't know, to answer the phone and dispatch the clients, but she continued to keep a record of the earnings herself. To help her out, I sometimes collected the money myself from the prostitutes to send it to Dulce in Brazil via Moneygram or Western Union. It was then that Dulce started sending me a daily statement of the prostitutes' earnings, a sort of diary by first name... There were prostitutes of all nationalities (Arabs, Latinos, Europeans, etc.). I don't know the details, all I knew was that Dulce received calls from prostitutes asking for a place to work."

b. Second network

The two main defendants who were prosecuted and convicted of human trafficking are part of the second network. They are a couple consisting of a Belgian woman (Mae) of Brazilian origin and a Brazilian man (Fausto). Text messages show that they had been running a prostitution ring since at least 2017. Most of the ramifications stem from this second network in particular, with the co-defendants starting to set up or support local prostitution initiatives.

The main defendants mainly operated their network from the Lodelinsart block of flats, on the basis of a 50/50 split with the SW. According to Mae's statements, she earned between EUR 5,000 and 8,000 a month from prostitution. She published sex adverts online, acted as a phone operator and collected the money from the girls. Under cover of false promises, they recruited their victims via social networks and abroad, even in Ukraine, and in some cases brought them to Belgium or provided them with transport. In Belgium, the victims were closely monitored and were not even allowed to leave the building without permission. In addition, the main defendants owned several companies abroad which were the subject of a financial investigation (see points 1.1.2. and 1.2.4.: Companies, Financial investigation). Fausto often travelled between Brazil, Ukraine, Portugal, Spain and Belgium for this purpose.

Ali is another Moroccan defendant who acted as a caretaker and security guard at night in Lodelinsart. He took clients to the rooms, often in groups for sex parties, and sold cocaine to them and to the SW (see below point 1.1.1: Criminal networks: ramifications and point 1.1.3: Narcotics). He was monitored the SW in an aggressive manner (see section 1.3.3. below: Elements of human trafficking). In the police database, he is registered for illegal residence, drugs offences, criminal association, theft and assault, among other things.

Another defendant, Valentin, acted as a driver and recruiter for the network. He played on the feelings of the young adult SW and acted as their chaperone (see section 1.1.1 below: Criminal networks: ramifications).

c. Ramifications

This case involves several ramifications throughout Belgium, which could not be further investigated following the investigation conducted in Charleroi. The victims' statements often refer to other private places where they engaged in sexual activity thanks to the support or contacts of the main defendants or their accomplices. The range of these ramifications and the possibility of moving around complicate the investigation, but also respond to the demand for mobility in prostitution, which is particularly characteristic of Latin American SW. Sex dating sites offer many additional options in this respect.

The network analysis of these ramifications is vital to dismantling the whole criminal system, so that SW are not moved to other places where no investigation has been initiated. In practice, this illustrates the flexibility of the criminal system of a multi-cell prostitution carousel.

Based on the victims' statements, Myria developed a network analysis and provided an outline of the Latin American prostitution system.

Paolina, the Brazilian victim of human trafficking, stated the following regarding the building in Lodelinsart:

"*There was often a rotation among the girls who came or left the building every Monday or Tuesday*."

The defendants made statements about this. The Moroccan caretaker Ali described this mobility and the prostitution carousel in the building in Lodelinsart during his hearing:

"*There were Brazilian and Romanian girls. But there were a lot of Brazilians. There were about 15 or 20 girls. Michel explained that the girls were rotated, they changed nearly every week. Michel showed me the 'Quartier-Rouge' website.*

Statements SW victims	**Leader Mae-Fausto**	**Owner Michel**	**Caretaker Ali**	**Driver Valentin**
Fia SW	Drogenbos			
Fia SW	Daughter of Fausto Holiday home La Louvière			
Paolina Trafficking victim	Brussels: friend of the leader Transported on demand			
Paolina Trafficking victim	Brussels			
Brazilian masseuse Trafficking victim	Etterbeek Management	Owner Etterbeek		
Paolina Trafficking victim			Hotel Charleroi Dealer Jean	
Lara Trafficking victim			Dealer Jean Attempted take-over Lodelinsart	
Lara Trafficking victim	Brothel project Drug dealer Jean		Drug dealer Jean Brothel project	Brothel project Drug dealer Jean
Lara-Luisa Trafficking victim				Collaboration Antwerp
Lara-Luisa Trafficking victim				Collaboration Schaerbeek Couple Agostinho and Telma

Ramifications of the main defendants Mae and Fausto in Brussels and La Louvière

On the basis of numerous victim statements and further findings, it appears that the main defendants in the second network also had brothels in Drogenbos, Etterbeek, Brussels (private premises) and La Louvière. The police found lease contracts in the possession of the main defendants for a holiday home in La Louvière. During a police interview, a link was made with a Brazilian woman who was under investigation for exploiting the prostitution of two Brazilian SW.

The Brazilian SW Fia stated during her hearing, when seeing a photo of the main defendant Mae, that she had also worked for Mae's daughter:

"*I met her two years ago in a house inLa Louvière. I worked from 27 December2018 to 4 January 2019 as a prostitute for Mae's husband's daughter, who is called X., and her friend. Then I went to Drogenbos to work for Mae for about 12 to 15 days, still as a prostitute. Everything is written in the notebook that you found in my suitcase.*"

Paolina, the Brazilian trafficking victim, stated that she worked in two places of prostitution in Brussels:

"*Afterwards, I went to Brussels to also find work there in prostitution. I worked day and night for a week. It was also a building that operated like the one in Lodelinsart. In Brussels, I had to share my earnings with a woman called Y. She was a friend of Fausto. I went to Brussels in a taxi driven by someone Fausto knew… There was also a house in Brussels that they owned. Prostitution took place there. I personally worked in that house. I received a client there.*"

In addition, a Brazilian victim of human smuggling and exploitation of prostitution (see hereafter point 1.3.1.: Profiles of sex workers: masseuses who are victims of human smuggling) stated that she had also worked in a flat in Etterbeek, which Michel owned and which was managed by the main defendant Mae.

Ramifications of the caretaker Ali and of the pimp and drug dealer Jean

The drug dealer Jean was an important client of the second network and a close friend of Ali, the caretaker and cocaine supplier, and of Michel, the owner of the block of flats in Lodelinsart. He also knew the main defendants, Mae and Fausto, and had set up his own network. According to Lara, a 19-year-old trafficking victim, there were concrete plans to open a brothel with Mae and Fausto, the driver and recruiter Valentin and another drug dealer. The caretaker Ali stated during his hearing that he had opposed Jean's attempt "to get the girls from the whole building in Lodelinsart, because he wanted all the girls to work for him." (see hereafter 1.1.3.: Drugs)

The trafficking victim Paolina (see hereafter point 1.3.1.: Profiles of female sex workers: victims of human trafficking) revealed during her statement that one of the older SW, Z., had set up a network herself with Jean:

" *Z. brought girls over from Brazil, Spain and Rome in Italy. She brought the girls clients. She got on well with Jean and often brought him girls... Jean used to go to a hotel in the Charleroi region.There were also girls working as prostitutes there. It was Z. who sent girls to this hotel and Jean's clients.*"

Partnerships of the driver and recruiter Valentin

The driver and recruiter Valentin had set up his own parallel partnership through his transport activities. He would go to fetch the SW from the airports and take them to the different places of prostitution in Lodelinsart, La Louvière, Schaerbeek and Antwerp for different networks. He promised to take the two trafficking victims to a brothel in Antwerp after their sexual services in Schaerbeek and Lodelinsart.

The two Brazilian trafficking victims, aged 19 and 27, had come to Belgium as friends and felt they had been tricked by the main defendants upon arrival when they learned that working conditions did not correspond to what had been agreed. They then contacted Valentin, who took them to another workplace in Schaerbeek, where they were allowed to provide sexual services for 50% pay, instead of having to pay a high weekly rent. They preferred this option because they had no money and preferred the security this offered.

Later, they found themselves in Lodelinsart, where they were arrested on an administrative basis during the search (see point 1.3.2.: Detection).

They stated that when they arrived at the Schaerbeek flat, two young women were working. At her hearing, Lara, the 19-year-old victim, described the contact with the Brazilian pimp Agostinho and his explanations:

"*We visited this flat. There was a man of a certain age there. Agostinho (the pimp) and Valentin (the driver) told us that we should talk to this person if we needed anything. Agostinho reassured us, because the clients were businessmen or politicians and the living conditions were acceptable. He told us that we mustn't walk about in the corridors so as not to bother the other residents in the building. And that we mustn't let the clients ring at other doors .*"

The other victim, Luisa, aged 27, stated that his wife Telma worked as a phone operator and had warned them about the police:

"*It was Agostinho's wife who took the calls from clients and who sent them to us. She called us via WhatsApp and would say, for instance: "A client will arrive in five minutes". However, I think that my WhatsApp conversations were deleted, because we were instructed not to open the door to people who weren't sent to us by Telma. In this case, it was probably the police and we had to delete our conversations. One day, someone rang our bell for a long time, so Telma told us to delete the conversations, because she thought it was the police. You're asking me if I met Telma. My answer is yes: she was short, a bit chubby, tanned, of Brazilian nationality.*"

The pimp subtly took money from them, as did the driver and recruiter Valentin, who acted as their chaperone. Lara, the 19-year-old victim, explained how this happened:

"*You're asking me how much money I earned while I remained with Agostinho. I can't tell you how much I earned because Agostinho offered to look after the money I earned.I gave it to him. I know I earned about EUR 375 over three days. I should point out that this money was my share after dividing it (50/50). I explained to Valentin that I gave the money I earned to Agostinho. He told me I was crazy, as he would steal it from me. He then offered to look after my money.*

The day Luisa (victim's partner) came back from Liège, I gave the EUR 375 to Valentin and Luisa gave him EUR 700. This was the money left from Brazil. We never got this money back."

1.1.2. Companies: link with the construction sector and the cleaning sector

This case file includes evidence of the activities of Brazilian networks through construction and cleaning companies which, in the past, had played a major role in criminal organisations involved in human trafficking for the purposes of labour exploitation. Reports from the Financial Intelligence Processing Unit (CTIF-CFI) have focused on the set-ups of Brazilian criminal organisations based on money laundering, human trafficking and human smuggling[400]. The question arises as to the extent to which, in this case, there may be a gradual conversion of part of the Brazilian subsidiary to sexual exploitation.

The two main defendants (and protagonists) in the second network, convicted of trafficking, owned suspicious national and foreign companies in the construction sector that were the subject of ongoing international investigations. CTIF-CFI had issued a money laundering alert concerning these companies.

On 10 February 2020, CTIF-CFI issued this warning against a company of the defendant Mae, active in the construction and cleaning sector. The company had never published annual accounts and the bank account showed atypical transactions that did not correspond to its activities. For example, transfers of EUR 90,000 were recorded to a company in Togo and from another company in Switzerland. Deposits of EUR 90,000 were also made into the Portuguese bank accounts of several individuals, including herself. CTIF-CFI indicated that she was known to the courts for trafficking for the purposes of exploitation of prostitution and that she was still the authorised agent for the company's bank account, although she was no longer the manager.

According to CTIF-CFI, in light of this information, it can be assumed that the company's bank account was used to launder money of illicit origin.

400 Myria, *Annual report 2023 – Trafficking and smuggling of human beings, A chain of responsibilities*, p. 15-16; see CTIF-CFI's 2020 activity report (p. 5 and p. 23). This publication is available on CTIF-CFI's website.

When questioned by the Belgian judicial authorities, the Portuguese judicial authorities replied that Mae had other construction companies but no turnover in that country. The Belgian judicial authorities sent letters rogatory to Brazil and Portugal via the CARIN network (see section 1.2.4 below: Financial and international investigation) to find out more about movements in the suspects' assets and financial holdings. According to the Belgian investigation, there could be financial links between the acts for which they were suspected and the countries questioned. This analysis is based on the banking investigation carried out in Belgium, which identified suspicious transfers of funds received and sent by the main defendants, Fausto and Michel, to Brazil via the Western Union and Moneytrans transfer systems. They were also sending money from Portugal to themselves in Brazil via Moneytrans.

It should be noted that the main Brazilian defendant, Fausto, had already been convicted in 2014 as a provider of undeclared labour, for false imprisonment, forgery and assault and battery. He received a four-year prison sentence, half of which was suspended. According to the judgment, one of his workers, who was undeclared and not being paid, had complained. Fausto then took him away by force with some Romanians and beat him up. In 2016, he was again convicted of offences under social criminal law relating to the employment of foreign workers.

In addition, the Brazilian co-defendant Valentin from the second network had recruited young adult women in Brazil with the false promise of a job in a cleaning company he was going to set up. Luisa, a 27-year-old victim of trafficking, said about this:

"*He told me he was going to open a cleaning company. I could never have imagined that he was actually going to put me in a prostitution network. I fully trusted this person. I simply thought that he wanted to help me. He told me he was going to send me a letter of invitation, a document that would get me through immigration*."

1.1.3. Drugs

The caretaker Ali was convicted of drug-related offences, as well as the main defendants Mae and Fausto from the second network and Michel, the owner of the block of flats in Lodelinsart. This played an important role in the case, because the drugs were used to maximise the profits of the criminal system. During the search at the home of Sophie, the Belgian phone operator, notebooks containing references of financial transactions related to the sale of drugs were found and seized.

The caretaker Ali played a key role as the cocaine supplier for the clients and SW. He received a commission per client.

According to the victim Luisa's statement, he would bring drug-using clients to the SW at night and encourage them to take drugs. The drugs trade was his main source of income:

"*Ali taught us how to make rails of coke. The clients really liked that… He supplied the prostitutes and the clients with cocaine. He brought clients to the prostitutes, mostly during the night, and mainly cocaine-users. He woke up the girls in question and they were obliged to take care of the clients he brought over (sexual services and preparing rails of coke)… He forced me to serve the client,because the whole time the client was with me, it was time the client spent taking drugs. He brought over clients at all hours, right until early morning.*"

The caretaker Ali also brought clients together for sex parties organised inside the building at Lodelinsart. The victim Luisa provided more details on this subject. She said that this led to discussions about the rates for the sex work, because the SW earned less, while this situation was more lucrative for Ali, because it encouraged the consumption and sale of cocaine:

"*Sometimes, he brought over several clients at a time and girls took part in orgies that included the consumption of cocaine. Ali received EUR 5 per client brought over… However, Ali sometimes brought over five clients in one go for an hour. He even brought over eight clients in one go. At that point, we went up to flat 15, because it was bigger. There were three of us looking after the clients that time. Every client paid, but Ali wanted to organise preferential rates, because the clients were taking drugs supplied by Ali. As a result, we were in dispute with Ali over these rates.*"

Jean, a drug dealer and good friend of Ali, who worked with him in their drug trafficking operation, was one of the main clients of these sex parties. Jean also had close ties with the other defendants and had set up his own prostitution network (see point 1.1.1. above: Criminal networks: Ramifications). Paolina, a victim of human trafficking, described her experience with him:

"*Fausto (main defendant of the second network) said that Jean was an influential person in drug trafficking in the region of Charleroi. I would like to point out that Jean got cross with me one time, although he didn't hit me, but on this occasion,he showed me the weapon he was carrying, it was a submachine gun. You're showing me a photo of an Uzi-type weapon on the internet, it's a submachine gun. I confirm that this weapon looks like the weapon that Jean was carrying when he showed it to me*."

The same victim, Paolina,also said how frightened she was of the main defendant, Fausto, since his subtle attempts of intimidation after an SW died of an overdose:

"I got scared because Fausto told me that a girl who was working for him had died because she'd taken too many drugs. The story was confused. However, Fabio didn't tell me what they had done with her body. He told me this story when I changed flat and I found myself alone."

1.1.4. Police corruption[401]

The analysis of the messages posted on social media show that the defendants were informed by corrupt members of the police that there was going to be a raid.

A WhatsAppmessage dated Sunday 13 January 2019 between Michel, the owner of the building in Lodelinsart, and the main defendant Fausto proves that they were informed of the searches in the two buildings where prostitution took place in La Louvière and Lodelinsart.

Sophie, the phone operator, had indeed revealed the existence of the network to the police following a traffic offence under the influence of drugs on the evening of Saturday 12 January, for which she was arrested (see below point 1.2.1.: Start of the investigation).

This message from Michel revealed that a member of a police force had informed the network about Sophie's arrest and that she had provided a lot of information during her hearing:

"*I've a friend in the police who has just called me. A certain 'Sophie' was arrested last night with a man while driving, and there were drugs in the car. The girl had five phones*[402] *on her with the names of the girls and their geolocation (LL for La Louvière and CH for Lodelinsart). She told them everything: the location of my flat and the location in Lodelinsart. My police friend told me that "it's a big case, not because of the girls, but because of the drugs". Sophie's Belgian and 20 years old. She had just delivered drugs to the flat in La Louvière. They're going search the two flats in Charleroiand La Louvière. If I find out the date, I'll let you know. Let me know if you have any questions.*"

Note that Sophie was heard in the morning of 13 January, the same day the defendants were informed by an internal source at the police, who was on duty on the Sunday.

A day later, on Monday 14 January 2019, the owner Michel sent a message via Viber saying that his contact at the police had given him information on the main defendants of the first network. He told them to keep a low profile, because the flats were under surveillance… He added that Dulce should not come back to Belgium because she would be arrested upon arrival at the airport.

When the police showed these messages to Michel, he answered that this police officer was a client and that he had informed him.

During the hearing of the driver/recruiter Valentin, the police officers pressed the issue and asked him if Michel knew any influential people, to which he replied as follows:

401 In this case, no one was prosecuted for corruption. Nor were these acts mentioned in the judgment. Myria does not know if a parallel investigation was initiated on this subject.
402 In reality, there were seven phones (see point 1.2.1.: Start of the investigation).

"*Yes, once Mr. Michel told me about an older police inspector who was involved in prostitution. There were even police officers who came over as clients. I saw marked police vehicles, two or three times within six months, parked near the building, in the street. One police officer went up and the other one stayed in the vehicle, while his colleague did his business. These police officers were in uniform and armed.*"

Paolina, the trafficking victim, stated that Michel organised sex parties in his flat, in which police officers who protected him took part:

"*Michel often held private parties in his flat and invited people to these parties. Gangbang parties. There were girls who always worked at these parties. I never went to any of them. I know that Michel knew important people. I know because there were often luxury cars like Ferraris parked in the car park. The people who came to these parties were elegant, high-society figures. You're asking me if there were police officers who went to Lodelinsart. I think so. I never saw any police officers in uniform. But I can tell you that Mae and Fausto (main defendants of the second network) were proud to say that Michel was 'protected' by the police. One day,I asked Michel if I risked getting into trouble if I got checked by the police, because I had money (transport for the network). He answered that I may indeed get checked by the police, but he assured me that I wouldn't have any problems.*"

Lara, the 19-year-old victim, stated that she had had to make deposits for the main defendant Fausto and sign a document upon the request of the corrupt police officer:

"*I also had to make deposits in my name for Fausto, two or three times for an amount of EUR 2,000 to EUR 3,000… Later, I had to sign a paper with Luisa (victim), at Mae's request, containing our contact details and our identity. Mae told us that this was at the request of a policeman who was a friend of Michel's. You're asking me if we had instructions in case of a possible police check. No, we had no particular instructions. Other than Mae had told us that we mustn't give the address in Lodelinsart under any circumstances in case of a police check, or talk about her.*"

The other victim, Luisa, explained during her hearing why she had to sign this document:

"*Mae told us that it was for Michel, in case of a police check. Michel paid the police to protect the building, that's what Mae explained to us.*"

1.2. Investigation

The case consists of two parallel investigations that were merged on 14 January 2020, which led to the discovery of two prostitution networks.

Both investigations were opened for the exploitation of prostitution. In the investigation into the first network, the magistrate opted for the charge of human smuggling, while the charge of human trafficking was retained for the investigation into the second network. In both cases, the victims were being sexually exploited. With regard to the second network, the evidence of trafficking was explicit, based on the statements of the victims and social media searches.

1.2.1. Start of the investigation

The investigations were launched in parallel in Lodelinsart and La Louvière during the same period, from December 2018 to January 2019.

a. First network

The local police in Charleroi sent an initial police report concerning acts of exploitation of prostitution to Charleroi's public prosecutor's office on 13 January 2019. It all started with the findings made during a roadside alcohol test on the evening of Saturday 12 January 2019 at 22:40 (see point 1.1.4. above: Police corruption). When the police officers approached the car in which Sophie, the Belgian phone operator, was travelling, they immediately noticed a strong smell of marijuana. A drug detection dog was brought in and, during the check on Sophie and the passengers, seven smartphones were found on her, in addition to the cannabis. Sophie spontaneously explained that they were being used in the context of prostitution. She was then placed under administrative arrest, taken away and detained in a police cell. During a search of her home, which she authorised, four notebooks containing information on financial transactions were seized.

That same evening, the police contacted the magistrate on duty, who ordered the hearing of the suspect. During this hearing, she explained that she worked as a phone operator for Brazilian and Spanish prostitutes for the main defendant Dulce (see above point 1.1.1.: Criminal networks).

In doing so, she also mentioned the other phone operators and the places of prostitution in Lodelinsart and La Louvière, and explained the role of the main defendant and her partner Gilberto. It should be noted that these defendants were warned on the same day by an internal police source.

b. Second network

A few weeks earlier, on 10 December 2018, the police had received information which marked the beginning of the investigation into the second network. The initial police report only referred to acts related to the exploitation of Brazilian SW for prostitution, and more specifically to the role of the owner Michel and his sex parties:

"*According to police information, a certain Michel, the owner of the building in Lodelinsart, has been renting his property to a Brazilian prostitution network and transsexuals (sic) for more than two years. The building, which has more than 50 flats, is constantly home to some 60 Brazilian prostitutes, who place their adverts on the 'Quartier Rouge' website.The rent is EUR 200 per week per prostitute and is paid in cash. In addition to this direct rental business, the suspect offers his own apartment for rent for afternoon or evening sex parties for between EUR 200 and EUR 400 for four hours. During these sex parties, three prostitutes welcome the clients. The number of clients can be as many as 10. Well-known people from the media, as well as lawyers and police officers, are said to be clients here.*"

On the basis of an advert for sexual services published on 'Quartier-Rouge' a few months later, on 2 June 2019, an initial police report was drawn up for human trafficking and exploitation of prostitution. Based on police information, it was possible to draw up a concrete picture of the prostitution network in which the Brazilian SW were exploited – including the role of the phone operators – and the role played by the main defendant Mae. The police had informed the public prosecutor on 31 May 2019 that another investigation was already underway concerning this building and for which an investigative judge had been appointed.

Subsequently, this magistrate of the investigative judge ordered that the corresponding initial police report, dated 2 June 2019, be filed against the main defendant Mae.

1.2.2. Criminal investigation

The evidence is based on the confessions of several defendants, victims' statements, phone tapping, observations, analysis of adverts for sexual services, examination of smartphones and laptops, examination of social media and analysis of seized material, such as notebooks containing financial transactions.

On 4 June 2019, searches were carried out as part of operation 'Brasil' in buildings in La Louvière and Lodelinsart, as ordered by the investigative judge.

1.2.3. Social media analysis

The social media investigation played an important role in identifying the places of prostitution and the defendants based on surveillance photos. It was possible to initiate the investigation into human trafficking against the second network thanks to the analysis of an advert for sexual services. This was also used during the hearing of the defendants, in order to obtain a picture of the entire network. The analysis of messages posted on social media also provided objective proof that the defendants had been informed by an internal police source. The analysis of WhatsApp messages proved the dominant role of the main defendant Mae in coordinating the work, decision-making, distribution of income and recruitment of new prostitutes.

As objective evidence, the messages published on social media supported the victims' statements and demonstrated the situation of dependency and exploitation in which they found themselves. A police report analysing a WhatsApp message showed how far this went:

"*Mae has authority over Lara, ordering her, for instance, to make food, or in which apartment she should be.*"

In their closing speech, the public prosecutor referred to messages from the young trafficking victim, Lara, which proved the defendants' control over the prostitutes: "*We can't go out because of the boss*" and "*The owner is going to hit me…*". These messages were retained as evidence in the judgment handed down by the court.

Another striking example is the WhatsApp message in which the caretaker Ali reminds the victim Luisa to smile at the clients. The victim apologised, saying that she was tired and that she had worked all day, so that is why she was not smiling. She had already received the following WhatsApp message from Lara, the 19-year-old trafficking victim: "*I'm afraid of Ali's clients*".

In a message concerning these young victims, sent by the main defendant Mae to the driver/recruiter Valentin who served as their chaperone, it said: "*The girls are under his responsibility when they are inside the building*". And: "*She informs Valentin about Lara and Luisa going out at night, because she thinks that this should be of interest insofar as they are under his responsibility*".

The main defendant Mae also asked Valentin "*to bring her transsexuals (sic). Valentin answered that he had brought a transsexual to La Louvière*". Paolina, a trafficking victim, also mentioned a Brazilian trans person who had gone to Italy for sex work.

The hearings revealed that the WhatsApp Gym group, aimed at Brazilian SW, played a key role in recruiting and sending foreign SW to places of prostitution in Belgium. The trans Brazilian smuggling victim stated the following:

"*There's a group on WhatsApp called Gym where lots of people share information, mainly about accommodation. This group is particular to the Brazilian community and several subjects are discussed in this group. They talk about beauty, accommodation, contacts and also prostitution. You can get information on where to go to in Belgium. Actually, a little while ago, a friend called A. told me that there was work for me in prostitution in Belgium and invited me to join the Gym group. I arrived in Charleroi from Denmark by plane… based on the group's recommendation.*"

As for the Brazilian SW Emilia, she explained during her hearing that she found herself in Lodelinsart through this WhatsApp group, where the main defendant, Mae, was identified as being the key person who ran the establishment:

"*Through a WhatsApp group called Gym. It's a group where girls give addresses where we can rent rooms. I saw this address in the group and though positive comments on the region. I rang the phone number given in the group. The number was Michel's, but he pointed out that he didn't manage the rentals. It was necessary to call Mae.*"

The main defendant, Mae, explained during her hearing that she herself had used this WhatsApp group to contact people who were offering to work as phone operators or who were renting rooms. In the building in Lodelinsart, the prostitutes had to use the Lodelinsart WhatsApp group to let the main defendants know when they were starting and finishing work.

1.2.4. Financial and international investigation

According to the court, the owner Michel made an abnormal profit of EUR 285,750 thanks to the rental of rooms in Lodelinsart in 2017, 2018 and 2019. In total, he received a rental income of EUR 979,000 for this period. The owners of the rooms in La Louvière made an abnormal cumulative profit of EUR 46,850 from the rentals.

The police questioned the defendants about how the proceeds of prostitution were invested in money laundering operations. On this occasion, Gilberto, the partner of the main defendant of the first network, Dulce, stated that Michel had transported the cash to Portugal to invest in his Portuguese furniture company. In addition, Michel had invested in the construction of a beautiful house in Portugal (Leiria) where they sometimes stayed.

Michel had several companies in Belgium and abroad, notably in Portugal and France. Checks with the Crossroads Bank for Enterprises also revealed that he owned several Belgian companies, including a property management company. Furthermore, in the context of the fraudulent bankruptcy of a motorhome rental company, it turned out that Michel was pulling the strings behind the scenes through a straw man. The investigation also revealed that he was operating a 'letterbox' company in France whose address was located on a plot of land with a container.

The Portuguese courts confirmed the existence of single-member companies in Portugal in the names of Michel and Mae. They also had bank accounts in Portugal, as did Fausto. The police thus discovered that Michel had made numerous transfers to Spain, Italy, Romania, France, the Netherlands, Austria and Ireland.

The police used the CARIN network[403] for everything concerning Portugal and Brazil to gather information on Michel, Mae and Fausto. This revealed the link with construction companies with no turnover, for which a money laundering report was issued by CTIF-CFI (see point 1.1.2. above: Companies). They submitted the following request through the Central Office for Seizure and Confiscation (Organe central pour la saisie et la confiscation – OCSC)[404] which is the Belgian point of contact:

"All useful information concerning real estate or personal property, accounts, securities accounts, passbooks, safe deposit boxes, various assets of any kind of which Mr. Michel is or was the holder, this suspect very often travelled to Lisbon… Phone taps of his mobile phone reveal that he flew to Lisbon every week… He landed in Lisbon and went to meetings with a person in charge of financial investments or other banking operations whose offices are located in the municipality of Leiria (…). The suspect was also contacted by a Portuguese bank about signing contracts to open a bank account (…). Mr. Michel seems to be very close to the couple Mae and Fausto; they travelled to Ukraine together and lived in the same building that was home to two prostitution networks (…). The above assistance is necessary to obtain evidence for the investigation of the case involving Mae, Fausto and Michel, and in particular to trace the proceeds of the alleged criminal activity with a view to their future seizure and confiscation."

1.3. Analysis of the victims

According to the police, the places of prostitution in Lodelinsart and La Louvière were inhabited and occupied by Brazilian, Romanian, Portuguese, Spanish, Colombian, Venezuelan and Italian SW.

However, it was only possible to find and identify a few of the victims owing to the particularly mobile prostitution carousel system. The majority of statements were from SW who had been placed in administrative detention during the searches over the same period, at the beginning of June 2019.

1.3.1. Profiles of the female sex workers

Myria based its analysis of the victims on the categorisation of the charges of the judgment and examined and elaborated the criteria. In addition to nationality and residence status, the possible relevant criteria are: the payment system (see below), self-management of adverts for sexual services, direct access to clients – for which knowledge of a national language is important – and the possibility of contacts between the SW. These criteria also played a role in the degree of agency they had.

In the charges contained in the judgment, the public prosecutor had determined which SW were, in his opinion, victims of human trafficking and/or human smuggling and/or exploitation of prostitution[405]. At the same time, several SW in the case file were not included in the list of victims.On this basis, the SW can be categorised into four types of profiles, presented below, taking into account overlaps. In practice, this categorisation may be independent of the actual referral of presumed victims of trafficking to specialised reception centres. In this case, most of the victims of trafficking and one victim of smuggling were admitted a specialised reception centre.

403 CARIN is the acronym for the'Camden AssetRecovery Inter-Agency Network'.This informal regional network, created in 2004, brings together the authorities responsible for asset recovery. It aims, on an inter-institutional basis, to increase the effectiveness of the measures taken by the members of the network to deprive criminals of their illegal proceeds. The network is made up of investigation and law enforcement officers, mainly from Europe, but also from North America. It is a network of people from 54 jurisdictions and nine international organisations. It is linked to similar networks in Southern Africa, Latin America, Asia-Pacific, East Africa and West Africa; https://www.carin.network/ ; carin_leaflet.pdf ; Myria, *Annual report 2019 – Trafficking and smuggling of human beings, Empowering victims*, pp. 71-72.

404 For further details on the role of the of OCSC in the CARIN network: CECLR, *Annual report 2011 – Trafficking and smuggling of human beings, The money that matters*, pp. 42.

405 The court also confirmed this in the judgment.

According to the declarations of the SW, there were several payment systems between them and the defendants. First, there was the system offering the least agency, where the SW had to give half of their income to the main defendant. Then there were systems where the SW had to pay a very high weekly rent to the main defendant (allowing more room for agency) or a lower rent to the owner (the system that offered the most agency). Apparently, there were also sometimes combinations of several systems. According to some statements, they could switch from one system to another, probably depending on the added value they provided, their willingness to comply and the main defendant's satisfaction with them.

In case of a police check, the SW had received the order to state that they were working independently (see below point 1.3.3.: Elements of human trafficking), which certainly had an impact. It is therefore necessary to take a critical look at the statements. The notebooks of earnings that the SW were forced to keep for the main defendants, so that they could control the distribution of income, constitute a major objective element. These notebooks showed a 50-50 system, contrary to certain statements.

The SW were generally grouped in twos or threes in a flat where they were normally subject to the same regime. At the same time, the rent for a similar flat could vary between EUR 250 and 600 per week, which led – deliberately or not – to tensions between the SW.

SW victims	First network Smuggling	Second network Trafficking - smuggling	Owner Michel	Non-victim	Exploitation of prostitution	Smuggling	Trafficking	Status
Lara		x					x	x (CP)
Luisa		x					x	x (CP)
Paolina		x					x	x (CP)
Joana		x					x	(x)
Trans person Liège - La Louvière	x					x		x
Isabel	x					x		
Sister of the main defendant Dulce	x					x		
Two Brazilian masseuses		x				x		
Trans person Liège - Lodelinsart		x				x		
Ana (Romanian)	x				x			
Two Romanian victims with Ana	x			x				
Nine Romanian victims			x	x				
Three Belgian victims			x	x				
Trio of Brazilian women			x	x				
Trio from Brazil - Bolivia domiciled in Spain-Belgium: Brazilian SW Emilia		x		x				
Duo of Brazilian women: Spanish residence documents (SW Fia - cf. Ramifications) and another of Portuguese nationality		x		x				

a. Female sex workers who were not considered victims

Three Belgian SW, 11 Romanians and eight South Americans were not considered victims by the public prosecutor's office. Therefore, they do not appear in the judgment. Several of them were able to work independently and on their own account by paying a weekly rent to the flat owners. Others refused to make a statement or did not make a relevant statement.

Belgian female sex workers

Two Belgian SW, who were heard as witnesses, were sharing a flat and paying the owner Michel a weekly rent of EUR 250, or sometimes only EUR 200. They worked independently and set their own working hours. They placed their advertisements for sexual services on 'Quartier-Rouge' and had direct contact with their clients. Sex work earned them around EUR 1,000 per week. One of them had previously managed a champagne bar in Sint-Truiden and was saving up to open her own wellness centre.

A third Belgian SW was heard as a suspect but was not prosecuted. She stayed for free in the large flat belonging to the owner Michel and was his girlfriend. She looked after the flat in his absence and organised sex parties under the influence of cocaine in the same flat. As a result, she also had a good relationship with the caretaker Ali and the main defendants Mae and Fausto. She was especially known to the police for human trafficking for the purposes of forced criminality, theft and illegal residence.

Romanian female sex workers

The Romanian SW did not consider themselves to be victims. Several of them worked with Michel, the owner, others with Dulce, the main defendant of the first network. Some of them organised their own adverts for sexual services and their contacts with clients, while others worked with the phone operator of the first network. According to some of the protagonists, they earned up to EUR 250 a day. One of them had thrown away her mobile phone's SIM card during the police raid, thus preventing any verification of her messages and contacts. One of the Romanian SW had come to Lodelinsart thanks to her contacts in Sint-Truiden, where she had worked in a champagne bar. She had also previously engaged in sex work in Spain, Germany and Italy.

According to the main defendant of the first network, Dulce, her Romanian SW worked on a 50-50 basis. However, the two Romanian SW who stayed in the same flat as the Romanian victim of exploitation of prostitution (see below: Victim of exploitation of prostitution) stated that they paid the owner EUR 250 every week. Unlike her exploited colleague who had earned nothing, one of them stated that she earned EUR 300 per day. They had come to Belgium from Spain and had met through sex work. They worked with the phone operator, who earned EUR 10 per client. They refused to make any further statements.

Two other Romanian SW did not want to admit that they were sex workers, even though an impressive number of contraceptives and a notebook recording the income from sexual services were found in their homes.

South American female sex workers

These SW do not consider themselves as victims and often claim to work independently, which is doubtful in most cases.

Three young Brazilian women in their 20s, who were friends and shared a flat, stated that they had paid Michel a weekly rent of EUR 250, but in reality, a notebook with records of income from sexual services found in their flat indicated a 50-50 split. They met up in Lodelinsart thanks to contacts on 'Quartier-Rouge'. They spoke a little French and claimed to organise their own adverts for sexual services on 'Quartier-Rouge' and to have direct contact with clients without the intervention of a phone operator. Their daily income from sex work was around EUR 200. Wanting to finance their studies and help their families, they had come to Belgium for three months by plane via Paris to work in the sex trade. The identity documents of one of them were apparently at the home of a supposed boyfriend in Brussels, whose phone number she did not have. Several phones were also found on them, which was perhaps an indication control and a relationship of dependency with another pimp.

They only recognised the owner, Michel, who would come to collect the rent.

One of the three girls talked about mobility within the system and had already booked two nights for two Brazilian SW with whom she had become friends:

"*I changed flats every week. I've been all round Belgium. We swapped the phone numbers of people who rented flats with other girls. I also rented out flats online. I had a lot of contacts through the 'Quartier-Rouge' website. After my first trip, I had learnt to speak a bit of French. Since prostitution is forbidden in France and much less in Belgium, I continued to come to Belgium. I could go and work in Portugal, but I wouldn't earn enough money… The two booking receipts for the X. hotel: that's for two friends who are arriving tomorrow. I made the bookings for them, to help them, without making any money out of it. They're also coming to work as prostitutes.*"

Another trio, composed of two Brazilian women in their 30s, including Emilia and a 42-year-old Bolivian woman, were domiciled in Spain or Belgium (Brussels to be exact). They stated that they had to pay a weekly rent of EUR 400 to the main defendant Mae. A notebook listing the earnings from the sexual services was also found at their accommodation, without them being able to provide an explanation. Emilia had not appreciated having to pay a much higher rent than the other SW. This meant that, in addition to giving up more than half of their income, they had to pay weekly rent to the main defendant Mae. They had already worked together in the sex work community in Brussels and had come into contact with the defendants through the WhatsApp group Gym. The owner was the contact person, but he told them that he was not the manager and referred them to the main defendant Mae, unlike the previous trio. However, their income from sexual services was very high, as one of them explained:

"*If they are all clients that are here for an hour, I earn EUR 500 or EUR 600 a day, and if the clients are here for half an hour, that's about EUR 300 a day.*"

Two Brazilian women in their 40s composed another duo: Another duo was made up of young Brazilian women in their forties: Fia, who had Spanish residence documents, and another SW, who had since acquired Portuguese nationality. Fia, who wanted to return to Spain as soon as possible, had managed to switch from the 50-50 payment system to the one involving an income, but with the payment of rent.

She had willingly handed over her identity documents to the owner, Michel. She stated that the book found in her suitcase was indeed used as a means of checking the takings for the main defendant, Mae. She explained, based on her notebook, that she had already worked for Mae and her family on a 50-50 basis in Lodelinsart and, before that, in Drogenbos and La Louvière (see point 1.1.1. above: Criminal networks: ramifications). Subsequently, she was authorised to work on her own account and pay a weekly rent of EUR 400 to Mae. She put her adverts for sexual services online herself and clients could call her directly. Her Portuguese-Brazilian flatmate initially paid Michel EUR 260 per week, but was forced to switch to another system and pay Mae EUR 350 per week.

b. Victim of exploitation of prostitution

In the charges referred to in the judgment, the 28-year-old Romanian victim Ana was only classified as a victim of exploitation of prostitution. She made relevant statements about Dulce. As the prosecution only concerned human smuggling and exploitation of prostitution, she could not be considered a victim of human trafficking. The victim stated that she paid Dulce EUR 300 in rent every week. According to Dulce, her Romanian SW worked on a 50-50 basis. It was possible to combine this with rent. In reality, this victim had hardly any clients.

She had already engaged in sex work in Spain and had been active in Lodelinsart for two weeks. Her Romanian colleagues, whom she had known for five years, had told her that she could earn more money in Belgium. They had given her Dulce's phone number. After contacting her, they made arrangements and Dulce took care of her accommodation and workplace. In her statement, she explained the system involving the phone operator and referred to Dulce as her boss. She stated that she would not return to Belgium because she had not earned enough money. For several days, she had no clients and this had cost her money.

Her colleagues had come with her from Spain and were placed under administrative arrest along with her during the search of 4 June 2019 in the same flat in Lodelinsart. Unlike her, they had earned money but had not made any relevant statements even though they worked under the same system.

Although the police explained the concept of human trafficking and victim status to them, they did not consider themselves as victims. The Romanian victim Ana wanted to return to Romania as soon as possible, where her family knew nothing about her sex work.

c. Victims of human smuggling and exploitation of prostitution

In the charges referred to in the judgment, six SW were considered by the public prosecutor as victims of human smuggling and exploitation of prostitution, but not as victims of human trafficking. These six people, which included two trans people, therefore fell into these two combined categories. The two networks shared the victims equally. The sister of the main defendant Dulce was also one of the victims. She had worked as a sex worker for several weeks during her stay in Belgium on the advice of her sister.

The court ruled that there was evidence of human smuggling, because the exploitation of the prostitution of the victims had contributed to their stay in Belgium. This allowed them to earn a living and find a roof over their heads.[406]

Most of the victims had left Brazil for Europe in order to earn a lot of money through sex work. Several of them had worked in other European countries before working in Belgium, having been directed to other places of prostitution by contacts.

These victims did indeed earn a lot of money, part of which they had to hand over. It is not clear whether their statements were always completely truthful or whether they were pressured. Several victims, including those mentioned below, have similarly and independently stated that they paid the main defendants EUR 500 in weekly rent, in addition to registration fees of EUR 100 for the website and EUR 10 per client for the phone operator. This applies to both the first and second networks. The main defendant, Mae, stated that she rented out the flats belonging to Michel and that she sublet them to SW for EUR 400 a week. A notebook containing records of income from sexual services was found in the homes of some of the victims. In addition, the Brazilian Isabel stated that she had worked on a 50-50 basis with the main defendant Dulce, but that she had earned EUR 300 to 400 a day and that she had worked independently for a period of time in the Netherlands. She had worked in Spain before arriving in Belgium.

The victims made detailed statements about the defendants and how the system worked. One of the smuggling victims, a trans person, was briefly assisted by a centre specialising in the reception of trafficking victims after being put in touch with a member of staff during a hearing (see point 1.3.4. below: Victim status). However, this was another case in Liège, in which they were considered a victim of trafficking and referred to the specialised centre. They could no longer be heard in the Charleroi case because they had disappeared.

Below is the story of the second trans person and two other Brazilian victims of smuggling registered as masseuses.

Trans person, smuggling victim of the first network

A 32-year-old trans person with no experience in sex work in Brazil, came to Europe to earn money for their family. They had engaged in sex work in Belgium, Italy and Denmark. They were held in administrative detention during the searches in La Louvière, but did not consider themselves a victim and had no interest in victim status. They received an order to leave the territory (OLT) (see below point 1.3.2.:Detection).

They travelled from Brazil to Italy by plane. In Italy, they stayed for a month and worked as a sex worker on their own account in several cities, but work was scarce. They then flew to Denmark, where they worked as a sex worker for a month and a half before ending up in Belgium via the Gym WhatsApp group. A Colombian sex worker they met in Italy put them in touch with this WhatsApp group, which directed them to a phone operator in Liège. The latter was a rival pimp in the Charleroi case. After several days, the main defendant of the first network, Dulce, called them and convinced them to come and work for her.

They were mobile both in Belgium and internationally, as stated in the police report of their hearing:

"*They confirmed having worked in both La Louvière and Lodelinsart, with intervals during which they travelled back to Brazil or Italy. They added that it wasn't the first time they had come to Belgium.*"

406 Mons, 5 October 2022, 4th ch.; Hainaut Crim. Court, Charleroi division, 27 October 2021, 6th ch. See Myria, *Annual report 2023 – Trafficking and smuggling of human beings, A chain of responsibilities*, pp. 102-103; *Annual report 2022 – Trafficking and smuggling of human beings, Bound by debt*, pp. 68-69 and Myria's website (case law).

They earned a lot from prostitution, but their income was variable. Sometimes, they could earn EUR 500 a day, and sometimes nothing. They received a maximum of four clients a day.

They sent a lot of money back to their homeland through money transfer agencies:

"*I send money to my family in Brazil. I also put money on my bank accounts and pay off my credit card bills. I use Ria, Moneygram and Western Union to send money. I send as much as I can while keeping a bit of money to live here.*"

Two Brazilian masseuses, victims of the second network

During the search in Lodelinsart, two Brazilian SW aged 29 and 34 were arrested together in a shared flat. They earned a lot from prostitution, with a net weekly average of around EUR 1,200 after deduction of all costs due to the main defendant, Mae. They claimed to be licensed masseuses, who also offered a 'happy ending' for EUR 150. One of them stated that they were participating in a programme together, without further explanation or questions on the subject.

The victim, aged 29, had sometimes worked as an SW in Brazil and travelled to Paris by plane. There she met another Brazilian SW who put her in touch with the main defendant Mae. Besides a tip on 'Quartier-Rouge', she obtained the necessary information on the various prostitution websites from her: "*She told me about a prostitution website and she told me how it worked. The websites in question are 'Escort69', 'Vivastreet' and 'Doucement'.*"

She complained about the way she was treated during her arrest (see below point 1.3.2.: Detection). Nevertheless, she gave additional information about the brothel in Etterbeek belonging to the main defendant Mae, where she had also worked (see point 1.1.1.: Criminal networks: ramifications).

d. Victims of human trafficking, human smuggling and exploitation of prostitution

Four SW were considered by the public prosecutor and subsequently by the court to be victims of human trafficking, human smuggling and exploitation of prostitution. They were exclusively victims of the second network. They all considered themselves to be victims of trafficking and most of them were supported by a specialised reception centre within the framework of the status. Three of them filed a civil suit.

In their statements, they explained how they had been recruited, transferred and given accommodation in Belgium to work as prostitutes. They were subject to strict control and had to hand over a large part of their earnings to the main defendants. These statements were also supported by objective evidence extracted from messages posted on social media.

The friends who were staying together in the same flat (Luisa and Lara) were recruited in Brazil with false promises made by the driver Valentin, who also manipulated them and then presented himself as their chaperone (see points 1.1.1., 1.1.3. and 1.3.3.: Criminal networks: ramifications, drugs and evidence of human trafficking). They needed money to pay for their studies and provide for their families. Their statements provided important evidence of human trafficking.

The victims Paolina and Joana (see below point 1.3.4.: Victim status) lived in Spain, where they had incurred heavy personal and family debts. Intermediaries had put them in touch with the main defendant Mae. They were married and lived with a Spaniard who had no knowledge of their sex work. The victim Paolina did not want to work as a sex worker in Spain because she lived there and was given the choice between France and Belgium, which is evidence of international mobility:

"*I spoke to someone I knew in Spain who told me where to go in Belgium. As I live in Spain, I didn't want to be seen there so I decided to come to Belgium to work as a prostitute… She told me that she had already worked in Belgium. She also spoke to me about France, but I preferred to come here* ."

They claimed to have worked on the basis of a 'win-win' situation where they were supposed to hand over half of their earnings, but in reality they had to hand over most of them, if not the entire amount. Lara and Luisa stated that they earned between EUR 60 and 120 gross per day, but that they had been swindled.

The victim Paolina explained what she had left of this gross income in the end:

"*I stayed about 20 days in Lodelinsart where I earned around EUR 7,000. Of these EUR 7,000, I gave half to Mae, i.e. EUR 3,500. From the remaining amount, I spent about EUR 1,000 on various articles sold by Mae and on food. I was also robbed. I therefore left Lodelinsart with approximately EUR 1,200… When I left Lodelinsart after my second visit, I hadn't earned as much money as the first time. I wanted to go home and rest. I had earned about EUR 5,000 half of which I gave to Fausto and Mae. After all the expenses, I had little more than EUR 1,500. I sent a bit of money to my family. I then went back to Spain again.*"

Lara, aged 19, explained the purpose of the notebooks in the control system:

"*Mae noted down when the girls came in and out of the rooms. There was also another notebook where Luisa (trafficking victim) noted down the clients of all the girls for which Mae got half. It's Mae who asked Luisa to do that, she called it accounting.*"

1.3.2. Detection

The majority of victims were detected during searches conducted at the start of June 2019 in Lodelinsart and in La Louvière. Many presumed victims could not be found, becauseit was a prostitution carousel with a very mobile group of SW. One of these victims had already been intercepted in a brothel in Liège within the framework of another human trafficking court case (see below point 1.3.4.: Victim status: trans person). The day before the search on 4 June 2019, the investigative judge had ordered the administrative detention of all the foreign SW found and the temporary seizure of relevant objects, such as smartphones, for further investigation.

During the search carried out at 06:15, the foreign SW were arrested and taken to the police station. Depending on the situation, some were handcuffed, others not. They were placed in police custody and held temporarily until the investigative judge ordered their release for questioning, most often as victims.

Most of the SW had to spend hours – sometimes up to 20 hours – in a cell after their release by the investigative judge prior to their hearing, which was not likely to inspire trust in them. This even led to tensions. One SW, subsequently recognised in the judgment as a victim of human trafficking and exploitation of prostitution (see above point 1.3.1.: Profiles of sex workers: trafficking), had complained about this in the official report:

"I'm not happy at all about the way in which I was treated, because I'm a victim. I'm aware how difficult your job is, but I think that you should show us more respect. I wasn't beaten during my arrest and I wasn't mistreated by your services. I can't tell you whether I was insulted as I don't understand the language. I waited far too long to go to the toilet and I was only given one meal."

During her hearing, she nevertheless made some relevant statements. These hearings were based on the same type of questions concerning their arrival in Belgium: travel documents, making contact for accommodation and the place of prostitution, agreements with the defendants, rates for sexual services and working conditions, making contact with 'Quartier-Rouge' and clients, number of clients per day, takings and possible collection and distribution of the money, contacts with other prostitutes, work in other prostitution venues in Belgium, recent trips and photographic recognition of the suspects with explanations of their role.

At the end of each hearing, the police explained that victims of trafficking were subjected to false promises, substandard payments and broken agreements, coercion, threats of violence or confiscation of identity or travel documents, and asked them if this corresponded to their situation. Most replied that they did not consider themselves victims.

One of the Brazilian SW who was heard, a trans person, did not show any interest in victim status, but was considered a victim of smuggling by the public prosecutor and then by the court. In their statement, they refer to the way in which the vice squad of the local police in Charleroi searched them, which can be considered good practice (see focus).

"*As a transsexual (sic), you asked me if I preferred to be searched by a man or a woman. I therefore indicated that I would prefer a woman to carry out the search, which is what happened.*"

Cases have been opened for illegal residence against certain Latin American SW because they were working illegally as SW. For instance, a Brazilian SW was transferred to the detention centre in Bruges. She was heard as a victim, but refused to recognise herself in this capacity. The judgment does not mention her, nor does it recognise her as a victim.

In its decision, the Immigration Office (IO) said:

"*The interested party was not in possession of a valid passport at the time of her arrest. The interested party was heard on 4 June 2019 by the Charleroi police area and stated that she had no family or underage children in Belgium, nor any medical problems. She also added that she was in Belgium to earn money through prostitution. The interested party mentions her willingness to work in Belgium. The intention or willingness to work not substantiated by the issue of a work permit does not exclude a temporary return to the country of origin or residence abroad in order to obtain the required authorisations. The interested party does not have the required work permit and therefore cannot carry out any gainful activity. Moreover, this element does not confer the right of residence. There is a risk of absconding.*"

1.3.3. Elements of human trafficking

Not all the SW were victims. Sometimes, they could work independently by paying a weekly rent to the flat owners (see above point 1.3.1.: Profiles of the female sex workers: not considered as victims). The majority of victims handed over half of their income and sometimes had to pay an extra weekly rental fee, as well as the subscription to the 'Quartier-Rouge' website. If a client turned down the services of the SW — for instance, because she did not appeal to them — Mae nevertheless invoiced the SW half the rate. The sexual services were priced at EUR 75 for 15 minutes, EUR 100 for 30 minutes and EUR 150 for an hour. For threesomes, the SW only received a quarter. The victim Luisa gave more details on how this was organised:

"You're asking me what I mean by working together. Well, we took care of the client together. Faustotold us that if we worked together, it would be to our benefit, because two girls instead of one attracted more clients. However, when it came to splitting the earnings, we had to share with Fausto and the rest between the two of us. For instance, if we earned EUR 100, we had to give Fausto EUR 50, and the remaining EUR 50 was split between Lara and myself."

During a police check, these victims had to state that were working on their own account. The victim Luisa from the second network stated the following about this:

"You're asking me if I received instructions concerning the police. If the police questioned me, I had to say that I was working on my own account. Because this way, I wouldn't get into trouble."

Some victims were pressured into having free sexual relations with owners of the buildings used for prostitution. For instance, the owner of the brothel in La Louvière regularly had free sexual relations with the SW when they were staying there. The main defendant Mae pressured Luisa to have sexual relations with the owner of the building in Lodelinsart. Any refusal resulted in a penalty (see statements of Luisa and Joana).

a. Control and lack of freedom of movement

The SW had to be available between 09:00 and midnight — and even until 02:00 or 03:00 at the weekend — for clients who called. Their freedom of movement was limited and they were forced to be continuously available. Several victims stated that they were not free to set their own rates and they had to answer to Mae via WhatsApp messages in the Lodelinsart group. The WhatsApp messages revealed that the young women were not allowed to have a rest in the afternoon or go to bed too early in the evening.

The Belgian phone operator Sophie explained that if a girl was not working properly, Dulce (main defendant of the first network) had to be informed. She did not allow the SW to turn down clients. Dulce would go and talk to them and pressure them; she would get angry quickly.

The main defendant Mae stated the following regarding her competitor in the first network:

"*I think that Dulce makes girls work and I know that she doesn't allow them to go out, because once, one of them asked me for some medication, because she had been ill all night. She told me that Dulce didn't want her to go out.*"

This was confirmed by the victim in question. This control and lack of freedom of movement happened in both networks. Video surveillance systems were found in both the flats in La Louvière and those in Lodelinsart during the searches. Officially, they were supposed to protect the SW, but in reality, they were there to check whether they were trying to cheat on the rates for the sexual services charged to the clients, in order to reduce the sum handed over to the defendants.

Sophie herself stated the following about the first network:

"*Ali (the caretaker) was responsible for ensuring the safety of the prostitutes, but also had to ensure they weren't lying if the client stayed longer, because Dulce would lose money. That actually happened and that's why Michel set up this system.*"

During her hearing, the victim Luis aformally confirmed that they were being watched and also explained what the main co-defendant Fausto had told them:

"*When we met, Fausto told us there were cameras everywhere in the building, and that we had to be careful about everything, because he watched everything so that we didn't steal from him…*"

The statements of the trafficking victims Lara and Luisa confirm that they were not free to go where they pleased.

The WhatsApp messages revealed that they had to ask Mae for permission to leave the building and to keep her informed in real time of where they were going. Both stated that they had to work seven days a week and that they had to pay a EUR 50 fine for a day off, so sometimes they sneaked out at night:

"*We were obliged to do what they told us to do. During our interview, we didn't receive much information and we learnt from day to day, as we went along. It was also agreed that if we wanted to go out, we each had to pay EUR 50, otherwise,he would take our belongings and throw them in the street, because the room had to be profitable… When we were at Mae's, Lara and I sometimes sneaked out so as not to pay. We ran away for the night. When we returned, Mae told us this couldn't continue. We waited until Mae was asleep to escape through the window at the back, thus avoiding Ali.*"

b. Violence

The caretaker Ali was aggressive towards the SW. At night, he forced them, with the authorisation of the main defendant Mae, to receive clients who used drugs. The young trafficking victims had sent a WhatsApp message about this, which was analysed by the police:

"*Lara and Luisa clearly had a problem with Ali, because Lara complained to Mae, telling her about abuses.*"

Lara gave evidence about the attack on her friend and SW colleague:

"*You're asking me what happened if we didn't want to. Ali got cross. He was very aggressive with us, he even grabbed Luisa and pinned her to the wall, because she refused to do what he demanded.*"

According to the other victim, Luisa, Ali was the righthand man of the main defendant, Mae, and the owner, Michel. Mae ignored Ali's aggressive behaviour:

"*You're asking me about Ali's role, he was kind of like the building's security guard. He frightened me, because he was aggressive with the girls and with me too. He actually hit a friend of X. (SW). When I didn't want to serve a client because I was tired, he forced me to take care of them by adopting a threatening and aggressive attitude towards me, although he didn't actually make any threats. He sold drugs to his clients and also to the girls... He never hit me, because I shut up as soon as he became threatening and aggressive towards me. He was only aggressive towards me in front of Lara and/or clients. He could also behave like that in front of other people, especially Mae and Valentin, but no-one ever said anything to him about it.*"

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The main defendant Mae had also threatened a victim and her family, and had attempted to a take their identity documents away from them on the pretext that she need them for a document.

c. Manipulation

The driver Valentinhad recruited several SW in Brazil, then he had pretended to be their chaperone and gained the trust of the victims in order to abuse them later. In doing so, he manipulated them and sometimes stimulated feelings of love in them.

The young victim Luisa was the apple of his eye and she realised that he had manipulated her:

"*You're asking me what I think of him. I felt a certain attraction and tenderness towards him. He seemed to be interested in me and to have a special feeling about me. I'm horrified to realise that Valentin was manipulating me. I trusted him, but everything was calculated in the end. You're asking me if I had sex with Valentin, and the answer is yes, he didn't pay me. When I talked about what I was doing, he would put me in my place, he told me it was my job. The fact that I had sex with other men didn't bother him. For him, it was work, my work. He sent me pieces of music, advice, messages with little hearts... In fact, now I realise that Valentin controlled our lives. Moreover, when Lara and I left Mae's house to go for a walk, Mae would contact Valentin so that he could try to convince us to go back.*"

The main defendant, Fausto, had persuaded his own nieces to work as prostitutes to pay for their family's house in Brazil after their father died. They felt protected by the same chaperone, Valentin. The victim Luisa explained that he had betrayed their trust when they had wanted to escape:

"Mae didn't like us to be in contact with the other girls in the building. I only knew the other girls who worked in Mae's flat, i.e. Fausto's two nieces… They were very young, aged 18 and 20… One day, Clara (niece) had decided to escape and she had asked Valentin to come and get her, but he never came and he betrayed her. Valentin informed Fausto about her intention to escape and asked him to come and get her.

I don't know if she was punished… I know that Clara was very tired, because Fausto asked her to do more and more, and it was really exhausting, physically. When Clara confided in me and told me that she wanted to run away again, she made me promise not to tell anyone, not even Valentin... I went to find him and asked him why he had reported Clara to Fausto, he told me that he worked as a driver, and that if he had helped Fausto's nieces, he would have had problems with him."

1.3.4. Victim status (and victim statements)

The statements reveal that five Brazilian SW considered themselves to be victims, particularly the four who fell under the category of human trafficking in the judgment.

Three of them, as well as a victim of human smuggling, were certainly supported by a specialised reception centre within the framework of the status of victim of human trafficking.

Some victims did not consider themselves as such at the beginning. However, they made sufficiently detailed statements and were then awarded this status.

This was the case of the Brazilian victim Paolina, who did not want her family and friends to find out that the money she had earned was the result of sex work. She was then heard again in the presence of an employee from a reception centre specialising in human trafficking, who accompanied her. She filed a civil suit.

The other two victims of trafficking, Lara and Luisa, who had made detailed incriminating statements, also benefited from victim status and filed a civil suit. Lara had expressed doubts during her first hearing because she was not sufficiently informed about the reception system:

"*You're telling me that the Belgian state recognises victims of human trafficking and human smuggling and that there are services to help and protect these victims. My answer is that I don't know, because I don't know how the support services work.*"

However, this issue was subsequently clarified, as a new hearing took place in the presence of a member of staff from a specialised reception centre who had accompanied her.

Finally, the story of the fourth and fifth victims is discussed below. Joana came forward herself, while the fifth victim was detected through another trafficking case. The latter is the trans person who was supported as a victim of human smuggling but who disappeared.

a. Joana, a Brazilian victim of trafficking

This 38-year-old Brazilian SW voluntarily went to the local police station in Charleroi to make a statement about the acts of which she had been a victim. It should be noted that she was accompanied by a 60-year-old Brazilian woman, Catia, originally from Brussels, who was registered in the police databases for acts of human trafficking and who had put her in contact with the main defendant Mae from the second network. Catia herself was not heard. The victim Joana did not file a civil suit during the proceedings.

Joana was officially resident in Spain and had been married to a Spaniard since 2009. She had accumulated EUR 3,000 in debts in Spain and was looking for a way to recover the money. Catia knew Mae well and had contacted her to organise her accommodation and her place of prostitution in Charleroi.

In Lodelinsart, she worked for eight days and earned EUR 300, half of which had to be paid to Mae. She had noticed that there were a lot of SW, but had no contact with them, which Mae did not want either. She did not work there for long, because she had a problem with Mae and her identity documents were subsequently stolen:

"*I didn't work much because I had a problem with Mae. She wanted me to have sex with Michel. I didn't want to because she wanted me to do it for free. Because of that, I wasn't sent any more clients and didn't work again. In the end, I spent the little money I had earned. After that, my documents disappeared. They stole my Spanish identity card, my social security card, my Spanish driving licence and a bank card. There was also about EUR 200. I suspect Mae or Michel of having stolen from me, because my room was always locked and I never left the building.*"

Moreover, she also had bad experiences with regard to working conditions, being woken up at 09:00 by the caretaker Ali to start her day of sex work. He did not hesitate to resort to violence:

"*The caretaker of the building sometimes came to wake us up so that we could start working. He's a very scary man, I saw him hit a girl, but I don't know why... There was only one time, very early in the morning, when the caretaker came knocking on my door and told me that I had to work. I told him I was sleeping and he replied that I was there to work. This caretaker was accompanied by five other guys. I was scared, but they didn't hurt me. In any case, we didn't have time to go out, because the aim was to get through as many clients as possible.*"

When she left, Mae threatened her and her family so that she would not go to the police:

"*Mae threatened me, she told me not to file a complaint about the theft of my wallet. She told me that I could lose a lot. That's why I'm afraid, she has my identity documents, she has my address. That's why at first I didn't want to file a complaint. As I had nowhere to go, I waited four days before contacting Catia. I was afraid to stay. When Catia arrived, I told Mae that I was leaving. She wasn't happy, she told me that she had a lot to lose, but that my family and I had even more to lose. She said, 'go straight home and don't go to the police'.*"

At the request of the police, Joana stated that she considered herself to be a victim of human trafficking. It can be assumed that she had not received any advice from a reception centre specialising in human trafficking and therefore did not integrate the status of victim, as she was not heard again and no longer appears in the file. She had also remained in contact with the people who had exploited her, through Catia, which was contrary to the conditions of the status.

b. Trans victim

This 27-year-old Brazilian victim was heard on 3 March 2019 in the context of a human trafficking case in Liège, in which they had been placed under administrative arrest during a search of a Liège brothel targeted by the criminal investigation. Analysis of their smartphone revealed that they were in frequent phone contact with Fausto, the main defendant of the second network. The victim told the local police in Liège that they had worked for a few days in Lodelinsart for the second network, but that they had had to leave because there was no room for them in the following days. Prior to that, they had been active in Schaerbeek, Antwerp and Leopoldsburg, according to their statement. In the judgment of the Charleroi case, they were considered a victim of human smuggling.

Initially, they had made false statements. They had claimed to be working as a hairdresser. They also refused to consider themselves a victim. At the suggestion of the Liège police, they agreed to speak with a member of staff from a specialised reception centre for victims of human trafficking, which is an example of good practice. When the staff member arrived, the hearing was suspended and she was able to talk to them for an hour and a half. At the end of this conversation, they agreed to be supported by the centre within the framework of victim status.

"*Following my meeting with Sürya, I would like to modify the statement I made to you. I would actually like to be supported by this non-profit organisation given the fact that I feel I'm a victim of someone who is abusing my situation and forces me to work as a prostitute. First of all, I would like to stress that what was said about the Italian who brought me to Europe is true. Secondly, to escape Italy and the prostitution network over there, I found help in Belgium in the Belgian prostitution scene… I would like to insist on the fact that I'm afraid to return to Brazil, because if I go back to my country, I'm scared of reprisals against me and my family through Facebook or in some other way from this Italian who also has Brazilian origins.*"

The victim then explained that they had been recruited by a loverboy, and forced into prostitution in a context of debt bondage. In fact, they had met an Italian of Brazilian origin during the carnival in Brazil, with whom they had begun a relationship.

He had then invited them to Italy, had paid for their flight and signed an undertaking to cover the costs of obtaining a visa. When they arrived in Italy, he forced them to pay him back by prostituting themselves. They then worked as a prostitute in Italy for three months and paid back EUR 2,000. Thanks to contacts in the Italian prostitution scene, they were able to escape to Charleroi, but then unwittingly found themselves in another prostitution network. They also stated to the police in Liège that they had been exploited in the prostitution scene in Charleroi. It later turned out that the second network in Lodelinsart had recuperated them.

Following this conversation, they were admitted to the specialised centre as a victim of human trafficking as part of the Liège case. They then stated that they had been sexually exploited in Charleroi. However, they wanted to be able to reflect on their situation while they were with the non-profit organisation before a more comprehensive hearing with the police. Two days later, the victim disappeared from the specialised reception centre, which therefore stopped supporting them. This prevented the Charleroi police from hearing their testimony on possible elements of human trafficking in the context of the Charleroi case.

Lastly, it should be noted that the police reports concerning this trans person systematically refer to then in the masculine form. There is therefore still much to be done in terms of raising the authorities' awareness of the issue of trans people in the context of human trafficking and human smuggling.

1.4. Conclusions

This case illustrates the (inter)national mobility of Latin American SW in the context of prostitution carousels that make a lot of money. To prevent the displacement of criminal activities and the exploitation of SW, it is necessary to dismantle the entire criminal network, otherwise it may even become stronger as it learns from its mistakes and adapts by developing new counter-strategies.[407] It is therefore necessary to develop a network analysis of the network's ramifications.

407 S. Janssens and J. Leman, Human Trafficking and Migrant smuggling in South East Europe and Russia: Criminal Entrepreneurship and Traditional Culture, Palgrave Macmillan, 2015; S. Janssens and J. Leman (2008), "The Albanian and post-Soviet business of trafficking women for prostitution, Structural developments and financial modus operandi", in European Journal of Criminology, vol. 5, no. 4, pp. 433-451.

The investigation showed that the main defendants invested the proceeds of prostitution in foreign companies. To remedy this, international financial collaboration is needed. The CARIN network is a useful tool for this purpose and was also used in this case, which can be considered good practice.

This case contains various types of profiles of SW and victims that may be useful in drawing up an overview of Latin American SW and their respective characteristics. With regard to the approach to victims, it is necessary to treat Latin American SW who have been placed in administrative detention correctly, including trans people, in order to gain their trust. One of the victims in administrative detention was put in contact with a member of staff at a specialised reception centre during their hearing – which was a laborious process – representing good practice. This member of staff managed to gain the victim's trust and get them to accept support. Even if this particular victim disappeared, such an approach is still worthwhile and should be encouraged.

2. Labour exploitation: construction sector case (Hasselt)

Introduction

This is a case of human trafficking for the purpose of labour exploitation involving six victims on a construction site in Malmedy, between April and October 2020. One of them was put in mortal danger. The two defendants were convicted in absentia of human trafficking[408] and social security fraud. The investigation stemmed from a case of attempted murder that was opened following a shot fired by one of the defendants and was subsequently separated from this case. Three Bulgarian victims and Myria filed a civil suit.

2.1. Structure of the network

The two defendants originate from Turkey and have Belgian nationality.

It was established that the defendants deliberately set up and executed fraudulent schemes for years, circumventing the law to obtain a financial benefit. The companies were subcontracted on legal construction sites, such as the construction of the Malmedy mosque, where they employed workers between 30 April and 8 October 2020.

The defendants were already known to the Belgian authorities for criminal acts. One of them was known for producing illicit drugs, and several cases had been opened against him for false imprisonment and arms smuggling.

The two defendants had previously managed several construction companies that had gone bankrupt. Some of them had been the subject of investigations for money laundering. Police reports had also been drawn up against one of the defendants as early as 2013 for failure to file a Dimona declaration[409].

One victim was acting as a straw man without his knowledge. The defendants led him to believe that he was signing documents relating to his employment, when in reality they were documents relating to a fraudulent scheme. Later, the victim stated that he had never heard of the company in question. Any repeated refusal to sign documents resulted in the use of serious forms of violence. The company was bankrupt and was the subject of an information report in connection with a money laundering operation. Three victims signed employment contracts in the name of this company. They were not informed of the bankruptcy a week later and continued to work thinking that they were officially employed under a written employment contract.

Furthermore, the defendants tried to involve the victims in setting up their fraudulent schemes. One victim was told that by setting up a company, it was possible to take out a loan of EUR 3,000 in Belgium, to then go bankrupt and flee to Bulgaria with the money.

408 Limburg Crim. Court, Hasselt division, 17 July 2023, 17th ch. (by default): see later in this report, this part, Chapter 3, point 2.3.1.
409 Dimona (immediate declaration of employment) is an electronic message by which the employer communicates all incoming and outgoing employees to the NSSO.

2.2. Investigation

The labour exploitation case stems largely from the attempted murder case, in combination with subsequent hearings conducted by the National Social Security Office (NSSO).

2.2.1. Start of the investigation

On 7 October 2020, a construction site in Malmedy was the scene of a shooting of a Bulgarian worker by one of the defendants. A criminal investigation was immediately opened under the direction of the investigative judge of Verviers.[410] Initially, the investigation focused on the circumstances of the shooting, but the two victims also clearly indicated that there was a context of human trafficking. The Liège public prosecutor's office therefore decided to open an investigation into human trafficking on 8 October. A week later, it referred the case to the Hasselt labour prosecutor's office, suggesting that it open a case for human trafficking. At the same time, the NSSO had received, during the same period, reports by e-mail from two separate victims stating that they may have been exploited in the framework of human trafficking.

The NSSO was instructed by the labour prosecutor's office to conduct an investigation into human trafficking. On 13 January 2021, the labour prosecutor's office asked the investigative judge for access to the investigation into attempted murder. On 21 January 2021, the NSSO received copies of the police reports within the framework of the investigation into the shooting, through the invesigative judge. A week later, the NSSO drew up a summary report for human trafficking and social security fraud against the two defendants. In addition, the Social Legislation Inspectorate drew up an additional report for wage offences.

2.2.2. Digital investigation

During the analysis of a defendant's mobile phone, dozens of photos of identity cards and bank cards of presumed foreign workers were discovered, confirming the recruitment of the victims. The photos had been taken when the workers arrived in Belgium. The labour prosecutor asked the relevant police department to search the photo files of the defendants' mobile phones for the precise moment when the photos of the identity cards and bank cards had been taken.

The workers were brought to Belgium, in exchange for payment, in a minibus driven by a Romanian driver, who held their Bulgarian identity documents. The driver was already known to the Belgian authorities for criminal association and human trafficking. Recruitment was carried out using posters and Facebook adverts promising a wage of EUR 11 per hour and free accommodation.

An open source search enabled the Facebook profile of this Romanian driver to be found. The photos on his profile were compared with those on the identity cards in the defendant's mobile phone, which enabled him to be identified. His profile photo was then used to have his identity confirmed by the victims. In addition, a financial transaction between the defendant and the driver was established thanks to a Western Union document.

On 23 June 2021, as part of the investigation, the NSSO inspection service suggested to the labour prosecutor's office that they search the defendant's phone for images that could illustrate acts of violence against the victim. The victim in question had been exploited as a straw man and obtained the status of victim of human trafficking. During his statements, the man had mentioned having seen one of the defendants record him with his mobile phone. The request to recover this video can be considered a good practice.

The labour prosecutor asked the competent police department to search for the video in question in the photo files of the defendants' mobile phones. However, when the phones were analysed, it proved technically impossible to view all 112,420 photo files. The police also did not have access to data from instant messaging applications such as WhatsApp, which could have been received or sent by phone. This is partly why the video of the torture of a victim could not be found.

410 This investigation resulted in a conviction for attempted murder by Verviers Criminal Court on 4 August 2021. The Liège Court of Appeal also found the acts to be proven on 23 June 2022.

2.2.3. Financial analysis

As of 13 September 2017, the Financial Intelligence Processing Unit (CTIF-CFI) reported the suspicious activities of construction company X, which played a key role in the fraudulent scheme, on the basis of serious indications of the laundering of money from human trafficking. It subsequently emerged that one of the victims was acting as a straw man for the company that had taken over the activities of company X. The latter then found itself in a critical situation, which led to its bankruptcy in 2020.

On 9 June 2022, the labour prosecutor's office asked the land registry for a statement of all the real estate assets of one of the defendants. It transpired that the latter no longer had any real estate in his name in Belgium and that he had moved to Turkey in the meantime. This address was known to the Belgian judicial services. The second defendant was also in Turkey. Neither of them could be heard.

2.3. Analysis of the victims

Six Bulgarian workers were considered victims of human trafficking. Several statements suggested that dozens of foreign workers were employed by the company.

The analysis of the defendant's mobile phone identified 54 workers: 20 of Bulgarian origin, 10 of Ukrainian origin, four of Belgian origin, three of Romanian origin, one of Italian origin and one whose origin could not be traced. Bank card transactions also revealed the existence of 15 other people.

One victim stated that he was housed with seven or eight other Bulgarian or Moldovan workers. No Moldovan was heard during the investigation.

2.3.1. Elements of human trafficking

Several fraudulent tactics were used to swindle the labourers. The workers signed their employment contracts, drafted in Dutch, in good faith, even though they did not have a good command of the language. After the company went bankrupt, they continued to work, assuming that their employment was legal.

Another fraudulent tactic involved one of the victims, who thought he was working as an employee of the company, but was in fact operating as a bogus self-employed worker. Months later, he was informed by post of the social security contributions he owed. The total amounted to EUR 750. Myria has already recommended in the past that the social security debts of victims of human trafficking be cancelled.[411]

a. Violence

As for verbal abuse, the site workers were insulted when something went wrong or when the work was too slow.

Furthermore, serious physical violence was also used. This violence was intended to exert coercion on the victims. One of the defendants was already known to the judicial services for assault and battery. He is alleged to have threatened a victim acting as a straw man for two and a half months, before abducting and holding him captive for four days. The victim was tortured to force him to sign a document on the bankruptcy of the company.

During the shooting on 7 October 2020, a second worker was the victim of serious violence. He was shot at for challenging the defendants after they withheld his wages and those of several other workers. He was left with a physical disability.

The two victims of physical violence were granted the status of victims of human trafficking.

b. Employment

The workers were employed in conditions contrary to human dignity. Their working days and weeks were particularly long: at least six days a week, sometimes including Sundays, and at least 10 hours a day. Unbeknown to the six workers, they were working illegally, with no Dimona declaration or declaration to the NSSO regarding the wages owed to them.

The wages were well below the minimum wage and were paid irregularly and in part. There were no written documents regarding working hours or payments. Sometimes, small sums were given in cash. However, one victim claimed to have received money via his account number, which is also apparent from the banking information of one of the defendants.

411 Myria, *Annual report 2023 – Trafficking and smuggling of human beings, A chain of responsibilities*, p. 180, recommendation 9.

The fact that not all the workers were promised the same wages had created divisions among them. They were asked not to talk about it.

The calculation based on the minimum hourly wages revealed that a total sum of EUR 81,177.59 in social security contributions had been evaded and that the defendants still owed the six victims wage amounts ranging from EUR 7,223.13 to EUR 14,729.

When the workers finally protested, the defendants threatened to repatriate them to Bulgaria and withhold their entire salaries.

Their situation was all the more vulnerable as they had no official social status and could not benefit from any social protection. For instance, one victim stated that when he had a bad cold, he did not consult a doctor because he did not have health insurance.

c. Accommodation

The two defendants were responsible for organising accommodation for their workers. This created a high level of dependence among the victims. Two locations were provided to house the workers. The victims recognised both addresses thanks to a photo taken on Google Street View. These houses were in a terrible state.

Initially, the workers did not have to pay anything for their accommodation, then only for their water and electricity consumption. Finally, one of the defendants demanded between EUR 350 and EUR 750 in rent per month. This sum was deducted from their wages, which were only paid in part.

2.3.2. Victim statement

Based on all the statements made by the victims, it was possible to draw up a picture of how the defendants treated the workers and the precarious conditions in which the latter found themselves.

In the first e-mail sent to the NSSO reporting indicators of trafficking, the victim stated that he had come to Belgium to pay for his daughter's studies. He was not paid for his work here and did not have health insurance, even though he was asthmatic and need medical care. The victim returned to Bulgaria without having been paid.

The victim, who had been abused as a straw man, testified to the threats and violence he had suffered. He had received death threats against his wife and son. He was also held captive for four days, guarded by an aggressive dog. He was threatened with having his fingers cut off and was beaten until he bled. According to his statement, this scene was filmed by one of the defendants to keep the other workers in line. The victim fled and hid in the forest for two days, before returning to the defendants' home as he had nowhere to stay and no food.

The victim of the murder attempt stated that the gun had not gone off when the defendant had raised the weapon to his temple and pulled the trigger. He then reloaded and fired twice at the victim's leg. Two bones were broken, requiring surgery.

One victim was not heard. The man had already returned to Bulgaria for medical reasons. No letters rogatory were issued for his hearing.

2.3.3. Victim status

Three victims filed civil suits. Two of them were granted the status of victim of human trafficking. These were the two victims who testified to the physical violence committed against them. After the shooting, they were immediately referred to the specialised reception centres for victims of human trafficking by the Liège public prosecutor's office. One was referred to Sürya, the others to PAG-ASA.

The third victim, who had filed a civil suit, did not have the status of victim of human trafficking.[412] However, the man had received a court summons at his home and had called on the same lawyer as one of the victims who had entered the procedure for victims of trafficking.

412 The case does not contain any other information about this.

Chapter 3
Case law overview 2023 - start 2024

1. Trends

What were the major trends in the cases of human trafficking and smuggling in 2023 and early 2024? The analysis of case law in this report is based on the cases in which Myria filed a civil suit, the decisions received by Myria from the three centres specialised in the reception of victims and the handful of decisions provided by magistrates or other partners.

Myria also presents two decisions of the European Court of Human Rights relating to human trafficking. Finally, the Council for Alien Law Litigation (CCE) granted refugee status to two women, one Ivorian and the other Guinean, who were victims of human trafficking. Myria also discusses these decisions at the end of this overview.

This year, Myria received fewer decisions from the judicial authorities than in previous years, due to the new data privacy law and the partial entry into force of the law on the central registry for judicial decisions[413]. Agreements will have to be reached on this subject in the future. Myria only received 43 decisions this year, 33 of which were in Dutch and 10 in French[414]. Myria regrets that it no longer receives decisions spontaneously from the public prosecutor's office.

The analysis of case law is an important tool in the context of its mission as national rapporteur (evaluation of policy on human trafficking and smuggling). It provides a clear picture of trends in case law, which represents significant added value for those involved in the fight against human trafficking and smuggling.

The 31 most interesting and relevant decisions are listed below[415]. They relate to 30 cases dealt with in the country's various jurisdictions[416].

- Among the decisions of this selection, 28 concern **human trafficking** and 9 relate to **human smuggling.**

- It should be noted that this year, in several cases, the public prosecutor or the labour prosecutor's office brought **proceedings for human smuggling (and not for trafficking)** when in fact the case concerned labour exploitation (in the construction, cleaning and agricultural sectors). Some of these decisions are detailed in the section on labour exploitation[417].

- 12 decisions relate to **acts of sexual exploitation.** They were handed down within the jurisdiction of the courts of appeal of Antwerp (Antwerp division and court of appeal), Brussels (Brussels [French-speaking and Dutch-speaking] and court of appeal), Ghent (West Flanders [Bruges] and court of appeal), Limburg (Tongeren and Hasselt divisions), Liège (Liège division and court of appeal) and Mons (Charleroi division).

413 Law of 16 October 2022 on the creation of the central registry for judicial decisions and on the publication of judgments, and amending the assize procedure relating to the challenge of jurors, M.B., 24 October 2022.
414 In comparison, Myria received 100 decisions in 2023 and 107 decisions in 2022.
415 Regarding a number of cases, the judgment at first instance was already mentioned in previous annual reports.
416 These decisions have also been published on Myria's website (case law).
417 On this subject, see hereafter points 2.3.1. (construction), 2.3.4. (cleaning) and 2.3.5. (agriculture): Brussels French-speaking Crim. Court, 21 June 2023, 69th ch. (appeal); Namur Crim. Court, 11 October 2023, 12th ch. (final); Limburg Crim. Court, Tongeren division, 20 July 2023, ch. 12K (final and in absentia).

As in previous years, a large proportion of the decisions relating to sexual exploitation concern Nigerian prostitution networks, with the acts occurring mainly in Antwerp, Oudenaarde and Brussels, in addition to one case in Liège. Several cases involve child victims.

A trend already observed by Myria is continuing this year, with several decisions concerning human trafficking for the purposes of sexual exploitation of victims originating from **Latin American countries**, both in the French-speaking and Dutch-speaking parts of the country[418]. In one of these decisions, the defendant was also prosecuted for the human trafficking of a Moroccan trans person[419]. In another case, the defendants were prosecuted for both human trafficking for the purposes of sexual exploitation and trafficking for the purposes of labour exploitation of Latin American and Ukrainian victims in the cleaning sector[420].

A few decisions concern the **loverboy method**. This year, the cases only relate to Romanian perpetrators and young adult Romanian victims[421]. Myria also noted the use of this method in a case involving young adult South American women[422].

- 16 decisions relate to **labour exploitation** in various sectors. They are presented below by sector: construction, transport, hospitality, agriculture, domestic work and a football club. These decisions were handed down within the jurisdiction of the courts of appeal of Antwerp (court of appeal), Brussels (Brussels [French-speaking and Dutch-speaking]), Ghent (West Flanders [Bruges division]), East Flanders (Ghent, Oudenaarde, Dendermonde and court of appeal), Limburg (Tongeren and Hasselt divisions) and Liège (Namur division). A decision was handed down on appeal in a case of labour exploitation in which a mentally handicapped Belgian victim had been exploited in a café.

  Myria notes that in order to conclude the existence of working conditions contrary to human dignity – which is a constituent element of human trafficking—, judges take into account various factors such as working conditions and environment (excessive working hours, excessively low wages, lack of rest days), poor accommodation, withholding of wages under various pretexts and dependence on the employer.

- In 2023, a Dutch-language decision on **forced criminality** was handed down with application of the non-punishment clause in an opposition judgment following the victim's previous conviction for drug-related offences. The case concerned a Vietnamese trafficking victim discovered on a cannabis plantation in Limburg[423].

- Decisions relating to **human smuggling** were handed down in the jurisdiction of the courts of appeal of Ghent (West Flanders [Bruges division]), Antwerp (Antwerp division and court of appeal) and Liège (Liège division). This year, Myria received a significantly lower number of decisions relating to human smuggling, for the reasons mentioned above.

  Human smuggling often involves well-structured and even criminal organisations. Based on the decisions communicated, it appears that these organisations sometimes cooperate with other nationalities. This was the case in Liège, for instance, where a large-scale international smuggling operation involving commercial vehicles, cars and vans rented within the framework of a criminal organisation, involved some 30 defendants, mainly Belgian, but also French, Congolese, Armenian, Iranian, Bulgarian and Turkish[424]. The case law received also provides a better understanding of cases linked to the 'logistics' of small boats, where nautical equipment is transported from abroad to France, via Belgium, with the aim of smuggling migrants across the North Sea. This year, Myria did not receive any decisions concerning Vietnamese, Albanian, Ethiopian/Eritrean or Sudanese smuggling networks.

418 See also the focus of this annual report.
419 Limburg Crim. Court, Tongeren division, 4 January 2024, c. 9K3R (appeal).
420 Limburg Crim. Court, Hasselt division, 1 December 2023, c. 18A (appeal).
421 See below point 2.2.3: West Flanders Crim. Court, Bruges division, 10 May 2023, ch. B17 (appeal); Brussels French-speaking Crim. Court, 26 May 2023, 47th ch. (appeal)
422 See below point 2.2.2: Liège Crim. Court, 22 November 2023, 19th ch. (appeal).
423 See below point 2.4: Limburg Crim. Court, Hasselt division, 5 October 2023, ch. 16D.
424 See below point 3.1: Liège Crim. Court, 13 December 2023, ch. 19bis (appeal).

2. Human trafficking

2.1. European Court of Human Rights

2.1.1. Krachunova v. Bulgaria, 28 November 2023

Right of a victim of human trafficking to claim compensation from the exploiter

This judgment concerns the right of a victim of human trafficking to claim compensation from the person who exploited them[425].

The Bulgarian applicant, who had a difficult relationship with her parents, had left her family home in 2012 to settle with her partner, a pimp's associate. As she needed money, she started to work as a sex worker on the Sofia ring road. The applicant stated that she wanted to stop a few months later, and that she had been threatened and subjected to violence by her partner. The latter took her home by force and confiscated her identity card after she tried to escape. From that moment on, he seized all her income and only gave her pocket money to cover her needs. Arrested in 2013, the applicant explained the facts to the police and the perpetrator was investigated. In two trials, the Bulgarian courts found him guilty of human trafficking and ordered him to pay the applicant compensation for non-pecuniary damages. However, they rejected her claim for compensation for pecuniary damages in respect of the income she had lost, on the grounds that the contracts for sexual services were invalid since they constituted an offence against "good morals".

In the Court's view, the applicant was a victim of human trafficking on account of the beatings, the intimate relations (playing on her feelings as a means of control) and the perpetrator's control over her access to money. The Court reiterated that a comprehensive approach must guide the fight against trafficking.

The ability of victims to seek compensation, particularly for the loss of their earnings, enables them to recover from the harm suffered and rebuild their lives. It is also a way of ensuring that traffickers do not profit from their offences, reducing the incentive to commit the offence of trafficking. The Court also noted that the article of the Bulgarian Criminal Code, which was declared unconstitutional[426], punishing the act of earning income from a prohibited or immoral practice, is based on an outdated social concept originating from the totalitarian communist regime.

The Court found a violation of Article 4 (prohibition of slavery and forced labour) of the European Convention, on the grounds that it contains the positive obligation to allow victims of human trafficking to seek compensation from their traffickers for the theft of their earnings[427]. The Bulgarian authorities did not fulfil their obligation to respect a balance between the interests of the community and the rights arising from Article 4.

2.1.2. Jasuitis and Šimaitis v. Lithuania, 12 December 2023

Application of the definition of human trafficking

This judgment concerns the application of the definition of human trafficking to the recruitment of women and coercing them to work[428].

The three Lithuanian applicants argued that the Lithuanian courts had interpreted the applicable law too broadly in convicting them of human trafficking. In 2012-2013, they had recruited women to work as 'online models'. One of them, a high school student who was barely of legal age at the time, accused them of threatening her and using psychological violence to force her to do this work. After she had agreed to communicate online with clients, the applicants then asked her for other types of sexual services such as exposing herself naked, performing a striptease, using sex toys and responding to all of the clients' requests. The high school student refused to do this. They had employed several other women, most of them in vulnerable situations, resorting to threats, humiliation and verbal abuse.

425 ECHR, *Krachnova v. Bulgaria*, 28 November 2023, no. 18269/18.
426 By the Bulgarian Constitutional Court in 2022.
427 The Court referred to Article 6(6) of the United Nations Palermo Protocol on Trafficking in Persons and Article 15(3) of the Council of Europe Convention on Action against Trafficking in Human Beings, which provide for the obligation to allow victims of human trafficking to seek redress.
428 ECHR, *Jasuitis and Šimaitis v. Lithuania*, 12 December 2023, no. 28186/19 and no. 29092/19.

The Supreme Court of Lithuania had ruled that the offence of human trafficking (Article 147 of the Lithuanian Criminal Code) can be constituted by any of the following: pornography, prostitution and other forms of sexual abuse, forced labour or any criminal activity involving a transaction for the benefit of the trafficker. According to the Court, the offence may include recruitment, abuse of the victim's vulnerability, restriction of freedom and deception. It ruled that the applicants' actions met the criteria for the definition of human trafficking.

The key question in this case was whether the applicants could reasonably foresee that their actions corresponded to the essence of the offence of human trafficking. For the Court, the case brought together the three constituent elements of human trafficking: the actions of the applicants and the publication of an advert online constituted an act of 'recruitment' as defined by the Lithuanian Criminal Code ('the act'); they were able to take advantage of their dominant position in relation to the women recruited and their vulnerable situation, and they were able to exploit them for the purpose of providing pornographic services, in particular through the use of deception and various methods of control, such as 'debt bondage' and various forms of coercion ('the means'); the services provided by their victims generated financial gain ('the purpose').

The Court concluded that there had been no violation of Article 7 (no punishment without law) of the European Convention. It ruled that the applicable law and its interpretation by the national courts were clear. The applicants should have realised that their actions fell within the scope of the offence of human trafficking as defined by the Lithuanian Criminal Code.

2.2. Sexual exploitation

2.2.1. Nigerian networks

As in the case law overviews of previous annual reports, several decisions concern Nigerian networks. One of the decisions relates to child victims. It should also be noted that several decisions relate to cases involving Belgian perpetrators.

Nigerian prostitution network involving several Belgian men

In a **judgment of 23 May 2023[429], Antwerp Criminal Court** ruled on a case of human trafficking for the purposes of sexual exploitation and human smuggling.

The defendant, a Nigerian woman, was prosecuted for offences committed against a victim.

The victim, a Nigerian woman, made detailed statements. She had been recruited in Nigeria in 2016 by the defendant's entourage with the promise of a job as a shop assistant in Europe. She had taken a voodoo oath and travelled to Italy with other young girls via Libya and the Mediterranean. There she was met by people close to the defendant, including a Dutchman, and was transferred to Antwerp. Initially, she stayed with several Belgian men who were close to the defendant. She was forced to work as a prostitute in bars, in a hotel and on the street. She had to pay a debt of EUR 25,000 to the defendant, which was later increased to EUR 36,000. She also had to pay EUR 150 in rent. She was forced to have sex with the defendant's Belgian partner. She also had to apply for asylum in France.

In 2017, she was approached by a woman from a church who put her in touch with an organisation that helps victims of trafficking. When the defendant found out, she threatened the victim. The victim received a video of insults and threats by phone from the voodoo priest and relatives of the defendant in Nigeria. The victim stated that her family in Nigeria, her children and her sister had been threatened. They had been summoned to the voodoo shrine in Benin City because the victim had not repaid all of her debts.

She then contacted a compatriot living in Germany who was fighting against human trafficking, in particular through a reality TV programme. He ensured that the victim no longer had to repay her debts to the defendant and that the voodoo priest was arrested in Nigeria. Throughout this period, the victim did not dare to make a statement.

She was also threatened during the investigation.

429 Antwerp Crim. Court, Antwerp division, 23 May 2023, ch.AC10, no. 1812(appeal).

The court found that the acts had been proven. The victim's statements were coherent and detailed and could be corroborated by numerous objective elements: fingerprints abroad, statements from people close to the defendant, financial transactions, results of the examination of the defendant's mobile phone, etc.

The defendant was given a 30-month suspended prison sentence and a partially suspended fine of EUR 8,000. The court took into consideration that the acts dated back to 2016-2017.

One victim filed a civil suit and obtained compensation of EUR 15,300 for non-pecuniary and pecuniary damages.

An appeal was lodged and **Antwerp Court of Appeal** ruled on the case in a **judgment of 14 December 2023**[430].

The court took into account additional aggravating circumstances for the charge of human trafficking, namely that the offences were committed by means of threats and in association with others.

The court upheld the decision, the sentence and the compensation for the plaintiff.

Nigerian prostitution in a nightclub in Oudenaarde

In a **judgment of 15 September 2023**[431], **Ghent Court of Appeal** ruled on a case of human trafficking for the purposes of sexual exploitation.

Oudenaarde Criminal Court had already ruled on this case in a **judgment of 16 April 2021**, analysed in a previous annual report[432]. In this case, three defendants – of Belgian, Italian and Nigerian nationality – were prosecuted for human trafficking with aggravating circumstances, as well as for other charges, such as exploitation of prostitution and renting rooms for the purposes of prostitution. At first instance, the court found the three defendants guilty of human trafficking.

At the beginning of 2017, the police noticed adverts concerning two girls of African origin offering their services as prostitutes/escorts in a nightclub in Ronse.

The first defendant turned out to be the owner and manager of this nightclub. He was also known for prostitution offences. The second defendant ensured that the nightclub ran smoothly. An investigation was launched. It emerged that the adverts for other young girls could also be linked to the nightclub and that the accounts through which the adverts were published were linked to the first defendant. It also turned out that the latter was receiving large sums of money through European Merchant Services, a service that processes credit card payments after which the money is collected in cash. The investigations were carried out through phone tapping, searches, wiretaps, hearings of the girls, witnesses and defendants, etc.

In the meantime, two victims who were being supported by a centre had filed a complaint with the police. The police had already intercepted them in the nightclub. The two young African women turned out to be sisters from Nigeria. They were indebted to their pimp, the third defendant, to the tune of EUR 36,000, which they had to repay. She had taken them to the nightclub of the first defendant, where they stayed from December 2016 to July 2017. They had to hand over money to their real pimp and to the first defendant. They slept above the bar and had to be available 24/7. On appeal, the court found it credible that the girls worked on a 50/50 basis, even though the case file contained contradictory evidence on this point.

The court ruled that the first defendant, in his capacity as the nightclub owner, knew that the young women were in a vulnerable position.

The court also found the second defendant guilty, at least as a co-perpetrator. It ruled that, as the right-hand woman and partner of the first defendant, the second defendant was also aware of the girls' vulnerable position and the fact that they had to hand over their money; even though she did not participate directly in the proceeds.

The first two defendants were also convicted of other charges, namely the exploitation of the prostitution of other girls and the running of a brothel.

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430 Antwerp, 14 December 2023, ch. C6.

431 Ghent, 15 September 2023, 10th ch.

432 East Flander Crim. Court, Oudenaarde division, 16 April 2021, 3rd ch.: see Myria, *Annual report 2022 – Trafficking and smuggling of human beings, Bound by debt*, p. 67 and Myria's website (case law).

The third defendant was the sister or mistress of the man who had organised the victims' arrival in Belgium from Nigeria. She picked up the girls in Italy after they had crossed the Mediterranean and gave them temporary accommodation in her apartment before taking them to the first defendant's champagne bar in Oudenaarde. It was clear to the court that the girls had to hand over half of their earnings to the first defendant. The second half was to be handed over to the third defendant. The victims were also supposed to make payments to her brother/lover in Nigeria. If they did not obey, they were threatened with a 'voodoo curse'. The court therefore also found the third defendant guilty of human trafficking, with the use of threats as an aggravating circumstance. Nevertheless, the court considered that this was not a habitual activity. She was also found guilty of exploitation of prostitution.

When determining the sentence, the court took into account the fact that the events occurred some time ago. The first defendant did not have a clean criminal record and was sentenced to two years in prison, half of which was suspended, as well as a fine of EUR 80,000. He was also banned from exercising a professional activity for 10 years. The second and third defendants were sentenced respectively to 18 months in prison, half of which was suspended, and 12 months in prison, which was fully suspended, as well as fines of EUR 48,000 and EUR 16,000.

The two victims were awarded compensation of EUR 2,500 for non-pecuniary damages.

Nigerian network that brought over and exploited (underage) girls on demand for various 'madams'

In a **judgment of 30 June 2023**[433], **Brussels Court of Appeal** ruled on a case of human trafficking for the purposes of sexual exploitation within the framework of a vast Nigerian prostitution network. On appeal, two cases were joined and therefore only concerned two defendants, two women of Nigerian nationality.

In the first case, six defendants were prosecuted at first instance[434] including the main defendant in this case on appeal. She alone appealed the decision of the first judge.

In the second case[435], only the two defendants on appeal were concerned at first instance. They had both been acquitted, but the public prosecutor had lodged an appeal.

The two defendants were being prosecuted, among other things, for human trafficking for the purposes of sexual exploitation with aggravating circumstances, exploitation of debauchery or prostitution of adults and minors. Some of the victims were minors.

The case was opened in August 2018 following information from the African prostitution community at Brussels North station, according to which a Nigerian woman, the first (main) defendant, herself a prostitute who rented a window, had smuggled at least 35 young Nigerian girls into Belgium in order to exploit them in the prostitution district. She played a key role, bringing over the girls for herself or on order for other 'madams'. She gave instructions, facilitated the girls' journey to Europe, liaised with Nigeria for recruitment, etc.

The young girls had to repay their travel debt of around EUR 30,000 once they arrived in Belgium. On arrival, they were immediately taken to windows to work as prostitutes. They had to hand over at least half of their earnings to pay off their debt. The 'Yemeshe' system[436] was used. If they stopped paying before the debt was repaid, they were threatened or pressured. Some victims were taken to France to apply for asylum and then had to hand over this financial aid to the 'madam'.

The second defendant had actively contributed to the implementation of the organisation's activities by providing, among other things, a place for the young girls to stay.

In the first case, the court confirmed the analysis of the first judge and ruled that the acts of human trafficking had been proven. The victims' statements were consistent, made separately and could be corroborated by other objective elements in the case.

433 Brussels Dutch-speaking, 30 June 2023, 15th ch.

434 Brussels Dutch-speaking Crim. Court, 4 September 2020, 23rd ch. (appeal): see Myria, *Annual report 2021 – Trafficking and smuggling of human beings, Visibly invisible*, p. 60 and Myria's website (case law).

435 Brussels Dutch-speaking Crim. Court, 6 September 2022, ch. 26N (appeal) (unpublished).

436 This is a system whereby a prostitute who rents a window allows a girl to prostitute herself in her place, sharing the takings between them.

The court also ruled that the other charges had been established, in particular that the defendant had played a leading role within the organisation.

In the second case, the court considered, contrary to the first judge, that the victim's statements were coherent and credible and that the acts of human trafficking were therefore proven.

The court took into account the fact that the events had taken place four years ago. The main defendant was sentenced by the court to four years in prison, half of which was suspended, and a fine of EUR 64,000. The other defendant was given 15 months in prison, partially suspended, and a fine of EUR 8,000.

The court overturned the judgment on the provisional compensation of EUR 1 awarded to two of the three victims who had filed a civil suit. They received compensation of EUR 5,120 and EUR 15,215 respectively. The third victim had requested confirmation of the provisional compensation of EUR 1.

Sexual exploitation of a young Nigerian woman by a couple of Belgian and Nigerian nationality

Liège Court of Appeal reviewed a trafficking case involving a Belgian-Nigerian couple, examined at first instance by **Liège Criminal Court** in a **judgment of 2 November 2022**, and discussed in a previous report[437].

In this case, the couple, consisting of a Belgian man and a Nigerian woman, were prosecuted for the trafficking of a young Nigerian woman for the purposes of sexual exploitation and exploitation of the prostitution, as well as for the human smuggling of this person. The victim, who filed a civil suit, was received by a French association specialising in supporting people in situations of prostitution.

In 2016 in Benin City, the defendant's sister offered the victim a better life in Europe. The former was seeking to bring over people facing hardship in Nigeria. After crossing the desert from Niger and staying in a camp in Libya, the victim took a 'lappa-lappa' type boat with 150 migrants to cross to Italy, but they were rescued by an Italian ship.

The victim stayed in a refugee camp for two weeks, after which the defendant came to collect her and they flew to Belgium. She was required to repay travel expenses totalling EUR 15,000, and was forced to work as a prostitute on the street, in hotels, in clients' homes and in cars, until she was raped during a paid sexual encounter. The victim and her family were subjected to multiple threats of reprisals. She stated that she had handed over her earnings to the defendant, totalling EUR 5,020. She lived with the couple for four months, with two other women of African origin, before moving into an apartment rented by the defendants in Liège. She then stayed with friends before finally being admitted to a specialised reception centre for victims of human trafficking.

A search was carried out at the defendants' home. Based on an analysis of the defendants' phone records showing payment to a smuggler in Italy following the victim's arrival, the judge found that their statements were not credible. However, the judge considered that there was still doubt as to their initial intention to enrich themselves at the expense of the victim or her family, as the analysis of the defendants' bank account did not show any transfer of large sums of money. The court therefore reclassified the charge from smuggling to assisting illegal residence, finding that the couple were guilty of knowingly helping the victim to enter Belgium.

By imposing the rates and the repayment of her debts, through phone monitoring, the female defendant organised the victim's prostitution. The judge convicted the defendants of exploitation of prostitution, reclassified as pimping following the reform of sexual criminal law[438], the defendants having rented the apartment for her so that she could continue to work as a prostitute, with the sole aggravating circumstance of abuse of vulnerability[439].

The defendants were also convicted of trafficking for the purposes of sexual exploitation with aggravating circumstances. The analysis of certain text messages showed that the female defendant had a stranglehold over the victim and controlled her schedule, appointments and performance, with the help of her husband and with the aim of exploiting her prostitution. The court took into account the fact that the reasonable time limit had been exceeded.

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437 Liège Crim. Court, Liège division, 2 November 2022, 19th ch.: see Myria, *Annual report 2023 – Trafficking and smuggling of human beings, A chain of responsibilities*, p. 97 and Myria's website (case law).

438 See new Article 433quater/1 of the Criminal Code, inserted by the law of 21 March 2022 amending the Criminal Code with regard to sexual criminal law.

439 Following the reform of the sexual criminal law, the aggravating circumstances of the use of coercion, threats and violence provided for in the former legislation and applying to the acts in question are not included in the new article criminalising pimping.

It sentenced the defendants to two and four years in prison respectively, a fine of EUR 8,000 (both sentences partly suspended), and ordered them to pay the plaintiff EUR 7,500 in non-pecuniary and pecuniary damages.

Both the public prosecutor, against the two defendants, and the husband and the plaintiff[440] lodged an appeal. In **a ruling handed down on 22 November 2023**[441], **Liège Court of Appeal** found, like the first judge, that the victim's statements were accurate, coherent and corroborated by the investigation. The court added that the evolution of the plaintiff's life story did not detract from the credibility of her account. This could be explained by the difficulties in remembering all the details of a painful, long and particularly dangerous journey, as well as the fact that the people she spoke to did not understand what she was saying.

Unlike the first judge, the court convicted the defendants of human smuggling, with the aggravating circumstances of abuse of vulnerability and coercion. The court took into account the fact that the victim had travelled to Lille, on the instructions of the defendant and with the help of her husband, to apply for asylum in France, using inaccurate residence data and a false identity, which enabled her to receive aid from France of between EUR 350 and EUR 380 per month. In addition, the court ruled that the absence of bank transfers to their accounts did not rule out a profit motive in the context of the victim's entry, stay, transit and accommodation in the country, given that the proceeds of her prostitution must have consisted of cash handed over to the defendant and then repaid to her husband. According to the court, their assistance was neither free nor disinterested. They derived some advantage from it, certainly financial for the female defendant, and at least of a sexual nature for the male defendant. Regarding the co-perpetration of the husband, the court adopted the reasoning of the Court of Cassation, under Article 66 of the Criminal Code, according to which it is sufficient that the co-perpetrator knows that by his positive acts he is contributing to smuggling aimed at obtaining a (financial) benefit, without it having to be established that he himself intended to obtain or obtained such a benefit. For the rest, the judgment was confirmed both for exceeding the reasonable time limit and the sanctions, and for the charges of trafficking and exploitation of prostitution, reclassified as pimping, declared to have been established.

440 The appeal was declared inadmissible due to lack of interest.
441 Liège, 22 November 2023, 6th ch.
442 Limburg Crim. Court, Tongeren division, 4 January 2024, ch. 9K3R (appeal).

2.2.2. Victims originating from Latin America

Several cases involving victims from Latin America were tried in various French-speaking and Dutch-speaking districts. One of the decisions involved a minor.

Latin American victims and a Moroccan trans victim

In a **judgment of January 4, 2024**[442], **Tongeren Criminal Court** ruled on a case of human trafficking for the purposes of sexual exploitation and human smuggling, with aggravating circumstances in both cases. The victims were mainly from Latin America.

Two defendants, a man of Dutch nationality (of Caribbean origin) and a woman of Colombian nationality, were prosecuted for acts of human smuggling and trafficking dating from 2020-2021. They were also prosecuted for organising prostitution and assault and battery.

During the course of another investigation into drugs offences, several women were discovered during a search of a building in Limburg, all of them staying illegally and all but one of them from Latin America.

The building, which had several rooms occupied by the girls, was adjacent to a bar. Some of the girls stated that they rented the room from the first defendant. They were allowed to keep the income they earned from their sex work. Other girls stated that they had to hand over 50% of this to the first defendant. He took care of the adverts on the sex websites. The second defendant allegedly helped him with this. She was also paid by the girls as a phone operator. The defendant supervised the girls using surveillance cameras placed throughout the building.

During the investigation and six months after his release, the first defendant was again involved in acts of sexual exploitation, this time against a Moroccan trans victim. They were picked up in Spain by the first defendant and his girlfriend, and was allowed to come to Belgium in exchange for payment. They were promised that they would be allowed to work in the defendant's properties.

Two young African women also travelled to Belgium with them. Their car was stopped on the way. The person of Moroccan origin was unable to continue the journey because she did not have any papers. The defendant then ordered her to undress and to cross the border by crossing the river. The defendant was waiting for her on the other bank. Once she arrived in Belgium, she had to receive clients in a house in Hasselt. Every evening, she had to hand over her money to the defendant and was promised that she would receive half of it at the end of the month. Her papers were kept by the defendant. The victim was starving because she had no money to buy food. When she refused to accept the conditions, the defendant verbally threatened her before attacking her with a knife. The victim had to go to hospital for treatment and was then admitted by Payoke and granted victim status.

The two cases were joined. With regard to the first set of acts, the court ruled that the girls' statements were detailed and coherent and that they could be corroborated by other results of the investigation. Consequently, the acts were considered proven. In addition, the defendant had made contradictory statements on several occasions.

The court also found that the acts had been proven with regard to the first defendant. The victim's statements were credible and could be corroborated by other elements in the case file. The defendant was found guilty of the charge of human smuggling with the aggravating circumstance of abuse of a position of vulnerability, as well as the charge of human trafficking with the aggravating circumstance of the use of violence, coercion and threats. The aggravating circumstance of incapacity for work for more than four months was not considered proven. The defendant was also found guilty of other charges, including exploitation of prostitution and assault and battery.

According to the court, it was not possible to link the second defendant to the acts committed against the Moroccan victim. Furthermore, the court considered that it was not possible to establish, beyond all reasonable doubt, that she was also involved in the offences committed against the young women from Latin America. There was no evidence to suggest that she was the woman mentioned by the victims as being the assistant/phone operator of the first defendant. The court therefore acquitted her.

The first defendant already had a criminal record and was sentenced to four years in prison and a fine of EUR 40,000. He was also banned from exercising a professional activity for 10 years.

Two victims were granted victim status and one of them filed a civil suit. She was awarded a total of EUR 9,080 in pecuniary and non-pecuniary damages (of which EUR 7,500 in non-pecuniary damages).

Sexual and labour exploitation of victims originating from Latin America in the cleaning sector

In a **judgment of 1 December 2023[443], Hasselt Criminal Court** ruled on a case of human trafficking for the purposes of sexual and labour exploitation involving Latin American victims.

Two defendants, a couple of Dutch nationality, were prosecuted for trafficking for the purposes of sexual exploitation with aggravating circumstances in relation to four victims. They were also prosecuted for pimping. In addition, the two defendants, together with their Belgian company, were prosecuted for trafficking for the purpose of labour exploitation in relation to 10 or so victims in 2021 and 2022. The victims were from Latin America (mainly Venezuela) and Ukraine.

The offences took place in both the Netherlands and Belgium. The offences committed in the Netherlands were prosecuted by the Dutch courts. The Dutch criminal case file was included as an exhibit in the Belgian case file.

One of the victims, originating from Venezuela, filed a civil suit. She stated that she had stayed in Spain with a temporary residence permit and had worked there as a nail technician before going to the Netherlands and Belgium to earn money by working as a prostitute and sending it to her family in Venezuela. She worked twice in an apartment belonging to the defendants in Limburg and twice in a small house in a holiday village. She paid weekly rent to the defendants and had to pay for the adverts posted on a sex website.

The Dutch criminal file reveals that another victim, originating from Venezuela and a friend of the aforementioned victim, travelled to Belgium via Spain.

443 Limburg Crim. Court, Hasselt division, 1 December 2023, ch. 18A (appeal).

She had to repay the debts she had incurred for her journey, first by cleaning and then by working as a prostitute. The defendants had forced her to hand over her passport. She had to receive clients in a small house in a holiday village near the Belgian border, rented by the defendants, and later in a hotel. The clients were recruited through adverts on sex websites. The defendants had installed a camera to monitor the victim. The victim received the money from her clients, which the defendants came to collect every evening, bringing the victim food. The victim was unable to keep any of the money she earned.

As regards the charge of human trafficking for the purposes of sexual exploitation, the defendants were acquitted in relation to three victims due to a lack of sufficient evidence that they exercised control over the three girls and that they had forced them to give up the income they earned from prostitution. However, they were convicted for the acts committed against one victim.

In addition, the three defendants were prosecuted for human trafficking for the purposes of labour exploitation. The first two set up a scheme in which their Belgian company, the third defendant, was responsible for the staff subcontracted to another cleaning company. The third was responsible for the staff's work permits, as well as for compliance with Limosa and Dimona regulations and the payment of contributions to the NSSO.

During a search of the defendants' home, containers were discovered behind the house. A Ukrainian couple was staying there. They stated that they worked for the defendants, but that they were never paid properly and always late.

The two victims originating from Venezuela, who lived in an attic room at the defendants' home, stated that they were not paid at all and that by working, they repaid the debts related to their travel expenses and accommodation at the defendants' home. Their identity documents had also been confiscated. These are the same victims as those mentioned above, who were also forced into prostitution.

The workers were totally dependent on their exploiters, even for housing, and the latter took advantage of their precarious situation. The court considered that the charge of trafficking for the purposes of labour exploitation was proven. The company was also found guilty.

For the other six victims, the court considered that there was insufficient objective evidence. The defendants were acquitted in relation to these persons.

The exploiters were sentenced to two years in prison and a fine of EUR 40,000.

The plaintiff obtained compensation of EUR 500 for pecuniary and non-pecuniary damages.

Rental of rooms to young Nigerian and Latin-American women, including a minor

In a **judgment of 29 March 2023[444], Brussels Court of Appeal** ruled on a case of human trafficking for the purposes of sexual exploitation involving two Nigerian victims, one of whom was a minor. The defendant, a Belgian national, was also prosecuted for renting property for the prostitution of minors and several adults and for inciting minors to work as prostitutes. His victims were both Nigerian and South American. He had been convicted at first instance for these acts[445].

The defendant rented properties to women who worked as sex workers between 2016 and 2018 in the Leuven region. The investigation revealed that he had also taken photos of the girls and published adverts on sex websites. In return, they had to pay rent and hand over half of the income they earned from sex work to him. If they did not have this money, they had to repay it in the form of (extreme) sexual services. There was also alcohol abuse and aggressive behaviour towards the girls. On one occasion, he apparently locked one of them in her room.

There were several victims, some of whom were from Latin America. They were still very young. In one case, the victim was even a minor. Several Nigerian girls had also been delivered to him by a Nigerian 'madam' in France who had already stayed at one of his properties. Two of the victims filed a civil suit in this case.

The court considered that the acts had been proven and that the sentence handed down by the first judge was not severe enough.

444 Brussels Dutch-speaking, 29 March 2023, ch. 13.
445 Leuven Crim. Court, 22 December 2020, ch. 17 (unpublished, appeal).

The defendant was given a prison sentence of 40 months and fined EUR 8,000, both suspended. A confiscation order was made for the estimated financial benefit.

One of the civil parties was awarded EUR 4,805 in non-pecuniary damages. The other victim did not appear at the appeal.

Subletting rooms to several Colombian and Brazilian women

In a **judgment handed down on 17 April 2023, Charleroi Criminal Court**[446] ruled on a case in which a Belgian defendant was prosecuted for human trafficking for the purposes of sexual exploitation and pimping, with aggravating circumstances, against four women, three of whom were from South America (Colombia and Brazil), as well as other unidentified victims. The acts took place between August 2020 and August 2022.

Regarding these two charges, the judge considered that the defendant's denials were not credible in relation to his own statements, since he admitted to renting two rooms to sex workers for EUR 250 a week, while his own accommodation cost him EUR 550 per month. The court considered that this demonstrated that he was acting with full knowledge of the vulnerability of the victims and for profit, allowing himself an abnormal profit by taking advantage of their vulnerability.

The court took into account the fact that the entry into force of the new sexual criminal law of 21 March 2022 was partly subsequent to alleged acts. The defendant was convicted of human trafficking, pimping and the rape of one of the victims. However, the judge acquitted him of the latter charge with regard to another victim, considering that the latter's statements were not credible based on the examination of her phone and that of the defendant, as well as on the hearing of one of them.

The defendant was given a five-year partly suspended prison sentence and a fine of EUR 32,000, fully suspended. The court also ordered the deprivation of certain rights. The confiscation of the phone and SIM card used to commit the acts, as well as the sum of EUR 52,000 corresponding to the financial benefit gained from the pimping was ordered.

Loverboy method

Liège Criminal Court handed down **a judgment on 22 November 2023**[447] in which it convicted a Belgian defendant of human trafficking with aggravating circumstances[448] against a Venezuelan victim (plaintiff) and of organising prostitution in relation to the latter and six other women. All were of South American origin (from Venezuela, Brazil and Colombia). The acts were committed in Liège and in connection with others in Brussels between 2018 and 2020.

The investigation began in January 2020, following a report made to the police by the wife of a lawyer whose office was in the building where the acts of prostitution were reported. Following a raid on the flat in June, a woman on her way to the flat, as well as three other women present inside, one of whom was busy with a client, were identified on the basis of their passports. Equipment intended for prostitution was found there. Their hearings made it possible to identify other women involved in prostitution activities and also housed successively in the flat.

The lease had been agreed between the owner and one of the victims, who had presented herself as a worker for an NGO and was accompanied by the defendant for translation purposes. The defendant had paid the rental deposit and was the contact person for the owner. It appears from the statements of the various victims that the rent was to be paid to this worker and then to the defendant, who demanded exorbitant prices. On average, he demanded EUR 250 per week from each girl, while the rent payments to the owner consisted of an average amount of EUR 690 per month. He was identified from his phone number provided by the victims.

The plaintiff stated that she had been contacted by the defendant in 2016 on a dating site and had communicated with him for two years. He had promised her money for her and her family, marriage and a family, as well as the possibility of bringing her 10-year-old son to Belgium. He had offered her a cleaning job in his restaurant in Liège, but also mentioned a job as a sex worker, albeit only for two months.

446 Charleroi Crim. Court, 17 April 2023, 6th ch. (final).
447 Liège Crim. Court, 22 November 2023, 19th ch. (appeal).
448 The aggravating circumstances of abuse of a vulnerable situation, fraudulent tactics and habitual activity were taken into account.

Under his influence, she left Vargas in Venezuela on foot in February 2018 to reach the border with Colombia. From Cùcuta, she then went to Bogota to catch a first flight to Madrid and a second one to Brussels airport, where the defendant was waiting for her. The defendant then apparently asked her to reimburse the cost of the flight, which came to EUR 1,300. She stated that she had to work as a prostitute seven days a week, with eight to ten clients a day, from 08:00 to 21:00 or 23:00. Half of her earnings had to be paid to the defendant, as well as the rent and bills.

Bank analyses of the defendant's account and his phone were carried out. The investigation revealed that the defendant had used the same process, i.e. acting as their 'boyfriend', with other victims, whom he brought over from South America. He dictated the rates, the clients, the pace, the place of prostitution, how they were to behave, as well as certain types of sexual services, particularly the 'slave' type, and put pressure on them to be profitable. The young women were replaced as soon as they fell ill. The court noted a professionalism in the setting up of the victims, even in the direct recruitment of some of them, and the presence of an abnormal financial benefit in view of the prohibitive prices charged. He benefited from a higher standard of living from these prostitution activities than from his health insurance benefits.

The court noted that the commission of the acts partly predated the entry into force of the new sexual criminal law of 21 March 2022 and applied the principle of the application of criminal law over time. Although the provision on pimping with provision of a place of prostitution has been abolished, the court considers that it continues to be criminalised by the new provision on pimping, the provision or rental of property constituting an act that facilitates prostitution. It matters little whether or not the person concerned is the owner of the rooms being rented.

The court found the defendant guilty of trafficking with regard to the plaintiff, having used his power of seduction to recruit her and having transported, transferred, harboured and received her. He 'took control' of her. For both charges, the court took into account the aggravating circumstance of abuse of vulnerability in relation to the victims' precarious administrative, financial and social situation.

The court reiterated that the absence of any real and acceptable choice other than to submit to this abuse, as provided for in Article 433septies, 2° of the Criminal Code, does not constitute a constituent element of the circumstance of abuse of vulnerability in its own right. This is a reminder that the vulnerable situation of the victim necessarily leads to the lack of such a choice. Consent remains irrelevant.

The defendant was given a five-year prison sentence and a fine of EUR 56,000, both partially suspended. Confiscation of the equivalent of EUR 113,370, corresponding to the illegal assets generated by the exploitation of prostitution, was ordered[449], of which EUR 51,000 was awarded to the plaintiff for pecuniary damages. Pending a contradictory expert report to assess non-pecuniary damages, the defendant was ordered to pay a provisional amount of EUR 4,000.

2.2.3. *Loverboy* method used on Romanian victims

This year, as before, Myria was made aware of several decisions relating to cases involving the *loverboy* method. Two cases involve young Romanian victims who were of legal age at the time of the offences. These are Dutch-speaking and French-speaking cases, from Bruges and Brussels.

Exploitation of young Romanian women in hotel rooms, especially through the *loverboy* method

In a **judgment of 10 May 2023[450], Bruges Criminal Court** ruled on a case of human trafficking for the purposes of sexual exploitation with aggravating circumstances and pimping of several young Romanian victims.

Three defendants – two men and one woman, all Romanian nationals – were prosecuted. They were cousins.

The case came to light following information sent by the Romanian police to the Belgian police about the disappearance of a young woman who had been taken from Romania to a hotel in Bruges to be forced into prostitution.

449 The court based its decision on a calculation, detailed in the judgment, distinguishing the income received by the defendant, through the rents charged, according to the victims. The amount of EUR 250 per week was retained, as well as the occupation of the flat by three girls. The court then subtracted the amount of rent actually paid by the defendant to the owner.

450 West Flanders Crim. Court, Bruges division, 10 May 2023, ch. B17 (appeal).

She managed to escape and made a statement on her return to Romania. She claimed that other girls were in the same situation.

Thanks to adverts on a sex website, the police were able to find another girl. She stated that the first defendant had used a pretext to lure her to Belgium. She was in love with him and he had promised her that she could work as a cleaner in Belgium. As soon as she arrived, she was locked in a hotel room and forced to work as a prostitute. She had to work from 06:00 until after midnight, had between 25 and 30 clients a day and was not allowed to use protection, which led to her contracting several STD. She was locked in her hotel room and her identity papers were confiscated. During this period, she earned between EUR 7,000 and EUR 8,000 per week, which she had to hand over in full. The third defendant would take the money to Romania every week. She was beaten and threatened, mainly by the first defendant, who used a belt. She managed to escape with the help of a client. After her first police hearing, the defendants informed her family of her sexual activities in Belgium, so that the family would want nothing more to do with her.

Another victim had already managed to escape from the defendants and was able to be identified. She had also come to Belgium through the second defendant, who had promised her a job as a cleaner. Initially, she was friends with her exploiters and was therefore treated a little better than the other victims. She confirmed that the latter had been subjected to violence and that their identity papers had been taken from them. Adverts concerning her were posted online and she received clients at the hotel. The agreement stipulated that she could keep half of the income, but that the exploiters would keep her share and give it to her once she had returned to Romania. She reportedly earned EUR 8,000 to EUR 9,000 per week. She had to agree to unprotected sex to attract more clients. Eventually, she managed to escape.

The court ruled that there was evidence of human trafficking, with aggravating circumstances. The victims' vulnerability was abused. These were young women living in precarious financial circumstances in Romania. The sexual exploitation was organised within the framework of a long-standing association and was habitual.

Tricks and false information were used to lure the young women to Belgium, and at least one of them was subjected to physical violence. In addition, the girls were forced to have unprotected sex. The defendants were also convicted of exploitation of prostitution.

The third defendant was acquitted of the charge of human trafficking. He collected the money and was aware of the prostitution activities, but it was not possible to establish with sufficient certainty that he was responsible for the recruitment, transportation, transfer, harbouring or reception of the girls, or that he exercised control over them. However, he was convicted as an accomplice to the exploitation of a young woman.

The defendants were respectively sentenced to six years, 50 months (partly suspended) and eight months (fully suspended), as well as receiving fines of EUR 16,000 and EUR 4,000. Confiscations ranging from EUR 5,000 to EUR 30,000 were ordered.

Payoke and a victim filed a civil suit. Payoke was awarded EUR 5,500 in pecuniary damages. The victim was awarded compensation of EUR 80,000 for pecuniary damages, EUR 1,000 for medical expenses related to the treatment of contracted venereal diseases, EUR 150 for administrative expenses and compensation of EUR 6,000 for non-pecuniary damages.

The loverboy method used by a Romanian family clan

In a **judgment of 26 May 2023[451], Brussels French-speaking Criminal Court** convicted a young Romanian man of human trafficking for the purposes of sexual exploitation, as well as pimping[452], in relation to two young women, one of whom filed a civil suit. The offences took place between December 2017 and January 2022 in Schaerbeek, as well as in Nice in the case of the second victim. The defendant lived as a couple with the plaintiff and then with the second victim.

The case began in 2019, when the plaintiff, a young Romanian woman, went to the police to file a complaint against the defendant. She stated that she had met the defendant in Romania when she was 17, outside her school and at the restaurant where she worked. She lived alone and did not get along with her parents.

451 Brussels French-speaking Crim. Court, 26 May 2023, 47th ch. (appeal).
452 See new Article 433quater/1 of the Criminal Code, inserted by the Law of 21 March 2022 amending the Criminal Code with regard to sexual criminal law.

The defendant established a relationship of trust through promises and organised her arrival in Belgium, when she had just come of age, by paying for her plane ticket. Three days after her arrival, the defendant reportedly spoke to her about a site for erotic massages and then got her to prostitute herself in a window on Rue d'Aerschot, using beatings and death threats against her and her family. According to the investigation, the defendant behaved in the same way towards the second victim.

The prostitution of the victims was prepared, encouraged and organised with the help of members of the defendant's extended family (in particular his mother, uncle and aunts), both for booking slots in the window and travel arrangements, as well as for clothing, work rules, rates and instructions on how to respond to the police. The victims were monitored via phone. The plaintiff stated that she lived with the family for almost two years and was made to prostitute herself six days a week, without protection, with an average daily income of EUR 900 to 1,000. As the majority of the earnings were handed over to the defendant, the investigation revealed that prostitution was the only source of income for the defendant, which explains the transfers of funds between the defendant and various members of the family (especially to his grandmother in Romania).

The two victims, as well as the defendant's aunt and sister-in-law, were already known to the police from checks in the bars on Rue d'Aerschot. Open source searches were carried out, particularly on Facebook profiles. Based on a phone investigation using 'retro-zollers', contact between the members of the clan and between the latter and the victims were confirmed. Investigative actions were carried out in Romania, enabling certain family members to be interviewed and property to be seized as a precautionary measure.

The court dismissed the defendant's denials that the victim consented to her prostitution without coercion or threats being used against her, reiterating that consent is irrelevant to the offences of trafficking and pimping. These elements (coercion and threats) are aggravating circumstances which, in this case, were not used against the defendant. However, habitual activity was accepted, as the situation was repeated with the second victim and lasted over a period of time. The court also took into account the principle of criminal enforcement over time concerning the entry into force of the sexual criminal law of 21 March 2022.

The defendant was sentenced for trafficking and pimping to 40 months in prison, partially suspended, and a fine of EUR 16,000. Compensation of EUR 25,000 and EUR 5,000 for pecuniary and non-pecuniary damages suffered by the plaintiff was ordered. However, the judge rejected the request for a restraining order prohibiting the defendant from contacting her and her daughter, on the grounds that the provision of the Criminal Code in question is applicable to other types of offences and that the victim was not a minor at the time the acts were committed. The court also ordered the restitution of a house and numerous plots of land, vehicles and sums of money from three members of the defendant's family, as voluntary intervening parties in the trial.

2.3. Labour exploitation

2.3.1. Construction

Myria learned of several decisions in the construction sector. These are cases that were judged in various districts, with a prevalence on the Dutch-speaking side. It should be noted that several of them involve the use of bogus postings, as well as subcontracting chains.

Subcontracting chain and bogus postings with a large number of Romanian and Polish victims

In **a judgment of 23 June 2023[453], Bruges Criminal Court** examined a vast case of bogus postings and bogus self-employment in the construction sector.

Nine defendants – of Belgian, Romanian and Polish nationality – were prosecuted for, among other things, human trafficking, slum landlordism, belonging to and leading a criminal organisation and various social law violations. Among them were two companies, the third and fourth defendants. The third was a construction company, the fourth a real estate company. The fifth defendant died before the trial. There was evidence of human trafficking involving 117 victims.

The case was first revealed in 2013 following a report of disturbances in an allegedly unoccupied building where several Romanian men were discovered. This drew the attention of the authorities, after which observations were made by the police.

453 West Flanders Crim. Court, Bruges division, 23 June 2023, ch. B17 (appeal).

It was noted that a large group of men was staying there, boarding the train every day early in the morning to be transported to construction sites. It was possible to link several companies to these activities.

An investigation followed and a criminal investigation was opened in 2016. Phone tapping, surveillance at various locations, searches and arrests were carried out as part of the investigation. A request for mutual legal assistance was also sent to the Romanian judicial authorities.

Originally, the two companies prosecuted were both operated by the first defendant. Subsequently, the second and eighth defendants, including the girlfriend of the main defendant, were appointed as directors of the third and fourth defendants respectively. This was mainly because the first defendant had been prohibited, in another case, from acting as a company director or board member.

The investigation revealed that four Belgian construction companies worked exclusively as subcontractors for the third defendant. The latter did not employ salaried workers, worked solely with subcontractors and was responsible for coordinating the construction work. Four or five Romanians were attached to each of these construction companies as active partners. This was a cover-up to circumvent the administrative difficulties associated with posting. In addition, these partners could work 24/7, without any restrictions. The seventh defendant stated during the investigation that he had helped the first defendant set up this arrangement with the four construction companies. The latter also had partners domiciled in the United Kingdom. At this address, there was a company specialising in the online creation of offshore companies, represented by four Romanians. One of them, the sixth defendant, was the father of the second defendant. The seventh defendant was the director of this company.

At a certain point, the four Belgian companies were taken over by a Romanian company. For this purpose, a shelf company was acquired to bring together the other four companies and all the workers and associates. This Romanian company carried out subcontracted work on behalf of the main defendant. However, it had no client in Romania and was therefore in reality a ‘letterbox’ company.

The investigation revealed that the first defendant was the real boss. He was the one who directed and controlled everything, and gave instructions. He was no longer the director of the third defendant, but the investigation revealed that he remained the main shareholder and had power of attorney over the accounts.

The workers of the Romanian company worked six days a week, 14 hours a day, with a half-hour lunch break. They received EUR 1,400 per month for this, or EUR 4 per hour. The investigation revealed that all the A1 forms relating to the posting were false. The Romanian company and the third defendant made a profit by paying particularly low wages and not paying social security contributions in Belgium or Romania.

In addition, around 20 (bogus) self-employed individuals worked directly for the third defendant.

The workers were housed in accommodation belonging to the main defendant through a company, the fourth defendant. The rent was paid to the fourth defendant.

The court considered that there was a clear relationship of authority between the second and third defendants. The second was in fact to be considered as a salaried worker of the third.

The court considered that it was possible to demonstrate that 113 workers had indeed worked in this scheme.

The court stated that it is only a question of human trafficking if it is proven that the perpetrator intends to engage in labour exploitation. The offence requires a specific intent; the mere fact of working in degrading conditions is not enough. The fact that there are social law violations is also not enough to consider the work as contrary to human dignity. Furthermore, this offence is inseparable from Article 23 of the Constitution, which states that everyone has the right to live in human dignity. This implies that work must be dignified, and work is dignified if it is carried out in conditions of freedom, fairness and safety.

According to the court, the first defendant was indeed guilty of human trafficking with regard to 113 workers. He played a central and predominant role in the implementation of bogus posting and bogus self-employment mechanisms that enabled and were even aimed at the labour exploitation of workers. The latter worked long hours, six days a week, for a derisory wage paid into their account in Romania. They did not receive holiday pay or an end-of-year bonus, and their expenses were not reimbursed. Nor were they compensated for days of absence due to illness. There was no written employment contract and the workers were kept in the dark about their wages. They did not benefit from any social protection. Labour exploitation was the central income model of the entire mechanism of bogus postings and bogus self-employment. The court also considered the aggravating circumstances as established.

The other defendants were also convicted of human trafficking. The ninth defendant, a property developer for whom the third defendant carried out subcontracted work, was acquitted of all charges as it could not be said with certainty that he was aware of the exploitation.

The defendants were also found guilty of other charges, including those of being a slum landlord and of leading or belonging to a criminal organisation. As regards the money laundering of illegal financial benefits, the main defendant was acquitted.

However, the court considered that the reasonable time limit had been exceeded and took this into account when determining the sentence.

The two main defendants were sentenced to a prison term of 18 months and a fine of EUR 180,000. The others were sentenced to a prison term of five months and fines ranging from EUR 3,000 to EUR 33,900. The eighth defendant was simply found guilty.

The companies were fined between EUR 102,000 and EUR 678,000.

Six victims and the Flemish housing inspectorate filed a civil suit. They obtained compensation of EUR 250 for non-pecuniary damages and between EUR 8,000 and EUR 40,000 for pecuniary damages.

Fraudulent posting scheme through a Bulgarian company

In a **judgment of 17 November 2023[454], Dendermonde Criminal Court** ruled on a case of trafficking for the purposes of the labour exploitation of 12 victims in the construction sector. Two defendants, of Belgian nationality but of Turkish origin, and a Belgian company were prosecuted.

They were also prosecuted for social law violations, in particular the employment of foreign nationals without the right of residence and social criminal law fraud (through bogus posting).

The case came to light when two people were arrested for shoplifting. It turned out that these people were working for the defendants under dubious conditions. Following their statements, the police began an investigation. Observations were made at the defendants' construction sites and in the houses where foreign workers were employed.

The defendants employed several foreign workers from Romania, Bulgaria, Pakistan and Ukraine, among other countries.

For this purpose, they resorted to a fraudulent scheme of postings through a Bulgarian company that did not carry out any activity in Bulgaria. The criminal case showed that the Belgian company was the real employer. The workers received around EUR 100 per week for long working days from 05:30 to 16:00. Their salary and rent were unclear. The workers received a lower salary than they had been promised. Their housing conditions were disastrous. According to the court, the fact that the workers were initially satisfied with their employment was of little importance.

The court considered all charges to be proven. The defendants were given a six-month prison sentence and a fine of EUR 96,000, both partially suspended.

One Bulgarian victim filed a civil suit. The man was awarded compensation of EUR 5,133.17 (including EUR 700 for non-pecuniary damages).

454 West Flanders Crim. Court, Dendermonde division, 17 November 2023, ch. 13 (appeal).

Exploitation of Egyptian workers through subcontracting and bogus postings

In this case concerning Egyptian workers, tried by **Brussels French-speaking Criminal Court on 21 June 2023**[455], the prosecutions were based on smuggling and not on human trafficking. A Belgian defendant was prosecuted for several social criminal law violations in relation to a group of Egyptian workers without residence permits, and for aggravated smuggling in relation to five of them, in the context of construction sites in Haacht and Hove. A Belgian trade union had filed a civil suit. The proceedings against the defendant's brother and father, who were also defendants in the trial, were declared inadmissible due to the violation of their right to defence[456]. The three defendants, of Belgian nationality, were active in several commercial companies in the construction and cleaning sector. The main defendant was the sole partner and manager of the construction and demolition company. His father and brother were also active in the company.

The company carried out structural work on construction sites and subcontracted to other companies, including an Italian company responsible for masonry and chipboard bonding work on a site in Hove. This allowed the defendant to make use of bogus and fraudulent posting of Egyptian workers. The Italian company had no activities in Italy and was only active on two construction sites in Belgium. Several workers employed by the Italian company thought they were working for the defendant in the context of his construction company. It was a chain of subcontractors, with the defendant's company itself being subcontracted by a main contractor.

The investigation began on 5 October 2018 following a labour dispute that broke out on the construction site in Hove. The local police had received information that workers on a 35-metre-high crane were refusing to come down in protest at not having been paid for several months and at their appalling working and accommodation conditions. The workers stated that they had travelled to Belgium of their own accord and had come into contact with the defendant's company through acquaintances. They were working on several sites and earning a maximum of EUR 50 per week, less if food was bought for them.

They had reportedly been threatened with weapons a few days before the protest. The defendant had climbed the crane to speak to the workers. A fight ensued involving the use of a hammer and the brother of the defendant was administratively arrested. Several workers complained about the company's behaviour to the Egyptian embassy. Some of them also contacted the union representative for the civil party in Antwerp. A union representative went to the site and was able to talk to the site manager (the main contractor) and the workers present. After negotiation, a provisional agreement was reached and five days later, a settlement agreement was concluded between the main contractor and the Italian company to proceed with the payment of EUR 55,000 to the union council's third-party account, which then ensured payment to each worker. The union also contacted the municipality of Lint to find them accommodation through the Red Cross. The defendant's company was then declared bankrupt.

Multiple banking and asset investigation tasks were carried out. The Social Legislation Inspectorate (CLS), NSSO and CTIF-CFI submitted investigation reports as part of this case. Information was gathered from the Italian labour inspectorate and the Italian social security institution. The workers and the parties involved in the trial were heard. The defendant had already been convicted of offences under social criminal law, in particular for using various companies as labour pools, fraudulently presented as subcontractors without any real commercial activity in order to evade social security contributions.

The court convicted the defendant of human smuggling. This charge was contested by the defendant, who was confronted with the elements of the investigation. The court took into account the fact that the defendant had housed the workers in a dilapidated building in Zaventem that he rented, cramming 20 or 25 people into appalling living conditions in order to get them to work on the building sites where his company was working. The court ruled that the economic objective could be inferred from the fact that these workers were employed without respect for the pay scales or the social security and tax contributions relating to salaried work.

455 Brussels French-speaking Crim. Court, 21 June 2023, 69th ch. (appeal).

456 The court based its decision on the fact that: the two defendants were never summoned prior to the hearings held four years after the events; they did not know during all this time that they were considered suspects and were unable to keep documents useful for their defence; they were unable to confer with their lawyer before the proceedings; and they were unable to request additional actions.

According to the court, the defendant could be considered an employer as defined by social criminal law, as he exercised employer authority over these individuals, whose vulnerable status could be deduced from their precarious or illegal administrative and social situation, excluding a real and acceptable choice other than to submit to this abuse.

The court also convicted the defendant of illegally employing workers through fraudulent postings, non-payment of wages, employing foreigners without residence permits and failure to file a Dimona declaration. The defendant was sentenced to 40 months in prison and a fine of EUR 32,000, both sentences being conditionally suspended. The defendant was also ordered to pay the sum of EUR 2,500 to the plaintiff as compensation for non-pecuniary damages.

Exploitation of several Bulgarian victims, with the use of violence

In a **judgment handed down on 17 July 2023** in absentia[457], **Hasselt Criminal Court** ruled on a case of trafficking for the purposes of labour exploitation of six victims in the construction sector[458].

The two defendants, of Belgian nationality but of Turkish origin, were prosecuted for human trafficking with the aggravating circumstances of the use of violence and endangering the lives of others. They were also prosecuted for social law violations.

This case concerns serious labour exploitation, where the workers were severely mistreated, manhandled, threatened and barely paid.

The court found that the acts of trafficking were proven on the basis of the elements of the criminal case, namely the police findings, the victims' statements, the transactions on the company's bank account and the examination of the defendant's mobile phone. Added to this is the case relating to the shooting, in which the defendants were convicted of attempted murder and assault and battery in a ruling handed down on 7 October 2022 by Liège Court of Appeal.

The first defendant already had a long criminal record, including convictions for possession of prohibited weapons. Both defendants were sentenced to four years in prison.

A large sum of money was confiscated.

Three Bulgarian victims and Myria filed a civil suit. The victims obtained compensation of approximately EUR 18,000. Myria was awarded compensation of EUR 2,500.

Long-term exploitation of a Cameroonian victim

In a **judgment of 19 January 2023[459], Brussels Dutch-speaking Criminal Court** ruled on a case in which a Belgian defendant and a Belgian company were prosecuted for human trafficking with aggravating circumstances and other social law violations such as non-payment of wages. The case was joined with another case concerning offences under the Brussels Housing Code.

The victim, of Cameroonian nationality, filed a civil suit.

In October 2020, a coordinated inspection was carried out by the inspection services of the NSSO, NISSE and CLS, accompanied by the police, in the buildings belonging to the company. Several workers were found during this inspection, including the plaintiff. The victim did not have legal residence status and was housed on the company site in two small rooms. A few days later, the housing inspectorate carried out an inspection and declared the accommodation uninhabitable.

The court convicted the defendants of human trafficking. The case revealed that the victim had been working for the defendants since 2011. The defendants had been aware of his illegal stay in Belgium from the outset. The court did not accept the defendants' argument that they had offered financial and material support in good faith.

For nine years, the victim was totally dependent on the defendants. He was led to believe that his residence in Belgium would be regularised and that he would one day be able to trade with Central Africa on behalf of the company. He worked a normal five-day week, but was grossly underpaid and not remunerated for overtime. He earned EUR 7 an hour, or EUR 1,300 a month for a full-time job, from which he had to pay EUR 400 in rent for uninhabitable accommodation.

457 Limburg Crim. Court, Hasselt division, 17 July 2023, ch. 17 (in absentia).
458 See the analysis of this case in Part 2, Chapter 2, point 2.
459 Brussels Dutch-speaking Crim. Court, 19 January 2023, 25th ch. (appeal).

The remaining EUR 900 was generally not paid on time or was paid in small amounts, at the defendants' convenience. According to the court, this was a method of keeping a certain control over the victim, by maintaining him in a position of weakness. The victim did not have a free choice and his movements were severely restricted. This constitutes an abuse of authority as an employer and of the victim's precarious economic and administrative situation. The judge ruled that this constituted degrading treatment. Aggravating circumstances were also considered proven.

The first defendant was sentenced to 10 months in prison, suspended for five years, and fined EUR 8,000. The company was fined EUR 48,000. Large sums of money were confiscated.

The victim was awarded compensation of EUR 48,602 (the minimum wage for the services provided) and EUR 32,650 (the rent withheld for uninhabitable accommodation) as pecuniary damages, as well as EUR 4,500 as non-pecuniary damages.

Exploitation of several illegal staying workers

In a **judgment of 4 May 2023[460], Oudenaarde Criminal Court** ruled on a case of trafficking for the purposes of labour exploitation involving a victim in the construction sector. The acts date back to the end of 2019.

Two defendants, a Belgian and an Iraqi staying illegally in Belgium, were prosecuted for human trafficking. They were also prosecuted for social law violations, including non-payment of wages, against a total of seven workers.

Four victims filed a civil suit. One victim obtained the status of victim of human trafficking.

The Social Inspectorate had noted that a company had stopped paying social security contributions even though it had registered seven workers in the Dimona database.

The manager and the employees were interviewed. The employer was experiencing financial difficulties. The workers stated that they only received part of their wages in the best case scenario.

One of the workers, who was staying illegally, stated that he had only received three days' wages. Promises of payment were not honoured. He had to pay EUR 9,000 to be employed by the first defendant through an intermediary, the second defendant. The latter took him to the sites and was supposed to be given the salary and pay slips. The victim had to work in a high-risk sector and buy his own protective clothing. The man also suffered violence.

The court found that the social law violations and the acts of human trafficking were proven. The defendants were aware of the vulnerability of the victim, who was used and employed as a labourer in inhumane conditions.

The first defendant did not have a clean criminal record and had already been convicted of social law violations. He was sentenced to 12 months in prison and a fine of EUR 8,000, both partially suspended.

The second defendant did not have a clean criminal record either. He had been convicted several times for human smuggling as part of a criminal organisation. He was sentenced in absentia to two years in prison and a fine of EUR 4,000.

The victim of trafficking was awarded compensation of EUR 18,411.62 for pecuniary damages and EUR 1,000 for non-pecuniary damages. The other civil parties were also awarded compensation.

2.3.2. Transport

Transport activities through Bulgarian 'letterbox' companies with Serbian drivers

In a **ruling of 5 October 2023[461], Ghent Court of Appeal** ruled on a human trafficking case involving the use of Bulgarian 'letterbox' companies in the transport sector.

460 East Flanders Crim. Court, Oudenaarde division, 4 May 2023, 3rd ch. 09 (final and in absentia).
461 Ghent, 5 October 2023, 3rd ch.

In an **opposition judgment of 13 January 2023**, discussed in the previous annual report[462], **Bruges Criminal Court** had examined this case and found the defendant, a Belgian national residing in Serbia, guilty of human trafficking. The defendant appealed against his conviction.

The defendant had set up several foreign 'letterbox' companies in Bulgaria for transport activities in Belgium and neighbouring countries. The companies had no activity in Bulgaria. The defendant used Serbian drivers. He had already been convicted of similar offences. PAG-ASA had been contacted by a Serbian NGO helping victims of human trafficking to inform it of the existence of anonymous complaints against the defendant. He had lured Serbian workers to Belgium by promising them legal work and a salary. In Belgium, however, they were employed illegally, had to work more hours than the law allows and drive lorries with falsified registration and safety certificates. The drivers' residence documents were also found to be fake. They were paid derisory wages (EUR 300 per month). Furthermore, these salaries were paid partially and late.

The police had found several drivers and their lorries in an open storage building. Multidisciplinary checks were then carried out in the car park. This storage building had no sanitary facilities, and the drivers had to relieve themselves in a plastic bag. They always slept in their vehicles, even at the weekend. Some had never signed an employment contract. They were paid per kilometre travelled, and not provided with a payslip. Several victims had still not received any wages, even after several months.

At first instance, the defendant was sentenced to one year in prison. A special confiscation of EUR 81,963.97 was ordered. The confiscation was executed on all of the defendant's assets.

The court observed that, after a previous conviction for social law violations, the defendant immediately set up other foreign companies in order to continue his transport activities with complete peace of mind, in total disregard of the binding regulations in the field of labour law and social law.

He created a tangle of foreign companies within which he held legal and effective decision-making power and through which he also exercised his authority over the drivers.

The court also found that the defendant had taken advantage of the vulnerable situation of the victims, whose residence status in Belgium was often precarious. It confirmed the judgment in its entirety and again convicted the defendant of human trafficking and of all the offences under social law, including fraud under social criminal law.

2.3.3. Hospitality

The following points present cases concerning a café, a restaurant and a hotel. Two of these decisions led to an acquittal for human trafficking. The case involving the exploitation of a Belgian victim with a mental disability in a café was discussed in Myria's previous report and was reviewed on appeal.

Exploitation in a café of a Belgian victim suffering from a mental disability

In a **ruling of 26 October 2023[463], Antwerp Court of Appeal** ruled on a case of human trafficking for the purposes of labour exploitation of a Belgian victim.

Three defendants, of Belgian and Dutch nationality, as well as a company, were prosecuted. The second defendant was the owner of the company, a café. The first defendant managed the café for the second defendant. **Antwerp Criminal Court**[464] had convicted them at first instance of human trafficking and sentenced them to a prison term and a fine. The first and second defendants appealed against this decision. The company had gone bankrupt in the meantime.

The defendants had employed a victim, an illiterate Belgian man with a mental disability who was under temporary supervision, in the café for tasks including cleaning, shopping and helping with renovation work. The job had no clear structure and the wages were not well defined either.

462 West Flanders Crim. Court, Bruges division, 11 March 2022, ch. B17 (opposition); West Flanders Crim. Court, Bruges division, 13 January 2023, ch. B17 (appeal): see Myria, *Annual report 2023 – Trafficking and smuggling of human beings, A chain of responsibilities*, p. 113 and Myria's website (case law).
463 Antwerp, 26 October 2023, ch. C6. The defendants lodged an appeal with the Court of Cassation, but their appeal was declared inadmissible.
464 Antwerp Crim. Court, Antwerp division, 12 December 2022, ch. AC1 (appeal): see Myria, *Annual report 2023 – Trafficking and smuggling of human beings, A chain of responsibilities*, p. 114 and Myria's website (case law).

The acts were revealed during an inspection carried out jointly by the Social Inspectorate and the local police. During the inspection, the victim was discovered in the cellar during the night. The victim was sleeping in the closed crawl space, in appalling and unsanitary conditions.

The **court of appeal** ruled that the acts of trafficking remained proven and that the recruitment of a person with a view to carrying out work in conditions contrary to human dignity constituted the offence of human trafficking.The notion of recruitment does not mean that the recruited person must have been sought for that purpose. Reception and accommodation conditions contrary to human dignity must be taken into account in the assessment of the offence of human trafficking. The housing conditions in a (beer) cellar with a low ceiling were particularly harsh. The victim was forced to work every day of the week without being properly paid. The fact that this was the victim's personal choice is irrelevant.

The first defendant already had a criminal record and was subject to a ban on professional activity. The defendants were respectively sentenced to a 24-month prison term and a 20-month partly suspended prison term, as well as a fine of EUR 8,000. A ban on professional activity for 10 years was imposed on both of them.

Acquittal in a case of labour exploitation in a restaurant

In a **judgment of 20 September 2023, Ghent Criminal Court**[465] ruled on a case of human trafficking for the purposes of labour exploitation in a restaurant. The defendant was a Belgian man of Egyptian origin. His company was held civilly liable. He was also prosecuted for social law violations.

The victim, of Egyptian nationality, and Payoke filed a civil suit.

The victim, a man, had been referred to Fairwork Belgium through Médecins du Mondes, and then to Payoke. During the support process, he filed a complaint against his employer with the Social Inspectorate.

The victim worked in the defendant's restaurant. In the evening, he worked in the back kitchen, out of sight of the customers, and then, at night, he cleaned the restaurant. He slept above the restaurant, where there was no toilet or shower. He earned between EUR 140 and EUR 170 per week, working six days a week. He had been working there for almost two years.

During the investigation, several members of staff were able to confirm that they knew the victim. There were photographic documents and sound recordings.

The defendant threatened the victim and his family in Egypt during the investigation.

The opposing party argued that the employee of the reception centre had regularly contacted the inspection services. According to the defendant, this communication was tendentious, proof that the inspection services had acted in a biased manner. However, the judge declared that there was no reason to conclude that the inspection services had lacked objectivity. The defendant also argued that the labour prosecutor had acted unfairly and influenced a witness. Here again, the court stated that there was no reason to believe that the witness had made false statements.

The defendant was acquitted of the charge of human trafficking. The court was unable to deduce from the criminal case file that the victim had been employed in conditions contrary to human dignity or that there had been labour exploitation. It lacked concrete and/or objective information on the working and living conditions. There were no photographic documents, no search had been carried out and there were no direct witnesses to the circumstances. It was one person's word against another's. Even if certain elements indicated rather miserable working conditions, this was not enough, in the court's view, to conclude that it was a case of human trafficking.

The court considered that the victim was indeed employed in the restaurant and that the social law violations had been proven. The defendant was sentenced to a prison term and a fine. The victim did not receive compensation for lost wages since the labour prosecutor had not requested it.

465 East Flanders Crim. Court, Ghent division, 20 September 2023, ch. G29, no. 2455 (final).

Acquittal in a case involving a hotel

Brussels French-speaking Criminal Court handed down a **judgment on 28 November 2023**[466] in which three defendants, including a hotel in the form of a public limited company, were prosecuted for numerous offences under social criminal law concerning various people without residence permits and regular workers, as well as for human trafficking with aggravating circumstances with regard to one of the persons in an illegal administrative situation. The victim was a Tunisian man who filed a civil suit. He was supported by a specialised reception centre for victims of trafficking, as well as by Samusocial. The offences were committed between November 2017 and August 2018.

The investigation began following a complaint for non-payment filed by one of the hotel's workers with the Social Inspectorate in February 2018. During an inspection of the establishment carried out by the Social Legislation Inspectorate (CLS) in March 2018, the inspector noticed the presence of mattresses and a bad smell in the laundry room, as well as that of two people folding laundry, one of whom, unidentified, had avoided the inspection on the defendant's instructions to go on an errand. Then, during a National Employment Office (ONEM) check in September 2022, two workers were again found to be at work. The defendant contested their being put to work and claimed that they were washing their own clothes.

The first Belgian defendant, the niece of the second defendant, held 1% of the shares in the company. Having never taken part in the activities of the company or in the running of the hotel, and having never been paid in this context, the court acquitted her of all charges, considering that she could not be considered as an employer, representative or employee within the meaning of social criminal law with regard to the hotel's workers.

The second Belgian defendant, born in Morocco, held 99% of the shares in the company. In parallel with his commercial activity, he supplied food and accommodation to the homeless and migrants.

The plaintiff, a Tunisian woman, had left Tunisia in 2014 and travelled through Greece before living in Germany for two and a half years, and then coming to Belgium through a ride-sharing service. She met the defendant in 2017.

According to several hearings of the parties and other workers, the plaintiff was accommodated in the laundry room and in a room when it was available. She was gradually given the responsibility of managing the migrants and did the shopping, folded the laundry, cleaned the rooms, emptied the bins, brought the staff meals, prepared the breakfast and distributed it to the migrants. The victim stated that she had been poorly paid, up to EUR 30-50 some weeks[467],while the defendant denied the existence of any work. The plaintiff stated that she had been required to remain available at all times, had only been able to sleep three to four hours a night and had been subjected to aggressive behaviour by the defendant. The statements were corroborated and contradicted by those of other workers at the hotel. Furthermore, the court considered that the obvious animosity expressed towards the defendant by the worker, corroborating the victim's statements, cast doubt on his statements.

The Belgian defendant and the company were acquitted of the charge of trafficking, as the court ruled that this did not constitute the exploitation of the labour of others. The court considered that the precarious accommodation offered to the migrants, which did little to respect their human dignity, did not constitute payment for their work and that the defendant did not make access to this accommodation conditional on carrying out any kind of work. The services provided by the migrants were considered to be one-off and carried out on a humanitarian and mutual basis in the context of the migrants' cohabitation. They do not fall under the concept of work within the meaning of Article 433quinquies of the Criminal Code or of work within the meaning of social criminal law. The court noted, however, that the plaintiff's speech was clear, precise and detailed.

The two defendants were acquitted of some of the offences under social criminal law, in particular those against the plaintiff, as it could not be proven that he had performed any work[468]. In particular, they were acquitted for the charge of failing to immediately report a serious workplace accident with regard to the plaintiff. The court ruled that it was not a work-related accident, as it could not be assumed that he had been employed by the defendant. The victim had stated that he had had an accident while moving a mattress in the defendant's house, resulting in an inability to work for more than four months, because of the resulting lumbar and hip problems and depression.

466 Brussels French-speaking Crim. Court, 28 November 2023, 69th ch. (appeal).
467 The pecuniary damage was calculated by the Social Legislation Inspectorate (CLS) at more than EUR 20,000 gross.
468 However, they were convicted of several social criminal law offences against other workers.

The defendant and the hotel were respectively convicted of the social criminal law offences with which they were charged, and were given a fine of EUR 32,000 and EUR 128,000 euros with a partially suspended sentence and, for the charge of obstruction of surveillance, a fine of EUR 4,800 and EUR 32,000 with a partially suspended sentence of more than four months, in view of the lumbar and hip problems and depression.

2.3.4. Cleaning

A case in the cleaning sector was tried by **Namur Criminal Court** on **11 October 2023**[469]. A Belgian defendant was prosecuted for various offences under social criminal law[470] as well as aggravated smuggling with regard to a Brazilian worker. She had no residence permit and filed a civil suit. She was received by a specialised reception centre for victims of human trafficking. The offences were committed in Namur between 2013 and 2019.

The plaintiff arrived in Belgium in 2011 with her daughter on a tourist visa to work in her sister and brother-in-law's cleaning company, which operated in a retirement home. She then worked regularly, undeclared, for the defendant, who had taken over the cleaning company as manager. The investigation began following a complaint filed by the plaintiff for non-payment of her wages on time. In particular, she stated that when she fell ill, the defendant refused to pay her and insisted that she continue working, as he feared losing his contract with the retirement home.

The defendant only contested the smuggling charge, citing unavoidable error, good faith and exclusively altruistic intent. However, the court ruled that the charge had been established, considering that it was clear from the case file that he was aware of the plaintiff's illegal residence situation. The defendant knowingly and voluntarily contributed to enabling her stay by giving her a job, in violation of Belgian legislation on residence, and derived a financial benefit from this, resulting from the non-payment of wages and social security contributions in the context of this illegal employment.

The court based its reasoning on the promise of employment signed by the defendant for the benefit of the plaintiff within the context of her application to regularise her residence status, on his own hearing and on the absence of any attempt to regularise her social security status while she was employed by him.

The plaintiff sought compensation for non-pecuniary damages, which she justified by invoking working and housing conditions contrary to human dignity, which were contested by the defendant. The court considered the non-pecuniary damages unjustified in concreto due to: the absence of moral violence, coercion and conditions contrary to human dignity on the part of the defendant; the absence of a link between the irregular payment of remuneration and the irregular status of the plaintiff; the mutual advantage in the system of undeclared work; the amount of the fixed remuneration at EUR 10 net per hour, not indicative of exploitation; the friendly relationship between the two parties; the defendant's agreement to guarantee the lease of the plaintiff and to assume the consequences thereof.

The defendant benefited from a three-year stay of sentencing and was ordered to pay the plaintiff EUR 1 in non-pecuniary damages and EUR 4,947 in pecuniary damages.

2.3.5. Agriculture

Labour exploitation of Albanian victims on an asparagus farm

In a **judgment handed down on 20 July 2023** partly in absentia, **Tongeren Criminal Court**[471] ruled on a case of human trafficking that took place on an asparagus farm in Limburg in 2018. Several Albanian workers were being exploited. Four defendants were prosecuted, including for trafficking and smuggling of human beings: two Belgian companies (the first and second defendants), a Dutch woman (the third defendant) and a Belgian man (the fourth defendant). The real employer, a Belgian partner of the third defendant, died during the investigation, so the charges against him were dropped.

469 Namur Crim. Court, 11 October 2023, 12th ch. (final).

470 Employment of foreign labour without residence permits, failure to make Dimona declarations, failure to make declarations with a view to evading social security contributions, non-payment of social security contributions, failure to draw up individual accounts and non-payment of wages.

471 Limburg Crim. Court, Tongeren division, 20 July 2023,ch. 12K (final and in absentia).

The workers were brought to Belgium and stayed there illegally. They were recruited in their own country and brought here by the fourth defendant. They worked long hours for a very low wage, part of which they also had to hand over for rent. They lived in appalling conditions and sometimes went hungry because they depended on their employer to pay their wages.

The partner of the deceased employer was acquitted due to insufficient evidence of her involvement in the activities and her knowledge of the operation.

As for the other defendants, the court found that the acts had been proven. It believed that the fourth defendant was aware of the offences and intended to participate in them. The fact that he did not personally benefit from any direct or indirect financial benefit was of little importance, according to the court.

The two companies were also sentenced in absentia to heavy fines of EUR 672,000. The court also ordered the permanent and complete closure of the companies. The building in which the acts took place was confiscated.

The fourth defendant was sentenced in absentia to three years in prison and a fine of EUR 448,000.

2.3.6. Domestic work

Domestic work for diplomats

In a **judgment handed down on opposition on 22 June 2023**[472], **Brussels Dutch-speaking Criminal Court** took another look at a case of domestic work, which had already been discussed in a previous annual report.

The defendants were a Kuwaiti couple of diplomats. They were prosecuted for human trafficking for the purposes of labour exploitation, non-payment of wages and other social law violations. At first instance, the court had ruled that the trafficking acts were proven and had convicted the couple in absentia[473].

In the meantime, the defendants had returned to Kuwait and had lodged an opposition.

The victim, a refugee from Ethiopia, fell into the hands of human traffickers and ended up with the defendants in Kuwait. She started working as a domestic worker in 2012. In 2017, she followed the family to Belgium.

The victim had to work seven days a week and be ready to serve the family 24 hours a day. She had no contact with the outside world, no private life and hardly any personal belongings. She earned almost nothing. She had to eat the leftovers from the family meals. If the family members were angry, they insulted her. She could not leave the house. All the doors were locked when the family was not there. The couple had confiscated her passport. She was only able to escape because the couple had accidentally left the keys in the door overnight. She fled and then found refuge at PAG-ASA.

Based on these facts, the court ruled that human trafficking with aggravating circumstances had been proven. The victim was completely dependent on the defendants, which made her a prisoner in reality. They had brought the victim over on a tourist visa, even though there is a specific procedure with certain conditions for diplomatic domestic staff. It is unlikely that the couple were not aware of this.

The victim and PAG-ASA filed a civil suit. The victim was awarded compensation for pecuniary damage (EUR 33,327.44 in back pay) and non-pecuniary damage (EUR 5,000). PAG-ASA's claim for compensation was declared unfounded[474].

2.3.7. Football

In a **judgment handed down on 30 June 2023, Brussels French-speaking Criminal Court**[475] convicted an Ivorian defendant of human trafficking against a young Ivorian man, the plaintiff, and of breach of trust, practising as an unlicensed football agent[476] and money laundering. A second person, a Belgian, was also involved in the charge of money laundering.

472 Brussels Dutch-speaking Crim. Court, 22 June 2023, ch. 25N (appeal).

473 Brussels Dutch-speaking Crim. Court, 15 December 2021, ch. 25N: see Myria, *Annual report 2022 – Trafficking and smuggling of human beings, Bound by debt*, p. 85 and Myria's website (case law).

474 Oddly, the court considered that it did not see to what extent the centre had suffered non-pecuniary damage.

475 Brussels French-speaking Crim. Court, 30 June 2023, 49th ch. (final).

476 The defendant was claiming a false position and was not officially registered in accordance with Walloon and Brussels legislation.

A Belgian public utility foundation whose main social objective is to combat human trafficking also filed a civil suit. The offences were committed in Brussels and Sweden between 2016 and 2019.

The victim travelled to Belgium on a short-stay visa in 2013 to try out for a Brussels club, through an agent for Belgian players who had a football academy in Ivory Coast. As the trial was unsuccessful and the visa was about to expire, he had to return to Ivory Coast. In 2014, the managing director of the anti-trafficking foundation (plaintiff), met the young man in Ivory Coast and decided to bring him back to Belgium as a student. With the help of the managing director and her contacts, in particular the Belgian players' agent, he was able to train successively in two other Brussels clubs and a club in Charleroi. However, as the latter could not keep him in the longer term, the agent suggested a solution in a club in Sweden through an occasional Ivorian partner (defendant), who regularly worked there and had family there.

A 'declaration of commitment' was signed between the managing director and this Ivorian 'agent', in which the latter undertook to obtain a professional football contract with the Swedish club, in return for the payment of EUR 30,000 by the foundation, specifying that this sum corresponded to 12 months' salary and accommodation for the plaintiff (EUR 2,500 per month). The young man arrived in Sweden in September 2016 and obtained a Swedish residence permit by signing a professional contract with the Swedish club. However, the young man was given a shared room for a rent of EUR 500 and only received part of his salary in the first few weeks before receiving nothing at all, neither from the defendant nor from the club, as most of the money had been distributed among the defendant's family members. He then had to leave the shared accommodation and stay in a hotel, supporting himself. The victim finally returned to Belgium in March 2017, thanks to his girlfriend's meagre savings. After being ordered by the foundation to repay the EUR 30,000, and the defendant signing an acknowledgement of debt, the defendant repaid the amount in two instalments. Firstly, through the Belgian agent himself, who owed a sum to the defendant. Then, through the second defendant, a young Belgian street educator with a passion for professional football who regularly provides services to certain footballers in exchange for their consideration and free tickets.

Considering the first defendant as a father figure, this young man agreed to make the transfer through his local newsagent in Brussels, in order to avoid the traceability of the financial movement.

Based on the victim's testimony and the chat correspondence between the managing director and the victim, the court took into account the following conditions contrary to human dignity: the lack of a salary, difficulty in accessing food, deprivation, the lack of equipment and clothing suitable for the weather conditions, the need to beg for the solidarity of his teammates and the transport conditions. The aggravating circumstance of abuse of vulnerability was accepted by the court, which noted the lack of a bank account, the isolated accommodation, travel difficulties, the precarious residence situation, the lack of language skills and the social isolation. In his capacity as intermediary, the first defendant transported, transferred, accommodated and received the victim, as well as transferring control over the latter to the Swedish club, for the purpose of exploitation, which he did not dispute. The court noted that the victim's training, regardless of his participation in matches, constituted work expected of a young man aspiring to a career in professional football.

According to the court, "the acts denote an exclusive focus on greed without regard for the ethical aspects of this sports transfer market, the 'raw material' of which, however, is mainly made up of young and often vulnerable people". The first defendant was given a one-year suspended prison sentence and fined EUR 8,000, and ordered to pay the plaintiff EUR 12,226 for pecuniary damage[477] and EUR 1,500 for non-pecuniary damage. The second defendant, prosecuted for money laundering, benefited from a simple suspension of sentencing for two years.

477 The court ordered that the sum of EUR 14,600 deposited with the Deposit and Consignment Office be released in favour of the plaintiff, and ordered the defendant to pay the difference between the amount released and the total amount due to him as pecuniary damages plus compensatory interest.

2.4. Forced criminality: application of the non-punishment provision

Acquittal of a Vietnamese national recognised as a victim of human trafficking for drug offences on a cannabis farm

In a **judgment of 22 June 2023, Hasselt Criminal Court**[478] convicted a gang of drug traffickers made up of several defendants of Dutch, Turkish and Vietnamese nationality, for growing and selling cannabis.

One of the defendants, a Vietnamese national convicted in absentia, was recognised as a victim of human trafficking[479]. He was receiving support from a specialised centre.

The victim seemed unaware of the charges against him and lodged an opposition to the judgment. In a **judgment of 5 October 2023 handed down on opposition**[480], the victim was acquitted of the drug-related charges due to his status as a victim. The public prosecutor had also requested his acquittal.

The judge based his decision in part on the victim's statements and on the circumstances in which he had been found by the police during a search. He considered that the ground for acquittal for victims of human trafficking, provided for in Article 433quinquies, §5 of the Criminal Code, had been met.

3. Human smuggling

The following points present a case involving defendants of various nationalities, and two cases involving a network of Iraqi and Surinamese smugglers respectively.

The first case concerns international smuggling using rented commercial vehicles, cars and vans, as part of a criminal organisation involving some 30 defendants.

Myria also discusses an appeal decision relating to a case whose decision at first instance had already been discussed in its previous annual report. This case concerns a travel agency that smuggled Surinamese nationals into Belgium. Finally, the third case concerns the transport of nautical equipment by an Iraqi network from Germany with a view to illegally crossing the English Channel.

3.1. Smuggling using vehicles within the framework of a criminal organisation involving some 30 defendants

Liège Criminal Court handed down a **judgment on 13 December 2023**[481] convicting numerous defendants in connection with a criminal organisation involved in large-scale international human smuggling using rented commercial vehicles, cars and vans. The case concerns smuggling from Turkey to Italy or Austria, via the Balkan route or via border crossings between countries such as Slovenia, Croatia, Hungary or Bosnia and Herzegovina. In reality, the criminal organisation autonomously supervised a limited part of the people's journey and was included in a larger structure, managed in Turkey, which organised the journey from the country of origin to other European countries. Some 30 defendants, the majority of whom were Belgian nationals, were prosecuted. Ten of them were from the Liège region. The other defendants were French, Congolese, Armenian, Iranian, Bulgarian and Turkish. Thirteen defendants failed to appear at the trial.

Several hundred Afghan, Iranian, Iraqi, Syrian, Turkish, Bangladeshi, Pakistani, Indian and Egyptian victims, including minors, were involved. All of them were staying illegally. The convoys could involve several dozen people at a time. They were packed in, without seats or seat belts and without ventilation.

478 Limburg Crim. Court, Hasselt division, 22 June 2023, ch. 16D (opposition).
479 Based on the information provided by the reception centre, Myria understands that the human trafficking case was subsequently closed with no further action taken.
480 Limburg Crim. Court, Hasselt division, 5 October 2023, ch. 16D.
481 Liège Crim. Court, 13 December 2023, ch.19bis (appeal).

The head of the organisation stated that the people transported had to pay EUR 2,000 to 5,000 for the journey between Croatia and Italy, and much more for their entire journey from their country of origin.

The investigation began in October 2020 after the arrest, in Croatia and Slovenia, of several people living in the Liège region who were intercepted in vehicles, particularly those registered in Belgium, transporting would-be migrants. The case was the subject of a European Investigation Order. In addition to becoming acquainted with the investigations conducted by the foreign authorities, phone investigations, bank analyses, witness hearings, searches and identification of defendants through photo line-ups were carried out. Information was also provided by Europol concerning checks on several defendants at the Croatian border.

The criminal organisation was made up of a Turkish leader and about 10 members (including the leader's partner and father). Some of the defendants were also members of the same family or former colleagues.

The criminal organisation had a standard modus operandi. The broader structure, of which the organisation was a part, included people near refugee camps who were responsible for taking would-be migrants to loading points and collecting the fare. The would-be migrants were represented, from a distance, by a 'sahibi' (owner) who sometimes lodged them in buildings while waiting for them to be loaded. Their number and location were communicated to the head of the organisation, who then informed his drivers. From Belgium, the organisation defined the routes, organised the journeys and rentals, recruited drivers, geolocated and guided them, provided for their needs and made sure they were paid. The members used nicknames and different phones and SIM cards to conceal their identity. Several defendants were able to pay off debts with the money from the smuggling. The court estimated that the leader made a net profit of EUR 1,654,664.31 from the smuggling.

Some drivers transported the would-be migrants, while others drove the cars that led or followed[482].

They were recruited in the street or through word of mouth. These were inexperienced people in a precarious situation due to their state of health or financial situation[483]. The recruiters, particularly one defendant, made death threats and intimidated them. Once recruited and after handing over a sum of money[484], they were taken to a Belgian, German or Dutch rental agency in order to make the rental payment themselves. They were also provided with a phone and a SIM card, so that they could be geolocated and guided step by step via WhatsApp[485]. They were instructed to drive at high speed, without stopping before the final destination, and to film the persons transported when they were unloaded. Some drivers were under the influence of drugs. One of the convoys led to the death of a passenger following a serious accident caused by a driver who had consumed cocaine and cannabis, and was trying to escape a police check. Fifteen or so people were seriously injured. Several drivers were arrested, imprisoned or convicted by foreign courts (in Croatia, Slovenia, Austria, Hungary, etc.). The drivers were paid via money transfer organisations such as Western Union, BPN, Gonderal, Ria or via the 'Hawala'[486] and 'Mektep' systems[487].

Three defendants were repeat offenders[488]. The prosecutions relating to some of the defendants were separated due to a contradictory forensic psychiatric assessment or in order to clarify questions in the context of judgments or proceedings initiated abroad (in Slovenia and/or Croatia). Although three defendants were fully acquitted due to the non bis in idem principle, all were found guilty of human smuggling. Some of them had admitted to the acts. Several defendants were partially acquitted for certain convoys of victims. The court found aggravating circumstances in the case of several of them, namely minors, abuse of a vulnerable situation, tactics and threats, endangerment and serious negligence of the victims, habitual activity and unintentionally causing death.

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482 To report the possible presence of police checks.

483 They were drug addicts, people who were homeless, marginalised, in need or even in debt.

484 This sum of money was used to pay for the rental of the vehicles and to cover their travel expenses (petrol, food, pre-booked hotels, etc.). According to the head of the organisation, the drivers received between EUR 5,000 and EUR 10,000, while those who drove the cars that led or followed received less.

485 The drivers were not informed in advance of the destination or the itinerary, nor of the number, identity or origin of the persons being transported.

486 A 'Hawala' type system can be considered a parallel banking system for transferring money from one country to another without leaving any trace of the transaction. The system is completely anonymous.

487 'Mektep' is a Turkish term that can be translated as 'office'. It refers to a system for circulating money from smuggling. The offices receive the identity details of the would-be migrants and their payment of the sum requested for the journey. This sum is kept and released by the offices once the journey has been completed. The leader then receives the money in cash. The 'Mektep' can be located in various types of buildings abroad such as travel agencies, foreign exchange offices, jewellery shops, night shops, car washes, etc. In this case, the offices were located in Belgium, Turkey, Iran, Iraq, Egypt, Afghanistan and Syria.

488 One for robbery with violence and weapons and for aggravated robbery and criminal association; another for aggravated robbery; the last for drug offences.

Several of the defendants were charged with organised crime. Two defendants were also convicted of attempted extortion and another defendant of robbery with violence.

The defendants were sentenced to between 18 months and 10 years in prison, fines ranging from EUR 8,000 to EUR 4,552,000, both with and without (partial or total) suspension, and a five-year ban on professional activity. The court suspended the sentencing of three defendants. A confiscation of EUR 500,000 was ordered against the manager. The defendants were ordered to jointly and severally pay a definitive sum of EUR 1 to Myria, the plaintiff.

3.2. Smuggling of Surinamese migrants by a travel agency using various types of residence options

On **16 March 2023, Antwerp Court of Appeal** ruled on a case of smuggling of Surinamese nationals that had previously been tried by the criminal court in June 2022 and discussed in a previous annual report[489].

Nine defendants of Surinamese or Dutch nationality were prosecuted in this case. One of the defendants was a company, a travel agency. All were prosecuted for aggravated human smuggling and trafficking of human beings for the purposes of labour exploitation. They were also prosecuted, among other things, for belonging to or leading a criminal organisation, rape, fraud and threats.

The case concerns a travel agency with subsidiaries in Belgium, the Netherlands and Surinam, which served as a hub for the smuggling of migrants, both children and adults, mostly of Surinamese origin.

Following a number of reports from the Immigration Office and findings by the local police, the case was opened by the federal judicial police (FJP) in Antwerp.

Every time it smuggled people into Belgium, the organisation tried to get them registered there. Depending on the situation and/or the preference of the victim, different options could be chosen (for example an asylum application, family reunification or economic migration). People who were smuggled would pay between EUR 10,000 and EUR 20,000 for this. The organisation also offered an 'all-in' package with support throughout the travel and accommodation process.

The members of the criminal organisation all had different tasks and roles, ranging from direct contact and discussions with the victims to the collection of funds and their deposit in the travel agency's account, including the search for, visit to and rental of suitable premises, the creation of files, including communications and photographs, the preparation of interviews at the Immigration Office and transport to Brussels, the drafting and signing of false employment contracts to establish solvency, or even the provision of vehicles.

The court ruled that it was proven that all the defendants had knowingly participated in and/or contributed to the smuggling activities and that these were not sporadic contacts or chance collaborations. The actions they had taken to support the victims were not motivated by humanitarian considerations, since large sums of money had to be paid. Finally, the court emphasised that, even if some defendants had not benefited from financial benefits, the leaders of the network had in any case earned money thanks to the participation of the co-defendants in the smuggling activities.

The defendants were found guilty of human smuggling. The main defendant was also found guilty of human trafficking for the purposes of labour exploitation of a victim. The court ruled that the conditions of employment were indicative of labour exploitation. She was working illegally, residing in the country without authorisation, had no social protection and did not receive a regular salary in proportion to the services provided, but only minimal and variable compensation.

489 Antwerp, 16 March 2023, ch. C6. See Antwerp Crim. Court, Antwerp division, 28 June 2022, ch. AC10: Myria, *Annual report 2023 – Trafficking and smuggling of human beings, A chain of responsibilities*, p. 141 and Myria's website (case law).

The consent of the person involved in the exploitation was irrelevant in this respect. The rape of the victim was also considered proven by the court. Another defendant was also convicted of raping another victim of human smuggling.

The three main defendants were sentenced to prison terms ranging from four to eight years and fines of EUR 448,000, some of which were suspended. The other defendants were sentenced to prison terms ranging from two to four years and fines ranging from EUR 440,000 to EUR 448,000, some of which were suspended. The company was fined EUR 1,920,000. The court ordered the dissolution of the company, which had been deliberately set up to carry out criminal activities. The company had gone bankrupt in the meantime. A confiscation of the financial benefit was ordered up to the amount of EUR 115,000.

The public prosecutor and five defendants appealed the decision.

The court of appeal partially upheld the judgment of the criminal court. It acquitted the defendants of some acts of human smuggling due to insufficient available information. In addition, it limited the periods of incrimination of several other charges including human smuggling. Based on this assessment, the court reduced the prison sentences of some defendants by one year and reduced the fines imposed on all defendants who had appealed, with a partial suspension for some of them.

3.3. Transport of nautical equipment from Germany

On **18 October 2023**, 21 defendants were tried by **Bruges Criminal Court** for human smuggling with aggravating circumstances and criminal organisation, one of them in absentia[490]. The defendants, mainly of Iraqi nationality and residing in Germany, were prosecuted for their involvement in the transport of inflatable dinghies and other nautical equipment from Germany with the aim of reaching the United Kingdom illegally. Myria filed a civil suit.

The case is linked to an older case concerning the transport of nautical equipment from Germany, in which three people were already convicted of human smuggling[491]. The defendants' responsibility in this new case was gradually revealed thanks to an in-depth phone investigation and the accidental delivery of nautical equipment to the wrong address in the German city of Osnabrück. The German police then managed to get their hands on nautical equipment storage sites and arrest several defendants. The smugglers' network was then mapped out in more detail thanks to statements, observations, searches, phone tapping, interceptions, analysis of images from ANPR cameras and mobile phone records. WhatsApp conversations found on some of these phones revealed, among other things, that one of the defendants did not hesitate to resort to violence.

The activities of the international network of smugglers extend from Turkey to France, via Germany and Belgium. The defendants were responsible for various tasks, including the purchase of nautical equipment, the rental or letting of warehouses, the loading and unloading of equipment, the preparation and execution of transportation, the organisation of crossings of the English Channel and the settlement of payments.

The court confirmed the classification of the acts as human smuggling with aggravating circumstances. The lack of personal financial benefit cited by some of the defendants was rejected as irrelevant. On the other hand, the court emphasised the aggravating circumstances that accompanied the acts of smuggling. These include the scale of the organisation and the fact that the profit motive takes precedence over the age or condition of the person being smuggled. The court also emphasised that the people who participated in the smuggling of the equipment must have been aware that they were endangering the lives of the migrants, given the modus operandi of using inflatable dinghies and the appalling quality of the boats, engines and life jackets found. It was common knowledge that people had lost their lives in these circumstances and drowned in the North Sea. The court considered that the smuggling of nautical equipment had been committed with the sole aim of making a lot of money at the expense of very vulnerable people.

490 West Flanders Crim. Court, Bruges division, 18 October 2023, ch. B.17 (appeal).

491 West Flanders Crim. Court, Bruges division, 22 June 2022, ch. B.17 (appeal):see Myria, *Annual report2023 – Trafficking and smuggling of human beings, A* chain of *responsibilities*, p. 135 and Myria's website (case law).

One of the defendants was acquitted due to lack of evidence against him. Another defendant had already been convicted in France for similar offences, but could not benefit from the application of the non bis in idem principle, as he had remained active within the smugglers' network both before and after the offences for which he had already been convicted in France.

All the defendants – with the exception of one person – were sentenced to prison terms ranging from 30 months to 11 years and fines ranging from EUR 8,000 to EUR 80,000 ('décimes additionnels' included), sometimes with a (partial) suspended sentence. With regard to six defendants, the court ordered the special confiscation of the financial benefits derived directly from the offence, including an amount of GBP 157,000.

Myria obtained EUR 5,000 in compensation.

4. Recognition of refugee status for victims of human trafficking

The **Council for Alien Law Litigation (CALL)** recognised a woman of Ivorian nationality, of Bono ethnic origin, as a refugee in a **ruling of 15 June 2023**[492]. The woman had stated that she had been recruited by a network of smugglers in Ivory Coast to work in Europe. Once she arrived in Belgium, she was required to reimburse the travel expenses advanced by the smugglers. She was in fact the victim of human trafficking for the purposes of sexual exploitation. She had stated that she had run away when she was sent to work on the street for the first time. She suffered from serious psychological problems due to the traumatic experiences.

Her asylum application was initially rejected by the Office of the Commissioner General for Refugees and Stateless Persons (CGRS), on the grounds that her account was implausible and that she did not have a well-founded fear of persecution or a real risk of serious harm if she returned to her country of origin. Following her appeal against this refusal, CALL recognised her as a refugee because she belonged to the social group of women. CALL considered that the persecution experienced in her country of origin, i.e. various gender-based acts of violence[493], directly extended to the acts of human trafficking of which she was a victim in Europe. CALL based its decision on the fact that the trafficking originated in Ivory Coast and was gender-based, like other forms of violence suffered in the country of origin. It therefore constitutes serious evidence of the risk of further gender-based persecution if the victim returns to the country.

In another **decision, handed down on 8 September 2023**[494], CALL recognised a young woman of Guinean nationality, of Sousou ethnic origin, as a refugee. Two applications for international protection had been refused by the CGRS. After the public prosecutor's office decided not to follow up on a complaint of human trafficking[495], the person had submitted a third application for international protection. The person had been the subject of a specific follow-up in Belgium within the framework of the legislation on human trafficking. Several medical documents explain that the sexual, psychological and physical violence experienced by the person in Belgium had rekindled the symptoms related to the serious sexual violence she had experienced at the age of nine at the hands of her cousin in Guinea. She expressed fears of persecution from this cousin's family as well as from the Guineans with whom she had lived in reception centres in Belgium. CALL considered that the person's explanations regarding her experience as a victim of human trafficking were plausible and recognised her as a refugee because she belonged to the social group of women.

Finally, in **two decisions**, CALL excluded perpetrators involved in human trafficking or smuggling from refugee status and subsidiary protection[496].

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492 CALL, 15 June 2023, decision no. 290 331.

493 The victim stated, in particular, that she had been treated as an illegitimate child; that she had been entrusted to the husband of her cousin following the death of her father; that he had sexually abused and exploited her in the home; that she had become pregnant as a teenager and had been rejected by her family because she had been born out of wedlock; that she had lost her child to illness; refusing to enter into a forced marriage with another man proposed by her uncle and, following her refusal, being subjected to violence that caused her to partially lose her sight; having also been harassed by a former partner.

494 CALL, 8 September 2023, decision no. 293 981.

495 Given the difficulty of identifying the perpetrators in view of the length of time that has elapsed since the acts.

496 One decision concerned a person of Afghan nationality following a conviction in Hungary for acts of human smuggling (CALL, 14 April 2023, decision no. 287 566). In another decision, a Nigerian national was convicted in the Netherlands of human trafficking for the purposes of sexual exploitation (CALL, 20 March 2023, decision no. 286 311).

Part 3
Data



Introduction

This part of the report contains the key figures Myria requested from a range of relevant stakeholders in the field of human trafficking and smuggling in Belgium. It presents the most recent data on the subject and, insofar as it is possible, a comparison with figures from previous years in an effort to place them in a broader perspective.

The stakeholders who gave Myria their figures are:

- The federal judicial police, with information taken from the National General Database (NGB);
- The National Social Security Office's inspection service (NSSO, 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 et Sürya : centres specialised in the reception and support of victims of human trafficking and aggravated forms of human smuggling; since March 2023, Myria has had access to anonymised data from the three centres via the MyEldo digital platform, a tailor-made system to manage cases within the centres and provide a better picture of victims in Belgium.
- The Criminal Policy Department (CPD) of FPS Justice, with information on final convictions.

This part then examines three subjects in greater depth:

1. An external contribution from the NSSO's inspection service (Thematic Directorate for Trafficking in Human Beings) provides more detailed statistics on investigations carried out by the ECOSOC teams in 2023;

2. An external contribution from the International Organization for Migration (IOM) Belgium and Luxembourg explains how the IOM Assisted Voluntary Return and Reintegration programme works and describes the victims of trafficking to whom IOM Belgium and Luxembourg has provided assistance through this programme in 2022 and 2023;

3. Finally, in collaboration with Esperanto and Minor-Ndako, Myria draws up a picture of the (presumed) child victims of trafficking and aggravated forms of human smuggling that Esperanto and Minor-Ndako have received and supported in recent years. This is in accordance with Recommendation 94 of the Special Parliamentary Commission responsible for evaluating legislation and policy on human trafficking and smuggling. In addition to improving statistics on minors, Myria has been asked to include a report specifically targeting child victims with each annual report. This contribution is an initial response to this request.

Please note:

- The figures in this report in no way reflect the true extent of the phenomenon of human trafficking and smuggling. They only relate to the facts, the victims and the perpetrators identified as such by the authorities. No statement can be made about unidentified acts.
- These figures and their evolution provide information on the authorities' actions to combat human trafficking and smuggling rather than on these phenomena as such.
- The figures of the various stakeholders are not harmonised with each other and in no way give a coherent and uniform picture of these criminal phenomena. This limits the possibilities of evaluating policies, of contributing to strategic analyses and of reporting to the European institutions. It goes without saying that Myria collaborates with the stakeholders mentioned with a view to gathering the highest quality figures possible.

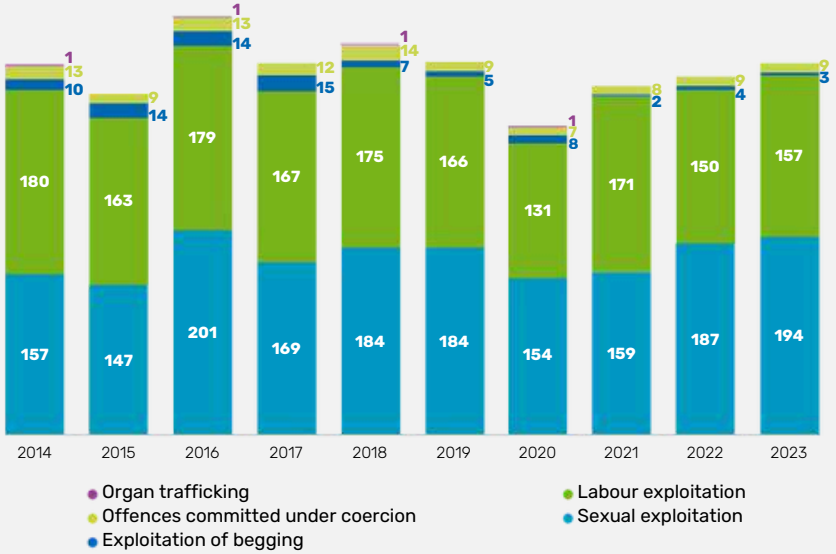
1. Human trafficking

Human trafficking offences (police data)

In 2023:

- 363 human trafficking offences were detected by the police, a figure comparable to last year's.
- Sexual exploitation (54%) and labour exploitation (43%) remain the most detected human trafficking offences.
- Nine cases of forced criminality were also detected, as well as three cases of exploitation of begging.

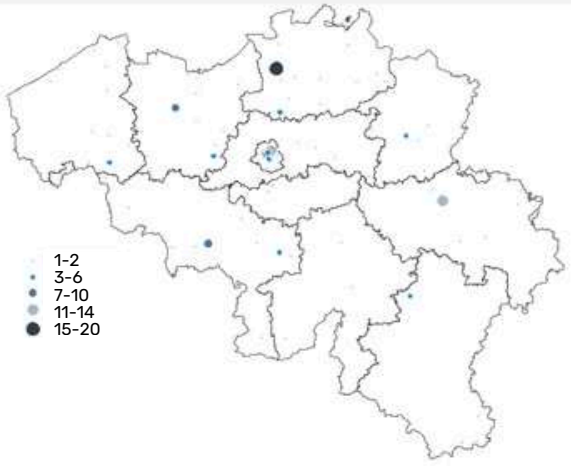
Human trafficking offences recorded in 2014-2023



Sexual exploitation offences recorded

In 2023, **sexual exploitation** was most often detected in the Brussels-Capital Region (38 offences in the 19 municipalities) and in the cities of Antwerp (20), Liège (14), Ghent (9), Mons (8) and Charleroi (6).

Also see the geographic distribution in Belgian towns and municipalities on the map on the right.

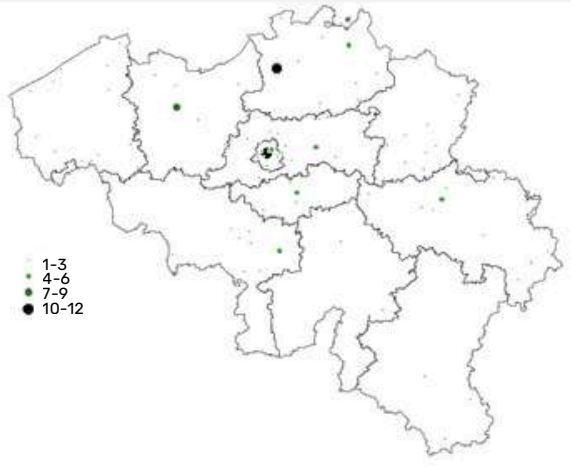


Provinces & Brussels-Capital Region	Number of offences
Brussels-Capital Region	38
Antwerp	38
East Flanders	24
West Flanders	19
Hainaut	24
Liège	21
Limburg	11
Luxembourg	6
Flemish Brabant	6
Namur	4
Walloon Brabant	3
Total	**194**

Labour exploitation offences recorded

The majority of trafficking offences for the purpose of **labour exploitation** were recorded in the Brussels-Capital Region (29 offences in the 19 municipalities) and in the cities of Antwerp (12), Ghent (7), Charleroi(6),Liège (5) and Turnhout (5).

Also see the geographic distribution in Belgian towns and municipalities on the map on the right.



Provinces & Brussels-Capital Region	Number of offences
Brussels-Capital Region	29
Antwerp	26
Liège	19
West Flanders	17
Flemish Brabant	16
Hainaut	13
East Flanders	13
Walloon Brabant	10
Limburg	9
Luxembourg	3
Namur	2
Total	**157**

Source : National General Database, Police

NSSO inspection (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, that were referred 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).

›› *For more information on the results of the NSSO's inspection services, see the external contribution at the end of this part.*

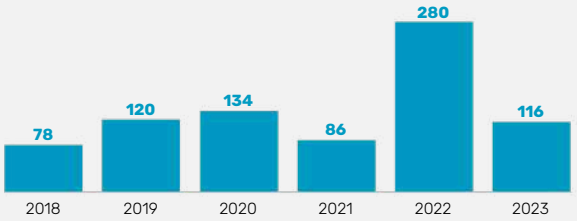
Not all of the closed investigations were opened during the same calendar year. Some investigations take several months or years to complete. This is also why the number of presumed victims stemming from closed investigations is not the same as the number of presumed victims stemming from the checklists.

Presumed victims in closed investigations



In 2023, 299 presumed victims of trafficking were referred to the judicial authorities after the investigation was closed. That is nearly three times more than in 2022. The large group of Turks, Filipinos and Bangladeshis referred may be linked to the Borealis case, in which the inspection services found forms of exploitation on the construction sites of the petrochemical firm. The vast majority of victims are men (285, i.e. 95%).

Checklists drawn up



There were 116 checklists in 2023. This brings the number of presumed victims detected back to the level prior to 2022. The sharp increase at the time was due to large-scale offences detected over the summer on a construction site belonging to the chemical firm Borealis.

Nationality	Construction	Other	Retail sector	Garages	Hospitality	Agriculture & horticulture	Other personal services	Land transport	Wholesale sector	Total
Turkey	87							2		89
Philippines	59			2						61
Bangladesh	30									30
Morocco	4	5	14	1	1	2				27
Ukraine	18									18
Afghanistan			2	10						12
Belgium		7				1				8
Ghana		6								6
Colombia		5								5
Brazil		2			1		1			4
El Salvador		4								4
Iran	2				2					4
Moldavia	4									4
Guinea -Bissau	3									3
Poland	3									3
India	1		1							2
Macedonia	2									2
Others	3	4	3		1		2	1	3	17
Total	216	33	20	13	5	3	3	3	3	299

Nationality	Construction	Other	Retail sector	Garages	Agriculture and horticulture	Hospitality	Land transport	Domestic staff	Total
Morocco		2	13		1	2		3	21
Philippines	21								21
Afghanistan			3	10					13
Belgium		7		1	1				9
Ghana		6							6
Colombia		5							5
El Salvador		4							4
Guinea-Bissau	3								3
Moldavia	3								3
Romania	1				2				3
Brazil		2							2
Bulgaria					2				2
India	1		1						2
Macedonia	2								2
Spain			1			1			2
Turkey							2		2
Others	5	7	1			2	1		16
Total	36	33	19	11	6	5	3	3	116

Source: NSSO inspection service (ECOSOC) teams

Human trafficking cases submitted to the public prosecutor

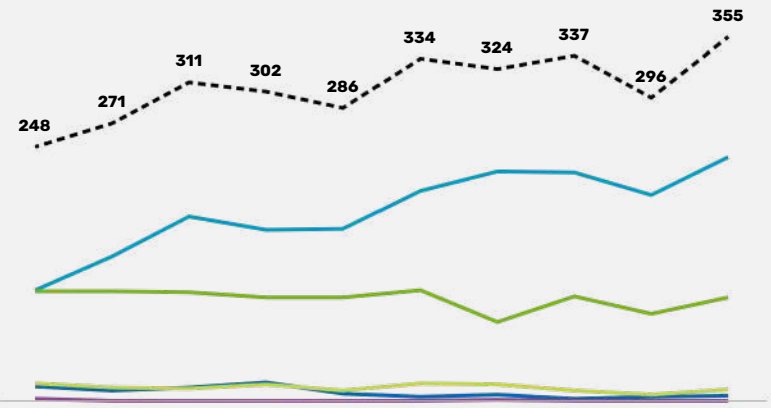
Notes on methodology

- A significant number of encoding errors were recently identified in the jurisdiction of Mons. More specifically, a large number of criminal cases were wrongly encoded under the heading 'forced criminality', when in reality they were marriages of convenience. The public prosecutor's office has indicated that it will correct this error, but the exact extent of the error can only be determined at the time of the next data extraction.
- Following the aforementioned encoding error, criminal cases within the jurisdiction of Mons have been excluded from the analysis below in order to verify the evolution over time of the number of criminal cases of human trafficking within the public prosecutors' offices.

A **new criminal case** is opened on the basis of an initial police report (PR). A new criminal case can also be opened on the basis of a complaint, with or without a civil suit being filed. No new criminal case are opened on the basis of a subsequent PR.

In 2023 :

- The criminal prosecutors' offices received 355 criminal cases related to human trafficking, i.e. the highest number in the past 10 years.
- The main driver behind this upward trend can be found in the criminal cases related to sexual exploitation.



	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
Sexual exploitation	108	141	180	167	168	205	224	223	201	238
Labour exploitation	107	107	106	101	101	108	77	102	85	101
Exploitation of begging	14	10	13	18	7	4	6	2	4	5
Offences committed under coercion	17	13	12	16	10	17	16	10	6	11
Organ trafficking	2	0	0	0	0	0	1	0	0	0
-- Total	248	271	311	302	286	334	324	337	296	355

Notes on methodology

- The data were retrieved from the database of the College of Public Prosecutors on 6 January 2024.
- 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.
- Cases received by the Eupen prosecutor's office have only been recorded since 19 February 2019. Previous years have not been taken into account due to a problem with the harmonisation of the computer system.
- There is a risk of double counting criminal cases that are referred to another district for a decision or when they are referred to a different division of the same judicial district.
- The same case may involve one or more defendants.

Source: College of Prosecutors General database

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

- In 2023, 95 new criminal cases related to human trafficking were recorded. This figure is on the rise compared with 2022 (79) and corresponds to the order of magnitude of 2021 (92).
- This evolution is the result of the number of new criminal cases for sexual exploitation, which is of a similar order of magnitude to that of 2021.

Jurisdiction of Ghent

- The total number of new criminal cases related to human trafficking was 76 in 2023 and has thus remained relatively stable in recent years.

Federal prosecutor's office

- Recently, an increasing number of new criminal cases have been recorded by the federal prosecutor's office, even if the absolute figures remain relatively small. In line with the figures for 2022, 11 new criminal cases were recorded in 2023.
- In 2023, all but one of the new criminal cases concerned sexual exploitation.

Jurisdiction of Liège

- After falling in 2021 and 2022, the total number of new criminal cases for human trafficking increased again in 2023 (61) and returned to the order of magnitude of 2020 (64).
- This evolution is due to the increase in the number of new criminal cases in all forms of exploitation (with the exception of organ trafficking).

Jurisdiction of Brussels

- In 2023, 113 new criminal cases related to human trafficking were recorded. The highest number of new criminal cases were opened in the jurisdictions of Brussels and Mons in 2023.
- The slight upward trend observed since 2018 is continuing.
- Almost seven out of 10 new criminal cases were related to sexual exploitation (77).

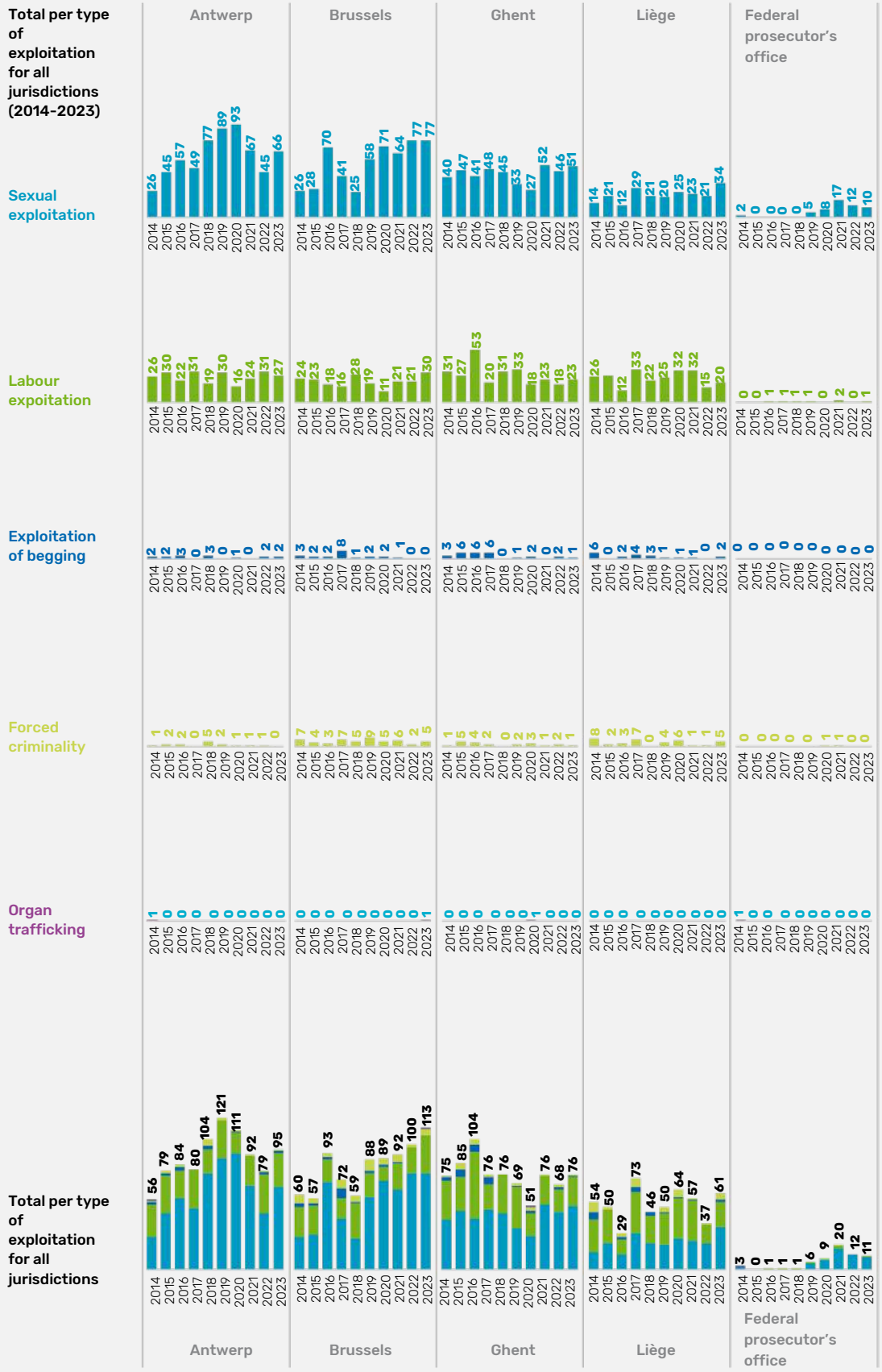
Mandates of the federal prosecutor's office

The mandate of the federal prosecutor's office consists mainly of:

- bringing prosecutions within the framework of an exhaustive list of offences referred to in Article 144ter of the Judicial Code, provided that the intervention of the federal prosecutor's office brings added value. The offences of trafficking and organised human smuggling are included;
- coordinating criminal proceedings when related cases are brought before several public prosecutors or investigative judge.

Classification of charges

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



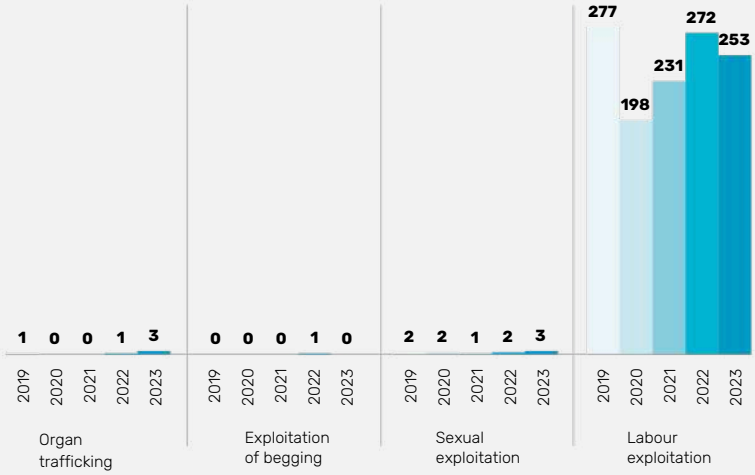
Source: College of Prosecutors General database

Human trafficking cases submitted to the labour prosecutors' offices

In 2023 :

- The labour prosecutors' offices received 259 criminal cases related to human trafficking, i.e. 6% less than in 2022.
- Given the specific powers of the labour prosecutor's office, these cases mainly concern cases of labour exploitation (253, i.e. 98%).
- However, three new criminal cases were also opened for sexual exploitation, as well as three for organ trafficking.

Cases submitted to labour prosecutors' offices for human trafficking



Labour prosecutor	New cases of labour exploitation in 2023
Ghent	61
Antwerp	56
Brussels	44
Liège	33
Hainaut	23
Hal-Vilvoorde	18
Leuven	9
Walloon Brabant	8
Eupen	1
Total	**253**

With specific regard to cases of labour exploitation:

- The cases mainly involved the labour prosecutors' offices of Ghent (24%), Antwerp (22%), Brussels (17%) and Liège (13%).
- The labour prosecutors' offices of Walloon Brabant and Eupen received the lowest number of criminal cases, with 8 and 1 cases respectively.

63% of the criminal cases received in 2023 were still at the judicial investigation stage as at 6 January 2024

Of the 259 criminal cases received by the labour prosecutors' offices in 2023, 26 were registered on 6 January 2024 as having been treated without criminal prosecution. In 23 cases, this decision was made because the case could not lead to prosecution due to lack of evidence.

164 (63%) cases were still at the judicial investigation stage on 6 January 2024.

Notes on methodology

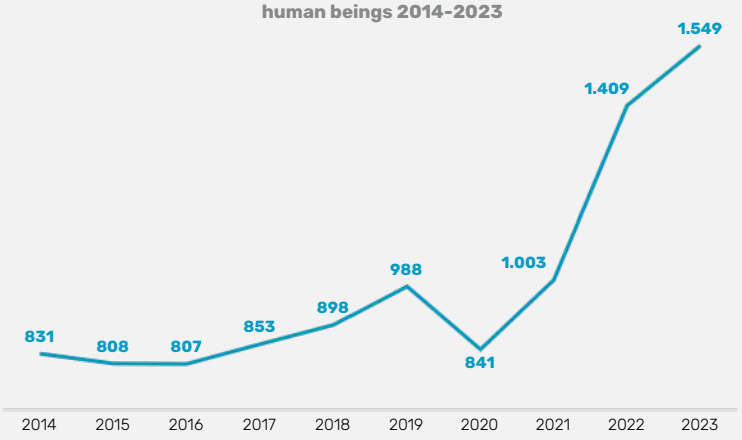
- The data were retrieved from the database of the College of Prosecutors General on 6 January 2024.
- It relates to the number of criminal cases received by the labour prosecutors' offices and is limited to offences committed by adults.
- This data is available from 2019 onwards.
- There is a risk of double counting cases that are transferred to another district for a decision or when they are transferred to a different division of the same judicial district.
- The same case may have one or more defendants.

Source: College of Prosecutors General database, analysts

Reports submitted to specialised centres

The annual **number of reports** submitted to specialised centres has increased significantly over the past few years. More than 1,500 presumed victims were reported in 2023, i.e. 10% more than the previous year.

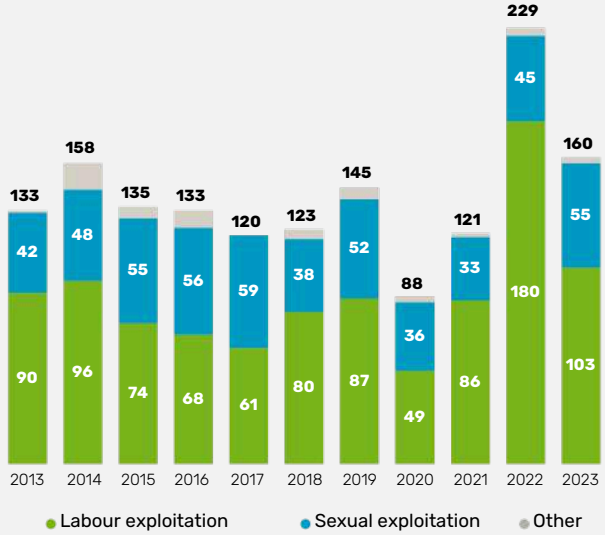
Number of reports of presumed victims of trafficking and/or smuggling of human beings 2014-2023



Source: Payoke, PAG-ASA & Sürya via MyEldo

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 2013-2023



In 2023:

- Support was initiated for 160 human trafficking victims, the second highest number in the past 10 years.
- Among these new cases of support, there were **103 victims of labour exploitation**, involving 34 different nationalities. Morocco is the nationality with the highest number in this group, with 20 victims.
- In addition, **55 victims of sexual exploitation** were able to join the support programme, the main nationalities being Brazilian(8), Colombian (7) and Nigerian (6).
- Support was also initiated for victims of forced criminality.

Support Support is discussed as soon as the first phase (period of reflection) has begun, i.e. when Annex 15 has been issued.
›› *See section "Documents issued by the Immigration Office" for more information.*

Data relating to new support does not reflect the extent of the specialised centres' work.

The support may last several years, but its duration is not discussed here as an indicator. However, the figures from the Immigration Office on the renewal of documents in the context of procedures relating to human trafficking can serve as an indicator in this respect.

Source: Payoke, PAG-ASA & Sürya via MyEldo

New support for victims of human trafficking initiated in 2023 per type and per nationality

Nationality	Labour exploitation				Sexual exploitation				Forced criminality				Total
	Women		Men		Women		Men		Women		Men		
	<18	≥18	<18	≥18	<18	≥18	<18	≥18	<18	≥18	<18	≥18	
Morocco				20		1							21
Brazil		4		2		6		2					14
Belgium				1	8	2			1	1	1		14
Colombia		1		5		7							13
Afghanistan				5			2	1					8
Romania		1		4	1	2							8
Nigeria						6							6
Albania		2		2		1							5
Iran		2		3									5
Bulgaria				4	1								5
India				5									5
Algeria		1		2		1							4
El Salvador				4									4
Philippines		1		3									4
Poland				3									3
Tunisia		2			1								3
Turkey				3									3
Vietnam		2	1										3
Moldavia						3							3
Egypt				2									2
Ghana				2									2
Hungary						2							2
Ivory Coast				2									2
Mauritius								2					2
North Macedonia					1			1					2
British Indian Ocean Territory				1									1
Burkina Faso				1									1
China		1											1
DR Congo		1											1
Ecuador				1									1
Guinea		1											1
Iraq				1									1
Cameroon				1									1
Kyrgyzstan				1									1
Kosovo						1							1
Uganda						1							1
Ukraine				1									1
Peru		1											1
Russia				1									1
Slovakia		1											1
Spain					1								1
Tajikistan				1									1
Togo						1							1
Total	0	21	1	81	13	34	2	6	1	1	1	0	161

N.B.: For a number of victims, several purposes of exploitation have been identified, which explains why the total in this table is slightly higher than the total number of separate individuals presented on the previous page.

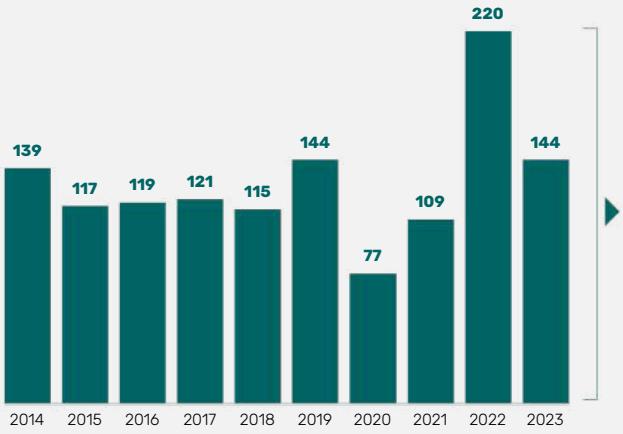
Source: Payoke, PAG-ASA & Sürya via MyEldo

Victims of human trafficking who entered the procedure (IO)

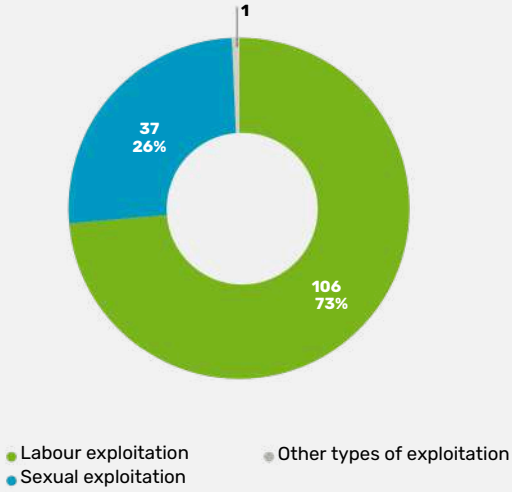
In Belgium, victims of human trafficking who agree to cooperate with the judicial authorities may be granted a specific residence status (Articles 61/2 to 61/5 of the law on foreign nationals). This is subject to three basic conditions, i.e. that the victim:

- cooperates in the criminal investigation into human trafficking;
- cuts all contact with the exploiter;
- agrees to be accompanied by one of the specialised centres.

Number of human trafficking victims who entered the procedure



THB victims who entered the procedure in 2023 per type of exploitation



After having doubled in 2022, the number of trafficking victims who entered the procedure in 2023 fell to a level in line with the totals reported for the period 2014-2019.

The category '**other types of exploitation**' corresponds to cases for which the type of exploitation has not been clearly identified by the time of the first application.

In 2023:

- 144 victims of THB entered the procedure.
- The drop compared to 2022 is mainly due to a decrease in the number of labour exploitation victims entering the procedure (106 in 2023 compared to 178 in 2022). The high number in 2022 was also due to the large-scale exploitation observed on several construction sites during the summer of 2022.
- Furthermore, 37 victims of sexual exploitation also entered the procedure, a number that has remained relatively stable over the past few years.
- According to IO data, no victim of forced criminality, exploitation of begging or organ trafficking entered the procedure in 2023. However,there is reference to 1 victim of 'another type of exploitation'.

N.B.: The Immigration Office does not wish to divulge certain information in order to prevent the identification of the parties involved.

Source: IO

Among the 106 victims of THB for the purpose of labour exploitation in 2023:

- Just over 75% are men (83). The 23 other victims are women.
- The most common nationalities among the new applications in the category of labour exploitation are Moroccans (22), Salvadorians (11), Brazilians (6), Indians (6) and Romanians (6).

Among the 37 victims of THB for the purpose of sexual exploitation in 2023:

- The victims are mainly female (34), although there are also 3 male victims.
- As regards nationality, there is a large group of Nigerian victims (8), followed by Colombians (6) and Brazilians (6).

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

		0-17	18-25	26-30	31 ans et +	Tota	Men	Women
Sexual exploitation	2020	0	7	12	7	I 26	3	23
	2021	1	6	7	12	26	2	24
	2022	3	13	11	10	37	6	31
	2023	3	11	9	14	37	3	34
Labour exploitation	2020	2	8	6	32	48	37	11
	2021	5	9	14	52	80	62	18
	2022	4	9	20	145	178	168	10
	2023	10	13	12	71	106	83	23
Exploitation of begging	2020	0	1	0	0	1	0	1
	2021	0	1	0	0	1	0	1
	2022	0	0	0	0	0	0	0
	2023	0	0	0	0	0	0	0
Offences committed under coercion	2020	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0
	2022	0	0	0	1	1	1	0
	2023	0	0	0	0	0	0	0
Other types of exploitation	2020	2	0	0	0	2	0	2
	2021	1	0	0	1	2	2	0
	2022	3	1	0	0	4	3	1
	2023	0	1	0	0	1	1	0
Total	2020	4	16	18	39	77	40	37
	2021	7	16	21	65	109	66	43
	2022	10	23	31	156	220	178	42
	2023	13	25	21	85	144	87	57

Source: IO

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

		2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
Order to leave the territory 45 days		32	17	10	3	0	0	0	0	0	0
Annex 15		0	0	0	20	44	43	16	42	49	27
Certificate of immatriculation (CI)		133	114	116	112	113	136	80	98	204	119
Extension CI		11	22	26	31	19	16	7	6	4	3
Human trafficking/ Human smuggling	A card	84	90	84	97	91	108	78	62	140	129
	Extension A card	443	425	413	383	348	370	384	398	395	583
	B card	33	36	49	50	61	42	29	25	35	38
Humanitarian	A card	2	6	2	0	3	3	5	0	1	11
	Extension A card	30	29	20	29	20	26	34	40	49	37
	B card	21	36	22	23	18	26	13	22	14	28
Total		789	775	742	748	717	770	646	693	891	975

In 2023 :

- The Immigration Office took 975 positive decisions to issue or renew a residence permit. These decisions concern new victims as of 2023, but also those from previous years who are in the process of having their status as a victim recognised and in respect of whom one or more decisions were taken previously.
- The total number of documents issued is approximately 10% higher than that in 2022, mainly because of an increase in the number of renewals of A cards granted. This increase in (renewals of) type A cards is largely attributable to a certain number of nationalities, such as Filipinos (26), Bangladeshis (16) and Moroccans (18). The Filipino and Bangladeshi victims may be linked, among other things, to the large-scale exploitation observed on the construction site of the chemical company Borealis during the summer of 2022.

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 period of reflection. During this period, the victim has the time to decide whether to cooperate in the criminal investigation, or to abandon this procedure. If the victim lodges a complaint directly or makes a statement against the perpetrators, this document is not requested; instead, a request for a certificate of immatriculation (CI) is submitted immediately.
Since 21 May 2017,the order to leave the territory – 45 days has been replaced by Annex 15. Although the type of document was modified, the legal basis and the conditions for obtaining it remain unchanged.

Certificate of immatriculation
If the victim decides to cooperate with the criminal investigation (makes statements and/or lodges 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.

A Card
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.

B card
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 or labour prosecutors' offices.

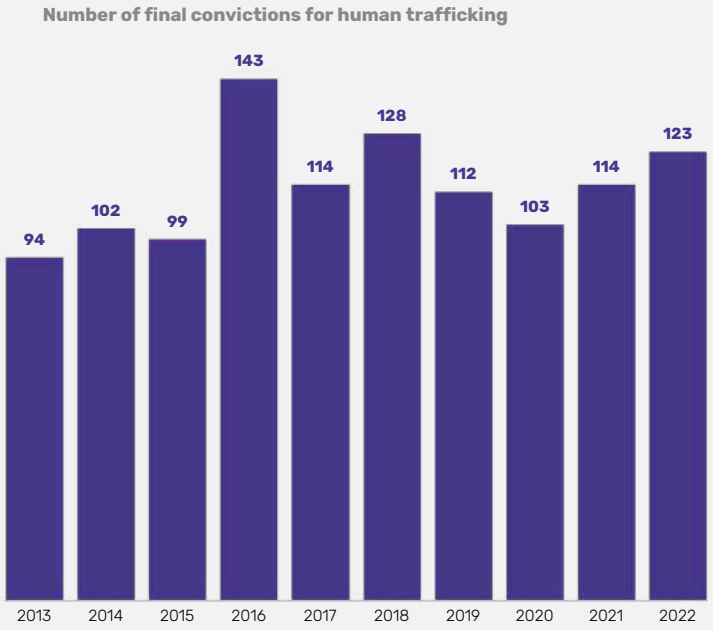
Humanitarian regularisation
The minister or their representative may decide to regularise the stay of a victim by virtue of their discretionary power.

Source: IO

Final convictions for human trafficking

In 2022, 123 final convictions were pronounced for human trafficking. This figure is in line with those reported between 2017 and 2021.

Given that a conviction can be accompanied by several sentences (e.g. a fine, a prison sentence, etc.), the total number of sentences is higher than the total number of convictions.



Principal and accessory penalties	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
Incarceration	**82**	**93**	**94**	**128**	**93**	**120**	**100**	**97**	**104**	**107**
Not suspended	45	37	41	40	44	63	43	42	46	59
Suspended (partly or fully)	37	56	53	88	49	57	57	55	58	48
Fine	**85**	**99**	**82**	**132**	**109**	**126**	**103**	**97**	**105**	**111**
Not suspended	54	62	49	73	58	83	51	54	48	73
Suspended (partly or fully)	31	37	33	59	51	43	52	43	57	38
Confiscation	**40**	**58**	**53**	**64**	**39**	**67**	**58**	**38**	**57**	**65**
Deprivation of rights – Art. 31 of Crim. Code	**57**	**73**	**53**	**115**	**71**	**102**	**85**	**77**	**94**	**91**
Community service	**3**	**3**	**1**	**6**	**2**	**1**	**4**	**0**	**5**	**4**
Others	**11**	**3**	**3**	**4**	**7**	**19**	**14**	**12**	**12**	**10**
Total	**278**	**329**	**286**	**449**	**321**	**435**	**364**	**321**	**377**	**388**

388 sentences were handed down in 2022. 28% of all sentences resulted in a prison sentence (suspended or not). As regards the length of the prison sentences handed down:

- Most prison sentences were handed down for a period of 3 to 5 years.
- Prison sentences of more than 5 years were handed down in 16 cases.

In 29% of cases, a fine was imposed as a penalty. These fines were partly or fully suspended in 34% of cases.

In 91 cases, the convicted person was stripped of their civil rights and in 65 cases, there was confiscation. Other forms of punishment were only handed down sporadically.

Source: Criminal Policy Department, FPS Justice

Notes on methodology

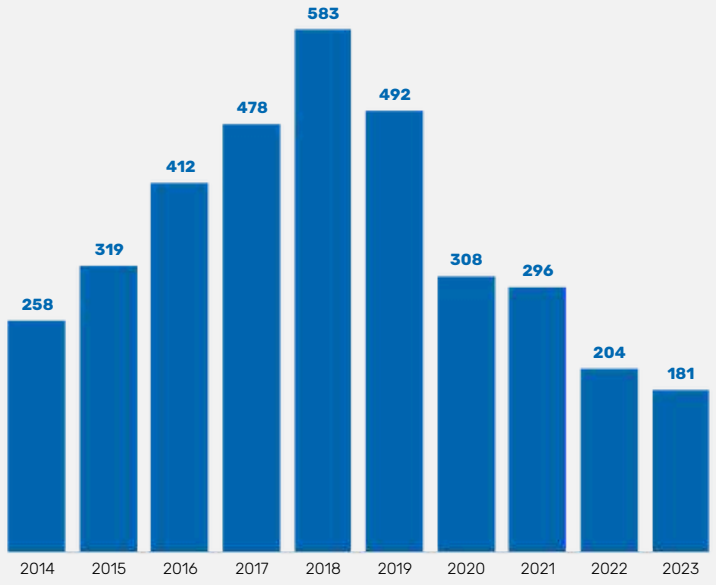
- These figures concern the number of final convictions, which can therefore no longer be the subject of an appeal.
- Since the type of exploitation is not known for each conviction, this data is presented in an aggregated form.
- Several cases were entered into the database a few months late, which explains why the data for 2023 is not yet available.
- This data corresponds to the situation as at 28 June 2024.
- The Criminal Policy Department identified several risks of unreliability with regard to criminal records when collecting the requested data. Therefore, this data should be interpreted with caution. The Criminal Policy Department indicated that it would continue its investigation and correct the data – if necessary and if possible.

Source: Criminal Policy Department, FPS Justice

2. Human smuggling

Human smuggling offences (police data)

Human smuggling offences recorded 2014-2023



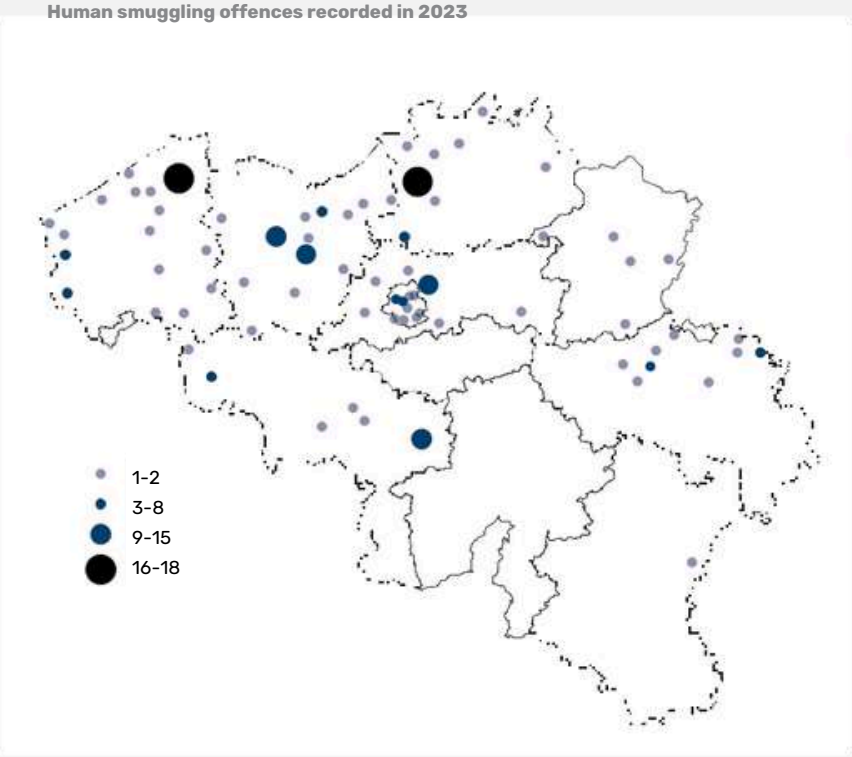
In 2023:

- 181 human smuggling offences were detected by the police. This marks an 11% fall compared with the previous year and the lowest level in the past 10 years.

In 2023:

- 7 out of 10 violations occurred in the Flemish Region. The offences were mainly recorded in the provinces of East Flanders, West Flanders and Antwerp. They originated mainly in the provincial capitals such as Ghent (13), Antwerp (18) and Bruges (16). The municipality of Wetteren and the Zaventem airport site each accounted for 13 offences.
- In the Walloon Region and the Brussels-Capital Region, 33 (18%) and 17 (9%) offences were recorded respectively.

Human smuggling offences recorded in 2023



Provinces & Brussels-Capital Region	Number of offences
East Flanders	41
West Flanders	39
Antwerp	27
Flemish Brabant	19
Hainaut	18
Brussels-Capital Region	17
Liège	14
Limburg	5
Luxembourg	1
Walloon Brabant	0
Namur	0
Total	181

Source: National General Database, Police

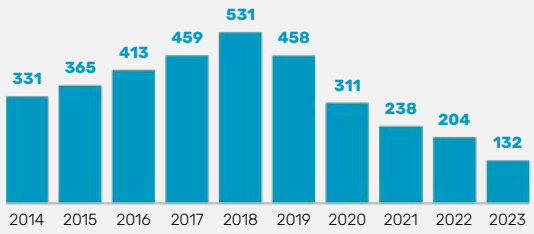
Human smuggling cases submitted to the public prosecutors' offices

Notes on methodology

Since 2019, the jurisdiction of Mons has recorded a significant number of criminal cases related to human smuggling. In 2023, the number of criminal cases opened in this jurisdiction was even higher than in the jurisdiction of Ghent (69), which covers the provinces of East Flanders and West Flanders. The low number of offences (18) recorded by the police in the province of Hainaut makes this situation all the more striking.

Important information to contextualise this trend:

- The public prosecutor's office can open new criminal cases on its own initiative. This may result from a police report, but also from findings made by customs services (e.g. at Charleroi airport).
- In recent years, an increasing amount of nautical equipment, intended to make the crossing to the United Kingdom, has been found in the wider Tournai area.
- Finally, several criminal cases were incorrectly categorised as 'human smuggling', even though they concerned sham marriages. The public prosecutor's office has indicated that it will correct this error, but the exact scale of the error can only be determined at the time of the next data extraction.



In 2023:

- 132 criminal cases were received by the criminal courts for human smuggling, which represents a decrease of some 35% compared to 2022 and a continuation of the downward trend since 2019.
- For the sake of completeness, it should be noted that the labour prosecutors' offices of Antwerp and Hainaut each opened a criminal case for human smuggling in 2023.



- The decrease compared to 2022 can mainly be seen in Antwerp, Ghent and Brussels.
- This upward and then downward trend is most apparent in the provinces of Antwerp, Ghent and Liège: a steady growth as of 2013, peaking in the period 2017-2019, before falling again.

Human smuggling :

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

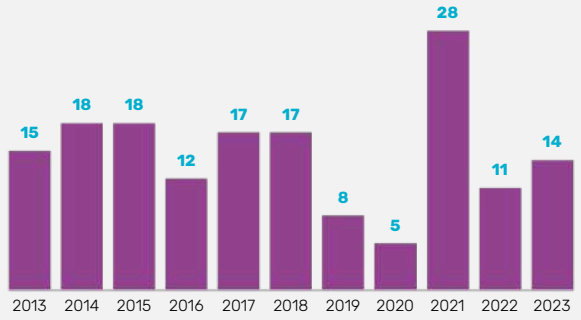
Jurisdiction: the extent of a court's territorial jurisdiction. Belgium consists of five major judiciary areas, each with a court of appeal. Each court of appeal has jurisdiction over several judicial districts.

- 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

Source: College of Prosecutors General database

New support for human smuggling victims initiated by the specialised centres

Support initiated for human smuggling victims in 2013-2023



In 2023, **14 victims** of an aggravated form of human smuggling entered a support programme in one of the three specialised centres.

Support initiated for human smuggling victims in 2013-2023

Nationality	Women		Men		Total
	<18	≥18	<18	≥18	
Afghanistan			2	3	5
Northern Macedonia		1		2	3
Iraq				2	2
Iran		1			1
Yemen				1	1
Mauritius				1	1
Montenegro		1			1
Total	0	3	2	9	14

- 9 out of 14 cases concerned **adult men**, although **two minors** also benefited from support.
- 5 Afghans and 3 Northern Macedonians featured among the victims.
- Among these victims, 4 were also sexually exploited.

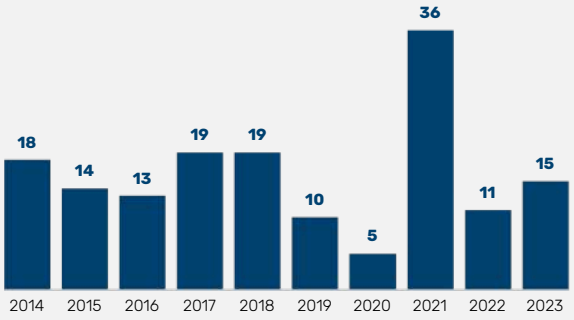
Source: Payoke, PAG-ASA, Surya

Victims of an aggravated form of human smuggling who entered the procedure

Like victims of human trafficking, victims of an aggravated form of human smuggling can also claim victim status. These aggravated forms of human trafficking are defined in Article 77quater 1° to 5° of the Law of 15 December 1980 and applies 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 or 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 offence caused permanent physical or psychological harm.

Number of victims of aggravated forms of human smuggling who entered the procedure



In 2023, the IO received a first application for **15 victims of an aggravated form of human smuggling**. This is less than in 2021, but similar to 2022 and the years 2014-2019.

Among these victims there were:

- 12 men and 3 women.
- 5 Afghans, 3 Northern Macedonians and 7 victims of another nationality.
- The majority of victims were 31 years old or more (7) or between 18 and 25 years old (6). One child victim was also recorded.

Victims of aggravated forms of human smuggling who entered the procedure per age and per gender

	0-17	18-25	26-30	≥ 31	Total	Men	Women
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
2022	5	3	1	2	11	9	2
2023	1	6	1	7	15	12	3

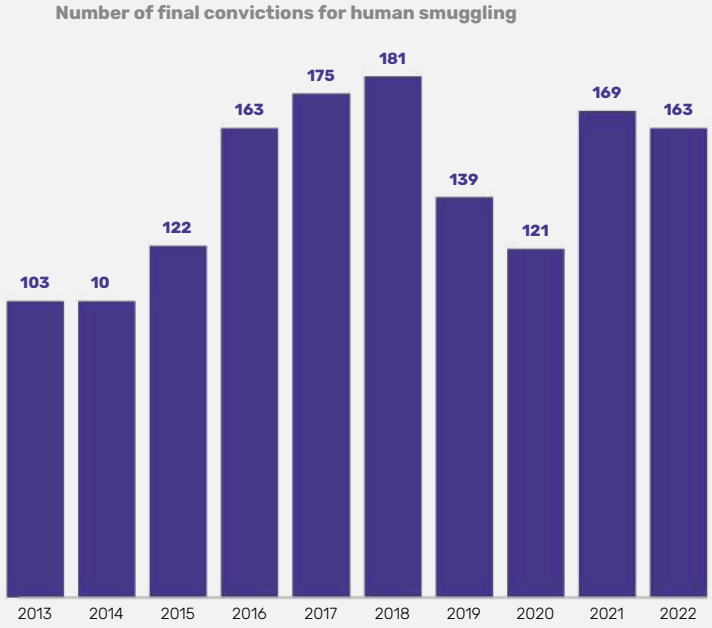
N.B.: The Immigration Office does not wish to divulge certain information in order to prevent the identification of the parties involved.

Source: IO

Final convictions for human smuggling

In 2022, 163 final convictions were handed down for human smuggling, a number similar to that of the previous year and of the period 2016-2018.

Given that a conviction can be accompanied by several sentences (e.g. a fine, a prison sentence, etc.), the total number of sentences is higher than the total number of convictions.



Principal and accessory penalties	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
Incarceration	**96**	**100**	**120**	**154**	**174**	**176**	**128**	**118**	**161**	**154**
Not suspended	45	59	60	56	123	113	85	71	87	72
Suspended (partly or fully)	51	41	60	98	51	63	43	47	74	82
Fine	**94**	**100**	**117**	**158**	**172**	**177**	**132**	**120**	**164**	**159**
Not suspended	64	69	57	71	102	110	87	56	88	78
Suspended (partly or fully)	30	31	60	87	70	67	45	64	76	81
Confiscation	**64**	**55**	**76**	**76**	**101**	**110**	**88**	**77**	**111**	**127**
Deprivation of rights – Art. 31 of Crim. Code	**79**	**75**	**89**	**120**	**130**	**135**	**90**	**97**	**137**	**149**
Community service	**4**	**1**	**1**	**4**	**1**	**5**	**8**	**2**	**4**	**7**
Others	**0**	**0**	**0**	**1**	**0**	**4**	**8**	**2**	**5**	**2**
Total	**338**	**332**	**403**	**513**	**578**	**607**	**454**	**416**	**582**	**598**

598 sentences were handed down in 2022.

- 154 of them were prison sentences, 82 of which were suspended.
- 159 convictions resulted in a fine, 81 of which were suspended.
- In 149 cases, the convicted person was stripped of their civil rights.
- A confiscation was ordered in 127 cases.
- Other forms of punishment were only handed down sporadically.

Source: Criminal Policy Department, FPS Justice

Notes on methodology



- These figures concern the number of final convictions, which can 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 2023 is not yet available.
- This data corresponds to the situation as at 23 July 2024.
- The Criminal Policy Department identified several risks of unreliability with regard to criminal records when collecting the requested data. Therefore, this data should be interpreted with caution. The Criminal Policy Department indicated that it would continue its investigation and correct the data — if necessary and if possible.

Source: Criminal Policy Department, FPS Justice

External contribution

Explanation of the statistical data relating to the investigations into human trafficking conducted by the NSSO inspection services' ECOSOC teams in 2023

Stéphanie Schulze
NSSO inspection services – Thematic Directorate for Trafficking in Human Beings

Introduction

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

Besides the purely statistical data, this contribution aims to provide qualitative information on the investigations conducted by the NSSO inspection service's ECOSOC teams in 2023.

The data included in this report stem from several sources:

1. ARTEMIS, the internal case management system, from which the data, relating to the investigations closed in 2023, were extracted. In 2023, 204 investigations into 'trafficking in human beings' (hereafter THB) were finalised, with a total of 299 presumed victims. Some did not meet our definition of the THB investigation or were duplicates. Hence, after verification, the number of **181 closed THB** investigations was retained.
2. The analysis of the checklists drawn up by the social inspectors in 2023 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, following findings and as long as there are sufficiently precise indications of a potential situation of trafficking in human beings. In 2023, 116 checklists were drawn up, which means that the situation of **116 presumed victims** was examined as part of our checks.

The reason for the difference between the 299 potential victims stemming from the ARTEMIS investigation management program is because the checklists are drawn up, in principle, as soon as there are sufficient indicators of labour exploitation. This is done regardless of the investigation's state of progress (when it is opened, during the investigation or when it is closed), whereas the figures from our ARTEMIS program concern investigations that closed in 2023 but which began in 2023 or earlier. Subsequently, the data relating to the checklists is more representative of 2023.

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

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

1. Statistics relating to the police reports and criminal reports (ARTEMIS)[497]

The NSSO inspection services' ECOSOC investigations are processed in an investigation management tool called ARTEMIS. Statistics relating to **investigations closed in 2023** therefore stem exclusively from this program. This management tool is constantly evolving. It has already been adapted several times since its launch, in order to best meet our needs in terms of statistics.

497 These statistics are based on closed investigations.

In **the course of 2023**, as part of the **181 THB investigations processed**, the NSSO compiled **56 initial police reports (PR) and/or criminal reports (CR), 31 supplementary criminal reports and 48 information reports** concerning labour exploitation (Art. 433*quinquies* of the Criminal Code).

These reports concern 299 presumed victims. In addition, following investigations carried out with other inspection services or the police, the *Pro Justitia* (PJ) or criminal report on THB may have been drawn up by another service (generally by the police). Seven reports or PJ were written by other services as part of a collaboration with the NSSO.

A supplementary criminal report is drawn up when the magistrate requests additional actions for a situation of exploitation that has already been reported through a *Pro Justitia* or an initial criminal report, as long as it concerns the same victim or victims. This distinction between the initial criminal report and a supplementary criminal report prevents the same situation of exploitation or the same presumed victims from being counted several times in the results.

As for the 'information report' result, it is used to support the reports intended for the judicial authorities, either to expose limited evidence of labour exploitation (e.g. with no presumed victim), or to convey the results of research, information gathering, and data analysis when an investigation into THB has not yet been initiated or begun.

It should also be noted that the inspectors of the ECOSOC teams deal with investigations other than those concerning trafficking in human beings. Hence, ECOSOC is responsible for investigations into trafficking in human beings (labour exploitation), foreign labour and sectors at risk. In total, 3,782 ECOSOC investigations were processed in 2023, including 181 investigations into THB.

Results of the THB investigations:

Provincial departments	PJ/CR compiled by NSSO	Supplementary criminal reports	Information reports	PJ/CR compiled by another service[498]	Presumed victims
West Flanders	3	0	3	3	24
East Flanders	12	2	1	2	184
Antwerp	6	0	12	0	19
Limburg	2	0	1	0	4
Hainaut	6	0	8	0	13
Namur-Luxembourg	8	18	5	0	8
Liège	4	3	9	0	4
Flemish Brabant	6	2	1	1	9
Brussels	6	3	4	0	13
Walloon Brabant	3	3	4	1	21
Total	**56**	**31**	**48**	**7**	**299**

Note also that in 2023:

- **299** presumed victims of THB were referred to the judicial authorities by the NSSO inspection services based on criminal reports or *Pro Justitia*.
- The most frequent nationalities are: Turks (36), Filipinos (61), Bangladeshis (30), Moroccans (27) and Ukrainians (18). Also note that among these 299 presumed victims, 15 were EU nationals, including 8 Belgians. In terms of gender, 14 of the presumed victims were women and 285 were men.

498 In the context of an investigation carried out in collaboration with the NSSO. It should be noted that when the PJ or CR is drawn up by another service, we do not count the victims in our management program.

- The most represented sectors of activity were construction, the retail trade and garages (car washes).
- The three provincial departments with the most presumed victims, according to figures from investigations closed in 2023, are East Flanders, West Flanders and Walloon Brabant. During 2023, these teams processed and closed high-profile cases that began in late 2021 and during 2022.

2. Analysis of the checklists

Introduction

In accordance with the stipulations of COL 01/15, a checklist was completed in 2023 as soon as there were sufficiently precise indications of a potential situation of human trafficking, whether the investigation was in progress or at the time it was closed.

In total, 116 checklists were drawn up (1 checklist per presumed victim; therefore several checklists may concern the same employer/exploiter). The breakdown is as follows:

Provincial departments	No. of checklists drawn up
West Flanders	25
East Flanders	26
Antwerp	21
Limburg	1
Hainaut	8
Namur-Luxembourg	3
Liège	4
Flemish Brabant	12
Brussels	14
Walloon Brabant	2
Total	**116**

2.1. Geographic breakdown per sector of activity (2023)

	Namur-Luxembourg	Brussels	Liège	Hainaut	Limbourg	Walloon Brabant	Flemish Brabant	Antwerp	East Flanders	West Flanders	Total
Agriculture/horticulture			1				1			4	6
Bakery		1						14			15
Car-wash & truck-wash							6	2	2	1	11
Hairdressing & beauty	1	1									2
Retail trade			1	2		1			2		6
Wholesale trade						1					1
Construction	1	1	1	4	1			2	5	20	35
Distribution ads/post		9							14		23
Hospitality		1					1	2	1		5
Logistics								1			1
Riding school				2							2
Cleaning	1										1
Transport			1						2		3
Domestic work/home help		1					3				4
Sorting/recycling							1				1
Total	**3**	**14**	**4**	**8**	**1**	**2**	**12**	**21**	**26**	**25**	**116**

2.2. Breakdown according to age, gender and nationality of the presumed victims 2023

Nationality	Men	Women
Afghanistan	13	
Algeria	1	
Belgium	8	1
Brazil	0	2
Bulgaria	2	
Cameroon	1	
Colombia	4	1
Congo	0	1
El Salvador	4	
Spain	2	
Ghana	6	
Guinea-Bissau	3	
India	2	
Macedonia	2	
Morocco	17	4
Moldavia	3	
Nicaragua	0	1
Niger	1	
Netherlands	1	
Philippines	21	
Portugal	1	
Romania	2	1
United Kingdom	1	
Russia	1	
Rwanda	1	
Senegal	1	
Slovakia	0	1
Sudan	1	
Tajikistan	1	
Tunisia	1	
Turkey	2	
Vietnam	1	
Total	**104**	**12**

Age	Men	Women
Minors (-18 years old)	0	0
Between 18 to 30 years old	32	5
Between 30 to 40 years old	32	3
Between 40 to 50 years old	27	2
Over 50 years old	13	2
Total	**104**	**12**

A quick analysis of the table above leads to the conclusion that 90% of the presumed victims of labour exploitation are men (104/116). Regarding age, 32% of the presumed victims are between 18 and 30, 30% are between 30 and 40, 25% are between 40 and 50 and 13% are over 50. Among the male presumed victims, the oldest one was 70 years old. As for the female presumed victims, the oldest one was 66 years old at the time of the acts. It should be noted that the women are mainly active in the sectors of home help, hospitality and cleaning (private or professional).

In 2023, no child victims were the subject of a checklist.

Regarding the nationality of the victims, 97 are from third countries (non-EU). Among the 19 EU nationals, there are 9 Belgians, 3 Romanians, 2 Bulgarians, 2 Spaniards, 1 Portuguese, 1 Dutch and 1 Slovak.

2.3. Identified indicators of human trafficking and aggravating circumstances

Several indicators of human trafficking are included on the checklist. The analysis of those received in 2023 results in the following findings:

Identity documents

Approximately 90% of third-country nationals were staying illegally in Belgium. Either they had no identity or travel documents, or they had a national passport or a residence permit for another EU country. Among the non-Belgian Europeans, only a few were settled in Belgium and had a Belgian residence permit. The others were generally in possession of their national identity document.

Several presumed victims did not have their own identity documents, but sometimes they had copies of them.

Financial aspect – social security – social documents

In terms of income: in almost all the situations encountered, wages were insufficient, low, very low, or even non-existent. Sometimes, wages were promised but only paid in part or not at all, or they were reduced over time. Among the 116 presumed victims, some were not paid at all. Some victims had to hand over part of their wages. Others had to reimburse the cost of their journey to Belgium, pay rent for accommodation provided by the employer or even pay fines addressed to the latter.

In addition, some victims stated that they were only paid if there were clients.

In some cases, the most recent services were not paid at all, despite the fact that the pay was already low.

Lastly, some workers stated that the employer deducted the cost of their journey to Belgium from their salary.

Here are several concrete examples encountered in 2023, insofar as wages were paid: EUR 20, 30 or 50 per night of work; EUR 50 to 60 per 10- to 12-hour day; EUR 3,000 for 8 months work involving 10 to 12 hours work per day (6 days a week); EUR 3.7 to 5.5 per hour.

In terms of social security and social documents: as regards potential victims, less than 15% were informed about Dimona or Limosa. As for the presumed victims reported as being posted in the context of the free movement of services, this often involved proven or presumed bogus posting. Only a few workers were registered with the social security office and were authorised to work in Belgium, if at all. Moreover, these workers generally worked more than the number of hours stated in their employment contract or as declared to the social security office.

Circumstances of the exploitation

Among the indicators of exploitation, some are recurring, such as squalid housing conditions or excessive working hours. Details and examples are provided below of some of these indicators.

- **The victim has no appropriate equipment/ work clothes, works in dangerous squalid conditions**

  Indicators relating to occupational safety (health and safety of workers: hygiene measures, clothing and workplaces, etc.) concern were observed for around 40% of the presumed victims.

- **The victim has no freedom of contact with the outside world or has limited freedom of movement**

  Approximately 30% of the presumed victims encountered had little or no contact at all with the outside world and their freedom of movement was restricted.

- **The victim lives in squalid conditions**

  In many potential situations of human trafficking, the victims are housed in substandard or insanitary accommodation. This accommodation is often provided by the perpetrator/employer. In 2023, this indicator was reported for almost half of the presumed victims.

- **The victim is deprived of medical care**

  A few presumed victims were deprived of medical care when they needed it.

- **The victim works for long periods**

  Approximately 60% of the presumed victims encountered worked for abnormally long periods. Some of them had to work between 45 and 60 hours a week, with one or two days of rest during the week, which is already excessive. Nevertheless, for 40% of the potential victims, the working hours were extreme. For instance, some victims stated that they had to be permanently available to the perpetrator, while others worked between 12 and 17 hours a day, 7 days a week, or 10 to 12 hours a day, 6 or 7 days a week.

Aggravating circumstances

Several aggravating circumstances were reported in the cases encountered in 2023:

- **Relating to the perpetrator**
  In the majority of cases, the perpetrator abused the victim's vulnerable situation, had authority over them or abused their position.

  None of the checklists mention a perpetrator being a police officer exercising their duties.

- **Relating to the victims' situation**
  There were no minors among the checklists drawn up in 2023.

  As mentioned above, many of the presumed victims, who came from third countries, were particularly vulnerable mainly due to their illegal or precarious administrative situation.

  Of the 116 victims included on the checklists drawn up in 2023, 28 said they had been threatened, subjected to violence or coerced by the perpetrator. One victim received a death threat, two others were stabbed, and another two said they had been raped.

2.4. Referral of victims to a specialised reception centre in 2023

Among the 116 checklists recorded, 65 concerned presumed victims who were put in contact with a specialised reception centre (Sürya, Payoke or Pag-Asa).

Some had already had contact with these centres before the intervention of the NSSO's social inspectors. In such cases, the NSSO intervenes, in particular to hear the presumed victim and/or to conduct an investigation into labour exploitation in collaboration with the reception centre, the magistrate and, if necessary, the police or other services.

It should be noted that there were no minors among these 116 presumed victims of THB.

It should also be noted that some of them did not wish to be put in contact with a reception centre.

This is often the case for workers employed within the context of a bogus posting, who prefer to return to their country of origin, or people who are not aware that they are being exploited, or who fear reprisals from the perpetrators.

The breakdown per provincial department is as follows:

Provincial departments	No. of presumed victims referred	Nationality & gender
Brussels	14	1 Algeria (H) 4 El Salvador (H) 5 Colombia (4 H - 1 F) 1 Congo (F) 2 Morocco (1 H – 1 F) 1 Vietnam (H)
Liège	3	1 Afghanistan (H) 1 Tajikistan (H) 1 Belgium (H)
Hainaut	4	2 Guinea-Bissau (H) 1 Portugal (H) 1 Afghanistan (H)
Walloon Brabant	1	1 Russia (1H)
Antwerp	3	1 Cameroon (H) 1 Ghana (H) 1 India (H)
Flemish Brabant	6	3 Afghanistan (H) 2 Morocco (1 H – 1F) 1 Niger (1H)
East Flanders	9	2 Macedonia (H) 3 Moldavia (H) 2 Turkey (H) 1 India (H) 1 Sudan (H)
West Flanders	24	2 Bulgaria (H) 20 Philippines (H) 2 Romania (1 H – 1F)
Limburg	1	1 Philippines (H)
Total	**65**	

3.Empact Action Days

In 2023, the NSSO inspection services participated for the seventh consecutive year in the **Empact Action Days**, a European initiative supported by Europol, also called Joint Action Days (JAD). This EU initiative is part of the European Multidisciplinary Platform Against Criminal Threats project (EMPACT), in which the fight against human trafficking is one of the priority criminal phenomena. The EMPACT project is part of the EU Action Plan against Trafficking in Human Beings.

During the week of **8 to 14 May 2023**, the ECOSOC teams took part in the **Global Chain** actions under the direction of the federal police (DJSOC). These actions were focused on the detection of sexual exploitation, begging and forced criminality.

As for the EAD labour exploitation actions organised from **10 to 27 June 2023**, they aimed to detect labour exploitation in exotic restaurants, in the free-floating sector (transport sharing systems such as car sharing, electric scooters, electric bikes, etc.) and in the context of identity fraud.

Coordination was provided by our ECOSOC Thematic Directorate.

It should be noted that this action made it possible to simultaneously inspect restaurants in several countries that are linked to the same international group.

ECOSOC teams took part in the EAD labour exploitation actions in the agriculture sector from **13 to 22 September 2023**. The exchange of inspectors facilitated by the European Labour Authority (ELA) enabled Bulgarian and Romanian labour inspectors to participate in certain checks.

Finally, some ECOSOC teams were asked to take part in a number of initiatives organised as part of the **JAD HORSE SHOE**, orchestrated by the FJP of Liège, which took place from 13 to 23 December 2023. The checks targeted criminal organisations from certain third countries.

4. Highlights in 2023

In previous years, the work of the ECOSOC teams was impacted by the health crisis, the armed conflict between Ukraine and Russia and a number of high-profile cases.

In 2023, the work of our ECOSOC teams was not particularly marked by any significant events.

The war in Ukraine is dragging on and continues to cause its residents to flee, particularly to Belgium, but without much impact on our inspection service. In fact, most of these migrants are eligible for temporary protection, allowing them to reside and work legally in Belgium.

This being the case, our teams were able to focus on tackling major investigations that had begun in 2022 and to return to a calmer work environment.

As regards the **results in figures**, in 2023, the ECOSOC teams closed 204 investigations labelled 'trafficking in human beings' in our investigation management program, ARTEMIS. However, some did not meet our definition of a THB investigation or were duplicates. Therefore, after verification, the thematic directorate retained the number of **181 THB investigations closed**.

An ECOSOC investigation is labelled 'THB' as soon as serious indicators are found during an inspection or as soon as an investigation into this matter is explicitly requested by a third party (magistrate, complainant, etc.).

As at 31 December 2023, 113 THB investigations had been opened, i.e. they were in progress.

In just under 50% of the THB investigations processed and closed by the specialised ECOSOC teams, it is not possible to conclude that exploitation is taking place, in particular because the elements of the investigation are not relevant or the evidence of exploitation is too weak, with the elements being more akin to illegal work than labour exploitation.

It is also important to emphasise that around 17% of closed investigations are follow-ups to investigations into acts previously detected and reported to the judicial authorities. Indications of human trafficking leading to the conclusion of a 'new' potential human trafficking situation were identified in almost 35% of investigations.

It should also be noted that, **in terms of staff numbers, our ECOSOC teams** finally saw a significant increase in 2023.

Following the government decision to **boost the inspection services** by recruiting 10 social inspectors for the ECOSOC teams, the workforce as of 31 December 2023 increased to 43.10 FTE (i.e. +7.55 FTE compared with 31 December 2022). In addition, 4 inspectors are expected to join the ECOSOC teams in 2024.

The inspectors who joined these teams had to familiarise themselves with the subjects and working procedures relating to the specificities of ECOSOC, i.e. foreign labour, human trafficking and checks in so-called risk sectors. They were able to benefit from the experience of their more seasoned colleagues in putting into practice the training they had received when they started work.

Just like every year, the thematic directorate, assisted by the NSSO's data mining department and, where necessary, by other departments, chooses a specific annual project (focus).

In 2023, we chose cleaning as the focus. Every ECOSOC team carried out investigations on this sector, taking into account its investigative capabilities and its staff numbers.

In total, 65 employers, 138 workers and 28 self-employed workers were checked. Numerous offences under the Social Criminal Code were found (Dimona, part-time work, social security, foreign labour, etc.).

In 2023, our teams continued the investigations that had been opened as part of the 2021 and 2022 annual focus, i.e. the monitoring of companies selected by a tool developed by the data mining department. This department studied the data from the THB investigations that had been closed in order to establish a model for identifying employers who present an increased risk of resorting to labour exploitation, based on some 50 parameters.

In total,11 investigations of this type were closed in 2023. They resulted in the detection of offences that fall under the competence of the NSSO (Dimona, foreign labour, part-time work, social security, etc.).

It should be noted that investigations initiated as part of the 'annual focus' only become 'THB investigations' if sufficient evidence of exploitation is detected during the check.

Also in 2023, the ECOSOC teams processed the reports of cases of labour exploitation (THB) reported to the point of contact for fair competition at SIRS (social information and research service). It is possible to report certain alleged acts of fraud through this point of contact, and since the end of 2022, it has been possible to report labour exploitation. In total, in 2023, SIRS forwarded 37 reports to our thematic department. After examination, 23 cases were investigated and entrusted to our specialised inspectors.

On the 31st of December, thirteen of these investigations had been closed. Several offences punishable under the Social Criminal Code were identified. In addition, indicators of human trafficking were detected for two workers.

As in previous years, the social inspectors of the ECOSOC teams used tools and specific investigation techniques such as:

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

These investigation techniques are carried out with the specialised services of the federal police, most often at the request of the labour prosecutor. Such techniques can lead to identifying and hearing presumed victims, identifying potential witnesses and corroborating the statements of victims without having to involve them further or make them bear the burden of proof. They also make it possible to ascertain the employment status of other workers/victims, identify perpetrators and reveal links between individuals or companies.

The use of social media and the internet is increasingly essential to conduct research and thoroughly investigate human trafficking for the purpose of labour exploitation. However, in order for our social inspectors to make the best use of these sources, it is necessary to examine the existing technical and legal possibilities.

Finally, with regard to emerging or growing phenomena, the trend of previous years continued in 2023. Identity fraud cases seem to be intensifying in various sectors of activity. These cases rarely allow for the detection of potential labour exploitation.

The sectors of activity most affected by labour exploitation in recent years continue to account for most of our investigations and retain our full attention. Nail bars, domestic staff, construction, hospitality, car washes, newspaper distribution, etc., are all easily accessible sectors of activity that do not require lengthy training and in which it is easy to resort to using under-qualified labour in precarious situations.

In addition, there is growing evidence of exploitation within the same ethnic or cultural communities, which contributes to making potential victims even more dependent.

It should also be noted that our inspectors are increasingly confronted with complex cases, where certain elements of the investigation would suggest that the situation is in order. Employers and exploiters learn from previous inspections and adapt to better circumvent the legislation. For instance, workers may be registered with the social security office or posted, but the investigation will reveal that little of the work is declared, that the wages actually paid are well below legal standards, that the posting is bogus or that the worker is working under a false identity, etc.

It is not always possible to identify sufficient indicators through these investigations to determine a potential situation of human trafficking. However, they are important signals in the monitoring of the phenomenon and should encourage frontline services to be vigilant, to conduct investigations more thoroughly and to devote the necessary time to them.

Conclusion

2023 continues the trend of previous years. No current event has had a particular impact on the work of our ECOSOC teams, when compared to previous years, which suffered the consequences of the pandemic and the start of the war in Ukraine.

Our ECOSOC teams have resumed a 'normal' work pace, which has nevertheless been enhanced by the training and induction of new inspectors.

This report includes the figures from two different channels:

- the case management program that concerns the investigations closed in 2023, with 299 presumed victims;
- the analysis of the checklists drawn up in 2023, as soon as the investigation in progress or closed presents sufficiently precise indications of a potential situation of human trafficking; this concerns 116 presumed victims. Subsequently, this data is the most representative of 2023.

If we compare the figures for 2023 with previous years, we can see a slight variation in the number of potential victims recorded on the basis of the checklists. However, this number is relatively constant, apart from 2022 when 159 victims were detected in the context of a single major case.

The number of THB investigations processed in 2023 is the same as in 2022: 181. As for the number of 'ECOSOC' investigations processed in 2023, they amount to 3,782.

These factors tend to confirm a certain return to normality, both in terms of the activities of the ECOSOC teams and in terms of their staff.

	2021	2022	2023
No. of potential victims mentioned in the closed investigations	147	110	299
No. of potential victims according to the checklists	86	280	116
No. of victims for whom the reception centres intervened (based on the checklists)	42	188	65
No. of THB investigations (labour exploitation)	235	181	181
No. of ECOSOC investigations (including THB investigations)	3.661	3.154	3.782

The analysis of the checklists shows that potential situations of labour exploitation occur in both urban and rural areas and mainly concern men.

The majority of our investigations into THB involve one, two, three or four potential victims. However, in 2023, several cases involved a larger number of presumed victims employed by the same employer. One investigation targeted 20 people in West Flanders; another, 14 people in East Flanders; one case related to12 people in the province of Antwerp and another involved 9 people in the Brussels region.

According to the checklists drawn up in 2023, the sectors of activity most affected were construction, newspaper distribution, bakeries and car washes.

The most common practices were undeclared work (no Dimona declaration), the irregular employment of foreign workers staying illegally and bogus postings (to a lesser extent).

Among the indicators of human trafficking, the most frequently encountered were:

- Little or no pay
- Abnormally long working hours
- Accommodation in squalid conditions
- Abuse of a position of vulnerability
- Use of threats/violence
- Restriction of freedom of movement and contact with the outside world

It should be noted that some presumed victims, found working in conditions contrary to human dignity, did not contact a specialised reception centre, in particular because they refused any form of support. This is often the case for workers employed in Belgium by foreign companies whose wish, above all, is to be paid so that they can return to their country of origin.

It should also be pointed out that in some cases, our teams met with presumed victims after they had approached such a reception centre, either at the request of the centre itself, or at the request of the labour prosecutor.

As mentioned above, the most revealing figures on the situation of labour exploitation are those relating to the checklists, which are drawn up as soon as a presumed victim is found.

Other data, such as Pro Justitia, criminal reports or other information reports, record the number of victims included in investigations closed in 2023 (even if the investigation began earlier).

As part of their 'ECOSOC' investigations, our specialised inspectors pay particular attention to the working, living and housing conditions and the attitude of the workers they encounter, in order to detect indicators of human trafficking and to remove the presumed victims from the grip of their exploiters.

To conclude, and as the players in the field keep repeating, labour exploitation is a hidden phenomenon that is often difficult to detect. In addition to the information or reports received by our services, proactive checks and an increased presence on the ground of social inspectors specialised in or aware of THB enable exploitative situations to be uncovered. The more human resources there are, and the more awareness-raising and training there is for frontline inspection services, the stronger and more effective the fight against this phenomenon can be.

External contribution

Strengthening support to Victims of Human Trafficking through Assisted Voluntary Return and Reintegration

IOM Belgium and Luxembourg

Introduction

The International Organization for Migration (IOM), established in 1951, is the leading intergovernmental organization in the field of migration and is part of the United Nations System since 2016. IOM is dedicated to promoting humane and orderly migration for the benefit of all. It does so by providing support to migrants across the world, developing effective responses to the shifting dynamics of migration and providing advice on migration policy and practice. The Organization collaborates with governmental, intergovernmental and non-governmental partners to improve the resilience of people on the move, particularly those in situations of vulnerability.

As one of the main partners of the Belgian Government on its Assisted Voluntary Return and Reintegration (AVRR) programme, IOM is often asked to support victims of human trafficking (VoTs) when they wish to return voluntarily to their countries of origin.

Safe and dignified return and sustainable reintegration are an indispensable part of a comprehensive approach to migration management. The AVRR programme aims to support migrants who are unable or unwilling to remain in Belgium and wish to return to their country of origin. It is done at the free and informed choice of migrants and based on a risk assessment, when vulnerabilities are identified.

IOM provides dedicated support to victims of human trafficking wishing to return voluntarily to their country of origin.

This contribution highlights the work of IOM in identifying, protecting and upholding the rights of victims of human trafficking during the AVRR process, placing a particular emphasis on voluntary return and tailored reintegration assistance as a means of fostering the resilience of victims of human trafficking.

Why some Survivors[499] of Human Trafficking opt for voluntary return rather than for a protection procedure in Belgium

Based on anecdotal evidence, it is known that many survivors of trafficking choose to return to their country of origin after escaping their ordeal rather than staying on the Belgian territory. The reasons for this decision are unique to each individual and depend on personal circumstances. Nevertheless, there are common factors that influence this choice. Some survivors wish to remain in Belgium but are not able to do so for several reasons. For example, many survivors are unable to enroll in the National Referral Mechanism (NRM) because they do not meet the specific criteria[500] required to initiate judicial proceedings. Without meeting these criteria, they cannot obtain formal recognition or legal status, leaving them without access to the essential protection and support services they need.

499 This publication uses both the term 'victims' and 'survivors'. Through the use of the term 'survivors', rather than the more passive sounding term 'victims', IOM wishes to acknowledge the person's agency and resiliency more.

500 To be supported by one of the specialized centers, to cooperate with the judiciary procedure, to end ties with the perpetrators.

This process is further complicated by numerous judicial and institutional challenges. For instance, the lack of uniform protection laws across the European Union prevents a victim trafficked in a neighbouring country from accessing the NRM in Belgium, thereby limiting their ability to receive support and assistance on Belgian territory. It is also challenging to gather sufficient corroborative evidence to support cases. Finally, legal processes are lengthy and demanding for the victims.

Other survivors, who meet the necessary requirements to enter the procedure for victims of human trafficking and who are subsequently supported by one of the three specialized centres (Payoke, PAG-ASA, and Sürya), might for various reasons not receive an extension of their legal status in Belgium in the end, while others are unable to find work.

Furthermore, **some survivors do not wish to remain in Belgium** and would rather return to their country of origin or a third country from which they have a residence permit. Indeed, for some survivors, fear of retaliation from their traffickers deters them from pursuing legal action and motivates their decision to return to their home country, seeking safety away from their perpetrators. Other survivors wish to be reunited with their family in the country of origin and want to leave Belgium as soon as possible.

Because of these diverse and often complex reasons, many survivors seek assistance from IOM, that makes the process of voluntary return more accessible and manageable for those wishing to leave Belgium.

IOM's global engagement against trafficking

IOM has been fighting human trafficking since 1994 and has become the world's largest direct assistance provider to trafficking victims. Since 1990, IOM has helped over 100,000 victims from at least 138 countries. IOM's unique reach to migrants and trafficking victims worldwide has given it marked expertise in identifying, protecting, assisting, referring and managing cases of trafficked persons. Globally, IOM implements a variety of counter-trafficking measures that fit within the existing legal framework to protect the rights of VoTs.

The AVRR programme for Victims of Human Trafficking by IOM Belgium and Luxembourg

Under its AVRR programme, IOM Belgium and Luxembourg supports migrants who voluntarily wish to return to their country of origin or migrate to a third country where permanent residence is guaranteed. The AVRR programme is freely available to all migrants located in Belgium, regardless of their legal status, and without cost to the migrant. In 2022 and 2023, a total of 34 survivors of trafficking were supported by the programme and returned to their countries of origin. The graphic down below, shows the top five nationalities of the 34 beneficiaries who returned to their country of origin, broken down by gender. Other nationalities are Algeria, Belgium, Lithuania, Nigeria, North Macedonia, Republic of Moldova and Serbia. The majority of them were victims of labour exploitation and sexual exploitation. It should be noted that most victims of labour exploitation were males, while most victims of sexual exploitation were females. Not included in the graphics are 19 survivors who received counselling but chose not to return.

Chart 1: Top 5 nationality by gender

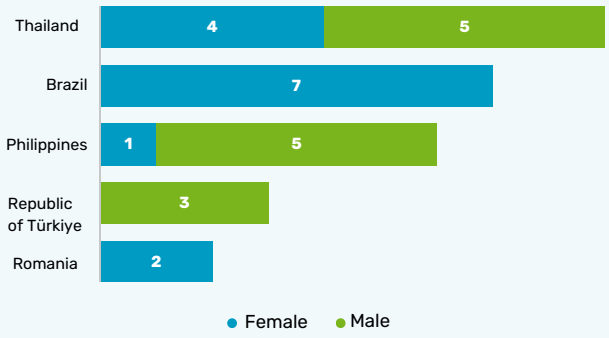
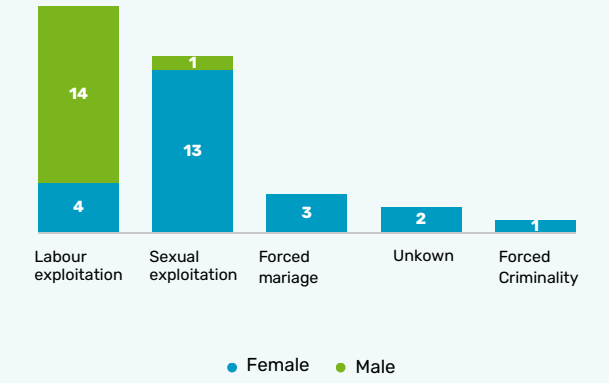


Chart 2: Type of exploitation by gender



IOM Belgium and Luxembourg has been committed to providing support to victims of trafficking in the context of AVRR since the start of its reintegration programme in 2006.

By adapting its holistic approach to the special protection needs of victims of trafficking, IOM ensures tailor-made support, focusing on the resilience and training of skills of the survivors along three stages: before departure, during the travel and upon return.

IOM's AVRR Assistance

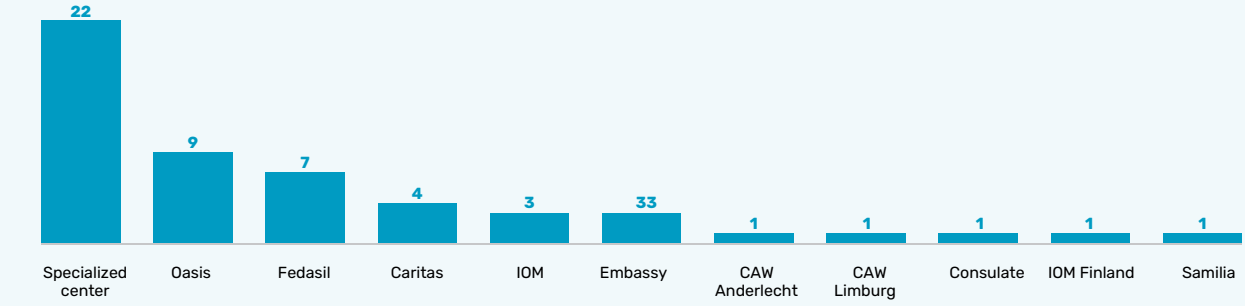
Pre-departure assistance

A crucial first step in assisting VoTs is victim identification[502]. Only with proper identification tools and methods can survivors be protected, and their rights restored in a timely manner.

In some cases, survivors are brought into contact or contact themselves one of the three specialized centres mandated to support the VoTs. In these instances, the contacted centre evaluates whether the individual is a (potential) VoT.

In other cases, survivors may be referred to IOM, for example when the person does not meet the necessary requirements for prosecution to obtain recognition and legal status or when the person does not wish to remain in Belgium.

Chart 3: Cases referred by partners



502 IOM guidelines can be found in the Trafficking in Persons: Victim Identification and Assistance training guide. More information: *trafficking-in-persons-training-guide.pdf (iom.int)*.

As the chart illustrates, referrals to IOM are made by a variety of actors, such as the specialised centres, Fedasil, NGO's, civil society organizations, the police and embassies. In these instances, IOM evaluates whether the person can be considered a VoT.

Referrals by partners other than one of the three specialized centres mainly happen when the survivors refuse to present themselves to law enforcement agencies (see footnote[503], this is one of the three requirements that need to be met to be able to enter the procedure for victims of human trafficking in Belgium). Lack of reporting can be due to language barriers, lack of trust in law enforcement agencies, irregular stay, combined with fear of retaliation and negative coping strategies. Sometimes, VoTs do not see themselves as victims or may suffer from post-traumatic stress disorder and memory loss.

At first contact, IOM looks for several indicators to identify potential victims. Each type of exploitation has its own set of indicators (see training guide[1], p. 18). Once the indicators point to a potential trafficking case, a thorough screening process, including a risk assessment, takes place with the consent of the individual. The greatest concern when organizing the return of a VoT is their safety upon return, given that the traffickers could be in the country of origin and could pose a threat to the victim and/or their family.

Therefore, while guaranteeing the survivor's protection upon return, IOM has a responsibility to execute, in close collaboration with the IOM office in the country of origin and its partners, a risk assessment to ensure that survivors are not left to fend for themselves and do not fall back into a trafficking situation.

This assessment focuses on the family situation, the risks of stigmatization and the link to perpetrators.

More specifically, IOM evaluates the following domains:

- Family: Is the family in the country of origin at risk? Were family members complicit in the trafficking? Are there people of trust within the family? What is the financial situation of the survivor and their family? In some cases, a family situation assessment will be conducted by the IOM office in the country of origin.

- The possibility of stigmatization, discrimination or reprisals upon return.

- The possible links to the perpetrators: Is the criminal network still operating? Are there any risks for the survivors of falling prey to the traffickers again? Are there any risks of retaliation against the survivors or their family? Is there an ongoing investigation?

During the screening process, IOM's case management principles are consistently applied and internal due diligence procedures are followed. Once all information is gathered, it is shared with IOM in the country of origin so that they can proceed with the corroboration of the risk assessment, inform the mandated counterpart, in charge of the protection of VoTs in the country of origin, and, in some cases and with the consent of the survivor, inform law enforcement actors, when protection risks have been identified. IOM in the country of origin will also gather information on whether there are specialised local programmes available to further support the survivors. While for some survivors, it will be safe to return to their families, others may want assistance in finding a new place to live; this is also coordinated with the IOM office in that country.

During the pre-departure phase, all individuals receive tailor-made counselling sessions during which they receive information on the return process and on the reintegration programme. A second online counselling process is often organized with the IOM office of the country of origin, so the survivor can directly exchange information with them while also establishing a first contact that will continue after the survivor's return. This transnational collaboration ensures effective and direct referrals to local services and governmental institutions that will continue providing support to the beneficiaries upon arrival.

This counselling is a further opportunity to assess any vulnerabilities or risks linked to the travel and reintegration process. If they decide to return, the survivors are administratively and logistically supported, including with the obtention of their travel document, the coordination of an emergency shelter when needed, the booking of their flight ticket, and pocket money for the travel to their final destination.

503 *Ibid.*

Travel assistance

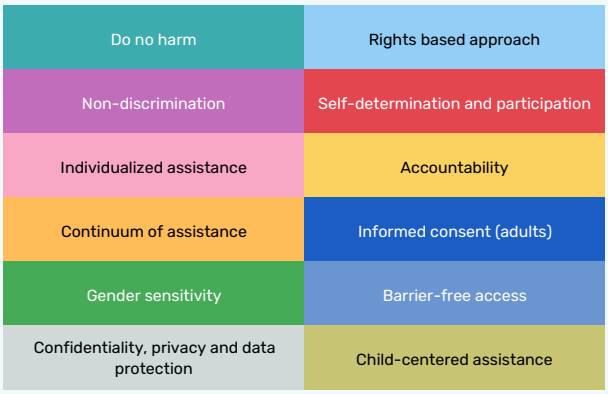
Survivors of trafficking might have **specific protection needs based on their individual experience to ensure safe travel** to their country of origin. Therefore, the survivors are always assisted by an IOM staff member upon departure, in transit and upon arrival. In some cases, IOM accompanies the survivors all the way until their final destination. This accompaniment will systematically take place when assisting unaccompanied minors survivors of trafficking but can also be facilitated for vulnerable survivors in need of additional protection and support during their travel. Upon arrival in the country of origin, IOM assists with border control and luggage collection. Initial information on the reintegration process is provided and provision of pocket money to cover basic needs is foreseen when needed. In some cases, overnight accommodation upon arrival will be necessary and facilitated by IOM. IOM can also support the survivors in filing a complaint directly at the airport upon arrival in the country of origin, in particular in instances when protection would be requested by the survivors.

Reintegration assistance upon return

Reintegration assistance is designed to support the survivors of trafficking to sustainably reintegrate into their countries of origin and within the local communities. It is tailored to the needs of the survivors and comprises of different types of assistance. A comprehensive package of reintegration assistance includes the following services: housing or accommodation, medical assistance, psychological support and counselling, education and life skills, economic opportunities, legal and administrative support, family mediation, case management and assistance to family members if needed. Survivors of trafficking may require a single service (e.g. transportation, emergency medical care, job placement) or multiple services (e.g. a combination of housing, medical assistance, psychological care, legal support, education and vocational training).

Services may be trafficking-specific or they may be more general. Meaningful reintegration is a complex undertaking, often requiring a full and diverse set of services for victims (and sometimes for their families), who themselves have widely differing short- and long-term physical, psychological, social and economic needs. Once the immediate needs of trafficked persons have been met, many victims require further assistance to reintegrate into their families and communities (e.g. vocational training, economic support, long-term access to healthcare, counselling, education, family mediation, etc.).

Reintegration assistance is always provided through a migrant-centred approach, focusing on the well-being and protection of the beneficiary throughout the whole process. To reinforce this approach, counsellors follow principles of assistance (see figure below). By applying these principles, the agency of the individual is central as they are empowered to make an informed decision.



IOM also carries out ongoing monitoring and evaluation (M&E) of how the victims reintegrate into their communities, while safeguarding the data collection process to ensure privacy and security. This M&E helps to identify any challenges and opportunities for reintegration, with the goal of adjusting the support provided accordingly.

Untangling vulnerability & resilience

Survivors of trafficking have multi-layered vulnerabilities[504] and resiliencies at various stages of their lives – before, during and after trafficking – which influence the support and services they may (or may not) need.

504 https://publications.iom.int/books/iom-handbook-migrants-vulnerable-violence-exploitation-and-abuse.

Vulnerability and resilience are also influenced and created by the family and community environments into which trafficked persons seek to reintegrate. Vulnerabilities and resiliencies can fluctuate over time and in response to a range of factors.

Addressing the needs related to trafficking is crucial as a first step in recovery and longer-term reintegration. However, assistance needs are not only related to the impact and consequences of trafficking. Each survivor of trafficking has a distinct experience of life before, during and after exploitation, with individual vulnerabilities as well as sources of resilience and support. By distinguishing whether victims' assistance needs stem from trafficking itself or from underlying social and economic vulnerabilities, we can more precisely tailor reintegration support.

Challenges in supporting Survivors of Human Trafficking

While considerable efforts are made to assist survivors of human trafficking, numerous challenges remain. During the assistance period, inconsistent information given by the victims can complicate the protection efforts, as different accounts and perceptions may lead to difficulties in understanding their needs. Additionally, the subjective perception of risk and safety among the victims can affect their willingness to engage with support services. Their past traumatic experiences often result in mistrust and a heightened sense of vulnerability, making it difficult for them to open up and fully cooperate with aid workers.

The role of IOM remains limited, often constrained by the limited reintegration support available, making it difficult for IOM to work on all aspects of the reintegration of survivors. Besides limited reintegration support, some countries also lack specialized programmes for VoTs. This further challenges the survivors' capability to reintegrate since those programmes are complementary to the reintegration support and are crucial in terms of addressing survivors' unique needs. Furthermore, survivors of trafficking might face a lack of future prospects in their countries of origin, which hinders their long-term recovery and reintegration into society.

In certain cases, trafficked individuals may not even recognize themselves as victims, which complicates efforts to provide them with the necessary support. This lack of self-identification is often due to the psychological manipulation and coercion used by traffickers, which distorts the survivors' understanding of their situation and may reinforce a sense of helplessness.

Hence, while there are dedicated efforts to support VoTs, the multifaceted nature of their needs and the systemic barriers they face necessitate a holistic and integrated approach. Addressing these challenges requires greater emphasis on creating sustainable, long-term solutions that empower survivors of trafficking to rebuild their lives with dignity and security.

Overview of IOM Best Practices in the European Economic Area

IOM supports relevant stakeholders in strengthening counter-trafficking strategies and the protection of VoTs not only in Belgium but throughout the world. With this objective, IOM, in partnership with other organizations around the globe, has developed the largest global database with primary data on victims of trafficking: the IOM Global Human Trafficking Database, which is a standardized counter-trafficking data management tool. Additionally, IOM developed good practices in different countries of the European Economic Area (EEA), focusing on strengthening national referral mechanisms[505], capacity building of border guards, and supporting non-governmental organizations.[506]

505 IOM defines a referral mechanism for migrants vulnerable to violence, exploitation and abuse as a process of cooperation between multiple stakeholders to provide protection and assistance services to vulnerable migrants.

506 More information on the work of IOM at the EEA level can be found on: https://eea.iom.int/counter-trafficking-human-beings.

Poland

IOM Poland strengthens the **capacity of the Polish Border Guard officers and LOT cabin crew to better detect trafficking in human beings**.[507] More than 3,600 officers and cabin crew were trained between December 2020 and April 2024. In addition, IOM supports the authorities in enhancing cooperation between the Border Guards and law enforcement agencies from Norway and Great Britain through the organization of study visits to these countries.

IOM's counter trafficking activities in Belgium

In its counter-trafficking response in Belgium, IOM covers all aspects of counter-trafficking responses – Prevention, Protection, Prosecution and Partnerships, also known as the 4P paradigm:

Prevention: IOM carries out a range of awareness-raising activities on the prevention and identification of (potential) VoTs under the AVRR programme, using podcasts, videos and social media, targeting front-line workers and the general public. Moreover, IOM contributes to the organization of the World Day Against Trafficking in Persons (WDATIP) and the Blue Heart Campaign to increase awareness on the situation of human trafficking victims and to support and protect their rights. This year, IOM Belgium will provide a series of info sessions on return and reintegration for VoTs to the specialized centres in charge of the reception, protection and assistance of survivors of trafficking. The training can be provided to other relevant partners of the AVRR programme.

Protection: IOM strives to safeguard and uphold the rights of VoTs. Through its AVRR programme, IOM provides safe and free return for migrants who have chosen to return to their country of origin.

Prosecution: IOM regularly organizes study visits with governmental officials from third countries to exchange on best practices in combatting Trafficking in Human Beings (THB). During these study visits, the delegations of national officials interact with various Belgian authorities and organizations to gain insights into legal frameworks, law enforcement practices, victim assistance programmes, NGOs' roles, and existing monitoring and evaluation mechanisms. These visits aim to strengthen policies and practices against trafficking in these third countries. The National Referral Mechanism in Belgium and the Belgian National Rapporteur are often regarded as amongst the most efficient in the EEA.

Partnerships: In the framework of the AVRR programme, IOM works with various partners, both in Belgium and in the countries of origin, to offer the most suitable support for the beneficiaries. Following the victim-centred and rights-based approaches, IOM coordinates closely with the three mandated centres that assist VoTs in Belgium, as well as with police services and embassies. IOM has also elaborated a referral partnership with other civil society organizations and public authorities to assist the survivors that could not enroll in the National Referral Mechanism.

Example of a successful return and reintegration story

This is the story of Gloria[508], a Nigerian national, single mother of three, living in Lagos. Before leaving her country and arriving in Belgium, Gloria had never left Nigeria and used to work as a house cleaner. She was recruited in Lagos and was promised a good work opportunity as a house cleaner in Europe. At the time of her recruitment, Gloria was financially vulnerable. As her husband had just left her with their three children, and having difficulties earning enough money to support her family, she accepted the offer, hoping that this would enable her to send money back home.

507 More information on this project can be found on: https://poland.iom.int/pl/stories/clear-skies-ahead-iom-teams-lot-polish-airlines-fight-human-trafficking.

508 The name Gloria is an Alias.

The recruiter arranged Gloria's travel documents and had her take an oath in a shrine so that she would not disclose the arrangement. Such rituals, common within Nigerian trafficking networks, are meant to control the victims and keep them under bondage. Gloria travelled by land and sea with a transporter. It took them around two weeks to reach Belgium. When she arrived, she was immediately transferred to a prostitution house in Antwerp. She quickly understood what was going on and managed to escape after having been locked up in the house for numerous days. She had to leave everything behind: her passport, phone, clothes, etc.

Despite facing this traumatic experience, Gloria showed a great level of resilience and mental strength. She was extremely resourceful and managed to find the embassy of Nigeria and IOM's office on her own. She was directly counselled by IOM and informed about the different options and types of support available to her. Gloria did not want to go to the police and press charges, nor did she want to contact one of the three specialized centres. She was extremely scared that the network would find her again and wished to return to Lagos as soon as possible to be reunited with her three children who were staying with their grandparents. IOM managed to quickly organize her travel and in a matter of days, Gloria was reunited with her family and relocated to a community of her choice. She could benefit from IOM's AVRR Programme and decided to start an income-generating business with the allocated reintegration support. With the support, she rented premises where she opened a food and drinks shop. Through this microbusiness, Gloria now has access to a reasonable and sustainable standard of living and is able to participate in economic growth possibilities in her country of origin. Thanks to her income-generating activities, Gloria is economically self-sufficient and as such, less vulnerable to being re-trafficked. Gloria can now live a life that is safe, dignified and self-sustaining.

For more information contact:
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Contribution in collaboration with Minor-Ndako and Esperanto

Reception of child victims of trafficking and/or aggravated smuggling of human beings

Introduction

One in three victims of human trafficking worldwide is a minor[509]. Minors are exploited in various sectors and are also more often subjected to physical and sexual violence than adult victims[510].

This particularly vulnerable group of victims has recently received increased international attention. For instance, the United Nations' annual Blue Heart Campaign[511] focused specifically on child trafficking in 2024, and in 2023 the International Organization for Migration (IOM) published a report[512] analysing 20 years of international data on child victims of trafficking.

It is important to have reliable data on the scale and the characteristics of the victims in order to inform policies and empirically support interventions[513]. At national level, the Special Commission responsible for evaluating legislation and policy on human trafficking and smuggling has called for improvements in the statistics relating to the reporting, counselling and reception of child victims. In addition, Myria was asked to include a supplement to its annual report focusing specifically on child victims. This contribution is an initial response to that recommendation[514].

In 2018, Myria devoted the focus of its annual report ('Minors in major danger') to child victims of trafficking and smuggling of human beings. It then made the recommendation to improve the reception of unaccompanied children (UC) by (1) officially recognising Esperanto, a reception centre in Wallonia for children who are victims of trafficking, smuggling with aggravated circumstances (or 'aggravated smuggling')[515] and honour-based violence, as a specialised reception centre[516] and (2) setting up an equivalent structure in Flanders[517].

To date, Esperanto has still not been recognised as a specialised reception centre. In 2022, GRETA[518] emphasised the importance of such recognition[519]. On 1 March 2022, the Meza reception centre opened its doors in Flanders, inspired by the way Esperanto operates. Meza focuses mainly on admitting unaccompanied children aged 14 to 18 who are (presumed) victims of sexual exploitation.

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509 UNODC, *Global Report on trafficking in Persons 2022*, p. 21.
510 UNODC, *Global Report on trafficking in Persons 2022*, pp. 18, 25.
511 UNRIC, "World Day Against Trafficking in Persons 2024", 12 July 2024.
512 OIM & FXB Center for Health and Human Rights Harvard University, *From Evidence to Action: Twenty years of IOM child trafficking data to inform policy and programming*.
513 G. Tyldum & A. Brunovskis, *Describing the Unobserved: Methodological Challenges in Empirical Studies on Human Trafficking*, p. 30.
514 Belgian Chamber of Representatives, Special Commission responsible for evaluating legislation and policy on human trafficking and smuggling, p. 68.
515 In accordance with Article 77quater (1) to (5) of the Aliens Act of 15 December 1980, it is always a matter of aggravated human smuggling if the offence has been committed against a minor. In addition, there are four other situations that constitute aggravated human smuggling, namely situations in which (1) there has been abuse of the particularly vulnerable situation in which the person found themselves, leaving the victim no real and acceptable choice but to be abused, (2) force, coercion, threats or deception have been used, (3) the victim's life was endangered, deliberately or through gross negligence, or (4) the offence caused permanent physical or psychological harm.
516 In Belgium, victims of human trafficking who agree to cooperate with the judicial authorities may be granted a specific residence status (Articles 61/2 to 61/5 of the Aliens Act). This status can be obtained under three fundamental conditions, namely that the victim: (1) cooperates in the criminal investigation into human trafficking, (2) cuts off all contact with the exploiter and (3) agrees to be supported by one of the recognised specialised centres. These are Payoke in Antwerp, PAG-ASA in Brussels and Sürya in Liège.
517 Myria, *Annual report 2018 – Trafficking and smuggling of human beings, Minors in major danger*, pp. 158-159.
518 GRETA is the acronym for the Group of Experts on Action againstTrafficking in HumanBeings. It is responsible for monitoring the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings. For more information on GRETA, see https://www.coe.int/en/web/anti-human-trafficking/greta.
519 GRETA, *Evaluation Report Belgium, 2022*, Chapter V, point 4.

Based on Esperanto's external contribution in its 2018 annual report, Myria shall first present the profile of the children received and supported by Esperanto over the last 10 years (2014-2023) (point 1). It will then focus on the recent opening of the Meza reception centre (point 2). The origins of Meza, its vision and organisation of reception are discussed, as well as the profile of the young people who are received there (2022-2023). Finally, several thoughts are formulated on how Meza has been operating to date, focusing on its perceived strengths and challenges.

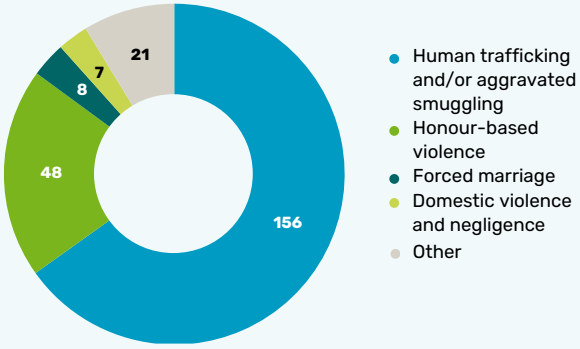
1. Esperanto

Esperanto was founded in 2002. Within a secure environment, Esperanto offers protection, support and reception to:

- (presumed) victims of human trafficking;
- (presumed) victims of aggravated human smuggling;
- (presumed[520]) victims of honour-based violence.

Esperanto's vision and approach to support and reception are detailed on the Esperanto website as well as in the external contribution written by Esperanto in Myria's 2018 annual report[521].

1.1. In total, Esperanto received 241 young people between 2014 and 2023



Over the past ten years, Esperanto has provided support and accommodation for **241 young people** (240 of them were minors, one was 18 years old).

The majority of these young people (156, i.e. 65%) were victims of human trafficking and/or aggravated human smuggling. In most cases (120) it was human trafficking, in 34 cases it was aggravated human smuggling and in two cases it was a combination of the two.

The second largest group of young people received were victims of honour-based violence (48), forced marriage (8) and domestic violence and neglect (7).

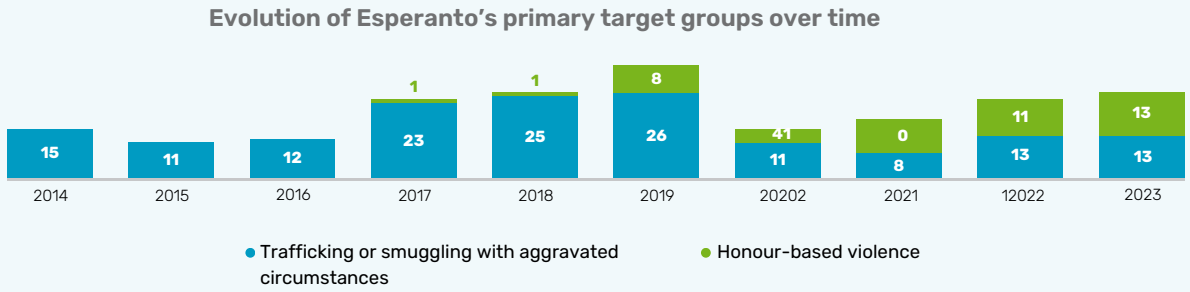
The 'other' category (21) includes, in particular, babies and young children, young mothers supported by Esperanto[522] and young people who do not belong to the three abovementioned target groups but who have been temporarily received by Esperanto before being referred elsewhere[523].

520 For the sake of readability, the term 'victims' will always be used in the rest of the text instead of '(presumed) victims'. Reception and support by Esperanto is not necessarily subject to the request for or obtaining of the status of victim of trafficking or human smuggling. At Esperanto, support can be provided as soon as there are indications of trafficking and/or aggravated smuggling of human beings. Such an indication may result from the situation in which the minor was discovered, from the minor's testimony, etc. Once the minor is admitted to Esperanto, there is a three-month observation phase aimed at better understanding the young person's situation. If, during this period, it turns out that it is not a case of human trafficking and/or aggravated smuggling and that the young person does not belong to Esperanto's third target group either, they will be referred elsewhere.

521 For more information on how Esperanto works, go to www.esperantomena.org and Myria, *Annual report 2018 – Trafficking and smuggling of human beings, Minors in major danger*, pp. 48-51.

522 Esperanto, *Activity report 2021*, p. 19.

523 Esperanto, *Activity report 2019*, pp. 19 and 22.



While Esperanto mainly focused on providing reception and support services to victims of human trafficking and/or aggravated human smuggling, an increased number of victims of honour-based violence have been admitted since 2017. However, it should be noted that Esperanto has in fact been providing support to victims of honour-based violence since its inception, but in these situations, it was always a combined problem where the trafficking component was predominant, thus leading Esperanto to admit them.

Since 2022, Esperanto has also been receiving victims of honour-based violence unrelated to trafficking.

This broadening of the target group was formalised during the period 2019-2022, in particular thanks to additional optional funding from 2021 and an increase in reception capacity from 15 to 20 places in 2022.

Since 2022, the two target groups have occupied about half of the available places at Esperanto.

In what follows, in accordance with Myria's legal mandate, only the cases of victims of trafficking and/or aggravated smuggling of human beings will be explored in depth.

1.1.1. Type of exploitation and gender



Just over half of the 156 young people received by Esperanto over the last decade have been victims of sexual exploitation (42) or have been coerced into committing criminal acts (43)[524]. The third and fourth largest groups are victims of aggravated human smuggling (36)[525] and victims of labour exploitation (29)[526]. A minority (9)[527] were forced to beg.

Of the 156 young people admitted, almost three out of four were girls (114). In the group of victims of sexual exploitation, forced criminality and labour exploitation in particular, they far outnumbered male victims.

524 In total, 43 young people were forced into committing criminal acts; for two of them, it was also a question of aggravated human smuggling. As three young people were victims of several forms of exploitation or trafficking and smuggling at the same time, the sum of the totals indicated for the different groups is higher than the number of young people (159 instead of 156).
525 In total, 36 young people were victims of aggravated human smuggling, two of whom also committed criminal acts under coercion.
526 In total, 29 young people were victims of labour exploitation and one of them was forced to beg.
527 In total, nine young people were forced to beg, one of whom was also a victim of labour exploitation.

1.1.2. Type of exploitation,gender, nationality and age

Nationality	Sexual exploitation		Forced criminality		Labour exploitation		Forced begging		Forced begging & labour exploitation		Forced criminality & smuggling with aggravating circumstances		Smuggling with aggravating circumstances		Total
	F	H	F	H	F	H	F	H	F	H	F	H	F	H	
Serbia	2		13	5	4	1	1								26
Vietnam					5	5							7	8	25
Belgium	18														18
Romania	4		4		1		3	4	1						17
Morocco	3			1	1	3									8
Nigeria	5	1													6
Bosnia-Herzegovina			4								1				5
Congo	2				2								1		5
Iraq													3	2	5
Croatia			3	2											5
France	1		3												4
Afghanistan													1	2	3
Bulgaria	1		1		1										3
Syria			1											2	3
Albania	1												1		2
Cameroon													1	1	2
Macedonia					2										2
Italia			1												1
Algeria											1				1
Angola													1		1
Burundi													1		1
China						1									1
Germany	1														1
Egypt				1											1
Eritrea													1		1
Guinea	1														1
Hungary	1														1
Iran					1										1
Ukraine					1										1
Palestine														1	1
Poland			1												1
Sierra Leone	1														1
Somalia														1	1
Total	41	1	32	9	18	10	4	4	1	0	2	0	17	17	156

The most common nationalities among the victims of human trafficking and/or aggravated smuggling received by Esperanto over the last 10 years (2014-2023) are Serbian (26), Vietnamese (25), Belgian (18) and Romanian (17).

The table above shows the following profiles among the victims received by Esperanto:

Young people (35) from the Roma community of Serbian (18), Romanian (4), Bosnian (4), French (3), Bulgarian (1) and Polish (1) nationality **coerced into committing criminal acts** (for instance, theft). The pressure to commit offences (burglaries of private houses, pickpocketing, theft) comes from the family environment[528]. The average age of this group is around 14. Between 2014 and 2023, young people corresponding to this profile were admitted by Esperanto every year, except in 2016 and 2022.

528 Esperanto, *Activity report 2023*, p. 25.

In its 2016 annual report rapport, Myria described how these Roma family clans operate[529]. Belgium has also already been identified by Europol as a destination country for family clans who use children to commit offences under coercion[530].

Vietnamese victims, men and women (25 in total), victims of labour exploitation (10) or aggravated human smuggling (15). The majority (19) of Vietnamese victims were admitted by Esperanto between 2018 and 2019. After 2021, this group no longer figures among the victims received by Esperanto. The average age of these smuggling victims is more or less 16. The average age of the young people who were the subject of labour exploitation is around 17. Esperanto explains that reports of this group depend heavily on the level of detection by frontline players (in particular the police).

In 2019, 39 Vietnamese victims of human smuggling were found dead in a refrigerated lorry that had left France by ferry bound for England via Zeebrugge[531]. Following this Essex case, Myria's 2022 annual report focused on the smuggling and trafficking of Vietnamese people to and within Europe. For Vietnamese victims of human smuggling, the decision to leave for Europe is strongly motivated by economic reasons and family expectations[532]. Moreover, the price to be paid for illegal entry into Europe can quickly reach tens of thousands of euros, and it is often necessary to take out a loan on the informal credit market to achieve this. Due to this debt burden and the possible debt bondage that results from it, human smuggling can lead to a situation of human trafficking. The labour exploitation of Vietnamese victims was particularly associated with exploitation in nail bars and restaurants (in Brussels)[533].

Girls of Belgian nationality who are victims of sexual exploitation through the *loverboy method* (18). The average age of this group is around 14.5. The drug use of the young girls complicates the support process provided by Esperanto[534]. This group of victims and the underlying mechanisms of emotional and drug dependency were also addressed by Myria in its annual reports of 2015[535], 2018[536], 2021[537] and 2022[538].

Esperanto notes a sharp increase in reports in recent years concerning this group of victims[539]. In fact, the majority (14) of the victims were admitted by Esperanto over the last five years (2019-2023). Esperanto has noticed that the victims often belong to the same exploitation networks and that the exploitation often takes place in and around Brussels.

This group is characterised by numerous instances of runaway behaviour. Since 2019[540], five girls out of the 14 were reported as having run away[541]. This runaway behaviour has turned out to be more frequent when girls who were the victim of the same exploiter, were admitted at the same time by Esperanto, because they would then run away together to return to this exploiter. This is why Esperanto has also adapted the admission policy for this group of victims, in order to best prevent runaway behaviour. Within the group living at the centre, the decision has now been made to accept only one (or a limited number of) girl(s) from this group at a time[542]. Given that these young girls have often grown up in Belgium and therefore know the languages spoken here, its geography and how its public transport system works, they have less difficulty in running away.

529 Myria, *Annual report 2016 – Trafficking and smuggling of human beings, Beggars in the hands of traffickers*, pp. 42.
530 Europol, *Criminal networks involved in the trafficking and exploitation of underage victims in the European Union*, 2018, pp. 30-33.
531 S. Grommen, *15 jaar cel voor spilfiguur in Essex-drama, waarbij 39 Vietnamese migranten stierven in koelwagen*, VRT Nieuws, 19 January 2022.
532 Myria, *Annual report 2022 – Trafficking and smuggling in human beings, Bound by debt*, pp. 10-11.
533 Myria, *Annual report 2022 – Trafficking and smuggling in human beings, Bound by debt*, pp. 18-19 ; Myria, *Annual report 2023 – Trafficking and smuggling of human beings, A chain of responsibilities*, p. 16; Esperanto, *Activity report 2019*, p. 20; Esperanto, *Activity report 2020*, p. 20.
534 Esperanto, *Activity report 2020*, p. 19.
535 Myria, *Annual report 2015 – Trafficking and smuggling in human beings, Tightening the links*, pp. 23-52.
536 Myria, *Annual report 2018 – Trafficking and smuggling in human beings, Minors in major danger*, pp. 22-23.
537 Myria, *Annual report 2021 – Trafficking and smuggling in human beings, Visibly invisible*, pp. 64-67.
538 Myria, *Annual report 2022 – Trafficking and smuggling in human beings, Bound by debt*, pp. 71-76.
539 Esperanto, *Activity report 2020*, p. 19; Esperanto, *Activity report 2023*, p. 24.
540 In 2019, Esperanto modified the way it processes and presents its statistical data. For more information on this, see Esperanto's 2019 annual report on p. 14. This report is available at https://www.esperantomena.org/statistics. This allows Myria to specifically identify the number of disappearances within the group of victims of trafficking and/or smuggling from 2019 onwards, whereas this was not possible for the period 2014-2018.
541 Young people who disappeared after running away.
542 Information obtained during an online interview on 7 May 2024 withSébastien Biaudelle, director of Esperanto.

Running away from the parental home, the foster family or the youth centre where they are staying is also a characteristic feature of the Child Focus studies of 2015[543] and 2020[544] and has been associated with an increased risk of being exploited by traffickers at those times. Child Focus concludes that subsequent episodes of running away also increase under the influence of the exploitation network.

Young people belonging to the Roma community (5 girls, 4 boys) coerced into begging (9). The pressure to beg is rooted in a family context[545]. The average age of this group is around 14.

Myria's 2018 annual report refers to several cases in which victims were forced by certain Roma family clans to beg and commit criminal acts[546]. Belgium has also already been identified by Europol as a destination country for these family clans who coerce children to beg and commit offences[547].

Roma girls who are victims of labour exploitation exploited in a domestic context (8). Exploitation in a family context sometimes takes place within the family itself and sometimes within the in-laws, when girls move in with the in-laws after a (forced) marriage at a young age[548]. The average age of this group is around 15.

Girls from South-Eastern Europe (Romania, Serbia, Bulgaria, Hungary and Albania) exploited in prostitution (9). The average age of these girls is about 15. Some of them arrived in Belgium following a forced marriage only then to be exploited by their in-laws.

Others were victims of pimps who used the loverboy method. Several of Myria's annual reports[549] refer to this group of victims, the violent control mechanisms used by the perpetrators and the relevant case law[550].

Nigerian girls (5) who are victims of sexual exploitation. The average age of this group is around 16. The substantial increase in the number of Nigerian women arriving in Europe in 2013-2015 has prompted policymakers and law enforcement agencies to focus their attention on this group[551]. In accordance with this chronology, five Nigerian minors who were victims of sexual exploitation were received by Esperanto between 2014 and 2017. Since 2017, this profile is no longer among the minors accepted by Esperanto. Myria's 2018 annual report[552] describes in detail the underlying Nigerian criminal networks, as well as their control mechanisms and counterstrategies to avoid detection. The relevant case law is analysed in particular in Myria's annual reports of 2021[553], 2022[554] and 2023[555].

The disappearance of this group among the victims received by Esperanto does not necessarily mean that this group of victims no longer exists. Several factors make detection difficult, particularly the increasingly mobile and transnational nature of the underlying criminal networks[556]. In addition, the exploiter(s) force the girls to pretend to be over 18[557]. Furthermore, the special attention paid to this group by the police may also have had the unintended effect of sexual exploitation increasingly taking place in less visible sectors, rather than in the form of window prostitution or at home.

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543 Child Focus, *Slachtoffers van tienerpooiers in Vlaanderen*, 2015, pp. 19 and 43.
544 Child Focus, *Les victimes de proxénètes d'adolescents à Bruxelles*, 2020, p. 34.
545 Esperanto, *Activity report 2021*, p. 22.
546 Myria, *Annual report 2018 – Trafficking and smuggling in human beings, Minors in major danger*, p. 26.
547 Europol, *Criminal networks involved in the trafficking and exploitation of underage victims in the European Union*, 2018, pp. 30-33; L. Walker, *"Child trafficking action: 92 underaged victims identified and 33 smugglers arrested"*, The Brussels Times, 16 July 2021.
548 Esperanto, *Activity report 2019*, p.20; Esperanto, *Activity report 2020*, p.20; Esperanto, *Activity report 2021*, pp. 3 and 2; Esperanto, *Activity report 2023*, p. 25.
549 Myria, *Annual report 2015 – Trafficking and smuggling in human beings, Tightening the links*, pp. 30-31; Myria, *Annual report 2016 – Trafficking and smuggling of human beings, Beggars in the hands of traffickers*, pp. 81-87, 135-136; Myria, *Annual report 2017 – Trafficking and smuggling of human beings, Online*, pp. 35, 83 and 107; Myria, *Annual report 2018 – Trafficking and smuggling in human beings, Minors in major danger*, p. 133-134; Myria, *Annual report 2019 – Trafficking and smuggling in human beings, Empowering victims*, pp. 104-105, 121; Myria, *Annual report 2020 – Trafficking and smuggling in human beings, Behind closed doors*, pp. 76-79; Myria, *Annual report 2021 – Trafficking and smuggling in human beings, Visibly invisible*, p. 64, Myria, *Annual report 2022 – Trafficking and smuggling in human beings, Bound by debt*, pp. 71; Myria, *Annual report 2023 – Trafficking and smuggling in human beings, A chain of responsibilities*, pp. 103-110.
550 For an overview of recent case law on the smuggling and trafficking of human beings, see also Myria's website (case law).
551 D. Brombacher, G. Maihold, M. Müller and J. Vorrath (Ed.), J. Vorrath, "Peculiarity and persistence of a transregional flow: the evolution of human trafficking for sexual exploitation from Nigeria to Europe", in *Geopolitics of the Illicit. Linking the Global South and Europe*, Nomos, 2022, p. 133.
552 Myria, *Annual report 2018 – Trafficking and smuggling in human beings, Minors in major danger*, pp. 62-73.
553 Myria, *Annual report 2021 – Trafficking and smuggling in human beings, Visibly invisible*, pp. 60-64.
554 Myria, *Annual report 2022 – Trafficking and smuggling in human beings, Bound by debt*, pp. 64-69.
555 Myria, *Annual report 2023 – Trafficking and smuggling in human beings, A chain of responsibilities*, p. 96.
556 Myria, *Annual report 2018 – Trafficking and smuggling in human beings, Minors in major danger*, p. 63.
557 Ibid., p. 67.

Not to mention the COVID-19 pandemic[558], which further intensified this trend.

Young people of Moroccan nationality (8) victims of labour exploitation (4), forced criminality (1) and sexual exploitation (3).

Forced criminality may be linked to the fact that young North Africans live on the street and face problems with addiction[559]. Both Fedasil and Esperanto emphasise the difficulty of cooperating with this group of young people, who express no desire to be supported[560]. It is suspected that they are recruited by adults to commit criminal acts (burglaries and robberies in pharmacies) under the influence of drugs and/or medication[561]. In 2020, the Flemish Office of the Commissioner for Children's Rights (Kinderrechtencommissariaat - KRC) emphasised the need to strengthen cooperation on the reception and protection of this group[562]. In 2024, an investigation by the federal judicial police (FJP) concluded that these North African minors were recruited via social media by criminal networks involved in drug trafficking and theft in Belgium[563].

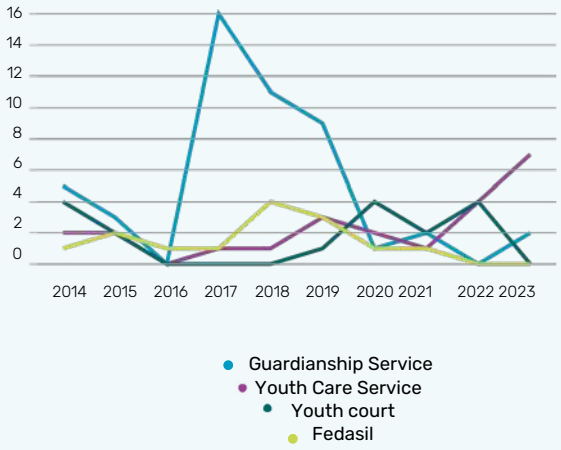
Esperanto came into contact with several Moroccan girls who have been living in Belgium with their families for several years. The girls, aged 14, 16 and 17, had been seduced by young men of Moroccan origin and then sexually exploited through prostitution. Some of the exploiters were also linked to urban gangs in Brussels[564]. Myria's 2022 annual report provides details of the judgment handed down on 30 June 2021 by Brussels Criminal Court in a case involving the sexual exploitation of several underage girls by an urban gang in Brussels[565].

The other young people received by Esperanto cannot be grouped into specific categories.

1.1.3. Authorities responsible for reporting

Authorities responsible for reporting	Number of reports[566]
Guardianship Service	49 (31%)
Youth Support Service (SAJ[567])	23 (15%)
Youth court	17 (11%)
Fedasil	14 (9%)

Top 4 players who have issued reports over time (2014-2023)



The four bodies that have sent the most reports to Esperanto are listed above. Together, they represent approximately 66% (103) of the total of 156 reports. Esperanto has also received reports from a diverse group of other players, such as the Youth Protection Service (SPJ[568], 8), the National Social Security Office (7), the Brussels Crisis Centre (7), the police (3), the public prosecutor's office (3), Public Youth Protection Institutions (IPPJ[569]), etc.

558 Myria, *Annual report 2021 – Trafficking and smuggling in human beings, Visibly invisible*, p, 27.
559 Esperanto, *Activity report 2021*, p. 21.
560 Information obtained during an online interview on 7 May 2024 with Sébastien Biaudelle, director of Esperanto, and during an online interview on 30 May 2024 with Liesbeth Dhondt, UC policy officer at Fedasil.
561 Esperanto, *Activity report 2019*, p. 29; Esperanto, *Activity report 2021*, pp. 29 and 33.
562 KRC, *Nood aan een versterkte samenwerking om buitenlandse straatkinderen opvang te bieden en te beschermentegen geweld*, 2020, p. 2.
563 T. Santens, "Dit zijn de 'harraga's' : minderjarigen uit Marokko en Afghanistan worden gerekruteerd voor drugshandel en diefstal in België", *VRT Nieuws*, 17 June 2024.
564 Esperanto, *Activity report 2022*, p. 24; Esperanto, *Activity report 2023*, p. 24.
565 Myria, *Annual report 2022 – Trafficking and smuggling in human beings, Bound by debt*, pp. 77-78.
566 The totals indicated in point 1.1.3. should be interpreted with caution. The tables of figures received from Esperanto sometimes indicate two reporting authorities when a minor is involved. The table only includes the total when the authority that made the report has been declared as being the sole reporting authority.
567 The SAJ (Service de l'Aide à la Jeunesse) offer youth services on a voluntary basis within the French-speaking Community.
568 The SPJ (Service de la Protection de la Jeunesse) are support services that intervene in the French-speaking Community when the youth court decides to impose a restrictive measure. It is up to the SPJ to implement this restrictive measure and to ensure the follow-up in practice.
569 The IPPJ (Institutions Publiques de Protection de la Jeunesse) are institutions within the French-speaking Community aimed at young people. They provide open and/or closed programmes exclusively for young people (usually aged 14 and over) prosecuted for acts classified as offences.

Most of the reports from the Guardianship Service date from the period 2017-2019 (36). Since 2020, the number of reports has decreased (five in total for the period 2021-2023).

The number of reports received from the SAJ appears to have been fairly stable over the period 2014-2022 (an average of two per year). In 2023, the number of reports rose to seven.

The youth court referred an average of 2.8 reports per year during the period 2014- 2023.

The number of reports submitted by Fedasil remained relatively stable between 2014 and 2023, with an average of 1.75 reports per year and a specific increase of four reports in 2018.

1.1.4. Length of stay and running away (disappearances)

The figures provided by Esperanto for the period 2014-2023 do not make it possible to determine the average duration of admission for victims of human trafficking and/or aggravated human smuggling. Esperanto indicates that the average duration of reception and support is six months to one year. Since 2021, Esperanto has observed that this period is longer, partly because the lack of places in traditional youth care facilities makes it difficult to refer young people to other youth support institutions[570].

However, for the period 2019-2023, information is available on the number of times someone ran away. During the five-year period in which 71 victims were admitted, 11 disappearances occurred (in other words, in 15% of cases).

Six of the 11 disappearances involved girls who were **victims of sexual exploitation**. Five of these six girls were of **Belgian nationality**. The runaway behaviour exhibited by the young Belgian girls who were sexually exploited using the loverboy method was mentioned above.

In addition, two **Vietnamese minors** (one victim of labour exploitation and one victim of aggravated human smuggling) also disappeared. They probably ran away with the aim of reaching their intended destination (often the United Kingdom)[571] and/or because the pressure to earn money (rather than the obligation to attend school) in order to repay the debt contracted with the network of smugglers was too great. The difficulty of gaining the trust of the Vietnamese victims had already been reported by Myria, with the Vietnamese unaccompanied children disappearing just as quickly from Fedasil Observation and Orientation Centres and not making statements (or false ones, as the case may be) to the authorities[572]. However, these disappearances at Esperanto would appear to be rather rare, considering that they only involved two people out of a total of 25 Vietnamese accompanied child victims over the last decade.

The other three disappearances involved **victims of forced criminality**, two belonging to the Roma community and one victim of Moroccan nationality[573]. This issue was also raised during the consultation with Fedasil[574] concerning these two groups. The disappearances of young people belonging to the Roma community may also be linked to the mobile nature of this group across national borders[575].

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570 Information obtained during an online interview on 7 May 2024 with Sébastien Biaudelle, director of Esperanto.

571 Esperanto, *Activity report 2019*, p. 20.

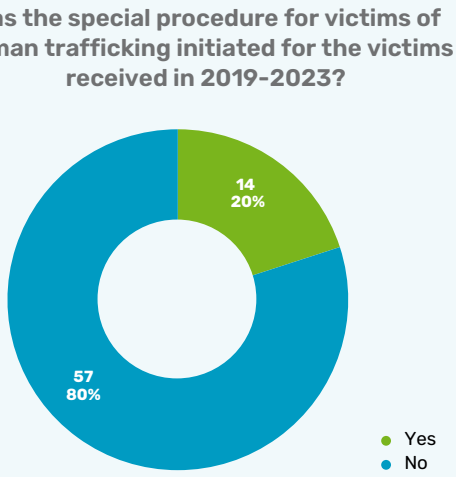
572 Myria, *Annual report 2022 – Trafficking and smuggling of human beings, Bound by debt*, p. 21.

573 This data was shared by Fedasil with Myria on 10 July 2024. Unaccompanied children of Moroccan nationality were already among the two nationalities that disappeared most often from Fedasil reception centres in 2021-2023. In 2021, 316 disappearances of Moroccan minors were recorded; in 2022 and 2023, there were 148 and 234 disappearances respectively. These figures should be treated with caution. The disappearances only concern runaways from Fedasil reception centres and therefore do not reflect any disappearances of UC staying at private addresses. Furthermore, the figures do not relate to individuals, but to reports of disappearances. A young person may therefore appear several times in these figures. These figures also include the disappearances of minors whose age is uncertain. These young people often disappear before an age test is carried out by the Guardianship Service. In addition, these figures include disappearances, spontaneous departures from reception centres and refusals of reception.

574 Information obtained during an online interview on 30 May 2024 with Liesbeth Dhondt, UC policy officer at Fedasil.

575 L. de Witte, *Duurzame oplossingen voor Roma kinderen die slachtofferzijnvan criminele uitbuiting*, 2018,pp. 26-28,31, 55,57, 87and 91; Myria, *Annual report 2016 – Trafficking and smuggling of human beings, Beggars in the hands of traffickers*, p. 42.

1.1.5. Special procedure for victims of human trafficking



The initiation of a protection procedure for victims of human trafficking or aggravated human smuggling is not a prerequisite in order to benefit from reception and support from Esperanto. Esperanto will discuss this possibility with the young person, but will never impose it.

Of the 71 victims taken in by Esperanto during the period 2019-2023, the special procedure for victims of human trafficking or aggravated human smuggling was initiated for 14 young people (10 girls and 4 boys, i.e. 20% of cases). These were mainly Vietnamese victims (9), six of whom were victims of aggravated human smuggling and three of labour exploitation.

When young people are interested in the special procedure for victims of human trafficking or aggravated human smuggling, it is often for the following two reasons[576]:

- To obtain a residence permit. This potential reason therefore does not apply to victims with Belgian nationality, since they already have a Belgian national identity card;
- The desire for the exploiter(s) to be punished.

The 'human trafficking' procedure is not initiated for the majority of child victims, mainly for the following reasons[577]:

- **The conditions are very strict** and it is difficult for the young person to meet them. For instance, they have to cut any ties with the network in which they were exploited, which is very complicated for young people who may experience conflicts of loyalty towards their exploiter, such as the victims of pimps who used the loverboy method, or for young people from the Roma community whose exploitation occurred in a family context.
- **There is insufficient evidence,** which leads to the rapid closure of the police investigation and criminal proceedings. For instance, even if the young person wishes to actively cooperate in the investigation and is willing to make a statement, they do not always have relevant information such as the real identity of the exploiter(s).
- **The trauma** suffered may, among other things, have an impact on memory and hamper the young person's ability to make statements to the police.
- There is a **fear of reprisals from the exploiters** if they enter the procedure.
- **The victim is ashamed of being a victim,** in relation to themselves and to the members of their family.
- **The victim is under pressure from their family** (in Belgium and/or in their country of origin) to continue earning money.
- Vulnerability and a **lack of stimulation during childhood** can discourage young people from reporting offences and cooperating with the police.
- **Other residence procedures are preferred,** namely the special residence procedure for unaccompanied children and the international protection procedure. These procedures are considered to be a more durable solution, but also less restrictive and confrontational for the young person compared to the procedure for victims of human trafficking and human smuggling.

2. The creation of Meza within Minor-Ndako

Minor-Ndako is a recognised organisation within the youth support services of the Flemish Community. It provides reception and support services to unaccompanied children and young people who are in a difficult situation. Since 2022, Minor-Ndako has become an organisation with 10 branches spread across Brussels, East Flanders, FlemishBrabant and West Flanders. Thanks to these 10 sites, it was possible to help 319 children, young people and families in 2023.

576 Information obtained during an online interview on 7 May 2024 with Sébastien Biaudelle, director of Esperanto.
577 Information obtained during an online interview on 7 May 2024 with Sébastien Biaudelle, director of Esperanto.

In 2022, Minor-Ndako opened a new support group, Meza, which is endeavouring to provide an initial response to a real need for care for unaccompanied children who are victims of trafficking. As previously mentioned, human trafficking affects both adults and children. In addition, the group of child victims also includes a particularly vulnerable group of unaccompanied children (UC). Following the signing of the Convention on the Rights of the Child, the government has a duty to offer protection and shelter to UC. This protection involves several aspects (in particular the appointment of a guardian), but also includes protection against violence, abuse and exploitation.

However, to date, there is a disparity in Belgium in the availability of reception facilities for adult and child victims of human trafficking. The three approved specialised centres (Payoke, PAG-ASA and Sürya) offer legal and administrative support to child victims, but their reception facilities are exclusively reserved for adults. Before the opening of Meza, the Flemish Community had no centre specialised in the reception of UC who are (presumed) victims of human trafficking.

2.1. Target group(s) for the Meza section

Meza has **six reception places** mainly intended for **unaccompanied children aged 14 to 18 who are presumed victims of sexual exploitation**. It is important to note here that the term 'presumed' has been chosen deliberately. These are girls who are in a worrying situation with indications of trafficking. However, they are not obliged to make a statement in this regard, as the right to reception is deliberately not linked to the obligation to enter the procedure relating to the status of victim of trafficking. Minor-Ndako prioritises the request for assistance, the need for support and/or the need for accommodation, with the establishment of security and trust being considered as necessary preconditions for initiating and completing the procedure.

Besides this priority target group, Meza can also receive other children who are presumed victims of any kind of exploitation, in particular unaccompanied girls aged 12 and over, vulnerable young adult girls and unaccompanied boys aged between 14 and 18.

In exceptional circumstances, Meza can also receive underage girls and boys who do not fall within these target groups. These include (presumed) victims of aggravated human smuggling, (presumed) victims of honour-based violence, (presumed) victims[578] of Belgian nationality who are being sexually exploited by pimps who use the loverboy method. This group of victims often has similarities with UC, for instance when the parents are absent from their lives and because they are not of Belgian origin.

2.2. Meza's vision of reception: to provide safe, small-scale, low-threshold, cooperative and multidisciplinary accommodation

Meza means 'middle' in Esperanto. Meza aims to be a turning point in the lives of young people, by paying attention to their trajectory before their admission and striving to improve their prospects after they are admitted.

To reach this turning point, Minor-Ndako believes that a specialised approach is necessary in the form of **safe and small-scale accommodation**. Minor-Ndako has found that many unaccompanied children who are potential victims of trafficking and end up in open, unsecured and non-specialised reception facilities often disappear before they can receive effective help. Minor-Ndako therefore believes that the target group requires a protected and controlled environment, free from the harmful influences of the trafficking network, in order to provide those concerned with the necessary security and mental and physical respite.

Another of Meza's objectives is to provide **accessibility at a low threshold**, so that there are no long waits in cases of emergency shelter. One of the ways of achieving this accessibility is through **cooperation with PAG-ASA**, one of three recognised and specialised centres responsible for receiving and supporting victims of human trafficking and aggravated human smuggling.

578 For the sake of readability, the term 'victims' will always be used in the rest of the text instead of '(presumed) victims'.

Reports are made through PAG-ASA, which means that victims can be informed 24/7, thanks to PAG-ASA's on-call service.

Meza and PAG-ASA also collaborate in other areas: PAG-ASA assesses the reports received according to the main target group and will recommend that Meza take charge of the case if there is the slightest indication of trafficking. If the report does not concern a young person belonging to the priority target group, the decision whether to admit this person or not is taken by mutual agreement. In addition, a legal advisor from PAG-ASA is present at Meza once or twice a week to inform minors about the procedure for victims of human trafficking and to support them in all their dealings with the police, the courts, etc. In the follow-up process, PAG-ASA is also responsible for legal and administrative support in the procedure relating to the status of victim of human trafficking. With regard to administrative support for residence outside the trafficking procedure (for instance, an application for international protection, a special residence procedure for unaccompanied children, etc.) or other legal procedures, once a guardian has been appointed, the latter will appoint a lawyer to follow up on these aspects. To follow up on the criminal case relating to human trafficking, PAG-ASA can recommend a lawyer specialising in this field (criminal law and more specifically human trafficking) to the guardian, but the final decision rests with the guardian. With the guardian's consent, PAG-ASA can contact a lawyer and arrange for a pro deo lawyer to be appointed. With the consent of the guardian and the young person, it is possible to establish direct contact with the lawyer as part of the procedure relating to the status of victim of human trafficking (by phone or email), or to communicate through the guardian.

In addition to providing safe accommodation while trying to make the victims inaccessible to the exploitation network and offering legal and administrative support through PAG-ASA, the centre also provides appropriate care and assistance. From the beginning, the multidisciplinary team (a psychologist, a team leader, a team of support workers and a legal advisor from PAG-ASA) endeavours to establish a relationship of trust with the young person. Meza benefits from the pedagogical expertise of **De Wissel**[579].

Finally, efforts are being made to ensure close **cooperation with the police, the public prosecutor's office, the courts, the Immigration Office, the Guardianship Service and the players involved in the reception of asylum seekers (in particular Fedasil).**

2.3. Meza's reception process has several stages

2.3.1. First stage: the internal stage

The reception process at Meza comprises several stages. During the first stage, the child's daily life takes place entirely indoors, including educational activities and leisure activities. The aim is to create a living environment with a pleasant, family atmosphere. For the security of the target group, there is no free access to phones or the internet. Calls to parents or internet searches can only take place under the supervision of support workers.

During this first stage, the main objective is to present the young people to the other residents, the staff and the guardian, as well as explaining the assistance that is offered to them. In addition, a first appointment with the general practitioner takes place for a health check-up. During the first stage, the objective is to ensure that the day proceeds in a structured and predictable manner, with activities centred on care, the provision of information and relaxation. The aim is to gain trust and, if possible, re-establish contact with the family in the country of origin.

The entirely internal stage is short: an initial evaluation follows after two weeks and a transition to greater freedom is then possible.

2.3.2. Second stage: self-management under supervision

The following stages gradually lead to greater access to the outside world. The second stage consists of 'practising under supervision'. The young person can go out for a limited period of time or with their own mobile phone (without a SIM card), but always under supervision. Training on cybersecurity is also planned.

579 De Wissel is a support network for vulnerable young people and young families with six centres in Leuven, Tienen, Wezemaal and Sint-Pieters-Rhode respectively. The support services provided by De Wissel include secure accommodation, emergency accommodation, mobile family support and alternative day care during school hours, etc. For more information see www.wissel.be.

2.3.3. Third and fourth stages: greater independence (particularly in the areas of education and leisure)

During the third and fourth stages, supervision decreases and the freedom to do things alone increases. Educational and leisure activities can take place externally during this stage. However, the use of mobile phones and the internet remains regulated within the residential group, since the various residents may be at different stages of the reception process.

2.3.4. Last stage: transition to follow-up support

The final stage consists of transitioning to support in an ordinary environment once there is no longer any danger for the minor concerned. In consultation with the young person, their guardian and (if applicable) the competent public prosecutor's office, an assessment is made of what is considered desirable and feasible. Meza thus aims to provide tailor-made assistance: referral to a centre providing comprehensive support for families, placement in a foster family, stay in a Minor-Ndako residential group or another structure, support towards an independent life, etc.

A full programme lasts between six months and a year, but the duration of the specialised reception is as short or as long as necessary.

2.4. In total, Meza admitted 26 young people between 2022 and 2023

In **2022, a total of 13 young people** were accommodated at Meza: 10 minors (under 18) and three young adults (18 and 19). There were 11 girls and two boys. **All the minors accommodated were (presumed) victims of trafficking**, 10 were (presumed) victims of sexual exploitation and three were (presumed) victims of forced criminality.

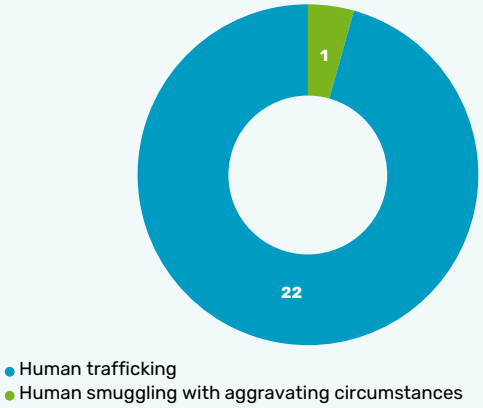
In **2023, a total of 13 young people** were accommodated at Meza: 12 minors (under 18 years old) and one young adult (19 years old). There were 12 girls and one boy. **Nine of the 13 young people were involved in human trafficking**. Five girls were victims of sexual exploitation, one girl was a victim of a combination of sexual and labour exploitation, and three young people were victims of forced criminality.

For one of the girls, it was a question of aggravated human smuggling. The other three people accommodated did not fit into Meza's main target group or in other target groups. The three unaccompanied children were not actually victims of human trafficking and/or aggravated human smuggling, but were exceptionally received by Meza in order to help partners in the youth care system out of their critical situation. This illustrates the pressure on Meza to receive young people outside the target group due to the shortage of places in traditional care facilities in Flanders and Wallonia. In addition to the pressure exerted by traditional youth support services, Meza is also under increasing pressure to accommodate male victims, particularly Afghan boys and young adults who are victims of criminal gangs (more information on this subject below). These pressures stem from the lack of (suitable) accommodation among the players involved in the reception of asylum seekers, such as Fedasil and the Red Cross. The possible negative implications and related recommendations are examined further on in this contribution.

In accordance with Myria's legal mandate, the following will only examine in depth the cases of the 23 victims of trafficking and/or aggravated human smuggling who were received by Meza between 2022 and 2023.

2.4.1. Type of exploitation and gender

Breakdown of human trafficking and smuggling victims among those received in 2022-2023



Victims supported in 2022-2023 according to gender and type of exploitation



The profile of the young people received by Meza mainly corresponds to the primary target group (unaccompanied underage girls aged between 14 and 18 who are victims of sexual exploitation) and the secondary one (other vulnerable minors who are trafficking victims). Of the minors received by Meza, 22 are victims of trafficking, including 16 cases[580] of sexual exploitation and 14 female minors.

The second most common form of exploitation is forced criminality. Within this group of six people, mostly girls (5) were also admitted. Finally, a young girl who was a victim of aggravated human smuggling was also admitted by Meza.

2.4.2. Type of exploitation, gender,nationality and age

Nationality	Sexual exploitation		Sexual & labour exploitation		Forced criminality		Aggravated human smuggling		Total
	F	H	F	H	F	H	F	H	
Romania	4		1						5
Belgium	3				1	1			5
Afghanistan		2					1		3
Bosnia-Herzegovina					2				2
Serbia					2				2
Tunisia	1								1
Benin	1								1
Bulgaria	1								1
Macedonia	1								1
Malta	1								1
Niger	1								1
Total	**13**	**2**	**1**	**0**	**5**	**1**	**1**	**0**	**23**

580 Among the 16 young people mentioned are the 15 young victims of sexual exploitation and the young girl who was the victim of a combined form of exploitation (sexual and labour exploitation).

Romanian (5), Belgian (5) and Afghan (3) were the most common nationalities among the victims of human trafficking and human smuggling received by Meza in 2022 and 2023.

The table above identifies the following profiles among the victims received by Meza:

Girls originating from South-Eastern Europe (Romanian, Bulgarian, Macedonian) exploited in prostitution (7). Of the seven girls, five were minors and two were young adults (aged 18 and 19). The two adult victims had come to Belgium from Romania with their pimp. They knew they were going to work as prostitutes in Belgium, but once in Belgium, the agreements made about the money earned were not respected. In the case of the child victims, members of the family and in-laws (brothers, mother, mother-in-law, 'husband's uncle' and 'husband') were involved in the sexual exploitation. Two of them belonged to the Roma community. References to the involvement of her own 'husband' and/or her own family (by marriage) in the exploitation also demonstrate the interconnection of human trafficking and the practice of child marriage in South-Eastern Europe[581] and, in particular, within the Roma community[582].The new Directive (EU) 2024/1412583 amending Directive 2011/36/EU adds forced marriage to the forms of exploitation included in the definition of trafficking. Adopted on 13 June, it entered into force on 14 July 2024. Belgium is required to transpose it by 15 July 2026 at the latest.

The dynamic at play between the victim and the exploiter(s) (emotional dependence) bears strong similarities to the dependency mechanisms described in the phenomenon of **sexual exploitation by the loverboy method among Belgian victims, one of whom was of Moroccan origin (3)**. The average age of the two groups is around 16.

When they are admitted, the girls' behaviour is characterised by emotional volatility and problems with aggression, sometimes exacerbated by a drug-related issue. Addiction problems also make it difficult for the girls to accept the rules and restrictions within Meza, which reinforces their resistance to their stay. In addition, Meza and PAG-ASA note that some feel a certain attraction to the old way of life, where prostitution is seen as an accessible alternative for earning money[584].

This group of victims and the underlying mechanisms of emotional and drug dependency were also addressed by Myria in its annual reports of 2015[585] and 2018[586]. In its 2022 evaluation report, GRETA also refers to a Belgian police investigation initiated in 2009 in which young Romanian women had been recruited using the loverboy technique and then sexually exploited through prostitution[587].

Young people (6, five girls and one boy) belonging to the Roma community and of Belgian (2), Bosnian (2) and Serbian (2) nationality, **and coerced into committing criminal acts** (e.g. theft). It is the family and/or the wider community to which the young people belong who coerce them into commit these acts. The average age of this group is around 12.

Afghan boys who are victims of sexual exploitation (2). Myria's 2018 annual report[588] already highlighted the issue of the sexual exploitation of Afghan boys and linked it to the local custom of *bacha bazi*. Earlier this year, the scale and seriousness of this problem were again highlighted by the prosecution of an Afghan criminal organisation allegedly involved in the smuggling, rape and extortion of a dozen Afghan children[589].

581 UNODC, *Global Report on trafficking in Persons 2022*, p. 39.

582 Myria, *Annual report 2015 – Trafficking and smuggling of human beings, Tightening the links*, pp.13-22; Myria, *Annual report 2018 – Trafficking and smuggling of human beings,Minors in major danger*, pp. 22-23; Myria, *Annual report 2023 – Trafficking and smuggling of human beings, A chain of responsibilities*, p. 110; Z. Mazinjanin, "Combating child *marriage among the Roma population in Eastern Europe*", Humanium, 3 October 2023.

583 Directive (EU) 2024/1712 of the European Parliament and of the Council of 13 June 2024 amending Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims, *O.J.* L, 24 June 2024. On this subject, see Part 2 of this report, Chapter 1, point 1.1.1.

584 Information obtained during an online interview on 25 April 2024 with Johan Vangenechten (policy manager at Minor-Ndako), Sally Beeckman (legal coordinator at PAG-ASA) and Melanie Zonderman (legal advisor to minors at PAG-ASA and Meza).

585 Myria, *Annual report 2015 – Trafficking and smuggling of human beings, Tightening the links*, pp. 23-49.

586 Myria, *Annual report 2018 – Trafficking and smuggling of human beings, Minors in major danger*, pp. 22-23.

587 GRETA, *Evaluation Report Belgium*, 2022, Chapter IV, point 8.

588 Myria, *Annual report 2018 – Trafficking and smuggling of human beings, Minors in major danger*, pp. 37-38.

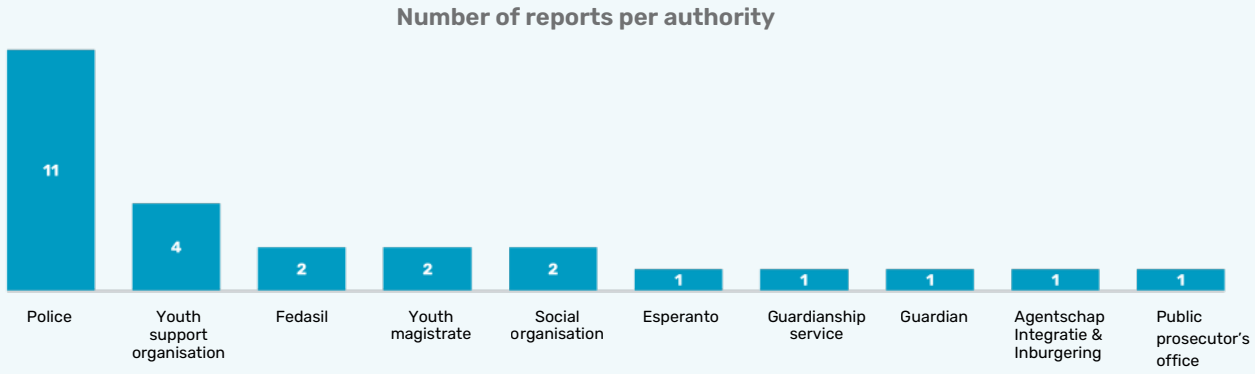
589 M. Van Cauwenberghe & H. Decré, "Van mensensmokkel tot seksueel misbruik van tientallen jonge Afghanen: 23 verdachten worden vervolgd in 'zwaar en gewelddadig dossier'", *VRT Nieuws*, 16 May 2024.

Minor-Ndako, PAG-ASA, Fedasil and the federal police[590] emphasise the problematic role of social media in these situations of exploitation. Social media is used to convince young people to come to Belgium by luring them with the dream of prosperity. The sexual abuse takes place during the journey to Belgium or once they have arrived in Belgium. The sexual exploitation is filmed and the images are then used as a means of pressure (e.g. to give money or hand over other young people for sexual abuse).

Threats (that the images will be posted) are made to the young person through social media[591]. In addition, social media is used as a tracking tool, with young people being located and approached again by exploiters based on the information they share on social media.

The other young people received by Meza are less easy to attribute to a well-defined group.

2.4.3. Authorities responsible for reporting



In 2023, Meza admitted one girl on three occasions, and another girl on two occasions. As a result, the total number of reports (26) is higher than the number of victims of trafficking and aggravated human smuggling received by Meza over the period 2022-2023 (23).

As previously stated, PAG-ASA assesses the received notifications regarding potential victims. Most of the reports received came from the police (11) and the youth support sector (4). Reports were also received from Fedasil, youth court magistrates, social organisations (the Brussels crisis point de contactat CAW592 and Violett Antwerpen[593]), Esperanto, the Guardianship Service, a guardian, Vlaams Agentschap Integratie & Inburgering[594] and the public prosecutor's office.

In particular, the police reported to PAG-ASA five of the 14 sexually exploited girls[595] and five of the six young people forced to commit criminal acts.

As for the youth support sector, it reported four of the 14 girls who were victims of sexual exploitation. One of them was reported three times, twice by youth support services and once by a youth magistrate. A fifth girl, also a victim of sexual exploitation, was also reported by a youth magistrate.

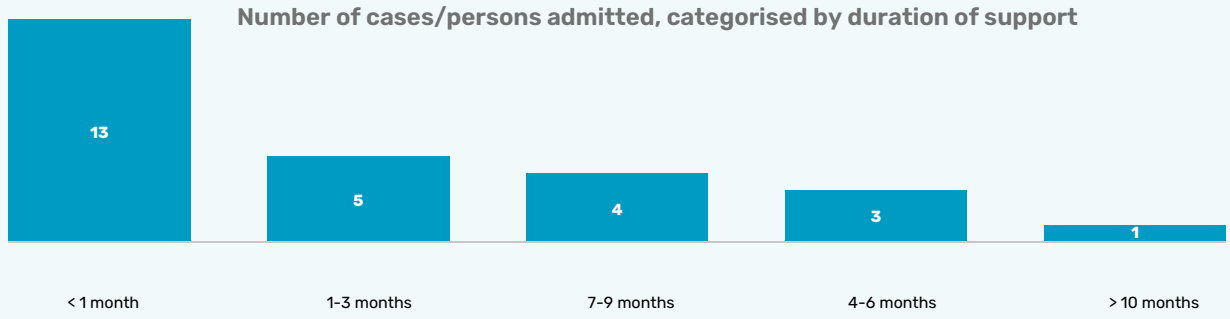
590 A. Boersma, "Tot honderden minderjarige Afghaanse jongens in Belgische prostitutie gedwongen: gelokt via TikTok", *De Morgen*, 14 September 2022; T. Santens, "Dit zijn de 'harraga's' : minderjarigen uit Marokko en Afghanistan worden gerekruteerd voor drugshandel en diefstal in België", *VRT Nieuws*, 17 June 2024.
591 W. Hertogs, "Duo misbruikt minderjarigen en filmt het: 7 en 8 jaar cel", *Het Laatste Nieuws*, 17 February 2023.
592 CAW is the acronym for Centrum Algemeen Welzijnswerk (general welfare centre), see alsowww.caw.be/locaties/crisis-bxl.
593 provides information, advice and assistance to sex workers throughout Flanders, see also www.violett.be/nl. Violett also co-wrote the external contribution 'Experiences in relation to diversity and vulnerability in the context of support for sex workers from Latin America' in the focus of this report: see Annex 1 to Part 1.
594 The Vlaams Agentschap Integratie & Inburgering (Flemish Agency for Integration & Civic Integration) contributes to the general objectives of the Flemish integration policy in Flanders and Brussels. For instance, the Agency supports local administrations, organisations and citizens in their integration work, organises the Flemish integration course and has a department responsible for interpreting and translation in social settings. For more information about the Agency, go to https://www.integratie-inburgering. be/fr/node/464.
595 Thirteen girls were victims of sexual exploitation. For the 14th, it was a combination of sexual and labour exploitation.

The link that these young girls had already established with another form of youth support or assistance is consistent with the profile described above and with the conclusions of the Child Focus studies in 2015[596] and 2020[597]. These studies have revealed in particular that pimps who use the loverboy method recruit in and around institutions for young people.

Meza and PAG-ASA point out that reports came mainly from the French-speaking side of the country, while requests from the Dutch-speaking side of the country are fewer than expected, even though human trafficking knows no linguistic boundaries.

Therefore, the reasons for this situation and how the Dutch-speaking part of the country can better find its way to Meza in the future, require further investigation. It is possible that French-speaking youth support workers already have a better knowledge of how to receive child victims of trafficking, given Esperanto's long-standing presence on the French-speaking support scene. Consequently, the existence and added value of Meza among French-speaking youth support players may have been perceived more quickly. Furthermore, the change in Esperanto's target audience – as described above – could perhaps encourage players in French-speaking youth support to also turn more quickly to Meza when looking for a place to receive a young person.

2.4.4. Duration of stay and running away (disappearances)



As indicated above, in 2023, Meza admitted one girl on three occasions and another on two occasions. Consequently, the total number of cases (26) is higher than the number of human trafficking and aggravated human smuggling victims received by Meza over the period 2022-2023 (23).

Half (13) of the admissions for these two groups of victims lasted less than a month. Eight young people only stayed at Meza for a week, or even less. Five admissions resulted in a stay between one and three months. Seven admissions resulted in a stay of four to nine months, and only one girl stayed longer (more than 10 months) at Meza.

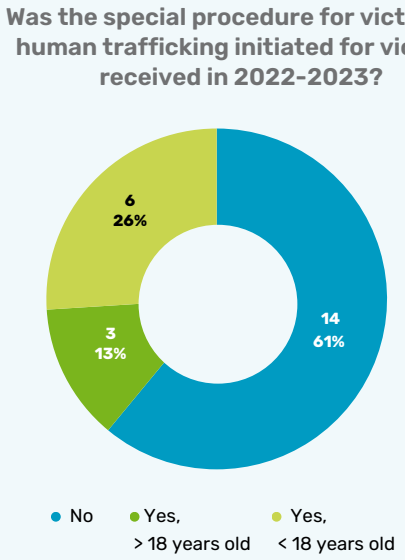
The short length of the stay may also be partly related to the challenge Meza faces regarding run aways. In total, **eight young people disappeared**.

Minor-Ndako indicates that these disappearances mainly occur among **young people from the Roma community**. Three of the young people from the Roma community who were coerced into committing criminal acts, for instance, barely stayed a day in Meza before disappearing.

In addition, Minor-Ndako and PAG-ASA report that this group has a great deal of mistrust towards support, which makes it very difficult to establish a relationship of trust. The other factors that complicate long-term support are discussed later in this contribution.

596 Child Focus, *Slachtoffers van tienerpooiers in Vlaanderen*, 2015, pp. 19-20.
597 Child Focus, *Les victimes de proxénètes d'adolescents à Bruxelles*, 2020, pp. 10, 35-39.

2.4.5. Special procedure for victims of human trafficking



As mentioned above, 22 victims of human trafficking and 1 victim of aggravated human smuggling were received by Meza. The special procedure was not initiated for the victim of human trafficking. **Three of the 22 victims of human trafficking were adults (aged 18-19). The special procedure for victims of human trafficking was initiated for all three.**

Among the **minors (19), five of them chose to enter the special procedure for victims of human trafficking.**

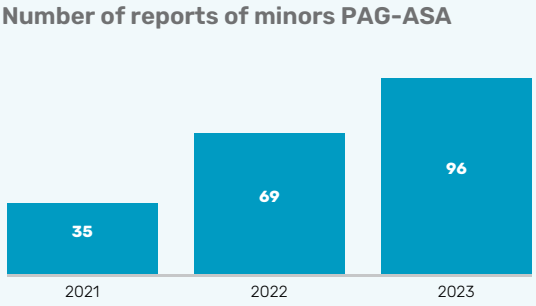
There are many reasons why a minor might not enter the special procedure for trafficking victims: the young person is not willing to make statements and cooperate with the courts; the young person does not agree or is unable to comply with the conditions of the procedure; they choose another procedure (international protection procedure, special residence procedure for UC); they return to their country of origin, disappear or are reunited with their family. In this regard, Minor-Ndako notes that the importance of residence documents for Belgium is not always clear to minors, particularly if they are EU citizens.

2.5. Thoughts on cooperation to date: strengths and challenges

2.5.1. Complementary partnership

Meza is a **partnership that brings together the expertise of De Wissel (education), PAG-ASA (victims of trafficking and aggravated human smuggling) and Minor-Ndako (unaccompanied children)** and aims to provide a safe place for (presumed) trafficking victims, to prevent a return to the exploitative environment, to provide a place for traumatic experiences and to lay the foundations for a new life free from exploitation. This **complementarity** is Meza's greatest strength, with the players involved drawing on each other's knowledge, expertise and network. For instance, the collaboration between PAG-ASA and Minor-Ndako enables the latter to raise awareness of human trafficking among more players in the youth support sector, and Minor-Ndako can participate in training for magistrates.

2.5.2. Informing and raising awareness among contacts can help increase the number of reported minors



For years, specialised centres received very few reports of UC who were (presumed) victims of human trafficking. Since the opening of Meza and the recruitment of a legal advisor at PAG-ASA who focuses specifically on supporting minors who are victims of trafficking, an increase in the number of reports of minors has been observed by PAG-ASA. In 2022, PAG-ASA received 69 reports concerning minors and 96 in 2023, compared to only 35 in 2021 (before Meza opened).

It is important to note that not all reports concern situations of human trafficking and/or aggravated human smuggling, and that they do not always result in a referral to Meza or support from PAG-ASA as part of the procedure relating to the status of victim of human trafficking.

In 2022, PAG-ASA received 69 reports. Two of these reports came from Esperanto, one of which resulted in a referral to Meza.

Of the 69 reports received, 30 were the subject of a reception request, 13 of which resulted in a referral to Meza. As previously mentioned, these were 10 minors and three young adults aged 18-19.



In 2023, PAG-ASA received 96 reports concerning minors. One was from Payoke. This did not lead to a referral to Meza, as this was not considered advisable at the time, given the young people already staying there at the time and staff availability at Meza.



In 39 of the 96 reports, there was a request for accommodation. Meza was able to admit 10 cases. In three other cases, Minor-Ndako decided to respond to a request for admission from their own network (the three people having a standard profile for youth assistance).

The increase in the number of reports could possibly be explained by the informative and awareness-raising contacts that the legal advisor for child victims of human trafficking has with police officers, (youth) public prosecutors, reception centres for unaccompanied children, etc.

2.5.3. Difficulties establishing a durable relationship of trust with the young person

Several factors have already been discussed that make it difficult to build a lasting relationship of trust and cooperation between the minors and Meza's support workers (running away, drug dependency, distrust of support workers).

Minor-Ndako and PAG-ASA have also identified other factors that may make it difficult to build a lasting relationship of trust: the rules at Meza, the difficult transition to the final support phase (transition to another suitable environment), the fast turnaround of the young people admitted to the small-scale context of Meza and the limited legal leverage available.

The rules at Meza

The measures in place at Meza are draconian for a young person: the first stage is entirely in-house, mobile phones are confiscated, internet use is limited and monitored, and Meza's location must not be disclosed to others. In other words, the minor's freedom is restricted. At the same time, several players consider such restrictions for the sake of safety to be crucial. For instance, to protect minors against the pressure and/or threats exerted by the exploiter(s) on them or those around them, to protect them from possible temptations and to limit the risk of running away[598].

Difficulties organising an exit in good conditions

Given the rules and the draconian security measures in force at Meza, it is important that the stay does not last longer than necessary. However, Meza reports difficulties in getting minors out due to the acute lack of places and appropriate offerings in traditional youth support structures.

Esperanto also emphasises that since 2021, the period during which it takes charge of the young people they support has been increasing, due to the growing complexity of the situations in which young people find themselves, but also to the increasing saturation of the youth support sector. To illustrate this, Esperanto cites the referrals to the General Residential Services (SRG)[599]. Esperanto notes that in some districts, there are rarely any places available in the SRG and if there are, priority is given to young people without accommodation at that time. This has the effect, on the one hand, of taking more time to refer young people from Esperanto to another organisation better suited to their current needs and, on the other hand, of hampering the possibilities of taking in new victims at Esperanto.

598 Myria, *Annual report 2022 – Trafficking and smuggling of human beings, Bound by debt*, pp. 43-44, 143; Child Focus, *Les victimes de proxénètes d'adolescents à Bruxelles*, 2020, p. 61; GRETA, *Evaluation Report Belgium*, 2022, Chapter V, point 4.

599 The *Services Résidentiels Généraux* (SRG) receive young people and support them in the context of their reintegration into the family or in their transition to independent living.

To facilitate referrals, the two organisations emphasise the need to create additional places within youth support services. Esperanto also mentions the need to review the referral procedures.

Esperanto also raises another concern regarding the referral of young people following their period of support at Esperanto. The district where the exploitation has been identified is often the one responsible for following up the young person's case. Following their stay at Esperanto, the young person will be followed by social services or the youth protection services of this district, whose accommodation facilities are also located in the same region. This risks undoing the work already done to break the ties between the young person and the exploiter(s).

The fast turnaround of young people received by Meza and the associated difficulty of creating a stable and trusting environment

At the same time, the problems of running away and the relatively short duration of some young people's stay at Meza have also been described above (13 of the 26 cases of trafficking or smuggling victims admitted stayed less than a month). The staff at Minor-Ndako and PAG-ASA interviewed by Myria[600] noted that such a rapid turnover does not facilitate the creation of a stable, trusting and family-like atmosphere in the restricted context of Meza. In reality, the presence of young people who have already benefited from support for some time and who show confidence in the support and supervision offered by Meza facilitates new admissions.

The limited (but necessary) legal levers in the running of Meza

When Meza opened, Minor-Ndako expected that any minor found in a situation giving cause for concern, with indications of trafficking, would be referred to the youth court. However, in practice, this has not always been the case. In addition, Minor-Ndako sometimes encounters resistance from youth magistrates when it comes to withdrawing the voluntary basis of the support in order to be able to keep the young person safe and prevent them from running away.

Minor-Ndako emphasises that the involvement of a youth magistrate before and during admission is perceived as an added value throughout the support process. If no magistrate is involved, the admission is by definition voluntary. In these cases, Meza raises the question of what mandate is actually available to impose certain restrictive measures on the minor (e.g. confiscating a mobile phone) and what requests can be made to external players (e.g. whether the police can be asked to search for a young person who has run away and bring them back to Meza). At Esperanto, according to the standard procedure, there is always contact between Esperanto and the youth care service (SAJ) or youth protection service (SPJ) and/or the youth court when admitting a young person. A mandate from the SAJ or the SPJ is sufficient for Esperanto to admit someone. Contact with the youth court is not a systematic part of the admission procedure. According to Esperanto, cooperation with the SAJ, the SPJ and/or the youth court goes smoothly in most cases[601].

2.5.4. Forced criminality: an overlooked phenomenon

In 2022 and 2023, minors from the Roma community who showed signs of forced criminality were received by Meza. As previously stated, some of these minors very quickly ran away from the centre. Meza believes that the police and (youth) prosecutors are reluctant to intervene in these cases. Minor-Ndako notes that these minors are often not considered (presumed) victims of trafficking. Minor-Ndako makes the same observation about North African minors who are apparently forced to commit offences as part of gangs or networks.

GRETA[602] also expressed their concern, based on interviews with Esperanto, that child victims involved in forced criminality were perceived and approached by the police and the courts as youth offenders rather than as (presumed) victims of human trafficking. This prevents them from benefiting from the necessary protective measures to which they are entitled as victims. However, the FJP does appear to be paying more attention to these issues.

600 Information obtained during an online interview on 25 April 2024 with Johan Vangenechten (policy manager at Minor-Ndako), Sally Beeckman (legal coordinator at PAG-ASA) and Melanie Zonderman (legal advisor to minors at PAG-ASA and Meza).
601 Information obtained on 30 July 2024 through an exchange of emails with Sébastien Biaudelle, director of Esperanto.
602 GRETA, *Evaluation Report Belgium*, 2022, Chapter IV, point 8 and Chapter V, point 4.

Since spring 2024, the FPJ has been taking the lead in a European project that focuses on all forms of child exploitation[603] and they also raised the issue of the exploitation of young Afghans and North Africans in the media[604].

2.5.5. Need for additional specialised reception spaces in small structures for specific target groups

In the context of reporting and supporting unaccompanied Afghan minors, Minor-Ndako has noted that there is an urgent need for safe accommodation (secure or otherwise) for unaccompanied children who are boys. This need is linked to the lack of reception places for unaccompanied children previously raised by the KRC in its 2021-2022 and 2022-2023 annual reports[605]. Fedasil also highlights the lack of reception places, particularly for the most vulnerable profiles among UC (e.g. minors under the age of 15)[606]. Furthermore, Afghan UC were invariably among the top three nationalities most frequently reported missing from Fedasil reception centres between 2021 and 2023. In 2021, 127 disappearances of minors were recorded, and in 2022 and 2023, 213 and 254 respectively[607].

There is also an urgent need to create more places and, more specifically, emergency reception places for (Belgian) minors who are victims of sexual exploitation via the loverboy method. There are a few small-scale initiatives in Flanders that offer specialised reception to victims exploited by the loverboy method[608], but in 2020, Child Focus highlighted the lack of specialised reception facilities in Brussels for this target group[609].

603 Federal Public Service Justice, "Ne laissons aucun enfant de côté dans la lutte contre la traite des personnes", 22 July 2024; T. Santens, "Dit zijn de 'harraga's': minderjarigen uit Marokko en Afghanistan worden gerekruteerd voor drugshandel en diefstal in België", VRT Nieuws, 17 June 2024.
604 H. Debeuckelaere, "Drugsbendes lokken kinderen uit Noord-Afrika en Afghanistan: 'Ze worden soms zelfs bedreigd met verkrachtingsvideo's'", De Standaard, 17 June 2024.
605 KRC, Jaarverslag 2021-2022: Meer gewicht aan kinderrechten, p. 83; KRC, Jaarverslag 2022-2023: Kinderen tonen de weg, pp. 79-80.
606 Fedasil, Reception of UC in Schaerbeek, 2 May 2023. This necessity was also emphasised during a multidisciplinary consultation organised by the KRC (Flemish Office of the Children's Rights Commissioner) on 17 May 2024 on the theme "The rights of children in migration". During this consultation, the lack of specialised and safe reception places for UC who have suffered violence was raised.
607 Fedasil shared this data with Myria on 10 July 2024. The figures should be treated with caution. The disappearances only concern those from Fedasil reception centres and therefore do not reflect any disappearances of UC staying at private addresses. Furthermore, the figures do not relate to individuals, but to reports of disappearances. The same young person may therefore appear several times in these figures. These figures also include the disappearances of minors whose age is uncertain. These young people often disappear before an age test is carried out by the Guardianship Service. In addition, these figures include disappearances, spontaneous departures from centres and refusals of reception.
608 Child Focus, Les victimes de proxénètes d'adolescents à Bruxelles, 2020, p. 25.
609 Child Focus, Les victimes de proxénètes d'adolescents à Bruxelles, 2020, pp. 24, 28, 55.

Part 4
Recommendations



Transposition of the new Directive (EU) 2024/1712 on human trafficking

RECOMMENDATION 1

Provide magistrates and actors on the ground with clear and concrete guidelines for a balanced transposition, in view of the Belgian context, of the new European directive on human trafficking. This particularly concerns the definition of trafficking, criminalisation of the knowing use of services provided by a victim and the application of the non-punishment principle.

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Despite some criticism from Myria regarding the content of the new Directive 2024/1712 on human trafficking, which significantly amends the previous Directive 2011/36/EU, Belgium is required to transpose it by 15 July 2026 at the latest. The measures adopted include **the extension of the definition of human trafficking** to include the exploitation of forced marriage, illegal adoption and surrogacy.

As part of the reform of the Criminal Code, the extension of the definition of trafficking to illegal adoption and forced marriage, which are also already criminalised as autonomous crimes, has already been provided for. Belgium will still have to add the exploitation of surrogacy.

It will be essential to provide concrete guidelines to practitioners in the field on the distinction with regard to autonomous offences, otherwise trafficking will become a catch-all concept. Similarly, it will also be important to determine which victims should be referred and provided with support, particularly in the case of exploitation through illegal adoption.

Another measure provided for by the directive concerns the mandatory **criminalisation of the knowing use of services provided by a victim of trafficking**, which concerns all forms of trafficking. Previously, such criminalisation was optional. Belgium had not therefore made provision for this in its legislation. Myria wonders in particular how Belgium will transpose and implement this new obligation regarding sexual exploitation. How can it be reconciled with its recent reform of sexual criminal law, which decriminalises certain forms of pimping and allows sex work in an employment relationship under certain conditions? Myria believes that, depending on their availability, existing resources should be prioritised for the fight against exploiters. In this context, strengthening controls and resources to detect potential abuses is essential. Similarly, raising awareness of human trafficking among clients and encouraging them to report possible abuses is also necessary.

Finally, **the principle of non-prosecution and non-punishment of victims**, which previously only applied to criminal activities, has now been extended to all illegal activities carried out under coercion. This makes it possible to explicitly target a series of administrative offences related, for instance, to prostitution or undeclared work, or other acts that are not criminal in nature but are subject to administrative or financial penalties. On this aspect too, providing clear guidelines to magistrates and players in the field will be essential, especially since the non-punishment principle will be the subject of an autonomous provision in the new Criminal Code.

Specific attention for Latin American victims of sexual exploitation

Staffing levels and specialisation of frontline services

RECOMMENDATION 2

Guarantee more local police teams specialised in vice and prostitution in metropolitan areas.

The new European Directive 2024/1712 on human trafficking requires Member States to extend training to a greater number of professionals likely to encounter potential victims of trafficking and to deploy the appropriate expertise and technological capabilities within the units and services concerned. States are also encouraged to set up specialised units within law enforcement agencies and public prosecutors' offices.

In this context, Myria is calling for **increased staffing levels for the police** and the development of more **local police teams specialising** in this field. Within the local police force in Brussels, a THB-Prostitution section is carrying out **proactive work** through virtual patrols and checks, making it an example of good practice.

Myria highlights the need to pay greater attention to the phenomenon of trafficking for the purpose of sexual exploitation of Latin Americans when **training police officers.**

It is also necessary to work on the **trust of victims in the authorities** in order to reduce the dark figure of crime. In this respect, the **recruitment of police officers who speak the language of the target group** and have an affinity with the culture of the victims is a way of gaining their trust.

RECOMMENDATION 3

Provide the police with the necessary investigative tools adapted to the new (digital) context.

Prostitution, and consequently sexual exploitation, is increasingly taking place **in private places** and the related advertising appears mainly **online**. The phenomenon of Latin American sex workers (SW) is no exception.

The police must be given the necessary resources to detect situations of abuse, detect victims, and identify and prosecute perpetrators in these new contexts. Myria recommends **investment in tools to accelerate and facilitate online detection and investigation, and a legal framework to that end**. Specialisation by the police in the use of these investigative tools is essential to address the digital world in which the phenomenon occurs. Although these tools or software may come at a certain price, they would enable savings in terms of staffing and time invested by the police.

Approach and investigation

RECOMMENDATION 4

Emphasise the importance of network analysis within the judiciary in order to dismantle the entire network.

In large-scale cases, the magistrate must ask the police to map out all the places of prostitution and the movements of the victims and potential perpetrators using network analysis, in order to highlight all the ramifications. These ramifications can cover the whole of Belgium and sometimes even extend abroad. To achieve this, the various statements, supplemented by other evidence, are of great help.

In large-scale cases, this point is relevant as it may be a question of **prostitution carousels** and the **(inter)national mobility** of Latin American **SWs**. To prevent the displacement of criminal activities and the exploitation of SWs, it is necessary to dismantle the entire criminal network. Through such a network analysis, it is sometimes possible to identify an **underlying structure of the network** that acts as a **central driving force of the criminal system.**

RECOMMENDATION 5

Strengthen international collaboration in order to dismantle the networks and all their ramifications.

In large-scale cases, international cooperation is essential to dismantle the entire network and all its ramifications. As such, **sharing information internationally** is essential, and **initiating investigations with Joint Investigation Teams** can be relevant in certain cases.

Prostitution carousels enable networks to amass large sums of money, which can be transferred abroad, particularly in the form of investments in foreign companies. To remedy this, international financial cooperation is required. The **CARIN network** is a useful tool for this purpose, and using it can be considered good practice.

It can also be beneficial to **share best practices** that exist **on an international scale**. For instance, the Netherlands launched an innovative multidisciplinary approach based on different perspectives, called *Field Lab*, and applied it to the problem of the vast networks surrounding Latin American SWs.

RECOMMENDATION 6

Strengthen collaboration with internet platforms to improve the detection of victims, the identification of perpetrators and the collection of evidence.

In general, the Latin American community in Europe, including SW, is very active on social media, internet platforms and instant messaging applications.

Since the adoption of the recent royal decree authorising the advertising of the prostitution of an adult in certain specific cases, the providers of an internet platform whose registered office is established in Belgium or who disseminate advertising for prostitution aimed at an audience specifically in Belgium are required to respect certain **preventive measures** in order to avoid, in particular, the risks of sexual exploitation. They must be able to play a role in identifying problematic situations and cannot turn a blind eye to the risk of their platform being used for criminal purposes. They are therefore required to act promptly whenever they suspect a case of abuse of prostitution or human trafficking or a case is brought to their attention, and to report these cases to the police or the judicial authorities. Online providers must set up a point of contact that can be reached by the authorities and communicate the contact details to the police. They are also required to respond quickly and free of charge to requests made by the police and judicial authorities.

A certain internet platform used for advertising prostitution is already collaborating with the police, by reporting problematic situations identified in adverts and relaying reports from clients, which constitutes good practice in this area.

Myria recommends informing all police services of the existence of this **good practice** and **strengthening the collaboration with other internet platforms**.

RECOMMENDATION 7

Raise awareness among clients about human trafficking and encourage them to report any abuse in order to reduce the demand for human trafficking for the purpose of sexual exploitation.

Myria emphasises that **clients** of SWs can also play an important role in the fight against human trafficking online and that they **should be made aware of this through campaigns to report abuse**.

Sex work through sex websites and social media is booming. The police can carry out checks on the internet, but these require significant resources and the task is sometimes complicated by special applications, intended for and available only to clients. The latter can therefore represent significant added value in the fight against human trafficking, as they can identify certain abuses more easily and quickly in places that are difficult or even impossible for the police to access.

Raising awareness among clients of human trafficking and encouraging them to report possible abuses can **reduce the demand** for human trafficking for the purposes of sexual exploitation.

On the one hand, this approach will make SW clients more aware of the issue of human trafficking, and on the other hand, pimps will avoid the risks associated with employing victims of human trafficking. Nevertheless, following the adoption of the new European directive on trafficking in human beings, Belgium is obliged to criminalise the knowing use of services provided by a victim of trafficking.

This could, in some cases, have a negative effect on the reporting behaviour of clients of SWs and prove counterproductive in the fight against human trafficking. These clients may not wish to run the risk of people in their neighbourhood finding out that they frequent SWs because of an investigation carried out within the framework of a law sanctioning clients, involving hearings and possibly a neighbourhood inquiry. The threshold for reporting abuses therefore risks become higher for clients.

Furthermore, since the adoption of the royal decree on advertising the prostitution of an adult, internet platform providers are required to provide visitors with a visible means of quickly reporting any suspected abuse of prostitution or human trafficking related to the use of the platform, such as an 'alert button'. Such a measure also constitutes a means of encouraging potential clients to report any abuse they may observe.

Victims

RECOMMENDATION 8

Raise awareness among all those involved in the multidisciplinary model, such as the police, the judiciary and specialised reception centres for trafficking victims, of the situation of Latin American trans victims in order to draw more attention to the issue and strengthen their trust in the authorities.

MYRIA Federal Migration Centre

The **reality** of Latin American **trans people** is still largely **unknown** to the various stakeholders.

Myria found that the **presence of an employee from a specialised reception centre for trafficking victims during a hearing conducted by the police** helped to gain the trust of a Latin American trans victim and obtain their statement.

Giving a trans person the **choice of the gender of the person conducting the body search** is also good practice within the police force.

Myria recommends that these practices be maintained and disseminated within the police force.

Furthermore, raising awareness of the issue among **magistrates, centres and the police** would also result in a **better recording of trans people** in their databases and a **more appropriate way of referring to them** in official reports and court decisions, which would also be useful in establishing an image of the phenomenon.

Prevention

RECOMMENDATION 9

Improve information and awareness-raising among SWs, some of whom may be potential victims of trafficking.

MYRIA Federal Migration Centre

Only a small number of victims from Latin America wish to enter or remain in the status. The role of the **organisations** that support SWs, through their **psychosocial and medical support**, is fundamental in reaching this group, whose activities mainly take place in private places.

They can also play an important role in raising awareness among this target group. For instance, **awareness campaigns and discussion groups** are organised with former SWs to inform this group about the existence of exploitative situations and specialised support. The aim is to **raise awareness** among SWs **of exploitative situations** and make them more resilient to them.

Myria encourages such practice and supports the need to disseminate it among grassroots organisations that support sex workers.

Furthermore, Myria also recommends the **presence of centres specialised in the reception of human trafficking victims during planned and large-scale** police checks, as this good practice makes it possible to make potential victims more aware of the risks of exploitation.

Transversality — general

RECOMMENDATION 10

Form a complete picture of the phenomenon of SWs originating from Latin America, at national and international level. This can be important when developing specific measures aimed at implementing and stimulating a tailor-made approach at operational level and at different political levels.

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Federal Migration Centre

At present, relatively little is known about this phenomenon, even though it has been on the increase in recent years. It is therefore necessary to draw up a general picture of the phenomenon that gives an idea of the distribution and nature of the places of prostitution concerned, as well as an overview of national and international movements linked to the various migratory flows and possible human smuggling. **Further study is needed into the nature of the organisation and the activities of the criminal systems,** including the methods of operation, exploitation and recruitment. There should also be a **financial audit** of the various means of payment used between the SWs and their potential exploiters, on the one hand, and the criminal network's means of payment, movements and criminal investments, on the other, with a focus on its money laundering activities in the legal world.

This complex phenomenon can include situations of exploitation of prostitution, human smuggling and human trafficking. At the same time, many Latin American SWs are not victims. Sometimes, these different profiles are present in the same case. The image of the phenomenon must **reflect the overall and interactive perspective of the different profiles of SWs and victims**, by paying particular attention to their reasons for migration. It is also important to examine the **reality of trans people** within this phenomenon. Each profile has specific needs and interests which, in situations of exploitation, can sometimes require a tailor-made approach.

The development and elaboration of such an image of the phenomenon is necessary for a rational policy and the operational measures required in the field, for instance in the context of large-scale control operations.

Annex: Recommendations

Transposition of new Directive (EU) 2024/1712 on trafficking in human beings

2024/1	Provide magistrates and actors on the ground with clear and concrete guidelines for a balanced transposition, in view of the Belgian context, of the new directive on human trafficking. This particularly concerns the definition of trafficking, criminalisation of the knowing use of services provided by a victim and the application of the non-punishment principle.	Recipients Minister of Justice Interdepartmental Coordination Unit for the Fight Against Trafficking and Smuggling in Human Beings

Specific attention for Latin American victims of sexual exploitation

Staffing levels and specialisation of frontline services

2024/2	Guarantee more local police teams specialised in vice and prostitution in metropolitan areas.	**Recipients** Minister of the Interior, Minister of Justice, city mayors
2024/3	Provide the police with the necessary investigative tools adapted to the new (digital) context.	**Recipients** Minister of the Interior, Minister of Justice, Interdepartmental Coordination Unit for the Fight Against Trafficking and Smuggling in Human Beings

Approach and investigation

2024/4	Emphasise the importance of network analysis within the judiciary in order to dismantle the entire network.	**Recipients** Reference magistrates human trafficking
2024/5	Strengthen international collaboration in order to dismantle the networks and all their ramifications.	**Recipients** Reference magistrates human trafficking
2024/6	Strengthen collaboration with internet platforms to improve the detection of victims, the identification of perpetrators and the collection of evidence.	**Recipients** Minister of Justice, police services, magistrates
2024/7	Raise awareness among clients about human trafficking and encourage them to report any abuse in order to reduce the demand for human trafficking for the purposes of sexual exploitation.	**Recipients** Interdepartmental Coordination Unit for the Fight Against Trafficking and Smuggling in Human Beings

Victims		
2024/8	Raise awareness among all those involved in the multidisciplinary model of the situation of Latin American trans victims in order to draw more attention to the issue and strengthen their trust in the authorities.	**Recipients** Magistrates, police services, specialised reception centres for human trafficking victims, Interdepartmental Coordination Unit for the Fight Against Trafficking and Smuggling in Human Beings
Prevention		
2024/9	Improve information and awareness-raising among SWs, some of whom may be potential victims of trafficking.	**Recipients** Interdepartmental Coordination Unit for the Fight Against Trafficking and Smuggling in Human Beings
Transversality — general		
2024/10	Form a complete picture of the phenomenon of SWs originating from Latin America, at national and international level. This can be important when developing specific measures aimed at implementing and stimulating a tailor-made approach at operational level and at different political levels.	**Recipients** Interdepartmental Coordination Unit for the Fight Against Trafficking and Smuggling in Human Beings, Police (Central Directorate of the Fight Against Serious and Organised Crime (DJSOC))

Colophon

Brussels, August 2025

Evaluation Report 2024, Independent National Rapporteur on Trafficking and Smuggling in Human Beings
Latin American sex work: a high-risk carousel

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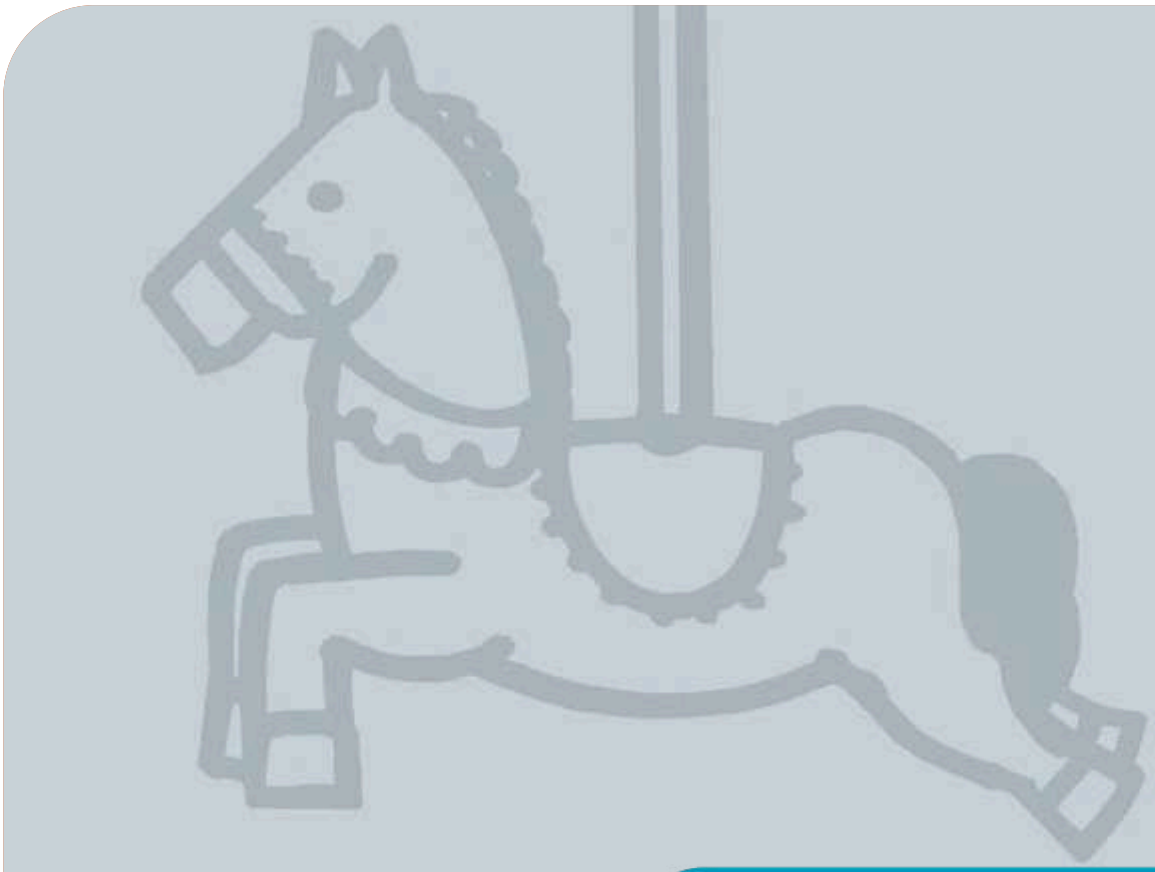
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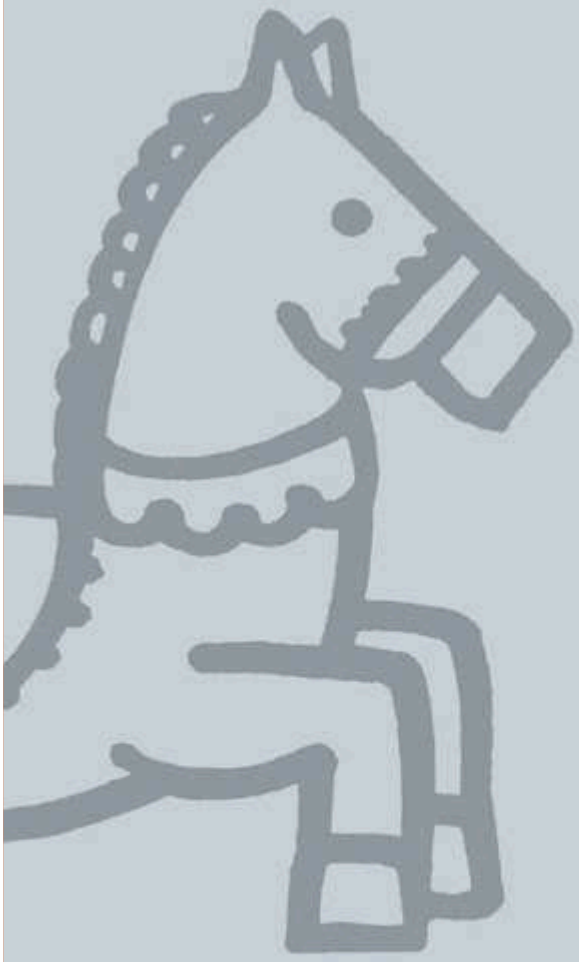
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The purpose of the report on *Trafficking and smuggling of human beings* is to provide an independent evaluation and the results of the fight against the trafficking and smuggling of human beings.

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