

## External contribution

# Role of the administrative approach in the fight against human trafficking

Annemie De Boye, coordinator ARIEC Limbourg<sup>368</sup>  
Kevin Libioul, coordinator CIEAR Namur<sup>369</sup>

### What are ARIEC/CIEAR?

The various existing district information and expertise centres - ARIEC (Arrondissementeel Informatie en Expertisecentra) and CIEAR (Centres d'Information et d'Expertise d'Arrondissement) - are the result of the ARIEC/PAALCO pilot projects<sup>370</sup>.

In their work of 2015, entitled *Administrative measures to prevent and tackle crime*<sup>371</sup>, A.C.M. Spapens, M. Peters and D. Van Daele define the administrative approach as follows: "An administrative approach to serious and organised crime consists of preventing the facilitation of illegal activities by denying criminals the use of the legal administrative infrastructure, as well as conducting coordinated interventions ('working separately together') to disrupt and suppress serious and organised crime and public order problems".

As part of this integrated fight against increasingly complex and organised crime, the federal police received European funding in 2018 to launch administrative approach projects. Three initiatives were launched in the provinces of Antwerp, Limburg and Namur.

Although various formulas have been tested (a centre within the federal police, a partnership with the province or with the governor), the ARIEC/CIEAR are above all structures operating in a network. In other words, they function thanks to internal partnerships (federal and local police), but also and especially thanks to external partners (public prosecutor's office, labour prosecutor's office, federal public services<sup>372</sup>, regional<sup>373</sup> or local<sup>374</sup> inspection services, etc.).

The ARIEC/CIEAR are entrusted with a number of important tasks as part of the administrative approach. They play a key role in gathering information and expertise, as well as in coordination and strategy. They also ensure the efficient management of relevant information.

In terms of information and expertise, the ARIEC/CIEAR are responsible for collecting and analysing data in order to understand criminal phenomena, identify the people and organisations involved, and provide the necessary expertise to the competent authorities.

As regards coordination and strategy, the ARIEC/CIEAR play a coordinating role between the various players such as the administrative authorities, the federal police, the local police, the public prosecutor's office, the labour prosecutor's office, the inspection services, etc. They ensure a coordinated and effective approach to the fight against serious and organised crime, by promoting collaboration and the exchange of information between these players.

Finally, the ARIEC/CIEAR are also responsible for information management. They ensure the collection, secure storage and appropriate dissemination of information relevant to investigations and enforcement actions. This rigorous information management helps to make interventions more effective and to ensure compliance with the rules of confidentiality and data protection.

At the end of 2021, following various audits favourable to the administrative approach, the federal police decided to maintain the existing centres and to create new ones in the other districts. In June 2023, coordinators for the districts that did not yet have a point of contact for the administrative approach had normally been recruited.

368 <https://www.arielimburg.be>.

369 <https://clear-namur.wixsite.com/clear>.

370 *For an Administrative Approach to Combat Organised Crime*, since renamed CIEAR.

371 Peters, M., & Spapens, A. (2015), "The administrative approach in England & Wales", in A. C. M. Spapens, M. Peters, & D. Van Daele (Eds.), *Administrative measures to prevent and tackle crime* (pp. 91-149), Eleven International Publishing.

372 For instance, FPS Finance, Economy, Customs and Excise, Immigration Office, ONEM (national employment office), NSSO, etc. For instance, FPS Employment, Environment,

373 Territory, etc.

374 Departments such as Town Planning, Environment, CPAS (social services), etc.

## The draft bill on the municipal administrative approach

The draft bill relating to the municipal administrative approach, the introduction of a municipal integrity investigation and the creation of a Directorate for Integrity Assessment for Public Authorities (DEIPP)<sup>375</sup> initiated by the Minister of the Interior in parallel with the development of ARIEC/CIEAR, aims to provide local authorities with the tools they need to fight crime more effectively. It also aims to legally establish the ARIEC/CIEAR and clearly define their missions for the benefit of the authorities.

Among the changes introduced by this bill is the possibility for administrative authorities to conduct integrity investigations. These investigations will relate to the operation or installation of establishments accessible to the public. They will make it possible to refuse, suspend or revoke an operating permit and/or to close a problematic establishment.

The new Directorate for Integrity Assessment for Public Authorities (DEIPP)<sup>376</sup> will be responsible for carrying out risk analysis in economic sectors and activities where subversive crime may occur. It will also be responsible for managing and developing the Central Register of Integrity Investigations and will provide, at the request of the local authorities concerned, advice in the context of the integrity investigation.

This draft bill also aims to combat the extremely complex phenomenon of straw men and women. Let's take the example of the owner of a hostess bar convicted of human trafficking. Under the legislation on public houses, she would no longer be able to obtain a licence to operate a public house. However, by using a front man she could get round this ban by opening new establishments using vulnerable people posing as the real owners, but in reality acting for the convicted owner.

This phenomenon is particularly worrying because it allows those involved in illegal activities to continue their activities by exploiting the vulnerability of others. This reinforces the cycle of exploitation and human trafficking, since these vulnerable people are often forced to accept degrading work conditions and are deprived of their fundamental rights.

The draft bill therefore proposes specific measures to combat this problem. It strengthens controls and checks when licences are granted, ensuring that the real owners and operators are identified and are not just straw men or women. The draft bill aims to break the vicious circle of exploitation and trafficking in human beings. It can thus contribute to better protection of the rights and dignity of everyone, especially the most vulnerable members of our society.

## Cooperation with the public prosecutor, labour prosecutor, the authorities and partners

Collaboration with the public prosecutor's office, the labour prosecutor's office, the authorities and partners takes different forms, depending on the district. Here are a few examples:

- On a case-by-case basis: in individual situations, ad hoc contacts are established with the reference magistrate designated as part of the administrative approach. This may involve the drafting of an administrative report (a document in which judicial information is made available to the mayor with the agreement of the public prosecutor) or during an application for a permit (for instance, under a municipal bylaw on car washes or for brothels).
- At district meetings chaired by the crown prosecutor: participation is aimed at integrating the administrative approach as a methodology into specific phenomena or cases. This may involve cases of human trafficking (as part of a COL - coordination meeting), criminal motorcycle gangs or ongoing criminal investigations.

<sup>375</sup> Draft bill DOC 55 3152/013 of 18 July 2023 on the municipal administrative approach, setting up a municipal integrity investigation and creating a Directorate for Integrity Assessment for Public Authorities. Adopted by the House Committee on the Interior, Security, Migration and Administrative Matters, the draft bill is expected to come into force by the end of 2023.

<sup>376</sup> DEIPP operates autonomously and is placed under the joint authority of the Minister of the Interior and the Minister of Justice.

- At district meetings: these meetings, chaired by the labour prosecutor, are used to strategically coordinate all the actions and investigations that are being conducted or will be conducted by the social inspection services (sometimes in collaboration with other partners). So-called 'flex' or 'multidisciplinary' actions are discussed.
- In consultation with the authorities: this may take the form of internal police meetings (in particular with police zones or the judiciary), consultation platforms such as provincial security consultations, the Conference of Mayors chaired by the governor, or bilateral or other meetings with local, regional or federal authorities. Following these meetings, control actions may be undertaken.
- By involving associative and academic partners: the involvement of these partners strengthens the understanding of the issues and helps to develop effective strategies. By sharing information, resources and expertise, it is possible to identify the most appropriate actions to prevent problem situations and take targeted action. By working with associations, we learn from their expertise and their in-depth knowledge of the reality in which victims live. Their experience in the field and their relationships with the communities concerned give us a better understanding of the problems and specific needs.

These different forms of cooperation ensure effective coordination between the various players so that the administrative approach can be implemented in a coordinated manner.

## Good practices - Case

### Cross-border case of Linne EURIEC-ARIEC Limburg<sup>377-378</sup>

In May 2021, a control operation between the Dutch Aliens Police, the Social Affairs and Employment Inspectorate and the municipality of Maasgouw took place in Linne (Netherlands). More than 50 Romanian migrant workers were found working on an asparagus farm in 'deplorable and dangerous' living and working conditions. The living conditions were considered particularly disgraceful: the accommodation (containing around 70 beds and bunk beds) appeared to be very decrepit, dirty, neglected and dangerous, according to the local authority. The bunk beds sometimes touched the ceiling. There appeared to be insufficient ventilation and some of the windows were barred. Fire safety hazards were also present, such as hobs with gas bottles and gas burners near spaces where four to six people slept, missing or barricaded exit routes, poor smoke detectors and a lack of fire extinguishing equipment. Violence against migrant workers was also reported.

The mayor demanded that the migrants leave the dangerous site within 24 hours. The workers left, but without knowing exactly where they were going. There were suspicions that they would be heading for Dilsen-Stokkem or Oudsbergen in Belgium, as they had indicated during the check that their partners were housed in Dilsen-Stokkem and that living conditions there would not be ideal either.

The information was immediately passed on via EURIEC<sup>379</sup> to ARIEC Limburg and to the Belgian Social Legislation Inspectorate (CLS). Indicators were also shared between the inspection services of the two countries.

Following this information, the CLS organised a control operation in Dilsen-Stokkem, in collaboration with the local police. The Flemish housing inspectorate had already carried out a check the previous month. These inspections did not reveal any additional problems. The local police did not notice any new presence of migrant workers. The Belgian company's employment declarations also showed a sharp drop in the number of people declared. Subsequently, the mayor also organised an additional visit with his services to check that everything was functioning correctly.

377 AD.nl, *Migranten "met noorderzon vertrokken" na vondst op Limburgse boerderij: "We weten niet waar ze zijn"*.

378 De Limburger, *Eikse boete voor aspergeteler uit Linne die Roemeense arbeidsmigranten in erbarmelijke omstandigheden liet werken en wonen*.

379 [www.euriec.eu](http://www.euriec.eu). The aim of EURIEC is to strengthen administrative cooperation between Belgium, Germany and the Netherlands in the fight against organised crime. This is done by establishing networks and platforms for dialogue, raising awareness of administrative approaches to cross-border crime and providing support on concrete cases. It also provides ongoing information products that increase knowledge about the possibilities for cross-border information exchange.

With regard to suspicions linked to the municipality of Oudsbergen, the local police monitored a campsite and a fruit company. They did not find anything of concern. The company had a good reputation and the workers slept in a building which, according to the police, fully met their needs.

The various inspections in Belgium did not reveal any situations comparable to those in the Netherlands.

Research is still underway to determine how, in the event of a similar situation in the future, the flow of information to the municipality could be improved. In the case of Linne, information was shared through communication channels: between the various inspection services; between EURIEC and the inspection department (open sources), but also between EURIEC, ARIEC and the municipality.

### Good practice: regulation of prostitution establishments in Genk

The city of Genk wanted to give the sector greater support and combat excesses such as public nuisance and human trafficking by means of a new regulation on prostitution establishments. The regulation was approved by the municipal council on 21 June 2022. Among other things, it will provide better medical and social support for sex workers, as well as additional assistance for any victims of sex work.

"From now on, prostitution establishments will have to comply with certain conditions relating to living and working conditions, exploitation and public health," explains Mayor Wim Dries. "The premises must be fully compliant, both inside and out. The main aim is to combat social fraud and exploitation, and to guarantee a decent working environment."

Operators who are in full compliance can obtain an operating licence by submitting an application. "A thorough administrative investigation is carried out beforehand, in which we check the tax situation, among other things, and ensure that the fire safety, layout and hygiene regulations for the premises are complied with," explains Mayor Dries. "This approach enables us to identify rogue operators and prevent nuisance and crime". The city of Genk drew up these regulations in collaboration with ARIEC Limburg and the Limburg public prosecutor's office, and drew inspiration from the city of Antwerp, which has long had a strong policy on sex work.

An important aspect of the new approach is the help provided, as Mayor Wim Dries points out: "Our services have held exploratory talks with a number of expert organisations in order to develop a network. In future, we want to set up a preventive and recovery process with them. On the one hand, to provide better medical and social care for sex workers, but also to offer the necessary support to potential victims, for example of human trafficking".

Genk hopes that its new policy will inspire other towns and cities. "Various administrative checks and flexible operations in recent years have taught us that this sector is vulnerable and requires special attention," explains Mayor Wim Dries.<sup>380</sup>

### Good practice: obtaining a clear view of the prostitution sector in Namur

We are regularly faced with questions about the scale and nature of a phenomenon, particularly when it comes to prostitution. To answer these questions and shed light on the situation, CIEAR was asked by the labour prosecutor's office to carry out an in-depth analysis of the prostitution sector in the Namur district.

The aim of this initiative goes beyond a simple repressive approach. Above all, it is about being able to objectify a reality that can often be surrounded by tenacious stereotypes and prejudices. Through this analysis, we hope to deconstruct preconceived ideas and gain a clear and nuanced view of the situation.

Thanks to the analysis, it will be possible to answer key questions, such as the true scale of the phenomenon in the district and its impact on society. It will also enable us to determine whether there are any problematic situations or forms of exploitation, and to identify areas that require particular attention.

To carry out this in-depth analysis, we are working closely with police districts, local authorities, social stakeholders, specialist associations and other relevant partners. This partnership approach will enable us to obtain a more complete and accurate picture of the prostitution sector, by cross-referencing data and information from different sources.

<sup>380</sup> Source: press release from the city of Genk, available at <https://www.tvl.be/nieuws/genk-bindt-de-strijd-aan-met-illegale-ontuchthuizen-en-misbruik-in-het-sekswerk-140131>.

The results of this analysis are invaluable to all the players involved. They will provide a more relevant and targeted input into actions and interventions, identifying the specific needs of the people concerned and adapting support and prevention measures accordingly. Thanks to this collaborative approach, the various stakeholders can work together more effectively and in a coordinated manner, implementing concerted actions tailored to local realities.

### Good practice: regulation of hand car washes in Genk and Sint-Truiden

Following a 'flex action' carried out in February 2021 in 14 car washes across four municipalities, the local authorities concerned have worked with ARIEC to introduce a municipal bylaw requiring car washes to obtain a licence to operate. This authorisation is issued after a thorough administrative investigation aimed at preventing subversive crime and labour exploitation, as well as ruling out any unjustified financial benefit. The bylaw also enables the car wash sector to be monitored on an ongoing basis. This bylaw has been implemented in Genk and Sint-Truiden. In Genk, it led to the closure of the last of the city's five car washes.<sup>381</sup>

In the past, Genk has been the scene of numerous checks due to problems relating to human trafficking, labour law and environmental legislation. Two of the five car washes have even been convicted of human trafficking.

### Good practice: closure of a car wash known to have harboured human trafficking

During a previous check of a car wash type establishment in the province of Namur, the labour prosecutor's office discovered a worker in an irregular situation. In addition, this check revealed problems that were more worrying than more 'traditional' fraud: inadequate pay in relation to the hours worked, as well as the deplorable living conditions of this person, forced to live on the floor in a corrugated iron shelter, without windows or ventilation, and under constant camera surveillance. Although criminal measures were taken, the establishment continued to operate, allowing the managers, and then the buyers, to continue an activity that was suspicious in many respects.

However, thanks to a new check which revealed other problems that were certainly less alarming, but still worrying, the local authority was able to take the decision to officially close this establishment, based on the advice provided by the CIEAR. This coordinated action, based on a quality exchange of information between the various players, put an end to a dubious activity, in economic and environmental terms, as well as for the well-being of the workers involved.

This situation highlights the importance of close collaboration between the various authorities and players involved, as well as the need to share relevant information effectively. Thanks to this cooperation, it is possible to take concerted action and set up appropriate measures to combat trafficking in human beings and guarantee decent working conditions that respect everyone's rights.

381 VRT NWS, [Laatste handcarwash in Genk blijft voorlopig gesloten, Raad van State fluit uitbater terug](#)

## Conclusion

Over the past few years, a great deal of experience has been gained in the administrative approach to human trafficking. Various good practices have been developed, some of which have also been subjected to judicial scrutiny. The results are encouraging: using administrative channels, local authorities manage at least to obtain better visibility, and often better control, over the most vulnerable sectors in their area.

However, the work is not over yet. Municipalities that introduce regulations on certain farms or carry out on-the-spot checks are still in the minority. It is therefore important to raise awareness and (continually) increase responsibility at local level. The phenomenon of human trafficking is not confined to the big cities; it represents a real risk for every Belgian municipality. Owing to the complex nature of the phenomenon, a collective and multidisciplinary approach is required.