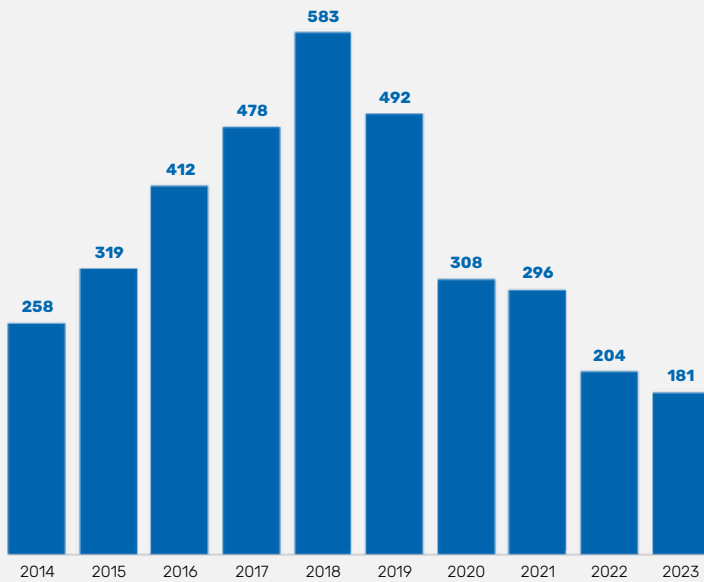


2. Human smuggling

Human smuggling offences (police data)

Human smuggling offences recorded 2014-2023



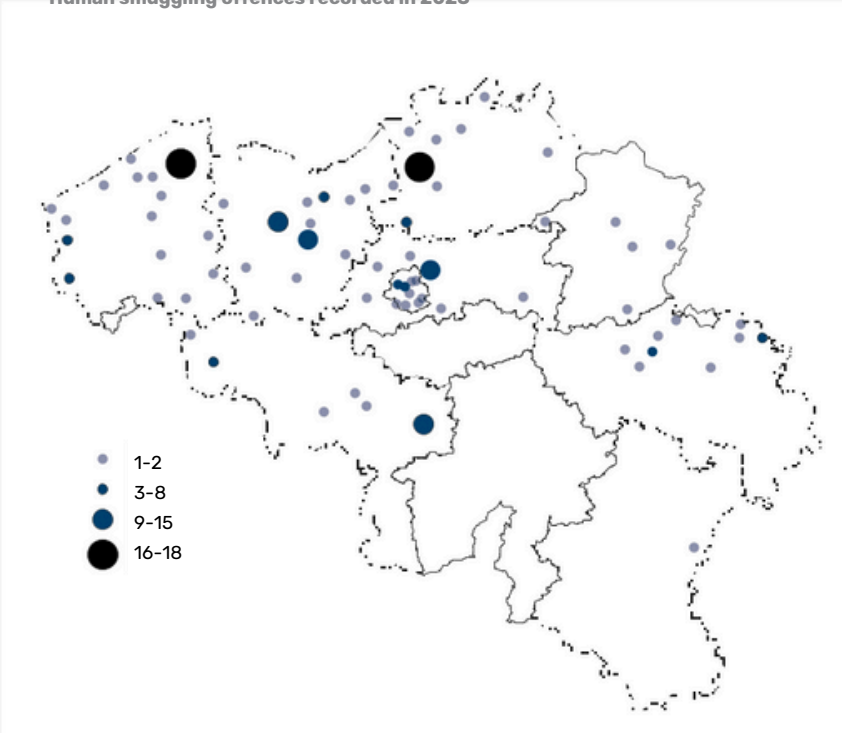
In 2023:

- 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

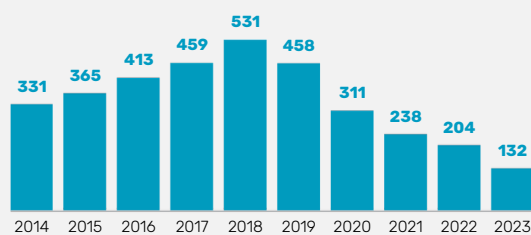
Human smuggling cases submitted to the public prosecutors' offices

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.

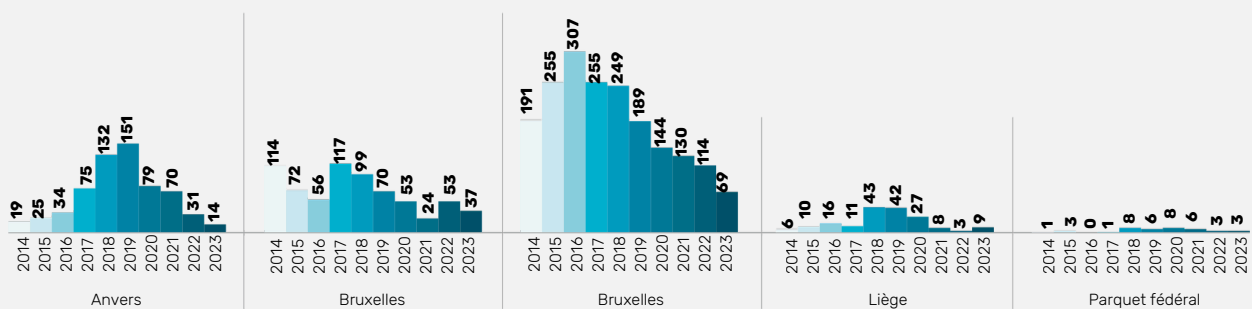
Important information to contextualise this trend:

- 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. 77bis, 77ter, 77quater and 77quinquies Aliens Act ;
- Code 55G.

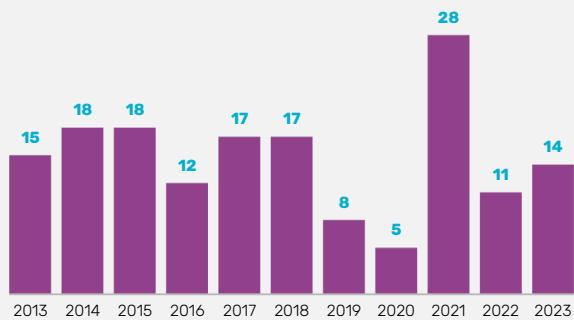


Jurisdiction: the extent of a court's territorial jurisdiction. Belgium consists of five major judiciary areas, each with a court of appeal. Each court of appeal has jurisdiction over several judicial districts.

- 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

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.

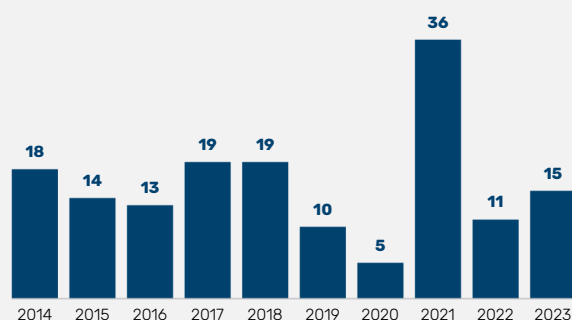
Victims of an aggravated form of human smuggling who entered the procedure

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.

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.

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.