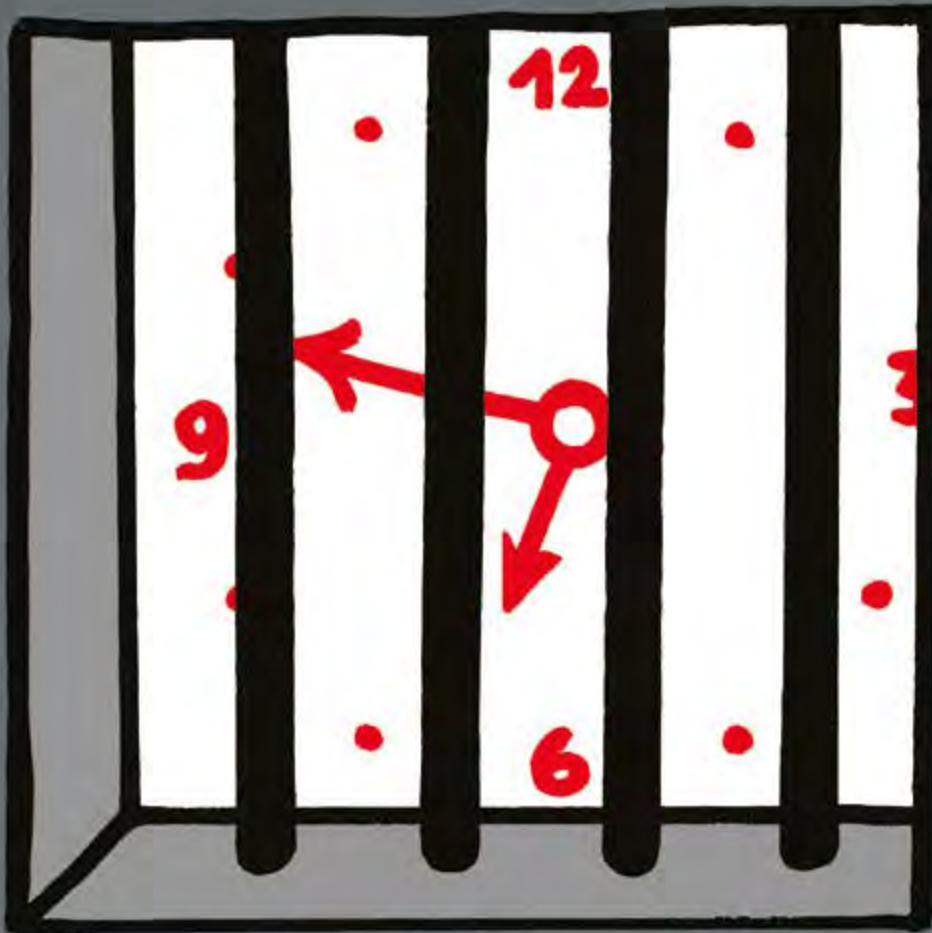# Introduction

This part presents the key figures given to Myria by the six stakeholders likely to play a role in a human trafficking or smuggling case in Belgium. First the human trafficking data is presented, followed by the human smuggling data. This part ends with an external contribution written by the NSSO inspection services (Thematic Directorate for Trafficking in Human Beings).

The six stakeholders responsible for these figures are:
■ the police, with information from the National General Database (NGD);
■ the NSSO inspection services (Thematic Directorate for Trafficking in Human Beings, ECOSOC teams);
■ the Board of Prosecutors General, with information relating to prosecutions made by the public prosecutor's offices;
■ the Immigration Office (IO);
■ PAG-ASA, Payoke and Sürya: the specialised victim reception centres;
■ the Criminal Policy Service of FPS Justice, with information relating to convictions.

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

Warning

■ The figures presented in this report don't bear witness to the true extent of the phenomenon of trafficking and smuggling in human beings. They only present the facts and the victims identified by the authorities. Currently, there is no estimation concerning unidentified acts and victims.
■ These figures and their evolution provide more information on the action taken by the authorities to counteract trafficking and smuggling in human beings, than on these phenomena as such.

The figures available on trafficking and smuggling in human beings only show the visible part of the iceberg. The true extent of the phenomenon is unknown.

1. Trafficking in human beings

Human trafficking offences (police data)
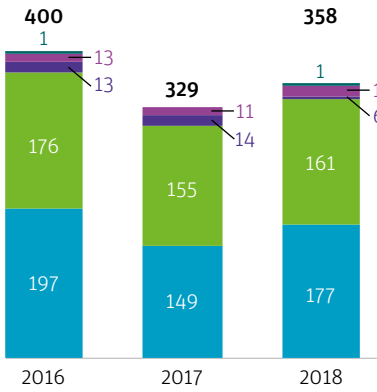
In 2018, a total of 358 human trafficking offences were recorded by the police: almost half (177) concerned sexual exploitation, 161 labour exploitation, 13 a forced offence or crime, 6 exploitation of begging and a single case of organ trafficking.

- There is a slight rise compared with 2017.
- There were more human trafficking offences in major cities, mainly in Antwerp (with 60 offences, which is 58 % more than in 2017) and in the capital (a total of 56 offences in the 19 municipalities).
- As shown in the map below, more than half of the offences associated with sexual exploitation at national level concern the Province of Antwerp and the Brussels-Capital Region.

Legend:
- Organ trafficking
- Forced criminality
- Exploitation of begging
- Labour exploitation
- Sexual exploitation

2016: 400 (1, 13, 13, 176, 197)
2017: 329 (1, 11, 14, 155, 149)
2018: 358 (1, 13, 6, 161, 177)
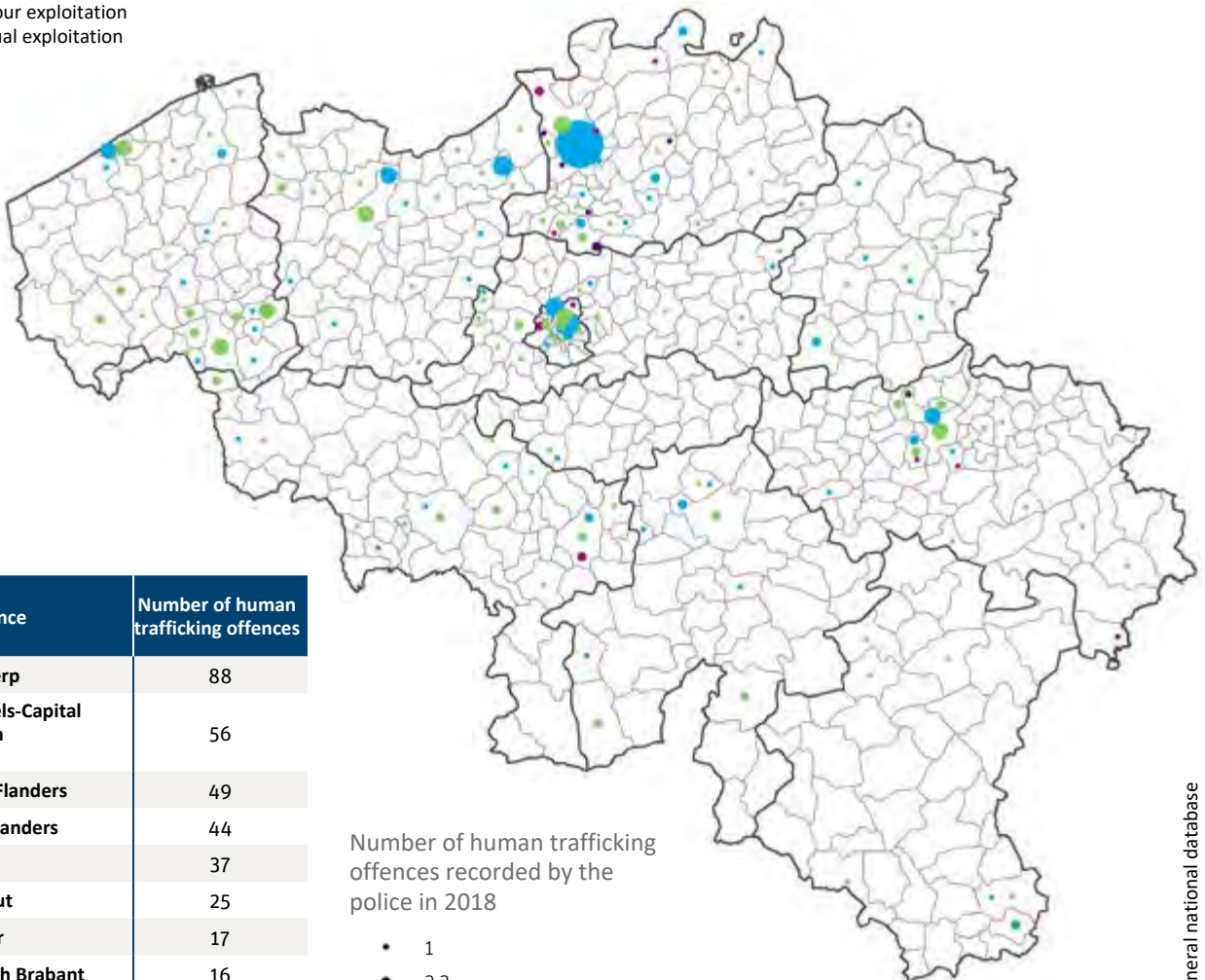
Province	Number of human trafficking offences
Antwerp	88
Brussels-Capital Region	56
West Flanders	49
East Flanders	44
Liège	37
Hainaut	25
Namur	17
Flemish Brabant	16
Limburg	14
Luxembourg	10
Walloon Brabant	2
Total	**358**

Number of human trafficking offences recorded by the police in 2018

- 1
- 2-3
- 4-8
- 9-18
- 50

- Sexual exploitation
- Labour exploitation
- Exploitation of begging
- Forced criminality

Source: Police's general national database

Reports and criminal reports of the NSSO inspection services (ECOSOC teams)

In 2018:

- The NSSO Inspection Department drew up 14 reports and 42 criminal reports regarding human trafficking;
- 65 presumed victims of human trafficking (Art. 433 quinquies of the Criminal Code) were referred to the judicial authorities through criminal reports or reports.

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

Sector of activity and nationality of workers identified as presumed victims of human trafficking by the NSSO Inspection Department in 2018

Country	Agriculture and horticulture	Food industry	Construction	Garages	Wholesale trade	Retail trade	Hotel & catering industry	Cleaning	Domestic activities as employers of domestic staff	Others	Total
Afghanistan				10							10
Poland			7								7
China							5			1	6
Morocco			1	1		2	2				6
Pakistan				3		2			1		6
Bulgaria	5										5
Ukraine			3								3
Brazil	2		1								3
India				2					1		3
Egypt							2				2
Italy							2				2
Belgium	1						1				2
Romania			1	1							2
Cameroon		1									1
Togo										1	1
Congo								1			1
Guinea							1				1
Northern - Macedonia				1							1
Senegal					1						1
Tunisia							1				1
Vietnam										1	1
Total	**8**	**1**	**13**	**18**	**1**	**4**	**14**	**1**	**2**	**3**	**65**

Source: NSSO inspection service (ECOSOC teams)

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

In 2018, 301 human trafficking cases were dealt with by the public prosecutor's office:

- 55% for sexual exploitation;
- 38% for labour exploitation;
- 5% for forced criminality;
- 2% for exploitation of begging.

Slight fall compared with 2017.

In absolute figures, there has been a fall in cases associated with sexual exploitation. Their number fell from 184 in 2016 to 165 in 2018.

A **new case** is opened on the basis of an initial police report (subsequent reports won't lead to the opening of a new case). A case can also be opened on the basis of a complaint or a civil suit.
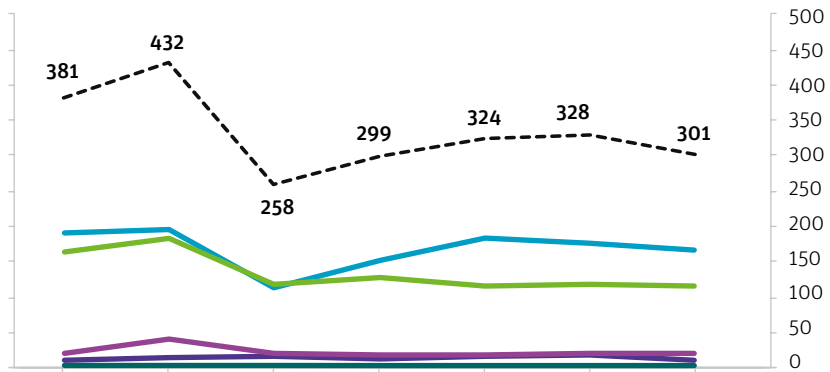
	2012	2013	2014	2015	2016	2017	2018
Sexual exploitation	190	196	111	151	184	176	165
Labour exploitation	164	184	115	124	112	116	113
Exploitation of begging	7	12	14	10	14	18	7
Forced criminality	18	39	17	14	14	18	16
Organ trafficking	2	1	1	0	0	0	0
Total	**381**	**432**	**258**	**299**	**324**	**328**	**301**

Methodological remarks

- This data corresponds to the status on 5 May 2019 and comes from the Board of Prosecutors General database.
- It represents the number of cases submitted to the crown prosecution service (including the federal prosecutor's office) in 2018.
- It is limited to crimes committed by adults and doesn't include cases dealt with by the labour prosecutor.

- The cases submitted to the public prosecutor's office of Eupen aren't included either (no translation of the system in German).
- As regards cases sent to another district or sent to another division in the same judicial district, there is a risk of counting them twice.
- Every criminal case can involve one or more defendants.

Cases submitted to the public prosecutor's office in 2018 and dropped on 5 May 2019

	Cases dropped	Total
Sexual exploitation	50	165
Labour exploitation	23	113
Exploitation of begging	6	7
Forced offence/crime	6	16
Total	**85 (28%)**	**301**

- 28% of cases submitted to the public prosecutor's office in 2018 were dropped on 5 May 2019.
- Out of the 85 cases dropped, 50 concerned sexual exploitation.

- 49% of the total number of cases were dropped owing to insufficient charges, 24% owing to the fact the perpetrator was unknown, and 12% for reasons of expediency.

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

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

Jurisdiction of Antwerp

- **Antwerp is the jurisdiction in which the most human trafficking cases were entered in 2018.**
- Increase in the number of cases entered in the jurisdiction of Antwerp, essentially owing to the recent rise in the number of cases concerning sexual exploitation (from 50 cases in 2017 to 73 in 2018).
- Majority of cases opened for sexual exploitation (73%).

Jurisdiction of Brussels

- Overall decrease since 2016 related to the significant fall in the number of sexual exploitation cases since that year.
- Increase in labour exploitation cases.
- In 2018, for the first time since 2012, there were more cases concerning labour exploitation (28) than sexual exploitation (24).

Jurisdiction of Ghent

- 45 cases of sexual exploitation and 30 cases of labour exploitation.
- Stability compared with 2017.
- Stability compared with 2017.
- No cases in 2018 for any other form of exploitation of human beings.

Jurisdiction of Liège

- Overall significant decrease compared with 2017. The number of cases went down from 73 to 43.
- Practically as many cases of sexual exploitation (18) as labour exploitation (22)

Jurisdiction of Mons

- Of the 24 cases entered in the jurisdiction of Mons, 13 were for labour exploitation, 6 for forced criminality and 5 for sexual exploitation.
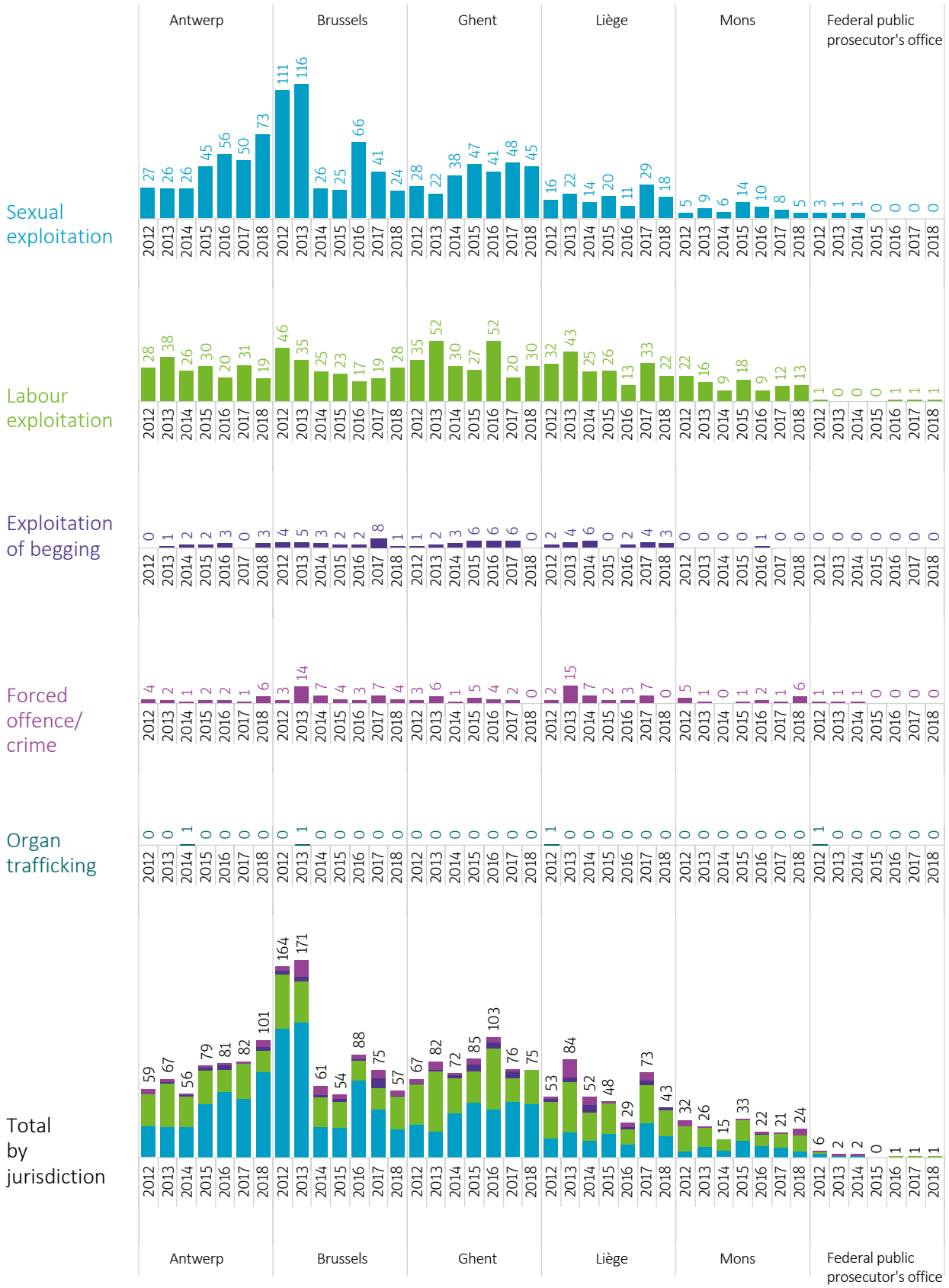- Status quo since 2016.

Federal public prosecutor's office

- In 2018, there was only one case of labour exploitation. This has been the case every year since 2016.

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

Sexual exploitation

Jurisdiction	2012	2013	2014	2015	2016	2017	2018
Antwerp	27	26	26	45	56	50	73
Brussels	111	116	26	25	66	41	24
Ghent	28	22	38	47	41	48	45
Liège	16	22	14	20	11	29	18
Mons	5	9	6	14	10	8	5
Federal public prosecutor's office	3	1	1	0	0	0	0

Labour exploitation

Jurisdiction	2012	2013	2014	2015	2016	2017	2018
Antwerp	28	38	26	30	20	31	19
Brussels	46	35	25	23	17	19	28
Ghent	35	52	30	27	52	20	30
Liège	32	43	25	26	13	33	22
Mons	22	16	9	18	9	12	13
Federal public prosecutor's office	1	0	0	0	1	1	1

Exploitation of begging

Jurisdiction	2012	2013	2014	2015	2016	2017	2018
Antwerp	0	1	2	2	3	0	3
Brussels	4	5	3	2	2	8	1
Ghent	1	2	3	6	6	6	0
Liège	2	4	6	0	2	4	3
Mons	0	0	0	0	1	0	0
Federal public prosecutor's office	0	0	0	0	0	0	0

Forced offence/crime

Jurisdiction	2012	2013	2014	2015	2016	2017	2018
Antwerp	4	2	1	2	2	1	6
Brussels	3	14	7	4	3	7	4
Ghent	3	6	1	5	4	2	0
Liège	2	15	7	2	3	7	0
Mons	5	1	0	1	2	1	6
Federal public prosecutor's office	1	1	1	0	0	0	0

Organ trafficking

Jurisdiction	2012	2013	2014	2015	2016	2017	2018
Antwerp	0	0	1	0	0	0	0
Brussels	0	1	0	0	0	0	0
Ghent	0	0	0	0	0	0	0
Liège	1	0	0	0	0	0	0
Mons	0	0	0	0	0	0	0
Federal public prosecutor's office	1	0	0	0	0	0	0

Total by jurisdiction

Jurisdiction	2012	2013	2014	2015	2016	2017	2018
Antwerp	59	67	56	79	81	82	101
Brussels	164	171	61	54	88	75	57
Ghent	67	82	72	85	103	76	75
Liège	53	84	52	48	29	73	43
Mons	32	26	15	33	22	21	24
Federal public prosecutor's office	6	2	2	0	1	1	1

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

122 victims of human trafficking began receiving support in a specialised reception centre in 2018

Year	Value
2010	130
2011	133
2012	143
2013	133
2014	158
2015	135
2016	133
2017	120
2018	122
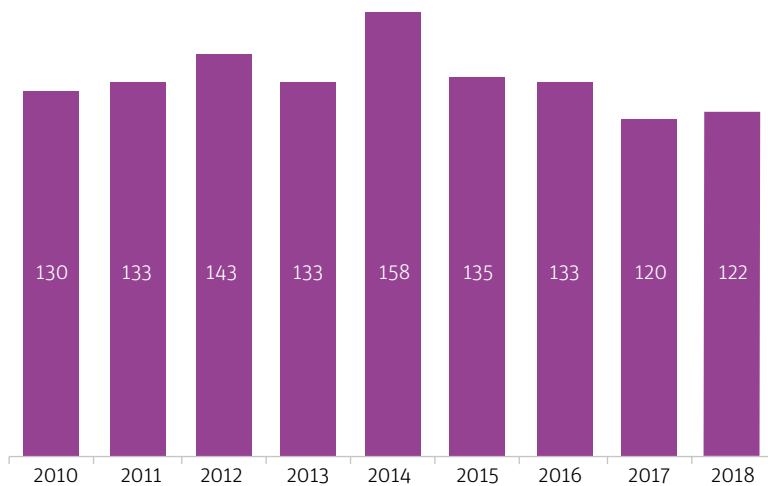
- Stabilisation compared with 2017
- Of the 122 victims, **79 were victims of labour exploitation** and **38 were victims of sexual exploitation**
- Among the new cases of support there were also 4 victims who were the subject of exploitation of begging and one forced criminality. No new support was organised for victims of organ trafficking.

- There were 21 Moroccan victims and 20 Nigerian victims. These are the two main nationalities of victims of human trafficking who began receiving support at one of the specialised centres in 2018.
- The number of Nigerian victims was divided by two between 2017 and 2018.

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

The data on new support doesn't make it possible to assess the extent of the work of the specialised centres

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

  ⏩ *See documents issued by the Immigration Office to victims of trafficking and smuggling of human beings.*

- Reports of persons for whom no support was initiated aren't mentioned here either.

  ⏩ *For more information, see the PAG-ASA, Payoke and Sürya annual reports.*

Source: Specialised reception centres,

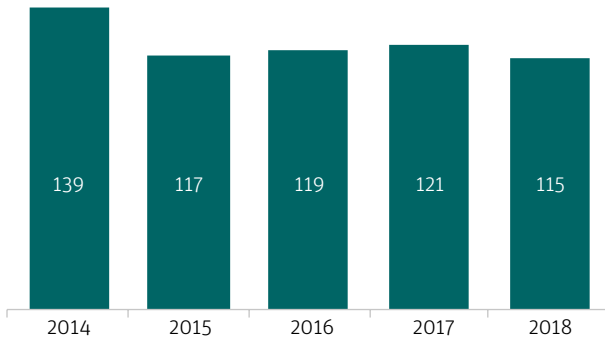Among the 79 victims of **labour exploitation:**

- 21 were Moroccan nationals and 12 Egyptian nationals;
- Women were in the minority;
- There were 2 minors among these victims.

Among the 38 victims of **sexual exploitation:**

- Half of them were Nigerian nationals;
- They were exclusively female;
- Among the 19 Nigerian women, there were 4 minors.

Nationality	Sexual exploitation	Labour exploitation	Exploitation of begging	Forced criminality	Total
Morocco	0	21	0	0	21
Nigeria	19	1	0	0	20
Romania	5	5	4	1	15
Egypt	0	12	0	0	12
Belgium	5	1	0	0	6
Venezuela	2	3	0	0	5
Afghanistan	0	4	0	0	4
Albania	2	2	0	0	4
China	0	4	0	0	4
India	0	4	0	0	4
Algeria	0	3	0	0	3
Burkina Faso	0	3	0	0	3
Brazil	2	0	0	0	2
Greece	0	2	0	0	2
Hungary	2	0	0	0	2
Mexico	0	2	0	0	2
Moldavia	0	2	0	0	2
Tunisia	0	2	0	0	2
Colombia	0	1	0	0	1
DR Congo	0	1	0	0	1
Spain	0	1	0	0	1
Ethiopia	0	1	0	0	1
Ghana	1	0	0	0	1
Guinea	0	1	0	0	1
Northern Macedonia	0	1	0	0	1
Panama	0	1	0	0	1
Rwanda	0	1	0	0	1
Vietnam	0	0	0	0	0
Total	**38**	**79**	**4**	**1**	**122**

Victims of human trafficking who entered the procedure (Immigration Office data)

139	117	119	121	115
2014	2015	2016	2017	2018

- In 2018, **115 victims** of human trafficking entered the procedure (slight decrease compared with 2017).
- More than **2/3** were victims of labour exploitation and nearly a 1/3 of sexual exploitation.
- No exploitation within the framework of organ trafficking or forced criminality were listed in the IO data.

- In 2018, Moroccans and Nigerians were the two main nationalities of victims of human trafficking who entered the procedure.
- All the Moroccan victims (20 in total) were the subject of labour exploitation.
- Between 2017 and 2018, there was a decrease in the number of Nigerian victims. They fell from 44 to 19. Among these 19 victims, 18 of them were victims of sexual exploitation.

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

Classification of main nationalities of victims of trafficking in Belgium

Country	2018
Morocco	20
Nigeria	19
Egypt	16
Romania	11
India	5
Albania	5
Others	**39**
Total	**115**

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

- Sexual exploitation
- Labour exploitation
- Exploitation of begging
- Other types of exploitation

source: IO
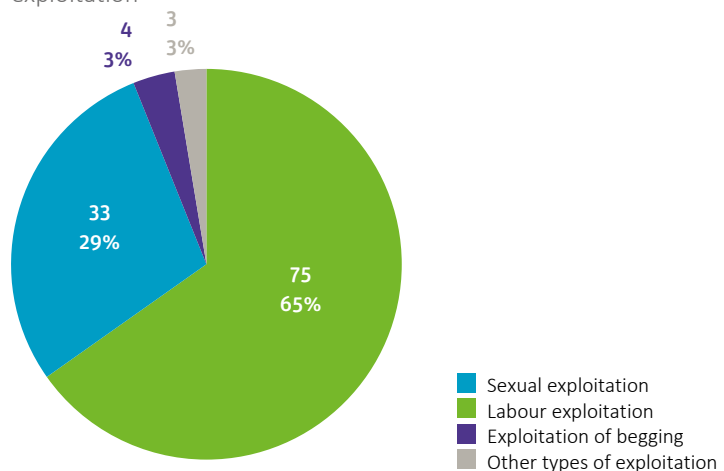
Age	Sexual exploitation		Labour exploitation		Exploitation of begging		Other types of exploitation		Total	
	2017	2018	2017	2018	2017	2018	2017	2018	2017	2018
<18	1	3	4	1	0	3	0	0	5	7
18-25	40	20	13	14	0	1	1	0	54	35
26-30	12	7	14	25	0	0	0	0	26	32
>30	2	3	34	35	0	0	0	3	36	41
Total	55	33	65	75	0	4	1	3	121	115
Men	1	0	47	66	0	2	0	3	48	71
Women	54	33	18	9	0	2	1	0	73	44

In 2018, **60% of trafficking victims** were men the majority of whom were the subject of **labour exploitation**.

- In 2018, there were 71 male victims and 44 female victims. In 2017, it was the opposite, with more female victims.
- Victims of labour exploitation were the most common (75 out of 115) and mostly concerned men, half of whom were over 30 years old (35 people).
- The victims of sexual exploitation were women (33). Among them, 20 were between 18 and 25 years old, and 3 were minors.

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

7 child victims of human trafficking entered the procedure in 2018:

- 4 accompanied foreign minors and 3 unaccompanied foreign minors (UFM)
- 3 victims of sexual exploitation, 3 victims of exploitation of begging, and 1 victim of labour exploitation

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

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

The data presented here concerns both victims of **trafficking** and of certain aggravated forms of **smuggling** of human beings.

The **717** decisions to issue or extend a residence permit concern both new victims from 2018 as well as those from previous years, who are in the process of being granted victim status and for whom one or more decisions were taken in the past.

There is a reduction in the total number of documents issued to victims of trafficking and smuggling in human beings.

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

Convictions for human trafficking (Justice Department data)

Number of convictions

81 82 90 84 93 125 114

2011 2012 2013 2014 2015 2016 2017
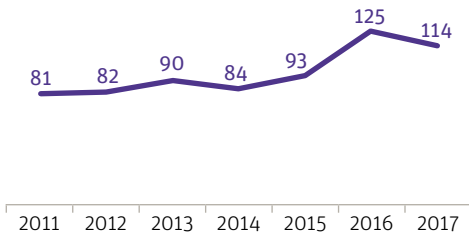
- In 2017, **114** convictions were pronounced. This is slightly less than in 2016.
- These convictions led to 317 judgments, 100 of which were suspended. Of the 317 sentences handed down, 109 were fines, 93 were prison sentences, 68 were deprivations of rights, 38 were confiscations, 2 were community service sentences and 5 were other bans.
- The prison sentences pronounced in 2017 were mostly of a duration of 1 to 3 years.

Top 5 nationalities of those convicted of human trafficking in 2017

Nationality	2017
Belgium	32
Unknown	17
Bulgaria	12
United Arab Emirates	8
Nigeria	5
Total	**114**

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

1 conviction = 1 person

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

The nationality of the main convicted parties in 2017 was Belgian (28%) and Bulgarian (11%). However, in 17% of cases, the nationality of the convicted parties was undetermined.

Sentences	Decisions	Suspended (completely or partly)
Fine	109	51
Incarceration*	93	49
Deprivation of rights	68	n.v.t.
Confiscation	38	0
Community service	2	n.v.t.
Professional ban	2	n.v.t.
Other bans	5	n.v.t.
TOTAL	317	100

Methodological remarks

- These figures show the number of final convictions, i.e. convictions that couldn't be taken to the court of appeal.
- The database doesn't provide the type of exploitation for all the convictions.
- The Department of Criminal Policy - FPS Justice corrected its data for 2017.
- A certain number of cases are only entered in the database after several months, which explains why the data for 2018 isn't available yet.

Duration of prison sentences pronounced*
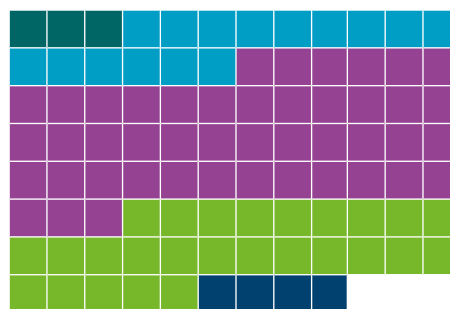
*1 square = 1 person

- 3-6 months
- 6 months - 1 year
- 1-3 year
- 3-5 year
- 5-10 year

source: Department of Criminal Policy - FPS

2. Human smuggling
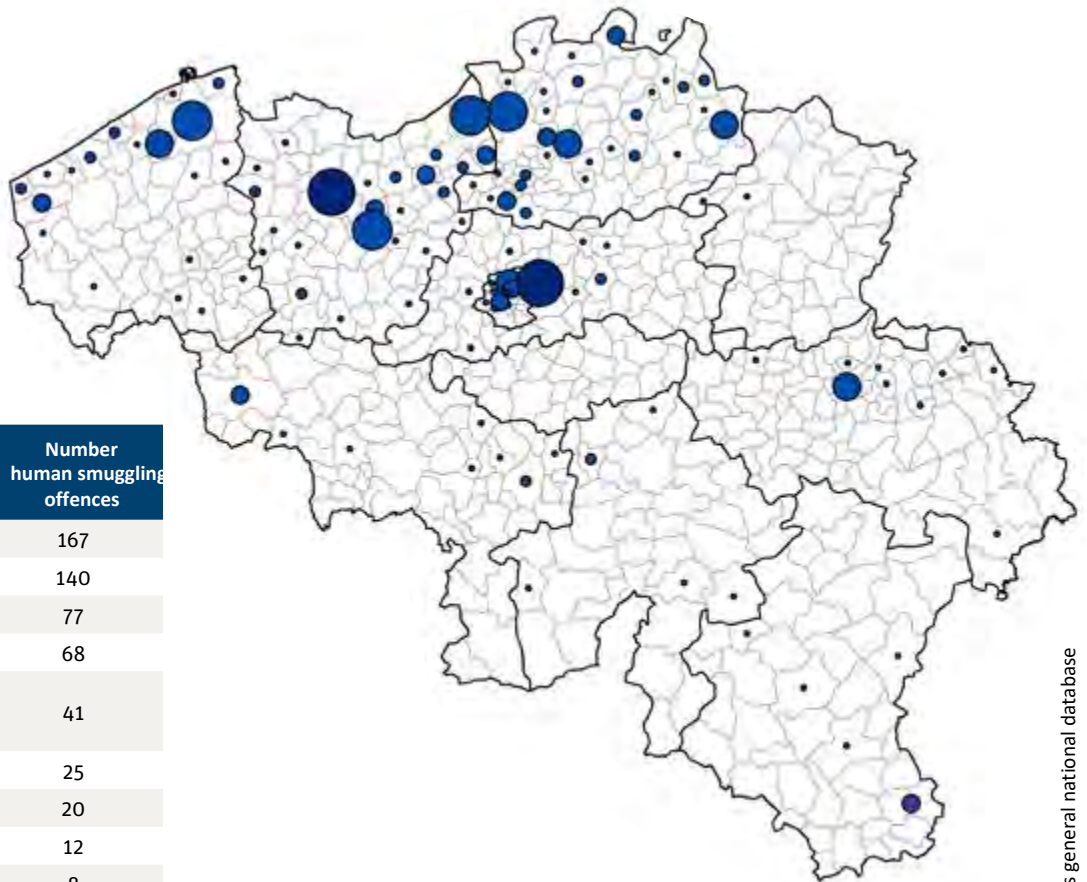
Human smuggling offences (police data)

In 2018, 560 human smuggling offences were recorded by the police. 81% of these cases were in Flanders.

- In 2018, 81% of human smuggling offences were recorded in Flanders, 12% in Wallonia and 7% in the Brussels-Capital Region (Zaventem airport included).
- On a municipal level, Zaventem (56) is in first position. The police recorded almost all the offences on site at the airport (55). Ghent (44) and Antwerp (34) are second and third respectively in the ranking, followed closely by Wetteren (32).
- In Wallonia, the municipality with the most offences is Liège (13).

In the space of 5 years, the number of offences recorded has more than doubled (x 2.2), reaching 560 in 2018. There was an increase of 201% between 2017 and 2018.

Year	Offences
2014	258
2015	318
2016	412
2017	463
2018	560
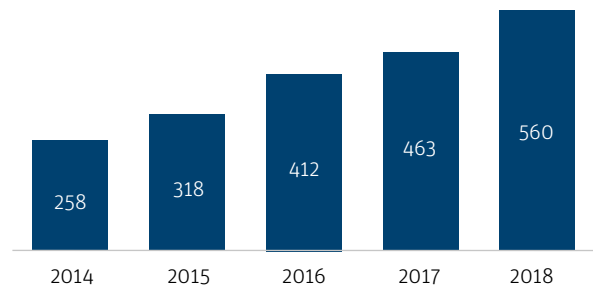
Number of human smuggling offences recorded by the police in 2018

- 1-2
- 3-5
- 6-10
- 11-22
- 23-34
- 35-56

Province	Number human smuggling offences
East Flanders	167
Antwerp	140
West Flanders	77
Flemish Brabant	68
Brussels-Capital Region	41
Liège	25
Hainaut	20
Luxembourg	12
Namur	8
Limbourg	2
Walloon Brabant	0
Total	560

s◎urce: Police's general national database

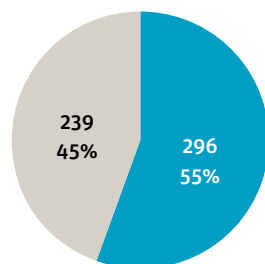## Human smuggling cases submitted to the public prosecutor's office
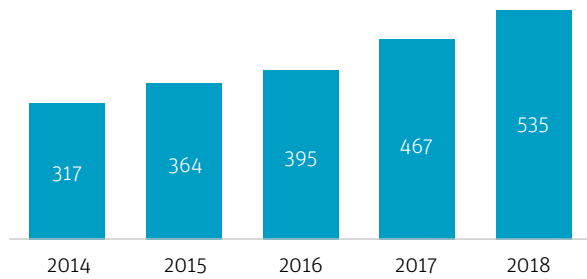
- In 2018, **535** human smuggling cases were submitted to the public prosecutor's office.
- Iore than half of the cases submitted to the public prosecutor's offices were in the jurisdiction of Ghent (47%). Followed by the jurisdictions of Antwerp (24%), Brussels (18%) and Liège (8%).
- The number of cases submitted to the jurisdictions of Antwerp (+66%) and Liège (x 2.9) have increased compared with a decrease in that of Brussels.
- Since 2013, there has been a continuous increase in the number of human smuggling cases submitted to the public prosecutor's office.

Human smuggling:
- Art. 77bis, 77ter, 77quater and 77quinquies of the Aliens Act
- Code 55G
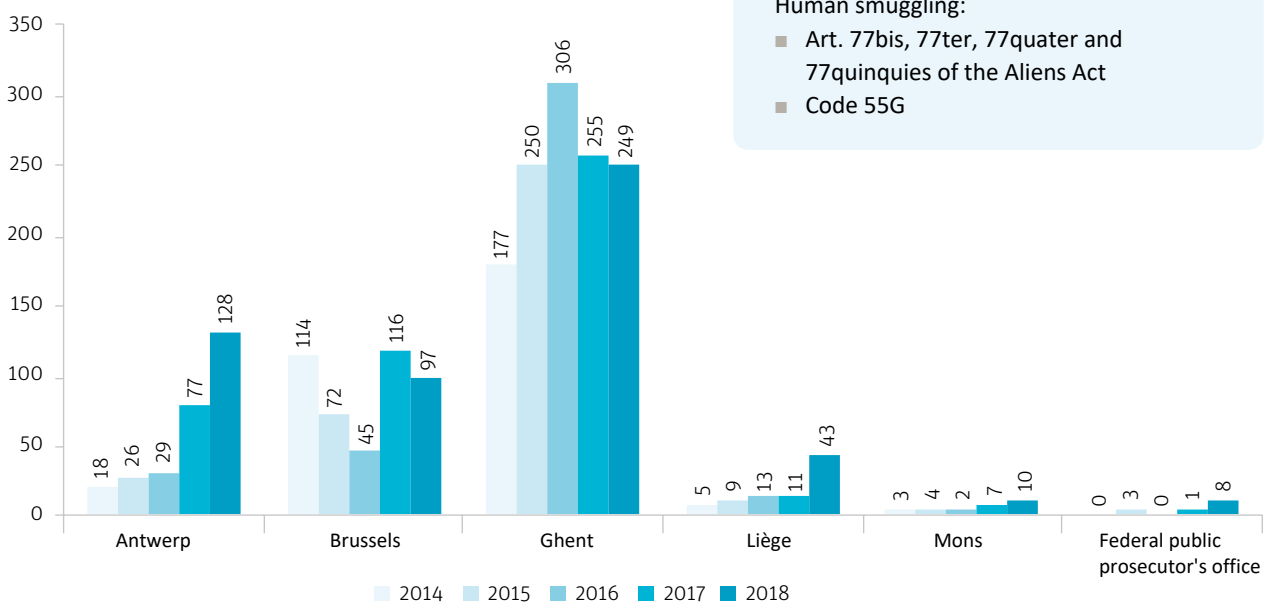
Difficulty in bringing successful prosecutions for human smuggling

Cases submitted to the public prosecutor's office in 2018 and dropped on 5 May 2019

239 45%

296 55%

- Cases submitted to the public prosecutor's
- Other

- Out of the 535 cases submitted to the public prosecutor's offices in 2018 for human smuggling, 296 were dropped on 5 May 2019, i.e. 55 %. That is 15% more than in 2017.
- Among the 296 cases that were dropped, 58 were on discretionary grounds and 238 for technical reasons (174 of which because the perpetrator(s) was(were) unknown and 53 owing to insufficient charges). Note that the number of cases dropped because the perpetrator(s) of the acts is(are) unknown has more than doubled compared with 2017 (73).

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

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

In 2018, there were **19 victims of human smuggling** with aggravating circumstances for whom a residence permit was issued for the first time by the IO.

| 18 | 14 | 13 | 19 | 19 |
| 2014 | 2015 | 2016 | 2017 | 2018 |
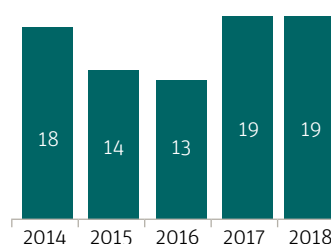
8 child victims of human smuggling entered the procedure in 2018:

- 4 accompanied foreign minors and 4 unaccompanied foreign minors (UFM).

Among all the victims of smuggling, there were:

- 12 men and 7 women;
- 8 victims under 18 years old (double the amount in 2017);
- 9 Iraqis and 3 Vietnamese (in 2017, Iraq was already the top nationality in the classification of victims of an aggravated form of human smuggling).

Human smuggling	<18	18-25	26-30	≥30	Women	Men	Total
2017	4	6	5	4	6	13	19
2018	8	5	4	2	7	12	19

Source: IO

New support for victims of human smuggling initiated by the specialised reception centres
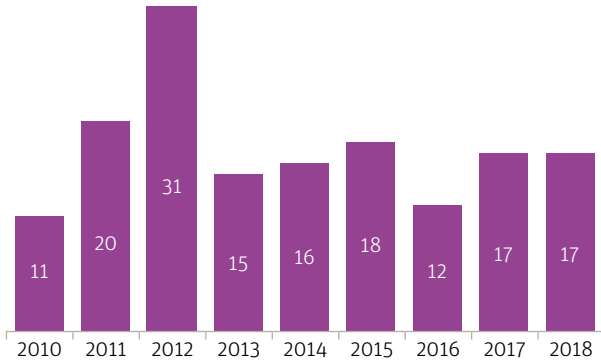
- In 2018, **17** victims of aggravated smuggling began receiving support in a specialised reception centre in Belgium. This is the same amount as in 2017.
- Most of these victims are men (13 out of 17) and a larger proportion of Iraqis (7 out of the 17).

3 child victims of smuggling began receiving support in a specialised reception centre in 2018:

- 2 Iraqi
- 1 Vietnamese

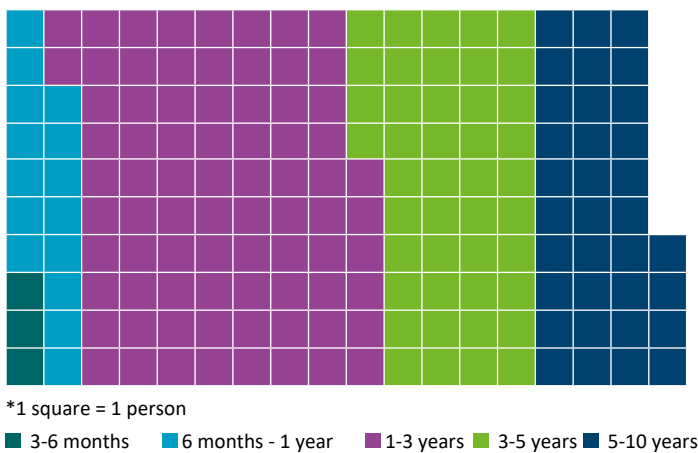| Nationality	Women		Men		Total
	<18	≥18	<18	≥18	
Iraq	2	1		4	**7**
Afghanistan		1		1	**2**
Eritrea				2	**2**
Vietnam			1	1	**2**
Cameroon				1	**1**
Guinea				1	**1**
India				1	**1**
Iran				1	**1**
Total	**2**	**2**	**1**	**12**	**17**

Source: Specialised reception centres,

Convictions for human smuggling (Justice Department data)

- In 2017, **175** convictions were pronounced. This is a significant increase compared with 2015 (minimum 90 convictions) and 2016 (minimum 127 convictions).
- These convictions led to 578 judgments, 122 of which were suspended. Among the 578 sentences handed down, the number of prison sentences (174) was very close to the number of fines (172). The number of confiscations was also significant (101).
- The length of the prison sentences pronounced in 2017 were mostly 1 to 3 years.

Methodological remarks

- The Department of Criminal Policy Service of FPS Justice has improved its data for 2017.

- These figures show the number of final convictions, i.e. convictions that couldn't be taken to the court of appeal.

- A certain number of cases are only entered in the database after several months, which explains why the data for 2018 isn't available yet.

Sentences	Decisions	Suspended (completely or partly)
Incarceration*	174	51
Fine	172	70
Deprivation of rights	130	n/a
Confiscation	101	1
Community service	1	n/a
TOTAL	**578**	**122**

Top 5 nationalities of those convicted of human smuggling in 2017

Nationality	2017
Unknown	43
Iraq	18
Belgium	14
Syria	13
Algeria	10
Total	**175**

The nationality of a large number of convicted parties in 2017 isn't known (25%). Iraq (10%), Belgium (8%), Syria (7%) and Algeria (6%) are the top 5.

Duration of prison sentences pronounced*

*1 square = 1 person

- 3-6 months
- 6 months - 1 year
- 1-3 years
- 3-5 years
- 5-10 years

3. Explanation of the statistics relating to the investigations into human trafficking conducted by the NSSO Inspection Department's ECOSOC teams in 2018

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3.1. | Introduction

This report concerns the NSSO Inspection Department's services (Thematic Directorate for Trafficking in Human Beings, ECOSOC teams).

Besides the purely statistical data, this contribution aims to provide qualitative information on the performance of the NSSO Inspection Department's ECOSOC teams in 2018.

The data included in this report comes from two sources:

1. The internal file management system (Pegasis), from which the data relating to the cases closed in 2018 was extracted. This data concerns 65 potential victims.
2. The analysis of the checklists drawn up by social inspectors in 2018 in accordance with Chapter VIII of COL 01/2015 on the policy of investigation and prosecution regarding trafficking in human beings. (Appendix 5 of COL 01/2015). NSSO inspectors are responsible for writing these checklists:
    ■ as soon as a potential victim is taken in by a reception centre or could have been (for instance: all the elements were present but the potential victims refused to be referred);
    ■ as soon as the investigation in progress indicates that there is sufficient evidence of potential human trafficking.

In 2018, 78 checklists were created, which means that 78 potential victims were discovered. This difference with the 65 potential victims from the Pegasis source is due to the fact that the cases for which a checklist was drawn up in 2018 weren't necessarily closed in 2018.

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

Other source of qualitative information: consultation of the human trafficking cases processed in the 10 provincial departments in 2018 and communication with ECOSOC team leaders on the completed investigations.

3.2. | Statistics from reports and criminal reports (Pegasis)[427]

According to the statistics received (internal departmental statistics – Pegasis) concerning the **investigations closed in 2018** (investigations begun in 2018 or before 2018):

■ **During 2018,** the NSSO compiled **14 reports** (R) (20 potential victims concerned) and **42 criminal reports** (CR) (45 potential victims concerned) relating to human trafficking (HT - Art. 433quinquies of the Criminal Code). In addition, following investigations carried out in collaboration with other inspection or police services, the reports or criminal reports on HT were sometimes compiled by another service; 13 criminal reports or reports were written by other services within the framework of a collaboration with the NSSO..

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427 These statistics are based on closed investigations.

Provincial departments	R/CR compiled by the NSSO	R/CR compiled by another service[428]
West Flanders	0	0
East Flanders	8	2
Antwerp	8	1
Limburg	0	1
Hainaut	10	2
Namur-Luxembourg	9	2
Liège	3	0
Flemish Brabant	4	2
Brussels	14	3
Walloon Brabant	0	0
Total	**56**	**13**

- 65 presumed victims of HT were referred to the judicial authorities by the NSSO Inspection Department through criminal reports or reports.
- The most represented nationalities are: Afghanistan (10 people), Poland (7), Ukraine (6), Morocco (6), Pakistan (6), Bulgaria (6). Also note that among these 65 presumed victims, 18 were EU nationals, 2 of whom were Belgian.
- The most represented sectors of activity were garages (car and truck wash), hotel & catering, construction and trade (retail).

3.3. | Analysis of the checklists

Introduction

Taking into account the stipulations of COL 01/15, a checklist was completed **in 2018** as soon as there were **sufficiently precise indications** of a potential situation of human trafficking, whether the investigation was ongoing or closed.

In total, **78 checklists** were established (1 checklist per potential victim; hence, several checklists may concern the same employer); they are distributed as follows:

Provincial departments	
West Flanders	5
East Flanders	7
Antwerp	10
Limburg	4
Hainaut	4
Namur-Luxembourg	12
Liège	4
Flemish Brabant	10
Brussels	21
Walloon Brabant	1
Total	**78**

Geographic distribution by sector of activity

	Namur-Luxembourg	Brussels	Liège	Hainaut	Limburg	Waals-Brabant	Walloon Brabant	Antwerp	East Flanders	West Flanders	Total
Retail trade	3	3	1					2			**9**
Hotel & catering	7	11					2	7		2	**29**
Prostitution									3		**3**
Construction				2			1				**3**
Car wash and truck wash	1		2	2			1	1	2	3	**12**
Domestic staff		2					1				**3**
Garage			1								**1**
Bakery	1										**3**
Hairdressing & beauty		3							2		**3**
Agriculture/ Horticulture					4						**4**
Selling animals							1				**1**
Sorting objects/ clothes (recycling)		2					5				**7**
Total	**12**	**21**	**4**	**4**	**4**	**1**	**10**	**10**	**7**	**5**	**78**

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428   Within the framework of an investigation in collaboration with the NSSO.

Distribution according to age, gender and nationality of the presumed victims

Nationality	Men	Women
Afghanistan	9	0
Albania	2	0
Bangladesh	1	0
Belgium	2	0
Brazil	1	0
burkina Faso	2	0
China	6	0
Colombia	0	1
Congo	1	0
Egypt	5	0
Greece	1	1
Hungary	1	0
India	5	0
Italy	1	1
Morocco	12	3
Mexico	0	2
Nigeria	0	3
Pakistan	3	0
Poland	0	2
Rwanda	1	0
Syria	6	0
Tunisia	2	0
Ukraine	0	1
Vietnam	1	2
Total	**62**	**16**

Age	Men	Women
Minors (-18 years)	0	2
Between 18 and 30 years	33	7
Between 30 and 40 years	16	4
Between 40 and 50 years	7	2
More than 50 years	6	1
Total	**62**	**16**

A quick analysis of the table above leads to the conclusion that almost 80% of potential victims of labour exploitation are men (62/78). As regards age, half of the presumed victims are between 18 and 30 years old, and a quarter between 30 and 40 years old. It should be noted that women are essentially active in the hotel & catering industry and prostitution. The two exploited minors (Vietnamese) were employed in a nail bar in Brussels. They were 17 years old at the time of the check.

As regards the nationality of the victims, the great majority (69/78) are from third countries (outside the EU). Among the 9 EU nationals, it should be noted that 2 are Belgian.

Circumstances in which human trafficking occurred and aggravating circumstances

Appendix 5 of COL 01/2015 includes several human trafficking indicators under the point 'Circumstances'. Analysis of the checklists received in 2018 led to the following findings:

Identity papers

In the large majority of cases, the potential victims were staying illegally in Belgium. Either they had national identity papers (passport), or they had a copy of identity papers.

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

Financial aspect – social security – social documents

In terms of income: in almost all the situations encountered, pay was low, very low, and even non-existent. Sometimes, the potential victim had to hand over part of their wages or they were promised wages they were never paid. One of the victims even said she had to reimburse her travel expenses. Another one was paid into a bank account opened in her name, but she was unaware of its existence. The exploiter had power of attorney over it and made regular withdrawals. Here are several other concrete examples encountered in 2018: €30/9h; €50/9h or €60/9h; €60/15h; €5-10/d; €2.25-5/h; €3,000 for 2 years of work, 12h/d and 7d/wk; €200 for 2 months work, 9h/d and 7d/wk; €150/70h work per week, €80/91h work per week, etc.

In terms of social security and social documents: about 15% of workers were informed about Dimona. The others were employed illegally and no steps were taken in terms of social security, social documents, work permit or professional card.

Circumstances of the exploitation

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

- **The victim has no appropriate equipment/work clothes**

- **The victim works in dangerous/squalid conditions**
  Indicators relating to work protection (health and safety of workers: hygiene measures, clothes and workplaces, etc.) concern approximately 25% of the presumed victims encountered.

- **The victim isn't allowed to be in contact with the outside world**

- **The victim's freedom of movement is limited**
  Approximately 25% of the presumed victims encountered had no contact with the outside world and had limited freedom of movement. Some of them knew no lingua franca (Dutch, French or English).

- **The victim lives in squalid conditions**
  In a large number of potential HT situations, the victims are housed in substandard or insanitary accommodation. This was the case for 32 people, i.e. 41% of the presumed victims.

- **The victim is deprived of medical care**
  Two presumed victims were deprived of medical care.

- **The victim works for long periods**
  Almost 60% of the presumed victims encountered worked for abnormally long periods. Here are a few examples encountered in 2018: working 10-12h/d, 7d/wk; 12h/d, 6d/wk; 15h/d; 9h/d, 7d/wk; 13-14/h, 7d/wk; 70h/wk; 84h/wk; etc.

Aggravating circumstances

Appendix 5 of COL 01/2015 includes several aggravating circumstances of human trafficking. Several were noted in the cases encountered in 2018:

- **Relating to the victim's situation**
  Among the victims listed, two 17-year-old Vietnamese girls were exploited in a nail barRelating to the perpetrator

- In the majority of cases, the perpetrator abuses the victim's vulnerable situation, has authority over them or abuses their position. None of the checklists describe a perpetrator as a law enforcement officer exercising their role. Nevertheless, 2 presumed victims were employed by diplomats.

- **Relating to the circumstances and consequences of trafficking**
  Among the 78 victims concerned by the 2018 checklists, 18 explained they had suffered threats, acts of violence or coercion at the hands of the perpetrator. The lives of 6 presumed victims was put at risk. Among these 6 people, one of them is permanently unable to work as a result of their exploitation.

In the large majority of cases, the activity concerned is a usual activity. However, one case concerns the illegal farming and sale of cannabis.

Referral of victims to a specialised reception centre

Among the 78 checklists recorded, **39** concerned presumed victims who had been put in contact with or taken in by a specialised reception centre (Sürya, Payoke or PAG-ASA).

Some of them were already there; the investigation therefore focused on interviewing these people and/or on more in-depth searches into HT.

Among the 39 presumed victims, 2 minors were taken in by Esperanto.

The distribution per provincial department is as follows:

Provincial departments	Number of presumed victims referred	Nationality and gender
Namur-Luxembourg	3	1 Chinese (W) 1 Tunisian (M) 1 Congolese (M)
Brussels	17	8 Moroccan (7M and 1W) 4 Egyptian (M) 1 Vietnamese (M) 1 Indian (M) 1 Turkish (M) 2 Vietnamese (W)
Liège	4	1 Moroccan (M) 2 Afghan (M) 1 Indian (M)
Hainaut	1	1 Brazilian (M)
Walloon Brabant	1	1 Burkinabé (M)
Antwerp	0	
Flemish Brabant	3	1 Burkinabé (M) 1 Chinese (M) 1 Bangladeshi (M)
East Flanders	3	2 Moroccan (M) 1 Nigerian (W)
West Flanders	3	2 Mexican (W) 1 Afghan (M)
Limburg	4	2 Albanië (M) 2 Albanian (M) 2 Greek (1M and 1W)
TOTAL	39	

3.4. | Joint Action Days labour exploitation

In May 2018, the Belgian social inspection services took part in the Joint Action Days (JAD) labour exploitation for the third consecutive year.

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

The new Thematic Directorate for Trafficking in Human Beings within the NSSO Inspection Department steered Belgian cooperation in the right direction for the Joint Action Day labour exploitation 2018, with targeted checks on labour exploitation in high-risk sectors.

Besides the NSSO Inspection Department, the federal and local police as well as the Social Legislation Inspectorate, the regional social inspection services, the housing inspectorate and labour prosecutors also played an active role.

In the 149 workplaces checked, the inspectors were attentive to the detection of labour exploitation indicators. Indicators of this type were identified especially in the hand car wash sector, which is the focus of this initiative in Belgium.

Nine potential victims of human trafficking were identified. These workers were employed in inhumane conditions and, in some cases, housed by the employer in appalling conditions. One of them was referred to Sürya, the specialised reception centre in Liège.

The action was also important on an international level. The Dutch and Belgian inspection services worked together closely during the three border controls. The emphasis was mainly on workers from Dutch interim agencies who work at dumping rates in Belgian construction companies. A check was also carried out to ascertain whether workers employed in Belgium were receiving benefits in the Netherlands.

Europol extended its traditional scope by including the social inspection services in the coordination of actions to combat labour exploitation. Throughout the JAD action period, Europol maintained a coordination centre in The Hague, where an NSSO representative was also present to facilitate the coordination of the actions and the exchange of information between the different countries. The participating Member States could address special requests to another Member State for information or investigation by the inspection services. Hence, an investigation into labour exploitation was launched in collaboration with the Spanish, Polish and Hungarian labour inspectorates. Additional information was also exchanged in several cases after the JAD period.

The fact that a Belgian JAD check of a hand car wash in 2016 resulted in the conviction of the car wash owner for human trafficking in 2017, illustrates that a multidisciplinary approach such as this bears fruit.

During the JAD actions in 2019 (9-14 April), collaboration between the inspection services, the police and Dutch, Portuguese and Slovenian immigration services also proved fruitful. Dutch and Slovenian labour inspectors were present during the inspections in Belgium. In six of the 52 workplaces checked, the inspectors found indicators of labour exploitation. Six potential victims of human trafficking were identified. These workers were employed in inhumane conditions and, in some cases, housed by the employer in appalling conditions.

3.5. | Investigation techniques

The ECOSOC teams' social inspectors increasingly use specific investigation techniques such as:
- aerial reconnaissance, which enabled the detection of two victims of HT among seven illegal workers discovered at a building site;
- phone investigations (within the framework of a mini-investigation or an investigation);
- using video-surveillance images;
- using mobile phones;
- searches of 'open-source intelligence' (internet, social media).

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

3.6. | Conclusion

The cases of exploitation in 2018 generally occurred in urban areas and involved mostly men.

In the large majority of cases, only one person was concerned. Nevertheless, several investigations led to the detection of a number of potential victims exploited by the same person or network. This was particularly the case in:

- an asparagus farm in Limburg: 4 presumed victims;

- a hotel in West Flanders: 2 presumed victims;

- sorting materials in Brussels: 2 presumed victims;

- nail bars: 2 presumed victims;

- sorting clothes in Flemish Brabant: 5 presumed victims;

- a Chinese restaurant in the Province of Namur: 3 presumed victims.

It should be noted that some of the presumed victims encountered, who are included in this summary, weren't taken in by a specialised reception centre mainly because they were happy with their situation and refused any kind of support.

The sectors of activity most commonly encountered in the analysis of the 2018 checklists were the hotel & catering industry, garages (car and truck wash), retail trade (including night shops and tobacconists) and sorting recyclable goods. It should be noted that the HT Thematic Directorate's specific focus in 2018 was the hand car wash sector.

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

Among the indicators, the most common were:
- low wages or none at all;
- abnormally long working hours;
- squalid housing conditions;
- abuse of the vulnerable situation;
- use of threats / violence;
- limitation of freedom of movement and contact with the outside world.