

CHAPTER 3: THE PHENOMENON IN BELGIUM

Little is known about the phenomenon of human trafficking for the purpose of exploitation of begging in Belgium. The public prosecutor's offices initiate very few cases concerning human trafficking for the purpose of exploitation of begging⁸⁰, as illustrated in the table below. These cases are spread between the jurisdictions of Brussels, Ghent and Antwerp. According to basic estimations, approximately half the cases are dropped.

The public prosecutor's offices initiate very few cases concerning human trafficking for the purpose of exploitation of begging.

Ghent and Antwerp is to draw up a report for begging, but everything also depends on the police's method of approach. The Minister of Justice said on this subject: "The number of findings is limited. It doesn't correspond to reality. A sample of reports from a police district often faced with begging (exploitation of begging as a form of human trafficking or not)

shows that officers react differently to begging. If they aren't looking specifically for possible signs of exploitation, officers book the beggars on the basis of the highway code (for obstructing traffic), for instance. Others arrest beggars administratively, on the basis of causing a nuisance; they free them a few hours later or ask the beggars to move on. The sample showed that out of 184 'begging' interventions, 85 begging reports were drawn up. Only four reports relate to the exploitation of begging - human trafficking. In all four reports it was question of an adult beggar accompanied by a child⁸²". When a report reaches the public prosecutor, it is also up to the public prosecutor's office to determine whether an investigation into human trafficking should be initiated.

Human trafficking (HT) for the purpose of exploitation of begging	2010	2011	2012	2013	2014	2015
HT case opened by public prosecutor's office	5 (1.5%)	8 (2%)	7 (2%)	12 (3%)	14 (5%)	10 (3%)
HT case dropped by public prosecutor's office				7	5	

The police established several reports for offences relating to the exploitation of begging. In answer to a parliamentary question, the Minister of Justice, in 2015, broke down the recorded offences for the period 2010 to 2013, according to whether they related to human trafficking or not (see above)⁸¹. The usual procedure in Brussels,

Offences - police	Exploitation of begging	Human trafficking for the purpose of exploitation of begging	TOTAL
2010	61	6	67
2011	34	20	54
2012	18	29	47
2013	15	25	40

⁸⁰ Concerning the legal framework, see Chapter 1 above.

⁸¹ Question No. 76 from Deputy Kristien Van Vaerenbergh of 19 November 2014 to the Minister of Justice, DO2014201500813, *Bulletin des questions et réponses écrites*, Chamber, session 2014-2015, QRVA 54- 024 of 11 May 2015, p. 141.

⁸² *Ibid.*, p. 142.

The number of victims exploited for the purpose of begging who have been provided with new support by specialised centres, within the framework of victim status, is also limited. Out of the 16 victims, there were six Romanian men and five Romanian women, three Slovak men, one Serbian woman and one Egyptian woman (victim from 2013). Three underage Romanian girls were taken in as victims of human trafficking.

Human trafficking for the purpose of exploitation of begging	2010	2011	2012	2013	2014	2015
New support	2	0	6	1	3	4
Children	1				2	

Few statistics are available concerning the involvement of child victims. The following answer was given in 2008 to Senator Schelfhout's parliamentary question addressed to the State Secretary for Disabled Persons and Deputy to the Minister for Social Affairs and Public Health at the time: "Child begging is a complicated problem. The Coordination des Organisations non-gouvernementales (ONG) pour les Droits de l'Enfant (CODE) has published several studies on the subject. According to these studies, the number of networks that exploit children through begging is currently very limited. The majority of children who beg are accompanied by their parents or family members, often of tzigane origin⁸³". In 2013, the State Secretary for Asylum Policy and Migration answered: "Over the past few years, we have been witness to renewed interest in the phenomenon of

⁸³ Written question No. 4-1926 from Els Schelfhout on 29 October 2008 to the State Secretary for Disabled Persons and Deputy to the Minister for Social Affairs and Public Health, Senate, 2008-2009 session, 28 October 2008.

mothers begging with children. There is also interest in the problem of mothers begging with children⁸⁴ on a European scale (DG Home and DG Justice)". A study coordinated by ECPAT⁸⁵ noted this phenomenon of women beggars accompanied by children in Brussels, but concluded that this had nothing to do with human trafficking⁸⁶; however, it considered this to be an attack on children's rights since this prevented them from going to school. As regards acts of human trafficking, we especially find child beggars who are the victims of human trafficking in mixed cases, i.e. those concerning different forms of exploitation within the framework of human trafficking (exploitation of begging, sexual exploitation, forced criminal activities), which we shall deal with further on.

Based on the interviews and findings from cases and case law, we can separate the existing human trafficking cases into 'Roma' cases involving the exploitation of disabled adult Roma victims and 'Roma' cases with a mixture of different forms of exploitation within the framework of child and adult Roma human trafficking victims. This type of trend can also be found in various international studies⁸⁷. These are structured family networks. The victims live with their exploiters and find themselves in a slum landlord situation. There is also the matter of stolen identity, which considerably complicates the identification of the victims by the police. The core of the exploiters is

⁸⁴ Written question No. 5-8931 from Dalila Douifi on 3 May 2013 to the State Secretary for Asylum Policy and Migration, Social Integration and the Fight against Poverty, and Deputy to the Minister of Justice, Senate, 2012-2013 session, 3 May 2013.

⁸⁵ DE WITTE & PEHLIVAN, *Vulnerability of Bulgarian and Romanian Children to Trafficking in the Netherlands and in Brussels*, Mario project, Budapest, December 2014.

⁸⁶ On the issue of child begging, also see this part, Chapter 1.

⁸⁷ RACE, *Trafficking for Forced Criminal Activities and Begging in Europe, Exploratory Study and Good Practice Examples*, 2013.

generally composed of four to five people, who work together and share information in a flexible manner, from a regional family base.

1. Adult disabled Roma victims

In these cases, adults are exploited and they must hand over their earnings from begging. The victims are usually Roma⁸⁸. In general, it is only a matter of begging, but sometimes, other forms of exploitation are associated with it within the framework of human trafficking. When it is only a question of exploitation of begging, the proceeds from criminal activity must be sufficient to maintain its existence as a criminal activity. One of the specialised centres for victims of human trafficking explained, during an interview, that they had learned of a victim being intentionally mutilated⁸⁹ with the aim of arousing compassion and thus generating more income from begging.

The perpetrators are often small family groups of Roma origin specific to Eastern European countries such as Romania⁹⁰ with whom other Roma groups don't wish to be associated. These groups of perpetrators have considerable international mobility and recruit their victims on site or in the country of origin. Neither the perpetrators nor the victims want to have contact with local support organisations, not even Roma mediators. When they find themselves in the police's sight, they disappear abroad. Roma mediators have confirmed this. One

of them also noted the presence of disabled beggars who weren't interested in making contact with the Roma support organisation and subsequently disappeared.

In a case in Brussels, where the disabled Roma victims were exploited and sometimes taken to towns in other countries, the proceeds from criminal activity were close to EUR 40,000 in a good year. The Roma perpetrators sent this money to their family in Romania. When the perpetrators realised the police were onto them, they disappeared abroad and the judgement was pronounced in absentia⁹¹.

In another case, a Romanian was convicted for having recruited a compatriot with a crippled left leg to work as a beggar in Brussels⁹². The father of the suspect had paid the bus ticket from Romania and had confiscated some of the victim's papers (birth certificate, disability certificate and proof of pension payment). The suspect accompanied the victim to the place where they obliged to beg every day, and came to fetch them every evening. They earned between EUR 17 and 25 a day, which they had to hand over to the suspect and his wife every evening.

⁸⁸ ERRC, *Breaking the Silence*, A Report by the European Roma Rights Centre and people in need, 2011.

⁸⁹ See also OSCE Resource Police, *Training Guide: Trafficking in Human Beings*, TNTD/SPMU Publication Series Vol. 12, 2013.

⁹⁰ In the German and Austrian press and various studies (see previous footnotes), there is also mention of similar cases of Romanian Roma victims exploited as disabled beggars: see this part, Chapter 4.

⁹¹ See further on in this chapter and Part 3, Chapter 4 (Case Law); Brussels Dutch-speaking Crim. Court, 3 March 2015: Annual Report 2015, *Trafficking in and smuggling of human beings, Tightening the links*, pp. 124-125.

⁹² Brussels Crim. Court, 2 June 2010, 54th ch.; Brussels Crim. Court, 21 September 2010 (the convicted person appealed against the default judgement delivered on 2 June 2010) and Brussels, 1 April 2011; Also see: Annual Report 2010, *Trafficking in and smuggling of human beings, Combating social fraud to prevent trafficking in human beings*, p. 78 and Annual Report 2011, *The Money that Matters*, p. 139. The court of appeal's decision is available at www.myria.be.

In 2013, the Minister of Justice, in their answer to a parliamentary question relating to the federal approach to the exploitation of begging, referred to the following case as an example of a case where the legal provisions concerning human trafficking were successfully applied⁹³. The case of human trafficking for the purpose of exploitation of begging was judged by Nivelles Criminal Court⁹⁴. International police information revealed that the defendant had also been investigated in Germany and Slovenia for similar acts. A Slovak defendant had exploited disabled compatriots through begging. The defendant had come to fetch them from the institution in which they were placed in Slovakia, saying that they would be better with him. Once he had brought them to his home, they were obliged to share their room with other disabled persons. The defendant also took all the benefits they were paid in Slovakia. The court considered that trafficking was established: the defendant had recruited disabled compatriots, lodged them in his house, dropped them off at different car parks and came to fetch them in the evening. He took all the money they collected for himself. The court attached a great deal of importance to the victims' statements, corroborated by other elements in the case (police reports stating the presence of the defendant or the victims on various occasions in Belgium, international police information, a large sum of money found in the defendant's possession).

⁹³ Question No. 886 from Deputy Karin Temmerman on 19 April 2013 to the Minister of Justice, DO 2012201312442, *Bulletin des questions et réponses écrites*, Chamber, 2012-2013 session, QRVA 53-116 of 10 June 2013, pp. 171-173.

⁹⁴ Nivelles Crim. Court, 25 January 2013, 6th ch. This decision is final; <http://www.myria.be/fr/jurisprudence/tribunal-correctionnel-de-nivelles-25-janvier-2013>; Annual Report 2012, *Trafficking and Smuggling in Human Beings, Building trust*, pp. 90-91.

Example of a case of exploitation of disabled beggars in Brussels

In March 2016, four Romanian defendants convicted the previous year in absentia for human trafficking for the purpose of exploitation of begging, were arrested in Romania and returned to Belgium on the basis of a European arrest warrant. They lodged an appeal and were once again convicted by the Criminal Court of Brussels⁹⁵. The acts took place between May 2011 and October 2012. Myria instituted civil proceedings.

1. Small-scale family network

The four Romanian defendants belonged to the same family and organised and exploited the begging of Romanian compatriots with a physical disability. This exploitation took place in a systematic and organised manner during a relatively long period. The defendants and the victims would go to a very busy public area. The defendants used public transport to move around, but never in the company of their victims. The defendants constantly kept an eye on the victims from the bench at a bus or tram stop. The victims would meet up with the defendants after a certain amount of time to discreetly give them their earnings before returning to beg. They sometimes received something to eat or drink in exchange.

2. Opening the case

After receiving a warrant from an investigating judge, the police initiated the investigation with surveillance in July 2012. The photos from these observations provided important evidence. They established how the beggars handed over

⁹⁵ See Case Law chapter; Brussels Crim. Court, 19 May 2016, 60th ch. (final); Brussels Crim. Court, 3 March 2015, 60th ch. (in absentia). See Annual Report 2015, *Trafficking and smuggling of human beings, Tightening the links*, pp. 124-125.

their earnings, hidden in a cigarette packet, to a third party, the defendant.

The observations conducted showed that the defendants were all living at the same address and that several of the beggars lived with them too. During the search carried out in October 2012, the police noted that the various victims of begging lived in dreadful living conditions. The search led to several arrests and hearings.

3. *Investigation*

The police requested information from low-cost Romanian travel agencies and airline companies at Zaventem airport regarding the international mobility of the defendants and the victims. Based on the analysis of the results, the investigators were able to ascertain that considering the movements of some of the victims, the begging didn't only take place in Brussels, but also probably in other European towns and cities, such as Rome, Coni (Italy) and London. The analysis of their movements also showed that the defendants would go and fetch the beggars in Romania to allow other members of their family to exploit them through begging.

The defendants also made contradictory statements concerning their family relations/ties, their arrival in Belgium, their trips between Belgium and Romania, their stay in Belgium and their begging activities.

4. *Financial investigation*

At the beginning of the investigation, the police, who had received a warrant, carried out a bank investigation and asked various money transfer agencies to cooperate regarding international transactions. The police, in possession of a warrant from the investigating judge, also asked for an

investigation into assets in Romania, through letters rogatory.

This financial investigation revealed that the four defendants, who had no legal income in Belgium, had transferred the earnings from begging to different members of their family in Romania. Between May 2011 and July 2012, the defendants sent no less than EUR 39,568 to their family in Romania.

During their hearing, the defendants asserted that they hadn't kept any of the earnings from the begging, but once they were confronted with the results of the bank investigation, they were incapable of explaining the origin of the large money transfers.

5. *Victims*

During the search, the police were able to identify three Roma begging victims. They had been recruited at Brussels-North railway station. There was no family link between the defendants and the victims. However, during the trial, the defendants' referred to strong family links with the victims and the importance of solidarity within the Roma community.

The court rejected this argument since the related statements in the criminal case were contradictory. The victims didn't know the defendants' names and were incapable of providing information regarding family links. At the first hearing, one of the defendants explained that he had found the victims at Brussels-North railway station. The court concluded that the defendants exploited their Romanian compatriots as beggars in a completely tyrannical and egotistical manner, with no respect for their dignity or integrity. They generated excessive earnings which they kept exclusively for themselves, which the money transfers proved.

Within the framework of human trafficking, begging is generally the only visible activity in cases concerning a mixture of different forms of exploitation, which are less visible, such as forced criminal activities or sexual exploitation.

During its observations, the police also detected several unidentified Roma victims. It wasn't possible to intercept any of the victims owing to a police operation conducted within the framework of combating disturbances in the street, organised on the mayor's orders, who of course wasn't aware of the criminal investigation in progress. A few days before the local council elections on 14 October 2012, all the beggars were intercepted within the framework of a clean-up operation. During its observations, the team of police officers responsible for the investigation witnessed the interception of the Roma beggars concerned by another team of police officers.

2. Mixture of different forms of exploitation within the framework of human trafficking

Within the framework of human trafficking, begging is generally the only visible activity in cases concerning a mixture of different forms of exploitation, which are less visible, such as forced criminal activities or sexual exploitation. Often, acts such as forced criminal activities only come to light once the investigation concerning child beggars has been initiated. For example, this was the case during the surveillance organised within the framework of an investigation, where the police found that children were made to commit acts of theft. Some of the stakeholders questioned don't recommend combating forced begging, but would prefer to use it as a method to bring invisible offences, such as forced criminal activities.

The perpetrators are Roma family groups from certain regions in Bosnia and Romania. Other Roma groups don't want to be associated with them in any way. According to some of the judges questioned, it is a question of international networks. The victims are brought over from another country where they were recruited. The exploiters are scattered around Belgium and abroad. For instance, there are cases concerning criminal organisations with ramifications in Bosnia, France and Belgium,

and others with ramifications in Romania, Italy, France and Belgium. A European study conducted by RACE organisations (Anti-Slavery International, ECPAT, La Strada, etc.), financed by the European Commission, concerning forced criminal activities and the exploitation of begging, also gives a few examples of these types of cases⁹⁶.

In these family groups of perpetrators it is often a question of strong internal differentiation within the group. The members are subdivided according to their main activity: begging, theft, and prostitution. They use counter strategies to mislead the police⁹⁷. With the help of false and authentic identity papers, they use several identities and nationalities, thus complicating the police's work. When they suspect that the police are onto them, the whole family disappears very quickly.

This situation is very demotivating for justice. A police superintendent from Brussels had the following to say: "It is extremely arduous and difficult to collect all the material evidence and links in a solid case in time, that could lead to convictions. They are so difficult to detect and so mobile that many investigators and judges don't even want to bother. They believe there is a very high likelihood that the perpetrators will be long gone even before the case has been put together⁹⁸".

⁹⁶ RACE, *Trafficking for Forced Criminal Activities and Begging in Europe, Exploratory Study and Good Practice Examples*, 2013; See also Council of the Baltic Sea States and Child Centre, Expert Group for Cooperation on Children at Risk, *Children trafficked for exploitation in begging and criminality: A challenge for law enforcement and child protection*, 2013.

⁹⁷ C. ROELANDTS en G. VERVAEKE, "De aanpak van bedelende kinderen", *Cahiers Politiestudies*, 2015/35.

⁹⁸ *Ibidem*.

Case concerning exploitation of begging in the company of a child, forced to commit acts of theft and the sexual exploitation of minors

In a case in Ghent⁹⁹, with acts dating back to 2014, which concluded in an acquittal owing to a lack of evidence, nine Romanian Roma victims filed a complaint for human trafficking through the Romanian embassy. It concerned exploitation of begging, sexual exploitation and coercion to commit acts of theft. The defendants were also prosecuted for the aggravating circumstance of criminal organisation.

The victims were lured to Belgium under the false promise of a job in the construction sector or welfare sector. In Romania, the defendants' family was known for the recruitment of job-seekers willing to work abroad.

The victims accessed victim status and were divided between the three specialised centres for human trafficking victims. One 16-year-old girl was taken in by Minor Ndako, a reception centre for vulnerable unaccompanied foreign minors. In Romania, she was promised she would get a job as a childminder in Belgium. When she arrived, she was placed in substandard accommodation with another Romanian Roma girl and they had to go and beg. She was also raped by the defendants and forced to prostitute herself. The defendants went in search of customers. Furthermore, a 40-year-old Roma victim, supervised by a defendant, was obliged to commit acts of theft in a department store. Among the victims, there was also a seven-year-old child who was forced to beg.

The victims stated that the defendants came to pick them up from their place of residence at 07:30 in the morning in a minibus, and that they were then dropped off at different sites in Ghent, Kortrijk and Zelzate to beg there for 10 hours a day. At the end of their day, they were picked up again. According to the victims, they begged against their will. By begging, they were controlled by members of the defendants' family. The young seven-year-old girl not only had to beg with her mother, but also had to do so alone on Sundays. The day's earnings, varying between EUR 10 and 517, were taken by the main defendant upon their return, who didn't hesitate to search the victims. If they didn't make anything or very little, they were threatened with a weapon and/or violence. The victims had no financial resources to pay for their basic needs. They had to live off leftovers and waste from bin bags. These living conditions were responsible for health problems among six of the victims.

When two 30-year-old victims were ordered to steal materials from a building site, they refused. The victims were threatened and beaten, and one of the victims suffered two broken teeth. The victims called emergency services. Owing to language problems, the emergency team referred them to the Romanian embassy.

Case concerning coercion to commit offences and exploitation of begging with children

This case in Antwerp¹⁰⁰, with conviction for acts that took place in 2010, is an example of an investigation where the exploitation of begging, the only visible criminal activity, was revealed and used by the investigators to detect other invisible criminal activities. It involved a wide-scale international network with ramifications in Bosnia, France and

⁹⁹ West Flanders Crim. Court, Ghent division, 19 November 2014 and Ghent Court of Appeal, 14 April 2015 (unpublished).

¹⁰⁰ Antwerp Crim. Court, 27 May 2013, ch. 4C.

Belgium that forced minors to snatch bags. The conversations recorded within the framework of wire taps and police observations confirmed that the minors had to snatch bags in different European towns and cities, report back and hand over their loot to the defendants. The majority of the thefts took place in France. In Belgium, the acts took place in Brussels and Antwerp.

A police superintendent from Brussels was involved in the investigation. She explained in an article¹⁰¹ that several children were known in Brussels for begging and were then involved in thefts. One of the children had also evolved in the family clan's hierarchy. She was begging in Rue Neuve in Brussels in 2004, at the age of six. She was then intercepted with 12 other Roma children for stealing in shops. In 2011, she was promoted and, at the age of 13, she was collecting money from the beggars. She was also involved in residential break-ins. The juvenile court judge sent her to a centre in Saint-Servais¹⁰².

In this case, another minor was officially recognised as a victim by the court. The superintendent explained that they had noticed the 15-year-old girl for the first time in Brussels in 2010. She had escaped from the reception centre in Neder-over-Heembeek¹⁰³ for the 15th time, and was intercepted for the 46th time for bag snatching. The public prosecutor's office and the police initiated an investigation on the principals. This investigation required a huge amount of work, since all those actively involved had to be identified, the family links assessed and the structure of

the clan exposed. For this purpose the police were involved in tailing, observations, various searches, and wire taps. International money flows were traced and the international nature of the gang revealed.

Case concerning sexual exploitation and exploitation of begging

A Roma case in Brussels¹⁰⁴, involving a criminal organisation active in the period 2004-2005, revealed a mixed form with underage Roma girls forced to prostitute themselves on the one hand, and adult disabled beggars who had to beg and hand over their earnings, on the other.

The victims were recruited in Romania, in the clan's home region. Even actual family members weren't spared. For instance, the pimp forced his own niece to prostitute herself. The majority of young women were offered a job as a babysitter or a cleaner. Some knew they were going to work in prostitution but they weren't aware of the conditions. Another girl was first seduced by the pimp, a loverboy. The young women, including minors, worked as prostitutes in streets adjacent to Avenue Louise in Brussels. According to a victim, the family was known for buying and selling young women, sometimes for barely more than EUR 500. According to the victim, the pimp was previously active in drug smuggling in Spain.

¹⁰¹ C. ROELANDTS en G. VERVAEKE, "De aanpak van bedelende kinderen", *Cahiers Politiestudies*, 2015/35.

¹⁰² Public Youth Protection Institution; decree of 4 March 1991 relating to youth support.

¹⁰³ The Neder-over-Heembeek COO is one of the observation and guidance centres for unaccompanied foreign minors (UFM) in Belgium.

¹⁰⁴ Annual Report 2006, *Trafficking in human beings, Victims in the spotlight*, pp. 32-33; Brussels Court of Appeal, 21 February 2007, 11th chamber; <http://www.myria.be/fr/jurisprudence/cour-dappel-de-bruxelles-21-fevrier-2007>.

The criminal organisation was composed of two families, one of which earned its income through prostitution, but also the exploitation of begging. The case included different testimonies concerning the exploitation of disabled beggars who had to hand over their earnings in the evening and were searched. Sometimes, the beggars also had to check the child victims of child prostitution.

Every member or couple of the family clan had its own prostitutes. Some also had a beggar. The defendants threatened the victims and their family in Romania, and didn't hesitate to use violence when the victims refused or didn't bring in enough money.