

## Part 4

# Key figures obtained from human trafficking and smuggling actors

The figures in this section come from six actors who possibly play a role in a human trafficking case in Belgium. The figures on human smuggling are also indicated if these actors are active in this area. Based on the figures and their evolution between 2012 and 2016, we obtain a certain picture of the government's approach to human trafficking and smuggling.

These six actors are:

- the police, with information from the General National Database (GND);
- the social inspection services;
- the College of Prosecutors-General with information on the prosecutions initiated by the public prosecutors' offices;
- the Immigration Office (IO);
- PAG-ASA, Payoke and Sürya: specialist reception centres for victims;
- the Office for the Criminal Justice Policy of the FPS Justice, with information on convictions.

# INTRODUCTION

This section discusses the key figures that Myria has received from the six actors who may play a role in human trafficking case in Belgium. The figures on human smuggling are also indicated if these actors are active in this area. Based on these figures and their evolution between 2012 and 2016, we obtain a certain picture of the government's approach to human trafficking and smuggling.

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There is no harmonisation of the figures between the various actors. These figures are therefore not sufficient to provide a basis for policy evaluation or to substantiate strategic analysis. The lack of harmonisation also significantly limits the extent to which reports can be made to the European institutions.

# 1. POLICE DATA

The federal judicial police provide detailed information which is prepared by strategic analysts of the Directorate for the prevention of crime, based on data from the General National Database (GND) of the police. These data help to obtain a picture of the evolution of police interventions over the past five years.

## 1.1. | Data relating to human trafficking

Between 2015 and 2016, the number of human trafficking offences decreased by 12%. This slight overall decrease is mainly due to a decrease in the number of offences of the exploitation of begging (33 in 2015, 13 in 2016) and sexual exploitation (467 in 2015, 396 in 2016). The number of offences of economic exploitation has remained relatively stable since 2014.

In 2016, two offences in every three concerned sexual exploitation offences (67%). This figure has remained stable in recent years. This is followed by offences of economic exploitation (29%). The exploitation of begging (2%) and forced criminality (2%) is less common. Crimes relating to organ trafficking are exceptional. Of a total of 589 offences in 2016, there was just one case (0.2%).

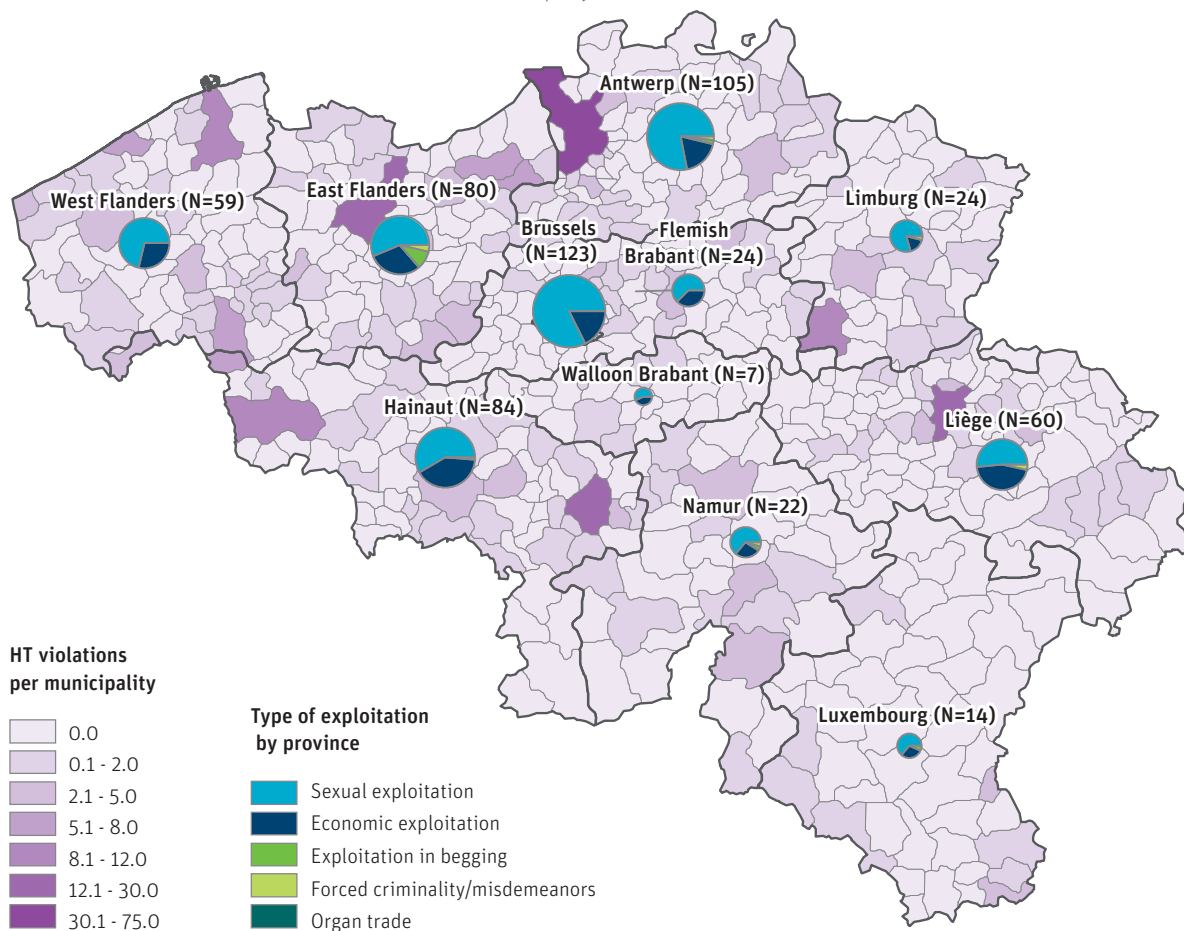
Table 1. Human trafficking violations by form of exploitation, 2012-2016

(Source: General National Database, Police)

Year	2012	2013	2014	2015	2016
<b>Sexual exploitation</b>	466	586	460	467	396
<b>Economic exploitation</b>	321	273	166	160	168
<b>Exploitation in begging</b>	44	33	38	33	13
<b>Forced criminality</b>	13	14	15	9	11
<b>Organ Trade</b>	1	1	1	0	1
<b>Total</b>	<b>845</b>	<b>907</b>	<b>680</b>	<b>669</b>	<b>589</b>

Figure 1. Number of human trafficking violations by municipality and form of exploitation by province<sup>449</sup>

(Source: General National Database, Police; calculations and map: Myria)



Brussels accounted for 20% of the offences recorded in 2016 relating to human trafficking offences (123 offences). The capital is therefore the leader, ahead of the province of Antwerp (105 offences, or 17%) and the province of Hainaut (84 infringements, or 14%). Sexual exploitation accounts for more than half of all types of exploitation in each province, but is especially prevalent in Brussels (80%), Limburg (79%) and the province of Antwerp (78%). The offences of economic exploitation occur mainly in the province of Liège (45%), in Walloon Brabant (43%) and in Hainaut (40%). In 2016, the offences of exploitation of begging were mainly committed in East Flanders (8 offences in East Flanders out of a total of 13 cases at the national level). There were roughly as many offences of forced criminality detected as there were instances of exploitation of begging. In 2016 there were 11, of which 3 were in East Flanders, 2 in the province of Liège and

2 in the province of Antwerp. The only offence of organ trafficking in 2016 occurred in Brussels.

## 1.2. | Data relating to human smuggling

The following data relate to human smuggling offences, but also to those relating to the facilitation of illegal entry or residence (Article 77 of the Aliens Act), and to situations in which illegal residence is determined together with an element of smuggling or exploitation.

As shown in Table 2, the number of human smuggling offences more than doubled during the period 2012-2016, from 233 in 2012 to 805 in 2016. There was also an increase of 16% between 2015 and 2016. This increase, as

<sup>449</sup> The card includes the category "sexual exploitation, including 13 offences relating to child pornography" recorded in 2016.

can be seen from police figures, is in line with the increase noted by the Immigration Office in the figures on arrests following transit migration (see Tabel 16).

In 2016, one crime in every two related to human smuggling in the strict sense (49%), 28% related to illegal entry or residence, and 23% to illegal residence.

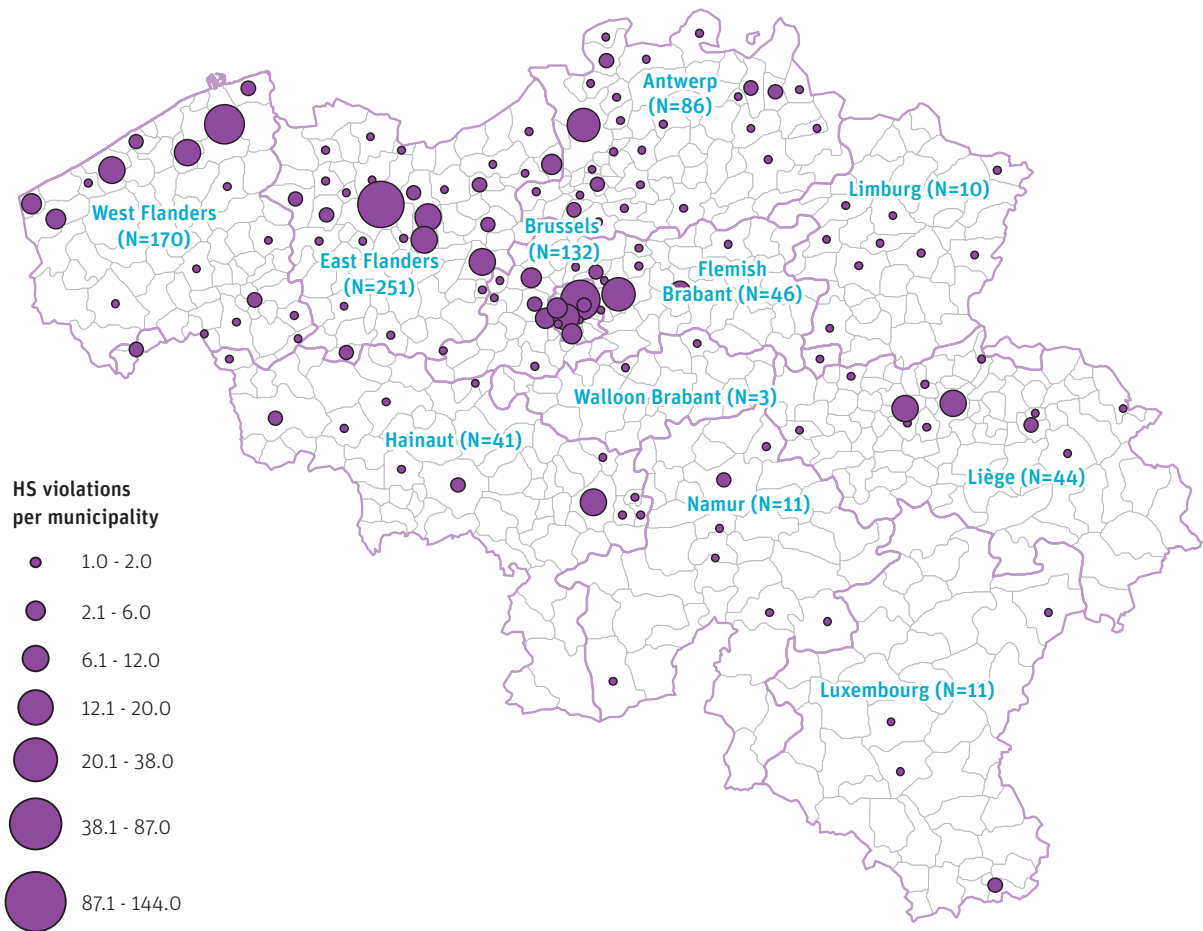
Table 2. Evolution of the number of human smuggling offences, 2012-2016

(Source: General National Database, Police)

Year	Number
2012	233
2013	597
2014	627
2015	691
2016	805

Figure 2. Scale of the phenomenon of human smuggling per municipality (purple) and per province (blue)

(Source: General National Database, Police; calculations and map: Myria)





Almost one in three offences were recorded in the province of East Flanders (31%). West Flanders follows with 21% of offences, followed by Brussels (16%). Figure 2 shows the number of human smuggling offences by municipality and province. We see that human smuggling offences mainly take place in a few national cities. Ghent is the frontrunner with 144 offences, followed by all 19 municipalities of Brussels (132 offences) and Bruges (87 offences). Together, they accounted for 69% of all human smuggling offences at the national level in 2016. At the level of the provinces, East Flanders is in first place with 251 human smuggling offences, followed by West Flanders (170), the Brussels-Capital Region (132) and the province of Antwerp (86).

## 2. DATA FROM THE SOCIAL INSPECTORATE

In certain sectors (restaurants, cleaning companies, horticultural and gardening companies, textile workshops, prostitution) the Social Inspectorate of the FPS Social Security and the police (federal and local police), and sometimes also the Social Law enforcement agency (TSW) of the FPS Employment, carry out permanent inspection actions. Sometimes these inspections are targeted against certain places where people are employed (building yards, scrap metal companies, forestry companies, markets, etc.) and where police or inspection services have been informed that there may be cases of exploitation (e.g. information from the Prosecutor attached to the Employment Courts).

The following data are derived from the statistical analysis of all official reports: on the one hand, the 'Pro Justitias' sent to the Public Prosecutor and/or Prosecutor attached to the Employment Courts, and on the other hand, the judicial reports sent to the Prosecutor attached to the Employment Courts, the Public Prosecutor or investigating judge, if the investigation has been ordered by the latter.

### *Data relating to human trafficking*

In 2016, the Social Inspectorate drew up 32 official reports for 52 employees, relating to human trafficking. This is a decrease compared to 2015 (see Table 3) which is mainly due to the fact that 2015 was characterised by an exceptional amount of cases of official reports in the transport sector for cases of social dumping involving

hundreds of drivers from the countries of Eastern Europe.<sup>450</sup>

Table 3. Official reports for human trafficking offences for the purpose of economic exploitation, and number of workers involved

(Source: Social Inspectorate)

	2011	2012	2013	2014	2015	2016
<b>Official reports</b>	33	38	29	37	58	32
<b>Number of workers</b>	46	123	69	48	425	52

Despite a decline since 2015, the hotel and catering industry remains the sector with the highest number of official reports (14 in 2015, 9 in 2016). The number of official reports in the construction sector decreased more sharply, from 14 in 2015 to 5 in 2016. They also decreased in retail trade sector (11 in 2015, 5 in 2016). While 9 official reports were registered in the road transport sector in 2015, there were none in 2016. In the garages sector (2 in 2015, 5 in 2016) and the housekeeping sector as employers of domestic workers (household help), however, we note an increase in the number of official reports (0 in 2015, 2 in 2016).

<sup>450</sup> See MYRIA, 2016 Annual Report on Human Trafficking and Smuggling: *Beggars in the hands of traffickers* pp. 169-170.

Table 4. Official reports for human trafficking in 2016 (n=32) according to the economic sectors to which they relate

(Source: Social Inspectorate)

Sector	Offences
Hotel and catering	9
Construction	5
Garages	5
Retail trade	5
Household help sector	2
Cleaning activities	1
Wholesale trade	1
Other	4
<b>Total</b>	<b>32</b>

In 2016, 39 workers were identified as victims of human trafficking in the official reports handed over by the Inspectorate to the judicial authorities. Table 5 shows the nationality of these 39 workers and the sector in which they were employed. The frontrunners were Bulgarians (16), followed by Moroccans (8), Chinese (5), Romanians (4) and Pakistanis (2).

### 3. DATA FROM THE PUBLIC PROSECUTOR'S OFFICE

The following data are taken from the database of the College of Prosecutors-General<sup>451</sup> and are presented by jurisdiction. They contain the number of cases<sup>452</sup> received by the correctional Public Prosecutors (including the Federal Public Prosecutor's Office) in the course of 2016. Each criminal case may involve one or more defendants.

#### Methodological notes

- The data from the Public Prosecutors' Offices are limited to offences committed by adults (the offences committed by minors are dealt with by the juvenile departments of the Public Prosecutors' Offices).
- The cases submitted to the Public Prosecutor's Office of Eupen are missing from this database because the registration system has not been translated into German.
- Given that a new registration system has been introduced, we should also point out that the data of the Public Prosecutor's Office of Leuven does not go beyond 18 May 2016, that of the Turnhout department of the Public Prosecutor's Office of Antwerp does not go beyond 25 May 2016 and that of the Charleroi Public Prosecutor's Office does not go beyond 10 October 2016.
- A major shortcoming has been identified in the cases handled by the prosecutors attached to the employment courts. Work is currently underway to standardise the data in order to record it, but concrete results have yet to be achieved.
- If a case is transferred to another judicial district, or if it is transferred to another department of the same judicial district, it is counted twice in the database (once at the initial Public Prosecutor's office, the second time at the Public Prosecutor's office of destination).

Table 5. Victims of human trafficking who were referred by the Social Inspectorate to a reception centre in 2016 (n=39) by nationality and by sector (Source: Social Inspectorate)

	Construction	Hotel and catering	Garages	Retail trade	Wholesale trade	Domestic help	Cleaning activities	Other	Total
<b>Bulgaria</b>	5	1						10	<b>16</b>
<b>Morocco</b>	2			3		1	1	1	<b>8</b>
<b>China</b>		3						2	<b>5</b>
<b>Romania</b>	2				2				<b>4</b>
<b>Pakistan</b>			2						<b>2</b>
<b>Chile</b>		1							<b>1</b>
<b>Ivory Coast</b>						1			<b>1</b>
<b>France</b>		1							<b>1</b>
<b>India</b>			1						<b>1</b>
<b>Total</b>	<b>9</b>	<b>6</b>	<b>3</b>	<b>3</b>	<b>2</b>	<b>2</b>	<b>1</b>	<b>13</b>	<b>39</b>

<sup>451</sup> These data were extracted from the database on 10 January 2017.

<sup>452</sup> The number of cases comes from the police (initial reports). A new case is opened on the basis of an initial report (the subsequent official reports do not lead to the opening of a new case). A new case may also be opened on the basis of a complaint or civil action. A case coming from another Public Prosecutor's office or from a ministry with offence-recording powers (e.g. customs) can also be included, meaning that cases can be counted twice at the national level.

### 3.1. | Presentation of data on human trafficking

Table 6. Evolution of the number of human trafficking cases brought before the criminal divisions of the Public Prosecutors' offices (including the federal Public Prosecutor's office) over the period 2012-2016, according to jurisdiction and the form of exploitation

(Source: Database of the College of Prosecutors-General, analysts)

		Sexual exploitation 37L (art. 433quinquies §1 1° Criminal Code)	Economic exploitation 55D (art. 433quinquies §1 3° Criminal Code)	Exploitation in begging 29E (art. 433quinquies §1 2° Criminal Code)	Forced criminality 55F (art. 433quinquies §1, 5° Criminal Code)	Illegal removal of organs 55E (art. 433quinquies §1, 4° Criminal Code)	TOTAL
Antwerp	2012	27	28	0	4	0	59
	2013	26	38	1	2	0	67
	2014	26	26	2	1	1	56
	2015	45	30	2	2	0	79
	2016	56	20	3	2	0	81
Brussels	2012	111	46	4	3	0	164
	2013	116	35	5	14	1	171
	2014	26	25	3	7	0	61
	2015	25	23	2	4	0	54
	2016	66	17	2	3	0	88
Ghent	2012	28	35	1	3	0	67
	2013	22	52	2	6	0	82
	2014	38	30	3	1	0	72
	2015	47	27	6	5	0	85
	2016	41	52	6	4	0	103
Liege	2012	16	32	2	2	1	53
	2013	22	43	4	15	0	84
	2014	14	25	6	7	0	52
	2015	20	26	0	2	0	48
	2016	11	13	2	3	0	29
Mons	2012	5	22	0	5	0	32
	2013	9	16	0	1	0	26
	2014	6	9	0	0	0	15
	2015	14	18	0	1	0	33
	2016	10	9	1	2	0	22
Federal Public Prosecutor's office	2012	3	1	0	1	1	6
	2013	1	0	0	1	0	2
	2014	1	0	0	1	0	2
	2015	0	0	0	0	0	0
	2016	0	1	0	0	0	1
TOTAL	2012	190	164	7	18	2	381
	2013	196	184	12	39	1	432
	2014	111	115	14	17	1	258
	2015	151	124	10	14	0	299
		184	112	14	14	0	324

At the national level, of the 324 cases received by criminal prosecutors in 2016, 57% concerned cases involving sexual exploitation offences, 35% involved economic exploitation, 4% concerned the exploitation of begging and 4% concerned forced criminality. It is important to note that the number of cases of economic exploitation is underestimated because the data from the Prosecutor attached to the Employment Courts are not included in this database. In Brussels (75%) and Antwerp (69%) we note that the percentage of cases of sexual exploitation is higher than the average. In Ghent (50%) the same applies to cases of economic exploitation.

At the national level, a slight increase (+8%) in the number of cases was observed between 2015 and 2016, but this number remains lower than the results observed in 2012 and 2013. This increase is mainly due to an increase in the number of cases for sexual exploitation (+21%). The increase was strongest in Brussels (25 cases in 2015, compared to 66 in 2016). The number of cases involving exploitation of begging also increased, but to a lesser extent (10 in 2015 and 14 in 2016). On the other hand, the number of cases of economic exploitation decreased at the national level (-10%). This downward trend was observed everywhere, except in Ghent, where the number almost doubled in one year (27 in 2015 and 52 in 2016).

In 2016, the jurisdiction of Ghent recorded the majority of cases of human trafficking, 32%, followed by the jurisdiction of Brussels (27%) and Antwerp (25%). The jurisdictions of Liège and Mons recorded 9% and 7%, respectively, of the cases of human trafficking. In 2016, the Federal Public Prosecutor's Office registered only one case (0.3% of the total). The evolution of the number of cases between 2015 and 2016 is highly divergent, depending on the jurisdiction. For example, the number of cases in the jurisdiction of Antwerp remained more or less stable (+3%) but there was a significant increase in that of Brussels (+63%) and Ghent (+21%), while the number of cases in the jurisdictions of Liège (-40%) and Mons (-33%) is decreasing. However, the visible increase in Brussels between 2015 and 2016 follows a sharp decline in previous years. If we compare the number of cases in the jurisdiction of Brussels between 2012 and 2016, we see that they have fallen by half (164 in 2012 versus 88 in 2016). Over the same period, the number of cases in the jurisdiction of Ghent increased by 54% and in Antwerp by 37%, while a decrease of 45% was observed in the jurisdiction of Liège and 31% in that of Mons.

Table 7. Number of cases of human trafficking that were brought before the correctional prosecutors during 2016, and that had been dismissed by 10 January 2017

(Source: Database of the College of Prosecutors-General, analysts)

	Dismissed cases	Total	%
<b>Sexual exploitation</b>	50	184	27%
<b>Economic exploitation</b>	16	112	14%
<b>Exploitation of begging</b>	6	14	43%
<b>Forced criminality</b>	8	14	57%
<b>Total</b>	<b>80</b>	<b>324</b>	<b>25%</b>

On 10 January 2017, one out of four cases involving human trafficking launched during 2016 had been dismissed (25%) (see Table 7). The proportion of dismissed cases was particularly high for the offences of forced criminality (57%) and for the cases of exploitation of begging (43%). This shows how difficult it is to bring prosecutions in such cases to a successful conclusion. By way of comparison, on the same date, 27% of cases of sexual exploitation and 14% of cases of economic exploitation had been dismissed.

The number of cases dismissed due to insufficient evidence is particularly high for economic exploitation (87.5%). In the case of sexual exploitation, this percentage is low (54%). On the other hand, the large number of cases dismissed for reasons of expediency (due to "other priorities") (46%) is striking.

### 3.2. | Presentation of data on human smuggling

The data on the cases of human smuggling offences received by the correctional Public Prosecutors' offices are covered by articles 77bis, 77ter, 77quater and 77quinquies of the Aliens Act.

In 2016, 395 cases of human smuggling were received by the correctional Public Prosecutors' offices (including the federal Public Prosecutor's office), a slight increase of 9% compared to 2015, which follows the upward trend already observed in 2013. More than 3 cases in 4 (77%)



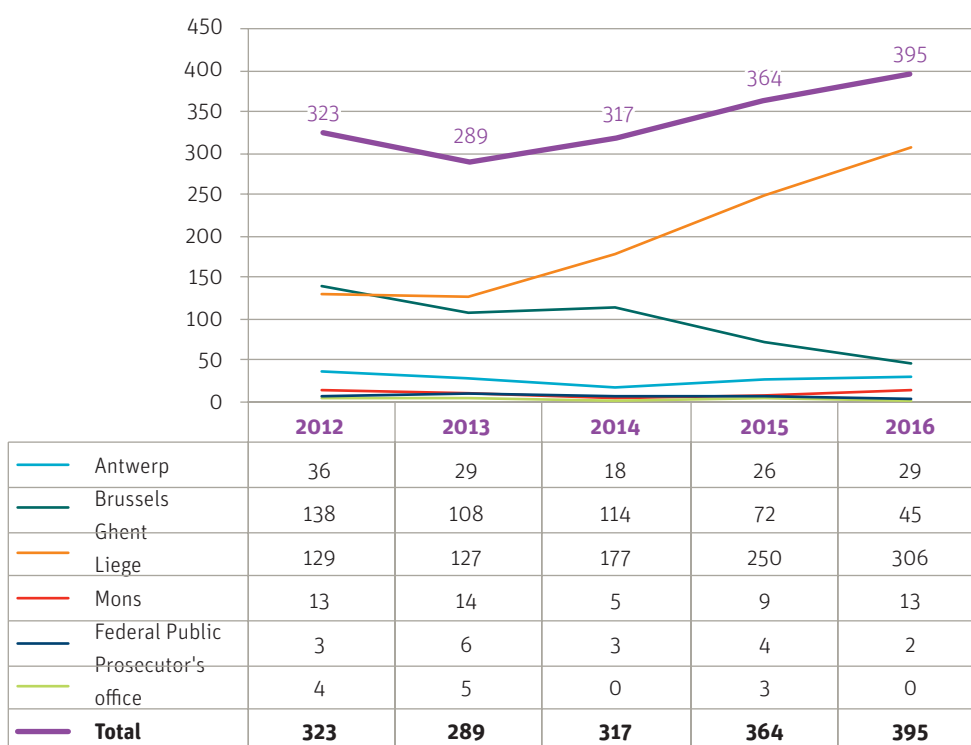
were registered in the jurisdiction of Ghent in 2016 (77%), compared to 11% for Brussels, 7% for Antwerp, 3% for Liège and 1% for Mons (in 2016 no cases of human smuggling were received by the Federal Public Prosecutor's Office). As can be seen from Figuur 3, the number of cases received by the correctional Public Prosecutors in the jurisdiction of Ghent has been steadily increasing since 2013 (127 in 2013 and 306 in 2016), while this figure is falling in Brussels. The same upward trend is also observed in the jurisdictions of Antwerp and Liège, while the tendency in the jurisdiction of Mons and the federal Public Prosecutor's office is declining.

## 4. DATA FROM THE IMMIGRATION OFFICE

The Immigration Office not only keeps records of the victims of human trafficking and smuggling involved in proceedings, but also of the number of documents issued to victims of human trafficking and smuggling involved in proceedings. In cases with aggravating circumstances, victims of human smuggling may also receive a residence permit. Indeed, the Immigration Office also has data on the number of people apprehended following transit migration. This type of data can be used as an indicator to determine the extent of human smuggling in Belgium.

Figure 3. Evolution of the number of human smuggling cases brought before the correctional divisions of the public prosecutors' offices (including the federal public prosecutor's office) over the period 2012-2016, according to jurisdiction

(Source: Database of the College of Prosecutors-General, analysts)



## 4.1. | Data on the victims of human trafficking

Table 8. Victims of human trafficking who entered the specific procedure, 2012-2016

(Source: Immigration Office, MINTEH unit)

Year	Number
2012	127
2013	116
2014	138
2015	117
2016	119

2016 was stable compared to the previous year given that, according to data from the Immigration Office, 119 victims of human trafficking were involved in proceedings, compared to 117 in 2015. Table 9 shows that this stability is in fact the result of two opposite trends: over the period 2013-2016, we see an increase in the number of victims of sexual exploitation (37 in 2013 and 48 in 2016), but a decrease in the number of victims of economic exploitation (79 in 2013 and 62 in 2016).

In 2016, men and women were equally represented among the victims of human trafficking, but only women were victims of sexual exploitation, while most men were victims of economic exploitation. Data from the IO also shows that 6 minors were involved in proceedings in 2016, of which 4 were for sexual exploitation and 2 for economic exploitation.

Table 9. Evolution of the number of victims of human trafficking who entered the specific procedure during the period 2013-2016, according to gender, age and form of exploitation

(Source: Immigration Office, MINTEH unit)

Age	Sexual exploitation				Economic exploitation				Other forms of exploitation				Total			
	2013	2014	2015	2016	2013	2014	2015	2016	2013	2014	2015	2016	2013	2014	2015	2016
<18	4	1	5	4	0	1	3	2	0	3	6	0	4	5	14	6
18-25	15	19	22	23	19	18	9	9	0	1	1	2	34	38	32	34
26-30	8	12	7	7	13	26	6	13	0	0	0	3	21	38	13	23
>30	10	11	10	14	47	41	43	38	0	5	5	4	57	57	58	56
Total	37	43	44	48	79	86	61	62	0	9	12	9	116	138	117	119
Men	1	5	2	0	67	74	52	51	0	5	9	8	68	84	63	59
Women	36	38	42	48	12	12	9	11	0	4	3	1	48	54	54	60

As Table 11 shows, Morocco and Romania, who have been the frontrunners in recent years, were overtaken by Nigeria in 2016. In 2015, the IO figures numbered 10 Nigerian victims compared to 24 in 2016, which is therefore more than the double. The number of Moroccan victims almost doubled in one year, with 11 in 2015 and 21 in 2016.

Conversely, the number of Romanian victims fell from 39 in 2014 to 23 in 2015, and 13 in 2016. A striking element of these figures is also the high number of Egyptian victims (10 in 2016), a nationality that did not feature in the top 10 victim nationalities in the previous two years.

Table 10. Number of underage victims of human trafficking who entered the specific procedure in 2016

(Source: Immigration Office, MINTEH unit)

Nationality	Sexual exploitation	Economic exploitation		Total
	Women <18	Women <18	Men <18	
Nigeria	3			3
Morocco		1		1
Serbia	1			1
Vietnam			1	1
<b>Total</b>	<b>4</b>	<b>1</b>	<b>1</b>	<b>6</b>

Of the 6 underage victims of human trafficking involved in proceedings in 2016, 4 were victims of sexual exploitation, including 3 young Nigerian girls and a Serbian girl. The other two minors were victims of economic exploitation. These were a young Moroccan girl and a young man from Vietnam.

Table 11. Victims of human trafficking who entered the specific procedure in 2016, per nationality and form of exploitation (Source: Immigration Office, MINTEH unit)

Nationality	Sexual exploitation	Economic exploitation	Exploitation of begging	Other forms of exploitation	Total
Nigeria	24	0	0	0	24
Morocco	0	21	0	0	21
Romania	3	7	1	2	13
Egypt	0	10	0	0	10
Hungary	2	3	0	0	5
China	3	0	0	1	4
Togo	3	1	0	0	4
Vietnam	0	1	0	3	4
Algeria	0	3	0	0	3
Bulgaria	3	0	0	0	3
Spain	0	3	0	0	3
Ethiopia	1	2	0	0	3
Ghana	2	1	0	0	3
Serbia	2	1	0	0	3
India	0	2	0	0	2
Portugal	0	1	0	1	2
United Kingdom	2	0	0	0	2
Tunisia	0	2	0	0	2
Brazil	0	1	0	0	1
Cameroon	0	1	0	0	1
Lithuania	0	0	0	1	1
Pakistan	0	1	0	0	1
Senegal	1	0	0	0	1
Sierra Leone	1	0	0	0	1
Slovakia	0	1	0	0	1
Thailand	1	0	0	0	1
<b>Total</b>	<b>48</b>	<b>62</b>	<b>1</b>	<b>8</b>	<b>119</b>

Table 12. Documents provided by the Immigration Office to victims of human trafficking and smuggling, 2012-2016

(Source: Immigration Office, MINTEH unit)

		2012	2013	2014	2015	2016
<b>BGV 45 days</b>		36	30	33	17	10
<b>Certificate of immatriculation (AI)</b>		143	117	139	115	119
<b>Extension of AI</b>		12	15	11	23	27
<b>Human trafficking</b>	Temporary BIVR (Card A)	106	100	85	90	84
	Extension Card A	441	461	450	426	421
	Unlimited BIVR (Card B)	35	46	33	6	49
<b>Humanitarian</b>	Temporary BIVR (Card A)	4	2	2	29	3
	Extension Card A	51	31	31	36	20
	Unlimited BIVR (Card B)	11	26	22	36	21
<b>Annex 13 (BGV)</b>		7	11	14	2	2
<b>Total</b>		<b>846</b>	<b>839</b>	<b>820</b>	<b>780</b>	<b>756</b>

Tabel 12 is currently the only overview that gives an indication of the number of persons with the status of victim of human trafficking or smuggling. A certificate of registration in the Aliens Register (BIVR), of a temporary and/or extended nature, is always for a period of six months. Normally, victims receive it twice a year as long as they have the status. The 421 renewals of the BIVR (human trafficking) therefore concern some 210 individual victims.

The 756 decisions regarding the issuance or renewal of a residence permit relate to new victims from 2016, but also to those of previous years, who are in the victim status phase, and who have been the subject of one or more decisions. This table shows a decrease in the total number

of documents issued to victims of human trafficking and smuggling: of the 846 in 2012, there were still 756 in 2016.

Of those 756 documents issued by the IO to victims of human trafficking and smuggling in 2016, 29 went to minors (Table 13). While the figures on victims involved in proceedings in 2016 show an equal distribution between men and women, the documents issued in 2016 by the IO mainly pertain to men (454 documents issued to men (60%) compared to 302 for women (40%)).

Table 13. Number and types of documents provided by the Immigration Office to victims of human trafficking and smuggling in 2016, per sex and age group

(Source: Immigration Office, MINTEH unit)

		Women			Men			Total
		-18	+18	Total	-18	+18	Total	
<b>BGV 45 days</b>			5	<b>5</b>		5	<b>5</b>	<b>10</b>
<b>Certificates of Immatriculation (AI)</b>		3	58	<b>61</b>	3	55	<b>58</b>	<b>119</b>
<b>Extension of AI</b>		3	21	<b>24</b>		3	<b>3</b>	<b>27</b>
<b>Human trafficking</b>	Temporary BIVR (Card A)	4	38	<b>42</b>	2	40	<b>42</b>	<b>84</b>
	Extension Card A	7	122	<b>129</b>	7	285	<b>292</b>	<b>421</b>
	Unlimited BIVR (Card B)		15	<b>15</b>		34	<b>34</b>	<b>49</b>
<b>Humanitarian</b>	Temporary BIVR (Card A)		3	<b>3</b>				<b>3</b>
	Extension Card A		12	<b>12</b>		8	<b>8</b>	<b>20</b>
	Unlimited BIVR (Card B)		10	<b>10</b>		11	<b>11</b>	<b>21</b>
<b>Annex 13</b>			1	<b>1</b>		1	<b>1</b>	<b>2</b>
<b>Total</b>		<b>17</b>	<b>285</b>	<b>302</b>	<b>12</b>	<b>442</b>	<b>454</b>	<b>756</b>

## 4.2. | Data on the victims of human smuggling

Victims of human smuggling with aggravating circumstances can also invoke victim status. A residence permit is only issued to these victims if, for example, there is a situation of violence or if they are minors.

This involved 13 victims in 2016: 5 women (all adults) and 8 men (of whom 2 were minors). Iraq is the most represented nationality with 4 victims, followed by Iran (2 victims).

Table 14. Evolution of the number of human smuggling victims with aggravating circumstance who entered the specific procedure, 2012-2016

(Source: Immigration Office, MINTEH unit)

Year	Number
2012	30
2013	13
2014	18
2015	14
2016	13

Table 15. Victims of human smuggling who entered the specific procedure in 2016

(Source: Immigration Office, MINTEH unit)

Nationality	Women			Men			Total
	18 - 25	26 - 30	>30	<18	18 - 25	>30	
Iraq				1	2	1	4
Iran					1	1	2
Albania					1		1
Congo (DR)			1				1
Ivory Coast			1				1
Not specified	1						1
Palestinian territories	1						1
Senegal		1					1
Somalia				1			1
<b>Total</b>	<b>2</b>	<b>1</b>	<b>2</b>	<b>2</b>	<b>4</b>	<b>2</b>	<b>13</b>

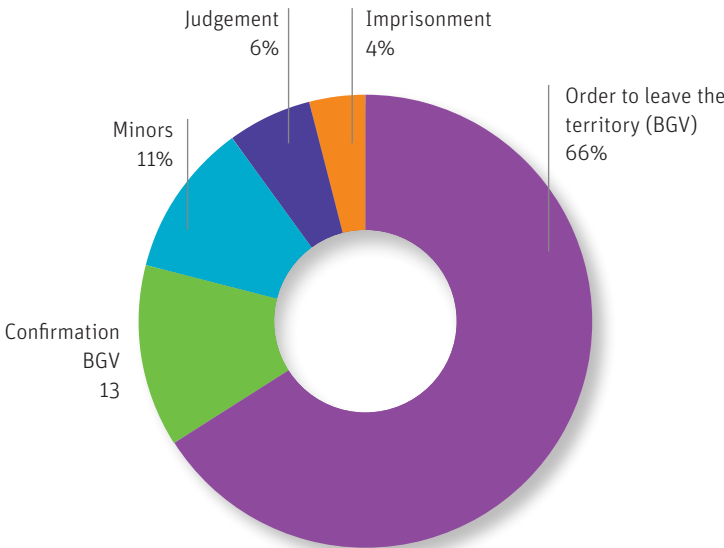


### 4.3. | Figures from the Immigration Office that are useful as indicators for human smuggling

Table 16. Nationalities of persons apprehended in Belgium following transit migration  
(Source: Immigration Office)

Nationality:	2012	2013	2014	2015	2016	Evolution 2010-2016	Evolution 2015-2016
Iran	302	229	290	758	2,354	██████████	x3
Syria	74	123	483	972	1,960	██████████	x2
Iraq	58	30	37	775	1,758	██████████	x2
Eritrea	49	89	236	126	727	██████████	x6
Afghanistan	255	157	167	474	681	██████████	x1
Sudan	4	11	17	45	508	██████████	x11
India	94	191	94	56	488	██████████	x9
Algeria	490	159	113	138	281	██████████	x2
Albania	105	151	155	213	205	██████████	x1
Morocco	71	74	121	106	170	██████████	x2
Pakistan	76	22	42	39	137	██████████	x4
Libya	10	10	10	6	129	██████████	x22
Egypt	4	6	9	5	108	██████████	x22
Palestinian territories	48	15	11	9	84	██████████	x9
Vietnam	95	9	13	54	82	██████████	x2
Tunisia	21	8	23	22	60	██████████	x3
Not specified	0	0	0	0	39	██████████	NA
Somalia	0	6	8	25	33	██████████	x1
Ethiopia	1	0	5	2	24	██████████	x12
Kuwait	5	5	23	16	19	██████████	x1
Other	71	34	34	75	68	██████████	x1
<b>Total</b>	<b>1,833</b>	<b>1,329</b>	<b>1,891</b>	<b>3,916</b>	<b>9,915</b>	██████████	<b>x3</b>

Figure 4. Outcomes following arrests in the context of transit migration, 2016  
(Source: Immigration Office)



Tabel 16 shows the sharp increase in the number of persons apprehended in Belgium following transit migration. Between 2014 and 2015, the number of administrative arrests had already doubled, and between 2015 and 2016 it almost tripled. While in 2012 there were 1,833 arrests following transit migration, five times as many were counted in 2016, at 9,915. The main nationalities of the persons arrested correspond with the asylum flows observed in recent years, with Iranians at the top spot. Iranians alone account for 24% of the people arrested in 2016 following transit migration. This was followed by Syrians (20%), Iraqis (18%), Eritreans (7%) and Afghans (7%).

Over the period 2012-2016 (see penultimate column of Tabel 16) we observe not only a decrease in the number of Algerians (and to a lesser extent Vietnamese) but also an increasing trend for all nationalities. The last column of the table shows the evolution over a shorter period, 2015-2016. Among the various nationalities, there is a general increase (with a few exceptions). Although the number of arrests of people from Africa remains rather marginal compared to the number of arrests of people from the Middle East, there was also a significant increase for this group between 2015 and 2016. For example, 6 times as many Eritreans, 11 times as many Sudanese and 22 times as many Libyans and Egyptians were arrested. Figuur 4 shows the consequences of these arrests. For example, it appears that 66% of the arrests after transit migrations led to an order to leave the territory (BGV), 13% to the upholding of a BGV, 11% of these persons declared being minors, 6% were released, and 4% incarcerated. The consequences of these arrests vary greatly according to the nationality of the arrested person. Albanians arrested after transit migration were detained in 64% of cases, Pakistanis in 32%, and Afghans in 24% of cases. Other nationalities are incarcerated much less often following such arrests. Iranians, Syrians and Iraqis, who lead the top three nationalities in terms of arrests, were imprisoned in only 1.2%, 0.1% and 0.3% of cases respectively.

## 5. DATA FROM SPECIALISED VICTIM RECEPTION CENTRES

We report here on the figures for the victims for whom the specialised centres started providing initial support during 2016. The figures relating to this new support follow the typology defined in the circular of 26 September 2008.<sup>453</sup> There is talk of guidance as soon as the first phase (reflection period) is started and therefore immediately after the order to leave the territory<sup>454</sup> has been issued. The type of psychosocial and legal-administrative guidance differs according to the centre.

This annual report includes only integrated tables: one for human trafficking and one for human smuggling, each with age, gender, nationality and method of exploitation. Each specialised centre has provided the necessary figures for this purpose, which Myria has included individually in a table.

On the basis of the following tables, it is not possible to form a picture of all support activities or of the reception capacity of the centres. The duration of the support, which is an essential indicator, is not covered here, but in the context of the analysis and a description of the guidance process. The figures provided by the Immigration Office for the extension of documents in the context of proceedings for human trafficking are a possible indicator of this. The evolution between 2012 and 2016 is shown in Table 12.

The framework of this report does not lend itself to providing an overview or an analysis of the reports of persons for whom no support was started, even though this would certainly have been relevant to the policy on, and knowledge of, the phenomenon of human trafficking

<sup>453</sup> Circular letter of 26 September 2008 on the introduction of multidisciplinary cooperation with regards to victims of human trafficking and/or certain more serious forms of human smuggling. On 23 December 2016, a new circular letter on multidisciplinary cooperation between all relevant departments was signed and published in the Belgian Official Journal of 10 March 2017. This circular letter updates and replaces the circular letter of 26 September 2008.

<sup>454</sup> Since 20 May 2017, this order to leave the territory has been replaced by Annex 15 (see Law of 30 March 2017 amending Article 61/2 of the Law of 15 December 1980 on entry to the territory, residence, establishment and expulsion of foreign nationals in order to replace the order to leave the territory with a temporary residence document in the procedure for victims of trafficking in human beings, *BOJ*, 10 May 2017). See Part 3, Chapter 1, point 2.1 of this report.

and the exploitation of people. The processing of all reports is a huge workload and responsibility for the centres. For more information, please refer to the annual reports of these centres.

The Belgian system is a closed system. The figures for the support provided by the specialised centres and the issued documents (IO) are therefore largely in line with those of the IO, as can be seen in Tabel 17.

Table 17. New support initiated by the specialised centres between 2012 and 2016 for victims of human trafficking and smuggling  
(Source: specialised centres, processing by Myria)

Year	Number
2012	174
2013	148
2014	174
2015	153
2016	145

### 5.1. | Presentation of data on victims of human trafficking

Table 18. New support initiated by the specialised centres, only for victims of human trafficking

(Source: specialised centres, processing by Myria)

Year	Number
2012	143
2013	133
2014	158
2015	135
2016	133

Table 19. New support initiated in 2016 for victims of trafficking in human beings, according to the form of exploitation, gender and age group

(Source: specialised centres, processing by Myria)

Nationality	Sexual exploitation		Economic exploitation		Exploitation of begging		Forced criminality		Other forms of exploitation		Total	
	Women	Men	Women	Men	Women	Men	Women	Men	Women	Men		
	Minor Adult	Minor Adult	Minor Adult	Minor Adult	Minor Adult	Minor Adult	Minor Adult	Minor Adult	Minor Adult	Minor Adult		
Nigeria	4	21									25	
Morocco			5	17							22	
Romania	5		1	7	1			2			16	
Egypt				11							11	
Hungary	4		1	3							8	
Thailand	5										5	
Bulgaria	1	3									4	
China	3										3	
Spain				3							3	
Portugal	1		1	1							3	
Vietnam				1				2			3	
Afghanistan				2							2	
Algeria				2							2	
Belgium	2										2	
Ethiopia	1		1								2	
United Kingdom	1	1									2	
India			1	1							2	
Lithuania								2			2	
Serbia			1						1		2	
Tunisia				2							2	
Albania	1										1	
Bangladesh				1							1	
Brazil				1							1	
Cameroon			1								1	
Croatia							1				1	
Ghana				1							1	
Pakistan				1							1	
Palestinian territories	1										1	
Senegal	1										1	
Sierra Leone	1										1	
Slovakia				1							1	
Togo				1							1	
Sub-total (age)	6	50	0	0	0	12	1	55	0	1	0	0
Sub-total (gender)	56	0	12	56	1	0	1	6	1	0	133	
Total	56		68		1		7		1			

In 2016, specialist centres started to provide support to 133 victims of human trafficking. These were mainly victims of economic exploitation (68 persons) and sexual exploitation (56 persons). They also received seven victims of exploitation of forced criminality, one for begging and one for another type of exploitation.<sup>455</sup> There were no new victims of organ trafficking in 2016.

Victims of sexual exploitation were mainly women (55 women and one man), while economic exploitation is mainly male (12 women versus 56 men).

The underage victims account for 5% of the victims who received support from a specialised centre in 2016 (7 minors out of 133 victims). Six of these seven victims were young girls who were victims of sexual exploitation (four Nigerian, one Bulgarian and one British). There was also a young man, with Vietnamese nationality, who was a victim of economic exploitation.

Nigeria is the most significant country of origin of the victims who received support with a specialised centre in 2016. The top 5 nationalities show that 25 victims were Nigerian, 17 Romanian, 11 Egyptian and 7 Hungarian. All 25 Nigerian victims were women who were victims of sexual exploitation (4 of them were minors). The 22 Moroccan victims were all victims of economic exploitation (5 women and 17 men) and this was also the case for the Egyptian victims (11 men). The Romanian victims, on the other hand, were exploited in different ways.

5.2. | Presentation of data on victims of human smuggling

Table 20. New support initiated in 2016 for victims of human smuggling, according to the form of exploitation, gender and age group

(Source: specialised centres, processing by Myria)

Nationality	Women		Men		Total
	Minor	Adult	Minor	Adult	
Iraq			1	5	6
Iran				2	2
China		1			1
Albania				1	1
DR Congo		1			1
Senegal		1			1
Total		3	1	8	12

A decrease is observed compared to 2015, the year in which 18 victims of human smuggling received support from a specialised centre. One third came from Afghanistan.

The trends in terms of nationalities between victims of human smuggling and victims of human trafficking are very different. In this case, 50% of the victims come from Iraq (6 men, including one minor).

455 It subsequently turned out that this was an intra-family problem.



## 6. DATA FROM THE JUDICIARY

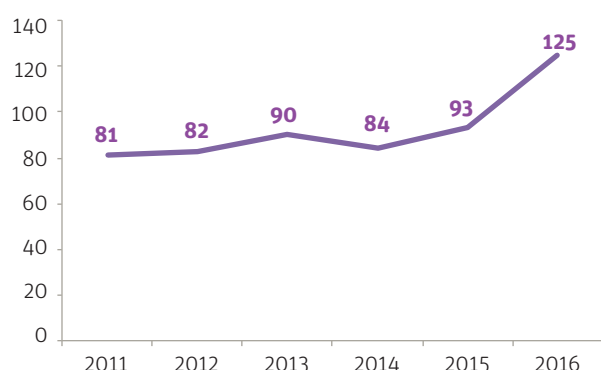
At Myria's request, the Criminal Policy Office provided information on convictions for human trafficking and smuggling. These statistics have been compiled on the basis of data from the central criminal registry. All decisions with the force of res judicata are registered here and the court clerks of the courts and tribunals transfer them to the criminal registry. This is still done by hand (whereas the police and Public Prosecutors process this data digitally).

### 6.1. | Presentation of data on human trafficking

The figures<sup>456</sup> presented here relate to the number of final convictions, i.e. convictions that cannot be appealed against, in other words final sentences and judgements where one or more offenders can be convicted. A conviction refers to sentences or judgements for which one or more persons had to appear. The forms of exploitation could not be sufficiently recorded to be included in this annual report.

Figure 5. Evolution of the number of convicted perpetrators of human trafficking during the period 2011-2016

(Source: Criminal Justice Policy Service)



Each conviction relates to a convicted offender (convictions are not the same as court decisions, which may consist of several convictions).

The number of convictions increased in 2016 compared to the previous year (an increase of 34% between 2015 and 2016). Of the 125 convicted offenders in 2016, at least 18 were involved in sexual exploitation, 11 in economic exploitation offences and one in the exploitation of a person to force them to commit offences or misconduct. Due to the method of implementation, information on the type of exploitation is only available for about 30% of the convictions.

Partial information on the aggravating circumstances is available. For example, in 71 decisions the abuse of vulnerability was taken into account, and in 47 decisions, the use of violence and threats was taken into account. Different aggravating circumstances may apply to the same offender. In total, 231 aggravating circumstances were taken into account in 2016.

A total of 384 sentences were handed down for the 125 convictions (see Tabel 21). Indeed, different types of sentences can be ordered simultaneously for the same conviction (e.g. a offender can be sentenced simultaneously to imprisonment and a fine, resulting in a total of two decisions).

Table 21. Sentences given for 125 convictions handed down in 2016 for human trafficking offences

(Source: Criminal Policy Office)

	Rulings	Suspended (full or partial)
<b>Prison sentence</b>	113	79
<b>Fine</b>	117	54
<b>Confiscation order</b>	55	1
<b>Deprivation of rights</b>	96	0
<b>Conviction (without sentence)</b>	3	0
<b>Total</b>	<b>384</b>	<b>134</b>

<sup>456</sup> The information in this report is the result of a data extraction on 30 January 2017 (Extraction Report of 03/03/2017).

Table 22. Duration of prison sentences for convictions of human trafficking in 2016

(Source: Criminal Policy Office)

	Number of sentences	%
Less than one year	11	10
1 - 3 years	55	49
3 - 5 years	33	29
> 5 years	14	12
<b>Total</b>	<b>113</b>	<b>100</b>

In 2016, 30% of persons convicted of human trafficking had Belgian nationality (see Tabel 23). Of the convicted foreign nationals, the top 5 consisted of Romanians (9%), Albanians (6%) Bulgarians (6%), French (5%) and Dutch (5%). The convicts were mainly men. Men were involved in 80% of the cases, women in 18% (for 2% of the convictions, information on gender was missing).

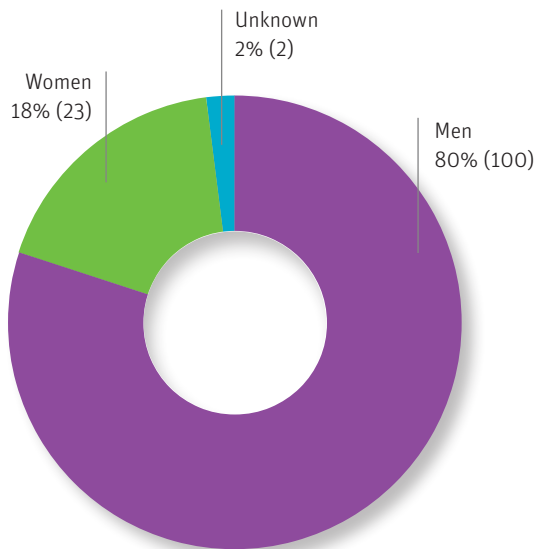
Table 23. Top 10 of the most prevalent nationalities of persons convicted of acts of human trafficking in 2016

(Source: Criminal Justice Policy Service)

Nationality	Number of persons convicted
Belgium	37
Romania	11
Unknown/not registered	8
Albania	8
Bulgaria	8
France	6
Netherlands	6
China	5
Portugal	4
United Kingdom	3
Other	29
<b>Total</b>	<b>125</b>

Figure 6. Gender of persons convicted of human trafficking offences in 2016 (N=125)

(Source: Criminal Justice Policy Service)



## 6.2. | Presentation of data on human smuggling

There were at least 127 final convictions for human smuggling in 2016.

## CONCLUSION

The number of offences related to **human trafficking** registered by the police decreased over the period 2012-2016. In 2016, offences were recorded mainly in Brussels, the province of Antwerp, Hainaut and East Flanders. More than half of the criminal offences concerned sexual exploitation. The second type of exploitation for which police recorded offences is economic exploitation. Offences relating to the exploitation of begging and forced criminality are less frequent. Illegal organ trafficking is exceptional.

In 2016, the number of victims of human trafficking included in proceedings remained stable compared to the previous year. 2016 was marked by a significant number of Nigerian victims of sexual exploitation, as a result of the many cases involving victims of that nationality.

The number of cases received by public prosecutors in the period 2012-2016 for human trafficking offences decreased slightly at the national level. But in fact, this is a reflection of different trends depending on the jurisdiction: an increase was visible in the districts of Antwerp and Ghent, while there was a decrease in the districts of Brussels, Liège and Mons.

In recent years, there has been a sharp increase in **human smuggling**. This can be deduced from police figures: the number of offences tripled between 2012 and 2016. In the IO figures regarding arrests following transit migration, there was also an increase over the same period, which was particularly pronounced between 2015 and 2016. Police figures also show that the offences were mainly recorded in Ghent, Brussels and Bruges. The figures provided by IO indicate that the main nationalities of the persons arrested following transit migration are Iranians, Syrians and Iraqis.

There was also an increase in the number of cases brought before the public prosecutors concerning human smuggling. But this increase at the national level is largely the result of a sharp increase in the district of Ghent (mainly cases related to the E40), while we see a strong decrease in the jurisdiction of Brussels and a slight decrease in Antwerp.

Despite the sharp increase observed in the number of offences and arrests, the number of victims of human smuggling who entered the specific procedure (IO figures) decreased over the period 2012-2016.