

2024 Trafficking in Persons Report: Belgium

BELGIUM (Tier 1)

The Government of Belgium fully meets the minimum standards for the elimination of trafficking. The government continued to demonstrate serious and sustained efforts during the reporting period; therefore Belgium remained on Tier 1. These efforts included investigating significantly more trafficking crimes, prosecuting more cases, and convicting more traffickers. Government-funded shelters assisted more victims, and the government launched awareness campaigns with NGO partners in Nigeria and Vietnam to reduce vulnerability to trafficking among migrants. Although the government meets the minimum standards, it identified fewer victims and imposed several conditions on victims' access to services – including access to residence permits – such as participation in a criminal case, which constrained victim identification and limited crucial services for victims. In addition, courts continued to issue fully or partially suspended sentences to a significant number of convicted traffickers, which weakened deterrence.

PRIORITIZED RECOMMENDATIONS:

Vigorously investigate and prosecute trafficking crimes and seek adequate penalties for convicted traffickers, which should involve significant prison terms. * Train first responders on the child victim identification and referral protocol and ensure it is used effectively in practice, especially with respect to unaccompanied asylum-seeking children and child victims of forced criminality, and secure adequate funding for the provision of services for child trafficking victims. * Ensure victims have access to the full range of services regardless of the outcome of the case against the trafficker or whether they choose to participate in criminal justice proceedings. * Implement a systemic victim-witness assistance program to increase protective services for victims participating in criminal justice proceedings. * Strengthen international law enforcement cooperation to prevent and investigate extraterritorial child sexual exploitation and abuse. * Coordinate and centralize the collection of timely trafficking data across the government to effectively analyze efforts. * Improve victims' ability to access court-ordered restitution in criminal cases and ensure victims exploited by means other than physical violence have full access to victim compensation. * Revise the definition of human trafficking under Belgian law to more closely align with the definition in the 2000 UN TIP Protocol.

PROSECUTION

The government increased law enforcement efforts. Belgium criminalized sex and labor trafficking through a 2005 amendment to the 1995 Act Containing Measures to Repress Trafficking in Persons, which prescribed penalties of one to 15 years' imprisonment and a fine for crimes involving adult victims, and 10 to 20 years' imprisonment and a fine for crimes involving a child victim. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with penalties prescribed for other grave crimes, such as kidnapping. Belgium's definition of trafficking in persons was broader than the definition in the 2000 UN TIP Protocol. Inconsistent with the definition of trafficking under international law, the law established the use of force, fraud, or coercion as aggravating factors, rather than essential elements of the crime. In addition, Belgian law also allowed the failure of an employer to meet the prevailing wage and working conditions to constitute "exploitation" and the government included these cases in its prosecution data. GRETA reported this overly broad definition could lead to confusion between trafficking and other criminal offenses and possible difficulties in mutual legal assistance with foreign governments that used a definition more consistent with the UN TIP Protocol.

The government did not report anti-trafficking data consistently from year to year, making it difficult to assess its law enforcement efforts, and it lacked a coherent system to collect law enforcement and victim data for trafficking cases, which hindered its ability to track and evaluate its efforts. Authorities investigated 468 cases in 2023 (255 sex trafficking, 107 labor trafficking, 101 forced criminality, and five forced begging), compared with 346 cases in 2022 and 383 cases in 2021. The government prosecuted an unknown number of defendants in 51 cases in 2023, compared with an unknown number of defendants in 47 cases in 2022 and 95 cases in 2021. Authorities reported 123 convictions in 2022, the most recent year for which data was available, compared with 114 convictions in 2021. Courts sentenced 107 convicted traffickers to prison terms in 2022 (104 in 2021); however, 48 of the sentences were suspended or partially suspended (58 in 2021). Of the prison sentences issued in 2022, including those that were suspended or partially suspended, the majority were for terms of three to five years, and 16 were for more than five years. Experts attributed the high number of suspended sentences to several factors, including overcrowding in Belgian prisons, frequent use of pre-trial detention, the imposition of financial penalties, the law's overly broad definition of human trafficking, and the application of lighter sentences for traffickers with minimal roles in an organization. The failure to sentence many traffickers to significant terms of imprisonment weakened deterrence, may have undercut broader efforts to hold traffickers accountable, and did not adequately address the nature of the crime. Police conducted large, coordinated law enforcement actions across the country in 2023. In September 2023, police arrested 25 suspects implicated in Brussels-based sex trafficking networks. The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking crimes.

The government mandated trafficking trainings for judicial officials on the career track to become magistrates and who may eventually become judges, and trafficking was included in basic training courses for law enforcement. Federal and regional governments funded trainings on topics such as trafficking investigations, prosecution of trafficking cases, and victim identification for front-line workers and first responders. The government cooperated with EU agencies and member states to conduct investigations and coordinated with foreign authorities to investigate organized trafficking rings in multiple countries. The government continued to operate a joint investigation team with the Hungarian government established in April 2022, which resulted in the arrest of four alleged traffickers and the identification of three potential victims in Belgium in February 2024. The government extradited two suspected traffickers to Romania and received six suspected traffickers from Italy, the Netherlands (two suspects), Spain (two suspects), and Switzerland.

PROTECTION

The government maintained efforts to protect victims, although several gaps in victim protection remained. The government formally identified and assisted 157 victims in 2023 (92 male and 65 female; 98 victims of labor exploitation, 43 victims of sexual exploitation, three victims of forced criminality, and 13 victims of unspecified forms of exploitation), compared with 237 victims in 2022 and 151 in 2021. Due to the broad definition of labor exploitation under Belgium's anti-trafficking law, data on the identification of labor trafficking victims may have included cases that did not constitute trafficking crimes under the international law definition. First responders maintained a national victim referral protocol to identify victims and refer them to care. The government funded trainings and awareness-raising campaigns targeting front-line professionals, including hospital staff, social workers, and immigration and asylum officers, on victim identification. The government included specific training on unaccompanied children in its 2023 trainings for prosecutors and magistrates. Although some police units and prosecutors specialized in trafficking cases, observers noted local police units often lacked specialized anti-trafficking officers, faced resource constraints and staffing shortages, and struggled to recognize trafficking indicators. In particular, experts reported challenges in identifying child victims, despite a sharp increase in the number of unaccompanied migrant children entering the country in recent years. Many authorities who did not specialize in trafficking cases reportedly confused child trafficking victims with those of other crimes such as migrant smuggling and child abuse. Authorities sometimes failed to follow the victim referral protocol and did not properly notify child protective services when they identified an unaccompanied child victim. Gaps in identification efforts, such as

with child victims, made these victims vulnerable to inappropriate penalization solely for unlawful acts committed as a direct result of being trafficked. GRETA noted authorities rarely properly identified child victims of forced criminality and instead treated them as underage offenders.

The government allocated €463,000 (\$511,600) to fund three specialized NGO-run shelters; the government did not report the amount of funding allocated to these shelters in 2022. The three NGO-run shelters were formally recognized as part of the government's official anti-trafficking response; other organizations, including those accommodating child victims, were not considered official victim service providers under the NRM. The three government-funded shelters received 1,548 referrals of victims and potential victims in 2023, compared with 1,405 referrals in 2022. These shelters provided psycho-social, medical, and legal care and were open to all adult victims regardless of gender, immigration status, or nationality. The independent Federal Migration Centre (Myria), in its capacity as the national rapporteur, provided oversight and coordination for the shelters. GRETA noted, however, that the limited capacity of the official specialized shelters hindered potential victims' access to services; victims were unlikely to be fully informed of their right to such services unless they had contact with one of the three official shelters. Authorities placed child trafficking victims in government-funded shelters for children, including crime victims and foreign unaccompanied children; shelter staff assigned children a mentor to protect their interests. The government funded a temporary residence center for unaccompanied female potential trafficking victims between the ages of 14 and 18, which offered shelter, legal assistance, and tailored follow-on assistance plans and did not require victims to participate in the investigation of a trafficker to receive support. Shelters for unaccompanied children continued to face significant strain on capacity due to surging arrivals of asylum-seekers and reported many children went missing from the shelters each year; these children were highly vulnerable to trafficking, and some may already have been trafficking victims. An NGO report released in 2024 estimated at least 2,241 unaccompanied children had gone missing from Belgian shelters in 2021-2023. Shelters for adult asylum-seekers continued to face severe capacity constraints; in August 2023, the government announced single male asylum-seekers were no longer eligible for housing through the federal asylum agency, which increased their vulnerability to trafficking.

The government conditioned its victim assistance services on three criteria: victims had to break off all contact with the trafficker, agree to counseling at a specialized shelter, and assist in the prosecution of the trafficker. Identified victims were eligible for a 45-day reflection period during which they could decide whether to participate in criminal justice proceedings; the government repatriated foreign victims who chose not to do so to their country of origin. Potential victims had access to social services during this reflection period. The government granted foreign victims who participated in criminal justice proceedings three-month residence and work permits and protective services. If a public prosecutor confirmed the individual was a trafficking victim, they could receive a six-month residence and work permit, renewable until the end of the criminal case; victims who were not citizens of EU member states could obtain permanent residency only upon the successful conviction and sentencing of traffickers. GRETA expressed concern residency was, in practice, tied to the outcome of the criminal case rather than the victim's willingness to participate in criminal justice proceedings; victims could lose their official victim status – along with their access to residence permits and related victim services – if a settlement was reached with the trafficker prior to indictment, the case was dismissed within two years of charges being filed, or the alleged perpetrator had diplomatic immunity from prosecution. In the absence of a conviction, authorities could grant residence permits for indefinite lengths of time to non-EU victims if authorities were able to bring formal charges against the trafficker. Victims who chose not to accept the conditions were eligible for other types of assistance, including access to temporary housing and psycho-social care, and non-EU victims could apply for humanitarian residency. Nonetheless, observers noted the conditions the government attached to victim assistance were difficult for many victims to meet, especially in the case of child victims. Few child victims received residence permits, and GRETA expressed concern residency for non-EU child victims was contingent upon cooperation with law enforcement instead of factors relating to the best interest of the child. In addition, foreign victims were only granted relief from deportation or other penalties if they participated in criminal justice proceedings. The government issued 275 residence permits for trafficking victims in 2023, compared with 393 in 2022.

During criminal proceedings, victim-witness protection laws provided only those victims under physical threat of violence or living abroad options to testify via video. The law had a specific provision for child victims that allowed courts to permit video testimony. Prosecutors could seize assets of suspected traffickers during an investigation and request restitution for victims in court through the confiscation of these assets; however, in practice the amount of confiscated assets available for victims was often limited. For the fifth consecutive year, the government did not report data on courts granting restitution. Victims could claim compensation in local courts but often had to prove their case involved an intentional act of physical violence in order to receive compensation. Victims could also seek compensation through a compensation fund for victims of violence; GRETA noted the requirements for victims to claim compensation from this fund were often difficult to meet. The high costs of legal representation discouraged victims from choosing to participate in criminal and civil proceedings and prevented many from seeking compensation.

PREVENTION

The government maintained efforts to prevent trafficking. The Inter-Department Coordination Unit to Combat Trafficking coordinated government-wide anti-trafficking efforts and monitored the implementation of the 2021-2025 NAP. The Ministry of Justice (MOJ) chaired the unit, which included key government ministries and agencies, as well as representatives of the three government-funded shelters and Myria. Myria served as the secretariat for the unit and as the independent national rapporteur; it produced an annual report on government anti-trafficking efforts and made recommendations to the government. Government-funded awareness campaigns focused on increasing victim identification by front-line workers. In response to a rising trend of Vietnamese victims with undocumented status in Belgium, in October 2023, the government conducted a campaign in cooperation with an NGO in Vietnam to raise awareness of the risk of exploitation in irregular migration. In November 2023, the government launched a similar campaign with NGO partners in Nigeria in response to an increase in the number of identified victims from Nigeria. In January 2024, Belgium took over the rotating chair of the Benelux anti-trafficking working group with a planned focus on trafficking and new technologies. The MOJ maintained a website to help victims seek assistance and to report suspected trafficking. The three government-funded NGOs maintained a hotline available 24/7. The government did not report how many calls led to the identification of trafficking victims.

The government trained new labor inspectors on trafficking indicators. Labor inspectors conducted 15,664 inspections in 2023 and referred an unknown number of potential victims to authorities for further review, compared with 110 potential victims referred in 2022; the government did not report if referrals led to the identification of victims. Some migrant workers were not allowed to change employers without obtaining authorization from the government, increasing their vulnerability to trafficking. The government continued a widely used program that subsidized the wages of domestic workers and criminalized exploitative practices, such as the confiscation of passports and contract switching. The government maintained a system to prevent the exploitation of work visa applicants, including domestic employees of foreign diplomats, by placing awareness-raising flyers in the consular sections of Belgian embassies and consulates abroad. In addition, the government updated the training materials on trafficking indicators and prevention for Belgian diplomats and embassy staff. The government did not make efforts to reduce the demand for commercial sex acts. The government did not make efforts to reduce the demand for participation in extraterritorial child sexual exploitation and abuse by its citizens despite allegations of such actions by its citizens; however, the law permitted the prosecution of Belgian citizens for participating in extraterritorial child sexual exploitation and abuse.

TRAFFICKING PROFILE:

As reported over the past five years, sex and labor traffickers exploit foreign and domestic victims in Belgium. Foreign victims come primarily from Asia (including Afghanistan, the People's Republic of China (PRC), India, Thailand, and Vietnam), Eastern Europe (especially Albania,

Hungary, Romania, and Ukraine), and Africa (primarily Morocco and Nigeria). Traffickers exploit Belgian women and girls in sex trafficking. Sex traffickers exploit foreign children, including Roma and Nigerian girls; the latter are recruited through extensive trafficking networks in Nigeria. Organized Nigerian and Ghanaian sex trafficking networks operate throughout Belgium. Traffickers increasingly exploit children from Afghanistan in sex trafficking. Thai criminal organizations exploit Thai women in sex trafficking in massage establishments that are frequently managed by Belgian citizens. PRC national sex traffickers recruit PRC national women in the PRC and exploit them in Belgium. Officials report South American trafficking rings, particularly from Brazil, increasingly operate in Belgium. Traffickers recruit girls from Eastern Europe on social media by posing as potential romantic partners. Authorities report sex traffickers increasingly use online booking and vacation rental platforms to arrange venues to exploit sex trafficking victims. Belgian citizens participate in extraterritorial child sexual exploitation and abuse.

Labor traffickers exploit male victims in restaurants, bars, factories, horticulture sites, fruit farms, construction sites, cleaning businesses, and retail shops. Traffickers exploit men and women in domestic servitude, including in the diplomatic community. Vietnamese labor traffickers exploit Vietnamese victims in nail salons. Within the Romani community, traffickers exploit Roma children in forced begging and forced criminality. Belgium has seen a significant increase in the number of asylum applications filed in recent years; the federal asylum agency reported receiving approximately 35,500 applications in 2023 – more applicants than reception centers have the capacity to accommodate – and nearly 100,000 applications since 2021. Asylum-seekers who have their applications for legal status denied, those unable to be accommodated at reception centers, migrants transiting through Belgium to the UK, and unaccompanied migrant children are highly vulnerable to trafficking. More than 75,000 refugees, predominantly women and children, who are fleeing Russia's full-scale invasion of Ukraine, have crossed the Belgian border seeking sanctuary and are vulnerable to trafficking.