Administrative Approach
Belgian Practice
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1. Context
1.1 Context

- **World War II**
  Some historians estimate that in Belgium, Administrative Approach, was first used during WWII in order to fight the Black Market.

- **1971**
  Labor and Economic legislations implement a systematic administrative approach (without using the term) in order to prevent transgressions of this legislation. It is considered more flexible, faster and more efficient than the classical penal approach.
1.2 Context

- **1996 (28/06)**

The Belgian Federal Government proposes an Action Plan against organized crime. For the first time, administrative means (not yet called Administrative Approach) are considered as a tool that can be used systematically against organized crime. This plan was directly inspired by the methods of Rudy Giuliani, mayor of New York, used to fight Italian-American mafia and the Dutch policies against organized crime, especially the preventive measures.
1.3 Context

- **1999**
  Introduction of Local Administrative Sanctions. Local authorities, receive the possibility to inflict administrative sanctions for a limited number of transgressions.

- **2006 (drugs)**
  Local authorities (Mayor) receive the possibility to close, for a limited amount of time and under strict conditions, an establishment if there are sufficient grounds to believe that drug trafficking is happening on it’s territory.
1.4 Context

- **2013 (human trafficking)**
  Local authorities (Mayor) receive the possibility to close, for a limited amount of time and under strict conditions, an establishment if there are sufficient grounds to believe that human trafficking is happening on its territory.

- **2013 (prohibition to be in a certain place)**
  Local authorities (Mayor) receive the possibility to prohibit a person from entering a specific perimeter, for a limited amount of time and under strict conditions, if the said person has disturbed public order in this perimeter.
1.5 Context

- **2017 (terrorism):**
  Local authorities (Mayor) receive the possibility to close, for a limited amount of time and under strict conditions, an establishment if there are sufficient grounds to believe that acts related to terrorism are happening on it’s territory.
2. Practice
2.1 Practice

- **Legislative project:**
  - Integrate and organize the administrative approach;
  - Determine the rights and obligations of all the involved actors;
  - Provide a legal framework for information exchange;
  - Offer sufficient guaranties to the subjects of the administrative approach.

- **Database (of inspections services) project:**
  - Help actors of the administrative approach finding useful partners for their actions.
2.2 Practice

• **Information campaigns project:**
  - Stimulate interest in Administrative approach;
  - Inform about the existing and future tools;

• **National think tank project:**
  - Further the Administrative Approach;
  - Gather Scientists, Rule Makers and Practitioners;
  - Put in contact different levels of power;

• **Multidisciplinary actions:**
  - Gather different administrations of different levels, the police and the judiciary power;
  - Fight against aspects of organized crime in sensitive places.

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2.3 Practice

- **Provincial expertise centers:**
  - 3 centers already exist and a 4th is in the making;
  - Encourage local authorities to use Administrative Approach;
  - Offer legal support to local authorities;
  - Spread the best practices;
  - Follow phenomena involving several local authorities and coordinate their work.
3. Main Challenges
3. Main Challenges

1. Lack of interest from the local authorities;
2. Few initiatives at the local level;
3. Lack of financial support for the local authorities;
4. Strong differences between regions of the country;
5. Lack of systematic approach;
6. Most initiatives come from the federal police;
7. Lack of a legal framework;
8. Lack of guaranties for the subjects of the Administrative Approach;
9. Mistrust from the Judiciary power and the Civil society.
4. Conclusion
4. Conclusion

1. No integrated system or national consensus;
2. Only some specific tools and projects;
3. The existing projects and tools are used by authorities;
4. When used it brings together different actors from different levels of power in order to tackle a specific challenge;
5. No formal evaluation of the existing measures but informal evaluations are positive;
6. Belgium is working on the most challenging aspects, the progress is slow.