

28 February 2020

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. 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.

▶ 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.

Contact Data

De Gyns Henri

Federal Public Service Home Affairs -- Directorate-General Security & Prevention

Administrative Approach unit

Phone +32 2 557 35 44 -- Mobile +32 475 400 215

Henri.degyns@ibz.fgov.be



Veiligheid & Preventie
Sécurité & Prévention