

TEMPLATE POLICY PAGE

Category:	Sexual Exploitation and Trafficking in Human Beings
Country:	Belgium
Year:	/

Main policy page:	<p>The exploitation of prostitution and the sexual exploitation are criminalised through several provisions.</p> <p>The penal code set forth these criminal behaviours in the articles 379 and following whereas the offence of trafficking in human beings, including for the purpose of sexual exploitation, is criminalised through the articles 433 quinquies and following.</p> <p>The sentence resulting from a trafficking in human beings conviction can range from 1 to 5 years imprisonment and a fine of 500 to 50.000 Eurp (X6 – surtax) to 15 to 20 years and a fine of 1000 to 150.000 Euro depending on the seriousness of the facts.</p> <p>Since the Law of 24th of June 2013 was adopted the fines have to be multiplied by the number of exploited victims.</p> <p>Prostitution itself is not considered as an offence.</p> <p>Victims of sexual exploitation officially recognised as such can benefit from the protection procedure having been implemented for victims of trafficking in human beings ; this procedure includes the granting of residence permits but also presupposes the collaboration of the victim with the law enforcement agencies while the investigation is ongoing.</p> <p>Overall, the Belgian policy on the fight against THB includes initiatives relating to the protection of victims, the prosecution of perpetrators and prevention/information.</p> <p>So, complementary to regular training sessions meant for the law enforcement agencies and magistrates, training courses have recently been implemented in order to inform social workers or guardians that might identify potential THB situations due to their functions.</p> <p>More details about the policy can be found through : http://www.dsb-spc.be/doc/pdf/BRO_MH_BELGIE_ENG_2014.pdf</p>
Relevant legislation:	<p>Trafficking in human beings</p> <hr/> <p>Art. 433quinquies of the Criminal Code (C.C.) defines trafficking in human beings as follows:</p>

“the recruitment, transportation, transfer, harbouring, reception of a person, including the start or transfer of control over that person, in order to enable:

1° the exploitation of prostitution or other forms of sexual exploitation;

2° the exploitation of begging;

3° the employment of persons in circumstances contrary to human dignity;

4° the removal of organs, in violation of the Law of 13 June 1986 concerning the removal and transplant of organs, or of human organs and tissues, in violation of the Law of 19 December 2008 on the obtaining and use of human organs or tissues intended for human medical applications or for the purpose of scientific research;

5° or, to force that person to commit a crime or an offence against his will.

Except for the case as mentioned under point 5, it is irrelevant whether the person referred to in paragraph 1, gave his/her consent to the intended or actual exploitation.”

Trafficking in human beings encompasses various types of exploitation such as sexual and economic exploitation, exploitation of begging, the illegal removal of organs and tissues, as well as making a person commit a crime by force.

Anyone can be a victim of trafficking in human beings: foreigners as well as non-foreigners. Therefore a new article was introduced in the Penal Code.

Any evidence of exploitation will provide sufficient grounds for qualifying a situation as trafficking in human beings. Whether the victim has consented to the exploitation is irrelevant, except for point 5 - make a person commit a crime or an offence by force -, in which case, the evidence that force has been used must be produced.

The period of limitation relating to sexual offences only runs from the day on which the victim has reached the age of 18, which is a noticeable improvement regarding the victim status.

The fines are applied in function of the number of victims. The high fines are proportional to the huge profits traffickers and smugglers in human beings make.

The Law of 10 August 2005 distinguishes three levels of aggravating circumstances regarding trafficking and smuggling in human beings.

The articles 379 and 380 of the penal code also criminalise the exploitation of prostitution. There exist a slight nuance between the THB provision and the other provisions mainly related to the intention of the

	perpetrator.
Trends:	/

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