



BELGIUM

Legal System	Constitution	Bill of Rights	Country Structure	Form of Government
Civil Law	Written	Yes	Federation	Monarchy

1. INTRODUCTION

1.1. Modern Slavery and Human Trafficking

In 1995, Belgium became one of the first EU countries to adopt specific legislation targeting human trafficking. It later amended its laws to conform with the EU legislative framework. The legislative framework distinguishes between human trafficking (exploitation of humans) and human smuggling (facilitation of illegal entry into the country), and includes a specific scheme to ensure aid and assistance to victims of trafficking.

Belgium is ranked among countries that meet the minimum standards for the elimination of slavery and human trafficking, and the Government has actively implemented new policies that aim to eliminate modern slavery in the country.¹ Nonetheless, enforcement remains difficult, and data are unreliable, given the hidden nature of trafficking. Despite increased enforcement in recent years, many offences continue to go unreported or undiscovered.

Belgium is a destination and transit country for the purposes of economic and sexual exploitation. Victims are typically from Eastern Europe, Africa, East Asia, Brazil, and India. Some of them are also smuggled through Belgium to other European countries.² There is a strong correlation between migration and modern slavery in Belgium. Disoriented newcomers are vulnerable and easy prey to human traffickers. The type of human trafficking varies by gender. Women and girls are trafficked for the purposes of sexual exploitation in particular. Men are used for labor exploitation in shops, bars, restaurants, and construction sites.³

Two main agencies monitor and report human trafficking. First, there is the Interdepartmental Coordination Platform (ICP) for the fight against trafficking and smuggling in human beings (also called **The Interdepartmental Coordination Unit**). The second agency is the federal center for the analysis of migration flows, the protection of fundamental rights of foreigners, and the fight against trafficking (**Federal Migration Center** or **Myria**).

1.2. Belgium’s Policy and Legal Position

Like most other Western countries, Belgium’s policy and legislative response to modern slavery and human trafficking has become multidisciplinary, which is reflected in the creation of the ICP. The ICP brings together all the relevant actors and coordinates policy. In addition, the federal Myria monitors, reports, and actively combats modern slavery.⁴

¹ Available at: <https://www.globallslaveryindex.org/2018/data/country-data/belgium/>.

² Available at: <https://web.archive.org/web/20100617151358/http://www.state.gov/g/tip/rls/tiprpt/2010/142759.htm>.

³ Available at: https://ec.europa.eu/anti-trafficking/member-states-0/Belgium_en.

⁴ Available at: <https://www.myria.be/fr/traite/approche-multidisciplinaire>.

Belgium has ratified a number of international and European treaties relating to modern slavery, modern slavery-like conditions, and human trafficking. To meet its international obligations, Belgium has enacted domestic legislation to make certain conduct relating to modern slavery, modern slavery-like conditions, and human trafficking criminal offences. Since the mid-1990s, Belgium has developed numerous mechanisms to fight against human trafficking and to protect victims. It has upgraded the victim protection system and the delivery of residents' permits. Starting in 2008, the Government has drafted an annual action plan to propose new measures and to improve investigation strategies and assistance programs.⁵

2. OVERVIEW OF BELGIUM'S LEGAL APPROACH TO COMBATING MODERN SLAVERY AND HUMAN TRAFFICKING

2.1. Belgium's Regional and International Law Obligations

2.1.1. *Fundamental human rights*

As an EU Member State and a Member of the Council of Europe, Belgium is subject to the legal framework of both the EU and Council of Europe targeting human trafficking, implemented into Belgian law where necessary.

Belgium has long been an advocate of fundamental, international human rights. It was one of the 48 countries that voted in favor of the Universal Declaration of Human Rights in 1948 and has since ratified the International Covenant on Civil and Political Rights (1966), the International Covenant on Economic, Social and Cultural Rights (1966), the Convention on the Elimination of All Forms of Discrimination against Women (1979), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1985), and the Convention on the Rights of the Child (1989). Belgium is also a founding signatory of many European legal treaties, such as the Convention for the Protection of Human Rights and Fundamental Freedoms (1950) and the Charter of Fundamental Rights of the European Union (2000).⁶

2.1.2. *Modern slavery and trafficking*

Belgium is a party to several treaties relevant to the fight against human trafficking and smuggling. Belgium's principal international law obligations in this regard derive from the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.⁷ Other instruments addressing various forms of modern slavery supplement this treaty, including the Worst Forms of Child Labour Convention (1999), the Convention against Transnational Organized Crime (2000), and the additional protocols: the Trafficking Protocol and the Protocol against the Smuggling of Migrants.⁸ On the European level, Belgium

⁵ Plouffe-Malette, K., « Section 1. - La protection des victimes: le parent pauvre de la normativité internationale relative à la lutte contre la traite des êtres humains » in, *Protection des victimes de traite des êtres humains*, Bruxelles, Bruylant, 2013, pp. 56–78.

⁶ International Covenant on Civil and Political Rights, opened for signature 19 December 1966, 999 UNTS 171 (entered into force 23 March 1976); International Covenant on Economic, Social and Cultural Rights, opened for signature 19 December 1966, 993 UNTS 3 (entered into force 3 January 1976); Convention on the Elimination of All Forms of Discrimination against Women, opened for signature 1 March 1980, 1249 UNTS 13 (entered into force 3 September 1981); the Convention on the Rights of the Child (1989).

⁷ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, opened for signature 12 December 2000, 2237 UNTS 319 (entered into force 25 December 2003).

⁸ International Labour Organization Worst Forms of Child Labour Convention, opened for signature 17 June 1999 (entered into force 19 November 2000); United Nations Convention against Transnational Organized Crime, opened for signature 12 December 2000 (entered into force 29 September 2003); Protocol to Prevent, Suppress and Punish Trafficking in Persons,

has ratified the Council of Europe Convention, of 16 May 2005, on action against trafficking in human beings.⁹

2.1.3. Effect under Belgium’s law

Belgium’s obligations under international instruments typically have an automatic force-in-law once the national parliament has ratified a convention. Therefore, the criminal or civil law that is relevant to combating modern slavery and human trafficking may come directly from an international treaty or convention.

2.2. Human Rights Protections Under Belgium’s Law

Title II of the Belgian Constitution establishes a “bill of rights” and, as stated in Section 2.1.3., international instruments automatically have the force of law in Belgium, including the Universal Declaration of Human Rights, as well as other treaties as set out under Section 2.1.1. The Belgian legal framework with respect to human rights is thus the result of various national and international laws and conventions.

2.3. Criminalization of Modern Slavery

Criminal laws against various forms of modern slavery are set exclusively by the Government in the Belgian Criminal Code (**Criminal Code**), most notably Article 433*quinquies*, and in specific legislation, such as Article 77 *bis* of the Law of 15 December 1980 concerning Access to the Territory, Stay, Residence and the Removal of Foreigners.¹⁰

2.4. Supply Chain Reporting

No supply chain reporting legislation obliges private businesses to control their supply chain to hinder human trafficking. However, some EU and Belgian legislation may apply indirectly to the fight against human trafficking.

2.5. Investigation, Prosecution, and Enforcement

2.5.1. Investigation and prosecution of criminal offenses

The public prosecutor (*procureur du roi*) investigates and prosecutes criminal offences. Each prosecutor is responsible for the investigation of human trafficking and smuggling offences in the prosecutor’s own district. However, the investigation judge (*juge d’instruction*) decides whether to prosecute any offences and oversees the prosecution.

Investigatory and prosecution functions are performed on a federal level in a uniform manner. The College of Public Prosecutors published a circular on 23 December 2016 that reinforces multidisciplinary cooperation in the field of modern slavery and harmonizes enforcement policies across districts.

Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, opened for signature 15 November 2000.

⁹ Council of Europe Convention on Action against Trafficking in Human Beings, opened for signature 16 May 2005, (entered into force 1 February 2008).

¹⁰ For more details, refer to Section 3.2.

2.5.2. *Mutual assistance/international cooperation*

The Council of Europe Convention on Action against Trafficking in Human Beings, applicable in Belgium,¹¹ promotes international cooperation to combat human trafficking, essentially through the exchange of information amongst Convention signatories. The Convention also obliges Parties to take measures to ensure the co-ordination of national policies and actions against human trafficking, including by setting-up specific coordinating bodies. For this purpose, Belgium established the Interdepartmental Coordination Unit for Action against Trafficking. The Group of Experts on Action against Trafficking in human beings (**GRETA**) periodically evaluates implementation of the Convention.¹²

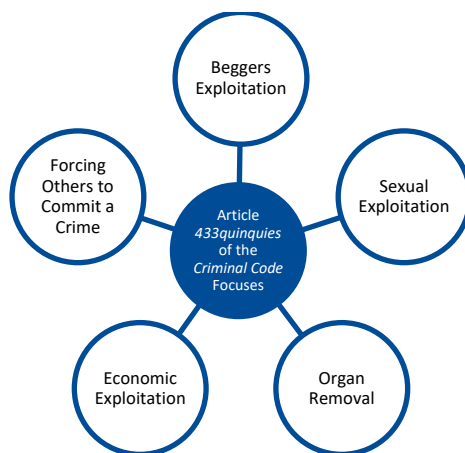
GRETA has praised Belgium for its multidisciplinary approach to victim assistance and the prosecution of traffickers. Nonetheless, GRETA recommended involving other organizations to strengthen the multidisciplinary approach. The Government responded positively to this recommendation by adding non-governmental bodies to the Interdepartmental Coordination Unit.¹³

The Belgian internal cooperation system is further explained in Section 8.

3. BELGIUM’S FEDERAL CRIMINAL OFFENSES RELATING TO MODERN SLAVERY, MODERN SLAVERY-LIKE CONDITIONS, AND HUMAN TRAFFICKING

3.1. Overview of Criminal Offenses

The Belgian Criminal Code contains various provisions on offences and penalties relating to human trafficking. Article *433quinquies* of the Criminal Code is the main provision targeting human trafficking.¹⁴ The offences are punishable by a maximum and minimum penalty of imprisonment, which may vary depending on the existence of aggravating circumstances.



¹¹ Available at: <https://rm.coe.int/168008371d>.

¹² Available at: <https://rm.coe.int/greta-2017-26-frg-bel-en/1680782ae0>.

¹³ Available at: <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680630d0f>.

¹⁴ In Belgium, offences relating to modern slavery and sexual servitude are dealt with only on the federal level.

3.2. Modern Slavery Offenses Under the Criminal Code

3.2.1. General

Belgium adopted specific legislation targeting human trafficking in 1995.¹⁵ The law was amended in 2005 to adapt national legislation to the more recent international and European instruments that Belgium has adopted. The amendment made a clear distinction between trafficking in human beings, on the one hand, and smuggling in human beings, on the other hand. Those crimes are defined in the Criminal Code (new Article *433quinquies et seq.*) and in the Law of 15 December 1980 concerning Access to the Territory, Stay, Residence and the Removal of Foreigners (Article *77 bis et seq.*). In 2013, two Royal Decrees were adopted because of Directive 2011/36/EU¹⁶ to clarify and to extend the definition of human trafficking and to criminalize the exploitation of begging and prostitution and smuggling of human beings.

The two main provisions tackling human trafficking are Article *433quinquies* of the Criminal Code and Article *77 bis* of the Law of 15 December 1980 concerning Access to the Territory, Stay, Residence and the Removal of Foreigners.

According to Article *433quinquies* of the Criminal Code,

Trafficking in human beings is ... the act of recruiting, transporting, transferring, harboring or receiving a person, or taking or transferring control exercised over that person:

1. for the purpose of exploitation of prostitution or other forms of sexual exploitation;
2. for the purpose of exploitation of begging;
3. for the purpose of work or services in conditions contrary to human dignity;
4. for the purpose of exploitation through the removal of organs or human corporal material;
5. or for the purpose of making that person commit a crime or misdemeanor against [that person's] will.

This offence is punishable with a prison sentence of one to five years and a fine of EUR 500 to EUR 50,000.

To be a criminal offence, there must be an objective element (act) and a subjective element (intention). The exploitation need not have taken place, as acting with the intent to exploit is sufficient for the crime of human trafficking. Moreover, coercion is not a necessary component of the criminal offence of human trafficking under Belgian law, but it is an aggravating circumstance. The Criminal Code specifies different aggravating circumstances, such as human trafficking against minors, using coercion, or committed by an organized crime group. When these circumstances apply, the offence will be punishable by up to 20 years of imprisonment and a fine of maximum EUR 150,000¹⁷ (Article *433septies* and *octies*).¹⁸

¹⁵ See Law of 13 April 1995 containing provisions to combat trafficking of human beings and child pornography.

¹⁶ Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA.

¹⁷ According to Article 1 of the Law of 5 March 1952 on additional decimals on criminal fines, as modified by the Program-Law of 25 December 2016, the fines as from 1 January 2017 are multiplied by eight.

¹⁸ Available at: <https://www.caritasinternational.be/wp-content/uploads/2018/06/Handbook-Final-Version-EN.pdf?x49851>.

HUMAN TRAFFICKING PENALTIES IN BELGIUM	DURATION OF IMPRISONMENT	AMOUNT OF THE FINE
Human trafficking offence without aggravating circumstances	1 to 5 years	EUR 500 to EUR 50,000
Attempt	1 to 3 years	EUR 100 to EUR 10,000
The perpetrator committed the offence through an abuse of official authority	5 to 10 years	EUR 750 to EUR 75,000
The offence was committed against a minor or a person in a situation of vulnerability	10 to 15 years	EUR 1,000 to EUR 100,000
The offence caused the victim's death or was committed by a criminal organization	15 to 20 years	EUR 1,000 to EUR 150,000

Article 77 *bis* of the Law of 15 December 1980 concerning Access to the Territory, Stay, Residence and the Removal of Foreigners deals with smuggling, which is defined as:

“Any direct or indirect contribution to facilitate the entry, the transition or the establishment of any person who is not a national of a Member State of the European Union, in order for that person to obtain direct or indirect material benefits.”¹⁹

A “victim of an offence” is defined as any person having suffered damage (pecuniary, non-pecuniary, bodily injury) resulting from a criminal offence. Once identified, victims of smuggling are afforded certain rights (reflection period, assistance, residence permit) resulting from the Law concerning Access to the Territory, Stay, Residence and the Removal of Foreigners and the Circular of 26 September 2008 on the implementation of multidisciplinary cooperation concerning victims of human trafficking.

Smuggling is punishable by a maximum penalty of five years of imprisonment and a EUR 50,000 fine.

3.2.2. Extraterritorial application

Articles 433 *quinquies* and 77 *bis* have an extraterritorial scope and facilitate the prosecution of persons in Belgium regardless of where the conduct constituting an offence occurs.

The extraterritorial jurisdiction of Belgian courts (Article 10 *ter* of the preliminary title of the Criminal Procedure Code) extends to all forms of human trafficking and attempted human trafficking. The Belgian public prosecutor can prosecute a person in Belgium under Belgian law regardless of whether the conduct constituting the offence, or its consequences, occurred in Belgium.²⁰

¹⁹ Available at:

<https://dofi.ibz.be/sites/dvzoe/FR/Guidedesprocedures/Pages/Victime%20de%20la%20traite%20des%20%C3%AAtres%20humains%20et%20trafic%20des%20%C3%AAtres%20humains.aspx>.

²⁰ Available at: <https://www.myria.be/files/RATEH-2016-FR-P3-C1.pdf> at p. 73.

3.3. Modern Slavery-Like Offenses in Belgium’s Legal Order

3.3.1. *Servitude*

Article 433*quinquies* of the Criminal Code punishes forced labor and services with imprisonment of one to five years and a fine of EUR 500 to EUR 50,000. However, the notion of “servitude” as it exists in certain common law countries does not exist. Nonetheless, Belgium, as a member of the Convention for the Protection of Human Rights and Fundamental Freedoms, is bound by the European Court of Human Rights’ decisions.

Article 4 of the Convention states: “1... No one shall be held in slavery or servitude ...” In *Siliadin v. France* (§ 124), the Court interpreted the term “servitude” as meaning providing one’s services because of coercion. The use of coercion is similar to slavery.

The European Court defined servitude as any “particularly serious form of denial of freedom.” It includes “in addition to the obligation to perform certain services for others ... the obligation for the ‘serf’ to live on another person’s property and the impossibility of altering his condition.” (*Siliadin v. France*, § 123).

Due to the case law of the European Court of Human Rights, servitude in Belgium and all member states of the Council of Europe is an aggravated form of forced or compulsory labor. In fact, the fundamental features distinguishing servitude from forced or compulsory labor within the meaning of Article 4 of the Convention are:

- The victims’ feeling that their condition is permanent; and
- The situation is unlikely to change.

The Court underlined that domestic servitude is a specific offence, distinct from trafficking and exploitation, which involves a complex set of dynamics, including both overt and more subtle forms of coercion, to force compliance (*C.N. v. the United Kingdom*, § 80).²¹

3.3.2. *Forced labor*

Article 433*quinquies* of the Criminal Code prohibits any act intended “to submit a person to labor (or the provision of services) in conditions contrary to human dignity.” This broad definition does not require coercion (deemed an aggravating factor), which makes it theoretically applicable to a large number of situations, such as a simple violation of minimum wage obligations.

Over the years, Belgian courts have developed an impressive body of jurisprudence to shape the definition of forced labor as a human trafficking offence. The courts consider a number of factors: (i) no or very low remuneration; (ii) daily and weekly working hours (relative to the remuneration); (iii) non-declared labor; (iv) working conditions (working environment, nature of work, absence of workplace safety measures); (v) harassment; (vi) absence of work permit; and (vii) child labor, among others.

Generally, in Belgium, criminal organizations undertake human trafficking for the purpose of labor exploitation. Forced labor can be anywhere, but according to Europol, it is mostly found in horticulture, agriculture, construction, car-washes, hotels, restaurants, catering, and domestic work (diplomatic personnel).

²¹ Available at: https://www.echr.coe.int/documents/guide_art_4_eng.pdf at p. 7.

3.3.3. *Deceptive recruiting for labor or services*

The Belgian Criminal Code does not specify deceptive recruitment as a criminal offence. However, Article 433*quinquies* on forced labor and services is broad enough to cover such offences.

3.3.4. *Early and forced marriage*

A marriage is generally considered as forced when one of the two persons involved in the union has not given free and full consent. The Belgian Institute for the Equality of Women and Men has explained the conditions for forced marriage:

- This type of marriage results from physical or psychological pressure, the latter being far more subtle and difficult to detect;
- The practice of forced marriage is better explained through cultural data rather than specific racial, ethnic, or religious characteristics.

Although not expressly called out in Directive 2011/36 on human trafficking, preamble 11 to the Directive specifies that the definition of trafficking in human beings includes other conduct “such as illegal adoption or forced marriage.” Similarly, though the Belgian Criminal Code does not explicitly identify forced marriage as human trafficking, the courts have concluded that the broad scope of human trafficking also encompasses forced marriage (as a form of sexual exploitation).²²

Nonetheless, in Belgium, forced marriages are the subject of specific provisions, both on a civil and criminal level.

- Article 146*ter* of the Civil Code states that “there is no marriage either if the latter is entered into without the free consent of both spouses or if the consent of at least one of the spouses was given subject to violence or threats.” The forced marriage is invalid because there is no genuine consent. The spouses, any interested parties, or the public prosecutor may submit a request for the marriage’s annulment.
- Article 391*sexies* of the Criminal Code punishes anyone using violence or threats to force or attempt to force someone to enter into a marriage. The punishment includes three months to five years in prison and a fine of EUR 250 to EUR 5,000. An attempt to force is subject to a two-month to three-year prison sentence and a fine of EUR 125 to EUR 2,500.

3.3.5. *Debt bondage*

In debt bondage, the victim is obliged to work to pay off a debt, while not receiving anything in exchange for the performed tasks. The Belgian Criminal Code does not contain a provision specifically prohibiting debt bondage. However, Article 433*quinquies* on forced labor and services is broad enough to encompass such offences.

Debt bondage is common in prostitution. Female migrants are required to pay back their alleged debts by working as prostitutes. Debt bondage is one of the six indicators for human trafficking compiled by the International Labour Organization.²³

²² Available at: https://www.myria.be/files/Pages_from_Annual-report-2015-trafficking-and-smuggling-P1C1.pdf at p. 5

²³ Available at: <https://www.myria.be/files/Trafficking-report-2013.pdf> at p. 20.

3.3.6. Any other relevant offenses

Belgium has no other relevant modern slavery-like offences.

3.3.7. Extraterritorial application of the offenses

Refer to Section 3.2.2.

3.4. Human Trafficking/Smuggling-Related Offenses

3.4.1. International and domestic trafficking/smuggling of people

Article 77 *bis* of the Law of 15 December 1980 makes it an offence (punishable by a maximum penalty of five years of imprisonment or a EUR 50,000 fine) for a person to organize or facilitate directly or indirectly the irregular entry or transit of another person into the territory of the European Union or their residence in the European Union. This offence requires two conditions:

- The victim cannot be the national of any country member of the European Union (this might be a problem to prove because many victims of human smuggling are Romanian or Bulgarian nationals);
- The smugglers need to obtain a monetary benefit from their conduct.

Indicators that suggest human smuggling include: (i) the victim was concealed in difficult conditions (refrigerated trucks), (ii) the victim traveled and was lodged with the same group of persons staying illegally, (iii) the victim's official documents were confiscated,²⁴ (iv) the victim is in contact with unknown persons or is trying to make contact with people with whom the victim does not seem to have any connection, (v) the victim reports or suggests that the victim owes money or services to someone, and (vi) the victim attempts to leave or makes their intentions on leaving Belgium known.

3.4.2. International and domestic trafficking in children

Article 433*quater* of the Criminal Code and Article 77 *bis* of the Law of 15 December 1980 make it an offence (punishable by a maximum penalty of 15 years of imprisonment or a EUR 100,000 fine) for a person to organize or facilitate directly or indirectly the irregular entry or transit of another person into the territory of the European Union or their residence in the European Union when the trafficked person is under the age of 18.

Similar offences exist under the Criminal Code for domestic trafficking in children where a person organizes the transport of a child from one place in Belgium to another. The same maximum penalties that apply to international trafficking in children under the Criminal Code apply to domestic trafficking in children.

3.4.3. Victim harboring

Article 433*quinquies* of the Criminal Code defines the crime of human trafficking to include harboring of victims for the purpose of sexual exploitation, the exploitation of begging, the removal of organs, forcing persons to commit an offence against their will, and exploitation of forced labor.

²⁴ Available at:

http://www.aidealajeunesse.cfwb.be/index.php?eID=tx_nawsecuredl&u=0&g=0&hash=85fb503bc09b08a6cd11ddf02b1c1cb3474de&file=fileadmin/sites/ajss/upload/ajss_super_editor/DGAJ/Documents/Traite_Etres_humains/brochure_TEH_fiche_mineurs_fr_2_.pdf.

3.4.4. Extraterritorial application of human trafficking and smuggling offenses

Refer to Section 3.2.2.

3.4.5. International and domestic organ trafficking

The Law of the 22nd of May 2019 added a new paragraph explicitly related to organ trafficking to Article 433quinquies of the Criminal Code (punishable by a maximum penalty of five years of imprisonment or a EUR 50,000 fine). The voluntary acceptance by a recipient of an illegally obtained organ is also criminalized under this law. By that, the law aims to increase the responsibility of the recipient that financially supports organ trafficking. In addition, the extraterritorial jurisdiction of Belgian courts was extended to apply to organ trafficking.

3.5. Online Exploitation of Children Offenses

The Belgian Criminal Code does not specifically prohibit online exploitation. However, Article 433quinquies applies to exploitation by any means.

3.6. Child Sex Tourism Offenses

The Belgian Criminal Code does not specifically prohibit child sex tourism. However, Article 433quinquies applies extraterritorially and can thus be used to target child sex tourism. In fact, the Government identifies child sex tourism as a significant problem.²⁵

4. BELGIUM'S SUPPLY CHAIN REPORTING LEGISLATION

No supply chain reporting legislation obliges private businesses to control their supply chain to hinder human trafficking. Nonetheless, some initiatives do exist, at the EU and Belgian levels, that encourage companies to respect human rights when managing their supply chains.

First, according to the EU Directive 2014/95/EU regarding disclosure of non-financial and diversity information by certain large undertakings (implemented in Belgium by the Law of 3rd September 2017), some large companies must include in their management report a non-financial statement containing information relating, among other things, to their respect for human rights. This directive also introduces the notion of “due diligence” according to which large undertakings must adopt anticipatory measures to identify, prevent, and mitigate existing and potential adverse impacts. This “due diligence” obligation applies not only to the company itself, but also to its subsidiaries and supply chains.²⁶

Belgium developed its “National Action Plan on Business and Human Rights,” adopted on 23rd June 2017, in response to the European Commission’s call to Member States to draw up National Action Plans (NAPs) for the implementation of the UN Guiding Principles on Business and Human Rights (UNGPs).²⁷ The plan

²⁵ ECPAT Belgique (2016), « *La traite des enfants en Belgique. Identification et protection des victimes* ».

²⁶ Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32014L0095>.

²⁷ Available at:

https://www.sdgs.be/sites/default/files/publication/attachments/plan_daction_national_entreprises_et_droits_de_lhomme_2017.compressed.pdf; see also Organization for Security and Cooperation in Europe, Compendium of relevant reference materials and resources on ethical sourcing and prevention of trafficking in human beings for labour exploitation in supply chains, 2nd updated edition, (2020) at p. 19; available at: <chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.osce.org/files/f/documents/8/c/450769.pdf>.

also reaffirmed Belgium’s commitments to the OECD Guidelines for Multinational Enterprises and ILO instruments.²⁸ Some of these Belgian initiatives might help to prevent human trafficking:

- A Belgian product label aimed at promoting socially responsible production, was created by the Law of 27th February 2002. It permits companies to put the Belgian social label on products and services that comply with core labor standards all along the production chain.²⁹ Unfortunately, the success of this label has been very limited. Therefore, the Government has decided to re-evaluate this law to improve its efficacy.
- Corporate social responsibility (CSR) is increasingly embedded in the Belgian economic landscape. To evaluate the concrete progress made by Belgian companies (including respect for human rights), a CSR barometer, in which companies may participate on a voluntary basis, was published in 2011 and 2015.³⁰ The Federal Authority has decided to continue to support the publication of a CSR barometer every two years.
- The CSR Compass is another very useful tool to help companies comply with international guidelines for social responsibility in the supply chain. This tool includes useful advice, cases, templates, and links that are targeted at small and medium-sized enterprises.³¹ By highlighting child labor and forced work as the main issues, the portal addresses human rights.

5. FORCED LABOR: OVERVIEW OF BELGIUM’S APPLICABLE EMPLOYMENT AND MIGRATION LAWS

5.1. Employment Law Rights For Victims of Human Trafficking and Forced Labor

Belgian employment laws provide a number of civil mechanisms through which victims of forced labor and trafficking can seek civil remedies.

The Law of 12 April 1965 on the protection of Remuneration and the Law of 3 July 1978 on Employment Contracts both offer mechanisms to recover unpaid salaries. The first law defines remuneration, and the second obligates the employer to pay this remuneration. This opens the possibility for civil claims by victims of trafficking, notably also given that the Law of 12 April 1965 applies regardless of an employment agreement.³²

In Belgium, civil claims can be combined with the criminal proceedings so that the outcome of the criminal trial can be used in the civil claim. The criminal justice system is better equipped at handling trafficking cases given its broad investigative powers. Nonetheless, victims rarely ever file a claim on their own, possibly because they are not aware of their right to claim wages or they have an irregular status in Belgium.³³

²⁸ Available at: <https://globalnaps.org/country/belgium/>.

²⁹ Available at: <http://www.ilo.org/dyn/natlex/docs/ELECTRONIC/62186/88986/F1414593785/BEL-62186.pdf>.

³⁰ Available at: https://www.business.belgium.be/en/managing_your_business/sustainable_business.

³¹ Available at: <https://web.archive.org/web/20210623180931/https://www.csrcompass.com/>

³² Available at: <https://werk.belgie.be/nl/themas/verloning/loonbescherming>.

³³ Available at: https://fra.europa.eu/sites/default/files/fra_uploads/severe-labour-exploitation-country_be.pdf.

5.2. Applicability of Employment Legislation in the Context of Forced Labor or Trafficking

A victim of forced labor and trafficking is likely to fall under the applicable scope of the Law of 12 April 1965 if:³⁴

- There is an entitlement to remuneration originating in a “commitment.” Indeed, the law does not speak of “employment contract” but “commitment.” Therefore, the law has a very broad scope of application; and
- Remuneration is due as a result of work that was performed.

Victims who satisfy these requirements have two ways to bring employment claims against traffickers (or other beneficiaries of the forced labor): (i) enforcement of the employment agreement under Articles 5.69, 5.70, and 5.73 of the 5th Book of the Civil Code, and (ii) judicial resolution of the employment agreement under Article 25 of the Law of 3 July 1978. A court may terminate a contract of forced labor and also award damages proven by a worker.

Moreover, the non-payment of the remuneration is criminally punished, regardless of the existence of an employment contract. Based on Article 162 of the Belgian Social Criminal Code, the employer might be fined (either a criminal fine of EUR 500 maximum or an administrative fine of EUR 250 maximum).³⁵

5.3. Statutory Rights

Employees have statutory rights that serve as a basis for assessing whether a person is the subject of forced labor and for damage claims by victims of traffickers.

5.3.1. *Rights to minimum wages, entitlements, and other applicable minimum standards*

In Belgium, collective labor agreements concluded in joint committees (**CP**) and joint subcommittees of each profession set minimum wages. These agreements are binding on employers that are affiliated to such a joint committee. Any breach of this rule is punishable. A company can agree to pay a higher than minimum wage.³⁶

5.3.2. *Claims available in relation to misrepresentations and “sham” arrangements*

Belgian employment laws do not specifically address misrepresentations and “sham” arrangements.

5.3.3. *Claims available in relation to unlawful deductions, loans, and debt bondage*

Belgian employment laws do not specifically address unlawful deductions, loans, and debt bondage.

5.3.4. *Remedies*

Victims of trafficking who have not been paid minimum wages can bring a lawsuit in court to obtain payment of the outstanding wages with interest and damages.

³⁴ Available at: <https://werk.belgie.be/nl/themas/verloning/loonbescherming>.

³⁵ Cass., 17 juin 1996, J.T.T., 1996, p. 331, note C. WANTIEZ.

³⁶ Available at: <https://www.cgslb.be/fr/salaire-minimum>.

5.3.5. *The well-being of workers: Preventing work-related psychosocial risks*

The Code of wellness at the workplace contains all the implementing decrees of the Act of 4 August 1996 on well-being of workers in the performance of their work. It applies to every employer who employs workers in Belgium.³⁷

The Law of 4 August 1996 transposes into Belgian law the framework Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and the health of workers at work. Victims of human trafficking and smuggling can use this legislation as it applies to all employers in Belgium.

Under Article I. 3-1 of the Code of wellness at the workplace, the employer has a duty to undertake a risk assessment of the workplace, including situations that may lead to psychosocial problems at work. The assessment must take into account, among other things: the amount of stress generated at work, violence and moral or sexual harassment at work, dangers associated with the work organization, the working conditions, and interpersonal relationships at work.

5.3.6. *The well-being of workers: Promotion of workers' health*

Under Article I. 4-2 of the Code, the employer also has an obligation to monitor employees' health. The employer must take steps to prevent workplace risks. The employer must promote employment opportunities for everyone, including employees with limited physical abilities, take into account technical progress, guard against the risk of serious injury, and provide appropriate safety and health signs whenever risks cannot be avoided.³⁸

5.3.7. *The well-being of workers: Rest time*

Employers must give workers a rest break after six hours of working time. The duration and method of granting this break are fixed by collective labor agreements concluded in joint committees or by the company. In the absence of a collective agreement, the worker is granted a 15-minute break. Every worker is entitled to a break of at least 11 consecutive hours per 24-hour period, *i.e.*, between two daily performances of work.

5.3.8. *The well-being of workers: Freedom to change jobs and right to leave*

Belgian law gives workers freedom to change jobs and the right to leave. In accordance with the provisions of the Constitution, everyone has the right to work. Everyone is free to choose their profession. Workers are free to terminate their employment contracts provided they give notice.

5.4. **Rights to a Safe Workplace and Compensation Associated with Injuries or Illness**

The Law of 4 August 1996 requires employers to provide safe workplaces and compensation to workers who are injured in the course of their work. That law also provides for significant criminal sanctions (including, in severe cases, imprisonment) when workers are put in danger at work.

³⁷ Available at: <https://emploi.belgique.be/sites/default/files/content/documents/Bien-êtr%20au%20travail/Réglem%20entation/code2017.pdf>.

³⁸ Available at: <https://emploi.belgique.be/sites/default/files/content/documents/Bien-êtr%20au%20travail/Réglem%20entation/code2017.pdf>.

5.5. Access to Justice and Practical Issues Associated with Enforcing Social Legislation

Due to a number of significant practical barriers in the Belgian legal system, victims of forced labor or trafficking in Belgium rarely bring claims to exercise their rights.

While many victims of forced labor and trafficking in Belgium are likely to have strong claims, the vast majority of victims do not know about the legal assistance available to file such claims. Belgian employment law and litigation procedures are complex, and it is difficult for any layperson to commence proceedings without legal assistance. Language is a particular barrier.

Moreover, according to the FRANET Report of 2014, victims of human trafficking do not lodge complaints because they fear repatriation (in cases where victims are migrants). Indeed, migrant workers who file complaints with police or inspection bodies run a high risk that those institutions will check the workers' residential status.³⁹

In Belgium, the federal government, communities, and regions subsidize three centers serving victims of human trafficking.⁴⁰ These centers (PAG-ASA, PAYOKE and SÜRYA) offer advice, information, and support to victims within the legal framework of the Belgian protection procedure on a free and confidential basis.⁴¹

5.6. Interaction Between Employment Law and Migration

5.6.1. *Employment rights affected where employment is unlawful under migration law*

When the victims of forced labor are undocumented migrants, there is *per se* a breach of the legislation that regulates employment. Article 183/1 of the Social Criminal Code makes it illegal to perform any work without a valid resident permit. In case of breach, this provision may subject the worker to a EUR 100 maximum fine. Nonetheless, victims of forced labor or human trafficking might be exempt from this criminal sanction.⁴²

5.6.2. *Rights/remedies available under applicable migration law and regulations*

Refer to Section 7.

5.7. Employment Laws and Child Labor

The exploitation of child labor is a crime. The federal Law on Child Labor of 5 August 1992 prohibits children from working other than as part of their education and prohibits work that could harm their well-being. Exemptions allow children to work as singers, actors, or models.

³⁹ FRANET Report on supporting victims of severe forms of labor exploitation in having access to justice in EU Member States, Belgium, 2014, p. 44; available at: https://fra.europa.eu/sites/default/files/fra_uploads/severe-labour-exploitation-country_be.pdf.

⁴⁰ Available at: <https://www.stophumantrafficking.be/>.

⁴¹ For more details, refer to Section 7.3.: Statutory Support System.

⁴² See Article 433quinquies §5 of the Criminal Code.

Cases of child labor are rare. The couple of reported cases concerned children unlawfully working in their parent’s shop or restaurant.⁴³

6. GOVERNMENT PROCUREMENT RULES

6.1. Overview

Procurement at the federal and regional levels of government is subject to various rules and procedures that indirectly interact with issues related to forced labor, modern slavery, and human trafficking. Belgium has been pursuing a responsible purchasing policy, paying particular respect to the Conventions of the International Labour Organization. In connection with the National Action Plan on Business and Human Rights adopted in 2017, the working group of the Interdepartmental Commission for Sustainable Development (CIDD) has reported the different initiatives taken by the federal and regional governments regarding the control and respect of human rights in public procurements.

6.2. Federal Procurement Rules and Action Plan

The Sustainable Public Procurement working group of the CIDD has authority to examine how to strengthen and optimize the protection of human rights in the purchasing policy of the Public Authority. The working group must deliver a series of proposals with a particular emphasis on risk sectors, such as the clothing industry.

Moreover, on 30 June 2017, a new regulation on procurement contracts came into force in Belgium.⁴⁴ Implementing European directives, this regulation requires, contractors to ensure that their subcontractors respect their human rights obligations regarding, among other things, child labor, human trafficking, and employment of illegal migrant workers.⁴⁵

6.3. Flemish Region Public Procurement Rules and Action Plan

On 29 January 2016, the Flemish Government approved the Flemish Public Procurement Plan for the period 2016-2020. It mainly focuses on innovation, sustainability, and professionalization.

The Flemish Government plans to use public procurement contracts as a tool to accomplish its political objectives; one of those objectives is the reduction of human rights violations in the production chain, particularly in the clothing industry.

6.4. Walloon Region Public Procurement Rules and Action Plan

The Public Service of Wallonia, which participates in the Sustainable Public Procurement working group of the CIDD, has also committed to identify avenues for optimizing the integration of human rights into the purchasing policy of the Public Authority.

Since January 2009, there has been a public procurement portal for the Walloon Region and the French Community (*Fédération Wallonie-Bruxelles*). This website has a number of tools to promote the use of environmental, social, and ethical criteria in the public procurement procedures.

⁴³ Available at: https://fra.europa.eu/sites/default/files/fra_uploads/severe-labour-exploitation-country_be.pdf at p. 18.

⁴⁴ See the Law of 17 June 2016 on procurement contracts, *Belgian Official Gazette*, 14 July 2016.

⁴⁵ Available at: <https://www.myria.be/files/RATEH-EN-2018-DEF.pdf> at p. 88; Article 67 § 1 of the Law of 17 June 2016.

6.5. Brussels-Capital Region Public Procurement Rules and Action Plan

On 8 May 2014, the Brussels-Capital Region adopted legislation that encourages the use of environmental and ethical clauses in the public procurement contracts of regional and municipal authorities.⁴⁶ Ethical clauses to respect human rights and social equity may condition the award of the public procurement.⁴⁷

7. RESTITUTION AND VICTIM COMPENSATION

7.1. Judicial Process

In Belgium, victims of human trafficking have several remedies to obtain compensation for their injuries. The first of these is to institute civil proceedings before the criminal court judge during the trial of the alleged perpetrator of the trafficking offence, claiming pecuniary and non-pecuniary damages. Victims who do not institute civil proceedings before the criminal court judge may make a separate civil application, but the civil procedure will be suspended until the criminal court judge has ruled definitively on the public prosecution. The Criminal Code (Article 43) permits confiscation of the perpetrators' assets, and Article 524 *bis* of the Code of Criminal Investigation allows prosecutors to request a financial investigation into the perpetrators' property. This financial investigation is important as it may allow courts to find and confiscate property that later can be used to compensate victims.⁴⁸

7.2. The Fund for Financial Aid for Victims of Intentional Acts of Violence and Incidental Rescuers

Perpetrators of a human trafficking offence are often insolvent or make themselves insolvent, so that the victim cannot obtain compensation from them. Human trafficking victims can turn to the Fund for financial aid for victims of intentional acts of violence and incidental rescuers, established by the Law of 1st August 1985,⁴⁹ via an application for aid lodged with the Commission for financial aid for victims of intentional acts of violence and incidental rescuers (**Aid Commission**).⁵⁰

To access this financial aid, victims of trafficking must demonstrate that an intentional act of violence has been committed against them in Belgium, that they have suffered grave physical or mental damage, and that the damage was the direct consequence of the act of violence.⁵¹

The Aid Commission grants three types of aid: principal aid, requiring the victim to await the completion of the investigation or criminal proceedings and then launch a civil lawsuit; emergency aid, which victims may request as soon as the civil claim is filed; and supplementary aid, in the case of damage subsequently becoming more serious.

⁴⁶ *Ordonnance du 8 mai 2014 relative à l'inclusion de clauses sociales dans les marchés publics.*

⁴⁷ Available at: https://www.sdgs.be/sites/default/files/publication/attachments/20170720_plan_bs_hr_fr.pdf at pp. 33–35.

⁴⁸ GRETA Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Belgium, Second evaluation round, 7 July 2017, § 154.

⁴⁹ See Article 28 *et seq.* of the Law of 1st August 1985 on fiscal measures and others, *Moniteur Belge* [Belgian Official Gazette], 6 August 1985.

⁵⁰ GRETA Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Belgium, First evaluation round, 25 September 2013, §§ 179–182.

⁵¹ See Article 31 and 31 *bis* of the Law.

The Belgian authorities do not consider this financial aid as replacing compensation, because the conditions for obtaining the aid do not always exist, such as in the case of human trafficking for the purpose of economic exploitation. Of course, workers can claim to recover unpaid wages from their employers.⁵² An employer who gives work to foreign nationals irregularly present in Belgium under a work contract is bound to pay them salaries equivalent to those paid to legally employed people.

This financial aid is available to victims who obtain an indefinite residence permit owing to their trafficking victim status and to illegal migrants who are victims of an intentional act of violence.⁵³

7.3. Statutory Support System

At the end of 2008, the essential victim protection scheme was integrated into a new ministerial circular.⁵⁴ This circular defines the procedures for the identification, referral, reception, and assistance of potential victims of human trafficking and victims of more serious kinds of human smuggling. The circular also sets the conditions for obtaining victim status.

The current system is designed to meet two different requirements: 1) offer victims a series of aid and assistance measures; and 2) combat persons and networks involved in human trafficking. To achieve the second goal, it is essential for the victim to cooperate.

The victim protection scheme covers all forms of exploitation in human trafficking.

The status of victim of human trafficking can be granted either to foreign nationals or to nationals of the Member States of the European Union.⁵⁵ The status of victim of human smuggling under aggravating circumstances can be granted only to foreign nationals.⁵⁶

To acquire victim status, a person must satisfy three conditions:

- The potential victim must leave the person or the network that committed the criminal offense;
- The potential victim must be under the responsibility of an approved reception center specializing in the reception and assistance of victims of human trafficking; and
- The potential victim must file a complaint or make a statement against the person or the network that committed the trafficking offense.

Potential victims of trafficking are granted a reflection period of 45 days during which time they can file a complaint, make a statement, or decide to return to their home country. During that period, the victim has access to social assistance. After that period of time, any victim who decides to file a complaint or make a statement is granted the special status of “victim of human trafficking,” and thus has access to the various forms of aid provided within this framework. Testimony in court proceedings is not a condition for a victim to be granted the status of “victim of trafficking in human beings.”

⁵² GRETA Report, 7 July 2017, § 151.

⁵³ GRETA Report, 25 September 2013, § 182.

⁵⁴ Circular of 26 September 2008 on the introduction of a multidisciplinary cooperation as regards the victims of trafficking in human beings and/or of certain more serious kinds of smuggling in human beings, *Belgian Official Gazette*, 31 October 2008.

⁵⁵ The process of granting the status of victim of human trafficking in Belgium is detailed on the website of the Belgian Federal Migration Centre, available at: <https://www.myria.be/en/traff-and-smuggling/victim-status>.

⁵⁶ Available at: https://ec.europa.eu/anti-trafficking/member-states/belgium_en.

Victims may obtain permanent residency after their traffickers have been sentenced. Victims also can obtain an unlimited residence permit without the conviction of the trafficker(s), provided that the Public Prosecutor or the Labor Auditor has established in their charges the offence of trafficking in human beings. Nevertheless, if the traffickers are not convicted, victims may in some cases have to return to their country of origin, after a review by the immigration authorities.

Since 1995, three specialized centers have been given recognition as reception centers for providing shelter and assistance to victims of trafficking and smuggling in human beings. These are called: Pag-Asa (located in Brussels), Sürya (located in Liège, in the Walloon Region), and Payoke (located in Antwerp, in the Flemish Region).

The main role of those centers is to provide care and psychological, medical, and legal assistance. They are the only institutions competent for requesting residence permits or their renewal with the Immigration Office. They also can start legal actions on behalf of victims of human trafficking and human smuggling.

For unaccompanied minor victims of human trafficking, a series of special measures have been developed. They are provided care and assistance in specific centers.

8. BELGIUM'S MULTIDISCIPLINARY/INTERAGENCY COOPERATION APPROACH

8.1. Overview

In Belgium, the most notable legal instrument, which introduces a multidisciplinary cooperation approach regarding human trafficking, is the Circular of 26 September 2008 on the implementation of multidisciplinary cooperation concerning victims of trafficking in human beings and/or certain aggravated forms of trafficking in human beings. Therefore, private entities do not have to report on modern slavery issues.

8.2. National Institutional Coordination

8.2.1. *Interdepartmental Coordination Unit for the fight against smuggling and trafficking in human beings*

The Interdepartmental Coordination Unit (**Unit**) is the main coordinating body in Belgium for policy in the field of human trafficking and smuggling. The Unit is chaired by a representative of the Minister of Justice or the Minister himself. Other members of the Unit include the Prime Minister, the Minister of Labor and Social Affairs, the Minister of Home Affairs, the federal attorney general, and representatives from the social security administrations, the College of public prosecutors, Child Focus, and several reception centers for asylum seekers. Despite their limited jurisdiction in the field of human trafficking and smuggling, the communities were included to strengthen the coordination process.

The Unit has the competence *first*, to facilitate coordination and efficient information transmission between all those actors and *second*, to critically assess the results of the fight against human trafficking and smuggling and to collaborate on proposals and policy recommendations in this area.⁵⁷

⁵⁷ Available at: http://www.dsb-spc.be/doc/pdf/BRO_MH_BELGIE_FR_2014.pdf.

8.2.2. Reference magistrates

In each judicial district, one reference magistrate is responsible for directing and monitoring investigations about trafficking and smuggling in their district. They also serve as a point of contact for other stakeholders (other reference magistrates, police, and reception centers for asylum seekers).⁵⁸

8.2.3. Criminal Policy Service

The Criminal Policy Service (**CPS**) is affiliated with the Ministry of Justice. The CPS reports on the evolution of crime and forms proposals to guide criminal policy, to rationalize research and prosecution policy, and to harmonize prevention, enforcement, and implementation of sentences. The CPS administers the permanent office of the Interdepartmental Coordination Unit.

The CPS has several responsibilities for the Unit:

- Assessing the evolution of objectives set in the Circular of 26 September 2008 on the implementation of multidisciplinary cooperation concerning victims of trafficking in human beings and/or certain aggravated forms of trafficking in human beings;
- Drafting the biennial report of the Government concerning human trafficking and smuggling. This document includes all the initiatives taken by the ministerial departments and the actors involved in this area;
- Organizing a study day that brings together magistrates, civil servants, and police agents in charge of this area. This study day aims to stimulate the exchange of information and experiences; and
- Evaluating the Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims.

8.2.4. Federal Centre for Migration for the analysis of migration flows or Myria

The missions of the Federal Centre for Migration in the area of trafficking and smuggling of human beings are:⁵⁹

- Drafting an annual, independent, and public report evaluating the results of the fight against human trafficking and smuggling. This report is transmitted to the federal government, parliament, and all relevant partners;
- Monitoring the collaboration between the three specialized reception centers for victims (Pag-asa, Sürya, and Payoke);
- Engaging in legal proceedings related to human trafficking and smuggling; and
- Acting as the secretary for the Interdepartmental Coordination Unit.

8.2.5. Federal judicial police's central office of human trafficking

This body operates under the authority of the Ministry of Home Affairs. It offers support to local and federal police agents in their fight against trafficking in human beings, including the fight against the production and spread of child pornography. This support covers field assistance, the collection and the dissemination

⁵⁸ Available at: <https://www.myria.be/files/Traite-rapport-2015-recommandations.pdf>.

⁵⁹ Available at: <https://www.myria.be/en/about-myria>.

of good practices, the formulation of advice, the establishment of links between the different Belgian investigations and international contacts, facilitation of foreign contacts, and specialized support.

The central office is the police point of contact for organizations wishing to obtain police-related information on human trafficking and smuggling. It also publishes a best practices guide for investigations, controls, and research methods.

The central office trains novice police officers and even specialized investigators on human trafficking and smuggling. The office also drafts the newsletter “smuggling and trafficking of human beings,” among others, to the attention of the reference magistrate. It is the main point of contact for Belgian police agents, the federal attorney general, Interpol, Europol, different international organizations, and foreign police services with respect to human trafficking and smuggling in Belgium.

8.2.6. Immigration office

The immigration office is a public administration attached to the Ministry of Home Affairs. It is composed of four internal units:

- The Unaccompanied Minors and Victims of Human Trafficking Unit which ensures the examination and the follow-up of the administrative files for these two categories of people and delivers residence documents;
- The Investigation Unit which is responsible for the collection and centralization of all information and problems related to illegal immigration, trafficking, and human trafficking;
- The Judicial Unit which is responsible for the operational and administrative support in the field for police and inspection; and
- The Hearing Unit which is responsible for interviewing and informing foreigners of their potential status as victim.

8.2.7. Social inspection services

This body is attached to the Ministry of Labor and Social Affairs. The social inspection services are crucial in the fight against human trafficking and smuggling in Belgium. These services carry out targeted checks, mainly in risk sectors such as prostitution areas, exotic restaurants, agriculture, horticulture, clothing workshops, and construction.⁶⁰

These inspection services check compliance with social legislation, particularly social documents, working conditions, remuneration, and occupation of foreign workers. They inspect whether the workers are correctly declared to social security and whether the employer has taken out accident insurance. The absence of those formalities is a sign of human trafficking. In this way, the social inspection services contribute to the detection of human trafficking cases.

8.2.8. Ministry of Foreign Affairs

The Ministry of Foreign Affairs has a section called “Trafficking in human beings.” Its main focus is to ensure collaboration between the services and diplomatic posts, implementation of governmental policy to prevent human trafficking and smuggling, and information exchange. It contributes to Belgium’s participation in the work of international organizations fighting against human trafficking and smuggling.

⁶⁰ Available at: <https://news.belgium.be/fr/les-services-dinspection-sociale-et-de-police-cooperent-pour-detecter-lexploitation-economique>.

8.2.9. *College of Public Prosecutors*

The College of Public Prosecutors is under the authority of the Minister of Justice. Its role is to develop and coordinate criminal policy and to ensure the proper functioning of the public prosecution service. Each Attorney General has some specific assignments. Trafficking in human beings has been entrusted to the Prosecutor General of Liège.

8.2.10. *Federal Attorney General*

The Federal Attorney General (**FAG**) has authority over the entire country and also some international functions. The fight against human trafficking and smuggling is a national security priority, and the legislature has assigned that responsibility to the FAG Office.

At the national level, the FAG coordinates the prosecution of all matters, including human trafficking and smuggling. The federal prosecutor's intervention aims to facilitate the circulation and exchange of information between the various prosecution services, investigating judges, and police. At the international level, the federal prosecutor's mission is to facilitate international cooperation, given the cross-border nature of human trafficking and smuggling.

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