



TRAFFICKING IN HUMAN BEINGS FOR EXPLOITATION IN BEGGING: THE BELGIAN EXPERIENCE

Symposium organised by KOK

Berlin, 25 and 26 October 2018

Content

1. Myria
2. Legal and policy framework
3. Data
4. Overview of the phenomenon, cases and jurisprudence
5. How to approach THB for exploitation in begging?

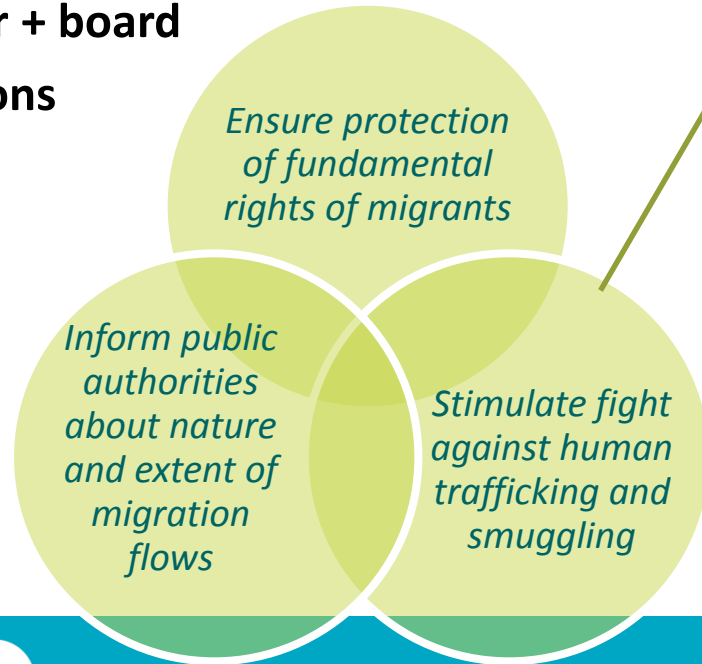
1. Myria

Myria

INDEPENDENT PUBLIC BODY

ESTABLISHED BY AN ACT OF PARLIAMENT (15 February 1993, modified on 17 August 2013)

- **Director + board**
- **3 missions**



- **Independent National Rapporteur on THB**
(officially: September 2014, before: “de facto”)
- **Evaluation of policy implementation**
- **Not coordinating**
→ role of Interdepartmental coordination platform (Myria is a member → complementary role)

Role of Myria in THB

TO STIMULATE THE FIGHT AGAINST THB

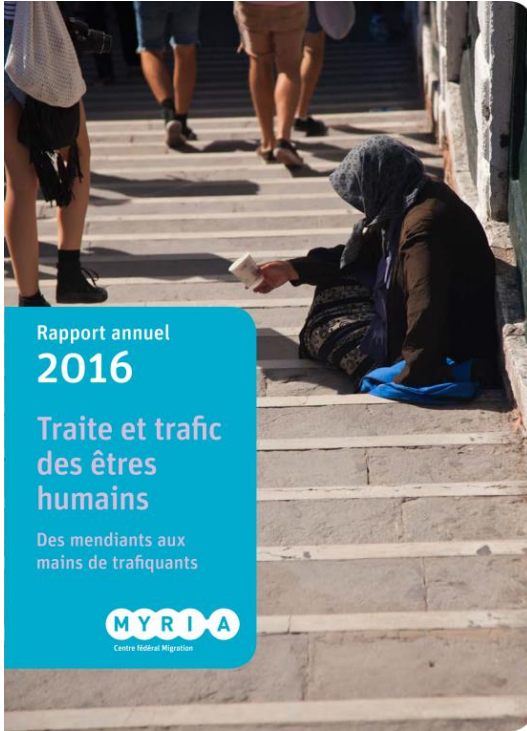
- Main tool: **Annual evaluation report** on the evolution and results of the fight against THB
 - Independent and public, submitted to the government/Parliament + actors in the field
 - Evaluation (through case studies and interviews of actors in the field)
- **Legal proceedings**
- **Secretariat of the Interdepartmental coordination unit** for the fight against THB and smuggling
- Ensure good collaboration between 3 specialized centres for victims

THB Report

2016 FOCUS « BEGGARS IN THE HANDS OF TRAFFICKERS »

RECURRENT PART

- Evolutions legal and policy framework
- Case analysis
- Case law overview
- Key figures and statistics
- Recommendations



2. Legal and policy framework

Begging

BEGGING AS SUCH NOT PUNISHABLE BY LAW (CANNOT BE PROHIBITED)

BUT

- Municipalities sometimes prohibit or control it
 - On the basis of their police powers
 - Public order, safety and health,...
- Punishable
 - Trafficking for exploitation in begging

Definition of THB in penal code

ART 433 QUINQUIES CRIMINAL CODE

ACTION

“The recruitment, transport, transfer, harbouring or receipt of persons, taking or transferring the control exercised on the person concerned ...”

With the PURPOSE OF EXPLOITATION

- Exploitation of **prostitution** or other forms of sexual exploitation
- Exploitation of **begging**
- For the purpose of work or services, in circumstances contrary to human dignity = **labour exploitation**
- Removal of **organs** from that person
- To **force** that person **to commit a crime** or an offence against his will

MEANS : abuse of vulnerability, violence, threats, ... → aggravating circumstances

Protection and assistance of VOT's

VICTIM'S STATUS: ART. 61/2-61/5 LAW 15 DECEMBER 1980 ON FOREIGNERS

→ EU and non EU, adults and children

Conditions

- Break off all contact with traffickers
- Cooperate with judicial authorities (reflection period)
- Accept assistance and support from a specialised reception centre

Several stages: parallel to judicial procedure

Victim's rights

- Social allowance (from beginning)
- Right to work (from collaboration)

End of judicial procedure: permanent residence permit

Protection and assistance of VOT's

MINISTERIAL CIRCULAR 23 DECEMBER 2016 (REPLACES 2008 CIRCULAR)

NATIONAL REFERRAL MECHANISM → MULTIDISCIPLINARY COOPERATION

- Between: → Police
→ Justice (prosecutors)
→ Specialised shelters
→ Immigration Office
- Detection and identification of potential victims (inform and refer)
- Referral for assistance and support
- Specialisation
 - Specialised front line services (police, labour inspectors)
 - Specialised prosecutors
 - Specialised shelters

Protection and assistance of VOT's

3 SPECIALISED CENTRES, APPROVED AND FUNDED BY PUBLIC AUTHORITIES

SHELTER IF NEEDED (SECRET ADDRESS)

VICTIM ASSISTANCE: 3 TYPES

- **Psychosocial and medical**
 - Integration: life project in Belgium, help for language course, job search,...
 - Voluntary return to country of origin (IOM)
- **Legal:** information, lawyer, criminal procedure and compensation
- **Administrative:** residence documents → immigration office

3. Data

Cases submitted to public prosecutor's offices (2017)

	THB begging	THB sexual	THB labour	THB forced criminality	TOTAL
BELGIUM	18	176	116	18	328
	5%	54%	35%	5%	100%

Cases closed without further action (08/01/2018)

	THB begging	THB sexual	THB labour	THB forced criminality	TOTAL
BELGIUM	10	43	19	8	80
	56%	24 %	16%	44%	24%

New support initiated for VOT's by specialised shelters

	THB begging	THB sexual	THB labour	THB forced criminality	TOTAL
2013	1	42	90	0	133
2014	11	48	96	1	156
2015	4	55	74	2	135
2016	1	56	68	7	132
2017	0	59	61	0	120
TOTAL	17	260	389	10	676

4. Overview of phenomenon, cases and jurisprudence

Overview of phenomenon: few cases THB

UNDERESTIMATED PHENOMENON + TWO TYPES OF FILES

Adults

- Victims: Adult disabled Roma victims
- Criminal proceeds: 1 file close to EUR 40.000 in 14 months
- Small family groups of Roma origin with considerable international mobility
- Avoid contact with local support organisations

Children: mixture of different forms of exploitation

- Begging as only visible activity
 - In the background: forced criminality, sexual exploitation
 - International criminal networks
- Minority Roma family groups from certain regions in Eastern Europe

CASE 1 (Brussels)

THB FOR EXPLOITATION IN BEGGING OF DISABLED BEGGARS (adults) in Brussels in 2011-2012

- 4 suspects
- 3 victims (+ other non identified)

CONVICTION

- In absentia by Criminal court of Brussels, 3 March 2015
- Confirmed by Criminal court of Brussels, 19 May 2016
→ In the presence of accused, final conviction

MYRIA CIVIL CLAIMANT

Case Brussels (1/3)

OPENING THE CASE: BY LOCAL POLICE

First findings → Disabled beggars on different busy public places

Warrant issued by investigative judge

- Special observation measures
- Evidence
 - Hand over earnings
 - All suspects live at same address, with victims

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VERBODEN
TOEGANG
AUGUST 2014

BUS



Schaarbee
Beyerswijk

RICARD















Case Brussels (2/3)

INVESTIGATION

Phone investigation

Both suspects and victims have a mobilephone

- Regular contact between them
- Suspects move to different begging places

Travel movements → Information from Romanian travel agencies and airline companies

Financial investigation → Money transfers

House searches

- Suspects and victims
- Bookkeeping earnings
- Money

Case Brussels (3/3)

HEARINGS

Victims and suspects

- Family?
- Solidarity within Roma community?

CONVICTION THB

- 44 months (half suspended) + 6,000 EUR fine
- Confiscations
- 1 euro symbolic to Myria

CASE 2 (Ghent)

THB FOR EXPLOITATION IN BEGGING WITH CHILDREN

+ FORCED CRIMINALITY

+ SEXUAL EXPLOITATION OF MINORS (GHENT, 2014)

→ 3 suspects

→ 9 victims

Acquittal by Criminal court of Ghent, 19 November 2014

→ Confirmed by Court of appeal, Ghent, 14 april 2015

Case Ghent (1/3)

SUSPECTS (3) PROSECUTED FOR

- THB exploitation in begging
- THB sexual exploitation
- 1 (rape)
- Aggravating circumstances
 - Minority
 - Abuse of vulnerable situation
 - Criminal organisation
 - ...

VICTIMS

- Romanian: some are minors
- Brought to Belgium by defendants with false promises

Case Ghent (2/3)

OPENING OF THE CASE: DECLARATIONS OF VICTIMS

- 9 Romanian Roma victims
- Filled in complaint for human trafficking through the Romanian embassy
- Group has to beg and sometimes steal for the suspects

VICTIMS DECLARATIONS

- Dropped off by minibus at different sites in Ghent and other cities to beg:
 - Day earnings taken by defendants: between 10 and 517 euros/day
 - Threats if earnings are too little
 - Minor raped and forced into prostitution
 - Very precarious living conditions
- ✓ 10 hours/day
 - ✓ Against their will
 - ✓ Under control

Case Ghent (3/3)

VICTIMS STATUS AND ASSISTANCE

- Victims referred to **specialised shelters**
- Minor referred to **shelter for unaccompanied foreign minors**

INVESTIGATION

- Thefts
- Phone investigation
- House searches
- Declarations of suspects and acquaintances
- Financial investigation

ACQUITTAL (LACK OF EVIDENCE → DOUBT)

- **No investigation** of the way victims were **recruited in Romania**
- **Significant amounts of money transferred** to Romania (10.000 EUR) vs. no income. But transfers before suspected period
- **No evidence** of modus operandi of giving all earnings
- **Contradictory statements** by suspects and victims
- **No objective element** regarding forced **prostitution**

CASE 3 (Brabant)

CONVICTION THB: CRIMINAL COURT OF NIVELLES, 25 JANUARY 2013 (FINAL)

- 1 defendant
- 3 victims (2 civil parties)
- 1 shelter civil claimant

Case Brabant

CONVICTION THB AND EXPLOITATION OF BEGGING

- Recruitment of disabled compatriots in institution in Slovakia
- Lodging in his house
- Dropping off and fetching on parkings
- Confiscation of earnings of victims + social benefits from Slovakia

AGGRAVATING CIRCUMSTANCES → usual activity, coercion and deceit

FILE

- Victim declarations
- + Police reports
- + International police information (Germany, Slovenia)
- + large sum of money found in defendant's possession

SENTENCES → 6 years imprisonment + 30.000 euros fine

COMPENSATION civil claimants

5. How to better approach THB for exploitation in begging?

Awareness-raising and training

INTERNAL DIVERSITY WITHIN ROMA COMMUNITIES

- Very heterogeneous Roma community
- Majority *not* implicated in begging
- Roma do not beg massively: hundreds in Brussels, survival strategy → social response
- Powerful loyalty: consequence on attitude towards exploiter → relationship of dependence
- Reluctant to make declarations to the police

POINTS OF ATTENTION :

- Indicators THB: beggars = presumed THB victims and not source of nuisance
- Gain trust through specialised shelter

Criminal aspect: investigations

DETECTION: CORRECT PERCEPTION

- Harmonisation verbalisation of facts linked with begging
- Key threads ?
- Detailed police reports (minors, money transfer)

START AND APPROACH OF INVESTIGATION

- Observation (money transfers)
- Means of transport and control of victims (international?)
- Financial investigation (criminal profits)
- International cooperation

COURT

- Police report on cultural context and dependency of victims (vs. voodoo)

Thank you for your attention!

www.myria.be/en

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