



Committee of the Parties to the Council of Europe Convention on Action against Trafficking in Human Beings

Recommendation CP(2018)4 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Belgium

*adopted at the 22nd meeting of the Committee of the Parties
on 9 February 2018*

The Committee of the Parties to the Council of Europe Convention on Action against Trafficking in Human Beings (hereinafter referred to as "the Convention"), acting under the terms of Article 38(7) of the Convention;

Having regard to the purposes of the Convention to prevent and combat trafficking in human beings, while guaranteeing gender equality, protect the human rights of victims of trafficking, design a comprehensive framework for the protection and assistance of victims and witnesses, ensure the effective investigation and prosecution of the offences related to trafficking in human beings, and promote international co-operation;

Bearing in mind the provisions of Article 36(1) of the Convention concerning the monitoring role of the Group of Experts on Action against Trafficking in Human Beings (GRETA) in the implementation of the Convention;

Having regard to the Rules of Procedure of the Committee of the Parties;

Having regard to the instrument of ratification deposited by Belgium on 27 April 2009;

Recalling Committee of the Parties' Recommendation CP(2013)8 of 7 October 2013 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Belgium and the report of the Belgian authorities on measures taken to comply with this recommendation, submitted on 7 October 2015;

Having examined the second report concerning the implementation of the Convention by Belgium adopted by GRETA at its 29th meeting (3-7 July 2017), as well as the comments of the Belgian Government received on 23 October 2017;

1. Welcomes the progress made since the first round of evaluation in the following areas:
 - the further development of the legal framework for combating trafficking in human beings, by increasing the penalties and expanding the list of aggravating circumstances for committing human trafficking, as well as the adoption of a new joint circular on the fight against human trafficking by the Bench of Public Prosecutors and the Minister of Justice;
 - the inclusion of representatives of the three NGOs running specialised centres for victims of trafficking in the Inter-departmental Unit for Action against Trafficking in and Smuggling of Human Beings;
 - the detailed analytical reports published by the Federal Migration Centre (MYRIA) in its role as national rapporteur;

- the steps taken to provide training to a wide range of professionals, including staff working with unaccompanied foreign children, and to promote a multi-stakeholder approach to training;
- the updating of the multi-disciplinary co-operation circular on the identification and referral of victims of trafficking and the attention paid to improving the identification of victims of trafficking among asylum seekers;
- the efforts made to achieve a consistent criminal policy response to human trafficking and to ensure that human trafficking cases are investigated proactively, including financial investigations, prosecuted successfully and lead to effective, proportionate and dissuasive sanctions;
- the strong engagement in the area of international co-operation and the close co-operation established between public bodies and non-state actors in the field of action against human trafficking.

2. Recommends that the Belgian authorities take measures to address the following issues for immediate action identified in GRETA's report:

- develop and maintain a comprehensive and coherent statistical system on trafficking in human beings by compiling reliable statistical data on measures to protect and promote the rights of victims as well as on the investigation, prosecution and adjudication of human trafficking cases. Statistics regarding victims should be collected from all main actors, including reception centres for asylum seekers, be harmonised and allow disaggregation concerning sex, age, type of exploitation, country of origin and/or destination. This should be accompanied by all the necessary measures to ensure the right of data subjects to personal data protection, including when NGOs working with victims of trafficking are asked to provide information for the national database;
- enhance their efforts in the area of prevention of child trafficking, by paying increased attention to unaccompanied and separated children arriving in Belgium, ensuring that the State meets its obligation to provide a protective environment for them, including by appointing legal guardians for such children, and continuing to train frontline professionals working with children;
- secure adequate funding for the specialised reception centres for victims of trafficking in order to ensure their unimpeded operation and the provision of all assistance measures envisaged in Article 12 of the Convention;
- take further steps to proactively identify child victims, and in particular:
 - enhance the training provided to frontline professionals, including police officers, social workers, staff of youth assistance services, legal guardians and juvenile judges;
 - ensure that relevant actors take a proactive approach and increase their outreach work to identify child victims of trafficking, by paying particular attention to migrant children and unaccompanied foreign children;
 - take steps to address the problem of unaccompanied children disappearing by providing suitable safe accommodation and adequately trained supervisors or foster parents;
 - ensure the timely provision of interpretation services and the appointment of lawyers to represent the interests of child victims;
 - secure adequate funding for the provision of services adapted to the needs of child victims of trafficking and long-term monitoring of their recovery and reintegration;
- ensure that victims of trafficking have access to State compensation regardless of the means used against them;

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- discontinue the practice of face-to-face cross-examination of victims and suspected traffickers in court and adopt alternative procedures which avoid direct contact, such as video conferences.
3. Requests the Government of Belgium to report to the Committee of the Parties on the measures taken to improve the implementation of the Convention in the above-mentioned areas by 9 February 2019.
 4. Recommends that the Government of Belgium take measures to implement the further conclusions of GRETA's second evaluation report.
 5. Invites the Government of Belgium to continue the dialogue in progress with GRETA and to keep GRETA regularly informed of the measures taken in response to GRETA's conclusions.