



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

**Recommendation CP/Rec(2022)08  
on the implementation of the Council of Europe Convention  
on Action against Trafficking in Human Beings  
by Belgium**

*adopted at the 31st meeting of the Committee of the Parties  
on 25 November 2022*

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(2018)4 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 15 March 2019;

Having examined the third report concerning the implementation of the Convention by Belgium, adopted by GRETA at its 44th meeting (27 June - 1 July 2022), as well as the comments of the Belgian Government received on 6 October 2022;

Bearing in mind the focus of the third evaluation round of the Convention on access to justice and effective remedies for victims of trafficking;

Considering the conclusions and proposals contained in Appendix I of GRETA's third report on topics related to the third evaluation round and follow-up topics specific to Belgium;

Welcoming the measures taken and progress achieved by the Belgian authorities in implementing the Convention, and in particular:

- the adoption of the fourth National Action Plan for combating trafficking in human beings (2021-2025);
- the adoption of the Law of 22 May 2019, which introduced in the Belgian Criminal Code a provision on the non-punishment of victims of human trafficking for their involvement in unlawful activities, to the extent that they have been compelled to do so;

- the increase in public funding for specialised reception centres and the opening of a new specialised shelter for child victims of trafficking in Flanders;
- the action taken to prevent and combat trafficking for labour exploitation;
- the steps taken to raise awareness among businesses of their responsibilities and role in preventing and eradicating trafficking in human beings in supply chains;
- the engagement in international co-operation in the investigation and prosecution of trafficking in human beings;

A. Recommends that the Government of Belgium take measures to address the following issues for immediate action<sup>1</sup> identified in GRETA's report:

1. Take additional measures to facilitate and guarantee access to justice for victims of trafficking, and in particular:
  - revise and simplify the eligibility criteria for second-line legal assistance (legal aid) to enable victims of human trafficking to exercise this right effectively throughout the proceedings and independently of proof of their lack of means and changes in their financial situation;
  - amend the Circular of 23 December 2016 so as to encourage the specialised centres to refer victims to a lawyer promptly;
  - guarantee sufficient funding for specialised centres which provide legal representation for victims of trafficking who do not meet the eligibility criteria for legal aid (paragraph 59);
2. Take additional measures to facilitate and guarantee effective access to compensation for victims of trafficking, and in particular:
  - facilitate access to legal aid in order to enable victims of trafficking to exercise their right to compensation effectively;
  - revise the criteria for access to the Financial Aid Fund for Victims of Intentional Acts of Violence (particularly the concept of "intentional act of violence") in order to ensure that all victims of trafficking can access it, regardless of the type of exploitation;
  - facilitate access to justice for children by adapting proceedings to the child's specific needs. GRETA makes reference in this regard to the Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice (paragraph 92);
3. Allocate sufficient human and budgetary resources to the police forces in order to conduct proactive and effective investigations in trafficking cases (paragraph 111);
4. Allocate sufficient human and financial resources to labour inspectors in order to allow them to perform their role effectively and proactively throughout the country, including within private homes in order to prevent the exploitation of domestic workers and detect human trafficking cases (paragraph 177);
5. Take further steps to fulfil the obligations under Article 12 of the Convention, and in particular:
  - ensure that assistance is not made conditional on the victim's willingness to co-operate with the competent authorities in criminal investigations and prosecutions;
  - ensure that all presumed and identified victims of trafficking in Belgium can receive adequate support and assistance, having regard to their individual needs, for as long as is necessary;
  - ensure that specialised centres have sufficient human and financial resources to adapt their capacity to demand (paragraph 194).

<sup>1</sup> The number of the paragraph setting out GRETA's proposals in the report is indicated in brackets.

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- B. Recommends that the Belgian authorities take measures to implement the other proposals for action listed in Appendix 1 of GRETA's third evaluation report.
- C. Requests the Government of Belgium to report to the Committee of the Parties on the measures taken to comply with this recommendation by **25 November 2024**.
- D. 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.