



« An agenda for prevention of Human trafficking: non-discrimination and empowerment »
OSCE Conference-Vienna 11-12 October 2012

Panel 2: Exploring non-discrimination, empowerment and the law

Human trafficking and discrimination: what's happening in the field?





Belgium

- Belgium = mostly destination country for THB → from this perspective



Status and missions of C.E.O.O.R.

- Autonomous public service
- Variety of tasks:
 - Fight against racism and various forms of discrimination (except gender)
 - Stimulation of the fight against human trafficking and smuggling
 - Oversee and ensure the respect for fundamental rights of foreigners and inform public authorities of migration flows



Status and missions of C.E.O.O.R.

- Discrimination:
 - Information, advice
 - Treat reported cases of discrimination
 - Sensibilisation and training
 - Recommendations
- Human trafficking: (*“de facto” national rapporteur*) (a.o.):
 - Publication of evaluation report on Belgian policy
 - Legal actions
 - good and bad practices
 - recommendations




Human trafficking and discrimination in the field

- THB victims vs. victims of discrimination:
 - only implicit
- Case:
 - Most obvious case: restroom services



Human trafficking and discrimination in the field

- **Restroom facilities case :**
 - Catering-restaurant chain systematically exploited, as principal contractor, through a complex system of subcontractors, victims working in restroom facilities along the highway
 - Victims systematically recruited within vulnerable groups (age, ethnic origine)
 - Working conditions: 7/7, 15 h/day, less than 3 euros/hour
 - Abuse of system of posting of workers
 - Trial 1 October 2012, judgment 6 November 2012
 - No victim referred to specialised shelter
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Human trafficking and discrimination in the field

- **Restroom facilities case :**
 - Victims' profiles :
 - Majority of kazakh origin
 - 50 years-old
 - German nationality
 - Difficult to find job on german labour market
 - willing to accept any job at any wage
 - tolerate deplorable working conditions
 - Very submissive to their boss (highly dependant)
 - Fear of dismissal → refuse to sign statements
 - No Belgian welcome



Human trafficking and discrimination in the field


- **What to learn from these case?**

- 1) Difficult to detect victims

- In Belgium:

- mostly detected by law enforcement (police, labour inspection services)
 - Presumed victim: contact with specialised shelter

- Inherent to victims:

- Do not recognise themselves as victims
 - Fear to denounce (loss of job, pressure from employer or exploiter)
 - Negative perception of law enforcement
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Human trafficking and discrimination in the field


- **What to learn from these case?**

- 1) Difficult to detect victims

- Linked to the services in charge of detection of cases of THB
 - Know-how

- 2) No link with discrimination

THB cases not approached from this perspective

- Victims THB do not identify discrimination (no complaint)
 - THB = criminal phenomenon, discrimination mostly by civil way
 - Investigation and research of evidence are not the same
 - Means depend on initial qualification
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Good practices THB and discrimination

- **Importance of sensibilisation/training**

- Law enforcement

- THB : specialised police officers, prosecutors and labour inspectors

- Training on THB indicators
 - What to do with the victim? (right reactions)

- Discrimination :

- Work on attitude towards discrimination
 - Standard police reports (also in THB for labour inspectors)



Good practices THB and discrimination

- **Importance of sensibilisation/training**
 - Vulnerable groups
 - Discrimination:
 - no report from roma community
 - meeting with associations working with romas
 - training of the services in contact with romas



Good practices THB and discrimination

- **Victims' protection and access to justice**

- Victim of crime in irregular situation reluctant to complain to the police (fear of being arrested and deported)

- Victims of trafficking : special scheme of protection and assistance
 - Conditions
 - Assistance by specialised shelter (133 new victims in 2011)
 - » Reception
 - » Medical and psychosocial assistance
 - » Administrative assistance (in 2011: 51 victims definitive residence permit)
 - » Legal assistance (barrister): indemnisation by courts



Thank you for your attention!

More information:

www.diversitybelgium.be