

« An agenda for prevention of Human trafficking: nondiscrimination 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?





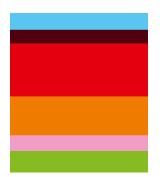
Belgium

• Belgium = mostly destination country for THB \rightarrow 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
 - Recommandations
- Human trafficking: ("de facto" national rapporteur) (a.o.):
 - Publication of evaluation report on Belgian policy
 - Legal actions
 - → good and bad practices
 - → recommandations



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

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

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

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

- 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 fenomenon, discrimination mostly by civil way
- Investigation and research of evidence are not the same
- Means depend on initial qualification



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



- 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