« 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?

CENTRE POUR L'
ÉGALITÉ
DES CHANCES
ET LA LUTTE CONTRE
LE RACISME

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
  - Recommandations

- Human trafficking: ("*de facto" national rapporteur*) (a.o.):
  - Publication of evaluation report on Belgian policy
  - Legal actions
    - → good and bad practices
    - → recommandations

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

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

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 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

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