

THB definition and prosecution

Introduction

- 1. What are the main observations highlighted by the GRETA ?**
- 2. Wich types of issues have we had to deal with in BE ?**
- 3. Further steps**

GRETA's observations

- Scope of the definition (broad definition versus definition strictly following the international provisions);**
- Consent (irrelevance of consent not precisely mentioned in national provisions) ;**
- Differing wording used to define the THB purposes in comparison with the international provisions**

“The following shall constitute the offence of human trafficking: the fact of recruiting, transporting, transferring, harbouring, receiving a person, and of handing over or transferring control over the said person :

- 1° for the purpose of the exploitation of prostitution or of other forms of sexual exploitation ;*
- 2° for the purpose of the exploitation of begging;*
- 3° for the purpose of labour or services, in conditions that are contrary to human dignity;*
- 4° for the purpose of the removal of organs in violation of the Act of 13 June 1986 ...*
- 5° or to have this person commit a crime or an offence, against his will.*
- Except in the case specified under 5, the consent of the exploited person to the intended exploitation or actual exploitation is irrelevant. “*
- + aggravating circumstances (means) : coercion, abuse of vulnerability, minority, ...**

Figures – aggravating circumstances/means determined by the court (2010/2011) – based on a sample of conviction reports (decision summaries)

Agg. circumstances/conviction	number	%
Abuse of vulnerability	30	33
violence, threat, ...	6	7
minority	6	7
several agg. circ. (Abuse of vul. + violence for instance)	16	18
Agg. circ. linked with another offense	18	20
Potentially no agg. Circ. Linked with the THB definition	15	16
	91	100

“Potentially” because it has to be checked in the decisions themselves

Minsterial/board of General Prosecutors's Guideline

New initiatives under review

- Developing investigation schemes (gathering evidences during control operations, uses of special investigative techniques, ...);
- Patrimonial investigation guide ;
- Improving the way the field knowledge is shared between the specialised magistrates and the other players ;
- Practical tool for magistrates on call.



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