



**THE BELGIAN EXPERIENCE
WITH MULTI-AGENCY
APPROACH**

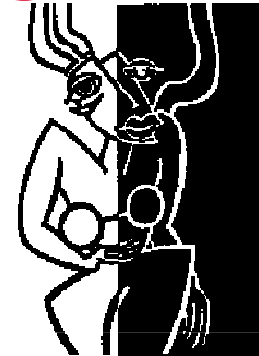
- LAW OF 10 AUGUST 2005 DEFINING
TRAFFICKING OF HUMAN BEINGS
- LAW OF 15 SEPTEMBER 2006
(ENTERED INTO FORCE 1 JUNE 2007) ON
RESIDENCE PERMITS FOR VICTIMS OF
TRAFFICKING AND SMUGGLING (A.C.)
= « VICTIM PROTECTION STATUS »
- CIRCULAR OF 16 SEPTEMBER 2008
MULTI-DISCIPLINARY APPROACH INTO
PRACTICE

LAW OF 10 AUGUST 2005

- **CLEAR DEFINITION OF TRAFFICKING (ART. 433 quinquies CRIMINAL LAW) & DESTINCTION WITH SMUGGLING (ART. 77bis ALIEN'S ACT)**
- **COERCION/FORCE...: NO LONGER CONSTITUTIVE ELEMENT OF CRIME BUT AGGRAVATING CIRCUMSTANCE**
- **BELGIAN VICTIMS**
- **DIFFERENT FORMS OF EXPLOITATION**

- **DEFINED FORMS OF THB:**
 - **SEXUAL EXPLOITATION**
 - **EXPLOITATION OF BEGGING**
 - **LABOUR EXPLOITATION: CATERING, DOMESTIC, TEXTILE, CONSTRUCTION, ...**
 - **ORGAN TRAFFICKING**
 - **FORCING A PERSON TO COMMIT CRIMES AGAINST HIS WILL**

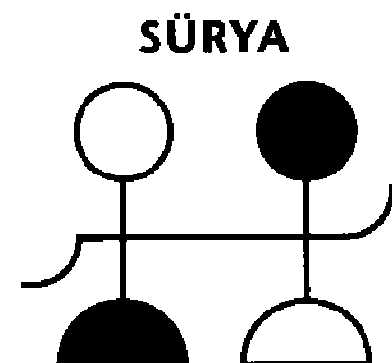
- **TRHEE SPECIALISED CENTRES:**
PAYOKE IN ANTWERP



PAG-ASA IN BRUSSELS



SURYA IN LIEGE



VICTIM PROTECTION STATUS





VICTIM PROTECTION STATUS

LAW OF 15 SEPTEMBER 2006 (INTO FORCE ON 1 JUNE 2007):

INCREASE PROTECTION TO VICTIMS OF HUMAN TRAFFICKING AND OF SMUGGLING IN AGGRAVATING CIRCUMSTANCES BY GRANTING THEM, UNDER CERTAIN CONDITIONS, THE RIGHT TO STAY IN BELGIUM & SOME BASIC RIGHTS



VICTIM PROTECTION STATUS

PRINCIPLES OF PROCEDURE:

- MULTIDISCIPLINARY & INTEGRATED INVOLVING ALL ACTORS**
- ISSUING OF PERMITS // STAGES IN CRIMINAL PROCEEDINGS**
- DETECTION & IDENTIFICATION BY FRONTLINE OFFICERS: INFO & REFERRAL TO ONE OF 3 CENTRES**



VICTIM PROTECTION STATUS

GENERAL CONDITIONS:

- NO CONTACT WITH PRESUMED SUSPECTS**
- ACCEPT ASSISTANCE BY ONE OF THREE SPECIALISED CENTRES**
- COOPERATION WITH L.E. (COMPLAINT/STATEMENT)**



VICTIM PROTECTION STATUS

**FRONTLINE OFFICER CONFRONTED
WITH 'POTENTIAL' VICTIM →
INFORMS & PUTS INTO CONTACT
WITH SPECIALISED CENTRE**

**→ PHASE I: REFLECTION PERIOD: TO
COME TO REST & DECIDE WHETHER
OR NOT TO COOPERATE → ORDER
TO LEAVE THE COUNTRY OF 45
DAYS**



VICTIM PROTECTION STATUS

**VICTIM DECIDES TO COOPERATE AND
IS ASSISTED BY SPECIALISED
CENTRE**

**→ PHASE II: COMPLAINT/DECLARATION
→ RESIDENCE PERMIT OF 3 MONTHS
& WORK PERMIT !**

**NO COMPLAINT/DECLARATION →
VOLUNTARY RETURN OR ILLEGAL
SITUATION (contact with other NGOs)**



VICTIM PROTECTION STATUS

- PHASE III: PUBLIC PROSECUTOR**
 - INVESTIGATION ONGOING**
 - PERSON CONSIDERED VICTIM & STILL WILLING TO COOPERATE**
 - NO DANGER FOR PUBLIC ORDER OR STATE SECURITY**

IF YES: RESIDENCE PERMIT OF 6 MONTHS & WORK PERMIT - PROLONGED TILL END OF JUDICIAL PROCEDURE

IF NO: VOLUNTARY RETURN OR ILLEGAL SITUATION (other NGOs)



VICTIM PROTECTION STATUS

**→ FINAL PHASE: CONVICTION:
PERMANENT RESIDENCE PERMIT =
END PROCEDURE**

**! ROLE OF THE CENTER IN EACH
PHASE**

**💣 VICTIM PROTECTION STATUS IS
LINKED TO STRICT CONDITIONS**

**→ CAN END AT ANY MOMENT:
ILLEGAL OR RETURN**



VICTIM ASSISTANCE





VICTIM ASSISTANCE

→ CONDITIONS TO OBTAIN VICTIM

PROTECTION STATUS:

- COOPERATION WITH LE**
- NO CONTACT WITH PRESUMED OFFENDERS**
- ASSISTANCE BY SPEC. CENTRE:
PAYOKE – PAG-ASA – SURYA**



VICTIM ASSISTANCE

- **PAG-ASA = PHILLIPINE WORD FOR «HOPE» (CREATED ON 4 JULY 1994)**
- **OPERATIONAL 24/24 & 7/7**
- **LAW 15 SEPTEMBRE 2006 = LEGAL FRAMEWORK OF MISSION OF PAG-ASA**
- **CLOSE COOPERATION WITH L.E.**



VICTIM ASSISTANCE

DOUBLE MISSION:

→ INFORMATION & AWARENESS

RAISING (NATION. & INTERNAL.)

→ PROTECTION & ASSISTANCE OF VICTIMS (PRIORITY!)

☞ PSYCHO-SOCIAL ASSISTANCE

☞ LEGAL-ADMINISTR. ASSISTANCE

- **MULTI-DISCIPLINARY TEAM
CONSISTING OF S.A., CRIM., EDUC....**
- **STRUCTURE:**
 - **LEGAL UNIT: LEGAL & ADMINISTRATIVE
ASSISTANCE**
 - **RESIDENTIAL UNIT (SHELTER):
ACCOMODATION & PSYCHO-SOCIAL
SUPPORT**
 - **NON RESIDENTIAL UNIT: PSYCHO-
SOCIAL SUPPORT & TRANSIT-
PROJECT**

- **PAG-ASA HAS NO OUTREACH SERVICE**
- **VICTIMS ARE REFERRED BY:**
 - **LOC. & FED. POLICE**
 - **LABOUR INSPECTION**
 - **SOCIAL SERVICES**
 - **PRIVATE PERSONS: DR., CLIENTS, ...**
 - **VICTIMS THEMSELVES**
 - **...**

**→ IF NO EMERGENCY APPOINTMENT
FOR « INTAKE INTERVIEW »:**

→ INTERPRETER

→ TIME TO *LISTEN*

→ «FRIENDLY» ENVIRONMENT

→ TIME TO *EXPLAIN*

PROCEDURE IN CALMTH

→ UPTO VICTIM TO DECIDE

**→ ASSESSMENT OF SITUATION: SAFE
RESIDENCE OR NOT (SHELTER)**

- IN CASE OF EMERGENCY:
IMMEDIATE ACTION & RECEPTION
(24/7)**
- TELEPHONE-INTERPRETATION**
- FULFILL BASIC NEEDS: FOOD-BED-
BATH AND ABOVE ALL: REST!**
- INTAKE INTERVIEW WITH
INTERPRETER WHEN READY**



VICTIM ASSISTANCE

PAG-ASA OFFERS TWO KINDS OF ASSISTANCE TO EACH VICTIM:

→ PSYCHO-SOCIAL ASSISTANCE ON RESIDENTIAL & NON-RESIDENTIAL BASIS

→ LEGAL-ADMINISTRATIVE ASSISTANCE BY LEGAL DEPT.



PSYCHO-SOCIAL ASSISTANCE

**WORKING ON TRAUMA, PRESENT
(SECURITY, LIFE IN GROUP) & PROJECT
FOR FUTURE (INTEGRATION)
EMPOWERMENT & TAYLORMADE**

→ SHELTER (RESIDENTIAL UNIT)

☞ TEMPOR. ACCOMMODATION

☞ SECRET LOCATION

☞ 16 PLACES

→ NON-RESIDENTIAL UNIT:

**☞ SUPPORT IN PRACTICAL
ISSUES OF EVERYDAY LIFE**



LEGAL-ADMIN. ASSISTANCE

ADMINISTRATIVE ASSISTANCE:

- ☞ CONSULT WITH A.O. FOR RESIDENCE PERMITS**

LEGAL ASSISTANCE:

- ☞ PREPARE & ACCOMPANY VICTIMS FOR INTERVIEWS WITH POLICE**
- ☞ INFORM VICTIMS ABOUT LEGAL SYSTEM AND PROCEDURES IN B.**
- ☞ INTERVENTION OF A LAWYER:
CONSULT THE JUDICIAL FILE, REPRESENT THE VICTIM IN COURT AS CIVIL PARTY (COMPENSATION)**

- **ON JUDICIAL AND ADMINISTRATIVE LEVEL:**
 - **LOCAL AND FEDERAL POLICE**
 - **LABOUR INSPECTION**
 - **PUBLIC PROSECUTOR**
 - **ALIENS OFFICE**
 - **LAWYER**
 - **LOCAL AUTHORITY**
 - **IOM**

COLLABORATION WITH

- **ON PSYCHO-SOCIAL LEVEL:**
 - **OTHER SOCIAL SERVICES**
 - **MENTAL HEALTH SERVICES**
 - **TRAINING SERVICES**
- **ON FINANCIAL LEVEL:**
 - **LOCAL COMMUNITY**
- ! : **CENTER FOR EQUAL OPPORTUNITIES:
COORDINATION**
- ! : **REFFERAL TO ONE OF THE 2 SPEC
CENTERS**

- **IN HIS RELATION TO THE VICTIM, PAG-ASA=**
 - **ASSISTANCE “UNDER CONDITIONS”**
 - **TRANSPARENCY: CLEAR INFORMATION ABOUT OUR MISSION (ACC. AGREEMENT)**
 - **RESPECT FOR EACH CLIENT AND THE CHOISES HE/SHE MAKES**
 - **CORRECT INFORMATION ABOUT THE CHOISE MADE AND HIS CONSEQUENCES: THE USE OF INTERPRETERS**
 - **CORRECT REFFERAL**

**IN HIS RELATION TO LEGAL
AUTHORITIES, PAG-ASA=**

- RESPECT FOR THE MISSION OF EACH
PARTNER**
- NOT AN INVESTIGATOR**
- YES: A STIMULATOR TO ENSURE
THAT CONDITIONS ARE RESPECTED
BY THE VICTIM AS WELL AS RESPECT
FOR THE BELGIAN LEGISLATION**

- **IN HIS RELATION TO OTHER PARTNERS,
PAG-ASA=**
 - **PROTECTION OF THE RIGHTS OF THE VTH**
 - **CLEAR DEFINITION OF EACH MISSION IN
THE ASSISTANCE**
 - **ASKING THE OTHER SOCIAL SERVICE TO
KEEP THE VICTIM ALERT OF THE
CONDITIONS OF THE VPS**
 - **REGULAR MEETINGS**
 - **INFORMATION ABOUT THE VPS**



TO CONCLUDE...



TO CONCLUDE...

→ BELGIAN MODEL: EMPHASIS ON MULTI-AGENCY APPROACH → BALANCE

BETWEEN FIGHT AGAINST CRIMINALS & CARE FOR VICTIMS

→ THEREFORE FRONTLINE OFFICERS

CONFRONTED WITH VoT: INFORM & PUT

IN CONTACT WITH SPECIALISED CENTRE

TO CONCLUDE...

- **IMPORTANCE OF CONSULTING WITH THE SPECIALISED CENTRES (EXPERIENCE – KNOW-HOW – EXPERTISE SINCE 1994)**
- **ALREADY AT THE LEVEL OF IDENTIFYING THERE CAN BE AN (IN)FORMAL EXCHANGE OF INFORMATION**

SPECIFIC FOR BELGIAN POLICY:

- **NOT ONLY 3RD COUNTRIES, ALSO EU**
- **ALSO SMUGGLING UNDER
AGGRAVATING CIRCUMSTANCES**
- **POSSIBILITY TO OBTAIN PERMANENT
RESIDENCE PERMIT**



TO CONCLUDE...

CHALLENGES:

- SUCCESSFULL BUT STILL VoT SLIPPING THROUGH THE NET**
- BETTER TRAINING OF FRONTLINE OFFICERS AND OTHER ACTORS**
- AWARENESS RAISING (ALSO CIVILIANS MIGHT DETECT VoT)**
- COOPERATION AND PARTNERSHIP (ALL ACTORS HAVE SPECIFIC ROLE)**



THANK YOU!

MORE INFO?

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