



*Tieslietu ministrija*

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**Training course “Recognition, investigation and prevention of human trafficking as an effective tool for the termination of the phenomena”**

**26-27 September 2013, Riga**

CENTRE FOR  
**EQUAL  
OPPORTUNITIES**  
AND OPPOSITION  
TO RACISM





# Data collection and its role in the course of preparation of an independent notice

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Patricia Le Cocq

CENTRE FOR  
**EQUAL**  
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TO RACISM





# Content of the presentation

1. Data collection on THB: an issue at European level
2. Data collection in Belgium: situation
3. Annual evaluation report of the CEOOR
  - Type
  - Content
  - Elaboration
  - Examples
4. Conclusion





# 1. Data collection on THB: an issue at European level





# Datacollection: EU

- EU directive 2011/36/UE
- Data collection and reporting: task of national rapporteur (art.19)
  - carrying out of assessments of trends in THB
  - measuring of results of anti-trafficking actions
  - including gathering of statistics in cooperation with civil society
  - and reporting
- ATC: will use MS reporting for report from Commission (coordinated EU strategy) (art.20)





# Datacollection: EU

- Datacollection: issue (comparable data)
  - Quantitative (statistics) and qualitative (various sources)
  - Same definition of THB and common indicators
  - Broad areas (law enforcement, assistance and support to victims, international cooperation, migration,...)





## 2. Data collection in Belgium: situation





# Data collection : Belgium

- No common data collection system
- CIATTEH (Centre for Information and Analysis in trafficking and smuggling)
- Data= quantitative and qualitative
- Data collection
  - 2 years report of the government (questionnaire)
  - Annual evaluation report CEOOR (independent)







# CIATTEH

- Legislative framework
- Concept:
  - Computerised information network
  - Based on anonymous data
  - Provided by the relevant partners
    - members of the interdepartmental co-ordination unit: ex: federal police, Board of Prosecutor Generals, Immigration Office, Ministry of Employment, etc.)
- Aim (improve policy in THB and smuggling)
  - Collection/centralise/exchange the information
  - provide policy/strategic /operational analysis
  - Tutorship : Ministers of Justice and Home Affairs; chaired by the Service of Criminal Policy
- Management committee





# CIATTEH

- Problems:
  - No budget for implementation (no staff support)
  - Definition of the purposes of the CIATTEH
  - Data (anonymous, no comparable)
  - Data collection methodology (limited to 3 operational partners)
- Looking for solutions:
  - Proposals to adapt the legislative framework (Royal Decree and law on privacy: allow registration and collection of comparable personal data)
  - Need to redefine the purpose of the CIATTEH
  - Need of financial and staff support





### 3. Annual evaluation report of the CEOOR





# Annual report of CEOOR

1. Status and Tasks of CEOOR in the field of THB
2. Annual evaluation report
  - Type of report
  - Content
  - Elaboration
3. Examples





# 1. CEOOR

- CEOOR: a public service, independent in the accomplishment of its missions
- Mission in the field of THB: stimulate the fight against THB
  - Tool:
    - Annual evaluation report
    - Legal proceedings





## 2. Annual report of the CEOOR

- Type of report:
  - Since 1995: legal task
  - Annual, independant and public (French, Dutch and last years: English)
  - Evaluation report on the results of the fight against THB
  - Submitted to government
  - Overhanded to Parliament and relevant actors
  - Press conference
  - Written and electronic copy ([www.diversite.be](http://www.diversite.be))





## 2. Annual report of the CEOOR

- **Content of report:**

- **Recurrent part:**

- Recent developments in legal and policy framework
    - Analysis of phenomenon
    - Case law overview
    - Figures and statistics (quantitative data)
    - Recommendations





## 2. Annual report of the CEOOR

- **Content of report:**
  - **Focus: varies from year to year**
    - 2009, 2010: labour exploitation and social fraud
      - Constructions and abuse of freedom of movement and services within EU (abuse posting of workers, bogus self-employed)
    - 2011: money that matters : importance of seizure and confiscations, attention to compensation for victims
    - 2012 (to be published October 2013): non-punishment of victims





## 2. Annual report of the CEOOR

- **Elaboration of report:**
  - **Qualitative data: Importance of legal proceedings**
    - Acces to concrete files
    - Analysis of cases + semi-structured interviews with key-actors (police officers, prosecutors, inspection services, NGO's, etc.):
      - Evolution of phenomeneon, analysis of new trends and operating methods of criminal networks
      - Evaluation of implementation of policies in the field (also humanitarian aspect): good and bad practices





## 2. Annual report of the CEOOR

- **Elaboration of report:**
  - Case law analysis (sources)
  - Focus: choice in function of issues discussed at the moment, some problems noticed through case analysis or interviews
  - Public sources (reports,...)





## 3. Examples

- Quantitative data
- Qualitative data





# Quantitative data

- Types of data
  - Offences (police): indications of THB
  - Prosecutions (college of general prosecutors)
  - Convictions (Ministry of Justice)
  - Victims and residence permits (NGO's and Immigration office)
- Observations:
  - No harmonisation between various data (ex: no link possible between offences and prosecutions), only individual evolution
  - No common reporting of labour inspection services on THB
  - Prosecutions: no reliable information on labour exploitation (other prosecutors)
  - Convictions: no systematic information on purpose of exploitation

Conclusion: not useful for evaluation of policy





# Qualitative data

- Importance of concrete cases, case law and interviews :
  - Legislation
  - Case law on labour exploitation
  - Concrete cases: good practices
  - Victims





# Legislation on THB

- Sexual exploitation : cases with exploitation for himself
  - Extension of definition?
- Labour exploitation: interpretation of conditions contrary to human dignity: case law
- Forced criminality: already in definition of THB in 2005





# Case law on labour exploitation

- **THB for labour exploitation: no definition in law of concept “circumstances contrary to human dignity”**
  - Indications < explanatory memorandum
    - Purpose: not illegal work but work in circumstances contrary to human dignity
    - Attention for wages, working and environmental conditions (ex: very low wages vs. High number working hours)
- **Judges: THB for labour exploitation if several of following elements:**
  - Wages/payment conditions
  - Work circumstances and work environment (number of hours, type of work, work safety,...)
  - Housing circumstances
  - Dependence of employer
- Problem: interpretation varies from district to district



# Cases: identification of good practices

## CASE 1


### **TRANSPORT CASE Y. (Charleroi July 2005):**

- Polish drivers threatened with a weapon after they asked for their wages
- Contact with police
- Local police contacts prosecutor (labour prosecutor)
- Labour prosecutor: assigns an interpreter and check residence status
  - Victims recruited through internet
  - No work permit
  - Promise: contract with monthly wages of 1200 euro: never received anything
  - Work: 7 days a week, sleep in truck, threats
  - Referred to specialised centres for victims
- Conviction for THB

**GOOD PRACTICE: INTERPRETER, VICTIM STATEMENTS, VICTIM STATUS, DETECTION ATYPICAL SECTOR**







# Cases: identification of good practices


## CASE 1

### **TRANSPORT CASE Y. (Charleroi) (sequel)**

- Federal police notes in her database a file in Liège against the same perpetrators and companies
- Labour auditor and prosecutor ask investigators to analyse the file
- Criminal organisation drug trafficking
- Network of companies (with front men) in Poland, Spain, Germany, Belgium
- International rogatory inquiries

**GOOD PRACTICE: NETWORK ANALYSIS, LINK CRIMINAL ORGANISATION, INTERNATIONAL COLLABORATION**





# Cases: identification of good practices


## CASE 2

### **TEXTILE CASE (Charleroi 2007)**

- Local police : information about bad housing conditions, activities in old buildings of a painting business.
- Workers: illegal, work and stay in storage room of the factory
- No heating and no accommodation
- Joint action of local police and inspection services: Polish, Palestinian and Syrian victims
- Contact specialised shelter: some of the victims want to be assisted
- Conviction for human trafficking

**GOOD PRACTICE: VICTIM DETECTION (bad housing conditions-work situation), COOPERATION POLICE-INSPECTION and CENTERS, MULTIDISCIPLINARY COOPERATION**





# Cases: identification of good practices

## CASE 3

- **RESTROOM FACILITIES CASE (2008):**

- 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
- No victim referred to specialised shelter (problem)
- Criminal court of Ghent, 6 November 2012: conviction for THB
  - Main contractor and subcontractor (companies: fines: 99.000 and 528.000 euros)





## Cases: good practices (labour exploitation)

- Detection of victims:
  - Attention for atypical sector (transport)
- Awareness and training:
  - Ex: Labour inspector services (constructions, detailed reports)
  - National referral mechanism (know how)
  - Prosecutors and judges



# Victims: compensation

- Use of possibility of assigning confiscated objects and assets to the victim (civil party) : more frequent
  - **Brussels court of appeal , 30 January 2009 (Criminal court of Brussels, 18 june 2008)**
    - Criminal organisation, 2 clans, with own girls
    - Women from same region in Romania
    - Recruited in cafes with promise of job abroad
    - Organisation: administration, transport, reception, housing
    - Forced to prostitution (daily 12 hours straight),ID confiscated, threats
    - Confiscation of 11 million euros
    - Allocation primarily to victims (432.000 material+5000 moral; 257.680 material+5.000 moral)





## Victims : Transnational referral mechanism

### Good and bad practices in transnational cases

- Nigerian victim (exploited in Belgium, intercepted in The Netherlands and placed in a deportation centre)
  - victim detected and helped by chance (nothing structural)
- Nigerian victim (exploited in Belgium, brought to the Netherlands under false identity for abortion, detected by B. police by phonetaps, contacts between B. and N. polices, victim brought to B. in shelter)
  - good collaboration between countries





## Victims : Transnational referral mechanism

### Good and bad practices in transnational cases

- Russian victim (exploited in Italy, helped by client, comes to Belgium, facts denounced to Italy but not possible for victim to benefit from the victim status in B.)

→ lack of protection

→

- ***Structural alert system needed (via liaison officers)***
- ***Long-term: a European victim system***





# Conclusion

## **Data collection and independent report:**

Important:

- Quantitative and qualitative
- Qualitative
  - Acces to various sources
  - Confidence with actors
  - Acces to concrete cases and case law
- Quantitative:
  - Common definition and methodology (common indicators)
  - Comparable data
- Independence: objective and constructive evaluation







**THANK YOU!**

**[www.diversite.be](http://www.diversite.be)**

Patricia Le Cocq  
Anti-trafficking Unit  
Centre for Equal Opportunities and Opposition to Racism  
Rue Royale 138  
1000 Brussels  
+32 (0)2 212 31 19  
Patricia.lecocq@cntr.be

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AND OPPOSITION  
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