

**Fondation Scelles**

Connaître, Comprendre, Combattre  
l'Exploitation Sexuelle

**Excerpt from the book:**

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**Cautionary note:** The terms ‘child prostitution’ and ‘prostituted children’ are used in this text to denote children that are sexually exploited and sexually trafficked. The connotative manner in which these definitions are perceived and analyzed may differ due to linguistic, cultural, and perceptual differences.

# BELGIUM

	<b>POPULATION</b> 11,4 million		<b>GDP PER CAPITA</b> 43,323.8 USD
	<b>POLITICAL SYSTEM</b> Federal Government – Constitutional Monarchy		<b>HUMAN DEVELOPMENT INDEX</b> 22 <sup>nd</sup> rank among 187 countries
	<b>GENDER INEQUALITY INDEX</b> 12 <sup>th</sup> rank among 147 countries		<b>CORRUPTION PERCEPTIONS INDEX</b> 16 <sup>th</sup> rank among 180 countries

As early as 1948, Belgium adopted an abolitionist legislation, which was nevertheless tainted in nuances. While prostitution does not constitute a criminal offence in and of itself, solicitation, brothel-keeping, procuring, and more broadly, living from profits of prostitution are sanctioned. In the 1990’s, Article 443 *quinquies* of the Penal Code confirmed this abolitionist by criminalizing the exploitation of prostitution and child pornography. This article was amended by the law of August 10<sup>th</sup> 2005, and supplemented in 2013 by the law of April 23<sup>rd</sup>, which introduced a definition for human trafficking. Paragraph 3 prohibits all advertisement of services of a sexual nature, as well as all forms of incitement of minors or adults. Penalties incurred range from a month to a year of incarceration. Nevertheless, the penal procedure remains somewhat deficient.

As a country of destination, transit, and, to a lesser extent, of origin for victims of human trafficking and commercial sexual

exploitation, Belgium has consistently sustained and repeated its efforts to combat human trafficking and sexual exploitation, which has, according to the 2018 US Department of State report on Trafficking in Persons, allowed it to remain in Tier 1.

The results of the European campaign “A penny for your thoughts,” initiated by the Dutch artist Maria van der Zwaan in 2016 in partnership with four European NGOs including *Samilia Foundation* (Belgian NGO fighting against sexual exploitation), revealed the sex buyers’ indifference towards the victims from whom they obtain paid sexual services. One out of five sex buyers are indifferent to the exploitation of individuals in situations of prostitution. In the framework of this campaign, *Samilia Foundation* received messages of support, requests for explanations and information, as well as questions on the theme of sexual exploitation and prostitution. However, the organization was also confronted by

aggressive rhetoric, and, despite the nature of the campaign, received calls from sex buyers who wanted to have access to the services of prostituted persons. Furthermore, sex buyers are far from concerned about Belgian legislation as it largely benefits them, despite the intensification of police controls.

While figures vary, the number of prostituted persons is estimated to be between 15,000 and 20,000. We can observe the development of “survival” prostitution which remains a “marginal phenomenon” (RTL, October 13, 2016). In February 2015, a project mapping Belgian prostitution was initiated with the aim, according to Isabelle Simonis, Minister of Social Promotion, Youth, Women’s Rights and Equal Opportunities in the Government of the Fédération Wallonie-Bruxelles, of informing the public and gaining a better understanding of the prostitution phenomenon. This in turn would allow the launch of a national public prevention policy (*Le Vif*, March 12, 2015). In addition, an alarming increase in prostitution amongst minors has been observed, as well as a normalization of the phenomenon, particularly among students. In October 2017, the Minister of the Common Community Commission in the Brussels-Capital Region, Céline Fremault, commissioned a study on the new forms of prostitution in Brussels, aimed at the collection of comparative data for prostitution and human trafficking for sexual exploitation purposes within three European cities. The second component of this study was devoted to the developing trend of student prostitution via the use of specific apps and social networks in general. According to the study, escorting websites proliferate through organizing prostitution with young female students in difficult financial situations (CFS, October 1, 2016). Indeed, it is precariousness rather

than the glamorous myth of parties and luxury portrayed by the escorting websites that pushes these young people into monetizing their bodies to pay for their university fees. The use of these specialized websites enables them to maintain a certain anonymity, allowing them to separate the two activities: student versus escort.

Questioned about her own experience with prostitution, Ganaëlle, a student, explains: “Often we say ‘It’s only escorting,’ but in reality I do it because I really need the money. I have to pay for my flat, food, classes, laundry (...) So yes, above all it allows me to get by. I’m even doing well. Well, better than if I was working a student job in a restaurant or a bar. But it’s not like I’m buying designer clothes or going out all the time. Sometimes making ends meet isn’t so easy because studying gets expensive. And they aren’t necessarily handsome and rich men [...] like in *Pretty Women*. So it’s not always a party.” She adds that escorting websites showcase images of party and luxury: “Yes, that’s the ‘glamorous’ layer. But (...) you can wrap it as many times as you like, it is still sex for money” (CFS, October 1, 2016).

### **The worrying increase in the prostitution of minors**

The prostitution of minors has undergone a worrying development. The number of suspected cases of prostituted minors is increasing significantly according to Child Focus’ annual report. In 2016, the numbers reported a significant increase. More often than not, these cases involved runaways, which have consistently been on the rise. The 2017 report confirms this trend with 1,151 records of runaways (*Child Focus*, 2016 and 2017). Furthermore, there is also a steady increase in victims of blackmail of a sexual nature. The number of “sextortion” cases, or the extortion of selfies and videos of sexual nature with the threat of being

leaked, has been increasing. This blackmail is characterized as an abuse of power over vulnerable individuals. Figures attest to an increase in this type of offence between 2015 and 2016, rising from 17 to 41 cases (*Child Focus*, 2016).

Belgium possesses a legal framework pertaining to the sexual exploitation of minors. The article 383bis of the Penal Code penalizes the exploitation of child prostitution and child pornography. Furthermore, in cases of sexual exploitation of minors below the age of 16 (or below the age of 10 depending on cases), sentences are more severe (article 380, paragraph 4). In this regard, the Belgian legislation is strict and the country's repressive arsenal is quite effective. Nevertheless, much work remains to be done in terms of the care of unaccompanied minor victims or in the fight to diminish the demand linked to sex tourism involving children (*European Commission - Website*).

"Grooming," a strategy to solicit minors via internet for the purpose of manipulating them in order to obtain sexual favors, is also continuously increasing: 48 cases opened in 2016 compared to 31 in 2015. The perpetrators of these abuses take advantage of the upturn of new means of communication to build a "trusting relationship with children" (*Actualités du droit belge*, April 4, 2014). However, the Belgian legislation penalizes the solicitation of minors through information and communication technologies, according to Articles 377ter et 377quater introduced into the Penal Code by the law proposal of 2014 (*Talhaoui, Vastersavendts*, February 26, 2014). According to I. Simonis, "It is paramount to caution students about the devastating consequences prostitution can have on their health and integrity. Through this campaign, which addresses a tough subject, we intended, without moralization,

that youths who are prostituted or are tempted to do so be more aware of the risks but also of the many existing supports" (*La Libre Belgique*, January 23, 2018).

This caution and awareness-raising are all the more necessary in view of the upsurge of student prostitution taking place in more or less ambiguous forms, as well as the trivialization of these activities (*simonis.cfwb.be*, January 23, 2018). Figures relating to student prostitution vary between 1,500 and 5,000 (*La Libre Belgique*, January 23, 2018; *RTBF*, January 24, 2018). The Campaign launched by the Belgian Minister of Social Promotion, Youth, Women's Rights and Equal Opportunities brought forth the figure of 6,000 students. These estimations are based upon "the lower range of 3% (studies conducted report 2% to 6% of the student population)," which currently is 210,000 in Federation Wallonie-Bruxelles (*La Libre Belgique*, January 23, 2018; *RTBF*, January 24, 2018).

### Profile of victims

According to facts relayed by the American Department of State, victims of human trafficking and sexual exploitation are mainly from Bulgaria, Romania, Albania, Nigeria, China, and Morocco. A number of victims originate from member states of the European Union. They can obtain a permanent residency permit only after the indictment of their traffickers (article 380, paragraph 3). 235 residency permits were issued or renewed for victims of human trafficking in 2017, compared to 216 in 2016 (*US. Department of State*, June 2018). Belgian authorities have granted these permits on a regular basis, enabling victims to work and to benefit from protection services. However, these services are restricted to victims identified and recognized as such by the Prosecutor; which gives them the ability to benefit from a

residence for a duration of six months (*Chambre des Représentants de Belgique*, March 4, 2016).

Relying on police reports, Joëlle Milquet, Deputy Prime Minister and Minister of the Interior and Equal Opportunity between 2011 and 2014, estimates there to be around 23,000 prostituted persons in Belgium, 80% (or 18,500) of whom are reported to be victims of human trafficking, and the majority of the others as victims of sexual exploitation (*Federation Wallonie-Bruxelles*, July 2015; *RTL*, October 13, 2016). The NGO *Espace P*, a pro-“sex work” organization reports 15,000 persons in situation of prostitution, of which one third are found in Brussels. These different figures are controversial, as prostituted men and transgender people are not systematically taken into account.

#### **Pragmatism and regulationist components: the outline of the legal framework**

The Belgian law does not punish the act of prostitution itself. In contrast, the first paragraph of article 380 condemns those who contribute to “debauchery and prostitution: a) one who has hired, trained, diverted or withheld for the purpose of debauchery and prostitution of an adult; b) one who keeps a bawdy house and a prostitution establishment; c) one who sells, rents or makes available, for prostitution purposes, rooms or premises and making an abnormal profit; d) one who exploits the debauchery or the prostitution of others.” These offences are aggravated if there is the use of force, threats or pressures relative to the vulnerability of prostituted persons (article 380, paragraph 3).

Human trafficking for sexual exploitation purposes is penalized by sentences of up to 20 years’ imprisonment (article 443-5 to 443-9 of the Penal Code). The Belgian law adopted a broad definition of human trafficking, going

further than the definition of the United Nations Convention against Transnational Organized Crime Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children of 2000. Lack of sufficient respect from an employer with regards to work schedules or conditions is considered a form of exploitation. The aspect of coercion or constraint represents solely an “aggravating factor and is not considered to be an integral part of the base offence” (*Chambre des Représentants de Belgique*, March 4, 2016). Hence, any form of coercion whatsoever is not necessary for the human trafficking conviction to be upheld. Article 380ter additionally punishes the production, publication, distribution, dissemination, direct or indirect, of content promoting or advertising of services of sexual nature, including “services supplied through a means of telecommunication”. While these elements allow to validate the existence of these measures, they remain an integral part of the regulatory system.

The criminalization of the purchase of sexual acts and the recognition of the prostitution system as a violation of gender equality and human dignity under the Nordic model is thus perceived as unsustainable by the Belgian authorities. Institutions have therefore favoured a so-called pragmatic vision, although unrealistic, is particularly worrying as it considers prostitution as an evil that cannot be eliminated. Belgian institutions have preferred to promote a model intended to be utilitarian, which considers it preferable to focus on combating all forms of violence, notably caused by sexual exploitation, given that prostitution cannot be prevented. These circumstances lead to a trivialization of the prostitution system that benefits procurers, stigmatizes prostituted persons, and encourages the development of a sexist culture around the woman-object. This

policy tends to detract from the precarious situations in which prostituted persons find themselves, the majority of whom are victims of sexual exploitation.

Regardless, the government does not negate the precariousness or vulnerability of prostituted persons. The Belgian State has done considerable work to combat human trafficking, sexual exploitation, and prostitution (US Department of State, June 2018). The National Action Plan 2015-2019 to fight against all forms of violence linked to gender includes prostitution in addition to human trafficking for sexual exploitation purposes. The *Intra-Francophone Plan* to combat gender-based and domestic violence, jointly adopted for the same period 2015-2019 by the Wallonia Region, the Fédération Wallonie-Bruxelles, and the French Community Commission, also consider prostitution as a violence. I. Simonis would like to systematically sue procurers who benefit from relative impunity. According to the Minister, they are “exploiters, who generate situations of human exploitation” (RTL, April 30, 2017). Despite this overt willingness of public authorities, the State struggles to implement and execute effective measures.

As revealed in the fourth Global Report of the *Fondation Scelles*, a certain trend towards repression continues. Thus, we can see an increase in the number of measures taken at the communal level against the nuisances associated with prostitution (Fondation Scelles, 2016). The city of Brussels acquired a new regulation pertaining to prostitution for the neighbourhood of Alhambra in May of 2017 (DH.be, May 9, 2017). The town council ruled in favour of the prohibition of street solicitation and has decided to penalize motorists in cases of particularly slow driving. Within the framework of communal policies, specific regulationist

components appear. Hence, prostitution “is the subject of a wider urban management policy linking safety to economic objectives, European policies therefore target the expulsion of prostituted persons who have become too visible in areas devoted to commercial or touristic activities” (Fondation Scelles, 2016).

Furthermore, the national legislation includes in articles 383 and 385 of the Penal Code specific procedures against public affront against morality. Thus, the question of vulnerabilities of prostituted persons and the violation of human dignity represented by these conditions is substituted by morality. Prostitution and sexual exploitation are solely associated with their external structures and the places where they occur: public roads, bars and clubs, windows, escort services, saunas, massage parlours, cabarets, and peep shows. Many Belgian citizens do not know whether prostitution and procuring are legal or not in their country. This situation benefits procurers, who are rarely prosecuted or convicted (European Commission - Website). The government nonetheless attempts to put an end to this situation.

### **Public action: limits of a repressive legislation**

The Belgian government has maintained its efforts to fight against human trafficking in 2017, keeping the country in Tier 1 in the 2018 US Department of State report on Trafficking in Persons Report. From January 2017, operation “Dolly” was launched by the local police force of Brussels-North (Schaerbeek, Evere and Saint Josse), accompanied by a significant increase in police controls. Within the framework of these sixteen operations, the police were able to arrest 121 persons administratively and judicially. The strength and frequency

of these new police actions were intended to secure the red-light districts. Figures testify to an increase in the number of individuals stopped by the police compared to 2015: 1,866 controls (a 35% increase from 2015), 27% of which were French nationals, and 654 vehicles checked, (53% more than in 2015) (RTL, January 24, 2017). Initially, the police force had planned 24 operations of this kind, yet this figure had to be decreased due to the threats of terrorism in Belgium. Admittedly, while this policy reinforces police checks, through the intensification of the framework of street prostitution, it does not fight in any way against insecurity levels and vulnerabilities faced by prostituted persons. Moreover, it appears impossible to combat such violence without considering the penalization of sex buyers. The question of demand must be addressed.

The government prosecuted 328 individuals in 2017 (324 in 2016), including 176 charged with human trafficking for sexual exploitation purposes and 18 for forced criminality. There were 184 cases of human trafficking for sexual exploitation purposes in 2016 and 105 condemned under the law relative to human trafficking, with no less than 223 additional charges with aggravating circumstances (compared to 15 in 2016). Previously traffickers did not, as a whole, receive any jail terms despite a substantial repressive legal arsenal Belgian authorities convicted 84 persons, a significant drop compared to figures from the previous year (US Department of State, June 2018). Indeed, in 2016, there were 113 convictions for imprisonment sentences of one to five years, rather light sanctions in regard to the gravity of the offences.

According to the Group of Experts on Action against Trafficking in Human Beings (GRETA), in view of the prevalent national security and terrorism-related issues, human

trafficking cases were not prioritized by law enforcement agencies. Moreover, the judicial reform has led to a significant downsizing of the police force, as well as prosecutors that specialize in the fight against trafficking (US Department of State, June 2018).

### **Complacency: the banalization of the prostitution system**

The case of the pimp Dominique Alderweireld, alias Dodo la Saumure, convicted in October 2011, reflects a certain tolerance, even complacency, towards traffickers. Found guilty and sentenced to five years' suspended prison sentence for procuring and brothel-keeping. He owned 16 establishments between 2000 and 2009 in which numerous women reported to have been victims of abuse (Le Monde (blog), February 5, 2015). Despite the damning facts, in 2013, he tried to appeal. Dominique Alderweireld "openly displays" his proximity to law enforcement "who do not appear to" terminate his activities (Fondation Scelles, 2016).

The advertisement campaign of the escorting website *RichMeetBeautiful* on Brussels' university campuses is a prime example of the normalization of prostitution in Belgium. At the start of the 2017 academic year, the website circulated promotional vehicles around Brussels' university campuses, displaying the message "Hey students! Upgrade your lifestyle! Go out with a sugar daddy". The dating website for "sugarbabies" and "sugardaddies" was promoting relationships between young women and older men, with the promise of an improvement of their living conditions. The encounters were glamorized and coated with false realities (restaurant invitations, presents and genuine emotional relationships) whilst the element of paid

sexual services was minimized. Following numerous complaints about the RichMeetBeautiful advertisement, as well as complaints from a number of Belgian ministers (*The Guardian*, January 26, 2017), the Jury of Ethical Advertising considered that “this specific advertisement displays a lack a proper sense of social responsibility on the part of the advertiser” and that the advertisement infringed upon human dignity (*JEP*, October 3, 2017). Other arguments brought forward by the Jury referenced the devaluation of women and the perpetuation of gender stereotypes. The Minister C. Frémault declared: “By soliciting the bodies of female students in precarious situations directly on campus, the sex industry has shown that it no longer has limits” (*La Dernière Heure*, September 26, 2017).

#### **Awareness-raising policy of government authorities**

The national referral protocol for child trafficking victims and victims of domestic servitude was implemented, and its enforcement was subject to a particular kind of monitoring from the Belgian authorities (*US Department of State*, June 2018). Human trafficking training has become mandatory for a number of judicial officials who are on the career track to become magistrates and judges. Additionally, amendments have been made concerning the referral protocol as well as victim identification (*US Department of State*, June 2018).

In January of 2018, the Belgian government launched an extensive awareness-raising and information campaign aimed towards students, under the initiative of the Minister of Youth and Women’s Rights of the *Fédération Wallonie-Bruxelles*, I. Simonis, and the Minister of Higher Education, Jean-Claude Marcourt (*Fédération Wallonie-Bruxelles*, July 2015;

*RTL*, October 13, 2016). The campaign aims to hinder the normalization and the “glamorization” of prostitution begotten through a number of practices (“sugar daddy”), most notably student prostitution.

This poster campaign aims to raise awareness among young people and students of the “dangers of prostitution in terms of physical and psychological integrity”. Aid, health, and support services have been made available (*Fédération Wallonie-Bruxelles*, July 2015). In February of 2018, a colloquium was also organized by the Ministers of Youth and Women’s Rights and of Higher Education at Liege University. A training course held by the general administration of youth outreach took place in April of 2017 for the purpose of informing field professionals (*Fédération Wallonie-Bruxelles*, July 2015).

#### **Victim support services**

Considerable efforts have been made by Belgian authorities, particularly in the identification of victims: in 2017, 137 victims were identified (of which 59 were victims of human trafficking for sexual exploitation purposes). These figures, compared to previous years, also testify to an improvement to the access to aid services for victims (*US Department of State*, June 2018).

Although NGOs have identified numerous victims within shelters, the vast majority were identified by law enforcement, social workers, and health professionals. To benefit from the status of victim within shelters as well as an access to specialized services, it is paramount for victims to cease all contact with traffickers and report to a shelter specialized in human trafficking. In 2017, the government allocated EUR 428,000 (USD 484,431) to each of the three existing specialized shelters managed by NGOs, which also have received additional public funding

from regional offices (*US Department of State*, June 2018). Some of these facilities provide psychosocial services, medical treatment, and legal support (*Fédération Wallonie-Bruxelles*, July 2015).

The vast majority of aid and support services have been provided by NGOs (who nevertheless have received funding from the government). The quality of these services is severely affected by delays in funding at both national and regional level.

### Recommendations

Despite continued efforts by the Belgian government, the fight against human trafficking and sexual exploitation has faced numerous hurdles. To mitigate their shortcomings, the authorities must provide essential guarantees at different levels, whether it is legal protection (which remains quite limited to this day), fund allocation, or even victim identification. The entire legislative body need to acquire better training in various areas (victim identification, intervention with unaccompanied underage victims, etc). The prosecution of traffickers has proved insufficient, and the legal framework, although quite comprehensive, rarely leads to the conviction of traffickers (*DH.be*, April 26, 2017). Indeed, thus far, sentences are often suspended.

Belgian authorities, furthermore, must allocate additional funds so as to aid victims and give them access to legal representation. These funds are also indispensable for shelters. Some deficiencies appear in the identification of victims (including minor victims, which is still lacking), as well as legal representation. According to *GRETA*, legal services are fairly expensive, which “dissuades victims and their cooperation in criminal procedures” (*US Department of State*, June 2018).

It is necessary to standardize compensation for victims. To aid in this goal,

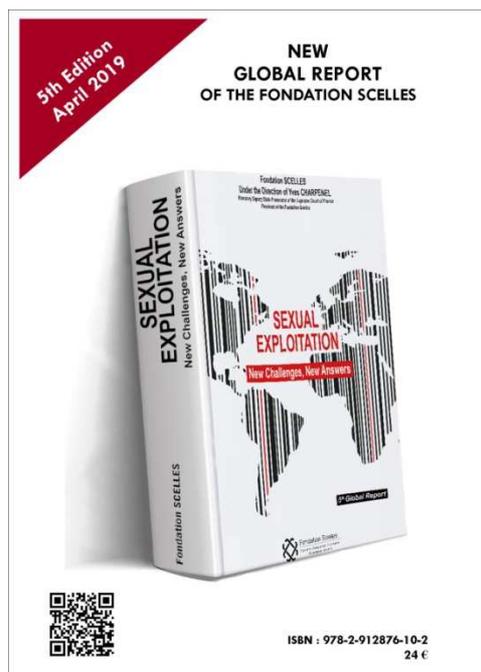
assets of suspected traffickers must be frozen before the trial, to ensure that a trafficker does not become insolvent before a victim can collect damages. Furthermore, there is a need to carry out more thorough investigations, sue presumed traffickers, and lastly penalize them substantially. The US Department of State suggests that the seizure of goods should make it possible to compensate victims.

In addition, launched campaigns should be continued, by both government authorities and associations, in order to prevent and better inform the public opinion, with the main goal of discouraging prostitution of all forms and eliminating the normalization and glamorization of the phenomenon. Likewise, the repressive policy initiated by the municipalities, notably the city of Brussels, cannot be considered an adequate response and does not in any case protect prostituted persons or better their living conditions. This policy benefits the sex buyers, who are not concerned with the law and negate the violence of sexual exploitation and prostitution.

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The **Global Report** is produced by the **International Observatory on Sexual Exploitation**, in collaboration with internal and external experts (magistrates, lawyers, social workers, NGO leaders...), and the support of local NGO correspondents or international researchers.



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Connaitre, Comprendre, Combattre  
L'Exploitation Sexuelle

The **Fondation Jean et Jeanne Scelles**, recognized as a public utility since 1994 and as a consultative status with ECOSOC, is an independent, non-profit organization based in Paris (France) dedicated to fight the system of prostitution and the exploitation of prostituted persons, through information, analysis, advocacy, trainings, awareness initiatives and legal actions. The **Fondation Jean et Jeanne Scelles** is a co-founding member of the Coalition for the Abolition of Prostitution (CAP International) which was launched in 2013 and today brings together 28 abolitionist NGOs from 22 countries.

The **International Observatory on Sexual Exploitation** (Observatoire international de l'exploitation sexuelle) is a worldwide hub which allows for information exchange on the system of prostitution. The hub is regularly consulted by French and foreign experts including NGOs, institutions, journalists, lawyers, researchers and those involved in the defense of human rights. The goals of the **International Observatory on Sexual Exploitation** are:

- to analyze all the aspects of the phenomenon: prostitution, sex tourism, procurement, child pornography, sex buyers, human trafficking for the purpose of commercial sexual exploitation...
- to encourage reflection and to take a stand
- to inform the public who are interested in these issues

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