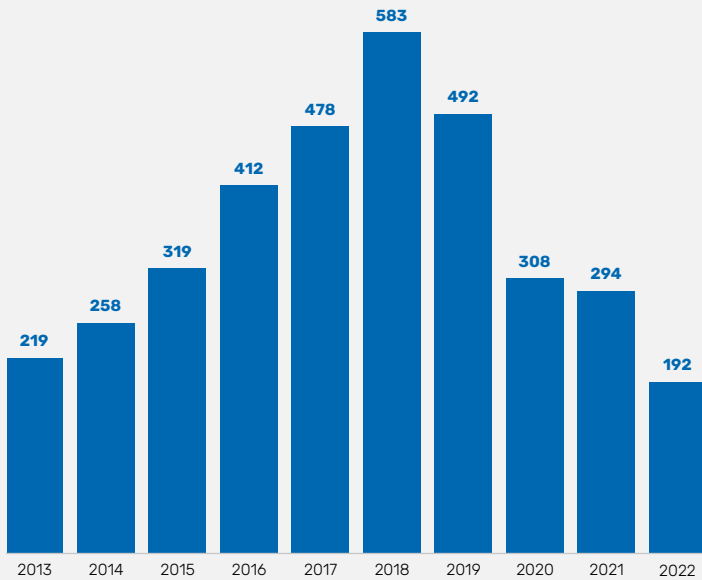


2. Human smuggling

Human smuggling offences (police data)

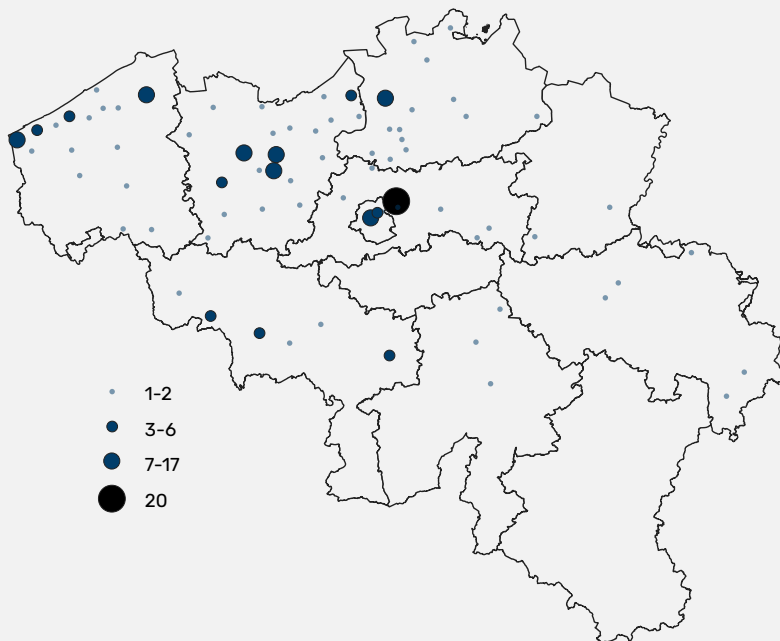
Human smuggling offences recorded 2013-2022



In 2022:

- 192 offences associated with human smuggling were detected by the police. This marks a fall of 35% compared with the previous year and the lowest level of the past 10 years.
- 4 out of 5 findings occurred in the Flemish Region. In the Walloon Region and the Brussels-Capital Region, 21 and 18 acts respectively were recorded. One act could not be associated with a place.
- The offences were mainly observed in the provinces of East Flanders, West Flanders, Flemish Brabant and Antwerp. They mainly originated in provincial capitals such as Ghent (17), Brussels-Capital (18 offences in the 19 municipalities), Antwerp (7), Bruges (7) and at Zaventem airport (20). Nine offences were recorded in the coastal municipality of De Panne.

Human smuggling offences recorded in 2022

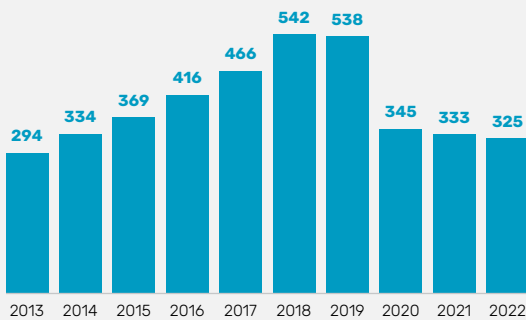


Province	No. of offences
East Flanders	61
West Flanders	39
Flemish Brabant	26
Antwerp	23
Brussels-Capital	18
Hainaut	12
Liège	5
Namur	4
Limburg	3
Unknown	1
Luxembourg	0
Walloon Brabant	0
Total	192

Human smuggling cases submitted to the public prosecutor's office

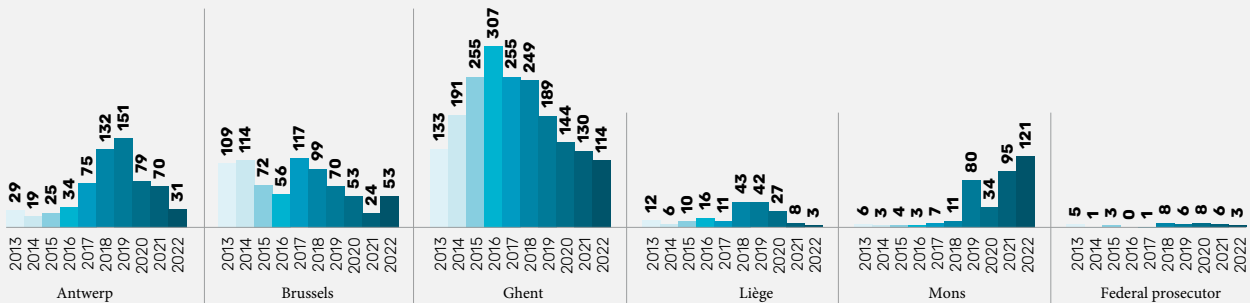
Human smuggling:

- Art. 77bis, 77ter, 77quater and 77quinquies of the Residence Act;
- Code 55G.



In 2022:

- 325 criminal cases involving human smuggling were referred to the criminal prosecution service, a very slight decrease compared with 2021 and a continuation of the downward trend since 2018.
- This evolution can most clearly be seen in the jurisdictions of Antwerp, Ghent and Liège: continuous growth as of 2013, peaking in the 2017-2019 period, before falling.
- In recent years, there have been a striking number of criminal cases associated with human smuggling in the jurisdiction of Mons. Last year, the number of criminal cases opened was even higher than in the jurisdiction of Ghent (which covers the provinces of East Flanders and West Flanders). The low number of offences recorded by the police in the province of Hainaut makes this situation all the more striking. This unusual trend was reported to the services concerned and was the subject of a closer examination at the time this report was being written.
- For the sake of completeness, it should be noted that Antwerp labour prosecutor's office also opened three criminal cases involving human smuggling in 2022.



Jurisdiction: extent of a jurisdiction's territorial competence. Belgium is composed of five major jurisdictions, each with a court of appeal. Each court of appeal has jurisdiction over several judicial districts.



- Antwerp → Antwerp and Limburg
- Brussels → Brussels (Brussels and Halle-Vilvoorde), Louvain and Walloon Brabant
- Ghent → West Flanders and East Flanders
- Liège → Liège, Eupen, Namur and
- Luxembourg
- Mons → Hainaut

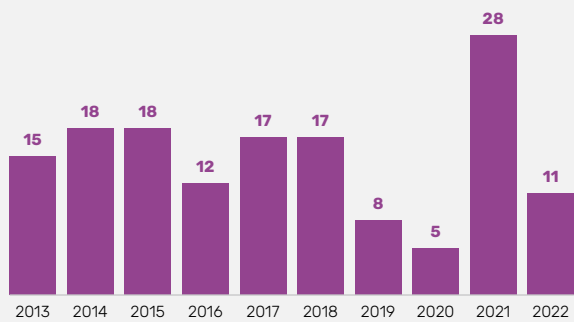
Insufficient capacity to investigate and identify offenders is the main obstacle to a successful prosecution.

Of the 325 criminal cases involving human smuggling referred to public prosecutors in 2022, 222 had already been dropped as at 7 May 2023, i.e. approximately 68%.

- In 117 of these cases, the reason was expediency and technical reasons in 105 cases (of which 35 were due to insufficient burden of proof).
- Almost a third (70) of these decisions resulted from the impossibility of identifying the perpetrator(s). In other words, more than one in five criminal cases referred in 2022 were dropped as at 7 May 2023 because the perpetrator(s) was unknown.
- In 77 cases, no criminal proceedings were initiated owing to insufficient investigation capacity.

New support for human smuggling victims initiated by the specialised centres

New cases of support initiated for victims of human smuggling in 2013-2022

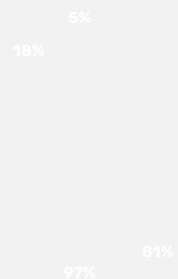


Profile of human smuggling victims receiving support for the first time in 2022

Nationality	Women		Men		Total
	<18	≥18	<18	≥18	
Syria			2	3	5
Guatemala	1	1		2	4
Vietnam				1	1
Turkey				1	1
Total	1	1	2	7	11

In 2022, **11 victims** of an aggravated form of human smuggling joined a support programme at one of the three specialised centres.

- In 7 of the 11 cases, these were **adult men**, although support was also initiated for 3 minors.
- 5 Syrians and 4 Guatemalans were among the victims.



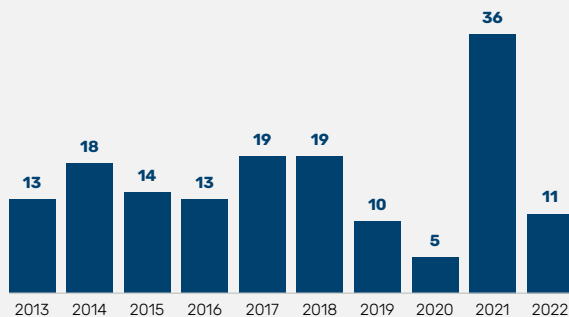
Victims of an aggravated form of human smuggling who entered the procedure (IO)

Like victims of human trafficking, victims of an aggravated form of human smuggling can also claim victim status. Aggravated forms of human smuggling are defined in Article 77 quater 1° to 5° of the Residence Act of 15 December 1980 and apply if:



- the offence was committed against a minor;
- there was abuse of the particularly vulnerable situation in which the person found themselves, leaving the victim with no real and acceptable choice but to be abused; violence, coercion, threats or deception were used; the victim's life was endangered, either deliberately or through gross negligence;
- the crime caused permanent physical or psychological harm.

Number of victims of human smuggling with aggravating circumstances who entered the procedure



In 2022, the IO received a first application for residence for **11 victims of human smuggling** with aggravating circumstances. A significant drop compared with 2021, but comparable to previous years.

Among these victims, there were:

- 9 men and 2 women
- 6 Syrians, 4 Guatemalans and 1 victim of another nationality
- 5 minors were also among the victims

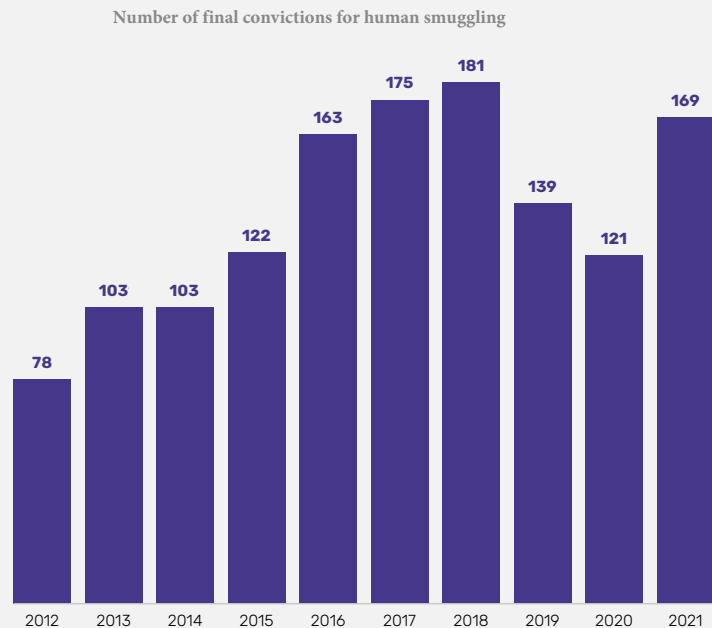
Victims of human smuggling with aggravating circumstances who entered the procedure, by age and by gender

	0-17	18-25	26-30	31 jaar en +	Totaal	Mannen	Vrouwen
2013	1	3	5	4	13	11	2
2014	5	3	3	7	18	9	9
2015	5	2	4	3	14	7	7
2016	2	6	1	4	13	8	5
2017	4	6	5	4	19	13	6
2018	8	5	4	2	19	12	7
2019	3	2	3	2	10	6	4
2020	0	3	1	1	5	2	3
2021	0	20	7	9	36	31	5
2022	5	3	1	2	11	9	2

N.B.: there is some information that the Immigration Office prefers not to divulge to prevent the identification of anyone involved.

Final convictions for human smuggling

There were 169 final convictions for human smuggling in 2021, i.e. an increase of 40% compared with 2020, marked by the coronavirus, and a level comparable to that of the period 2016 - 2018. Given that a conviction can be accompanied by several sentences, the total number of sentences is higher than the number of convictions. Hence, 582 sentences were handed down in 2021. Almost all the convictions resulted in a prison sentence combined with a fine (suspended or not). In 111 cases, the convicted person was deprived of their civil rights and in 137 cases, a confiscation took place. Other forms of punishment are only occasionally pronounced.



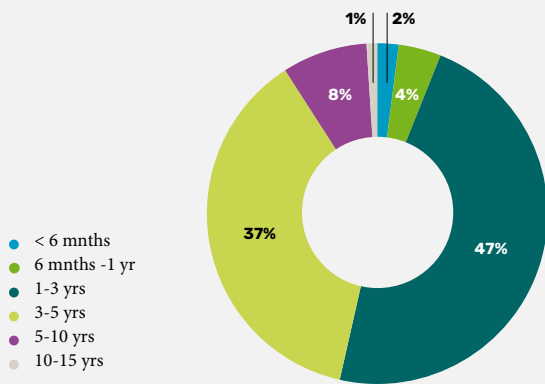
Main sentences	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
Prison sentence	74	96	100	120	154	174	176	128	118	161
Not suspended	43	45	59	60	56	123	113	85	71	87
Suspended (partly or fully)	31	51	41	60	98	51	63	43	47	74
Fine	76	94	100	117	158	172	177	132	120	164
Not suspended	40	64	69	57	71	102	110	87	56	88
Suspended (partly or fully)	36	30	31	60	87	70	67	45	64	76
Confiscation	48	64	55	76	76	101	110	88	77	111
Deprivation of rights (Art. 31 Crim. Code)	60	79	75	89	120	130	135	90	97	137
Community service	1	4	1	1	4	1	5	8	2	4
Others	3	0	0	0	1	0	4	8	2	5
Total	264	338	332	403	513	578	607	454	416	582

Methodological remarks

- These figures concern the number of final convictions, which can therefore no longer be the subject of an appeal.
- Several cases were entered into the database a few months late, which explains why the data for 2022 is not available yet.
- This data corresponds to the status on 16 May 2023.



Duration of prison sentences pronounced in 2021 (suspended or not)



As regards the duration of the prison sentences pronounced:

- More than 4 out of 5 prison sentences were 1 to 5 years.
- Prison sentences of 5 to 10 years were pronounced in 13 cases.
- A prison sentence of 10 to 15 years was pronounced in 2 cases. It was the first time that such long prison sentences were pronounced.

Main nationalities of the persons convicted of human smuggling in 2021

Nationality	2021
Unknown	43
Belgium	29
Albania	23
Iraq	12
Iran	8
Sudan	7
Egypt	6
Syria	6
Italy	5
Afghanistan	3
DR Congo	3
France	3
Nigeria	3
Others	18
Total	169

As in previous years, there was a large number of convicted persons in 2021 whose nationality was unknown. Therefore, the nationality of 25% of the convicted persons remains unknown. Among the others convicted, no less than 27 different nationalities were listed.

In 2021, a large number of convicted persons were of Belgian or Albanian nationality. The other main nationalities were Iraqi, Iranian, Sudanese, Egyptian and Syrian.