

Royal decree of 16 June 1995 on the role and powers of the Centre for Equal Opportunities and Action against Racism with respect to measures taken to combat international trafficking in human beings, and application of Article 11, § 5, of the Act of 13 April 1995 containing provisions for the suppression of human trafficking and child pornography.

Ministry of Justice

ALBERT II, King of the Belgians,

To all present and to come, Greetings !

Having regard to the Act of 13 April 1995 containing provisions for the suppression of human trafficking and child pornography, and in particular Article 11, §§ 3 and 5, Having regard to the opinion of the State Council, On a proposal by the Minister for Justice,

We have decreed and now decree as follows:

Article 1. The policy for combating international trafficking shall be decided by the Interministerial Conference on Immigration Policy, for which the Centre for Equal Opportunities and Action against Racism shall provide the secretariat.

Article 2. The Centre for Equal Opportunities and Action against Racism shall be responsible for promoting, co-ordinating and monitoring the policy against international trafficking in human beings.

Article 3. The Centre for Equal Opportunities and Action against Racism shall draw up an annual, independent and public report assessing developments and results with respect to action taken to combat international trafficking in human beings and submit it to the government.

Article 4. An Interministerial Co-ordination Unit for Action against International Trafficking in Human Beings shall be set up. It shall be chaired by the Ministry of Justice. The Centre for Equal Opportunities and Action against Racism shall provide the secretariat and be responsible for co-ordination.

Article 5. The Interministerial Co-ordination Unit for Action against International Trafficking in Human Beings shall comprise the following members:

a representative of the Ministry of Justice;

a representative of the Ministry of the Interior;

a representative of the Ministry of Foreign Affairs;

a representative of the Ministry of Employment and Labour; a representative of the Ministry of Social Affairs;

a representative of the Ministry for Social Integration;

a representative of the Secretary of State for Development Co-operation;

a representative of the bench of principal crown prosecutors or of the national council with responsibility for questions relating to international trafficking in human beings;

a representative of the Department of Penal and Criminal Affairs of the Ministry of Justice;

a representative of the Crime Policy Department of the Ministry of Justice;

a representative of the National Gendarmerie Unit in charge of investigation policy co-ordination;

a representative of the Immigration Office of the Ministry of the Interior;

a representative of the Welfare Legislation Inspectorate of the Ministry of Employment and Labour;

a representative of the Special Tax Inspectorate of the Ministry of Finance;

a representative of the Welfare Inspectorate of the Ministry of Social Security;

the Director and Deputy Director of the Centre for Equal Opportunities and Action against Racism responsible for co-ordinating action against human trafficking.

Article 6. Where necessary and for the purpose of co-operation, the Interministerial Co-ordination Unit for Action against International Trafficking in Human Beings may invite other experts and competent individuals or services to its meetings.

Article 7. The role of the Interministerial Co-ordination Unit for Action against International Trafficking in Human Beings shall be to:

1. enable the relevant ministries to operate a system of effective co-ordination through exchanges of necessary information, so as to ensure a sustained policy of action against international trafficking in human beings and with a view in particular to dismantling and eradicating the activities of traffickers and their networks;
2. make a critical assessment of the practical results of action taken against international trafficking in human beings;
3. pass on the information to the Centre for Equal Opportunities and Action against Racism via the Interministerial Conference on Immigration Policy;
4. help draw up proposals and recommendations for combating international trafficking in human beings;

Article 8. The Interministerial Co-ordination Unit for Action against International Trafficking in Human Beings may formulate proposals for the creation of permanent co-ordination bodies in judicial districts with a high incidence of international trafficking in human beings.

Article 9. Meetings of the Interministerial Co-ordination Unit for Action against International Trafficking in Human Beings shall be convened at least twice a year by the Centre for Equal Opportunities and Action against Racism. Each member of the Interministerial Unit may propose additional meetings.

Article 10. The Centre for Equal Opportunities and Action against Racism shall be responsible for co-ordination and for promoting co-operation between the different private services which specialise in the provision of help and support to victims of international trafficking in human beings.

Article 11. § 1. Pursuant to Article 11, § 5 of the Act, associations may receive official approval if they meet the following conditions:

1. They must have legal personality;
2. Their purpose must be to promote action against human trafficking, to combat child pornography or to protect human rights;
3. They must genuinely and habitually engage in activities related to their social purpose.

Applications for official approval, enclosing the articles and statutes of the association, together with an activity report, must be sent by registered mail to the Penal and Criminal Affairs Department at the Ministry of Justice.

Applicants shall receive notification of the decision to grant or reject approval within six months of their application.

§2. Approval shall be withdrawn *ipso jure* where an association ceases to meet the conditions laid down in Article 11, § 1, 1 and 2.

In the following cases approval may be suspended or withdrawn:

1. If the association no longer genuinely or habitually engages in activities related to its social purpose;
2. If a presumed victim of human trafficking or child pornography lodges a complaint alleging prejudice caused by the association.

If the suspension or withdrawal of official approval is envisaged the association shall be notified in the form of a letter sent by registered mail stating the reasons. It has thirty days in which to reply and has the right to be heard.

It shall be notified of the decision to suspend or withdraw approval.

Article 12.

Responsibility for enforcing this decree rests with the Minister for Justice.

Done in Brussels, 16 June 1995