



Belgium

- Population: 11.1 million
- GDP per capita (in US dollars): 47,352
- Federal government - Constitutional monarchy
- Human development index (HDI): 0.890 (21st rank among 187 countries)
- Gender inequality index (GII): 0.063 (15th rank among 147 countries)
- Corruption Perceptions Index (CPI): Score of 77 on a scale from 0 (highly corrupt) to 100 (very clean)
- Founding Member of the European Union since 1952.

- 23,000 prostituted persons in Belgium according to a 2012 police report. Between 4,000 and 5,000 prostituted persons in Brussels, of whom a third are men (*L'Avenir*, November 16th, 2012).
- Abolitionist system since 1948, confirmed in 1965. Prostitution does not constitute an infraction in itself, but legislation condemns procuring, soliciting, and the managing of brothels (article 380 of the Penal Code). Trafficking for sexual exploitation is punished with up to 20 years in prison (articles 442-5 to 443-9 of the Penal Code).
- Regulationist components in municipal policies.
- In 2014, 259 human trafficking suspects were brought to justice, of whom 112 were suspected of sexual exploitation. Of the 259 people, 47 were found guilty, but few were sentenced to prison terms, and some were sentenced to partial or conditional terms.
- The government continues its efforts to bring to justice the royal family of Abu Dhabi, presumed guilty of keeping 17 young women in forced servitude during their stay in a Brussels hotel in 2008 (*U.S. Department of State*, 2015).
- Considerable phenomenon of prostitution in the area bordering with France
- Country of destination, transit, and to a lesser degree origin for victims of trafficking for sexual exploitation.
- Primary origin countries for victims: Bulgaria, Romania, Albania, Nigeria, China, Morocco.

Since 1995, human trafficking has been punished. Article 433 quinquies of the Penal Code puts forth 5 points of exploitation including exploitation of prostitution and child pornography (*Centre pour l'égalité des chances et la lutte contre le racisme*, 2013). August

2nd, 2013, marks the introduction into action of several important modifications to the human trafficking law (*U.S. Department of State*, 2014). According to the Center for Equal Opportunities and the Fight Against Racism, perpetrators of human trafficking risk higher penalties from now on, since their fines will be multiplied by the number of victims (*Centre interfédéral pour l'égalité des chances*, August 2nd, 2013). Other forms of sexual exploitation are punishable as exploitation for personal gain.

Before this modification, certain perpetrators managed to escape the law thanks to an interpretation which only considered prostitution and child pornography to be punishable.

The heterogeneous approach to prostitution among European countries does not allow for an effective fight against the scourge of sexual exploitation and, more largely, human trafficking. While 65 years ago many countries ratified the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, these same countries have adopted different policies. Networks take advantage of this and abuse of the often severe discrepancies between laws, and the often too-tolerant field practices. Belgium is a good example.

Prostitution: An Alarming Reality

In Belgium, prostitution itself does not constitute a crime. However, soliciting, procuring, and brothel-keeping are condemned by the Penal Code (*CEPESS(a)*, December 2011). The Penal Code provides high penalties when procuring is associated with the use of force or when minors under 16 years old are involved.

Police reports around 23,000 prostituted persons in Belgium (*L'Avenir*, October 1st, 2013). The country's geographical position gives it the distinction of being a country of destination, origin, and transit (*Centre pour l'égalité des chances et la lutte contre le racisme*, 2011). Migrants come mainly from Eastern Europe but also from Africa and Asia. There are several forms of prostitution: Indoor prostitution where prostituted persons rent a "square" with a display window, prostitution established "undercover," such as in massage parlors, prostitution in bars where waiters, often employees, offer additional services (with or without a window display), and finally private prostitution where clients are recruited via the internet or advertisements.

With the crisis, prostitution continues to spread in the country, especially "low cost" prostitution (*La Gazette*, September 11th, 2014). Prostituted persons in the town of Charleroi in the Wallonne region don't hesitate to lower their prices to match those of neighboring areas where the activity is practiced for a lower cost. Other prostituted persons in the border region prefer to switch to luxury prostitution with fees of up to 324 US\$ (300 €) the trick (*L'Express*, June 7th, 2013). Border prostitution is also widespread, from Tournai to Courtrai, brothels attract thousands of northerners to the "Blue Door" especially, where prices are extremely low and demand is high. Since the closure of clubs in Lille, the French regularly visit these places, arguing that prices are lower than in France. They represent 80% of the clients who frequent the border bars.

Like elsewhere, male prostitution is growing in scale (*Le Soir*, February 21st, 2013).

At the same time, foreigners fleeing difficult living conditions in their countries of origin are exploited by networks who use many strategies to hide their activities such as the

recruitment of women in bars, who work under false status of independence and who do not understand what they have signed (*CEPESS(b)*, Decembrer 2011). On January 14th, 2015, a man was sentenced to a year in prison for human trafficking and procuring (*L'Avenir*, January 14th, 2015). The perpetrator was exploiting a dozen women in a brothel called "Le Roll's" between 2008 and 2011, one of whom he had married in 2005, and had an illegal residence status. The status of "self employed" is the only one authorized to prostituted persons by the federal government, but the majority do not have a status, and remain hidden.

Management with the Goal of Cracking Down on Prostitution

Recent years mark a tendency towards repression, in conduction with measures adopted at a local level, in particular against noise. The adoption of article 134 quinquies of the new municipal law, which came into effect July 1st, 2011, also gives special jurisdiction to mayors who may close an establishment where there is evidence of human trafficking (*Milquet, Turtelboom, 2012*). In October of 2013, a crackdown lead to the displacement of prostituted persons in the Alhambra district of Brussels near the Albert II boulevard, after 10 PM (*La Dernière Heure*, October 3rd, 2013). The goal was to increase police patrols to stop street prostitution, which was prohibited in principle. But this municipal law was deemed ineffective, as it was inadequate with regard to the problem of trafficking for sexual exploitation. 80% of prostituted persons are victims of sexual exploitation (*L'Avenir*, October 1st, 2013).

Prostitution in Europe seems to be changing face, and is the subject of a wider urban management policy linking security to economic objectives. European politics have therefore targeted the expulsion of prostituted persons who become too visible in areas devoted to shopping and leisure. Therefore, they aim to fight organized crime, in part to maintain economic concerns. Major European cities wish to occupy a prominent place among the competition for investors and/or companies. To meet the free movement of people in the Schengen area and to better counter the phenomenon of "network prostitution," Belgian authorities have increased their exchanges with Bulgarian and Romanian police. Cooperation with security is in process. Indeed, Belgian and French police are collaborating in the Northern Belgium quarter, within the Shaerbeek community, which is known for prostitution. The disorder caused especially by French tourists justifies the operations conducted jointly by Belgian and French police. On January 16th, 2014, a joint patrol was mobilized on Aerschot Street where 85 people were arrested for disturbing public order (*7 sur 7*, January 16th, 2014). These partnerships with regards to security and municipal policies are measures taken to address the problem of noise complaints. They do not address the scourge of trafficking, that is to say, violence experienced by prostituted persons.

Despite regular police inspections, prostitution is not lessening, and the social component, notably, is not sufficiently investigated by public authorities. Support for people leaving prostitution is crucial.

For the time being, organizations that specialize in support for human trafficking victims, such as PAG-ASA in Brussels, Payoke in Antwerp and Surya in Liège, continuously work to put social measures in place (*GRETA*, 2013). These NGOs also conduct prevention measures and participate in the training of professionals in the fight against trafficking. Several actions

are also organized in the PAC (Public Action Center). On February 14th, 2014, a decree that provides funding and supportive care to victims was approved on the recommendation of the Minister of Wallonia, Eliane Tillieux, to provide more medical assistance to victims and aid for their professional integration (7 sur 7, February 14th, 2014). Belgian authorities must intensify their efforts for the protection of victims, including paying special attention to foreign minors who are victims of sexual exploitation. This socially fragile population is considered marginal and delinquent when left to itself, which means on the street.

Tolerance in Rules that Trivializes the System of Prostitution: Perverse Effects

The legislation is clear, it condemns the act of procuring, and the keeping of brothels. The reality of the situation is quite another matter. Towns situated in the three regions of Belgium (Flanders in the North, Walloon in the South, and Brussels in the center) certainly have among them the tendency to look the other way regarding practices related to procuring. While legislation tries to be more severe, there is a form of tolerance in towns which allows each to take their own direction in keeping public order, without really tackling the origin of the problem. The consequence is the establishment of networks and the durability of illegal activities.

The consequential case of the procurer Dominique Alderweireld, better known as “Dodo la Saumure,” reflects this reality (*Sud Ouest*, February 3rd, 2015). On October 1st, 2011, the perpetrator was sentenced to 5 years in prison with a suspended sentence for acts of procuring and the keeping of a brothel between 2000 and 2009. He exercised his activities illegally in several venues of prostitution under the guise of “massage parlors” or “bars.”

In 2011, 16 brothels were identified. Women who engaged in prostitution in his establishments complained of mistreatment (*Le Monde*, February 5th, 2015). In April of 2013, he appealed and thus became the object of media attention. He openly displayed his friendship with police authorities, who did not seem to have forced him to cease his illegal activities.

Mayors tend to focus their attention on problems of nuisance, complicating judicial investigations in process - in this case, the disagreements between prosecutor and police (*L’Avenir*, May 25th, 2013).

The police were not supported by the prosecution in the case of Dodo la Saumure and should have had guidelines for effective action on the ground. This counterproductive interference between police measures taken by the mayor, and those taken by the Belgian Prosecutor under criminal law, enabled therefore the activities of Dodo la Saumure to continue.

While the goal of mayors is to move prostituted persons to other areas, the measures taken under the criminal code by the prosecutor aim to prosecute perpetrators of human trafficking (*Centre pour l’égalité des chances et la lutte contre le racisme*, 2013).

This character also played a role in “the Lille Carlton case”¹ with Dominique Strauss-Kahn, the former head of the International Monetary Fund (IMF). In January of 2015, he was charged with “aggravated procuring as an organized gang.” The justice system accused him of having played an important role in the export of prostituted women from Belgium to France.

¹ See chapter “France”.

On 17 February 2015, the French Prosecution demanded two years in prison (a one year suspended sentence) and a 3-15 month suspended sentence for the other defendants (*Huffington Post*, February 17th, 2015). On June 12th, 2015, Dodo la Saumure and the majority of the defendants were acquitted by the Lille Criminal Court.

According to the 2013 report by the Group of Experts on Action against Trafficking in Human Beings (GRETA) in Belgium, the fight against trafficking is considered a priority action in the framework of the National Security Plan 2012/2015, but is insufficiently reflected in local policies (GRETA, 2013). It is necessary that the efforts are coordinated for effective fight against trafficking for sexual exploitation. Belgium is the prisoner of a system that encourages human trafficking. As long as the measures are not applied strictly, local police will prefer to use their own strategies against prostitution, and prosecution of traffickers will prove ineffective.

Prostitution: Subject of Discord

As prostitution is not prohibited, different actors coming from associative and political environments reflect on how best to contain it (*FPS*, 2011). In 2005, the city of Antwerp built an “Eros Center” so as to contain prostitution in certain neighborhoods (*CEPESS(a)*, December 2011). The goal of this project is to build a venue where prostituted persons can exercise far from local residents. For the initiator of the project, this measure aims to set better boundaries for prostitution in windows by offering secure, hygienic, and sanitary conditions. The Eros Center of Antwerp may have reduced health problems, but trafficking for sexual exploitation persists despite police checking. Additionally, traffickers are adapting to changes. Procurers are more likely to seduce women to keep a hold of them, rather than using violence. Prostitutes cannot thus identify with victims.

Joelle Milquet, Minister of the Interior and Equal Opportunities in the Di Rupo government December 6th, 2011, opposes this framework that seems to appeal to towns, because the problems generated by trafficking are not resolved, and are rather moved behind closed doors (*L’Avenir*, October 1st, 2013).

In 2014, in Brussels, the Eros Center project inspired by the Antwerp model became a subject of debate (*RTBF Info*, June 26th, 2014). For Espace P, an advocacy group for the rights of prostituted persons, this solution was not well received. Although the association wants a framework for prostitution, it does not favor building an Eros Center. The presence of foreign prostituted persons adds a dimension to the debate on the regulation and institutionalization of prostitution. 40% of victims of trafficking for sexual exploitation are foreign (GRETA, 2013). Foreign persons must have legal residence status to practice in these institutions. Many of them do not fulfill this condition. For the association, the measure will only reinforce the hiding of people plagued by social misery and serving the sex industry.

In Seraing, in the Walloon region, the construction of an Eros Center began at the beginning of 2015 and will be completed by the end of 2015. The revenue gathered will be managed by an associative organization (ASBL) (*La Meuse*, January 20th, 2015). The establishment is situated on the site of the *Cour des Miracles* and will house about 100 prostituted persons. Consequentially, prostitution in street salons on Marnix Street will be

prohibited. For the deputy, Alain Mathot, this measure will improve hygiene conditions and will help to avoid procuring.

In this way, prostitution seems to represent a subject of disagreement between associations who want to regulate the activity, and magistrates who adopt security measures to reassure locals without worrying about victims of sexual exploitation.

The scourge of prostitution is approached solely considering political stakes. It is therefore poorly understood. In fact, to appeal to their electorate, magistrates adopt local laws which act to remove prostitution from public spaces. For the NGO Isatis (Social Initiative to Aid Independent Sex Workers), it is the sanitary conditions necessary to exercise the activity which take precedent over other concerns (*CEPESS(a)*, December 2011). Security is a major concern in the regulationist approach to prostitution. Isatis did not see the birth of the Eros Center in the heart of the city of Liège, that it had to manage to its expected opening in 2013/2014 (*Le Soir*, March 23rd, 2015). The project was in the works since 2009 and was abandoned. The Belgian feminist movement, Femmes Prévoyantes Socialistes (FPS) opposed it in 2011 at the emergence of the project, feeling that it reinforced inequality between men and women. The construction of places of prostitution contributes to the social marginalization of prostituted persons, and thus implies the promotion of prostitution. This is not an encouraging idea when it is already known that women are victims of masculine domination.

According to a study lead by the Institute for the equality of women and men, in reference to a survey carried out by the European Agency for Fundamental Rights in 2014, 36% of women are victims of sexual or physical violence. For this reason, the *FPS* campaigns to organize various educational actions for a more equal society.

Belgium is classified among the countries the most concerned about the problem of violence towards women.

For a more equal society that is concerned with the security of all individuals, the criticism on the part of magistrates must take into account the violence suffered by prostituted persons who sell their bodies to men. Putting into place local actions coordinated with important community leaders could manifest these criticisms.

A Society Losing Its Bearings: A Culture of Sexism and the Female Object

In 2013, an international conference on the exploitation of prostitution was held, in the presence of the Queen of Belgium. Hypersexualization came up as a problem which worried authorities. This notion refers to behavior of a sexual nature, visible in the attitudes of adolescents. One study revealed that 50% of children in primary school have already seen pornographic scenes (*Sud Info Belgique*, September 28th, 2013). These findings go hand in hand with a society gripped by a culture of sexism and the objectification of women.

Since the 1990s, there has been an explosion in consumption of pornography, due to free access from new technologies and the market liberalization. Information flows through the sites and the vulnerable public imbibe this culture deemed detrimental to the cognitive development of children. The role of media is strongly correlated to the construction of masculine and feminine identities. The young public identify with images of naked bodies. In April of 2014, a couple practicing boxing was prosecuted for incitement to debauchery of

prostitution (*La Dernière Heure*, April 22nd, 2014). He regularly taught the practice to young girls while they were topless or completely nude. The couple also had sexual relations with girls who were willing. He filmed the boxing scenes and sold them in Europe and the United States. Sexualization increasingly invades public spaces and the authorities should be alarmed, because it is a threat to the wellbeing of children.

It is clear that procuring is benefiting from increasing impunity. This impunity relies on weak enforcement of the Penal Code, which tolerates procuring within real estate, allowing for prostitution to be trivialized and for procurers to increase their profits significantly. If the articles of the Penal Code were strictly applied, the Eros Center and other places dedicated to prostitution would be closed. These places promote impunity, sufficient to cover the sex industry and exploit vulnerable prostituted persons. For a more egalitarian society concerned with the preservation of sexuality outside of markets and violence, the federal government should be alarmed by the tolerant measures applied by municipalities. The local governments are lacking in resources and use the skills at their disposal to address problems of sanitation and public tranquility. This can be explained by the absence of a firm federal policy on the matter of procuring, which must be developed.

Sources

- « Prostitution à Bruxelles : l'enthousiasme de Kir pour la Villa Tinto n'est pas partagé », *L'avenir*, November 16th, 2012.
- « Des policiers français rue d'Aerschot », *7 sur 7*, January 16th, 2014.
- « Eros Center à Bruxelles : pas une bonne idée disent les associations », *RTBF Info*, June 26th, 2014.
- « Faut-il interdire les Eros Centers », *Le Soir*, October 1st, 2013.
- « Freddy Thielemans refoule les prostituées de l'Alhambra », *La Dernière Heure*, October 3rd, 2013.
- « Inquiétant : 50% du primaire ont déjà vu du porno ! », *Sud Info Belgique*, September 28th, 2013.
- « J'suis comme ça, j'fais d' l'Audiard », *Le Monde*, February 5th, 2015.
- « Le proxénète est un cancer », *L'Avenir*, May 25th, 2013.
- « Les prix cassés de la prostitution à Charleroi : pour 30 euros on peut avoir le complet dans la rue des Rivages », *La Gazette*, September 11th, 2014.
- « Loi modifiée pour une répression plus sévère de la traite des êtres humains », Centre interfédéral pour l'égalité des chances, August 2nd, 2013.
- « Lutteuses : round correctionnel », *La Dernière Heure*, April 22nd, 2014.
- « Mieux protéger les prostituées en Wallonie », *7 sur 7*, February 14th, 2014.
- « Procès du Carlton : les premières réquisitions sont tombées, DSK fixé dans l'après-midi », *Huffington Post*, February 17th, 2015.
- « Qui est Dodo la Saumure, au cœur du procès DSK ? », *Sud Ouest*, February 3rd, 2015.
- « Seraing : les travaux du premier Eros Center débiteront au 1er semestre 2015 », *La Meuse*, January 20th, 2015.
- « Un an de prison pour un proxénète de Florenville », *L'Avenir*, January 14th, 2015.

- Besnard J., « Escort boys, gigolos,: qui se cache derrière ces travailleuses du sexe » ?, *Le Soir*, February 21st, 2013.
- Bodeux P., « Liège enterre son projet de centre de la prostitution, L'Eros center », *Le Soir*, March 23rd, 2015.
- Centre pour l'égalité des chances et la lutte contre le racisme, *La traite et le trafic des êtres humains – Lutter contre la fraude sociale, c'est prévenir la traite des êtres humains*, Annual Report 2010, Brussels, October 2011.
- Centre pour l'égalité des chances et la lutte contre le racisme, *Traite et trafic des êtres humains : Construire la confiance*, Annual Report 2012, Brussels, October 2013.
- CEPESS(a), Biolley (de) I., Loeckx P., Serrokh N., Frémault C. (President), *La mise en place de complexes hôteliers dédiés à la prostitution – Analyse*, Rapport de la Commission Cepess, Centre Permanent pour la Citoyenneté et la Participation (CPCP), Centre d'Etudes Politiques, Economiques et Sociales (CEPESS), Collection « CEPESS », Brussels, December 2011.
- CEPESS(b), Jacques J.-P., *Les victimes de la traite des êtres humains et la prostitution – Analyse*, Centre Permanent pour la Citoyenneté et la Participation (CPCP), Centre d'Etudes Politiques, Economiques et Sociales (CEPESS), Collection « CEPESS », Brussels, December 2011.
- Claude F., *Prostitution : Arguments et opinions*, Femmes prévoyantes socialistes (FPS), 2011.
- CRIDES/Fondation Scelles, *Revue de l'actualité internationale de la prostitution*, 2013.
- CRIDES/Fondation Scelles, *Revue de l'actualité internationale de la prostitution*, 2014.
- Ernens C., « Premier discours de la reine Mathilde, sur la prostitution : "elles porteront les traces de violence" », *L'Avenir*, October 1st, 2013.
- GRETA (Group of Experts on Action against Trafficking in Human Beings), Council of Europe, *Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Belgium*, First evaluation round, GRETA(2013)14, Strasbourg, September 25th, 2013.
- Lenoir A., « Dans le secret des maisons closes frontalières », *L'Express*, June 7th, 2013.
- Lilian M., « Genèse et logiques des politiques de prostitution en France », *Actes de la recherche en sciences sociales*, 3/2013 (n.198), 2013.
- Milquet J. (Vice-Prime Minister), Turtelboom A. (Minister of Justice), *Plan national de sécurité 2012-2015 – Veiller ensemble à une société sûre et viable*, 2012.
- U.S. Department of State, *Trafficking in Persons Report*, June 2013.
- U.S. Department of State, *Trafficking in Persons Report*, June 2014.
- U.S. Department of State, *Trafficking in Persons Report*, July 2015.