

Issue I: Use of the Internet for drug-related activities

Recommendation 1

Governments should be encouraged to ensure that their law enforcement agencies are well informed, professionally trained and suitably resourced so as to be effective in the investigation of cyber-related offences and the related use of the Internet for illicit trafficking.

Any action taken YES NO

Comments:

Internet and its use is part of the training offered to the Police services. This training is covered in a course as part of judicial training.
Training in open source research is being developed.
The 'Federal Police', under the DJSOC (Judicial Directorate in charge of the fight against Serious and Organized Crime), has, since 2016, a Unit, specifically dedicated to Internet investigations (DJSOC/i2-IRU) and is a support unit for all services of the Integrated Police. This service carries out, upon request, Internet investigations for judicial cases.
If requested by interested departments, they also provide information sessions on investigation methods. This specialized service also participates and/or follows international training courses.

Also, the 'General Administration Customs and Excise' follows training that is given by CEPOL, the European Union Agency for Law Enforcement Training, on drug related crime on the Darknet.

Recommendation 2

Governments must work together to overcome the obstacles encountered in undertaking the investigation of cyber-related trafficking offences across multiple jurisdictions and introduce the changes needed in legislation, practices and procedure to expedite information-sharing, enquiries with Internet service providers and the transfer of evidence.

Any action taken YES NO

Comments:

A member of the 'Internet Investigation Unit' of the federal police participates regularly to the work of the European Commission, in particular in the fight against terrorism and hate speech.
The (inter)national legislative aspect is discussed during the working sessions.

Working relationships with one Internet Registry of the ".eu" domain is continuing. Changes in law have also been requested in order to give the 'General Administration Customs and Excise' more competencies on Internet investigations. These changes have not yet been implemented so far.

Recommendation 3

Governments should encourage their law enforcement agencies to develop the specialist skills that will support the investigation of cyber-related offences and lead to successful criminal prosecutions.

Any action taken X YES NO

Comments:

The Federal Police, under the DJSOC (Judicial Directorate in charge of the fight against Serious and Organized Crime), has created in 2016 a unit, specifically dedicated to Internet investigations (DJSOC/i2-IRU) and is a support unit for all services of the Integrated Police. This service carries out, upon request, Internet investigations for judicial cases.

The Unit is also in charge, in Belgium, for the IRU (Internet Referral Unit). The members search for and report on removal, illegal content to the various social media platforms

On top of that, the General Administration Customs and Excise took part in different trainings organised by Europol and CEPOL, the European Union Agency for Law Enforcement Training.

Issue II: Alternatives to imprisonment for certain offences as demand reduction strategies that promote public health and public safety

Recommendation 1

Governments are encouraged to make full use of alternatives to imprisonment for people with drug use disorders in contact with the criminal justice system, particularly at the time of their arrest and at the pretrial stage.

Any action taken YES NO

Comments:

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Recommendation 2

Governments are encouraged to promote and implement institutional mechanisms, including through induction and training programmes, that enable the police to screen, assess and refer appropriate cases to treatment facilities, taking into account their dual role as the first responders and the first criminal justice actors encountered by people with drug use disorders when they come into contact with the criminal justice system.

Any action taken YES NO

Comments:

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Recommendation 3

Governments are encouraged to adopt or amend legislation, policies, and guidelines that allow flexibility when handing down sentences for drug-related offences that take into account the nature and gravity of the offence as well as the personality and background of the offender.

Any action taken YES NO

Comments:

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Recommendation 4

Governments are encouraged to employ a multidisciplinary approach in providing treatment and rehabilitation as an alternative to conviction or punishment and to promote and develop the capacity for institutional coordination between justice, health, and social services authorities.

Any action taken YES NO

Comments:

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Recommendation 5

Governments are encouraged to implement measures to increase public awareness of the benefits of using alternatives to imprisonment.

Any action taken YES NO

Comments:

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Recommendation 6

Governments are encouraged to collect and analyse gender- and age-disaggregated data on the use of alternatives to imprisonment and, if applicable, to undertake periodic evaluation of existing initiatives to provide treatment as an alternative to conviction or punishment for people with drug use disorders.

Any action taken YES NO

Comments:

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Issue III: Mainstreaming gender perspectives in drug-related policies and programmes

Recommendation 1

Governments are encouraged to collect and analyse gender-disaggregated data to obtain more information about the situation and circumstances of women drug users and the various roles women assume in drug-related crime and in organized crime groups with a view to developing and implementing effective and comprehensive policies and programmes.

Any action taken YES NO

Comments:

The Treatment Demand Indicator (EMCDDA key indicator) allows to have a view of women who use drugs that are in treatment but Belgium has no official register to evaluate their roles in drug-related crime.

Recommendation 2

Governments are encouraged to ensure non-discriminatory access to health-care services for women, including in prison, and to develop gender-sensitive prevention, primary care, treatment and reintegration policies and programmes, particularly for pregnant women and women with caretaking responsibilities.

Any action taken YES NO

Comments:

The Federal Research Programme on Drugs (Belgian Science Policy) has financed a study : Towards gender-sensitive prevention and treatment for female substance users in Belgium (2018). The research results can be a basis for further work.

The federal public service has conducted a specific campaign on alcohol and pregnancy, including guidelines and posters for health professionals (2018).

Recommendation 3

Governments are encouraged to ensure close cooperation and collaboration among all relevant national authorities in developing and implementing gender-sensitive drug policies and programmes that take into account the specific needs and circumstances faced by women and girls with regard to the world drug problem.

Any action taken YES NO

Comments:

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Issue IV: Money-laundering, illicit financial flows and effective countermeasures

Recommendation 1

In support of the investigation of money-laundering offences and the recovery of the proceeds of crime, Governments are encouraged to enable access by their law enforcement authorities to the information held by their financial intelligence units.

Any action taken YES NO

Comments:

This kind of access is already implemented in Belgium (via Judicial authorities). The development of this recommendation still continues to be subject of specific objectives of the 'Belgian National Security Plan' 2016-2019. The aim is to enhance the general quality of the information flows between the Police and the Financial unit. The Federal Police also appointed a liaison officer to the Belgian FIU.

A draft law is currently being considered in order to improve the access by the judicial authorities to the information of the FIU.

From their side, the 'General Administration Customs and Excise' provides information to the FIU about the cash declarations and seizures realized on the basis of EU Regulation 1889/2005.

The FIU also informs the 'General Administration Customs and Excise' spontaneously on the existence of suspected cash transfers, whenever these are related to customs or excise fraud. However, the General Administration Customs and Excise is not allowed to directly ask information to the FIU.

Recommendation 2

Governments are encouraged to ensure that evidence gathered through investigations of money-laundering offences by their financial intelligence units has legal standing in their courts if used in prosecutions brought by other law enforcement agencies.

Any action taken YES NO

Comments:

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Recommendation 3

Governments are encouraged to make use of the tools available for training and building the capacity of their law enforcement authorities, financial investigators and prosecutors available through the Global Programme against Money-Laundering of the United Nations Office on Drugs and Crime (UNODC) and other training institutions.

Any action taken YES NO

Comments:

Recommendation 4

Governments are encouraged to share with UNODC the results of their national money-laundering risk assessments to facilitate a coordinated global response and to strengthen the capacity of competent authorities and financial institutions to thwart attempts at money-laundering.

Any action taken YES NO

Comments:

The results of the Belgian national money-laundering risk assessments are not directly communicated to UNODC. This assessment is shared with the EU Commission and with the EU Member States. Furthermore, the national analyses are also discussed in the FATF. UNODC-members participate to the discussions in the FATF.