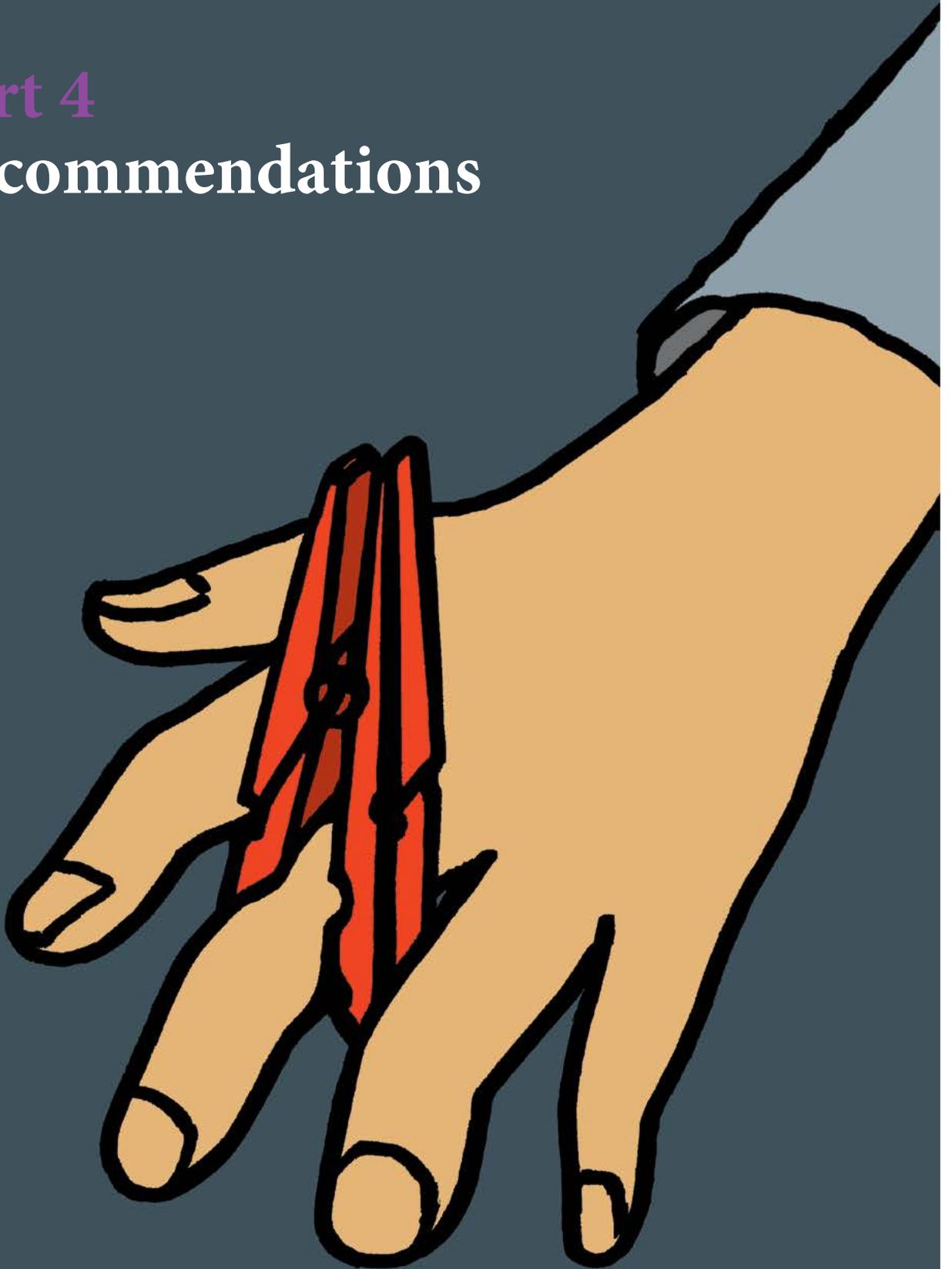


## Part 4

# Recommendations



## 1. | Make the fight against human trafficking a priority

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**Recommendation 1: make the fight against human trafficking a continuous priority at all political levels, in the field, at judicial level and within parliament.**

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In accordance with international standards, countries must consider the fight against human trafficking as well as the detection and protection of victims as a priority.

The action plans of frontline services and the various public prosecutors offices must continue to include the fight against human trafficking as an absolute priority.

For this purpose, it is essential that a parliamentary commission examine, monitor and evaluate the anti-human trafficking policy at political level and in the field. Myria hopes that this point of the government agreement can be achieved quickly.

The multidisciplinary circular on human trafficking<sup>239</sup> must also be effectively applied in the field and be considered as a priority.

The police, the judiciary and the inspection services must have sufficient human and technical resources to be able to fight this phenomenon more efficiently. Better training for frontline services is essential to enable them to detect trafficking victims.

**Myria is delighted that the federal government agreement provides for the release and allocation of sufficient human and financial resources to the police, the inspections services and the judiciary. It hopes that this will help to make the fight against human trafficking a real priority.**

## 2. | Domestic staff

### 2.1. | Prevention and awareness-raising

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**Recommendation 2: launch awareness-raising campaigns aimed at the general public in order to better detect trafficking victims in the domestic sector. This way, citizens will be better able to recognise the signs of abuse and to inform the authorities about it more quickly.**

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The exploitation of domestic workers occurs in the private sphere, which is why victims are difficult to identify. Luck sometimes plays a role in their identification, for instance, during a chance inspection or following information provided by neighbours or hospital staff.

Here, prevention also plays an important role, in addition to awareness-raising:

- On the one hand, among potential employers and the people employed in the domestic sector: raise awareness among all the organisations and parties involved about the existence of human trafficking, its significant consequences and how to prevent people becoming victims.
- On the other hand, it is important to reach the general public, especially in and around urban areas, through awareness-raising campaigns that inform them of the existence of trafficking situations. This awareness-raising increases the likelihood of frontline services receiving more reports about it, especially from neighbours, private individuals and civil society.

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**Recommendation 3: raise awareness at municipal level and among local police forces.**

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Municipalities and towns located in and around urban areas can play an important role in raising awareness. Local police officers play a role, during home visits, in the detection of signs of human trafficking in the domestic sector, for instance, in case of complaints about disturbances.

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<sup>239</sup> Circular of 23 December 2016 on the implementation of multidisciplinary cooperation concerning victims of human trafficking and/or certain aggravated forms of human smuggling, O.G., 10 March 2017.

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**Recommendation 4: encourage trade unions to be more actively involved and to share good practices in prevention on an international level.**

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Trade unions in other countries are far more active than in Belgium regarding prevention practices. On a national level, trade unions must draw more attention to the situation and interests of domestic staff. It is also important to share good practices in prevention regarding domestic workers from different countries on an international level.

## 2.2. | Diplomatic domestic staff

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**Recommendation 5: reinforce controls regarding the potential abuse of diplomatic domestic staff**

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As regards diplomatic domestic staff, Myria recommends that the interview of the Protocol Directorate, FPS Foreign Affairs, with the domestic worker when their special identity card is issued or renewed, be effectively and systematically carried out with a view to preventing or detecting possible abuse. In addition, the indicative pay scales in the standard employment contract for diplomatic domestic staff must be regularly updated.

## 2.3. | Regulations

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**Recommendation 6: envisage the extension of the conditions for issuing a permanent residence permit when evaluating the multidisciplinary circular on the trafficking and smuggling of human beings.**

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During discussions with Myria, several stakeholders pointed out a loophole: one situation isn't covered by the multidisciplinary circular, making it difficult for the Immigration Office to issue a permanent residence permit to victims. This is especially true in cases, such as those concerning diplomatic domestic staff, where it is difficult to bring a case to court.

What does this mean? Sometimes the perpetrator is offered a settlement, mainly when prosecution is impossible owing to diplomatic immunity. This was the case of a diplomat from an African country who applied the wage standards of his home country. The condition of the settlement was that the worker should be compensated for the wage arrears. The worker was supported by a specialised reception centre. However, the settlement didn't relate to the offence of human trafficking, which was a stumbling block for the Immigration Office.

Myria suggests discussing this point during the evaluation of the multidisciplinary circular. An extension of the conditions for issuing a permanent residence permit should indeed be envisaged for foreign victims where the criminal case culminates in a settlement, providing that the magistrate has confirmed that the person is a victim of human trafficking.

## 3. | Coronavirus crisis and human trafficking

The application of preventive measures against the coronavirus remains relevant and may have consequences for the fight against human trafficking. Several problems have been identified in this respect in recent months.

The specialised reception centres for victims of human trafficking have sounded the alarm at various levels, as they have received relatively few reports during the current coronavirus crisis. They fear that even more victims of human trafficking "than usual" have gone undetected.

### 3.1. | Reception centres for victims of human trafficking

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**Recommendation 7: ask political stakeholders to develop measures adapted to crisis situations such as the one caused by the coronavirus pandemic – for as long as necessary – to help the specialised centres provide emergency shelter for human trafficking victims.**

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This pandemic can have serious repercussions on the referral and care of victims of human trafficking. During this crisis, reception centres for victims of human trafficking have been forced to handle the registration and counselling of victims digitally and therefore remotely. They have had to try to protect the reception facilities and the victims already present as much as possible from the risk of contamination by the coronavirus. As a result, they have been unable to admit new victims to their reception facilities - or only to a very limited extent -, or they have had to seek a temporary alternative solution. Finding a safe and healthy alternative to accommodate new victims proved to be impossible on several occasions, and created an additional problem.

### 3.2. | Coronavirus crisis and sexual exploitation

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**Recommendation 8: ensure that, in times of crisis like these, magistrates and frontline services remain sufficiently vigilant to detect victims of sexual exploitation, and to achieve this by increasing internet checks to detect situations of exploitation in private prostitution.**

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As regards sexual exploitation, it was noted that a number of police units weren't able to carry out systematic checks on private prostitution. Prosecutors in cities instructed the police to only open an investigation into human trafficking if a child victim and/or physical threats were involved. Nevertheless, frontline checks remain necessary to detect presumed victims of human trafficking. During a crisis, such as the COVID-19 pandemic, special attention must be paid to private prostitution activities offered through dating sites and adverts on the internet for a private appointment. The police must be trained and made aware, and the necessary resources must be allocated to increase monitoring of the internet.

### 3.3. | Coronavirus crisis and labour exploitation

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Frontline services such as the police and social inspectors from the Social Legislation Inspectorate (CLS), the Supervision of Well-Being at Work Inspectorate (CBE), the National Employment Office (ONEM), the National Social Security Office (ONSS), the National Institute for the Social Security of the Self-Employed (INASTI), the National Institute for Health and Disability Insurance (INAMI) and the Federal Agency for Occupational Risks (Fedris) have carried out inspections in recent months to check that the necessary health measures are being applied in the workplace. Several of these frontline services aren't competent in terms of human trafficking and have no expertise in this domain.

Myria fears that during a health crisis such as the coronavirus pandemic, vulnerable people are at greater risk of labour exploitation. "Cheap" workers, including undocumented migrants working illegally in clandestine conditions, do not always have the opportunity to work and be housed in a safe and healthy environment that respects physical distancing.

This worsening situation has been confirmed in recent months in several European countries, where new lockdown measures were announced following the identification of new outbreaks. The link between the coronavirus and labour exploitation situations has been clearly established, because these new infections appeared in economic sectors where foreign workers had to work and/or were housed in precarious conditions, and the health regulations associated with the coronavirus weren't applied. This was the case in abattoirs in Germany, in the textile sector in England (Leicester) and in the fruit-picking sector in Spain (Catalonia).

During 'Covid' checks in workplaces in high-risk sectors, Myria is calling on frontline services to also pay attention to the different indicators of human trafficking and to the detection of victims of human trafficking.

Frontline services with little or no experience in human trafficking should receive basic training in this field. If they observe situations of exploitation during checks associated with COVID-19, they must inform the services that are competent in human trafficking. If presumed victims of human trafficking are detected, the competent frontline services must refer these victims to the specialised reception centres.

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**Recommendation 10: provide the social inspectorates that are competent in human trafficking with the necessary social inspectors, additional resources and support to carry out thorough checks in terms of human trafficking.**

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The NSSO Inspection Department's ECOSOC teams don't have enough resources either. For several years now, members of staff who leave the department aren't replaced. Moreover, police forces are unable to provide social inspectorates with assistance during checks owing to staff shortages.

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**Recommendation 11: consider the failure to respect measures to combat the coronavirus by companies in sectors that are high-risk in terms of of human trafficking as a potential indicator of human trafficking.**

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If unscrupulous employers in at-risk sectors employ vulnerable workers during a health crisis without offering any guarantee of protection, they are seriously endangering the health of workers (and their entourage) and potentially making them work in conditions contrary to human dignity, an essential element of human trafficking for the purpose of labour exploitation.

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**Recommendation 12: in such a period of crisis, increase the vigilance of frontline services to detect very isolated victims of human trafficking in the domestic sector.**

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According to the NSSO Inspection Department, detection is even more difficult as a result of the coronavirus crisis, because domestic staff were very isolated and invisible during the lockdown, and completely at the mercy of their employer.

## Summary of the recommendations

	Recommendation	Recipient
2020/7	<b>Make the fight against human trafficking a continuous priority at all political levels, in the field, at judicial level and within parliament.</b>	<ul style="list-style-type: none"> <li>- Federal government</li> <li>- Federal parliament</li> <li>- Police</li> <li>- Justice Department</li> </ul>
2020/8	<b>Launch awareness-raising campaigns aimed at the general public in order to better detect trafficking victims in the domestic sector. This way, citizens will be better able to recognise the signs of abuse and to inform the authorities about it more quickly.</b>	Interdepartmental Coordination Unit
2020/9	<b>Raise awareness at municipal level and among local police forces.</b>	<ul style="list-style-type: none"> <li>- Interdepartmental Coordination Unit</li> <li>- Local police units in cities</li> </ul>
2020/10	<b>Encourage trade unions to be more actively involved and to share good practices in prevention on an international level.</b>	Interdepartmental Coordination Unit
2020/11	<b>Reinforce controls regarding potential abuse of diplomatic domestic staff.</b>	<ul style="list-style-type: none"> <li>- Interdepartmental Coordination Unit</li> <li>- Foreign Affairs (Protocol Directorate)</li> </ul>
2020/12	<b>Envisage the extension of the conditions for issuing a permanent residence permit when evaluating the multidisciplinary circular on the trafficking and smuggling of human beings.</b>	Interdepartmental Coordination Unit
2020/13	<b>Ask political stakeholders to develop measures adjusted to crisis situations such as the one caused by the coronavirus pandemic – for as long as necessary – to help the specialised centres provide emergency shelter to victims of human trafficking.</b>	Interdepartmental Coordination Unit
2020/14	<b>Ensure that in times of crisis like these, magistrates and frontline services remain sufficiently vigilant to detect victims of sexual exploitation, and to achieve this by increasing internet checks to detect situations of exploitation in private prostitution.</b>	<ul style="list-style-type: none"> <li>- Judiciary's Human Trafficking Network of Expertise</li> <li>- Public prosecutors</li> <li>- Minister of the Interior</li> </ul>
2020/15	<b>In these exceptional times, the various frontline services must also pay sufficient attention to human trafficking indicators and the detection of presumed victims of human trafficking during health checks of workplaces and workers' accommodation in potentially high-risk sectors.</b>	<ul style="list-style-type: none"> <li>- Interdepartmental Coordination Unit</li> <li>- Federal and regional inspection services</li> </ul>
2020/16	<b>Provide the social inspectorates that are competent in human trafficking with the necessary social inspectors, additional resources and support to carry out thorough checks in terms of human trafficking.</b>	<ul style="list-style-type: none"> <li>- FPS Social security</li> <li>- FPS Employment, Labour and Social Dialogue (Social Legislation Inspectorate)</li> </ul>
2020/17	<b>Consider the failure to respect measures to combat the coronavirus by companies in sectors that are high-risk in terms of human trafficking as a potential indicator of human trafficking.</b>	<ul style="list-style-type: none"> <li>- Labour prosecutors</li> <li>- Inspection services</li> </ul>
2020/18	<b>In such a period of crisis, increase the vigilance of frontline services to detect very isolated victims of human trafficking in the domestic sector.</b>	<ul style="list-style-type: none"> <li>- Inspection services</li> <li>- Police</li> </ul>