

Chapter 4

Good practices and experiences

This chapter looks in greater detail at good practices and experiences in terms of combating human trafficking for the purpose of labour exploitation. It is based on interviews with labour prosecutors and frontline services, information drawn from case law and cases, the final report and hearings of the Special Parliamentary Commission on Trafficking and Smuggling of Human Beings (hereinafter the ‘Parliamentary Commission’) and the relevant literature.

Several interdependent aspects are addressed. The Belgian model is used as a starting point from an international perspective, to explain the importance of inspection service checks in risk sectors and the potential role of the administrative approach in an integrated vision. This chapter also explores how an investigation can be initiated on the basis of a chain and financial approach in large-scale cases. In this respect, the victim's point of view is important. The various players, civil society and the business world need to be made aware of this.

1. The Belgian model

The Belgian model for combating human trafficking has an excellent international reputation for its approach to labour exploitation. Human trafficking is a highly lucrative and low-risk illegal activity, exacerbated in several countries by the lack of prosecution and convictions of its perpetrators. In the context of human trafficking, this is all the more the case for labour exploitation. Belgium is held up as an example at international level in this respect, although there is inevitably room for improvement.

The Belgian multidisciplinary model is based on sophisticated legislation on human trafficking, specialised apparatus for detecting and combating it, specialised reception centres and victim status offering the prospect of a permanent residence permit.

The social inspection services - in addition to the police - play an important role in detecting acts and presumed victims of human trafficking for the purpose of labour exploitation in Belgium. During the hearings of the Parliamentary Committee²⁷⁶, the director of the NSSO's Thematic Department for Trafficking in Human Beings²⁷⁷ (hereafter the ‘ECOSOC director’)²⁷⁸ explained the impact:

“Only a few countries legally authorise social inspectors to investigate human trafficking. Besides Belgium, there is only the Netherlands and the United Kingdom. This particular legal mandate is a major asset of the Belgian multidisciplinary model to combat trafficking. The Belgian model is highly regarded internationally because many players, such as the judicial authorities, the police, inspection services and reception centres, know how to work together. While shortcomings and areas for improvement are sometimes placed in the spotlight, good practices can also be highlighted. Compared with other European countries, Belgium has an exceptionally high number of prosecutions and convictions for trafficking for labour exploitation. This is not necessarily obvious at first glance if a comparison is not made with other countries.

²⁷⁶ A Special Parliamentary Commission on Trafficking and Smuggling of Human Beings was set up within Parliament in February 2022. It completed its work on 1 June 2023. On this subject, see in this report: Part 2, Chapter 1, point 2.1. The reports of the hearings have been published in full as parliamentary documents and can be consulted online on the Chamber's website.

²⁷⁷ <https://www.rsyz.be>.

²⁷⁸ Within the NSSO, ECOSOC inspection teams are responsible, among other things, for detecting and investigating human trafficking.

The existence of specialised inspection teams and the legal mandate of social inspectors²⁷⁹ to detect and investigate acts of human trafficking undoubtedly play a major role in this respect²⁸⁰.

The specialised teams of the NSSO's inspection department, known as the ECOSOC teams, have acquired a solid reputation among several services and organisations, both nationally and internationally, in the fight against human trafficking. Every year, they play a crucial coordination role in the 'EMPACT Action Days labour exploitation'²⁸¹, a European initiative supported by Europol that was previously called 'Joint Action Days (JAD) labour exploitation', which is part of the EU Action Plan to combat human trafficking. In several EU Member States, the various police and inspection services carry out checks in certain risk sectors over an agreed period of one week in order to detect cases of labour exploitation. Foreign inspection services may participate in these checks in a supporting role.

In addition, throughout the period of the Joint Action Days, a coordination centre is active at the Europol headquarters in The Hague, where a representative of the NSSO inspection department actively collaborates in order to facilitate the coordination of actions and the exchange of information between participating countries. Participating Member States may send 'special requests' to another Member State, in particular to ask foreign inspection services to provide information or to conduct further investigations. As a result, several investigations into labour exploitation are initiated in cooperation with labour inspectorates of other European countries. Furthermore, the exchange of information is not limited to the duration of this Joint Action Days period. Information will continue to be exchanged on cases that are still ongoing afterwards.

During the Joint Action Days in 2020, the various control actions in Belgium (as well as in the Netherlands, France, Germany and the United Kingdom) focused on nail salons. During these checks, the inspectors were able to count on the support of FPS Public Health.

Illegal beauty products were seized at a salon. Joint checks were also carried out in the agriculture and horticulture sector. A drone was used for this purpose, and the drone's images made it possible to pinpoint the exact location of large areas, such as orchards, where workers were busy. This technology brings undeniable added value to this type of inspection. In all, 78 employees and 45 self-employed workers were checked at 39 workplaces in Belgium. The workers were questioned at length about their working and living conditions, with the help of sworn interpreters, given that they were often foreign workers. Ten of the 78 employees checked were working illegally, and four of them were not authorised to work in Belgium²⁸².

During the Joint Action Days in 2021, the focus was on detecting the labour exploitation of third-country nationals posted in the construction sector²⁸³. In 2022, joint actions focused on the fight against child trafficking. The Brussels ECOSOC team took part in checks in high-risk sectors likely to involve the labour exploitation of minors²⁸⁴.

2. Checks

Essential role of the inspection services

Checks carried out by social inspection services in risk sectors (car washes, night shops, hospitality, construction, agriculture, nail salons, textiles, cleaning, domestic work, etc. are the key to the detection of acts of human trafficking and presumed victims of trafficking.

The ECOSOC director explained their role in this respect to the Parliamentary Commission:

"The real work in the field, i.e. detecting and investigating human trafficking for the purpose of labour exploitation, is carried out by our ECOSOC teams, ...

279 Besides ECOSOC, the inspectors of the Social Legislation Inspectorate (CLS in French) of FPS Employment, Labour and Social Dialogue are also responsible for combating trafficking in human beings.

280 Report of the Special Commission responsible for evaluating legislation and policy on human trafficking and smuggling, 12 June 2023, *Parl. Doc.*, Chamber, DOC 55 2530/002, Annex 4, p. 295, hearing of Peter Van Hauwermeiren, Director NSSO Anti-trafficking Unit.

281 Myria, *Annual Report 2022, Trafficking and smuggling of human beings, Bound by debt*, p. 133 and Myria, *Annual Report 2021, Trafficking and smuggling of human beings, Visibly invisible*, p. 115.

282 Myria, *Annual Report 2021, Trafficking and smuggling of human beings, Visibly invisible*, p. 115.

283 Myria, *Annual Report 2022, Trafficking and smuggling of human beings, Bound by debt*, p. 133.

284 See ECOSOC's external contribution in Part 3 on data in this report.

They work with the police and labour prosecutors and draw up reports, but in investigations into human trafficking, they pay particular attention to the interests of potential victims of trafficking when gathering evidence of the offence. They inform them of their rights and try to refer them to the specialised reception centres²⁸⁵.

Case studies show what happens in practice and the impact on victims. There are examples of good and not so good practices.

Example of good practice: hospitality²⁸⁶

During a multidisciplinary inspection of a restaurant by the social inspectorate, it emerged that a Tibetan worker had no valid identity papers and had not been registered by his Pakistani employer. The hearing revealed that he was the subject of labour exploitation, but that he did not consider himself to be a victim. The police drew up an initial report for human trafficking and put him in touch with PAG-ASA, the specialised centre for victims of human trafficking and smuggling in Brussels. The police in Bruges took him to PAG-ASA, which succeeded in gaining his trust²⁸⁷. As a result, he was identified as a victim of human trafficking and granted victim status.

Example of bad practice: nail salon

The Essex case²⁸⁸ included a Brussels joint case in which a Vietnamese victim had been intercepted in a nail salon during a multi-disciplinary inspection in October 2018. The victim had stated that she had travelled from Vietnam to England via Belgium and had worked in a nail salon while awaiting her crossing to England. Subsequently, the victim could no longer be interviewed, as she had disappeared after receiving an order to leave the territory (OLT)²⁸⁹.

Myria emphasised to the Parliamentary Commission **the problem of detecting this group of victims with no agency** by frontline services with insufficient resources to do this:

"The detection of Vietnamese victims working in nail salons or cannabis plantations should set off alarm bells among frontline services. They should see these as indicators of human trafficking ... They should refer presumed victims to centres specialising in human trafficking. The authorities must also be very aware of the essential role of these frontline services. They are the only ones that can detect these particularly vulnerable victims and free them from their disastrous situation. They are often locked up in safehouses or work in exploitative situations. For this reason, it is indeed crucial that frontline services have the necessary resources, which is currently a problem"²⁹⁰.

Exploitative situations can only be detected if sufficient proactive checks are carried out in the sectors

Detecting exploitative situations at risk²⁹¹. The ECOSOC director told the Parliamentary Commission that there was a problem in this respect: Only 25% of the investigations carried out "in 2021 are the result of

an ECOSOC initiative, and therefore of a check in risk sectors. This low number can only be increased if more systematic and comprehensive checks can be carried out in these risk sectors"²⁹².

²⁸⁵ Report of the Special Commission responsible for evaluating legislation and policy on human trafficking and smuggling, 12 June 2023, *Parl. Doc.*, Chamber, DOC 55 2530/002, Annex 4, p. 295, audition de Peter Van Hauwermeiren, Director NSSO Anti-trafficking Unit.

²⁸⁶ Myria, *Annual Report 2019, Trafficking and smuggling of human beings, Empowering victims*, p. 106.

²⁸⁷ Myria, *Annual Report 2019, Trafficking and smuggling of human beings, Empowering victims*, pp. 34-35 and Special Commission for Trafficking and Smuggling of Human Beings, recommendation 37.

²⁸⁸ This case was initiated after the tragedy of 22 and 23 October 2019 in Essex (United Kingdom), when 39 Vietnamese smuggling victims were found dead in a refrigerated container. This led to convictions for human smuggling and criminal organisation in Belgium, but the case also contained elements relating to human trafficking. The Belgian part of the Essex case is based on the two safehouses from which many of the victims of the ill-fated illegal transportation departed. These safehouses were run by the Vietnamese criminal organisation. Several smuggling cases involving Vietnamese migrants from Brussels and Bruges, in which these safehouses were discovered with Vietnamese victims, have been attached to the Essex case: Myria, *Annual Report 2022, Trafficking and smuggling of human beings, Bound by debt*, pp. 25-26; also see the case law overview chapter in this report: Part 2, Chapter 3, point 3.1.

²⁸⁹ Myria, *Annual Report 2022, Trafficking and smuggling of human beings, Bound by debt*, p. 29.

²⁹⁰ Report of the Special Commission responsible for evaluating legislation and policy on human trafficking and smuggling, 12 June 2023, *Parl. Doc.*, Chamber, DOC 55 2530/002, Annex 4, p. 295, hearing of Stef Janssens, Myria.

²⁹¹ Ibid., hearing of Peter Van Hauwermeiren, Director NSSO Anti-trafficking Unit.

²⁹² Ibid.

Here, he is referring to the lack of staff resources, which is problematic in any case, but which impact on the fight against human trafficking for the purpose of labour exploitation in Brussels and Wallonia is particularly significant²⁹³. Hence, his main recommendation was clearly to increase **the resources of the ECOSOC teams**²⁹⁴. "The dramatic staffing situation in Brussels has already been highlighted, but the problem is also particularly acute in the other, mainly French-speaking, provinces. Lige currently has only two inspectors and a part-time team leader. This is also the case in Hainaut. I can assure you that labour exploitation and human trafficking do exist there"²⁹⁵.

Moreover, the continuity of checks is essential if they are to be effective. If a lot of checks are carried out, the situation will improve, whereas if the attention of the inspection services wanes, the problems will resurface. The Parliamentary Commission has understood this and has made it a priority in its recommendations.

Checks should also be geared to changes in the phenomenon. For instance, during their checks, some social inspectors observed a shift from posted salaried workers to a growing number of posted self-employed workers. However, the majority of social inspectors still focus on checking salaried workers. This means they risk missing out on the labour exploitation of people who are in a weaker legal position because they have fewer rights to assert as self-employed workers. **Hence the importance of raising awareness among inspectors so that they are also alert to possible signs of trafficking, such as pay, working and housing conditions among self-employed posted workers.**

This is certainly the case in high-risk sectors such as construction, where problems with safety and work regulations can lead to situations of human trafficking. Interviews with labour prosecutors show that an accident at work involving third-country nationals is considered to be an indicator of human trafficking. The Parliamentary Commission also made a recommendation along these lines in its final report (recommendation 71). In 2018, magistrates in Bruges wrote a book on their approach to human trafficking, which served as a model for the Parliamentary Commission, in particular for recommendation 60. In their view, **the lack of workers' compensation insurance** for these workers is an indicator of trafficking:

"It is worth mentioning that the lack of insurance against accidents at work is one of the social law offences commonly associated with human trafficking. Victims of trafficking are often employed in dangerous working conditions even though no insurance has been taken out to cover them. In these circumstances, Fedris can order the insurance to be taken out automatically"²⁹⁶.

In the Bruges road transport case, discussed earlier in this focus²⁹⁷, this was again the problem in 2012 when Polish workers had to return to their home country if they needed medical attention. This was reflected in the statement of one of the Polish victims who had suffered burns during the warehouse fire, for which the lead defendant was responsible as the employer.

Added value of police presence during checks

During multidisciplinary checks, the police provide significant added value for the social inspection services through their support role. The police guarantee the safety of the inspectors, although they each have their own skills and role, which support each other.

293 See Part 1, Chapter 1.

294 The director of ECOSOC gave the Parliamentary Commission further explanations on this subject: "The capacity of the ECOSOC teams is currently limited to 39 level A and level B inspectors, i.e. 35.55 full-time equivalents, spread over 10 teams across the country. These are specialised, highly motivated and very committed inspectors, who have often been carrying out this type of investigation for 10 or even 20 years. These are people who have built up years of expertise. However, to ensure sufficient presence in the field and sufficient capacity to detect exploitative situations, 57 inspectors are needed"; also see ECOSOC's external contribution in Part 3 on data in this report.

295 Report of the Special Commission responsible for evaluating legislation and policy on human trafficking and smuggling, 12 June 2023, *Parl. Doc.*, Chamber, DOC 55 2530/002, Annex 4, p. 295, hearing of Peter Van Hauwermeiren, Director NSSO Anti-trafficking Unit.

296 J. Lorré (Ed.), F. De Ketelaere, F. Demeester, M. Manderick, "Mensenhandel en -smokkel, De weg naar een eengemaakte vervolging en berechting", in *Cahiers Antwerpen Brussel Gent*, Larcier 2018, p. 105.

297 See Chapter 2 of this part.

The Bruges federal judicial police (FJP) explained this at its hearing before the Parliamentary Commission, using the following example:

"If the inspectorate goes on site for a company inspection and the employer in attendance influences the workers, we will not receive any statements from the workers. They are afraid of their employer. If the police are also there, we are **authorised to remove the employer** and have them wait in the police waiting room for a few hours. This is a major added value, both for the inspectorate, which knows it can count on the police to exercise its powers of enforcement, and the victims who see the police taking action and removing the employer. This means that the employer is no longer in a position to exert pressure. Furthermore, the inspection services have a wealth of knowledge. What we do not know, they do. By acting together, we increase our skills and knowledge. They are also authorised to take actions that we can't, such as going into workplaces. I can not just walk in, they can. However, we can **go along to lend a hand. Once we have entered legally, we see if we can exercise certain skills**"²⁹⁸.

3. Administrative approach²⁹⁹

In Bruges, magistrates involve various inspection services (social legislation, tax administration, town planning, food agency) in multidisciplinary checks in order to gather as much information as possible³⁰⁰. **During the interviews, several labour prosecutors argued in favour of a maximum flow of information from all the inspectorates and public services present in the field.** For the Parliamentary Commission, the exchange of information and coordination between all inspection services is therefore necessary (recommendation 36).

How can an administrative approach help a judicial approach to detect real situations of trafficking? Many inspectorates and public administrative services are not competent in terms of human trafficking,

but can act as eyes and ears to detect possible situations of exploitation during their checks and interventions. During their interviews, several Flemish labour prosecutors argued in favour of **a vision of the future in which the administrative approach and the judicial approach would go hand in hand.** The administrative approach must play a role in the exchange of information with as many public services as possible that provide potentially useful data for the detection of human trafficking. In some provinces, the ARIEC301 are involved. At European level, there is the European Network on the Administrative Approach tackling serious and organised crime (ENAA)³⁰².

According to the magistrates, this has already given results in practice.

Examples of good practices: fire brigade and population department

The fire brigade, which has no expertise in human trafficking, had noticed during one of its interventions that a third-country national was sleeping on the floor in a restaurant and passed this information onto the authorities, which led to a check and an investigation into human trafficking. Another example concerns a population department which found, when registering a group of Moldovans, that the people were accompanied by a possible labour provider. The latter was behaving suspiciously, with an authoritarian attitude. A check and the vigilance of the Flemish labour inspectorate led to the detection of a large-scale case of human trafficking and social dumping.

By carrying out checks and closing down hangars through the administrative intervention of the housing inspectorate, principals or employers can be forced to provide workers with appropriate sleeping facilities. This is why the regional housing inspectorate is closely involved in inspections in several districts, including Bruges³⁰³.

²⁹⁸ Report of the Special Commission responsible for evaluating legislation and policy on human trafficking and smuggling, 12 June 2023, *Parl. Doc.*, Chamber, DOC 55 2530/002, Annex 4, p. 295, hearing of Bruges federal judicial police.

²⁹⁹ See the external contribution in this focus for a definition of the administrative approach: an administrative approach to serious and organised crime consists of preventing the facilitation of illegal activities, by denying criminals the use of the legal administrative infrastructure, as well as carrying out coordinated interventions ('working separately together') to disrupt and suppress serious and organised crime and public order problems.

³⁰⁰ J. Lorré (Ed.), F. De Ketelaere, F. Demeester, M. Manderick, *op. cit.*, p. 55.

³⁰¹ See the external contribution in this focus.

³⁰² For more details, see the website: [European Network on the Administrative Approach](#).

³⁰³ J. Lorré (Ed.), F. De Ketelaere, F. Demeester, M. Manderick, *op. cit.*, p. 51: "Lastly, during checks, the housing inspectorate is also confronted with housing situations where foreign workers are living together, ... For this reason, the local and federal police regularly opt to carry out checks not only in collaboration with the social inspection services, but also with the housing inspectorate".

Examples of good practices: collaboration with the housing inspectorate

The housing inspectorate has played a role in several cases of human trafficking. In the **Bruges case relating to road transport**, discussed above in this focus³⁰⁴, the housing inspectorate had taken administrative measures even before the fatal fire. At the beginning of 2012, the municipal secretary had instructed a housing public servant to carry out an investigation into the suspected over-occupation of the building by foreign workers. The main defendant had been playing hide and seek with the municipality on this subject. He lied about who was staying there and had systematically given wrong names.

In **the case concerning poultry farming** discussed further on³⁰⁵, the investigating judge ordered the search of a property that was sublet by the main defendant to his exploited workers. Together with the FJP, the housing inspectorate entered the building and found several shortcomings, which led the mayor to declare the building uninhabitable.

Raising awareness of the indicators of human trafficking among regional inspection services can add considerable value to the fight against this phenomenon. The Parliamentary Commission goes further and recommends that human trafficking should also be within the remit of regional labour inspectors (recommendation 36).

The regions are vested with a number of competences, such as housing including inspections. The difference in implementation and regulations has an impact on how the housing inspectorate operate, among other things. For instance, in Wallonia, housing inspection services must inform the person concerned in advance that an inspection is going to take place, which is not the case in Flanders.

Raising awareness among regional inspectorates can add considerable value to the fight against human trafficking.

According to several labour prosecutors, this awareness-raising can be done on a larger scale, extending to social services (CPAS), doctors, notaries, bailiffs, etc., but also among well-known players such as the traffic police, the housing inspectorate, the fire brigade, neighbourhood police officers, the population department and the economic inspectorate. These people go to many places and come into contact with a lot of people. They sometimes have information that could be of interest. If the information reaches the labour prosecutor's office, the latter can still judge whether or not human trafficking is involved and take the necessary measures. This is what happened in a case that was opened following the identification of a suspicious situation of exploitation by bank counter staff, who informed the police.³⁰⁶

For some labour prosecutors in Flanders, this administrative approach can also be an important weapon in the fight against human trafficking as part of the permit policy. Antwerp and Limburg have a policy on permits and policing, which can be applied there. According to the magistrates, this system works well, enabling many cases to be dealt with in a preventive manner so that the labour prosecutor's office does not have to resort to a repressive approach. Protocols have been concluded on this subject between the labour prosecutor's office, the public prosecutor's office and the municipality. In Antwerp, authorisation to open a car wash is subject to conditions, which are also closely monitored. If necessary, the permit is withdrawn or the business placed under seal. In Limburg, there is also an administrative approach policy with regard to horticulture, which works very well with housing checks carried out by the municipalities, the housing inspectorate and the fire brigade. If there is any suspicion of human trafficking, the ECOSOC team is called in.

In West Flanders, the administrative approach is always applied in consultation with the judicial authorities:

"But even in the context of human trafficking, the approach can go beyond traditional criminal investigations and prosecutions. First there is the administrative approach ... for which we can cite in particular Article 134 quinquies of the New Municipal Law³⁰⁷.

³⁰⁴ See Chapter 2 of this part.

³⁰⁵ See the analysis of this case in the chapter on case analyses in this report: Part 2, Chapter 2, point 2.

³⁰⁶ See the case law overview chapter in this report: Part 2, Chapter 3, point 2.2.3: West Flanders Crim. Court, Bruges, 8 April 2022, 17th ch.

³⁰⁷ This article gives the mayor special police powers. They can temporarily close an establishment where there are serious indications that it is being used for smuggling and trafficking in human beings. See Myria, *Annual Report 2010, Trafficking and smuggling of human beings, Combating social fraud to prevent trafficking in human beings*, p. 27.

It is important to note that a consultation with the judicial authorities had been set up: in order not to hamper the criminal investigations, the mayor will communicate intention to close down a particular establishment to the public prosecutor and ask them if they have any objections to its closure. In West Flanders, for instance, several establishments have already been closed by the respective mayors after consultation with the public prosecutor's office.

The multidisciplinary presence and the expertise of the different services during the checks allow the labour prosecutor to put together all the pieces of the puzzle so that they can make their strategic choice in terms of prosecution.

In addition, a permit policy (which is also administrative) can ensure that establishments in certain sectors are in order before they start operating³⁰⁸.

4. Integrated approach

In terms of vision and partnerships between the different police forces and the various federal and regional inspectorates, major differences exist between the regions of Belgium. In West Flanders, cooperation is highly integrated, and this is also largely the case in Antwerp, according to the magistrates.

In recommendation 60, the Parliamentary Commission refers to the **West Flanders model as best practice of an integrated approach by the labour prosecutor's office, the public prosecutor's office and frontline services** with joint checks and simultaneous evaluation of legislation on human trafficking and social criminal law. If necessary, the FJP must be able to take immediate enforcement measures during these inspections, such as seizures - after immediate calculation of the financial benefits by the inspectorate - so that salaries that have not been paid properly can still be taken into account.

The West Flanders model implies that the police and inspection services consider both the prosecuting magistrate and the labour prosecutor as potential interlocutors in a case of labour exploitation³⁰⁹. For

instance, the trafficking and smuggling section of Bruges FJP also specialises in labour exploitation. This multidisciplinary approach enables frontline services to verify different options depending on the indicators present. All the services have their own expertise and their own

possibilities. They know each other and agree to work together in the field. Hence, there are enough staff on site which means that this problem does not really arise in West Flanders.

Momentum is very important in gathering evidence, and this multidisciplinary approach helps. At the labour prosecutor's office, all these elements are brought together, which gives us a much broader view of the investigation. Then, all the pieces of the puzzle are put together and the labour prosecutor's office makes its strategic choice in terms of prosecution on the basis of the information obtained.

In several regions, such as Liège and Brussels, the FJP does not have sufficient capacity to play a role in combating human trafficking for labour exploitation. In Charleroi, there is not even a human trafficking unit within the FJP any more. The political choices made by public prosecutors' offices and labour prosecutors' offices are also relevant in this respect. All this leads to a different approach and a different result in picturing the phenomenon in these regions.³¹⁰

Brussels FJP's testimony to the Parliamentary Commission spoke for itself:

"What initiatives have been taken in terms of labour exploitation? For years, I did not have a fixed capacity dedicated to this issue. As a makeshift solution, these cases were entrusted to other teams, but that's not how you build up knowledge, specialise or forge a link with the inspection services or the labour prosecutor's office. And yet this cooperation is very important"³¹¹.

308 J. Lorré (Ed.), F. De Ketelaere, F. Demeester, M. Manderick, op. cit., p. 50.

309 *Ibid.* p. 49.

310 See Part 1, Chapter 1.

311 *Report of the Special Commission responsible for evaluating legislation and policy on human trafficking and smuggling*, 12 June 2023, Parl. Doc., Chamber, DOC 55 2530/002, Annex 4, p. 295: hearing of the Brussels federal judicial police.

In order to carry out in-depth investigations into major cases of human trafficking, labour prosecutors also need the cooperation of police forces that have the capacity to do so. If this does not happen in certain regions, the result will be mainly - if not exclusively - small-scale cases³¹².

As in West Flanders, a team from Antwerp FJP normally also works for the labour prosecutor's office. There is currently a capacity problem due to the major investigation into the 'Sky ECC' drugs case. In Ghent, MOTEMs³¹³ (multidisciplinary investigation teams) are set up for large-scale cases, which is an example of a good practice. MOTEMs are multidisciplinary investigation teams in which the federal judicial police (FJP) and the social inspection services work together to tackle major cases of organised social fraud. The various aspects of the investigation that concern everyone are then the subject of a MOTEM investigation. For this purpose, meetings are held regularly with the various departments to review the progress of these cases.

5. Opening the investigation

In addition to checks, an investigation can also be opened on the basis of complaints from potential victims and reports from local residents to the police or persons involved in the specialised centres, or to the 'human trafficking' point of contact or the Social Information and Research Service (SIRS), through its central point of contact for fair competition. On this basis, the magistrate will attempt to gather the necessary information through the inspection (and police) services. Depending on the type of case, different investigative steps are taken. According to the magistrates, it is important to gather evidence at the right time, otherwise the momentum can be lost. In this respect, interpreters play a role that should not be underestimated, as victim hearings are crucial in these cases. An interpreter can reassure victims. They do not wear uniforms and often share the same roots, which can instil trust among victims. The problem is that interpreters are not always available.

In cases of posting and/or social dumping, short-term observations are initiated by certain labour prosecutors to check, for instance, where workers are sleeping. An operation is then planned so that the services can intervene in several places at the same time, thereby achieving a maximum effect of surprise against the exploiter. In cases of this magnitude, the FJP's cooperation is also essential in investigations involving social media. Mobile phone photos and messages are analysed to gather information about those responsible. In one particular case, the police even flew over the scene with a helicopter (a special search method) to check whether people were sleeping in a van.

It is also important to **pay attention to possible indicators of trafficking in the context of other criminal offences.**

Examples:

The case involving a mushroom farm³¹⁴ was opened after several incidents of shoplifting were reported. It should also be noted that the discovery of criminal offences can give rise to subsequent checks. In a case involving day and night shops where the police were investigating a theft, it turned out that a person was illegally employed in a shop. This is what the initial database searches revealed. Other checks were carried out about a year later³¹⁵.

The interviews also revealed that a search of the land registry established that the owner of a night shop who exploited his staff owned other shops and places to sleep. The checks moreover showed that this shop owner had set up a system whereby he transferred his staff from one shop to another in order to exploit them there. Since then, the land registry has been systematically searched for this type of scheme.

Database searches can therefore lead to the opening of an investigation. For instance, a case concerning road transport was initiated after the FJP gathered additional information on a foreign company from public sources, government databases and its own checks³¹⁶.

³¹² See Part 1, Chapter 1.

³¹³ VRT NWS, *Gent vraagt regering om bedrijven die meedoen aan sociale uitbuiting via onderaannemers harder aan te pakken*.

³¹⁴ Myria, *Annual Report 2018, Trafficking and smuggling of human beings, Minors in major danger*, p. 82; Myria, *Annual Report 2019, Trafficking and smuggling of human beings, Empowering victims*, p. 29; Ghent Court of Appeal, 19 January 2017, 3rd ch.; West Flanders Crim. Court, Kortrijk division, 10th ch., 16 February 2015, *Annual report 2015, Trafficking and smuggling of human beings, Tightening the links*, pp. 117-118. The decisions are also available on [Myria's website](#).

³¹⁵ See the case law overview chapter in this report: Part 2, Chapter 3, point 2.2.6: East Flanders Crim. Court, Ghent division, 7 December 2022, ch. G29; and [Myria's website](#) (Case law).

³¹⁶ See the case law overview chapter in this report: Part 2, Chapter 3, point 2.2.2: West Flanders Crim. Court, Bruges division, 10 March 2022, ch. B17; and [Myria's website](#) (Case law).

Database searches can also **provide an additional tool for an analysis of the network**. By linking information from different databases, it is possible to uncover a criminal network from what appeared to be just a few small cases in the beginning. For instance, the analysis of a **large-scale car wash case**³¹⁷ enabled the identification of fraudulent schemes behind which certain key figures from criminal organisations were hiding. On several occasions, the companies' headquarters were moved to other regions using straw men. The same Afghan-Pakistani business owners were involved in various businesses, each time in a different combination, such as car washes, petrol stations, telephone shops or nightclubs. After a while, these businesses were the subject of a fraudulent bankruptcy. An analysis of the case law shows that one of the car wash cases also involved a tangle of companies, but this case ended in an acquittal³¹⁸. The case involving the poultry sector, which is examined as part of the case file analysis, also involved such company structures³¹⁹.

6. Chain approach

According to several labour prosecutors, social dumping and human trafficking can go hand in hand. Some are putting a great deal of effort into investigations into social dumping, allowing the possible link with human trafficking to be identified. Several major investigations involving well-known international companies are currently underway in this domain. In its report, the Parliamentary Commission makes a number of recommendations to combat posting fraud (66) and social dumping (67) and to raise awareness of this issue among large companies (69.1).

Social dumping social and human trafficking can go hand in hand and can be fought through the chain approach.

Some magistrates have warned that certain apparently decent construction companies and companies in labour-intensive sectors are also guilty of social dumping linked to human trafficking by using posting constructions, subcontractors and 'letterbox' companies. The number of subcontractors is so high that it becomes impossible to know who is responsible for what. It is currently possible to save on accommodation and labour costs, but not on construction materials. In the most serious cases, this job comes with accommodation in conditions contrary to human dignity³²⁰.

The magistrates explained how these companies can become involved in human trafficking:

"For the perpetrators, this is often no more than a cost-benefit economic analysis, in which the expenses or costs associated with the labour production factor are reduced as much as possible in favour of turnover or profit margins. Not only does this distort the market, it also leads to unfair competition that excludes genuine companies from the market. It is not unusual for cases of social dumping to also reveal aspects of human trafficking, in particular when ignorance of or non-compliance with the protective rules of labour or social security law, or the context of work and housing, verges on or crosses the limits of human dignity"³²¹.

For the magistrates, **the chain approach can be an important tool** in this respect. They do not want to focus solely on the small fry. Their aim is to climb as high as possible up the chain of responsibility, which means increasing the burden of proof. The further up the chain you go, the heavier the burden of proof, and the more often the principal is legally better covered. Pricing is particularly important. If there is underpayment, it is clear, but often, there is no hourly wage and the work is done taks-based, which is more difficult to trace.

317 Myria, *Annual Report 2010, Trafficking and smuggling of human beings. Combating social fraud to prevent trafficking in human beings*, pp. 49-51.

318 See the case law overview chapter in this report: Part 2, Chapter 3, point 2.2.5: East Flanders Crim. Court, Ghent division, 5 January 2022, ch. G29; and [Myria's website](#) (case law).

319 See the analysis of this case in the case analysis chapter in this report: Part 2, Chapter 2, point 2.

320 J. Lorré (Ed.) F. De Ketelaere, F. Demeester, M. Manderick, op. cit, p. 8, "This divergence (wage gap with Central and Eastern Europe) prompts certain (Belgian) companies to juggle, in a figurative sense, company law constructions, registered offices and place of business addresses, post office boxes and minimum infrastructures, as well as the social security regime. As a result, foreign workers are sometimes employed in Belgium through artificial constructions or outright fraud, without respecting the applicable labour law, the right to social security and the resulting protection. In the most serious cases, such social fraud goes hand in hand with employment and housing in conditions contrary to human dignity, which can also constitute trafficking in human beings through labour exploitation".

321 *Ibid.*, p. 73.

Several magistrates are calling for more legal regulation on the subject of the joint and several liability of principals. This issue has also been addressed in the recommendations of previous annual reports and in the Action Plan to Combat Trafficking in Human Beings³²². This could be combined with due diligence regulations³²³.

According to several labour prosecutors, **the concept of co-perpetration**³²⁴ in the context of human trafficking is essential in order to be better able to **go back up the chain**. The principal must act 'knowingly and intentionally'. Case law already exists in this respect thanks to cases of human trafficking in the toilet sector³²⁵, where the principal was informed of the exploitative situation thanks to checks carried out by the social inspectorate. The court's interpretation of the concept of co-perpetration in this case was essential: "co-perpetration within the meaning of Article 66 of the Criminal Code simply requires the co-perpetrator to knowingly and intentionally cooperate in the offence intended by the perpetrator. The intent required for participation is also present when the perpetrator knowingly and intentionally engages in conduct without intending to participate in a specific offence, but is aware of the inherent risk and accepts it"³²⁶.

Although magistrates do not always succeed in proving the unscrupulous role of the principal, they must try to prove that the principal was well aware of the poor conditions. The labour prosecutor's office must therefore establish that the principal was aware (of the salaries, accommodation, abnormally low prices). According to one magistrate, the fact that one business concerned has already been convicted for posting companies and 'letterbox' companies, may constitute evidence of the 'knowingly and intentionally' aspect.

A **system of mandatory self-regulation** coupled with reporting obligations³²⁷ could help to prove this aspect of 'knowingly and intentionally' in the context of correlation in any subsequent findings of human trafficking. Audits could play a role in this respect. In the case involving the road transport sector in Bruges, given as an example in this focus³²⁸, the principal asked a consultancy firm to carry out an audit. The audit revealed serious anomalies and corrective measures were demanded and implemented. This may serve as inspiration for setting up a self-regulation system.

It might therefore be possible to develop certain control systems through self-regulation, so that the principal can no longer deny knowledge of malpractice after the event. Under a compulsory self-regulation system, a principal wishing to appoint a subcontractor would have to ask a consultancy firm to carry out a full audit of the subcontractor. This audit would consist of checking the subcontractor in the light of existing regulations on safety, accommodation, annual reports and minimum rates. In this case, consultancy firms would also be responsible for preparing thorough audits.

Several countries already have regulations on due diligence, with various reporting systems available on websites³²⁹. In this context, publication of these audits on the website of the principal or the supervisory authority may be required. If the subcontractor is found to be involved in human trafficking and the principal ignored this at the time of the audits or related reports/publications, the principal's correlation could be proved on the basis of the aspect of 'knowingly and intentionally'.

The chain approach must also include a financial investigation based on the follow-the-money principle. This often makes cases more complicated, because large companies will exhaust all possible procedures to protect their assets. According to one magistrate, the principals are often Belgian companies. If the investigation goes far enough up the chain, assets can generally be found and seized. This also sends a signal to other Belgian companies. This encourages them to check the subcontractors they work with.

322 Myria, *Annual Report 2010, Trafficking and smuggling in human beings, Combating social fraud to prevent trafficking in human beings*, p. 131; *Annual Report 2011, Trafficking and smuggling in human beings, The money that matters*, pp. 72-73 and 145; Criminal Policy Department, *Action Plan to Combat Trafficking in Human Beings 2015-2019*, p.11.

323 See Part 1, Chapter 3.

324 Myria, *Annual Report 2005, Belgian Policy on Trafficking in and Smuggling of Human Beings: Shadows and Lights*, p. 29.

325 Myria, *Annual Report 2015, Trafficking and smuggling in human beings, Tightening the links*, pp. 81-82; Ghent Crim. Court, 5 November 2012; for further explanations on the case, see Myria, *Annual Report 2010, Trafficking and smuggling in human beings, Combating social fraud to prevent trafficking in human beings*, pp. 47-49.

326 Ghent Crim. Court, 5 November 2012. The court summed this up in its ruling: "The court found that a number of items in the case showed that the principal had knowingly turned a blind eye to the way in which its subcontractor employed its staff. The court found that the principal's knowledge that their subcontractor was employing foreign workers on a self-employed basis, without verifying whether this status was in order, and without any assurance that the correct working conditions in terms of working hours and pay were being applied, implied that they were deliberately taking a risk and accepting that their cooperation with the subcontractor would lead to the employment of foreign workers without compliance with the applicable rules (such as those relating to work permits and social security), and without compliance with the minimum rules on working hours and pay".

327 See the *California Supply Chain Act* and the impact studies on this subject in A.A. Aronowitz, *Regulating business involvement in labor exploitation and human trafficking*, Labor and Society, 2019:22, pp. 145-164, <https://onlinelibrary.wiley.com/doi/full/10.1111/wusa.12372>.

328 See Chapter 2 in this part.8.

329 See Part 1, Chapter 3; A.A. Aronowitz, op. cit., pp. 145-164, <https://onlinelibrary.wiley.com/doi/full/10.1111/wusa.12372>.

7. Financial approach

In Myria's 2019 annual report, the importance of a financial investigation was already widely discussed in relation to victim compensation, network analysis and the financial clean-up of criminal networks³³⁰. The Parliamentary Commission is also looking into this and has recommended the follow-the-money principle and an international approach (recommendations 13 and 23).

The ECOSOC director reported the following to the Parliamentary

Commission: "During their checks, our inspectors are attentive to the presence of assets that could be seized. Labour prosecutors also regularly ask us to be vigilant so that if there are clear indications of trafficking for labour exploitation, assets, i.e. goods of value, can be seized at an early stage. During checks, the inspectors leading the action and the labour prosecutor often communicate with each other on this subject"³³¹.

Some magistrates stress the importance of cooperation with the police's *kaalplukcel*³³², which is systematically deployed from the outset in larger cases. In West Flanders³³³, this is part of the basis of their approach, as also indicated by the Parliamentary Commission (recommendation 60). A financial investigation is also carried out, by means of letters rogatory aimed at 'financial plundering' abroad³³⁴. This makes the case more complex, with lengthy procedures, and care must be taken not to exceed the reasonable time limit.

In addition, calculating the financial benefit is an important aspect of any financial investigation. The ECOSOC director explained this to the Parliamentary Commission:

"In the same context, inspectors regularly calculate financial benefits at the request of labour prosecutors. They calculate the financial benefit obtained by the employer through illegal employment and exploitation of victims, in particular unpaid wages and undeclared and unpaid social security contributions"³³⁵.

The ECOSOC director gave an example of the importance of a financial investigation for victim compensation, which was

The chain approach must also include a financial investigation based on the follow-the-money principle. also highlighted in an evaluation study of the National Action Plan (NAP) on Business and Human Rights³³⁶:

"In this context, it is interesting to refer to a recent court decision in the Brussels ECOSOC case concerning the exploitation of a domestic worker by a senior European Commission public servant. The perpetrator's house was confiscated and the criminal court ruled that the proceeds of the sale should be used first and foremost to compensate the victim. This is a highly exceptional judgment, both nationally and internationally. However, it was a decision handed down at first instance, and can therefore still go to appeal. Its reasoning is nevertheless particularly interesting. It mentions, for instance, that the offence, the exploitation, took place on this property and that this could lead to the confiscation of this property"³³⁷.

³³⁰Myria, *Annual Report 2019, Trafficking and smuggling of human beings, Empowering victims*, p. 68.

³³¹Report of the Special Commission responsible for evaluating legislation and policy on human trafficking and smuggling, 12 June 2023, *Parl. Doc.*, Chamber, DOC 55 2530/002, Annex 4, p. 295: hearing of Peter Van Hauwermeiren, Director NSSO Anti-trafficking Unit.

³³²The term 'kaalplukcel' comes from the Dutch word 'kaalplukken', which literally means 'to fleece criminals financially'. The term originates from the legislation of the same name, which deals with the seizure and confiscation of criminal assets. The 'plukteam' is responsible for making an inventory of criminal assets with a view to subsequent seizure.

³³³J. Lorré (Ed.), F. De Ketelaere, F. Demeester, M. Manderick, *op. cit.*, p. 91.

³³⁴ See the analysis of this case in the case analyses chapter in this report: Part 2, Chapter 2, point 2.

³³⁵ Report of the Special Commission responsible for evaluating legislation and policy on human trafficking and smuggling, 12 June 2023, *Parl. Doc.*, Chamber, DOC 55 2530/002 Annex 4, p. 295: audition de Peter Van Hauwermeiren, D NSSO Anti-trafficking Unit.

³³⁶ Criminal Policy Department, *Action Plan to Combat Trafficking in Human Beings 2021-2025*, p. 22; available on the Criminal Policy Department website; Final report of the NBA on Business & HR - Belgian NBA Business and Human Rights (nationalbaselineassessment.be).

³³⁷ Report of the Special Commission responsible for evaluating legislation and policy on human trafficking and smuggling, 12 June 2023, *Parl. Doc.*, Chamber, DOC 55 2530/002, Annex 4, p. 295: hearing of Peter Van Hauwermeiren, Director NSSO Anti-trafficking Unit; more explanations on this ruling in Myria *Annual Report Trafficking and smuggling of human beings 2022, Bound by debt*, pp. 87-88; Brussels French-speaking Crim. Court, 20 April 2022, 69th ch.

8. COL meetings

In its recommendations, the Parliamentary Commission calls for the organisation of a COL meeting on human trafficking³³⁸ in all judicial districts (recommendation 19). COL meetings are no longer being organised in some districts. Interviews revealed that some stakeholders regretted this, as they are important for personal contact. Others pointed out that they could make sufficient contact at other district meetings³³⁹.

In addition, there is little or no cooperation between the labour prosecutors' offices in Flanders, Brussels and Wallonia, which has been openly criticised by some French-speaking magistrates. **An exchange of best practices** at national level could provide added value in this respect. The Parliamentary Commission already recommends the creation of a national network of labour prosecutors' offices (recommendation 69).

9. Sometimes contradictory initial victim statements

Victims of human trafficking sometimes make incoherent statements at an initial hearing out of fear or mistrust³⁴⁰. If they are then supported by a specialised reception centre and their trust is gained, they correct or complete their statements at subsequent hearings, on the basis of objective evidence. However, this does not mean that these victim statements lack credibility, which is something that the reference magistrates and frontline services must be aware of from the start of the detection phase.

In fact, the magistrates from Bruges make this clear to their colleagues in a collective work:

"The criminal judge seeks the material truth, but in doing so sometimes comes up against witness and victim statements that, at first glance, present a somewhat shaky truth. In 2014, an 'international exploratory study' on the 'treatment of traumatised victims of human trafficking in favour of consistent or concordant witness statements' was published, ordered by the Centre for Scientific Research and Documentation (WODC) of the Dutch Ministry of Justice and Security. Belgian researchers and public prosecutors were also interviewed as part of this³⁴¹. Within the scope of their work, they were all aware of the pressure and fear that these victims face, which may make their statements inconsistent or contradictory. A judge should be aware, in human smuggling and trafficking cases, that using 'intrinsic logic' as a touchstone for statements can sometimes prove problematic because external verification is impossible. In other words, while judges generally tend to be wary of inconsistent statements, intrinsic inconsistency may in fact be a sign of veracity. Victims of human smuggling and trafficking say one thing one minute, then something else the next, and there are often very good reasons for this. Discrediting them by describing their statements as implausible would lead to errors"³⁴².

338 The COL meetings on human trafficking are organised in each judicial district under the direction of the reference magistrate for human trafficking, in accordance with the (confidential) joint circular on human trafficking (COL 01/15) issued by the Minister of Justice, the Minister of Employment, the Minister of the Interior, the Secretary of State for Combating Social Fraud and the College of Prosecutors General. The COL meetings bring together the departments responsible for investigating human trafficking within the district.

339 For example, through the district units. The district unit is a body set up for each judicial district and chaired by the labour prosecutor. Each unit brings together representatives of the various inspection services, the public prosecutor's office and the federal police. The regional inspection services responsible for employment matters may also be part of the district units. The main task of the unit is to organise and coordinate, at local level, checks on compliance with the various social legislation relating to illegal employment and social fraud. See Articles 13 and 14 of the Social Criminal Code and the FPS Employment website.

340 Myria, *Annual Report Trafficking and smuggling in human beings 2022, Bound by debt*, p. 43 and p. 146 (recommendations).

341 INTERVICT, *Bejegening van getraumatiseerde slachtoffers van mensenhandel ten behoeve van coherente of consistente getuigenverklaring — Een internationaal verkennende studie*, Tilburg, International Victimology Institute Tilburg, 2014.

342 J Lorré (Ed.), F. De Ketelaere, F. Demeester, M. Manderick, op. cit., pp. 51-52.

10. Application of the multi-disciplinary circular

The Parliamentary Commission questioned the correct and complete application of the multidisciplinary circular³⁴³. This circular defines the national (referral) mechanism for presumed victims of trafficking and the roles of the various players. It is sometimes mistakenly believed that the victim is always required to make statements. To what extent may it be sufficient for a victim to simply provide relevant information, such as the password to a smartphone containing the phone numbers of the exploiters, and to what extent is this already being applied?

The multidisciplinary circular must be correctly and fully applied.

The federal prosecutor's office gave the Parliamentary Commission the following answer:

"[it is] not that victims have to make a relevant statement. They only have to have the intention to cooperate with the police. This is also in the 2016 circular, to which I have already referred. This is sometimes misinterpreted as meaning that the victim must make statements. This is not the case, because the victim must have the intention to collaborate. The period of reflection then begins and we can examine whether or not we need the statements. In particular, it is necessary to ensure that the investigation is conducted with sufficient objectivity and that the statements are consistent with the objective findings"³⁴⁴.

The interviews with the labour prosecutors revealed that most of them applied the circular widely and correctly. However, this was not always the case, as not everyone was aware of the correct interpretation of the circular. This means that greater awareness can still be raised among magistrates on this subject.

11. Specialisation of frontline services for groups of disempowered victims

Greater specialisation is needed within frontline services (ECOSOC and FJP teams) to gain the trust of certain groups of victims who are often located in high-risk sectors. These are often vulnerable disempowered groups, such as the Vietnamese. Particular attention should therefore be paid to illegally employed Vietnamese who have been intercepted in nail salons. To gain their trust, frontline services need to take into account and be sensitive to the cultural particularities of Vietnamese victims of human trafficking or smuggling in order to establish a relationship of trust, as stated in a recommendation made by Myria in the previous annual report³⁴⁵. The training of players, including frontline services, by NGOs familiar with Vietnamese culture - as has already been done in the past - is an example of a best practice that should be continued.

To what extent, in this respect, could we envisage setting up a team specialising in Vietnam/Asia within a frontline service in order to acquire expertise in Vietnamese culture and thus better gain the trust of Vietnamese victims? A similar analogy can be drawn with the 'Africa' team of the Brussels FJP, which was able to reach several Nigerian victims thanks to its familiarity with the Nigerian voodoo culture.

³⁴³ Circular of 23 December 2016 on the implementation of multidisciplinary cooperation concerning victims of human trafficking and/or certain aggravated forms of human smuggling, *M.B.*, 10 March 2017.

³⁴⁴ Report of the Special Commission responsible for evaluating legislation and policy on human trafficking and smuggling, 12 June 2023, *Parl. Doc.*, Chamber, DOC 55 2530/002, Annex 4, p. 298, hearing of Ann Lukowiak, federal prosecutor's office.

³⁴⁵ See recommendation 4 in Myria, *Annual Report 2022, Trafficking and smuggling of human beings, Bound by debt*, p. 145.

12. Observatory during large-scale checks

The Borealis case often came up in the Parliamentary Commission. This case led to an unprecedented crisis in the centres specialised in the reception of human trafficking victims during the summer of 2022.

To avoid such problems in the future, the specialised centres have launched a proposal on how to deal with a large number of victims following a wide-scale check:

"We consequently thought of setting up some sort of 'observation centre' or 'waiting room', where victims could stay for 45 days. This would give the reception centres time to assess the situation and determine whether or not the story told by the people concerned include aspects linked to human trafficking. If these aspects are present, support can be offered. In other cases, people may be referred to other authorities. This would give the police, inspection services and magistrates time to do their work and analyse the case"³⁴⁶.

This proposal could serve as a basis for further reflection. Labour prosecutors reacted differently to this issue during the interviews. Some suggested drawing up a roadmap, while others feared that this would increase the feeling of insecurity among potential victims.

The Parliamentary Commission made a very general and somewhat ambiguous reference to this in recommendation 43, by also associating it with human smuggling.

The Parliamentary Commission would also like to offer the possibility of extending the reflection period to three months (recommendation 47). This could prove important in situations involving large-scale checks and interceptions of potential victims. However, this would require the agreement of the reference magistrate. This last point may still raise some questions among some people, as it is in fact somewhat contradictory to the basic principles of the reflection period³⁴⁷.

13. Waiver of social security contributions debts

Among the victims of labour exploitation are many sham self-employed people, who were unaware that they were working on a self-employed basis. When these people acquire the status of victim of human trafficking, they run the risk of unwittingly accumulating heavy debts and then being unable to pay their social security contributions.

Myria's 2012 annual report³⁴⁸ had already identified this problem and made relevant recommendations. Subsequently, this point was included and developed in the Action Plan to Combat Trafficking in Human Beings 2015-2019³⁴⁹ but it was never put into practice. Nevertheless, this problem is still a burning issue³⁵⁰ and was included in the Action Plan to Combat Trafficking in Human Beings 2021-2025³⁵¹.

Labour prosecutors' offices and inspection services still need to be made aware of this issue. In such cases, labour prosecutors should inform the National Institute for the Social Security of the Self-Employed (INASTI) that the person has been identified as a victim of human trafficking - and is therefore a bogus self-employed person - and ask the NSSO to carry out an investigation at the employer's premises. In addition, INASTI should designate a contact person who can waive debts once the public prosecutor's office or the labour prosecutor's office has recognised the person as a victim of trafficking.

The social security contribution debt of bogus self-employed workers who are trafficking victims should be waived.

³⁴⁶ Report of the Special Committee responsible for evaluating legislation and policy on human trafficking and smuggling, 12 June 2023, Parl. Doc., Chamber, DOC 55 2530/002, Annex 4, p. 295, hearing of Sarah De Hovre, PAG-ASA.

³⁴⁷ On this subject, see the part on Special Parliamentary Commission on Trafficking and Smuggling of Human Beings in this report: Part 2, Chapter 1, point 2.1.

³⁴⁸ Myria, *Annual Report 2012, Trafficking and smuggling of human beings. Building bridges*, pp. 23, 29 and 104-105.

³⁴⁹ Criminal Policy Department, *Action Plan to Combat Trafficking in Human Beings 2015-2019*, p. 24.

³⁵⁰ VRT NWS, *Gent draaischijf voor sociale uitbuiting van Bulgaren: "Echte maffiapraktijken, ik kreeg 50 euro per week"*.

³⁵¹ Criminal Policy Department, *Action Plan to Combat Trafficking in Human Beings 2021-2025*, p. 24.

14. Awareness-raising

Raising awareness among frontline services

Several magistrates and frontline services stated that raising awareness among all frontline services was necessary to ensure better detection of presumed victims of trafficking. Within this context, the interests of presumed victims of trafficking must come first.

The ECOSOC director told the Parliamentary Commission that the number of victims detected could be a good indicator for measuring the impact of awareness-raising:

”A second point concerns awareness-raising and training on human trafficking for as wide a group of frontline players as possible, and certainly for all social inspectors, not just specialised inspectors, but all inspectors in all social inspectorates, because they have an equally strong presence in the field ... In the past few years, the NSSO's inspection department has already taken a number of initiatives, such as awareness-raising and training our own inspectors and those from the Social Legislation Inspectorate, INASTI, the Brussels inspectorate, etc. – whom we have been training since 2018 – but also the Flemish Social Inspectorate.

However, this would have to be repeated on a regular basis. I think the initiative has indeed had a positive impact, but for this impact to be lasting, it needs to be repeated regularly. To determine the impact, we could use the number of victims detected as a measure ... The ECOSOC inspectors are now far more attentive to the interests of potential victims than they were a few years ago.”

In recommendations 40 and 41, the Parliamentary Commission urges awareness-raising among federal and regional inspection services and a training course on human trafficking.

In several districts, local police forces are not always well informed about the multidisciplinary circular either. Several magistrates would like more continuing training and basic classes on this subject for the police. The Parliamentary Commission attaches great importance to the training and awareness-raising of police forces (recommendations 29 and 32). During the meeting with the NSSO inspection department's ECOSOC units, a good Swiss practice was mentioned: that of having a list of indicators with a precise explanation and boxes to tick.

Raising awareness among magistrates

In several districts, the labour prosecutor's office does not have on-call services. The district of Liège is an exception and therefore an example of good practice in this domain. According to some frontline services, this problem mainly occurs when a presumed victim is detected at night and has to be referred to a specialised centre.

Furthermore, in some districts, the magistrates on duty have little or no knowledge of human trafficking. There is an example of **good practice in Liège**, where the magistrate responsible for trafficking in human beings within the labour prosecutor's office has prepared a **sheet on human trafficking** for magistrates on duty. This sheet lists the legal provisions, the indicators of trafficking, the correct response and the specialised centres to contact for victims of trafficking.

The Action Plan to Combat Trafficking in Human Beings 2021-2025 includes this in its objectives³⁵². Lastly, the Parliamentary Commission attaches great importance to compulsory basic and continuing training on human trafficking for magistrates (recommendation 20).

Raising awareness in hospitals

Patients are sometimes detected in hospitals as being presumed victims of trafficking and are referred to specialist centres. Thanks to various campaigns, hospital staff have been made aware of the need to contact the specialised centres, with which they have close contact, when they discover presumed victims of human trafficking³⁵³.

Case studies show the importance of raising awareness in hospitals for the detection of presumed victims of human trafficking³⁵⁴.

352 Criminal Policy Department, *Action Plan to Combat Trafficking in Human Beings 2021-2025*, p. 16.

353 Criminal Policy Department, *Action Plan to Combat Trafficking in Human Beings 2021-2025*, pp. 35-36; Criminal Policy Department, *Action Plan to Combat Trafficking in Human Beings 2015-2019*, p. 34; brochure "What can be done about human trafficking? Advice for hospital staff".

354 Myria, *Annual Report 2019, Trafficking and smuggling of human beings. Empowering victims*, p. 32.

In a case relating to an accident at work in the construction sector³⁵⁵, a nurse at the hospital had informed the police after the disappearance of their patient. The victim, an undocumented Algerian worker, was found and referred to a specialised centre. According to his statements, he had fallen from badly installed scaffolding while carrying out cement work on a house, sustaining serious injuries. He suffered multiple skull fractures. The victim, who subsequently filed a civil suit, was awarded a provisional sum of EUR 10,000 in damages out of an estimated EUR 250,000.

One example of good practice is the organisation by labour prosecutors' offices, in particular that of Walloon Brabant, of a one-day training course on human trafficking for hospitals, CPAS employees, youth centres, local police, etc., in collaboration with the political authorities, the police, social inspectorates and specialised centres.

Raising awareness among trade unions and civil society and empowering victims

Victims can be informed of their victim status through the trade union³⁵⁶ or following a social action, or through the intervention of a foreign NGO, and be referred to a specialised reception centre. Victim empowerment can also play a role in this respect. This is generally done through the frontline services contacted by civil society organisations or institutions. The importance of raising awareness has been highlighted in a number of cases. For instance, in a case in the construction sector³⁵⁷ involving posted bogus self-employed workers, an investigation into human trafficking was launched following a collective protest by Bulgarian and Bosnian workers, during which one of the embassies intervened and advised them to lodge a complaint with the police. The victims were informed and referred to a specialised centre. Five victims filed a civil suit.

Social media can play a decisive role in the empowerment of victims³⁵⁸. For instance, this was observed in a case concerning a pallet company where two Bulgarian victims, who had lodged a complaint with the local police in Belgium, set up websites to warn other workers against the false promises and abuses of the company and the subcontractors involved³⁵⁹.

International awareness-raising by NGOs can also be important in labour exploitation cases. For instance, in a case in the road transport sector³⁶⁰, PAG-ASA was contacted by a Serbian NGO that assists victims of human trafficking to inform them that anonymous complaints had been lodged against a Belgian defendant who had set up several foreign letterbox companies in Bulgaria for road transport activities in Belgium and neighbouring countries.

Raising awareness among trade unions can have a positive impact on cooperation with the labour prosecutor's office in defending victims' interests. For instance, in one road transport case, the magistrate arranged with the Dutch trade union FNV for the lorry drivers to be able to recover their personal belongings from the lorries that had been seized and to be able to return to Lithuania at their request³⁶¹.

355 Myria, *Annual Report 2016, Trafficking and smuggling of human beings, Beggars in the hands of traffickers*, p. 143.

356 Myria, *Annual Report 2019, Trafficking and smuggling of human beings, Empowering victims*, p. 32.

357 Myria, *Annual Report 2019, Trafficking and smuggling of human beings, Empowering victims*, p. 32 ; Myria, *Annual Report 2017, Trafficking and smuggling of human beings, Online*, p. 114.

358 Myria, *Annual Report 2016, Trafficking and smuggling of human beings, Beggars in the hands of traffickers*, p. 143.

359 Myria, *Annual Report 2019, Trafficking and smuggling of human beings, Empowering victims*, p. 32.

360 Myria, *Annual Report 2019, Trafficking and smuggling of human beings, Empowering victims*, p. 32 ; Myria, *Annual Report 2017, Trafficking and smuggling of human beings, Online*, p. 114.

361 See the case law overview chapter in this report: Part 2, Chapter 3, point 2.2.2: West Flanders Crim. Court, Bruges division, 11 March 2022, ch. B17 (opposition) and West Flanders Crim. Court, Bruges division, 13 January 2023, ch. B17.

362 See Part 1, Chapter 3.

363 A.A. Aronowitz, op. cit., pp. 145–164, *Regulating business involvement in labor exploitation and human trafficking*.

15. Raising awareness of social entrepreneurship³⁶²

Governments can also take other measures by supporting multi-stakeholder approaches such as the 'fair trade' label or the 'Harkin-Engel' protocol (combating child labour in the cocoa industry among pickers in countries of origin), which can in turn encourage companies to self-regulate through voluntary certification schemes³⁶³.

Professor Aronowitz gave the example of a cross-sector initiative, KnowTheChain³⁶⁴ which, through the benchmarking study and best practices, can serve as a tool for companies to combat forced labour in global supply chains in the ICT, food, beverage, clothing and footwear sectors. In its latest report, KnowTheChain reviewed the food industry³⁶⁵.

Finally, the action plans to combat trafficking in human beings³⁶⁶ have looked into social entrepreneurship by referring to an evaluation study of the National Action Plan (NAP) on Business and Human Rights³⁶⁷.

³⁶⁴ <https://knowthechain.org>.

³⁶⁵ KnowTheChain, 2023 Food & Beverage Benchmark findings report.

³⁶⁶ Criminal Policy Department, [Action Plan to Combat Trafficking in Human Beings 2021-2025](#), p 22; Criminal Policy Department [Action Plan to Combat Trafficking in Human Beings 2015-2019](#), p. 33.

³⁶⁷ NBA final report on business and human rights.