

Chapter 1

Image of the phenomenon of human trafficking for the purpose of labour exploitation

Introduction

Trafficking in human beings for the purpose of labour exploitation is a highly topical phenomenon that requires an analysis of the latest trends and developments in order to better understand it. For this purpose, Myria spoke to a number of French- and Dutch-speaking stakeholders, including several labour prosecutors and the heads of the National Social Security Office (NSSO) inspection department's specialist ECOSOC teams and their Thematic Directorate for Trafficking in Human Beings. The analysis is also based on information collected from the hearings with various stakeholders within the framework of the last Special Parliamentary Commission on Trafficking and Smuggling of Beings²; case law; Myria's

previous annual reports; the literature; the reports and action/strategic plans of various bodies (Europol, the Social Information

and Research Service (SIRS), the Group of Experts on Action against Trafficking in Human Beings (GRETA), the Financial Intelligence Processing Unit (CTIF), the NSSO inspection services and FPS Justice's Criminal Policy Department).

When reading the data relating to the phenomenon, it is important to take into account the different approaches to detecting and tackling the phenomenon of trafficking for the purpose of labour exploitation taken by the authorities and stakeholders in the field, which notably depend on investigative resources and capacity.

This may explain the differences in the distribution of the phenomenon according to the Dutch-speaking or French-speaking part of the country, according to the urban or rural nature of the territory or according to the provinces concerned³. Furthermore, quantitative data only provide an overview of the authorities' response to a given phenomenon, but cannot in any way be used to assess the scale of this phenomenon.

To draw up a picture of the phenomenon of human trafficking for the purpose of labour exploitation, it is necessary to start from the premise that the difference between this phenomenon and cases of social fraud can be nebulous⁴. This interconnection gives rise to difficulties and differences of approach in the work carried out by staff in the field (particularly within NSSO inspection services, whose role is to detect potential cases of trafficking on the basis of indicators in this area) and magistrates (who are responsible for classifying a situation as trafficking in human beings).

This is due to the fact that, according to the majority of these various players, human trafficking indicators are to be sought in the non-compliance with social regulations⁵: wages that do not comply with Belgian pay scales⁶ or a lack of wages; working hours in excess of the rules in force; no declaration of employment allowing the worker to benefit from social security⁷; employment of foreign workers⁸; wage deductions on various pretexts⁹.

The different approaches and resources available may explain the observed differences in the understanding of the phenomenon in the country's various regions.

2 On this subject, also see the chapter in this report on recent developments in the Belgian legal and political framework: Part 2, Chapter 1, point 2.1.

3 On this subject, also see Part 1, Chapter 4, point 4.

4 GRETA, Evaluation Report on Belgium, third evaluation round, *Access to justice and effective remedies for victims of trafficking in human beings*, 2022, p. 32; Article 433 quinquies of the Criminal Code defines human trafficking as: "the recruitment, transportation, transfer, harbouring or receipt of people, and taking or transferring control over them with the aim of exploitation". There is an exhaustive list of the purposes of exploitation. Regarding labour exploitation, this refers to work or services performed in conditions contrary to human dignity.

5 According to labour prosecutors; see the external contribution of the former labour prosecutor of Hainaut, Charles-Eric Clesse, in Myria, *Annual Report 2020, Trafficking and smuggling of human beings, Behind closed doors*, pp. 42-45.

6 Workers are often not paid an hourly wage, but a task-related wage, which is more difficult to assess (according to a labour prosecutor).

7 According to a labour prosecutor; see the external contribution of the former labour prosecutor of Hainaut, Charles-Eric Clesse, in Myria, *Annual Report 2020, Trafficking and smuggling of human beings, Behind closed doors*, pp. 42-45.

8 See the external contribution of the NSSO inspection services in Myria, *Annual Report 2021, Trafficking and smuggling in human beings, Visibly invisible*, pp. 110-119; Report of the Special 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 Peter van Hauwermeiren, Director NSSO Anti-trafficking Unit.

9 Myria, *Annual Report 2021, Trafficking and smuggling of human beings, Visibly invisible*, p. 58

One way of distinguishing between the concepts of social fraud and human trafficking for the purpose of labour exploitation is to identify a human trafficking situation according to the level to which human dignity has been violated: violation of rules relating to housing and work conditions (safety, cleanliness, health and well-being)¹⁰; lack of contact with others; significant dependence on the exploiter¹¹; failure to admit liability for an accident at work¹². In light of these different approaches, the picturing the phenomenon of trafficking for the purpose of labour exploitation should take into account the general trends within the sectors in which indicators of trafficking have been detected or in which charges of trafficking have been filed. The same applies to high-risk sectors which, given the wide margin of interpretation of the indicators, could possibly be included in the phenomenon of human trafficking, but which, in practice, are often not the subject of formal legal proceedings and are not considered to be cases of human trafficking.

The director of the NSSO's Thematic Directorate for Trafficking in Human Beings explains: "How, during checks, do inspectors distinguish between undeclared work and illegal employment on the one hand, and labour exploitation and human trafficking on the other? As I have already said, findings of human trafficking are often the result of breaches of employment law. Distinguishing between serious breaches of employment law and labour exploitation is not always easy, because it is not an exact science. Labour exploitation is a vague concept for which there is no clear definition in our law. It is a kind of concept for various abuses in work situations. It is sometimes referred to as a continuum ranging from decent work to human trafficking, with the rest in between. The extremes at either end are clear. Everything in between is not, and we sometimes find ourselves in a grey area"¹³.

Since 2002, as a number of magistrates point out in a publication¹⁴, the phenomenon of labour exploitation has increased with the emergence of better-organised networks, mainly in the construction, hospitality, domestic work and horticultural sectors: "More cases involve collective recruitment in the country of origin (...) and the modus operandi is linked to the phenomenon of slum landlordism"¹⁵. The victims and perpetrators were often of Belgian, Chinese, Indian, Turkish, Moroccan and Bulgarian nationality. Iranians, Kosovars and Albanians were also involved. Between 2003 and 2006, Chinese triads appeared on the scene, followed by Pakistani organisations. In 2007, Chinese restaurants and the employment of Romanians in construction and horticulture were in the majority. Between 2007 and the present day, the emergence of specialised practices (use of false documents, sham marriages, bogus self-employment, letterbox companies, illegal postings and social dumping through non-compliance with European rules) and the increase in the number of sectors involving exploitation (renovation, butchery, cleaning, selling textiles at markets) demonstrate a trend towards professionalisation in the trafficking of human beings for the purpose of labour exploitation¹⁶.

A picture of the phenomenon of trafficking for the purpose of labour exploitation is presented below in three parts: general trends, a breakdown according to the most commonly represented sectors, and the geographical distribution of the phenomenon.

10 See the external contribution of the former labour prosecutor of Hainaut, Charles-Eric Clesse, in Myria, *Annual Report 2020, Trafficking and smuggling of human beings, Behind closed doors*, pp. 42-45.

11 For instance, confiscation of the person's passport and/or bank card (*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 Bruno Devillé, social inspector at the NSSO office in Brussels p. 296, hearing of Christian Meulders, director of Sürüya; SIRS, Strategic Plan, Fight against Social Fraud and Social Dumping - De Croo Government 1, 2022-2025, p. 53).

12 According to a labour prosecutor; in particular, the lack of insurance covering accidents in the workplace or the failure to report an accident to the insurance provider (*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. 297, hearing of Jan Knockaert, coordinator at FairWork).

13 *Ibid.*: p. 295, hearing of Peter van Hauwermeiren, Director NSSO Anti-trafficking Unit.

14 J. Lorré (Ed.), F. De Ketelaere, F. Demeester and M. Manderick, "Mensenhandel en -smokkel. De weg naar een eengemaakte vervolging en berechting", in Cahiers Antwerpen Brussel Gent, Larcier, 2018, pp. 10-11.

15 *Ibid.*, p. 10.

16 *Ibid.*

1. General trends

As regards human trafficking, Myria has identified an increase in the number of cases of labour exploitation detected in Belgium¹⁷. This can be explained by the rise in the number of people in vulnerable situations and at risk of exploitation. According to Europol¹⁸, previous Myria annual reports¹⁹ and interviews, this phenomenon can likely be found today in the majority of economic sectors²⁰, typically in the following high-risk sectors: construction, hospitality, cleaning, domestic work, road transport (national and international), agriculture, horticulture, car washes, bakeries and butchers, corner shops and night shops, second-hand clothing sorting, meat processing industry, riding schools and nail salons. These are generally less regulated bottleneck sectors²¹ where a low-skilled workforce in a precarious situation is in demand (especially for seasonal manual tasks)²². Other atypical sectors are also involved: logistics, hairdressers, newspaper delivery, travel agencies and football²³.

Trafficking for the purpose of labour exploitation

can take the form of debt bondage, where the victim is forced to reimburse travel costs by working for free. This is mainly the case for Asian victims in the context of nail salons²⁴ or hospitality.

Exploiters often set up complex schemes to avoid responsibility.

In some cases, labour exploitation, human smuggling and sexual exploitation are intertwined²⁵. Criminal organisations are sometimes involved in this debt bondage system, as Myria saw in the Essex case²⁶ (discussed below in the nail salon sector).

Many other situations concern small- or medium-sized cases where the employer takes advantage of the workers' vulnerable situation. In practice, this mainly involves illegal foreign workers, but the phenomenon of trafficking can also target legal foreign workers²⁷, or even Belgians falling victim to labour exploitation²⁸. Reported cases often involve situations where a person with a legal status lends or rents their identity to a worker in an irregular situation.²⁹

Exploiters often set up complex schemes to avoid responsibility and hide the exploitation of human trafficking victims. In the context of the free movement of services³⁰, this may involve cascade sub-contracting, bogus self-employment and/or posting schemes. Postings may involve both employees and self-employed workers, including both EU nationals and third-country nationals (the latter may be seconded to Belgium via a company operating in another EU Member State).

17 NSSO inspectors fill out a checklist as soon as there are sufficiently precise indications that a situation of human trafficking may be involved. The NSSO inspection department drew up 78 checklists in 2018, 120 checklists in 2019, 134 checklists in 2020, 86 checklists in 2021 and 280 checklists in 2022 (Myria, *Annual Report 2019, Trafficking and smuggling of human beings, Empowering victims*, p. 164; Myria, *Annual Report 2020, Trafficking and smuggling of human beings, Behind closed doors*, p. 124; Myria, *Annual Report 2021, Trafficking and smuggling of human beings, Visibly invisible*, p. 111; Myria, *Annual Report 2022, Trafficking and smuggling of human beings, Bound by debt*, p. 130; as well as NSSO's external contribution in Part 3 of this report on data.

18 Europol, SOCTA, *Serious and organised crime threat assessment*, 2021, p. 72; Europol, SOCTA, *Serious and organised crime threat assessment*, p. 52.

19 See [Myria's website](#).

20 Although checks are carried out by social inspectors in the prostitution sector, this chapter does not deal with this sector, which comes under the heading of sexual exploitation.

21 According to a labour prosecutor.

22 Europol, op. cit., 2021, p. 72; Europol, op. cit., 2017, p. 52.

23 For more information on labour exploitation in this sector: see F. Loore and R. Job, *Marque ou crève, Avant-Propos*, Waterloo, 2014.

24 This concerns mainly Vietnamese victims in Brussels.

25 Some Vietnamese domestic workers in Europe are also sometimes victims of sexual exploitation by their employers. According to one expert, there have been several cases in Brussels, for instance, of the exploitation of domestic workers (mainly women) who accept work in the homes of compatriots in exchange for board and lodging and to finance their onward journey to the UK. In this case, the employers are mainly families from southern Vietnam ('boat people'), who have been living in Europe for decades (D. Silverstone and C. Brickell, *Combating modern slavery experienced by Vietnamese nationals en route to, and within, the UK*, Independent Anti-Slavery Commissioner (IASC), 2017, p. 14, 32; Myria, *Annual Report 2022, Trafficking and smuggling of human beings, Bound by debt*, p. 20).

26 See the analysis of the Belgian part of the Essex case in the focus of the previous annual report on the smuggling and trafficking of Vietnamese nationals in Myria, *Annual Report 2022, Trafficking and smuggling of human beings, Bound by debt*, pp. 25-44.

27 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. 296, hearing of Christian Meulders, director of Sürya.

28 Two cases concerning Belgian victims are presented in the case law overview chapter in this report: Part 2, Chapter 3, points 2.2.3 and 2.2.8. One involves a first decision in the hospitality sector (Antwerp Crim. Court, Antwerpen division, 12 December 2022, ch. AC1 (appeal)) and the other a case in the agricultural sector (Liège, 19 January 2023, 6th ch.; the Liège Crim. Court, Liège division, 15 February 2021, 18th ch. (appeal)); and [Myria's website](#).

29 According to the NSSO inspection department.

30 Criminal Policy Department, "Fight against human trafficking 2021-2025" action plan, pp. 20 and 39.

The advantage of this system is that workers remain subject to the social security system of the sending country for the duration of the posting. However, they are subject to Belgian employment law³¹.

In addition, labour exploitation in conditions contrary to human dignity can be an essential element of cascade subcontracting models organised by companies wishing to lower their wage costs in the context of social dumping³². Exploited workers often do not know who they are really working for, with operators misusing posting systems. As well as undermining the individual rights of workers in illegal stay, this phenomenon also threatens to undermine the Belgian socioeconomic system.

The activities of criminal organisations linked to social fraud are becoming increasingly complex in Belgium. In particular, these organisations use money laundering services³³: as the Financial Intelligence Processing Unit (CTIF) says, "These are professional money laundering networks operating on an international scale. They offer their financial services for various criminal activities, such as the exploitation of illegal labour, fraud and tax evasion, but also and above all for drug trafficking. They use corporate structures in different countries that are prepared to receive cash, for example from drug trafficking, but that can also deliver cash via the offsetting technique, for example to pay for illegal work. Initially, these networks focused on social fraud in Brazilian and Portuguese circles, which is why the term 'Brazilian network' is still used. In the meantime, the networks have evolved and, although the front men - the company directors - often still have Portuguese or Brazilian nationality, their activities are no longer limited to money laundering from undeclared work in the construction sector"³⁴.

Criminal organisations involved in social fraud are increasingly mobile and able to adapt to changing economic circumstances. According to CTIF, "One of the components of the concept of organised crime is the variety of criminal activity in which criminal organisations are involved. Organised crime is a multifaceted phenomenon that manifests itself in multiple criminal activities. Many criminal groups have become increasingly opportunistic, moving from one offence to another for greater operational advantage or profit. According to Europol's SOCTA 2021 report, one of the key characteristics of criminal networks is their ability to adapt to change. This was clearly demonstrated during the COVID-19 pandemic, when criminals quickly adapted their modus operandi to this unprecedented situation"³⁵.

CTIF notes that in some cases linked to social fraud, in particular concerning the so-called Brazilian network, "(...) links appear with players active in human smuggling. These are intermediaries known to the police as labour suppliers, who bring over Brazilians to come and work illegally in companies in Belgium and other European countries"³⁶. For several years now, CTIF has seen Brazilians or Portuguese setting up or taking over companies that are mainly active in the construction and industrial cleaning sectors³⁷.

Requiring few administrative formalities and financial and legal arrangements, general partnerships³⁸ are increasingly used by social fraud rings. CTIF notes that this type of company is frequently used in sectors with a high risk of bankruptcy and money laundering, such as construction, transport and hospitality³⁹.

31 According to a labour prosecutor; 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 Herwig Verschueren, professor at the University of Anwerp.

32 In a collective work, several magistrates refer to the definition of 'social dumping' given by the author Alexandre Defossez, as follows: "Social dumping is not a legal concept. Defossez recommends the following definition: a form of unfair competition which consists in the use, by an economic player, of a discrepancy between one or more legal rules of social law of the Member States. The aim of this behaviour is to obtain an economic advantage" (A. Defossez, "Le dépassement de la question du dumping social : une condition nécessaire à une meilleure application de la Directive Détachement", in Revue de Droit Social, 2014, Vol. no. 1, pp. 89 ff., in J. Lorré, F. De Ketelaere, F. Demeester and M. Manderick, op. cit., 2018, p. 72).

33 See CTIF's 2021 activity report (p. 6, p. 14 and p. 16). This publication is available on [the CTIF website](#).

34 *Ibid.* (p. 14).

35 See CTIF's 2021 activity report (pp. 15-16). This publication is available on [the CTIF website](#). Europol's SOCTA report is available at: Europol, op. cit., 2021, p. 94.

36 See CTIF's 2021 activity report (p. 24). This publication is available on [the CTIF website](#).

37 *Ibid.* (pp. 5 and 23). This publication is available on [the CTIF website](#).

38 FPS Justice describes this form of company as follows: "General partnerships are entered into by partners who have unlimited joint and several liability. All decisions must be taken unanimously, unless the agreement specifies that decisions are taken by majority vote" (Federal Public Service Justice, "Types of company", available on [the FPS Economy website](#)).

39 See the CTIF 2020 activity report (pp. 23-24). This publication is available on [the CTIF website](#).

One of the disadvantages of this form of company is that it entails unlimited joint and several liability for the partners, which motivates networks to use front men. This type of company does not require a financial plan and start-up capital to be set up⁴⁰. As a result, it is easier for

organisations to set up a new company quickly when the previous one becomes known to the police.

Generally speaking, the perpetrators of trafficking for the purpose of labour exploitation in Belgium include both small-scale and large-scale cases.

Small-scale cases are particularly common in the domestic work and bakery and butchery sectors. However, Myria has noted that a discrepancy is emerging between the country's linguistic communities: trafficking is increasingly found in small, isolated cases on the French-speaking side, while the cases on the Dutch-speaking side are of a more organised nature⁴¹.

2. Sectors

2.1. | Construction

The phenomenon of labour exploitation is mainly to be found in this sector⁴². This exploitation is generally masked by a system of fraudulent postings and/or bogus self-employment⁴³. These practices can be found in cases concerning both small and large companies⁴⁴. This makes it even more difficult to trace the underlying network, especially in the case of self-employed workers.

According to one labour prosecutor, large 'decent' companies with an international reputation that want to reduce their wage costs through social dumping are also involved, with trafficking and social dumping no longer the sole preserve of dishonest companies.

Human trafficking in the construction sector can also involve large companies with an international reputation.

The use of subcontracting chains, with the risks that this entails, is a recurrent feature of the construction sector, as illustrated by a case concerning the partial collapse of a school in Antwerp in June 2022. Five people died and nine were injured, all foreign nationals⁴⁵.

According to information provided within the framework of the Parliamentary commission, more than 200 different subcontractors were involved in the project⁴⁶.

In 2022, the NSSO's inspection services found that in the five previous years, 37 presumed victims of human trafficking in the construction sector were of Ukrainian nationality⁴⁷. As it is easy for Ukrainians to obtain a visa in Poland, they generally resort to posting in EU countries⁴⁸. Myria's interviews with labour prosecutors in Flanders revealed that it is mainly Romanian workers and third-country nationals (Ukrainians, Moldovans, Kyrgyz, Macedonians, Belorussians)⁴⁹ who are found in human trafficking cases. In East Flanders, indicators of exploitation have also been noted among Turkish, Bulgarian and Polish construction workers⁵⁰.

The many years, Brazilian networks, often linked to criminal organisations within the context of social fraud, have continued to be particularly active in this sector⁵¹.

⁴⁰ *Ibid.*

⁴¹ 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 Eric Garbar, judicial commissioner, head of the Trafficking and Smuggling of Human Beings Unit, DJSOC; See the chapters on case law in Myria's previous annual reports and Myria's website; On this subject, also see the chapter on good practices and experiences in this report's focus: Part 1, Chapter 4, point 6 on the fight against social dumping linked to human trafficking.

⁴² Over the past five years, almost half of the findings of the NSSO inspection department (ECOSOC units) have occurred in the construction and hospitality sectors, with 139 and 118 checklists respectively. On this subject, see Myria, *Annual Report 2022, Trafficking and smuggling of human beings, Bound by debt*, p. 110.

⁴³ See Myria, *Annual Report 2019, Trafficking and smuggling of human beings, Empowering victims*, p. 111 and Myria's website (Case law).

⁴⁴ According to a labour prosecutor; Report of the Special Commission responsible for evaluating legislation and policy on human trafficking and smuggling, 12 June 2023, Parl. Doc., Chamber, OC 55 2530/002, Annex 4, p. 298, hearing of Herwig Verschueren, professor at the University of Antwerp.

⁴⁵ Belga, 'Aannemer al maanden op de hoogte van constructiefouten ingestorte Antwerpse school', *stad naar eigen zeggen nooit op de hoogte gebracht*, De Morgen, 16 June 2022; J. Nuyts, 'Hoofdaannemer loog tegen stad Antwerpen: geen 27, maar 249 onderaannemers op de werf van ingestorte school Nieuw Zuid', Het Laatste Nieuws, 16 August 2022; A new fatal accident occurred at a building site in Mechelen at the beginning of October 2022, again within the company involved in this case (see the oral parliamentary question on this subject: Committee on Social Affairs, Employment and Pensions, summary report, Belgian Chamber of Representatives, CRABV 55 COM 183, 3 October 2023).

⁴⁶ 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 Herwig Verschueren, professor at the University of Antwerp.

⁴⁷ See Part 3 on data in Myria's *Annual Report Trafficking and smuggling of human beings 2022, Bound by debt*, p. 110.

⁴⁸ According to a labour prosecutor.

⁴⁹ According to labour prosecutors.

⁵⁰ SIRS, Mr. Ben Segers' answer to parliamentary question no. 142 of 5 January 2021, p. 4.

⁵¹ See the CTIF 2020 activity report (p. 5 and p. 23). This publication is available on the CTIF website.

Cases in this sector can involve a large number of potential victims⁵². For instance, Myria highlights the case that came to light after some forms of exploitation were detected by the inspection services on the site of the petrochemical company Borealis in July 2022. Workers from third countries were employed there illegally⁵³. Among them were Bengali and Filipino workers who were allegedly employed without work permits, and whose work was undeclared and seriously underpaid in relation to the sector's wage scales. Turkish workers⁵⁴ were also employed, some of whom reportedly had a single permit while others had merely applied for one. Initially, all the Bengali, Filipino and Turkish workers were provisionally recognised as victims of human trafficking by the labour prosecutor's office.

However, following a more in-depth investigation, only some of these workers were awarded this status in the end. At the time of completing this report (August 2023), the investigation was still ongoing.

The nail salon sector is vulnerable to human trafficking within the framework of debt bondage.

2.2. | Nail salons

Over the past few years, the Belgian authorities have noted an increase in the identification of potential victims of labour exploitation in nail salons⁵⁵.

The nail salon sector is highly vulnerable to human trafficking within the framework of debt bondage. In the case of Vietnamese networks, it is generally a combination of smuggling and trafficking in human beings: on arrival in our country, migrants are exploited, often by a criminal organisation, in order to be able to pay back their travel debt or to continue their journey to the United Kingdom⁵⁶.

In several investigations, Brussels appears as the place where smuggling is organised, and victims are temporarily accommodated (locked up) in safehouses while waiting for further transportation, or where they are exploited. Some organisations also operate out of the United Kingdom and other Member States of the European Union⁵⁷.

The analysis of the Essex case, which came to light in October 2019 following the death of 39 people in a refrigerated lorry, shows that this phenomenon is still present today. This case established the link between an international network of smugglers and the labour exploitation of Vietnamese victims in restaurants and nail salons in Brussels. Most Vietnamese victims are very reluctant to accept the status of victim of trafficking, although several did accept it in the context of this case.

They generally feel a strong sense of shame and distrust, and feel indebted to their families who have gone into debt to enable them to make the illegal journey. The family back home is also highly under pressure from the criminal network⁵⁸.

Owing to the relatively limited regulations, these businesses are an attractive place for criminal organisations to engage in labour exploitation and laundering the proceeds of crime. According to the experts Myria spoke to, this exploitation mainly takes place in buildings in Brussels, although there are suspicions of human trafficking in nail salons located elsewhere in the country⁵⁹.

2.3. | Hospitality

In the hospitality sector, the fierce competition between companies influences the risk of social fraud and labour exploitation⁶⁰.

⁵² 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 Patrick Bourgeois, federal judicial police of Brussels.

⁵³ *Ibid.*: p. 296, hearing of Patsy Sørensen, founder of Payoke.

⁵⁴ Ukrainians were employed on the site. It would seem that they were regularly employed there.

⁵⁵ GRETA, op. cit., p. 9.

⁵⁶ See the focus of the previous annual report on the trafficking and smuggling of Vietnamese nationals in Myria's 2022 *Annual Report Trafficking and smuggling of human beings. Bound by debt*, pp. 7-51.

⁵⁷ *Ibid.*; See the external contribution by Hilde Sabbe, strategic analyst at DJSOC Brussels, in Myria's 2022 *Annual Report Trafficking and smuggling of human beings. Bound by debt*.

⁵⁸ See the focus of the previous annual report on the trafficking and smuggling of Vietnamese nationals in Myria's *Annual Report 2022. Trafficking and smuggling of human beings. Bound by debt*, pp. 7-51.

⁵⁹ *Ibid.*

⁶⁰ SIRS, Strategic Plan, op. cit., p. 60.

This is the second largest sector, after construction, in which trafficking indicators are most commonly identified⁶¹, as Myria has also noted in case law⁶².

Just as in nail salons, Vietnamese networks are also present in the hospitality sector (see above)⁶³.

While Chinese restaurants regularly feature in cases of trafficking for the purpose of labour exploitation, involving debt bondage or not, a new trend is emerging according to one labour prosecutor. Recently, a large number of Hungarians were involved; they were posted to restaurants through labour suppliers. There are also many Chinese victims, who are too terrified to agree to enter the procedure allowing them to obtain the status of victim of human trafficking⁶⁴.

Besides Asian restaurants (especially Indian) in the hospitality sector, community cafés, kebab shops, pizzerias, hookah lounges, champagne bars and snack bars are also linked to human trafficking.

2.4. | Agriculture and horticulture

Cases of human trafficking in the agricultural and horticultural sector mainly involve seasonal and flexible workers housed in appalling conditions⁶⁵.

In one of its reports, the Council of the European Union presents the results of the Joint Action Days/EMPACT Action Days carried out in various Member States of the European Union in 2020 and, in particular, makes the link between document fraud and trafficking for the purpose of labour exploitation in the agricultural sector⁶⁶.

The NSSO inspection services noted that potential victims of trafficking detected in the sector between 2017-2021 were mainly Romanian⁶⁷. Morocco⁶⁸ and Poland (in East Flanders)⁶⁹ were also often cited countries of origin for victims in the agricultural sector. In addition, there were victims from Eastern Europe who were exploited through complex constructions (postings and/or bogus self-employed workers and/or postings of bogus self-employed workers)⁷⁰.

Myria still notes a large number of presumed victims who are detected among staff in the poultry sector⁷¹. For instance, around 40 Bulgarians were employed on a poultry farm as bogus self-employed workers or through a bogus posting. Through companies, they tried to create a semblance of legitimacy. The workers, who had to pay rent, occupied a property that was subsequently declared unfit for habitation by the housing inspection. The Turnhout Criminal Court convicted the seven defendants of various social and tax offences and of trafficking in human beings for the purpose of labour exploitation. The Antwerp Court of Appeal eventually acquitted one of the defendants of the latter charge⁷².

The phenomenon of human trafficking in the fruit-picking sector is still rife, particularly in the province of Namur, where 34 alleged victims were detected in investigations carried out by the NSSO inspection department in 2019. In May 2022, in the context of a tomato plantation, The Dendermonde Criminal Court convicted a Nigerian defendant of human trafficking and identity fraud, as he had twice made other people work under his name. In exchange, the workers, who were in a precarious financial and residence situation, had to pay their wages into his account and give him their payslips⁷³.

61 See the figures provided by the NSSO inspection services in Part 3 on data, in Myria's *Annual Report 2022, Trafficking and smuggling of human beings, Bound by debt*, p. 110; 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.

62 See the chapters on case law in Myria's annual reports: [Myria's website](#).

63 See the focus of the previous annual report on the trafficking and smuggling of Vietnamese nationals in Myria's *Annual Report 2022, Trafficking and smuggling of human beings, Bound by debt*, pp. 7-51.

64 *Ibid.*

65 According to a labour prosecutor. E.g. see a decision in Myria's *Annual Report 2016, Trafficking and smuggling of human beings, Beggars in the hands of traffickers*, p. 146; and Myria, *Annual Report 2015, Trafficking and smuggling of human beings, Tightening the links*, p. 118; Mechelen Crim. Court, 21 January 2015; Antwerp Appeal Court, 4 February 2016, 14th ch. and [Myria's website](#) (Case law).

66 Council of the European Union, General Factsheet – Operational Actions Plans (OAPS), Results 2020, 2020, p. 7.

67 See Part 3 on data in Myria's *Annual Report 2022, Trafficking and smuggling of human beings, Bound by debt*, p. 110.

68 *Ibid.*

69 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. 297, hearing of Jan Devriendt, federal judicial police.

70 *Ibid.*: p. 295, hearing of Stef Janssens, Myria.

71 See Part 3 on data in Myria's *Annual Report 2022, Trafficking and smuggling of human beings, Bound by debt*, p. 136.

72 See the analysis of this case in the chapter on case analyses in this report: Part 2, Chapter 2, point 2; also see Chapter 3 on the case law overview of the following previous annual reports: Myria, *Annual Report 2020, Trafficking and smuggling of human beings, Behind closed doors*, pp. 86-87; Myria, *Annual Report 2018, Trafficking and smuggling of human beings, Minors in major danger*, pp. 119-120; Antwerp, 13 November 2019, ch. C6.; Antwerp Crim. Court, Turnhout division, 20 December 2017, ch. TC1.; and [Myria's website](#) (Case law).

73 On this subject, see the case law overview chapter in this report: Part 2, Chapter 3, point 2.2.8 on the agricultural and horticultural sector (East Flanders Crim. Court, Dendermonde division, 20 May 2022, ch. D13V (appeal)).

2.5. | Road transport

With a few exceptions⁷⁴, the number of cases in this sector remains low owing to the difficulty of securing a conviction for human trafficking⁷⁵. The burden of proof is often very complex for the public prosecutor's office, owing to the itinerant nature of international road transport⁷⁶. It is also sometimes difficult to prove that the company is being run out of Belgium⁷⁷.

A particular difficulty lies in the indicator relating to inadequate accommodation. This regularly falls into the grey area because the courts generally consider that sleeping in the cab is specific to the profession⁷⁸. Although some rules on drivers' rest periods are in force, some foreign employers make workers sign documents waiving some of their new rights, or a large proportion of drivers are unaware of these rights⁷⁹.

In general, drivers have contracts in Eastern Europe⁸⁰. European haulage companies (especially Polish and Lithuanian) no longer use Polish or Lithuanian drivers, opting for other third-country nationals from Ukraine or Belarus instead. These drivers are in an even more precarious economic situation and are even more dependent on their employers than other drivers (in terms of language problems, obtaining visas, work and residence permits)⁸¹.

Filipino, Bulgarian, Romanian, Moldavian, Hungarian⁸² and Belgian⁸³ drivers are also concerned. These workers drive for several months at a time⁸⁴.

In the international road transport sector, more and more third-country workers are calling on the services of Belgian or foreign trade unions to report acts of exploitation⁸⁵.

In this sector, fraudulent practices have also been observed in the form of illegal cabotage⁸⁶, social dumping, letterbox companies⁸⁷ and bogus self-employed and posting structures. A complex case, discussed in the next chapter of this focus and in the case law section of the previous annual report⁸⁸, illustrates this perfectly: it involved a carousel of postings resulting in the manslaughter of two workers and led to convictions for human trafficking in the pallet sector. Several Belgian haulage companies set up an international structure whereby staff were fraudulently employed simultaneously in Poland and Belgium. The Polish workers employed in Belgium did not even know which Polish company they were working for. The so-called Polish subcontractor was in fact merely a conduit for cheap labour employed solely in Belgium and therefore under the authority of the Belgian client⁸⁹.

⁷⁴ On this subject, see the case law overview chapter in this report: Part 2, Chapter 3, point 2.2.2 on the road transport sector (East Flanders Crim. Court, Bruges division, 13 January 2023, ch. B17; Ghent, 5 October 2023, 3rd ch.).

⁷⁵ See the chapter on case law in Myria's annual reports: [Myria's website](#).

⁷⁶ See the external contribution from the NSSO's inspection services in Myria, *Annual Report 2020, Trafficking and smuggling of human beings, Behind closed doors*, p. 130.

⁷⁷ According to a labour prosecutor.

⁷⁸ *Ibid.*

⁷⁹ See the external contribution from the NSSO's inspection services in Myria, *Annual Report 2021, Trafficking and smuggling of human beings, Visibly invisible*, p.116.

⁸⁰ See the external contribution from the NSSO's inspection services in Myria, *Annual Report 2020, Trafficking and smuggling, Behind closed doors*, p. 40.

⁸¹ See the external contribution from the NSSO's inspection services in Myria, *Annual Report 2021, Trafficking and smuggling human beings, Visibly invisible*, p. 116.

⁸² 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. 297, hearing of Jan Devriendt, federal judicial police.

⁸³ *Ibid.*: p. 295, hearing of Eric Garbar, judicial commissioner, head of the Trafficking and Smuggling of Human Beings Unit, DJSOC.

⁸⁴ See the external contribution from the NSSO's inspection services in Myria, *Annual Report 2020, Trafficking and smuggling of human beings, Behind closed doors*, p. 40.

⁸⁵ *Ibid.*, p. 128.

⁸⁶ According to the Court of Audit, "Cabotage refers to national transport operations carried out by a foreign carrier. It is subject to a double limitation, in terms of quantity and time. After completely unloading its freight as part of an international transport operation, a foreign lorry may carry out three national transport operations within seven days. After a new international transport operation, the lorry may resume cabotage activities under the same conditions" (Report by the Court of Audit to the Chamber of Representatives, "Transport of goods by road - Application of the regulations", Brussels, February 2015, p. 71).

⁸⁷ SIRS, Strategic Plan, op. cit. p. 60.

⁸⁸ See Myria, *Annual Report 2022, Trafficking and smuggling of human beings, Bound by debt*, pp. 82-84 and 88 [Myria's website](#) (Case law): Ghent, 20 January 2022, 3rd ch.; West Flanders Crim. Court, Bruges division, 27 November 2020, ch. B17.

⁸⁹ *Ibid.*

2.6. | Textile sector

In several suburbs of Brussels, and more specifically in large empty warehouses belonging to former factories, many second-hand clothes are recycled. Although the workshops where clothes are sorted are usually located in the provinces, the managers and headquarters are based in Brussels⁹⁰.

These illegal economic activities often involve serious forms of labour exploitation and human trafficking⁹¹. In Flemish Brabant, the presumed victims are often Syrian and Afghan nationals⁹².

Myria has mentioned case law decisions in this sector in previous reports, concerning illegal workers responsible for sorting second-hand clothes for export. The victims have to work in extremely precarious conditions with imposed production quotas. This type of sweatshop, often run by Syrians, is usually hidden away in run-down storage facilities or industrial warehouses that have been out of use for a long time. Workshops of this type are sometimes equipped with external surveillance cameras⁹³. In the past, child victims were also taken to a centre specialising in victims of human trafficking⁹⁴.

2.7. | Night shops

The night shop sector is affected by the phenomenon of human trafficking, generally through the labour exploitation of Pakistani and Indian workers⁹⁵. On several occasions, the NSSO's inspection services have also been confronted with indicators of exploitation of Afghan workers (asylum seekers) in this sector. The exploiters often use schemes to employ people as bogus self-employed workers⁹⁶. According to these services, the employers and workers are increasingly staying here legally⁹⁷. They have observed a decrease in the number of cases and findings of human trafficking in this sector. This can be explained by the fact that exploiters are adapting, in particular by employing fewer workers and working in their night shops themselves⁹⁸.

However, CTIF noted that there is a link between funds derived from the polycriminal activities of money laundering networks and night shops, as various criminal organisations are suspected of having interests in the latter⁹⁹. Myria filed a civil suit in several trafficking cases linked to Indo-Pakistani human trafficking networks, in particular criminal organisations that organise sham marriages on an international scale¹⁰⁰.

2.8. | Carwashes

Organised forms of human trafficking for the purpose of labour exploitation are also present in the car wash sector, operated by Indians and/or Pakistanis¹⁰¹, with victims often of the same origin¹⁰². The exploiters regularly change managers and company¹⁰³.

90 SIRS, *Mr. Ben Segers' answer to parliamentary question no. 142 of 5 January 2021*, p. 10.

91 *Ibid.*, p. 5.

92 According to NSSO's inspection services.

93 See Myria, *Annual Report 2017, Trafficking and smuggling of human beings, Online*, p. 123; Hainaut Crim. Court, Mons division, 24 November 2016, 8th ch. (final); *Annual Report 2013, Trafficking and smuggling of human beings, Building bridges*, p. 116; Ghent Crim. Court, 19 February 2014; *Annual Report 2020, Trafficking and smuggling of human beings, Behind closed doors*, p. 88; Brussels French-speaking Crim. Court, 9 March 2020 and *Myria's website* (Case law).

94 See Myria, *Annual Report 2018, Trafficking and smuggling of human beings, Minors in major danger*, p. 24; ECPAT, Child trafficking in Belgium, Identification and protection of victims, 2026.

95 SIRS, *Mr. Ben Segers' answer to parliamentary question no. 142 of 5 January 2021*, p. 4; on this subject, see the case law overview chapter in this report: Part 2, Chapter 3, point 2.2.5 on the car wash sector and 2.2.6 on night and day shops (East Flanders Crim. Court, Ghent division, 5 January 2022, ch. G29 (final); East Flanders Crim. Court, Ghent division, 7 December 2022, ch. G29 (appeal)); also see the case law decisions in the following annual reports: *Annual Report 2021, Trafficking and smuggling of human beings, Visibly invisible*, pp. 73-74; the Liège Crim. Court, Liège division, 2 April 2021, 18th ch. (appeal); *Annual Report 2019, Trafficking and smuggling of human beings, Empowering victims*, pp. 128-129; Ghent, 28 November 2018, 3rd ch. and West Flanders Crim. Court, Ypres division, 8 January 2018, 19th ch. in Myria, *Annual Report 2018, Trafficking and smuggling of human beings, Minors in major danger*, pp. 117-118 as well as *Myria's website* (Case law).

96 For instance, see the two Dutch-speaking decisions mentioned in the previous note.

97 According to the NSSO's inspection services.

98 *Ibid.*

99 See the CTIF 2021 activity report (p. 16). This publication is available on the *CTIF website*.

100 See the two above-mentioned Dutch-speaking decisions. However, according to a labour prosecutor, this phenomenon is no longer found in West Flanders.

101 On this subject, see the case law overview chapter in this report: Part 2, Chapter 3, point 2.2.5 on the car wash sector: Antwerp Crim. Court, Mechelen division, 22 April 2022, ch. MC7; West Flanders Crim. Court, Bruges division, 13 January 2023, ch. B17 (appeal); East Flanders Crim. court, Ghent division, 5 January 2022, ch. G29 (final).

102 According to a labour prosecutor.

103 *Ibid.*

They apply the same modus operandi as night shops, i.e. the bogus self-employed system. There are sometimes organised networks in this sector, alongside smaller cases¹⁰⁴. The NSSO's inspection services have found that car wash owners have been adapting following frequent checks and have been better able to conceal the phenomenon: they partly declare staff to give the impression that everything is in order. In fact, some workers, including Afghan workers, must sometimes be available to work all day long and accept very low wages¹⁰⁵.

Human trafficking practices still exist in the cleaning sector through the system of cascade subcontracting.

This is especially the case in certain cases involving subcontractors based in Ghent, Brussels or Antwerp and working in companies in the cleaning sector in West Flanders¹¹¹. In Hainaut, the NSSO inspection department also found Africans sometimes using the

'lookalike' system and identity theft¹¹². In addition, the CTIF found that Brazilian and Portuguese networks are still setting up or taking over companies active in the sector¹¹³.

2.9. | Bakeries

The police and inspection services have also found evidence of human trafficking in the bakery sector. These cases are small-scale. The case law discussed in the Myria reports shows that the phenomenon mainly concerns Moroccan biscuit and bakery shops, mainly to the detriment of Moroccan victims¹⁰⁶. Turkish bakeries are also sometimes involved¹⁰⁷.

2.10. | Cleaning industry

Illegal work is frequent in the cleaning industry¹⁰⁸. Frontline services especially come across workers from Morocco, Portugal (or Brazilians with (fake) Portuguese documents)¹⁰⁹ and, more recently, nationals from other South American countries¹¹⁰. Human trafficking practices further exist in the cleaning sector through the system of cascade subcontracting.

2.11. | Meat processing industry

According to a SIRS survey carried out in 2021, "(...) the meat sector is largely entrusted to dubious subcontractors who alternate between national and foreign companies in fraud networks that have been deliberately set up"¹¹⁴. In this sector, the victims of labour exploitation practices are mainly Portuguese, Romanian and Bulgarian¹¹⁵.

There are many subcontractors (with their head offices in Ghent, Brussels or Antwerp) working in companies in the meat sector in West Flanders¹¹⁶. According to a labour prosecutor, it is mainly a question of posting fraud. For instance, some Bulgarians were doing subcontracting work for very low wages¹¹⁷. However, human trafficking is sometimes involved, as the Dendermonde Criminal Court found in 2015 when it convicted a defendant and his company of trafficking several Romanian nationals in his meat processing business¹¹⁸.

104 On this subject, see the case law overview chapter in this report: Part 2, Chapter 3, point 2.2.5 on the car wash sector: Antwerp Crim. Court, Mechelen division, 22 April 2022, ch. MC7; West Flanders Crim. Court, Bruges division, 13 January 2023, ch. B17 (appeal); East Flanders Crim. Court, Ghent division, 5 January 2022, ch. G29 (final); and [Myria's website](#) (Case law).

105 According to the NSSO's inspection services.

106 See Myria, [Annual Report 2020, Trafficking and smuggling of human beings, Behind closed doors](#), pp. 87-88: (Brussels French-speaking Crim. Court, 3 February 2020, 69th ch. (final)); Myria, [Annual Report 2019, Trafficking and smuggling of human beings, Empowering victims](#), pp. 130-131: East Flanders Crim. Court, Ghent division, 27 June 2018, ch. G29W (final) and [Myria's website](#) (Case law).

107 On this subject, see the case law overview chapter in this report: Part 2, Chapter 3, point 2.2.4 on the bakeries sector and [Myria's website](#) (Case law): West Flanders Crim. Court, Bruges division, 16 November 2022, ch. B17 (final).

108 According to a labour prosecutor.

109 [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. 297, hearing of Jan Devriendt, federal judicial police.

110 *Ibid.*: p. 295, hearing of Eric Garbar, judicial commissioner, head of the Trafficking and Smuggling of Human Beings Unit, DJSOC.

111 SIRS, Mr. Ben Segers' answer to parliamentary question no. 142 of 5 January 2021, p. 3.

112 According to the NSSO's inspection services.

113 See the CTIF 2020 activity report (pp. 5 and 23). This publication is available on [the CTIF website](#).

114 SIRS, Strategic Plan, op. cit. p. 61.

115 [Report of the Special Commission for evaluating legislation and policy on human trafficking and smuggling](#), 12 June 2023, Parl. Doc., Chamber, DOC 55 2530/002, Annex 4, p. 297, hearing of Jan Devriendt, federal judicial police.

116 SIRS, Mr. Ben Segers' answer to parliamentary question no. 142 of 5 January 2021, p. 3.

117 According to a labour prosecutor.

118 See Myria, [Annual Report 2016, Trafficking and smuggling of human beings, Beggars in the hands of traffickers](#), p. 152: East Flanders Crim. Court, Dendermonde division, 27 February 2015, 13th ch. (final) and [Myria's website](#) (Case law).

2.12. | Riding halls & stud farms

For many years, Myria has received case law decisions concerning this sector, in which there are indications of human trafficking among maintenance staff, particularly grooms¹¹⁹. There are riding halls and stud farms¹²⁰ in various provinces but they are particularly prevalent in Walloon Brabant, for the purpose of leisure or sporting and show activities¹²¹. The NSSO's inspection services have noted the presence of Brazilian presumed victims on several occasions.

For instance, in 2017, Antwerp Criminal Court convicted two Belgian defendants of trafficking for the purpose of labour exploitation of an illegally staying worker who was responsible for looking after the animals and cleaning the stables. He had to ride the horses and was staying in a mobile home on the site, which had no sanitary facilities or heating. The investigation showed that the victim had been employed in inhumane working and living conditions. The victim worked more than 40 hours a week, without any compensation. He was paid €500 a month and had to be available at all times. He was not entitled to any leave or holiday pay, and no work-related insurance had been taken out. The caravan in which the victim was staying did not meet basic safety, health and living requirements. The victim had to shower at the neighbour's house and was subsequently able to do so at the defendants' house, in return for payment. The victim was clearly working in a subordinate capacity under the authority of the first defendant¹²².

Domestic workers are a particularly vulnerable group of victims because of their isolation and the difficulties in detecting abuse.

2.13. | Domestic work

Domestic work takes many forms: cleaning, cooking, gardening, childcare, etc. The worker may work for a single family (in-house or externally) or for different families. Domestic work can also involve very different statuses (domestic worker, domestic staff, service voucher employee, diplomatic domestic staff). There are also young au pairs, who are not workers but are also required to perform certain domestic tasks¹²³.

People working in the domestic sector are more vulnerable than workers in other sectors: they are often isolated, have no colleagues and frequently live in their employer's home¹²⁴. Moreover, this work is performed in private homes, which can therefore not be entered. Detecting abuse is problematic because it is not possible to establish a direct link with exploitation without a complaint from the victim. Quite often, as mentioned by several of the stakeholders interviewed, people exploited as domestic workers file complaints when the exploitation has ended¹²⁶. Chance sometimes plays a role, as in the case of random checks or information obtained from neighbours or hospital staff.

Human trafficking practices are difficult to detect, which was particularly the case during the COVID-19 lockdowns, when victims could not leave their homes and inspection checks were limited.

In these types of cases, the burden of proof is often based solely on the victims' statements. However, this is no straightforward matter; they are made almost exclusively after the victims have been able to flee the home where they were being exploited¹²⁷.

119 See the chapters on case law in Myria's annual report and on [Myria's website](#).

120 Riding halls are workspaces where horses are trained whereas stud farms are dedicated to breeding and maintenance.

121 SIRS, Mr. Ben Segers' answer to parliamentary question no. 142 of 5 January 2021, p. 11.

122 See Myria, *Annual Report 2018, Trafficking and smuggling of human beings, Minors in major danger*, p. 121: Antwerp Crim. Court, 13 June 2017, ch. AC1 (final) and [Myria's website](#) (Case Laws).

123 For more information on labour exploitation in this sector, see Myria, *Annual Report 2020, Trafficking and smuggling in human beings, Behind closed doors*, pp. 7-32.

124 *Ibid.*

125 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.

126 According to a labour prosecutor; according to NSSO's inspection services.

127 See Myria, *Annual Report 2020, Trafficking and smuggling in human beings, Behind closed doors*, pp. 7-32.

The most serious cases of abuse of domestic staff are sometimes classified as human trafficking. However, there are very few of these cases. The profiles of the victims are also varied. It seems that a significant proportion of domestic work is carried out illegally by domestic staff of foreign origin¹²⁸.

Human trafficking practices in the domestic work sector are even more difficult to identify when diplomats or embassy relations are involved. As far as embassies are concerned, many cases concerning domestic work do not lead to criminal proceedings owing to diplomatic immunity (civil, criminal and administrative)¹²⁹. According to the NSSO's inspection services, this phenomenon, which is mainly present in the Brussels region, is less prevalent since FPS Foreign Affairs 'Protocol Directorate suspending the granting of residence documents for domestic staff in embassies with too many previous cases'¹³⁰.

Various cases of labour exploitation in the domestic work sector can sometimes be linked to forms of sexual exploitation. In Brussels, the domestic work sector is the one in which the most serious cases of detection of trafficking for the purpose of labour exploitation 'involving kidnapping and/or physical and sexual violence' have been reported by the NSSO's inspection services¹³¹.

2.14. | Emerging sectors

Parcel delivery

It is important to remain vigilant regarding the emergence of a new high-risk sector: parcel delivery¹³². Subcontracting chains are often involved¹³³. Several investigations are underway, relating to acts of social dumping. It is not yet clear whether human trafficking may be involved¹³⁴.

Care sector

Although no victims of human trafficking have been detected in this sector, the NSSO's inspection services and labour prosecutors have noted the emergence of a new phenomenon in the use of medical and/or paramedical staff from third countries in hospitals or nursing homes. According to the NSSO's inspection services, recruitment is carried out in the country of origin by specialised recruitment agencies. This is followed by training in Belgium to obtain diploma equivalence. The NSSO's inspection services have reported the existence of dubious practices, related to the training or the high fees the recruitment agencies are charging the hospitals and/or nursing homes¹³⁵.

As part of a case involving the arrival of dozens of Indian nurses between 2014 and 2022, some of them paid the Indian businessman organising the recruitment several thousand euros to obtain a job in Belgium¹³⁶. Myria has since learned that the case is being prosecuted for human trafficking and other social offences.

Similarly, the NSSO's inspection services have noted an increase in the number of dental surgeries in community neighbourhoods in certain cities. Here too, no presumed victims of human trafficking have yet been detected. These practices employ trainee dentists from third countries who sometimes did part of their studies in the European Union. The aim of the traineeship is to obtain recognition of their diploma. Those whose diploma is not recognised are employed as assistants. Both trainees and assistants perform dental procedures. They are self-employed and have to work long hours for little money. As soon as they want to leave the practice, they are threatened. Trainees and assistants are generally of Tunisian, Palestinian (refugees) and Iranian nationality.

128 *Ibid.*; Or.c.a (now: Fairwork Belgium), *Le personnel domestique, un autre regard*, 2008, p. 34.

129 See Myria, *Annual Report 2020, Trafficking and smuggling in human beings, behind closed doors*, pp. 7-32.

130 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 Bruno Devillé, social inspector at the NSSO head office in Brussels.

131 *Ibid.*

132 A distinction should be made between parcel delivery and food delivery services.

133 According to labour prosecutors.

134 To date, a large multinational company has been prosecuted for human trafficking, social dumping and employing underage couriers within the context of a long chain of subcontracting (Belga, "Onderzoek PostNL - Onderzoeksrechter laat CEO van PostNL vrij", 6 April 2023, available at <https://www.belga.press/>).

135 See the external contribution of the NSSO's inspection services in Myria, *Annual Report 2022, Trafficking and smuggling of human beings, Bound by debt*, p. 136.

136 Source: E. Raspoet, "Indiase verpleegkundigen veroveren Vlaamse woonzorgcentra", Knack, 26 January 2021.

3. Geographical distribution

Certain trends in cases of human trafficking for the purpose of labour exploitation can be identified according to their geographical location. Generally speaking, small-scale cases can be found everywhere, while large-scale trafficking cases have been discovered mainly on the Dutch-speaking side¹³⁷. On the French-speaking side, the largest cases are more likely to be treated as organised social fraud, while those relating to human trafficking are generally small isolated cases, with no link to a criminal organisation¹³⁸.

The phenomenon of human trafficking is also correlated with metropolitan issues in large cities, where labour exploitation can have links with common-law organised crime, such as drug trafficking and the arms trade.

Unlike rural areas, large cities are governed by legal, informal and illegal economies, and are economic centres subject to greater anonymity and higher levels of migration. Social control is notably weaker.

These elements facilitate the organisation of criminal social fraud within the framework of an underground economy, i.e. the use of letterbox companies, false statutes, straw men or even bankruptcy and posting carrousel¹³⁹.

Every province also has its own specific characteristics and socio-economic roots, so that the phenomenon of human trafficking for the purpose of labour exploitation varies greatly depending on the province concerned.

West Flanders, which has no large conurbations but is made up of several provincial towns, has a number of high-risk sectors:

The phenomenon of human trafficking is also correlated with the metropolitan problem of labour exploitation.

meat processing (chicken), cleaning, construction and car washes¹⁴⁰. The province has the largest number of agricultural and horticultural businesses. The coast and the city of Bruges attract tourists, with a large number of night shops, cafes and restaurants (Asian restaurants, kebab shops and pizzerias)¹⁴². Lastly, its proximity to the United Kingdom attracts many foreign nationals who are vulnerable to labour exploitation, given the human smuggling organised in the region¹⁴³.

In East Flanders, the city of Ghent and a number of medium-sized towns are home to vulnerable population groups and various high-risk sectors¹⁴⁴ : car washes, night shops and construction¹⁴⁵. The road transport sector has a particularly strong presence here as well. Indicators of exploitation have been found among Turkish, Bulgarian, Romanian and Polish workers in the construction, hospitality and bakery sectors; in subcontracting chains in the meat processing industry; and also among Indo-Pakistani workers in night shops and car washes¹⁴⁶.

The city of Antwerp, and the district of the same name, has a great diversity and a high number of inhabitants¹⁴⁷. The high-risk sectors are bakeries and construction¹⁴⁸, and the police is overloaded with drug trafficking cases¹⁴⁹. The area is also a transit point for human smuggling. It is the second province, after Brussels, where the most cases of trafficking for the purpose of labour exploitation are identified¹⁵⁰, particularly in connection with several large-scale cases involving numerous presumed victims¹⁵¹.

The province of Limburg is not to be outdone. According to the NSSO's inspection services, some cases involving indicators of trafficking concern small businesses in the construction sector. Owing to the significant presence of the horticultural sector, indicators of the exploitation of foreign workers have been found¹⁵², though recently to a lesser extent¹⁵³.

137 On this subject, also see Part 1, Chapter 4, point 4; also see the point on the construction sector above.

138 According to a labour prosecutor; see Part 4 on recommendations in this report: Recommendation 3.

139 SIRS, Strategic Plan, op. cit., p. 26 and pp. 54-56.

140 According to the NSSO's inspection services.

141 SIRS, Mr. Ben Segers' answer to parliamentary question no. 142 of 5 January 2021, p. 3.

142 According to the NSSO's inspection services.

143 SIRS, Mr. Ben Segers' answer to parliamentary question no. 142 of 5 January 2021, p. 3.

144 *Ibid.*, pp. 3-4.

145 According to the NSSO's inspection services.

146 SIRS, Mr. Ben Segers' answer to parliamentary question no. 142 of 5 January 2021, p. 4.

147 *Ibid.*, p. 4.

148 According to the NSSO's inspection services.

149 According to a labour prosecutor; within the context of the "Sky ECC" case: see C. Verhaeghe, "Megaproces op komst: 128 verdachten doorverwezen in grootste Sky ECC-dossier van Brussel", VRT NWS, 5 June 2023.

150 SIRS, Mr. Ben Segers' answer to parliamentary question no. 142 of 5 January 2021, p. 4.

151 See above the points on the construction, agricultural and horticultural sectors.

152 SIRS, Mr. Ben Segers' answer to parliamentary question no. 142 of 5 January 2021, p. 5.

153 According to the NSSO's inspection services.

The administrative approach applied by the public authorities may have something to do with this¹⁵⁴. Investigations into labour exploitation have been carried out in recent years in the construction and cleaning sectors¹⁵⁵.

As far as Flemish Brabant is concerned, there has been a shift in criminal activity from Brussels, due to the numerous checks carried out in the capital and regional advantages in terms of employment. The most common sectors are restaurants, domestic work, car washes and textiles¹⁵⁶. The municipalities on the outskirts of Brussels contain former factory buildings, which are conducive to the development of illegal activities linked to labour exploitation, such as the recycling of used clothing, the illegal manufacture of textiles, the import/export or storage of goods. Numerous investigations have been carried out in Flemish Brabant into large companies on the outskirts in the sectors of logistics (through chains of subcontractors), construction, renovation and cleaning¹⁵⁷. Other sectors include nail salons (involving Romanians)¹⁵⁸ and massage parlours, hospitality (through illegal posting), saunas, private receptions and newspaper sellers employed by nonprofit organisations. Lastly, the exploitation of illegally staying domestic staff (in the private sector) is typical of the judicial district of Halle-Vilvoorde.¹⁵⁹

Hainaut is the third province with the largest surface area. It has a sizeable population, given its large towns and cities. For some years now, workers have been posted to the construction industry in appalling conditions. However, to the detriment of other high-risk sectors, checks have mainly been focused on the following sectors: car washes, hospitality, night shops and prostitution¹⁶⁰.

A quarter of Belgium's surface area is covered by the Namur-Luxembourg provincial authority. The towns of Namur and Arlon are located at either end of the province. Economic activity is spread throughout the area, making it difficult to detect situations of labour exploitation¹⁶¹. The most common sectors are retail, Asian massage parlours (only parlours involving Chinese people) and hospitality¹⁶².

Liège is the second province with the largest surface area. It includes the city of Liège and other towns affected by precariousness and crime¹⁶³. In terms of human trafficking, night shops, car washes, Chinese restaurants and the construction industry are high-risk sectors¹⁶⁴.

Brussels-Capital is characterised by the diversity of its population (over 180 different nationalities), its large number of inhabitants¹⁶⁵ and the presence of official buildings¹⁶⁶. The city has a large informal economy. 35% of the population of Brussels is non-Belgian (not including people without legal residency). The city is home to a large number of people who are officially unemployed and on benefits, as well as many migrants and asylum seekers, and foreign students, owing to the presence of the Immigration Office, the Office of the Commissioner General for Refugees and Stateless Persons, Maximilian Park and universities and colleges¹⁶⁷. Brussels is the starting point for many human smuggling operations¹⁶⁸. It has various neighbourhoods clustering nationalities that are often vulnerable and socially disadvantaged, victims of trafficking being more likely to be isolated¹⁶⁹.

154 See also Part 1, Chapter 4, point 3.

155 SIRS, *Mr. Ben Segers' answer to parliamentary question no. 142 of 5 January 2021*, p. 5.

156 According to the NSSO's inspection services.

157 SIRS, *Mr. Ben Segers' answer to parliamentary question no. 142 of 5 January 2021*, pp. 5-6.

158 According to the NSSO's inspection services

159 SIRS, *Mr. Ben Segers' answer to parliamentary question no. 142 of 5 January 2021*, pp. 5-6.

160 *Ibid.*, pp. 6-7.

161 *Ibid.*, pp. 7-8.

162 According to the NSSO's inspection services.

163 SIRS, *Mr. Ben Segers' answer to parliamentary question no. 142 of 5 January 2021*, p. 8.

164 According to a labour prosecutor.

165 SIRS, *Mr. Ben Segers' answer to parliamentary question no. 142 of 5 January 2021*, p. 9.

166 [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 Patrick Bourgeois, federal judicial police Brussels.

167 SIRS, *Mr. Ben Segers' answer to parliamentary question no. 142 of 5 January 2021*, p. 9.

168 [Report of the Special Commission responsible for evaluating legislation and policy on human trafficking and smuggling](#), 12 June 2023, *Parl. Doc.*, Chamber, DOC55 2530/002, Annex 4, p. 295, hearing of Patrick Bourgeois, federal judicial police.

169 SIRS, *Mr. Ben Segers' answer to parliamentary question no. 142 of 5 January 2021*, pp. 9-10.

The capital is considered to be a hub for human trafficking¹⁷⁰. Exposure of migrant workers to exploitation in the domestic work sector (among diplomats and private individuals) is prevalent. The head offices of clothes sorting workshops with operating units in other provinces are generally located in Brussels, but this phenomenon is moving more towards the outskirts of Brussels¹⁷¹. Forms of exploitation can also be found in traditional sectors such as construction, cleaning¹⁷², bakeries and butcheries¹⁷³. Brussels also has many hotels, cafes and restaurants, especially in the context of tourism, and districts devoted to the sex industry and prostitution. Lastly, the very specific phenomenon of Vietnamese nail salons, and the head offices of fraudulent companies linked to the Brazilian network, are widely present in the capital¹⁷⁴. Unaccompanied minors in particular were detected in these networks¹⁷⁵.

On the outskirts of Brussels, Walloon Brabant has a small surface area but a high population density. The province has several towns with a large number of shops and industrial and service sector zones, as well as many eateries (Chinese or Japanese). As household incomes are of a high average level, there is a strong presence of domestic staff in private homes¹⁷⁶. The province has no embassies, but does have a consulate¹⁷⁷. There are riding halls and stud farms, as well as numerous farms and agricultural holdings. The latter frequently employ seasonal workers as well as workers from Eastern Europe or third countries¹⁷⁸. Lastly, a few cases of human trafficking have been found at building sites, which are numerous in the province owing to the high demand for labour¹⁷⁹.

170 [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, Annexe 4, p. 295, hearing of Patrick Bourgeois, federal judicial police.

171 SIRS, *Mr. Ben Segers' answer to parliamentary question no. 142 of 5 January 2021*, pp. 9-10.

172 [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, Annexe 4, p. 295, hearing of Bruno Devillé, social inspector at the NSSO head office in Brussels.

173 According to a labour prosecutor.

174 SIRS, *Mr. Ben Segers' answer to parliamentary question no. 142 of 5 January 2021*, p. 10.

175 [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, Annexe 4, p. 295, hearing of Bruno Devillé, social inspector at the NSSO head office in Brussels.

176 SIRS, *Mr. Ben Segers' answer to parliamentary question no. 142 of 5 January 2021*, p. 11.

177 According to a labour prosecutor.

178 SIRS, *Mr. Ben Segers' answer to parliamentary question no. 142 of 5 January 2021*, p. 11.

179 According to a labour prosecutor.