

1. GENERAL RECOMMENDATIONS ON HUMAN TRAFFICKING AND SMUGGLING

1.1. | The front-line services and magistrates need to continue to pay attention to victims exploited in the household help sector.

With the symbolic trial of the princesses from the United Arab Emirates, which is covered extensively in the case law overview, and for which Myria initiated civil proceedings, Myria would like to draw attention to the fact that human trafficking also concerns less well-known forms of exploitation, such as the exploitation of domestic help. It is a blatant form of disguised exploitation with vulnerable victims, in which the exploiter often holds a dominant position. This form of exploitation is much more difficult to detect, because it takes place in closed circles. It is crucial that the judiciary, police and inspectorates continue to invest in such investigations as a matter of priority.

Myria insists that the fight against human trafficking and smuggling must remain an absolute priority at the policy level and in the field, with magistrates and the front-line services.

1.2. | The hotel sector should be made more aware of structural situations of economic exploitation of domestic aid.

The trial of the princesses of the United Arab Emirates shows that there can be structural abuses of economic exploitation in the hotel sector; for example, when an entire floor is rented out exclusively for a longer period of time and there are indications of abuse. The hotel sector will no longer be able to claim ignorance in the future. Myria argues that with this final judgement, attention and awareness of this problem must be raised in sectors such as the hotel sector. This important ruling should therefore make the hotel sector more aware of such

trafficking practices so that, in the future, a joint liability can be invoked by the judiciary in the event of silence.

1.3. | Protection of victims: reception centres must have the necessary resources to fulfil their duties.

The reception centres for victims do not yet have the structural funding to fulfil their duties. Their subsidies have also been reduced following the closure of the Federal Impulse Fund for Immigrant Policy (FIM) as part of the Sixth State Reform. When this report was being finalised (July 2017), the federal level was still unable to provide guarantees on the budgetary situation of the centres for 2017 and 2018. This situation will jeopardise the support of victims by these centres. In line with the government's action plan, Myria calls on the federal government to find a solution to this persistent problem.

1.4. | Following the reform of the Social Inspectorate, efforts will need to be made to ensure that the fight against human trafficking remains one of the priorities of the new inspectorate, as it was in the past.

Since 1 July 2017, the inspectorate of the National Social Security Office and the Social Inspectorate of the FPS Social Security have been merged into a single inspectorate within the National Social Security Office. This merger is part of the federal government's policy of stepping up the fight against tax and social security fraud by, inter alia, strengthening the inspectorates and streamlining their operation.

Belgium has been an international benchmark in the fight against human trafficking for nearly two decades, especially in the area of economic exploitation. As an independent national rapporteur on human trafficking, Myria does not expect the reform of the social inspection services to put a brake on this clout and expertise. Over the last ten years, the Social Inspectorate has ensured, in the fight against human trafficking for the purpose of economic exploitation, that a strong policy on paper was translated into an effective policy on the ground.

GRETA (the Council of Europe's Expert Group on Trafficking in Human Beings, which is responsible for monitoring the Council of Europe Convention

on Trafficking in Human Beings) has also repeatedly underlined Belgium's progressive approach, in particular the role and specialisation of the social inspectorates. It praised their resolve in proactively initiating investigations and prosecuting human trafficking offences.

2. SPECIFIC RECOMMENDATIONS: THE ROLE OF SOCIAL MEDIA AND THE INTERNET IN HUMAN TRAFFICKING AND SMUGGLING

2.1. | The use of social media and the internet as a method of investigation and source of evidence should be encouraged.

It has been observed in the cases that the police also use social media and the internet as a method of investigation in their investigative work. Through open source investigation, they detect victims and identify suspects. This approach constitutes significant added value when suspects are questioned. Victims are also sometimes able to virtually locate the place where they are being exploited. Social media can also provide added value in financial investigations. Data can also be requested by the judiciary from social media companies such as Facebook.

Courts regularly refer to the results of such investigations in their justifications for judgements and as objective evidence. Investigators should therefore make more use of social media in their investigations.

2.2. | Particularly in investigations of economic exploitation, a lot still needs to be invested in the use of social media and the internet as investigative tools.

Police and magistrates use social media and the internet as investigative tools in cases of human trafficking for the purpose of sexual exploitation, and in cases of human smuggling.

Myria has also observed that social media and the internet are much less present as investigative tools in cases of economic exploitation, whereas it could be useful, for example, during the questioning of a victim in identifying a location via Google Maps. The cases and case law show that traffickers clearly use social media to recruit their victims at the recruitment stage. Analysis of Facebook profiles and chat messages on WhatsApp, Skype etc., can provide significant added value. The social inspectorates must pay more attention to the role of social media as an investigative tool, and must also be trained in this regard.

2.3. | The front-line services and magistrates should be adequately trained and informed on the use of social media and the internet as an investigative tool.

There is a need for more knowledge among front-line services (the police and inspectorates) and magistrates, who need to evolve sufficiently with current technologies so that they can also make use of them. As such, there needs to be continued training, as well as practical on-the-job training, with self-participation behind a computer.

2.4. | The front-line services and magistrates need to have sufficient resources to be able to use social media and the internet as investigative tools.

Smartphones are invaluable during an investigation. By analysing computers or smartphones, incriminating photos and chat messages can be traced. Based on an analysis of a complete chat conversation, the whole process endured by the victim can be reconstructed.

To this end, the police need more resources. During the interviews, Myria learned that in some judicial districts, a lot of information was lost in human trafficking and smuggling cases, because information in smartphones could not be read. In addition, websites, dating sites and Facebook profiles must also be investigated. This requires not only investment in IT, but also more capacity and know-how within the police.

2.5. | At the international level, best practice in the area of social media and the internet should be exchanged, as an investigative tool.

In its survey of EU countries, the European Migration Network (EMN) identified that most European countries use social media and the internet as an investigative tool to gather evidence in the fight against human trafficking and smuggling.

At the European level, international cooperation should be facilitated, inter alia, through the exchange of best practice. Eurojust could play a role in this respect. For example, this could be structurally embedded in a future forum which stimulates the use of social media in international cooperation, and regularly exchanges best practice.

2.6. | The cumbersome cooperation procedures with social media companies such as Facebook must be standardised and improved. In addition, these social media companies themselves must also develop strategies to combat human trafficking and smuggling.

Based on the cases, Myria has observed that there is cooperation between the judiciary and certain social media companies, including Facebook. However, there is still room for improvement, as there are several issues with the cumbersome procedure. The application is made via a request for legal assistance through a liaison officer who acts as the central contact point for a given country. In countries such as the US, this can take a long time. These procedures could easily be standardised and improved, for example through Eurojust, in order to work faster and more efficiently.

Partnerships should also be sought with social media managers and other providers from this industry. A dialogue should be initiated with these parties on better practices to combat and prevent human trafficking and smuggling.

The private companies managing social media should also recognise (some already do) that perpetrators of human trafficking and smuggling make use of their platforms. These companies should therefore take measures to implement proposals and technologies which tackle human trafficking, including, for example, the online reporting mechanism on Facebook.

In addition, internet platforms can be developed to strengthen the resilience of victims of human trafficking and smuggling. An example of good practice is the Polish website where drivers can exchange their experiences in the transport sector to protect their colleagues from abuse.⁴⁵⁷

⁴⁵⁷ Another US example: www.truckersagainstrafficking.org/ See also: <https://www.thetruckersreport.com/preventing-human-trafficking-how-truckers-are-fighting-the-problem>.

2.7. | Scientific research on the use of social media and the internet as an investigative tool and as a source of evidence in case law should be fostered.

There is scant scientific research on the role of social media and the internet as investigative tools for the police and judiciary in the fight against human trafficking and smuggling. Understanding of the new technologies and their use should be encouraged. For example, a comparative scientific study on the role and impact of social media and the internet could be carried out, as a source of objective evidence for the judiciary.