Increase capacity and tools for detection and investigation

RECOMMENDATION 1

Organise more proactive checks in high-risk sectors by increasing the capacity of frontline services.

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Situations of exploitation can only be detected if sufficient proactive checks are carried out in high-risk sectors. To achieve this, it is necessary to **boost the capacity of the ECOSOC teams of the National Social Security Office (NSSO) and the police services** concerned. The Special Parliamentary Commission on Trafficking and Human Smuggling 2022-2023 drew attention to this point in several recommendations.

ECOSOC teams play a crucial role in detecting acts and victims of human trafficking. According to the director of the Thematic Directorate for Trafficking in Human Beings within the NSSO (ECOSOC director), only 25% of investigations closed in 2021 were the result of an ECOSOC initiative, i.e. a check in high-risk sectors. For this ratio to increase, we need to be able to carry out more systematic and extensive inspections in these high-risk sectors. In fact, Liège only had two ECOSOC inspectors and a part-time team leader in 2022. This was also the case in the Hainaut province.

During multidisciplinary inspections, the police provide significant added value for the social inspection services through their support role. The police guarantee the inspectors' safety, but everyone has their own role and skills, which are mutually supportive. For instance, the police can take the employer to the police station to prevent them from exerting any further influence on the victims and to better gain the trust of the latter.

RECOMMENDATION 2

Raise awareness of human trafficking among regional labour inspection services and examine whether these services can become competent in the field of human trafficking

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Raising awareness about trafficking indicators among regional inspection services, e.g. the labour inspectorate and the housing inspectorate, that are not competent in the field of human trafficking, can bring great added value to the fight against this phenomenon.

In the course of their checks, they may be confronted with possible acts and victims of human trafficking. The NSSO inspection department has already organised several training courses for the regional inspection services, which is good practice and should be encouraged. A check by the Flemish labour inspectorate and their vigilance led to the detection of a large-scale case of human trafficking and social dumping.

The Parliamentary Commission goes further and recommends that regional labour inspectors should also be competent in the field of human trafficking (recommendations 36 and 42/1). With regard to this last point, Myria considers that, at first sight, this is an avenue to be explored, which would be best discussed at the level of the Interdepartmental Coordination Unit, not only because of the tools to be developed, but also because of the objectives to be achieved.

RECOMMENDATION 3

Allow the FJP sections in charge of human trafficking in the major districts to also specialise in labour exploitation.

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In order to conduct in-depth investigations into large-scale cases of human trafficking linked to social dumping, labour prosecutors need the cooperation of the federal judicial police (FJP) sections in charge of human trafficking, as well as the social inspection services. To achieve this, these **FJP sections responsible for combating human trafficking should also specialise in labour exploitation**, as is already the case in certain areas of Flanders.

Investigations of this scale require the FJP to use more specialised investigative techniques, such as phone tapping and social media investigations. This means they are working not only for the public prosecutor's office, but also for the labour prosecutor's office. The result is closer cooperation with the labour inspectorates and the labour prosecutor's office, which enables a high level of expertise in the fight against labour exploitation and to better detect larger-scale cases.

To achieve this, it is also necessary to guarantee **sufficient capacity in the FJP section in charge of combating human trafficking**. In several districts, such as those in Liège and Brussels, the FJP does not have sufficient capacity to play a role in combating human trafficking for the purpose of labour exploitation. In Charleroi, there is not even an anti-human trafficking unit anymore within the FJP. Hence, the policy choices of the public prosecutors' offices and the labour prosecutors' offices can sometimes also be relevant in this respect. All this leads to a different approach and, consequently, to **another image of cases of human trafficking for the purpose of labour exploitation within these districts.**

Chain approach and due diligence

RECOMMENDATION 4

Conduct a financial investigation as part of a chain approach.

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A financial investigation can be useful in a chain approach. In its recommendations, the Parliamentary Commission calls for large-scale financial investigations to be included in a chain approach to dismantling large international networks (**'follow the money'**) (recommendation 13). Myria's 2019 annual report also covered this issue extensively.

According to one magistrate, the principals can also be large companies with an international reputation that do not go bankrupt and that have helped to facilitate situations of human trafficking. If the investigation goes far enough up the chain, assets can generally be traced back to these companies and seized. This also sends a **signal** to other Belgian companies. This encourages them to **check the subcontractors with whom they wor**k.

A number of good practices – also mentioned within the framework of the Parliamentary Commission – already exist, such as the police 'kaalplukcel' (literally: unit in charge of 'fleecing') which is systematically deployed from the outset in larger cases in order to make seizures as quickly as possible. This type of cooperation should be encouraged.

In addition, the calculation of the financial benefit by the labour inspectorate on the basis of the estimate of unpaid wages, among other things, is a relevant aspect of the financial investigation.

This could also represent significant added value later on for any compensation paid to victims.