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.

RECOMMENDATION 5

Pay attention to the chain approach to reach the upper echelons of the principals.

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According to several labour prosecutors, social dumping and human trafficking can go hand in hand. It is essential that **all the labour prosecutors' offices and competent frontline services are made aware of the fact that social dumping can also lead to the opening of a case for human trafficking on some occasions**.

The chain approach can be an important tool for dealing with such a system of principals and subcontractors. The further up the chain you go, the heavier the burden of proof and the more often the principal is better covered by the law. This is why several magistrates are calling for a **strengthening of the legal framework for joint and several liability of principals**.

According to several labour prosecutors, the **concept of co-perpetration in the context of human trafficking** can be a good tool for going further up the chain. The principal must act '**knowingly and intentionally**'. Magistrates do not always succeed in proving the unscrupulous role of the principal, but they must try to prove that the principal was well aware of the poor working conditions. There is already case law in this field thanks to a human trafficking case in which the principal had been informed of the exploitative situation following checks carried out by the social inspectorate.

A system of compulsory self-regulation with reporting obligations along the lines of the regulations on due diligence (see below) could help to prove this 'knowingly and intentionally' aspect in a context of co-perpetration in any subsequent findings of human trafficking. It might therefore be possible to develop certain control systems, possibly through self-regulation, which would make it possible to prevent the principal from later denying any knowledge of the wrongdoing.

RECOMMENDATION 6

Introduce due diligence for companies.

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Belgium needs a due diligence obligation for companies operating on Belgian soil, whether as part of the transposition of the future European directive or not. In this respect, the Belgian authorities must examine **which system is best suited to our country** by analysing the possibilities offered by neighbouring countries that have already introduced this obligation. When it is introduced, care must be taken to ensure that the **due diligence obligation is effective** and that **sufficient control mechanisms** are implemented so that it is applied in practice in an ongoing and permanent basis by companies and not just once a year. Due diligence could also be a major factor when awarding public contracts.

When introducing a due diligence obligation, companies should be provided with **sufficient tools** to help them fulfil this obligation.

RECOMMENDATION 7

Introduce an obligation to report on the risks of human trafficking as part of due diligence.

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In current legislation on the disclosure of non-financial information and as part of the transposition of Directive 2022/2464 on corporate sustainability reporting, Belgium should include the need for companies to specifically indicate whether their activities present a risk of human trafficking and labour exploitation and how their policy aims to prevent human trafficking. In doing so, companies would report on the risks associated with their own activities and value chain. **Companies need to know exactly what they need to disclose and how they need to disclose it, and that they can adopt certain disclosure standards.** Reports should be **published online** on company websites and in a national register to ensure **sufficient transparency** for consumers, investors and other stakeholders. The information disclosed by companies as part of this process could be used as part of an investigation into human trafficking and labour exploitation.

Victims

RECOMMENDATION 8

Better detection of groups of victims without agency.

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Greater specialisation is needed within the frontline services that deal with human trafficking, such as the ECOSOC teams and the FJP, to gain the trust of certain groups of victims found in high-risk sectors. These are often vulnerable groups of victims with no agency in exploitative situations, such as illegally employed Vietnamese. Frontline services need to be constantly aware of how to detect situations such as human trafficking. The role of these services is essential here, as they are often the only ones able to detect and get these particularly vulnerable groups of victims out of their distressing situation. The authorities must also be aware of the crucial role played by frontline services.