

External contribution

Explanation of the statistical data relating to the investigations into human trafficking conducted by the NSSO inspection department's ECOSOC teams in 2022

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Introduction

This contribution concerns the NSSO inspection department (Thematic Directorate for Trafficking in Human Beings and ECOSOC teams). Besides the purely statistical data, this contribution aims to provide qualitative information on the investigations conducted by the NSSO inspection department's ECOSOC teams in 2022. The data included in this contribution stems from two sources:

1. ARTEMIS, the internal investigation management system from which the data relating to the investigations closed in 2022 was extracted. In 2022, 210 'human trafficking' investigations were finalised with a total of 110 presumed victims. Some investigations did not correspond to our definition of a THB investigation or were duplicates. Therefore, after verification, the number of 181 (THB) closed investigations was taken into account.
2. The analysis of the checklists drawn up by the social inspectors in 2022 in accordance with Chapter VIII of the Joint Circular of the Minister of Justice, the Minister for Employment, the Minister for Security and the Interior, the Secretary of State for the fight against social fraud and the College of Prosecutors General on the policy of investigation and prosecution regarding trafficking in human beings (COL 01/2015). NSSO inspectors draw up a checklist as soon as possible following observations and as long as there are sufficiently precise indications of a potential situation of human trafficking. In 2022, 280 checklists were drawn up, which means that the situation of 280 presumed victims was examined as part of our checks.

The reason for the difference between the 280 checklists and the 10 potential victims stemming from the ARTEMIS investigation management system results from the fact that the checklists are drawn up as soon as there are sufficient indicators of labour exploitation, regardless of the investigation's state of progress (at the start, during or when it is closed) whereas the figures from our ARTEMIS program concern investigations that were closed in 2022 but started in 2022 or before. Subsequently, the data relating to the checklists is the most representative of 2022.

A specific analytical report based on these checklists is submitted annually by our Thematic Directorate to the Criminal Policy Department, FPS Justice.

Another source of qualitative information is the information sharing relating to investigations into the trafficking of human beings set up with the ECOSOC team leaders.

1. 1. Statistics relating to the police report and the criminal reports (ARTEMIS)⁵⁹⁹

Since March 2020, the NSSO inspection department's ECOSOC investigations have been processed in a new investigation management tool: ARTEMIS. Statistics relating to the **investigations closed in 2022** therefore stem exclusively from this program. This management tool is constantly evolving. It has already been adapted several times since its launch, to best meet our needs in terms of statistics.

⁵⁹⁹ These statistics are based on closed investigations.

Over the course of 2022, the NSSO compiled 39 Pro Justitia (PJ) and/or initial criminal reports (CR), 38 supplementary criminal reports and 35 information reports concerning labour exploitation (Art. 433 quinquies of the Criminal Code). These reports concern 110 presumed victims. In addition, following investigations carried out by other inspection services or the police, the Pro Justitia or criminal report on THB is sometimes drawn up by another service (generally the police); 16 reports or PJ were written by other services within the framework of a collaboration with the NSSO.

A supplementary criminal report is drawn up when the magistrate requests additional actions for a situation of exploitation that has already been reported through a Pro Justitia or an initial criminal report, as long as it concerns the same victim or victims. This distinction between an initial criminal report and a supplementary criminal report prevents the same situation of exploitation or the same presumed victim from being counted several times in the results.

As for the result of the ‘information report’, it is used to support the reports intended for the judicial authorities either to expose limited evidence of labour exploitation (e.g. without a presumed victim) or to convey the results of research, information gathering, and data analysis when an investigation into THB has not yet been initiated.

Also note that in 2022:

- 110 presumed victims of THB were referred to the judicial authorities by the NSSO inspection department through criminal reports or Pro Justitia.
- The prevalent nationalities were: Romania (36), Lithuania (7), Slovakia (7), Bulgaria (6).
- Also note that among these 110 presumed victims, 64 concerned EU nationals, five of whom were Belgian. In terms of distribution according to gender, 10 presumed victims were women and 100 were men.
- The most prevalent sectors of activity were forestry, construction, road transport, retail and hospitality.
- The two provincial departments with the most presumed victims according to the figures from investigations closed in 2022 were Hainaut and Flemish Brabant:
 - In Hainaut, the 35 victims in the table below were Romanian nationals. Among them, 26 were employed in the forestry sector, six in construction and three in agriculture. In two of these three cases, our department intervened after the police to examine the evidence in the investigation, upon the request of the judicial authorities. Our inspectors did not meet the potential victims themselves but numerous indicators of labour exploitation subsequently came to light during the investigation.
 - In Flemish Brabant, of the 18 people identified, seven were Slovakian nationals working on a construction site under the cover of a fraudulent posting.

| Provincial departments | PJ/CR compiled by NSSO | Supplementary criminal reports | Information reports | PJ/CR compiled by another service ⁶⁰⁰ | Presumed victims |
|------------------------|------------------------|--------------------------------|---------------------|--|------------------|
| West Flanders | 3 | 1 | 0 | 7 | 15 |
| East Flanders | 1 | 0 | 1 | 1 | 2 |
| Antwerp | 9 | 0 | 15 | 3 | 12 |
| Limburg | 3 | 1 | 0 | 0 | 7 |
| Hainaut | 3 | 2 | 2 | 0 | 35 |
| Namur-Luxembourg | 3 | 9 | 7 | 0 | 3 |
| Liège | 5 | 13 | 9 | 2 | 8 |
| Flemish Brabant | 6 | 1 | 0 | 0 | 18 |
| Brussels | 4 | 10 | 1 | 2 | 5 |
| Walloon Brabant | 2 | 1 | 0 | 1 | 5 |
| Total | 39 | 38 | 35 | 16 | 110 |

⁶⁰⁰ Within the framework of an investigation conducted in collaboration with the NSSO. It should be noted that when the PJ or CR is written by another service, we do not include the victims in our management program.

1.1. Analysis of the checklists

Introduction

In accordance with the stipulations of COL 01/15, a checklist was completed **in 2022** as soon as there were **sufficiently precise indications** of a potential situation of human trafficking, whether during the investigation or when it was closed.

In total, **280 checklists** were drawn up (one checklist per presumed victim; therefore, several checklists may concern the same employer/exploiter); the breakdown is as follows:

| Provincial departments | Number of checklists drawn up |
|------------------------|-------------------------------|
| West Flanders | 9 |
| East Flanders | 164 |
| Antwerp | 8 |
| Limburg | 3 |
| Hainaut | 31 |
| Namur-Luxembourg | 15 |
| Liège | 5 |
| Flemish Brabant | 17 |
| Brussels | 3 |
| Walloon Brabant | 25 |
| Total | 280 |

1.1.1. Geographic breakdown per sector of activity (2022)

| | Namur-Luxembourg | Brussels | Liège | Hainaut | Limburg | Walloon Brabant | Flemish Brabant | Antwerp | East Flanders | West Flanders | Total |
|---|------------------|----------|----------|-----------|----------|-----------------|-----------------|----------|---------------|---------------|------------|
| Butcher's/abattoir | 2 | | | | | | | 3 | | 3 | 8 |
| Bakery | | | | | | | 1 | | | | 1 |
| Car wash & lorry wash | | | | | | | | | | | 0 |
| Hairdressing/beauty salon/personal services | 3 | | | | | | | | 2 | | 5 |
| Clothing | | | | | | | | | | 1 | 1 |
| Retail trade | | | 1 | | | | | 4 | 1 | 1 | 7 |
| Construction | 9 | | 1 | 4 | 3 | 20 | 7 | | 161 | | 205 |
| Materials factory | | | | | | | | | | | 0 |
| Garage | | | 1 | | | | | | | | 1 |
| Hospitality | | | 1 | | | 3 | 1 | | | 2 | 7 |
| Agriculture/horticulture/Forestry | 1 | | | 26 | | | | 1 | | | 28 |
| Logistics | | | 1 | | | | 6 | | | | 7 |
| Riding hall | | | | | | | | | | | 0 |
| Cleaning | | | | | | 1 | | | | 2 | 3 |
| Prostitution | | | | | | | | | | | 0 |
| Various services | | | | 1 | | | | | | | 1 |
| Road transport | | | | | | 1 | | | | | 1 |
| Domestic work | | 1 | | | | | 2 | | | | 3 |
| Sorting/Recycling | | 2 | | | | | | | | | 2 |
| Total | 15 | 3 | 5 | 31 | 3 | 25 | 17 | 8 | 164 | 9 | 280 |

1.1.2. Breakdown according to age, gender and nationality of the presumed victims 2022

| Nationality | Men | Women |
|---------------|------------|-----------|
| Afghanistan | 2 | |
| Albania | 1 | |
| Bangladesh | 30 | |
| Benin | 1 | |
| Brazil | 11 | 4 |
| Burkina Faso | 1 | |
| China | 1 | 3 |
| Congo | 2 | |
| Eritrea | 2 | |
| Philippines | 43 | |
| Georgia | 1 | |
| Guinea | 2 | |
| Guinea-Bissau | 1 | |
| Honduras | | 1 |
| India | 2 | |
| Irak | 1 | |
| Iran | 2 | 2 |
| Ivory Coast | 3 | |
| Morocco | 11 | |
| Ukraine | 18 | 3 |
| Pakistan | 2 | |
| Poland | 3 | |
| Portugal | 1 | |
| Romania | 26 | |
| Senegal | 1 | |
| Slovakia | 7 | |
| Sudan | 1 | |
| Spain | | 3 |
| Tunisia | 1 | |
| Turkey | 87 | |
| Total | 264 | 16 |

| Age | Men | Women |
|------------------|------------|-----------|
| Minors (-18 yrs) | 0 | 0 |
| 18 to 30 yrs | 48 | 3 |
| 30 to 40 yrs | 108 | 3 |
| 40 to 50 yrs | 83 | 6 |
| Over 50 yrs | 25 | 4 |
| Total | 264 | 16 |

A quick analysis of the table above leads to the conclusion that 94% of presumed victims of labour exploitation were men (264/280). As regards age, 18% of the presumed victims were between 18 and 30 years old, 40% were between 30 and 40 years old, 32% were between 40 and 50 years old and 10% were over 50. Among the male presumed victims, the oldest one was 61. The oldest female presumed victim was 62 years old at the time of the acts. It should be noted that the women were mainly active in the following sectors: personal services (massage parlour), food (butcher's/bakery), hospitality and cleaning (private or professional).

No child victims were the subject of a checklist in 2022.

As regards the nationality of the victims, 240 were from third countries (outside the EU). Among the 40 EU nationals, there were 26 Romanians, seven Slovaks, three Poles, three Spaniards and one Portuguese. There were no Belgian victims in 2022.

1.2. Identified indicators of human trafficking and aggravating circumstances

Several indicators of human trafficking are included in the checklists. The analysis of those received in 2022 led to the following findings:

a. Identity documents

Two-thirds of the third country nationals in Belgium were staying illegally. Either they had no identity or travel documents or they had their national passport or a temporary residence permit for another EU country. Among the non-European Belgians, only a few were settled in Belgium and had a Belgian residence permit. The others were generally in possession of their national identity document.

Several presumed victims did not have their own identity documents, and sometimes they had copies of them.

b. Financial aspect – social security – social documents

In terms of income: in almost all the situations encountered, wages were either insufficient, low, very low, or even non-existent. Sometimes wages were promised but only paid in part or not at all, or they decreased significantly over the months. Among the 280 presumed victims, a dozen or so had not been paid at all. Some victims had to hand over part of their wages or made do without in exchange for room and board. Others had to pay their own social security contributions and travel costs to reach their workplace.

Two presumed victims even had to pay bills or fines addressed to their employer.

In addition, some victims stated they were only paid if there were clients.

A large number of presumed victims who received wages (often below the Belgian statutory rate) were not paid the full amount for their services, as the employer did not pay the last, or last few months, of work.

Many presumed victims explained that they had had to pay large sums of money to come and work in Belgium. Depending on the case, these sums varied from EUR 400 to EUR 8,000.

Here are a few concrete examples encountered during 2022, insofar as wages were paid: EUR 75/12 hours; EUR 800/34 months of work at a rate of 10 to 14 hours of work per day; EUR 5.5/hour; EUR 6.5/hour; EUR 15/hour if client; EUR 300/month; EUR 855/month, etc.

In terms of social security and social documents: as regards potential victims employed directly by a Belgian employer or one established in Belgium, approximately 35% were informed about Dimona while just under 40% were employed illegally without any steps being taken with regard to social security or employment documents.

Only a few workers were declared to social security and authorised to work in Belgium (\pm 3%). Moreover, these workers were working at least twice the number of hours stated on their employment contract or declared to social security. Of the presumed victims identified as posted workers, around 25% were employed in Belgium as part of a proven or presumed fraudulent posting.

c. Circumstances of the exploitation

Among the indicators of exploitation, some are recurring, such as squalid housing conditions or excessive work hours. Details and examples are provided below for some of these indicators.

■ The victim has no appropriate equipment/ work clothes, works in dangerous/squalid conditions

Indicators relating to work protection (health and safety of workers: hygiene measures, clothes and workplaces, etc.) concern approximately 60% of presumed victims encountered. Several victims were detected following a serious work-related accident.

■ The victim has no freedom of contact with the outside world or is restricted in their freedom of movement

Just over 10% of presumed victims encountered had little or no contact at all with the outside world and their freedom of movement was restricted.

■ The victim lives in squalid conditions

In a large number of potential situations of human trafficking, the victims are housed in substandard or insanitary accommodation. This accommodation is often provided by the perpetrator/employer. This indicator was present for just over half of the presumed victims.

■ The victim is deprived of medical care

Several presumed victims were deprived of medical care when they needed it.

■ The victim works for long periods

Almost 90% of the presumed victims encountered worked for abnormally long periods. While in most cases, the weekly hours oscillated between 45 and 60 with one or two days of rest in the week, which is already excessive, for some 70 potential victims, the working hours were extreme. Among the latter, there were many who had to work six or seven days a week, and nine to 18 hours a day.

d. Aggravating circumstances

Several aggravating circumstances were found in the cases encountered in 2022:

■ Relating to the perpetrator

In the majority of cases, the perpetrator abuses the victim's vulnerable situation, has authority over them or abuses their position. None of the checklists mention a perpetrator being a police officer exercising their duties.

■ Relating to the victim's situation

None of the checklists drawn up in 2022 involve children.

As mentioned above, many presumed victims from third countries are particularly vulnerable owing to their illegal or precarious administrative situation.

Among the 280 victims concerned by the checklists in 2022, 80 explained they had been subjected to threats, violence or coercion by the perpetrator. Some victims even received threats through their families back in their country of origin.

The lives of some presumed victims were put in danger: two victims were injured during their exploitation and suffered lasting effects resulting in a permanent incapacity to work.

The vast majority of cases involved habitual activity.

1.3. Referral of victims to a specialised reception centre in 2022

Among the 280 checklists recorded, **188** concerned presumed victims who were taken care of by a specialised reception centre (Sürya, Payoke or PAG-ASA). Some of them were already there or had already had contact with these centres before the intervention of the NSSO's social inspectors. In such cases, the NSSO intervenes, in particular to hear the presumed victim and/or to conduct an investigation into labour exploitation in collaboration with the reception centre, the magistrate and, if necessary, the police or other services.

It should be noted that there were no minors among these 280 presumed victims.

It should also be noted that some of the presumed victims of THB did not wish to contact a reception centre, which is often the case for workers employed in the context of a bogus posting, who prefer to return to their country of origin.

The breakdown per provincial department is as follows:

| Provincial departments | No. of presumed victims referred | Nationality/gender Man (M) Woman (W) |
|------------------------|----------------------------------|--|
| Namur-Luxembourg | 3 | 2 Morocco (M) 1 Tunisia (M) |
| Brussels | 2 | 2 Ivory Coast (M) |
| Liège | 5 | 2 Afghanistan (M) 2 Morocco (M) 1 China (M) |
| Hainaut | 5 | 5 Morocco (M) |
| Walloon Brabant | 5 | 2 Brazil (1M – 1W) 1 Sudan (M) 1 Burkina Faso (M) 1 Senegal (M) |
| Antwerp | 0 | |
| Flemish Brabant | 3 | 2 Brazil (W) 1 Portugal (M) |
| East Flanders | 161 | 87 Turkey (M) 30 Bangladesh (M) 42 Philippines (M) 2 India (M) |
| West Flanders | 3 | 2 Iran (1 M – 1W) 1 Brazil (M) |
| Limburg | 1 | 1 Philippines (M) |
| Total | 188 | |

1.4. *Empact Action Days*

On several occasions in 2022, the NSSO inspection services participated for the seventhth consecutive year in the Empact Action Days, a European initiative supported by Europol, also called Joint Action Days (JAD). This EU initiative is part of the European Multidisciplinary Platform Against Criminal Threats (EMPACT) project, in which the fight against human trafficking is one of the priority criminal phenomena. The EMPACT project is part of the EU Action Plan against Trafficking in Human Beings.

Running **from 6 to 13 June 2022**, the Brussels ECOSOC team took part in the EAD child trafficking actions under the direction of the federal police. These actions focused on the detection of all forms of child trafficking, especially child victims of THB working in high-risk sectors.

As for the EAD labour exploitation actions organised **from 15 to 21 June 2022**, they were aimed at detecting labour exploitation among posted workers in Asian restaurants. Special attention was also paid to Ukrainian workers (refugees as a result of the war).

During some of these checks, we observed the effectiveness of close collaboration (exchange of information) with the competent Portuguese services.

The ECOSOC teams took part in the EAD labour exploitation actions in the **agriculture sector from 14 to 22 September 2022**. The exchange of inspectors facilitated by the European Labour Authority (ELA) enabled some ECOSOC inspectors to take part in checks in the north of France as observers, and foreign inspectors to take part in checks in Belgium as observers.

2. Highlights in 2022

After two years marked by the health crisis, punctuated by lockdowns and specific missions related to the pandemic entrusted to our social inspectors, 2022 suggested a return to 'normal', even if some agreed that the world, including the world of work, would never be the same again.

This return to 'normality', so to speak, was short-lived. On 24 February, Ukraine was invaded by Russia, marking the start of an **armed conflict** that is dragging on. This conflict has had major repercussions for the global economy and has triggered a major migratory crisis. In this context, several tens of thousands of Ukrainians arrived in Belgium and were able to benefit from temporary protection status.

Although this status offers immediate collective protection to displaced persons (right of residence, access to the labour market, access to housing, social and medical assistance), the influx of people in precarious situations has led to fears of abuse among the various players involved in combating human trafficking.

For example, our inspection department, and more specifically our Thematic Directorate for Trafficking in Human Beings, has been involved in setting up various projects aimed at informing Ukrainian refugees about the risks and dangers associated with human trafficking, and more specifically labour exploitation, sexual exploitation and criminal exploitation. The Social Intelligence and Research Service's Point of Contact for Fair Competition has also developed, with various partners, including our department, an online form so that individuals (presumed victims or witnesses), companies or organisations can report situations of labour exploitation via its website.

Our Thematic Directorate has done its utmost to keep abreast of the issue and monitor any related phenomena. It has also been involved in setting up checks to detect cases of exploitation of Ukrainian workers, which are regularly carried out throughout Belgium by our ECOSOC teams.

During 2022, several of our teams worked in both Flanders and Wallonia on **high-profile cases**, which can not be named here in order to protect confidentiality of information and/or the investigations where applicable.

In one of these cases, a very large number of potential victims were detected on the construction site of a factory located in the port area of Antwerp. It should be noted that this part of the Port of Antwerp is located in the geographical area of East Flanders. This investigation generated an enormous workload for our specialist inspectors from several provincial directorates. With the help of interpreters, they had to conduct detailed hearings involving dozens of third-country nationals, who were presumed victims of labour exploitation, in often difficult conditions.

During the same year, we also took part in the work of the **Special Commission** set up by the Belgian Chamber of Representatives to evaluate legislation and policy on **human trafficking and smuggling**.

In terms of **quantified results**, the ECOSOC teams closed 210 investigations labelled 'human trafficking' in ARTEMIS, our investigation management program, in 2022. However, some of these investigations did not meet our definition of a THB investigation or were duplicates. As a result, after verification, the Thematic Directorate decided on the number of 181 investigations (THB) that had been closed.

As at 31 December 2022, 106 investigations had been opened, i.e. they were being processed.

In just under 50% of the THB investigations conducted and closed by the specialised ECOSOC teams, it was not possible to conclude that exploitation had taken place. This is mainly because the elements of the investigation were not relevant or because the indications of labour exploitation were not sufficiently clear, indicating illegal labour rather than labour exploitation.

It is also important to emphasise that around 20% of the investigations that were closed were follow-up investigations concerning acts detected and reported previously to the judicial authorities. Indications of THB leading to the conclusion of a potential THB situation were found in 30% of the investigations carried out.

In terms of headcount, our **ECOSOC teams** have undergone several changes, with an overall decrease of 15% between the beginning and end of 2021. The new members of staff planned to replace those leaving in 2021 arrived in 2022 to strengthen our specialist teams, increasing the number of full-time equivalents (FTEs) from 33.05 to 35.55 (+2.5 FTEs).

End 2022, our government also decided to **reinforce the inspection** services by allocating a supplementary budget to hire social inspectors. We were pleased to learn that part of this budget was specifically earmarked for the **recruitment of 10 social inspectors for the NSSO's ECOSOC teams**. At the time of writing, the recruitment process was underway and we hope that they will be fully active in our ECOSOC teams by mid-2024, after completing the robust training provided for new staff.

As it does every year, the Thematic Directorate, assisted by the NSSO's Data Mining Directorate and, where appropriate, by other departments, chose a **specific annual project (focus)**.

In 2022, we chose the same focus as in 2021, namely the monitoring of selected companies using a tool developed by the Data Mining Directorate. This department examined data from completed THB investigations to establish a model for identifying employers at increased risk of labour exploitation, based on some 50 parameters.

Taking into account its capacity, its stock of investigations in progress and its knowledge of the field, every ECOSOC team selected investigations from lists provided by the Data Mining Directorate and generated by the model developed. A total of 168 investigations were selected for 2021 and 2022. Of these 168 investigations, 113 were finalised and 55 were still in progress at 31 December 2022. These investigations led to the detection of offences falling within the remit of the NSSO (offences relating to DIMONA, foreign labour, part-time work, compliance with COVID measures, social security, etc.). Only one of these investigations led to the detection of a presumed victim of labour exploitation of Bangladeshi nationality.

It should be noted that the investigations initiated as part of this focus were not automatically opened as THB investigations. The 'trafficking in human beings' label was only added if sufficient signs of exploitation were detected during the investigation. Of the 'focus' investigations opened during these two years, only the one that had led to the identification of a potential victim was included in the THB investigations closed in 2021 and 2022 (and more specifically in 2021).

As in previous years, the social inspectors of the ECOSOC teams used **specific investigation tools and techniques** such as:

- phone investigations;
- the use of video surveillance footage;
- examination of mobile phones;
- open-source intelligence searches (internet, social media, etc.).

These investigation techniques are carried out with the specialised services of the federal police, most often at the request of the labour prosecutor. Such techniques can lead to identifying and hearing presumed victims, identifying potential witnesses, corroborating victims' statements without having to involve them further or make them bear the burden of proof. They also help to ascertain the employment of other workers/victims, to identify the perpetrators and to reveal links between people or companies.

Recourse to social media and the internet is increasingly essential to conduct searches and thoroughly investigate human trafficking for the purpose of labour exploitation. However, in order for our social inspectors to make optimum use of these sources, it is necessary to examine the technical and legal possibilities.

Finally, as regards **emerging or growing phenomena**, 2022 was marked by a number of high-profile investigations that drew the attention of the general public to the labour exploitation of third-country nationals. These investigations revealed practices consistent with well-established criminal organisations. They involved large numbers of workers from the same communities, employed by the final link in a chain of subcontractors.

Cases of identity theft by illegal workers wishing to work were again encountered in 2022. This practice is increasing in several provinces, especially in certain courier services. In general, the imposters, who are often in a precarious administrative and social situation, use the identity documents of compatriots to find official employment. For courier services, they simply use their compatriot's account. In return, the identity holder demands a percentage of the wages earned through their identity. Sometimes they use threats and intimidation to obtain payment. Among the cases encountered by our social inspectors, they were only rarely able to conclude that the situation was potentially one of labour exploitation. As long as both parties get something out of it, no-one complains... Therefore, these situations are detected either during a check on the spot, or when the actual worker goes to an inspection department because they are no longer receiving a salary from the person lending them their identity.

Some sectors of activity already known, in the recent or more distant past, to be the setting for situations of labour exploitation have resurfaced. In particular, these include the clothing sorting and newspaper distribution sectors. We have also noted a certain relocation of these activities to other provinces, largely as a result of regional legislation that makes it easier to set up or create businesses.

Some provincial teams have also noted an increase in investigations relating to domestic staff (domestic workers, carers) or construction workers, often third-country nationals, who are victims of serious or even fatal accidents at work. These investigations do not always reveal indicators of labour exploitation, but they serve as a red flag when it comes to monitoring the phenomenon and should encourage frontline services to be vigilant.

The points of attention raised in previous years are still relevant: nail bars, domestic staff, construction, hospitality, etc., are all easily accessible sectors of activity in which it is easy to resort to under-qualified labour in a precarious situation and with little room for manoeuvre.

Conclusion

2022 marked the end of the pandemic (or nearly). Nevertheless, the war in Ukraine, which has led to a migration crisis, and the detection of several situations of labour exploitation involving a large number of presumed victims, have brought their share of challenges to our specialist social inspectors and to our Thematic Directorate for Trafficking in Human Beings.

This contribution includes figures from two different channels:

- the file management system regarding **investigations closed** in 2022, involving 110 presumed victims;
- the analysis of checklists drawn up in 2022, as soon as ongoing or closed investigations were shown to contain **sufficiently precise indications** of a potential situation of human trafficking. This involved 280 presumed victims. Subsequently, this is the most representative data for 2022.

If we compare the figures for 2022 with those for previous years, we can see a significant increase in the number of presumed victims identified on the basis of checklists (280 in 2022 - 86 in 2021 - 134 in 2020), which we believe to be the most relevant data, as explained above.

It should be noted that the number of THB investigations processed fell by about 20% in 2022, mainly due to a few large-scale investigations, the reduced capacity of the ECOSOC teams and the training of new staff within these teams (236 in 2020 – 235 in 2021 – 181 in 2022)⁶⁰¹.

| | 2018 | 2019 | 2020 | 2021 | 2022 |
|---|------|------|------|------|------|
| No. of potential victims in the closed investigations | 65 | 82 | 156 | 147 | 110 |
| No. of potential victims according to the checklists | 78 | 120 | 134 | 86 | 280 |
| No. of victims for whom reception centres intervened (based on checklist) | 39 | 73 | 38 | 42 | 188 |

The analysis of the checklists shows that potential situations of labour exploitation occur in both urban and rural areas and mainly involve men. It should be noted that in 2022, a large number of the potential victims detected were employed on an industrial site.

Generally, in the vast majority of cases, one, two or even three people were involved in these situations of exploitation. Nevertheless, during the course of 2022, several investigations revealed a large number of presumed victims who were being exploited by one or more employers on the same site. This was especially the case:

- in East Flanders where 159 potential victims were employed in the construction of a factory, by the last link in a chain of subcontractors;
- in Walloon Brabant, where 20 presumed victims were employed in dismantling a factory;
- in Hainaut, where 26 workers were employed in a forestry operation. It should be noted that this investigation, which began in 2018, was not entrusted to the NSSO until 2019. In addition, evidence of THB was later found as part of the investigation carried out at several key moments in the case.

The sectors of activity most frequently encountered when analysing the 2022 checklists were construction and forestry.

The most common practices were undeclared work (no DIMONA declaration), irregular employment of foreign workers staying illegally and fraudulent posting (to a lesser extent).

Among the indicators of human trafficking, the most frequently encountered were:

- Little or no pay
- Abnormally long working hours
- Accommodation in squalid conditions
- Abuse of vulnerable situation
- Use of threats/violence
- Restriction of freedom of movement and contact with the outside world

It should be noted that some presumed victims found working in conditions contrary to human dignity did not contact a specialised reception centre, in particular because they refused any form of support. This is often the case for workers employed in Belgium by foreign companies whose wish, above all, is to be paid so that they can return to their country of origin.

It should also be pointed out that in some cases, our teams met with presumed victims after they had applied to such a reception centre, either at the request of the centre itself, or at the request of the labour prosecutor.

As mentioned above, the most revealing figures on labour exploitation are those relating to the checklists, which are drawn up as soon as a presumed victim is found.

Other data, such as Pro Justitia, criminal reports or other information reports, record the number of victims included in investigations closed in 2022 (even if the investigation began earlier).

To conclude, and as the players in the field keep repeating, labour exploitation is a hidden phenomenon. It is difficult to identify and estimate the extent of it. The proactive checks carried out, especially in high-risk sectors, by social inspectors who specialise in THB or who have been made aware of the issue, enable situations of exploitation to be brought to light. The greater the human resources and the greater the awareness and training of frontline inspection services, the stronger and more effective the fight against this phenomenon will be.

⁶⁰¹ Figures retained by the Thematic Directorate after verification of the THB investigations included in our investigation management programme, as explained above.

