

Demand in the Context of Trafficking in Human Beings in the Domestic Work Sector in Belgium

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Summary:

Belgian anti-THB policy is often pointed as exemplary given its broad definition of the crime of trafficking for labour exploitation, as being the work or service carried out in conditions contrary to human dignity, in which the coercion element is not compulsory. However, hardly any policy initiatives in Belgium tackle specifically demand-side aspects in labour exploitation and THB in the domestic work sector. Recent policy changes in the domain of domestic work at diplomatic households and the formalisation of live-out domestic work with a service voucher policy have positive effects on the sector. Undocumented domestic workers in the shadow market and possibly regular migrants under temporary work permits are, though, still largely unprotected. The main obstacles to prevent exploitative situations within the sector are the migration and employment policies applying to domestic work. Indeed, this paper argues that when migrant workers are without the possibility to regularise their migration status maintain them in a vulnerable situation: migration status is a key issue for giving people the real possibility to access and defend their rights. Only the full respect of (all) workers' rights will reduce their vulnerability to labour exploitation and trafficking.



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About the project

Trafficking in human beings covers various forms of coercion and exploitation of women, men and children. Responses to trafficking have traditionally focused on combating the criminal networks involved in it or protecting the human rights of victims. However, European countries are increasingly exploring ways in which to influence the demand for services or products involving the use of trafficked persons or for the trafficked persons themselves. **DemandAT** aims to understand the role of demand in the trafficking of human beings and to assess the impact and potential of demand-side measures to reduce trafficking, drawing on insights on regulating demand from related areas.

DemandAT takes a comprehensive approach to investigating demand and demand-side policies in the context of trafficking. The research includes a strong theoretical and conceptual component through an examination of the concept of demand in trafficking from a historical and economic perspective. Regulatory approaches are studied in policy areas that address demand in illicit markets, in order to develop a better understanding of the impact that the different regulatory approaches can have on demand. Demand-side arguments in different fields of trafficking as well as demand-side policies of selected countries are examined, in order to provide a better understanding of the available policy options and impacts. Finally, the research also involves in-depth case studies both of the particular fields in which trafficking occurs (domestic work, prostitution, the globalised production of goods) and of particular policy approaches (law enforcement and campaigns). The overall goal is to develop a better understanding of demand and demand-factors in the context of designing measures and policies addressing all forms of trafficking in human beings.

The research is structured in three phases:

- Phase 1: Analysis of the theoretical and empirical literature on demand in the context of trafficking and on regulating demand in different disciplines, fields and countries. From January 2014–June 2015.
- Phase 2: Three in-depth empirical case studies of different fields of trafficking – domestic work, prostitution, imported goods – and two studies on different policy approaches: law enforcement actors and campaigns. From September 2014–December 2016.
- Phase 3: Integrating project insights into a coherent framework with a focus on dissemination. From January 2017–June 2017.

Project Facts

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Country case studies - Introductory note

This country report is part of the DemandAT project's case study on trafficking in human beings (THB) in the domestic work sector. The study was conducted in seven European countries (Belgium, France, Greece, Cyprus, Italy, Netherlands, and UK) and this paper is part of a series of seven country reports.

The key objectives of the country research were to i) investigate types of situations in domestic work that may involve extreme forms of exploitation and trafficking, ii) examine the motivations and factors driving and shaping the demand as well as iii) examine the gaps in legislations and policies. The scope of the country reports is comprehensive, and aimed at gaining a better understanding of the phenomenon in the country, and do not focus only on the demand-side aspects.

The reports are based on desk research of available literature as well as case law review and interviews with key stakeholders. Secondary sources, such as reports by international organisations and NGOs, and academic articles, were consulted, as well as primary sources in the form of legal instruments and policy documents.

The working paper 'Trafficking in domestic work: Looking at the demand-side' (Ricard-Guay 2016) provided a common research framework within which to conduct the seven in-country case studies.

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Introduction

The Belgian policy against trafficking in human beings (THB) is often identified as exemplary. The Belgian legal definition of the crime of trafficking in labour exploitation is broad, namely as being the work or service carried out in conditions contrary to human dignity. This broad interpretation has led to a record of convictions for THB among EU Member States: 77 convictions for THB were listed in 2012 and 70 in 2013 including all forms of exploitation (Myria 2014:107).

In spite of this record, hardly any policy initiatives in Belgium tackle specifically demand-side aspects in labour exploitation and THB in the domestic work sector. Nevertheless, recent policy changes in the area of domestic work in diplomatic households and for the formalisation of live-out domestic work with a service voucher policy (weekly cleaning services to private homes) are measures that have contributed to frame employers' and clients' obligations and to establish better employment conditions for domestic workers. Undocumented domestic workers working in the shadow market are, though, still largely unprotected.

Within this context, THB in domestic work poses specific challenges. Domestic workers who are possibly THB victims cannot be easily located, mainly due to the private nature of the job. Furthermore, it is difficult to have accurate figures about the number of domestic workers currently working in Belgium, as many of them are in the informal market.

The same imprecision applies to domestic work performed for diplomats and their families. This group is important mainly because diplomats can bring regular workers from abroad and may enjoy immunity from Belgium justice. Considering the size of the diplomatic community in Brussels and the lifestyle that may accompany their position, they might be likely to employ domestic workers. In Brussels alone, there are 203 foreign diplomatic missions and 109 international organizations, of which the European Union (EU) and the NATO are the bigger ones (OSCE 2014). The EU institutions (Commission, Parliament and Council) employ approximately 31,500 people (Bureau de Liaison Bruxelles-Europe 2011).

This national case study report aims to give an overview of the phenomenon of THB in domestic work in Belgium, giving special attention to demand-side aspects. The goals of this paper are to describe the main features of THB in domestic work, identify factors that may fuel demand for purchasing cheap domestic work (including situations of THB in domestic work), and analyse structural and contextual factors creating conditions conducive or increasing the risk of THB in domestic work.

This document is mainly based on interviews with Belgian anti-THB policy stakeholders, trade union representatives, NGOs in the migration field and judicial professionals. A total of 14 semi-structured interviews were held with 16 interviewees between March and July 2015 in English and French (quotes translated by the author). The document also draws on analysis of existing grey literature, case-law analysis, and academic articles, mainly regarding THB for labour exploitation, migration and domestic work. Desk research on a selection of national cases-law complements the Belgian case study as well as an interview with one officially identified THB victim.

The report is organised in four main parts. Firstly, it describes the Belgian context regarding THB in domestic work, giving an overview of national legislation concerning domestic work and THB, as well as specific policies aimed at tackling demand aspects of THB in domestic work. It also brings a description of the main characteristics of workers and

employers/exploiters¹ in THB in domestic work case. Secondly, the case-law section reviews four cases and examines key challenges in implementing legal dispositions and proceedings, as well as key remedies that THB victims can access in Belgium. Thirdly, the discussion of the study results will provide an analysis of the main characteristics of THB in domestic work, key motivation factors in the demand-side dimension and key gaps in national legislation and policy. Finally, concluding remarks will indicate the policy implications and some potential avenues of recommendations for national policymakers.

1 Belgian context in regard to trafficking in human beings (THB) in the domestic work sector

1.1 Government approach and responses to THB in domestic work

1.1.1 Regulations for domestic work

The status of “domestic servant” was created in 1970 mainly for full-time employees, and persisted as the only status for domestic workers until early 2000s, be it live-in (who stays at the employers’ house) or live-out. From 1986 on, domestic work employers could deduct from the worker’s salary benefits given in kind, such as food and shelter (this can reach up to 50% of the gross remuneration if the worker has full board and lodging). However, few households choose to employ workers under the “domestic servant” status, mainly because it is considered too bureaucratic and expensive in terms of tax and social charges. The family is also in this case the direct employer, which is seen as legally “heavy”. Hence, informal labour arrangements, whether with nationals or foreign workers, were largely the rule.

In 2001, the Belgian government implemented the service voucher system². It allows households to purchase weekly cleaning services³ from authorised companies at the subsidised price of € 9/hour (2015⁴). In addition, households benefit from a tax deduction of 30% or a tax credit on the total amount of vouchers value, up to the limit of € 1,380 per person/year (lowering the price to € 6.30/hour after the tax deduction⁵).

By providing subsidies to encourage former domestic work employers to switch to the service voucher, the voucher policy was successful in fostering formal housework (Camargo 2015). Belgium has today 149,782 voucher employees and 950,918 voucher clients (Idea Consult 2014:9-13). The shadow market however persists in all types of domestic work and mostly in live-in arrangements. Yet, it is hard to show a reliable figure on how many people work undeclared in the sector, totally or partially (Michielsen et al. 2013; Gutiérrez C Craenen 2010). Further, some households may unlawfully use the service voucher system for full-time domestic workers (limit is 1,000 vouchers per year for a household or about 20-22 hours a week).

¹ The word “employer/exploiter” was chosen to name the category of perpetrators of THB in domestic work. They may also be called “employers” when interviewees referred to it in these terms, or “defendant” in a case-law description.

² “*Titres-services*” in French and “*dienstencheques*” in Dutch.

³ Authorised tasks are cleaning, laundry, ironing, meal preparation and occasional sewing. Outdoor services include small errands, ironing performed in an ironing centre (if the company has one) and transport for disabled people.

⁴ Price from January 2014. For each voucher, government currently expends € 13.04, plus tax deduction.

⁵ Since January 2015, the system is now regional, and is henceforth managed by the three Belgian Regions. Wallonia has since then diminished the ceiling for tax deductions to € 0.9 per voucher limited to the first 150 vouchers per person, a measure to be followed by the Brussels Region from 2016. This brings the voucher net price to € 8.10 instead of the mentioned € 6.30.

The "au pair" system is sometimes also unduly used as a way to purchase cheap domestic work in Belgium⁶. National law determines that au pairs must be between 18 and 26 years of age and can work no more than four hours a day and 20 hours a week taking care of children and doing "light domestic chores"⁷. The lack of social inspection and the conception that the au pair system is not work but a cultural exchange make it difficult to monitor employers' compliance with the law (Gutiérrez V Craenen 2010).

Concerning employers with a diplomatic status, they have the right to legally bring staff from abroad, including personal domestic staff. A "special card" ("S card") is delivered to workers by the Service of the Protocol at the Federal Public Department of Foreign Affairs, which is also responsible for giving workers information on their employment contract and rights. In 2013, a Commission for Good Offices (CGO) was created at the initiative of Belgian trade unions and the Social Inspectorate⁸. The CGO is composed by several Federal Public Departments (ministries) that are in contact with diplomatic instances, as well as trade union representatives and the Social Inspectorate. The CGO has two main functions: to mediate employment relations if conflicts concerning work arise; to notice law loopholes and discuss/propose alternatives to solve them⁹.

The S card is a stay permit that is strictly linked to the employment contract and renewed annually, making workers somehow dependent on the employer. When diplomats go elsewhere, domestic workers can either go with them, look for another diplomat willing to hire them (e.g. the person arriving to assume the same position) or return to their country of origin.

In summary, aside from the very specific situations discussed above, Belgium does not allow migration for domestic work, unlike other countries such as United-Kingdom and Italy. Domestic work is not considered as a labour shortage sector, and work permits' demand for domestic workers coming from abroad are rarely accepted¹⁰. Arguably, according to migration organisations, the lack of legal admission categories for domestic workers may contribute to undeclared arrangements and migrant domestic workers' irregularity.

1.1.2 Anti-trafficking policies and initiatives

Legal Definition

The notion of THB currently used by practitioners and stakeholders in Belgium is defined in the article 433quinquies¹¹ of the Criminal Code, as follows:

Constituting the offense of human trafficking are the recruitment, transport, transfer, housing, harbouring of a person, taking control or transferring of the control over that person for the purposes of:

1° the exploitation of prostitution or other forms of sexual exploitation;

⁶ For more on the au pair system in Europe, see Triandafyllidou and Marchetti (2015), Cox (2014) and Widding Isaksen (2010).

⁷ For more information on regulations concerning au pairs in Belgium, see: www.emploi.belgique.be/defaultTab.aspx?id=4890.

⁸ Social Inspectorate in Belgium refers to labour inspection (inspection of employment conditions and pay). Inspections mainly refer to the Social Criminal Code.

⁹ *Ministerial Circular of the 23 May 2013* (French):

http://diplomatie.belgium.be/fr/binaries/Circulaire%20minist%C3%A9rielle%20relative%20%C3%A0%20la%20cr%C3%A9ation%20d%27une%20Commission%20de%20bons%20offices_tcm313-225418.pdf.

¹⁰ The rare cases where live-in domestic workers were accepted under a work permit B, which links the stay permit to the employment contract, were a result of the argumentation of employers introducing the demand, on the basis of the particularity of the employee.

¹¹ *Law of 29 April 2013 to modify article 433quinquies of the Criminal Code in order to clarify and extend the definition of trafficking in human beings, Belgian Official Gazette, 23 July 2013* (French): www.ejustice.just.fgov.be/cgi_loi/change_lq.pl?language=fr&la=F&table_name=loi&cn=2013042915.

- 2° the exploitation of begging;
- 3° *carrying out work or providing services in conditions contrary to human dignity*;
- 4° removal of organs in violation of the law of 13 June 1986 on the removal and transplantation of organs, or human tissue in violation of the law of 19 December 2008 on the acquisition and use of human tissue for the purposes of medical applications in humans or scientific research;
- 5° or having this person commits a crime or an offence against his will.

This case study addresses almost exclusively the third situation (*emphasis added*).

Belgium has legislation on THB, child pornography and smuggling in human beings since mid-1990s (*“Law of 13 April 1995 containing provisions to combat trafficking in human beings and child pornography”*, *Belgian Official Gazette*, 25 April 1995). There is henceforth a procedure for giving a temporary stay permit to identified victims of THB who agree to cooperate with judicial authorities.

Since 2005, Belgian government has chosen to introduce the definition in the Criminal Code. Cases concerning THB for labour exploitation resort then to criminal law, but equally to social criminal law. The Social Criminal Code¹² regulates infractions regarding the social security system such as undeclared work, employment of migrants without a work permit, inexistence of employment contract, poor labour conditions, unpaid or underpaid wages, etc.

The new law in 2005 changed the perspective of the crime approach, by defining the *finality* of exploitation (not mentioned before) and removing all reference to the *means* used in this exploitation, which became aggravating circumstances. (*“Law of the 10 August to amend a number of provisions in order to strengthen the fight against trafficking and smuggling in human beings and against slumlord practices”*, *Belgian Official Gazette*.) The finality of labour exploitation in conditions contrary to human dignity (§ 3°) gives THB a broader definition, similar to Germany and Poland, for instance (FRA 2015:37). The reform was partly motivated by a particular case (*see Diallo case*).

The new law defined the crimes in the Criminal Code as well as in the Law of 15 December 1980 concerning access to the territory, stay, residence and removal of foreigners (*Belgian Official Gazette*, 31 December 1980). Furthermore, the Code of Criminal Procedure was also amended to include nationals among victims.

In 2013, the relevant Belgian legislation was amended in order to comply with the European Directive 2011/36/EU on human trafficking, even though the country’s legislation was globally already aligned with the text. These amendments clarified and expanded the definition of human trafficking by introducing for instance the notion of “services” in labour exploitation (29 April 2013¹³), and increased the penalties associated with criminalisation, multiplying them by the number of victims (June 2013).

Institutional framework: Key stakeholders

The coordination and monitoring of the anti-trafficking policy is currently performed by the Interdepartmental Coordination Platform for the Fight and against Trafficking and Smuggling in Human Beings (THB Platform), presided by the Federal Public Department (FPD) of Justice. The THB Platform assembles many other Federal Public Departments as well as the

¹² *Social Criminal Code* (French):

www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=fr&la=F&table_name=loi&cn=2010060607.

¹³ For all 2013 law modifications, see CEOOR (2013:46–47).

Police, judicial instances, the Social Inspectorate and specialised reception centres for THB victims.

The Belgian independent public body Federal Migration Centre, so-called Myria¹⁴, has a crucial position in the anti-trafficking policy. Its mission consists in the stimulation of the fight against human trafficking. It has been appointed as the independent component of the national rapporteur mechanism on trafficking. A key tool in this regard is the publication of an annual and independent evaluation report on the evolution and results of the fight against trafficking, which have been published since 1995. It also has the capacity to act as civil party in criminal procedures in THB. It assumes further the function of secretary of the Interdepartmental Coordination Platform and supports cooperation between the three specialised reception centres (PAG-ASA at Brussels, Sürya at Liège and Payoke at Antwerp).

Specificities of the Belgian anti-THB policy

What is often emphasised in the Belgian case is the large scope of the definition adopted, which includes severe forms of labour exploitation. As a representative of the Myria centre states:

Some countries are very curious and eager to adopt our model and others are very critical. [...] One of the adages in criminal law is 'no punishment without proper legislation' and thus in the view of criminal law, Belgian definition is quite broad. (Interview, Myria representative 1, March 2015).

This definition gives much more importance to the role of the Social Inspectorate. This agency is, indeed, often a frontline service recording labour exploitation *in loco* and evaluating the possibility of a THB situation. Inspectors are allowed to investigate THB cases in labour exploitation as they are linked with other offenses of the Social Criminal Code (see *more on the next section*). This situation is, though, mostly a Brussels' reality, while in other judicial districts it is mainly the Police who lead THB investigations (Gendarme 2015).

Furthermore, the coercion element is not compulsory for characterizing THB in Belgian legislation and is considered as an aggravating circumstance, which contributes to the large scope of the THB offense¹⁵. Concerning judicial cases for which Myria enrolled as civil party, its representative states that: "What we noticed is that in most of THB cases there are aggravating circumstances. But most of the time it is 'just' 'abuse of vulnerability' without a strong coercion element" (Interview, Myria representative 2, March 2015).

Another key feature of the anti-trafficking Belgian response raised by many interviewees is the good collaboration and integration of different departments and services. Collaboration and cooperation are not only part of the objectives of the Belgian policy – like in many other

¹⁴ The Myria centre is born from a split of the former Centre for Equal Opportunities and Opposition to Racism, which was an independent public body on human rights. From March 2015, there are henceforth officially two bodies: the Interfederal Centre for Equal Opportunities and the Myria - Federal Migration Centre. The last report on human trafficking was published in October 2014 already under the "new" Federal Migration Centre.

¹⁵ The Palermo Protocol establishes in its definition that act *and* means are needed: "Trafficking in persons' shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, *by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person*, for the purpose of exploitation. [...]". (*our emphasis*).

countries – but it appears to function well in practice¹⁶. One element that came out from our interviews is that the key actors involved in anti-trafficking response, such as law enforcement, judiciary and social inspectors, as well as specialised centres, are indeed in constant and closed contact, whether formally or informally. This is probably also due to the fact that Belgium is a small country, which helps services and information intertwine more easily. Belgium has established anti-trafficking structures for instance within the police, the Social Inspectorate, the Foreigners' Office and the Prosecutor's Office (GRETA 2013; Interview, Coordinator THB Platform, July 2015).

Specific Anti-trafficking initiatives relevant to domestic work

Although scant initiatives have been undertaken to tackle THB in the domestic work itself, regulations in domestic work sector are interconnected with prevention of abuses, as presented above. In this context, policy changes in the diplomatic field should be mentioned as a good practice.

It is worth outlining that in its third National Action Plan 2015-2019 to fight against human trafficking, the federal government establishes law enforcement measures in the scope of “domestic exploitation”, as well as the publication of brochures informing employers in Belgium about the main rules to be respected in case of employment for the purpose of domestic work (FPD Justice 2015). When it comes to employment by diplomatic corps, the government plans to hold a seminar on the topic by promoting exchange between the Foreign Affairs Department and field actors such as policemen, social inspectors and prosecutors (scheduled for 2016). In this effect, Belgium is concerned both with the practices of diplomats in Belgium and of Belgian diplomats abroad (Interview, Coordinator THB Platform, July 2015). The action of informing Belgian diplomats is thus also listed in the National Plan, with a double goal of raising awareness about THB situations among diplomats and helping the identification of possible THB cases among visa demands to Belgium.

Legislations relevant for THB in domestic work

THB in domestic work is a form of THB for labour exploitation. This means that besides the Criminal Code, broader labour legislation and specifically the Social Criminal Code applies to situations of exploitation in domestic work.

Since March 2013, the Employers' Sanctions Directive is transposed in Belgium law.¹⁷ Although theoretically the law reinforces protection and access to justice for undocumented workers (complaint mechanisms, outstanding wages), it is very hard to put them in practice (see section “Other remedies for persons who have been trafficked or exploited in domestic work”)¹⁸.

As THB victims in domestic work are often foreigners and even more often undocumented migrants, another legislation directly applying to THB in domestic work is the already mentioned Migration of 1980. The text has been amended repeatedly since its creation,

¹⁶ For instance, in 2008, a multidisciplinary circular was published to determine who does what at the victim protection level and determining collaboration among different services (*Ministerial Circular of the 26 September 2008, Belgian Official Gazette, 31 October 2008*).

¹⁷ Loi prévoyant des sanctions et des mesures à l'encontre des employeurs de ressortissants de pays tiers en séjour illégal, 11 February 2013 : www.ejustice.just.fgov.be/cgi/article_body.pl?language=fr&pub_date=2013-02-22&numac=2013200528&caller=list.

¹⁸ For a more detailed analysis of the Employer's Sanctions Directive in Belgium, see PICUM (2015).

reflecting the changes in migration policy. One of the modifications allowed the establishing of a specific residence permit procedure for recognised victims of trafficking.

1.1.3 Policies and measures addressing the demand-side of THB in domestic work

Other than the actions of employer's awareness-raising outlined in the National Plan 2015-2019, there is no initiative specifically aiming at tackling the demand-side of THB in domestic work (Interview, Coordinator THB Platform, July 2015). The exception is the policy established to prevent THB and labour exploitation for domestic workers employed by diplomatic corps. Indeed, the Service of the Protocol at the Federal Public Department of Foreign Affairs informs employers desiring to bring workers under the special card of their duties under Belgian law. In addition, it conducts interviews with workers upon their arrival in Belgium and annually at the S card renewal. Simultaneously, the CGO acts as a mediation organ in case of conflict.

Additionally, trade unions and migrant workers' organisations raise awareness among domestic workers through leaflets and workers' meetings. The NGO OR.C.A. ("The Organization for Undocumented Worker's", in Dutch) coordinates, for instance, a group of domestic workers meeting every Sunday after French classes given by the organisation at Brussels. In the diplomatic field, a trade union group (*L'intersyndicale* CSC-FGTB¹⁹) is part of the CGO and represents diplomatic missions' staff, advocating for better working conditions (CSC-FGTB 2013).

1.1.4 Key debates

In Belgian public debates, THB is almost exclusively associated with sexual exploitation, whereas labour exploitation, is paid much less attention. In addition, it is often associated with organised crime or confused with migrant smuggling. This common-sense notion is slightly at odds with the Belgian definition of THB and situation faced by frontline actors. As the coordinator for the THB cluster in the Federal Social Inspectorate (ECOSOC) within Brussels Region, states:

[...] People are not attentive to consider exploitative situations; they will do it when there is something dramatic such as what we can see in films. [...] A 'dream case' in THB in terms of proof is to arrive in a cellar and find 35 Vietnamese that are enchained to their sewing machine, because then I don't even have to investigate, I only have to take a picture and it is done. But it is rarely like that, like in films (Interview, Ecosoc, Brussels Region, March 2015).

Simultaneously, cases such as Conrad (*see below*) and other cases concerning diplomatic households received significant attention from the media, giving the impression that THB or labour exploitation in domestic work situations are associated with employers pertaining to the high class or to diplomatic milieu who are mostly foreign. In the following section, we will describe general figures of THB in Belgium and its main characteristics.

¹⁹ CSC is the Belgian Christian Trade Unions Confederation (*Confédération des Syndicats Chrétiens*), FGTB is the General Federation of Belgian Labour (*Fédération Générale du travail de Belgique*). They are the two major trade union federations in Belgium.

1.2 THB in domestic work: general trends

1.2.1 Empirical data

Belgium has seen a trend in recent years of increase in the numbers of labour exploitation in comparison to sexual exploitation. This trend is national but more pronounced in Brussels. General data on trafficking in Belgium do not provide specific numbers on THB in the field of domestic work. Offences are classified according to the legal definitions: economic or sexual exploitation (main sectors of exploitation), obligation to beg, obligation to commit a crime, organ trafficking or child pornography.

Data concerning THB in Belgium comes from six different sources and are not systematised: the National Police, the Social Inspectorate, the General Prosecutors' College (information from prosecution in each Prosecutor's Office), the Immigration Office (stay permits delivered to acknowledged victims), Specialised Centres (victims' profile) and the Department of Criminal Policy (convictions), at the FPD of Justice. One can follow the situation by source, in each service, but it remains hard to have a global overview of the phenomenon, which is one of the weak aspects of Belgian policy²⁰. This section will therefore draw from the main figures for THB in Belgium, with data from the Public Prosecutor's Office, the Immigration Office, the Specialised Centres and the Social Inspectorate.

In 2013, 432 THB cases were submitted to the Public Prosecutor's Office, a record since 2008 (Myria 2014:96). Among 184 cases of labour exploitation in 2013, Myria centre identifies the following main sectors where it occurs: construction, professional cleaning, carwash, catering, and retail business. These figures do not include data submitted to the Labour Prosecutors' Office, which means a structural underreporting (Myria 2014:94). Regarding the convictions, numbers are still low: Belgium had 70 THB convictions in 2013, including all kinds of exploitation (Myria 2014:107).

From 26 cases for which Myria constituted civil part between 2013 and 2014, only one case concerned the domestic work sector, while fourteen were THB for labour exploitation. Looking at the figures of the three specialised centres, they initiated programmes of support with 148 potential victims of THB in 2013, among which 90 were cases of labour exploitation (Myria 2014:105–106).

From the 90 THB victims of labour exploitation who were newly received in the specialised centres in 2013, 70 of them are men and 20 are women. According to the interviews with the respective centres, in 2013 only two women were coming from the domestic work sector (currently followed by PAG-ASA in Brussels). However, centres still count numerous women, victims of labour exploitation in domestic work, who have entered the victim protection and assistance programme before 2013 but are still in accompaniment. Indeed, most victims are assisted (first on a residential basis, later on a non-residential basis) for a period of two to four years.

At the frontline level, ECOSOC estimates an average of 30 presumed or real cases in labour exploitation a year within Brussels Region. Among these, four or five are in the private

²⁰ This aspect was outlined by a Myria representative (Interview, Myria representative 2, March 2015).

domestic work sector and a few less among diplomatic corps, much more significant figures than in the two other Belgian Regions. In 2012, the Social Inspectorate registered eight victims in the domestic work sector, from Bangladesh, Ethiopia, Morocco, Peru and Tanzania (CEOOR 2013:102).

1.2.2 Main characteristics and features of THB in Domestic Work

Main forms of being detected

For most of the sectors in which cases of labour exploitation and THB are found, social inspectors can identify potential THB victims while doing random controls at workplaces. However, with regard to domestic work, the protection of private homes makes it more difficult to access potential victims. According to the Social Inspectorate, the enclosed space of private homes is the specificity and the challenge of THB in domestic work: all detection is based on information that must be verified to preserve householders' privacy.

Sources of information can be people close to the house such as neighbours and acquaintances, or services/agents coming to the house, such as home-nurses, district policemen (*agent de quartier*), and social service agents. To this effect, raising awareness of these professional branches can be fruitful to identify cases of labour exploitation and THB in domestic work. In other cases, victims fly away from the household or are assisted by friends or acquaintances, arriving directly at specialised centres, NGOs or the Social Inspectorate.

Profile of victims/workers²¹

Victims of THB for labour exploitation are mainly men, as data from the specialised centres has shown. Domestic work is the only female-dominated sector among sectors where THB victims of labour exploitation are usually found. Workers are mostly undocumented migrants (some workers in diplomatic households have the S card), which contributes to the vulnerability of their situation. They often have no or only limited knowledge of one of the national languages and have been cut from their personal network. In domestic work, their main ties are often with the exploitative family and mostly with the children they care for, as confirmed by several interviewees dealing directly with workers²².

Victims are from all nationalities and can be divided into two groups: private domestic workers and diplomatic domestic workers. For the last ones, they are often from the same nationality as the diplomats employing them and are recruited in their country of origin. Sometimes workers were already working for the family in their country of origin, and working with conditions (working time and wages) considered standard in their country. They receive a proposition to "earn more" in the country the family is moving to, and at the arrival in Belgium, the situation deteriorates. In other cases, workers are acquaintances or part of an extended family of the diplomats. Workers can also be recruited through international placement agencies. Recruitment through placement agencies is frequent among workers from the Philippines and Indonesia (CEOOR 2011:132)²³.

Regarding the private households employing domestic workers, there is also a sub-division by class. In upper class households, workers come from all nationalities, in accordance with

²¹ The information presented in this section, on the characteristics of the workers and the employers largely draws on the interviews with the three specialized centres, the migrant NGO OR.C.A., trade unions and the Social Inspectorate. See also CEOOR (2011:133).

²² Particularly, interviews held with ECOSOC, OR.C.A., PAG-ASA and Sürya.

²³ It is not uncommon that diplomatic missions employ, under a S card or informally, migrant workers already in Belgium soil. These workers might be, though, less vulnerable to exploitative situations as they often are better connected with local ethnic networks.

national groups present in the larger scope of the domestic work market. The employment situation often begins with families offering to a domestic worker, most of the time an undocumented migrant working undeclared, already employed at a friend's or acquaintance's house, to work for them as a live-in (Interview, Ecosoc, Brussels Region, March 2015). Many workers are attracted by this possibility as a way to save the money of the rent and other expenses, as many authors of the domestic work field have shown (Anderson 2000; Hondagneu-Sotelo 2007; Parreñas 2001).

In the less privileged households, many interviewees noted that there is a common scenario where the domestic worker is from the same community or ethnic background as the family employing them. Families seek a person to be child-minder or to care for a child/teenager with a handicap at a minor cost, turning to the country of origin and eventually the enlarged family (Interview, PAG-ASA, March 2015; Interview, Sürya, May 2015).

Profile of employers/exploiters

In situations of THB in the domestic work sector, it is rare to see the involvement of criminal networks such as in other sectors of exploitation (e.g. sexual exploitation). Furthermore, employers/exploiters are more often acting "alone", or within extended family and acquaintances networks. However, they often use the same type of recruitment, namely seeking to employ specifically among vulnerable groups (Interview, CSC Women Brussels, May 2015) (*see case law section*).

In this vein, interviewees observe that false promises made by the employer/exploiter to the worker are a recurrent feature. Whether promises to access education, to obtain papers, to be better paid: those promises related to the hope of "a better life" have an important role to initiate and to maintain an exploitative situation. The fact of having a precarious situation at the social, familiar or economical level makes victims more likely to believe false promises (Interview, PAG-ASA, March 2015).

Like for the THB victims, interviewees point out that employer/exploiters in domestic work have different origins, classes and profiles. In the last years, the Social Inspectorate has found many exploitation cases in which the employers were themselves from a working-class environment, low-skilled and had a low-income (CEOOR 2011:133). Their experience shows that ascendancy over workers and violence (psychological, physical and sometimes sexual) can be more often found in deprived or enclosed environments (such as within the family or the same community) (Interview, Ecosoc, Brussels Region, March 2015).

However, interestingly, interviewees pointed out that often the employer/exploiter do not perceive the situation as being exploitative for the domestic worker, and thus may not acknowledge the criminal nature of their actions. Some of them may even nourish a "helping" rhetoric, arguing that the worker was in a much worst situation before (this is also identified among employers in domestic work more generally, see for instance Bott (2005)). As outlined by one participant in this study, employers/exploiters do not consider the living conditions of worker's current life within the context of the country of destination, but compare the material situation of the household with the worker's previous situation in the country of origin:

[Employers say]: 'She was happier here than in her country, because at least she could eat at one's fill, there is heating', etc. There is no link between material conditions and global life conditions, like losing her freedom, sleeping on the floor close to the disabled child bed, being far from her country. But these things employers do not understand. [...] People argue: 'But she came to ski with us', and actually the worker stayed in the chalet with the children... She was not having fun; [for her] it was work (Interview, Ecosoc, Brussels Region, March 2015).

Main factors influencing the demand

For many interviewees, employers/exploiters are mostly driven by the perspective of purchasing cheap labour and not necessarily by an intention to exploit. The pursuit of more-for-less can, however, result in a *modus operandi* that, if it is not considered as THB, surely constitutes labour exploitation. As the permanent at CSC Women observes:

Often, diplomats or European functionaries, or some employers in general [...] dismiss the person that obtained a residence permit and hire another undocumented migrant. It is a clear intention of paying wages as low as they can and of finding people with no bargain power: there is thus an exploitation logic that we refuse to acknowledge (Interview, CSC Women Brussels, May 2015).

Therefore, although labour exploitation in domestic work is detached from the notion of a financial profit for the employer/exploiter, it still allows them to save money and to save time. Almost all tasks performed and services provided can be purchased legally. This earning of time and money allow employers/exploiters to enjoy a specific lifestyle. “The fact of having someone to do everything allows the employer to do other things, or just do nothing... The gain is to be relieved of tasks that annoy everyone: washing dishes, cleaning, doing the laundry” (Interview, Ecosoc, Brussels Region, March 2015).

Moreover, as some interviewees observed, arrangements that were not abusive initially can also evolve to an exploitative situation, as OR.C.A. recalls:

[...] It starts with ‘Oh it’s raining, can you take the dog for a walk?’, or ‘We have a party this weekend, don’t you want to serve at the party?’. And so the well-arranged agreement of the beginning tends to go bigger and bigger on the side of the worker, but the side of the employer never changes. And when you contact an employer to negotiate a solution, they say: ‘She’s a friend, I don’t understand, we always understand each other so well...’ Very often, employers tend to think: ‘Ok we give her the room, so this gives us the right to ask a lot more than it is foreseen’... and ‘It’s not all so bad, it’s just a little bit of this, or a little bit of that’. But when you put all the little bits together, you have a workday of 16 hours (Interview, OR.C.A., March 2015).

Accordingly, demand should also be understood in the light of the apparent, presumed or taken for granted availability of domestic workers. Other testimonies also illustrate situations that deteriorate into severe exploitative conditions: “In the beginning, the household has a washing machine, and at the end the machine is not used anymore and all clothes are hand-washed: Is this sadism, to save money...? We don’t know (Interview, Ecosoc, Brussels Region, March 2015)”.

In this perspective, the domestic worker is often viewed as having an inferior status, in relation with racial or ethnic background or social class: he/she frequently pertains to another nationality/ethnic background, another migration status, a poorer region, a less privileged class or enjoys a lower status in the family than the employer/exploiter. The CSC Women permanent recalls a case of a Brazilian domestic worker who was exploited and threatened by her female employer:

She was scared because her employer used to say: ‘Anyway, you have no papers, so if tomorrow I kill you and I bury you in the garden, no one would look after you’. [...] She had to perform many degrading tasks, always with the threat of ‘Anyway, you’re *sans-papiers*, nobody would be worried about you’, or ‘Tomorrow I’ll call the police and they will come to pick you up, you’ll be taken to an immigration detention and expelled from Belgium’” (Interview, CSC Women Brussels, May 2015).

The story of this Brazilian worker highlights how being undocumented contributes to the fact that the domestic worker is considered 'less human', or less deserving of a respectful treatment.

In the following section, two main cases that had impact on changes in the legislation and on public opinion in Belgium will be described. Thereafter, the second part of the paper discusses selected cases of THB in domestic work.

1.2.3 Key cases or accounts of cases

The Diallo case²⁴

An American-Guinean couple proposed to Diallo, a young Guinean woman, to come to Belgium to work for them. She signed a three-year contract with a salary of US\$ 150 and worked long hours. Her passport was locked in the employers' safe, and therefore she could not freely go out at the risk of being arrested. She was physically and emotionally isolated.

The Court retained the charge of THB against the employers, considering that there was abuse of vulnerability of her situation as undocumented migrant, her passport was retained and she had no social protection against work accidents and illness. The Court of appeal would nevertheless review the decision, by exposing a doubt on the conditions of vulnerability experienced by Diallo. The Court argued that if Diallo was not in possession of her own passport, it was not an established fact that the employers would not have given back her passport on simple request. Furthermore, the Court considered that Diallo could have exaggerated her situation in order to obtain a permanent residence permit as a THB victim.

The judgement was considered as excessively benevolent in the appreciation of employers' actions (Monville and Dister 2002). The Diallo case has had an impact and triggered some modifications in the Belgian law in 2005 concerning THB (removal of the means in THB definition)²⁵. Namely, the diversity of the interpretations of what should be considered an "abuse of a position of vulnerability" was one of the causes for the legislative reform (Kurz 2008:323).

The Conrad case

In July 2008, following a claim of a domestic worker who had escaped workplace, about 20 domestic workers of several nationalities (among others, China, Indonesia, Morocco, Tunisia and The Philippines) were found being exploited by the widow of a senior royal figure from the Emirates and her seven daughters. They had rented for one year the entire fourth floor of the Conrad Hotel, the most luxurious hotel in Brussels²⁶.

According to the Social Inspectorate and one of the victims' lawyers of the case, workers were at the family disposal about nineteen hours a day. They underwent psychological and physical violence, had their passports confiscated, were poorly paid and should sleep on the floor. They could not leave the hotel or communicate amongst themselves.

²⁴ Liège Court (Appeal), 25 of April 2001.

²⁵ Another case influencing legislation changes was *Siliadin c. France* (26 July 2005), at the European Court of Human Rights, which stated positive responsibility of the State to protect people against THB. French definition of "conditions against human dignity" also inspired Belgium law changes (Kurz 2008).

²⁶ In the meanwhile, the hotel, situated in the Louise Avenue (address of the most expensive shops in Brussels), has changed its name.

Not all workers in the group wanted to file complaints against the employers, fearing retaliation. Workers may indeed be subject to great pressure in such cases. Among the twelve workers who complained, some received retaliation in their country of origin, where members of their family have lost their jobs (Interview, Sürya, May 2015).

After having lost the appeal at the Court of Cassation on September 2015, defendants currently stand trial on THB and linked offenses at the Magistrates' Court.

2 Case law review

2.1 Key national case law

Four cases of THB in the domestic work sector will be reviewed in this section. The cases were chosen based on the presence of common elements that social inspectors find in situations of THB (or mixed offenses), in order to better understand the conditions and situations of severe exploitation and THB. The first one is the story of an interview participant who is a recognised victim of THB in domestic work THB victim. The second case is still in fact-finding process led by the Public Prosecutor's Office. The other two cases were selected from the annual reports of the Centre for Equal Opportunities (CEOOR 2010) and the new Myria centre (2013). Since 2009, the Centre has on average reported one case of domestic work per year²⁷.

Assia's testimony: Exploitation by a vice-consul²⁸

Assia²⁹ arrived in Belgium in November 2005. She used to be a sports instructor and secretary at a sports centre in a big Mediterranean city. A friend of hers invited her to come to Belgium to work as the nanny of her sister's children, including a boy with autism. The couple was moving to Belgium to take better care of their autistic son, the father was the country's vice-consul in Brussels. Her friend told her that as treatment costs were expensive, they could only afford an initial salary of €150. She accepted under the condition that they would give her a residence permit once in Belgium. "[They told me] 'Yes, we will give you papers, no problem, so when the period is over, you can stay there with papers'". She was given a special passport signed by the vice-consul and her friend paid her flight.

Once Assia arrived in Belgium, she signed an employment contract at the Ministry of Foreign Affairs, but never saw it again. She does not remember the conditions or salary written on the contract. Her passport was retained by her male employer, who told her he would "take care of her papers".

Little by little, Assia's work and life conditions changed:

In the beginning, they told me I should only take care of the children, but then it appears that I must do everything: all the cleaning, cooking, take the children everywhere. They presented me at the school, and afterwards it was me the one to take and pick them up every day. And when I was back, I had to clean, cook, etc. I did not go out, I had no contacts here. [...] They told me I shouldn't speak to people here. [...] On weekends, we went out together, I was always with them. [...] If the couple went out, they would leave me the children... I had no rest.

²⁷ Much more potential THB cases involving domestic workers go to trial, but only some, mostly those in which the Myria centre decides to constitute civil part, are publicised. A problem already mentioned is that cases are not classified by labour sector but only by type of exploitation (sexual exploitation, economic exploitation, etc.), so it is difficult to quantify them.

²⁸ This testimony was fully based on worker's testimony (Interview, Assia, May 2015).

²⁹ All workers' names are fictive.

Assia's female employer was often in their country of origin and, once in Belgium, did nothing at the house:

She used to say 'I am depressed! I cannot take care of all this!'...So I used to make food for the children, for the husband when he was back home, and serve her breakfast at 14h when she got up.

Assia slept in the children's room, and sometimes in the living room with the autistic child. With her poor wage, she paid for transport and eventually clothes, telephone cards, etc. In 2007, her male employer gave her a "certificate of registration" that she used as a valid paper. However, as she found out later, "this paper means nothing".

The relationships between Assia and her female employer degraded by October 2006 and the couple became less tolerant and more exigent towards her. She lost her right to access the computer, in the couple's room, and her free time was restricted. The female employer constantly had hurtful words against Assia, accusing her of being jealous of their situation and wanting to break up their marriage. "I was just their skivvy", she recalls. Even when she was sick, she was compelled to work and had the female employer yelling at her. One day her male employer made advances to her. As she promptly refused them, he excused himself saying "Sorry, I'm a man, you know".

Simultaneously, Assia received orientation at the association where she was following French classes (that she had succeeded to negotiate) and made a regularisation request. In June 2008, she accidentally found a letter for her in the house mailbox, from the Municipality, calling her for an interview. She was afraid but went to the Municipality, where she received an order to leave the territory: "It was the limit of what I could support. [...] I spent hours in the street, crying, I came back home at 22h30 when I was calmer". She decided to leave.

With the help of her French teacher, she was directed to a specialised centre. Meanwhile, Assia found out that the employers had called the police to find her. It was the trigger that made her decide to file a complaint.

As the employer/exploiter is a diplomat, he enjoys immunity. Assia received the THB victim status, and her case was sent to the Service of the Protocol (Interview, Ecosoc, Brussels Region, March 2015). She also recently initiated a parallel procedure to negotiate her back wages through the Trade Union support, but this procedure is also ongoing (Interview, CSC Women Brussels, May 2015).

Romanian family and cyclic labour exploitation³⁰

In 2012, a Romanian couple from a working-class background living in Brussels - the man working in the construction sector and the woman in the cleaning sector - brought a minor cousin from their village of origin to take care of their small children while they were working. When the children were old enough to go to school, the cousin was supposed to do all domestic work. Moreover, if she was not with the children, she could be taken to perform cleaning tasks at the woman's work places: restaurants, shops and particular households.

One day she was raped by the man. She ran away and registered a complaint against the couple. There was a fight in the family around the fact that she was exploited and mistreated.

A few months later, during their next holidays in Romania, the couple brought with them young adult woman mentally handicapped from an orphanage. This person was supposed to

³⁰ This is a description of the case in fact-finding process led by the Public Prosecutor's Office. It is built on the basis of two interviews. The case is not gone to trial so cannot be considered as a THB case.

do all tasks performed by the couple's cousin in the first situation. From her arrival to the day she left the house, about one and a half month later, she was not paid.

This second situation of labour exploitation involving the same couple was discovered in the investigation of the first case of labour exploitation and sexual violence.

Congolese worker exploited by fellow Congolese citizen (CEOOR 2013)

Following an anonymous denunciation, the Social Inspectorate did a home search in July 2010 and found a Congolese domestic worker working for a Congolese fellow under conditions contrary to human dignity. Solange arrived in November 2009 in Belgium to take care of the defendant's disabled son. She received no salary as the employer/exploiter was supposed to send money to her children left in Congo. She began receiving €15 per month from March 2010.

Solange was not only responsible for taking care of the disabled child, but also of the other child in addition of doing all the housework and shopping. She used to sleep in the same bed of the child she was taking care of, but since March 2010 she had a mattress on children's bedroom floor. Solange used to wake up three or four times a night to change the child. She was never given a cupboard for her personal belongings, which were in a bin liner under the child's bed. The employer/exploiter usually yelled at her and she did not have her passport in her own hands.

The employer/exploiter argued that Solange never worked for her, did not take care of her son and only performed light domestic tasks as she received free board. However, the victim's statements were corroborated by the house search and the hearings of various witnesses (home-nurses and several professionals coming to the house for the child's care or education). They confirmed that Solange was indeed the person caring for the disabled child, that she was constantly there, that she nourished a close relationship with the child and that she was probably sleeping on the mattress on the floor next to the child's bed.

A criminal investigation was opened after the *flagrante delicto*. In a decision of 22 January 2013, the criminal court of Brussels³¹ convicted the employer/exploiter to the charge of THB for the purposes of labour exploitation, with aggravating circumstances (abuse of authority and abuse of a position of vulnerability) and considering that she "did not assume her responsibility in the committed facts". She was also condemned for various social criminal charges. "The court considered that the defendant had brought over and housed the victim in order to make her work in conditions contrary to human dignity" (CEOOR 2013:88). The employer/exploiter was convicted to imprisonment (deferred) and fined. In the civil part, Solange received € 52,000 in compensation for material damages and € 5,000 for psychological damages.

Young Moroccan victim of labour exploitation and sexual slavery (CEOOR 2010)

In a decision of 20 May 2010, the Court of Appeal in Antwerp convicted a Belgian lawyer for THB for labour and sexual exploitation of a young Moroccan girl. Nafissa was brought at the demand of the employer/exploiter who wanted a "young, innocent girl to work in his household" (CEOOR 2010:56). Her mother in Morocco allowed her to leave on the pretext that she would be able to continue her studies in Belgium and that she would be taken care of. Once arrived in Belgium, the young girl handed in her passport and had to clean for free, receiving only board and lodging.

³¹ Corr. Brussels, 22 January 2013, 58th ch. (Appeal).

Nafissa who was between 14 and 16 years of age at the time never continued her education in Belgium. Sometimes she tried to discuss this issue and was threatened. She was compelled to stay at home and forced to satisfy the sexual needs of the employer/exploiter as a “sexual slave”. Nafissa did all the cleaning for him and his mother without any pay, and she was beaten by both. There was also evidence that the “defendant held out the possibility of a marriage”, when in reality he had no intention of marrying her (CEOOR 2010:57).

The judgement condemned several defendants on the charge of trafficking and the principal defendant, the lawyer, with the additional charge of rape. He was convicted with eight years of imprisonment.

2.2 Key challenges in implementing legal dispositions and in legal proceedings

Legal procedure in THB in domestic work cases

Once social inspectors identify a potential case of THB in domestic work, the Labour Prosecutor's Office is in charge of the case.³² Depending on the case's urgency, it can be brought to the investigating judge who can decide to initiate a criminal investigation. If there is a criminal investigation, a pre-trial investigation might then be opened at the responsibility of the Criminal Investigation Department. House searches, search warrants, wiretaps, and warrant for arrest can be used under authorisation of the investigating judge.

If the Labour Prosecutor's Office and the inspectors do not bring the case before the investigating judge, inspectors can do a house visit but not a search. They can only use voluntary means: observation and testimonies, confrontation among workers and employers, etc. Each investigation type has its advantages and constraints: while the investigation under the Criminal Investigation Department may find more evidence (because more means are allowed), the investigation conducted by the Labour Prosecutor's Office can often be quicker as it employs less intrusive means, which can be executed without previous authorisation.

Delimiting boundaries: trafficking versus labour exploitation

As the Belgian legal definition of human trafficking for labour exploitation is rather broad (carrying out work or services provided in conditions contrary to human dignity), it may be sometimes difficult for actors in the frontline (such as social inspectors) to establish whether the case they are witnessing is labour exploitation or/and THB. The General Prosecutors' College developed a list of indicators as part of their investigation and prosecution policy for THB, only to be used by justice practitioners, the police and social inspectors.

As partners in the multidisciplinary fight against THB in Belgium, the three specialised centres also have access to this list of indicators. In order to facilitate their daily work in assessing whether workers have been victim of THB, PAG-ASA developed a template combining the different indicators into three categories: breaches to labour law (number of working hours, minimum wage, number of working days), material factors (sleeping conditions, sanitary conditions, security equipment), and immaterial factors (retention of documents, limited freedom of movement, violence). Cases of THB for labour exploitation show a combination of different factors: long working hours and insufficient salary will not be enough to consider a case as THB.

³² Description concentrates in the domestic work sector, but the proceedings apply to all potential cases of THB for labour exploitation. Most of cases of labour exploitation are the responsibility of the Labour Prosecutor's Office, while the Public Prosecutor's Office is in charge of cases of all the other forms of THB.

Based on their experience, PAG-ASA observes that the context of poor living or working conditions will especially draw their attention as potentially being THB. Those are, for example: cleaning with solvents or ammoniac without protection and breathing it, sleeping in the basement without heating or without means for personal hygiene, eating leftovers or having to buy her/his own food despite a poor salary (Interview, PAG-ASA, March 2015).

However, in any situation it is up to the THB referral magistrates in the Prosecutor's Offices to decide whether the person can be considered as a THB victim or not; they are in charge of the official identification of THB victims. According to interviewees, certain juridical districts had a larger comprehension of a THB situation, and can consider it as being a conjunction of the two first mentioned conditions (long working hours, insufficient pay) and a certain behaviour concerning an accident at work: for instance, in the case in which the employer did not act "as a good father should" by rescuing the employee, having on the contrary left the worker without any medical or financial assistance.

Finding Evidence

The key goal in judicial proceedings is to demonstrate that the domestic worker's living and working conditions do not comply with core standards of human dignity. According to interviewees, the difficulty is that in many cases evidence is internal to the family and limited to the testimonies, one side against the other. As the NGO PAG-ASA highlights in one commented case:

[...] The worker was able to prove that she used to take care of the children, and take them to school. [...] But to prove that it's a THB case, it's another story... Moreover, often you have the family declarations, meaning the wife, the husband, the stepparents, the children, etc. against the worker alone. If there are no solid and concrete elements to support her words, it remains word against word. And confrontation in these cases does not bring anything new, because it remains her point of view against the others' one. (Interview, PAG-ASA, March 2015).

Material evidence is therefore of the highest importance. Besides workers' declarations, evidence of labour exploitation in conditions that are contrary to human dignity can often be indicated by elements collected by social inspectors during the home visit/home search. Some of the indicators are: where the worker sleeps (with the children, on the floor on a simple rug, in a room without windows); does the worker freely access the bathroom, the food in general; how is the worker dressed; can the worker freely leave; what are the worker's obligations in the house; is there document retention, etc. (Interview, Ecosoc, Brussels Region, March 2015). The social inspectors can observe all these facts, and although their field notes are not considered as official proofs in front of the court, they "colour" the case evidences. Photos can also be very expressing of living conditions and the state of exhaustion of workers when they first meet inspectors (Interview, JUS1, May 2015).

Nevertheless, many interviewees acknowledge that the first declaration of the workers should be taken with cautious, because while some of them can be knee-jerk reactions, even though there is no intention to harm the employer, most workers do not see themselves as victims and may formulate declaration in favour of the employer³³.

In that perspective, situations of exploitation in the domestic work sector can be more extreme than other kinds of labour exploitation, because the exploitative family is often the only social tie the worker has, in particular when there are children (Interview, Sürya, May 2015). Frequently, when asked if they want to register a complaint against their employer/exploiter, the workers refuse at first.

³³ Particularly, interviews JUS1, NGO5 and GVT9.

2.3 Other remedies for persons who have been trafficked or exploited in domestic work

Belgium was one of the first countries to give THB victims a protection and the possibility to obtain a residence permit (temporary and then permanent). When workers are detected and the protection procedure starts, potential victims are taken in charge by a specialised centre and are given a 45 days “reflection period”. However, the procedure gives very limited choices to potential victims who are undocumented migrants: to file a complaint against the employer and try to get a permanent stay in Belgium or to be sent back to the country of origin³⁴.

Victims can obtain a permanent residence permit only at the end of the judicial procedure confirming the THB crime, or if the Prosecutor’s Office cites THB or smuggling in aggravating circumstances in their indictment. In the case of victims of employers/exploiters who are diplomats, the magistrate (at the Public Prosecutor’s Office or Labour Prosecutor’s Office) may grant approval confirming the exploitative situation and THB elements. This allows victims at diplomatic households to be granted a permanent status, as employers/exploiters in these cases may enjoy immunity against judicial procedures³⁵.

With regard to compensation, victims can ask civil action before the Criminal Court, jointly with the THB trial, asking for indemnification for material and moral damages (pecuniary or non-pecuniary)³⁶. Victims can alternatively turn to a fund for financial aid for victims of intentional acts of violence and incidental rescuers, but compensation is done only in extreme situations and under specific conditions (GRETA 2013:46).

When not considered as a victim of trafficking, migrant workers who work under unfair conditions or have unpaid wages, can try to claim back unpaid wages in a civil procedure through an entity that represents him/her (NGO, trade union, lawyer)³⁷, but it is a long path and wages are rarely obtained. Over the last 10 years, O.R.C.A. has lodged more than 100 complaints before Social Inspectorate services, few of them in the domestic work sector. Only five had a positive outcome until now. Lack of evidence, absence of the worker (who was expelled or returned to his/her country) and lack of means for imposing workers’ rights are among the difficulties encountered. According to the NGO, there is a gap between workers recognised as THB victims and other exploited workers.

³⁴ In its report, GRETA points out that the document given in the reflection period, an order to leave the territory within 45 days, is not appropriate and should change its name to provide less pressure on the victim for a real rest and reflection period (2013:42). Moreover, EU victims are less attracted by the possibility of being delivered a residence permit (as they have one), and most of them want to return to their country of origin as soon as possible. In this framework, the goal is to recover back wages and/or compensation from the trafficker when the victim is no longer in Belgium. There is therefore a challenge in the protection of EU victims (Interview, Myria representative 2, March 2015).

³⁵ There is a possibility of lifting the diplomatic immunity, which is in practice very rare and a long-standing procedure. What often happens is that the country of origin recalls its diplomat.

³⁶ The civil proceedings may be done separately, but will be blocked until the case has not passed criminal procedure. When confiscation occurs, a part of the confiscated amount may be awarded to the civil part as compensation. The last Myria report brings many examples of victims’ compensations and confiscation being partly given to the victims (Myria 2014:57–59).

³⁷ An undocumented worker cannot present him/herself in front of the Court under the risk of receiving an order to leave the territory.

3 Discussion of results

3.1 THB in domestic work: Observations on types of situations and conditions

The means of coercion were left out of the definition of THB in Belgium (since 2005) and do not have to be proven before the Court, although forms of “abuse of a position of vulnerability” are generally present. In some judgments, there can be acquittal concerning facts occurred before 2005 and conviction for (the same) facts occurred after 2005.

Therefore, as stated previously, the core challenge is henceforth to establish evidence of “conditions contrary to human dignity” in a given employment situation. The sole fact of exploiting someone (be it Belgian, European, regular or undocumented migrant) is sufficient to characterise the offence if the conditions in which work or services are provided are contrary to human dignity.

In the domestic work sector (and other sectors of labour exploitation), being a live-in worker increases the probability of the presence of such conditions, mainly because the worker is permanently at the workplace, and in a space which is not her/his place. Boundaries between work and private life are in such context constantly blurred. In Belgium, THB in domestic work can be found in private households and diplomatic households.

Selected cases demonstrate that employers/exploiters are generally disconnected from a network, but might have a cyclic exploiting behaviour. While violence observed is more generally of a psychological level – as traumatising as the physical one, as Assia’s case shows –, physical or sexual violence are not rare.

As discussed in the working paper of this study (Ricard-Guay 2015), exploitation should be understood as a continuum, going from violations of workers’ rights in the scope of civil or labour law to severe forms of exploitation such as THB (FRA 2015:34). The intersectionality provided by the Belgian legislation (criminal and social criminal law) allows the composing of different levels of exploitation, acknowledging the complexity of the continuum approach.

Within the continuum framework, THB for labour exploitation might be seen as an extreme situation within a broader context of precariousness of labour that might be intrinsic to migrant work (although national victims may be found as well). The fact that workers are aware of an exploitative employment relationship does not overrule their dependency on such precarious and damaging work relations to make a living, whereby workers have no choice than to accept it (Schwenken & Heimeshoff 2013).

Accordingly, as briefly exposed earlier, there is a great difference in access to justice and respect of human rights standards when comparing THB victims with exploited undocumented workers. This gap is even more noteworthy in other sectors of exploitation, where workers can theoretically “leave” an exploitative situation and have more networks surrounding them. In domestic work, although live-in arrangements and workers’ isolation open an “exploitation door” that reinforces workers’ dependence, it may facilitate evidence-building of a THB-situation in a possible trial (Interview, OR.C.A., March 2015). Thus, as often employers deny having employed the worker accusing them of exploitation, in domestic work the fact of being live-in brings weight to the workers’ side. Moreover, being immersed in the family’s daily habits, domestic workers often have very intimate information to disclose, which sometimes help convincing employers to negotiate through mediation instead of being called in front of the judge (Interview, CSC Women Brussels, May 2015; Interview, OR.C.A., March 2015)³⁸.

³⁸ Although mediation rewards workers of back wages or indemnities, it does not allow the access to a regular residence permit.

Of course, this complexity renders judgements daunting as well as in practice many situations do not fit in the THB definition according to judges. For instance, the image of the employer as someone important in the eyes of the community and who comes to worker's assistance by giving him/her a job may carry a significant weight. These difficulties are compounded by the challenge of establishing sound evidence, and trials in THB in domestic work may finish with only minor sentences against the employer (from the Social Criminal Code)³⁹.

The two subsequent sections will discuss the demand side in THB in domestic work and the gaps in labour and migration policy addressing labour exploitation and THB in domestic work.

3.2 Key motivation factors and demand-side dimension

Case law analysis and interviews show that the motivation to purchase low-cost service is a major factor at the origin of labour exploitation in domestic work and possibly contribute to situations of THB. There are however two aspects of the domestic work environment that need to be taken into account. Firstly, the closeness in live-in domestic work outshines the work relationship, masked by more familial or emotional aspects of the relationship (even in very exploitative situations). Secondly, the profit-driven demand in the domestic work sector is not clearly identified as in the case, for instance, of goods manufactured by underpaid and exploited workers. Nevertheless, purchasing cheap domestic work brings, as explained previously, a double gain: a pure economic one and a more social one.

In economic terms, employers/exploiters in cases of THB in domestic work objectively save money. Not only by not paying taxes and social contributions for workers' protection – what other employers in informal arrangements do as well –, but by clearly underpaying the work provided and providing no or insufficient material conditions (sleeping place, access to food and shower, etc.). In the case of workers caring for a disabled person, the capital gain is even clearer. Workers are then often available 24h/24h for caring and cleaning tasks (see *Congolese worker's case*), while under Belgian law several persons would be necessary to fulfil the same tasks: home-nurse, nursing auxiliary, home help, etc.

The second gain is linked to employers' lifestyle, a factor which applies to general domestic work employment. When purchasing a full-time domestic worker, employers earn free time to devote to work or other activities and get rid of unpleasant tasks⁴⁰.

In the case of THB in domestic work, these characteristics combine, which may lead to a fruitful environment for a “dehumanising” process. On the one hand, employers/exploiters rely on workers because they are “available”. Domestic work being invisible and employers/exploiters having delegated all tasks, they do not “see” how much work is done and do not perceive that the workers become overloaded with tasks.

On the other hand, workers are dehumanised by the employers/exploiters as they are characterised as inferior. As workers often belong to other ethnic group, nationality, region or class, employers/exploiters rarely identify with them. This factor increases the acceptability of an exploitative situation: workers appear as the “naturally” suitable person for doing all the domestic work. Although this feature is observed in general in the domestic work sector, it might be exacerbated in cases of THB. Selected cases often show how employers/exploiters make use of psychological or/and physical violence, which suggest their perceived superiority over the domestic worker.

In that perspective, acceptability can change from one society to another. Social, cultural or ethnic factors may further contribute to the employer/exploiter's undervalued and depreciative view of the domestic worker, as employers/exploiters have different levels of

³⁹ Both specialized lawyers commented on this issue.

⁴⁰ Goñalons-Pons (2015) also showed how gendered ideals linked to family, domesticity and work shape specific kinds of demand for domestic and care workers.

social acceptance (what is “normal” to be asked or realised) in domestic work. Many cases of labour exploitation involving domestic workers employed by diplomats or employers from countries with inadequate labour protection laws reflect a generalised tendency to mistreat domestic workers. This does not mean, though, that Belgian employers are not involved in labour exploitation (*see case of labour exploitation and sexual slavery*).

Additionally, many interviewees pointed that the behaviour of searching for the “best deal”, a general trend in Belgium and, further, western capitalist societies, is often at the origin of situations of exploitation. This behaviour applies to all sectors of labour exploitation and not solely domestic work. Further, the increase in the numbers of European and Belgian THB labour exploitation victims shows that society’s general situation is more precarious, and that the financial crisis might have deep social effects (Interview, Sürya, May 2015).

Saying this, undocumented workers are still the majority of victims of THB for labour exploitation. These workers have less negotiation power and are more dependent on the work and/or the employer. Moreover, they frequently accept to receive much lower wages and might be more stable at the job, as they are not looking for other employment opportunities due to their migrant status. In the case of domestic workers who are brought by employers, the lack of contact with the local environment helps to prevent them of learning the language or knowing their rights (*see case law section*).

To this effect, domestic work sector is especially profitable for employers willing to have more-for-less and employing undocumented migrants, due to the private aspect of the working place (different from other sectors equally subjected to labour exploitation such as construction, hospitality industry, agriculture, etc.). This situation allows the exploitative situation to be kept away from the public: it is thus less exposed to social inspection and, more broadly, to social control, favouring some situations of multiple and severe exploitation (*see case of labour exploitation and sexual slavery*).

More broadly, economic and social structural factors, and notably work, migration and welfare regimes,⁴¹ contribute to settle favouring conditions for the purchasing of cheap domestic work, which can, according to the situation, characterise THB in domestic work. The intersection of these regimes makes migrant domestic workers particularly vulnerable, as the next section will discuss.

3.3 Key gaps in legislations and policies

Belgian legislation regarding THB definition, law enforcement measures, judicial procedure and victims’ protection seem to all interviewees quite complete and satisfying (*see also GRETA 2013*). Besides, the broad policy is seen as a model by other European countries. Nevertheless, structural protection gaps, mainly concerning undocumented workers, make this group particularly exposed to labour exploitation and THB.

As for available data, although the Social Inspectorate estimates an average of 30 possible THB cases in labour exploitation that are transferred to judicial authorities, figures of inspections on the employment of workers without a permit concern between 2,600 and 2,900 workers per year (CEOOR 2012). This is without counting situations uncovered by social inspections. The possible “vulnerable world” is hence huge and THB is only the tip of the iceberg of labour exploitation⁴².

⁴¹ Following the approach of Esping-Anderson (1990), regimes are here understood as the result of relations between the State, the family and the market (modelling types of welfare states).

⁴² Obviously not all employment arrangements with workers without a work permit may be exploitative, but these figures give an idea of the protection gap there might be between the two statuses: THB victim and undocumented worker.

The framework for migration and employment policies in Belgium is thus unsuccessful when it comes to protect undocumented workers. In practice, human rights law, which applies to any person, and labour rights, which apply to any worker, will lose the balance against migration law⁴³.

For instance, claiming back wages is possible by law but, in practice, hard to accomplish when workers are undocumented. The procedure is very long and the employment relationship is hard to prove. Within this framework, chances of winning before the Court are rare. Mediation between workers and employers/exploiters can be therefore seen as a good practice, but this conflict-solving method is optional and not always accepted by employers.

Another problem affecting migration and domestic work policies is the link between Social Inspectorate and migration law. Inspectors are crucial actors in the protection of workers and in detecting THB cases in domestic work. However, they are at the same time responsible for denouncing undocumented migrants irregularly working on Belgian soil⁴⁴.

Consequently, on the one hand, workers found by social inspections in a situation of labour exploitation can be expelled from the country due to their migration status (exception for the potential THB victims). On the other hand, if workers with any migration status go to the Social Inspectorate office, they can file a complaint without risking receiving an order to leave the territory or being expelled. The main difference is that in social inspections, inspectors face a *flagrante delicto* of violations to Social Criminal Law, whereas in the second situation, they only receive a worker's complaint. In this case, however, workers lose the *flagrante delicto* that can bring evidence to the judicial procedure.

Although filing a complaint against an exploitative employer may be possible to any worker, undocumented workers find it very difficult in practice (FRA 2015). Among traditional "migrant sectors", domestic sector registers few complaints (Interview, OR.C.A., March 2015). Many factors refrain domestic workers from filing a complaint: fear of losing their job, of receiving retaliations (in Belgium or their country of origin), being arrested or expelled, etc.

Furthermore, considering the specificity of the domestic work market, in which workers find new jobs mainly through employers' network, filing a complaint may prevent them for finding jobs through informal recommendation. Based on their experience dealing with domestic workers coming to weekly French classes and group meetings, OR.C.A. evaluates that information obtained does not always lead to formal complaints: "With the information they get, they are sometimes able to negotiate better conditions and solve main problems [in their work]" (Interview, OR.C.A., March 2015).

Considering the intersection of migrant and employment regimes, Belgian government does not consider domestic work as a labour shortage sector and there is officially only one possibility to migrate in Belgium as domestic worker (if employers are diplomats). This decision is in discrepancy with the reality of the domestic work market, which is characterised by an important demand for full-time live-in domestic workers that is not fulfilled in the national regular market.

For instance, OR.C.A. frequently receives calls from employers wanting to have the immigration status of their employee who is an undocumented migrant regularized. But there is currently virtually no path for these workers' regularization outside general regularization

⁴³ This conclusion is largely present in two recent FRA reports: "Migrants in an irregular situation employed in domestic work: Fundamental rights challenges for the European Union and its Member States" (2011) and "Severe labour exploitation: workers moving within or into the European Union. States' obligations and victims' rights" (2015). See also PICUM (2015).

⁴⁴ As mentioned previously, working without a residence permit and working without a working permit constitute infraction in the Social Criminal Code).

campaigns⁴⁵. The service voucher offers few possibilities to solve the question: number of purchased hours and tasks are limited (no caring or external chores are permitted), and live-in is not allowed⁴⁶. Besides the domestic servant status, employers have no alternative than to find their employees in the informal domestic work market.

The service voucher policy has been considered by some anti-THB stakeholders, international organisations (ILO) as well as national and international trade unions as a good practice in the field of workers' rights and, further, as indirectly tackling demand in the context of potential situations of labour exploitation (Rogoz 2014). As Rogoz quoted in her report on Belgium's approach to demand aspects in THB, despite trade unions initial mistrust in the policy, their evaluation today is rather positive⁴⁷.

It is indeed broadly accepted that the system brings improvements to job quality comparing to the informal sector, mainly owing to the recognition of labour rights and a work status, and to the introduction of an intermediary actor. It also opens the possibility of being unionized, and collective agreements are responsible for positive changes to this expanding sector. It seems though excessive to call it an indirect alternative measure to reduce THB in domestic work, for two main reasons.

Firstly, only nationals or migrants with a regular stay permit can join the service voucher system, while the main THB victims in the domestic work sector are migrants lacking a regular stay permit.

Secondly, the profile of service voucher clients and the one of employers/exploiters in THB in domestic work are soundly different, although there might be a shift from a "normal" situation of domestic work employment towards labour exploitation.

Concurrently, factors leading to the vulnerability may also be faced by regular migrants. The S card and the work permit B (in the rare cases in which it was delivered for live-in domestic workers in private houses⁴⁸) link employment contract and stay permit, and might be annually renewed. In the case of the work permit B, workers are theoretically allowed to change employers, but they must find another one (willing to introduce a permit request) straight away, otherwise they will lose their residence permit. What is more, they cannot change the position description, sector or region (in practice, in exceptional circumstances some changes might however be accepted).

This kind of work/residence permit creates bondages with the employer and prevents workers to quit exploitative situations, to file a complaint against the employer or even to be "too demanding". Particularly employees at diplomatic missions, workers making their dissatisfaction public or engaging in workers' organisation risk not seeing their contract renewed (Interview, CSC representative CGO, July 2015).

We could thus advance that it is not the existence of the service voucher policy but, on the contrary, the inexistence of formal employment arrangements for live-in domestic workers in private households that constitute a main factor contributing to increase workers' vulnerability

⁴⁵ Regularisation campaigns were organised by the Belgian government in 2009 and 2000. The only path currently left for migrants regularisation is family reunion, out of the labour scope.

⁴⁶ As stated before, employers may cheat by using the voucher system to employ full-time workers or even live-in (Camargo 2015; Gutiérrez and Craenen 2010).

⁴⁷ Declaration of the Food and Services president at CSC, Pia Stalpaert, to the trade union publication *L'Info*: "[...] the voucher system breaks the subordinate relationship between "master" and "servant". Households are customers and not "bosses", since it is the authorized agency which is the legal employer. Thus, the workers are part of a real company, they have co-workers and belong to a group. They have the opportunity to attend training and their rights are defended by union activists" (*L'Info* 2012).

⁴⁸ Section *Regulations for domestic work* (1.1.1.) further explains the existing work permits in Belgium.

and the risk of labour exploitation and THB in domestic work. Many authors consider that domestic work is a labour-shortage sector in occidental Europe, as it has always been a “migrant job”, even under a financial crisis period (Triandafyllidou and Marchetti 2014).

Further, the lack of protection measures for undocumented *and* regular workers is another main factor leading to vulnerability. While undocumented migrants are and will continue to be the most vulnerable to labour exploitation and THB in domestic work, other groups feature in THB cases and are perhaps not given enough attention from the anti-THB policy: Europeans, migrants with a regular residence permit and Belgian nationals. The challenge in these cases is that they do not feel attracted by the possibility of acquiring a regular status, unlike undocumented workers coming from non-EU countries.

Finally, changing the broad acceptance of exploitative situations could be done through awareness-raising campaigning aimed at general society. This understanding meets FRA’s recommendations in their report on severe labour exploitation, which describes a general tolerating climate to migrant labour exploitation that may be tackled with awareness-raising and public debates (2015:53–54).

4 Concluding remarks and key messages for national policy makers

This case study report made clear that maintaining migrant workers without the possibility to regularise their migration status is maintaining them in a vulnerable situation: migration status is a key issue for giving people the real possibility to fight for their rights. Besides, measures guarantying the respect of the rights of (all) workers can reduce vulnerability to labour exploitation. To this effect, recommendations of this report are mainly directed toward specific and structural changes to be made in the national migration and employment policies regarding domestic work⁴⁹. They largely meet Belgian migrant workers’ NGO and trade unions propositions, as well as FRA’s recommendations in its report on severe labour exploitation (2015).

Many non-government actors defend a new labour migration policy, with the possibility to migrate to any job in Belgian labour market. The current system links migration to labour shortage sectors and favours very specific and technical professions, considering that “low-skilled” positions will be filled by job seekers. In practice, however, even high levels of unemployment rate do not make nationals turn to domestic work, especially in major urban zones as Brussels, Liège, Gent, and Antwerp. Domestic work is definitely a “migrant sector” and should be managed as such.

Accordingly, OR.C.A. proposes the “Work Permit M” (“M” for migration), under which employers can engage workers from another country following clear criteria⁵⁰ (OR.C.A. 2014). Once in Belgium, workers under this permit can change employer or sector if problems arise. At the end of the employment contract, they are allowed a six months stay permit for finding another job, with the support of official employment agencies. This proposal has the advantage of bringing to the declared market a series of employment arrangements that are currently in the shadow market. Rendering employment relations regular allows more control on them and more protection for workers, while helping to increase social security and tax contributions.

⁴⁹ As stated before, anti-THB legislation and policy is quite complete and few recommendations, mainly in the field of awareness-raising, are to be made.

⁵⁰ Precisely, employers can publish an employment offer and, if this offer is not filled in a determinate delay by a worker regularly in Belgium or in the EU, they can employ someone external to the EU.

Another feature of the domestic work sector is the coexistence of several statuses: service voucher employee, domestic servant, au pair, etc. Currently, rights experienced by each category are soundly different, with for instance voucher employees enjoying much better conditions than domestic servants. Harmonisation will put thus an end in this discriminatory treatment. For OR.C.A., all professions linked to domestic work can be unified and employed by a third party, following the current service voucher model, but not necessarily subsidised (Nederlandse Vrouwenraad 2012). The advantage of this system is that a third-party-employer can make rules clearer and increase domestic workers' protection.

In all cases, the ratification of the International Labour Organisation Convention on domestic workers (C189) in June 2015 puts Belgium in a position to protect henceforth all domestic workers. This implies diminishing gaps between different status and providing a non-discriminatory protection for basic employment rights – including migrant workers.

Concerning social inspections, it is crucial to rethink its functioning when it comes to migrant sectors and especially domestic work. Firstly, access to private houses may be facilitated if they are workplaces as well. Secondly, social inspectors (and Police agents) should not accumulate protection and migration control functions, in order to guarantee undocumented workers' real protection. One option is giving domestic workers who file a complaint against an abusive employer six months to find another employer (on the example of the "permit M" explained above). Working closer to migrants' rights organisations and cultural or self-help migrants' organisations can increase the Social Inspectorate scope in gathering information and preventing labour exploitation occurrences⁵¹.

An interesting recommendation of the FRA report on severe forms of labour exploitation that fits the analysis of this document is the extension of the mandate of institutions dealing with THB cases to include all forms of severe labour exploitation (2015:19). In Belgian law, THB for labour exploitation is already defined as work or services performed in conditions against human dignity, but there is a huge gap between THB and "not-so-exploited" victims of labour exploitation. This gap must be addressed, in order to facilitate workers' support and access to justice, ensuring the government's commitment with human rights of all workers.

Regarding demand-side measures, two alternative ways to reduce THB and related offenses might be further developed. The first one is strengthening the legal frame for migrant workers' protection by, on the one hand, increasing legal paths for domestic work in Belgium and for migrants' regularisation and, on the other hand, controlling employers without punishing workers. The second one, much more challenging, is working on changing people's attitudes towards migrant's labour exploitation. This implies working on awareness-raising to both decrease social acceptance of exploitative situations and to grow away from the "more-for-less" ideology steeped in occidental-capitalist people's mind-set.

More practically, campaigns targeting the general public could contribute to raise awareness on the issue and increase public debate on exploitative situations. Moreover, as many domestic work employers do not act as so, the initiative should help to making clear employers' responsibility when hiring domestic workers independently of their migrant status. To this effect, it seems that the disclosure of brochures on the main rules to be respected in case of domestic work employment in Belgium is a good initiative (FPD Justice 2015). However, the targeted public of the brochures should not only be migrant families ("expatriates" from the EU institutions or multinationals, and diplomats), but also families of all social classes.

⁵¹ This is made practice in the field by some social inspectors, but their protection mission is not officially put forward by the government.

Amongst specific professionals such as social workers, local police or medical staff, awareness-raising can also help identifying cases of labour exploitation and THB in domestic work, as these professionals may be in contact with possible victims. Belgium seems to put a lot of energy, mostly through the work of specialised centres, in training sections in hospitals and home-care professionals⁵².

Workers' empowerment is also an important step in tackling demand and preventing exploitative situations. Informing workers in their country and in Belgium, as Belgium National Plan 2015-2019 establishes, is an initiative that can be fruitful. Nevertheless, some research on migration networks shows that information officially delivered in the country of origin is not very effective, as people wanting to migrate would trust primarily their personal networks rather than information disclosed at consulates (Delvaux 2009; OIM 2009).

When it comes to informing workers already established in Belgium, migrant workers' organisations and migrant organisations can be reinforced to intensify their awareness raising work. Often at the frontline in the contact with migrants of many origins and who possibly experience labour exploitation, these organisations have a hard time in obtaining financing for their activities. Therefore, government partnership with grassroots NGOs and more financing for this sector would help raise awareness among migrants independently of their migrant status.

In empowering workers, language is also seen as a barrier. Being able to understand employment conditions, negotiate with employers and be aware of one's rights in Belgium presuppose language skills. Access to free language classes is thus essential to promote empowerment amidst migrant workers.⁵³ Empowering workers does not, however, take the place of substantial changes in migration law so that workers can, besides knowing their rights, be able to effectively enjoy them.

Finally, this national case study shows that the large definition chosen by Belgium, to tackle labour conditions performed against human dignity, allows for more convictions in the THB domain, which will surely have a dissuasive effect. Nevertheless, while structural factors contributing to workers' vulnerability are at play (such as the current migration and employment policies), labour exploitation and THB in domestic work will be abiding features in Belgium.

This research has no intention of covering all situations involving demand-side measures and THB in domestic work in Belgium. Considering the domestic work sector, it appears that the government knows very few of its characteristics and particularly of the extent of the shadow domestic work market. How many domestic workers in Belgian households? Under which migration and labour status do they work? From which nationalities are they? What are their global living and working situation? Although these questions are hard to answer in a sector in which informal labour persists and might be significant, future research could provide an overview of the situation. Better knowing the domestic work field would help policy makers to reinforce decent work.

⁵² The NGO Payoke is for instance engaged in an "EU Guidelines" project with the goal to build EU Guidelines for the establishment of national focal points for the comprehensive integrated medical support of THB victims (www.payoke.be).

⁵³ Access to free language classes for undocumented migrants seems to be a problem mainly in Brussels, where offer by NGOs is insufficient, as government initiatives are aimed to regular residents.

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Annexe

List of interviews

Sector	Position	Organisation	Date	No
Judicial	1) Deputy general prosecutor at the Labour Court of Liège 2) Lawyer at the general prosecutor's office in Liège		May 2015	JUS1
Judicial	Specialised lawyer 1	...	July 2015	JUS2
Judicial	Specialised lawyer 2	...	July 2015	JUS3
NGO	Coordinator	OR.C.A.	March 2015	NGO4
NGO	Legal counsellor	PAG-ASA	March 2015	NGO5
NGO	Coordinator	Sürya	May 2015	NGO6
NGO	Coordinator	Payoke	June 2015	NGO7
NGO	Two independent national rapporteurs (representative 1 and 2) of the annual report on THB for Belgium; Have functions in the Anti-THB policy	Independent Public Body Myria - Federal Migration Centre	March 2015	NGO8
Government	Coordinator within Brussels Region for the THB cluster in the Federal Social Inspectorate (ECOSOC)	Federal Social Inspectorate at the Federal Public Department of Social Security	March 2015	GVT9
Government	Coordinator of the bureau of the Interdepartmental Coordination Platform for the Fight and against Trafficking and Smuggling in human beings	Federal Public Department of Justice	July 2015	GVT10
Trade Unions	Officer	CSC-Women Brussels (Confédération des Syndicats Chrétiens)	May 2015	TU11

Trade Unions	Officer	CSC-Commission of Good Offices	July 2015	TU12
Expert	Research officer, responsible for the country report on Belgium (2014)	International Centre for Migration Policy Development (ICMPD)	May 2015	EXP13
THB Victim	Domestic work THB victim	...	May 2015	VIC14

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Addressing demand in anti-trafficking efforts and policies (DemandAT)

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FURTHER READING:

Camargo, B (forthcoming 2016) *Policy Brief: Trafficking in Human Beings in Domestic Work in Belgium: Tackling severe exploitation in hidden spaces*, DemandAT Policy Brief, Vienna: ICMPD

Ricard-Guay, A. (2016) *Trafficking in Domestic Work: Looking at the demand-side*. DemandAT Working Paper 5. Vienna: ICMPD

More DemandAT Country Studies on the Domestic Work Sector:

Angeli, D (2016a) *Demand in the Context of Trafficking in Human Beings in the Domestic Work Sector in Cyprus*, DemandAT Country Study No. 2, Vienna: ICMPD

Angeli, D (2016b) *Demand in the Context of Trafficking in Human Beings in the Domestic Work Sector in Greece*, DemandAT Country Study No. 4, Vienna: ICMPD

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