

Foreword

Lessons learned from the Essex and Borealis cases

The work of the Special Commission to Review Legislation and Policy on Trafficking in Human Beings was fully underway when this foreword was written.

End October 2019, 39 Vietnamese victims were found dead in an abandoned refrigerated lorry on an industrial estate in Grays-Thurrock, on the north bank of the Thames. According to Wikipedia, Thurrock means ‘a ship’s hold’ in Saxon. The victims didn’t leave the hold alive and they never got to see London, located a mere 30 kilometres from the site where they were found. Several minors died, along with young men and women whose families had paid large sums of money. The Essex case has undoubtedly contributed to making Parliament aware of the urgent need to give renewed attention to the phenomena of trafficking and smuggling of human beings, and the policies to be implemented in this area.

Myria was heard by the Commission on 25 April 2022 in its capacity as national rapporteur on trafficking in human beings. Its two interdependent watchwords for the Special Commission were ‘detection’ and ‘capacity’.

Over a month later, in May 2022, the largest case of human trafficking involving workers from third countries that Belgium – and by extension the European Union – had ever seen, began with the utmost discretion. Only Serbia was dealing with an equally extensive case at the same time, involving a Chinese company that supplied Vietnamese workers. In ‘our’ Borealis case, Filipinos were employed alongside Bengalis, Turks and Ukrainians.

We hope that the Essex and Borealis cases will provide an opportunity for the Special Commission on Trafficking in Human Beings to ask the right questions, to ensure both the effectiveness of the fight against trafficking and the sustainability of the system, and to respond to the legitimate needs and questions of potential victims.

In this new edition of the annual report, entitled *Bound by Debt*, Myria stresses the importance of detecting victims. When frontline services discover illegally employed Vietnamese workers, they should immediately sound the alarm: it is very likely that these people are working to pay off human smuggling debts. Therefore, it is preferable to refer them to specialised centres, because these are the only places where these often silenced victims can regain their composure and control over their fate.

Besides a number of figures that stand out per stakeholder or purpose of exploitation, the document containing the figures for the past 10 years, which Myria presented to the Special Commission on 28 October 2022, provides a particularly consistent picture of the evolution of victims in general: apart from 2020, which was marked by Covid-19, support was initiated for victims in no fewer than 120 cases (2017) and in no more than 156 (2014).

All the alarm bells should be ringing if a lack of capacity to receive and support victims – as revealed in the Borealis case – were to prevent inspection services from taking decisive action in certain cases; or if there is a risk that the specialised centres won’t be able to do all that is necessary for the new victims referred to them, as these victims are under considerable pressure from the criminal network in which they are trapped.

From now on, the impact of any policy proposal on the anti-trafficking system as a whole should be reviewed, taking into account each of its components. The proposed policies should continue to support and motivate the stakeholders in the field, with an emphasis on realism and ensuring specialisation. This is the only way, along with sustained attention, to ensure that the most vulnerable victims of trafficking still have a chance of being detected. Specialised centres should be able to assist them at any time.

Ensuring resilience to shocks also means thinking fundamentally about situations that involve the discovery of large groups of victims by frontline services, simultaneously or in several places. Sometimes, the judicial authorities or the victims need a little time to reconcile the indicators of human trafficking with the facts or statements.

In an initial phase such as this, Myria believes that the federal government, as the coordinator of the anti-trafficking policy, should play a key role and consider all possibilities. In large-scale cases, a short six-week federal phase — in cooperation with the specialised support centres — can play a key role in maintaining the system's momentum and ensuring the safe and humane detection of victims. However, nothing can be done without a sufficient number of safe reception places.

As long as there is no solution, hundreds of exploited workers risk suffering the same fate as the dozens of Borealis victims who, even today, are saddened to see that their legitimate claim to shelter and support as potential victims of human trafficking in an investigation has literally gone unheeded.

They have no official document informing them that they have been denied the shelter and support to which they are entitled, so they have to tell their story through the media.

'Bound by debt' is the title of Myria's 2022 Annual Report on the Trafficking and Smuggling of Human Beings. For years now, Myria has been drawing attention, at the meetings of the national rapporteurs, to the interconnection between the smuggling and trafficking of human beings. In human smuggling networks, involving astronomical amounts of money, victims and their families are at the mercy of exploitation and extortion.

Myria has delved deep into the Vietnamese cases in Belgium. It is a huge task to identify, isolate and analyse elements that can help the authorities prevent new tragedies and strike smuggling networks hard and decisively, even eradicating them if possible. I sincerely hope that you too will immerse yourself in the stories of the victims who lost their lives. You will see that there are plenty of links with everyday reality, but you will also realise that when the authorities are negligent, a fatal outcome is never far away.

I hope, more than ever, that you will read this enriching report with all the attention it deserves.

Koen Dewulf

Director