

Foreword

‘A chain of responsibilities’ is the title of this annual report on the trafficking and smuggling of human beings. The issue of human trafficking for the purpose of labour exploitation is the report’s key theme, and Myria, as the independent national rapporteur, wishes to respond to the need to clarify the phenomenon and develop appropriate instruments.

Before going any further, I would once again like to emphasise Myria’s commitment to ensuring that the fight against human trafficking is always conducted with the necessary rigour and determination to detect each and every victim, in particular those lacking agency, those who can neither file a complaint nor flee, regardless of the purpose of the exploitation. Classifying one form of trafficking as more important than another involves the risk of making detection efforts selective. However, numerous cases, here and elsewhere, have taught us that sex workers can also be moved within the European Union and that there are criminal networks operating in this sector with *modi operandi* that are particularly effective owing to deficient transnational referral systems.

Recent developments in the legal and political framework require in-depth analysis, at both European and Belgian level. Our aim is therefore to guide the reader, and not shy away from making critical comments. In this edition, we also cover the major report by the Council of Europe’s Group of Experts on Action against Trafficking in Human Beings (GRETA), which once again highlights the problem of compensation and the shortcomings in effective access for victims to compensation. GRETA also queries the low number of identified child victims who receive support in Belgium.

The principal objective of this report is to respond to the relevance of the Borealis case, without making it the main subject. While the shockwaves caused by this case are still rocking the foundations of the Belgian model today, analyses and answers have yet to be provided. Likewise, the judicial outcome of the case and the demands of the victims are still pending.

The phenomenon of human trafficking for the purpose of labour exploitation is the special focus of this report. Within this context, there is an in-depth analysis of the road transport sector, demonstrating the importance of opening an investigation and what we can learn from analysing the victims. Lastly, before turning to best practices and experiences in the fight against trafficking, we draw attention to the development of due diligence and to numerous initiatives in the field of corporate social responsibility.

In the future, the judicial approach to human trafficking will require increasing support, both from developments in responsible and accountable entrepreneurship and by strengthening the role of the administrative approach.

However, despite developments in legislation and tools, the chain of responsibility will only be addressed when the specialised centres are able to provide appropriate support to every victim referred to them. Similarly, the debates surrounding the Borealis case – which were held in more than one special commission – have already highlighted the fragmentation of competences in terms of the reception of potential victims of trafficking, since the organisation and funding of accommodation centres also depend on the communities.

This is why we are calling on the federal government to conduct a thorough review and to take responsibility. Countries must take all appropriate legal and other measures to enable victims to remain on their territory on a temporary or permanent basis. Following international questions about the adequate funding of specialised centres, Belgium has already indicated that it will transfer responsibility for this budget to the federal authorities, with the exception of the responsibility for minors.

The reflection period for victims of trafficking who are not staying in the country legally is intended to guarantee their cooperation in order to improve the quality of criminal investigations.

Myria believes that the federal authorities are best placed to deal with accommodation needs in the event of a larger influx of potential victims. All measures aimed at supporting trafficking victims during the critical detection and referral phase are the responsibility of the federal legislator, as these measures form part of the wider fight against human trafficking. Are there still any ongoing investigations or proceedings? Can the person be considered a victim of human trafficking? Is the person willing to cooperate? Has the person cut ties with the alleged perpetrators of the crime? These are the obvious questions to focus on in this broader framework. The fight against human trafficking cannot be conducted – let alone furthered – in a credible manner if the federal government is not prepared to present its own responsibility as clear, unambiguous and firm.

The status of trafficking victims is so closely linked to the fight against trafficking that it must be considered an integral part of the relevant regulations.

In order to tackle the chain of responsibility, it must be established by a recognised authority and officially recorded.

I hope you will enjoy reading this stimulating report with all the attention it deserves.

Koen Dewulf
Director