



PART 1: MYRIA IN ACTION

Officially founded on 15 March 2014, 2015 was the Federal Migration Centre's first 'full' year. Its new name - Myria - was unveiled on 3 September 2015, at Botanique in Brussels. Myria has approximately 15 people on its team, a new board of directors since August 2014 and its first director, François De Smet, since 15 March 2015. In this section, you will find out how it is organised, its budgetary situation and an overview of its main collaborations and publications.

1. Myria, a Federal Migration Centre in full working order

In September 2015, the Federal Migration Centre became Myria

The Federal Migration Centre unveiled its new name - Myria - on 3 September at the Botanique in Brussels. Myria also used this opportunity to hold a debate on migration policy with several key figures including the State Secretary for Asylum and Migration, to whom the 2015 annual report was officially handed. This demonstrated the Federal Migration Centre's desire to use its reports on figures and rights, but also human trafficking and smuggling, as an opportunity to hold a societal debate with all the stakeholders concerned.

The Federal Migration Centre's new name is Myria. This name makes it easier to identify and therefore more accessible to authorities, associations, research centres and citizens. Its logo and corporate identity are associated with those of Unia, the new name for the Interfederal Centre for Equal Opportunities, with which it wishes to maintain its special links.

Myria was launched within an exceptional international context. Since the summer of 2015, we have been witness to the worst humanitarian crisis since the Second World War. Since then, the 'asylum' crisis has monopolised a large part of the political, economic and social news. Myria has endeavoured to fulfil its task by responding to numerous requests for clarifications, explanations and to put things into perspective. Hence, since September 2015, Myria has frequently been in the news, either because it has been approached concerning developments in the asylum crisis, or on its own initiative. The institution's main challenge is to combine this new availability with the expertise it has acquired over the years.

2015, the Federal Migration Centre's first 'full' year

Myria, the Federal Migration Centre, has approximately 15 on its team. It was founded on 15 March 2014, has had a board of directors since August 2014 and its first director, François De Smet, since 15 March 2015.

Myria is managed by its board of directors. Its main responsibilities involve determining the general policy, approving the accounts, defining the communication policy and deciding whether or not to engage in legal proceedings (in cases of human trafficking or smuggling, or to recuperate salary arrears for undocumented workers).

The director is responsible for managing it on a daily and budgetary basis, as well as for executing the board of directors' decisions and preparing recommendations. He reports on its day-to-day management to the board of directors and a specific procedure allows him, in case of an emergency, to take decisions that are necessary on an operational level and within the framework of Myria's tasks.

This task-sharing is defined by the Royal Decree of 29 July 2014 (Art. 3§2) establishing Myria's organic statute. It is completed by the internal regulations of the Federal Migration Centre's board of directors, published in the Belgian Official Gazette (Moniteur belge) on 18 November 2014.

Since 24 April 2014, Myria's board of directors has been composed of 10 members, appointed by the Federal Parliament. Appointed by royal decree, they are also part of the federal chamber within Unia's board of directors, whose other members are now directly appointed by communities and regions. Gender equality and language parity are respected.

The members of the Federal Migration Centre's board of directors on 1 June 2016

Dutch-speaking staff	Dutch-speaking alternates
Mrs Shaireen Aftab (chairperson) Mr Yves Aerts Mrs Els Schelfhout Mr Herman Van Goethem Mr Jogchum Vrielink	Mrs Naima Charkaoui Mr Jan Theunis* Mrs Jacqueline Goegebeur Mr Bernard Hubeau Mr Selahattin Kocak*
French-speaking staff	French-speaking alternates
Mr Louis-Léon Christiaens Mrs Sotieta Ngo Mrs Christine Nina Niyonsavye Mrs Bernadette Renauld Mr Thierry Delaval	Mr Daniel Soudant* Mrs Maité De Rue Mrs Christine Kulakowski Mrs Claire Godding Mr Patrick Wautelet

* Appointments to be confirmed by adoption of a royal decree not yet published when this report was written.

When the Executive Board was set up in August 2014, it was down to Myria to bring in new leadership. This was in accordance with the SELOR procedure prescribed by the royal decree of 29 June 2014. Following the procedure and the Executive Board decision, François de Smet came in on 15 March as the first director of the Federal Migration Centre.

Myria has acquired the tools required for its mission:

A **staff plan** that establishes the framework, job profiles and wage conditions of Myria's staff. The conditions are largely the same as those applicable to the former Centre for Equal Opportunities and Opposition to Racism. The team is perfectly balanced in terms of language. Several new things have been implemented through the execution of this plan:

- the post of management assistant was created;
- the post of secretary and administrative assistant was changed from part time to full time;
- the structural partnership agreement with the Centre de recherche en démographie (DEMO) at the Université catholique de Louvain (UCL), through which the Federal Migration Centre carried out a large part of its demographic work, wasn't renewed. The decision was taken to reinforce

internal competences in this area within Myria itself. An extra part-time member of staff was therefore hired to process statistical and demographic data.

Myria also welcomes a certain number of interns throughout the year.

A **2016-2018 three-year strategic plan**, focusing on Myria's three statutory tasks:

- legal advisory work within the framework of dealing with individual queries and analyses within the framework of themes such as the right to family life, residence status, nationality, administrative detention including the issue of monitoring forced removals, statelessness ("ensuring that the fundamental rights of foreigners are respected");
- demographic and statistical analysis of the figures available in terms of migration, setting up and following up research projects on the reality of migration, longitudinal follow-up and cohort-based work on the administrative status of migrants and their socioeconomic future ("inform the public authorities of the nature and extent of the migration flows");
- analyse the phenomenon of human trafficking and smuggling on the basis of court records, informal interviews, analysis of the developments in the

approach to human trafficking and smuggling and the assessment of the anti-trafficking and anti-smuggling policy ("stimulate the fight against human trafficking and smuggling").

A **communication plan**, essentially relating to Myria's strategy to assert its identity and its tasks in relation to the outside world, including the launch and development of its new name and the definition of its communications policy, also on the internet and social networks.

An **operational plan 2016**, whose objectives are as follows:

- the consolidation of Myria's identity;
- the execution of its three statutory tasks in the most complementary way possible;
- the reinforcement of its resources (website, new tools);
- the reinforcement of the support service for individual queries;
- a greater contribution to societal debates.

2. Accounts and financial situation

In October 2014, the federal government decided to impose cost-saving measures on federal bodies. This decision had a considerable impact on the Federal Migration Centre. These budgetary restrictions raise questions, both in terms of their principle and their implementation.

Instead of differentiating between staff costs (-4%) and operating costs (-20%), as is the case with other public bodies, a linear reduction of 20% was applied to the part of Myria's subsidy directly charged to the federal state. Despite repeated requests to the state secretaries concerned, the budget minister and members of the Kern, it was not possible to have this situation rectified.

These savings also raise questions regarding the guaranteed subsidy of EUR 1,500,000 expressly mentioned in Myria's organic statute and the fruit of a political will to guarantee its independence. Reducing its means so drastically while the institution is just starting up, seems to be a clear contradiction with the political will that existed prior to the centre's creation. This linear saving places Myria in a difficult situation in the short term: the line of budgetary savings will worsen its situation in 2016, 2017, 2018 and 2019, by adding a further 2% every year to a 20% saving that shouldn't really have been imposed on it.

However, Myria has succeeded in keeping its budget balanced in 2015, by not replacing any departures or absences, for instance. Below is a summary of the main figures from the balance sheet on 31 December 2015, and the profit and loss accounts from 2015. These accounts were checked by the auditor and were approved by Myria's board of directors on 12 April 2016.

Balance sheet on 31 December 2015 (x € 1,000)			
Assets	1,152	Liabilities	1,152
Fixed assets	17	Start-up capital	835
		Cumulative result	50
Current assets	1,135	Debts	267
Trade receivables	30	Suppliers	190
Financial assets	66		
Investments	250	Social debts	51
Disposable assets	789	Other debts	26
Profit and loss account 1 January 2015 – 31 December 2015 (x € 1,000)			
Income	1,445	Expenses	1,441
Subsidies	1,381	Project costs	44
Project income	62	Operating costs	423
Miscellaneous income	2	Personnel costs	965
Financial revenues	0	Depreciation	9
		Result 2015	4

3. Myria and its network: on a national level

Public authorities

Myria occupies a special place. A public stakeholder, yet autonomous with regard to the government, it exercises its tasks on a completely independent basis. Its intention is to be able to discuss with all the stakeholders concerned by its tasks: public authorities, institutions, associations, interest groups, political parties, research centres and citizens. This central position is of great value. A large part of the statistical work and recommendations is only possible thanks to contacts and relations maintained with numerous public authorities, in particular: the Immigration Office, Commissioner General for Refugees and Stateless Persons, Fedasil, FPS Interior, FPS Justice, FPS Foreign Affairs, FPS Employment, Directorate-general Statistics, Aliens Litigation Council. Let us also not forget that Myria was explicitly appointed independent National Rapporteur for Human Trafficking in Belgium.

Federal government

Myria's relationship with the federal government is based on fundamental issues. Its task is to voice its opinion regarding the human rights of foreigners and the fight against human trafficking and smuggling. The federal government is the first to receive the annual and thematic reports that directly concern several of its competences: Asylum and Migration, Justice, Internal Affairs, Foreign Affairs, Employment, Equal Opportunities.

Exchanges with the government in 2015 and 2016 related to themes as diverse as humanitarian visas, the European directive relating to the reception of asylum seekers, managing the reception and pre-reception of asylum seekers as well as the reforms linked to residence status and family reunification. The two annual reports - on migration and on human trafficking and smuggling - were sent to all government

members, with an emphasis on the recommendations concerning them.

In 2015 and 2016, as mentioned above, Myria also conducted institutional and budgetary discussions with the federal government aimed at guaranteeing its independence, in the short and the long term. The government took cost-saving measures in October 2014 that put a strain on Myria's budget. These savings, both in principle and in application, raise serious issues concerning the federal government's supposed independence. Thanks to the legislator and the executive power, the institutional development of the Federal Migration Centre has brought it greater independence. While this fully applies to its management, recruitment and stances, this is clearly not the case when it comes to controlling its budget.

Considering its status and its tasks, the Federal Migration Centre considers itself as a body that contributing, alongside other stakeholders in Belgium, to the existence of a National Institute of Human Rights (NIHR) in the sense of the Paris Principles¹.

This independence is demonstrated by:

- an objective attitude towards the recruitment of the board of directors by the Federal Parliament (based on a call for applications)

¹The Paris Principles are international standards that establish the minimum conditions an NIHR must satisfy to be considered as credible by equivalent institutions and in the United Nations system. NIHR are organs of the state with a constitutional or legislative mandate giving them the task of protecting and promoting human rights. They are an integral part of the state apparatus and are financed by public funds. To find out more: http://www.ohchr.org/Documents/Publications/PTS-4Rev1-NHRI_fr.pdf.

and management (by the board of directors based on a selection made by SELOR);

- the lack of a government commissioner;
- the granting - in principle - of a EUR 1.5 million subsidy, as mentioned in its organic royal decree: "Art. 15. For the execution of its tasks, the Centre's funding can be ensured by (...) 2. an annual amount of EUR 1.5 million, indexed on 1 January of every year on the basis of the health index. The reference index is that of 1 January 2014"². This provision follows a political agreement concerning the distribution of resources allocated to both centres.

The granting of such a high level of independence is the result of a political will, which should be recognised and honoured, to equip Belgium with independent public institutions that meet the Paris Principles. However, it doesn't appear to be fully recognised, as shown in the extract from the federal government agreement of 11 October 2014, which stipulates that "The Federal centre for the analysis of migration flows is attached to the minister responsible for asylum and migration". This notion of 'attachment' seems strange and lacking a legal basis.

All the more so since, in fact, the Federal Migration Centre's subsidy is dependent on the powers of the State Secretary for the Fight against Poverty, Equal Opportunities, the Disabled and Science Policy, with

² Royal decree fixing the organic statute of the Federal Centre for the Analysis of Migration Flows, the protection of the fundamental rights of foreigners and the fight against human trafficking implementing Article 5 of the Law of 15 February 1993 creating a Federal Centre for the Analysis of Migration Flows, the protection of the fundamental rights of foreigners and the fight against human trafficking.

responsibility for Large Cities. It is difficult to understand why it is in this situation, other than because of its 'traditional' link to the Interfederal Centre for Equal Opportunities' funding, in accordance with the FPS Employment's budget line.

Furthermore, both institutions receive half of the funding from a recurring National Lottery subsidy, and the other half from a direct line of funding from the federal state. This is also a legacy from the past. At one time, the entire budget for the Centre for Equal Opportunities and Opposition to Racism was dependent on the budget of the Prime Minister's Office, then on the National Lottery. And yet, it is important that the organisational autonomy of both centres also concerns their funding. Considering the centres' tasks, it would seem difficult to exercise these tasks completely independently - as they are regularly open to criticism from public and political bodies - if there is continual negotiation with these very authorities concerning the budget. Instead, the centres' budgetary status, which still depends on the government, risks being a burden for the ministers and state secretaries responsible for these budget lines.

Consequently, Myria appealed to the federal government throughout 2015:

- for the requested savings to be corrected in line with the other institutions;
- to stabilise the situation of both centres, and guarantee their independence, by placing their budget line on the subsidy line, as is the case for the other institutions which, like Myria and Unia, are independent and linked to Parliament, such as the Federal Ombudsman or the High Council of Justice.

At the time these words were written, none of these requests had received a concrete response from the federal government, despite various letters, meetings and phone calls. This is highly regrettable and could well call into question the independence of these institutions as desired by the legislator, especially in Myria's case.

Federal Parliament

Myria has strong links to the Federal Parliament, since the latter is responsible for appointing the members of its board of directors. This link with Parliament is a consequence of the vague desire to guarantee the institution's independence as regards government actions. All members of Parliament receive a copy of both reports when they are published.

Myria regularly holds discussions with Parliament, to which it regularly presents its reports (Committee on the Interior), during sessions where discussions with deputies are fruitful. It is also regularly called to provide its expertise when a point that falls within its scope is broached, as was the case in January 2016 during the Senate's work on statelessness. Myria was also heard by the Committee on the Interior, during a hearing on 10 May 2016 on the legal provisions in terms of family reunification.

Unia

Unia, the Interfederal Centre for Equal Opportunities, is unquestionably Myria's closest partner; they were both formerly part of the Centre for Equal Opportunities and Opposition to Racism. This common root continues to be conveyed through their strong collaboration, the sharing of horizontal services and valuable human relations.

Unia's internal management department (human resources, logistics and ICT department) offers its expertise to support Myria's operational side. These services are invoiced. In accordance with Myria's three-year plan, the financial aspects of this collaboration will be subject to an assessment in 2016.

There are many collaborations with Unia concerning fundamental issues. For instance, in 2015 and 2016, Unia and Myria collaborated on access to basic banking services (for people without a residence permit and for EU citizens), access to services for irregular residents (for instance, winter shelters for the homeless, social services, etc.) and access to services for EU citizens. For the focus of the 2016 annual report on human trafficking, Myria benefited from the contribution of a Unia staff member.

International Protection contact meeting

The Belgian Refugee Council (CBAR-BCHV) has been working for many years to improve asylum policies through, for instance, the organisation of contact meetings between the various stakeholders in the sector (public services and authorities, NGO, international institutions, etc.). At the end of 2015, the withdrawal of subsidies placed the organisation in a very difficult situation. Myria suggested taking over the organisation of these contact meetings and chairing them, as its independence could suit all parties and relieve the CBAR-BCHV. Since January 2016, the contact meetings take place at Myria's offices. The objective remains the same: that asylum bodies and organisations active in the area of asylum and reception continue to come together at this meeting to share information in a spirit of dialogue and courtesy. It is Myria's members of staff who are responsible for leading these meetings and writing the minutes, which are available on its website.

Groupe Transit - visitors to detention centres

Myria took part in meetings in 2015 organised by Groupe Transit, which brings together organisations that visit detention centres and repatriation centres. Within this context, it provided support for Groupe Transit's analyses of questions associated with detention and the expulsion of aliens. It also provided legal support to visitors to detention centres and repatriation centres, especially within the framework of following up individual cases. In October 2015, Myria also provided training - in partnership with PAG-ASA - to members of Groupe Transit on human trafficking and tools to detect potential victims in detention centres.

NIHR platform

Myria has been participating in a consultation platform since 2014, set up for Belgian institutions with a partial or full mandate as an institution responsible for the respect of human rights (Unia, Federal Ombudsman, Privacy Commission, Committee P, Institute for the Equality of Women and Men, Ombudsman for Wallonia and the Wallonia-Brussels Federation, Ombudsman der Deutschsprachigen Gemeinschaft, the Kinderrechten-commissaris and the General Delegate for the Rights of the Child, the National Commission for the Rights of the Child, the Combat Poverty, Insecurity and Social Exclusion Service, the High Council of Justice, the Central Prisons Supervisory Council and Committee R). It meets every month to share information and relevant cases, while awaiting the possible creation of a National Institution for Human Rights (NIHR), whose mission would be to coordinate part of the activities of the structures sharing the task of respecting human rights.

Myria seized the opportunity of the Universal Periodic Review (UPR), which Belgium was subject to in January 2016, to make a series of recommendations, along with the other institutions participating in the platform³.

Minors in Exile Platform

In 2015, Myria participated in the meetings involving the Families in Migration and Detention work groups of the Minors in Exile Platform. Within this context, it monitored the analyses the platform carried out on the detention of accompanied minors in Belgium⁴.

Justice for All Platform

In 2015, Myria took part in the Justice for All Platform work meetings and in the morning event held on 26 November 2015 to support access to justice within the framework of the current reforms in the areas of justice and legal aid.

Training

Upon the request of a certain number of operators, and in line with its resources, Myria held a number of training sessions. In 2015 and 2016, Myria held training sessions on the fundamental rights of foreigners for Bon (Brussels reception agency for civic integration), ADDE (association for the rights of foreigners) and the federal police. Myria also provided training on how to detect victims of trafficking aimed at lawyers, legal advisers and support workers for asylum seekers within the framework of a master class entitled "Women in the

³ Universal Periodic Review, compilation of the contributions, http://www.myria.be/files/epu_plateforme_fr.pdf

⁴ Plateforme Mineurs en exil, *Detentie van kinderen in gezinnen in België: analyse van de theorie en de praktijk*, December 2015, available at: <http://www.mineursenexil.be/fr/la-plateforme/nos-actualites/rapport-detention-2015.html>.

asylum procedure", organised by Vluchtelingenwerk Vlaanderen, with the support of the Institute for the Equality of Women and Men.

Finally, we should also mention Myria's participation in 2015 and 2016 in the work of the National Commission for the Rights of the Child, in an advisory capacity, and the Advisory Council on Labour and Employment.

Interdepartmental Unit for the Fight against Trafficking and Smuggling in Human Beings

Myria continued its role of participating observer within the unit and at its office, and also provided secretarial support. The unit held two meetings in 2015 (one in April, the other in December). Both mainly concerned the adoption of national action plans, one relating to human trafficking and the other to human smuggling. The preparation for and execution of the action plan takes place at the unit's office, where a meeting takes place every month. Within this framework, Myria also contributed to the elaboration of various awareness-raising or information brochures.

Coordination meetings with the judicial districts on human trafficking

Myria actively took part in the meeting of the Ghent platform (March and November 2015) by presenting its 2015 annual report on human trafficking and smuggling, among other things. It also participated in the national meeting of the network of expertise in human trafficking and smuggling (March 2015), which brings together all the relevant reference judges, as well as the main external stakeholders.

4. Myria and its network: on an international level

European Migration Network (EMN)

Myria is one of the partners of the Belgian point of contact for the European Migration Network (EMN). In Belgium, participation in the EMN is ensured by a mixed point of contact, which involves four institutions. Myria is a member of the point of contact's steering committee and actively takes part in its daily running, in collaboration with the Commissioner General for Refugees and Stateless Persons (CGRS), Fedasil and the Immigration Office, which is responsible for its coordination.

The EMN was established according to a decision of the EU Council (2008/381/EC) in order to help provide up-to-date, objective, reliable and comparable information on migration and asylum with a view to supporting decisions in these areas in Belgium and within the European Union. It also aims to inform the general public.

In June 2015, the EMN published its annual summary report on immigration and asylum in 2014, regarding the EU and the Member States, as well as a series of reports on specific themes. A joint work programme defines the subjects of the thematic studies every year. Every Member State produces an annual report based on a joint list of questions. On the basis of these national reports, the EMN produces a comparative summary report on a European level.

The 2015 reports related to:

- *Determining labour shortages and the need for labour migration from third countries in the EU*
- *Dissemination of information on voluntary return: how to reach irregular migrants not in contact with the authorities*
- *Changes in immigration status in Belgium and the in the EU*
- *Integration of beneficiaries of international protection into the labour market*

In 2015, an additional study relating to human trafficking was also published, entitled *A study on the smuggling of migrants: characteristics, responses and cooperation with third countries*. Myria was consulted within the framework of this study. In addition, it actively participated in the EMN's annual conferences, organised in collaboration with the Dutch Presidency of the European Union on 12 and 13 January 2016. This year's conference focused on human smuggling and was entitled *Promoting the multidisciplinary approach in addressing migrant smuggling*. Among other things, the results of the EMN study were presented and discussed.

Informal network of National Rapporteurs and equivalent mechanisms on human trafficking

Myria actively participates in meetings of the informal network of National Rapporteurs and equivalent mechanisms in the area of trafficking in human beings, co-organised by the EU Anti-Trafficking Coordinator, Dr. Myria Vassiliadou, and the EU presidency. These meetings took place on 9 and 10 June 2015 and on 19 and 20 October 2015. The themes tackled during these meetings primarily concerned the prevention of trafficking for the purpose of sham marriages, the existing links between human trafficking and human smuggling, and data collection.

Myria also took part in the *Anti-Trafficking Day* organised by the EU presidency on 20 October 2015. In addition, Dr. Vassiliadou was invited to a discussion on 27 January 2016.

European Network of National Human Rights Institutions (ENNHRI)

ENNHRI is a regional network comprised of NHRI from the whole of Europe and has some 40 members. Its goal is to enhance the promotion and protection of human rights in Europe, by supporting the development of NHRI and by encouraging their collaboration on specific themes. In June 2007, the network set up the Asylum

and Migration working group that Myria presided over for several years in collaboration with the Deutsches Institut für Menschenrechte, and which it actively participates in today. Within this context, it also participated in the Belgrade Conference in November 2015, organised by the Serbian Ombudsman on the theme of *Challenges associated with human rights within the framework of the migration/refugee crisis*, after which the participants adopted a declaration⁵. It also offers its expertise regarding disputes to the legal working group, of which it is a member. Myria has also actively contributed to the *Human rights guidelines for practitioners* document, which was developed at ENNHRI for frontline services and judges combating human trafficking. It was published on 21 December 2015.

European Union Agency for Fundamental Rights (FRA)

The Agency for Fundamental Rights (FRA) is responsible for the three following tasks: collecting and analysing data, advising European institutions and Member States, and collaborating with intermediaries and raising awareness among the general public. The Federal Migration Centre is actively involved in several projects and research carried out by the FRA. In particular, it participated in the support committee for the FRA study on severe forms of exploitation⁶ which it presented in Brussels on 2 June 2015.

⁵ Ombudsman/National Human Rights Institutions, Declaration on the Protection and Promotion of the Rights of Refugees and Migrants, November 2015, available at: www.myria.be/files/4429_2_Declaration_english_language.pdf.

⁶ Agency of Fundamental Rights, *Severe labour exploitation: workers moving within or into the European Union. States' obligations and victims' rights*, 2015. Available at: http://fra.europa.eu/sites/default/files/fra-2015-severe-labour-exploitation_en.pdf.

European Network of Equality Bodies (Equinet)

Myria was invited to give a speech at the Equinet (European Network of Equality Bodies) conference on 8 December 2015, on the European directive aimed at facilitating the enjoyment of the rights of workers within the context of the free movement of workers (2014/54/EU), on the theme *Equality bodies and the new freedom of movement directive – challenge or opportunity?*

In January 2016, Myria also participated in the meeting, organised by the FRA, of the FRA-Council of Europe-Equinet-ENNHRI Platform on the rights of migrants and asylum seekers.

United Nations

On 19 February 2015, Myria received a visit from Ms. Urmila Bhoola, the Special Rapporteur on contemporary forms of slavery, including its causes and consequences. It also participated in the consultation organised by the Special Rapporteur by means of a questionnaire on debt bondage (January 2016)⁷.

On 18 January 2016, Myria received a courtesy visit from Ms. Philippa Candler, the new Assistant Representative of the Office for Western Europe of the United Nations High Commissioner for Refugees.

OSCE

Myria continued its collaboration with the OSCE:

- On 2 June 2015, it received Ms. Madina Jarbussynova, the OSCE's Special Representative and Co-

ordinator for Combating Trafficking in Human Beings.

- On 27 and 28 April 2015, Myria was invited, for the second time, to contribute to a workshop co-organised by the OSCE and Council of Europe on the application of the non-punishment clause aimed at public prosecutors and judges from various countries.
- On 6 and 7 July 2015, it participated in the conference organised annually by the OSCE on the theme "People at risk: combating human trafficking along migration routes".

Council of Europe

Myria actively participated in the round table organised in Brussels on 3 December 2015 by GRETA, the group of experts responsible for assessing the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings.

On 20 and 21 January 2016, it was invited to contribute to the international conference on the fight against trafficking in human beings: "experiences shared between Tunisia and Europe", co-organised by the Council of Europe, the IOM and the Tunisian Ministry of Justice. It presented the Belgian experience concerning the identification of trafficking victims.

European Union

Myria was invited, as an independent National Rapporteur on human trafficking, to participate in and actively contribute to the conference organised by the presidency of the European Union in Amsterdam, on 17, 18 and 19 January 2016, on the theme "TeamWork! against Trafficking of Human Beings for labour exploitation".

Myria was also invited to present the smuggling part of its annual report on 19 February 2016, during a meeting of the European Commission's contact group on irregular migration.

⁷ The response to the questionnaire is available at www.myria.be.

5. Publications and tools

Myria deploys a large part of its activity through its publications. These diverse and varied works focus on its three basic tasks. Since 2015, special attention has been given to diversifying their target audience: not only partners and professionals in the sectors of migration and the fight against trafficking and smuggling, but also a wider public. Their format is also varied and their accessibility has been increased now that all the publications are available on the website in several languages.

By making the publications, analyses of figures and recommendations available online, the myria.be website is also on its way to becoming a frontline communication tool. Two newsletters, *Myriade* and *Myriatics*, were established to increase access to information that is available to everyone. An educational portal called Myriapolis was also developed.

All of Myria's publications are available free of charge. Hard copies can be ordered or they can be downloaded at www.myria.be.

Migration in figures and rights 2015

Published in September 2015, the "*Migration in figures and rights 2015*" report continues the philosophy of the Annual Migration Reports, published by the Centre for Equal Opportunities and Opposition to Racism since 2007. From now on, these reports will include the year of their publication in their title and will stick as closely as possible to the current situation, without losing any of the expertise and observational work expected of Myria.

Trafficking and smuggling of human beings: Tightening the links

The 2015 Annual Report on *Trafficking and smuggling of human beings: Tightening the links*, published in October 2015, aims to give a strong signal, as the independent National Rapporteur on human trafficking. In this annual report, Myria places the emphasis on minors and young adults who are victims of two situations where they are particularly vulnerable: the victims of early marriage and forced marriage, and the victims of loverboys. Myria also recommends actions regarding human smuggling.

Myriatics

Myriatics are short studies with a demographic approach that Myria has been publishing every three months since October 2015. Its goal is to focus on a specific theme, which is different every time, based on Myria's competences. The aim of these mini studies is to be factual, precise, concise and accessible. The point of view is deliberately limited to a single subject and to presenting a focus based on reliable figures and clear definitions. The *Myriatics* are designed to be used by all parties in the sector, and all those (journalists, teachers, citizens, etc.) who deal with migration issues on a scientific and objective basis every day, or every now and again.

Published *Myriatics*⁸:

- 1) *Crise de l'asile de 2015: des chiffres et des faits* – October 2015
- 2) *Immigré, étranger, Belge d'origine étrangère: de qui parle-t-on?* – December 2015
- 3) *Nouvelles migrations des pays de l'Est: Focus sur les Roumains, Polonais et Bulgares* – March 2016
- 4) *La migration en chiffres - July 2016.*

⁸ The *Myriatics* are available at <http://www.myria.be/fr/donnees-sur-la-migration/myriatics>.

Myriapolis

Myriapolis is Myria "in the city". This is a portal that offers educational tools, provided by Myria and a series of partners. It will also include a calendar of cultural activities that is kept up to date thanks to a collaboration with UITinVlaanderen and Agenda.be. A glossary offering definitions on the notions and terms used in Myria's works and publications is gradually being developed.

In December 2015, Myria made the following available to the public as part of International Migrants Day:

- A portal for educational publications provided by partners
- A portal for cultural events linked to migration
- Its own teaching tools, including *Citoyens du monde*, an update of the *Suis-je un migrant?* document, published by the Centre in 2008

6. Human trafficking and smuggling

Research

Myria was consulted within the framework of several research studies, in particular, EMN's research on human smuggling and Child Focus' study on loverboys.

Another of Myria's tasks is to raise awareness about good practices concerning the fight against human trafficking. Within this framework, Myria received various international delegations (Iraqi, Thai, Saudi Arabian) in 2015, whose visit was organised by the International Organisation for Migration.

Myria and justice - 2015

Every year, Myria institutes civil proceedings in a number of cases involving human trafficking and smuggling offences. This competence is a direct result of its organic law, which explicitly authorises it to take action based on the Law of 13 April 1995 containing provisions with a view to repressing human trafficking and smuggling. From now on, we shall offer an overview of all the cases initiated in the past year in this section, as well as the cases that were closed during the same period.

It is important to remember that Myria institutes civil proceedings according to selection criteria, which have been established in its three-year plan and operational plan.

When instituting civil proceedings, Myria is completely independent and must constantly take decisions when necessary. The royal decree attributing Myria its role of rapporteur, mentions instituting civil proceedings as being a source of expertise for the role of independent rapporteur human trafficking. In order to facilitate these choices, the following markers are followed: the symptomatic nature of the case, especially in view of Myria's reporting function, the importance of the hoped-for judicial decision, an action considered necessary (e.g.: victim support, etc.).

In order to facilitate the analyses, Myria is pleading with the court clerks to obtain (hard or soft) copies of the files free of charge. In principle, it is entitled to them as a public institution; the Minister of Justice will be contacted for this purpose.

Furthermore, the outcomes of the civil proceedings will trigger openings on a more regular basis in terms of communications with the press: what can be learnt from such a case, what conclusions can be drawn, what message should be conveyed to the general public in terms of fighting trafficking and smuggling?

New cases in 2015

In 2015, Myria instituted civil proceedings in six new cases: three cases of human trafficking and three cases of smuggling.

1. Sexual exploitation and money laundering - Liège

This case of human trafficking for the purpose of sexual exploitation and money laundering covers several districts (Liège and Charleroi, in particular). The acts took place between 2001 and 2009.

Young Romanian women were recruited for the purpose of being exploited in bars. A joint investigation team was set up between Belgium and France. The Belgian investigation focused on trafficking while the French investigation concentrated on the money laundering aspect. The money resulting from the prostitution of the young Romanian women in bars was actually reinvested in French companies. The case involved 15 defendants. None of the victims instituted civil proceedings.

2. Loverboys - Antwerp

Two cases were brought to Myria's attention following its focus on loverboys in its 2015 report on *Trafficking and smuggling in human beings: Tightening the links*. These two cases both share the following particularities: the phenomenon of loverboys, Belgian victims (and therefore less identifiable as trafficking victims) and minors who attend youth institutions (hence, particularly vulnerable).

The first case concerns acts of human trafficking for the purpose of sexual exploitation. An underage girl, who had escaped from a youth institution, was coerced by loverboys to prostitute herself.

The second case also reveals acts of sexual exploitation concerning four underage girls. The defendants consciously and exclusively approached underage girls between the ages of 14 and 16. These girls were recruited at a youth institution in Flanders through techniques associated with loverboys, and with the help of Facebook, and forced into prostitution.

3. Smuggling E40 - Ghent and Bruges

Two cases concerning acts committed in 2014 and 2015 along the E40 highway in the direction of the coast, were opened by the public prosecutor's offices in Ghent and Bruges.

The Ghent case concerns a network that transported victims of Syrian and Afghan nationality, including minors, to the United Kingdom. The Bruges case concerns a smuggling network that transported Iraqi, Iranian, Syrian and Afghan victims, among others, including minors, in refrigerated containers to the United Kingdom. These cases interest Myria because they demonstrate how important it is to take the victims into account, many of whom are minors, in the fight against human smuggling and the international approach in the fight against this phenomenon.

The third case, which is being handled in Ghent and whose investigation is still ongoing, is linked to a case involving an assassination within the framework of a settling of scores between smugglers. It is one of the only smuggling cases of this type. Myria's participation in the civil proceedings shall contribute to the societal debate on human smuggling.

In 2015, Myria also saw the conclusion of some cases and their closure. Hereafter, we shall only refer to cases where a final decision was pronounced in 2015: either because there was no appeal concerning the first instance decision, or because the case was closed during the appeal proceedings in 2015.

Cases closed in 2015

In 2015, 16 cases were closed: nine cases of sexual exploitation, five cases of labour exploitation (three of which related to the same case) and two cases of human smuggling.

1. *Sexual exploitation*

Four cases were tried in Liège. Three of them were dealt with in the "case law" part of the previous report⁹.

The first case concerns the sexual exploitation of girls in a precarious situation by five defendants, including a company. This case was of interest primarily because the majority of the victims were Belgian. The defendants were convicted by Liège Criminal Court for human trafficking in a judgement of 19 November 2014. The company was sentenced in absentia and, despite filing an opposition, the court confirmed its conviction in a judgement of 3 June 2015. The other defendants didn't lodge an appeal.

The second case concerns acts of human trafficking within the framework of prostitution parlours, where companies were set up to conceal the profits made. Five defendants were prosecuted. At first, Liège Criminal Court accepted the charge of trafficking on 20 March 2013, but only regarding the natural persons. In a judgement of 13 January 2015, Liège Court of Appeal also convicted the legal persons. An appeal was lodged and rejected by a judgement pronounced on 25 November 2015.

The third case concerns acts of polycriminality, in which several defendants were prosecuted for trafficking for the purpose of sexual exploitation regarding Belgian girls. Some of them were also prosecuted for trafficking for the purpose of forced criminal activities, i.e. forcing a person placed in court order administration to commit acts of theft. The interest of this case was its "mixed" nature. Finally, the court only charged the defendants with trafficking for the purpose of sexual

exploitation in a judgement of 7 January 2015. No appeal was filed against this judgement.

The fourth case concerns the sexual exploitation of a young Russian woman by four defendants. The point of interest in this case concerned the young woman's journey from Russia and the sometimes difficult collaborations with this country. Only those who were part of the final link in the chain, i.e. those who received the young woman, could be prosecuted and convicted. An initial judgement was delivered on 19 June 2013, in which three of the four defendants defaulted. One of the convicted persons appealed and was convicted again on 20 May 2015. He then lodged an appeal against this judgement. Liège Court of Appeal confirmed his conviction in a judgement of 25 September 2015.

Two cases concern victims of loverboys that were tried in Antwerp. These were cases where the decision to institute civil proceedings was taken in 2015 (see above). These cases were the subject of final verdicts in December 2015 and are dealt with in the Case Studies and Case Law chapters in this report.

Finally, three cases concern Thai massage parlours, where several women were sexually exploited. These cases were tried in Ypres, Antwerp and Mechelen respectively. These cases are dealt with in the Case Studies part of this report.

The Mechelen case, in particular, involves acts of corruption. The first judgement, in which the defendants were convicted for human trafficking and smuggling and criminal organisation among other things, was rendered on 9 April 2014 and dealt with in an earlier report¹⁰. This decision was confirmed during the appeal by Antwerp Court of Appeal on 19 February 2015.

⁹ See Annual report 2015, *Trafficking and smuggling of human beings: Tightening the links*, pp. 110-113. The decisions are also available on Myria's website: www.myria.be.

¹⁰ Annual Report 2013, *Human Trafficking, Building Bridges*, p. 107. The judgement is also available at www.myria.be.

In a case tried in Antwerp, the defendant was convicted for human trafficking in a judgement of 31 March 2015; there was no appeal. The decision was dealt with in the previous annual report¹¹.

Finally, in the case tried in Ypres, the defendants were convicted for human trafficking and smuggling, among other things. The judgement of 23 March 2015, which was dealt with in the previous report¹², didn't lead to an appeal. The defendants had already been tried in 2011 for similar acts.

2. *Forced labour*

Five cases of forced labour, three of which are part of the same case, were closed in 2015 in the following sectors: construction and cleaning.

The first case in the construction sector concerns a case that was dealt with in Charleroi. A Moroccan national legally brought over fellow countrymen whom he then exploited in his renovation company. At first instance, the defendant was convicted by Charleroi Criminal Court Charleroi on 18 March 2011 for human trafficking. Mons Court of Appeal confirmed, in a judgement of 26 June 2015, the criminal conviction handed down at first instance. This case is dealt with in the Case Law part of this report and an earlier report¹³. It was also analysed in the Case Studies part of an earlier report¹⁴.

The second case in the construction sector concerns a case tried in Antwerp. The Centre (for equal opportunities) decided to intervene to help a victim supported by Payoke.

This worker was obliged to carry out various works in several places for people who also took advantage of him by using his identity, without his knowledge, to sell and resell various buildings by taking out various bank loans. These people also took advantage of his lack of knowledge of Dutch. This resulted in a massive debt for this person. However, the judicial authorities preferred not to pursue the 'trafficking' aspect of this case (working conditions contrary to human dignity and coercion into committing offences). As a result, the investigating judge refused the additional investigations requested by the Centre.

Furthermore, the worker was actually prosecuted, tried and convicted for forgery, fraud and money laundering himself, alongside those persons he accused of exploiting him. However, in its judgement of 11 June 2015, the court recognised that the worker had received instructions to purchase or sell these buildings and had been guided by the main defendant (who was one of the people who had exploited him).

Myria and this worker had directly accused the two people who had exploited him with a view to them being convicted for human trafficking. However, in another judgement of 11 June 2015, the court declared the direct accusation inadmissible. This was indeed almost the same as the lawsuit which the Centre and the worker had previously filed against these persons, which had led to the dismissal of the charge. According to the court, after the final dismissal of a charge, the case can only be examined again by the court through a direct accusation.

¹¹ Annual report 2015, *Trafficking and smuggling of human beings: Tightening the links*, p. 109. The judgement is also available at www.myria.be.

¹² Annual report 2015, *Trafficking and smuggling of human beings, Tightening the links*, p. 108 The judgement is also available at www.myria.be.

¹³ See Annual Report 2010, *Trafficking in and smuggling of human beings, Combating social fraud to prevent trafficking in human beings*, p. 76.

¹⁴ Annual Report 2011, *Trafficking in and smuggling of human beings, The money that matters*, pp. 97-98.

Finally, three cases relate to the emblematic affair concerning the cleaning of restrooms at service stations. Only one of these cases finally ended in a judgement. This judgement rendered by Ghent Criminal Court on 5 November 2012 acknowledged the joint responsibility of the contracting company. As regards the two related cases concerning the same contracting company, they were dismissed in another district, one of them by the public prosecutor's office and the other by the labour prosecutor's office. The final case was dropped in 2015.

In the case tried in Ghent, the managers of the cleaning company, the cleaning company itself and the contracting company that subcontracted the cleaning of the restrooms in its restaurants, were prosecuted and convicted. This decision handed down in 2012 was final as regards the cleaning company and the principal (who were present and didn't lodge an appeal). The managers, convicted in absentia, opposed the judgement. They filed an opposition but were convicted on 19 November 2015 and didn't appeal against the decision.

This case was dealt with at length in the Case Studies¹⁵, Case Law¹⁶ and New Trends¹⁷ parts of earlier reports.

These cases also served as the basis for the focus in the 2010 annual report on the exploitation of secondment carousels within the framework of human trafficking¹⁸. This subsequently resulted in this phenomenon

becoming a top priority, in the field, among inspection services and was an important added value for political discussions relating to the government's action plan in terms of trafficking, and for the State Secretary for the Fight against Social Fraud.

The court decision rendered in this case contrasts significantly with the decision rendered in another case concerning subcontracted cleaning, in which Myria also instituted civil proceedings. This other case, dealt with in the Case Law chapter in this report, concerns the subcontracted cleaning of mainly franchised restaurants in a fast-food chain. The court considered that neither the parent company nor the franchisees could be held liable.

3. *Human smuggling*

Two cases concerning acts of human smuggling were finally disposed of in 2015. These were cases where the decision to institute civil proceedings was taken in 2015 (see above). These cases are dealt with in both the Case Studies and Case Law chapters of this report.

The first case concerns a Kurdish-Palestinian gang of smugglers; the protagonists were convicted by Bruges Criminal Court on 21 October 2015. There was no appeal.

The second case, tried at first in Ghent on 1 June 2015, concerns a Kurdish-Afghan gang of smugglers. This also resulted in convictions for human smuggling. One of the convicted persons appealed but their conviction was confirmed by Ghent Court of Appeal on 3 November 2015.

¹⁵ Annual Report 2010, *Trafficking in and smuggling of human beings, Combating social fraud to prevent trafficking in human beings*, pp. 47-49.

¹⁶ Annual Report 2012, *Trafficking in and smuggling of human beings, Building trust*, pp. 72-73.

¹⁷ Annual Report 2009, *Trafficking in and smuggling of human beings, In a haze of legality*, p. 30.

¹⁸ Annual Report 2010, *Trafficking in and smuggling of human beings, Combating social fraud to prevent trafficking in human beings*, pp. 86-88.