

## Introduction

### *Protection of minors: Tightening the links*

What you are holding in your hands is the 18<sup>th</sup> report on human trafficking and smuggling. It is also the second one to be published by the Federal Migration Centre, now known as Myria. Besides its competences in terms of foreigners' fundamental rights and information on migration flows, which are the subject of the "Migration in figures and rights" report, Myria shall continue to publish a yearly independent assessment of the policy concerning the fight against human trafficking and smuggling. The report will now refer to the year of its publication. This 2015 report is therefore the first of its kind.

Myria's competences in this domain, which previously fell under the scope of the ex-Centre for Equal Opportunities and Opposition to Racism, now fall under Myria's responsibility. They include the possibility of taking cases to court based on the Law of 13 April 1995 prohibiting human trafficking and smuggling. In 2014, the board of directors decided to institute civil proceedings in six cases. For Myria, taking legal action isn't a legal duty in itself; it is also a tool that allows us to further our expertise, gather examples of good and bad practices and support symbolically important cases. Many of the analytical elements in the following pages result directly from the examination or follow-up of these cases. Unfortunately, however, it still isn't possible for us to receive all the decisions pronounced by the courts. This would allow us to further hone our view on a humanly difficult and legally complex subject, for which access to data is of prime importance.

Since 1 September 2014, Myria has also been officially recognised as an independent component of the National Rapporteur on human trafficking, thereby further reinforcing its legal mission. As well as its participation in the interdepartmental coordination unit for the fight against human trafficking, its role also involves compiling the current report: the

report provides a view of the policy aimed at combating human trafficking and smuggling which is independent, and informed thanks to its involvement in many national and international networks.

### *Increasingly effective tools...*

Myria is also delighted by the expansion of the interdepartmental unit: it now includes new stakeholders, such as community and regional representatives (a change made necessary by the country's federalisation process), the Financial Intelligence Processing Unit (anti-money laundering unit), and a representative from the Payoke, Sürya and PAG-ASA reception centres. It is equally delighted with the recent adoption of a new anti-human trafficking action plan for the period 2015-2019.

As we all know, these reception centres provide a frontline service regarding human trafficking. They are able to receive these victims in decent conditions on a daily basis. Myria has been asking for permanent funding for these centres for a long time. Therefore, the granting of extra means, announced by the State Secretary for Equal Opportunities in April, is very welcome news. We shall continue to support these structures, in particular by continuing our investment in the ELDORADO system, which allows the files to be managed electronically in a uniform manner and will ultimately improve data collection.

Myria also gladly welcomes the adoption of a new common crime policy circular concerning the fight against human trafficking (COL), which came into force on 15 May 2015. We believe this text pays greater attention to the victims' interests, including minors who are the victims of trafficking. In our opinion, the fight could be further intensified through a governmental action plan dedicated exclusively to the fight against human smuggling, which we are hoping for with all our hearts.

Dealing more specifically with the fight against human smuggling, the present report emphasises the importance of raising awareness in order to kick-start the debate on the smuggling of families with children on an international level. In general, as our chapter on "Best practices" shows, the fight against human smuggling can only be crowned with success through effective international collaboration.

### *... in the face of increasingly elaborate crime*

As case law shows: the perpetrators of trafficking and smuggling have recourse to increasingly complex legal constructions, such as cascade subcontracting, in order to conceal the exploitation of their victims, and they don't hesitate to hide behind legal entities who are also sometimes convicted. Besides these ruses, exploitation continues to display the trappings of its more traditional and rougher side: the use of blackmail, lies or physical and psychological abuse to keep their victims under their control are still the most commonly used tools among the perpetrators. It is also worth noting that the victims concerned are often highly vulnerable, especially when they are minors or in a precarious situation.

Consequently, we have decided to focus on the victims of *loverboys* this year, and on minors who are the victims of early and forced marriages in connection with human trafficking. What are *loverboys*? They are young men who use seduction to lure young girls into their nets, who are in search of a better future. They are the symptoms of a changing world, and demonstrate the important role emotions play in exploitation. Generally speaking, minors are highly exposed to trafficking and smuggling: child marriages associated with cultural origins and unaccompanied foreign minors, who are particularly vulnerable, feature among the factual elements analysed in this report.

### *Tightening the links*

The situation is indeed very worrying. As pointed out by the not-for-profit association Minor-Ndako in its contribution to our report, Belgium plays a pioneering role in the fight against human trafficking: the quality of its legal instruments, the availability of its reception network and the humanity of its approach to victims are widely acknowledged. The weak point in the Belgian policy concerning trafficking is clearly the inadequacy of its approach to the exploitation of minors, which requires the renewed mobilization of all the stakeholders. Because the cases concerning minors bring into play a multitude of different stakeholders, they suffer from an overall approach. It is undoubtedly time for this to change and the different links active in this field should make a concerted effort. The action led by the specialist centre Esperanto, which specifically offers support to minors who are the presumed victims of human trafficking, sheds a valuable light on this point of view.

The themes Myria has chosen to focus on in its report (*loverboys*, the exploitation of minors, forced and early marriages) allow us to underline an important fact: the stakes in terms of trafficking and smuggling don't only fall within the scope of legal action. Raising awareness remains one of the main stakes in schools, especially with regard to *loverboys*; then there is the training of professionals in the field; and, thirdly, special attention must be paid to the Roma community, which is particularly exposed to this phenomenon.

Preventive actions are essential and their purpose must be to help victims to dare to recognise themselves as such. It is striking to note that all those who could be considered a victim of trafficking don't adopt this status; it may seem strange that some victims actually become perpetrators in some networks. We are therefore forced to recognise that despite all the authorities' efforts, human trafficking and smuggling are fluctuating notions, which

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can even mean something different depending on the national context, and where the issue of the actual definition of the terms occupies a prominent place: what is in fact a victim of trafficking and smuggling? We should remember that while smuggling is a breach of state borders, which doesn't offer those who use smugglers any particular kind of status, trafficking is considered a breach of a person's fundamental human rights: this is an offence regardless of whether the victim consents to their fate or not.

It is primarily between these cracks that the perpetrators prosper. They know that the regulations are different from one country to another and that international collaboration in this field is sometimes laborious. They know that in a Europe that cherishes the freedom of belief, convincing the victims to accept their fate, up to the point that they refuse to consider themselves as victims, can be a means to achieve their ends, even if it actually means abusing the gullibility or precarity of women, men and children dreaming of a better future. Raising awareness among all persons regarding what does and doesn't constitute a form of exploitation is consequently no longer an educational challenge, but a societal issue. As such, and as Myria has already said on several occasions, one of the best ways to fight human smuggling is the creation of legal and secure migratory channels. By fighting human trafficking and smuggling, we can bring a little more justice to the world.

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