

1. The fight against human trafficking

1.1. Human trafficking must remain a priority at all levels

Addressees: judiciary, police, Minister for Justice, Minister of the Interior, Federal Parliament, mayors, Interdepartmental Coordination Unit

Myria insists that the fight against human trafficking should remain an absolute priority in the field, among magistrates and frontline services.

The reform of the judicial districts may turn out to be very positive for the fight against human trafficking and smuggling networks. It is therefore essential that the different local police services work closely with the centralised unit of the federal police and the reference magistrate competent in human trafficking, because the local police is, in fact, their eyes and their ears. In some places, this attention is tending to decrease. For a successful reform of the districts, it is vital that human trafficking also remains a priority for the local police in towns, so it must work closely with the federal police.

At a political level as well, attention on the fight against human trafficking must continue. We mustn't be tempted to think that because some battles have been won regarding human trafficking in Belgium, that we have also won the war in this domain, because this would only cause us to drop our guard and encourage a certain nonchalance among political leaders. Belgium is an example in terms of the fight against human trafficking and must remain so.

1.2. Adapting victim status to reality

Addressees: Interdepartmental Coordination Unit, specialised centres for victims

The victim support system in Belgium needs to be gradually and pragmatically refined, without interfering with its basic principles. Victim status doesn't pay enough attention to the specific problems and needs of the different profiles of victims and must also be oriented towards their needs.

The victims of loverboys are in a position of emotional dependence and sometimes need specific care which requires someone to be on duty. However, centres specialising in support for victims of human trafficking currently lack the means to satisfy this need. Furthermore, we found that the victims of loverboys are sometimes knowingly drugged by their pimp to maintain them in a position of complete physical and psychological dependency. These victims, who are turned into drug addicts, need specialised support programmes. There are also a number of Belgian girls among the victims, but the conditions of support particular to the status of victim of human trafficking are less applicable to them. A Belgian victim of a loverboy will be less rapidly perceived in the field as a victim of human trafficking.

For victims from EU countries, victim status is often no longer very relevant to their residency. The other advantages of the status, such as legal assistance and possible medical or psychological support, aren't sometimes sufficiently emphasised. This is why they aren't always interested in obtaining this status. These victims, who feel exploited and want to return home as soon as possible, may nevertheless need legal assistance to obtain financial compensation. They may be allocated a lawyer, who can continue to defend their interests here. However, for this

purpose, it is essential that the victim remains in contact with the lawyer during the investigation and the trial, either directly, or through a centre specialising in the reception of victims of human trafficking. In practice, this isn't always easy to do.

Other victims are too afraid to adopt the status of victim of human trafficking and refuse to make relevant statements. Some judges speak in favour making access to victim status more open to these vulnerable target groups. The reference judge, who knows the facts of the case, is therefore the best person to make this decision, in consultation with the other people involved. This possibility must be developed within victim status.

It is also necessary to analyse to what extent it is possible to optimise accessibility to the centres when victims are intercepted in places far away from the specialised reception centres. This is what has led some magistrates to express the idea of creating a sort of flying squad of staff from these centres to help victims who are too far away from one of the three reception centres. This requires increasing the resources of these reception centres.

Myria would like the Interdepartmental Coordination Unit for the Fight against the Smuggling and Trafficking of Human Beings to adapt the status of victim of human trafficking within the framework of the revision of the multidisciplinary circular of 2008⁴⁵⁶ and to develop an offer that better corresponds to the needs of different groups of victims in terms of protection, support and compensation.

To achieve this, the centres must benefit from greater resources allocated in a functional manner. More efficient cooperation with other specialised services, such as support for drug users, is also necessary.

In this respect, Myria is delighted that the Secretary of State for Equal Opportunities was able to grant the centres extra resources in 2015. These efforts deserve to be mentioned, even if they are still insufficient within the scope of structured funding.

1.3. Raising awareness about the youth protection sector and schools

**Addressees: Communities,
Interdepartmental Coordination Unit**

Since 2014, the communities have been part of the Interdepartmental Coordination Unit for the Fight against the Smuggling and Trafficking of Human Beings. Myria would like the youth care sector, at community level, to be made aware of the indicators of human trafficking. This link is completely missing in the fight against loverboys. The goal is to avoid, at all costs, young victims becoming a victim again by making them feel guilty or by stigmatising them for deviant behaviour. Indeed, an approach such as this would be totally counterproductive.

Myria is very pleased to see that awareness-raising actions are being carried out by different authorities and stakeholders in schools regarding loverboys, forced marriages and early marriages.

⁴⁵⁶ Circular of 26 September 2008 relating to the implementation of an interdisciplinary cooperation concerning the victims of human trafficking and/or certain aggravated forms of human trafficking, *Belgian Official Gazette*, 31 October 2008.

1.4. Raising awareness among police youth offending teams and the youth division of the public prosecutor's office concerning human trafficking indicators

Addressees: local police, youth and family magistrates, Minister for Justice, College of Public Prosecutors

Myria would like awareness to be raised among the local police's youth offending teams, as well as in the youth division of the public prosecutor's office.

The local police's youth offending teams have little knowledge of the indicators of human trafficking, in particular in cases involving a loverboy. Consequently, they aren't always inclined to consider child victims of sex offences as victims of human trafficking. Sometimes, these child victims even risk being stigmatised as problem children and are even held responsible for acts of vice. They are considered the guilty party.

Incomplete knowledge of the indicators of human trafficking and the status of victim of trafficking was also observed in the youth division of the public prosecutor's office. The policy took this on board and took an important new measure. According to the new COL⁴⁵⁷, the prosecutors for juvenile cases and the reference prosecutors in human trafficking have to work together better to detect and protect child victims of human trafficking. The positive point is that the youth division of the public prosecutor's office will systematically be invited in the future to coordination meetings relating to human trafficking within the judicial district.

⁴⁵⁷ COL 01/2015 relating to the investigation and prosecution policy in terms of human trafficking.

1.5. Raising awareness about early and forced marriages

Addressees: communities, Minister for Justice, Minister of the Interior

Little is known about the phenomenon of forced and early marriages and they are difficult to quantify. They concern the privacy of the couple and families. These marriages take place in the private sphere and the victims are reticent about reporting such acts to the authorities. It would also appear that as regards the Roma community, where many early marriages take place, there isn't enough support. Furthermore, the custom linked to traditional marriage in some Roma communities is sometimes abused by certain families or criminal groups to exploit young girls, especially within the framework of domestic work or to force them to commit acts of theft.

It would also seem that professionals in the field aren't always aware of the facts or have the tools to be able to detect potential cases of forced marriage.

This is why Myria, just like other authorities, recommends continuing efforts in terms of raising awareness, developing skills and training for professional categories faced with such situations (police officers, magistrates, civil registrars, teachers). Moreover, sharing information and models of cooperation within the various sections of the same public prosecutor's office (youth, domestic violence, human trafficking) must also be encouraged. The purpose is to be able to make the link, if necessary, between a suspicion of early or forced marriage and a potential case of human trafficking.

Finally, specific actions should be undertaken as regards the Roma community, through intercultural mediators for example. It would be useful to organise awareness-raising campaigns specifically aimed at these communities.

2. The fight against human smuggling

In its last few reports on migration and fundamental rights, Myria has regularly highlighted the fact that the definition of safe and legal migration routes is clearly one answer to the phenomenon of human smuggling.

2.1. The need for a governmental action plan relating to the fight against human smuggling

Addressee: Interdepartmental Coordination Unit

There is no governmental action plan devoted exclusively to the fight against human smuggling. As a transit country for migration, Belgium plays an active role in the fight against human smuggling by focusing attention on the approach to smugglers. Myria would like the Interdepartmental Unit to take the initiative to elaborate a governmental action plan to combat human smuggling, so that responsibility can be taken for several points of attention in a uniform manner. On an international level, this should help to better highlight and position the Belgian policy in terms of human smuggling.

2.2. The financial battle on a (inter)national level pays

Addressee: Interdepartmental Coordination Unit

Ideally, an international financial chain approach should lie at the centre of this new action plan in the fight against human smuggling. A good international collaboration and a wide-ranging financial investigation are the most efficient ways to impact and financially drain smuggling networks. All the links play a role in it. If a link is missing, the

chain breaks. Hence, smugglers ensure that their criminal proceeds are safely transferred to their country of origin. The EU must endeavour to conclude a maximum number of agreements with the countries of origin outside the Union regarding the seizure of criminal proceeds. Within the EU, the Member States must cooperate better when an EU Member State ask another Member State for a seizure or confiscation. Myria is convinced that an international financial chain approach such as this would indeed produce results for the EU action plan.

2.3. The smuggling of families requires special attention

Addressees: Interdepartmental Coordination Unit, State Secretary for Asylum Policy and Migration

More attention needs to be paid to the problem of smuggling families. In the cases concerning human smuggling, we have found that families with young children are regularly transported illegally in refrigerated trucks. Political decision-makers and stakeholders pay very little attention to this group of victims. And yet, it is a highly vulnerable target group which, owing to its precarious situation, runs extra risks and deserves the necessary protection. Myria would like a debate to be launched and conducted at a national and international level to ask for more attention to be paid to the needs and the vulnerability of this precise group of smuggling victims.