

Part 1: Myria in action

In 2016, Myria initiated civil proceedings in seven new cases, five of which involved human trafficking, and two of which involved human smuggling. Myria fulfilled its role as observer and participant within the Interdepartmental Coordination Unit for the fight against human smuggling and human trafficking, and for the bureau. Myria also ensures the secretarial function for both of these bodies. Myria also actively participated in the meetings of the informal network of national rapporteurs and equivalent mechanisms in the area of human trafficking. It continued its policy of demographic (Myriatics) and legal (Myriadocs) publications. Myria also continues to fight for its independence in the light of non-regulatory federal cutbacks. Myria has become a UNHCR partner for refugees with regard to their right to family reunification.

The logo for MYRI is a blue, wavy, cloud-like shape. Inside this shape, the letters 'M', 'Y', 'R', and 'I' are written in white, bold, sans-serif capital letters, spaced out horizontally.

Centre fédéral Migration

Federaal Migratiecentrum

Federal Migration Centre

Föderales Zentrum für Migration

1. INSTITUTIONAL SITUATION

As an autonomous public institution, Myria, the Federal Migration Centre, fulfils three complementary legal tasks, in complete independence: safeguarding the fundamental rights of foreign nationals, providing information on the nature and scale of migration flows, and boosting the fight against human trafficking and smuggling. Myria was officially inaugurated on 15 March 2014. Since August 2014 it has had a Board of Directors, and its first director was appointed on 15 March 2015. The team consists of about fifteen people.

Myria is managed by its Board of Directors, which is appointed by the Federal Parliament. The Board formulates the general policy, closes the accounts, determines communication policy and decides whether or not to initiate civil proceedings in a court case. The Director is responsible for day-to-day operations and budgeting, for implementing the decisions of the Board of Directors, and for preparing the recommendations.

Members of the Board of Directors of the Federal Migration Centre as of 1 May 2017

Dutch-speaking full members	Dutch-speaking deputy members
Mrs. Shaireen Aftab (Chair) 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 Koçak
French-speaking full members	French-speaking deputy members
Mr Louis-Léon Christiaens Mrs. Sotieta Ngo Mrs. Christine Nina Niyonsavye Mrs. Bernadette Renaud Mr. Thierry Delaval	Mr. Daniel Soudant Mrs. Maité De Rue Mrs. Christine Kulakowski Mrs. Claire Godding Mr. Patrick Wautelet

2. ACCOUNTS AND FINANCIAL SITUATION

In 2016 there was a balance sheet shortfall of €28,784.29.

As explained last year¹, Myria's budget is under pressure due to austerity measures imposed by the federal government. These cutbacks would appear to be illegal and undermine Myria's independence in carrying out its duties. A full description was drawn up along with our arguments in the report 'Institutional and budgetary

situation of the Federal Migration Centre', sent to the government in March 2017.

Myria has lobbied the federal government for several years, as regards:

- adjusting the imposed cutbacks so that they are reasonable in comparison with the other institutions;
- guaranteeing Myria's independence by including its budget line in the list of grants, which also includes the other institutions which, like Myria and Unia, have the same independence and anchoring within Parliament, as is the case, inter alia, for the College of Federal Ombudsmen and the Supreme Judicial Council.

To date, none of these requests have been met by the federal government, despite the considerable amount of letters, meetings and attempts to make contact. This

¹ Report *Migration in Figures and Rights 2016*, p 15.

is highly regrettable, since it does not allow us to fulfil all our tasks in the best possible way. For an organisation

monitoring fundamental rights, having to make priorities out of necessity is unacceptable.

Balance sheet as of 31 December 2016 (x €1,000)			
Assets	1,615	Liabilities	1,615
Fixed assets	9	Initial capital	835
		Cumulative result	22
Current assets	1,606	Debts	758
Trade receivables	63	Suppliers	611
Financial assets	33		
Cash investments	250	Social security debts	123
Cash and cash equivalents	1,259	Other debts	24
Income statement 1 January 2016 - 31 December 2016 (x €1,000)			
Revenues	1,506	Expenses	1,535
Subsidies	1,376	Project expenses	68
Revenue from projects	111	Operating costs	441
Other revenue	6	Staff costs	1017
Financial revenue	10	Depreciations	9
		Result 2016	-29

3. MYRIA AND NETWORKS: AT THE NATIONAL LEVEL

Government

Myria is of course a public institution, but it is autonomous vis-à-vis the government and carries out its duties in complete independence. The aim is that the organisation is able to communicate with all stakeholders involved in its duties: public authorities, institutions, associations, interest groups, political parties, research centres, and citizens. Much of the statistical and recommendation work is only possible thanks to the contacts and relations that are maintained with numerous public authorities, in particular with the Immigration Office, the Office of the Commissioner-General for Refugees and Stateless Persons, Fedasil, the FPS Home Affairs, the FPS Justice, the FPS Foreign Affairs, the FPS Employment, the Directorate-

General for Statistics and the Council for Alien Law Litigation.

Federal government

The contacts with the federal government relate to substantive cases for which Myria wants to make its voice heard, i.e. the fundamental rights of foreign nationals or the fight against human trafficking and smuggling. The federal government is the first body to receive the thematic and annual reports which directly relate to many of its competences: Asylum and Migration, Justice, Security and Home Affairs, Foreign Affairs, Employment and Equal Opportunities.

In addition to the budgetary and institutional difficulties already mentioned above, 2016 led to new developments in the transposition of Directive 2014/54.

The objective of Directive 2014/54 is to protect European citizens as regards the free movement of workers. Its Article 4 provides, inter alia, for the establishment

of one or more bodies to promote, analyse and monitor equal treatment of all workers in the Union and their family members. The aim is to prevent discrimination on the grounds of nationality, or unjustified restrictions on their right to free movement, and to make the necessary arrangements for the proper functioning of these bodies. These bodies may be part of existing bodies at the national level pursuing similar objectives. The Directive requires Member States to give these organisations the necessary resources to carry out these new duties.

Myria and Unia were surprised to learn that the government had appointed them as reference bodies (Myria for federal matters, Unia for matters for which the federated states are competent). At the time of writing, the two institutions have observed that the federal government has not taken any specific measures to implement the Directive. This raises questions. Furthermore, neither Myria nor Unia has any information on the additional budgetary resources that need to be allocated to carry out these duties. The fulfilment of these duties requires far-reaching specialisation in social law and advanced tax law in particular, especially as both organisations are expected to be able to advise and guide European citizens.

The Federal Parliament

Myria is firmly anchored in the Federal Parliament, since the members of its Board of Directors have been appointed by the latter. This link with Parliament is a consequence of the resolution to guarantee the independence of the institutions from government interference. All members of parliament receive a copy of the two annual reports when they are published.

Myria often exchanges views with Parliament, to which it regularly presents its reports (Internal Affairs Committee). During these sessions, there is frequent contact with elected representatives. Myria is also regularly called upon for its expertise in dealing with relevant topics. This was the case in January 2016 for the activities in the Senate regarding statelessness, in May in the Parliamentary Standing Committee on Home Affairs on the right to family reunification, and in January 2017 on the situation of unaccompanied foreign minors as victims of human trafficking and smuggling. At the request of this committee, Myria has also issued an opinion on a draft law concerning seriously ill foreigners.

Unia

Unia, the Inter-Federal Equal Opportunities Centre, is undoubtedly Myria's most privileged partner, with which it was previously the Centre for Equal Opportunities and Opposition to Racism. This common anchoring is now reflected in strong cooperation, the shared use of cross-cutting services, joint members of the Boards of Directors, and valuable human contacts.

As regards substantive issues, there wide-ranging cooperation with Unia, which underpins the common values of both institutions.

Contact meeting on international protection

Since January 2016, Myria has resumed the contact meetings previously organised by the Belgian Committee for Aid to Refugees (BCHV). The objective remains that asylum authorities and organisations active in the field of asylum, reception and voluntary repatriation should continue to meet pursuant to these meetings, in order to exchange information in a spirit of dialogue and courtesy. These meetings are chaired by employees of Myria, who also prepare the reports and make them available on their website.²

Transit group of visitors to the detention centres

In 2016, Myria participated in the political monitoring meetings of the Transit group, as an observer. The Transit group brings together the organisations which visit the detention centres and the repatriation houses. In this context, it has supported the analysis work of the Transit group on questions relating to the detention and removal of foreigners. It has also provided legal support for visitors to the detention centres and repatriation houses, particularly in the context of monitoring individual cases. Myria has also provided legal training to visitors (regarding the Dublin III Regulation, marriage, legal cohabitation and family reunification of persons detained in detention centres).

Platform for a national human rights institution

Since 2014, Myria has participated in the consultation platform set up between the Belgian institutions which fully or partially exercise a mandate for the respect for human rights.

² www.myria.be/nl/contactvergaderingen-internationale-bescherming.

This platform meets every month to exchange information and relevant cases, pending the possible establishment of a national human rights institution that would coordinate part of the activities of the human rights monitoring structures. Myria has given a presentation on the role of national human rights institutions, as part of the implementation of the rulings of the European Court of Human Rights.

'Kinderen op de Vlucht' (Children on the run) platform

In 2016, Myria participated in the meetings of the working groups "Families in Migration", "Detention" and "UFM" of the Kinderen op de Vlucht Platform.

'Recht voor Iedereen' (Rights for all) Platform

In 2016, Myria participated in the working sessions of the Recht voor Iedereen Platform.

Platform for obtaining Belgian nationality

In November 2016, Myria organised a meeting for the various actors who are in contact with people wishing to acquire Belgian nationality. This is in order to establish an initial state of play as regards the practices, interpretation problems and obstacles to obtaining nationality since the reform of the Belgian Nationality Code in 2013. This work will continue in 2017, with the findings being communicated to institutional actors.

Training sessions

In 2016, Myria organised training sessions on the fundamental rights of foreign nationals, in particular for ADDE (Association pour le Droit Des Etrangères), visitors of detention centres (see above) or the integrated police. In May 2016, Myria gave a training session on asylum and migration, and human trafficking and smuggling, to the members of the traffic police. In September 2016, following the changes in legislation regarding the criminalisation of undeclared work, Myria, in cooperation with PAG-ASA and OR.C.A., organised a training session (on the special situation of persons residing in the territory without a permit, or potential victims of exploitation) for the attachés of the administrative fines department of the FPS Employment.

Finally, it should also be noted that Myria participated in the work of the National Commission on the Rights of the

Child in 2016, with an advisory vote, and of the Advisory Council for the Employment of Foreign Workers.

Interdepartmental Coordination Unit to combat human smuggling and trafficking

Myria has continued its role as an observer within the Coordination Unit and its bureau, for which it also carries out secretarial duties. In September 2016, Myria organised an assembly. This primarily concerned the adoption of a new multi-disciplinary circular on the victim referral mechanism. Myria also participated in the monthly meetings of the bureau of the Coordination Unit.

Coordination meetings on human trafficking in the judicial districts

Myria actively participated in the meetings of the Ghent platform (September 2016) and Charleroi platform (December 2016), where it presented its duties and its annual report on human trafficking and smuggling for 2016.

4. MYRIA NETWORKS: AT THE INTERNATIONAL LEVEL

European Migration Network (EMN)

Myria is one of the partners of the Belgian national point of contact of the European Migration Network (EMN). At the Belgian level, participation in the EMN is ensured by a mixed point of contact made up of four institutions. Myria is a member of the Steering Committee of the Point of contact, and actively participates in its day-to-day operation, in cooperation with the Office of the Commissioner-General for Refugees and Stateless Persons (CGRS), Fedasil, and the Immigration Office responsible for coordination.

The EMN was established by an EU Council Decision (2008/381/EC) to meet the need to provide objective, reliable and up-to-date migration and asylum data to support policy-making in these areas in Belgium and within the European Union. It is also responsible for informing the general public about these issues.³

In July 2016, the EMN published its Annual Synthesis Report on immigration and asylum in 2015 at the EU and Member State level, as well as a series of reports on specific issues. The subjects covered by the thematic studies are determined each year in a joint work programme. On the basis of a joint questionnaire, each Member State draws up a national report. Using these national reports, the EMN publishes a comparative synthesis report at the European level.

The 2016 reports covered:

- *the approach as regards rejected asylum seekers;*
- *resettlement and residence programmes on humanitarian grounds;*
- *the right to family reunification of third-country nationals;*
- *and the illegal employment of third-country nationals.*

On 8 November 2016, the Belgian point of contact for the EMN organised a conference in Brussels on the integration

of persons enjoying international protection into the labour market.

Myria also actively participated in the EMN's annual conference, which was organised on 12 and 13 January 2016 in cooperation with the Dutch Presidency of the European Union. This year, the conference addressed human trafficking, with the title: *Promoting the multidisciplinary approach in addressing migrant smuggling*. In particular, the results of the EMN study on human trafficking were presented and discussed. On 21 March 2016, EMN organised a workshop on social media and human smuggling, in collaboration with Myria. On 16 June 2016, Myria also actively participated in an EMN workshop on the role of social media in human smuggling, in cooperation with the EU.

Informal network of national rapporteurs and equivalent mechanisms in the area of human trafficking

Myria actively participates in the meetings of the informal network of national rapporteurs and equivalent mechanisms on human trafficking, organised jointly by the European coordinator for combating human trafficking, Myria Vassiliadou, and the Presidency of the Union. The issues discussed at these meetings were the role of financial institutions in the fight against human trafficking, transnational victim referral mechanisms and the EU's post-2016 strategy for human trafficking. Myria also invited Mrs. Vassiliadou for a meeting on 27 January 2016.

European network of national human rights institutions (ENNHRI)

Myria is a member of ENNHRI, a regional network that brings together national human rights institutions from all over Europe, and which has around 40 members. The network's mission is to improve the promotion and protection of human rights in Europe by supporting the development of national human rights institutions, and encouraging their cooperation on specific issues. In this context, on 29 March 2016, it participated in the 29th General Assembly of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC), and also participated in the NRHI Academy in Tbilisi in May 2016, which was an interactive training course for members of NHRIs from numerous European countries, organised in cooperation with the OSCE. Myria also represented ENNHRI within the drafting group for human rights and migration of the Steering Committee on Human Rights of the Council of

³ See EMN website: <https://emnbelgium.be>.

Europe. In June 2007, the network started with a working group on Asylum and Migration, which Myria has chaired for several years in cooperation with the Deutsches Institut für Menschenrechte (German Institute for Human Rights), and in which it has been actively participating to date. Myria also offers expertise to the legal working group to which it belongs, in the area of disputes.

Myria participated in an ENNHRI monitoring visit to four migrant reception facilities in Greece in July 2016: Elaionas, Elliniko, Skaramagkas and Schisto. This was part of Myria's focus on the European approach to the asylum and migration crisis.

European Union Agency for Fundamental Rights (FRA)

The Fundamental Rights Agency (FRA) carries out the following three tasks: collecting and analysing data, providing advice to the European institutions and the Member States, cooperating with civil society and raising awareness among the general public. Myria participated in the FRA Council of Europe-ENNHRI Platform (European Network of Equality Bodies, or EQUINET) meeting on the rights of migrants and asylum seekers, organised by the FRA in February 2016.

United Nations

On 18 January 2016, Myria received a courtesy visit from Ms Philippa Candler, the new Deputy Representative of the Western Europe Bureau of the United Nations High Commissioner for Refugees (UNHCR).

In May 2016, Myria participated in a meeting of a group of experts on detention, organised by the United Nations High Commissioner for Human Rights, where it presented its work in this area.

In addition, at the start of 2017, Myria responded to a call launched by UNHCR to work on the right to family life for refugees and beneficiaries of international protection. Myria was selected by the UNHCR, and is delighted by this new collaboration. This will further develop its expertise in this area, and strengthen its international network.

OCSE

Myria continued its cooperation with the OSCE, and attended the annual conference organised by the OSCE on 11 and 12 April 2016. The theme of the conference was: "Combating trafficking in human beings for the purpose of forced criminality".

Council of Europe

On 20 and 21 January 2016, Myria was invited to contribute to the International Conference on the fight against trafficking in Human Beings: "Shared experiences between Tunisia and Europe", organised by the Council of Europe, the IOM and the Tunisian Ministry of Justice. Myria gave a presentation on the Belgian experience, with the identification of victims of human trafficking.

Myria was also requested by GRETA, the expert group responsible for evaluating the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings, during its visit in December 2016 as part of the second evaluation round of Belgium.

European Union

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

Myria was also invited to present part of its annual report on human trafficking at a meeting of the European Commission's contact group on illegal migration, on 19 February 2016.

On 18 May, Myria received a Swedish delegation and gave a presentation on Belgium's policy for combating economic exploitation and human trafficking.

On 29 October, Myria participated in the Benelux meeting on transnational referral mechanisms within the Benelux.

5. PUBLICATIONS AND TOOLS

Myria conducts a large part of its activities through its publications. These are diverse and varied, and relate to its three main responsibilities. Since 2015, particular attention has been given to the diversification of Myria's target audience: not only partners and professionals from the sector of migration and the fight against human trafficking and smuggling, but also a wider public. In addition, their format was also diversified, and their accessibility was expanded by making all publications available on the website in several languages.

All Myria's publications are available free of charge, in a paper version on request, or as a download from www.myria.be.

Migration in Figures and Rights 2016

The *Migration in Figures and Rights 2016* report, published in 2017, continues the philosophy of the annual Migration Reports which have been issued by the Centre for Equal Opportunities and Opposition to Racism since 2007.

Trafficking and smuggling of human beings 2016: Beggars in the hands of traffickers

The annual report *Trafficking and smuggling of human beings 2016: Beggars in the hands of traffickers*, published in October 2016, focuses attention on a little-known form of human trafficking: the **exploitation of begging**. Exploited beggars are potential victims of human trafficking in the first instance, and should clearly not be seen from the perspective of a nuisance to be tackled.

Myriadocs

Since 2016, Myria has completed its range of publications with Myriadocs. The Myriadocs publications are less comprehensive than the annual reports, and provide thematic analyses of legal topics, politics or current affairs, with respect to Myria's duties. They are published exclusively in digital format. Two Myriadocs were published in 2016:

- **Europe in (asylum) crisis:** Myria investigated the European approach to this exceptional situation in 2015 and early 2016. The analysis focuses on the European

resettlement plan, external border hotspots and the relocation of asylum seekers from Italy and Greece. Myria also analyses the future of the Dublin system.

- **Life as a foreigner in Belgium in 2016:** Myria intends to publish an analysis of the issues which have had an impact on the fundamental rights of foreigners in Belgium, in December of each year.

The following elements are discussed in this Myriadoc:

1. access to emergency medical assistance which can be improved;
2. the 'Gaudi' operations, for which the modus operandi should be explained in order to avoid any risk of ethnic profiling;
3. access to banking services, which remains problematic for people in a precarious residence situation;
4. the changes in criminal law to which irregularly-resident foreigners no longer have access;
5. the administrative fines for which exceptions and accessible remedies should exist;
6. the reform of legal aid which limits access to justice;
7. the right of irregularly-resident victims of crime to go to the police without running the risk of arrest and detention in a detention centre.

Myriatics

The *Myriatics* are brief studies with a demographic approach which Myria has published every three months since October 2015. Their aim is to elaborate on a specific issue which is always different, and which falls under Myria's competence. These mini-studies are designed to provide factual, accurate, concise and accessible information.

The Myriatics published in 2016⁴:

1. New migration from Eastern Europe: focus on Romanians, Poles and Bulgarians - March 2016
2. Migration in figures - July 2016
3. 70 years of Italian immigration.... and more! - September 2016
4. Is migration gender-related? - December 2016

The *Myriatics*, published in December, was the subject of a collaboration with students from the IHECS to mark International Migrants Day (18 December). On this occasion, visuals were developed on <http://journeedesmigrants.be> and on social media sites to distribute the figures in Myria's possession more widely.

⁴ *Myriatics* can be consulted at www.myria.be/nl/migratedata/myriatics. Register on our site to receive these publications by email.

6. HUMAN TRAFFICKING AND SMUGGLING

6.1. | Myria in court - 2016

Every year, Myria initiates civil proceedings for various cases involving human trafficking and smuggling. Myria has competence in this respect under its organic law, which expressly authorises it to take action pursuant to the law of 13 April 1995 on combating human trafficking and smuggling. In the rest of this section, we will present an overview of all the cases which have been initiated and closed during the past year.

Myria initiates civil proceedings on the basis of both selection and opportunity criteria, which are set out in the three-year plan, and the operational plan.

With regards to civil proceedings, Myria is completely independent and must always take decisions as regards their desirability. The Royal Decree appointing Myria as rapporteur refers to the initiation of civil proceedings as a source of expertise in their capacity as an independent National Rapporteur on human trafficking. In order to simplify these decisions, Myria adheres to the following guidelines: the symptomatic character of the case, the importance of the hoped-for decision, and any action deemed necessary (e.g. support for victims).

In order to facilitate the analysis work, Myria urges court clerks to provide it with free copies (paper or digital) of the cases. In fact, as a public institution, it should be entitled to receive such cases. The centre is also entitled to a free copy of cases in certain judicial districts, and is also trying to obtain this right in the other judicial districts.

6.2. | New cases in 2016

In 2016, Myria initiated civil proceedings in 7 new cases: 5 human trafficking cases and 2 human smuggling cases.

6.2.1. | Human trafficking

1. Sexual exploitation

Sexual exploitation - Brussels

Two cases of sexual exploitation were dealt with by the Brussels Public Prosecutor's Office.

In the first case, various girls had been sexually exploited in the Aarschotstraat in Brussels since 2013. A criminal organisation was suspected of exercising control and power over an entire region of Albania, like a real mafia.

The second case concerned an international Nigerian human trafficking and smuggling network. The case was initiated in 2007, following on from another important case. A Nigerian woman recruited young girls and then forced them to prostitute themselves in various European countries, including Belgium. The investigation revealed that the young girls were supplied via intermediaries in Libya and Italy. The victims in this case, including minors, had been taken in by the three reception centres for victims of human trafficking. The Correctional Court of Brussels ruled on this case on 28 March 2017. This case is covered in the case law overview of this annual report.

2. Economic exploitation

Horticulture sector - Mechelen

This human trafficking case from the Mechelen Prosecutor from 2014 relates to economic exploitation offences in the horticulture sector. It concerns two Belgian defendants who, through a sole-trader business, exploited 39 Romanian victims who picked tomatoes in greenhouses. The defendants were assisted by a Romanian intermediary, who recruited the victims and was himself convicted as the main defendant in a similar case, but was not referred to the correctional court by the pre-trial chamber in this case. The victims were in a situation of slavery. They were illegally employed without documents, and during picking they were locked up in the tomato greenhouse under threat of an aggressive dog. They were

spat on and fined when they had to go to the toilet, or if they sat down while working. Medical assistance was refused. Their living conditions were also appalling. It was claimed that they only received part of their salary, and had to work long hours.

The Correctional Court of Mechelen ruled on this case on 20 January 2017. This case is covered in the case law overview of this annual report.

Construction sector - Tongeren

This human trafficking case from the Public Prosecutor's Office in Tongeren concerns economic exploitation offences committed by a construction company over the period 2011-2014. It was a Belgian company exploiting Bulgarian and Bosnian-Croatian workers. They were recruited in their countries of origin, and thought that they would be employed as employees, but were actually put to work as bogus self-employed persons. Their working and living conditions were described as being beneath human dignity. They only received part of their pay for long hours. There was also mention of a serious workplace accident for which the employer refused the necessary assistance and declaration. The Correctional Court of Tongeren ruled on this case on 9 February 2017. This case is covered in the case law overview of this annual report.

Transport sector - Bruges

This case concerns the exploitation of Polish workers by a Belgian transport company. Their working and living conditions were potentially deadly, and fell a long way short of human dignity. Two Polish workers died in 2012 in a fire in the hangar where they were housed. This case is in the final stages of the judicial investigation.

6.2.2. | Human smuggling

Smuggling E40 - Dendermonde and Brussels

Two cases concerned offences which were committed in 2015 along the E40 motorway towards the coast, which were initiated by the Public Prosecutors of Brussels and Dendermonde. Both cases relate to smuggling offences where a Kurdish smuggling network smuggled victims, including Syrian, Iraqi, Iranian and Afghan nationals, of whom some were minors, in refrigerated containers, to the United Kingdom. The main organisers operated from the United Kingdom, but thanks to effective cooperation with the British government, they were arrested and extradited.

One of the smugglers was a repeat offender who had already been convicted in previous smuggling cases.

One of these cases, for which a judgement was delivered by the Correctional Court of Dendermonde on 25 April 2016 and the Court of Appeal of Ghent on 6 February 2017, is discussed in the chapter 'case studies' and the chapter 'case law overview' of this report. The other case will be examined by the Court of Appeal of Brussels in September 2017.

6.3. | Cases closed in 2016

Myria noted in 2016 that a number of cases had been concluded and closed. We are only referring here to cases where a final judicial decision was handed down in 2016: either because the judgement at the first instance was not appealed against, or because the case was closed on appeal in 2016.

In 2016, 9 cases were closed (5 fewer than in 2015): 4 cases relating to sexual exploitation, 3 cases relating to economic exploitation, and 2 cases relating to human smuggling.

6.3.1. | Sexual exploitation

Two cases were heard in Brussels.

The first case concerned a defendant who was active in the transport of goods, persons and cash between Belgium and Bulgaria on behalf of the prostitution milieu. The defendant maintained close contacts with the Brussels and Antwerp prostitution milieu. He also appears as a contact person in various cases of human trafficking initiated in Belgium. Although on 7 May 2014 the Correctional Court of Brussels had sentenced him at the first instance for human trafficking, the Court of Appeal of Brussels overturned this decision in a judgement of 25 March 2016.⁵ He was acquitted, since according to the Court of Appeal, there were insufficient material elements, and the moral element of the crime (knowledge of the exploitation) could not be proven.

⁵ The rulings in this case are available on the Myria website and were covered in the two previous annual reports (see 2016 Annual Report on Trafficking and Smuggling of Human Beings 2016, *Beggars in the hands of traffickers*, p. 138 and 2015 Annual Report on Trafficking and Smuggling of Human Beings 2015, *Tightening the Links*, p. 107).

The second case was related to an earlier case from Liège. It primarily concerned offences including running a house of ill-repute and prostitution, and the exploitation of prostitution involving various young foreign women. The main defendant, who was also a repeat offender, operated various bars in the Aarschotstraat in Brussels, through front men. He was also prosecuted for human trafficking, for which the victim was a Belgian woman, but he was acquitted of these charges. In a judgement of 28 October 2016 - which was not appealed against - the Correctional Court of Brussels convicted the various defendants of charges including prostitution and criminal organisation.

One case was heard by the Correctional Court of Liège. It concerned the sexual exploitation of a young Romanian woman by various defendants. The young woman was the victim of violence. She had expressed a wish to return to her country of origin. In a judgement of 23 March 2013, the Correctional Court of Liège had convicted several defendants for human trafficking. In a judgement of 4 November 2013, the Court of Appeal of Liège found the defendant, who had been acquitted of human trafficking offences in a judgement at the first instance, guilty of the same offences. Moreover, the Court of Appeal upheld the judgement handed down at the first instance against other defendants, and made some of the sentences harsher. The court also separated the case concerning one of the defendants, who could not be validly summoned. In a judgement in absentia of 14 March 2016, the court upheld the conviction handed down at the first instance to this defendant.⁶

Finally, the last case heard in Bruges on 17 June 2015. The case involved young girls being exploited by an Albanian gang in a nightclub. The main defendant continued to run his operation from prison. The Correctional Court of Bruges accepted the charge of human trafficking. A number of guards were also prosecuted and convicted for passive corruption. In a judgement of 29 June 2016, the Court of Appeal of Ghent largely upheld the conviction handed down at first instance. This case was already addressed in the previous annual report.⁷

6.3.2. | Economic exploitation

Two cases have been finally settled by the Court of First Instance of Hainaut, subsection Mons.

The first case pertained to the construction sector and was covered in the previous report.⁸ It is also discussed in the "case studies" chapter of this annual report. This case involved the exploitation of Romanian workers under the status of bogus self-employment. The Correctional Court of Mons convicted the defendants for human trafficking, in a judgement of 21 April 2016, against which no appeal was lodged.

In the second case, the defendant was a repeat offender who had second-hand clothes sorted by illegal immigrants in his workshop. In 2008, the Correctional Court of Charleroi had already convicted him for similar offences. Myria - then still the Centre for Equal Opportunities - had also initiated civil proceedings in the first case. The Correctional Court of Mons found the defendant guilty of all charges, including human trafficking. This judgement, delivered on 24 November 2016, was not appealed against. It is covered in the case law overview in this report.

Finally, a case against a manager acting as an intermediary to employ Romanian seasonal workers was also closed in 2016. On 21 January 2015, the latter was convicted at first instance by the criminal court in Mechelen. This decision was largely upheld by the Antwerp Court of Appeal in a judgement of 4 February 2016. The case was covered in our two previous annual reports.⁹

6.3.3. | Human smuggling

One case was heard in Brussels, another in Leuven.

The case in Brussels concerned a Vietnamese criminal organisation involved in smuggling. The defendants were involved in an international network of smugglers, who transported minors, among other offences. In a judgement of 22 April 2016, the Correctional Court of Brussels sentenced the head of the organisation in absentia to 10 years' imprisonment. The defendants convicted at the

⁶ This case was discussed in our 2015 Annual Report on Trafficking and Smuggling of Human Beings, *Tightening the Links*, p. 175. The ruling of the correctional court is available on the Myria website: www.myria.be.

⁷ 2016 Annual Report on Trafficking and Smuggling of human beings 2016: *Beggars in the hands of traffickers* p. 160.

⁸ Annual Report Trafficking and smuggling of human beings 2016: *Beggars in the hands of traffickers* p. 165. This ruling is also available on the Myria website: www.myria.be.

⁹ 2015 Annual Report on Trafficking and Smuggling of Human Beings, *Tightening the Links*, p. 114-120 and 2016 Annual Report on Trafficking and Smuggling of Human Beings, *Beggars in the hands of traffickers*, p. 160. These rulings are also available on the Myria website: www.myria.be.

trial did not appeal. The case was covered in a previous annual report.¹⁰

Finally, the case in Leuven concerns a Kurdish network of smugglers. The defendants were convicted on 14 June 2016 and no appeal against the judgement was lodged.

10 2016 Annual Report Trafficking and Smuggling of Human Beings: *Beggars in the hands of traffickers* p. 184. This ruling is also available on the Myria website.