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GROUP OF EXPERTS ON ACTION AGAINST TRAFFICKING IN HUMAN BEINGS (GRETA)



Reply to the Questionnaire from
Greece

Reply submitted 16 June 2016



Council of Europe Convention on Action against Trafficking in Human Beings

The *Council of Europe Convention on Action against Trafficking in Human Beings [CETS No. 197]* was opened for signature in Warsaw on 16 May 2005, on the occasion of the Third Summit of Heads of State and Government of the Council of Europe member states and entered into force on 1 February 2008.

This Convention is considered to be one of the Council of Europe's most important achievements and the most important human rights treaty of the last decade. The first European treaty in this field, it is a comprehensive instrument focusing mainly on the protection of victims of trafficking and the safeguarding of their rights. It also aims to prevent trafficking and to prosecute traffickers. In addition, it provides for the setting up of an effective and independent monitoring mechanism capable of controlling the implementation of the obligations contained in the Convention.

Monitoring mechanism of the Convention

The monitoring mechanism of the Convention consists of two pillars: the *Group of Experts on Action against Trafficking in Human Beings (GRETA)*, a technical body, composed of independent and highly qualified experts, and the *Committee of the Parties*, a more political body, composed of the representatives in the Committee of Ministers of the Parties to the Convention and of representatives of parties non-members of the Council of Europe.

GRETA is responsible for monitoring implementation of the Convention by the Parties. GRETA will regularly publish reports evaluating the measures taken by the parties and those Parties which do not fully respect the measures contained in the Convention will be required to step up their action.

The Committee of the Parties may also, on the basis of GRETA's report and conclusions, make recommendations to a Party concerning the measures to be taken to follow up GRETA's conclusions.

For further information please consult our website: www.coe.int/trafficking

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Introduction

In accordance with Article 36, paragraph 1, of the *Council of Europe Convention on Action against Trafficking in Human Beings* (hereinafter "the Convention"), the *Group of Experts on Action against Trafficking in Human Beings (GRETA)* "shall monitor the implementation of this Convention by the Parties".

Pursuant to Article 38, paragraph 1, of the Convention and Rules 1 and 2 of the *Rules of procedure for evaluating implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the Parties* (hereinafter "the Rules on the Evaluation Procedure"), GRETA will evaluate the implementation of the Convention following a procedure divided in rounds. GRETA decided that the duration of the first evaluation round should be four years, starting at the beginning of 2010 and finishing at the end of 2013.

The first evaluation round with regard to a Party is initiated by sending the questionnaire the earliest one year and at the latest two years following the entry into force of the Convention for the Party concerned (Rule 3 of the Rules on the Evaluation Procedure).

For the first evaluation round, GRETA has selected the provisions of the Convention which will provide an overview of the implementation of the Convention by each Party (Rule 4, second paragraph, of the Rules on the Evaluation Procedure).

For each evaluation round, GRETA will prepare a questionnaire on the implementation by the Parties of the specific provisions of the Convention on which the evaluation is based. The questionnaire will be public (Rule 5, first paragraph, of the Rules on the Evaluation Procedure).

In conformity with Rule 11 of the Rules on the Evaluation Procedure, replies to the questionnaire should be submitted in one of the official languages of the Council of Europe, which are English and French. Replies in other languages will not be taken into consideration. Replies should be detailed, answer all questions and reference texts should be attached when requested by GRETA.

Preliminary Questions

Question 1: Please specify which State body/agency was responsible for co-ordinating and collecting the replies to this questionnaire. Please specify the name and professional title of the person heading this State body/agency. Please indicate if this person is the "contact person" appointed by your country to liaise with GRETA or a different person.

Ministry of Foreign Affairs- Office of the National Rapporteur on Trafficking in Human Beings. Dr. Heracles Moskoff, National Rapporteur (Expert-Counselor), 'Contact Person' appointed by Greece to liaise with GRETA.

Question 2: Which State bodies/agencies contributed to responding to this questionnaire? Please indicate the main responsibilities and/or fields of competence of each of these bodies/agencies.

Ministry of Justice, Transparency and Human Rights, Ministry of Public Order-Hellenic Police (Anti-trafficking Unit), Ministry of Labor, Social Insurance and Social Solidarity-National Center for Social Solidarity (EKKA/ the state agency responsible for the coordination of the network that provides social support services, care and solidarity to individuals, families, groups and populations experiencing crisis situations or are in need of emergency social aid; the managing agency of the National Referral Mechanism), Ministry of Interior and Administrative Reconstruction- General Secretariat for Gender Equality (the governmental agency competent to plan, implement, and monitor the implementation of policies on equality between women and men in all sectors), Ministry of Migration Policy, Ministry of Interior and Administrative Reconstruction (Residence Permits Unit), International Organization for Migration (IOM Greece).

Question 3: Did any non-governmental organisations (NGOs) or other entities of civil society contribute to responding to this questionnaire? If so, please indicate the main activities of each of the NGOs and/or other entities of civil society which contributed.

NGOs are an intrinsic component of the National Coordinating Body and the National Referral Mechanism: **A21** (specialized organization on THB, active on prevention, protection, prosecution and partnership), Greek Council for Refugees (GCR/Refugees and beneficiaries of international protection in general - particularly vulnerable cases such as unaccompanied minors, victims of trafficking, victims of torture, etc. - are the target group of GCR, who receive by the professional staff the necessary social and legal counseling and support), PRAKSIS (Humanitarian action programmes, social and medical services, counselling and support for all vulnerable populations), The Smile of the Child (the Organisation's main concern is defending children's rights, providing services to children on a 24-hour, 7 days a week, 365 days a year-basis, working for their physical, mental, and psychological stability), Hopespot (a social movement aiming to support victims of human trafficking and domestic violence), Salvation Army –Greece (in Greece, the Salvation Army has been operating as a nonprofit company from January 2011, standing by the homeless, elderly, young families with infants and victims of trafficking), ARSIS (specializing in the social support of youth that are in difficulty or danger and in the advocacy of their rights. The main target is the prevention of youth marginalisation, the elaboration of policies which defend youth rights and the active social support towards disadvantaged young people), METADRASI (Action for Migration and Development- specializes in language interpretations, inter-cultural mediations and the protection of rights of unaccompanied minors and other persons in need of international protection), Solidarity Now (main focus areas: Alleviation of the suffering of vulnerable populations in Greece through a re-granting scheme and Solidarity Centers; empowering civil society groups and local government; integration of Vulnerable Groups; linking youth with educational programs and labour market), KMOP/Family and Childcare Centre (KMOP's main areas of expertise include social welfare and health, employability and human rights protection, scientific research and the development of know-how in social policy issues).

Integration of the core concepts and definitions contained in the Convention in the internal law of the parties

Section I.1. Integration of the Human Rights approach to action against trafficking in human beings

As stipulated in the Convention, trafficking in human beings (hereinafter "THB") "constitutes a violation of human rights and an offence to the dignity and the integrity of the human being" (third paragraph of the Preamble of the Convention). Therefore in the letter and in the spirit of the Convention, THB is a violation of human rights and not just a criminal offence.

Question 4: Please indicate if, in your internal law, THB is considered as a human rights violation (or only a criminal offence, see Section II.3. below).

The legal framework in Greece has transposed all major international legal instruments to combat sufficiently this heinous form of organized crime and human rights violation. Greece ratified the two fundamental legal instruments against THB (The UN Convention against Transnational Organized Crime and its Protocols – the "Palermo Protocol" and the Council of Europe Convention on Action against Trafficking in Human Beings) and transposed the 2011/36/EU Directive with Law 4198/2013 *"Preventing and combating trafficking in Human Beings and protecting its victims and other provisions"*.

Question 5: Please indicate what special legal protection exists under your internal law (including case law, if any) in cases of violations of human rights, which would apply in cases of THB (for example, constitutional protection, positive obligation of the state, priority examination, etc.).

Respecting and protecting human dignity is a guiding principle underlined in the 1975 Constitution. This general and fundamental principle is identified by the concept of individual rights, which are guaranteed by the State. Furthermore, sexual freedom is one of the manifestations of personal freedom and personal development. Any act of violence against sexual freedom constitutes a violation of a constitutionally guaranteed right. Therefore, the rights protected by the Constitution are the basis for the legislation of the legal interests protected by the Penal Code. The basic criminal provisions protecting the abovementioned legal interests lie in Article 323A of the Penal Code for labour trafficking, in which the protected legal interest is personal freedom and in the Article 351 of the Penal Code, in which the protected legal interest is the sexual freedom of the individual.

Section I.2. Comprehensive approach to THB, co-ordination of all actors and actions to prevent and combat THB and to protect its victims, and international co-operation

Questions in this section aim to obtain information concerning the comprehensive nature of the legal framework and policies on action against THB established by the parties to the Convention covering measures on prevention, protection and prosecution (Article 1) as well as on partnerships (Articles 29, 32 and 35).

These partnerships should comprise:

national co-ordination and co-operation among all national actors involved in action against THB (Article 29-2). Any national action to combat THB must be comprehensive and multi-sectorial, and take on board the required multidisciplinary expertise. This comprehensive national action must be co-ordinated through a specific governmental body or entity. These are the "co-ordinating bodies" referred to in Article 29 of the Convention which are distinct from "National Rapporteurs". In accordance with the Convention it is compulsory to ensure co-ordination of the national policies and actions ("shall"), whereas the appointment of National Rapporteurs is optional ("shall consider appointing ...").

international co-operation among all actors from different parties (Chapter VI of the Convention). Article 32 sets out the general principles which are to govern international co-operation. Firstly the parties must co-operate with one another "to the widest extent possible". This principle requires them to provide extensive co-operation to one another and to minimise impediments to the smooth and rapid flow of information and evidence internationally. Article 32 contains the general part of the obligation to co-operate: co-operation must include the prevention of and combat against THB (first indent), the protection of and assistance to victims (second indent) and to investigations or proceedings concerning criminal offences established in accordance with the Convention (third indent), i.e. the offences established in conformity with Articles 18, 20 and 21.

co-operation and partnership with civil society (Article 35). The strategic partnership referred to in Article 35 between State authorities and public officials and civil society means the setting-up of co-operative frameworks through which state actors fulfil their obligations under the Convention, by co-ordinating their efforts with civil society. Co-operation with international non-governmental organisations active in the field of prevention and protection of the victims of THB is also needed.

Questions concerning the comprehensive approach to THB (Article 1):

Question 6: Please indicate the titles of the main internal legal provisions and/or regulations containing measures to prevent THB, to protect and assist its victims, and to criminalise THB and prosecute traffickers.

Main legal provisions with regards to THB as follows: Articles 323, 323A, 323B, 339 par 1 & 4, 342 par 1 & 2, 348A, 348B, 349, 351 and 351A, of the Penal Code.

L. 3064/2002 on "*Combating trafficking in human beings, crimes against sexual freedom, child pornography and the financial exploitation of sexual life in general and the assistance to the victims of these acts*"

Presidential Decree (P.D.) 233/2003: entered into force on August 28th 2003, is an act of secondary legislation issued on the basis of legislative authorization of Article 12 of Law 3064/2002. The presidential decree provides the operational provisions in view of the application of Article 12 of Law 3064/2002 on the protection and relief of victims of the crimes described in Articles 323, 323A, 323B, 348A, 349, 351 and 351A of the Criminal Code and of Articles 29 (5) and (6) and 30 of Law 4251/2014. More specifically, the presidential decree was called to determine the bodies, means and ways of providing such protection.

L.2928/2001: Amendment of provisions of the Criminal Code and of the Code of Criminal Procedure and other provisions on citizen's protection from offences committed by criminal organizations.

L. 3274/2004 (Art. 34., par. 7) on residence permit for victims of trafficking

L. 3386/2005 on *Entry, stay and social integration of third country nationals on Greek Territory*

L. 3536/2007 (Art.11) on *residence permit for victims of trafficking*

L. 3625/2007 «*Ratification and implementation of the Optional Protocol to the UN Convention on the Rights of the Child, on the sale of children, child prostitution, child pornography and other provisions*»

L. 3727/2008 "*Ratification and implementation of the Council of Europe Convention on protection of children against sexual exploitation and sexual abuse, measures for the improvement of the living conditions and decongestion of detention institutions and other provisions*"

L. 3692/2008 "*Ratification of the Agreement between the Government of the Greek Republic and the Council of Ministers of the Albanian Republic on the protection and assistance of the victims of minors' trafficking*"

L. 3663/2008 '*EUROJUST, Joint Investigation Teams and other provisions*'

L. 3811/2009 "*Compensation of the victims of violent crimes committed on intention (integration in the Greek legislation of the Directive 2004/80/EC of the Council of the EU on 29th April 2004) and other provisions*"

L. 3875/2010 "*Ratification and implementation of the UN Convention against Transnational Organized Crime and of the three Additional to it Protocols and other provisions*".

L. 3907/2011 "*The establishment of Asylum Service and Services of First Reception, adjustment of the Greek legislation to the provisions of Directive 2008/11/EC "regarding the common standards and*

procedures of the Member States for the return of the illegally staying of third countries' citizens" and other provisions."

L. 4198/2013 *"Preventing and combating trafficking in Human Beings and protecting its victims and other provisions", transposition Directive 2011/36/EU*

L. 4216/2013 *"Ratification of the Council of Europe Convention on action against trafficking in Human Beings"*

L4251/2014 *"Code of Immigration and Social Integration and other provisions"*

Question 7: Does your country have a comprehensive national policy and/or a National Action Plan to combat THB? If so, please indicate its title, date of adoption and duration, main fields of action and the body/bodies responsible for its implementation.

The establishment of the Office of the National Rapporteur on Trafficking in Human Beings under article 6 of L.4198/2013 (*"Preventing and combating trafficking in Human Beings and protecting its victims and other provisions", transposition of the Directive 2011/36/EU*) safeguards the implementation of a National Strategy and designates the Office as the National Coordinating Body. The role of the Office is to promote a better cooperation between the various competent stakeholders and to facilitate the national ownership of internationally acknowledged 'best practices', to ensure against THB. Through National and European Structural Funds, the Office of the National Rapporteur is coordinating competent State agencies, NGOs, Private and Cultural sector stakeholders, towards a large-scale, multi-disciplinary anti-THB Action Plan in Prevention, Prosecution, Protection and Partnership (4Ps Strategy).

Furthermore, article 6 of L. 4198/2013 prescribes two practical "tools" for the effective implementation of the national strategy against THB: the National Mechanism on Identification and Referral of Victims of Trafficking (National Referral Mechanism) and the National Database of reliable and disaggregated statistics on THB according to EUROSTAT Standards.

A detailed description of article 6 of the L.4198/2013 is given below (legal text):

1. In the Central Service of the Ministry of External Affairs shall be established the Office of the National Rapporteur for the launching, coordination and implementation of the national strategy for combating trafficking in human beings at the levels of prevention, suppression and prosecution of the perpetrators as well as of protection of the victims of trafficking, which shall be directly subject to the Minister of External Affairs.

2. The Office of the National Rapporteur shall be directed by the National Rapporteur, who shall be appointed by decision of the Minister of External Affairs, for a term of four (4) years, which is renewable. The National Rapporteur is a permanent civil servant of the Ministry of External Affairs, specialized scientist of acclaimed status from the field of social and human sciences with many years of experience in intergovernmental, inter-ministerial and multidisciplinary cooperation, in the cooperation with international organizations and NGOs, as well as in the cooperation in programmes of the European Union and ESPA, that specialize in the field of combating trafficking in human beings.

The Office of the National Rapporteur is composed by three (3) civil servants of academic education of the Ministry of External Affairs, from which two (2) shall provide scientific and one (1) secretarial and administrative support. The above civil servants shall cooperate with eleven (11) representatives-contact points mentioned in paragraph 5 in view of attaining the objective of the Office.

4. The objective and competences of the Office of the National Rapporteur are:

(a) To coordinate all jointly competent authorities and certified non-governmental organisations as well as to promote their regular training in the procedure of identification, location and assistance of suspected victims of trafficking.

(b) To ensure, through the organization of training programmes, the appropriate training and specialisation of the authorities charged with criminal research and prosecution for the crimes of trafficking in human beings.

(c) To cooperate with police and judicial authorities, with all the involved national and international authorities such as the International Organization for Migration, as well as with certified non-governmental organizations, with a view of collecting data concerning trafficking in human beings.

(d) To plan or/and to implement programmes of research, education, as well as undertaking information actions and raising public awareness campaigns, through the press, the Internet or by any other means or way, in cooperation with the authorities referred to in this article, with a view of preventing the offer and demand of services related to trafficking in human beings.

(e) To draft an annual national report, in which are recorded statistical data for certified cases of trafficking in human beings and evaluations concerning the new tendencies occurring from the study thereof and by which the national rapporteur shall propose measures for the more efficient combating of trafficking in human beings. The annual national report for the combating of trafficking in human beings shall be submitted from the Minister of External Affairs to the Greek Parliament and shall be sent to the competent national and international authorities.

(f) To transmit data of the above annual national report to the EU Anti-Trafficking Coordinator (ACT).

(g) To represent the country in the Network of National Rapporteurs or equivalent mechanisms of the European Union for the trafficking in human beings as well as in international organisations active in combating trafficking in human beings.

5. By joint decision of the Minister of External Affairs and of the relevant competent Minister, among the Ministers of Finance, Interior, Education and Religions, Culture and Sports, Health, Employment, Social Security and Welfare, Justice, Transparency and Human Rights, Public Order and Citizens' Protections and Maritime and the Aegean, shall be defined as contact points with the Office of the National Rapporteur nine (9) representatives, with their substitutes, one from each Ministry referred to in this provision. In the Office of the National Rapporteur shall be also appointed as a contact point one (1) representative from the Secretariat General of Media with his/her substitute, by joint decision of the Minister of External Affairs with the supervisor sub-Minister to the Prime Minister. The term of the above persons is for four years and can be renewed. A contact point with the Office of the National Rapporteur is also the head of the National Office of the International Organisation of Immigration, with his/her substitute.

6. For the functioning, the realization of the task and the efficient pursue of its objective, the Office of the National Rapporteur shall cooperate with national and international authorities, with the aim of participating and optimizing funded or co-funded European or other programmes and ESPA programmes, relative to research, operational and developmental actions of the Office.

7. By joint decision of the Minister of External Affairs and of the relevant jointly competent Minister, among the Ministers referred to in this article, shall be determined any other necessary detail on the organization and functioning of the Office of the National Rapporteur, the separate competences and duties of its staff, the cooperation with the authorities under this article, the composition, functioning and supervision of a National Database and National System of Identification and Referral of Victims of Trafficking in Human Beings, without prejudice to legislation in force as regards personal data protection as well as any other relevant matter.

Questions concerning specialised authorities, co-ordination of actors and actions against THB and international co-operation (Articles 29, 32 to 35):

Question 8: In your country are there persons or entities specialised in the fight against THB and the protection of victims? If so, please describe the type and the periodicity of the training provided for these persons or the staff of these entities? Please specify the financial resources (in euros) allocated to this training.

The Hellenic Police, through its specialized units, aims at eradicating human trafficking in all its manifestations. Combating human trafficking is a top priority in the "Criminal Policy Programme 2015-2019" of the Hellenic Police, the effective treatment of which is determined in specific objectives and through specific actions.

In an effort to achieve operational integrity-preparedness and to be able to provide immediate response to complaints - cases, twelve (12) anti-trafficking groups have been set up across the country, and two (2) in the respective Departments in the Organized Crime and Human Trafficking Sub-directorates of the Security Divisions in Attica and Thessaloniki. Also, at the staff - strategic level, the subject is monitored by the Department of Public Safety of the Headquarters of the Hellenic Police, whose officers monitor daily the evolution of the phenomenon and interfere accordingly with instructions, guidance and the organization - implementation of targeted training.

To raise awareness, inform and provide -as adequate as possible- training, the Hellenic Police personnel participate in seminars and workshops regarding human trafficking (victims, perpetrators, indications, modes of action, etc.), organized by Services, Agencies and NGOs working in the field of human trafficking. In 2015, indicatively, staff of the Greek Police participated in the following trainings - workshops:

The Hellenic Police staff has participated (as trainers and trainees) in courses organized by the Institute of Child Health, under the "Southeast Safenet program: preventing child trafficking and protecting unaccompanied minors in the Greek - Turkish borders - SESN", aiming at the recognition - protection of children - unaccompanied minors, potential trafficking victims (Chios, Mytilene, Lesvos, Alexandroupolis, Orestiada and Athens). The number of Hellenic Police participants as trainees in these trainings was ninety-five (95), and three (3) officers, as instructors, who came from services that deal with combating human trafficking.

Participation of police personnel in workshops organized by the NGO "A21", with topics "awareness - recognition of trafficking victims, assistance and protection provision (Larissa, Chios)." Forty four (44) members of the Hellenic Police participated as trainees in these trainings.

Participation of police personnel in the event of the European Union Agency for Fundamental Rights -FRA entitled "Labor Exploitation". One (1) Officer of the Anti-Human Trafficking Department of the Subdivision of Organized Crime and Human Trafficking, Attica Security Division, attended.

Participation of an Officer of the Hellenic Police, as a trainer, in preparatory meetings and trainings organized by the "European Agency for the Management of Operational Cooperation at the External Borders of the EU Member States - Frontex", with the overall theme, "training of border guards in combating human trafficking issues."

Organization - implementation training for police officers in the 'front line', through the system of videoconferencing, with theme "handling human trafficking cases." This training was organized by the Directorate of Public Security Officers of the Hellenic Police Headquarters and a total of one hundred and forty (140) members of the Hellenic Police attended it.

Furthermore, the Office of the National Rapporteur aims at stepping up efforts to train professionals on first level identification of potential victims. Following the "train the trainers" educational model the Office is working with the National Centre of Public Administration & Local Government (State Institute of Training) to carry out anti-trafficking training seminars offered by the anti-trafficking unit of the Hellenic Police and the National Centre for Social Solidarity (EKKA). These seminars (March-December 2016) are specifically

designed to train civil servants and front line professionals and are taking place in Athens and Thessaloniki.

IOM Greece almost every year carries out numerous training and awareness raising meetings and conferences for different stakeholders. In 2011, a 2-day meeting was organized for prosecutors, judges, law enforcement, NGOs from Greece, Bulgaria and Turkey. The purpose of the meeting was to increase cooperation and share information. In 2012, IOM Greece along with IOM Georgia and IOM Moldova organized two separate study visits to Athens for law enforcement and prosecutors from the visiting countries to meet with Greek authorities and share information and best practices. In 2013, IOM Greece, along with the Office of the National Rapporteur and the US Embassy, was involved in organizing a training session for judges, prosecutors and police officers on investigating and prosecuting THB cases.

Finally, a number of civil society organizations (A21, PRAKSIS, ARSIS, GCR, Smile of the Child, etc.) have engaged Greek law enforcement authorities in various trainings in cooperation with leading international agencies. One NGO partner ("A21") has developed a training curriculum against human trafficking (based on POLARIS training) in order to provide practical and applicable tools on a victim-centered approach to the police officers and equip them with useful material in their battle against human trafficking. Since the launch of this initiative in October 2013, there have been presentations to more than 150 policemen at Police Headquarters at 5 important districts: Ptolemais, Kozani, Arcadia and Achaia, and Attica.

In the framework of the EU-Funded VICTOR Project, aimed at establishing a strong partnership among a broad range of public and non-governmental actors working in the field of child trafficking in the region of South Eastern Europe, another NGO (the Smile of the Child) organized a training seminar in Athens (April 2014) for the identification of children victims/potential victims of trafficking. It brought together national experts and stakeholders, healthcare professionals, social workers, psychologists, public prosecutors and law enforcement personnel. More than 170 professionals and practitioners across Greece took part in this training, which was delivered in plenary session as well as in 4 specialized working groups: a) psychologists and social workers, b) doctors and health professionals, c) law enforcement personnel and d) judges and prosecutors.

Question 9: Is there, within your governmental structure, a national body responsible for co-ordinating all national actors and actions against THB (regardless of the denomination and whether it was set up for this specific purpose or whether this responsibility was assigned to an already existing governmental body)? If so, please specify its name, administrative status, annual budget (in euros), human resources, composition and competences. If there is currently no such co-ordinating body, are there any plans to set one up in the near future? If so, please give details.

The Office of the National Rapporteur on Trafficking in Human Beings was officially established at the Ministry of Foreign Affairs, following the transposition of the EU anti-trafficking Directive (November 2013, L. 4198/2013). Dr. Heracles Moskoff has been appointed as the National Rapporteur, with a four (+4) year tenure. The Office of the National Rapporteur is composed by three civil servants of academic education of the Ministry of Foreign Affairs, who cooperates with the representatives-contact points of the competent ministries and other stakeholders.

The Office's mandate promotes a comprehensive inter-agency approach that includes initiatives in pro-active Prosecution, Protection, Prevention and Partnership. The deliverables of the mandate are: 1) to set up a National Coordination Mechanism for all state agencies, 2) to set up a National Referral Mechanism as a road-map for successful

victim identification, referral and support, 3) to set-up a National Data Base for victim assistance, as well as for prosecutions, 4) to promote large scale training for competent authorities and partnerships with the Private sector, Academia and the Cultural sector, and finally, 5) to promote awareness-raising campaigns among the general public with in order to achieve "demand reduction".

In the framework of its mandate, the Office has already established: **A)** a permanent Coordination Mechanism with public authorities, which include senior officials from the Ministry of Justice, the Hellenic Police, the Ministry of Interior, the Ministry of Health, the Ministry of Labor and the Ministry of Education (see also BELOW answer to Question 12). **B)** the National Referral Mechanism (NRM), a platform for inter-agency cooperation, managed by the National Centre for Social Solidarity (**EKKA**/ Ministry of Labor), on issues such as identification, support, protection and promotion of the rights of victims (and presumed victims) of trafficking in Greece. **C)** a Permanent Consultation Forum with civil society to ensure better cooperation among different stakeholders and better coordination of the available services offered by them. **D)** a Memorandum of Cooperation with the private sector aimed at targeting the demand for trafficked victims and implementing awareness-raising projects with businesses and consumers. This Memorandum, signed with Corporate Social Responsibility/ CSR Hellas Network, commits major private sector stake-holders to 'slave-free' supply chains. **E)** The Office of the National Rapporteur has recently signed an agreement with a specialized NGO partner in THB (A21), in order to provide free legal aid to victim of trafficking (court fees also provisioned).

The Office is paying equal emphasis to extend the scope of the country's identification regime, therefore bringing in more professionals and stakeholders into the screening and identification process. This does not merely concern law enforcement (police and prosecutors) and involves additional front-line professionals, such as labor inspectors, health providers, migration services, public transportation employees, local administration authorities and other stakeholders who may come across potential victims (*notably unaccompanied minors and presumed victims among migrants and refugees*). At this stage, the Office has managed to involve in the NRM more partners, with the appointment of contact points from the local administration, the First Reception Service and the Asylum Service, the hospitals and the Labor Inspectorate Unit (SEPE).

See also ABOVE (answer to Question 7, Article 6 of L.4198/2013 regarding the objectives and competences of the Office).

Question 10: Is this co-ordinating body also responsible for the co-ordination of the collection of administrative data or population survey data on THB? If not, please specify which body/entity has this responsibility.

The National Referral Mechanism (NRM), as the coordinating authority of protective actions for potential or officially identified THB victims in Greece will be responsible for data collection with regards to the following: profile information, recruitment and exploitation background information, co-operation with law enforcement, numbers of officially identified THB victims, residence permit issuances, provision of psychosocial and legal support services, participation in penal procedures, compensations granted. In addition, the Ministry of Justice, Transparency and Human Rights collects data on THB for convictions according to Article 351 P.C, trafficking for sexual exploitation, Article 323A P.C, trafficking for forced labour etc. Regarding the data collection mechanisms of the Ministry of Justice, there is an ongoing project on the electronic organization of courts, in the framework of which a data collection system is foreseen. This system will provide coherent and standardized statistics on prosecutions and convictions in THB. A separate category of these statistics is planned for data regarding online child sexual exploitation. Finally, the Residence Permits Unit (Ministry of Interior) collects data on issuances, re-issuances and renewals of residence permits granted to victims of trafficking.

Question 11: Do NGOs have full membership status in your national co-ordinating body? If so, how many? Please describe the criteria for NGO membership.

As stated above (Question 9), the Office has established a Permanent Consultation Forum with 11 civil society organizations that are certified and specialized in the field of combatting THB. The Office is also mandated to "...coordinate all jointly competent authorities and certified non-governmental organisations....", according to Article 6, par.4, L.4198/2013 (See ABOVE Question 7).

The Office of the National Rapporteur has signed an agreement with a specialized NGO partner in THB, in order to provide free legal aid to victim of trafficking (court fees also provisioned). Similar Protocols and Memorandums of Cooperation with other NGO partners of the Office are foreseen in the framework of the National Referral Mechanism.

Question 12: Are there any other national or international entities or bodies participating in your national co-ordinating body? If so, please specify.

The state partners of the National Coordinating Authority (Office of the National Rapporteur) are the following: The Ministry of Justice, the Hellenic Police, the Ministry of Labor (the National Center of Social Solidarity/ EKKA and the Labor Inspectorate Unit/ SEPE), the Ministry of Interior and Administrative Reconstruction/ Ministry of Migration Policy (Asylum Service, First Reception Service, Residence Permits Unit, General Secretariat for Gender Equality, Local Administration Directorate), the Ministry of Health (General Secretariat of Public Health) and the Ministry of Education.

Regarding International Organizations, the International Organization for Migration (IOM Greece) and the Greek Office of the United Nations High Commissioner for Refugees (UNCHR) are participating in the national coordinating body.

Question 13: Please describe the legal basis for international co-operation between your country and other countries in the fight against THB:

national legislation;

international instruments/agreements (bilateral and/or multilateral).

Please indicate the title of the legal instruments.

In the fight against organized crime, Greek law enforcement authorities signed Police Cooperation Agreements, both with other States (bilateral agreements) and with Regional Organizations (multilateral agreements).

The fight against human trafficking remains a top priority and for this reason, in each Police Cooperation Agreement that is signed between the Ministry of Public Order (Hellenic Police) and Ministries of other countries, a provision to combat the phenomenon is included.

Greece has signed the following agreements that contain provisions to combat human trafficking and that are effective:

BILATERAL AGREEMENTS

- Cooperation Agreement between the Ministry of Public Order of the Hellenic Republic and the Ministry of Interior of the Arab Republic of Egypt (Cairo, 28/02/1998) - (Law, 2574/1999- Article 1, par. d),
- Protocol between the Government of the Hellenic Republic (HR) and the Council of Ministers of the Republic of Albania for the Implementation of the Agreement between the Government of the two Countries concerning the cooperation on matters of their competence (Tirana, 12/03/2010) – (Law,3962/2011 – Article 1, par. b),
- Agreement between the Government of the HR and the Council of Ministers of the Republic of Bosnia and Herzegovina on cooperation in fighting crime, especially terrorism, illicit drug trafficking and organized crime (Athens, 09/02/2006) – (Law,3725/2008 –Article 1, par. f),

- Agreement between the Government of the HR and the Government of the Republic of Bulgaria for establishing and operating a contact center for cooperation between the services for border security, the police, the customs and the foreign nationals administration control services (Sofia, 29/04/2008) – (Law, N. 3779/2009 – Article 4, par. a),
- Agreement between the Ministry of Public Order of the HR and the Ministry of Interior of the Republic of Bulgaria on cooperation in fighting crime, especially terrorism, illicit drug trafficking and organized crime (Athens, 08/07/1991) – (Law, 2096/1992 – Article 1, par. 1, subpar. 3)
- Agreement between the Government of the HR and the Government of the Republic of France concerning the cooperation in internal security matters (Paris, 19/05/2008) – (Law, 3901/2010 – Article 1, par. 2 and 5),
- Agreement between the Government of the HR and the Government of the State of Israel in combating illicit trafficking and abuse of narcotic drugs and psychotropic substances and terrorism and other serious crimes (Athens, 05/04/1995) – (Law, 2383/1996 – Article 3),
- Agreement between the Government of the HR and the Government of the Republic of Italy on police cooperation (Rome, 10/01/2000) – (Law, 3159/2003 – Article 4),
- Agreement between the Government of the HR and the Government of the People's Republic of China on cooperation in fighting crime, especially terrorism, illicit drug trafficking and organized crime (Beijing, 05/06/2007) (Law, 3963/2011 – Article 1, par. b and f),
- Agreement between the Government of the HR and the Government of the Republic of Cyprus on police cooperation (Nicosia, 03/12/2007) – (Law, 3936/2011 – Article 1, par. 2 and 5),
- Agreement between the Government of the HR and the Government of Malta on cooperation between the competent Ministries of the Countries on matters of their competence (Valetta, 24/05/2001) – (Law, 3125/2003 – Article, 1, par. b and st),
- Agreement between the Government of the HR and the Government of the Republic of Hungary on combating terrorism, illicit trafficking of narcotic drugs, organized crime and other forms of crime (Budapest, 17/02/1993) – (Law, 2222/1994 – Article 1, par. c),
- Agreement between the Government of the HR and the Government of the Republic of Ukraine on combating terrorism, illicit trafficking of narcotic drugs, organized crime and other forms of crime (Athens, 24/04/2001) – (Law, 3158/2003 – Article 1, par. 1.3),
- Agreement between the Government of the HR and the Government of the Islamic Republic of Pakistan on cooperation in fighting crime, especially terrorism, illicit drug trafficking and organized crime (Islamabad, 12/05/2005) – (Law, 3571/2007 – Article 2, par. b and st),
- Agreement concerning the cooperation between the Ministry of Public Order of the HR and the Ministry of Internal Affairs of Republic of Armenia (Athens, 18/06/1996) – (Law, 2499/1997 – Article 1, par. c),
- Agreement between the Government of the HR and the Government of the Republic of Poland, concerning the cooperation the between the Ministry of Public Order of the HR and the Ministry of the Interior of the Republic of Poland on matters of their competence (Warsaw, 18/06/1993) – (Law, 2221/1994 – Article 1, par. c),
- Agreement between the Government of the HR and the Government of the Republic of Romania, concerning the cooperation the between the Ministry of Public Order of the HR and the Ministry of the Interior of the Republic of Romania on matters of their competence (Bucharest 06/06/1992) – (Law, 2138/1993 – Article 1, par. c),
- Agreement between the Government of the HR and the Government of the Republic of Russian Federation on cooperation of the Ministry of Public Order of the HR and the Ministry of the Interior of the Russian Federation in the field of combating crime (Athens, 06/12/2001) – (Law, 3215/2003 – Article 2, subpar. 8),
- Agreement between the Government of the HR and the Government of the Republic of Serbia on cooperation in prevention and combating of crime especially in its organized forms (Athens, 17/10/2008) – (Law, 3935/2011 – Article 1, par. 2 and 6),
- Agreement between the Government of the HR and the Government of the Republic of Slovenia on cooperation in fighting crime, especially terrorism, illicit drug trafficking and organized crime (Ljubljana, 27/09/2002) – (Law, 3269/2004 – Article 1, par. b and st),

- Agreement between the HR and the Republic of Turkey on cooperation between the Ministry of Public Order of the HR and the Ministry of Internal Affairs of the Republic of Turkey on combating crime, especially terrorism, organized crime, illicit drug trafficking and illegal immigration (Ankara, 20/01/2000) – (Law, 2926/2001 – Article 1, par. c),
- Protocol for the implementation of Article 8 of the Agreement between the Government of the HR and the Government of the Republic of Turkey on combating crime, especially terrorism, organized crime, illicit drug trafficking and illegal migration (Athens, 08/11/2001) – (Law, 3030/2002 – Article 1),
- Agreement between the Government of the HR and the Government of the USA on enhancing cooperation in preventing and combating serious crime (Corfu, 28/06/2009) – (Law, 3800/2009)

TRILATERAL AND MULTILATERAL AGREEMENTS

- Agreement among the Governments of the Black Sea Economic Cooperation participating States on cooperation in combating crime, in particular in its organized forms (Corfu, 02/10/1998) – (Law, 2925/2001 - Article 1, par. 2 and 8),
- Convention of the Southeast European Law Enforcement Center (Bucharest, 26/05/1999) – (Law, 4054/2012),
- Protocol between the Governments of the HR, the Republic of Bulgaria and the Republic of Romania for the enhanced trilateral cooperation in combating crime and especially trans-border crime (Sofia, 08/09/1998) – (Law, 2814/2000, Article 1, par. 1 and 9),
- Agreement between the Governments of the HR, and the Government of the Republic of Bulgaria and the Government of the Republic of Turkey on establishment and functioning of a common contact center for police and customs cooperation (Sofia, 25/05/2015) – (Law, 4385/2016 – Article 5, par. 2 subpar. a)

Question 14: What steps have been taken by your country to ensure that the requesting party is promptly informed of the final results of action taken in the framework of international co-operation on action against THB, as provided for in Article 34 of the Convention?

See BELOW (answer to Question 15)

Question 15: Do the relevant authorities of your country have the possibility to spontaneously provide information, without prior request, to authorities of another country if the disclosure of such information might assist the receiving country in initiating or carrying out investigations or proceedings concerning criminal offences established in accordance with the Convention? If so, please indicate how such information is transmitted and which authorities are involved.

Yes. Prosecution authorities can provide information spontaneously, without prior request, to the authorities of another country. Prosecution authorities send the relevant information to the Police and the Police in turn forward this information via Europol or Interpol to the competent authorities of the other country.

More specifically, in order to effectively investigate cases and dismantle criminal transnational organizations involved in human trafficking, the competent Services of the Hellenic Police, utilizing all the international police cooperation channels (Interpol, Europol, Eurojust, SELEC, Officers Links Embassies in Greece), directly exchanges information with prosecution services of other countries, for cases of mutual interest that are under investigation.

Also, the Hellenic Police receives requests from respective services, of both EU member states and third countries, regarding investigating trafficking cases. During the current period (January-May 2006), the Hellenic Police received, through the aforementioned channels, thirty-two (32) requests for information regarding investigating trafficking cases (Belgium, Cyprus, Bulgaria, Netherlands, Ireland, Sweden, Portugal, Lithuania, Denmark, France, Albania, Germany, Hungary, Serbia, Czech Republic, United Kingdom).

Question 16: Do your police forces carry out joint actions, on a bilateral and/or a multilateral legal basis, with the police forces from other parties to fight THB? If so, please describe the action taken and provide an assessment of its impact. If not, please describe any plans for joint action or obstacles to joint action.

Based on Article 13 L.3663/2008 'European Judicial Cooperation Unit (EURO-JUST), Joint Investigation Teams and other provisions', for trafficking cases, there is a possibility of setting up "Joint Investigation Teams", coordinated and supported by Eurojust, among countries where there is mutual interest. This happens when: a) research requires difficult and complex actions associated with other Member - States, b) the nature and complexity of the case requires coordinated and concerted actions in the Member - States.

The Hellenic Police, while taking advantage of the full potential of police cooperation provided through Europol, participated in operational meetings that took place at the Europol headquarters, with members of the Spanish police, in order to exchange information and to conduct coordinated research in a trafficking case of mutual interest (2013). This resulted in the realization of simultaneous investigations in both countries, under the coordination of Europol, and in the eradication of a transnational criminal organization that was active in the recruitment of human trafficking victims in the Dominican Republic and their transfer to Greece through Turkey, with Spain being the final destination.

Our country participated in Joint Action Days (JAD's) for labor trafficking, which are part of the Operational Action Plans (OAP 4.1) of the EMPACT priorities of Europol for the year 2016.

Section I.3. Definition of "THB" and of "victim" in the internal law of the parties

In accordance with Article 4a of the Convention, trafficking in human beings consists of a combination of three basic components, each to be found in a list given in the definition:

the action of: "recruitment, transportation, transfer, harbouring or receipt of persons";

by means of: "the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person";

for the purpose of exploitation, which includes "at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs".

Article 4b of the Convention follows European Court of Human Rights case-law in that it states that the consent of a victim of THB to a form of exploitation listed in Article 4a is irrelevant if any of the means referred to in Article 4a has been used.

Under Article 4c recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation is to be regarded as trafficking in human beings even if it does not involve any of the means listed in Article 4a. It is also immaterial whether or not the child consents to be exploited. Under Article 4d the word "child" means any person under 18 years of age.

Article 4e defines "victim" as "any natural person who is subject to trafficking in human beings as defined in this article". A victim is anyone subjected to a combination of components (action – means – purpose) specified in Article 4a of the Convention.

Questions:

Question 17: Are all the elements of the three components (action, means and purpose) contained in Article 4a of the Convention included in the legal definition of THB established by your internal law? Please describe how they have been integrated in your internal law.

Article 323A of the Greek Penal Code stipulates that: "1. The person who, by use of force, threat of force or other coercive means, by imposition or abuse of power or by abduction, recruits, transports, transfers inside or outside the territory of the country, retains, harbours, delivers to another with or without benefit or receives from another person, with the purpose of removing cells, tissues or organs of the body or of exploiting the labour or begging thereof, shall be punished by a maximum penalty of ten years of imprisonment and by a fine of ten thousand to fifty thousand euros.

2. The perpetrator shall be punished by the sentence of the previous paragraph, if, in order to achieve the same goal, he/she achieves the consent of a person by fraudulent means or he/she deceives them by exploiting their position of vulnerability by making promises, gifts, payments or giving other benefits.

3. The person who knowingly accepts the labour of a person who is under the conditions described in paragraphs 1 and 2 is punished by a penalty of at least six months of imprisonment.

4. The perpetrator in accordance with the previous paragraphs shall be punished by a penalty of at least ten years of imprisonment and fifty thousand to one hundred thousand euros, if the act:

- (a) is against a minor or a physically or mentally disabled person,
- (b) is committed professionally,
- (c) is committed by an official who during duty or by abuse of power commits or participates in any manner in the act or
- (d) had as a result a particularly grave health injury or exposed the life of the victim at great danger.

5. The person who uses the means of paragraphs 1 and 2 in order to recruit a minor for use in armed conflicts shall be punished by a penalty of at least ten years of imprisonment and a fine of fifty thousand to one hundred thousand euros.

6. The perpetrator of the above paragraph shall be punished by life confinement, if the offense resulted in death."

Trafficking in human beings for sexual exploitation is defined by article 351 of the Greek Penal Code, according to which: "1. The person who by the use of force or by means of the threat or other forms of coercion or of the abuse of power, recruits, transports or transfers within or outside the (Greek) territory, retains, harbours or delivers with or without benefit to another or receives from another for the purpose of sexual exploitation by them or another, shall be punished by a maximum penalty of ten years of imprisonment and a fine of ten thousand to fifty thousand euros.

2. The perpetrator shall be punished by the penalty of the previous paragraph, if, in order to achieve the same goal, he/she achieves the consent of a person by fraudulent means or he/she deceives them by exploiting their position of vulnerability by making promises, gifts, payments or giving other benefits.

3. The person who knowingly performs a sexual act with a person who is under the conditions described in paragraphs 1 and 2, shall be punished by a penalty of at least six months of imprisonment.

4. The perpetrator in accordance with the previous paragraphs shall be punished by a penalty of at least ten years of imprisonment and a fine of fifty thousand to one hundred thousand euros, provided that the act:

- (a) is against a minor or is linked to the mental weakness or deafness of the person
- (b) was committed by one of the persons referred to in Article 349(2)(c),
- (c) is linked to the illegal entry, stay or exit of the victim from the country
- (d) is committed professionally,

(e) is committed by an official who, during duty or by abuse of power commits or participates in any manner in the act or, (f) had as a result the grave body injury of the victim.

5. If any of the acts of the first and second paragraphs had as a result the death of the victim, life sentence shall be imposed.

6. Sexual exploitation in the meaning of the previous paragraphs consists in committing sexual acts for profit or in using the body, voice or image of the face for profit in view of committing the actual or virtual sexual act or for sexual labour or for services of sexual arousal.

Question 18: Please indicate which of the following forms of THB are recognised under your internal law:

national;

transnational;

linked to organised crime;

not linked to organised crime.

All of the aforementioned forms are recognized.

Question 19: Under your internal law, is a "victim of THB" any natural person who is subject to THB as defined in Article 4e of the Convention? Please provide the definition of a "victim of THB" under your internal law. Please provide (a translation of) the legal text(s) in English or in French.

L3386/2005 (*on Entry, stay and social integration of third country nationals on Greek Territory*) art. 1 I: " *Victim of THB is the natural person for whom reasonable grounds exist in order to be considered as victim of any of the crimes provided by articles 323, 323A, 323B, 339 par. 1 & 4, 342 par. 1 & 2, 348A, 348B, 349, 351 and 351A of the Penal Code, before the criminal prosecution is initiated, as well as the one (natural person), against whom one of the abovementioned crimes was committed and a criminal prosecution is initiated, either one has entered the country legally or illegally. Victim of THB according to the previous passage, is the victim of article 336 of the penal code when this victim is juvenile*".

Question 20: Does your internal law recognise as victims of THB:

women;

men;

children?

All of the aforementioned categories are recognized.

Question 21: To what extent does the consent of a person to intended or actual exploitation determine if that person will be recognised as a victim of THB under your internal law? Please specify if your internal law contemplates the consent of the three categories of victims: women, men, children. Please provide examples.

Article 323 A PC par. 2 stipulates: " *The perpetrator shall be punished by the penalty of the previous paragraph, if, in order to achieve the same goal, he/she achieves the consent of a person by fraudulent means or he/she deceives them by exploiting their position of vulnerability by making promises, gifts, payments or giving other benefits.*"

Implementation by the parties of measures aimed to prevent THB, protect and promote the rights of victims of THB and prosecute traffickers

Section II.1. Implementation of measures to prevent THB

Questions in this section aim to obtain information on the implementation by the parties of the preventive measures contained in Chapter II of the Convention (Articles 5 to 9). Implementation of preventive measures concerns all countries: countries of origin, transit and destination. Preventive measures to be implemented can vary depending on the type of country, but all countries should implement measures to prevent THB.

Questions:

Question 22: Has a national/regional/local campaign or programme to alert the potential victims of THB to the various forms of exploitation been carried out in your country during the last two years? If so, was it based on research for determining effective prevention methods? Was it addressed to a particular group of potential victims? Which bodies, governmental or non-governmental, were in charge of implementing it? Please describe the material used for the campaign/programme and its dissemination. If possible, please provide an assessment of the impact of the campaign/programme. If more than one campaign or programme was carried out please provide the details for each of them. If there are currently plans for launching a new campaign or programme, please provide details.

In 2014, within the framework of the EU-funded project ViCTOR- Victims of Child Trafficking, Our Responsibility, a national campaign was launched in order to raise awareness and inform potential victims of helplines and organizations able to offer assistance, should they decide to reach out. A particular group of potential victims was addressed, that of vulnerable children.

Furthermore, "Break the Chain", an awareness raising initiative of the Office of the National Rapporteur primarily aiming at addressing the demand side, still it touched aspects of victimization, resulting overall in dissemination information concerning potential victims themselves.

For more information on the "Break the Chain" and other initiatives on 'demand-reduction', see answer to Question 24.

The General Secretariat for Gender Equality (GSGE) of the Ministry of Interior & Administrative Reconstruction, as the competent state entity for combating all forms of violence against women domestic violence, sexual harassment, rape, trafficking in women for sexual exploitation, has implemented the "National Programme for the Prevention and Combating Violence against Women" during the period 2009-2014.

Under this programme an awareness raising campaign was implemented including relevant seminars, a thematic conference, informational material in several languages (Greek, English, French, Albanian), TV and radio spots, cultural events, publicity on public transport, entries in press, a webpage (www.womensos.gr) and a facebook page, as well as banners in web pages. Its goal was to raise awareness on VAW and promote the specialized structures developed under the Programme, namely the SOS Helpline, the Counseling Centers and the Shelters. Special events (information sessions and conferences) were organised as part of the launching of the regional infrastructures.

One of the priorities of the new National Action Plan for Gender Equality that is currently being prepared by the General Secretariat for Gender Equality is a new national campaign in order to update and raise public awareness about violence against women.

The National Center for Social Solidarity /EKKA operates the "197" helpline and is the responsible authority receiving requests for victim assistance from all existing referral hotlines.

Concerning children at risk, the existing Help lines that operate on a 24hour basis include: the EKKA National Helpline for Children "1107" and the "1506" and the European Hotline for Missing Children "116000" operated by the NGO "The Smile of the Child" combined with the National Child Alert Automated System AMBER ALERT HELLAS.

Finally, there is a referral helpline, the "1109" (operated by the organization A21). The helpline operates around the clock with the capacity of communicating in 186 different languages. It is a victim-assistance and referral hotline, but provides also real time online information to potential victims and the general public.

Question 23: Please describe the social and economic empowerment measures for disadvantaged groups vulnerable to THB which have been implemented or are planned.

Several measures aimed at the protection and social inclusion of individuals vulnerable to social isolation and exploitation are being implemented, such as improvement of employability and promotion of employment (promotion of self-employability and entrepreneurship, subsidies for employers etc.), formal and informal education programmes, the pilot implementation of the minimum guaranteed income, health care for the uninsured citizens, easier access to the asylum procedure, free legal aid. Moreover, 19 shelters for women – victims of violence and in vulnerable situations operate the last four years in the whole country as well as 25 counselling centers which offer psychosocial support and legal advice to women – victims of violence.

The "National Programme on Preventing and Combating Violence against Women" of the General Secretariat for Gender Equality, refers to all forms of gender based violence, one of which is trafficking in human beings.

Among the actions of the Programme, the operation of 40 Counseling Centers and 21 shelters for Abused Women, providing bilingual (Greek and English) services of shelter, psychological and social support and legal aid/counseling to women victims of all forms of violence-including trafficking- and their children is included.

THB victims (identified or not) receive psychosocial support, psychotherapy, medical care, vocational guidance and legal representation or the facilitation of repatriation. The support continues to transition period towards their reintegration. To this end, a large number of NGOs operate Social Enterprises and non-profitable handicraft business for vulnerable women, art therapy and creative expression workshops and make street-work interventions, focusing on children, who either spend most of their day on the street (child labor), selling small items, or belong to socially excluded groups and have not been integrated into the school environment.

See also BELOW (answer to questions 24 & 37)

Question 24: What preventive measures to discourage demand leading to THB, as provided for in Article 6 of the Convention, has your country adopted or is considering adopting?

The Office of the National Rapporteur, in accordance with its mandate, aims at stepping up efforts to reduce demand through awareness raising initiatives. In this framework, "Break the Chain", an ongoing public initiative was launched in 2015, on the occasion of the EU Anti-Trafficking Day. Based on a transmedia concept that combines art and culture, this two-day festival aimed at educating the public about the reality of human trafficking, in an attempt to reduce demand for products or services extracted from exploitative, slave-like conditions. This was the first time that an international, multidisciplinary festival against human trafficking was organized, with the joint participation of state authorities, civil society organizations, international partners, corporate social responsibility actors and cultural stakeholders. Three thousand (3000) people visited the festival and participated in its various events and workshops.

In brief, the festival included among others: 80 speakers, 6 visual artists, 7 photographers, 33 graphic designers, 30 musicians, 12 art groups, 50 performers, 30 state and civil society partners, 9 experiential workshops and seminars, 5 educational activities for children, 3 open debates, exhibitions as well as THB-related films and documentaries screenings.

A significant impact was recorded, as the Hellenic Police reported an increase of the number of calls received by citizens wishing to report cases of potential THB victims that were brought to their attention. Following last year's success, Break the Chain 2016 is currently under development, in close cooperation with all stakeholders actively engaged in the field of combating trafficking in human beings.

The Office of the National Rapporteur, in accordance with international standards and best practices, works vigorously towards engaging key private stakeholders for the promotion and establishment of "slave-free" supply chains.

Upon a National Rapporteur's initiative, a Memorandum of Cooperation has been signed with the Corporate Social Responsibility Hellas Network, aiming at raising awareness among businesses, consumers and employees by conducting trainings, organizing workshops and events and by engaging social media tools in order to reach out to broader audiences. A positive example has been set by Delhaize Group, represented by AB Vassilopoulos in Greece, a major super-market chain, that decided to commit resources to combating trafficking among other human rights violations. The company participated in trainings provided by an expert organization, as well as relevant conferences, the "Business against Slavery" being one of them. The Office of the National Rapporteur aims at establishing an expanded Corporate Social Responsibility (CSR) Platform of zero tolerance towards trafficking by building additional public-private partnerships, by promoting the established good practices and by coordinating all relevant activities.

Additionally, the Office of the National Rapporteur aims at promoting human rights education at schools, in collaboration with state partners and local authorities, such as the Ministry of Education and the "Open Schools" project of the Municipality of Athens. The objective is to educate students at a young age about fundamental rights, sexual and reproductive health and the fact that the human body is not for sale. In the same context, the Office participates in the National Dialogue for Education and in the national campaign of No Hate Speech Movement, while the National Rapporteur has been appointed as a permanent member in the newly established National Council against Racism and Intolerance.

Finally, various stakeholders from the civil society are very active at schools and universities and use performance art, dramas, dances and media as an awareness raising medium. A basic aim is to address the "demand side" and the role of the client before it is "too late" and the commodification of sexuality has affected gender norms. Since 2012, over 6.000 pupils and students have been engaged on the issue of human trafficking through these initiatives and projects.

Question 25: Please specify the measures taken by your country to ensure quality, security and integrity of travel and identity documents in order to prevent their unlawful creation and issuance as well as to ensure that they cannot easily forged.

A) Identity Documents

Within the framework of combating hijacking, forgery, counterfeiting and falsification of identity cards, since the beginning of October 2014, searching for and obtaining the required certificate for an identity card, is done by the authorities issuing the cards, through the interconnection of the Central Information System of the Hellenic Police, the Integrated Information System of the National Municipal Roll of the Ministry of Interior, without the mediation of citizens.

For all issuing – replacing ID card cases, immediate identification of the applicant is made, through a computer application of the Hellenic Police, in which the citizen's data and photograph, are registered. If there is no relevant entry then further identification documents are required (e.g. sickness booklet, driving license, etc.).

Other than the material needed for an ID card issuance and in the context of general preventive police actions, if it is first time issuance (e.g. permanent residents abroad or foreigners who obtain the Greek citizenship), the Authorities, requires identity documents or travel documents and verify the authenticity thereof.

Finally, in cases where the person does not provide as supporting material, a previous identity card (original version, loss or theft), then confirmation of his/her information by a witness, is required.

B) Travel Documents

The jurisdiction of the Service of the Hellenic Republic for issuing travel documents is the Passport and Document Security Headquarters of the Hellenic Police. For the design, organization and functioning of the this Agency, provisions No. 2252/2004 of the European Regulation on standards for security features and biometrics in new Greek passports and travel documents of EU Member States, were taken into account. These were amended by No. 444/2009 European Regulation. Other instructions included in No. 9303 document of the International Civil Aviation Organization (ICAO) for machine-readable travel documents, were also taken into account.

Further, this Agency, as part of its responsibilities, constantly monitors technological developments in the printing of security documents and ensures the necessary technological adjustments where necessary, while when there are recorded cases of forgery, it assesses the current risk and take measures to address them.

To this end, it conducts regular upgrades embedded in the Greek passport security measures, so that even when forgery is attempted, it is easily understood and detectable both by the officials responsible for checking, and by anyone else.

Also, in cases of genuine Greek passport issue either by forging or by using a stolen identity card, the Agency proceeds with its cancellation and retrieval so that it is removed and returned, while other co-competent services are informed about their responsibilities – namely, to form a file, to inform the competent public prosecutor and to cancel the identity card.

Moreover, after the full use of "Identities of Greek Citizens" in the computerized system "Police On Line" of the Hellenic Police, passport issuance cases using fake identity cards was virtually eliminated. For cases where requests are submitted to the competent Consular Missions abroad, a comparison is made of the evidence of the produced identity cards to the data registered in the aforementioned database.

Question 26: Please specify the measures taken by your country to detect cases of THB at its borders, *inter alia* by means of border surveillance teams and intelligence measures.

Almost all trafficking cases in our country were transnational external cases of THB. In this respect, the Hellenic Police cooperates with all respective Services and Agencies, inside and outside the country (through official channels of police cooperation -Europol, Interpol, SELEC, FRONTEX), so as to collect and further take advantage of every possible information. Based on the above information and information extracted from the analysis of relevant cases investigated by agencies of the Hellenic Police, the Public Security Directorate Headquarters of the Hellenic Police, drafted an Analysis Report of the situation regarding trafficking in our country for 2013-2015, which show in detail types of actions, signs (of both victims and perpetrators) and trafficking trends. This report has been sent to all competent police units to assist their work in combating human trafficking.

Also, the Hellenic Police utilizes relevant reports and warnings from European Organizations (EUROJUST, Europol, FRONTEX) on estimated threats regarding human trafficking, which

add value to the efforts of front-line services (including the border guard services) for the recognition of cases - victims of trafficking.

In addition, the Hellenic Police provided a contribution on cross-border organized crime cases, to the European Border Surveillance System (EUROSUR), for registration and further use.

At the same time, the Hellenic Police places special emphasis on informing and educating staff of border services on trafficking issues. These trainings take place both nationally and within European bodies (FRONTEX, CEPOL).

Question 27: Please describe any measures taken to provide information, through consulates and embassies, about legal entry and stay on the territory of your country in order to ensure informed and legal immigration.

The Office of the National Rapporteur participates as an Associate partner in EU-funded projects aiming at promoting transnational, multi-sectoral and inter-agencies cooperation. Within this framework, the Office of the National Rapporteur participates in the TACT project (Transnational Action-Safe and Sustainable Return and Reintegration for Victims of Trafficking, returning from Greece, Italy, France, Poland and Spain to Priority Countries: Albania, Morocco and Ukraine), implemented by IOM and funded European Union Asylum, Migration and Integration Fund (AMIF).

Project outcomes include the organization of information meetings with representatives from the priority countries based in the participating EU member states through embassies and consulates. Capacity-building activities, along with the establishment of a network of contacts and channels of communication, were promoted in an attempt to improve cooperation and information-exchange among competent authorities, in strategic partnerships with civil society organizations. The overall objective being to ensure that identification, referral and assistance mechanisms are set up for the benefit of victims of trafficking.

Furthermore, the National Rapporteur frequently delivers relevant trainings to Embassy Attaché candidates, as part of their curriculum, in an attempt to educate future diplomatic and consular staff about potential risks due associated with the nexus between trafficking and irregular migration.

Question 28: Please describe any measures taken to avoid issuing visas (tourist, working, student visas, etc.) when there are reasonable grounds to believe that a person may be a victim of THB or implicated in THB. In such cases, please describe any specific measures which your law enforcement authorities have instructions to apply.

The Embassies and Consulates in the country notifies the Hellenic Police for further investigation of such cases.

Question 29: Do any specific measures exist for preventing national THB, including THB taking place on the territory of parties with special agreements establishing common borders (Schengen Agreement for example)? If so, please specify.

See ABOVE (answers to questions 13, 15 & 16, provided by the Hellenic Police)

Question 30: What funds have been allocated to the above-mentioned preventive measures in the state budget (central and/or regional/local)? Please specify amounts in euros.

Question 31: Has an assessment of the impact of the above-mentioned preventive measures taken by your country been carried out? If so, please specify the results of the assessment.

Section II.2. Implementation of measures to protect and promote the rights of victims of trafficking in human beings

Questions in this section aim to obtain information on the implementation by the parties of measures to protect and promote the rights of victims contained in Chapter III of the Convention (Articles 10 to 17). This part of the questionnaire concerns the ways and procedures to identify victims (Article 10), measures to assist victims (Article 12), the recovery and reflection period (Article 13) and residence permits (Article 14). In addition some questions concerning repatriation and return of victims (Article 16) and reintegration of victims into society (Article 16-5) as well as questions about compensation (Article 15) are addressed.

Questions:

Question 32: At what moment and by whom is the process to identify a potential victim of THB initiated (for example, declaration of the potential victim, statement by a police officer, statement by a NGO etc.)?

The procedure can definitely be initiated by law enforcement authorities. Furthermore, the first-level identification of a presumed victim could be initiated by any field professional, working in State or non-governmental Social Agencies (situated in municipalities, hospitals, areas where vulnerable groups (such as Roma) reside or in Organizations which offer basic welfare services, such as medical support, food or shelter to migrants, asylum seekers, uninsured citizens, homeless, victims of violence etc.) and could get in touch with a potential victim. The NRM (National Referral Mechanism) works hand in hand with competent stakeholders, in order to broaden the network of agencies that could identify a (potential) victim and refer it to the NRM.

From the study - analysis of trafficking cases made by the Hellenic Police, it is noted that in almost all of them, the recognition of the victims began when they appealed to authorities (victims who managed to escape the control of the perpetrators and appealed to police services where they received assistance and protection) or from information received by the police services, which, in turn, further dismantled criminal organizations and "freed" identified victims.

Question 33: Have any common criteria been defined in your internal law for granting the legal status of victim of THB? If so, please specify.

According to the EU Directive 2004/81/EU on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities, which has been transposed in national law (law 4251/2014 Migration and Social Integration Code, hereinafter "Code"), special protection is provided to migrants recognised as victims of trafficking in human beings or smuggling of migrants, who cooperate with the competent authorities.

After the expiry of the reflection period which allows the victims to recover and escape the influence of the perpetrators of the offences so that they can take an informed decision as to whether to cooperate with the competent authorities and provided that the victim cooperates, the common criteria that have to be examined for the issue and renewal of a residence permit are the following:

- a. the prolonged stay of the victim in the Greek territory would facilitate the investigations or criminal proceedings;
- b. the victim has shown a clear intention to cooperate; and
- c. the victim has severed all relations with the purported perpetrators of the offences of trafficking according to the law.

Question 34: Which national authority(ies) grant(s) the legal status of victim of THB (for example, police forces, public prosecutor, judge, etc.)? Can such a decision be appealed?

The prosecutor is the competent authority to grant victim status. There is no provision regarding appeals against the prosecutor's decisions.

The Public Prosecutor is responsible for the formal recognition of a presumed victim. In the spirit of the Palermo Protocol, a written statement of a psychologist and a social worker is required for the recognition of a victim, unwilling to cooperate with law enforcement authorities.

Question 35: Can a person be removed from your country during the process of identification as a victim of THB (for example, if he/she is present illegally)?

No.

Question 36: Does your country recognise the status of victim of THB granted by another party when the victim is on your territory?

Although not explicitly provided for by the law, the prosecutor always takes it into consideration, provided that all necessary prerequisites according to the law are in place and proceeds with the identification of the victim.

Question 37: Please indicate which types of assistance described in Article 12 of the Convention are provided to victims of THB in your country. Please specify who provides the different types of assistance.

The services provided to victims, according to their individualised needs, are:

Shelter

Counselling/ Psychotherapy

Social Support

Material assistance

Health care

Legal Counselling

Legal representation

Issue of residence permit

Repatriation procedure

Translation services

1. **Shelter:** for women victims of violence (incl. victims of THB) 19 shelters operate in different municipalities under the auspice of the General Secretariat for Gender Equality (funded by the National Structural Fund).

For the same population as well as girls, the National Center For Social Solidarity (EKKA) operates two emergency shelters in Attiki and in North Greece as well as two short – term shelters.

NGO A21 operates an emergency shelter in Attiki and a short-term shelter in North Greece.

Children – victims are hosted in Child Care Centers (run by the State, the Church, NGO's) or in shelters for unaccompanied minors run by NGO's, after evaluation of their individualized situation (under the coordination of the National Centre for Social Solidarity).

NGO KMOP (Family and Childcare Center) is in close cooperation with the Department of Social Services, Municipality of Thessaloniki in conducting street work for the identification of potential victims of THB and all referrals are accommodated in a new shelter that was recently established.

For men – victims there are no special facilities, other than shelters for asylum seekers or homeless people.

2. Counselling/ Psychotherapy: For women – victims the General Secretariat for Gender Equality operate 25 counselling centers which offer psychosocial support and legal advice (not all 25 have this possibility) to women – victims of violence.

Also, EKKA runs support programmes to its Social Support Centres in Attiki and Thessaloniki.

NGO's, such as A21, Greek Council for Refugees, Day Care Centre "Babell", Solidarity Now.

3. Social Support: Social Services which offer specialized support to women victims of trafficking are the Social Support Centres of EKKA, the Counselling Centres of the General Secretariat for Gender Equality (in cooperation with the municipalities), NGO's: A21, HopeSpot.

To children – victims social support services are offered by all child care services in Greece, especially those specialized in child abuse/neglect, such as: NGO's "The smile of the Child", "Arsis", as well as those who protect unaccompanied minors.

To men victims, social support is offered by services that specialize with asylum seekers, migrants, torture victims, that is the Day Care Centre "Babel", "Doctors Without Borders", "Doctors of the World", "Praksis", "Solidarity Now".

3. Health Care: The victims of THB are entitled to free health care in the National Health System.

There are also NGO's which run day clinics for the uninsured citizens: "Doctors of the World", "Praksis", Solidarity Now

4. Legal counselling/ Legal Representation: For women – victims the General Secretary of Equality of Sexes operate 25 counselling centers which offer legal advice (not all 25 have this possibility) to women – victims of violence.

NGO's, such as A21, HopeSpot, Greek Council for Refugees, Centre of Women Studies and Research "Diotima" offer legal advice and representation for all victims.

The victims can also benefit from the legal aid programme of the Prosecution Office.

5. Residence Permit: The residence permit of a recognized victim of THB is issued solely by the Ministry of Interior.

6. Repatriation procedure: The repatriation procedure is usually run by the Social Service which manages the case of the victim, with the cooperation of the corresponding Embassy or Consul in Greece.

Also, IOM Greece runs funded repatriation programmes for victims of THB.

7. Translation services are offered either on a voluntary basis or with a fee, by the NGO "METADRASI", Greek Council for Refugees (GCR), "Praksis" etc.

For the penal procedures translators are appointed by the Court. (EKKA)

Moreover, the SG for Gender Equality, through its structures and their qualified staff (Counseling Centers and Shelters), provides psychosocial support, legal counseling as well as counseling in labor issues, emergency shelter and, where necessary, legal aid in cooperation with local Bar Associations, to all women victims of violence.

Question 38: Please describe the differences in the assistance and protection measures envisaged for victims of transnational trafficking and those envisaged for victims of national trafficking.

The same protection, without any legal distinction, applies to both victims of national and transnational trafficking.

Question 39: Does your state budget allocate specific funding for these assistance and protection measures? Please indicate the amount (in euros), the criteria for receiving such funding and who receives it. Please specify the bodies/agencies/NGOs which actually cover the costs of the different types of assistance?

The «National Programme for preventing and combating violence against women» of the General Secretariat for Gender Equality was funded by the National Strategic Reference Framework. The total project budget reached EUR 25.000.000.

Furthermore, in the framework of the Internal Security Fund (2016-2022), the amount of EUR 1.154.929 has been approved for anti-trafficking actions and activities in Greece. The amount will be allocated under the supervision of Office of the National Rapporteur to competent stakeholders (EKKA, Hellenic Police) and IOM Greece for the establishment of a National Data Base, the improvement of National Referral Mechanism (capacity building and training courses for first line identifiers) and organization of awareness-raising events and campaigns.

See also ABOVE (answers to Questions 23 & 37)

Question 40: Please describe how the recovery and reflection period provided for in Article 13 of the Convention is defined in your internal law. Please indicate the minimum and maximum duration of the recovery and reflection period and how your internal law foresees it being adapted to the particular circumstances of victims.

L.4251/2014 (), Article 49 stipulates:

Reflection Period:

1. Third-country nationals that have been characterised as victims of trafficking in human beings or migrant smuggling in accordance with the provisions of points (k) and (l) of paragraph 1 of this Code, provided that they do not fall within the provision of Article 1(2) of PD 233/2003, are granted a reflection period of three months by act of the competent Public Prosecutor, in order to escape the influence of the perpetrators of the offences against them and to recover so that they can take an informed decision as to whether to cooperate with the criminal authorities.
2. With regards to minors – victims of trafficking in human beings or migrant smuggling, the same deadline may be extended for two more months by decision of the competent Public Prosecutor and with the minor's best interest in mind.
3. In the interim and until the expiration of the deadline of the reflection period, the persons of the abovementioned paragraphs cannot be deported from the country. Any issued decision for forced return is suspended.
4. Upon decision of the competent prosecution authority, the deadline of the reflection period can be terminated prior to its expiration date, in cases that:
 - i. The relevant prosecution authority ascertains that the victim reconnects actively and voluntarily with the perpetrators of the crimes of article 1 **(ia)** & **(ib)** of this Code or when the elements that were taken into account for the person to be characterized as victim of trafficking according to the provisions of article 1 (ia) and (ib) are not finally present.
 - ii. It is necessary due to reasons of public order and public security

Question 41: What are the grounds (personal situation and/or co-operation with the law enforcement authorities) for issuing residence permits to victims of THB provided for in Article 14 of the Convention? Please indicate the different types of residence permits which can be issued to victims of THB, their minimum and maximum duration, if any, and the grounds for their renewal.

Regarding the protection of victims of trafficking, as above mentioned, the Directive 2004/81/EC, fully implemented by Greece, introduces a residence permit for these victims (Art. 49-56 of the Migration Code law 4251/2014). The residence permit is granted to victims of trafficking upon decision of the Minister of Interior, if they are recognized as such by act of the competent prosecutor's office. It is of one year duration and renewable, if one of the conditions provided by law are met. It gives free of charge access to medical services and health care and permits access to the labour market, only for the period of its duration. It is worth mentioning that this residence permit may be renewed for one of the grounds of

the Code by decision of the Minister of Interior or of the Decentralized Authorities of the State.

Further, since 2010, national legislation (law 3907/2011, Min. Decision 30651/2014, law 4251/2014, law 4332/2015) provides for the acquisition of a residence permit for humanitarian reasons covering cases such as victims of trafficking, who do not fall under the scope of the Directive (case of victims who do not cooperate with the competent authorities), upon decision of the Minister of Interior. The permit is of one year duration and renewable every two years until the criminal proceeding is completed. The residence permit holders are entitled to free of charge medical services and health care.

Question 42: Please describe how your internal law provides for the right of victims of THB to compensation. Please specify if your country has adopted any specific measures to guarantee compensation for victims of THB as provided for in Article 15 of the Convention.

Law 3811/2009, which entered into force on 18 December 2009, is an act of primary legislation which gives the right to victims of crimes under the articles 323 (trade of slaves), 323A (trafficking in human beings), 323 B (sexual tourism), 336 (rape), 339 (seduction of children), 342 (abuse of minors) 348A (pornography of minors), 348 B (intentional approach of children for sexual reasons) 348 F (access to child pornographic material), 349 (pandering), 351 (trafficking in human beings for sexual exploitation), 351A (sexual abuse of minor for payment, that have been committed intentionally to claim compensation.

According to article 1 par. 1 of Law 3811/2009: "*1. An authority is established under the name 'Greek Compensation Authority', which functions within the Ministry of Justice, Transparency and Human Rights and decides, in accordance with the provisions of Article 3 of this act, on the applications for compensation of victims of intentionally violent crimes and of Articles 323A and 351 of the Criminal Code*".

Furthermore, according to article 3 of the same law, victims of crimes of intentional violence or of Articles 323A and 351 of the Penal Code that have been committed in the territory of Greece, which have their residence or habitual residence in Greece or in the territory of another Member State of the European Union, are entitled, upon request, to a reasonable and suitable compensation from the Greek State. In addition, in cases of a final court decision according to which a compensation must be given to the victim, the victim should firstly pursue to receive the compensation from the perpetrator and in case his/her claim is not satisfied, then can turn to the Greek Compensation Authority.

Question 43: Please describe the procedure established under your internal law for the repatriation and return of victims of THB.

The repatriation procedure is usually run by the Social Service which manages the case of the victim, with the cooperation of the corresponding Embassy or Consul in Greece, for the issuing of a travel document, if necessary (in cases passports or ID's are missing).

Also, the International Organization of Migration (IOM Greece) runs funded repatriation programs for victims of THB. In case there is an IOM Office in the country of origin, a safe return home is ensured with the escort of an IOM representative.

Question 44: Does a person, repatriated to your country as a victim of THB, continue having victim status? If so, please specify on which grounds such recognition is made (for example, declaration of the victim). What assistance measures are envisaged for such persons after repatriation?

Although not explicitly provided for by the law, the prosecutor always takes it into consideration, provided that all necessary prerequisites according to the law are in place and proceeds with the identification of the victim. Assistance measures applies to all victims of trafficking, without any precondition.

Question 45: What are the grounds for the victim status to come to an end:
 victim status claimed improperly;
 victim's refusal to co-operate with the authorities;
 return to the country of origin;
 request of the victim;
 other, please specify.

Victim status comes to an end if claimed improperly, if requested by the victim or in cases of return to the country of origin. Additionally, the active and voluntary reconnection of the victim with the perpetrators of the crimes that the victim has reported (art. 55 par. a of L4251/2014) constitutes grounds to end status victim.

Section II.3. Implementation of measures concerning substantive criminal law, investigation, prosecution and procedural law

Questions in this section aim to obtain information on the implementation by parties of measures concerning substantive criminal law contained in Chapter IV of the Convention (Articles 18 to 26) as well as measures concerning investigation, prosecution and procedural law contained in Chapter V of the Convention (Articles 27 to 31).

Questions:

Question 46: Is THB subject to a single criminal offence in your internal law? If so, please provide (a translation of) the legal text(s) in English or French. If not, please specify the combination of criminal offences, covering as minimum all conducts falling within the definition of THB as contained in Article 4 of the Convention, used under your internal law to prosecute for THB.

THB is a single criminal offence according to article 323A and 351 of the Penal Code (P.C.). See ABOVE (answer to question 17) for the legal text.

Question 47: Does your internal law establish as a criminal offence the use of services of a victim of THB with the knowledge that the person is a victim of THB as provided for in Article 19 of the Convention?¹

Yes, according to article 351, par.3 of the P.C: "*The person who knowingly performs a sexual act with a person who is under the conditions described in paragraphs 1 and 2, shall be punished by a penalty of at least six months of imprisonment.*"

Also, according to article 323A, par.3 of the P.C: '*The person who knowingly accepts the labour of a person who is under the conditions described in paragraphs 1 and 2 is punished by a penalty of at least six months of imprisonment.*'

Question 48: Does your internal law establish as a specific criminal offence retaining, removing, concealing, damaging or destroying a travel or identity document of another person committed intentionally and for the purpose of enabling THB as provided for in Article 20c of the Convention?

According to Article 222 of the Penal Code, it is a single criminal offence that also applies in cases of trafficking.

Question 49: Does your internal law ensure that a legal person can be held liable for criminal offences established in accordance with the Convention as provided for in its Article 22? What types of legal persons are subject to corporate liability for such offences?

¹ Article 19 of the Convention does not concern using the services of a prostitute as such and the criminalisation of her/his client (see paragraphs 229 to 236 of the Explanatory Report of the Convention).

According to article 3 of L.4198/2013 (Prevention and combating of trafficking in human beings and protection of its victims and other provisions):

1. If one of the acts of Articles 323A and 351 CC was committed via or for the benefit or on behalf of a legal person, by a natural person who acts either individually or as part of an organ of the legal person and has a power of representation of the legal person or an authority to take decisions on behalf of the legal person or an authority to exercise control within the legal person, the Minister of Justice, Transparency and Human Rights shall decide on the imposition of the following sanctions, cumulatively or alternatively, on a case-by-case basis:

(a) an administrative fine of EUR 15 000 to 150 000;

(b) withdrawal or suspension of the authorization for a period up to six (6) months or prohibition of exercise of professional activities for the same period;

(c) exclusion from entitlement to public benefits, aid, subsidies, award of works and services contracts, supplies, publicities and competitions of the State or legal persons governed by public law for the same period.

The administrative fine under point (a) shall be always imposed regardless of the imposition of other sanctions. In case of recidivism, the sanctions under points (b) and (c) may have a final character and, where concerning an association or union of persons, a winding-up may be imposed, as provided in the relevant applicable provisions.

Question 50: Which sanctions does your internal law provide for criminal offences established in accordance with the Convention? Please specify the criminal, civil and administrative sanctions.

See ABOVE (answers to questions 17 and 49).

Question 51: Does your internal law provide for the possibility to take into account previous convictions in another party when determining the penalty in relation to offences established in accordance with the Convention?

It is taken into account with regards to the quality of the personality of the perpetrator, but not when determining the penalty.

Question 52: Please describe how your internal law provides for the possibility of not imposing penalties on victims of THB for their involvement in unlawful activities, to the extent that they were compelled to do so, as provided for in Article 26 of the Convention.

According to Art. 187 B of the Penal Code:

Equity measures

1. If one of the perpetrators assembling a criminal organization or gang or participating in one of the above in accordance with Article 187(1) and (3) or of constituting a terrorist organization or participating in it in accordance with Article 187A(4), enables the prevention of one of the planned crimes by announcing it to the authorities or contributes essentially in dissolving the criminal organization or gang or terrorist organization, shall be exempted from the sanction for these actions.

Where a criminal prosecution has not yet been initiated, the prosecutor of the Misdemeanours court shall abstain from initiating the prosecution by reasoned opinion and shall submit the case file to the prosecutor of the court of second instance, who shall take actions in accordance with Article 43(2) of the Criminal Procedure Code.

2. If, in the case of the previous paragraph, the offender had committed one of the crimes of Article 187(1) and (3) or has committed one of the crimes of Article 187A(1), the court shall impose a reduced sanction pursuant to Article 83. In exceptional cases, the court, after evaluating all circumstances and in particular the risk arising from the criminal organization, of the gang or the terrorist organization, the extension of participation of the offender and the level of contribution in dissolving them, may order the suspension of execution of the penalty from 3 to 10 years, by applying as for the rest Articles 99 to 104.

3. For the person who denounces offenses committed against him/her by a criminal organization under Article 187 or by offenders under Articles 323A and 351, the prosecutor of Misdemeanours court, in case of a prospective well-founded complaint, may, after approval of the prosecutor of the court of second instance, abstain temporarily from the criminal prosecution for violations of aliens law and prostitution, as well as for violations due to their participation in criminal activities, provided that such participation was a direct consequence of the fact that they were victims of the crimes under Articles 323A and 351, until the publication of an irrevocable decision for the acts denounced. If the complaint proves well-founded, the abstention from the criminal prosecution is final.

4. The removal of aliens that are illegally in the country and denounce offenses under Articles 323A and 351 or that were committed from a criminal organization under Article 187, may, after decision of the prosecutor of Misdemeanours court and approval of the prosecutor of the court of second instance, be suspended until the publication of an irrevocable decision for the acts denounced. As long as the suspension of the removal applies, a residence permit shall be granted to aliens by way of derogation from the aliens' legislation in force."

Furthermore, according to article 59 par. 4 of Code of Penal Procedure, the prosecutor has the right to postpone any judicial procedure against the victim until the final decision of the court regarding the crimes that have been committed against the victim. If the latter is convicting regarding the perpetrator no prosecution is initiated against the victim.

Question 53: Does your internal law provide for the initiation of legal proceedings by the victim and/or *ex officio* (for example, by the public prosecutor)?

Both

Question 54: Please describe how your internal law allows for NGOs or associations/groups assisting or supporting victims to participate in legal proceedings (for example, as third parties)? Please specify the conditions for this participation as well as their legal status during these proceedings.

According to the internal law, only lawyers and/or law firms can legally represent people in court. Consequently, lawyers working in NGOs can also represent victims in accordance with the procedural rules, but this legal representation is on a pro bono basis. Victims of trafficking could appoint additional private attorneys. The lawyers of an NGO represent their clients during the trial, asking questions (cross -examination) to the witnesses, making applications of the Criminal Procedure Code and exercising all the rights of the civil party. Lawyers accompany victims, during their testimony, but do not have the right, under the Greek Code of Criminal Procedure, to be with them during the pre-trial process in investigative offices etc. On the contrary, psychologists could help victims during these various stages, as provided for in Article 226 B of the Criminal Procedure Code.

Question 55: Please describe the measures taken in your internal law to protect the identity and safety of victims before, during and after investigations and legal proceedings.

Pursuant to article 12 of Law 3064/2002 (*Combating trafficking in human beings, crimes against sexual freedom, pornography of minors and in general the financial exploitation of sexual life and relied to the victims of these actions*) as supplemented by Presidential Decree 233/2003 and amended by law 3875/2010, the victims of the acts referred to – inter alia – in articles 336 323, **323A, 323B**, 339 par. 1 and 4, 342 par. 1 and 2, **348A, 348B, 348Γ**, 349,351 and **351A** of Greek Penal Code as well as those under articles 29 par. 5 and 6 and 30 of Law 4251/2014 (*Immigration and Social Inclusion Code and other provisions/ A` 80*) receive protection for their life, physical integrity and personal and sexual freedom, where there is a grave danger to such values. They also receive, for as long as necessary, assistance for accommodation, sustenance, living conditions, care and psychological support.

Furthermore:

Law 2928/2001 (Amendment of provisions of the Criminal Code and of the Code of Criminal Procedure and other provisions on citizens' protection from offenses of criminal organisations). This law and in particular Article 9 establishes a safeguard clause for the protection of witnesses and victims:

"2. Protection measures are the guardianship by appropriately trained police personnel, providing a statement by use of audiovisual means or only by audio means, not writing in the examination report the name, place of birth, residence and work, profession and age, which are ordered by reasoned opinion of the competent Misdemeanours prosecutor, the change of identity elements, reestablishment in other countries, as well as reassignment, transfer or detachment for an indefinite period, with a possibility of withdrawal, of public officers, that are decided by way of derogation to the provisions in force by the competent Ministers after proposal of the Misdemeanours prosecutor. The ministerial decision may foresee its non-publication in the Government Gazette as well as other means of ensuring the secrecy of the act. The protection measures are taken with the consent of the witness, shall not limit personal freedom beyond necessary for his/her security and shall be interrupted upon written request of the witness or non-cooperation for their success.

3. By decision of the Ministers of Finance, Justice, Transparency and Human Rights, Employment and Social Security, Health and Social Welfare, Education, Life-long learning and Religions and Citizens Protection, shall be determined the authority and process of implementation of the protection measures referred to in the previous paragraph.

4. During the hearing before the court, the witness whose identity elements were not revealed shall be called by the name mentioned in the examination report. Where the revelation of the actual name of the witness is requested by the prosecutor or a party to the trial, the court shall provide a reasoned decision on revealing or not the name. The court may also order the revelation ex officio. In any case the court may order all that is mentioned in Article 354 of the Criminal Procedure Code.

[...]

6. During the criminal proceedings for the punishable acts of trafficking in human beings pursuant to Articles 323, 323A, 323B and 351 of the Criminal Law Code, as well for the punishable acts pursuant to Articles 87(5) and 57) of Law 3386/2005 (Government Gazette 212A), measures may be taken, in accordance with the provisions of paragraphs 2 to 4, for efficient protection against potential revenge or intimidation of the victims of such acts, as characterized pursuant to Articles 1(1)(j) and (k) of Law 3386/2005, of the victims' familiars, or of the essential witnesses, even if any of the aforementioned punishable acts has not been committed in the context of an organized crime in accordance with the provisions of Article 187(1) of the Criminal Law Code."

Law 4251/2014 (Immigration and Social Inclusion Code and other provisions), Art. 51(3)

“3. The competent prosecution, judicial and police authorities shall take care, by priority order, for the protection and safety of the aforementioned victims, in accordance with the relevant provisions, for the provision of translation and interpreting services when they have no knowledge of the Greek language, for their information as regards their rights and the services provided, as well as for the provision of all necessary legal aid.” This protection refers also to victims of THB.

Criminal Procedure Code, Art. 226B, Witnesses victims of trafficking in human beings and trafficking for sexual exploitation

- 1. During the examination of the victim as a witness of the offenses referred to in Articles 323A and 351 of the Criminal Code, a psychologist or psychiatrist is appointed and is present as an expert, by way of derogation to the provisions of Articles 204 to 208.*
- 2. The psychologist or psychiatrist prepares the victim to be examined in cooperation with the authorities of the preliminary investigations and the judicial authorities. For this purpose, they use adequate diagnostic methods, decide on the perceptual ability and the psychological state of the victim and formulate their considerations in a written report that is an integral part of the case file. During the examination a psychiatrist or psychologist is present and the victim may be accompanied by its legal representative, unless the investigator forbids the presence of this person for an important reason by reasoned decision, in particular as a result of a conflict of interest or involvement of this person in the investigated act.*
- 3. The testimony of the victim is drafted and also recorded by audiovisual means, where possible. The electronic register of the victim’s testimony replaces their physical presence in the next stages of the procedure.*
- 4. The written testimony of the victim is always read in the hearing*
- 5. After the introduction to the audience of the case referring to the acts of paragraph 1, the prosecutor or the parties may ask from the president of the court to examine the victim, if the latter has not been examined in the investigation or must be supplementary examined. If the application is admitted, the examination of the victim is based on questions that have been asked in clarity, without the presence of the parties, on the place of the victim by an investigating officer who is appointed by the judge having ordered the investigation. Paragraphs 1 and 2 of this article also apply in these cases.*
- 6. The provision of Article 239(2) shall apply mutatis mutandis to adult victims of the acts referred to in paragraph 1. In that case, the social survey may be conducted also by social workers of municipalities or districts.*

Criminal Procedure Code, Art. 330, Hearing behind closed doors:

- 1. Where the publicity of the hearing is harmful to accepted principles of morality or there are special reasons for protecting the private or family life of the parties, especially where the publicity of the trial in crimes against sexual freedom and financial exploitation of sexual life has as a result the mental hardship or the slander of the victim, especially of a minor, the court order the hearing or part of it to be performed without publicity.*
- 2. For the exclusion of publicity in accordance with the previous paragraph, the court, after hearing the prosecutor or the State prosecutor, shall issue a reasoned opinion and shall read it in a public hearing.*

I. Statistics on THB

| Question | 2013 | | | | 2014 | | | | 2015 | | | | | | | |
|---|---|-----|-----------------------|-------|-------|-----|-----------------------|-------|-------|-----|-----------------------|-------|----|----|---|----|
| | women | men | children ¹ | total | women | men | children ¹ | total | women | men | children ¹ | total | | | | |
| Table 1: Victims of THB | | | | | | | | | | | | | | | | |
| <u>Article 10 – Identification of the victims</u> | | | | | | | | | | | | | | | | |
| T1 | Number of victims identified ² during the year | | | | 47 | 52 | 7 | 106 | 54 | 10 | 14 | 78 | 33 | 17 | 7 | 57 |
| T2 | Types of exploitation identified victims of THB were subject to: | | | | | | | | | | | | | | | |
| | - sexual exploitation | 30 | | 3 | 33 | 48 | | 7 | 55 | 30 | | 4 | 34 | | | |
| | - forced labour or services | | 55 | | 55 | | 5 | 1 | 6 | | 11 | | 11 | | | |
| | - slavery or practices similar to slavery | | | | | | | | | | | | | | | |
| | - servitude | | | | | | | | | | | | | | | |
| | - removal of organs | | | | | | | | | | | | | | | |
| | - other, please specify (Begging Exploitation) | | 6 | 4 | 10 | 3 | 8 | 6 | 17 | 3 | 6 | 3 | 12 | | | |
| | Sexual & Labour Exploitation | 8 | | | 8 | | | | | | | | | | | |
| T3 | Number of persons whom the competent authorities had reasonable grounds to believe were victims of: | | | | | | | | | | | | | | | |
| | - national trafficking | | | | | | | | | | | | | | | |
| | - transnational trafficking | 22 | | | 22 | 30 | | | 30 | 10 | | 4 | 14 | | | |
| <u>Article 12 – Assistance to victims</u> | | | | | | | | | | | | | | | | |
| T4 | Number of victims of THB who received assistance of any type | | | | 21 | 1 | | 22 | 30 | | | 30 | 10 | | 4 | 14 |
| T5 | Number of victims of THB who refused assistance which was offered to them | | | | | | | | | | | | | | | |
| T6 | Number of shelters for victims of THB in your country | | | | | | | | | | | | | | | |
| T7 | Total number of places in shelters for victims of THB | | | | 20 | | | | 20 | | | | 20 | | | |
| T8 | Number of victims of THB accommodated in shelters | | | | 15 | | | 15 | 18 | | | 18 | 12 | | | 12 |

¹ "Child" shall mean any person under eighteen years of age (Article 4-d of the Convention).

² "Identified" within the meaning of the Convention.

| Question | Table 1: Victims of THB (continued) | | | | | | | | | | | |
|----------|---|-----|-----------------------|-------|-------|-----|-----------------------|-------|-------|-----|-----------------------|-------|
| | 2013 | | | | 2014 | | | | 2015 | | | |
| | women | men | children ¹ | total | women | men | children ¹ | total | women | men | children ¹ | total |
| | <u>Article 13 – Recovery and reflection period</u> | | | | | | | | | | | |
| T9 | Number of victims of THB (including persons whom the competent authorities had reasonable grounds to believe were victims of THB) who were granted a recovery and reflection period | | | | | | | | | | | |
| | | | | | | | | | | | | |
| | <u>Article 14 – Residence permit</u> | | | | | | | | | | | |
| T10 | Number of victims of THB who were issued a residence permit ² | | | | | | | | | | | |
| | 10 | 1 | 11 | 5 | 24 | 29 | 3 | | | 3 | | |
| | - owing to their personal situation | | | | | | | | | | | |
| | - for the purpose of their co-operation with the competent authorities | | | | | | | | | | | |
| | | | | | | | | | | | | |
| | <u>Article 15 – Compensation and legal redress</u> | | | | | | | | | | | |
| T11 | Number of victims of THB who obtained compensation | | | | | | | | | | | |
| | | | | | | | | | | | | |
| T12 | Compensation awarded to victims of THB: | | | | | | | | | | | |
| | - minimum amount awarded to a victim (in euros) | | | | | | | | | | | |
| | | | | | | | | | | | | |
| | - maximum amount awarded to a victim (in euros) | | | | | | | | | | | |
| | | | | | | | | | | | | |
| | <u>Article 16 – Repatriation and return of victims³</u> | | | | | | | | | | | |
| T13 | Number victims of THB who were repatriated to your country | | | | | | | | | | | |
| | 1 | | | 1 | | | | | | | | |
| T14 | Number of victims of THB who were repatriated from your country to another country ⁴ | | | | | | | | | | | |
| | 0 | | | 0 | 6 | | | 6 | 3 | | 2 | 5 |

¹ "Child" shall mean any person under eighteen years of age (Article 4-d of the Convention).

² **The total number of residence permits issued to victims of trafficking (VoTs) from 2013-2015 is 153. In 2013, 11 new residence permits were issued (1 male VoT, 10 female VoTs); 3 permits were reissued (3 female VoTs); 48 permits were renewed (1 male VoT, 47 female VoTs). The total number for 2013 is 62. In 2014, 29 new residence permits were issued (24 male VoTs, 5 female VoTs); 3 permits were reissued (3 female VoTs); 31 permits were renewed (31 female VoTs). The total number for 2014 is 62. In 2015, 3 new permits were issued (3 female VoTs); 2 permits were reissued (2 female VoTs); 23 permits were renewed (1 male VoT, 22 female VoTs). The total number for 2015 is 28. Data provided by the competent Directorate for Migration Policy (Ministry of Interior and Administrative Reconstruction).**

³ Data provided by EKKA (National Center for Social Solidarity/ Ministry of Labor).

⁴ Since 2010, IOM Greece has assisted 40 victims of trafficking to return home voluntarily. According to data provided by IOM Greece: in 2013, IOM assisted 2

| Question | Table 2: Criminal Proceedings and Sanctions | 2013 | 2014 | 2015 |
|----------|---|---------------------|--------------------------------|--------------------------------|
| | <u>Article 18 – Criminalisation of trafficking in human beings</u> | | | |
| T15 | Number of criminal proceedings initiated on grounds of THB | 42 | 40 | 37 |
| T16 | Number of convictions for THB | 46 (first instance) | 15 (first and second instance) | 23 (first and second instance) |
| | <u>Article 19 – Criminalisation of the use of services of a victim</u> | | | |
| T17 | Number of convictions for the use of services of a victim of THB | | | |
| | <u>Article 23 – Sanctions and measures</u> | | | |
| T18 | Number of convictions for THB resulting in penalties involving deprivation of liberty | | 10 | 16 |
| T19 | Duration of penalties on grounds of THB involving deprivation of liberty | | 2-22 years | 5-34 years |
| | - minimum duration | | 2 years | 5 years |
| | - maximum duration | | 22 years | 34 years |
| T20 | Number of judgements resulting in the confiscation of assets | | | |
| T21 | Number of judgements resulting in the closure of a business or an establishment which was being used to carry out THB | | | |
| | <u>Article 26 – Non-punishment provision</u> | | | |
| T22 | Number of victims of THB who benefitted from the non-punishment provision | | | |

victims to return home voluntarily; in 2014, 7 victims and in 2015, 2 victims (These data are not included to the above table of Article 16).

| Question | Table 3: Country of origin of victims of THB | | 2013 | 2014 | 2015 |
|---|--|--------------------------------|------|------|------|
| T23 | Number of victims of THB originating from: | | | | |
| | - Council of Europe Member States: | Albania | 1 | 5 | 3 |
| Andorra | | | | | |
| Armenia | | | | | |
| Austria | | | | | |
| Azerbaijan | | | | | |
| Belgium | | | | | |
| Bosnia and Herzegovina | | | | | |
| Bulgaria | | 20 | 20 | 12 | |
| Croatia | | | | | |
| Cyprus | | | | | |
| Czech Republic | | | 2 | | |
| Denmark | | | | | |
| Estonia | | | | | |
| Finland | | | | | |
| France | | | | | |
| Georgia | | | | | |
| Germany | | | | | |
| Greece | | 3 | 12 | 5 | |
| Hungary | | | | | |
| Iceland | | | | | |
| Ireland | | | | | |
| Italy | | | | | |
| Latvia | | | | | |
| Liechtenstein | | | | | |
| Lithuania | | | | | |
| Luxembourg | | | | | |
| Malta | | | | | |
| Republic of Moldova | | 3 | 2 | 4 | |
| Monaco | | | | | |
| Montenegro | | | | | |
| Netherlands | | | | | |
| Norway | | | | | |
| Poland | | 2 | | 1 | |
| Portugal | | | | | |
| Romania | 25 | 30 | 26 | | |
| Russian Federation | 1 | 3 | 1 | | |
| San Marino | | | | | |
| Serbia | | | | | |
| Slovak Republic | | | | | |
| Slovenia | | | | | |
| Spain | | | | | |
| Sweden | | | | | |
| Switzerland | | | | | |
| "the former Yugoslav Republic of Macedonia" | | | | | |
| Turkey | | | | | |
| Ukraine | - | 1 | 4 | | |
| United Kingdom | | | | | |
| | - other, please specify | Nigeria 2013/4, 2014/7, 2015/2 | | | |

| | | | | | |
|--|--|---|--|--|--|
| | | Bangladesh 2013/36, 2015/1 Pakistan 2014/2 China 2013/4 Cameroon 2013/2, 2014/2, 2015/1 Dominican Republic 2013/7, 2014/6 Ivory Coast 2013/1 Iran 2013/1 Uganda 2013/1, 2014/1 Somalia 2014/1 Morocco 2013/1, 2014/1, 2015/2 Ghana 2015/1 Kenya 2015/1 | | | |
| | | | | | |