



Committee of the Parties to the Council of Europe Convention on Action against Trafficking in Human Beings

Recommendation CP(2018)3 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Greece

*adopted at the 22nd meeting of the Committee of the Parties
on 9 February 2018*

The Committee of the Parties to the Council of Europe Convention on Action against Trafficking in Human Beings (hereinafter referred to as 'the Convention'), acting under the terms of Article 38(7) of the Convention;

Having regard to the purposes of the Convention to prevent and combat trafficking in human beings, while guaranteeing gender equality, protect the human rights of victims of trafficking, design a comprehensive framework for the protection and assistance of victims and witnesses, ensure the effective investigation and prosecution of the offences related to trafficking in human beings, and promote international co-operation;

Bearing in mind the provisions of Article 36(1) of the Convention concerning the monitoring role of the Group of Experts on Action against Trafficking in Human Beings (GRETA) in the implementation of the Convention;

Having regard to the Rules of Procedure of the Committee of the Parties;

Having regard to the instrument of ratification deposited by Greece on 11 April 2014;

Having examined the Report concerning the implementation of the Convention by Greece, adopted by GRETA at its 29th meeting (3-7 July 2017) in the framework of the first evaluation round;

Having examined the comments of the Greek Government on GRETA's report, submitted on 12 October 2017;

Welcoming the measures to combat trafficking in human beings taken by the Greek authorities, and in particular:

- the development of the national legal framework related to action against trafficking in human beings and providing for the rights of victims;
- the setting up of national co-ordinating structures, including the Office of the National Rapporteur on Trafficking in Human Beings, the Permanent Co-ordination Mechanism and the Permanent Consultation Forum with NGOs, as well as specialised anti-trafficking units within the police;
- the formalisation of the National Referral Mechanism for the identification and referral to assistance of victims of trafficking in human beings;
- the steps taken in collaboration with non-governmental and intergovernmental organisations to raise general awareness of human trafficking through information campaigns, school education and training of relevant professionals;
- the provision in Greek law of a recovery and reflection period longer than the minimum of 30 days envisaged in the Convention as well as possibility for victims of trafficking to be granted

residence permits on both on the basis of their co-operation with the authorities and on the basis of their personal situation;

Taking note of the areas where further action is required in order to improve the implementation of the Convention by Greece, in particular:

- strengthening the prevention of trafficking through targeted social and economic empowerment measures for groups and persons particularly vulnerable to human trafficking, including women, asylum seekers, irregular migrants, unaccompanied children and children in street situations;
- taking further steps to improve the identification of victims of trafficking, including by adopting a proactive approach to identification and ensuring that identification does not depend on the presumed victim's statement and co-operation in the investigation and criminal proceedings;
- strengthening action to combat trafficking for the purpose of labour exploitation by involving civil society, trade unions, labour inspectorates and the private sector, and improving the identification of and assistance to victims of trafficking for the purpose of labour exploitation;
- ensuring that all possible victims of trafficking are offered a recovery and reflection period and all the measures of protection and assistance envisaged under the Convention during this period;
- improving access to assistance measures for all victims of trafficking, including men and children, and ensuring that the services provided to child victims take due account of their needs in terms of accommodation, education and health care;
- adopting measures to ensure that avenues for compensation are effectively accessible to trafficked persons;
- strengthening the effectiveness of investigations and prosecutions of human trafficking offences with a view to securing proportionate and dissuasive sanctions, including by developing the specialisation of prosecutors and judges to deal with human trafficking cases.

1. Recommends that the Government of Greece implement the proposals of GRETA listed in Appendix I to the Report concerning the implementation of the Convention by Greece (see addendum).

2. Requests the Government of Greece to inform the Committee of the Parties of the measures taken to comply with this recommendation by 9 February 2020.

3. Invites the Government of Greece to continue the on-going dialogue and co-operation with GRETA and to keep GRETA informed of the measures taken in response to its proposals.

Addendum

List of GRETA's proposals concerning the implementation of the Convention by Greece

Core concepts and definitions

1. GRETA considers that the Greek authorities should ensure that THB for the purpose of exploitation of criminal activities is adequately covered in law and in practice.
2. In order to be fully consistent with the definition of THB in the Convention, GRETA urges the Greek authorities to:
 - explicitly include servitude among the forms of exploitation resulting from human trafficking;
 - ensure that the criminalisation of trafficking in children fully reflects the provisions of Article 4 of the Convention.
3. GRETA considers that stating explicitly the irrelevance of the consent of a victim of trafficking to the intended exploitation, when any of the means are used, could improve the implementation of the anti-trafficking provisions.

Comprehensive approach and co-ordination

4. GRETA considers that in order to effectively carry out the full range of tasks entrusted to it, further investment should be made in human and financial resources of the Office of the National Rapporteur.
5. GRETA considers that the Greek authorities should examine the possibility of designating as a National Rapporteur a separate organisational entity or another independent mechanism for monitoring the anti-trafficking activities of State institutions.
6. GRETA urges the Greek authorities to adopt as a matter of priority a new national action plan and/or strategy against THB, in which priorities, objectives, concrete activities and stakeholders responsible for their implementation are clearly defined and budgetary resources allocated, accompanied by a mechanism for monitoring its implementation. With a view to ensuring that the national action to combat THB is comprehensive, the national action plan or strategy should:
 - strengthen action to combat THB for the purpose of labour exploitation by reviewing the legislative framework, improving the identification of, and assistance to, victims of THB for the purpose of labour exploitation, and involving civil society, trade unions, labour inspectorates and the private sector;
 - address all victims of trafficking for all forms of exploitation, including exploitative sham marriages, illegal adoption, forced criminality, and the removal of organs, tissues and cells, while taking into account the gender-dimension of trafficking and the particular vulnerability of children;
 - prioritise the identification of victims of trafficking amongst asylum seekers and irregular migrants;
 - include action against THB as a priority issue in the programmes and projects proposed for financing through EU Structural Funds.
7. GRETA considers that better use should be made of the Permanent Co-ordination Mechanism and the Permanent Consultation Forum with civil society with a view to strengthening co-operation in

the development and implementation of anti-trafficking policy, including the evaluation of anti-trafficking efforts. The convening of regular meetings of these structures should continue and thematic working groups could be set up to address specific aspects of THB, for example labour exploitation, involving additional experts and agencies, such as trade unions or employers' associations.

Training of relevant professionals

8. GRETA considers that the Greek authorities should step up their efforts to provide regular training on issues related to THB for different forms of exploitation to all professionals who may come into contact with victims of THB, in particular law enforcement officials, prosecutors, judges, labour inspectors, social workers, staff of reception centres for asylum seekers and migrants, lawyers, health-care staff and staff working with children. Training programmes should be designed with a view to improving the knowledge and skills of relevant professionals to enable them to identify victims of trafficking, to assist and protect them, to facilitate compensation for victims and to secure convictions of traffickers.

Data collection and research

9. For the purpose of preparing, monitoring and evaluating anti-trafficking policies, GRETA considers that the Greek authorities should develop and maintain a comprehensive and coherent statistical system on trafficking in human beings by compiling reliable statistical data on measures to protect and promote the rights of victims, as well as on the investigation, prosecution and adjudication of human trafficking cases. Statistics regarding victims should be collected from all main actors and allow disaggregation concerning sex, age, type of exploitation, country of origin and/or destination. This should be accompanied by all the necessary measures to respect the right of data subjects to personal data protection, including when NGOs working with victims of trafficking are asked to provide information for the national database.

10. GRETA considers that the Greek authorities should continue to conduct and support research on THB as an important source of information for the evaluation of current programmes and for planning future policy measures. More research is needed into the extent and characteristics of trafficking for the purpose of labour exploitation and child trafficking, the extent and modus operandi of internal trafficking, trafficking involving migrants and refugees, as well as the misuse of the Internet for the commission of THB, including through social networks.

International co-operation

11. GRETA considers that the Greek authorities should continue to develop international co-operation in the field of action against THB, including by exploring further possibilities for co-operation with governmental and non-governmental actors in countries of origin and transit, with a view to successfully prosecuting traffickers, providing assistance to victims of trafficking and preventing THB.

Measures to raise awareness

12. GRETA considers that awareness-raising measures should aim to cover the whole country and focus on the needs identified through research and evaluation of the impact of previous awareness-raising projects.

Measures to discourage demand

13. GRETA considers that the Greek authorities should enhance their efforts to discourage demand for the services of trafficked persons, for all forms of exploitation, in partnership with NGOs, trade unions and the private sector, as well as by raising awareness of the criminalisation of knowingly

using the services of trafficked persons. Particular attention should be paid to prevention of trafficking in supply chains, outsourced services and domestic work.

Social, economic and other initiatives for groups vulnerable to THB

14. GRETA urges the Greek authorities to continue strengthening the aspect of prevention through targeted social and economic empowerment measures for groups and persons particularly vulnerable to THB, including women, asylum seekers, irregular migrants, unaccompanied children and children in street situations.

15. With reference to Article 5, paragraph 5, of the Convention, which requires States Parties to take specific measures to reduce children's vulnerability to trafficking, notably by creating a protective environment for them, GRETA urges the Greek authorities to put in place a guardianship system for children without parental care, including unaccompanied children, and to amend the system of birth registration with a view to reduce the risk of new-born children not being registered.

Border measures to prevent THB

16. GRETA considers that the Greek authorities should strengthen their efforts to detect cases of THB in the context of border controls, including through further training of border guards on the identification of victims of THB.

Identification of victims of trafficking in human beings

17. GRETA urges the Greek authorities to take steps to improve the identification of victims of THB, and in particular to:

- ensure that the identification of victims of THB does not depend on the presumed victim's statement and co-operation in the investigation or criminal proceedings;
- speed up the process of granting the status of victim of trafficking;
- promote a multi-agency approach in the identification of victims of trafficking by involving the expertise of all relevant organisations and entities, such as specialised NGOs, social workers, labour inspectors and health-care staff;
- secure sufficient funding for the National Referral Mechanism in order to build up identification networks and provide training for relevant professionals on identification techniques and procedures;
- take measures to proactively identify victims of trafficking for the purpose of sexual exploitation and provide the police with the necessary means for doing so;
- pursue a proactive approach to the identification of victims of trafficking for the purpose of labour exploitation by encouraging regular and co-ordinated multi-agency inspections in the sectors most at risk, and by regulating and monitoring private employment agencies and domestic work;
- introduce a procedure for the proactive identification of child victims of trafficking for different forms of exploitation, including forced begging, paying particular attention to unaccompanied migrant children. The procedure should take into account the special circumstances and needs of child victims, involve child specialists and ensure that the best interests of the child are the primary consideration;
- pay increased attention to detecting victims of THB among migrants and asylum seekers in first-line reception centres and persons detained as irregular migrants, and provide additional training to staff who come into contact with such persons.

Assistance to victims

18. GRETA urges the Greek authorities to take steps to improve the assistance provided to child victims of trafficking and fulfil the obligation to provide a protective environment for them, in particular by:

- ensuring that services are provided to child victims of trafficking on a consensual and informed basis, taking due account of their special needs and the rights of children in terms of accommodation, education and appropriate health care;
- training all professionals working with child victims of trafficking to recognise and respond appropriately to their needs;
- ensuring that possible child victims of trafficking who are unaccompanied or separated are assigned a legal guardian, as expeditiously as possible, to ensure that the best interests of the child are effectively protected (Article 10(4) of the Convention);
- addressing the situation of children going missing by providing suitable safe accommodation and adequately trained supervisors or foster parents;
- putting an end to child detention for immigration purposes and seeking alternatives to detention, in line with the best interests of the child.

19. GRETA urges the Greek authorities to ensure that suitable accommodation is provided for male victims of trafficking and that they can fully benefit from the assistance measures provided for in law.

20. GRETA considers that the Greek authorities should enhance their efforts to provide assistance to victims of trafficking by:

- ensuring that all assistance measures provided for in law are guaranteed in practice; where assistance is delegated to NGOs or other non-state actors as service providers, the State should ensure the provision of adequate financing and the quality of the services;
- providing appropriate and secure accommodation to all victims of trafficking;
- facilitating the reintegration of victims of trafficking into society and avoiding re-trafficking by providing them with long-term assistance, including vocational training and access to the labour market.

Recovery and reflection period

21. GRETA urges the Greek authorities to ensure that all possible foreign victims of THB, including EU and EEA citizens, are systematically informed of the possibility to use a recovery and reflection period and are effectively granted such a period. Steps should be taken to alert police officers and other relevant staff of the importance of this period and to issue instructions regarding the procedure for granting it.

Residence permits

22. GRETA considers that the Greek authorities should take further steps to ensure that victims of THB can effectively benefit in practice from the right provided under Greek law to obtain a renewable residence permit.

Compensation and legal redress

23. GRETA urges the Greek authorities to adopt measures to facilitate and guarantee access to compensation for victims of trafficking, and in particular to:

- ensure that victims of trafficking are systematically informed in a language that they can understand of the right to seek compensation and the procedures to be followed;
- enable victims of trafficking to exercise their right to compensation by ensuring their effective access to legal aid, by building the capacity of legal practitioners to support victims to claim compensation and by including the issue of victim compensation in training programmes for law enforcement officials, prosecution and the judiciary;
- ensure that the State-funded compensation scheme is effectively accessible to victims of THB, regardless of their citizenship and residence status;
- use assets confiscated from perpetrators to compensate victims of THB;
- enable victims of trafficking who are non-EU nationals and who have left Greece to benefit from the possibility to claim compensation.

24. GRETA invites the Greek authorities to develop a system for recording compensation claims of and awards to victims of trafficking.

Repatriation and return of victims

25. GRETA considers that the Greek authorities should take additional steps to:

- ensure that the return of victims of trafficking is conducted with due regard for their rights, safety and dignity. This means informing victims about existing programmes, protecting them from re-victimisation and re-trafficking and, in the case of children, fully respecting the principle of the best interests of the child;
- further develop international co-operation in order to ensure proper risk assessment and safe return, as well as effective reintegration of victims of THB;
- ensure compliance with the *non-refoulement* obligation under Article 40, paragraph 4, of the Convention. In this context, the Greek authorities should give full consideration to the UNHCR's Guidelines on the application of the Refugees Convention to trafficked people and their possible entitlement to asylum when deciding upon applications for asylum of persons who are at risk of being re-trafficked or otherwise persecuted should they be obliged to return to their State of origin or residence.

Non-punishment of victims of trafficking in human beings

26. GRETA urges the Greek authorities to take additional measures to ensure compliance with the principle of non-punishment of victims of THB for their involvement in unlawful activities, to the extent that they were compelled to do so, as contained in Article 26 of the Convention. Such measures should include the abolishment of the requirement of a prior complaint by the victim of trafficking which is not in line with Article 26 of the Convention and the development of guidance for police officers and prosecutors on the scope of the non-punishment provision. While the identification procedure is on-going, potential victims of trafficking should not be punished for their involvement in unlawful activities, to the extent that they were compelled to do so.

Investigation, prosecution and procedural law

27. GRETA urges the Greek authorities to:

- prioritise the identification of gaps in the investigation procedure and the prosecution of THB cases in court, with a view to ensuring an expeditious trial and effective, proportionate and dissuasive convictions;

- provide law enforcement agencies with the necessary resources and tools to detect and investigate THB cases. In this context, GRETA wishes to stress the importance of making use of special investigation techniques so that crimes related to THB can be investigated and prosecuted effectively;
- develop the specialisation of prosecutors and judges to deal with THB cases.

Protection of victims and witnesses

28. GRETA urges the Greek authorities to make full use of the available measures to protect victims, including children, and to prevent intimidation during the investigation and during and after the court proceedings. In this context, GRETA refers to the Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice.¹

¹ [Guidelines of the Committee of Ministers of the Council of Europe on child friendly justice](#) (Adopted by the Committee of Ministers on 17 November 2010 at the 1098th meeting of the Ministers' Deputies).