



G R E T A

Group of Experts on Action
against Trafficking in Human Beings

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Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Greece

First evaluation round

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Preamble

As the Council of Europe Convention on Action against Trafficking in Human Beings (“the Convention”) and the monitoring mechanism to evaluate its implementation are relatively new, it is appropriate to set out their salient features at the beginning of the first report to each Party to the Convention.

The Convention was adopted by the Committee of Ministers of the Council of Europe on 3 May 2005, following a series of other initiatives by the Council of Europe in the field of combating trafficking in human beings. The Convention entered into force on 1 February 2008. It is a legally binding instrument which builds on already existing international instruments. At the same time, the Convention goes beyond the minimum standards agreed upon in other international instruments and aims at strengthening the protection afforded by them.

The main added value of the Convention is its human rights perspective and focus on victim protection. The Convention clearly defines trafficking as being first and foremost a violation of human rights and an offence to the dignity and integrity of the human being; greater protection is therefore needed for all of its victims. The Convention also has a comprehensive scope of application, encompassing all forms of trafficking (whether national or transnational, linked or not linked to organised crime) and taking in all persons who are victims of trafficking (women, men or children). The forms of exploitation covered by the Convention are, at a minimum, sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude and the removal of organs.

As trafficking in human beings is a world-wide phenomenon, one of the express purposes of the Convention is to promote international co-operation in the efforts to combat trafficking. In this context, it is noteworthy that the Convention is not restricted to Council of Europe member states; non-member states and the European Union also have the possibility of becoming Parties.

To be effective, and given the nature of the phenomenon, a strategy for combating trafficking in human beings must adopt a co-ordinated and multidisciplinary approach, incorporating prevention, protection of victims’ rights and prosecution of traffickers. The Convention contains various provisions in each of these three areas, placing obligations on States to take appropriate measures, in partnership with civil society and in co-operation with other States.

The measures provided for by the Convention in the area of prevention include awareness-raising for persons vulnerable to trafficking; economic and social initiatives to tackle the underlying causes of trafficking; actions aimed at discouraging demand; and putting in place border control measures to prevent and detect trafficking in human beings.

The Convention also provides for a series of measures to protect and promote the rights of victims. Victims of trafficking must be identified and recognised as such in order to avoid police and public authorities treating them as “irregular migrants” or criminals. Victims should be granted physical and psychological assistance and support for their reintegration into society. Further, by virtue of the Convention, victims are entitled to a minimum of 30 days to recover and escape from the influence of the traffickers and to take a decision about their possible co-operation with the authorities. A renewable residence permit should be granted if their personal situation so requires and/or if their continued presence is needed in order to co-operate in a criminal investigation. In addition, the Convention establishes the right of victims to receive compensation and provides for measures for their repatriation and return with due regard to the rights, safety and dignity of the victims.

In the area of substantive and procedural criminal law, the Convention places on Parties a series of obligations aimed at enabling the effective prosecution of traffickers and ensuring that they are punished in a proportionate and dissuasive manner. Particular attention is paid to the issue of victim and witness protection during investigation and court proceedings. Parties should also provide for the possibility of not imposing penalties on victims for their involvement in unlawful activities.

Another important added value of the Convention is the monitoring system set up to supervise the implementation of the obligations contained in it, which consists of two pillars: the Group of Experts on Action against Trafficking in Human Beings (GRETA) and the Committee of the Parties.

GRETA is composed of 15 independent and impartial experts chosen for their recognised competence in the fields of human rights, assistance and protection of victims, and action against trafficking in human beings, or because of their professional experience in the areas covered by the Convention. The task of GRETA is to evaluate the implementation of the Convention by the Parties, following a procedure divided into rounds. At the beginning of each round, GRETA defines autonomously the provisions to be monitored and determines the most appropriate means to carry out the evaluation, being guided by the Rules of procedure for evaluating implementation of the Convention adopted at GRETA's 2nd meeting (16-19 June 2009). GRETA has decided that the duration of the first evaluation round shall be four years starting at the beginning of 2010 and finishing at the end of 2013.

In carrying out its monitoring work, GRETA has the right to avail itself of a variety of means for collecting information. As a first step, GRETA sends a detailed questionnaire to the authorities of the Party undergoing evaluation. It may also make additional requests for information. By virtue of the Convention, Parties are obliged to co-operate with GRETA in providing the requested information. Another important source of information is civil society and, indeed, GRETA maintains contacts with non-governmental organisations which can provide relevant information. In addition, GRETA may decide to carry out a visit to the country concerned in order to collect additional information or to evaluate the practical implementation of the adopted measures. This visit allows for direct meetings with the relevant bodies (governmental and non-governmental) and is also an occasion for GRETA to visit facilities where protection and assistance are provided to victims of trafficking and other related structures. Furthermore, GRETA may decide to organise hearings with various actors in the field of action against trafficking in human beings.

GRETA's evaluation reports are thus the result of information gathered from a variety of sources. They contain an analysis of the situation in each Party regarding action taken to combat trafficking in human beings and suggestions concerning the way in which the country may strengthen the implementation of the Convention and deal with any problems identified. In its assessment, GRETA is not bound by the case law of judicial and quasi-judicial bodies acting in the same field, but may use them as a point of departure or reference. The reports are drawn up in a co-operative spirit and are intended to assist States in their efforts; they can offer support for the changes on which the national authorities have already embarked, and lend legitimacy to the direction of national policies. Because of its multidisciplinary and multinational composition, and as a consequence of its independent approach, GRETA provides a professional and impartial international voice in this process.

As regards the procedure for the preparation of reports, GRETA examines a draft report on each Party in plenary session. The report is sent to the relevant government for comments, which are taken into account by GRETA when establishing its final report. This final report is adopted by GRETA in a plenary session and transmitted to the Party concerned, which is invited to submit any final comments. At the expiry of the time-limit of one month for the Party to make comments, the report and conclusions by GRETA, together with eventual comments made by the national authorities, are made public and sent to the Committee of the Parties. In the context of the first evaluation round, this completes GRETA's task in respect of the Party concerned, but it is only the first stage in an on-going dialogue between GRETA and the authorities.

The second pillar of the monitoring mechanism, the Committee of the Parties, is 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. On the basis of GRETA's reports, the Committee of the Parties may adopt recommendations addressed to a Party concerning the measures to be taken to implement GRETA's conclusions.

Executive summary

Greece has taken a number of important steps to combat trafficking in human beings. The criminal offence of trafficking in human beings was first introduced in the Criminal Code in 2002 and the principles of the provision of assistance to victims of trafficking were set out. A number of legislative amendments were introduced over the following years, in the light of Greece's international commitments. A Government Decision of 20 September 2016 provided the legal basis for the formalisation of the National Referral Mechanism (NRM).

The Office of the National Rapporteur on Trafficking in Human Beings was set up in 2013 and designated as the national co-ordinating body. It is supported by a Permanent Co-ordination Mechanism, composed of senior officials of relevant ministries and agencies. Further, a Permanent Consultation Forum has been set up as a framework for exchange between the Office of the National Rapporteur and representatives of specialised NGOs. There are two specialised police anti-trafficking units, in Attica and Thessaloniki.

The report notes the absence of a national anti-trafficking strategy or action plan in Greece, the last one having expired in 2012. GRETA urges the Greek authorities to adopt as a matter of priority a new national action plan and/or strategy, accompanied by a mechanism for monitoring its implementation. With a view to ensuring that national action to combat trafficking is comprehensive, the national action plan or strategy should strengthen action to combat trafficking for the purpose of labour exploitation and 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.

In order to be fully consistent with the definition of trafficking in human beings in the Convention, GRETA urges the Greek authorities to explicitly include servitude among the forms of exploitation resulting from human trafficking, and to ensure that the criminalisation of trafficking in children fully reflects the provisions of Article 4 of the Convention.

The Greek authorities have taken a number of measures in the area of prevention of human trafficking, in partnership with civil society actors, through general awareness raising, education and training of relevant professionals. Nevertheless, GRETA considers that the authorities should enhance their efforts to discourage demand for the services of trafficked persons, for all forms of exploitation, as well as by raising awareness of the criminalisation of knowingly using the services of trafficked persons. Further, GRETA urges the Greek authorities to strengthen the aspect of prevention through social and economic empowerment measures in favour of vulnerable groups, in particular asylum seekers, migrants, unaccompanied children and children in street situations. With a view to reduce children's vulnerability to trafficking, GRETA also calls on the authorities to put in place a guardianship system for children without parental care and to amend the system of birth registration.

While the preliminary identification of victims of trafficking can be initiated by a series of actors, only prosecutors have the competence to formally identify a person as a victim of trafficking. The identification procedure can take a long time (six to 12 months). There have been relatively few cases of identified victims of trafficking for the purpose of labour exploitation, despite reports of forced labour in the sectors of agriculture, tourism, food/beverages production and domestic work. Since 2013, efforts had been made to promote the identification of victims of trafficking among asylum seekers. GRETA welcomes the recent formalisation of the National Referral Mechanism and urges the Greek authorities to provide it with secure sufficient funding. Other recommendations made by GRETA are to ensure that the identification does not depend on the victim's statement and co-operation in the investigation/criminal proceedings and to speed up the process of granting victim status.

Women and girls victims of trafficking can be provided with safe accommodation and assistance in shelters run by the National Centre for Solidarity (EKKA) and NGOs, as well as in shelters for victims of violence run by municipalities. There are no accommodation facilities for male victims of trafficking and GRETA urges the authorities to ensure that such victims can fully benefit from the assistance measures provided for in law. Further, GRETA calls on the Greek authorities to improve the support to child victims of trafficking, taking due account of their special needs, addressing the situation of children going missing and putting an end to child detention for immigration purposes.

Greek law provides for a recovery and reflection period of three months (five months for children), which is longer than the minimum of 30 days provided for in the Convention. However, GRETA notes that the recovery and reflection period is rarely applied in practice and urges the Greek authorities to systematically inform presumed victims of the possibility to use such a period and to effectively grant it.

The Immigration and Social Integration Code provides for the possibility of granting victims of trafficking a residence permit when they co-operate in the investigation/criminal proceedings or for humanitarian reasons. GRETA considers that the Greek authorities should take further steps to ensure that victims of trafficking can effectively benefit in practice from the right provided under Greek law to obtain a renewable residence permit.

Despite the existence of legal possibilities for victims of trafficking to claim compensation from the perpetrator or the State, there are no known cases of compensation being granted. GRETA urges the Greek authorities to adopt measures to facilitate and guarantee access to compensation for victims of trafficking, including by ensuring that victims have effective access to legal assistance and that the State-funded compensation scheme is effectively accessible to victims of trafficking, regardless of their citizenship and residence status.

The implementation of the non-punishment provision of the Convention raises issues of concern and GRETA urges the Greek authorities to take additional measures to ensure that victims of trafficking are not punished for their involvement in unlawful activities, to the extent that they were compelled to do so, including by developing guidance for police officers and prosecutors on the scope of the non-punishment provision.

GRETA notes with concern the low number of final convictions for human trafficking offences and the near absence of final convictions for trafficking for the purpose of forced labour. GRETA urges the Greek authorities to prioritise the identification of gaps in the investigation procedure and the prosecution of trafficking cases in order to ensure an expeditious trial and effective, proportionate and dissuasive convictions. Finally, GRETA considers that the Greek authorities should make full use of the available measures to protect victims of trafficking, including children, and to prevent their intimidation during the investigation and during and after the court proceedings.

I. Introduction

1. Greece deposited the instrument of accession to the Council of Europe Convention on Action against Trafficking in Human Beings (“the Convention”) on 11 April 2014. The Convention entered into force for Greece on 1 August 2014.¹

2. As established in Article 36(1) of the Convention, the Group of Experts on Action against Trafficking in Human Beings (“GRETA”) monitors the implementation of the Convention by the Parties. GRETA does so in conformity with the procedure laid down in Article 38 of the Convention and the Rules on the evaluation procedure of the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the Parties.

3. In accordance with Article 38 of the Convention, GRETA proceeded with the examination of the measures taken by Greece to implement the provisions set out in the Convention. The “Questionnaire for the evaluation of the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the Parties – first evaluation round” was sent to Greece on 12 February 2016. The deadline for replying to the questionnaire was 13 June 2016. Greece submitted its reply on 16 June 2016.²

4. Further, GRETA decided to send an urgent request for information to the Greek authorities, pursuant to Rule 7 of the Rules of procedure for evaluating implementation of the Convention by the Parties,³ in the light of the report by Ambassador Tomáš Boček, the Secretary General’s Special Representative on migration and refugees, following his fact-finding mission to Greece on 7-11 March 2016,⁴ which raised issues of concern related to GRETA’s mandate.⁵ By letter of 7 June 2016, GRETA requested the Greek authorities to provide information on: i) the training provided to staff working in hotspots, reception centres adjacent to them, camps and detention facilities for migrants to enable them to screen asylum seekers and persons detained pending deportation for indicators of human trafficking, with a view to identifying victims of trafficking; ii) the number of possible victims of trafficking detected at the previously mentioned facilities in 2015 and 2016; iii) the steps taken to protect unaccompanied foreign children from falling victim to trafficking in human beings and exploitation; and iv) the procedures in place to ensure that the return of victims of trafficking is conducted with due regard for the rights, safety and dignity of the persons concerned. The Greek authorities’ reply was received on 30 June 2016 and the information contained in it is discussed in later parts of the report (see in particular paragraphs 79, 120-122, 145 and 159).

¹ The Convention as such entered into force on 1 February 2008, following its 10th ratification.

² The reply of the Greek authorities to GRETA’s questionnaire is available at: <http://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806a7fa1>.

³ Rule 7 provides that “when GRETA receives reliable information indicating a situation where problems require immediate attention to prevent or limit the scale or number of serious violations of the Convention, it may make an urgent request for information to any Party or Parties to the Convention”.

⁴ Available at: http://search.coe.int/cm/Pages/result_details.aspx?ObjectId=0900001680648495.

⁵ In particular, lack of identification, support and referral systems for unaccompanied children, including problems with the timely appointment of legal guardians; deprivation of liberty of unaccompanied children before they are placed in shelters and lack of capacity in the shelters; unaccompanied children engaging in drug-trafficking or prostitution; high number of vulnerable persons among refugees and migrants arriving in Greece and overcrowding of first-line reception centres (so-called “hotspots”) as well as some second-line reception centres.

5. In preparation of the present report, GRETA used the reply to the questionnaire by Greece, the reply to the urgent request for information by the Greek authorities, other information collected by GRETA and information received from civil society. An evaluation visit to Greece took place from 3 to 7 October 2016, carried out by the following delegation:

- Mr Ryszard Piotrowicz, member of GRETA;
- Ms Rita Theodorou Superman, member of GRETA;
- Ms Petya Nestorova, Executive Secretary of the Council of Europe Convention on Action against Trafficking in Human Beings;
- Mr Markus Lehner, Administrator at the Secretariat of the Convention on Action against Trafficking in Human Beings.

6. During the visit, the GRETA delegation met Mr Heracles Moskoff, National Rapporteur on Trafficking in Human Beings, of the Ministry of Foreign Affairs, as well as officials from the Ministry of the Interior and Administrative Reconstruction, the Ministry of Justice, Transparency and Human Rights, and the Ministry of Education. Meetings were also held with representatives of the Hellenic Police, the National Centre for Social Solidarity (EKKA), the Labour Inspectorate (SEPE), the General Secretariat for Gender Equality, the Asylum Service, the Reception and Identification Service, and the Institute of Child Health, and representatives of the judiciary and the Public Prosecutor's Office. Further, the GRETA delegation met representatives of the Ombudsman's Office and members of the recently established sub-committee against trafficking in human beings of the Hellenic Parliament. GRETA appreciates the atmosphere of openness and co-operation in which these meetings took place.

7. The GRETA delegation held separate meetings with representatives of non-governmental organisations (NGOs), lawyers and officials from the local offices of the International Organization for Migration (IOM) and the United Nations High Commissioner for Refugees (UNHCR). GRETA is grateful for the information provided by them.

8. Further, in the context of the evaluation visit, the GRETA delegation visited a specialised shelter for women victims of human trafficking run by the NGO A21, two shelters for women victims of violence, including human trafficking, run respectively by the municipality of Athens and EKKA, a state-run accommodation centre for unaccompanied children in Thessaloniki, a shelter for unaccompanied children run by the NGO Praksis in Athens, and the refugee sites Eleonas in Athens and Diavata in Thessaloniki.

9. GRETA is grateful for the valuable assistance provided by the contact person appointed by the Greek authorities, Mr Heracles Moskoff, National Rapporteur on Trafficking in Human Beings, and Ms Maria Ververidou, Expert-Counsellor at the Office of the National Rapporteur, Ministry of Foreign Affairs.

10. GRETA regrets that in the course of the visit it was not given the possibility to visit a first-line reception centre (so-called "hotspot").⁶ Requests to organise a visit to one of the islands where "hotspots" are located were made by the GRETA delegation both before and during the evaluation visit, but the Greek authorities declined these requests on grounds of security concerns following disturbances in the refugee sites on the islands in the weeks preceding the visit. GRETA could visit instead second-line reception facilities on the mainland.

11. The draft version of the present report was adopted by GRETA at its 28th meeting (27-31 March 2017) and was submitted to the Greek authorities for comments on 28 April 2017. The authorities' comments were received on 28 June 2017 and were taken into account by GRETA when drawing up its final evaluation report, which was adopted at GRETA's 29th meeting (3-7 July 2017).

⁶ There were "hotspots" on the islands of Lesbos, Chios, Samos, Leros and Kos.

II. National framework in the field of action against trafficking in human beings in Greece

1. Overview of the current situation in the area of trafficking in human beings in Greece

12. Greece is predominantly a country of destination and transit of victims of trafficking in human beings (THB), but to a certain degree also a country of origin. According to statistical information provided by the authorities, the number of identified victims of THB was 106 in 2013, 78 in 2014, and 57 in 2015 and 46 in 2016. Women represented the majority of these victims (52%), while men accounted for 33% and children for 15%. Around half of the identified victims (52%) were subjected to sexual exploitation, of whom 125 were women and 19 children. The second most common form of trafficking was for the purpose of labour exploitation, with 81 cases (28% of the identified victims), almost all of whom were men (71). Eight women identified as victims of trafficking were subjected to both sexual and labour exploitation. Further, there were 50 identified victims of trafficking for the purpose of the exploitation of begging, most of whom were children (24), followed by men (20) and women (6).

13. The main countries of origin of the identified victims were Romania (101 victims) and Bulgaria (56 victims), followed by Bangladesh (37), Nigeria (14), the Dominican Republic (13), Albania (13) and the Republic of Moldova (11). Further, there were 31 Greek citizens among the identified victims of trafficking.

14. GRETA notes that the above figures do not reflect the real scale of the phenomenon of THB in Greece, due to difficulties in the detection and identification of victims of trafficking and problems of data collection, as well as insufficient attention to trafficking for the purpose of labour exploitation. The economic crisis and the austerity programmes adopted in Greece since 2009 have led to high unemployment and deregulation of the job market, increasing the vulnerability to trafficking and exploitation. Due to its geographical situation, Greece has been at the forefront of the arrival of an increasing number of asylum seekers and migrants⁷ and the refugee protection crisis creates new opportunities for traffickers and exploiters. According to an IOM survey of 1 545 migrants who had arrived in Europe from June to September 2016 along the Eastern Mediterranean route (via Greece), 14% of those interviewed displayed at least one indicator of having been trafficked or exploited for profit by criminals at some point on their journey.⁸ However, there is no information on victims of trafficking identified among asylum seekers. Following the EU-Turkey statement of 18 March 2016 on steps to end the irregular migration from Turkey to the EU, the number of arrivals on the Greek islands has decreased, but thousands of asylum seekers remain stranded in Greece in overcrowded and difficult conditions.⁹ The relocation of asylum seekers from Greece to other EU countries has been slow¹⁰ and concerns have been expressed about the impact of the tightening up of entry procedures and the closing down of borders on families and unaccompanied children being exposed to exploitation and trafficking when they seek the help of smugglers and try to raise money for their journey.¹¹

⁷ According to UNHCR, on 3 October 2016, the total number of asylum seekers and migrants accommodated in different facilities across Greece was 52 133 (37 802 on the mainland and 14 331 on the islands).

⁸ IOM, *Analysis: Flow Monitoring Surveys – the Human trafficking and Other Exploitative Practices Prevalence Indication Survey*, available at: http://migration.iom.int/docs/Analysis_-_Flow_Monitoring_and_Human_Trafficking_Surveys_in_the_Mediterranean_and_Beyond_-_6%20October_2016.pdf

⁹ In February 2017, an estimated 15 000 refugees and migrants remained in limbo on the islands, according to an Amnesty International report available at:

<http://reliefweb.int/sites/reliefweb.int/files/resources/EUR2556642017ENGLISH.PDF>

¹⁰ The EU Emergency Relocation Mechanism provides for the relocation of 160 000 persons, including 66 400 out of Greece. According to IOM data, by January 2017, a total of 9 616 persons had been relocated out of Greece. Available at: <http://www.iom.int/news/iom-urges-swifter-pace-over-10000-asylum-seekers-relocate-under-eu-plan>

¹¹ See report by Ms Tineke Strik, *Refugees at Risk in Greece*, Committee on Migration, Refugees and Displaced Persons, Parliamentary Assembly of the Council of Europe, available at: <http://website-pace.net/documents/19863/2057396/20160603-Rapport+Strik-EN.pdf/9eb602e2-9434-4850-8636-055b5ea75fc1>

2. Overview of the legal and policy framework in the field of action against trafficking in human beings

a. Legal framework

15. At the international level, in addition to the Council of Europe Convention on Action against Trafficking in Human Beings, Greece is Party to the United Nations Convention against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (“Palermo Protocol”), ratified in 2011. Greece is also Party to the UN Convention on the Rights of the Child and its Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography (ratified, respectively, in 1993 and 2008), the Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol (ratified, respectively, in 1983 and 2002), as well as relevant conventions elaborated under the International Labour Organization (ILO), in particular the Convention concerning Forced or Compulsory Labour (No. 29), the Convention concerning the Abolition of Forced Labour (No. 105) and the Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (No. 182). Further, Greece is Party to a number of Council of Europe conventions in the criminal field which are relevant to action against THB.¹²

16. As a member of the European Union (EU), Greece is bound by Directive 2011/36/EU of the European Parliament and of the Council of the EU of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims;¹³ Council Directive 2004/81/EC of 29 April 2004 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 co-operate with the competent authorities; Council Directive 2004/80/EC of 29 April 2004 relating to compensation to crime victims; and Directive 2012/29/EU of the European Parliament and the Council of the EU of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Framework Decision 2001/220/JHA of 15 March 2001 of the Council of the EU on the standing of victims in criminal proceedings.

17. The Greek domestic legal framework related to combating THB has evolved over the years, in the light of the country’s international commitments. The offence of trafficking in human beings was first introduced into the Greek Criminal Code (CC) in 2002 through Law 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”.¹⁴ In addition to Article 323A (trafficking in human beings) and Article 351 (trafficking in human beings for sexual exploitation) of the CC, there are a number of other CC provisions which are relevant to action against trafficking in human beings (see paragraph 57). Important amendments were introduced in 2010 through Law 3875/2010 on the Ratification and Implementation of the UN Convention against Transnational Organised Crime and its three Additional Protocols and Other Provisions, which broadened the definition of THB by including new forms of exploitation, such as forced begging, and introduced further procedural guarantees for the protection of the rights of victims, including an increase of the recovery and reflection period to three months for adults and five months for children.

¹² In particular, the European Convention on Extradition (ETS No.24); the European Convention on Mutual Assistance in Criminal Matters (ETS No.30) and its Additional Protocol (ETS No.99); the Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime (ETS No.141); and the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (ETS No.201).

¹³ Replacing Council Framework Decision 2002/629/JHA of 19 July 2002 on combating trafficking inhuman beings.

¹⁴ Amended and supplemented by Law 3625/2007 on the “Ratification of the Optional Protocol of the UN Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography” and Law 3727/2008 on the “Ratification of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse”.

18. Article 12 of Law 3064/2002 sets out the principles of the provision of assistance to victims of human trafficking and related crimes, the operational details of which are provided for in Presidential Decree 233/2003, which entered into force on 28 August 2003. This decree determines the responsible bodies, procedures and means of providing protection and assistance to victims of trafficking and related offences.

19. Further, the Immigration and Social Integration Code (Law 4251/2014) lays down the conditions for granting a recovery and reflection period and for issuing residence permits to victims of THB.

20. Other legislative acts relevant to action against THB are Law 4198/2013, which transposed Directive 2011/36/EU, Law 3811/2009 on compensation of victims of violent crimes (transposing Council Directive 2004/80/EC), Law 3226/2004 on free legal aid and Law 3663/2008 concerning the setting up of Joint Investigation Teams.

21. On 20 September 2016, Government Decision No. 30840 entitled “Establishment and operation of the national system of identification and referral of victims of trafficking in human beings” provided the legal basis for the formalisation of the National Referral Mechanism (NRM).

b. National Action Plans

22. There is currently no National Action Plan for combating THB in Greece, the last such plan having expired in 2012. According to Article 6 of Law 4198/2013, pursuant to which the Office of the National Rapporteur on Trafficking in Human Beings was set up, this Office is responsible for launching, co-ordinating and implementing the national strategy for combating trafficking in human beings, but there were no plans for adopting such a strategy. On 4 June 2015, the Office of the National Rapporteur, the National Centre for Social Solidarity (EKKA) and three NGOs submitted a common memorandum to the Hellenic Parliament’s Permanent Committee for Equality, Youth and Human Rights entitled “Submission of suggestions and proposals for designing targeted policies and implementing actions to fight trafficking”. The memorandum put forward proposals for legal and practical measures related to combating THB.

23. The new National Action Plan for Gender Equality for the period 2016-2020 has amongst its strategic objectives to combat violence against women, including human trafficking. Measures envisaged in this respect include continuation of the structures and actions of the National Programme on Violence against Women and expanding services to provide labour counselling to both women victims of gender-based violence and women victims of multiple discrimination, such as refugees and migrants (see also paragraph 115). Further, the plan refers to training of hospital and social services staff to identify victims of gender-based violence and human trafficking and address their situation. There are also plans to adopt a unified Law on Violence against Women (covering prostitution, trafficking and other forms of gender-based violence).

3. Overview of the institutional framework for action against trafficking in human beings

a. Office of the National Rapporteur on Trafficking in Human Beings

24. The Office of the National Rapporteur on Trafficking in Human Beings was established under Article 6 of Law 4198/2013 transposing Directive 2011/36/EU. It is subordinated to the Central Service of the Ministry of Foreign Affairs and is headed by the National Rapporteur on Trafficking in Human Beings, who is an official of this Ministry. The Office is designated as the national co-ordinating body in the fight against THB and is tasked with the co-ordination of the activities of the competent authorities and civil society actors as regards prevention of THB, protection of victims of trafficking and prosecution of the perpetrators, as well as representing Greece at relevant international fora.

25. The National Rapporteur drafts an annual report on the fight against trafficking in human beings, including statistics, information on new trends and proposals for future action, which is submitted to the Hellenic Parliament by the Minister of Foreign Affairs. As regards the collection of data, the National Rapporteur co-operates with the police, the judicial authorities, NGOs and IOM. The tasks of the Office of the National Rapporteur also include awareness-raising, education and training of stakeholders.

26. The Office of the National Rapporteur is composed of three civil servants, including the National Rapporteur.

b. Permanent Co-ordination Mechanism

27. The Office of the National Rapporteur as National Co-ordinating Authority is supported by a Permanent Co-ordination Mechanism, composed of senior officials of relevant ministries and agencies, namely the Ministry of Justice, the Hellenic Police, the National Centre of Social Solidarity (EKKA), the Labour Inspectorate (SEPE), the Ministry of the Interior and Administrative Reconstruction, the Ministry of Migration Policy, the Ministry of Health and the Ministry of Education. By a joint decision of the competent Ministers, 10 representatives of Ministries and government agencies are appointed as contact points to liaise with the Office of the National Rapporteur. The Permanent Co-ordination Mechanism is expected to meet twice a year.

c. Hellenic Police

28. There are two specialised Anti-Trafficking Units, in Attica and Thessaloniki, within the Organised Crime and Human Trafficking Sub-directorates of the Police Security Directorate. In addition, 12 anti-trafficking divisions have been set up in regional General Police Divisions across the country.

29. The Greek authorities have indicated that combating human trafficking is a priority in the Criminal Policy Programme 2015-2019 of the Hellenic Police. The Department of Public Safety of the Headquarters of the Hellenic Police monitors the evolution of THB at strategic level and may provide instructions, guidance and targeted training.

d. National Centre for Social Solidarity (EKKA)

30. The National Centre for Social Solidarity (EKKA) is an agency which comes under the Ministry of Labour, Social Insurance and Social Solidarity. EKKA co-ordinates the provision of social support services to persons, families and groups of the population in crisis situations or in need of emergency social aid, including victims of trafficking. EKKA runs two shelters for women and girls victims of violence, which can accommodate victims of trafficking, and two emergency shelters as well as the telephone helpline for emergency social aid (197). EKKA also co-ordinates the provision of accommodation to unaccompanied children.

31. By Government Decision 30840 of 29 June 2016, EKKA was designated to be the managing agency of the National Referral Mechanism for victims of trafficking (see paragraph 64).

e. Public Prosecutor's Office

32. The Public Prosecutor's Office plays a key role in the Greek anti-trafficking system because it is the only authority that can formally identify a person as a victim of trafficking, either as part of criminal proceedings when victims agree to assist in the investigation/prosecution or through a separate identification procedure when victims do not want to or cannot co-operate in the investigation (see paragraph 136).

f. Permanent Consultation Forum, NGOs, other members of civil society and international organisations

33. NGOs have played a key role in action against THB in Greece over the years, through lobbying for legal changes, awareness-raising, training, research, running shelters and providing assistance to victims of trafficking. Amongst the main NGOs contributing to anti-trafficking action are A21, ARSIS, Greek Council for Refugees, Hopespot, KMOP (Family and Childcare Centre), METADRASI, PRAKSIS, Solidarity Now and The Smile of the Child.

34. A Permanent Consultation Forum has been created as a framework for exchange between the Office of the National Rapporteur and representatives of 11 NGOs specialised in the field of combatting THB.

35. The Athens Labour Centre Trade Union (EKA) runs an Office of Support to Migrants, provides migrant workers with legal assistance, access to health care and assistance to receive unpaid wages, carries out on-site visits together with the Labour Inspectorate with a view to detecting cases of forced labour, contributes to research, assists in the repatriation of victims of trafficking, and engages in international co-operation (in particular through the International Trade Union Confederation).

36. IOM organises training on THB and participates in awareness-raising events. Further, IOM staff are present in refugee sites and participate in the detection of possible victims of trafficking. IOM also runs a programme for the assisted voluntary return and reintegration of vulnerable migrants, including victims of trafficking (see paragraph 192).

37. Within its mandate, UNHCR contributes to training and awareness-raising activities, supports the Greek authorities with the further development and implementation of the asylum system and provides legal information, advice and counselling to refugees and migrants. Further, UNHCR manages an accommodation scheme with some 18 000 places for relocation scheme candidates and vulnerable people and funds shelters for unaccompanied children. UNHCR staff are present in refugee sites where they look out for vulnerable persons and refer potential victims of THB to the competent authorities for identification and protection.

III. Implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Greece

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

a. Human rights-based approach to action against trafficking in human beings

38. Article 1(1)(b) of the Convention establishes as one of its purposes the protection of the human rights of the victims of trafficking. Further, Article 5(3) includes the obligation for Parties to promote a human rights-based approach in the development, implementation and assessment of the policies and programmes to prevent THB. The Explanatory Report on the Convention states that the main added value of the Convention is its human rights perspective and focus on victim protection. In the same vein, the United Nations Recommended Principles and Guidelines on Human Rights and Human Trafficking emphasise that “the human rights of trafficked persons shall be at the centre of all efforts to prevent and combat trafficking and to protect, assist and provide redress to victims”¹⁵.

39. THB constitutes an offence to the dignity and fundamental freedoms of the human being and thus a grave violation of human rights. GRETA emphasises the obligations of States to respect, fulfil and protect human rights, including by ensuring compliance by non-State actors, in accordance with the duty of due diligence. A State that fails to fulfil these obligations may, for instance, be held accountable for violations of the European Convention on Human Rights and Fundamental Freedoms (the ECHR). This has been confirmed by the European Court of Human Rights in its judgment in the case of *Rantsev v. Cyprus and Russia*, where the Court concluded that THB within the meaning of Article 3(a) of the Palermo Protocol and Article 4(a) of the Anti-Trafficking Convention, falls within the scope of Article 4 of the European Convention on Human Rights¹⁶ (which prohibits slavery, servitude and forced or compulsory labour). The Court further concluded that Article 4 entails a positive obligation to protect victims or potential victims, as well as a procedural obligation to investigate trafficking.¹⁷

40. The Convention on Action against Trafficking in Human Beings requires States to set up a comprehensive framework for the prevention of THB, the protection of trafficked persons as victims of a serious human rights violation, and the effective investigation and prosecution of traffickers. Such protection includes steps to secure that all victims of trafficking are properly identified. It also involves measures to empower trafficked persons by enhancing their rights to adequate protection, assistance and redress, including recovery and rehabilitation, in a participatory and non-discriminatory framework. Further, measures to prevent THB should be taken in the field of socio-economic, labour and migration policies.

41. GRETA wishes to stress the need for States to also address THB as a form of violence against women and to take account of gender-specific types of exploitation, as well as the particular situation of child victims of trafficking, in line with the relevant international legal instruments.¹⁸

¹⁵ Addendum to the report of the United Nations High Commissioner for Human Rights (E/2002/68/Add. 1), <http://www.ohchr.org/Documents/Publications/Traffickingen.pdf>

¹⁶ *Rantsev v. Cyprus and Russia*, application No. 25965/04, judgment of 7 January 2010, ECHR 2010, paragraph 282.

¹⁷ See also *Siliadin v. France*, application No. 73316/01, judgment of 26 July 2005, ECHR 2005 VII; *C.N. and V. v. France*, application No. 67724/09, judgment of 11 October 2012; *C.N. v. the United Kingdom*, application No. 4239/08, judgment of 13 November 2012; *L.E. v. Greece*, application No. 71545/12, judgment of 21 January 2016; *Chowdury and Others v. Greece*, application No. 21884/15, judgement of 30 March 2017.

¹⁸ Such as the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, the United Nations Convention on the Rights of the Child and the Optional Protocol thereto on the sale of children, child prostitution and child pornography, and the United Nations Convention on the Elimination of All Forms of Discrimination against Women.

42. The Greek authorities have pointed out that the basic rights which are of particular relevance in the context of combating trafficking in human beings, such as respect for and protection of human dignity and personal freedom of every person, are guaranteed under the 1975 Constitution. According to Article 28 of the Greek Constitution, international treaties become an integral part of Greek domestic law following their ratification by a parliamentary law and entry into force and prevail over any contrary provision of the domestic law. When interpreting internal law, national courts have to take into account international texts to which Greece is bound.¹⁹ The human rights approach is also reflected by the fact that victims of trafficking receive assistance regardless of their co-operation in the investigation and prosecution. Further, the Immigration and Social Integration Code foresees a specific residence permit for victims of trafficking during criminal proceedings as well as the possibility of a residence permit based on humanitarian grounds. Several provisions in the Greek legislation provide for the protection of the rights of victims of trafficking, including the Code of Criminal Procedure which contains a specific article on the protection of victims of trafficking giving testimony.

43. The human rights-based approach to action against THB entails transparency and accountability on the part of the State through the adoption of a national policy and action plans for combating trafficking in human beings, the co-ordination of the efforts of all relevant actors, the regular training of relevant professionals, research and data collection, and the provision of adequate funding for the implementation of all these measures. The following sections of this report examine in detail the effectiveness of the policies and measures taken by the Greek authorities in these fields.

a. Definitions of “trafficking in human beings” and “victim of THB” in Greek law

i. Definition of “trafficking in human beings”

44. In accordance with Article 4(a) of the Convention, trafficking in human beings includes three components: an action (“the recruitment, transportation, transfer, harbouring or receipt of persons”); the use of certain means (“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”); and the purpose of exploitation (“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”). In the case of children, pursuant to Article 4(c) of the Convention, it is irrelevant whether the means referred to above have been used.

45. In Greece, THB is criminalised through two separate provisions of the Criminal Code (CC), Article 323A and Article 351, as follows:

Article 323A

“1. A person who, by the use of force, threat of force or other coercive means, or by imposition or abuse of power, or by abduction, recruits, transports, transfers inside or outside the territory of the country, retains, harbours, delivers with or without a benefit a person to another person, or receives a person, with the purpose of removing cells, tissues or organs of a person or exploiting the labour or begging thereof, shall be punished by a maximum penalty of 10 years’ imprisonment and by a fine of ten thousand to fifty thousand euros.

2. The perpetrator shall be punishable according to the penalties stipulated in the previous paragraph if, in order to achieve the same goal, he/she achieves the consent of a person by fraudulent means or deceives this person by exploiting his/her position of vulnerability by making promises, gifts, payments or giving other benefits.

3. A person who knowingly accepts the labour of a person who is under the conditions described in paragraphs 1 and 2 is liable to a penalty of at least six months’ imprisonment.

¹⁹ See *Chowdury and Others v. Greece*, paragraph 100.

4. The perpetrator in accordance with the previous paragraphs shall be punished by a penalty of at least 10 years of imprisonment and a fine of fifty thousand to one hundred thousand euros, if the act:

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

5. A person who uses any of the means listed in paragraphs 1 and 2 in order to recruit a minor for use in an armed conflict shall be punishable by a penalty of at least 10 years' imprisonment and a fine of fifty thousand to one hundred thousand euros.

6. The perpetrator shall be punished by life imprisonment if the offence resulted in the person's death."²⁰

Article 351

"1. A person who, by the use of force, threat of force or other coercive means, or by imposition or abuse of power, or by abduction, recruits, transports or transfers within or outside the country's territory, retains, harbours, delivers with or without benefit a person to another person or receives a person from another person with the purpose of sexual exploitation either by himself or by another person, shall be punished by a maximum penalty of 10 years' imprisonment and a fine of ten thousand to fifty thousand euros.

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

3. Any 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' imprisonment.

4. The perpetrator in accordance with the previous paragraphs shall be punished by a penalty of at least 10 years' 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 deficiency 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 carried out in a repetitive manner,
- (e) is committed by an official who, while on duty or by abuse of power commits or participates in any manner in the act, or
- (f) had as a result the grave bodily 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 using the body, voice or image of a person for the actual or virtual commission of such acts or for the supply of labour or services for sexual arousal."²¹

²⁰ Non-official translation.

²¹ Non-official translation.

46. While Article 351 of the CC criminalises human trafficking for the purpose of sexual exploitation, which is defined in paragraph 6, Article 323A is intended to cover trafficking for the other forms of exploitation, namely removing of cells, tissues or organs, labour exploitation and the exploitation of begging, as well as using a child in armed conflict. The Greek authorities have indicated that according to case-law, the term “labour exploitation” is interpreted as either by the provision of labour to third employers and the collection of the exploited persons’ remuneration by the offenders or the provision of labour to the offenders themselves.”²²

47. GRETA notes that slavery, practices similar to slavery and servitude, which are elements of the Convention’s definition, are not included in the Greek legal provisions on THB. A separate provision of the CC, Article 323, criminalises “slave trade”.²³ According to the authorities, this provision, in combination with the provision of Article 323A, covers the concepts included in the Convention. GRETA notes that in *Siliadin v. France*²⁴ the European Court of Human Rights found that the concept of “servitude” in Article 4 of the ECHR prohibits “a particularly serious form of denial of freedom”. It includes “in addition to the obligation to provide certain services to another (...) the obligation on the ‘serf’ to live on the other’s property and the impossibility of changing his status”.²⁵ The Court found that the French Criminal Code did not provide “practical and effective protection” against treatment contrary to Article 4 of the ECHR. Further, in *C.N. v. the United Kingdom*²⁶ the Court recognised “domestic servitude” as a specific offence, “which involves a complex set of dynamics, involving both overt and more subtle forms of coercion, to force compliance”. Due to the absence of a specific offence of servitude in domestic law, the Court found that the authorities were unable to give sufficient weight to these factors and to meet their obligation under Article 4 of the ECHR to carry out an effective investigation into C.N.’s complaints. Drawing on this case law of the European Court of Human Rights, GRETA notes that the absence of a specific criminal offence of servitude in Greek domestic law leads to difficulties in complying with the State’s positive obligations under Article 4 of the ECHR, to prevent, investigate and prosecute servitude.

48. GRETA also notes that trafficking for the purpose of exploitation of criminal activities is not explicitly mentioned in Article 323A. The statistics kept by the Greek authorities do not provide data on THB for this purpose. **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.**

49. The element of “action” of the Convention’s definition of THB is formulated almost identically in Articles 323A and 351 of the CC, both of which include all the actions foreseen in the Convention and, in addition, refer to “retaining” a person and “delivering a person to another person with or without benefit”.

²² See Council of the Appeal Court of Thessaloniki, judgment no. 491/2007, with further referrals to Council of the Appeal Court of Athens, judgment no. 1571/2003, *Poinika Chronika* magazine NΓ 157, Council of the Appeal Court of Aegean, judgment no. 35/2005, *Poiniki Dikaiosyni* magazine 2005.672.

²³ Article 323 of the CC read as follows (non-official translation): “1. Any person who proceeded to slave trade is punished by incarceration. 2. The slave trade includes any act of capture, acquisition and disposal of an individual, which seeks to make him a slave, any act of acquisition of a slave with the purpose of resale or exchange, the act of assignment by sale or exchange of an acquired slave and generally any act of trade or transport of slaves.”

²⁴ *Siliadin v. France*, application No. 73316/01, judgment of 26 July 2005, paragraph 123.

²⁵ *Ibidem*.

²⁶ *C.N. v. the United Kingdom*, application No. 4239/08, judgment of 13 November 2012.

50. Articles 323A and 351 cover only some of the “means” included in the Convention’s definition of THB. Both articles include the use of force, threat of force or other forms of coercion and abduction. Moreover, both articles refer to the use of “fraudulent means” to achieve a person’s consent and to “deception” by “exploiting the person’s position of vulnerability by making promises, gifts, payments or giving other benefits”. Concerning the means of “abuse of a position of vulnerability”, GRETA notes that both Articles 323A and 351 refer to it only in relation to deceiving a person by making promises, gifts, payments or giving other benefits, and therefore the means of “deception” also appears to be linked to “abuse of vulnerability”. The Greek authorities have indicated that while there is no definition of a position of vulnerability in Greek law, this term has been interpreted through case-law. By way of example, they have referred to Supreme Court judgment No. 955/2016 in which the court decided that a victim of trafficking was in a position of vulnerability because she was a third-country national without knowledge of the Greek language, with irregular residence status and without a work permit in a desperate financial condition.²⁷

51. GRETA notes that Articles 323A and 351 of the CC do not specifically state the irrelevance of the victim’s consent to the intended exploitation, when any of the specified means are used, which is integral to the Convention’s definition of THB. The issue of consent is only mentioned in relation to the use of fraudulent means and deception by exploiting a person’s position of vulnerability in paragraph 2 of both 323A and 351 of the CC. GRETA stresses that according to the Convention, consent to be exploited cannot be used as a defence by the perpetrator if any of the means are used. The Greek authorities have stated that under Greek law, the use of means annuls a possible consent by the victim. The authorities have referred to the Supreme Court Council judgment no. 1856/2006, according to which “the term ‘deceives’ means that the perpetrator acts with the intention to make the victim take such a decision. The victim’s consent shall by no means absolve the perpetrator”.

52. GRETA recalls that pursuant to Article 4, paragraph c, of the Convention, trafficking in children has only two constituent elements, action and purpose of exploitation. Articles 323A and 351 of the CC include trafficking in children as an aggravating circumstance, but it is not specified, as required by the Convention, that it is immaterial whether any of the means have been used.

53. 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.**

54. Further, 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.

55. For further analysis of the definition of THB and related offences from a substantive criminal law perspective, see paragraphs 198-203.

ii. Definition of “victim of THB”

56. The Convention defines “victim of THB” as “any natural person who is subjected to THB as defined in Article 4 of the Convention”. Recognition of victims of trafficking as such is essential as it gives rise to their entitlement to the broad range of protection and assistance measures set out in the Convention.

²⁷ The Greek authorities have referred to other relevant case-law, e.g. Appeal Court of Thessaloniki judgment No. 491/2007 and Council of the Misdemeanors Court of Chania ruling No. 48/2008.

57. The Immigration and Social Integration Code (Law 4251/2014) provides the following definition of “victim of trafficking” in Article 1, paragraph 1, sub-paragraph k:

“Victim of trafficking means both a natural person for whom there are substantial reasons to consider him/her a victim of any of the crimes provided for in Articles 323, 323A, 323B, 339(1) and (4), 342(1) and (2), 348A, 348B, 349, 351 and 351A of the Criminal Code,²⁸ before criminal prosecution, and a person against whom any of the above crimes were committed and for which proceedings were opened, whether the person has entered into the country legally or illegally.”²⁹

58. The question of the definition of victim of THB will be further discussed in the sections of this report dealing with the identification of victims and the assistance measures provided to them, along with the related proposals made by GRETA.

b. Comprehensive approach to action against THB, co-ordination of all actors and actions, and international co-operation

i. Comprehensive approach and co-ordination

59. One of the aims of the Convention is to design a comprehensive framework for the protection of, and assistance to, victims and witnesses. To be effective, any national action to combat THB must be comprehensive and multi-sectoral, and take on board the required multidisciplinary expertise. Article 29(2) of the Convention requires Parties to take measures to ensure the co-ordination of national policies and actions against THB, including through the setting-up of specific co-ordinating bodies. Further, the Convention refers to the need to co-operate and build strategic partnership with civil society through co-operative frameworks that can help governments fulfil their obligations under the Convention (Article 35).

60. As noted in paragraph 24, the Office of the National Rapporteur, which was set up pursuant to Law 4198/2013, is the national co-ordinating authority of action against THB. GRETA welcomes the establishment of a national body co-ordinating the anti-trafficking efforts of both governmental and non-governmental actors. However, **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.**

²⁸ Article 323 (slave trade), Article 323B (sex tourism), Article 339, paragraphs 1 and 4 (grooming of children), Article 342, paragraphs 1 and 2 (sexual abuse of children), Article 348A (child pornography), Article 348B (intentionally approaching children for sexual purposes), Article 349 (pimping) and Article 351A (sexual abuse of children for payment).

²⁹ Non-official translation.

61. GRETA notes that the Office of the National Rapporteur fulfils the role of both a national co-ordinating body and a National Rapporteur. The Greek authorities have indicated that the legal mandate of the National Rapporteur provides for a relative autonomy of the Office and specifically stipulates a formal alliance with relevant NGOs, as well as a strategy based on public-private partnerships. Moreover, the authorities have argued that the Office's positioning within the Ministry of Foreign Affairs enables the National Rapporteur to pursue a cross-agency approach, in close collaboration with competent international organisations, and the Office is considered as a "neutral" partner. GRETA would like to stress that Article 29 of the Convention makes a clear distinction between National Co-ordination and National Rapporteur. In GRETA's view, the key features of National Rapporteurs' mechanisms in the sense of Article 29, paragraph 4, of the Convention³⁰ should be the ability to critically monitor the efforts and effectiveness of all state institutions, including national co-ordinators, and to that end maintain a constant exchange with civil society, the research community and other relevant stakeholders. The human rights-based approach to anti-trafficking policies advocated by the Convention requires adequate monitoring and evaluation. A structural separation between monitoring and executive functions enables an objective evaluation of the implementation of anti-human trafficking legislation, policy and activities, identification of lacunae and shortcomings, and the formulation of comprehensive legal and policy recommendations.³¹ **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.**

62. As noted in paragraph 27, the Permanent Co-ordination Mechanism brings together senior officials of the ministries and agencies involved in the fight against THB. Although it is in principle expected to meet twice a year, it would appear that its meetings have been less frequent (e.g. it met in June 2016 and a meeting was planned in July 2017).

63. The Permanent Consultation Forum, which involves representatives of 11 civil society organisations specialised in the field of combatting THB, was set up with the aim of improving the co-operation between the Office of the National Rapporteur and NGOs providing services to victims of trafficking. The Forum's two most recent meetings took place in December 2015 and in June 2016.

64. During the visit, the National Rapporteur indicated that all co-ordination activities in future will take place within the National Referral Mechanism (NRM) and therefore there would be no need for convening the Permanent Co-ordination Mechanism and Permanent Consultation Forum. As noted previously, Government Decision No. 30840, entitled "Establishment and operation of the national system of identification and referral of victims of trafficking in human beings", which was published on 20 September 2016, provides the legal basis for the formalisation of the NRM and its funding in the state budget and out of EU funds. The Decision stipulates that the National Centre for Social Solidarity (EKKA) will manage the NRM, including ensuring its operation and staffing. The Office of the National Rapporteur holds a supervisory and at the same time, a facilitating role in the NRM to ensure the commitment of all stakeholders. The Government Decision empowers the Office of the National Rapporteur, in co-ordination with EKKA, to issue circulars and instructions necessary for the effective functioning of the NRM. It assigns to EKKA, in co-operation with the Office of the National Rapporteur, responsibility to review the standards for social support services provided to victims and the reporting procedure of these institutions to EKKA. Further, EKKA is given the task of developing standardised operating procedures concerning child victims, the accommodation of victims in shelters, the issuing of residence permits, repatriation, legal representation and filing compensation claims to the Greek Compensation Authority.

³⁰ "Each Party shall consider appointing National Rapporteurs or other mechanisms for monitoring the anti-trafficking activities of State institutions and the implementation of national legislation requirements."

³¹ In this context, see also the Summary report on the Consultative Meeting on Strengthening Partnerships with National Rapporteurs on Trafficking in Persons and Equivalent Mechanisms organised by the UN Special Rapporteur on trafficking in persons, especially in women and children, in Berlin, 23-24 May 2013.

65. Representatives of EKKA met during the visit expressed hope that the NRM would bring real improvements in the co-ordination and use of resources and that there will be enhanced funding from the national budget and EU funds. The Office of the National Rapporteur and EKKA have invited relevant public authorities, 16 NGOs and two international organisations (IOIM and UNHCR) to appoint representatives to the working groups tasked to develop the NRM's Standard Operating Procedures in seven thematic areas.

66. A sub-committee on trafficking in human beings has recently been set up by the Greek Parliament's Committee on Equality, Youth and Human Rights. Since its establishment, the Parliamentary Sub-Committee on THB has held four meetings (in June 2016, October 2016, April 2017 and June 2017). GRETA welcomes this development and notes the importance of focusing political attention on all forms of trafficking in human beings in Greece and organising public hearings on this subject.

67. As noted in paragraph 22, there is currently no national anti-trafficking strategy or action plan in Greece, nor a specific budget line for anti-trafficking activities. The last national anti-trafficking action plan covered the period 2010-2012. The main priorities of that plan were the establishment of a centralised state agency offering assistance to victims of trafficking (i.e. EKKA), the creation of a helpline (run by EKKA), raising public awareness, co-operating and funding NGOs providing services to victims, training of law enforcement officials and the judiciary, and developing international co-operation. The plan did not focus specifically on trafficking for the purpose of labour exploitation. The economic crisis, the reduction in job opportunities and the development of the underground economy are factors fostering trafficking for the purpose of labour exploitation.³² As noted in paragraph 14, trafficking for the purpose of labour exploitation, in particular in agriculture, construction and domestic work, has been increasing. GRETA refers to ECRI's latest report on Greece (published in February 2015), which indicates that migrant workers often suffer from abusive employment relationships.³³ There have been reports of the existence of dozens of camps for migrant agricultural workers.³⁴

68. GRETA refers to the case *Chowdury and Others v. Greece* brought to the European Court of Human Rights by a group of 42 Bangladeshi men who used to work at a strawberry farm in Manolada (Southern Greece). They did not have work permits, worked up to 12 hours per day under the supervision of armed guards and lived in makeshift shacks without toilets or running water. For several months, the men did not receive the agreed wages and their employers threatened them that they would only receive wages if they continued to work. When a group of workers demanded their wages on 17 April 2013, one of the armed guards opened fire, seriously injuring 30 workers. The Court noted that before this incident the Greek authorities had known for years about the circumstances under which thousands of workers lived and worked in strawberry farms around Manolada, due to media reports and an Ombudsman's report which had been submitted to all relevant authorities and labour inspections, but no effective action to remedy the situation had been taken. The Court saw the situation of the workers in Manolada as a case of human trafficking for the purpose of forced labour and concluded that there had been a violation of Article 4, paragraph 2, of the European Convention on Human Rights due to the failure of the Greek authorities to fulfil their positive obligations under this article to prevent human trafficking, to protect victims, to effectively investigate the offences committed and to punish those responsible for human trafficking offences.³⁵

³² *Transnational Study on the Characteristics of Policies in the Field of Trafficking in Human Beings for Labour Exploitation 2009-2011*, Greece: Chapter 3, p. 51, available at: <http://www.legislationline.org/topics/country/27/topic/14>

³³ <https://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Greece/GRC-CbC-V-2015-001-ENG.pdf>

³⁴ According to reports by Amnesty International which visited Manolada in Southern Greece in April 2013, the workers – some in their early teens – lived in crowded sheds (for which they had to pay €20 "rent" per month), without access to clean water and sanitation. According to witnesses, some 2 000 Bangladeshis worked in the area, with a further 3 000 or more workers from other countries, including Bulgaria and Albania. Some had residence permits or had lodged asylum applications, but others were irregular migrants. See <https://www.amnesty.org/en/latest/news/2013/04/greece-despair-pervades-camps-after-33-migrant-workers-shot-in-manolada/>

³⁵ *Chowdury and Others v. Greece*, paragraph 128.

69. There are reports of cases of trafficking for the purpose of illegal adoption involving Bulgarian women brought to Greece by criminal organisations in order to give birth in Greek hospitals, with the new-born babies being subsequently sold to Greek couples for adoption.³⁶ Moreover, women from Eastern European countries have reportedly been trafficked to Greece for the purpose of removal of human eggs.³⁷ There are also reports of women being trafficking for the purpose of exploitative sham marriages. The official statistics quoted in paragraph 12 do not shed light on the existence of identified victims of THB for the purposes of illegal adoption, exploitative sham marriages or removal of organs, cells and tissues. The Greek authorities have indicated that while the national legal framework does not include illegal adoption in the criminalisation of trafficking in human beings, the provisions on adoption have been used on numerous occasions to prosecute cases in which Bulgarian Roma women, at the final stage of pregnancy, were transferred to Greek hospitals to give birth and gave their newborns for adoption in violation of the applicable legal procedures. There has been one case of recruitment and trafficking for the purpose of trading in egg cells for assisted reproduction procedures. This case started as trafficking for sexual exploitation and subsequently the perpetrators forced the victims to undergo a procedure to have their egg cells removed. No case of trafficking in human beings for the purpose of forced marriage has been investigated by the Police. However, it has been repeatedly noted that in cases of trafficking in human beings, perpetrators force their victims to enter a marriage of convenience in order to legalise their stay in Greece. GRETA notes that the prevention of these emerging forms of trafficking needs to be addressed in the policy framework for combating THB.

70. GRETA also notes reports that children, mainly of Roma origin, from Albania, Bulgaria and Romania, are being trafficked and forced to beg, engage in petty crime or sell small items, including as part of “family-based” trafficking.³⁸ GRETA was also informed of cases of children trafficked for the purpose of exploitation in criminal activities, namely to steer boats smuggling migrants into Greece, who were apparently detained and returned to Turkey.

71. **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.**

³⁶ Genoveva Tisheva, Svetlana Ganeva, Maria Vogiatzi, *Comparative Analysis of Greek and Bulgarian Law and Practices in Handling of Human Trafficking Cases, including Issues on Victims' Representation, Compensation and the Identification of Good Practices*, Sofia, October 2014.

³⁷ Ibidem.

³⁸ Ibidem.

72. While welcoming the formalisation of the NRM, GRETA notes that it is an operational tool for ensuring that victims of trafficking are assisted and protected, but it does not cover all the policy aspects of the fight against THB. Interagency consultations, including law enforcement agencies, prosecutors, the judiciary as well as civil society, should not stay limited to issues concerning the NRM. **GRETA therefore 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.**

ii. Training of relevant professionals

73. The topic of THB is taught at the Police Academy to officers of all ranks. The training is given in the form of a seminar and includes general information about THB, legislation, identification of victims of trafficking and what to do in such a situation, how to interview the victim and how to refer them to the specialist police units in Attica and Thessaloniki. In 2015, the Directorate of Public Security of the Hellenic Police Headquarters provided training on handling human trafficking cases to front-line police officers through a system of video-conferencing, followed by 140 police officers. This training was repeated in 2016 for another 140 frontline officers. On 29 April 2017, a teleconference training for police officers was held on handling cases of THB on the basis of an analytical report prepared by the Public Security Directorate of the Hellenic Police.

74. In 2015, the Institute of Child Health organised a number of training activities in the framework of the Southeast Safe Net programme on preventing child trafficking and protecting unaccompanied minors along the Greek - Turkish borders.³⁹ The training took place in the islands of Chios, Mytilene and Samos as well as in Alexandroupolis, Orestiada and Athens and addressed the protection of unaccompanied children and the identification of child victims of trafficking. Participants included border guards, First Reception Centres' personnel, coast guards, health professionals and social workers.

75. Since March 2016, the Office of the National Rapporteur and the National Centre of Public Administration and Local Government, which is the State training institute for public officials, have periodically organised training seminars for civil servants and front-line professionals in Athens and Thessaloniki on first-level identification of potential victims. Based on a train-the-trainers approach, the lectures were given by representatives of the anti-trafficking unit of the Hellenic Police and EKKA. Participants from some 15 competent state agencies attend these seminars (e.g. labour inspectors, medical personnel, local administration officials, school teachers, border police officers, asylum officers, customs offices, judges, journalists). A total of 247 professionals have been trained so far.

76. On 3-7 April 2017, the Office of the National Rapporteur and UNODC organised a training entitled "Strengthening interagency co-operation against human trafficking in Greece" for law enforcement officers, prosecutors and other frontline professionals (a total of 80 persons) in Athens and Thessaloniki.

77. Further, on 6-7 April, Greek judges, prosecutors and lawyers attended a seminar on the issue of demand reduction of THB for the purpose of sexual exploitation in Trier, Germany. According to information provided by the Greek authorities, the Council of Studies of the National School of Judges has adopted a decision to include in the curriculum training which focuses on THB and sexual exploitation of children.

78. IOM Greece regularly carries out training activities for different stakeholders. In 2012 IOM started a train-the-trainers programme on early identification and referral of victims of trafficking, funded by an EU project. In 2013, a training on investigating and prosecuting THB cases was organised for judges, prosecutors and police officers together with the Office of the National Rapporteur and the US Embassy.

79. In 2015, UNHCR trained 70 members of Asylum Appeals Committees on the protection of victims of trafficking in human beings. UNHCR also provided training on THB to newly recruited interpreters by the NGO Metadrasi, who are working with the Greek authorities. IOM provided pre-deployment training to 46 new IOM staff members, from 29 June to 1 July 2016 on protection and assistance to vulnerable migrants and child safeguarding.

80. Several NGOs, including A21, PRAKSIS, ARSIS, GCR and Smile of the Child, have organised training for law enforcement officials. For example, A21 has developed a training curriculum on combating human trafficking in order to provide practical and applicable tools to police officers to fight human trafficking. Since October 2013, there have been presentations to more than 150 police officers in Ptolemais, Kozani, Arcadia, Achaia and Attica. In 2015, A21 organised workshops in Larissa and Chios for 44 police officers on identification, assistance and protection for THB victims. These workshops were continued in 2016 on Chios and Samos as well as in Komotini and Xanthi.

81. Further, in the framework of the EU-funded project VICTOR, the NGO The Smile of the Child organised a training seminar in Athens in April 2014 on the identification of child victims of trafficking. More than 170 professionals and practitioners took part in this training, which was given in plenary sessions as well as in four specialised working groups for psychologists and social workers, doctors and health professionals, law enforcement officials, judges and prosecutors.

82. However, GRETA notes that police officers, other than those employed by specialised anti-trafficking units, lack training on detecting victims of THB, and general awareness of this issue among rank-and-file police officers is reportedly rather low. Training on THB is also lacking for judges and prosecutors, many of whom are reportedly not aware of the rights and needs of victims of trafficking. No training has been provided to labour inspectors despite the fact that the Labour Inspectorate is involved in the NRM. Moreover, given the need to set up new facilities for the reception of asylum seekers and unaccompanied children, there is a lack of training for staff employed in them. As regards health-care staff, only those employed in the public sector are offered training on THB, while those in the private sector are not covered and may miss indicators of THB.

83. 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.

iii. Data collection and research

84. The human rights-based approach to anti-trafficking policies advocated by the Convention requires adequate monitoring and evaluation. An essential element is the regular availability of comprehensive statistical information on both trends in human trafficking and on the performance of the main actors in the fight against trafficking. The collation of data from different state institutions and NGOs raises concerns about data protection, especially when personal data are involved. International standards have been set for the collection, storage, transfer, compilation and dissemination of data. In order to ensure full compliance with these standards, Parties are expected to apply appropriate measures and techniques of data protection. An additional requirement for human rights-based anti-trafficking policies is the conduct of research and analysis with special attention to the rights and interests of victims.

85. Data on THB is collected by several bodies in Greece. The Hellenic Police collects data on investigations, however, the statistics do not consistently refer to the same categories of exploitation. The Ministry of Justice, Transparency and Human Rights collects data on convictions under Articles 323A and 351 of the CC. The introduction of a new judicial data collection system is expected to produce standardised statistics on prosecutions and convictions for THB. Further, the Residence Permits Unit of the Ministry of Migration Policy collects data on residence permits granted to victims of trafficking. As part of its mandate, the Office of the National Rapporteur co-operates with the police, the judicial authorities, NGOs and IOM in the collection of data on THB. The creation of a common THB database by the Office of the National Rapporteur has been delayed due to the lack of funding.⁴⁰

86. GRETA notes that the collection of data on THB in Greece is fragmented and lacks coherence. The previously mentioned Government Decision No. 30840 on the setting up of the NRM envisages the development of an electronic register of victims of THB which is to be regularly updated and to comply with the legislation and the instructions of the Data Protection Authority. The register will contain data on victims disaggregated by sex, age, nationality, type of exploitation, formal recognition as a victim by the prosecutor, assistance and protection measures, and repatriation.

87. GRETA was informed of plans to introduce in Greece the data collection system developed under the EU-funded project "Towards a pan-European monitoring system of trafficking in human beings (MoSy)". The system developed under this project has three levels of data collection: i) local repositories (e.g. police, NGOs, social workers) who fill in standardised and anonymised questionnaires on victims and perpetrators; ii) a national level repository which receives data from all local repositories; and iii) European level. The Greek authorities have indicated that they are currently exploring ways to obtain funding for acquiring the necessary hardware to install a MoSy data processing system.

88. 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.

⁴⁰ Angeli, *Demand in the Context of Trafficking in Human Beings in the Domestic Work Sector in Greece*, DemandAT Country Study No. 4, 2016, p.24, available at: <http://www.demandat.eu/publications/demand-context-trafficking-domestic-work-sector-greece>

89. There have been a number of studies on different aspects of the THB phenomenon in Greece, such as labour exploitation, domestic work and trafficking of Roma children, funded mostly by the European Union. By way of example, in the framework of the project “Combating THB - Going Beyond!” the Churches’ Commission for Migrants in Europe (CCME) commissioned a study on trafficking for the purpose of labour exploitation in Greece. The research was funded by the Prevention of and Fight against Crime Programme of the European Union (ISEC).⁴¹ Another ISEC-funded study analysed the characteristics of policies in the field of trafficking in human beings for labour exploitation in several countries, including a specific chapter on Greece.⁴²

90. Two recent studies have examined the situation of domestic workers. In the context of the interdisciplinary DemandAT research project, which was funded under the EU Seventh Framework Programme and co-ordinated by ICMPD, the study “Trafficking in Human Beings in the Domestic Work Sector in Greece” researched situations of domestic work that may involve extreme forms of exploitation and trafficking and examined factors driving demand, as well as existing legislation and policies.⁴³ Another study conducted by researchers of the Centre for Gender Studies of the Panteion University, in the framework of the EU-funded project “Combating Trafficking in Woman for Labour Exploitation in Domestic Work”, addresses the issue of trafficking in women for the purpose of labour exploitation, with a particular focus on migrant domestic workers.⁴⁴

91. Further, in the context of the EU-funded project “Countering New Forms of Roma Children Trafficking” (CONFRONT), the Greek national report was drafted by the Hellenic Foundation for European and Foreign Policy (ELIAMEP).⁴⁵ Another research project with EU funding explored victims’ access to compensation and legal aid within the project “Lawyers against Trafficking”.⁴⁶

92. In 2015, the Office of the National Rapporteur concluded a memorandum of understanding with the Centre for Security Studies (KEMEA) which is the Ministry of Public Order and Citizen Protection’s think tank on security policies. The agreement covers, *inter alia*, the common development of research programmes and fundraising for such programmes.

93. GRETA welcomes the above-mentioned research efforts and 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.

⁴¹ Papantoniou-Frangouli, *Trafficking for Labour in Greece*, 2011, available at:

http://www.ccme.be/fileadmin/filer/ccme/20_Areas_of_Work/10_Slavery_Anti-Trafficking/National_reports/2011-03-Greek_Report_GOING_BEYOND.pdf

⁴² *Transnational Study on the Characteristics of Policies in the Field of Trafficking in Human Beings for Labour Exploitation 2009-2011*, Greece: Chapter 3, p. 45-63, available at: https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/ro_studiu_engleza.pdf

⁴³ Angeli, *Demand in the Context of Trafficking in Human Beings in the Domestic Work Sector in Greece*, DemandAT Country Study No. 4, 2016, available at: <http://www.demandat.eu/publications/demand-context-trafficking-domestic-work-sector-greece>

⁴⁴ Kambouri/Parsanoglou/Touri, *Domestic Work and Trafficking in Human Beings in Greece: A Crossroads in the Dark?*, in: Mediterranean Institute of Gender Studies, *Combating Trafficking In Women For Labour Exploitation In Domestic Work*, 2015, available at: <http://www.medinstgenderstudies.org/i-thought-i-was-applying-as-a-care-giver-final-restuls-of-the-stop-traffic-project/>

⁴⁵ Anagnostou and Kandyla, CONFRONT - *Countering New Forms of Roma Children Trafficking: Participatory Approach, National report Greece*, 2015, available at: <http://www.eliamep.gr/wp-content/uploads/2015/03/CONFRONTEN.pdf>

⁴⁶ Genoveva Tisheva, Svetlana Ganeva, Maria Vogiatzi, *Comparative Analysis of Greek and Bulgarian Law and Practices in Handling of Human Trafficking Cases, including Issues on Victims’ Representation, Compensation and the Identification of Good Practices*, Sofia, October 2014.

iv. International co-operation

94. The Convention requires Parties to co-operate with each other “to the widest extent possible” in order to prevent and combat THB, protect and assist victims, and investigate related criminal offences (Article 32).

95. Greece has concluded bilateral agreements on police co-operation and/or combating organised crime, which contain provisions on combating human trafficking, with the following countries: Albania, Armenia, Bosnia and Herzegovina, Bulgaria, China, Cyprus, Egypt, France, Hungary, Israel, Italy, Malta, Pakistan, Poland, Romania, Russian Federation, Serbia, Slovenia, Turkey and Ukraine. In terms of multilateral co-operation, Greece has acceded to the agreement of the Governments of the Black Sea Economic Cooperation (BSEC) Participating States⁴⁷ on co-operation in combating crime, in particular its organised forms, and the Convention of the Southeast European Law Enforcement Centre (SELEC).

96. The Greek prosecution authorities can provide information on their own initiative, without prior request, to the authorities of another country. To do so, they send the relevant information to the Hellenic Police which forwards it via Europol or Interpol to the competent authorities of the other country. The Hellenic Police use existing international police co-operation channels (Interpol, Europol, Eurojust, SELEC, Liaison Officers of Embassies in Greece) to exchange information with other countries on investigations of mutual interest. In 2015 and 2016, the Hellenic Police Directorates sent 31 requests for information in relation with THB cases to EU member-states (through Europol) and third countries (through Interpol).

97. In principle, the Greek authorities can set up Joint Investigation Teams (JITs), co-ordinated and supported under Eurojust. However, no JITs have been set up in THB cases because, according to the authorities, the exchange of information through operational meetings and parallel investigations was sufficient to obtain the necessary information in investigations into THB. In 2013, the Hellenic Police led parallel investigations with the Spanish police in a THB case, co-ordinated by Europol. The investigation resulted in the dismantling of a transnational criminal organisation that recruited people in the Dominican Republic for exploitation and transferred them through Turkey to Greece, with Spain being the final destination. In this case, seven victims of THB for the purpose of sexual and labour exploitation were identified by the Public Prosecutor’s Office in Piraeus and 16 persons were arrested as members of a criminal organisation for committing THB.

98. **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.**

2. Implementation by Greece of measures aimed at preventing trafficking in human beings

99. According to Article 5 of the Convention, Parties must take co-ordinated action to prevent THB, with the involvement of relevant NGOs, other organisations and members of civil society, as appropriate. The Convention requires Parties in particular to take measures to discourage demand, strengthen border controls and ensure the integrity, security and validity of travel or identity documents (Articles 6 to 9).

⁴⁷ Albania, Armenia, Azerbaijan, Bulgaria, Georgia, Greece, the Republic of Moldova, Romania, the Russian Federation, Turkey and Ukraine.

a. Measures to raise awareness

100. In 2015, a two-day festival entitled “Break the Chain” took place in Athens on the occasion of the European Anti-Trafficking Day, 18 October, with the aim of informing the general public about human trafficking.⁴⁸ The festival was organised by the Office of the National Rapporteur together with other agencies, civil society organisations, international organisations, businesses and artists. It involved the organisation of nine workshops and seminars, five educational activities for children, three open debates, as well as exhibitions and screenings of films and documentaries. According to the authorities, following the festival the Hellenic Police reported an increase in the number of calls received from citizens who reported possible cases of THB. The second edition of the “Break the Chain” festival took place on the occasion of the 10th European Anti-Trafficking Day on 22-23 October 2016 in Athens, with the involvement 40 stakeholders (public authorities, NGOs, international organisations, universities) and 150 artists. The festival attracted 6 000 visitors and enjoyed a strong publicity. The Greek authorities intend to make this festival an annual event.

101. The General Secretariat for Gender Equality (GSGE) of the Ministry of the Interior and Administrative Reconstruction is responsible for combating all forms of violence against women, including trafficking. Under the 2009-2014 National Programme for the Prevention and Combating of Violence against Women, the GSGE implemented an awareness-raising campaign including seminars, a thematic conference, production and distribution of information material in several languages (Albanian, Greek, English and French), television and radio programmes, cultural events, advertisements on public transport, in the press and on the Internet, as well as the setting up of a website⁴⁹ and a Facebook page. The goal was also to promote the SOS Helpline and the existing counselling centres and shelters.

102. Further, in 2014, within the framework of the EU-funded project “VICTOR - Victims of Child Trafficking, Our Responsibility”,⁵⁰ a national campaign was launched in order to raise awareness and inform potential victims, in particular vulnerable children, about helplines and organisations able to offer assistance.

103. GRETA welcomes the efforts made by the Greek authorities to raise public awareness on human trafficking. **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.**

b. Measures to discourage demand

104. In accordance with the Convention, measures to discourage demand for the services of victims of trafficking, especially women and children should be understood as a positive obligation on Parties to adopt and reinforce such measures as regards THB for the purpose of any form of exploitation (see paragraph 108 of the Explanatory Report of the Convention). As it is stated in the Recommended Principles and Guidelines on Human Rights and Human Trafficking, strategies aimed at preventing THB shall address demand as a root cause of trafficking.⁵¹

105. The use of services or labour from a victim of THB, with the knowledge that the person is a victim, is criminalised in paragraph 3 of Articles 323A and 351 of the CC (see also paragraph 200).

106. The organisation of the “Break the Chain” festivals aims, *inter alia*, to discourage demand for products or services extracted from exploitative, slave-like conditions by providing relevant information to the public.

⁴⁸ <http://www.breakthechain.gr/>

⁴⁹ <http://www.womensos.gr/>

⁵⁰ <http://www.victorproject.eu/>

⁵¹ Principle 4 of Addendum to the report of the United Nations High Commissioner for Human Rights (E/2002/68/Add. 1), <http://www.ohchr.org/Documents/Publications/Traffickingen.pdf>

107. GRETA notes that there has been a shortage of measures to discourage demand for sexual services that leads to trafficking in human beings. In Greece, prostitution is legal and there are some 200 licensed brothels. In April 2017, the General Secretariat for Gender Equality, in co-operation with the Office of the National Rapporteur, set up an expert committee to review the existing legal framework on prostitution and advocate against sexual exploitation and demand for commercial sex acts. The expert committee includes legal experts, academics, officers from the anti-trafficking police unit and NGO representatives.

108. With a view to promoting supply chains free from labour exploitation, the National Rapporteur signed a Memorandum of Co-operation with the Corporate Social Responsibility Hellas Network. The memorandum envisages activities to raise awareness on this issue among businesses, consumers and employees by conducting trainings, workshops and events and by using social media tools for reaching out to broader audiences. Further actions against trafficking are envisaged, such as building public-private partnerships, promoting good practices and co-ordinating all relevant activities. In this context, the National Rapporteur and the Athens Public Transport Organisation have agreed to co-organise training for public transport staff and awareness-raising campaigns for passengers in 2017-2020. Similar activities were organised in 2016 with the Central Market Hall Organisation in Athens, which were context-specific to labour exploitation in the agricultural field.

109. Trade union representatives gave examples of efforts to advise workers on their rights and intervene against exploitative employers, but noted that the lack of collective bargaining increased the risks of trafficking and exploitation, in particular in the sectors of tourism, seasonal agriculture and the food processing industry. Further, the risks of trafficking are increased in certain sectors of the economy where subcontracted/outsourced services are used, such as the cleaning sector and hospitals. Domestic work involving migrant women is another sector which may involve extreme forms of exploitation and trafficking.⁵²

110. As regards human rights education at schools, the Office of the National Rapporteur promotes relevant activities, in collaboration with state partners and local authorities, such as the Ministry of Education and the “Open Schools” project of the Municipality of Athens.⁵³ The objective is to educate students 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, in the national campaign of the No Hate Speech Movement, and the National Rapporteur has been appointed as a permanent member of the National Council against Racism and Intolerance.

111. Further, civil society stakeholders organise events at schools and universities to raise awareness about demand which fosters THB and gender stereotypes by using performance art, dramas, dance and media. Since 2012, more than 6 000 pupils and students have been informed about human trafficking through these initiatives and projects.

112. 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.

⁵² Angeli, *Demand in the Context of Trafficking in Human Beings in the Domestic Work Sector in Greece*, DemandAT Country Study No. 4, 2016, available at: <http://www.demandat.eu/publications/demand-context-trafficking-domestic-work-sector-greece>

⁵³ The Open Schools programme (<https://www.athensopenschools.gr/en/open-schools/>) is an initiative of the City of Athens, whereby school premises remain open during after-school hours and weekends for all citizens. Students, teachers, parents and residents can participate in educational, cultural, sports and entertainment activities.

c. Social, economic and other initiatives for groups vulnerable to THB

113. The Greek authorities have referred to several measures for the protection and social inclusion of persons vulnerable to social isolation and exploitation, such as the pilot implementation of the minimum guaranteed income, health care for uninsured citizens, free legal aid, promotion of employability and entrepreneurship, and subsidies to support employers in creating jobs.

114. The National Programme on Preventing and Combating Violence against Women of the General Secretariat for Gender Equality (which is subordinated to the Ministry of the Interior and Administrative Reconstruction) addresses all forms of gender-based violence, including trafficking in human beings. In this context, there are 40 counselling centres offering psycho-social support and legal advice to women victims of violence, 15 run by the General Secretariat for Gender Equality in the regional capitals and 25 by the five biggest municipalities. Further, 19 shelters for women victims of violence and in vulnerable situations and their children are operated by 19 large municipalities, and two shelters for abused women are operated by EKKA in Athens and Thessaloniki. The shelters provide psychological and social support. The General Secretariat for Gender Equality has implemented since 2012 an awareness-raising campaign under the slogan “You are not the only one – You are not alone”, including the distribution of leaflets in a variety of languages with information, among others, on human trafficking, which publicise the SOS helpline 15900. The campaign has also used TV, media, websites and public transport to advertise the helpline. The setting up of the shelters and counselling centres as well as the campaign have received funding from the EU (European Structural Funds).

115. Under the National Action Plan for Gender Equality for the period 2016-2020, informational material has been created in co-operation with UNHCR for women refugees and migrants, available in English, French, Urdu, Kurdish, Farsi and Sorani. Furthermore, information on the existence and operation of the SOS helpline 15900 has been periodically published in press titles read by immigrants. An inter-agency committee responsible for the provision of services to women refugees and their children, who are at risk or facing gender-based violence and human trafficking, was set up under a Protocol of Co-operation with eight competent ministries, public agencies and local authorities. The committee guarantees a number of places at the shelters of the national network of structures against gender-based violence for female refugees and their children.

116. GRETA refers to the human rights comment by the Council of Europe Commissioner for Human Rights, published on 7 March 2016,⁵⁴ which notes that UNHCR, the United Nations Population Fund (UNFPA) and Women’s Refugee Commission have established that women and girls, especially those travelling alone, face particularly high risks of certain forms of violence, including sexual violence by smugglers, criminal groups and individuals on their journey to Greece and onwards in Europe. According to the Commissioner for Human Rights, “hotspots” envisaged initially as reception and registration centres for migrants may in fact become detention centres with all the risks they carry for the female migrant population. Women are often held in detention together with men who are not members of their family. The Greek authorities have noted that restriction of liberty for up to 25 days pursuant to Law 4375/2016 is very rare since the vast majority of the proceedings are completed either on the same day or within a limited number of days, thus the restriction is removed and residents are free to move.

117. The Office of Support to Migrants of the Athens Labour Centre Trade Union (EKA) provides information to migrants on labour and social security rights and collaborates with other stakeholders to develop tailored information campaigns on labour rights. The office was established in 2006, funded initially through the “Equal” programme of the EU and now through EKA. At the same time, migrant workers in the countryside, often in agriculture, have significant difficulties in accessing information or counselling. Another group at risk are persons working in domestic servitude, due to their isolated situation in households and because their residence status is often not regularised.

⁵⁴ Council of Europe Commissioner for Human Rights, *Human rights of refugee and migrant women and girls need to be better protected*, available at: <https://www.coe.int/en/web/commissioner/-/human-rights-of-refugee-and-migrant-women-and-girls-need-to-be-better-protected>

118. Some NGOs operate street-work intervention initiatives, focusing on children in street situations or children belonging to socially excluded groups that are not integrated into the school environment. Further, helplines concerning children at risk that operate on a 24-hour basis include the EKKA National helpline for children “1107” and the helpline “1506” as well as 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.

119. GRETA was informed that the birth registration system can pose problems: hospitals inform the competent central authorities about the birth, but the parents have to go to the authority to obtain the certificate and the authorities do not follow up if there are more births than certificates issued.

120. As noted in paragraph 4, one of the urgent requests for information made by GRETA concerned the steps taken to protect unaccompanied foreign children from falling victim to trafficking and exploitation. The Greek authorities have indicated that pursuant to Article 32, paragraph 4, of Law 3907/2011 on the Establishment of the Greek Asylum Service and First Reception Service, unaccompanied children must be accommodated as far as possible in institutions that have staff and facilities which take into account the needs of persons of their age. Within the reception facilities, efforts are made to teach the Greek language, organise meetings with social workers and psychologists and involve children in sport activities. In the case of unaccompanied children who may be victims of human trafficking or migrant smuggling, the competent prosecutor must take the necessary steps to determine the identity and nationality of the child, locate as soon as possible his/her family and ensure his/her legal representation. As the number of prosecutors is limited, significant delays may affect the access to support and rehabilitation programmes. Furthermore, individuals are reluctant to assume the guardianship because unaccompanied children often abscond. Since 2013, the Ministry of Justice has established a Working Group for the review of the guardianship system. The Greek Government is currently working towards the establishment of a comprehensive guardianship system by designing a new mechanism for the appointment of guardians until a durable solution for each child is identified and implemented. EKKA has been appointed as the competent authority for recruiting, training, co-ordinating and supervising guardians. The setting up of the central and regional management of the system is in the planning phase.

121. The Greek authorities have indicated that EKKA is responsible for managing requests for accommodating unaccompanied children. According to EKKA, 823 such requests were registered in April-December 2012, 1 150 in 2013, and 2 390 in 2014. The waiting time is often very long as the available places are not sufficient to cover the needs. The majority of unaccompanied children are eventually referred to shelters as places become available, due to the frequent departure of children. In 2012, the average time unaccompanied children stayed at shelters was 49 days, in 2013, 60 days and in 2014, 51 days. According to more recent reports, 1 394 unaccompanied children were on the waiting list for a shelter place in July 2016. Due to lack of places, hundreds of children are being held for weeks, if not months, in police cells.⁵⁵ As of 15 May 2017, 1 013 unaccompanied children were on a waiting list for places in shelters, while 173 were in reception and identification centres (“hotspots”) and 61 in protective custody.⁵⁶ A new development is the creation of safe zones within existing camps for the temporary accommodation of unaccompanied children waiting for placement.

⁵⁵ [News Deeply, No Way Out for Refugee Kids Selling Themselves in Athens, 21 July 2016.](#)

⁵⁶ EKKA produces a comprehensive bi-weekly report/mapping of the situation of UAC in Greece based on accommodation referrals, which is available at: <http://www.ekka.org.gr/PressOfficeNewsView.action?newID=65> .

122. An emergency action plan for the education of refugee and migrant children was adopted by the Ministry of Education for the school year 2016-2017. Its main objective is to ensure psychosocial support and integration of refugee children in the Greek educational system following a preparatory transitional period. The plan is differentiated according to the age group of the children and is adapted to the special needs and conditions of children, taking into consideration the types of accommodation of the refugee population, either “site-based” (i.e. population placed in refugee accommodation centres) or “off-site” (i.e. population residing in rented apartments, hotels or shelters). The curriculum and course schedule implemented in so-called Reception School Annexes is set by the Institute of Educational Policy, together with a Scientific Committee for the Support of the Refugee Education. Reception School Annexes have been established for 33 accommodation centres all over Greece and more than 3 000 foreign children aged 7-15 years old are reportedly involved in education. IOM ensures the transportation of children between public primary and secondary schools and refugee accommodation centres and provides children of primary school age with school kits, containing the necessary school materials.

123. GRETA notes that in its judgement *Rahimi v. Greece*,⁵⁷ the European Court of Human Rights held that the Greek authorities should take adequate measures to provide unaccompanied children with overall care, including accommodation and protection from possible violence or exploitation. The Court noted that serious shortcomings existed in respect of appointing guardians for unaccompanied children in Greece and stated that the establishment of an effective and sustainable guardianship system is a fundamental prerequisite to the effective protection of the rights and interests of unaccompanied third-country children. The monitoring procedure on the implementation of this judgement is still ongoing before the Committee of Ministers of the Council of Europe.⁵⁸

124. GRETA notes with appreciation the above-mentioned efforts made by the Greek authorities and urges them 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.

125. Further, 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.

d. Border measures to prevent THB and measures to enable legal migration

126. According to the Greek authorities, border guard staff are trained on trafficking issues both at national level and under the aegis of European bodies such as FRONTEX and CEPOL. The authorities could not provide figures on training provided to border police staff, but noted that border police officers participate in general trainings for police officers. Police services analyse relevant reports and warnings from European organisations (Eurojust, Europol, FRONTEX) on possible risk situations as regards human trafficking. The authorities informed GRETA that mixed migratory flows arriving in Greece pose a specific challenge for border management because the arriving persons have to be screened but at the first level of control there is little indication of THB.

127. The National Rapporteur frequently gives training to future diplomatic and consular staff about potential risks of trafficking. Greek consular authorities receive instructions on indicators of potential THB victims when interviewing visa applicants.

⁵⁷ *Rahimi v. Greece*, application No. 8687/08, judgement of 5 April 2011.

⁵⁸ <http://hudoc.exec.coe.int/ENG?i=004-15571> .

128. **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.**

- e. Measures to ensure the quality, security and integrity of travel and identity documents

129. In 2014 the Greek authorities started issuing new identity cards which verify the correctness of the citizen's data through the Central Information System of the Hellenic Police and the Integrated Information System of Municipal Rolls of the Ministry of the Interior and Administrative Reconstruction.

130. The Passport and Document Security Headquarters of the Hellenic Police is the responsible authority for issuing travel documents. According to the authorities, Greek passports comply with Council Regulation (EC) No. 2252/2004 on standards for security features and biometrics in passports and travel documents issued by Member States, as amended by Regulation (EC) No 444/2009 of the European Parliament and of the Council, as well as with document No. 9303 of the International Civil Aviation Organization (ICAO) for machine-readable travel documents. The Passport and Document Security Headquarters constantly monitors technological developments and ensures the necessary technological adjustments and regular upgrades of the security features embedded in Greek passports. According to the authorities, the issuing of passports on the basis of false identity cards has been virtually eliminated since the "Police on Line" system of the Hellenic Police containing personal data regarding the identity of Greek citizens became fully operational. Where applications are made to consular missions abroad, the personal data linked to the requested identity cards are compared with the data registered in the database.

3. Implementation by Greece of measures to protect and promote the rights of victims of trafficking in human beings

- a. Identification of victims of trafficking in human beings

131. Article 10 of the Convention requires Parties to adopt measures to identify victims. In order to do so, Parties must provide their competent authorities with persons who are trained and qualified in preventing and combating THB and in identifying and helping victims, including children. Identifying a trafficking victim is a process which takes time, and therefore the Convention provides for the rights of potential victims by establishing that when the competent authorities have reasonable grounds to believe that a person has been a victim of trafficking, s/he must not be removed from the country until the identification process is completed and must receive the assistance required by the Convention.

132. At the time of GRETA's visit, a National Referral Mechanism (NRM) for the identification of victims of trafficking and their referral to support and protection existed on an informal basis, having been set up in 2014. As noted in paragraph 21, shortly before GRETA's evaluation visit, on 20 September 2016, Government Decision No. 30840 entitled "Establishment and Operation of the National System of Identification and Referral of Victims of Trafficking in Human Beings" was published, providing the legal basis for the formalisation of the NRM. There were still no standardised operating procedures or agreements with NGOs as regards the implementation of the NRM. The National Centre for Social Solidarity (EKKA), which has been assigned the task of managing the NRM, is responsible for developing such standardised operating procedures, as well as other instructions necessary for the effective functioning of the NRM, together with the Office of the National Rapporteur on Trafficking in Human Beings (see paragraph 64).

133. The first-level identification of a presumed victim of trafficking can be initiated by any professional working for a public body, an NGO or an international organisation. According to an analysis of trafficking cases by the Hellenic Police, in almost all cases the identification of victims was started either when the victims contacted the authorities after managing to escape the control of the perpetrators or on the basis of information obtained by the police during investigations.

134. The Office of the National Rapporteur informed GRETA that in the context of setting up a formalised NRM, a network of agencies that can perform first-level identification of victims was in the process of being created, including labour inspectors, health-care providers, migration services, public transportation employees and local administration authorities. Contact persons have already been appointed in local administrations, the First Reception Service and the Asylum Service, hospitals and the Labour Inspectorate Unit (SEPE).

135. From 2011 to 2013 Greece participated in the EuroTrafGuID project, together with Bulgaria, Spain, France, Netherlands and Romania, the aim of which was to develop practical tools for the first-level identification of victims of trafficking in human beings for different forms of exploitation. These tools contain formalised indicators for the identification of victims of THB for different types of exploitation (sexual exploitation, labour exploitation, begging and illicit activities).⁵⁹ The authorities have indicated that the EuroTrafGuID manuals are distributed on relevant occasions and stakeholders are urged to use them as an important tool and point of reference for trafficking indicators.

136. The procedure for the formal identification of victims of THB was first introduced by Law 3386/2005 on the Entry, Residence and Social Integration of Third-Country Nationals in Greece, which has subsequently been amended. The process of identifying a victim of THB is currently provided for in Article 1 of the Immigration and Social Integration Code. The Public Prosecutor's Office is the only authority competent to grant victim status (so-called "act of identification"), on the basis on documents sent by the police which include a statement (complaint) from the presumed victim. The prosecutor can also grant victim status to a person who does not co-operate with the law enforcement authorities, under a specific procedure requiring a written opinion of two specialists who are psychiatrists, psychologists or social workers and are employed by one of the public bodies, NGOs, IOM or other international organisations listed in an Annex to Presidential Decree 233/2003. If the report drawn up by these two specialists states that the person cannot co-operate in the investigation, but there are indicators of THB, the prosecutor may decide to grant victim status to the person concerned. Thus formal identification as a victim of trafficking takes place irrespective of whether a prosecution is initiated. Nevertheless, GRETA stresses that in order to improve victim identification, a series of relevant actors should be enabled to perform identification, including specialised NGOs, social workers and labour inspectors.

137. As regards the procedure requiring a written opinion of two specialists, GRETA received conflicting information. According to prosecutors met by GRETA, experts' opinion of psychiatrists and/or psychologists is always sought when presumed victims of THB do not co-operate in the investigation. However, according to NGO representatives, this procedure is very rarely used and presumed victims are not referred to psychiatrists or psychologists. According to the authorities, it is not possible to provide detailed data on the number of cases in which the alleged trafficking victims who did not co-operate in criminal proceedings were identified as trafficking victims on the basis of psychiatric or psychologist reports due to lack of computerisation of the criminal justice system.

⁵⁹ Available at: <http://www.expertisefrance.fr/eng/What-we-do/Stability-Safety-and-Security/Identification-of-Victims-of-Trafficking-in-Human-Beings-EuroTrafGuID-Project>

138. GRETA was informed that the identification procedure by the Prosecutor's Office can take a long time (six to 12 months). In this context, GRETA refers to the judgement in the case of *L.E. v. Greece* of 21 January 2016,⁶⁰ in which the European Court of Human Rights held that there had been a violation of Article 4 of the European Convention on Human Rights, *inter alia*, because a victim of THB for the purpose of sexual exploitation had been required to wait more than nine months after informing the authorities of her situation before the prosecutor granted her the status of victim of trafficking. The applicant, L.E., a Nigerian national who had arrived in Greece in 2004, had been forced into prostitution for approximately two years and had subsequently contacted an NGO providing support to women forced into prostitution. L.E. had been arrested twice for breaching the laws on prostitution and on the entry and residence of aliens in Greece. In November 2006 L.E. had again been arrested and subsequently placed in detention pending expulsion. On 29 November 2006, and throughout her detention, L.E. had expressly informed the authorities that she was a victim of human trafficking. The police had taken immediate action by entrusting L.E. to a specialised police department so that investigations could be conducted into the veracity of her allegations. The expulsion proceedings against her had been suspended and she had been issued with a residence permit allowing her to remain on Greek territory. On 21 August 2007 the prosecutor at the Athens Criminal Court had formally classified L.E. as a victim of trafficking, which had been confirmed by the judgment from the Athens Assize Court. The Court found that the nine-month period between L.E.'s statement and the recognition of her victim status by the authorities could not be described as "reasonable" and that the Greek authorities' delay amounted to a failing in terms of the measures that they could have taken to protect L.E.

139. GRETA was informed that the police anti-trafficking units in Athens and Thessaloniki carry out regular checks to detect victims of THB for the purpose of sexual exploitation. Particular attention is said to be paid to detecting trafficking cases among women employed in bars and nightclubs as waitresses or dancers. However, the fact that police anti-trafficking units are also responsible for investigating offences related to prostitution may be problematic when it comes to establishing relations of trust with trafficking victims forced into prostitution. NGOs such as A21 do street work and outreach among persons engaged in prostitution, as well as running a helpline. However, it is rare that victims themselves call the helpline and information about possible victims usually comes from family members, friends or neighbours suspecting that something is wrong or from hospitals. Staff members of A21 sometimes go on police raids to try to identify victims of THB. There are semi-monthly health checks of persons engaged in prostitution, linked to the issuance of permits to work as a prostitute, and A21 works on building relationships of trust with hospitals and offices issuing permits in order to better detect trafficking cases. GRETA was informed that in some cases women forced into prostitution had been issued with forged documents making them appear as legally practicing prostitution, in order to reduce the risk of them being detected as victims during raids. GRETA notes that the focus of outreach work is on women and girls, with little or no attention being paid to detecting victims of trafficking among men and boys engaged in prostitution.⁶¹ At the same time, there have been reports that unaccompanied migrant children, e.g. boys from Afghanistan, Algeria and Morocco, engage in prostitution.⁶²

⁶⁰ *L.E. v. Greece*, application No. 71545/12, 21 January 2016.

⁶¹ According to a study conducted in 2015 by the Panteion University and the NGO PRAKSIS, the number of female and male prostitutes in Greece has been increasing during the crisis, the total number across Greece reaching approximately 18 500, of whom 13 000 to 14 000 are foreigners and possibly victims of trafficking. Compared to 2009 the study estimated that prices had fallen by 20%-50%. Most female prostitutes get paid between 5 and 30 euros. See <http://greece.greekreporter.com/2015/05/05/prostitution-thrives-during-greek-crisis/>

⁶² According to media reports, there were more than 18 000 Afghani migrants blocked in Greece in September 2016. See *Le Monde*, *Grèce : les jeunes Afghans pris au piège de la prostitution*, 8 September 2016. See also *Refugees Deeply*, *Refugees Caught Up in Child Prostitution in Athens*, <https://www.newsdeeply.com/refugees/articles/2016/07/14/refugees-caught-up-in-child-prostitution-in-athens>

140. There have been relatively few cases of identified victims of trafficking for the purpose of labour exploitation, although there are reports suggesting that the prevalence of forced labour in the sectors of agriculture, cleaning services, tourism and food/beverages production is particularly high.⁶³ The agricultural sector in particular reportedly employs irregular migrants of Pakistani and Bangladeshi origin, as well as Bulgarians, Romanians, Albanians and other workers from Eastern Europe.

141. According to reports, child begging is a widespread problem in Greece, but little attention is paid by the Greek authorities to the identification of victims of trafficking among begging children and the police lacks resources to investigate such cases. GRETA was informed that the testimony of the victim is crucial for the identification and many victims are scared and unwilling to make statements to the police. Research has brought to light the existence of criminal networks trafficking Albanian children to Athens and exploiting them through begging. Some Roma children are also being exploited for pickpocketing.

142. Another sector with a particular risk of trafficking is domestic service, but there are difficulties to identify victims in the context of the current economic crisis as many have an irregular residence status (e.g. from the Philippines and the Dominican Republic) and are working in the grey economy. Such victims are reluctant to complain and prefer to live in an exploitative situation rather than risk losing their wages. GRETA was informed of one case of domestic servitude in a diplomatic household where a person was identified as a victim, but no prosecution was started.

143. The Labour Inspectorate (SEPE) within the Ministry of Labour, Social Security and Welfare is responsible for carrying out inspections at workplaces. There are about 720 inspectors for the whole of Greece, divided into two sectors dealing respectively with salaries and insurance payments, and working conditions. Labour inspectors can inspect any place where workers are likely to be employed, be it private or public, including farms, but cannot enter private houses without the owner's consent. The inspections aim at detecting violations of the labour legislation and illegal employment of workers, including possible victims of trafficking. However, there have not been many cases of THB for the purpose of labour exploitation detected by labour inspectors. If there are indicators of labour exploitation, labour inspectors notify the police and, in case of a suspected criminal offence, the Prosecutor's Office. The agricultural sector is particularly difficult to monitor, especially in remote country areas where labour inspectors are accompanied by police officers. The Labour Inspectorate informed GRETA that it had proposed to the Ministry of Labour, Social Security and Welfare to address the regulation of private employment agencies.

144. The Greek authorities have stated that within the framework of Europol's EMPACT THB project, the Greek Labour Inspectorate (SEPE) participated in joint actions with the police aimed at combating trafficking in human beings for labour exploitation (15-19 May 2017). Inspections were carried out in 206 companies, 46 undeclared workers were found, while 148 employees were found to be employed on a different timetable than what was declared. In one case, after a complaint about possible illegal exploitation of workers in an illegal migrant camp, a joint inspection took place. The labour inspectors interviewed a group of migrants as to whether they were forced in any way to stay and work, or work without pay, or if their travel and other documents were withheld, but in all cases the answers were negative. Labour inspectors, after having informed the migrants about the possibility to receive protection in case of labour exploitation, forwarded the case to the competent prosecutor.

⁶³ *Transnational study on the characteristics of policies in the field of trafficking in human beings for labour exploitation 2009-2011, Greece: Chapter 3, p. 55*

145. In response to the urgent request for information referred to in paragraph 4, the Greek authorities indicated that since 2013, efforts had been made to promote the identification of victims of THB among asylum seekers. Information leaflets have been developed for staff and residents of first reception centres, which refer to victims of human trafficking as a vulnerable group and describe the procedures for referring such persons to social support and protection.⁶⁴ The leaflets have been translated in a range of languages and distributed to new arrivals, including by staff of UNHCR, IOM and NGOs working in first and second line reception facilities. A number of NGOs have access to “hotspots” and other facilities for asylum seekers where they try to use tools to identify victims of trafficking. However, GRETA was informed that while there had been many cases of potential victims of THB among asylum seekers with strong indicators of trafficking, the persons concerned did not lodge a complaint or admit that they were being trafficked and, consequently, they were not formally identified by prosecutors as victims of trafficking. The inadequacy of identification procedures when it comes to unaccompanied children has also been highlighted in reports by Human Rights Watch.⁶⁵ Due to the lack of shelters, unaccompanied children are being held for weeks and even months in police cells.⁶⁶ Unaccompanied children who live outside the state-sponsored care arrangements find themselves in a daily struggle for survival and many end up performing exploitative and hazardous work.

146. During the evaluation visit, the GRETA delegation visited the refugee sites Eleonas in Athens and Diavata near Thessaloniki. At the time of the visit, the Eleonas site accommodated some 2 300 asylum seekers and the Diavata site some 900 asylum seekers, consisting mainly of families, with nearly half of the population being children, including some unaccompanied children. Most of the people living on the sites had already spent six to seven months there. The delegation met with representatives of the organisations working on the sites (UNHCR, Doctors of the World, SOS Children Villages, the Greek Red Cross). The NGO Arsis was supporting a group of unaccompanied children at Diavata and the NGO A21 held training sessions on THB for staff. Detected cases of abuse or exploitation are referred to the protection section headed by UNHCR, which informs the police and the person concerned is taken to a shelter. If an unaccompanied child disappears, the competent prosecutor who is the guardian is informed. Information and the child’s photograph are posted to the helpline for missing children, which is part of the European network for missing children.

147. From 2014 to 2016, the Institute for Child Health under the Ministry of Health led a EU-financed programme entitled “Southeast Safe Net - preventing child trafficking and protecting unaccompanied children in the Greek-Turkish borders” (SESN). Among the various deliverables of this project was the development of a tool for the identification of child victims of trafficking and all involved authorities and agencies have been provided with it (see also paragraph 74). Further, a SESN database for registering unaccompanied children entering Greece through the Greek-Turkish border was developed. The authorities have indicated that this database has been delivered to the Reception and Identification Service (RIS) and is currently subject to study and processing by the competent personnel of RIS. It should be practically and technically applicable in the near future. The guide for the detection of victims of trafficking and the relevant tool are reportedly widely used by personnel from the psychosocial support groups of the reception centres.

148. While welcoming the recent formalisation of the National Referral Mechanism, 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;**

⁶⁴ For example, Ministry of Public Order and Citizen Protection, “HERE for the refugees and third country nationals who come illegally to our country”.

⁶⁵ <https://www.hrw.org/report/2008/12/22/left-survive/systematic-failure-protect-unaccompanied-migrant-children-greece>

⁶⁶ See Report to the Greek Government on the visit to Greece carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 14 to 23 April 2015, CPT/Inf (2016) 4, paragraphs 105-108, available at: <http://www.coe.int/en/web/cpt/greece>.

- **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.**

b. Assistance to victims

149. The Convention requires Parties to take measures to assist victims in their physical, psychological and social recovery, taking account of the victim's safety and protection needs, in co-operation with NGOs and other organisations engaged in assistance to victims. This assistance must be provided on a consensual and informed basis, taking account of the special needs of persons in a vulnerable position, as well as children, and it must not be made conditional on the victim's willingness to act as a witness (Article 12). The need to take account of victims' needs is also referred to in the Convention's provisions concerning temporary residence permits (Article 14) and the rights of child victims of trafficking (Article 12(7)). The Convention also establishes that the assistance to victims of THB must include appropriate and secure accommodation.

150. Pursuant to Article 12 of Law 3064/2002 victims of THB are granted assistance for as long as deemed necessary, which includes accommodation, food, subsistence, health care, psychological support, legal representation and interpretation. Children are entitled to education and vocational training. Presidential Decree 233/2003 lists in an annex all public bodies, international and non-governmental organisations which are entitled to provide assistance measures to victims of trafficking.

151. The National Centre for Social Solidarity (EKKA) operates two shelters for women and girls victims of violence, including victims of trafficking, in Attica and Thessaloniki, and one emergency shelter in Attica. Female victims of trafficking can also be accommodated in the 19 shelters for women victims of violence run by the municipalities. Further, the NGO A21 operates an emergency shelter in Attica and a specialised shelter for victims of trafficking in Northern Greece.

152. Social support and psychosocial counselling are provided to women victims of violence, including trafficking, by 40 counselling centres across the country. EKKA runs support programmes via its Social Support Centres in Athens and Thessaloniki. NGOs such as A21, the Greek Council for Refugees, Day Care Centre Babel, Doctors without Borders, Doctors of the World, PRAKSIS and Solidarity Now also provide services. Some NGOs, such as A21, HopeSpot, the Greek Council for Refugees and Centre for Women Studies and Research Diotima offer legal advice and representation for victims of trafficking. A21 has concluded a memorandum of understanding with the Office of the National Rapporteur to this effect. Interpretation services are offered either on a voluntary basis or for a fee by the NGOs METADRASI, the Greek Council for Refugees and PRAKSIS.

153. Victims of THB are entitled to free health care in the National Health System and can benefit from the services of day clinics for uninsured citizens, run by NGOs including Doctors of the World, PRAKSIS and Solidarity Now.

154. In the course of the visit, GRETA visited one of the two shelters run by EKKA for women victims of violence (including trafficking) and their children, located in Athens. The shelter has a capacity of 30 and is located in a building at a secret address. At the time of the visit, 25 persons were hosted, including two women victims of trafficking (from Nigeria and Ghana). In 2015, three victims of trafficking had been placed in the shelter. The shelter employed 13 staff at the time of the visit, including social workers, psychologists and teachers, who ensured presence around the clock. Some of the staff were employed on contracts linked to a EU-funded project. Women usually stayed at this shelter for three to six months, but occasionally the stay could extend for several years. The shelter provides psychosocial and administrative support (e.g. with residence permits and asylum applications) and co-operates with NGOs which provide vocational training. Health care services are provided via the National Health Service and through co-operation with a psychiatric hospital. GRETA was informed of difficulties in finding employment and accommodation for the women when they leave the shelter.

155. The GRETA delegation also visited a shelter for women victims of domestic violence and their children, run by the municipality of Athens, with a capacity of 40 places. Women are referred to the shelter by counselling centres, hospitals, NGOs, the police or courts. Most of them are foreign nationals and many have no identity papers. Since the opening of the shelter in January 2014, three women identified as victims of trafficking by the police had been accommodated at this shelter, but there had also been a number of other possible victims of trafficking. The shelter staff has received training in human trafficking by the NGO A21. It also participates in the training seminars provided by GSGE to all staff working in the network of support structures.

156. Furthermore, the GRETA delegation visited a specialised shelter for victims of trafficking run by the NGO A21 in the area of Thessaloniki. The shelter is fully funded by A21 and is located in a well-equipped house with a garden. From 2008 to 2015, A21 assisted 220 victims of trafficking, 130 in a shelter and 90 without being accommodated in a shelter. More than 80% of them were victims of THB for the purpose of sexual exploitation, 16% were children, and about 60% of the victims were of Roma origin. About two-thirds of the victims were referred by the police and some 12% came into contact with A21 via the helpline 1109. While accommodated at the shelter, a transitional plan is developed together with the victim and A21 covers the expenses of the victim for three months while they look for a job. This period can be prolonged several times. The majority of the victims finally return to their home countries, with the support of A21, and often in co-operation with IOM.

157. There are no accommodation facilities for male victims of trafficking in Greece, be it adult or children. Social centres for homeless people can receive such victims, but they do not offer specialised support.

158. In addition to the rights to assistance that adult victims have in law (see paragraph 150), Presidential Decree 233/2003 stipulates that child victims have access to public schools in which there are intercultural educational programmes as well as vocational training. Child victims of trafficking are hosted in child care centres run by state bodies or in shelters for unaccompanied children run by NGOs under the co-ordination of EKKA. Social support services are provided by the child care services, especially those specialised in child abuse and neglect, as well as by NGOs such as The Smile of the Child and Arsis.

159. According to the authorities, as soon as an unaccompanied child is detected, the competent prosecutor must be immediately informed and acts as temporary guardian pending the appointment of a legal guardian. At the same time an accommodation request is sent to EKKA to find an appropriate shelter. However, as noted in paragraph 121, there is a shortage of shelter capacity and many children are being held for weeks, if not months, in police cells. The competent prosecutor is responsible for taking the necessary steps to determine the identity and nationality of the child and to locate his/her family. If the family of the child is not found or if it is considered that in the given circumstances a return is not in the best interests of the child, the prosecutor may order protection measures until the court decides on the appointment of a guardian. As noted in paragraph 120, the Greek Government is working towards the establishment of a comprehensive guardianship system by designing a new mechanism for the appointment of guardians until a durable solution for each child is identified and implemented. **GRETA would like to be kept informed of developments in this respect.**

160. GRETA was informed that if it is uncertain that the victim is a child, but it can be reasonably considered that he/she is younger than 18, the victim is presumed to be a child and receives special protection measures until the verification of his/her age.

161. GRETA visited a hospitality centre for unaccompanied girls run by the NGO PRAKSIS in Athens. It is the first centre only for unaccompanied girls, opened in the summer of 2016 with funding from UNHCR. It has a capacity of 30 places. At the time of the visit, 22 girls were accommodated (aged 12-17), mostly originating from Syria, Iraq and Afghanistan. Staff include social workers, psychologists, cultural mediators and interpreters. Children are placed at the centre by order of a public prosecutor, in co-ordination with EKKA. The services offered to children comprise social, psychological and legal support, support for family reunification and relocation to other European states. The children can go to school, take language classes and do art, crafts and sports. A safe house for unaccompanied girls with particular vulnerabilities (e.g. victims of abuse, rape or forced marriage) has recently been set up by PRAKSIS, with 10 places.

162. The GRETA delegation also visited an accommodation structure for unaccompanied children in Thessaloniki which had been set up five months previously by the social welfare centre, in co-operation with SOS Children's Villages. The structure is situated in a former administrative building and was set up as a rapid response to the high number of unaccompanied children arriving in Greece. It was accommodating 30 unaccompanied boys, aged 14-18 years, and offered psychological support, education, language classes and access to sports facilities.

163. **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);⁶⁷**
- **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.**

⁶⁷ See also [General Comment No. 6: Treatment of unaccompanied and separated children outside their country of origin, Committee on the Rights of the Child, Thirty-ninth session, 17 May - 3 June 2005.](#)

164. **GRETA also 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.**

165. **Further, 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.**

c. Recovery and reflection period

166. As victims of trafficking are extremely vulnerable after the trauma they have experienced, Article 13 of the Convention introduces the obligation for Parties to provide in their internal law for a recovery and reflection period of at least 30 days. The recovery and reflection period in itself is not conditional on co-operation with the investigative or prosecution authorities and should not to be confused with the issue of a residence permit under Article 14(1) of the Convention. Pursuant to the Convention, the recovery and reflection period should be granted when there are reasonable grounds to believe that the person concerned is a victim of trafficking, i.e. before the identification procedure has been completed. During this period, Parties must authorise the person concerned to stay on their territory and expulsion orders cannot be enforced.

167. In Greece, the recovery and reflection period is stipulated in Article 49 of the Immigration and Social Integration Code (Law 4251/2014), which reads as follows:

“1. Third-country nationals who have been characterised as victims of trafficking in human beings (...) 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 co-operate with the criminal authorities.

2. With regard to child victims of trafficking in human beings (...), the same deadline may be extended for two more months by decision of the competent public prosecutor and with the child's best interests in mind.

3. In the interim and until the expiry of the reflection period, the persons in the above-mentioned paragraphs cannot be deported from the country. Any issued decision for forced return is suspended.”⁶⁸

168. Despite the fact that the recovery and reflection period is prescribed in law, its application in practice is rare. There are no statistics on the granting of the recovery and reflection period. In most cases, following the formal identification of a victim of trafficking, the person concerned is referred to assistance without a recovery and reflection period being granted. Given the length of the procedures until an identified victim of trafficking receives a residence permit (see paragraph 174), the recovery and reflection period would expire before the person can receive a residence permit. In the case of THB for the purpose of labour exploitation, GRETA received reports of cases where the authorities did not grant victims of trafficking a recovery and reflection period and deported them.⁶⁹

⁶⁸ Non-official translation.

⁶⁹ Kambouri/Parsanoglou/Touri, *Domestic Work and Trafficking in Human Beings in Greece: A Crossroads in the Dark?*, page 109.

169. GRETA notes that Greek law envisages a recovery and reflection period only for third-country nationals. Considering that after three months EU citizens can only stay legally in other EU countries provided they meet a number of requirements (e.g. economic activity, sufficient resources, being enrolled as a student), the possibility that they would be considered as being irregular cannot be excluded and they should be entitled to enjoy a recovery and reflection period.

170. GRETA stresses that the Convention provides for a recovery and reflection period to be granted not only to identified victims of trafficking but also when there are reasonable grounds to believe that the person concerned is a victim of trafficking, and therefore before the identification procedure is completed. The victim-centred approach of the Convention implies that a recovery and reflection period should be offered to all possible victims of trafficking, together with the provision of protection and assistance measures during this period, which could also have positive effects on the investigation of human trafficking offences. This period should therefore not merely be time given to consider whether to co-operate with the authorities, but also an occasion to enable victims to recover.

171. GRETA welcomes the provision in Greek law of a recovery and reflection period longer than the minimum of 30 days provided for in the Convention. **Nevertheless, 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.**

d. Residence permits

172. Article 14(1) of the Convention provides for two possibilities when it comes to the issuing of renewable residence permits to victims of trafficking: on the basis of their personal situation or their co-operation with the competent authorities in the investigation or criminal proceedings.

173. Pursuant to Articles 52 and 53 of the Immigration and Social Integration Code, a third-country national who is given the status of a victim of trafficking in human beings by decision of a prosecutor shall be granted a residence permit if three cumulative conditions are fulfilled: the presence of the person in Greece facilitates the investigation or criminal proceedings, he/she has shown a clear intention to co-operate, and the person has broken off all contact with the perpetrators. The request has to be made in person or via the competent prosecutor and is issued by decision of the Minister of Migration Policy. The permit is initially issued for one year and is renewable for the same period, if the previously mentioned conditions continue to be met. The residence permit gives free-of-charge access to health care as well as access to the labour market.

174. According to NGOs supporting victims of trafficking, the procedure for issuing residence permits to victims of trafficking is very lengthy (between six and 12 months). In 2013, 11 new residence permits were issued to victims of THB, in 2014, 29, in 2015, three, and in 2016, one. As regards renewals of residence permits, there were 48 in 2013, 31 in 2014, 23 in 2015 and 22 in 2016.

175. The Immigration and Social Integration Code also provides in Article 19A for the possibility of granting, by decision of the Minister of Migration Policy, a residence permit for humanitarian reasons to third-country nationals who are victims of trafficking, even if the person concerned does not co-operate with the competent authorities, on condition that he/she has been recognised by the competent prosecutor as a victim of trafficking.⁷⁰ The residence permit is of one year's duration, entitles the recipient to free-of-charge health care and access to the labour market, and can be renewed for two years each time on the condition that the relevant criminal proceedings continue. If criminal proceedings are not pending, the residence permit is renewable for one year. However, GRETA notes that, to date, there have been no cases of residence permits issued for humanitarian reasons to victims of THB. Prosecutors are reportedly reluctant to apply this possibility.

⁷⁰ This possibility was previously foreseen in Joint Ministerial Decision 30651/2014 and was integrated into the Immigration and Social Integration Code by Law No. 4332/2015.

176. GRETA was informed that in the period 2013-2016, 29 presumed victims of trafficking were granted refugee status or subsidiary protection. Most of them were from Nigeria (14) and the others originated from other African countries, Ukraine (5), the Dominican Republic (1) and Kazakhstan (1). The asylum claims of another 36 presumed victims of THB were rejected at the first instance and in the case of one person identified by the prosecutor as a victim of THB the asylum procedure was on-going.

177. GRETA welcomes the legal possibility for victims of trafficking to be granted renewable residence permits on the basis of co-operating with the authorities as well as on the basis of their personal situation. **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.**

e. Compensation and legal redress

178. Article 15 of the Convention establishes the obligation for Parties to provide in their internal law for the right of victims of trafficking to legal assistance and free legal aid. Parties must also provide for the right of victims of trafficking to compensation from the perpetrators as well as adopt legislative or other measures to guarantee compensation for victims from the State. A human rights-based approach to action against THB entails the effective prosecution of traffickers, putting the emphasis on the right to effective remedy for the victim. Further, Article 15(1) of the Convention establishes that victims of trafficking must have access to information on relevant judicial and administrative proceedings in a language which they can understand.

179. In Greece, victims of trafficking can make a claim for compensation by the offender in the context of criminal proceedings (Articles 63-70 of the Code of Criminal Procedure). The victim has the right to join criminal proceedings as a civil party (Article 82 of the Code of Criminal Procedure), thus becoming a party to the proceedings, with a view to seeking the conviction of the offender and compensation for pecuniary and non-pecuniary damages. However, damages awarded by criminal courts are generally nominal and do not reflect the actual loss suffered. This is why victims usually ask for nominal compensation for moral damages (40-50 euros) and reserve the right to seek full compensation in civil courts.⁷¹ The fee for filing civil action in criminal proceedings pursuant to Article 40(4) of Law No. 4446/2016, in force as of 23 January 2017, is 40 euros.

180. In order to secure full compensation for actual damages, both material and non-material, the victim has to file a separate civil lawsuit against the perpetrator. This can be done either after the end of the criminal trial or while it is still pending. Initiating civil proceedings entails additional financial costs for the victim. Furthermore, civil proceedings are usually very lengthy and in the meantime the victim's residence permit in Greece may expire.⁷²

181. There are no official statistics on the number and amount of compensations received by victims of trafficking from offenders. The absence of a centralised database for all criminal and civil courts which would allow access to court decisions, as well as data protection issues which prohibit third parties from accessing the texts of the decisions, prevent the carrying out of research on compensation awarded to victims of trafficking. However, according to NGOs and lawyers consulted by GRETA during the visit, there have been no cases in which a trafficker actually paid compensation to a victim. In the majority of cases where a criminal trial is held, the victim does not participate as a civil party because he/she is not represented by a lawyer. Lack of legal representation also prevents victims from seeking compensation in civil courts.⁷³ Another problem is that perpetrators who are foreign citizens do not have assets in Greece and judgments cannot be enforced.

⁷¹ Genoveva Tisheva, Svetlana Ganeva, Maria Vogiatzi, *Comparative Analysis of Greek and Bulgarian Law and Practices in Handling of Human Trafficking Cases, including Issues on Victims' Representation, Compensation and the Identification of Good Practices*, Sofia, October 2014, p.124.

⁷² Ibid., p.125.

⁷³ Ibid., p.126.

182. Law 3811/2009 on Compensation of Victims of Violent Crimes, which entered into force on 18 December 2009, provides the legal basis for State compensation to victims of certain crimes, including Articles 323A (trafficking in human beings) and 351 (trafficking in human beings for sexual exploitation) of the CC. Article 1 of this law established the Greek Compensation Authority, under the Ministry of Justice, Transparency and Human Rights, which decides upon compensation claims for violent crimes committed in Greece, as well as the Greek Assistance Authority which assists persons residing in Greece to claim compensation for crimes committed in other EU Member States. Pursuant to Article 4, paragraph 3, of the law, the investigating and prosecuting authorities are obliged to inform victims of intentional violent crimes, including trafficking, about their right to apply for State compensation. The compensation covers medical and hospital expenses, loss of income for a reasonable period of time and funeral costs (if applicable). The expenses of the Greek State for medical care are deducted, as well as any sum that the victim has received from the offender or from social services. In order for a victim of trafficking to apply to the Greek Compensation Authority, there must be a final criminal conviction of the perpetrator and either the perpetrator must lack the necessary means to comply with the final judgment awarding damages or the perpetrator cannot be prosecuted or identified. The application must be submitted within one year of the final conviction or, in case the perpetrator cannot be identified, within one year of the placing of the case on file. There are a number of exceptions to the entitlement to claim State compensation, including when the victim has refused to co-operate with the authorities in the criminal proceedings, for example refusing to testify or submit crucial evidence (Article 9). Further, a fee of 100 euros is levied for submitting an application for State compensation.

183. The Greek authorities have indicated that no applications for State compensation have been submitted in the last five years by victims of human trafficking.

184. The provision of legal aid in Greece is governed by Law 3236/2004 on Free Legal Aid, which has been repeatedly amended. Free legal aid is available to Greek citizens, EU citizens and third-country nationals, provided they have their legal residence in Greece, and covers criminal and civil law cases. The main requirement to be granted free legal aid is a low annual income. In 2010, Law 3875/2010 on the ratification of the Palermo Protocol introduced a provision according to which victims of human trafficking are eligible beneficiaries of legal aid. Legal counsel is not automatically assigned to victims of trafficking when they enter judicial proceedings, but they can access existing schemes under the same conditions as other beneficiaries.⁷⁴

185. As noted in paragraph 152, the NGO A21 has concluded an agreement with a law firm in Athens to provide legal aid to victims of trafficking, including for the purpose of claiming compensation. However, no compensation claims have so far been lodged on behalf of victims of trafficking due to the difficulties highlighted in paragraphs 180-181. The General Secretariat for Gender Equality also provides legal assistance through its counselling centres, which have signed protocols of co-operation with the local Bar Associations regarding the provision of legal services to women referred to them.

186. The Greek authorities have indicated that the Ministry of Justice, Transparency and Human Rights has completed a public consultation and submitted on 30 May 2017 to Parliament a draft law on the transposition of Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime. The purpose of this draft law is to ensure that victims of crime are properly informed, supported and protected to participate in criminal proceedings. The rights set out in the new law shall apply to all victims, irrespective of their nationality or residence status.

187. Greek law does not allow NGOs or groups assisting victims to file civil claims in criminal proceedings, either on behalf of victims of trafficking (with their consent) or in their own name⁷⁵. Nevertheless, nothing prevents the victim from proposing NGOs representatives to act as witnesses in the criminal court.

⁷⁴ Ibid., p.95.

⁷⁵ According to Article 63 of the Code of Criminal Procedure, only victims of the crime are entitled to bring civil action before the criminal courts.

188. **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.**

189. **Further, GRETA invites the Greek authorities to develop a system for recording compensation claims of and awards to victims of trafficking.**

f. Repatriation and return of victims

190. Article 16 of the Convention requires Parties to establish repatriation programmes which aim at avoiding re-victimisation and involve relevant national or international institutions and NGOs, as well as to make efforts to favour the reintegration of victims into the society of the State of return. Parties must also make available to victims of trafficking contact information or structures that can assist them in the country of return, such as law enforcement offices, NGOs, legal professionals and social welfare agencies. The return of victims of trafficking must preferably be voluntary and needs to be carried out with due regard for the rights, safety and dignity of the person and for the status of any legal proceedings related to the fact that the person is a victim of THB. Furthermore a victim may not be returned where such action would be in contravention of the State's obligation of international protection, recognised in Article 40(4) of the Convention.

191. The repatriation of victims of trafficking from Greece to their countries of origin is implemented by EKKA or the NGO which manages the case of the victim, with the co-operation of the respective country's diplomatic mission in Greece and in contact with counterparts in the country of origin.

192. The IOM Office in Greece runs a programme of Assisted Voluntary Return and Reintegration (AVRR) of vulnerable migrants, including victims of trafficking. The programme includes risk assessment prior to return, assistance in obtaining travel documents where necessary, organising the return journey and reintegration assistance, including monetary support.

193. Since 2015, IOM has been running the TACT project (Transnational Action – safe and sustainable return and reintegration for victims of THB) which involves Greece, France, Italy, Poland and Spain as countries of destination and Albania, Morocco and Ukraine as the priority countries of return. The project is financed from the European Asylum, Migration and Integration Fund. Its goals include the establishment of a co-operation mechanism in the field of safe return and reintegration of victims of THB in the priority countries, strengthening co-operation between the relevant institutions in the participating countries and the provision of reintegration support to victims returning to their countries of origin.

194. According to information provided by the Greek authorities, 11 victims of trafficking were repatriated in 2015 and 2016 (nine women and two children). According to information provided by IOM, the AVRR programme was used to return a total of 61 victims of trafficking in 2012 - November 2016, the majority of whom were Romanian citizens (46), but there were also citizens of Brazil, Bulgaria, Lithuania, Poland, Philippines and the Slovak Republic. There were 38 male and 23 female victims among the victims. The majority were trafficked for the purpose of labour exploitation (38), followed by sexual exploitation (14), arranged/sham marriages (7) and forced criminal activity (2).

195. GRETA is concerned by the risks of forced returns of victims of trafficking as a result of the EU-Turkey agreement of 18 March 2016 which stipulates, *inter alia*, that all new migrants crossing from Turkey to the Greek islands who are not applying for asylum or whose asylum applications are found unfounded or inadmissible will be returned to Turkey.⁷⁶ The Greek authorities have stressed that victims of THB belong to vulnerable groups and there is no evidence of the return of recognised victims of THB to Turkey. Unaccompanied children are exempted from return procedures even if they do not submit an asylum application.

196. **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 people⁷⁷ 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.**

⁷⁶ See also <http://www.unhcr.org/news/press/2016/3/56ec533e9/unhcr-eu-turkey-deal-asylum-safeguards-must-prevail-implementation.html>.

⁷⁷ UNHCR, *Guidelines on International Protection: The application of Article 1A(2) of the 1951 Convention and/or 1967 Protocol relating to the Status of Refugees to victims of trafficking*, HCR/GIP/06/07, 7 April 2006

4. Implementation by Greece of measures concerning substantive criminal law, investigation, prosecution and procedural law

a. Substantive criminal law

197. Pursuant to Article 18 of the Convention, Parties have the obligation to establish THB as a criminal offence when committed intentionally. Further, the Convention requires Parties to consider taking measures to criminalise the use of services which are the object of exploitation, with the knowledge that the person is a victim of THB (Article 19). In addition, forging travel or identity documents, removing, concealing or destroying them, as well as procuring or providing them, must also be established as criminal offences, when committed intentionally and for the purpose of enabling THB (Article 20).

198. THB is established as a criminal offence in Article 323A (trafficking in human beings) and Article 351 (trafficking in human beings for sexual exploitation) of the CC (see paragraph 45). The basic offence is punishable by a maximum penalty of 10 years' imprisonment and by a fine of 10 000 to 15 000 euros. The Greek authorities have indicated that, pursuant to the general provisions of the CC, the minimum penalty for the offences criminalised by Articles 323A and 351 is five years' imprisonment.

199. The aggravating circumstances are contained in Article 323A, paragraphs 4 to 6, and Article 351, paragraphs 4 and 5, of the CC. The penalty is increased to at least 10 years' imprisonment and a fine of 50 000 to 100 000 euros if the act is committed against a child or a disabled person, or by an official in the performance of his/her duties, or within the framework of a criminal organisation, or resulted in a grave bodily injury. Both articles envisage life imprisonment if the offence resulted in the victim's death. Furthermore, Article 351 includes the additional aggravating circumstances of the offence being committed by a family member or being linked to the victim's illegal entry, stay or exit from the country.

200. Pursuant to Article 323A, paragraph 3, of the CC, a person who uses the labour of a person with the knowledge that this person has been trafficked is punishable by a penalty of at least six months' imprisonment. The same punishment is foreseen in Article 351, paragraph 3, of the CC in case a person performs a sexual act with a person with the knowledge that the person has been trafficked.

201. The Greek authorities have indicated that Article 222 of the CC criminalises the retaining, removing, concealing, damaging or destroying of travel or identity documents of another person, as provided for under Article 20, paragraph c, of the Convention.⁷⁸ The penalty envisaged is imprisonment of up to two years.

⁷⁸ "Anyone who, in order to harm another person, hides, causes a damage or destroys a document of which he/she is not the owner or the sole owner or a person that according to civil law is entitled to request its delivery or production shall be punished by imprisonment of up to two years".

202. The liability of legal persons for THB offences was introduced into Greek law by Article 3 of Law 4198/2013. It stipulates that the Minister of Justice, Transparency and Human Rights shall decide on the imposition of sanctions if any of the acts listed in Articles 323A and 351 of the 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 who 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 envisaged sanctions include: an administrative fine of 15 000 to 150 000 euros; withdrawal or suspension of the authorisation of the activity of the legal person for a period up to six months; prohibition of the exercise of professional activities for the same period; and exclusion from entitlement to public benefits, aid, subsidies, award of works and service contracts, supplies, publicities and competitions of the State or legal persons governed by public law for the same period. The Hellenic Police has not run any investigation against legal entities as perpetrators in cases of trafficking in human beings.

203. Article 25 of the Convention requires Parties to provide for the possibility of taking into account final sentences passed by another Party against the same person in relation to THB offences when determining the penalty. The Greek authorities have indicated that pursuant to Article 79 of the CC, the court shall take into account in the calculation of the penalty (a) the seriousness of the crime committed and (b) the offender's personal character. In assessing the latter, the court examines, among other things, the former life of the offender, which includes previous convictions against him/her: consequently, the fact that the person accused of trafficking has previously been convicted of a similar offence is taken into account in determining the sentence.

b. Non-punishment of victims of trafficking in human beings

204. Pursuant to Article 26 of the Convention, Parties must provide for the possibility of not imposing penalties on victims of trafficking for their involvement in unlawful activities, to the extent that they have been compelled to do so.

205. The non-punishment provision of the Convention is reflected in Article 187B, paragraph 3, of the CC, entitled "equity measures", which reads as follows:

"For the person who denounces offences committed against him/her (...) by offenders under Articles 323A and 351, the prosecutor of the 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."⁷⁹

206. GRETA notes that the above-mentioned provision makes the decision of the prosecutor to suspend or terminate the prosecution of a trafficked person dependent on the victim reporting the offence of THB and making a "well-founded complaint". The Greek authorities have indicated that a "well-founded complaint" means that the act complained against is based on the law, in the sense that it constitutes *in abstracto* an offence of human trafficking. The prosecutor's abstention from the criminal prosecution of the trafficked person becomes definitive as long as the complaint of the trafficked person is subsequently proved to be well-founded, i.e. if the offender is found guilty. It should be stressed that the prosecutor's ability to abstain from criminal proceedings requires a prior complaint by the victim.

207. The Greek authorities have also referred to Article 59, paragraph 4, of the Code of Criminal Procedure, which gives the prosecutor the right to postpone any judicial procedure against a victim until the final decision of the court regarding the crimes that have been committed against the victim. This provision is applied in respect of offences of illegal entry into the country, possession of forged travel or identity documents, and illegal labour, which the victim committed while being trafficked.

208. The case of *L.E. v. Greece* referred to in paragraph 138 is an example of the problems surrounding the application of the non-punishment provision in practice. The applicant, L.E., a Nigerian national who had been forced into prostitution for approximately two years, was arrested twice for breaching the laws on prostitution and on the entry and residence of aliens in Greece. Civil society representatives met by GRETA referred to other, more recent examples, of difficulties in ensuring that victims of trafficking are not punished for offences they were forced to commit.

209. **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.** Reference is made in this context to the recommendations on non-punishment for legislators and prosecutors contained in the paper issued by the OSCE Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings in consultation with the Alliance against Trafficking in Persons Expert Co-ordination Team.⁸⁰

c. Investigation, prosecution and procedural law

210. One of the purposes of the Convention is to ensure the effective investigation and prosecution of THB (Article 1(1)(b)). In this context, Parties are required to co-operate with each other regarding investigations and/or criminal proceedings related to THB (Article 32). Further, the Convention establishes that the investigation or prosecution of THB offences must not be dependent on victims' reports, and that associations or NGOs aimed at fighting THB or protecting human rights must be able to assist and support victims during criminal proceedings, in accordance with the conditions established in the internal law and with the victim's consent (Article 27).

211. According to the Greek Code of Criminal Procedure, as a general rule, offences are prosecuted *ex officio*. As to the offences in Articles 323A and 351 of the CC, there is no special provision calling for a complaint and therefore they are prosecuted *ex officio* pursuant to Article 36 of the CCP.

212. Investigations into THB cases are referred to the specialised anti-trafficking units of the Hellenic Police, in Attica and Thessaloniki, which employ respectively 26 and 10 officers. THB offences detected in other parts of the country may be referred to these specialised anti-trafficking units if necessary. GRETA notes that these units deal not only with THB but also with related offences, including offences related to the exercise of prostitution.

213. There are two public prosecutors in Athens specialised in THB issues (one attached to the first instance court and another to the appeals court) who are available to provide help to prosecutors dealing with THB cases across the country.

⁸⁰ <http://www.osce.org/secretariat/101002?download=true>

214. Special investigation techniques are regulated in Article 253A of the Code of Criminal Procedure. They include controlled delivery and audio/video surveillance. According to the authorities, the police anti-trafficking units have specialised equipment (such as audio and video recorders and surveillance vehicles equipped with audio and video recording systems). However, GRETA was informed that they sometimes lack equipment, such as long-distance cameras and other equipment for surveillance.

215. The Anti-Money Laundering and Terrorist Financing and Control of Property Statements Department is the authority responsible for conducting financial investigations related to the suspected illegal income, including from trafficking in human beings. The authorities indicated that in numerous cases of trafficking in human beings investigated by the police, proceeds related to the offences were confiscated, for example money found at offenders' houses or in their possession, and vehicles used by the perpetrators to transport the victims.

216. According to information provided by the Greek authorities, the number of investigations in THB cases was 42 in 2013, 40 in 2014, 37 in 2015 and 25 in 2016. The number of criminal prosecutions was as follows: in 2013, 36 for sexual exploitation and six for forced labour and other forms of exploitation; in 2014, 35 for sexual exploitation and five for forced labour and other forms of exploitation; in 2015, 32 for sexual exploitation and five for forced labour and other forms of exploitation; in 2016, 25 for sexual exploitation and seven for forced labour and other forms of exploitation.

217. The number of convictions for THB at first instance courts was as follows: in 2013, 39 for sexual exploitation and seven for forced labour and other forms of exploitation; in 2014, 12 for sexual exploitation and one for forced labour and other forms of exploitation; in 2015, 12 for sexual exploitation and three for forced labour and other forms of exploitation in 2016, seven for sexual exploitation and one for forced labour and other forms of exploitation. As regards convictions at second instance, there were two in 2014 (of which one for sexual exploitation and one for forced labour), six in 2015 (all for sexual exploitation) and one in 2016 (for sexual exploitation). In 2016, the sentences ranged from 10 to 15 years of imprisonment and the fines from 10 000 to 100 000 euros.

218. GRETA notes with concern the low number of final convictions for human trafficking offences and the near absence of final convictions for THB for the purpose of forced labour. Civil society representatives and lawyers noted that the defendants in such cases were often acquitted or the penalties were too small to be dissuasive.

219. According to lawyers representing victims of THB, the slowness of judicial proceedings in Greece and the repeated adjournment of court hearings discourage victims to seek redress. Examples were given of THB cases which continued for six years and more. In some cases the victims, who had returned to their countries of origin, travelled back to Greece to testify in court, at their own expense, to find out that a court hearing had been postponed.

220. In this context, GRETA notes that in its judgement in the case *L.E. v. Greece* (no. 71545/12) of 21 January 2016, the European Court of Human Rights found a number of shortcomings and considerable delays in the preliminary inquiry and investigation of the case.⁸¹ Once criminal proceedings had been brought against the perpetrators, more than four years and eight months passed before a hearing took place before the court. When a presumed principal offender could not be found, the police had not taken further tangible steps to find him and bring him before the court, and the authorities did not try to get in contact or instigate co-operation with the Nigerian authorities in order to arrest the suspect. The Greek authorities have submitted to the Committee of Ministers of the Council of Europe, which is supervising the execution of this judgement, a list of measures planned for dealing with the deficiencies found by the Court.⁸²

⁸¹ *L.E. v. Greece*, application No. 71545/12, 21 January 2016.

⁸² Available at: <http://hudoc.exec.coe.int/eng?i=004-15626>

221. With reference to the case *Chowdury and Others v. Greece* (see paragraph 68), GRETA notes that the Patras Assize Court acquitted the defendants - two employers, the guard who opened fire and an armed overseer - of the charge of trafficking in human beings, finding, in particular, that it had not been absolutely impossible for the workers to protect themselves and that their freedom of movement had not been compromised in that they had been free to leave their jobs. The public prosecutor at the Court of Cassation refused to appeal on points of law against the acquittal judgment. The European Court of Human Rights considered that a restriction on freedom of movement was not a condition *sine qua non* for establishing a situation as forced labour or human trafficking because a trafficking situation could exist in spite of the victim's freedom of movement. The Court held that there had been a violation of Article 4, paragraph 2, of the European Convention on Human Rights as regards the State's procedural obligation to carry out an effective investigation into the situation of human trafficking and forced labour.

222. **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.**

d. Protection of victims and witnesses

223. By virtue of Article 28 of the Convention, Parties must take measures to provide effective and appropriate protection from potential retaliation or intimidation, in particular during and after the investigation and prosecution of perpetrators. This protection can be of various types (physical, relocation, identity change, etc.) and is to be provided to victims of trafficking, to those who report it or otherwise co-operate with the investigating or prosecuting authorities, to witnesses who give testimony and, when necessary, to members of the families of those listed above. Further, Article 30 of the Convention includes a provision requiring Parties to take measures to protect victims' private life and identity and to provide for their safety and protection from intimidation in the course of judicial proceedings, including special protection measures for child victims of THB.

224. Law 2928/2001 provides for the following protection measures for witnesses: physical protection, the possibility to make a statement through audio-visual or audio means, and non-disclosure of the witness' personal details. These measures are ordered by the competent prosecutor. Other witness protection measures include change of identity and relocation to another country, with the consent of the witness. The authorities have indicated that in the THB cases so far investigated by the police there was no need to include any victims in the witness protection programme.

225. Article 12 of Law 3064/2002 provides for specific protection measures for victims of THB and related offences, with regard to the protection of their life, physical integrity, personal and sexual freedom. Further, concerning third-country nationals who have been recognised as victims of trafficking by a public prosecutor, Article 51, paragraph 3, of the Immigration and Social Integration Code stipulates that the competent prosecutorial, judicial and police authorities shall ensure, as a priority, the protection and safety of these victims. As regards child victims of THB, pursuant to Article 226A of the CCP, a child psychologist or psychiatrist is appointed as an expert when they are interviewed and the law also provided for audio/video recording of interviews.

226. Further, Article 226B of the Code of Criminal Procedure provides that a victim of THB can give written testimony or testify through audio-visual means. According to this provision, a psychologist or psychiatrist can support the victim in preparing for questioning, in co-operation with the investigating authorities and the judicial authorities. The psychologist or psychiatrist assesses the psychological state of the victim and prepares a written report which is an integral part of the case file. During the examination, a psychiatrist or psychologist is present and the victim may be accompanied by their legal representative, unless the investigator forbids the presence of the lawyer by reasoned decision. During the trial, the prosecutor or the parties may request the court to allow a supplementary examination of the victim. If the request is granted, the examination of the victim is based on precisely formulated questions, without the presence of the defence, at the victim's residence by an investigating officer appointed by the judge.

227. GRETA was informed by lawyers and NGO representatives that in practice the previously mentioned protection measures are rarely applied to victims of trafficking. The possibility to testify through audio-visual means is not used in practice as the necessary equipment is not available. Victims of trafficking wait in the same room as the accused and cross-examinations with the suspected offenders can be very intrusive. Further, although the witness protection legislation allows for anonymity of the victim, the police reportedly refuse to allow this in THB cases unless there is a charge of setting up a criminal organisation.

228. 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.⁸³

⁸³ [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).

Concluding remarks

229. The Greek authorities have taken a number of measures to combat trafficking in human beings and support its victims, through the adoption of relevant legislation, the setting up of co-ordinating and specialised structures, the provision of training of relevant professionals and general awareness raising. The involvement of civil society is an important aspect of Greece's response to human trafficking and the development of further partnerships is crucial for the human rights-based approach to anti-trafficking action.

230. While GRETA acknowledges the important steps taken by the Greek authorities so far, a number of challenges remain to be tackled through legislative, policy or practical measures in order to meet the requirements of the human rights-based approach outlined in paragraphs 38-43. GRETA calls on the Greek authorities to continue to improve the identification of victims of trafficking and to ensure that all presumed and identified victims, including men, can benefit from the assistance and protection measures provided for under the Convention. The formalisation of the National Referral Mechanism is a step in the right direction and its effective implementation needs to be ensured, including by providing it with adequate funding and promoting a multi-agency approach. The identification of victims of trafficking must not depend on the presumed victim's statement and co-operation in the investigation/criminal proceedings and the process of granting victim status needs to be speeded up.

231. The provision in law of a recovery and reflection period longer than the minimum of 30 days envisaged in the Convention is a welcome decision, but a broader use of this period will help presumed victims to recover and be better prepared to assist the investigation. Efforts should also be strengthened to ensure that victims of trafficking have effective access to compensation and can take full advantage of the right to be granted a temporary residence permit, in particular when they are unable to co-operate with the authorities.

232. The Convention requires Parties to ensure that anti-trafficking action is comprehensive. GRETA stresses the need for adopting a national anti-trafficking action plan and/or strategy which addresses all victims of trafficking for all forms of exploitation, including sexual exploitation, forced labour, 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.

233. In the area of prevention, the efforts to raise awareness of human trafficking among the general public must be combined with targeted measures for groups and persons particularly vulnerable to human trafficking, including women, asylum seekers, irregular migrants, unaccompanied children and children in street situations.

234. Strengthening the effectiveness of investigations and prosecutions with a view to securing proportionate and dissuasive convictions for human trafficking offences for all types of exploitation is another area where further action is required. There have been very few convictions for human trafficking for the purpose of labour exploitation and GRETA draws attention to the need to increase the number of cases prosecuted in this area.

235. All professionals who may come into contact with victims of human trafficking, including 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, must be continuously informed and trained about the need to apply a human rights-based approach to action against human trafficking on the basis of the Convention and the case law of the European Court of Human Rights.

236. GRETA invites the Greek authorities to keep it informed on a regular basis of developments in the implementation of the Convention and looks forward to continuing the co-operation in achieving the purposes of the Convention.

Appendix I: List of GRETA's proposals

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 ongoing, 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.

Appendix II: List of public bodies, intergovernmental organisations, non-governmental organisations and other civil society actors with which GRETA held consultations

Public bodies

- National Rapporteur on Trafficking in Human Beings
- Ministry of the Interior and Administrative Reconstruction
 - o General Secretariat for Gender Equality
 - o Local Administration Directorate
- Ministry of Migration Policy
 - o Asylum Service
 - o Reception and Identification Service
 - o Residence Permit Unit
- Hellenic Police
 - o Anti-trafficking units in Attica and Thessaloniki
 - o Border Protection Unit
 - o Organised Crime Department
- Ministry of Justice, Transparency and Human Rights
 - o Compensation Authority
 - o European and International Relations Department
- Ministry of Labour, Social Insurance and Social Solidarity
 - o National Centre for Social Solidarity (EKKA)
 - o Labour Inspectorate (SEPE)
- Ministry of Health
 - o Institute of Child Health
- Ministry of Education
- Athens Court of First Instance and Court of Appeal
- Ombudsman's Office
- Greek Parliament, Committee on Equality, Youth and Human Rights, Sub-committee on Trafficking in Human Beings

Intergovernmental organisations

- International Organization for Migration (IOM)
- United Nations High Commissioner for Refugees (UNHCR)

Non-governmental organisation and other civil society actors

- A21
- AA Law Firm
- Arsis
- Athens Labour Centre Trade Union (EKA)
- Greek Council for Refugees
- Hopespot
- International Red Cross
- KMOP
- Médecins du Monde
- Metadrasi
- Praksis
- Solidarity Now
- SOS children villages
- The Smile of the Child

Government's Comments

The following comments do not form part of GRETA's analysis concerning the situation in Greece

GRETA engaged in a dialogue with the Greek authorities on a first draft of the report. A number of the authorities' comments were taken on board and integrated into the report's final version.

The Convention requires that "the report and conclusions of GRETA shall be made public as from their adoption, together with eventual comments by the Party concerned." GRETA transmitted its final report to the Greek authorities on 11 September 2017 and invited them to submit any final comments within one month. The Greek authorities' comments, submitted on 12 October 2017, are reproduced hereafter.



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13.10.2017

Ms. Petya Nestorova
Executive Secretary of the Council of Europe
Convention on Action against Trafficking in
Human Beings

Subject : Comments on the final report of the Group of Experts on Action against Trafficking in Human Beings (GRETA) – first evaluation round

Dear Ms. Nestorova,

On behalf of the competent Greek authorities we acknowledge receipt of the final report drawn up by the Group of Experts on Action against Trafficking in Human Beings (GRETA) concerning the implementation of the Convention by Greece (first evaluation round).

Further to our correspondence, please find attached the final comments received from our national stakeholders. We firmly believe that this contributes to a more complete overview of the situation in Greece.

We look forward to further cooperation with GRETA

Yours sincerely,



Heracles Moskoff, PhD
National Rapporteur on THB

FINAL COMMENTS FOR GRETA

National Center for Social Solidarity (EKKA)

Paragraph 64

The Permanent Consultation Forum with NGOs, although not foreseen expressly in the Law, will still participate in consultations concerning future developments of the NRM, as well as in evaluation of procedures and practices.

The Permanent Coordination Mechanism of contact points in each competent Ministry will deliver some of its coordinating functions to the National Referral Mechanism. However, the Permanent Coordination Mechanism will continue to facilitate the collaboration between stakeholders informing and supporting the NRM. Of course, it should be noted that a number of the initial aims of the Permanent Coordination Mechanism referred to the planning, development and implementation of the NRM. Currently, the NRM is ready to become operational, hence the role of the Permanent Coordination Mechanism is to monitor and develop future activities.

Shelters for victims of THB

The National Centre for Social Solidarity (EKKA) operates one (1) emergency shelter in Attica for women and girls – victims of violence, as well as two (2) short – term shelters in Attica and Thessaloniki (which also operate as emergency shelters). They are co-funded by the National Structural Fund, in cooperation with the Region of Attica and Central Macedonia, respectively, as well as the GSCE. In the shelters, reintegration activities are organized (e.g. tutorials on Greek language, orientation concerning the collaboration with the Greek administrative system and services, tutorial lessons for children going to school). Additionally, a nursery with specialized nursery teachers operates in the shelter. EKKA has a long experience in protecting women victims of trafficking and a good knowledge of the psychological as well as the practical issues that a victim of THB may face during the recovery and reintegration period. **It is important to underline that although women usually choose to stay at EKKA’s shelters from three to six months, EKKA would never ask a victim to leave the shelter, unless a safe and sustainable alternative has been found.**

Concerning the provision of safe accommodation to men victims of THB, the NGO “PRAKSIS”, partner of the NRM, provides a number of safe urban apartments for this population. In addition, if the number of concurrent men victims is greater than the available apartments, EKKA coordinates their temporary hosting into shelters for asylum-seekers or shelters for homeless men. In such cases, men victims of THB are transferred to an appropriate accommodation as soon as possible.

Reception & Identification Service (R.I.S)

In 2015, the Reception & Identification Service, Ministry of Migration Policy, developed and published the Guidelines on Human Trafficking - a short handbook which was distributed to all professionals working at the Reception and Identification Centers and Services and can be found on the following link (in English and Greek): [http://firstreception.gov.gr/PRIImages/Prints/44_331_15foreas%20\(1\).pdf](http://firstreception.gov.gr/PRIImages/Prints/44_331_15foreas%20(1).pdf)

Ministry of Migration Policy
General Secretariat for Migration Policy

Executive Summary, ninth paragraph: in the end of the first sentence it should be clarified that the residence permit for humanitarian reasons is granted to persons who do not cooperate with the competent authorities, as following: «... for humanitarian reasons in case the person does not cooperate with the competent authorities under the condition that the person has been recognized by the competent Prosecutor as victim of trafficking.»

p. 13, par. 19: in the end of this par it should be added the following phrase: «Immigration and Social Integration Code also foresees for a residence permit issued for humanitarian reasons in case victims of trafficking who do not cooperate with the competent authorities».

p. 22, par. 64: in the last sentence concerning the reference on the competences of EKKA, it should be underlined that the issuing of residence permits for victims of trafficking falls under the competence of the Ministry for Migration Policy and under the precondition that there is a relevant characterisation act by the competent Public Prosecutor of District Court concerning the victims.

p. 27, par. 85: the term «Residence Permits Unit of the Ministry of Interior and Administrative Reconstruction» should be replaced by the term «Residence Permits Unit of the Ministry for Migration Policy». The same it should be accordingly applied in p. 62, Appendix II.

p. 44, par. 173: in the 7th sentence the phrase «... and is issued by decision of the Minister of the Interior.» should be replaced by the following phrase «... and the residence permit is issued by decision of the Minister of for Migration Policy.».

p. 45, par. 180: as already stressed, according to Immigration and Social Integration Code, the victim has the right to renew its residence permit after lodging an application for the same purpose.