

HELLENIC REPUBLIC
NATIONAL COMMISSION FOR HUMAN RIGHTS

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Positions and Proposals of the NCHR on Trafficking in Persons The Situation in Greece
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I. Introduction

Trafficking in Persons is a complex phenomenon connected with many different factors that include immigration, organized crime, prostitution, forced labor, human rights, violence against women and children, pedophilic networks, social pathology related with these phenomena, corruption of diplomatic authorities and law enforcement personnel, etc.

It is a modern form of slavery and a blatant violation of human rights of the victims. This form of abuse and exploitation, nourished by social apathy, is nowadays more shocking than it was in the past.

The victims of forced work (that includes trafficking of humans and the sale of children) are about 13 millions worldwide. Their traffickers earn 32 billion dollars a year, according to the May 2006 Report of the International Labor Organization (ILO). 56% of victims are women and young girls and 40% are children under 18 years of age. In Europe, the prostitution turnover exceeds the turnover of narcotics and arms, while a new type of pimp-businessman-trafficker has emerged, that of a trafficker who exploits a big number of women and children. According to recent research in Greece, the rate of Greek to alien victims, from 70/30 it was in the past, it has now reached 20/80, while prostitution clientele increased by 600%. Prostitution of this form and of this size is unprecedented in Europe. It has acquired the characteristics prostitution had in the past in Thailand and the Philippines,

where prostitution in slavery conditions was a known phenomenon. Trafficking is therefore a threat and a challenge of international dimensions because it undermines fundamental human rights, the state of law, and international legal order. It affects all countries, rich, poor, developed and underdevelopment, because all countries are either countries of origin, transit, or destination.

Greece was in the past a country of origin of immigrants. In the early 90s it became a country of destination of legal and illegal immigrants because of the political changes in the wider region of Eastern Europe and the Balkans. Unfortunately, Greece became a transit and destination country for trafficking victims, coming mainly from South Eastern and Eastern Europe, Africa and Asia.

According to official statistics of the Ministry of Public Order, trafficking victims are coming May 2006 from Albania, Bulgaria, Romania, Russia, Moldavia, Nigeria, Belarus, Lithuania and the Ukraine. Trafficking in humans involves mostly women and girls, who are trafficked, mainly but not exclusively, for sexual exploitation. Victims are mostly women coming from poor countries, lured into trafficking with false promises for a better life in Greece or in another country, and forced to work in the sex industry with threats and violence. Often victims "consent" to their exploitation but under severe violence and fear. The lack of legal documents, the ignorance of Greek language, the lack of alternative solutions, the continual threats for their families in the countries of origin, are some of the reasons that lead victims to this situation. These women can seldom find the courage or the necessary support networks to escape and to testify against their traffickers. The most recent Report of the U.S Department of State on Trafficking in Persons, estimates that of the 600.000 to 800.000 persons trafficked internationally, 80% are women and girls. They are victims of various forms of exploitation, including sexual exploitation but also forced labor and organ trade. According

to the 2005 Report of the ILO, 40% of the victims are children, while 98% of victims of sexual exploitation are women and girls.

The Greek state launched action to combat the phenomenon in the early 2000s. The measures it received include new legislation, prosecution of perpetrators, protection and aid to the victims, and prevention measures in the form of public awareness campaigns and development of cooperation on regional and national level.

Combating the phenomenon is becoming more difficult, because it touches upon many different fields and requires combined and coordinated action in the framework of complex approaches related with new legal weapons, flexibility of regulations related with immigration, increasing effectiveness of local and international law enforcement systems, efficiency of the judiciary system, social tolerance of violations of human rights and social cooperation in different stages of the chain of exploitation.

II. Legal Framework

A) Legislation

Greek legislation

- a) Law 3064/2002 on trafficking of human beings
- b) Presidential Decree 233/2003 for the implementation of article 12 of Law 3064/2002 and
- c) Immigration Law 3386/2005

It is worth noting that article 11(3) of the most recent amendment of the immigration law, Law 3536 of 2007, provides that recognized trafficking victims are not deported and that deportation orders are suspended. This new provision covers a previous legal deficiency and protects victims of trafficking against deportation.

International and European laws

Greece has signed but not ratified, the UN Protocol (UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the UN Convention against Transnational Organized Crime), and the Convention of the Council of Europe (Convention against Trafficking in Human Beings).

Greece signed (7/9/2000) the Additional Protocol in the Convention of UN on the rights of Child with regard to the sale of children, children's prostitution and children's pornography (25.5.2000). The NCHR suggested to the GoG in March 2006 to ratify the protocol.

Greece as a member of the EU, is bound to implement EU Decision-frame 2002/629/DEY that penalizes trafficking in persons, and EU Directive 2004/81/EK providing for reflection and residence permits to victims of trafficking.

B) Proposals

Greek legislation meets international and European law standards. Legislation on combating trafficking and protection of victims is sufficient and satisfactory. However, the enforcement of some provisions has proved to be problematic.

1) NGO representatives support that the one-month reflection period for adult victims of trafficking and two months for minor victims of trafficking, is very short and not adequate to the victims to get off the influence of their exploiters and to reach a decision to cooperate with the authorities. **It is suggested to extend reflection period to 3 months**, as it has been proposed by international organizations and NGOs. The procedure under which a person is recognized as a “potential victim”, and enjoys of the reflection period, protection from deportation, and special

treatment to decide whether or not he/she wants to cooperate with the authorities, is not clear. **We suggest the procedure under which a person is recognized as a potential victim to be clarified** and the authorities to be obliged to contact prosecutors in order to set in motion the reflection provisions of the law.

2) The issuing of residence permits only to victims who cooperate with the authorities, is ineffective, because victims who do not cooperate do not enjoy of full protection of their human rights. Victims who from fear of traffickers do not cooperate with the authorities remain unprotected. **We propose to reform the residence permit regulations** so that protection to the victims to stop being connected with cooperation with the authorities, and to protect victims who do not want or cannot cooperate with the authorities because sometimes there is not sufficient evidence against traffickers. It should be noted that the Council of Europe Convention contains relevant provisions. Italian legislation is model legislation on this issue, because it provides for humanitarian residence permits to trafficking victims. The Prosecutor should be notified to take all necessary protection action for minors and unaccompanied minors, to support children giving priority to their situation as minors and not to crimes they have probably committed as victims.

3) Although the law penalizes the "customer" who intentionally makes use of trafficking victims' services, it is very difficult to substantiate mens rea (intention of client) during the penal process. As a consequence, the customer usually escapes punishment. **It is also noted that the number of sentences for trafficking cases is low** and that sentences mostly come from first degree courts. This is due to the general problem of length of litigation in Greece, which is affecting the effectiveness of the legislative framework to combat trafficking and to protect victims. It has also been observed that several times during the penal process charges change from

felony (trafficking) to misdemeanor (pimping), thus negatively affecting the effectiveness of legislative framework for prosecution of traffickers.

4) The referral system for victims is informal because the law does explicitly provide for a referral system. **We suggest to the GoG to take the necessary steps to legislate a comprehensive referral system** with an analytical list of duties of all involved institutions (governmental, NGOs, IOM).

5) **We recommend Greece to ratify** the UN Palermo Protocol and the Convention of the Council of Europe and the Additional Protocol in the Convention on the rights of Child. The NCHR calls on the government to submit the soonest possible to the Parliament the draft legislation it has prepared ratifying the Additional Protocol in the Convention on the rights of Child.

III. Inter-Ministerial Committee and National Action Plan

In May 2004 a special committee consisting of General Secretaries of eight Ministries was established. The scope of the Committee was to coordinate - on political level – tasks for the implementation of law 3064/2002. The Committee was tasked to propose a National Action Plan. The Committee cooperates closely with the IOM and with NGOs specialized in victim protection. A product of this cooperation was the Memorandum of Cooperation signed by IOM and twelve NGOs.

The GenSecs Committee presented a New Action Plan in November 2006. However, the Committee consists only of high ranking Government officers and is deprived of the participation of experts and executives of the administration with competence and expertise on combating trafficking.

IV. Interdiction

The Ministry of Public Order is responsible for interdiction of trafficking. The MPO cites in its web page statistics on trafficking-related crimes.

A Committee to Combat Trafficking (OKEA) was established in April 2001. OKEA was chaired by the Chief of the Greek Police and had as members police officers, representatives of different Ministries, and experts.

The MPO has 14 anti-trafficking units around Greece. Two new units were established in Athens and Thessaloniki, under the Organized Crime Division.

The Ministry of Public Order is implementing the “Ilaeira” project that aims at coordinating action of all involved organs through joint operations throughout Greece.

Training of police personnel, justices and prosecutors is very important. For this reason, specific trafficking courses have been included in the Police Academies and the National Justices’ School. In addition, YDAS/MFA financed training seminars to police personnel justices, and prosecutors.

Finally, it should be noted that a Prosecutor of Athens has been appointed as Trafficking Prosecutor by the Head of the First Instance Prosecutors of Athens.

Proposals

Important steps of progress have been made in connection with interdiction. However, the following problems remain:

1) Substantiated allegations of NGOs for visas to trafficking victims should be further investigated. The state is accountable for not undertaking action against corrupted administration officers (police personnel, diplomats,

border guards, etc) who tolerate or facilitate trafficking in persons, because it is its duty to protect those depending on its jurisdiction. The efficiency of the State is assessed on the basis of effectiveness of the administration officers. Therefore actions of administration officers reflect upon the state. For this reason, violation of rules of administration should be severely punished.

2) The establishment of OKEA was a positive development. However its activity dwindled the last years and its duties were informally transferred to the Inter-Ministerial committee.

3) The anti-trafficking police units in Athens and Thessaloniki are very successful. Trafficking units outside big cities are not very effective however, because local police personnel are not sufficiently trained on trafficking. Nevertheless, it has been observed that, in the case Police manages to dismantle a trafficking network outside of Athens, it takes a long time to the network to restart operation.

4) Police escort to victims during the court proceedings is necessary. However, there is not always police escort in trials outside Athens. Central anti-trafficking units should teach local police personnel what police assistance they should offer during court proceedings.

5) Anti-Trafficking units and Prosecutors should be notified when a person to be deported is a potential trafficking victim, so that they take all necessary action to secure that procedures for suspension of deportation and protection the potential victim is entitled to is set in motion.

6) The multi-language Know-Your-Rights police brochure should be posted in all police detention centers.

7) Specialized NGOs and officers of a special Independent Committee should have access to all aliens' detention centers to monitor conditions of detention and ensure full protection of rights of detainees.

8) Training of police personnel, justices and prosecutors would have been more effective if it were interactive with smaller number of participants in each course that could include role playing, case studies, simulations etc.

AGIS program designed to train law enforcement personnel and justices in cooperation on combating trafficking, could be used as a model. Our proposal is to increase and improve training and to use AGIS and Ilaeira projects as models. We also propose to design and provide training to police personnel as to how to testify against perpetrators and how to better conduct preliminary investigation, in order to resolve the problem of deficient substantiation of trafficking crimes.

8) Police operations to arrest traffickers are often badly organized, because they are conducted without sufficient preparatory investigation. All allegations of police personnel turning a blind eye to trafficking cases or of involvement into trafficking networks should be carefully investigated.

9) It is necessary to offer psychological support to victims throughout the prosecution procedure, in order to ensure their protection and the effectiveness of the prosecution of traffickers. NGOs with expertise on victim protection should be used in the process.

10) Although there is a witness protection system in place, it is activated only when an organized network is involved. Since it is difficult to collect evidence on organized network involvement, witnesses and victims they are not always effectively protected. Moreover, the law provides that the witness protection system has to be in place till the final and irrevocable judgment of case. From the contacts of persons involved with victims, it has come out that victims were either not well informed about the witness protection mechanism or that they had misunderstood the information given to them. We propose the establishment of a comprehensive witness protection system, in order to exclude phenomena of victims denying testifying because they feel that they are not sufficiently protected. The protection should ideally be extended to their families in the countries of origin, via international cooperation with foreign law enforcement and judicial authorities. Article 28 of the Council of Europe convention provides so.

11) The substantiation of trafficking cases has been proved difficult for several reasons, the most important of which is that there is need for additional testimony, for cooperation of husbands of victims who do not want to testify in order to protect their families, and because defendants intervene on witnesses the majority of whom are foreigners. The informal tasking of a prosecutor with trafficking duties is an important step of progress. However, the institutionalization of the appointment of a “Prosecutor for Trafficking” on the model of the “Prosecutor for Terrorism”, would have been more effective.

12) The lack of specialized interpreters affects negatively the process of the preliminary investigation, the inquiry, and the judicial procedure in the Court Room. We suggest the GoG to take all necessary measures to resolve the interpretation problems.

13) The contribution of specialized NGO personnel in the investigation and substantiation of trafficking cases has been proved effective if we take into consideration the example of the United Kingdom, Denmark etc.

V. Protection and aid to victims

The recognized trafficking victims and the victims in reflection period are entitled to protection that includes:

- Hot-lines run by the National Centre of Social Solidarity (197), Solidarity NGO, European Women Network, etc.
- state and NGO shelters
- psychological and social support
- legal aid
- hospital and medical care
- voluntary repatriation by IOM (action financed by YDAS/MFA)
- residence and work permit
- vocational training

Although the law does not explicitly provide for a referral system, the Memorandum of Cooperation concluded among the Inter-Ministerial committee, IOM and twelve NGOs, designates the National Center for Social Solidarity as an informal coordinator of a referral system.

Proposals

The State cannot protect the victims of trafficking and the potential victims of trafficking if legislation is not effectively enforced and if interested parties do not have access to the competent for the protection and aid to victims administration mechanisms. Although the Greek government, mainly via YDAS/MFA, has been generous in financing support mechanisms, the NCHR believes that it is imperative the Government to further strengthen the framework of victim protection in the following areas:

1) Greece does not have the necessary institutions, governmental or non-governmental, to offer protection and assistance to victims who are not women or minors exploited for sex. Protection that can be provided to men and children victims of forced labor and of other forms of exploitation is very limited. We propose the creation and establishment of necessary support structures (shelters, legal aid, etc).

2) Hot lines should offer services to other languages except for Greek.

3) Trafficking of Roma victims, adult and minor, presents challenges and particularities that should be assessed separately.

4) If the Center for Urgent Social Care is officially (and not informally) entrusted the role of the "coordinator" of the referral system, it should upgrade and improve its infrastructure and it should hire experts to meet the needs of the victims.

5) TIP Training should be provided to professionals (doctors, nurses, social workers, psychologists, lawyers etc) who often are the first to come in contact with victims. IOM recently held a training seminar for labor

inspectors of the Ministry of Employment which participants found very useful.

6) Since work is an essential condition for social rehabilitation of victims, it is necessary to take measures to ensure access of victims in the labor market. To attain this goal, it is necessary to develop more action to raise awareness of employers.

7) The Handbook of OSCE “National Referral Mechanisms” could be used as a tool for effective coordination of protection structures. The National Referral Mechanism it describes is a frame of cooperation with which government agencies coordinate, in cooperation with NGOs, action for protection of victims.

VI. Prevention and Public Awareness

Many public awareness campaigns against trafficking have been conducted in Greece the last years. This action had mainly the form of congresses and conferences, TV or radio spots, and was initiated by state agencies (Ministry of Foreign Affairs, General Secretariat for Gender Equality, Centre of Research on Gender Equality), NGOs (Arsis, STOP NOW, European Women’s Network) and the IOM. It should be noted that IOM has conducted extensive research on the attitude of general population vis a vis trafficking, the results of which have not been concluded yet.

Also, some NGOs (Arsis, ACT UP, Nea Zoi) are conducting public awareness through street work. This action is mainly addressed to victims and potential victims and aims at locating victims and offer them protection and support.

Proposals

The public awareness campaigns conducted the last years were an important effort for the prevention of the phenomenon. However, the purpose of the campaigns, i.e. Greek society to start viewing trafficking as a heinous crime, has not been accomplished yet, because public awareness campaigns have had fragmented character. Therefore it is necessary to outline a prevention strategy that would include comprehensive and consistent action.

1) It is of outmost importance to conduct public awareness campaigns targeting male population and potential users of victims' services, informing them on the actual conditions victims and the ways networks recruit and hold victims, in an effort to discourage demand for such services by making males understand that they promote human slavery when they use such services.

2) Trafficking should be included in the curricula of primary and secondary schools. It is evident that the work of Police and Justice becomes more difficult if there is social tolerance to the phenomenon. Society is gradually getting used to view trafficking of poor people and of people coming from the less "lucky" parts of the world as something "natural", because it is not taking place any more in "secret" neighborhoods of the city, as the "red lights" districts of the past, but in broad light and in front of their eyes in bars, night clubs, and rented rooms. Therefore society becomes apathetic and reacts only when it finds out that a trafficker or a pimp was a priest. Research on the social and cultural causes that lead to demand of such services, could provide the clues for effective public awareness campaigns. An issue for public debate is whether the advertisement of such services through newspapers' ads promotes demand of such services.

3) It is necessary to conduct public awareness campaigns addressed to target groups of professionals, such as the (Marianna Vardinoyianni) Congress sponsored by the MFA, the Word Bank, IOM and NGOs. The

Congress aimed at negotiating a moral code for the business community against the use of trafficking victims, and concluded with the signing of the Declaration of Athens "Business Community against Trafficking of Human Beings."

VII. Cooperation

Greece is a party in regional initiatives (Alternative Seat of the Stability Pact Europe, Economic Cooperation of Black Sea Countries, SECI) which develop action to effectively confront the phenomenon in the countries of origin of victims.

Efforts to network with institutions involved in combating trafficking are also taking place. Such important initiatives are:

- The cooperation of the Inter-Ministerial committee with IOM and twelve anti-trafficking NGOs for a more effective action and the co-ordination of their efforts to fight trafficking and support victims.
- The Diplomatic Forum organized by IOM and MFA with the participation of representatives of competent ministries, international organizations, diplomatic authorities of countries of origin, transit and destination, and NGOs.
- Networking initiatives have also been developed for the cooperation between government agencies and NGOs on national, regional and international level (NGO Network Ariadni, Hera Project, Cooperation between representatives of police, justices, and NGOs from different countries sponsored by the AGIS EU project).

Proposals

- 1) Networking initiatives should be further strengthened at all levels.

2) It would be useful to appoint a National Rapporteur on Trafficking as proposed by the EU Experts' group, as other countries including Sweden, Netherlands and Germany have already done. The National Rapporteur would be tasked to follow and record the situation on trafficking, drawing information from a wide spectrum of sources. He would forward his information to the competent organs to combat the trafficking and to evaluate and update the National Action Plan. The NCHR emphatically highlights the need to establish an effective coordination organ to combat trafficking in persons.

3) The NCHR would like to highlight the active role local authorities could play in all phases of combating trafficking (interdiction, prosecution, protection and support to victims, prevention and public awareness). Expertise of other countries can be used to this direction. Greece could also benefit from the example of the French "police de proximite."

4) In order to have comparable elements, we suggest to the GoG to standardize the procedure of data collection, type of data collected, indicators, research and analysis of the phenomenon.

5) It is essential to assess and evaluate the effectiveness of action and initiatives taken so far.

In conclusion, in the ideal situation that the National Action Plan is implemented with the contribution of all involved institutions and government agencies, trafficking in persons in Greece will most certainly not disappear but it will considerably reduce in size.

14 June 2007