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TRAFFICKING IN GREECE

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Introduction

Trafficking in human beings has taken on great proportions worldwide over the last twenty years. “Traditional” slave trade and slavery have evolved into a “modern” business, especially under the forms of compulsory labour and sexual exploitation¹. It is estimated that trafficking in human beings constitutes the third largest “criminal business” after illicit trafficking of narcotics and arms².

Social exclusion, ignorance of the language or economic destitution, among other social factors, make women, minors and foreigners vulnerable to, and potential victims of, this abhorrent crime; a crime that has a severe impact on personal and physical dignity and integrity³.

It should be noted that trafficking concerns men, women and children. It takes the form of forced labour, sexual exploitation, trading of human tissues and organs, recruitment of children into armed conflicts or even the trade of children into sex tourism industry. The victims are victims of slavery deprived of their fundamental rights, freedoms and dignity.

Trafficking is usually transnational and directly connected to organized crime. Criminal organizations show an amazing flexibility in finding new routes, new modi operandi and new ways to overcome the law. For instance, lately we speak of a new form of trafficking, the “**smiling trafficking**”, where victims are promised of their freedom provided they recruit new members in that vicious circle. The business is

¹ Council of Europe (2006), The Council of Europe Convention on Action against Trafficking in Human Beings, Handbook for parliamentarians, p. 7.

² “Human Trafficking Exposed”, Population Today v.30 no.1 (Jan 2002): p.1,4.

³ Hellenic Ministry of Foreign Affairs, Trafficking in human beings-New legislation and measures, http://old.mfa.gr/english/foreign_policy/trafficking/index.html (5/6/2007).

a lucrative one, rating third only after trafficking of drugs and arms. This is why the combat against Trafficking is hard⁴.

In our analysis, we are going to focus in the following points:

1. We will try to find a definition of “Trafficking”,
2. we will see why trafficking is connected with Greece,
3. we will see the anti-trafficking legislative tools that Greece has established, and
4. we will focus on all the aspects of Greek anti-trafficking policy.

1. Trying to find a definition

Trafficking is a complex concept often reduced to (or confused with) similar concepts, such as, for example, prostitution or illegal immigration.

The Palermo definition, which was finally adopted in December 2000 in order to provide a more complete and coherent view of the phenomenon, defines trafficking as follows (article 3):

- a) ““Trafficking in persons” shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of threat or use of force or other forms of coercion, or abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purposes of sexual exploitation. Exploitation shall include, at a minimum, the exploitation of 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.
- b) the consent of the victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used.

⁴ Speech of the Secretary General of the Greek Ministry of Justice Mr. Panagiotis Panouris at the American Congress, Washington, 13/3/2007.

- c) the recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered “trafficking in persons” even if this does not involve any of the means set forth in subparagraph (a) of this article.
- d) “Child” shall mean any persons under eighteen years of age”.⁵

It is not the role of this presentation to proceed to a detailed appraisal of the definition with regard to its critical concepts, what it includes or excludes, what it assumes and implies...

The aforementioned definition makes clear that the “trafficking” involves three main stages:

- a. recruitment,
- b. transportation from the country of origin to the country of destination and,
- c. exploitation.

As it was correctly pointed out, out of the forms of trafficking that aim at the commercial exploitation of a person, the form dominant in Greece involves the introduction of the person into prostitution and her exploitation. The use of the term “sexual exploitation” to describe this state is inadequate, since it masks the double nature of the exploitation. The woman forced into prostitution is sexually exploited by the client and economically exploited by the trafficker. In other words “The trafficker does not exploit the person he forces into prostitution *sexually*. He exploits his/her sexuality *economically* – and this is an important difference. The woman forced into prostitution is turned into an object of sexual exploitation by the client. It is the client who uses the trafficked person sexually”⁶. If for the trafficker the woman or the minor have a value in exchange, for the client they have a use value, a utility. Therefore it might be more apposite to describe the form of exploitation in question as commercial or sexual-economic exploitation.

⁵ Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially women and children. The Protocol supplements the United Nations Convention against transnational organized crime (along with the Protocol against the Smuggling of Immigrants by Land, Sea and Air) Greece signed the Convention and the Protocol against Trafficking on 13 December 2000.

⁶ Grigoris Lazos (2002), *Prostitution and Trafficking in Modern Greece – the Prostitute* (in Greek), Kastaniotis publ., Athens, p. 127, footnote 143.

2. The linkage between Greece and trafficking

The geopolitical changes of the 1990's were dramatic. The Europe of today is very different compared to what it used to be a few decades ago. Africa and Asia have faced similar dramatic changes and many natural disasters. As a result, an increased migration wave has greatly affected Greece. Its geographical position - surrounded by countries emerging from authoritarian regimes - its economic stability and growth, its living standards and the fact that it is a member of the European Union rendered Greece attractive to criminal networks engaged in trafficking, both as a transit and as a destination country.

Despite the substantial evidence that trafficking of migrants is a grave and growing problem, Greece had for many years no legislation specifically criminalizing the trafficking of human beings for forced labour, including forced prostitution. Greece's Aliens Act, Law 1975/1991 - in force until June 2001 - included penalties in cases where the transport of undocumented migrants was for an "**illegal profit**"⁷.

The timely recognition of these changes made Greece one of the pioneers in the field of anti - trafficking legislation. Law 3064/2002⁸ introduced many new articles into the Greek Criminal Code and made criminal offences for example:

- trafficking in persons for sexual or economic exploitation,
- trade of human tissues or organs,
- recruitment of children to be engaged in armed conflicts.

These days, a new draft law was brought before the Greek Parliament, containing amendments to the Criminal Code especially for the punishment of the adults who sexually prey on children abroad.

In 2003, the Presidential Decree 233/2003⁹ introduced measures for the assistance and protection of the victims of Trafficking. Recently the Law 3386/2005¹⁰ introduced, among other measures, a reflection period for the victims in order to decide whether they want to cooperate

⁷ Aliens Law No. 1975/1991, art. 33.

⁸ Of. Journal 248/A/15-10-2002.

⁹ Of. Journal 204/A/2-9-2003.

¹⁰ Of. Journal 212/A/23-8-2005.

with the law enforcement authorities providing at the same time for the relevant legal aid and the necessary residential permits.

As it has also been mentioned, Greece is also a signatory party both to the Palermo Convention and to the Council of Europe Convention on Action against trafficking in human beings.

So, from the above it is understood that the legislative tools in Greece are in place. By implementing these tools substantial practical achievements can be demonstrated.

3. From Theory to Practice

The Greek Government realized the need to intensify its efforts. In May 2004, the Minister of Justice set up an ad hoc special Committee. This committee has the mandate and objective to coordinate the implementation of Law 3064/2002 on the “Suppression of the Trafficking in Persons” and all the efforts and activities, which the governmental agencies and NGOs undertake in that aspect.

In this Committee participate the Secretary Generals of eight competent Ministries¹¹. Many experts from all involved Ministries are assisting the Committee in its strenuous task.

This special Committee developed a National Action Plan (NAP) presented to the public in August 2004.

This plan covers the whole range of counter-trafficking actions, i.e monitoring the phenomenon; establishing databases, collecting statistics; screening procedures to identify victims; establishing shelters; supporting to victims including providing legal assistance, granting of residence & work permits, voluntary repatriation; support in the countries of origin; educating police forces; educating law enforcement and judicial authorities; awareness - raising campaigns.

In accordance to the above the involved governmental and non governmental agents - all under the auspices of the interministerial Committee - have taken the following specific actions and measures:

¹¹ Especially the SDs of: the Ministry of Justice, the Ministry for the Interior, the Ministry of Economy, the Ministry of Foreign Affairs, the Ministry of National Education, the Ministry of Health, the Ministry of Employment and the Ministry of Public Order.

3.1. Prosecution

As far as **Prosecution** is concerned:

- The Ministry of Public Order (Hellenic Police) operates 15 counter-Trafficking in Persons task forces throughout Greece. Further to their operational role on the ground, the mandate of these task forces is to exchange intelligence and information with prosecutors, NGO shelters and other competent partners and to collect complete data, which leads to a concise database.
- Better inter-agency cooperation streamlines victim protection (screening and referral procedures), and serves as a roadmap for a proactive law enforcement, capable to address the heinous and elusive nature of Trafficking in Persons. Our intention is to impose sentences that will reflect the severity of the crime and deter criminal networks.
- The Ministry of Public Order (Hellenic Police) is implementing an operational simulation project to combat Trafficking in Persons under the code name “ILAEIRA”¹². The project commences a large scale national and cross-border operation, which also involves the countries of Southeastern Europe. The project is under the auspices of the Vice President of the European Commission (Justice and Home Affairs) Mr. Franco Frattini and the interministerial committee and will bring a new era of high impact operations and the dismantling of criminal networks¹³.
- It was also recognized that the demand of the services should be targeted. To this effect article 323A on “Trafficking in Persons” of Act No 3064 of October 2002, in its paragraph 3 provides that: «Anyone who knowingly accepts the work of a person, who is subject to the conditions described in paragraphs 1 and 2, will be punished with imprisonment of no less than six months». The above provision is of great importance given that it targets

¹² In Greek mythology, Ilaeira or Hilaeira was a daughter of Leucippus and Philodice. She was one of the Leucippides, along with her sister Phoebe. She and her sister were kidnapped by Dioscurus, Castor and Pollux, who were charmed by their beauty.

¹³ Hellenic Ministry of Public Order and Hellenic Ministry of Justice, “Official presentation of Plan “ILAEIRA” to fight human trafficking”, 6/12/2006, Press Release, <http://www.ydt.gr/main/Article.jsp?ArticleID=149140&LanguageID=2> (5/6/2007).

demand. The same applies to the new draft law combating sex tourism. According to the relevant provision anyone who knowingly uses the services of a child, will be punished with imprisonment up to two years.

3.2. Protection

As far as **Protection** is concerned:

- **National referral mechanism:** The Greek Government established a national referral mechanism focusing on victim's identification through, thus ensuring the proper application of victim protection measures.
- **Legislative improvements:** The new immigration law provides for a one month reflection period (two months for minors) for potential victims, which have not yet been identified by the prosecutor. During this period the potential victim receives psycho-social support, empowers her/him self, along with legal, administrative support and general information about his/her rights. Such incentives encourage cooperation with the authorities in prosecuting traffickers.
- **Victim Hot-lines:** The National Centre for Social Solidarity (Ministry of Health) operates a 24-hour telephone hot-line, number 197, for immediate assistance to the victims of trafficking¹⁴.
- **Shelters:** Six state and NGO-operated shelters currently assist trafficking victims in Athens, Thessaloniki and Ioannina¹⁵.
- **Humanitarian repatriation:** Victims' voluntary repatriation is offered in cooperation with the International Organization for Migration, (IOM) and in close contact with competent agencies in the countries of origin.
- Free **legal support and administrative assistance** is offered to trafficking victims. Our legal aid NGO projects provide administrative and legal support to victims as well as

¹⁴ <http://www.ekka.org.gr/>

¹⁵ For example, the one shelter in Ioannina was established by the Research and Support Centre for Victims of Maltreatment and Social Exclusion (EKYTHKKA – CVME), in cooperation with the University of Ioannina.

information about their rights. Addressing that same issue, the Police have printed a “know your rights” leaflet translated in 13 languages.

- The **role of NGOs** in combating trafficking is precious. The establishment of a “permanent forum” for the exchange of views and information between the ministries and NGOs was critical. In this framework in November 2005 was signed a Memorandum of Understanding between the jointly competent Secretaries, 12 NGO’s and International Organization for Migration (IOM). This institutionalisation of the vital role of NGOs, has lifted many coordination problems, and has facilitated NGO access to the screening and referral process¹⁶.
- **Children and unaccompanied minors:** On 27 February 2006, an Agreement was signed between the Governments of Greece and Albania for the Protection and Assistance of Children Victims of Trafficking¹⁷. Greece intends signing similar agreements with other countries of origin of the children-victims in the Balkans and Eastern Europe. Such anti-trafficking agreements with neighboring countries are an effective means of regional cooperation. Greece has also joined the Transnational Action against Child Trafficking project in Albania, promoting the cooperation between HellenicAID and USAID¹⁸.
- The Ministry of Foreign Affairs (HellenicAid) through cooperation with the NGO “Smile of the Child” is also working on the issue of trafficked missing children and with the cooperation of the Hellenic Police is to introduce an amber alert programme.
- In addition to the provisions of the above Agreement, the Hellenic Ministry of Public Health and Social Solidarity operates 20 shelters for unaccompanied children. The Ministry of Health is also a major partner in the EQUAL project and has signed Memoranda of Understanding with several NGOs.
- The spread of HIV/AIDS among victims trafficked into prostitution makes victim support and repatriation a public

¹⁶ “Human Trafficking”, magazine published by Arsis NGO, vol. 4, July 2004, p. 10.

¹⁷ see the article of Dimitra Pipidou, *ibid*, p. 7.

¹⁸ For more information see the allocation of the Greek Deputy Minister, Mr. Evripidis Stylianidis on 13/11/2006,

<http://www.mfa.gr/www.mfa.gr/GoToPrintable.aspx?UICulture=el-GR&GUID=%7B8A0ED09A-AC7D-4C5C-9961-1BD9DC482090%7D> (5/6/2007)

health issue. Greece places great importance to the sexually transmitted diseases through victims and for that reason has adopted a multi-language NGO project providing information and offering basic treatment to foreign visitors and possible victims of trafficking and we also intend to enhance our cooperation with UNAIDS on this issue.

3.3. Prevention

Finally as far as **Prevention** is concerned

- **Educating law enforcement officials:** The 15 counter trafficking police task forces and the counter trafficking in persons Prosecutors receive continuous specialized training. Seminars are conducted in cooperation with the International Police Association, the Union of Police Officers and other NGOs, and cover thirty four (34) Greek cities.
- **National team of trainers:** Similar education seminars are funded to address prosecutors and judges. A group of law enforcement officials received specialized training for a period of two years in the framework of the EU AGIS project.
- **Addressing root causes in source countries:** Support in the countries of origin and relevant regional cooperation can be very effective. For this reason we have financed programs for the support of the victims after their repatriation to their countries of origin (Georgia, Belarus, Moldova and Armenia).
- **International and regional cooperation:** The Greek NGO “KEPAD” (Human Rights Defense Center), implements a project entitled Ariadne that aims at establishing a Balkan network of 18 counter-trafficking NGOs for the fostering of regional cooperation among NGOs and the promotion of synergy between NGOs and respective states.
- **Cooperation with International Organizations:** In cooperation with Organization for Security and co-operation in Europe, the Stability Pact for Southeastern Europe and the Black Sea Economic Cooperation, the alternative seat of the Stability Pact in Thessaloniki is coordinating and hosting several local and regional initiatives. One such initiative is the International anti-trafficking contact point in Thessaloniki.

- The EU EQUAL anti-trafficking partnership headed by IOM Greece, has also embarked on a research project on the various facets of trafficking in Greece.
- Hellenic Aid and the Greek NGO “European Public Law Center”, under the auspices of Organisation for the Security and Cooperation in Europe and the Stability Pact implement the HERA project¹⁹.
- Greece hosted the signing of the Declaration of Athens on “Business Community against Trafficking in Human Beings” by representatives of the international business Community under the auspices of the United Nations, the World Bank, the International Organization for Migration and other actors, aiming at the adoption of a Code of Conduct against human trafficking, in the context of corporate social responsibility.
- Greece, as a non-permanent member of the United Nations Security Council, paid attention, when possible to discussions on anti-trafficking measures. One such occasion was during the thematic debate on the implementation of SC Resolution 1325(2000) on “Women, peace and security” last October.
- In the framework of the like-minded countries of the Human Security Network, Greece has assumed the role of co-leader with the Thailand presidency in cluster 3, concerning the issue of trafficking.
- **Awareness raising campaigns:** It is widely considered the awareness raising campaigns a very important preventive measure to make possible victims more aware of trafficking and less likely to be deceived by traffickers. The General Secretariat for Equality is sponsoring a TV campaign aiming at raising awareness of the general public.

4. Trafficking in Figures

Let focus now on some concrete data indicating trafficking in Greece²⁰:

In 2006

¹⁹ <http://www.eplc.gr/hera/home.html> (5/6/2007).

²⁰ Source: Ministry of Public Order, <http://www.ydt.gr/main/Section.jsp?SectionID=13438> (5/6/2007)

- 70 trafficking cases were investigated by the Hellenic Police, 66 of which for sexual exploitation and 4 for labour trafficking. In 20 of these cases criminal networks were involved.
- 206 offenders were prosecuted and will stand trial
- 83 victims were found
- 39 victims were identified, sheltered and assisted while the remaining safely returned on their own wish to their countries.

In April 2006 two offenders were convicted for twelve (12) and ten (10) years of incarceration respectively, while in February 2007 an offender was convicted for 19 years of incarceration.

Comparative table of cases, perpetrators and victims for the years 2003-2006

	2003	2004	2005	2006
CASES	49	65	60	70
PERPETRATORS	284	288	202	206
VICTIMS	93	181	137	83

Persons being assisted for the years 2004-2006

Country of Origin	2004	2005	2006
Albania	7	-	-
Bulgaria	4	1	5
Kyrgyzstan	-	-	1
Lithuania	3	2	-
Moldavia	2	2	5
Nigeria	-	4	2
Rumania	17	43	7
Russia	4	3	15
Serbia	-	-	1
Ukraine	6	2	3
Uzbekistan	3	-	-
TOTAL	46	57	39

Conclusion

From all the above, we reach the following conclusions:

1. Greece showed a huge delay establishing legislative tools in order to deal with trafficking.
2. By looking better the aforementioned tables, we can see that there is a non-conformity between the number of the victims and the number of the persons that have been assisted. The Greek authorities, unfortunately, do not give any explanation about this.
3. It can not be claimed that Greece has eliminated the problem. No country has achieved that goal yet. It is, although, true that Greece, in a short time, has made great progress in fighting this crime and we hope to continue to do so.
4. Forth mentioning is the crucial role that the NGOs and the civil society play.

And this is actually the most important: To get the society involved. We need informed and active citizens. Citizens, who will recognize the problem, who will not be passive and tolerant to the street begging kid, to women and men exploited, who will not turn their eyes elsewhere thinking “this is not my problem”. The government structures can succeed, only if, people care more for their neighbour, people become more and more aware, thus decreasing the demand, the trigger in the criminal networks’ hand.

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