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# Greece

## ***Uphold the rights of women and girls trafficked for sexual exploitation***

### **Introduction**

*“If I stay here in the shelter for four or five or six years, or he stays in prison, afterwards won’t he come and cut my throat? I know he was crazy because of the way he was beating me up – ‘unprofessionally’, not avoiding ‘damaging the goods’.”*

Aleksa was brought to Greece from a country in eastern Europe. She was escaping difficulties in her life and hoped for a job that would allow her to support her family at home, she told Amnesty International.<sup>1</sup> A family friend put her in touch with people who “would help her migrate”. They were traffickers. She said they forced her into prostitution, subjected her to severe physical and psychological abuse, and sold her on to different traffickers at least three times.

The police detained Aleksa because she did not have the necessary documentation to be in Greece. While in detention she found out she was pregnant – she had been forced by her traffickers to have unprotected sex with clients. She was taken to hospital where she had an abortion – no other help was offered her. Once back in detention, she suffered complications from the operation and bled for several days. The guards were apparently aware but took no action. She only received medical attention after another detainee put her in touch with a shelter for trafficked women run by a non-governmental organization (NGO) and one of their staff visited her. She was subsequently moved to the shelter.

Aleksa was offered protection by the Greek authorities only if she cooperated in bringing her traffickers to trial. “Now I am really scared”, she told Amnesty International in January 2007. She rarely ventures out of the shelter. She is so afraid of what the traffickers might do to her, she hopes the court will be lenient with them. She believes that if severely sentenced, they might take it out on her once released or through their network. She has no faith in the ability of the police to protect her and is dreading being called to testify in court. As one of the shelter workers said, “It’s like the authorities are saying: Put your lives on the line and we don’t care if you’re scared.”

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<sup>1</sup> Interview, Athens, January 2007.

The trafficking of women and girls into forced prostitution is a human rights abuse and a crime in international and Greek law. Under international law, trafficking in human beings is defined as “*the recruitment, transportation, transfer, harbouring or receipt of people by means of the threat of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purposes of exploitation*”, including by forced labour or forced prostitution. (Council of Europe Convention on Action against Trafficking in Human Beings, Article 4a)

Women and girls like Aleksa<sup>2</sup>, trafficked into Greece for sexual exploitation, are being forced to put themselves at risk once they succeed in escaping the traffickers.<sup>3</sup> Under the protection system offered by the Greek authorities, if they want continued protection in Greece they must testify against their traffickers, whatever the risk of reprisals. In practice, the protection offered is minimal.

Trafficking for forced prostitution in Greece is believed to have increased 10-fold in the last decade. However, the government has only recently taken action to offer assistance and protection to those who have been trafficked. Women and girls, frequently from eastern Europe and Africa, have been transported to Greece in large numbers only to find themselves forced into selling sex. Often they are physically imprisoned by traffickers and sold from one trafficker to another.

Trafficking of women and girls<sup>4</sup> for forced prostitution is an abuse of human rights. It violates their rights to liberty and security of person, freedom from torture or other ill-treatment, freedom of movement, privacy and family life. It exposes them to a series of human rights abuses not only at the hands of traffickers, but also to subsequent violations within the criminal justice system.

International treaties require governments to act with due diligence to prevent, investigate and prosecute trafficking and to ensure effective redress and adequate reparation to those who have been subject to it. Although the Greek government has responded to trafficking in human beings with a series of new laws since 2002, it has failed to correctly identify most trafficked women and only a few have received limited protection or other assistance. Some of those not identified as having been trafficked have been detained and deported. The vast majority of trafficked women remain hidden. Few traffickers have been brought to justice and the victims of their crimes remain unable to obtain justice or reparation.

In the face of this modern form of slavery, protection for trafficked women is only on offer at a high price. It is conditional on their “cooperation”, in most cases their willingness to testify in court in criminal prosecutions against their traffickers. Some are repatriated after they have agreed to testify, with the result that few return to give evidence and their

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<sup>2</sup> Names of trafficked women have been changed, to protect their identity.

<sup>3</sup> Amnesty International is aware of reports of men and boys being trafficked into Greece. However, the majority of reports received by the organization in recent years about individuals trafficked into the country for sexual exploitation concern women and girls, and they are the focus of this report.

<sup>4</sup> Hereafter, trafficked women and girls will generally be referred to as trafficked women.

traffickers escape justice. An effective witness protection programme is not on offer, nor relocation to another country where they might escape reprisals.

*“Trafficking in human beings, with the entrapment of its victims, is the modern form of the old worldwide slave trade. It treats human beings as a commodity to be bought and sold, and to be put to forced labour, usually in the sex industry but also, for example, in the agricultural sector, declared or undeclared sweatshops, for a pittance or nothing at all. Most identified victims of trafficking are women but men also are sometimes victims of trafficking in human beings. Furthermore, many of the victims are young, sometimes children. All are desperate to make a meagre living, only to have their lives ruined by exploitation and rapacity.”*  
(Explanatory Report on the Council of Europe Convention on Action against Trafficking in Human Beings)

A higher priority must be given to respecting and protecting the rights of trafficked people. Only by urgently addressing the failures in the current systems to provide assistance and protection, and in bringing prosecutions and providing reparation, will the rights of victims be respected.

This report highlights the failure of the Greek authorities accurately and promptly to identify and protect the rights of individuals trafficked for forced prostitution, including during repatriation and integration processes. It points to the gaps in Greek law and procedures that need to be filled to bring them in line with international human rights standards on trafficking. Amnesty International is calling on the Greek government to encourage women and girls to report crimes of trafficking against them. It is urging the authorities not to make the respect and protection of their rights – including to dignity and physical integrity – dependent on their willingness to cooperate in law enforcement operations against those responsible for their trafficking. It is calling for assistance and protection laws and practices to be strengthened. Respect for, and protection of, the human rights of trafficked women must be central to the action of all authorities in their responses to trafficking.

## 1. A trafficking destination

Greece has been a destination and transit country for trafficking in human beings in Europe for over a decade. Reliable estimates about the extent of this clandestine practice continue to elude researchers. According to Caritas Hellas, the local branch of an international organization of the Catholic Church, up to 90,000 people were believed to have been trafficked into Greece in 2000 from central and eastern Europe. The trafficking has taken a variety of forms: trafficking for forced labour, mainly of children; trafficking for sexual exploitation, particularly of women; and the trafficking of babies for adoption.<sup>5</sup> From 1990 to 1997 the number of foreign women forced into prostitution in Greece multiplied 10-fold from

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<sup>5</sup> Since 2002 international non-governmental organizations (NGOs) have reported on trafficked Romani children from Albania, sometimes trafficked by family members to work as street sellers in Greece. In 2006 reports appeared in the media concerning baby trafficking from Bulgaria.

2,100 to 21,750, and fell to 17,200 by 2002, according to estimates by local NGOs, the Centre for Research and Action for Peace (KEDE) and the Stop Trafficking in People Now (StopNOW) campaign.<sup>6</sup> Despite the large numbers of people involved, the authorities only started to take action fairly recently, significant milestones being the adoption of a legislative framework for the protection of trafficked people in 2002, 2003 and 2005.

Greece is not alone in experiencing the impact of trafficking, which has been a global phenomenon for many years.<sup>7</sup> One of the biggest challenges in combating trafficking is lack of knowledge about its true extent, and resulting difficulties in assessing the effectiveness of methods to tackle it. Because of the clandestine nature of the crime and the large numbers of people vulnerable to exploitation, traffickers can easily modify trafficking routes, methods of exploitation and the structure of criminal organizations profiting from trafficking so as to thwart detection and prosecution. Increasingly it is being recognized that the cooperation of authorities across borders, as well as between authorities and civil society organizations, is a necessity in efforts to combat trafficking.

A significant international legal instrument to combat the phenomenon was adopted only in 2000: the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the UN Convention against Transnational Organized Crime (the “Palermo Protocol”). The Protocol entered into force in 2003. The Council of Europe Convention on Action against Trafficking in Human Beings was adopted in 2005 but has yet to achieve the 10 ratifications required for it to enter into force. As of 17 May 2007, seven Council of Europe member states had ratified the Convention and a further 29 had signed it. Greece has signed both these international treaties but has yet to ratify either.

International pressure has been significant in encouraging the Greek authorities to take steps to combat trafficking. In particular, the country’s low ranking in the tier system of the US Department of State’s Office to Monitor and Combat Trafficking in Persons was an important factor. Greece ranked in the lowest Tier 3 from 2001-2003, was then on the Watch List of Tier 2 in 2004 and 2005, and placed in Tier 2 in 2006.<sup>8</sup> Trafficking was also one of the issues of concern raised by the UN Human Rights Committee when it examined Greece’s implementation of its obligations under the International Covenant on Civil and Political Rights in 2005.<sup>9</sup> The Committee for the Elimination of Discrimination against Women (CEDAW), which examined Greece’s implementation of its obligations under the UN Convention against All Forms of Discrimination against Women in 2007, raised concerns

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<sup>6</sup> Lazos, G., *Διεθνική σωματεμπορία και εξαναγκαστική πορνεία στην Ελλάδα του 2002 (Trafficking and forced prostitution in Greece in 2002)*, KEDE-StopNOW, 2002, p. 10. It should be noted that this estimate only serves as an indicative figure, since not all women forced into prostitution have been trafficked.

<sup>7</sup> The first international NGO combating trafficking in human beings (Coalition Against Trafficking in Women, CATW) was set up in 1988.

<sup>8</sup> US Department of State, *Trafficking in Persons Report* 2001: 86; 2002: 54; 2003: 71; 2004: 145; 2005: 113; 2006: 127.

<sup>9</sup> See Concluding observations of the Human Rights Committee: Greece, 25 April 2005, CCPR/CO/83/GRC.

“about the persistence of trafficking in women and girls and about the insufficient enforcement of legislation on trafficking”.<sup>10</sup> The CEDAW had also raised concerns about the issue during the examination of Greece’s previous report in 2001.<sup>11</sup> Increasing emphasis on the issue by the European Union (EU), which has urged all its members to ratify the Council of Europe Convention on Action against Trafficking in Human Beings<sup>12</sup>, as well as the Council of Europe itself, was another source of pressure.

Largely as a result of international pressure, a number of positive steps have been taken in recent years. An inter-ministerial Taskforce for Combating Trafficking was created. Cooperation between the authorities and NGOs has increased in the last three years. In 2006 Greece signed an agreement with Albania on “protection and assistance to child victims of trafficking”. A national public awareness campaign was also launched.

Despite these measures, Amnesty International is concerned at continuing reports of human rights violations resulting from shortcomings in law and practice. These include a failure to respect and protect the rights of trafficked women, and the penalties imposed on them for unlawful acts that result from their being trafficked, for example, immigration offences or unlicensed prostitution.

## **2. The system to identify trafficked women**

Trafficked women may come to the attention of the Greek authorities in a number of ways. The most common scenario described to Amnesty International representatives was of a woman being arrested by the police on suspicion of an offence: unlicensed prostitution or illegal entry into Greece for example. A small number of women make contact with one of the NGOs working in the field of trafficking. An even smaller number seek assistance through one of two telephone hotlines (one state-run and one NGO-run) for women who have been trafficked.

The current procedure places the onus on frontline police officers to inform immediately the Anti-Trafficking Unit (ATU), a special police unit established in September 2002, if they have any reason to believe that a woman may have been trafficked. According to ATU officials, typically they are called in following a police raid on a club or bar where prostitution is thought to be taking place and where local police have suspicions that women may have been trafficked.

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<sup>10</sup> See Concluding comments of the Committee on the Elimination of Discrimination against Women: Greece, 2 February 2007, CEDAW/C/GRC/CO/6.

<sup>11</sup> See “Greece Describes Wide Range of Legislation Promoting Gender Equality as Anti-Discrimination Committee Continues Exceptional Session”, 19 August 2002, Press Release WOM/1361.

<sup>12</sup> See paragraph 99 of the *European Parliament resolution on the Annual Report on Human Rights in the World 2005 and the EU's policy on the matter*, available at <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P6-TA-2006-0220+0+DOC+XML+V0//EN&language=EN>

Women thought to have been trafficked are transferred to the ATU. They are given a form, available in a number of languages, which explains that they should inform the investigating officer if they fit certain criteria, for example, having been brought to Greece by deception or coercion, if their travel documents have been withheld from them, or if they have been forced into prostitution. According to the form, the investigating officer will “examine your case with sensitivity and respect and will offer you the help and assistance to which you are entitled by law”.<sup>13</sup> The types of help and assistance available are also listed on the form. These include free accommodation, medical care, psychological support, legal aid and access to an interpreter; educational provisions for minors and women up to the age of 23; possible suspension of deportation for women “illegally in the country”; and the possibility of repatriation for women who desire it. The investigating officer and recipient of the form must sign it to confirm that it has been received, and it is subsequently sent to the public prosecutor. The version of the form seen by Amnesty International in January 2007 made no reference to the recovery and reflection period (reflection period) that the prosecutor may grant an individual in which to consider whether to cooperate with the authorities (see below). An ATU official said that there were plans for the form to be amended to include this information.

After the form has been signed, officers from the ATU interview the woman to try to establish if she has been trafficked. ATU officers acknowledged that in many cases women are traumatized or disoriented when they are brought to them. Some may not speak Greek, in which case translators are called in. The women have access to psychological counselling, which may be provided by specific NGOs that have agreed memorandums of cooperation with the ATU. In most cases one of these NGOs is contacted by the ATU and informed about the case. The NGO agrees to provide protection and assistance. The NGO representative or psychological counsellor may talk to the woman before the interview with the ATU officer, and the translator may be present during it. Following this initial interview with the ATU, if there is reason to believe that the woman may have been trafficked, she is informed of the possibility of being granted a short-term residence permit as long as she cooperates with the authorities. NGO representatives may also provide this information to the woman.

The NGO representatives also liaise with the authorities over the granting of a reflection period. A woman will be offered the reflection period on the order of a prosecutor. It allows a woman to stay in the country for up to one month so she can begin to recover from her psychological and physical injuries, and can escape the influence of her traffickers. The reflection period also assists her in coming to an informed decision in a calm state of mind about cooperating with the authorities in any criminal proceedings against her suspected traffickers. During the reflection period, the woman is in the care of social workers and psychologists who may be state employees or may be working with NGOs on a professional basis or free of charge, and is accommodated in a shelter.

At the end of the reflection period, which may be shorter than a month if the woman so wishes, she visits the ATU “freely” and provides a statement on how she was trafficked. In practice a statement is required so that the prosecutor can identify her as a “victim of trafficking”. Only if she is so identified can she continue to receive assistance and protection.

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<sup>13</sup> Useful Information Sheet (For the cases of Law 3064/2002 and Presidential Decree 233/2003).



The extent to which the statement is made “freely” is therefore questionable. She is only identified as a “victim of trafficking” if she agrees to cooperate in criminal proceedings against her suspected trafficker, and if it has been established that she has severed all relations with her trafficker. If so identified, she is entitled to a residence and a work permit, and to assistance and protection, during the period of police investigation into the case and all related judicial proceedings. After that period, her residence and work permit may be authorized but on different grounds stipulated in other sections of the Immigrant Legalization Law (Law 3386 of 2005).

Separate provisions in law for trafficked minors (children under the age of 18) require them to be “placed in educational and vocational training”<sup>14</sup>; in cases of repatriation for “the competent Prosecutor for Minors to agree with the report of the Officer of Minor [sic] which is prepared for this purpose”<sup>15</sup>; in the case of non-EU unaccompanied children, “the competent prosecution office and police take the necessary steps in order to establish their identity and nationality and the fact that they are unaccompanied. They also make the every effort [sic] to locate their family as quickly as possible and take the necessary steps immediately to ensure their legal representation including representation in criminal proceedings”<sup>16</sup>, and the reflection period may be extended beyond one month “upon decision of the competent prosecuting authority and taking into account the interests of the minor”<sup>17</sup>.

Being identified as a possible victim of trafficking is therefore the critical first step in accessing assistance and protection. Failure to identify women and girls as trafficked puts them at risk. They face the threat of being prosecuted for unlicensed prostitution, a criminal offence in Greece, or of being detained for illegal entry, or of being deported to places where they face the risk of re-trafficking or other human rights abuses.

The Presidential Decree of 2003 provides for assistance and protection for all trafficked women. However, the subsequent law which came into force in 2005 provides for continued assistance and protection after the reflection period for non-EU nationals granted a residence permit on the basis of cooperation with the authorities in criminal proceedings. As a result, the legal basis on which assistance and protection are granted to EU nationals and trafficked women in whose cases the authorities are not actively pursuing a suspected trafficker remains unclear. Amnesty International’s research indicates that in practice such women are treated in the same way as non-EU nationals.

Under the current system, therefore, the access of a trafficked woman to continued assistance and protection is dependent on giving evidence in criminal proceedings against suspected traffickers. Thus, a system of “cooperation in exchange for protection” is effectively established. Amnesty International considers that this system not only fails to provide assistance and protection to all trafficked women but is also not compliant with the Council of Europe Convention on Action against Trafficking in Human Beings.

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<sup>14</sup> Presidential Decree 233/2003 Article 12.1

<sup>15</sup> Presidential Decree 233/2003 Article 13

<sup>16</sup> Law 3386/2005 Article 47.2

<sup>17</sup> Law 3386/2005 Article 48.2

### 3. Barriers to identification

Amnesty International is concerned that many women remain unidentified as potentially having been trafficked. Obstacles to their identification, and therefore their protection, include the deportation of unknown numbers of women without investigation into whether they have been trafficked, the lack of police trained to identify trafficked women especially outside the major cities, inadequate hotline services, and the failure to issue guidelines to police officers on the ground. Trafficked women also lack confidence in the effectiveness of the criminal justice system to prosecute traffickers and in the protection they will receive against reprisals by the traffickers.

Official statistics show the numbers of women and children identified by the authorities to be “victims of trafficking” at around 100 to 200 every year. In 2004, of 181 individuals trafficked for labour and sexual exploitation who came to the attention of the authorities, 160 were women and 14 were minors. In 2005, a total of 137 trafficked individuals were identified, 104 of whom were women and four minors. Also in 2005, 202 persons were arrested for the crimes of trafficking in human beings and for the purposes of sexual exploitation. In the first half of 2006, 48 trafficked individuals came to the attention of the authorities and 95 suspected perpetrators were arrested. In previous years, the number of trafficked people, all women, had fluctuated between 100 and 200.<sup>18</sup>

These figures reflect the numbers of trafficked women identified as “victims of trafficking by the authorities”. They are considerably lower than the thousands local NGOs estimate are being trafficked into Greece every year. The following loopholes in the system of identifying trafficked women should be urgently addressed to improve access to protection and assistance for all women trafficked in Greece. A well-trained police force throughout the country and well-prepared prosecutions would contribute to efforts to combat trafficking both by identifying its victims and bringing to justice its perpetrators.

#### Deportation without assessment

In many cases, trafficked women have little awareness of the concept of trafficking. They may therefore not initially describe themselves as trafficked. The director of one NGO-run shelter explained that women had come to their shelter because they had been subjected to violence and only later realized that they had been trafficked. During workshops on trafficking with psychologists or social workers, women would exclaim, “This happened to me too!” Trafficked women often believe that they are the only ones in their situation and blame themselves for not seeing through the deception before falling prey to it.

This lack of awareness coupled with self-blame means that trafficked women are also unaware of their rights to assistance and protection from the authorities. When arrested by the police, they fail to say that they have been trafficked and are often deported back to their

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<sup>18</sup> For 2000 the number of trafficked persons was 125; for 2001 it was 165; for 2002 it was 184; and for 2003 it was 93. These figures relate to “trafficking in human beings”, which includes trafficking for both forced labour and forced prostitution. However, all the trafficked people recorded were women, suggesting that the figures refer primarily to trafficking for forced prostitution.

countries of origin without a detailed assessment of the risks they face upon return being made. Amnesty International is concerned that the failure to identify trafficked women and carry out a risk assessment about their situation not only undermines efforts to combat trafficking but also places women at risk of further human rights abuses including re-trafficking. Amnesty International was unable to obtain information about the number of women deported after having been charged and convicted for unlicensed prostitution or illegal entry into the country.

Another reason for the failure to identify accurately many trafficked women may be the emphasis of police anti-trafficking activities on the two largest cities, Athens and Thessaloniki. Even though 14 ATUs in total exist throughout the country, the units in these two cities are the most well-established, and deal with the most cases. Although no official figures on the identification of trafficked women outside these cities is available to Amnesty International, researchers working on the demand side of trafficking have reported that forced prostitution is a frequent phenomenon outside the major cities in Greece.<sup>19</sup> In one case in Rhodes, a woman suspected of having been trafficked was allegedly raped by police officers after being detained on charges of illegal entry into Greece under threat of deportation.

*On 6 April 2006 reports appeared in the media concerning the alleged rape of a 29-year-old Bulgarian national after she had been detained at a police station in Rhodes. She was initially charged with illegal entry and detained pending deportation, even though there were suspicions that she had been trafficked. The woman alleged that one officer took her to his house and raped her and another officer raped her when she was returned to the police station. By the end of 2006 the two officers had been charged with rape. The guard on duty at the police station at the time and the station commander were charged with neglect of duty. Two men who had arranged her transfer from Crete to Rhodes were subsequently charged with trafficking and pimping.<sup>20</sup>*

### **Inadequate hotline services**

Two telephone hotlines are offered to women who have been trafficked. The one operated by an NGO offers a wide range of languages but is run on a voluntary basis and therefore limited to only certain hours of the day. Set up as a service for trafficked women, it also receives reports of domestic violence incidents. The government-run hotline operates on a 24-hour basis, offers a more limited range of languages and is aimed not just at trafficked women but at others in need of immediate social assistance.

As a result of these limitations, the calls received by both these hotlines that relate directly to trafficking and in which intervention may result in the identification of trafficked women

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<sup>19</sup> The results of the latest research have not been published yet, but information regarding previous phases of one such project, run by the Network of Christian Organizations Against Trafficking in Women, can be found at <http://www.coatnet.org/en>.

<sup>20</sup> <http://www.in.gr/news/article.asp?lngEntityID=697148>

are extremely few. Thus, increased resources are needed to ensure that these hotlines provide a more effective service to trafficked women.

### **Failure to issue police guidelines**

The current system requires ordinary police officers to be alert to the possibility that women they encounter in the course of their work have been trafficked and are not, for example, unlicensed prostitutes or irregular migrants. Yet no guidelines seem to exist that provide the objective criteria officers should apply when making that initial assessment. Amnesty International has sought clarification from the authorities on whether such guidelines exist, but has yet to receive a response.

This lack of objective criteria also affects the ATU itself, and may result in a trafficked woman not being correctly identified. Even in the urban centres of Athens and Thessaloniki, such identification appears often to be based on subjective criteria: “Victims do not always reveal that they are victims of trafficking”, one police officer in the ATU in Athens told Amnesty International. “But when you see a woman sitting apart from the others, who does not talk and looks scared, you are suspicious... Normally, prostitutes have a bold, defiant attitude – they are loud, they swear a lot.”

There is a need for training not only for police officers in making such assessments, but also to combat negative stereotypes and perceptions. In this regard Amnesty International recalls the recommendation of the CEDAW for Greece to “take measures to bring about changes in traditional patriarchal attitudes and in gender-role stereotypes”<sup>21</sup>.

### **Fear of reprisals**

Many trafficked women remain in fear of threats, psychological or physical abuse from their traffickers. This fear often causes them not to present themselves as trafficked and subsequently they do not receive the protection of the state.

Both the authorities and NGOs told Amnesty International that the phenomenon of “happy trafficking” is on the rise in Greece. New patterns of coercion make it more difficult for a woman trafficked for sexual exploitation to be identified as such. Trafficked women may be less frequently beaten or tortured. Exploitation of sex labour may be less extreme: women may be allowed to keep their passports, or may not be locked up or confined. Permitted to keep part of her earnings, a woman can thus appear to be an unlicensed prostitute rather than a trafficked woman, and her trafficker merely a pimp.

Yet the women still face threats of reprisals against their families if they do not comply with traffickers’ demands. Beliefs in traditional religious powers to inflict harm have enabled traffickers to intimidate women from some African countries. Traffickers warn that the police will arrest and deport women who report trafficking or any other abuse. Women living in fear

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<sup>21</sup> Committee on the Elimination of Discrimination Against Women, 37<sup>th</sup> Session, C/GRC/CO/6: Concluding Comments of the Committee on the Elimination of Discrimination Against Women: Greece, 15<sup>th</sup> January-2<sup>nd</sup> February 2007.

are reluctant to come forward to police or NGOs and, if they do, may not reveal their full story. The severity of the threats ensures that they remain under the control of their traffickers.

The police and NGOs recognize that new patterns of coercion make it more difficult to identify trafficked women. As one NGO representative said, “Traffickers are always one step ahead.” An ATU officer recalled a case in which a woman who had managed to escape her trafficker took a taxi straight to the police station and, when the door got stuck, was convinced that the driver was in the plot as well. This showed women’s fear of the extent of influence of the traffickers themselves.

Women’s lack of confidence in effective prosecutions is compounded by their fear of reprisals and results in their reluctance to come forward.

*“There are many waiting to see what happens to us. A lot of girls are suffering. They are scared... I believe after this [trial, if there is a conviction,] many will speak to the police, but if this case does not go very well, they will not go to the police.”*

Emily, a trafficked woman awaiting the outcome of the trial of her traffickers, stressed to Amnesty International that women like herself need to have confidence that the police can protect them from the traffickers before they are willing to go through the lengthy process of cooperating with the authorities.<sup>22</sup>

## **4. Obstacles to protection and assistance**

Even in cases in which trafficked women navigate the pitfalls and are identified as trafficked, they face a number of obstacles in exercising their right to protection and assistance. These obstacles stem mainly from the emphasis the Greek authorities place on bringing perpetrators of trafficking to justice rather than on the rights of trafficked women.

### **Cooperation in exchange for protection**

Under the current system, a non-EU national who has been characterized by a prosecutor as a “victim of trafficking”, following the reflection period, can only exercise her rights to protection and assistance if she “cooperates” with the authorities. This in effect creates a link between the protection and prosecution aspects of efforts to combat trafficking. Such a link undermines the rights of women to protection and assistance irrespective of whether they cooperate or not.

Protection for a non-EU national is guaranteed under the Immigrant Legalization Law (Law 3386 of 2005), which states that anyone suspected to have been trafficked “can be granted a residence permit of limited duration, if he [sic] cooperates in order to fight trafficking in human beings” (Article 47.1). Amnesty International is concerned that following the initial reflection period, assistance and protection are only available to non-EU women trafficked in Greece who are granted a residence permit on the basis of cooperating

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<sup>22</sup> Interview, Athens, January 2007.

with the authorities. For non-EU nationals, who comprise the vast majority of trafficked people, not cooperating with the authorities prevents them from being granted a residence permit and they face deportation.

The rights to protection and assistance are only respected in regards to those people who agree to cooperate in proceedings by the end of the reflection period and only for such time as they continue to cooperate. The Greek authorities fail to assist and protect those who do not cooperate by the end of the reflection period or stop cooperating at a later stage due to valid reasons, such as fear of reprisals from their traffickers, or those people in whose cases the authorities are not actively pursuing suspected traffickers.

### **The threat of deportation**

In cases where trafficked woman, who have been identified as such, express the wish to return to their countries, their details are passed on to the International Organization for Migration (IOM), who are mandated to repatriate them.

By contrast, a woman who was initially identified as possibly having been trafficked but who has not expressed her agreement to cooperate with the authorities may be deported to the country she has come from. Amnesty International is concerned that the failure by the Greek authorities to carry out a risk assessment about individual women prior to their deportation not only undermines efforts to combat trafficking but also places women at risk of further human rights abuses including re-trafficking.

“This is tantamount to blackmailing the victim”, said one lawyer to Amnesty International in January 2007. The women feel trapped between the traffickers’ threats against them and their families, and the pressure to cooperate with the authorities in order to receive a residence permit and long-term protection and assistance. Trafficked women who have testified against traffickers in court and subsequently received threats live in fear of reprisals on the one hand and of having protection withheld if they decide to withdraw their statements on the other.

As the same lawyer noted, in cases involving other serious crimes such as murder and rape, the authorities take the initiative in investigations and legal proceedings. In trafficking cases, the presence of evidence in the form of the trafficked woman’s testimony is a prerequisite for initiating an investigation. If the investigation results in the arrest of suspected traffickers, she is also expected to continue cooperating with the authorities by testifying in court. This expectation puts pressure on her to choose between continuing to receive assistance in Greece, opt for voluntary repatriation, or bow to the threats of her traffickers and change or withdraw her original testimony.

### **Inadequate witness protection**

Women have reported being threatened by their traffickers after they have sought assistance from the authorities, suggesting inadequacies in the protection system. Lawyers and others working with trafficked women told Amnesty International that effective protection for the women cannot be guaranteed by the authorities, and that a witness protection scheme for them was needed.

Police protection consists primarily of escorting trafficked women to the shelter where they are to be accommodated at the start of the reflection period, and between the shelter and the court during the trial. Yet, even during these periods when the police are supposedly protecting trafficked women, they do not always take action to prevent or respond to threats. Amnesty International representatives have witnessed police officers taking no action in the face of verbal abuse and threatening gestures directed at trafficked women about to testify in court by lawyers acting on behalf of suspected traffickers. The verbal abuse included calling them “whores”.

Shelters are expected to ensure that the location of their premises remains secret, and to establish their own rules on how often, with whom, and following what procedures the women are allowed to go out on their own. Yet shelter addresses have become publicly known. Some shelter residents have failed to observe security procedures. Traffickers have approached women while they are living at shelters, or their friends, and made threats.

An ATU official told Amnesty International that a witness protection system existed within the Unit for Combating Organized Crime, but that none of the trafficked women who were willing to testify wanted to enter the system because it involved changing their identities. However, lawyers, NGO personnel and trafficked women interviewed by Amnesty International said that women had not been offered witness protection and were unaware of the existence of this scheme.

Trafficked women who have provided information to the authorities and request voluntary repatriation are allowed to return to their country of origin in accordance with IOM’s mandate once they have given a statement to the police. In these cases, however, a trial takes place only if another trafficked woman has agreed to testify against the suspected traffickers in court or if the repatriated woman agrees to return to Greece to give evidence. Women frequently do not return to give evidence because they will be offered inadequate protection while they are in Greece.

The development of alternative methods of investigation could decrease reliance on the woman’s testimony. Witnesses, including those who return to Greece following repatriation to give evidence against traffickers, should be entitled to witness protection. Their physical security in court should be ensured, and ways for them to give evidence that decrease the psychological stress they experience should be developed; for example, through the use of audio-visual equipment which would allow trafficked women to testify from a different location, either within Greece or from abroad.

### **Too brief a reflection period**

The reflection period in which trafficked women can consider whether to cooperate with the authorities was set at a minimum duration of 30 days in the Council of Europe Convention on Action against Trafficking in Human Beings. The Explanatory Report to the Convention emphasized that the reflection period must benefit the woman herself and later the court in ensuring she is capable of giving testimony that is as clearly and calmly considered as possible. The Council of Europe acknowledges that many countries have set their minimum reflection period at a higher level than 30 days and that the European Commission’s Expert

Group on trafficking in human beings has recommended the minimum period be increased to at least three months.

Amnesty International considers that such an extension would provide better guarantees of ensuring that a trafficked woman's decision to cooperate has been taken freely and is "informed". It would also allow more time for psychological support.

Officials at the ATU told Amnesty International that in the last two years most women had either not required a reflection period or had agreed to cooperate before the end of the 30-day period – nobody, they emphasized, who had been granted a reflection period chose not to cooperate. Although this may indicate their willingness to cooperate, it may also suggest that women are making decisions to cooperate under pressure.

Social workers in Greece told Amnesty International that trafficked women needed a longer reflection period. For many women, the experience of violence or coercion accompanies them long after they have escaped it. As one shelter worker put it, many seek to dissociate themselves from the situation they have been in, in any way possible. "The first thing they do is laundry – loads of it, over and over. If there was a way to burn everything, they probably would." In many cases, this experience remains a point of reference throughout the period in which they receive protection and assistance, and in which they are also expected to act as witnesses against their traffickers.

The authorities rely on shelter personnel to ensure that trafficked women remain willing to cooperate for the duration of their stay there. The NGOs working with women trafficked for sexual exploitation are few and mainly under-resourced and run on a voluntary basis. Furthermore, the reliance on shelter personnel to ensure that trafficked women remain willing to cooperate could create a conflict of interest that may compromise a woman's right to decide freely on whether or not to cooperate with authorities.

### **Lengthy trial proceedings and limited access to reparation**

By 2007 only one case of trafficking, in which the traffickers were convicted to several years' imprisonment, had reached the appeal stage. Protracted delays in completing judicial proceedings prolong the period in which trafficked women who have agreed to testify have to live in fear of reprisals. The Greek judicial system, overburdened and suffering from a chronic lack of personnel and poor material conditions, can take several years or more to bring a case to trial and even longer to reach an irreversible court decision, as Amnesty International has previously documented.<sup>23</sup>

In one trafficking trial that Amnesty International delegates observed in 2006 and 2007, a constant concern of the prosecution, and of personnel at the shelter in which the trafficked women had initially been accommodated, was whether the women would withdraw their testimonies or not. The social worker in charge of the case and one of the women told Amnesty International that the traffickers had initially threatened the women and their

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<sup>23</sup> See Amnesty International, *Greece: In the shadow of impunity – Ill-treatment and the misuse of firearms* (AI Index: EUR 25/022/2002).



partners in Greece and then their families in their country of origin, and had finally resorted to offering bribes to persuade the women to withdraw their testimonies. In this case, the woman's main concern, almost two years after first giving testimony in court, was for the trial to conclude. She was in a constant state of stress and not able to make a new start in her life. "Every time I go [to court] they don't judge it [reach a verdict] and my mind is going out of its senses."

*Josephine was brought to Greece after being promised a secure job and a life in Europe. Her "safe passage" to Greece was arranged by people she trusted. She later found out they were associates of her traffickers. They obtained false documents that she was expected to pay for with her earnings. In Greece, she was forced to dance in a striptease club and have sex with customers to pay off the debt that she then found out was for thousands of Euros. To get her to comply with their demands, her traffickers burned her face with cigarettes and drenched her in scalding and freezing water. Her decision to cooperate with the authorities has resulted in her having to face her traffickers in court at each stage of the trial, and wait for her turn to testify.*

The requirement to cooperate with the authorities effectively places trafficked women under psychological strain for the duration of the judicial proceedings and prolongs their vulnerability to succumb to traffickers' threats.

Only after the trafficker has been convicted in the criminal trial may a trafficked woman seek reparation, including compensation and rehabilitation, through bringing a civil suit. However, she is not eligible for legal aid to enable her to initiate civil proceedings, which seriously undermines her right to reparation.

### **Inconsistent health care and assistance with integration**

Under Greek law, trafficked women may receive free medical, pharmaceutical and hospital care throughout the period they are entitled to protection and assistance. This level of health care provision exceeds the requirement for minimum emergency care required in the Council of Europe Convention on Action against Trafficking in Human Beings. However, many women have difficulty accessing health care in state hospitals because of the lack of awareness among hospital staff of trafficking and legislation on trafficking. As one NGO worker told Amnesty International:

*"Only when we accompany the victims to the hospital and explain to the personnel there what the situation is, what the [2003 Presidential] Decree stipulates, as well as the fact that our organization, although not on the list of organizations mentioned in the Decree [see chapter 5], has a memorandum of cooperation with the authorities in assisting victims of trafficking, do they agree to look at the case. In effect, we need to carry a big file with the relevant paperwork to the hospital each time."*

Long-term health problems reportedly contribute to the inability of trafficked women to find jobs in some cases. Most are linked to abuse the women were subjected to at the hands of their traffickers.

Improving the protection of trafficked women should include an emphasis on their integration, according to the Council of Europe Convention on Action against Trafficking in Human Beings (Article 12). Although there are a number of positive measures in law to ensure integration, the extent to which they are implemented varies and may depend on the capacity of the shelter. In government-run shelters, women are confined to the premises and their activities carefully monitored. In some shelters run by NGOs, however, women may over time be allowed more control over their lives, for example by doing their own food shopping.

Activities to assist the integration process, such as learning the Greek language, may be organized by the shelter in coordination with the course providers. Recreational activities, however, such as drawing or dancing, are largely arranged by NGO-run shelters and volunteers. This variability affects the way in which social integration is experienced and can have an impact on the trafficked woman's decisions about her life after leaving the shelter, including whether to be repatriated.

Minors can attend public schools that have reception classes, tutorials or intercultural education programmes. However, there is no other provision where such facilities do not already exist, except for children aged between 15 and 18 who can enrol in special vocational training programmes. Up to the age of 23, trafficked women can enrol in technical and professional education programmes provided they possess the necessary qualifications.

## **5. Trafficking in human beings in domestic law**

Trafficking is criminalized in Law 3064 of 2002 "to combat trafficking in human beings, crimes against sexual freedom, child pornography and generally the economic exploitation of sexual freedom, and assistance to the victims of these acts". Article 8 of this law amends Article 351 of the Greek Penal Code, bringing the definition of trafficking into line with the definition used in the Council of Europe Convention on Action against Trafficking in Human Beings (see Introduction).

The Penal Code, as amended in 2002, stipulated for the first time that the life, physical integrity and personal and sexual freedom of trafficked people should be protected. It provided for prison sentences of up to 10 years' imprisonment for trafficking, a felony, and for higher sentences in certain circumstances, for example where a child has been trafficked. The amendment specified that trafficked people should receive necessary assistance in obtaining housing, sustenance, health care, psychological support, legal representation, interpretation and, for minors, vocational and educational training. It also provided for deportations of individuals "illegally in the country" to be suspended until a final verdict has been reached in criminal proceedings against their suspected traffickers.

Trade in humans

1. Whoever by use of force, threat, or other coercive means, or by imposition or abuse of authority hires, transports, promotes inside or outside the dominion, abets, delivers with or without exchange to another, or receives from another, a person with the purpose of sexually exploiting the person or for someone else to do is punished with imprisonment of up to ten years and money penalty of 10,000 to 50,000 euros.
  2. The offender is punished with the sentence of the above paragraph if, to achieve the same purpose, he cajoles the consent of a person, with the use of deceptive means or misleads the person by taking advantage of the person's susceptibility, making promises, offering gifts, payments or other benefits.
  3. Whoever knowingly performs lewd acts with a person who performs under the conditions described in paragraph 1 and 2 is punished with imprisonment of at least six months.
  4. The culprit according to the previous paragraphs is punished with imprisonment of at least 10 years, and a money penalty of up to 100,000 euros, if the act:
    - (a) is against a minor, or a person mentally or physically incapacitated.
    - (b) was committed by a person of item c of paragraph 2 of article 349<sup>24</sup>
    - (c) is connected with the victim's illegal entry, residence or exit from the country, or
    - (d) is committed by profession
    - (e) is committed by a servant during duty or by taking advantage of position or is involved in any other way
    - (f) Had as a result the serious physical injury of the victim.
  5. If an act according to paragraphs 1 and 2 resulted in the death of the victim, life imprisonment is imposed.
  6. Sexual exploitation as in the previous paragraphs comprises the attempt of any lewd act for speculation, or the use of the body, the voice, or the picture of a person for the real or artificial attempt of such an act, or the provision of labour or services, for speculation which aims at sexual arousal.
- (Greek Penal Code, Article 351)

However, Article 349 of the Penal Code (amended by Article 7 of Law 3064 of 2002) on "pimping" is in practice often used to prosecute individuals in cases that might in fact have involved trafficking. The effect has been that the perpetrators of trafficking are escaping justice by receiving the lighter penalties imposed for pimping, a misdemeanour not a felony.

The parameters of protection and assistance for trafficked people were defined explicitly in Presidential Decree 233 of 2003. Victims of trafficking in human beings, trafficking for the purposes of sexual exploitation and "pimping" are all covered by the Decree. They are entitled to receive police protection, accommodation, education for people up to the age of 23, health care, legal advice and the assistance of interpreters. Assistance is provided if a prosecution has been brought against the suspected traffickers, or if the trafficked individual has sought the services listed in an Annexe to the Decree. By 2006 and 2007 the list of

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<sup>24</sup> Parents, step parents, relatives and in-laws, spouses, guardians, custodians or others who teach, have custody, take care, guard or supervise under-age persons.

services and service providers was largely outdated, and did not include the many NGOs which in practice provide services to trafficked women. As a result, such NGOs are sometimes unable to authorize and access additional services for trafficked women such as health care. Assistance is provided for as long as the trafficked women are assessed to be at risk by the authorized service providers. State and local authorities are encouraged to establish cooperation agreements with non-profit NGOs to provide protection and assistance “according to the provisions in force.”

However, the general protection measures outlined in the Decree were restricted for non-EU nationals in Law 3386 of 2005. This law, entitled, “Entry, stay and social integration of third country nationals in Greece”, otherwise known as the Immigrant Legalization Law, included specific provisions for non-EU trafficked women “characterized” as “victims of trafficking” to obtain residence and work permits if they cooperated with criminal proceedings.

Special provisions apply to minors, where efforts are made to establish their identity and substantiate the fact that they are unaccompanied, to locate their families, and ensure legal representation.

## Recommendations

Amnesty International is calling on the Greek authorities to:

### Identify women who may have been trafficked

- provide all police officers with objective criteria for identifying trafficked women and training therein;
- take “measures to bring about changes in traditional patriarchal attitudes and in gender-role stereotypes”, as recommended by CEDAW;
- facilitate reporting by victims of the crime of trafficking for forced prostitution by increasing resources to ensure that the hotlines are fully multilingual and operate on a 24-hour basis.

### Strengthen protections in law

- amend existing legislation to ensure that protection and assistance for trafficked women is not conditional on them acting as a witness in criminal proceedings against their suspected traffickers;
- extend the existing recovery and reflection period so as to enable a person to have sufficient time to receive assistance and recover from their ordeal as well as to make an informed decision;
- ratify and fully implement the Council of Europe Convention on Action against Trafficking in Human Beings.

## **Uphold the right to protection and assistance**

- decrease reliance on the testimony of the trafficked person as a prerequisite for prosecution;
- ensure, without prejudice to the rights of the accused, the rights of the trafficked person including through making provisions for women to testify via audio-visual equipment;
- improve trafficked women's access to witness protection programmes by:
  - informing them of the existence of such programmes;
  - extending such programmes to include relocation to other countries;
- take concrete steps to eliminate undue delays in criminal trials against alleged perpetrators;
- ensure protection for trafficked women before, during and after the trial against suspected traffickers.

## **Ensure reparation and rehabilitation**

- provide legal aid to trafficked women in relation to proceedings aimed at obtaining reparation, including compensation;
- fully implement Presidential Decree 233 of 2003, which requires the authorities to protect and assist all "victims of trafficking", by:
  - updating regularly the list of institutions and non-governmental organizations (NGOs) entitled to provide protection and assistance to trafficked women so that they are authorized to commission services such as health care;
  - informing the relevant institutions, such as health service providers, of the requirements of the Decree.