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**They are sold like a doll. Trafficking in women in  
Greece for the purpose of sexual exploitation**

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To Dangoule-Lilja 4 – ever

## **TABLE OF CONTENTS**

### **A) Introduction**

Approaches to trafficking	p. 5
Setting the framework of the present study	p. 7

#### **1.Review of universal legal standards**

1.1 The new international definition of trafficking. Prevention, prosecution, protection	p. 8
1.2 Setting the human rights of trafficked persons at the centre of all anti-trafficking efforts : the OHCHR <i>Recommended Principles and Guidelines</i>	p. 10
1.3 Enforced prostitution/trafficking as a crime against humanity	p. 12
1.4 Trafficking as a form of organized crime	p.13
1.5 Violations of women's rights. CEDAW	p. 15
1.6 Trafficking-related violations of human rights. ICCPR	p. 15

#### **2.Review of regional (european) legal standards**

2.1 Drafting a European Convention on action against trafficking	p. 16
2.2 Prohibition of trafficking set as a fundamental right. The EU Charter of Fundamental Rights	p.17
2.3 Action against severe forms of trafficking : the Council Framework Decision on combating trafficking in human beings	p. 18
2.4 Protection of victims of trafficking : Proposal for a Council Directive for granting short-term residence permit	p. 20

#### **3.Trafficking and prostitution. "Free" and "forced" prostitution**

p. 23

### **B) Country- specific : Greece**

#### **1. Introduction**

1.1 Obligation of Greece to protect human rights. Trafficking identified as a serious problem in the country	p. 25
1.2 Prostitution in Greece	p. 27
1.3 Trafficking in Greece for the purpose of sexual exploitation. An overview of the magnitude of the phenomenon	p. 29
1.3. a 1980-1990	p. 29
1.3. b 1990-2000	p. 30
1.3. c Trafficking networks	p. 31

## **2. Factors facilitating trafficking**

2.1 Lack of comprehensive anti-trafficking legislative framework	p. 33
2.2 The role of police authorities. Complicity and corruption	p. 33
2.3 Other public-sector corruption	p. 35
2.4 Confusion of trafficking with smuggling	p.35
2.5 The demand side : the client	p. 37

## **3. Violation of human rights**

3.1 Women, victims of trafficking	p.39
3.2 Rate of compliance of Greece with human rights standards in relation to trafficking	p. 40

## **4. Response by the state**

4.1 Drafting anti-trafficking legislation	p. 41
4.2 Other trafficking-related legislation	
4.2.a. Immigration law	p. 47
4.2.b.Law on organised crime	p. 48
4.3 Response at a sub- regional level	p. 49
4.4 Prevention and assistance to victims. The role of NGOs	
4. 4. a Prevention	p. 51
4.4.b Asssistance	p. 52

## **5. An overall assessment of the anti-trafficking effort TIP Reports and Greece's rating**

p. 53

## **C) Concluding remarks and recommendations**

p. 56

## **D) Bibliography**

p.60

## **Abstract**

p. 67

## **A) Introduction**

### **Approaches to trafficking.**

Trafficking is a complex issue, with many dimensions. It has been addressed as :

- A human rights violation. It violates a number of human rights of the trafficked persons : the right to respect of human dignity , the right to equality, the right to freedom, prohibition of inhuman and degrading treatment, respect of economic, social and cultural rights,
- A modern form of slavery.
- A form of (transnational) organized crime.
- A crime against humanity.
- A form of sexual violence turned against women.

Trafficking affects all human beings, women, men, children. The group, however, that has appeared to be highly affected, is women. Trafficking is a symptom of underlying causes which are identified as : a)" the feminisation of poverty", the economic, social and cultural conditions in the source countries with respect to the status of women, the limited professional and economic opportunities offered in comparison with men, b) an individualised environment where violence is exercised against women, for instance, domestic violence, c) the feminisation of migration and the impact of restrictive migration policies that lead to illegal channels of migrating.

At a regional, european, level the problem became particularly acute after 1989. It followed at large an east- west flow : central and eastern european countries became major sending countries of "human commodity" to western european ones. Among these the balkan countries are included, and in particular the countries that resulted from the dissolution of former Yugoslavia ; in this southeastern european region countries of origin have geographical proximity with a transit and destination country. Greece.

Research has focused on the phenomenon of trafficking at the source countries. Trafficking in transit and destination countries has also received some attention. There are background country-specific reports<sup>1</sup> or compilation of case-studies<sup>2</sup> which contribute a significant insight to the magnitude of the problem in some countries, how it is perceived and fought, what is the treatment and assistance of trafficked persons. Regarding Greece, apart from a couple of studies<sup>3</sup>, the available information is fragmentary ; one is encountered with sparse and occasional reporting upon the issue .Report on Greece can even be absent from a Forum<sup>4</sup> or an annual Human Rights Report<sup>5</sup>.

Research and efforts have been concentrated on three areas : prevention, prosecution and protection . Prevention of potential victims, prosecution of traffickers and their associates and protection of trafficked victims. Coordinated and combined action in all of them is necessary in order to fight the problem. Of all these areas, prevention measures are likely to be more effective when implemented in a sending country, while protection to trafficked persons is urgently required to a destination one<sup>6</sup>.

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<sup>1</sup> See for instance IOM, *Trafficking in Women to Austria for Sexual Exploitation*, Geneva 1996, IOM, *Trafficking in Women to Italy for Sexual Exploitation*, Geneva 1996.

<sup>2</sup> Jones-Pauly C.C., *Report on anti-trafficking laws in six european countries (Austria, Belgium, Czech Republic, Federal Republic of Germany, Italy, Poland) and compliance with international conventions against trafficking*, 1999, Pearson, E., *Human Traffic, Human Rights : Redefining victim protection*, 2002 (countries reported : The Netherlands, Belgium, UK, USA, Italy, Nigeria, Thailand, Colombia, Ukraine, Poland). The report is available at : <http://www.antislavery.org/homepage/resources/humantraffichumanrights.htm>.

<sup>3</sup> Emke-Poulopoulos I., *Trafficking in Women and Children : Greece, a Country of Destination and Transit*, Athens 2001, Lazos, G., *Prostitution and Trafficking in Current Greece .1. The Prostituted*, Athens 2002 (in greek) (hence Lazos a), Lazos, G., *Prostitution and Trafficking in Current Greece.2. The client*, Athens 2002 (in greek) (hence Lazos b).

<sup>4</sup> 11<sup>th</sup> OSCE Economic Forum on "Trafficking in Human Beings, Drugs, Small Arms and Light Weapons : National and International Impact" (Prague 23-27 May 2003). Among the country reports sent to the Forum by the country delegations, no report on Greece could be found.

<sup>5</sup> IHF-HR, 2003 Report on Human Rights Practices in the OSCE Region (reporting events of 2002): In this report Greece was not covered. The explanation given to me for this lack was that the member committee of IHF-HR in Greece did not have the capacity (for lack of staff resources) to provide a report (information given in an e-mail exchange).

<sup>6</sup> Mattar, M., *Monitoring the Status of Severe Forms of Trafficking in Foreign Countries : Sanctions Mandated under the U. S Trafficking Victims Protection Act*, in " The Brown Journal of World Affairs", vol. X, 1, summer/fall 2003, p. 167.

## **Setting the framework of the present study**

The present study is divided into two main parts. Part A serves as an introduction to the issue of trafficking, giving a necessary insight to the problem and exploring some of its dimensions. The analysis of instruments and documents is technically divided into universal and regional. They are instruments that have, or will have, a binding legal impact on Greece, or “soft-law” documents, principles and guidelines or recommendations that are a tool to promote the human rights approach of the issue or present innovative features in the combat against the problem. A tendency is observed to consider both trafficking for the purpose of sexual exploitation and forced labour as severe forms of trafficking, two kinds of exploitation that can often merge<sup>7</sup>. This presupposes recognition of prostitution as a form of legitimate labour and leads to the issue of the relationship between prostitution and trafficking and the debate about the distinction between free and forced prostitution .

Part B is devoted to the scope of the problem in Greece. It explores the magnitude of trafficking for the purpose of sexual exploitation in Greece and assesses the response to the problem. Greece is a member-state of the EU, CoE and other regional organizations and sub-regional initiatives. The country is bound by the Constitution and the accession to a number of international instruments to protect the human rights of all the individuals residing in its territory. A number of factors, combined with the failure to pay to the problem the attention it deserved, created a conducive context for the growth of the problem.

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<sup>7</sup> Plant, R., *Economic and Social Dimensions of Human Trafficking : Broadening the Perspective*, Keynote speech at the 2<sup>nd</sup> Preparatory Seminar of the 11<sup>th</sup> OSCE Economic Forum, Ioannina, 17-18 February 2003.

## **1. Review of universal standards**

### **1.1 The new international definition. Prevention, prosecution, protection**

The new international definition of trafficking is contained in the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, one of the three protocols supplementing the UN Convention Against Transnational Organised Crime<sup>8</sup>. It breaks new ground on recognizing the need for a combined approach that integrates effective prevention of trafficking with the prosecution of traffickers and the protection of the human rights and assistance to the victims<sup>9</sup>.

Art. 3 contains a definition of T. (*Use of terms*) :

(a) "Trafficking in persons" shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of 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 purpose of exploitation .

Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs;

(b) The consent of a victim 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 ;

(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 person under eighteen years of age.

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<sup>8</sup> A/55/383, Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the UN Convention Against Transnational Organized Crime, adopted by the General Assembly on November 2, 2000. The other two Protocols are: Protocol Against the Smuggling of Migrants by Land, Sea and Air, supplementing the UN Convention Against Transnational organized Crime and Protocol Against the Illicit Manufacturing of and Trafficking in Firearms, Their Parties and Components and Ammunition, supplementing the UN Convention Against Transnational Organized Crime (opened for signature in June 2001). The Convention and its Protocols will come into force when 40 states ratify them (it is expected to come into force in 2003). Up so far 29 countries have ratified it.

<sup>9</sup> Ekberg , G., *The Palermo Protocol*, in "NIKK ",vol. 1, 2002, p.40-41.

The above-mentioned definition was the most controversial issue during the drafting of the protocol. It is a fairly broad definition, encompassing various purposes of exploitation, for prostitution or sexual exploitation, forced labour, slavery or slavery – like practices, servitude, removal of organs<sup>10</sup>. The terms "exploitation of the prostitution of others" or "other forms of sexual exploitation" are not defined in the Protocol, which is therefore "without prejudice to how States Parties address prostitution in their respective domestic laws"<sup>11</sup>. These terms are said to be *intentionally* left undefined, due to lack of consensus upon agreement on the meaning of "sexual exploitation". This compromise in the definition would not deter governments from signing and ratifying the new instrument, while leaving the legal treatment of prostitution to the discretion of each government<sup>12</sup>. It should also be noted that the notion of "sexual exploitation", a definition of which cannot be found in international law, is not limited to forced prostitution, but encompasses other sex industry activities<sup>13</sup>. The definition was mainly supported by less wealthy countries, which at the same time happen to be countries of origin of trafficked persons<sup>14</sup>. Industrial and wealthy countries were opposed to it.

Another of the important features of the Protocol is the minimum standards it sets at the areas of prevention, prosecution and protection. It calls states parties to fight the root causes of trafficking, such as poverty, underdevelopment and lack of opportunity (art. 9, para.4). It also urges "to discourage the demand that fosters all forms of exploitation of persons, especially women and children, that leads to trafficking" (art. 9, para.5). In the area of prosecution it stipulates the criminalization of trafficking (art. 5). Moreover, the obligation is created to treat trafficked persons as victims and state-parties are bound to adopt measures to assist them (Part II, arts. 6-8)<sup>15</sup>. However, it does not go that far so as to define the legal status of victims : it does not make some specific acknowledgement not to return the victim to a territory (i.e country of origin)

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<sup>10</sup> The list is indicative and non-exhaustive.

<sup>11</sup> A/55/383/Add.1, B. Interpretative notes for the official records (*travaux préparatoires*) of the negotiation of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the UN Convention against Transnational Crime, para. 64.

<sup>12</sup> Jordan, A., *The Annotated Guide to the Complete UN Trafficking Protocol*, 2002, available at : [http://www.hrlawgroup.org/resources/content/Protocol\\_annotated.pdf](http://www.hrlawgroup.org/resources/content/Protocol_annotated.pdf).

<sup>13</sup> The need for research in areas of sexual exploitation other than prostitution has been pointed out, Kelly, E., *Journeys of Jeopardy :A Review of Research on Trafficking in Women and Children in Europe*, IOM Migration Research Series, No 11, November 2002, p.14.

<sup>14</sup> With some exceptions (France, Spain, Canada), these are also the countries that have ratified it.

<sup>15</sup> Piotrowicz , R., *European Initiatives in the Protection of Victims of Trafficking who Give Evidence Against their Traffickers*, in "International Journal of Refugee Law", vol. 14, No 2/3, 2002, p. 263-278.

where the victim of trafficking runs a substantiated risk, namely retaliation by the trafficker or his associates.

## **1.2 Setting the human rights of the trafficked persons at the centre of all anti-trafficking efforts: the OHCHR Recommended Principles and Guidelines**<sup>16</sup>

This soft law instrument is comprised of two sections, principles and guidelines, addressed to states, IGOs and NGOs. In the section of principles, it is stated that "the human rights of the trafficked persons should be at the centre of all anti-trafficking efforts". Anti-trafficking measures shall not affect the particularly the rights of those who have been trafficked, particularly of migrants, internally displaced persons, refugees and asylum seekers. Demand should be addressed as a root cause of trafficking. Public-sector involvement or complicity should be appropriately punished. Trafficked persons should not be treated as illegal migrants or for their involvement in unlawful activities. Access to protection and (physical and psychological) care should not be made conditional upon the trafficked person's cooperation with judicial authorities. Provision of protection and temporary residence permit should be provided during legal proceedings. "Legal alternatives to repatriation" are to be provided, in cases repatriation would expose the trafficked persons to a serious risk to their safety and/or the safety of their families. Trafficking, its component acts and related conduct should be established as criminal offences and constitute extraditable offences. Sanctions, effective and proportionate, should be applied both to natural (individuals) and legal persons that are found guilty. Confiscation of assets is suggested to be used for compensation of victims of trafficking .

*Promotion and protection of human rights (guidelines)* should protect the right to freedom of movement and the right to seek asylum from persecution. *Identification of trafficked persons and traffickers* should entail distinction between trafficking and smuggling ; the element of force, coercion and/or deception mark the distinction between the two types of act. Special concern should be devoted for trafficked persons so as not to be prosecuted for violations of immigration laws or for unlawful activities. In *research, analysis, evaluation and dissemination* the role of the media is

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<sup>16</sup> E/2002/68/Add. 1 of 20 May 2002

important, as well as the contribution of NGOs and survivors of trafficking in developing and implementing anti-trafficking interventions. *Ensuring an adequate legal framework* plays an important, disincentive role in the prevention of T. and related exploitation. Criminal liability should be extended not only to natural, but also legal persons, namely businesses that may serve as cover for trafficking, such as marriage bureaus, employment agencies, travel agencies, escort services. For trafficking in aggravating circumstances (trafficking in children, involving complicity by state officials) additional penalties should be applied. Confiscated assets should be used to establish a compensation fund for victims of Trafficking. *Ensuring an adequate law enforcement response*, combined with protection of trafficked persons will have a deterrent effect both on traffickers and on the demand side. *Protection and support for trafficked persons* should be extended to all trafficked persons, without discrimination. More specifically, it should not be made conditional upon participation in legal proceedings. Trafficked persons should not be held in immigration detention centres etc and should have access to diplomatic and consular representatives from their state of nationality. They should be protected from harm and intimidation, respect of their privacy should be ensured, while taking into account the right of any accused to a fair trial. Apart from safe, and where possible, voluntary return, the option of residency in the country of destination or third-country resettlement in specific circumstances should be explored. Strategies aimed at *preventing trafficking* should take into account demand as a root cause. It is recommended to inform potential migrants of the risks of migration, as well as avenues of legal migration and review and modify policies that may compel people to resort to irregular and vulnerable labour migration, acknowledging the negative impact of restrictive migration policies. *Access to remedies involves* informing the trafficked persons for their rights as victims of human rights violations. *Obligations of peacekeepers, civilian police and humanitarian and diplomatic personnel* is a guideline created having in mind incidents of involvement of the above-mentioned categories of officials to trafficking<sup>17</sup>. States, IGOs and NGOs are responsible for the actions of those working under their authority. Allegations should be investigated and appropriate sanctions imposed to those found guilty. Complicity includes use of services of trafficked persons, or suspected to have been trafficked, persons or

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<sup>17</sup> For an analysis of involvement of peacekeepers, see Agathangelou, A.-Ling, L.H.M, *Desire Industries : Sex Trafficking, UN Peacekeeping, and the Neo-Liberal World Order*, in "Brown Journal of World Affairs", vol. X, 1, summer/fall 2003, p. 133-148.

corruption or affiliation with any person suspected of engaging in trafficking and related exploitation. Adoption of specific regulations and codes of conduct and appropriate sanctions should be applied and any privileges and immunities attached to the status of an employee should be removed. *Cooperation and coordination between states and regions* is particularly critical between countries involved in different stages of the trafficking cycle. Elaboration of regional/subregional treaties on trafficking is suggested, using the Palermo Protocol and relevant international human rights standards as a baseline and framework. This should be complemented by adoption of labour migration agreements.

### **1.3 Enforced prostitution/trafficking as a crime against humanity. The ICC Statute**

Enforced prostitution is set as a form of sexual violence and therefore as a crime against humanity in the Rome Statute of the International Criminal Court<sup>18</sup>. In article 7 (crimes against humanity) it is stated that "rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity" (para. g) are included among the acts which, "when committed as part of a widespread or systematic attack directed any civilian population, with knowledge of the attack" (para.1), they constitute crime against humanity. The common denominator of all the acts mentioned is the element of force. It is not limited to the acts set in the same paragraph (prostitution, pregnancy, sterilization), but it can also be found in other acts amounting to crimes against humanity (1, d : forcible transfer of population, 1, i : enforced disappearance of persons). The reason for referring to "enforced prostitution" instead of trafficking could be in order to encompass cases of internal trafficking, without requiring a transnational element, a crossing of a national border.

Explicit reference to trafficking as a crime against humanity will be found in a Recommendation of the Parliamentary Assembly of the CoE, where it is stated that "...Trafficking should be considered a crime against humanity"<sup>19</sup>.

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<sup>18</sup> Doc. A/CONF. 183/9 adopted on 17 July 1998, entered into force on 1 July 2002.

## **1.4 Trafficking as a form of organized crime**

At UN level, setting the anti-Trafficking Protocol as supplementary to the UN Convention against Transnational Organized crime is indicative of the relationship between organized crime and trafficking. According to the UN convention, organized criminal group is defined as " a structured group of three or more persons, existing for a period of time and acting in concert with the aim of committing one or more serious crimes or offences in order to obtain, directly or indirectly, a financial or other material benefit".

The transnational element is another key characteristic of the trafficking networks. Truly stateless and agile, they can operate in a variety of targeted countries, escaping from law enforcement at national level. Although they violate national sovereignty, they can still use it for defensive purposes<sup>20</sup>. In addition , transnationality can account for the varied nationality of the members of the trafficking networks.

In making an area of freedom, security and justice a reality for its citizens, the European Union has set prevention and combat of crime, an objective. This is stipulated in the Treaty on European Union, the consolidated version established by the Treaty of Amsterdam. Article 29 in Title VI ("Provisions on police and judicial cooperation in criminal matters") includes trafficking in persons in an indicative list of forms of crime, "organized or otherwise", that has to be fought through closer cooperation of police, judicial and other competent authorities of the Member States. "Trafficking in persons" is named in conjunction with "offences against children". Other forms of crime listed are : terrorism, illicit drug trafficking, illicit arms trafficking, corruption and fraud.

Whether the criminal groups that organize trafficking in human beings, and particularly women, engage in trafficking in other commodities (drugs, arms) or have a link to other criminal groups involved in other types of organized criminality (e. g terrorism) remains an issue of dispute. Professor Williams considers it one of the myths that surround trafficking in human beings (particularly women), drugs and

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<sup>19</sup> CoE, Parliamentary Assembly, Recommendation 1545 (2002) of 21 January 2002, para.2.

<sup>20</sup> Phil Williams, 11<sup>th</sup> OSCE Economic Forum ,discussion paper of working group B, p.7, discussing the advantages of traffickers over governments.

arms, the focus of attention of the 11<sup>th</sup> OSCE Economic Forum<sup>21</sup>. Invited as an expert to prepare the discussion paper for the working group examining the role of governments in the OSCE region, Williams considers it as one of the "unchallenged assumptions and assertions" owned to inadequate data on trafficking. Acknowledgment of specific forms of linkage and overlap, for instance, when a trafficking network moves from one product to another, should not lead to the conclusion that trafficking in various commodities is closely connected : while there are sometimes parallel activities, the degree of overlap remains uncertain. Prof. Williams contends that much the same is true in terms of the relationship between organized crime and terrorism. Both cooperation and competition between terrorist groups and criminal organizations has been observed. Williams stresses the need for solid research in order to delimitate the problem.

The acknowledgement of trafficking as a form of organized crime has been welcomed as a positive development in the effort to fight the problem.

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<sup>21</sup> The focus of the 11<sup>th</sup> OSCE Economic Forum (Prague, 20-23 May 2003) and its subsequent division in working groups, was : a) Anti-trafficking and the role of business community, b) anti-trafficking and the role of

### **1.5 Violation of women's rights. CEDAW<sup>22</sup>**

This Convention contains an article specifically addressing trafficking and exploitation of women. Article 6 states that "state parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women".

### **1.6 Trafficking-related violations of human rights. The ICCPR<sup>23</sup>**

The ICCPR does not contain an article specifically addressing trafficking and exploitation of prostitution of women. However, this practice violates a series of civil and political rights contained in the ICCPR<sup>24</sup> : the right to life (art. 6), the right to be free from cruel, inhuman, and degrading treatment (art.7), right not to be subjected to slavery (art.8), the right to personal liberty and security (art.9); freedom of movement (art.12); equal protection of the law (art.26). The Human Rights Committee has made it clear that human rights apply regardless of nationality and state. Articles 7 and 8 in particular could form the basis of a complaint to the Human Rights Committee of women trafficked or exploited for prostitution<sup>25</sup>.

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governments and c) anti-trafficking and the OSCE organization. I thank Ludwig Boltzmann Institute of Human Rights for supporting financially my trip to Prague as a participant to the Forum.

<sup>22</sup> Convention on the Elimination of All Forms of Discrimination against Women, adopted on the 18 December 1979, entered into force on 3 September 1981.

<sup>23</sup> International Covenant on Civil and Political Rights, adopted on the 16 December 1966, entered into force on 23 March 1976. The ICCPR and the CEDAW are only two of the human rights instruments that relate to trafficking.

<sup>24</sup> Fitzpatrick, J., *Human Rights Protection for Refugees, Asylum Seekers and Internally Displaced Persons ; A Guide to International Mechanisms and Procedures* , 2002, pp.71-72.

## **2. Review of regional (european) standards.**

### **2.1 Drafting a European Convention on action against trafficking in human beings**

The CoE as a political organisation aiming to promote human rights, democracy and the rule of law, has taken action against trafficking, also jointly with other actors. Apart from a number of recommendations dealing specifically with trafficking in human beings for the purpose of sexual exploitation<sup>26</sup>, seminars, among them an international seminar for drafting a regional plan for South-eastern Europe, workshops and projects, it has taken steps for the elaboration of an instrument legally binding upon its - so far- 45 member states. Drafting a **european convention on action against trafficking in human beings** will be the task of a recently appointed<sup>27</sup> ad hoc Committee of experts under the authority of the Committee of Ministers.

Unlike other international instruments which focus rather on prosecution matters, the new document will be geared " towards the protection of victims' rights and the respect of human rights, and aiming at a proper balance between matters concerning human rights and prosecution" and may go beyond minimum standards<sup>28</sup>. The added value of the new, legally binding document will be, inter alia, to recognise trafficking as a violation of human rights, to set up a comprehensive legal framework for the protection of and assistance to victims and witnesses, to establish a relevant monitoring mechanism and to contribute to the harmonisation of european legislation in this area. It will address all forms of trafficking (national/transnational, linked/non-linked with organised crime) and it will encompass all trafficked persons, adults and minors. This european instrument will serve as the regional complementary of the UN

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<sup>25</sup> Trafficking in the context of slavery and slavery trade will also be found on the EU Charter 2000.

<sup>26</sup> Committee of Ministers, Rec. No R (2000)11 on action against trafficking in human beings for the purpose of sexual exploitation and Rec. No R (2001) 16 on protection of children against sexual exploitation, Parliamentary Assembly, Rec. 1545(2002) on a campaign against trafficking in women.

<sup>27</sup> On the 30. 04. 2003.

<sup>28</sup> Information available at:[www.coe.int/T/E/human\\_rights/trafficking/1\\_Overview/Introduction.asp](http://www.coe.int/T/E/human_rights/trafficking/1_Overview/Introduction.asp).

standards and initiatives. It will be based on the definition of trafficking in human beings contained in the UN Anti-T. Protocol (art. 3)<sup>29</sup>.

## **2.2 Prohibition of trafficking as a fundamental right : the European Charter on Fundamental Rights**

Prohibition of trafficking in human beings is included in the Charter of Fundamental Rights of the European Union (art. 5, para.3), following prohibition of slavery and servitude (art.5, para.1) and prohibition of forced or compulsory labour (art. 5, para.2). The prohibition contained in this short paragraph is absolute and unconditional : "trafficking in human beings is prohibited". The scope is apparently limited to trafficking for the purpose of sexual exploitation . As it is explained, "Trafficking of human beings...applies to the moderns forms of organised crime and exploitation of the person: the trafficking of women and children, and in particular the operation of international prostitution networks. In the context of cooperation on justice and home affairs, the member states of the European Union have taken joint steps to combat organised crime or, more specifically, action against the trafficking of human beings and the sexual exploitation of women and children"<sup>30</sup>.

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<sup>29</sup> However, according to Parliamentary Assembly Rec. 1545 (2002) , para. 11, ii, the european convention would be based on the definition included in Committee of Ministers Rec. No R (2000)11.

<sup>30</sup> See overview of the Charter, available at: [www.europarl.eu.int/comparl/libe/elsj/charter/art.05/default\\_en.htm](http://www.europarl.eu.int/comparl/libe/elsj/charter/art.05/default_en.htm).

### **2.3 Action against severe forms of trafficking: The Council Framework Decision on combating trafficking in human beings<sup>31</sup>**

In this legally binding instrument trafficking is addressed more as a serious criminal offence, rather than a human rights abuse. This is not to deny that "trafficking in human beings comprises serious violations of fundamental human rights and human dignity..."<sup>32</sup>. Trafficking can be fought through a comprehensive approach, integrating "the definition of constituent elements of criminal law common to all member-states, including effective, proportionate and dissuasive sanctions"<sup>33</sup>. In other words, the main area of concern of this Council Framework Decision is prosecution: criminal liability of natural and legal persons, imposition of appropriate sanctions and in general "harmonisation"-although not naming it as such- of legal approaches of trafficking in the member states. The area of protection of victims and, to a lesser degree, of prevention of trafficking, receive much less attention.

Two forms of trafficking are dealt with : trafficking for the purposes of labour and sexual exploitation. The definition of trafficking (art.1) is based on the definition of the UN Protocol, albeit not identically formulated. The Council Framework Decision definition includes all the constituent elements of trafficking (recruitment, transportation, transfer etc) and the means (coercion, force, threat etc.) , while the consent of the victim is irrelevant.

#### **A victim "particularly vulnerable" : victim of sexual exploitation.**

Severe penalties, entailing imprisonment of eight (8) years, are stipulated in aggravating cases (art.2). One of them is when the offence has been committed against a "victim particularly vulnerable", namely "when the victim was under the age of sexual majority under national law and the offence has been committed for the purpose of exploitation of the prostitution of others or other forms of sexual exploitation, including pornography" (art.3, para.2, b). The definition of a victim particularly vulnerable therefore does not apply to all trafficked persons, without distinction, but it sets an age limit. However, it succeeds in recognising the related act of sexual exploitation as a severe form of trafficking, alongside offences committed by the use of serious violence or resulting in particularly serious harm to the victim

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<sup>31</sup> 2002/629/JHA

<sup>32</sup> Recital 3.

(art.3, para.2, c), or which have been committed by a criminal organization (art.3, para.2., d).

#### Extending the scope of criminal liability : liability of legal persons.

Natural persons, individuals, are not the only ones to be held accountable for trafficking-related offences : legal entities, and subsequently the natural persons behind them, can be held liable, too. Legal person for the purpose of this Framework Decision is defined as "any entity having such status under the applicable law, except for States or other public bodies in the exercise of State authority and for public organisations" (art. 4, para.4). Human rights organisations (Human Rights Watch and Anti-Slavery International) had proposed in a proposal of the Framework Decision to give particular attention to complicity by state officials, law enforcement, and customs agents<sup>34</sup>; a suggestion that was not taken into account, as it can be seen in the final text.

The fines imposed on legal persons (art. 5) can be criminal or non-criminal and may include other sanctions, for instance closure of establishments used for committing the offence. Another important feature of this instrument is that "investigations into or prosecution of offences... shall not be dependent on the report or accusation made by a person subjected to the offence,..." (art. 7, para. 1). This means that accusation by the victim is not a prerequisite for initiation of investigations or prosecutions.

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<sup>33</sup> Recital 7.

## **2.4 Protection of victims : Proposal for a Council Directive on granting short – term residence permit for victims who cooperate with the authorities.**

Steps have been taken at EU level for the protection of victims who cooperate with judicial authorities- to file a complaint or testify against their presumed traffickers. A Commission Proposal for a Council Directive<sup>35</sup> has been drafted . It draws from existing Member- State practice: Spain, Germany, Belgium and the Netherlands are examples of european union countries where schemes of protection of victims are already operational<sup>36</sup>.

According to the Proposal, the victim is granted a 30-day reflection period to decide whether to cooperate or not (art. 8)<sup>37</sup>. After its expiry, the competent administrative authority shall decide upon the issuance of a short-term residence permit, valid for six months and renewable for another six (art. 10). The issuance may be made conditional upon the victim's participation either in a programme aimed at integration in the host country or in assisted return to the country of origin or another country willing to accept him/her (art. 15). Non-participation in a rehabilitation programme can be a reason for non-renewal of residence permit (art. 16).

During that time the victim shall benefit from a number of rights. Assistance and care provided (art. 9) is consisted of suitable accommodation, emergency medical and psychological treatment and medical care, the necessary support in the form of social welfare and means of subsistence. Holders of a short-term residence permit shall also have access to the labour market, vocational training and education (art.12), primary medical care (art.13). Special provision for minors is reserved (art. 14). In their case the length of the reflection period can be extended, minors may have access to the national educational system and in case they are unaccompanied, an

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<sup>34</sup> Human Rights Watch-Anti-Slavery International, *Summary of recommendations regarding the Proposal for a Council Framework Decision on Combating Trafficking in Human Beings*, March 2001, available at : <http://www.antislavery.org/archive/other/trafficking-framework.htm>.

<sup>35</sup> Proposal for a Council Directive on the short-term residence permit issued to victims of action to facilitate illegal immigration or trafficking in human beings who cooperate with the competent authorities, COM (2001) 672. The deadline for implementation in national law is the 30<sup>th</sup> June 2003.

<sup>36</sup> Special mention should be reserved to the example of Italy, where protection encompasses all trafficked victims, whether they collaborate with state authorities or not. See Shearer Demir, J., *The trafficking of Women for Sexual Exploitation : A Gender-Based and Well-Founded Fear of Persecution ?* UNHCR, "New Issues in Refugee Research", Working Paper No 80, March 2003, p.22.

obligation is set to establish their identity and locate their family. Last, but not least, once judicial proceedings have been terminated, the short-term residence permit is not renewed (art. 16(1)). A similar scheme of protection can be found at national greek legislation, regarding suspension of deportation of aliens who have illegally entered greek territory<sup>38</sup>.

The protection mechanism set forth in this Proposal is criticized for a variety of shortcomings. It has been found inadequate and lacking any incentive for encouraging victims to cooperate. This has led even to the formulation of the conclusion that “the driving force of proposed EU legislation...is protection of the integrity of its own borders, rather than its human rights responsibilities to women...”<sup>39</sup>.

More analytically, this Proposal addresses both the issues of smuggling and trafficking, two different activities, quite often wrongly used interchangeably. It has been suggested that the two issues could have been addressed in two separate documents<sup>40</sup>. As it regards the substantive provisions, the reflection period has been criticized for being too short and it has been suggested to be extended to 90 days (as is in practice for instance in the Netherlands). Cases where the victim had still contact with the trafficker were not unusual.

Other points that have raised criticism are the conditionality of issuance of the permit upon participation in a rehabilitation programme and leaving the victim after ending of court proceedings without any protection and no guarantee to remain in the host country. The victim, whether cooperates or not, runs a substantiated risk of retaliation by the traffickers and their associates. Even in the Proposal it is stated that the reflection period is set up for the victim in order to reflect the risks “this ( i.e cooperating) may entail”<sup>41</sup>. At this point, the questions posed by professor Kelly are appropriate : does the victim really want to return ? Are the educational and training possibilities relevant and marketable, or confined to traditional gender expectations?

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<sup>37</sup> It is not stipulated if this period concerns whether victims are deciding whether they are willing to repatriate or not ,as in Belgium and the Netherlands.

<sup>39</sup> Shearer Demir , p. 23.

<sup>40</sup> Piotrowicz ,p.266, footnote 10.

<sup>41</sup> Proposal, recital 7.

It is proposed that a number of these, in fact highly qualified, women could legally migrate to a 3<sup>rd</sup> country which present labour shortage in a number of fields<sup>42</sup>.

Victims are entitled to international protection and Member States have obligations towards them, a point of which the Proposal should make specific acknowledgement. In any case, protection should be adequate, in order to encourage victims to give evidence. It has also been pointed out that countries with comprehensive measures for assistance of victims have fared better in prosecuting traffickers<sup>43</sup>. Proposals that have been made so far regard granting refugee status under the 1951 Convention on the Status on Refugees by acknowledging trafficking and prostitution as a form of gender-based violence<sup>44</sup> or as recognizing trafficked women as members of a particular social group<sup>45</sup>. Other alternatives could be to grant the victims subsidiary protection status<sup>46</sup>, which entails access to a range of economic and social rights, although more restricted than to refugees, or a permit to stay on humanitarian grounds.

Also the possibility to permanently remain in the host country should be explored. In a Report of the European Parliament it had been proposed to grant a special permanent residence permit on humanitarian grounds to women victims of trafficking<sup>47</sup>. In a Recommendation issued by the Parliamentary Assembly, the CoE urges the governments of member-states to grant residence permits of a permanent nature to victims of trafficking for those who are willing to testify in court and need protection, and of a temporary but renewable nature for all others on humanitarian grounds<sup>48</sup>. Granting a permanent residence has by far been also discussed in Sweden, proposed by the Deputy Prime Minister and the Minister of Justice (M. Winberg and Th. Bodström respectively), within the framework of drafting a national action plan. It appears that this right is reserved only in the case the victim (of both smuggling and trafficking) cooperates with the authorities<sup>49</sup>.

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<sup>42</sup> Kelly, p. 58.

<sup>43</sup> Pearson, p.35.

<sup>44</sup> Shearer Demir, and European Parliament, Report of 2 May 2000 (P. Sörensen).

<sup>45</sup> For this and all the following suggestions, see Piotrowicz, p.273 ff.

<sup>46</sup> COM (2001) 510 final, according to Piotrowicz "the greatest hope" for trafficked victims.

<sup>47</sup> European Parliament, Report on the Communication from the Commission to the Council and the European Parliament "For Further actions in the fight against trafficking in women", Committee on Women's Rights and Equal Opportunities, rapporteur: P. Sörensen, 2 May 2000.

<sup>48</sup> CoE, Parliamentary Assembly, Rec. 1545 (2002) of 21 January 2002, para. ix, g.

<sup>49</sup> *Ge offren fristad i Sverige, Nytt regeringsförslag mot den internationella sexhandeln med kvinnor*, Newspaper *Dagens Nyheter*, 9. 4. 2003, Regeringskansliet, Näringsdepartementet, *Prostitution och handel med kvinnor*,

### **3. Trafficking and Prostitution."Free" and "forced" prostitution**

*"Some women enter prostitution voluntarily. In other cases there is coercion...But no trafficked woman had imagined the conditions of work to be so deplorable"*<sup>50</sup>

The 1949 UN Convention for the Suppression of the Traffic in Persons regarded the whole prostitution as exploitation. Since then a change of attitude has been observed and a distinction between free and forced prostitution is drawn. The 1993 Declaration on the Elimination of Violence against Women (of the 1993 Vienna World Conference on Human Rights) and the 1995 Beijing Platform of Action recognized only forced prostitution as a human rights violation. The current trend is to view sex work as a form of legitimate labour<sup>51</sup>. ILO classifies trafficking as a form of forced labour.

This view finds strong opposition by women's organisations who are against the distinction between "forced" and "free" prostitution. Use of terms such as *sex work/sex workers* or addressing only the issue of forced prostitution is regarded as a "bias in some UN agencies and circles...some may think that this language destigmatizes and dignifies women in prostitution when, in reality, what it dignifies is the sex industry"<sup>52</sup>. According to them, trafficking and prostitution are "intrinsically connected" and demand that the issue of prostitution is put back on the policy agenda, urging at the same time the decriminalization of women who are in prostitution. One should not submit to pressure of some countries where prostitution is legalized and regulated, which countries, it is claimed, present the highest numbers of foreign women being trafficked.

It is also argued that the same degrading conditions exist in prostitution . Against the right of the individual to self-determination, they contend that there is no such thing as free prostitution; no woman enters it voluntarily, but through the use of deceitful means, abuse of a position of vulnerability. Control and exploitation is also exercised

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Faktablad, November 2002. Drafting a national action plan to all Scandinavian and Baltic countries is a follow-up of the joint information campaign launched in 2002.

<sup>50</sup> van Liemt, G., *Human Trafficking in Europe : an Economic Perspective*, paper prepared for the 11<sup>th</sup> OSCE Economic Forum.

<sup>51</sup> Kartusch, A.,Knaus, K.,Reiter, G., *Combat of Trafficking in Women for the Purpose of Forced Prostitution. International Standards*, Ludwig Boltzmann Institute of Human Rights, Vienna 2000, p.10-11.

<sup>52</sup> Raymond, J.,*Guide to the UN Trafficking Protocol*, 2001, p.6. This Guide is supported by a coalition of women's organisations and NGOS: Article Premier, CATW, European Women's Lobby, MAPP, AFEM.

by the pimps. What is more, the homicide rates prove it is a particularly dangerous profession. Taking this attitude further, it has been claimed that prevention of prostitution should be considered as a measure of prevention of trafficking, recognizing the link between demand for prostitution and proliferation of trafficking<sup>53</sup>.

Prostitution is legalized in most countries of the EU. A critical position with respect to prostitution is held in Sweden. Prostitution is defined by the government and the parliament as a *form of violence against women*, a significant social problem that causes serious harm both in individuals and the society.<sup>54</sup> Distinction between “free” and “forced” is therefore not made. Women prostituted are not held liable according to the national legislation, but purchase of sexual services is punishable, focusing on the buyer than on the seller of sexual services<sup>55</sup>.

The question whether legalization of prostitution has a role to play in counter-trafficking efforts has been posed. It has been argued that "from a research point of view, there is no evidence that legalization has a beneficial impact on the scale of trafficking". What is more, more trafficked women are being detected in these Western European countries, where aspects of prostitution (i.e selling sex) are legal. Besides, legalization only protects nationals, and can make the position of trafficked women more marginal<sup>56</sup>.

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<sup>53</sup> Mattar, p. 167. The author, co-director of the *Protection Project*, criticizes TIP Reports for not complying with Trafficking Victims Protection Act (TVPA), which is against legitimization of prostitution, by classifying countries where prostitution is legalized or tolerated to Tier 1. In his point of view, they should be considered as making "insufficient efforts to eliminate trafficking". USA has stringent anti-prostitution laws. For TIP Reports, see also below in this study.

<sup>54</sup> The strong language used is as if it comes from a feminist manifesto and not an Information Sheet of a ministerial department (Regeringskansliet, Näringsdepartementet; November 2002).

<sup>55</sup> *Act Prohibiting the Purchase of Sexual Services*, in force since 1 January 1999. The penalty for the offence of buying sexual services is fines or up to six months imprisonment. This legislative act sets a unique example of penal legislation in the European region that addresses the issue of the demand side.

## **B) Country-specific : Greece**

### **1. Introduction**

#### **1.1 Obligation of Greece to protect human rights. Trafficking identified as a serious problem in the country**

Greece is bound to protect the human rights both of its citizens and all the individuals residing in its territory. This obligation derives primarily from the Greek Constitution of 1975<sup>57</sup>. According to it, "respect and protect of the value of the human being constitute the primary obligation of the state" (art. 2, para.1). It also provides for the protection of life, honour and liberty of all persons living within the greek territory (art. 5, para.2). Torture, any bodily maltreatment, impairment of health, use of psychological violence, and any other offence against human dignity are prohibited and punished (art. 7, para.2). Any form of compulsory work is also prohibited (art. 22, para.4).

The accession of Greece to a number of universal and regional instruments relating to the protection of human rights also creates the obligation to protect human rights. Greece is state-party to the following universal instruments : the ICCPR and its Optional Protocol, the ICESCR, the CEDAW and its Optional Protocol, the Convention against Torture, the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Racial Discrimination, the 1926 Slavery Convention and the 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, the Forced Labour Convention (ILO Convention no 29) and the Convention Concerning the Abolition of Forced Labour (ILO Convention no105). Greece has signed, but not ratified neither the Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, nor the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families<sup>58</sup>.

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<sup>56</sup> Kelly, p. 54.

<sup>57</sup> The english version of the Greek Constitution is available at: [http://confinder.richmond.edu/greek\\_2001.html](http://confinder.richmond.edu/greek_2001.html).

<sup>58</sup> This Convention entered into force in 1 July 2003.

At a regional level Greece is member of the Council of Europe and has ratified the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR). The country is also member of the European Union and therefore bound by the European law. It is also member to a number of regional arrangements which have the issue of trafficking in human beings prioritised in their agenda, such as the OSCE. Greece also participates in a number of sub-regional initiatives, to the Adriatic-Ionian Initiative, to the Budapest Process, to the Stability Pact for South East Europe and to the Southeastern Cooperative Initiative (SECI).

According to the Greek Constitution, the country "adheres to the generally recognized rules of international law" which form "an integral part of domestic Greek law and shall prevail over any contrary provision of the law...." (art. 28, para. 1)<sup>59</sup>

Trafficking in Greece has been identified as a serious problem in the country in reports of international bodies monitoring compliance with universal human rights standards, as well as in reports of human rights organisations (for instance Human Rights Watch, International Helsinki Federation for Human Rights, in reports of Greek NGOs) and in the US State of Department *Country Reports on Human Rights Practices and Trafficking in Persons Reports*. The comments made by the Committee on the Elimination of Discrimination against Women are illustrating the magnitude of the problem in the country. In its *Concluding Observations* on the combined second and third periodic reports of Greece (20<sup>th</sup> Session of 19 January- 5 February 1999) the Committee identifies forced prostitution and trafficking as a serious problem in the country<sup>60</sup>. It includes trafficking among its "*principal areas of concern and recommendations*", where it expresses the concern about the increase in trafficking in women and notes that "insufficient attention is given to possible links between lack of enforcement and trafficking and migration of women". The Committee recommends subsequently the introduction of adequate measures to address trafficking in women<sup>61</sup>. In the next *Concluding Observations* (exceptional session of 5-23 August 2002)<sup>62</sup> trafficking in human beings is one of the issues that

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<sup>59</sup> GHM-OMCT, *Violence against Women in Greece*, Report prepared for the Committee on the Elimination of Discrimination against Women at its Exceptional Session, 5-23 August 2002, July 2002, pp. 1-2.

<sup>60</sup> Para.175.

<sup>61</sup> paras. 197-198.

<sup>62</sup> CEDAW/C/2002/EXC/CRP.3/Add.9/Rev.1

"work in the area of gender equality has accommodated" (para.4). It is also characterized as a complex problem that had been given high priority on the political agenda (para.9), mainly due to the establishment of the anti-trafficking unit under the head of Ministry of Public Order, with the task, inter alia, to draft legislation on trafficking. However, trafficking continued to be one of the Committee's principal areas of concern : "The Committee is concerned that the State party (i.e Greece) is increasingly becoming a country of transit and destination for trafficked women and girls, inter alia for purposes of sexual exploitation, and that the draft legislation on "the elimination of trafficking in human beings, of crimes against sexual freedom, of pornography against minors, and generally sexual exploitation and assistance to victims of these crimes" insufficiently protects the human rights of women and girls who have been trafficked"<sup>63</sup>. Therefore the Committee "urges the State party to design and implement a policy with a holistic approach to combat trafficking in women and girls"<sup>64</sup>.

## **1.2 Prostitution in Greece**

One cannot enter the discourse about trafficking without making reference to prostitution. Prostitution in Greece is legalized, but some aspects of it, pimping and procuring, constitute criminal offences (arts. 348-351). It is regulated by the state and has to be practiced within a certain prescribed context<sup>65</sup>. According to the older law 1193/1981 ("protection against sexually transmitted diseases"), which was into force until 1999, the prostituted woman had to be of Greek nationality, 21 years of age or older, neither married nor divorced. She had to register herself to the police and to receive an identity card stating her occupation. Twice a week she had to go under medical check-up, otherwise she risked three month's imprisonment. In order to run a brothel, she had to obtain a license from the nearest police station, if some requirements were met (the brothel should not be close to certain premises, e.g a school or a church, there could be no more than twelve brothels in the area where a police station has jurisdiction)<sup>66</sup>. The new law 2734/1999 presents some changes in comparison with its predecessor ; the limit of age for a prostitute has been lowered to eighteen years of age and the control of issuance of a work permit falls within the

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<sup>63</sup> para. 24.

<sup>64</sup> Para. 25.

<sup>65</sup> This system has been termed as quasi-regulatory, Lazaridis, G., *Trafficking and Prostitution : the Growing Exploitation of Migrant Women in Greece*, in "European Journal of Women's Studies", vol. 8, 2001, pp. 67-102.

<sup>66</sup> Lazaridis, p. 76-80.

competence of the municipalities. There was discussion whether prostitution will be considered as a legal profession, and therefore whether prostitutes will have entitlement to the range of economic and social rights a worker has. Finally, prostitution was considered a way of living, but not a legal profession, while street prostitution was declared illegal<sup>67</sup>. From the prostitutes' point of view, this new-regulationist system sets practical obstacles to practice their work - they have difficulty in finding a place that could meet the prescribed requirements<sup>68</sup>. Due to strict regulation many prostitutes do not register, giving rise to illegal prostitution.

The Committee on the Elimination of Discrimination against Women notes positively the fact that prostitution is decriminalized and dealt with in a regulatory manner. On the other hand it expresses its concern that "inadequate structures exist to ensure compliance with the regulatory framework" and recommends the effective monitoring of compliance with the regulations governing prostitution<sup>69</sup>. The society at large approves prostitution, as an outlet of male sexuality, as a necessary social evil. The prostituted person is stigmatized, while the client remains anonymous and invisible<sup>70</sup>.

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<sup>67</sup> Lazos a, p. 74-80.

<sup>68</sup> Interview with the president of the union of legally prostituted women, newspaper *Eleftherotypia*, 3.04.2001. It is worth to note that she showed unwilling to make any comment upon the phenomenon of trafficking when asked about it.

<sup>69</sup> Paras. 197-198.

### **1.3 Trafficking in Greece for the purpose of sexual exploitation. An overview of the magnitude of the phenomenon**

#### **1. 3. a. 1980-1990**

The great expansion of trafficking in Greece is observed the decade 1990-2000. The previous decade was an experimental stage, a period of preparing the ground for what would follow. Trafficking at the 1980s was mainly *internal* ; the recruitment took place in the destination country (Greece) via employment agencies or from the informal labour market . The women recruited were coming from Philippines and Poland and were already residing and working in Greece<sup>71</sup>. There were also cases where local Greek pimps had a link with prostitution rings of other countries and they recruited women from the Dominican Republic and the broader Caribbean area, Thailand and Poland. At this stage trafficking did not have the form of organized business activity, it was done more on an occasional and experimental basis. These early trafficking networks will finally collapse at the end of the decade, mainly due to lack of supply, an obstacle that will be overcome in the next decade by the creation of vulnerable groups of women coming from the southeastern European region<sup>72</sup>.

The case of women from the Dominican Republic deserves particular attention. These women were already working as prostitutes and therefore migrated into another sex industry<sup>73</sup>. Yet this case can be considered as forced prostitution. The women migrated under what can be termed as “forced/coerced willingness”<sup>74</sup>, namely forced by the economic, social and cultural conditions in their home country. What is more, as Kelly points out, “ whether women are voluntarily migrating does not negate the fact that ,for some, their human rights are violated in destination countries through the manner in which they are prostituted and controlled”<sup>75</sup>. And

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<sup>70</sup> Lazaridis, p. 76.

<sup>71</sup> Lazos considers it a case of *illegally prostituted foreign women*, which initiated the presence of the foreign women in the sex industry, and not a case of trafficking. However, these women were deceived in terms of the work they would offer and there was coercion and exploitation that took place. In my opinion, this case can be comfortably categorized as trafficking, Lazos a, p. 128 ff.

<sup>72</sup> The total number of women trafficked is estimated by Lazos to 1.750, which accounts for the 2/3 of the total number of foreign women in prostitution, Lazos a, p. 157.

<sup>73</sup> Lazos a, 141-144.

<sup>74</sup> Kelly, p. 29.

<sup>75</sup> Ibidem.

indeed, their living conditions are described as inhuman<sup>76</sup>, while they were deceived in terms of the form of sexual services they were finally forced to offer, their treatment by the customers and their earnings.

### **1.3.b 1990-2000**

The beginning of the 1990s was a period of significant political and subsequent economic and social changes in the central and eastern european region. Migration to another country appeared a solution for the nationals of these countries, who, compelled by the pressing reality in their home country were seeking better living conditions and opportunities. One of the countries that received large flows of migrants was Greece. Taking advantage of the new conditions, local Greek pimps obtained a link to international trafficking networks and engaged in trafficking in women , a highly profitable and low-risk form of trafficking, which took the form of an organized business activity and a form of organized crime. Greece due to its geographical position served as a destination country and as a transit to other countries of western Europe and to the Middle East. The main source countries were the neighbouring countries of Albania, Bulgaria, as well as Russia, Ukraine, Moldova, Romania and Slovenia<sup>77</sup>.

Almost the total number of women in forced prostitution during the decade 1990-1980 were foreigners. The figures given by Lazos, based on his research in the field of prostitution are indicative of the expansion of the phenomenon. If one compares the rates of growth between non-forced (legal and illegal) prostitution on the one hand, practiced both by Greek and foreign women, and forced prostitution on the other, one notices that the growth was uneven. At the beginning of the decade (1990-1991) the number of non-forcibly prostituted women is bigger than the number of women trafficked (3.400 and 3.250 vis-a-vis 2.100 and 3.000) and remains at the same level during the whole decade, it won't be more than 3.800. However, the number of women forced into prostitution shows a continuous increase and reaches the high number of 20.000 women<sup>78</sup>.

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<sup>76</sup> Lazos a, p.143.

<sup>77</sup> See Lazos a, p. 201-230.

<sup>78</sup> Lazos a, p.221.

### **1.3.c Trafficking networks**<sup>79</sup>

During the 1990s, the operation of four trafficking networks has been identified, the russian, ukrainian, balkan and albanian. Traffickers and trafficked women are of various nationalities, they come from various countries. The trafficking networks presented are named after the nationality of women they mainly recruited, transported and exploited. The russian and the ukrainian prevailed in the greek domain<sup>80</sup>. They all appeared around the same time , at the end of 1980s; only the albanian started becoming operational in 1991.

The russian network was the first to appear in the greek domain, in 1988. Its centres were located in Athens and in Moscow and St. Petersburg. It is estimated that in total 30.500 women were trafficked by it . The source countries were Russia (the principal), Estonia, Latvia, Lithuania, Belorussia. More limited and occasionally women from Ajerbaijan, Georgia, Kyrgyzstan, Moldova were trafficked by this network.

The ukrainian was the second main trafficking network, having its operational bases in Athens and in Kiev. It trafficked around 26.000 women. Women were coming almost exclusively from Ukraine, and at a second level from Ajerbaijan, Georgia, Kyrgyzstan, Moldova. The case of Muslim women, most of them under age, recruited and transported from this network deserves particular attention. The number of these trafficked women was relatively small, amounting to tens per year, in comparison to other figures. They were coming from Ajerbaijan, Kazakhstan, Uzbekistan, Kyrgyzstan. Relatives of them apporached members of the ukrainian trafficking network, who then integrated them in the group of trafficked women as personal ownership. They were destined not only to Greece, but also to other european countries. When entering the greek territory, they were sold to the albanian network. This case is an illustrating example of the business pattern of a post-soviet organized crime network; it focuses on the recruitment of women and their "sale" to

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<sup>79</sup> Lazos a, p. 231-254.

<sup>80</sup> Following Williams's categorization, the russian and the ukrainian are classified as global, while the albanian and the balkan as regional, Lazos a, *ibid.*, p.236.

intermediaries who then deliver them to the markets where they will serve "clients"<sup>81</sup>. After 1997 a drop in both the ukrainian and the russian trafficking networks is observed.

The only non-Athens based network was the Balkan. Its operational bases were in Thessaloniki, and generally in the region of northern Greece, as well as in Philipoupoli, Sofia and other cities of South Bulgaria. In total 7.000 women were trafficked by this network. Source countries of the victims were mainly Bulgaria, Romania and Slovenia. Greece was a transit in the route of the human commodity, that was destined for Italy.

Nationality and religion were two key elements of the albanian network : It appears namely to traffic women exclusively of the same ethnic –albanian-origin and religious-muslim- group. From 1991 until 1994 it recruited and exploited women solely coming from Albania ; after 1995, women of albanian origin from Kosovo and Bosnia and Herzegovina and , from 1996 onwards, from FYROM-Macedonia. To these trafficked groups one must add the Muslim minors from countries of western Asia, sold by the ukrainian network. It was not only the trafficking network with the higher number of minors<sup>82</sup>, but it was particularly repulsive for the cruelty of the means it employed : man exploiting the prostitution of his wife, sisters, cousins, women "rented" or "bought" from another men. In addition, the women were at the bottom of the hierarchy within the sex industry, forced to prostitute in cheap bars and night clubs, in the streets, or in home prostitution with low prices.

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<sup>81</sup> Shelley, L., *Trafficking in Women : The Business Model Approach*, in "Brown Journal of World Affairs", vol. X, 1, summer/fall 2003, p. 119-131, especially p.123. This article is an analysis of trafficking as a business practice. The author argues that trafficking in human beings as a business closely resembles the trade patterns of business and cultures of the region where trafficking operations are based. Trafficking groups are categorized as business types or criminal enterprises.

<sup>82</sup> Lazos comments that age was not a criterion of recruitment ; they recruited girls from 12 years old, Lazos a, *ibid*, p. 245-246.

## **2. Factors facilitating trafficking**

### **2.1 Lack of a comprehensive anti-trafficking legislative framework**

It was only last October 2002, with the voting in the greek parliament of a new law, that trafficking for the purpose of sexual exploitation was set as a criminal offence. The legislative gap let traffickers operate with impunity. Other penal legislation (for instance provisions on pimping or exploitation of a prostitute) aimed at the partial combat of the phenomenon. What is more, violations of provisions for trafficking-related acts-rape, assault, deprivation of liberty-had rarely been invoked .The existing judicial practice has shown that whenever a case was brought to the court, the sentences imposed were low and in most of the times could be purchased<sup>83</sup>. The lack of an adequate legal framework was a constant point of criticism in country reports in human rights practices.

### **2.2 The role of police authorities. Complicity and corruption**

Complicity of police officials has played an important role to the expansion of trafficking into the country. Incidents of police involvement have frequently been brought to the foreground. The easily-gained profit proves a strong motive for low-paid officials; according to information from NGOs, some police officers were on the payrolls of organized criminal networks involved in trafficking<sup>84</sup>. It is difficult to determine how many police officers have been complicit in trafficking of women for forced prostitution or when the allegations against them involve other crimes, such as complicity in prostitution rings, in sexual assault and provisions of fraudulent documents<sup>85</sup>. Involvement of police officials has been publicly acknowledged by the president of their union<sup>86</sup>. It is part of the broader problem of corruption in the ranks

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<sup>83</sup>Human Rights Watch, *Memorandum of Concern* ,Trafficking of Migrant Women for Forced Prostitution into Greece (hence HRW, MoC)

<sup>84</sup> U.S State of Department, 2003 Country Report on Human Rigths Practices.

<sup>85</sup> GHM-OMCT

<sup>86</sup> Interview in newspaper *Eleftherotypia*, 3.04.2001.

of police, which has led to the establishment of an Internal Affairs Bureau (IAB) as a self-monitoring unit in order to investigate cases of corruption<sup>87</sup>.

The first annual report of the IAB recorded 146 charges against 74 police officers. Approximately one-half of them involved police complicity in activities related to undocumented migrants<sup>88</sup>. Such activities included granting residence permits to undocumented immigrants and involvement in "prostitution rings". It was the case that as soon as cases of police corruption were made public, the facts lead often to evidence of complicity in the trafficking in women for forced prostitution<sup>89</sup>. The police complicity had a direct impact in the non-prosecution of the perpetrators.

Even cases of sexual assault (rape) or sexual harassment, mainly of migrant women, are not a rare phenomenon; recently the court proceedings started of the case of an ukrainian woman who was raped by a police official. It is worth noting that the victim had not been invited to be present in the court proceedings. Another quite illustrating incident involved sexual harassment and sexual assault of women who were going to be deported. The policemen who accompanied them from the premises of the police to the airport demanded from them sexual services<sup>90</sup>. The above-mentioned cases go beyond a "male-centred approach with which law enforcement is performed, with little consideration for the human rights of women, and especially for women from other countries"<sup>91</sup>.

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<sup>87</sup> The Internal Affairs Bureau was established in October 1999. It is modeled on the IAB of the U.S Federal Bureau of Investigation (FBI). HRW, MoC.

<sup>88</sup> HRW, MoC.

<sup>89</sup> IHF-HR, *Human Rights in the OSCE Region : the Balkans, the Caucasus, Europe, Central Asia and North America*, 2002 (for events of 2001), p. 159.

<sup>90</sup> Newspaper *Eleftherotopia*, 3.07.2003.

### **2.3 Other public-sector corruption**

*"Corruption linked to organized crime and trafficking is the most pernicious form of corruption...In this sense, trafficking and organized crime related corruption can be understood as the HIV of the modern state : it breaks down the defenses of the body politic"<sup>92</sup>*

Trafficking is found at the intersection of an evil of the greek state practice, corruption. The corruption is not limited to the law enforcement agencies ; it is extended to other public authorities , namely immigration officials, administrative officials, even lawyers and officials of consulates<sup>93</sup>. Williams distinguishes between corruption as a *condition* and corruption as an *instrument* and considers targeted corruption in the destination country as highly damaging. Both kinds of corruption are reported in the greek context.

### **2.4 Confusion of trafficking with smuggling**

*"Trafficking means much more than the organized movement of persons for profit. The critical additional factor that distinguishes trafficking from migrant smuggling is the presence of force, coercion and/or deception throughout or at some stage in the process-such deception, force or coercion being used for the purpose of exploitation....A failure to identify a trafficked person correctly is likely to result in a further denial of that person's rights"<sup>94</sup>*

In Greece there is no mechanism to identify trafficking victims. Women that have been trafficked and sexually exploited are treated as irregular migrants because of lack of a mechanism differentiating between trafficking and smuggling. According to the international definition "smuggling of migrants" shall mean " the procurement to obtain, directly, or indirectly, a financial or other material benefit, of the illegal entry of

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<sup>91</sup> IHF-HR, *A Form of Slavery: Trafficking in Women in OSCE Member States. Country Reports, Greece*, July 2002.

<sup>92</sup> Williams, in the discussion paper he prepared for the 11<sup>th</sup> OSCE Economic Forum, p. 8-9.

<sup>93</sup> *The "bomb" of illegal migrants*, newspaper *To Vima*, 13.02.2000.

<sup>94</sup> OHCHR, *Recommended Principles and Guidelines*, Guideline 2: Identification of trafficked persons and traffickers.

a person into a State of which the person is not a national or a permanent resident"<sup>95</sup>. The two acts, trafficking and smuggling differ from each other in a number of points. In the case of smuggling the migrant has given his/her consent, while in the case of a trafficked person, even if an initial consent exists, it is rendered meaningless by the coercive and abusive methods of traffickers. What is more, while the act of smuggling ends with the arrival of the smuggled person at his/her destination, trafficking involves the on-going exploitation of the victims. Last, but not least, smuggling is always transnational, it involves the illegal crossing of a national border, which is not a prerequisite for trafficking, which can be internal<sup>96</sup>.

As a result, not only are the victims deprived of assistance and access to legal remedies they should be entitled to, but they are held in deportation or detention centres, waiting to be deported or charged for illegal prostitution and offences they committed during the time they were trafficked. By deporting the victims back to their country entails the risk of sending them back to their traffickers. Incidents have been recorded of trafficked women deported from Greece to Bulgaria by train, when the traffickers entered it in order to kidnap them<sup>97</sup>. This practice has also a negative impact in the area of prosecution, since it deprives eventual court proceedings against suspected traffickers and their associates of invaluable witnesses, the testimony of whom would play a critical role.

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<sup>95</sup> UN Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, 2000, art. 3.

<sup>96</sup> UN, Office on Drugs and Crime, information available at : <http://www.unodc.org>.

<sup>97</sup> HRW, MoC.

## **2.5 The demand side : the client**

*"The clients are the true pillars of the prostitution system"*<sup>98</sup>

The role of the demand side has been identified as a root cause that contributes to the development of trafficking . The OHCHR has recommended to address the demand side as a root cause in strategies aimed at the prevention of trafficking. Demand is not just a response to available supply; it supports prostitution and trafficking. Trafficking in Greece boosted the demand. The offer of sexual services became accessible to a broader sector of the male population , mainly in provincial areas of the country.

Are the clients aware of the degrading living conditions of the women they 'buy'? And how do they react ? NGOs and women's organisations contend that they are in a position to know that the women have been trafficked. Their attitude is reported to range from indifference to the use of violence against the women<sup>99</sup>.

### **Hierarchisation, racism and sexism**

*<<The status of women in both the countries of origin and the countries of destination is another factor in trafficking....In the countries of destination, the attitudes of some sections of the male population play a role : sexist prejudices, sometimes combined with a racist outlook, actually create a demand in some countries for women from other countries, because they are thought to be " submissive", "unsophisticated" or "exotic.">>*<sup>100</sup>

Almost the total number of women trafficked in Greece and sexually exploited during the decade 1990-2000 were foreign women. Greek prostitutes, legally registered or not, remained outside the scope of activity of trafficking networks. This phenomenon has its roots at the prevalence of some stereotypes of the male population, the preference of women of a certain physical appearance, identified with specific countries of origin. The 1980s was a period of testing and developing of the market

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<sup>98</sup> CoE, Committee of Ministers, Rec. No R (2000)11, Trafficking in human beings for the purpose of sexual exploitation, Explanatory Memorandum.

<sup>99</sup> B. Miller has stated that they are beaten by the clients, statement made in a Trafficking in Women Conference in Athens (2001), information available at :<http://news.bbc.co.uk/1/hi/world/europe/1724057.stm>.

<sup>100</sup> CoE, Rec. No 11 (2000)11, expl. Mem., paras. 23-24.

demand<sup>101</sup>. The trafficked women at that time were coming from the Dominican Republic, Thailand and Poland, from three different continents (America, Asia and Europe respectively). They "represented" three different stereotypes, among which the "european" one met the greatest demand . Ukrainian, Russian and Polish women are at the top of the rank. They are stereotyped as tall, slim, beautiful, clean, refined and educated. At the bottom of the hierarchy stand the Albanian women, described as ugly, dirty, untrustworthy, cheap, vulgar, with no education. It constitutes a reproduction of crude racist stereotypes found in other sectors of the migrant domestic workforce. These complex forms of hierarchy expose the women to multiple forms of discrimination<sup>102</sup>. The sexual services and the place these are "offered" is also ranked- and priced. Sexual services offered in clubs and massage parlours are highly priced, followed by hotels and apartments and last, the street prostitution.

Trafficking is a form of violence used by men and turned against women. In the greek example, the national/foreign perspective (trafficker, client vs. trafficked woman) is of particular importance. The forcibly prostituted woman is coerced into doing what a greek prostitute *could* refuse. One may wonder whether the trafficked women would suffer such a treatment if they were Greeks and whether this would be tolerated by the society, what showed what has been called as " the insensitivity of nationals to a non-native's plight"<sup>103</sup>.

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<sup>101</sup> Kelly, p. 32.

<sup>102</sup> Lazaridis, p. 87.

<sup>103</sup> Emke -Poulopoulos, p. 17.

### **3. Violation of human rights**

#### **3.1 Women, victims of trafficking**

*These women learnt Greece by the trafficker and the client”<sup>104</sup>*

Trafficked women were already en route, to the transit country, "trained" for what they were destined for. Their identification documents, passport, visa, were taken by the traffickers and their associates and/or substituted by forged ones, so as not to have legal status in the host country and to restrict them the freedom of movement, the means to escape. This status of illegality and the fear of deportation were used by the exploiters as a means of intimidation for keeping the victims under a state of captivity. At the initial stage of exploitation they were not paid for the sexual services they were forced to offer ; they were kept under a state of debt bondage, sold from “owner” to “owner” and obliged to “pay off” their “debts” , and later they are given a minimal amount of money. The physical and psychological torture included the use of all means possible, rapes, humiliations, beatings, even murder as "exemplary punishment".

Their living conditions are described as inhuman: they were not allowed the satisfaction of vital needs (hunger, thirst, even to go to the toilet)<sup>105</sup> :They were held confined in small and dirty places, (apartments, hotel rooms, bars/night clubs). In order to keep them dependent and submissive their exploiters also tried to make them addictive to alcohol and drugs. The damages to physical and mental health are of significant gravity. Trafficked women are reported to have lost the sense of space and time<sup>106</sup>. Questioned where they are, or what day of the month or year it is, they could not give an accurate answer. This has been attributed to their transferability from one place to another, a way also of keeping them disorientated, and to their extensive exploitation<sup>107</sup>.

It seems that trafficked women are trapped in a continuous circle of violence. They leave the home country for seeking better living conditions and economic

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<sup>104</sup> Lazos, G.,newspaper *Eleftherotypia*, 22.05.2001.

<sup>105</sup> IHF-HR, *A Form of Slavery*,Emke -Poulopoulos, p. 20.

<sup>106</sup> Emke -Poulopoulos, p. 20.

opportunities abroad and try to flee from the traditional (patriarchal) gender relations dominating in their home country. In the transit and destination country they are subjected to violence, treated as criminals and offered no support services and then they are forced by the state authorities to return back home, in the country where they were apparently trafficked. Apart from the risk of being re-trafficked, in the majority of the source countries (e.g Albania, FYROM, Bulgaria, Romania, Ukraine) prostitution is prohibited<sup>108</sup>. There the trafficked women are not perceived as victims, but as offenders and become socially stigmatized.

### **3.2 Rate of compliance of Greece with human rights standards in relation to trafficking**

Trafficking for the purpose of sexual exploitation violates a number of human rights of the women that are victims of trafficking. It violates the following rights<sup>109</sup> :

- the right to respect of the human dignity,
- the right to equality regarding the enjoyment of all human rights,
- the rights to liberty, which encompasses the right to self-determination, the right to freedom of movement and the right to freely choose one's own place of residence, the right to choose one's own work and not to be coerced into forced labour, the right to respect of sexual liberty and sexual dignity, the prohibition of all forms of slavery,
- the prohibition not to be subjected to torture, or inhuman and degrading treatment or punishment and the respect of social, economic and cultural rights. The protection of the above-mentioned rights is guaranteed both in domestic and international human rights law, to the human rights instruments to which Greece is a party. One can comfortably draw the conclusion that the country has failed so far to prevent the human right abuses committed against women that were trafficked, to prosecute the perpetrators of the abuses and to provide protection to the victims-survivors of trafficking.

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<sup>107</sup> IHF-HR, *A Form of Slavery*. It is reported that women are forced to see over fifty customers per day, to such an extent that they lose sense of time, space and even consciousness.

<sup>108</sup> IHF-HR, *Women 2000. An Investigation into the Status of Women's Rights in Central and South-Eastern Europe and the Newly Independent States*, 2000. In Ukraine prostitution is not a criminal, but a civil offence.

<sup>109</sup> National Committee of Human Rights, *Commentary on the draft law on "for the fight against trade in human beings and assistance to the victims of financial exploitation of sexual life* (in greek), hence *Commentary*.

## **4. Response by the state**

### **4.1 Drafting anti-trafficking legislation.**

A new legislative act setting trafficking as a separate crime has been approved in the greek parliament (October 2002). The law on "Fight against trade in human beings, crimes against sexual freedom, pornography of minors, and in general of economic exploitation of sexual life, and assistance to the victims of these acts"<sup>110</sup> amends a number of articles of Chapter 19 ("Crimes against sexual freedom") of the Greek Penal Code. This review of legislation took place in order to insert specific anti-trafficking articles in the penal code. By revising the provisions regarding economic exploitation of sexual life and protection of minors, the current law completes the revision of chapter 19, started by law 1419/1984 (provisions regarding rape/making violation of sexual dignity punishable).

The law is divided into two parts, Part A' (arts. 1-11) which amends existing provisions and adds new ones, and Part B' (arts. 12-13) which provides for assistance to victims and deals with their repatriation. In general, the law provides for higher sentences for perpetrators, assistance to victims, prosecution for public authorities who in any way are complicit in trafficking. It stipulates definition of trafficking (art. 8 amending art. 351 of the Penal Code), criminalization of sexual exploitation of a minor (art. 9 amending art. 351 A), assistance to victims (art.13) and repatriation of them (art. 14 Any provisions on prevention of trafficking are lacking.

The law was initially drafted by the Ministry of Public Order, with the contribution of the anti-trafficking unit under its authority, established in 2001, but the final text was formulated in conjunction with the Ministry of Justice. As it is stated at the accompanying Introductory Memorandum, by drafting this law Greece complies with its obligations resulting from para. 22 of Presidency Conclusions of the European Council at Tampere, the Joint Action 97/154/JHA of 24 February 1997 and it follows at large the Proposal for a Framework Decision by the Council of European Union

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<sup>110</sup> Law 3064/2002, approved on the 2 October 2002.

for combating Trafficking in Human Beings (8135/02 DROIPEN 26, MIGR 35, of 19 April 2002).

#### Definition of trafficking. Punishment imposed.

Trafficking for the purpose of sexual exploitation (art. 8) is one of the forms of trafficking dealt with in this law; to this, trafficking for the purpose of removal of organs and exploitation of labour (art.1) is to be added. Therefore, the broad definition of trafficking as defined in the UN Anti-Trafficking Protocol is not adopted, but the scope of trafficking is limited to two of its severe forms.

Means of trafficking employed (use of force, threat, or other forms of coercion, use or abuse of power, use of deception or abuse of position of vulnerability through promises, presents) are based in the UN Anti-Trafficking Protocol. It is worth noting that "abuse of a position of vulnerability" was not included in the draft of the law ; it was proposed by the National Committee for Human Rights and finally taken into account. Position of vulnerability is understood to refer " to any situation in which the person involved has no real and acceptable alternative but to submit to the abuse involved"<sup>111</sup>. Therefore, it is not limited to a financial dimension. The punishment imposed can be up to ten years imprisonment and pecuniary fine of 10.000-50.000 euros.

Heavier punishment is provided when trafficking for the purpose of sexual exploitation is turned against (art. 8, para.4) : a) a minor or a mentally or physically disabled person, b) if it is committed by a relative (natural or adoptive) or supervisor of a minor, c) it is connected to illegal entry, residence or leave of the victim from the country, d) it is practiced as a profession, e) it is committed by a public official who is involved in it in any way f) resulted in the heavy physical injury of the victim. In the above-mentioned cases, punishment imposed is at least ten years imprisonment and monetary fine of 50.000-100.000 euros. Under this article, the law tries to protect categories of people that have already fallen a prey to exploitation. In case the act resulted to the death of the victim, life imprisonment is imposed (art. 8, para.5).

## Pimping of minors

The use of services of prostitution, when the victim is a minor, is set out as a separate criminal offence (art. 9, new art. 351 A). The younger the victim, the higher the sentence imposed. It had been suggested criminalization of use of services to be extended in the case the victim is an adult<sup>112</sup>. The National Committee had proposed punishment of the customer who is aware that the prostitute is a victim of trafficking, in line with the CoE Rec. 1545 (2002), but it was finally not taken into consideration.

## Assistance to victims

*"Legislation is cheap, implementation is expensive"*<sup>113</sup>

Protection of the human rights of the victims and provision of assistance to them is set for the first time in the Greek legislation (art. 12). It is addressed not only to victims of trafficking for the purpose of sexual exploitation, but also to victims of arts. 323, 323A, 349, 351A. It entails protection of their life, their physical integrity, their personal and sexual freedom. Assistance given consists of access to housing, food, health care, psychological support, as well as legal assistance and interpretation services. For minors special care is reserved for their access in educational and vocational training programs.

The way of implementation of the services is stipulated to be regulated by a future presidential decree, issued under the proposal of relevant ministries<sup>114</sup>, within six months after the entry into force of the law<sup>115</sup>. This has been a point of harsh criticism. Greek Helsinki Monitor and Organisation Mondiale Contre la Torture (hence GHM-OMCT)<sup>116</sup> characterized it in their joint report as inappropriate and apparently inadequate, since it does not ensure any detailed provisions. The National

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<sup>111</sup> A/55/383/Add.1, B, Interpretative notes, para. 63.

<sup>112</sup> National Committee for HR, *Commentary*.

<sup>113</sup> 11<sup>th</sup> OSCE Economic Forum.

<sup>114</sup> Ministries of : Financial Affairs, Interior, Education, Employment, Health, Public Order, Justice.

<sup>115</sup> The deadline ended in April 2003. The signatures of 4 out of 7 ministers are still pending. Due to the delay of its issuance, a point of criticism also by TIP Report, combined with financial difficulties, the establishment and function of shelters for treatment of victims has been delayed. See newspaper "Eleftherotypia", 13.06.03. The issuance of a presidential decree appears to be the norm. A considerable amount of Greek legislation is passed in outline, with the guts of the law added later by decree. See Apostolou, A., *Greece's Immigration Policy Challenge*, July 2002 (available at internet).

<sup>116</sup> GHM-OMCT).

Committee had expressed the hope that the presidential decree will , indeed, be issued, and that it will be detailed and feasible. The Committee on the Elimination of Discrimination Against Women in its *Concluding Observations* also criticizes a draft of the law for "insufficiently protecting the human rights of women and girls who have been trafficked"<sup>117</sup> and therefore

"urges"<sup>118</sup> the State party to design and implement a policy with a holistic approach to combat trafficking in women and girls. It urges the State party to review the draft legislation in order to strengthen the provisions on assistance and to ensure the protection of the human rights of the trafficked women and girls. It also urges the State party to further strengthen the provisions related to the sexual exploitation of trafficked women and girls"<sup>119</sup>

Both GHM-OMCT and the National Committee for Human Rights express the need of the contribution (GHM-OMTC explicitly mentions funding) of NGOs that have competence in the area of victims' assistance, indispensable in the implementation of the ambitious provisions of this law.

For victims who are aliens, illegally residing in the country, suspension of their deportation is provided, until the court issues a decision against the suspected perpetrator of the act (art. 12, para.2). Without explicitly mentioning it, this provision implies the victim's participation in the court proceedings. A similar provision can be found in Immigration Law 2910/2001; deportation of illegal aliens is also suspended, until the conclusion of the court proceedings, provided that they have filed a complaint or testified against their perpetrators. Definition of the legal status of victims until the end of the court proceedings should have been provided, taking into consideration the time span of the court proceedings<sup>120</sup>. What is more, better and safer conditions must be ensured , so as to encourage the victims to testify .

The issue of respect of private life of the victims during court proceedings had also been recommended to be included in the anti-trafficking law. Media should not interfere with the victims' right to private life, court proceedings should not be open to the public and the personal data of the victims should not be made known to the media. Otherwise, it could lead to their stigmatization and could hinder their social

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<sup>117</sup> CEDAW/C/2002/EXC/CRP.3/Add.9/Rev.1, para. 24.

<sup>118</sup> One can note the stronger language used : the Committee does not " recommend" or "request" , but "urges".

<sup>119</sup> Ibidem, para. 25.

<sup>120</sup> National Committee for Human Rights, *Commentary*.

integration either in the country of origin or in the host country. In any case, it should be consistent with the right of the accused to a fair trial<sup>121</sup>.

### Repatriation

In a finally short- article (art.13), safe repatriation, respecting the victim's dignity is provided (art.13). The National Committee for HR had suggested that the arrangement of practical details of repatriation (expenses, issuance of travel documents) to be regulated by the future presidential decree. It had also supported the possibility for the victim to reside in the greek territory; the status of residence and work permit, not included in the current provision, should be defined. As well as access to educational programmes and drafting a broader national plan for facilitating the victims' integration in the greek society. NGOs, women's and feminist organizations point out that repatriation should be voluntary, taking into account the socio-economic conditions in the countries of origin. As regards the provision on minors residing illegally in greek territory, the requirement for the concurring opinion of the Prosecutor of Mnors, following a report of the supervisor of minors , is not enough. It is necessary to establish a body equipped with e.g social worker, child psychologist .

### Assessment of the anti-trafficking legislation

It is the first time that anti-trafficking legislation is set out and it can be considered as a step forward. Greece had repeatedly been criticized so far by human rights organisations<sup>122</sup> for lack of comprehensive anti-trafficking legislative framework and for specifically criminalizing trafficking. Review of anti-trafficking legislation in Greece has also been included in an OSCE project aiming, inter alia, updating research on the status of anti-trafficking legislation in destination countries<sup>123</sup>.

Even some of the suggestions proposed by various bodies were taken into consideration and integrated in the final text, such as abuse of a position of vulnerability as a means of trafficking, higher punishment for an official being complicit etc. However, this legislative act suffers from a series of shortcomings. This

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<sup>121</sup> ibidem and HRW, MoC.

<sup>122</sup> See for instance, HRW, MoC.

<sup>123</sup> OSCE/ ODIHR Projects: "Transforming International and Regional Anti-Trafficking Standards". The other destination countries under research are Germany, Italy, the Netherlands and the United Kingdom., information available at : <http://www.osce.org/odihr/projects/project.php?id=371>.

has led NGOs and women's organisations to state that the current legislation was drafted in order to comply with the country's formal obligations- to comply with the EU Council Framework Decision on Trafficking in Human Beings- and does not reflect the political will to combat the phenomenon<sup>124</sup>.

All trafficking-related acts constitute violation of fundamental rights of the trafficked persons. They also consist crimes against personal freedom, since they contain the element of violence. One could argue that by recording trafficking in chapt. 19 and not chapt.18 of the greek penal code, which deals with " crimes against personal freedom " ( slave-trading, abduction, kidnapping, illegal detention, illegal violence), relegates it to a system of lower punishment<sup>125</sup>.

NGOS and women's organisations had urged to introduce the punishment of the client; without his support, it is argued, the trafficking networks could not operate. It is hypocritical that the clients, who, besides, are in a position of being aware of the fact that the prostituted persons are trafficked and are subject to violence and torture, are not punished as complicit to this crime, but the victims are doubly prosecuted for illegal prostitution and illegal entry or residence in the country<sup>126</sup>.

For covering the lack in the area of prevention, the National Committee for Human Rights had proposed launching information campaigns. These should be targeted at: a) the victims, to reassure them that their rights are protected and that the greek authorities will support them in case they decide to turn against their perpetrators and b) to inform the male population of the country about the appalling conditions of living of trafficked women and make them aware of the fact that by using their services they are complicit to and perpetuate a regime of modern slavery. These prevention campaigns would be adapted to the context and the needs of a destination country.

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<sup>124</sup> Opinion expressed by NGOS, women's and feminist organizations, commentary available at :<http://www.genderissues.org.gr/InfoFemina/CurrentIssue/.../katanagkastiki%20porneia.ht> (in greek).

<sup>125</sup> GHM-OMTC.

## **4.2 Other trafficking-related legislation**

### **4.2. a Immigration law**

This immigration act ,voted in the greek parliament on April 2001, deals with "entry and stay of aliens in greek territory"<sup>127</sup>. It provides for a stricter control of issuance of work permits for aliens in the entertainment sector. This venue of disguised trafficking and exploitation behind a legitimate facade,had extensively been used by trafficking networks in order to legalize the entry, stay and work of the trafficked human commodity not only in Greece, but also in other destination countries, such as Belgium and the Netherlands<sup>128</sup> . In the relevant chapter ("entry and stay of alien artists for employment in entertainment centres"), the matters of issuance of work permit and residence permit are regulated (articles 34, 35). A work permit can be issued for a period up to six months and cannot be renewed. Its issuance is devolved at local administrative level (prefectures), while this was formerly falling within the competence of police. On behalf of the alien artist no change of employer or occupation is allowed. If the employer has been condemned for offences, or court proceedings are pending, he cannot be given a work permit until the issuance of a decision acquitting him from the charges. Among the offences listed, crimes against sexual freedom and financial exploitation of sexual life are included (art. 34, para. a). Issuance of residence permit is also conditional upon a number of requirements (art. 35) , namely having obtained a work permit, a statement of health and health insurance and that accommodation has been found. The duration of the residence permit amounts to the length of the work permit ( 6 months).

A draft of the law, as its final version, had been criticized for not providing for protection of aliens residing illegally in the territory of the country, yet identified as victims of trafficking<sup>129</sup>. A provision on the draft of the law regarding suspension of deportation of illegal aliens who cooperate with the judicial authorities until the conclusion of the court proceedings had been criticized for exposing the victim to

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<sup>126</sup> See footnote 124.

<sup>127</sup> Law 2910/2001.

<sup>128</sup> IOM, *Trafficking and Prostitution : The Growing Exploitation of Migrant Women from Central and Eastern Europe*, March 1995, p. 35.

<sup>129</sup> National Committee of Human Rights, Commentary.

risk<sup>130</sup>, without offering any protection or guarantee to stay in the host country after the conclusion of proceedings. Moreover, Human Rights Watch reports that at the draft of the law there were provisions establishing a visa regime for alien artists in entertainment centres. These were removed from the final version of the law, leaving migrant women even more vulnerable to traffickers for their entry into Greece and barring them from obtaining visas for legal employment in the entertainment sector. Human Rights Watch urges for an amendment of the immigration law in order to establish a visa regime for jobs that are legal in the entertainment sector, guaranteeing the protection of basic labour rights and taking into account the link between the entertainment industry and trafficking<sup>131</sup>.

#### **4.2.b Law on organised crime**

Voted in the Greek parliament in June 2001, the law 2928 amends a number of provisions of the Penal Code regarding the protection of the citizen from acts of criminal organisations. This legislative act is a follow-up of the signing of the UN Convention against Transnational Organized Crime . Under the relevant provision (art. 1 or art. 187 of Penal Code) a criminal organization is defined as a structured group with continuous action, comprised of three or more persons and pursuing to commit a number of criminal acts that are enlisted. According to art. 2., para.3 (art. 187 A of P. C) "anyone who presses charges against punishable acts of art. 187 committed by a criminal organisation, can temporarily not be prosecuted for offences of the law of aliens or prostituted persons. If the allegations are found to be true, suspension of persecution is definite". Deportation of aliens can be suspended until a definite decision for the acts has been issued. A residence permit is provided to be issued, for the period of suspension of deportation (para.4).

This law was voted at the parliament prior to the legislative act on trafficking in human beings and does not list a trafficking group as an organized criminal group. An amendment of the law, listing trafficking as a form of organised criminal group would have a critical impact in the area of prosecution. It would enable a victim of trafficking, who, as it has been shown, is both alien and illegally prostituted, to press charges against the traffickers .

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<sup>130</sup> Ibidem.

<sup>131</sup> HRW, MoC.

### 4.3 Response at a sub-regional level

Trafficking in women is a significant problem in the broader southeastern European region. There is a number of sub-regional initiatives in which Greece participates, committed to fight trafficking either aiming specifically at it, or within the broader framework of combating crime, organized or otherwise, and regulating migration.

The **Adriatic-Ionian initiative** was inaugurated at the *Summit on Development and Security in the Adriatic and Ionian* in Ancona in May 2000<sup>132</sup>. It establishes a framework for collaboration between participating states in a variety of areas : trade, economy, tourism, energy, transport and technical assistance, sustainable development and environmental protection, education, culture and science, natural disasters, as well as combating illegal activities<sup>133</sup>. Greece is among the seven participating states ( Greece, Italy, Albania, Bosnia and Herzegovina, Croatia , Slovenia and the former Federal Republic of Yugoslavia).

Set as a consultative forum of governments (ministries of Interior) and international organisations, the **Budapest process** deals with the issue of irregular migration in the European region. **ICMPD**, functioning as its Secretariat, has contributed useful insights in research on trafficking, its definition as a concept, its distinction from smuggling, and the relationship of the two with organised crime<sup>134</sup>.

A U.S initiative in the region, the **Southeast European Cooperative Initiative(SECI)**, is set up in order to promote close cooperation among the governments in the region and facilitate the integration of the participating states into European structures. Greece is the only EU member-state of the initiative<sup>135</sup>. In 2001 a conference was organised in Bucharest, where SECI is based, about trafficking in human beings.

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<sup>132</sup> Information available at the Ministry of Mercantile Marine, <http://www.mmm.gov.gr/mmm/initiative/pai/en/index.asp> (in English).

<sup>133</sup> See The Ancona Declaration, para. 8 : "...to focus investigations or combating trafficking in human beings, drug trafficking, smuggling, money laundering, and every serious unlawful activity in which transnational criminal organisations are implicated ;".

<sup>134</sup> See ICMPD, *The Relationship between Organised Crime and Trafficking in Aliens. Study prepared by the Secretariat of the Budapest Group*, June 1999. I thank ICMPD for providing me with useful research material and especially Mr T. Kiss , Senior Liaison Officer , for discussing with me the issues of trafficking and smuggling, as part of irregular migration in the region.

<sup>135</sup> The other SECI participating states are : Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Hungary, Moldova, Romania, Slovenia, FYROM, FRY, Turkey.

Within the framework of the **Stability Pact for South Eastern Europe** , a Task Force on Trafficking in Human Beings was created in 2000. Its main objective is to enhance regional cooperation among various anti-trafficking actors in the Southeast European region and beyond. As an acknowledgement of the "pressing and growing importance of the problem of trafficking in human beings in their region" countries of the region have signed the *Anti-Trafficking Declaration of South Eastern Europe*<sup>136</sup>. Under this declaration, trafficking in human beings is recognized as a human rights issue that has to be addressed in a regional and cooperative way.

Apart from participation in the above-mentioned regional initiatives, Greece has signed agreements of cooperation on trafficking with Albania and Ukraine and bilateral agreements of police cooperation with Balkan and former USSR countries<sup>137</sup>. By signing the "Protocol of trilateral cooperation on combating crime and especially transborder criminality" the country is committed to cooperate with the other signatories (Romania and Bulgaria) in the area of traffic in women and their sexual exploitation within the framework of cooperation in preventing, combating and investigating crime<sup>138</sup>.

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<sup>136</sup> In Palermo, on the 13<sup>th</sup> December 2000.

<sup>137</sup> Newspaper *Eleftherotypia*, " the X-Ray of Horror", 22.05.2001.

<sup>138</sup> Popa, M., *Legal Study on the Combat of Trafficking in Women for the Purpose of Forced Prostitution in Romania, Country Report*, Ludwig Boltzmann Institute of Human Rights, Vienna 2000, p.16.

## **4.4 Prevention and assistance to victims. The role of NGOs**

### **4.4.a Prevention**

Action taken in the area of prevention is mainly undertaken by NGOs. A number of women's organisations, the *Network in Support of Refugees and Migrants* and the *Uncommitted Women's Movement*, jointly with the Research Centre of Women's Affairs, produced and distributed leaflets in several languages on trafficking in Greece. In an effort to inform a particularly high-risk group, the foreign women who already stay in Greece, about the danger of being forced into prostitution, or in case they are trafficked and that the abuses they suffer are crimes, an initiative has been taken by the *Feminist initiative against forced prostitution of foreign women*. The organisation produced and distributed leaflets in a number of languages (e.g. russian, polish, albanian)<sup>139</sup>. Especially the illegal migrant women are informed about the extent of trafficking in Greece and that the fact that they reside and work illegally makes them more vulnerable to traffickers. The brochure refers to the usual means employed by the traffickers to approach their potential victims, the main forms of exploitation and the inhuman conditions of living of the victims. It also lists the rights this group of women has according to the national legislation and gives them practical advice, recommending them for instance not to give their identification papers to anyone, no matter how intimate to them this person can be, and informing them that situations such as rape or forced prostitution constitute criminal offences and are punished by law.

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<sup>139</sup> "Advice to women-victims of forced prostitution", Newspaper *Eleftherotypia*, 3.4.2001.

#### **4.4. b Assistance**

There is a lack of inadequate infrastructure in support services afforded to victims of trafficking. A number of projects that have been implemented aimed either in research in trafficking<sup>140</sup> or to offer only information services to the victims<sup>141</sup>. Some NGOs<sup>142</sup> that provide informal support to the victims admit that they encounter difficulties to establish contacts with them and whenever they manage to , they cannot offer them the support services they need . With respect to accommodation, only two state –run (in Athens and Piraeus) shelters are used for housing trafficking victims. It is worth pointing out that these shelters are destined primarily for the accommodation of battered women, victims of domestic violence, they are used occasionally for accommodating trafficked women and besides they are of limited capacity<sup>143</sup>. NGO representatives interviewed by Human Rights Watch said that trafficking women usually end up in deportation or detention centres, or in the streets and whenever they try to access accommodation they encounter various difficulties ; they are required to have passports or proof of medical checks. In addition the joint provision is apparently not without problems ; trafficking victims are regarded by the other women housed in the shelters as prostitutes.

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<sup>140</sup> Project funded by the EU STOP Programme and run by the Research and Support Centre for Victims of Maltreatment and Social Exclusion , titled "Confrontation of the Trafficking of Women from Balkan States, Russia and Ukraine in order to be sexually exploited in countries of the EU ". The project ended with a transbalkan conference (Ioannina, June-July 2001), HRW, MoC.

<sup>141</sup> Project funded by the EU DAPHNE Programme; the only anti-trafficking project in Greece to receive funding by this programme, run by the Research Centre of Women's Affairs, titled " Women Refugees-Stop Exploitation". According to the project coordinator, the information support office for refugee and trafficked women that was created offers only information, and not any support services to victims. HRW, MoC.

<sup>142</sup> Network in Support of Migrants and Refugees, Non-Aligned Women's Movement, European Forum for Left Feminists, HRW, MoC .

<sup>143</sup> Every shelter has three rooms, of capacity of fifteen beds each, HRW, MoC.

## **5. An overall assessment of the anti-trafficking efforts.**

### **TIP Reports and Greece's rating**

One can comfortably draw the conclusion that the response at the problem of trafficking was , and still is, to a large part inadequate and uncoordinated, an ad hoc reaction, and not part of a comprehensive policy against trafficking. Lack of action in the area of prevention, effective prosecution and adequate protection amount to failure to prevent abuses of human rights, to prosecute the perpetrators and to protect the victims. Some steps taken forward, such as the establishment of an anti-trafficking unit<sup>144</sup>, and setting trafficking as a separate criminal offence can said to reflect a concern regarding the elimination of the problem.

At this point the rating given to Greece in the TIP Reports needs to be discussed. Under the US Trafficking Victims Protection Act ( hence TVPA)<sup>145</sup>, a mechanism of monitoring severe forms of trafficking has been established. Trafficking is recognized as a human rights violation and the US has the mandate to monitor the status of severe forms of trafficking in the country as well as in foreign countries and to evaluate the governments's responses to the problem. TVPA is therefore specifically addressed to *governments* and focuses in the area of *prosecution*.

A narrower scope of trafficking is adopted, since only two of the forms of trafficking listed in art. 3 of the UN Anti- Trafficking Protocol are monitored, namely trafficking for the purpose of sexual exploitation and of forced labour. A narrower definition of the "means of trafficking" is also adopted. A set of four (4) minimum standards is created for the elimination of severe forms of trafficking, namely prohibition and criminalization of trafficking, prosecution and punishment in cases of severe forms of it (including child trafficking, rape, death of the victim), exemplary punishment of severe forms of trafficking, so as to have a deterrent effect and "serious and sustained" efforts of a government to eliminate the phenomenon.

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<sup>144</sup> Under the authority of the Ministry of Public Order.

<sup>145</sup> Public Law No 106-386, signed into law on 28 October 2000.

With respect to the 4<sup>th</sup> standard, seven(7) criteria are applied in order to assess it (listed in no particular order) :prosecution, ii) protection, iii) prevention, iv) cooperation among governments, v) extradition of persons charged with acts of trafficking, vi) monitoring of immigration and emigration and vii) prosecution of public officials found involved in it. Factors that should be taken into account in the evaluation are the determination of the magnitude of the problem in a country of origin, transit or destination, the extent of governmental complicity and the government's resources and capabilities in order to determine which measures are reasonable to be taken.

Evaluation of this monitoring is done every year in the form of issuance of a relevant report, the Trafficking in Persons Report (TIP Reports), released by the competent agency of the US State of Department, the Office to Monitor and Combat Trafficking in Persons. In this report a description of the scope of the problem is not required to be provided – this is the function of the annual US State of Department Country Reports on Human Rights Practices. Countries are rated according to their compliance with the above –mentioned minimum standards to a rate system of Tier 1, 2 or 3. In case of a country's non-compliance (Tier 3), sanctions may be imposed, after a grace period of three (3) years<sup>146</sup>, since many of the measures that have to be adopted require a change in governmental policies and legislative reform. The imposition of sanctions is up to US president's discretionary power and involves withholding "non-humanitarian" or "non-trade-related" assistance (e.g withhold funding for participation of government officials in educational and cultural exchange programmes, deny loan or utilization of funds provided by international monetary institutions.)<sup>147</sup>.

In all the three *Trafficking in Persons Reports* published so far Greece has been steadily given the lowest rating possible (Tier 3). It is the only EU member state to receive such a low rating. The country is acknowledged as a destination and transit one. When it comes to assess the government's effort, it is repeatedly stated that "the government of Greece does not fully comply with minimum standards for the elimination of trafficking and is not making significant efforts to do so". In the 2001 and 2002 reports ( for events of 2000 and 2001 respectively), the lack of anti-trafficking legislation is one of the reasons accounting for the worst rating given. The

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<sup>146</sup> The first report was published in 2001 (for acts of 2000), therefore sanctions can be imposed from the current year 2003.

<sup>147</sup> Mattar, p. 171 ff.

revision in penal legislation specifically criminalizing trafficking both for the purpose of sexual exploitation and forced labour, providing for heavier punishments for the perpetrators, is considered in the last TIP Report<sup>148</sup> as "a shift in political will to address trafficking", but the country remains in Tier 3. Reasons primarily accounting for it are ( in the area of prevention ) the lack of sponsoring prevention activities in the source countries, (in the area of prosecution) the limited rate of prosecutions and the lack on data on convictions and (in the area of protection) the way of arrangement of implementation of the assistance to victims, by the – still pending- presidential decree, which results in the current lack of an adequate protection mechanism. It should be noted, however, that the latest (2003) TIP Report is the first that makes extensive reference to trafficking for the purpose of forced labour, the other form of trafficking that is monitored and accounts for the country's evaluation ; the two previous reports either mention trafficking in general or focus on trafficking for the purpose of sexual exploitation.

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<sup>148</sup> Released on June 11, 2003.

### **C) Concluding remarks and recommendations**

The examination of trafficking in Greece revealed a number of elements, that one should bear in mind in the overall assessment of the problem and in the efforts to combat it. The most vulnerable to trafficking group of women were migrants, showing the link between trafficking and migration, and the convergence of the two forms of trafficking, namely trafficking for the purpose of sexual exploitation and of forced labour. These two forms of trafficking are perceived as particularly severe in a number of documents examined in the present study, the EU Council Framework Decision on combating trafficking in human beings, the revised chapter 19 of the Greek Penal Code and in the U.S *Trafficking in Persons* Reports.

The women were coming primarily from countries of the South Eastern Europe, entering, residing and working in Greece either legally or illegally. They were sexually exploited by local Greeks who had a link to international trafficking networks. A number of factors facilitated the growth of trafficking in Greece: the lack of an adequate legislative framework, corruption and even active complicity of police officials in trafficking in women, corruption of other public authorities, the failure to identify a trafficking victim, and treat the trafficked woman instead as illegal migrant and deport her or even prosecute her. The consequences of this lack of identification mechanism go beyond a further denial of the woman's rights; it contributed to the re-trafficking of that person and had a negative impact in the prosecution of traffickers. The demand side, the client showed indifference for the living conditions of the women, the sexual services of who he used, or whether they were forced into prostitution or not. His financial support played a major role in the expansion of forced prostitution in Greece. Still the protection mechanism for providing assistance to the victims prescribed in the new anti-trafficking law has not been implemented .

Greece is bound by the Constitution and as a party to universal and regional human rights instruments to protect the human rights of all individuals residing in its territory. In the case of women trafficked and sexually exploited in its territory, it showed failure to pay due concern to the problem and prevent the abuses committed, effectively

prosecute the perpetrators and protect the victims. The response came at a rather late stage. The steps taken forward, by setting the necessary legislative framework—albeit with deficiencies, establishing an anti-trafficking unit, and participating in regional initiatives that aim to jointly combat the problem, should be followed by the proper implementation of the protection mechanism set in the anti-trafficking law and complemented by action in the area of prevention.

The combat against trafficking should aim at the particular factors that led to the growth of trafficking in Greece. This raises the need to fight corruption, to adopt gender-sensitive policies, to develop a mechanism of victim identification and strengthen the status of women in the society. In particular, the issue of the client should be addressed. With his financial support and demand, he contributes significantly to the growth of the phenomenon and is complicit to the violations of human rights committed. The example of the Swedish penal legislation, according to which purchase of sexual services is punished, broke new ground and initiated a debate about the involvement of the client. Although this law stands so far in splendid isolation at European context<sup>149</sup>, there are currently discussions and preparations in other Scandinavian countries, in Norway and Finland, to adopt a similar law. The law could be effective and have a significant impact in the area of trafficking for the purpose of sexual exploitation in a country where prostitution is not tolerated, research on the demand side has been undertaken and where the women's rights are promoted. It would appear more feasible in the different legislative and social Greek context to implement the measure proposed by the CoE in the Rec. 1545 (2002), namely the criminalization of the use of sexual services when the client is aware that the prostituted or, more broadly, sexually exploited woman is in fact trafficked.

The human rights of the trafficking victims should be at the centre of all the anti-trafficking efforts. The women victims of trafficking should have access to an adequate protection mechanism without any form of discrimination, which should not be conditional upon their cooperation with the competent authorities. They should have entitlement to a range of social and economic rights, such as appropriate accommodation, health and psychological care, legal assistance. NGOs could play an instrumental role in providing assistance. At the same time abuses of the

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<sup>149</sup> In Canada clients of street prostitution are punished.

protection system should be prevented<sup>150</sup>. In case the victim decides to cooperate with the judicial authorities, more favourable standards of treatment should be made available, an adequate set of incentives which would encourage victims to cooperate. The critical role the trafficking victims can play in the court proceedings is quite illustrating in the case of Irina Penkina<sup>151</sup>. At the appeal's trial there were no witnesses to testify against the suspected trafficker, since her three "roommates" had long ago been deported. The trafficker was released because of lack of evidence. The effects of this measure are not limited to effective prosecutions and convictions. By enabling trafficked persons to seek justice, it puts them out of a state of victimization and it constitutes a first step towards their social rehabilitation. The human rights abuses committed against them do not go unpunished.

Protection should be effective during and *after* the termination of the court proceedings. Repatriation is not always safe or voluntary. The women should have a right to stay in the host country, seek asylum or resettle in a third country. They should also have access to legal remedies. From various directions (the OHCHR, the EU Council Framework Decision, OSCE, GHM-OMCT ) the compensation of the victims has been proposed, through the creation of a Fund funded by the confiscated assets of the traffickers.

It is also urgent for Greece to ratify the UN Protocol against Trafficking, as well as the International Convention on the Protection of the Rights of all Migrant Workers and their Families. It is also necessary to strengthen the participation in sub-regional initiatives and particularly to cooperate with the source countries. The joint Scandinavian-Baltic information campaign of 2002 could be regarded as a good example of cooperation between countries of origin, transit and destination of trafficked women.

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<sup>150</sup> There was the precedent of trafficked women who were assisted by aid agencies and at the same time continued to work for traffickers; the traffickers had offered them "freedom" if they would recruit young women. See Shearer Demir, p. 25, based on a Unicef Report.

<sup>151</sup> Irina was only 18 years old when she committed suicide by hanging herself in the apartment she was held prisoner in Thessaloniki, no longer standing being forced into prostitution. She was from Moldova, had no relatives and in search of a better future she was trapped by a circuit of greek traffickers, see GHM-OMCT, p. 18. To my mind, her case presents striking similarities to that of Dangoule Rasalaite, the story of which is portrayed in the film *Liljia-4 ever*.

In order to combat the problem, all the approaches mentioned in the introduction of this study should be combined. And it should be borne in mind that it is idealistic to believe that one can get rid of the problem, but it is realistic to try<sup>152</sup>.

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<sup>152</sup> P. Williams in the OSCE Forum.

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The present study deals with the issue of trafficking of women for the purpose of sexual exploitation in Greece. A number of factors created a conducive context which allowed for transforming Greece into a major destination country, combined with the lack to pay to the issue the attention it deserved. Human rights reports have constantly pointed out the seriousness of the problem. Greece's obligations to protect the human rights of all the individuals residing in greek territory derive from the national Constitution, the accession of the country to human rights-related instruments, and particularly its membership to regional (european) organizations. These instruments reflect a variety of approaches to trafficking, as a human rights violation, a women's rights violation, a form of organized crime, a form of slavery, forced labour, and as a crime against humanity.

Trafficking in Greece is linked with migration and it is found at the intersection of the broader problem of corruption. The human rights abuses committed against women under a state of trafficking did not find appropriate redress nor is a protection mechanism still implemented. Response to the problem came at a later stage. Recent legislative initiatives show a shift in the attitude towards the issue ; their effectiveness is also analysed and examined as part of the overall assessment of the anti-trafficking response.

***I certify that the attached is all my own work. I understand that I may be penalised if I use the words of others without acknowledgment***

***Styliani Riga***