



GRETA

GROUP OF EXPERTS
ON ACTION AGAINST
TRAFFICKING IN HUMAN BEINGS

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

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I. Introduction

1. The first evaluation of the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings ("the Convention") by Greece took place in 2016-2017. Following the receipt of Greece's reply to GRETA's first questionnaire on 16 June 2016, a country evaluation visit was organised from 3 to 7 October 2016. The draft report on Greece was examined at GRETA's 28th meeting (27-31 March 2017) and the final report was adopted at GRETA's 29th meeting (3-7 July 2017). Following the receipt of the Greek authorities' comments, GRETA's final report was published on 18 October 2017.¹

2. In its first evaluation report, GRETA noted that the Greek authorities had put in place a comprehensive legal and institutional framework for combating trafficking in human beings (THB). Nevertheless, GRETA urged the Greek authorities to ensure that the criminalisation of THB in Greek law was fully consistent with the definition of THB in the Convention, and to adopt as a matter of priority a new national anti-trafficking action plan and/or strategy, accompanied by a mechanism for monitoring its implementation. GRETA welcomed the considerable efforts made in the area of prevention, through awareness-raising campaigns, education and training of relevant professionals. However, GRETA called on the Greek authorities to strengthen the aspect of prevention through social and economic empowerment measures for groups vulnerable to human trafficking, in particular asylum seekers, migrants, unaccompanied children and children in street situations. GRETA welcomed the recent formalisation of the National Referral Mechanism and urged the Greek authorities to provide it with sufficient funding. Other recommendations made by GRETA were to ensure that the identification did not depend on the victim's statement and co-operation in the investigation/criminal proceedings, and to speed up the process of granting victim status. Furthermore, GRETA called on the Greek authorities to improve the support to child victims of trafficking, taking due account of their special needs. Noting that the recovery and reflection period is rarely applied in practice, GRETA urged the Greek authorities to systematically inform presumed victims of the possibility to use such a period and to effectively grant it. In the absence of known cases of compensation being granted to victims of THB, GRETA urged the Greek authorities to adopt measures to facilitate and guarantee access to compensation for victims of trafficking. Further, GRETA noted with concern the low number of final convictions for human trafficking offences and urged the Greek authorities to prioritise the identification of gaps in the investigation procedure and the prosecution of trafficking cases in order to ensure an expeditious trial and effective, proportionate and dissuasive convictions.

3. On the basis of GRETA's report, on 9 February 2018 the Committee of the Parties to the Convention adopted a recommendation to the Greek authorities, requesting them to report back on measures taken by 9 February 2020.² The report submitted by the Greek authorities was considered at the 26th meeting of the Committee of the Parties (12 June 2020). The Committee of the Parties decided to transmit the authorities' report to GRETA for consideration and to make it public.³

4. On 4 February 2021, GRETA launched the second round of evaluation of the Convention in respect of Greece by sending the questionnaire for this round to the Greek authorities. Greece submitted its reply to the questionnaire on the deadline for submission, 5 July 2021.

¹ <https://rm.coe.int/greta-2017-27-fgr-gre-en/168075f2b6>.

² <https://rm.coe.int/cp-2018-3-gre-en/1680789585>.

³ <https://rm.coe.int/cp-2020-02-greece/16809eb4db>.

5. In preparation of the present report, GRETA used the reply to the questionnaire by the Greek authorities, the above-mentioned report submitted by them to the Committee of the Parties, and information received from civil society. An evaluation visit to Greece took place from 28 February to 4 March 2022 in order to hold meetings with relevant governmental and non-governmental actors, collect additional information and examine the practical implementation of adopted measures. The visit was carried out by a delegation composed of:

- Mr Kevin Hyland, member of GRETA;
- Mr Peter Van Hauwermeiren, member of GRETA;
- Ms Petya Nestorova, Executive Secretary of the Convention;
- Ms Asja Zujo, Administrator in the Secretariat of the Convention.

6. During the visit, the GRETA delegation held consultations with relevant officials, including from the Office of the National Rapporteur for Trafficking in Human Beings under the Ministry of Foreign Affairs, the National Centre for Social Solidarity (EKKA), the Special Secretariat for the Protection of Unaccompanied Minors, and the General Secretariat for Demography, Family Policy and Gender Equality. The delegation also met with representatives of the Ministry of Citizens' Protection, the Ministry of Justice, the Ministry of Migration and Asylum, the Ministry of Labour and Social Affairs, the Ministry of Health, and the Ministry of Education and Religious Affairs. The visit provided an opportunity to meet members of the Hellenic Police anti-trafficking units in Athens and Thessaloniki, and prosecutors and labour inspectors in Athens, Thessaloniki and Peloponnese. In addition, the GRETA delegation met with representatives of the Decentralised Administration of Peloponnese, Western Greece and the Ionian, the Mayor and Deputy Mayor of Andravida, and the Deputy Mayor of Thessaloniki.

7. The GRETA delegation held separate meetings with the Greek Ombudsman, Mr Andreas Pottakis, and members of the Ombudsman's Office, the Greek Parliament's Sub-Committee for Combating Human Trafficking and Exploitation, and the Greek National Commission for Human Rights.

8. Separate meetings were held with representatives of non-governmental organisations (NGOs), lawyers and victims of human trafficking. Further, the GRETA delegation met with representatives of the International Organization for Migration (IOM), the United Nations Children's Fund (UNICEF) and the United Nations High Commissioner for Refugees (UNHCR).

9. In the course of the visit, the GRETA delegation visited shelters for victims of human trafficking and centres for unaccompanied children in Athens and Thessaloniki. It also travelled to the village of Nea Manolada in western Peloponnese, where it witnessed the living conditions of undocumented agricultural workers.

10. The list of the national authorities, NGOs and other organisations with which the delegation held consultations is set out in the Appendix to this report. GRETA is grateful for the information provided by them.

11. GRETA wishes to place on record the co-operation provided by Mr Heracles Moskoff, who served as National Rapporteur for Trafficking in Human Beings until early 2022 (see paragraph 19), as well as Mr Lazaros Kozaris, Ms Ekaterini Theofanaki, and Mr Heracles Charmanidis of the Office of the National Rapporteur in preparing and conducting the evaluation visit.

12. The draft version of the present report was approved by GRETA at its 44th meeting (27 June – 1 July 2022) and was submitted to the Greek authorities for comments. The authorities' comments were received on 30 September 2022 and were taken into account by GRETA when adopting the final report at its 46th meeting (14-18 November 2022). The report covers the situation up to 18 November 2022; developments since that date are not taken into account in the following analysis and conclusions. The conclusions summarise the progress made, the issues which require immediate action and the other areas where further action is needed (see pages 57-63).

II. Main developments in the implementation of the Convention by Greece

1. Emerging trends in trafficking in human beings

13. Greece is a country of origin, destination and transit of victims of trafficking. According to information provided by the Greek authorities, the number of presumed victims of THB was as follows: 59 in 2017 (53 female, 6 male; 15 of the victims were children); 44 in 2018 (31 female, 7 male, 6 unspecified; 12 of the victims were children); 154 in 2019 (120 female, 28 male – including two transgender, 6 unspecified; 49 of the victims were children); 167 in 2020 (113 female, 54 male – including two transgender; 74 of the victims were children); and 157 in 2021 (111 female, 46 male; 35 of the victims were children).⁴ The majority of the presumed victims originated from African countries (primarily Cameroon, as well as the Democratic Republic of Congo, Ghana, Nigeria), followed by Asian countries (Pakistan, Bangladesh), other EU countries (Bulgaria, Romania), and non-EU European countries (Republic of Moldova, Albania). As regards Greek citizens, there were 25 presumed victims in 2019, four in 2020 and two in 2021.⁵ The number of victims formally identified by public prosecutors (see paragraph 147) is significantly lower than the number of presumed victims (eight in 2019, four in 2020 and seven in 2021).⁶

14. Trafficking for the purpose of sexual exploitation has been the predominant form of trafficking, affecting the majority of female victims. The second most prevalent form of exploitation is forced begging (36 victims in 2019, 73 in 2020, 20 in 2021), affecting mainly Roma children from Greece, Bulgaria and Romania. Trafficking for the purpose of labour exploitation appears to be significantly underreported (the number of presumed victims was, respectively, none in 2017, one in 2018, 23 in 2019, 21 in 2020, and 39 in 2021) compared to the large number of undocumented workers in Greece (an estimated 10 000), many of whom are land workers from Bangladesh and Pakistan, domestic workers, and persons employed in the construction industry and tourism. Other detected forms of THB concern exploitation of criminal activities (two victims in 2019, two in 2020, nine in 2021), forced marriage (three victims in 2019, four victims in 2021), and slavery (two victims in 2019, one in 2020, 16 in 2021).

2. Developments in the legal framework

15. The Greek legislative framework relevant to combating THB has undergone a number of developments since GRETA's first evaluation, reflecting some of the recommendations made in the first GRETA report. Amendments to the Greek Criminal Code (CC), in force since 1 July 2019, repealed Article 351 (which criminalised THB for the purpose of sexual exploitation), incorporated sexual exploitation in Article 323A ("trafficking in human beings"), and expanded the list of forms of exploitation contained in the latter article. Additional changes were introduced by Law 4855/2021 (for more details, see paragraphs 211-215). Further, the provision concerning the non-punishment of victims of trafficking, previously contained in Article 187B, was included in Article 323A, paragraph 8, of the CC. An amendment related to the non-punishment of victims of trafficking for certain offences was also made to Article 59 of the Code of Criminal Procedure (CCP).

⁴ By way of comparison, the number of victims identified during the previous reporting period was: 106 in 2013, 78 in 2014, 57 in 2015 and 46 in 2016.

⁵ Detailed statistics on the victims are available in the annual reports of the National Referral Mechanism for the protection of victims of human trafficking, available at: https://www.ekka.org.gr/images/KOINONIKON-PAREMBASEON/%CE%95%CE%9C%CE%91/NRM_REPORT_2020_fin.doc.pdf and https://www.ekka.org.gr/images/KOINONIKON-PAREMBASEON/%CE%95%CE%9C%CE%91/NRM-REPORT_2019_eng_fin.pdf.

⁶ See NRM reports for 2019 (p. 21), 2020 (p. 31), and 2021 (p. 36)

16. Furthermore, in 2019 a provision was added to Law 4478/2017 (Article 63a) stipulating that, in accordance with the CCP, assets seized during the criminal procedure which are “judged to be assigned to the victim” are immediately returned to him/her. Article 63a refers to the amended Article 373 of the CCP, pursuant to which frozen property derived directly or indirectly from the commission of the criminal offence and constituting material damages suffered by the victim is returned to the victim. In case the court decides to assign assets to the victim, the decision is executed through the Prosecutor’s Office in accordance with Article 545 of the CCP.

17. Moreover, changes concerning the conditions under which victims of THB can seek and obtain state compensation were made through Law 4689/2020 (see paragraphs 198-200).

18. In July 2018 the Greek Government adopted Law No. 4554 which defined the regulatory framework for the guardianship of unaccompanied children. However, GRETA was informed that the system did not function well in practice. Consequently, new legislation on the establishment of a national guardianship system for unaccompanied children as well as a new accommodation scheme for such children was adopted on 20 July 2022 (see paragraph 93).

3. Developments in the institutional framework

19. The Office of the National Rapporteur on Trafficking in Human Beings (ONR), which is subordinated to the Central Service of the Ministry of Foreign Affairs, continues to fulfil the function of a co-ordinating body with regard to action against THB, as well as that of a National Rapporteur.⁷ This includes submitting an annual report on the fight against THB to the Hellenic Parliament. The Head of the Office, Mr Heracles Moskoff, who served as National Rapporteur, was appointed in early 2022 to the position of Special Secretary for the Protection of Unaccompanied Minors (see paragraph 23), but at the time of GRETA’s visit, he continued to be involved in the running of the Office of the National Rapporteur until the position was filled. The ONR comprised three civil servants of the Ministry of Foreign Affairs.

20. The Greek authorities have stated that the ONR enjoys a considerable degree of independence within the Ministry of Foreign Affairs, which is further reinforced by the fact that the National Rapporteur is a member of the Greek National Commission for Human Rights (GNCHR), which is an official independent advisory body to the Greek State on human rights issues, and the National Council against Racism and Intolerance. Moreover, as mentioned in GRETA’s first report, the authorities consider that the office’s mandate and placement within the Ministry of Foreign Affairs facilitate its co-operation with international partners and enable it to pursue a cross-agency approach, as well as a close collaboration with NGOs. **Nonetheless, GRETA reiterates the importance of maintaining the structural separation between co-ordination and monitoring functions, in accordance with Article 29 of the Convention, and once again invites the Greek authorities to examine the possibility of designating as a National Rapporteur a separate organisational entity or another independent mechanism for monitoring the anti-trafficking activities of State institutions.**

21. The National Centre for Social Solidarity (EKKA), an agency under the Ministry of Labour, Social Insurance and Social Solidarity, is tasked with co-ordinating the provision of social support services to persons in crisis situation or in need of emergency social aid, including victims of trafficking.⁸ EKKA runs two shelters for women and girls victims of violence, which can accommodate victims of trafficking (see paragraph 163), as well as two emergency shelters and a helpline for emergency social aid (197). EKKA is also responsible for managing the operation of the National Referral Mechanism (NRM), the centralisation and referral to other agencies of requests for the protection of victims, and the collection of data on detected victims (see paragraphs 140-146).

⁷ See GRETA’s first report on Greece, paragraphs 24-26 and 60-61.

⁸ See GRETA’s first report, paragraphs 30.

22. The Permanent Co-ordination Mechanism, which consists of senior officials of relevant ministries and agencies, and the Permanent Consultation Forum, comprising representatives of NGOs specialised in the field of combating THB,⁹ were integrated into the NRM following its establishment.

23. In February 2020, the Special Secretariat for the Protection of Unaccompanied Minors (SSPUAM) was established by Presidential Decree 18/2020. Its competence, outlined in Article 60, paragraph 3 of Law 4636/2019 (as amended by Law 4686/2020), covers all aspects of accommodation and integration of unaccompanied children, their potential relocation within the EU, the safeguarding of their well-being and the development, implementation and monitoring of a national strategy for the protection of unaccompanied children. The SSPUAM closely collaborates with the ONR.

24. The Greek Labour Inspectorate (SEPE), which previously operated under the Ministry of Labour and Social Affairs, was established as an independent administrative authority pursuant to Law 4808/2021 (see paragraph 76).

25. The Parliamentary Sub-Committee on Trafficking in Human Beings, established by the Greek Parliament's Committee on Equality, Youth and Human Rights, meets on a monthly basis and closely co-operates with the ONR. The Sub-Committee holds meetings with representatives of government agencies, NGOs and international organisations, on a wide range of topics including national legislation related to combating THB, support to victims of trafficking, the nexus between THB and the employment of irregular migrants in the agricultural sector, challenges in the judicial system, and trafficking of children. To mark the occasion of the World Day Against THB, on 30 July 2020, the Sub-Committee held a joint session with the Parliamentary Committees on Social Affairs and Public Administration and Public Order and Justice, which was attended, *inter alia*, by the President and Prime Minister of the Hellenic Republic.

26. In June 2021, a working group consisting of legal professionals and criminal justice practitioners specialised in THB was set up within the Ministry of Justice, and was tasked with preparing an analysis of the implementation of anti-trafficking legislation, with the aim, on the one hand, of drafting a series of targeted recommendations to the law enforcement and legislative proposals, and on the other, of promoting projects for the rights of THB victims and initiatives to combat the culture of impunity. GRETA was informed that the working group has met at least every two months since its establishment and has initiated a number of activities, including the process for the appointment of a special investigator for victims of THB, the drafting of a guide on the rights of THB victims, and the organisation of training seminars for judicial officers on the rights of victims of criminal acts, including victims of THB. Further, it initiated the issuing of the latest circular of the Public Prosecutor's Office of the Supreme Court, in May 2022, concerning the identification of victims of THB (see paragraph 149).

⁹ See GRETA's first report, paragraphs 27, 34, 62 and 63.

4. National Action Plans

27. In May 2019, following a period of seven years without an anti-trafficking action plan after the expiry of the last one in 2012, the Office of the National Rapporteur issued the National Action Plan for Preventing and Combating Trafficking in Human Beings and the Protection and Rehabilitation of Victims for 2019-2023. It has the following six objectives: 1) prevention of THB; 2) early identification, protection and assistance to victims of THB; 3) ensuring justice and punishment of perpetrators in THB cases; 4) co-ordination and effective co-operation between national agencies, and between national and international agencies in the fight against THB and the protection of victims; 5) ensuring a victim-centred, gender-sensitive and child-sensitive approach in the political and operational planning related to the fight against THB; and 6) promotion and support to research in the field of prevention and combating of THB and protecting and assisting victims. These objectives are reflected in the five strategic action lines¹⁰ and individual actions elaborated under each action line. **GRETA welcomes the adoption of the National Action Plan on THB, which corresponds to a recommendation made in GRETA's first report.**

28. The funding for the implementation of the activities in the National Action Plan is not specified, but GRETA was informed that it is financed through the funds of the EU Partnership Agreement for the Development Framework 2014-2020,¹¹ which amount to 1.8 million Euros and are secured until 2024. A considerable portion of the budget allocated for the implementation of the National Action Plan concerns actions to be undertaken by the Office of the National Rapporteur. The activities implemented by EKKA are funded through the EU Internal Security Fund (631 835 Euros), and the regular budgets of the relevant public agencies are used for the implementation of activities by the respective agency. **GRETA considers that the Greek authorities should ensure sustainable long-term funding for anti-trafficking activities.**

29. Further, the Ministry of Justice has adopted the National Action Plan for the Rights of the Child, which includes a series of actions related to the protection of children from all forms of THB.¹² Moreover, the SSPUAM has developed a five-year Strategy for the Protection of Unaccompanied Minors. The Strategy covers, *inter alia*, actions related to the effective protection of children from all forms of violence, the development of a comprehensive framework for child protection through prevention measures, the setting of standards for support and intervention, and ensuring that an effective referral pathway is in place.

30. The Greek authorities have adopted a new National Strategy for the Social Inclusion of Roma (2021-2030), which includes measures for the prevention and combating of THB (see paragraph 107). The Strategy provides for synergies with the Strategy of the Ministry of Citizen Protection for Combating Trafficking in Human Beings.

¹⁰ 1) Prevention, Awareness and Vulnerability Reduction; 2) Human Resources Education and Training and Institutional Framework Development; 3) Protection, Assistance, Social Reintegration of Victims; 4) Prosecution of THB crimes and Administration of Justice; and 5) Promoting synergy between relevant National and International bodies.

¹¹ The Partnership Agreement for the Development Framework 2014-2020 constitutes the main strategic plan for growth in Greece with the contribution of significant resources originating from the European Structural and Investment Funds (ESIF) of the European Union. The main objectives of the Partnership Agreement are: 1) the systematic education and training of relevant groups and officials and promotion of synergy actions between the public and private sector; 2) the promotion of the National Strategy for Prevention and Awareness-Raising Actions; and 3) strengthening and developing the Office of the National Rapporteur on THB.

¹² The Action Plan covers the 12 bodies that form the "National Mechanism for the Development, Monitoring and Evaluation of Action Plans for the Rights of the Child," which was established by Law 4491/2017.

31. The National Action Plan on Gender Equality 2021-2025 incorporates the National Programme on Preventing and Combating Violence against Women, which has been implemented by the General Secretariat for Demography, Family Policy and Gender Equality (GSDFPGE) since 2010. The programme covers all forms of gender-based violence, including trafficking of women and girls. It encompasses a network of structures aimed at supporting female victims of violence, comprising an SOS helpline (15900), 44 counselling centres and 19 shelters.

5. Training of relevant professionals

32. Since 2017, the Office of the National Rapporteur (ONR) has organised a number of training activities and seminars for a wide range of actors involved in the anti-trafficking field, including the staff of Athens International Airport, staff of Reception and Identification Centres (RICs), the Labour Inspectorate, as well as employees of the Municipality of Athens working with asylum seekers and refugees.¹³

33. EKKA's anti-trafficking advisors/trainers¹⁴ developed an NRM handbook on the basis of which it delivered training to more than 800 front-line professionals (police officers, Asylum Office staff, health care staff, labour inspectors, staff of shelters for victims of gender-based violence, representatives of NGOs). For example, in 2019 and 2020, EKKA delivered a total of 10 interagency seminars on the islands of Kos, Leros, Samos, Lesbos, Rhodes and Chios, as well as in Thessaloniki, and it continued to provide training online during the Covid-19 pandemic. In addition, targeted training was provided to NRM focal points across Greece. EKKA's training curriculum, which covers topics such as the national legal framework on victims' rights and identification of, and communication with, victims, also includes country profile sessions aimed at raising awareness of factors that may affect the identification process, specifically on Nigeria (sexual exploitation abroad), Ethiopia (kafala system in the Middle East) and Pakistan (bonded labour in the bricks industry). EKKA has also developed a specific curriculum for Asylum Service officers tailored to their needs.

34. As mentioned in GRETA's first report,¹⁵ the topic of THB is included in the curriculum of the Police Academy and taught to officers of all ranks. Further, members of the Hellenic Police have attended a number of training sessions in Greece and abroad, including a seminar on THB organised by the NGO A21 in March 2019, attended by 15 police officers, a training seminar for 36 police officers appointed as liaison officers in RICs and refugee camps, as well as a number of seminars and webinars organised by CEPOL. Moreover, 140 police officers took part in the webinar on the Annual Report on THB in Greece in 2019.

35. In addition to the NRM training mentioned above, primary case officers and quality focal points from the Greek Asylum Service participated in two training sessions on the legal status of potential victims of THB and identification and referral of victims, organised in 2021 with the use of the EASO platform. In 2021, 126 professionals from RICs and temporary reception facilities and from the National Public Health Organisation (EODY) were provided with training aimed at improving the identification of victims of trafficking.¹⁶

36. The Hellenic Coast Guard provides training on combating THB and protection of fundamental human rights to Coast Guard officials serving in port authorities, and these subjects are also included in the higher education curriculum of such officials.

¹³ For a detailed list of training activities, see the Report submitted by the authorities of Greece on measures taken to comply with Committee of the Parties Recommendation CP(2018)3 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings, pp. 7-10.

¹⁴ Two anti-trafficking advisors were deployed to EKKA from November 2018-March 2021, through the Norwegian Council for Refugees/NORCAP, with EEA Grants funding. A legal advisor, who was also deployed to EKKA through the same programme until February 2022, took part in the preparation and delivery of the trainings.

¹⁵ See GRETA's first report on Greece, paragraph 73.

¹⁶ The training is carried out under the project "Activate - Enhancing the Antitrafficking Identification, Prevention and Support Mechanisms," funded by the Asylum, Migration and Integration Fund (AMIF).

37. GRETA was informed that the Administrative Board of the Judicial Training Academy incorporated courses on criminal law, which include the topic of THB, into the 2019 curriculum. The Ministry of Justice has also organised a number of training sessions for judges on the rights of migrants and refugees, and a three-month training was provided to administrative judges through the Council of Europe's HELP course on the topic of "Asylum and the ECHR."

38. The Office of International and Lifelong Learning, established within the Public Prosecutor's Office of the Supreme Court in 2018, organises in collaboration with ODIHR, OSCE and the Council of Europe training for prosecutors on THB-related topics, such as investigation of THB as a cyber-enabled crime, identification and protection of victims of THB, and identifying and investigating criminal activities in the field of THB.

39. As regards labour inspectors, training for high-ranking executives of the Labour Inspectorate (SEPE) took place in 2018 and some of them also participated in the anti-trafficking simulation-based training organised by the OSCE in Vicenza, Italy (see also paragraph 88).

40. The Ministry of Foreign Affairs organised a five-day webinar on visa related issues for around 100 consular staff in May 2021, which included information on THB indicators and identification and referral of presumed victims of THB. GRETA was also informed that training on issues related to THB has been established in the Diplomatic Academy.

41. In February 2021, the SSPUAM organised training for over 300 professionals working in accommodation centres for unaccompanied children, including psychologists, social workers, carers, lawyers, teachers and interpreters.

42. The Institute of Education Policy within the Ministry of Education has organised e-training for 2 500 teachers in 218 schools as part of a pilot project entitled "Skills Workshops" which introduced new thematic areas in compulsory education related to human rights (see paragraph 98). The Refugee Education Coordinators (primary and secondary teachers seconded to RICs) have also received relevant training.

43. The General Secretariat for Demography, Family Policy and Gender Equality (GSDFPGE) organised a four-day training on combating violence against women, including trafficking, for all counsellors who work in the counselling centres, shelters and the SOS telephone helpline (15900). Moreover, two training sessions were delivered to staff of these structures within the National Programme for Preventing and Combating Violence against Women.¹⁷ Frontline professionals working with asylum seekers and refugees also received training within the framework of the programmes "SURVIVOR: Enhancing Service for Refugees and Migrant Gender-based Violence Survivors" and "EMPOWER REF 'Empowering professional and refugee communities to detect, identify, address and prevent sexual and gender-based violence in Greece".

¹⁷ The training, delivered with the support of the NGO DIOTIMA, the International Medical Corps, the Research Centre for Gender Equality (KETHI) and UNFPA, covered topics such as cultural diversity, psychological first aid, crisis management and trauma, the referral system for refugee women victims of gender-based violence, and strategies to effectively work with interpreters and asylum procedures.

44. GRETA welcomes the provision of training on THB and related topics to a range of professionals. Nonetheless, a number of GRETA's interlocutors noted that there is a need for more targeted training to be provided to prosecutors and judges, especially with regard to the identification of victims of trafficking, the application of the non-punishment principle, and the protection of victims and witnesses in criminal proceedings.

45. GRETA considers that the Greek authorities should continue their efforts by integrating training on THB into regular or mandated training programmes, with a view to ensuring that all relevant staff, including police officers, prosecutors, judges, lawyers, asylum officials, labour inspectors, social workers, child protection specialists, teachers and health-care professionals, as well as representatives of the media are periodically trained on THB. The training should in particular aim to strengthen the prevention of THB, facilitate the identification of victims, improve their protection and access to compensation, and increase the effectiveness of investigations and prosecutions in THB cases.

6. Data collection and research

46. In the first evaluation report, GRETA considered that the Greek authorities should develop and maintain a comprehensive and coherent statistical system on trafficking in human beings by compiling reliable statistical data on measures to protect and promote the rights of victims, as well as on the investigation, prosecution and adjudication of human trafficking cases, and allowing disaggregation (concerning sex, age, type of exploitation, country of origin and/or destination, etc.).

47. Since the publication of GRETA's first report, the authorities have launched the NRM, which has led to the development of data collection on victims of THB. Pursuant to the SOPs of the NRM, all members of the NRM (see paragraph 141) who detect and/or assist presumed victims of trafficking must report them to EKKA by filling out a detailed reporting form. If the victim consents in writing (by signing a "consent form") to have the case reported to the NRM, the case is assigned an Entrance Code (an 11-digit code based on the personal information of the presumed victim) by the reporting actor as well as a Registration Number by EKKA which will further monitor the case. Consent is not required in the case of child victims. While the reporting form does not contain the personal information of the presumed victim of THB, it provides demographic information (citizenship, languages spoken, residence status in Greece), as well as detailed information regarding the elements of THB identified. In the absence of the consent from the presumed victim, the case is reported without the 11-digit code and taken into account for statistical purposes.

48. Three annual reports on the NRM have been published (for 2019, 2020 and 2021), containing detailed information on the number of presumed victims of THB, disaggregated according to various criteria, the type of assistance they received, as well as the number of victims who were formally identified by a prosecutor.¹⁸ The Prosecutor's Office of the Supreme Court has issued three circulars, in 2018, 2019 and 2021, requiring the prosecution authorities to provide, *inter alia*, statistical data on the number of identified victims of THB.

49. GRETA was informed that EKKA has prepared a registration platform for identified victims of THB, which will facilitate the collection of information. The platform is expected to be launched in 2023. All members of the NRM will have access to the platform, in order to submit reporting forms and update the relevant data. The submitted reports will be anonymised and treated in compliance with the EU General Data Protection Regulation and relevant Greek legislation.

¹⁸ See https://www.ekka.org.gr/images/KOINONIKON-PAREMBASEON/%CE%95%CE%9C%CE%91/NRM_REPORT_2020_fin.doc.pdf and https://www.ekka.org.gr/images/KOINONIKON-PAREMBASEON/%CE%95%CE%9C%CE%91/NRM-REPORT_2019_eng_fin.pdf.

50. Information on the criminal cases involving THB, as well as the number of victims of trafficking who have been granted a recovery and reflection period and/or a residence permit are collected separately by the relevant authorities. GRETA was informed that the information on the recovery and reflection period/residence permits granted to victims of THB is included in the reporting form, and that the authorities plan to ensure that this information is consistently submitted to EKKA.

51. **GRETA welcomes the data collection established as part of the NRM and considers that the Greek authorities should continue their efforts to develop and maintain a comprehensive and coherent statistical system on trafficking in human beings by compiling reliable statistical data from all main actors on the number of presumed and identified victims, as well as measures to protect and promote the rights of victims. This should be accompanied by all the necessary measures to respect the right of data subjects to personal data protection including ensuring that the confidentiality of sensitive information is protected.**

52. The National Centre for Studies (KEMEA, under the Ministry of Citizen Protection), in co-operation with EKKA and the Themistocles and Dimitris Tsatsos Foundation – Centre for European and Constitutional Law, has been implementing, since June 2021, the project “A4: Crossing borders for effective police investigation to protect female victims of sex trafficking and enhance accountability mechanisms”. The project includes legal research aimed at addressing gaps and identifying best practices in the police investigation and court proceedings related to THB for the purpose of sexual exploitation in Greece and Bulgaria. The research findings are treated as confidential by the Greek authorities.

53. GRETA was also informed that the ONR has filed a request, through the Ministry of Foreign Affairs, to secure funding for five targeted studies on THB which will focus on supply chains and local/regional government, the mapping of training needs in social structures and public services, expertise of front-line professionals, evaluation of existing services, new technological applications, as well as THB in relation to money laundering. The studies, which will be funded through the EU Partnership Agreement for the Development Framework 2014-2020, will serve as a basis for the production of information and educational material, to be disseminated to the relevant stakeholders. Funding in the amount of 493 220 Euros has been secured until 2024.

54. Further, the Institute of Child Health has conducted a study on the conditions related to the accommodation of children in shelters for women victims of violence, commissioned by UNICEF. The study resulted in a report which noted a number of shortcomings, including a lack of child-friendly facilities and child care in the shelters, the fact that boys over the age of 12 cannot be accommodated at the shelters (resulting in the separation of families), a lack of expertise to assist children who have experienced trauma, a high staff turnover, as well as a lack of interpreters and intercultural mediators, which makes it difficult to provide assistance to immigrant and refugee women and their children, and creates problems for children to integrate schools. The report provides recommendations on ways to alleviate these problems.

55. **GRETA considers that the Greek authorities should continue to support and carry out research on THB, including with regard to trafficking for the purposes of labour exploitation, forced begging and forced criminality, trafficking in children, internal trafficking, trafficking involving migrants and refugees, as well as the misuse of the Internet for committing THB.**

III. Article-by-article findings

1. Prevention of trafficking in human beings

a. Measures to raise awareness of THB (Article 5)

56. Since GRETA's first evaluation, the Greek authorities have organised a number of activities in order to raise awareness of the risks of human trafficking and ways of prevention among the general public.

57. The ONR has continued to organise the annual "Break the Chain" festival, held on the occasion of the European Anti-Trafficking Day (18 October), which aims to bring together the main anti-trafficking actors and representatives of the private and cultural sectors. By way of example, in 2017, the campaign focused on THB for labour exploitation. In 2018, the General Secretariat for Demography, Family Policy and Gender Equality of the Ministry of Labour and Social Affairs presented the drama "Women made out of earth" based on stories of HIV-positive women victims of human trafficking, followed by a panel discussion of THB experts. In 2019, the Ministry of Infrastructure, Transport and Networks organised a month-long anti-trafficking awareness-raising campaign which consisted of messages posted in the Athens Metro and on public buses.

58. In October 2019, the ONR participated in the first EU-wide campaign on the prevention of THB developed by the European Crime Prevention Network. The campaign, launched on the occasion of the European Anti-Trafficking Day, included advertisement of posters and videos on social media and relevant websites with information on the national hotlines for reporting THB.

59. Further, the two-day "Raise Your Voice" festival, held annually, brings together a range of public and private stakeholders, NGOs, artists and members of the general public in order to raise awareness of THB. In 2018, the festival focused on THB for labour exploitation, while the 2020 and 2021 online editions of the festival aimed to raise awareness of THB and climate change. The festival consisted of workshops on the topic of THB, a series of panel discussions, individual stories presented in video format, as well as an art and costume exhibition.

60. From April 2018 until June 2019, the GSDFPGE ran a national public campaign aimed at raising awareness of all forms of violence against women, including THB, and promoting the available support structures. The campaign, which was co-financed by the Greek Government and the EU, included seminars, informational material, TV and radio spots, and information publicised in public transportation and online.

61. In 2020, in collaboration with UNICEF, the authorities promoted a social media campaign entitled "Making the invisible visible" on the occasion of the Human Rights Day (10 December). Moreover, EKKA facilitated two awareness-raising webinars in 2020, one on the topic of LGBTIQI+ persons and THB, and another to present research by UNODC and UN WOMEN on the impact of Covid-19 on trafficking. EKKA also publishes a newsletter with information on its anti-trafficking activities.

62. The ONR has recently launched a joint initiative with the Greek Church aimed at raising awareness of THB among clerics and their congregations. The campaign focuses in particular on reducing demand for services or products supplied by victims of trafficking and expanding the network for the identification of presumed victims of THB.

63. Further, the ONR and IOM have agreed on a joint action plan for a pilot project aimed at providing information and training on the risks of THB and modern slavery to a range of target groups, including migrants and refugees, local authorities and representatives of the private sector. The project will last until the end of 2023. The activities completed so far include the publication of information brochures and posters in eight languages (Greek, English, Arabic, Farsi, French, Somali, Sorani and Lingala), which have been distributed to all centres accommodating migrants and asylum seekers, as well as the provision of training to frontline professionals and employees of regional services and shelters, in co-operation with IOM.

64. Various awareness-raising activities have also been organised by civil society organisations. By way of example, in 2020 the NGO A21 organised a number of online events on awareness and prevention of THB, which reportedly reached an audience of 6000 people.

65. **GRETA welcomes the efforts to raise public awareness of human trafficking and invites the Greek authorities to continue implementing measures to raise awareness of THB.**

b. Measures to prevent THB for the purpose of labour exploitation (Article 5)

66. GRETA's first report on Greece referred to the landmark judgment *Chowdury and Others v. Greece*,¹⁹ (also known as the "Manolada case"), in which the European Court of Human Rights (ECtHR) found for the first time a violation of Article 4 of the European Convention on Human Rights (ECHR) in respect of trafficking for the purpose of labour exploitation. The case concerned a group of 42 Bangladeshi men working on a strawberry farm in the village of Nea Manolada (prefecture of Ilia, in western Peloponnese) who did not have work permits, worked up to 12 hours per day under the supervision of armed guards and lived in makeshift shacks without toilets or running water. When a group of workers demanded their wages on 17 April 2013, one of the armed guards opened fire on them, seriously injuring 30 workers. Before this incident the Greek authorities had known for years about the circumstances under which thousands of workers lived and worked in strawberry farms around Manolada, due to media reports and an Ombudsman's report which had been submitted to all relevant authorities and labour inspections, but no effective action to remedy the situation had been taken.

67. In the aftermath of the *Chowdury and Others v. Greece* judgment, on 27 August 2018, the Greek National Commission for Human Rights (GNCHR) issued recommendations, taking into account information received through two hearings with relevant national stakeholders, concerning the steps that needed to be taken to comply with the judgment. On 30 November 2018, the conference "Putting Chowdury into practice: challenges and opportunities in relation to the execution of the ECtHR judgement *Chowdury and Others v. Greece*", was co-organised by the ONR, the Ministry of Justice, Transparency and Human Rights, and the Office of the Supreme Court Prosecutor. On 5 June 2020, the GNCHR issued a communication on the assessment of the level of compliance of the Greek State with the judgment, according to which many of the recommendations made in August 2018 had not been implemented.²⁰

¹⁹ *Chowdury and Others v. Greece* (application No. 21884/15), judgement of 30 March 2017.

²⁰ Greek National Commission for Human Rights, Communication on the assessment of the level of compliance of the Greek State with GNCHR's recommendations on the ECtHR judgment *Chowdury and Others v. Greece* (Manolada case), under Rule 9(2) of the Rules of the Committee of Ministers for the supervision of the execution of judgments and of the terms of friendly settlements, 5 June 2020.

68. One of the recommendations concerned Article 13A of the Immigration and Social Integration Code (Law No. 4251/2014), which allows the employment of irregular migrants in order to meet the urgent needs of the rural economy by granting them a six-month work permit (without residence status). This creates a sub-category of “para-legal” workers with limited rights, who are not registered, whose social security and wages are not guaranteed, and who cannot have access to decent accommodation. As stressed by the GNCHR, this practice legitimises the *de facto* absolute dependence of farm workers on their employers under the tolerance of the police authorities, and increases their vulnerability to extreme labour exploitation, thus reflecting one of the most serious deficits of Greece’s migration policy.²¹ Through Article 24 of the Act of Legislative Content No. 84/13.4.2020 entitled “Measures to address the continuing consequences of the COVID-19 pandemic and other urgent provisions”, farm workers were given the possibility to extend their work permits for another six months. The GNCHR has asked for the immediate withdrawal of the latter provision. GRETA was informed that Article 13A of Law No. 4251/2014 was repealed on 1 July 2022. However, the authorities have pointed out that employers who wished to employ third-country nationals as seasonal workers, including those who are already in the country, could still do so until 30 September 2022, by filing an application with the competent Aliens and Immigration Department of the Decentralised Administration. The temporary residence for seasonal agricultural workers may be extended by the Aliens Directorate or the Police Directorate up to 10 days before the expiry of the initial period of validity of the residence permit.

69. The “Manolada case” was not an isolated incident. In June 2018, a fire broke out in a makeshift camp accommodating hundreds of farm workers from Bangladesh and Pakistan in the strawberry fields in Nea Manolada (a second fire in June 2021 completely destroyed that camp). With the legal aid of the NGO Generation 2.0 for Rights, Equality and Diversity (RED), 164 of the farm workers who were victims of the fire submitted a report-complaint to the Central Service of the Labour Inspection (SEPE) as well as to the GNCHR, the Ombudsman and the ONR. SEPE found no violations of the labour law in October 2018 (as no workers could be found to be interviewed, see paragraph 82), and the victims were issued with deportation orders by the police in December 2018. Subsequently, some positive steps were taken by the authorities. The workers were recognised as presumed victims of particularly exploitative working conditions in February 2019 and pending criminal proceedings, 220 workers in the area of Nea Manolada were granted temporary residence permits for humanitarian reasons pursuant to Article 19A of Law No. 4251/2014.

70. The NGO Generation 2.0 for Rights, Equality and Diversity has launched the initiative “Manolada Watch” for the monitoring of the working and living conditions of migrant agricultural workers and publishes periodic reports on the situation there.²² According to them, while there are no official data and numbers of registered land workers, it is estimated that at a time when strawberry cultivation and harvesting are in full progress, 7000 to 8000 people live in the area, most of them from Bangladesh. The vast majority are undocumented. Less than 10% have received a certificate of “postponement of expulsion due to employment in the agricultural economy” (based on article 13A of Law 4251/2014).

²¹ Ibid., p. 20. GRETA also refers to the report of the 2022 UN Special Rapporteur on trafficking in persons, especially women and children “Trafficking in persons in the agriculture sector: human rights due diligence and sustainable development”, which recommends, *inter alia*, that states should “ensure that legislation on labour standards and protection of workers applies to all workers, without discrimination or exceptions, irrespective of their migration status, contractual status or the temporality of their contracts” (paragraph 60(j)).

²² [Manolada Watch - Generation 2.0 \(g2red.org\)](https://www.g2red.org/Manolada-Watch)

71. During the second evaluation visit to Greece, GRETA visited three locations (camps) on the outskirts of the village of Nea Manolada where migrant farm workers lived, and spoke to some of them. The accommodation consisted of makeshift shacks made of corrugated iron, cartons and greenhouse plastic films (polytunnels), without electricity, water, heating or sewage. Some of the shacks had small gas cookers, which were clearly a safety hazard. The shacks were surrounded by huge heaps of waste as there was no provision for its collection and removal from the camp. Up to 10-12 people lived together in the big shacks and the rent for each was around 100 Euros per month, while the smaller shacks could accommodate 6-8 people and the rent was around 50 Euros. These sums were collected and given to the landowner. Workers with whom GRETA exchanged indicated that they usually worked seven hours a day for 27 Euros (an increase from the previous pay of 24 Euros).²³ They moved mainly with small trucks to and from the cultivated areas. When they were not picking strawberries, they did other seasonal work.

72. The Covid-19 vaccination of undocumented land workers in Nea Manolada began in October 2021, with around 450 workers being vaccinated by March 2022, while around 1000 remained unvaccinated. The Migration Integration Centre, in consultation with the General Secretariat of Reception and Identification of Asylum Seekers, has undertaken the issuance of a Temporary Social Security Number (PAMKA) for their vaccination.

73. GRETA met the regional authorities of the municipality within which Nea Manolada is situated (Andravida), who noted that steps had been taken to improve the living and working conditions of farm workers. They referred to a centre for the inclusion and integration of migrants which offers social support, Greek language classes and vaccination. According to them, a programme of housing for the land workers started in 2019, offering proper accommodation with water and electricity supply and waste removal. One of the big strawberry producers had reportedly provided some 60 ISO containers, fully equipped with all the necessary appliances. GRETA was informed by some of the officials met that workers did not accept to live in the proper accommodation facilities offered to them because they preferred to be close to the fields or for other – cultural or religious – reasons. GRETA was not able to corroborate this information from other sources. Immigration officials informed GRETA that since 2018, 663 Bangladeshi and 196 Pakistani workers had been regularised because they had spent a total of over seven years without interruption in Greece.

74. The Ombudsman has repeatedly intervened in the matter of living conditions of land workers in Nea Manolada. The last mediation was triggered by the above-mentioned report/complaint from September 2018 (see paragraph 69). The Ombudsman has pointed out the inability of SEPE to carry out effective controls of compliance with labour laws in Nea Manolada and the non-implementation of the legislation providing for appropriate health and safety standards.

75. In February 2022, the governments of Greece and Bangladesh signed a bilateral agreement on migration and mobility, which refers to the EU acquis. It concerns temporary employment in the agricultural sector and establishes a maximum of 15 000 temporary residence permits of five years' duration for nationals of Bangladesh who already reside on Greek territory, and a maximum of 2000 temporary residence permits of five years for new applicants for admission to Greece. The temporary workers are allowed to be employed for nine months within any 12-month period. The conditions for temporary residence include the presence of a valid work contract with an employer established in Greece, with a duration of at least one year. GRETA was informed that the agreement came into force on 1 September 2022 and that the authorities are in the process of specifying the modalities for its implementation.

²³

The minimum wage in Greece is 773.50 Euros per month (35.70 Euros per day).

76. Law 4808/21 established the Greek Labour Inspectorate (SEPE) as an "independent administrative authority" without legal personality, whose responsibility is to control the application of labour and social security law.²⁴ The independent authority enjoys functional, administrative and financial autonomy, and shall be subject only to parliamentary control. Two bodies are foreseen for the management of the authority: the Governor who prepares the formal operational plan of the independent authority and a five-member Administrative Board. Specifically for labour exploitation and trafficking, Article 103, paragraph 2, section (a) of Law 4808/21 explicitly states that labour inspectors shall monitor the working conditions and terms of vulnerable groups of workers, while paragraph 3, section (i) provides for the keeping of a register of employers who have been sanctioned for violation of the prohibition of employment of illegally staying third-country nationals. GRETA was informed that the authority became operational on 18 July 2022 (pursuant to Ministerial Decision 67759/18-07-2022) and that the Governor has been appointed. The new authority will focus on strengthening measures to prevent and combat labour exploitation through a series of seminars and activities such as EMPACT's Joint Action Days organised on 15-21 June and 15-21 September 2022 (see paragraph 83).

77. GRETA was informed that the total number of labour inspectors as of September 2022 was 651, of whom 392 serve as labour relations inspectors and 259 are occupational safety and health inspectors. The labour relations inspectors are responsible for supervising the working conditions of workers and imposing corresponding fines and sanctions on enterprises (filing a complaint with the prosecutor, closing the enterprise, exclusion from public contracts). Occupational safety and health inspectors monitor the working conditions of workers and impose fines and sanctions when terms and conditions of employment concerning the health and safety of workers are violated, as well as in cases of occupational accidents and the employer's liability for them. In this context, GRETA recalls the importance of allocating sufficient human resources to ensure the effectiveness of labour inspectorates, and refers to the relevant standards established by ILO.²⁵

78. Furthermore, GRETA was informed that the SEPE has incorporated measures to address labour exploitation taking into account the ILO's labour exploitation indicators on wage withholding, lack of legal documents and abusive terms and conditions of employment through the framework law 4052/12. In case it finds undeclared work, SEPE imposes a fine of 10 500 Euros for each worker, and if the undeclared worker is a third country national without legal documents, the fine is increased to 15 500 Euros. The inspector may also proceed to the closure of the company and to a complaint if it is found that the workers are employed under particularly abusive terms and conditions of employment. In cases where particularly abusive working conditions are found to be applied to foreign workers from third countries (Article 88, paragraph 5, of Law 4052/12), labour inspectors draw up a complaint to the public prosecutor, in order to ensure that, in addition to the criminal prosecution of the employer, the worker - in case he/she does not have legal residence or work documents - is granted a residence permit, following a finding by the public prosecutor that he/she is a victim of trafficking.

79. According to the Greek authorities, in 2019 and 2020, 17 025 inspections were carried out in different economic sectors (agriculture, food, distillery, accommodation, entertainment, private employment agencies) and 57 enterprises were identified as illegally employing 82 foreign workers. A total sum of 410 000 Euros in fines was imposed for the above infringements. As regards in particular the tourism sector, inspectors conducted 12 050 inspections and imposed 3675 fines, while 351 cases were referred to the prosecutor. Moreover, 816 undeclared workers were found and the relative fines were imposed, without victims of human trafficking being detected.

²⁴ Terms and conditions of employment, working time limits, terms of collective labour agreements, legality of employment of third country nationals, combating violence and harassment in the workplace, etc.

²⁵ See ILO, Guidelines on general principles of labour inspection (2022), pp.20-21. See also ILO, Committee on Employment and Social Policy, Strategies and practice for labour inspection (2006) GB.297/ESP/3, para. 13.

80. According to official information, the SEPE does not prosecute workers who are either uninsured or without legal documents. Such workers, through organisations representing them, can report their alleged employers by telephone, in writing or by email and request an inspection and a labour dispute, without the declaration of their employment being a prerequisite. The SEPE imposes sanctions exclusively on employers, creating a safety net for potential victims of labour exploitation. However, labour inspectors met by GRETA during the visit stated that they are legally obliged to contact the immigration services if they find undocumented workers and they risk being deported. According to information submitted by the Greek authorities in the comments on the draft GRETA report, labour inspectors are not legally obliged to inform immigration authorities in such situations, but they do communicate with the immigration authorities on a case-by-case basis in the course of their audit work, especially in case of suspected fraudulent documents. In this context, GRETA refers to the recent report of the UN Special Rapporteur on trafficking in persons, especially women and children on THB in the agriculture sector, which recommends that states should “ensure that immigration enforcement is separated from the protection of workers’ rights, including through the establishment of firewalls between immigration enforcement, labour rights protection and all anti-trafficking measures, and through safe reporting procedures, ensuring implementation of the principle of non-punishment.”²⁶

81. According to the SEPE, labour inspections are exclusively unannounced, and inspectors are obliged not to disclose the time and place of inspection to third parties. Agriculture is an economic sector characterised by low skill levels, low wage employment (in family businesses), seasonal work and extensive use of foreign workers. In 2019-2020, as part of a co-operation programme between Greece and Belgium which included joint training, Greek labour inspectors visited Belgium and participated in joint inspections in the agricultural sector, aimed at addressing undeclared work.

82. Labour inspectors met by GRETA in Patras indicated there were only a few inspections during the COVID-19 pandemic as inspectors worked mostly from home and there were a lot of absences. No joint inspections with the police took place in 2020 and 2021. There are a number of practical problems: for example, due to the absence of four-wheel drive vehicles, it is not possible to visit farms when it rains. Speaking to the workers is a problem as there is a language barrier and there is no provision for interpretation. Workers usually flee when they see the inspectors’ vehicle approaching as they are undocumented and are scared of deportation or other sanctions.

83. According to the GNCHR, in practice, labour inspectors rarely visit agricultural sites as they lack staff and equipment. Trade Unions have the right to be present during inspections, but it is feared that this right will be lost following the reform of the SEPE (see paragraph 76) and Trade Unions have to be registered by the Ministry of Labour in order to participate in inspections.²⁷ According to the information provided by the Greek authorities in their comments to the draft report, the provisions of the Law 1264/82 concerning the right of Trade Unions to be present during inspections and submit their comments continue to apply. The Greek authorities have further indicated that during the EMPACT Joint Action Days held on 15-21 September 2022, the SEPE developed an operational action plan aimed at addressing labour exploitation in the agricultural sector, which envisages targeted inspections in cases of suspected labour exploitation and measures aimed at informing workers of their rights and obligations.

²⁶ UN Special Rapporteur on trafficking in persons, especially women and children “Trafficking in persons in the agriculture sector: human rights due diligence and sustainable development” (25 April 2022), paragraph 60(z).

²⁷ According to information provided by the authorities, the registration of trade unions in the General Register of Trade Union Employees within the Information System ERGANI of the Ministry of Labour was done as part of the process to update and digitalise the register, in accordance with Circular no. 80823/02-09-2022 of the Ministry of Labour. Pursuant to the Law 4808/21 which established the Labour Inspectorate, the Labour Inspectorate co-operates and “exchanges data and information with the organisations of the social partners, scientific bodies in the field of labour, as well as related services abroad.”

84. With regard to domestic workers, labour inspectors are not allowed to enter private households without a prosecutor's order (Article 2, paragraph 5 of Law 3850/2010). However, they may file a complaint with the competent Public Prosecutor if they find violations of labour law in the course of examining all evidence submitted to them during the SEPE conciliation mechanism. Domestic workers have access to the SEPE conciliation mechanism and in 2018, 91 domestic workers resorted to it; of them, 36 cases were resolved related to unpaid accruals and in six cases, complaints were filed with the Prosecutor.

85. Within the EU Operational Action Plan to disrupt the activities of organised crime groups, co-ordinated by Europol (integrated in the multidisciplinary co-operation platform EMPACT), SEPE and the police participate in joint inspections taking place on scheduled Joint Action Days (JAD) in industries and businesses with the highest risk of labour exploitation (e.g. agriculture, fish farms, hotels, barber shops, construction sites, food services, livestock farming). In 2018, 372 joint inspections were carried out and 113 administrative penalties (fines) imposed for violations of labour law provisions. In 2019, 347 joint inspections took place and 82 administrative penalties (fines) were imposed.

86. Law No. 4052/12 provides the framework on the operation and supervision of private employment agencies. A prerequisite for their operation is the existence of a director, a safety study, fire safety and tax information, while the employer is obliged to submit the list of employees regularly (every six months) to the information system ERGANI, providing details of each employee (VAT number, work permit) and his/her salary. Paragraph 4 of Article 98 of Law 4052/12 provides that the placement in a job through private employment agencies is done without any financial burden for the person placed in the job. Article 108 of the same law stipulates that in case of illegal operation of an agency or its branches, administrative sanctions are imposed (a fine of 5000 Euros as well as the closure of the agency, which may be permanent). Criminal sanctions are foreseen in case of non-compliance with the legal requirements (imprisonment of up to two years and a fine). Labour inspectors can carry out inspections of private employment agencies. In 2018, 55 such inspections were carried out, 10 fines totalling 41 900 Euros were imposed, and two reports were filed with the Prosecutor's Office for violations of labour law provisions.

87. Occupational accidents are investigated by the SEPE following reports by employers, the Hellenic Police, Port Authorities, Health Units or victims. Following an investigation (with the assistance of the Hellenic Police or other authorities, if necessary), the SEPE files a report to the Public Prosecutor's Office. In the agricultural sector where mainly migrant workers are employed in precarious working conditions, in 2019-2021, 28 accidents (including three fatalities and four severe injuries) were reported. In January 2022, a Pakistani worker died in a work-related accident in a carpentry factory in Patras. The accident was reported 11 days later by the employer, excluding the identity details of the victim as he was staying in the country illegally. The SEPE investigation, impeded by a subsequent fire in the factory, continues in co-operation with the Immigration Services, the Hellenic Police and the Public Prosecutor's Office of Patras. Procedures have been initiated for the imposition of administrative sanctions on the employer for violations relating to illegal employment, undeclared work, as well as late notification of the accident. In addition, a complaint will be submitted to the Prosecutor's Office in Patras for violations of labour legislation.

88. The National Action Plan 2019-2023 foresees several capacity-building training projects for front-line professionals, such as labour inspectors, on THB issues and in particular how to identify indicators of forced labour. This strategic objective is against the backdrop of a very difficult identification situation in part because exploited workers are often reluctant to identify themselves as victims, preferring to work in poor conditions rather than return to their home countries. Another drawback that the Plan attempts to address is the difficulty to make the distinction in practice between an employment dispute and a THB-case. GRETA was informed that in 2018, training was provided by the ONR and ILO to high-ranking executives of SEPE across the country. In their comments on the draft GRETA report, the Greek authorities indicated that the SEPE started providing continuous training to labour inspectors in May 2022 when a two-day seminar was organised exclusively for labour inspectors, with the participation of trainers from the NRM (EKKA), the Hellenic Police and SEPE.

89. In June 2021, the Greek Parliament ratified ILO Convention No. 190 on Eliminating Violence and Harassment in the World of Work and ILO Convention No. 187 on Occupational Safety and Health. However, Greece has not ratified the 2014 Protocol to the ILO Forced Labour Convention No. 29, nor ILO

Labour Inspection (Agriculture) Convention No. 129 (in respect of the latter, GRETA was informed that SEPE had proposed its ratification to the Ministry of Labour). **GRETA encourages Greece to ratify these instruments.**

90. While welcoming the steps taken by the Greek authorities to prevent trafficking for the purpose of labour exploitation, such as the conclusion of a bilateral agreement with Bangladesh, GRETA notes the need to further enhance prevention through improvements to the regulatory and institutional framework, including with regard to the work of labour inspectors, whose human resources, mandate and training should be increased to enable the proactive detection of cases, as well as increased co-operation with trade unions and civil society organisations. A crucial gap in the current system and practice is the lack of awareness and targeted action on the part of the SEPE, which contributes to the low number of investigations and prosecutions in THB cases for the purpose of labour exploitation. The SEPE focuses on labour law violations, the detection of undeclared work/legality of employment of third-country nationals, and sanctions to be imposed on employers, but has no real focus on the detection of potential victims of labour trafficking.

91. **GRETA urges the Greek authorities to intensify their efforts to prevent THB for the purpose of labour exploitation, taking into account GRETA's Guidance Note on combating trafficking for labour exploitation²⁸ and the Council of Europe Committee of Ministers Recommendation CM/Rec(2022)21 on preventing and combating trafficking in human beings for the purpose of labour exploitation. This should include steps to:**

- **increase the number and strengthen the capacity of labour inspectors so that they can be actively engaged in the prevention of THB and ensure that their mandate includes a concrete focus on detecting potential victims of THB for labour exploitation;**
- **address the risks of THB in the agricultural sector and ensure that sufficient resources are made available to labour inspectors to fulfil their mandate and carry out proactive and systematic inspections, including in remote locations at risk of THB. When joint inspections are conducted, the role of the immigration authorities should be clearly defined and the relevant legislative framework should be further developed to ensure that undocumented workers are able to regularise their status;**
- **with a view to preventing abuse and exploitation, ensure that the living and working conditions of migrant workers meet all the requirements laid down in legislation, and provide adequate information on rights and social insurance coverage to migrant workers;**
- **train labour inspectors throughout the country, as well as law enforcement officers, prosecutors and judges, on combating THB for the purpose of labour exploitation and the rights of victims;**
- **ensure that inspections can take place in private households where domestic workers are employed with a view to preventing abuse of domestic workers and detecting cases of human trafficking;**
- **strengthen the monitoring of recruitment and temporary work agencies and supply chains and review the legislative framework for any loopholes that may limit protection or preventive measures;**
- **raise awareness among the general public as well as, in a targeted manner, among migrant workers, about the risks of THB for the purpose of labour exploitation;**
- **work closely with trade unions, civil society and the private sector to raise awareness of trafficking for the purpose of labour exploitation, prevent trafficking**

in supply chains and strengthen corporate social responsibility, drawing on the Guiding Principles on Business and Human Rights²⁹ and Recommendation CM/Rec(2016)3 on human rights and business.³⁰

c. Measures to prevent trafficking in children (Article 5)

92. In the first evaluation report on Greece, GRETA urged the Greek authorities to reduce children's vulnerability to trafficking by putting in place a guardianship system for children without parental care, including unaccompanied children, and amending the system of birth registration with a view to reducing the risk of new-born children not being registered.

93. As mentioned in paragraph 18, the Law No. 4554 from July 2018, which defined the regulatory framework for the guardianship of unaccompanied children (see paragraph 173), has been replaced by Law No. 4960/2022 adopted in July 2022. Under the new law, guardians (referred to as "guardianship mandated persons") are professionals employed by a public or private legal entity, who are appointed by the prosecution authorities. Guardians fulfil three functions: i) representation in administrative and judicial proceedings, ii) ensuring that children are provided with housing, medical care, education and daily care, and iii) assisting children in accessing benefits and the labour market. The law further establishes the framework for the provision of accommodation to unaccompanied children, with a focus on the best interest of the child. Moreover, the law envisages the development of a national registry for the protection of unaccompanied children, containing information on the children and the accommodation system, and it regulates the National Emergency Response Mechanism for unaccompanied children in precarious living conditions. The law's provisions will be further specified through ministerial decisions.

94. GRETA was informed that the SSPUAM had developed, with the support of UNHCR, an Emergency Response Mechanism to prevent children from going missing, which includes a hotline, mobile units, as well as helpdesks in Athens and Thessaloniki. The mechanism is responsible for tracing unaccompanied children who are homeless or living in precarious conditions, including children who are at risk of becoming victims of THB, and offering them protection through their placement in appropriate accommodation facilities. In this context, SSPUAM mobile units will receive THB-related training to meet immediate needs, focused on issues such as forced begging, forced criminality and providing sexual services. The mechanism has also been designated as the responsible authority for the reception of separated and unaccompanied children from Ukraine, who are registered by the child protection services and the police upon their arrival in Greece.

95. Law 4538/2018 introduced a number of measures to ensure the protection of children in the adoption procedure, particularly in the context of the so-called private adoptions which are concluded with the consent of biological parents. Namely, the law foresees a centralised electronic register of all children available for adoption as well as for all prospective parents who have been screened for suitability by the competent state social services and have completed a training programme on the parental role. The law also requires a court decision in order to finalise the adoption. According to the Greek authorities, the law aims to considerably reduce the time needed to place a child with adoptive parents, while it also renders the adoption process more transparent thus contributing to the prevention of trafficking in children.

96. Another measure aimed at preventing illegal adoptions was introduced through Article 62 of Law 4554/2018 and Joint Ministerial Decision 53033/672/2018, which provide that the police should meet mothers who lack identity documents in maternity clinics and verify their personal details (see paragraph 251 with regard to THB for the purpose of illegal adoptions).

97. In 2018, in co-operation with the General Secretariat for Demography, Family Policy and Gender Equality and a leading maternity hospital in Athens, the Ministry of Education and Religious Affairs

²⁹ http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf

³⁰ [Recommendation CM/Rec\(2016\)3](#) of the Committee of Ministers to member States on human rights and business, adopted by the Committee of Ministers on 2 March 2016 at the 1249th meeting of the Ministers' Deputies.

organised seminars on fundamental human rights and sexual and reproductive health for 2538 students in 21 schools. As part of the campaign "Free to Speak Safe to Learn, Democratic Schools for All," the Ministry organised in June 2019 the conference "Democracy in Action," and it has decided to dedicate one day a year, either the European Anti-Trafficking Day (18 October) or the Human Rights Day (10 December), to providing information to school children related to THB. It has also envisaged to provide training to school teachers on topics related to THB.

98. In 2020, the Institute of Educational Policy (IEP), in co-operation with the Ministry of Education and Religious Affairs, introduced a pilot project consisting of thematic areas covering issues related to human rights, sex education, sexual violence and abuse, and gender equality in the curriculum of primary and secondary schools, which are of relevance for prevention of THB. After the end of the pilot, the new teaching unit entitled "Ergastiria Dexiotiton: 21st Century Skills Lab" was included in the curriculum of all compulsory education.

99. Under the auspices of the Ministry of Education and Religious Affairs, the European Centre Wergeland, in co-operation with the IEP, implemented a project entitled "Integration of refugee children in Greek schools" from 2019-2022, under which 867 school staff/teachers received training aimed at creating a safe and inclusive environment for refugee children. The project included the creation and implementation of action plans in 64 schools across Greece, and the organisation of several webinars and conferences. A handbook "31 Basic Activities" was developed to be used in the implementation of training and action plans.

100. The NGO Smile of the Child has a Memorandum of Understanding (MoU) with the Ministry of Education and Religious Affairs to carry out visits to schools across Greece during which a team of specialised psychologists informs students and teachers about trafficking.

101. The NGO A21 implements an awareness programme about THB, which has been approved by the Institute of Educational Policy and is aimed at raising awareness of THB in schools. A guide has been developed for parents and pupils on THB and related topics, such as the safe use of the Internet.

102. The Greek Red Cross runs five centres for unaccompanied children which provide support aimed at making the children more independent. During the evaluation visit, GRETA visited a dormitory for homeless unaccompanied children run by the NGO METAdrasi in Athens, which can accommodate 40 boys aged 16 or older. At the time of the visit there were 20 children using the dormitory on a daily basis. In addition to two bedrooms with bunk beds, there is a large classroom where children receive education (e.g. Greek language lessons). There is also a large area where children can stay during the day (there were several boys there at the time of GRETA's visit), with lockers they can use to store their belongings. Children are provided with meals and clothes, and there are washing machines available. There are always several staff members present at the dormitory. GRETA was informed during the meeting with NGOs that 40-50% of the children who sleep in the dormitory (mostly from Bangladesh and Pakistan) have possibly been victims of THB for labour exploitation. However, according to the information provided by the authorities, EKKA is not aware of any such children having been referred to the NRM.

103. GRETA's interlocutors have expressed concern with regard to the lack of protection and support for children from EU member states and vulnerable communities who may be victims of THB for the purpose of forced begging and forced criminality. Such children are apparently often returned to their parents/guardians without a proper investigation, and are thus exposed to the risk of (re)trafficking. Moreover, GRETA was told that little has been done to address the problem of school dropouts and that teachers in primary and secondary schools lack the necessary training to recognise and address signs of vulnerability to THB. GRETA notes that some of these issues are addressed by the National Strategy for the Social Inclusion of the Roma (see paragraph 107). Another problem that has been pointed out to GRETA is the limited support available for children who exit the care system upon reaching the age of majority, due in part to the fact that there is no link between the support systems for children and adults in Greece.

104. The ONR and UNICEF Greece signed an MoU following the launch of UNICEF's country office in 2021 and its five-year plan for the advancement of children's rights in Greece. Under the MoU, the ONR and UNICEF launched a campaign entitled "No Child is for Sale," which included sensitisation sessions for over 80 frontline workers across Greece, an art contest involving 136 children and 64 adults from the migrant and refugee population, a virtual artwork exhibition and the production of 4000 posters and postcards, based on the most popular drawings.

105. GRETA welcomes the steps taken by the Greek authorities to prevent illegal adoptions, as well as the adoption of the new law on the guardianship of unaccompanied children. **Nevertheless, GRETA considers that the authorities should further strengthen their efforts in the area of prevention of child trafficking, particularly with regard to children from vulnerable communities and unaccompanied children. Concrete measures should be taken to ensure that children are not returned to environments in which they may be exposed to a risk of (re)trafficking and to prevent truancy and early exiting from education among vulnerable children. Teachers and child protection professionals across the country should be provided with THB-specific training to enable them to recognise and address signs of vulnerability to THB.**

d. Social, economic and other initiatives for groups vulnerable to THB (Article 5)

106. In its first evaluation report, GRETA urged the Greek authorities to continue strengthening the aspect of prevention through targeted social and economic empowerment measures for groups and persons particularly vulnerable to THB, including women, asylum seekers, irregular migrants, unaccompanied children and children in street situation.

107. According to the Greek authorities, Roma constitute about 90% of the victims of trafficking for forced begging and forced criminality. Another form of exploitation involved pregnant women from impoverished Roma communities in Bulgaria who are trafficked to Greece for the purpose of the sale of their new-born babies (see paragraph 251). In order to address factors which render the Roma community particularly vulnerable to trafficking, the General Secretariat for Social Solidarity against Poverty developed the National Strategy for the Social Inclusion of the Roma (2011-2020) and the related action plan, which included measures related to housing, education, employment and health care. GRETA was informed that the new National Strategy for the Social Inclusion of the Roma (2021-2030) includes measures related to prevention of trafficking, such as ensuring equal access of the Roma population to health care, housing, general education, vocational training, as well as measures aimed at preventing school dropouts. The Strategy also contains measures for the empowerment of young people and women from the Roma community. Further, it envisages the establishment of a Commission for Roma Social Inclusion which will include all relevant ministries and bodies, as well as a National Advisory Committee for Roma Social Inclusion. Both bodies were expected to become operational in 2022.

108. Beneficiaries of international protection in Greece are among those particularly vulnerable to trafficking due to the fact that their access to housing and state support for basic needs ceases one month after they are granted international protection.³¹ The National Anti-Trafficking Action Plan (2019-2023) contains a number of measures, under Objective 4, aimed at reducing vulnerability to THB, including awareness raising and training on THB for professionals and NGOs implementing street outreach and other activities aimed at vulnerable groups including the Roma, migrants, refugees and unaccompanied children. THB-related training for intercultural mediators and interpreters, as well as for the staff of shelters accommodating women victims of violence, is also foreseen in the Action Plan.

109. There are a number of civil society organisations active in the field of anti-trafficking, which are listed in the NRM Handbook mentioned in paragraph 142. By way of example, GRETA met with the NGO Smile of the Child which runs 14 centres for families in need, many of whom are migrants, where it provides food, clothing, hygiene products and psychological support. This NGO also provides care for refugee and migrant children with specific needs, and runs 11 homes and a day centre in Athens for children victims of abuse and violence. Another NGO, ARSIS, provides temporary accommodation for refugees and vulnerable asylum seekers in rental apartments through the Emergency Support to Integration and Accommodation (ESTIA) project, as well as in shelters for single mothers and unaccompanied children (in Athens, Samos, Kos, Leros and Crete).

110. Further, as part of its Green Light Project, the Salvation Army provides medical support, housing, clothing as well as counselling to persons in the street who are involved in prostitution as well as those who wish to exit prostitution, both in Athens and Thessaloniki.

111. Law 4604/2019 on Substantive Gender Equality and Preventing and Combating Violence Against Women, adopted in 2019, represents the first legislative effort in Greece to implement a gender-mainstreaming approach and eliminate gender inequalities in the public and private sphere. The law also institutionalises the Pan-Hellenic network for gender-based violence (see also paragraph 31).

112. GRETA welcomes the social and economic initiatives described above and considers that the Greek authorities should increase their efforts to prevent THB through social, economic and other measures for vulnerable groups, by providing long-term support and integration measures for migrants and refugees, including recognised beneficiaries of international protection after their access to benefits ceases, facilitating the social inclusion of Roma communities, combating gender-based violence, and supporting specific policies for the empowerment of women as a means of combating the root causes of THB.

³¹ See <https://asylumineurope.org/reports/country/greece/overview-main-changes-previous-report-update/>. GRETA is aware of a number of victims of THB, including children, identified by NGOs in Switzerland, who had been granted refugee status in Greece (some of them had suffered sexual assault in refugee camps where they were accommodated). However, after the 30-day support from the authorities ceased, they found themselves on the street and were coerced into prostitution.

e. Measures to prevent trafficking for the purpose of organ removal (Article 5)

113. GRETA notes that while trafficking in human beings for the purpose of organ removal as defined by the Convention and organ trafficking as defined by Articles 4 to 8 of the Council of Europe Convention against Trafficking in Human Organs³² are distinct crimes, they share similar root causes, such as shortage of organs to meet demand for transplantation and poor economic and other conditions that put persons in a vulnerable position. Therefore, measures to prevent organ trafficking can help prevent trafficking for the purpose of organ removal and the reverse is also true.³³ Among the necessary preventive measures, GRETA underlines the importance of a robust and transparent domestic system for the removal and transplantation of human organs and the need for training of health-care professionals. GRETA also stresses the importance of conducting a thorough investigation in each case where there is information or suspicion of trafficking for the purpose of organ removal, paying attention to the abuse of the vulnerability of the “donor” and ensuring that “donors” are treated as victims of human trafficking.

114. Trafficking for the purpose of organ removal is covered by Article 323A of the CC. With regard to organ donations, Law 3984/2011³⁴ provides that living donors can be close relatives as well as persons with a close and stable relationship to the recipient, provided that there is a court decision confirming the donor’s motivation. The National Transplant Registry was established in 2014, and there is a waiting list management system which distinguishes between ‘active’ (medically suitable) and ‘inactive’ (medically unsuitable) recipients.

115. The Hellenic Transplant Organisation (EOM), whose core competence is to promote, co-ordinate and control organ and cell donation and transplantation, co-operates directly with hospitals and medical institutions performing organ transplants in Greece and abroad. Pursuant to Article 15 of Law 3984/2011, organ transplants are carried out by transplantation centres which are authorised by the Ministry of Health to operate in public hospitals and non-profit healthcare institutions. Ministerial Decision Y4a/36538/2012 sets out the conditions for the granting of a three-year renewable license to medical institutions, which relate to the qualification of personnel involved in transplantations as well as the relevant protocols and operating procedures. The transplantation centres are required to submit annual reports to the EOM concerning their activities.

116. EOM has prepared a report examining problems related to organ transplantation in Greece, such as the low donation rate. It aims to address these problems through changes in the legislation and a pilot project supported by the Onasis Foundation, under which doctors (donor co-ordinators) will be deployed to hospitals across Greece to detect possible organ donors amongst terminally ill patients, speak to their families and serve as a link between the hospitals and transplantation centres. It is expected that the project will contribute to a significant increase in the number of deceased donors, which would decrease the need for people to travel abroad in order to obtain organ transplants.

117. EOM co-operates closely with the Council of Europe’s European Directorate for the Quality of Medicines and Health Care (EDQM) through the network of national focal points on transplant-related crimes.³⁵ EOM reports to the EDQM platform all cases of patients who stop undergoing dialysis in order to help identify cases of illegal kidney transplants. Several cases of persons who travelled to India for this purpose have reportedly been identified.³⁶

³² Opened for signature in Santiago de Compostela on 25 March 2015.

³³ See Council of Europe/United Nations, *Trafficking in organs, tissues and cells and trafficking in human beings for the purpose of the removal of organs*, 2009, in particular pages 55-56; OSCE, *Trafficking in human beings for the purpose of organ removal in the OSCE region*, OSCE Occasional Paper No. 6, 2013.

³⁴ Implementing Directive 2010/53/EU on standards of quality and safety of human organs intended for transplantation.

³⁵ [Areas of work - Transplantation - European Directorate for the Quality of Medicines & HealthCare \(edqm.eu\)](https://edqm.eu)

³⁶ See the World Health Organization’s Guiding Principles on Human Cell, Tissue and Organ Transplantation, available at https://www.google.com/url?sa=i&rct=j&q=&esrc=s&source=web&cd=&cad=rja&uact=8&ved=0CAQQw7AJahcKEwigkorl4of5AhUAAAAHQAAAAQAg&url=https%3A%2F%2Fapps.who.int%2Firis%2Fbitstream%2Fhandle%2F10665%2F341814%2FWHO-HTP-EHT-CPR-2010.01-eng.pdf%3Fsequence%3D1&psig=AOvVaw3y85h8rXv196IK_0RHRJAI&ust=1658416902743241.

118. There have been no cases of THB for the purpose of organ removal identified in Greece since 2017. The Greek authorities noted that such cases are difficult to detect, particularly among refugees and migrants who are only passing through Greece. Those who are accommodated in the RICs will be examined by a doctor who is obliged to ask about any scars that may indicate a person has had an organ (i.e. kidney) removed and report the case to the authorities. At least 24 cases involving removal of reproductive cells were detected in 2019 and were subject to investigations (see paragraph 251).

119. According to information from the EOM, four training sessions in four health care units, encompassing 47 participants, were organised in 2021. GRETA was also informed that the personnel of health care units participate regularly in training and seminars organised by the NRM, in which organ removal is covered as a form of exploitation. Training for front-line health care professionals is also included in the MoU between the ONR and the Governments of Attica and Thessaly.

120. Greece signed the Council of Europe Convention against Trafficking in Human Organs in 2015 and legislation necessary for its ratification is expected to be submitted to the Greek Parliament in the near future. **GRETA encourages the Greek authorities to ratify the Council of Europe Convention against Trafficking in Human Organs as this would contribute to the prevention of trafficking for the purpose of organ removal.**

f. Measures to discourage demand (Article 6)

121. The awareness-raising campaigns mentioned in paragraphs 56-64 also aimed at reducing demand. Further, articles and interviews of the National Rapporteur in the press, audio-visual and digital media were published in an effort to raise awareness of THB among the wider public in Greece. The National Rapporteur also actively uses social media in an effort to reach younger audiences, communicate its work and raise awareness on THB issues. In many cases, the social media had more than 9000 views.

122. Prostitution is legal in Greece and brothels must be licensed in order to operate legally. However, GRETA was informed by civil society interlocutors that no clear distinction is made between legal and illegal sex work and that out of around 400 brothels in the wider Athens area, only 16 operate legally.

123. As mentioned in GRETA's first report,³⁷ in 2017 the General Secretariat for Demography, Family Policy and Gender Equality, in co-operation with the National Rapporteur, set up an expert committee to review the existing legal framework on prostitution. The findings of the committee were submitted in 2018 and were integrated in the new National Action Plan for Gender Equality 2021-2025. Amongst the actions included in that plan are prevention and awareness raising of trafficking and 'survival sex',³⁸ and the preparation of a study on the extent of 'survival sex' amongst the refugee and immigrant population in the Athens area. GRETA notes that beneficiaries of international protection are a particularly vulnerable category due to the fact that their access to state support ceases one month after they are granted international protection (see paragraph 108).

124. Further, an expert working group was set up in the Ministry of Citizen Protection with the aim of preparing a proposal for amendments to Law 2734/1999 on sex work. The report of the working group, delivered in August 2020, contains recommendations with regard to the protection of the rights of sex workers, contributing to a comprehensive effort to combat criminal activities linked to sex work, including THB, as well as to a timely and effective prevention of victimisation of persons and groups vulnerable to exploitation. The working group has held nine meetings and its conclusions are currently being evaluated.

³⁷ GRETA's first report on Greece, para. 107.

³⁸ See Forin, Roberto & Healy, Claire (2018). *Trafficking Along Migration Routes to Europe: Bridging the Gap between Migration, Asylum and Anti-Trafficking*. Vienna: ICMPD, which provides the following definition of 'survival sex' in footnote 6, "situations in which persons have been forced to sell sexual services to survive along the route (e.g. to pay for food and accommodation, to pay smugglers for the onward journey)..."[i]n some cases, "survival sex" may constitute human trafficking – e.g. situations in which migrants/refugees were forcibly required by traffickers to provide sexual services."

125. The ONR has invested in developing public-private partnerships to pursue anti-THB objectives, demand reduction and due diligence. Examples include the support provided by Hellenic Petroleum and the Bodossakis Foundation for training projects and the active involvement of Aegean Airlines and the Athens International Airport in the anti-THB project co-organised by the ONR and the Civil Aviation Authority.

126. There is the exclusion clause of “human trafficking free” supply chains, meaning that such entities, which are found to be involved in human trafficking are excluded from public procurement (Article 73, paragraph 1, of Law No. 4412/2016 on public contracts, as amended by Law No. 4782/2021).

127. The aforementioned MoUs between the ONR and the Regional Governments of Attica and Thessaly promote ‘due diligence’ in their supply chains so that the Regional Governments do not purchase goods produced or contract services provided by THB victims.

128. A two-day conference on preventing THB through government procurement practices and measures took place in Athens in 2019. The conference, organised by the OSCE, in partnership with the City of Athens, the ONR, the Athens Partnership and Bloomberg Associates, brought together over 200 participants from 15 countries.

129. **GRETA considers that the Greek authorities should adopt and strengthen legislative, administrative, educational, social, cultural or other measures to discourage demand for the services of trafficked persons, for all forms of exploitation, in partnership with civil society, trade unions and the media, including by:**

- **raising awareness of the important role of the media and advertising in tackling demand which leads to human trafficking;**
- **promoting awareness among businesses, strengthening corporate social responsibility and preventing trafficking in supply chains;**
- **continuing to implement educational programmes at schools which stress the importance of gender equality and respect for the dignity and integrity of every human being and the consequences of gender-based discrimination. The relevance, effectiveness and reach of educational/training programmes and awareness-raising campaigns should be evaluated at regular intervals.**

g. Border measures (Article 7)

130. GRETA was informed that the border control and border crossing units receive specialised training on fundamental rights and screening of vulnerable persons from Frontex. Relevant training is also provided by CEPOL, Europol, FRA and IOM, as well as on the national level by the Directorate for Border Protection which provides training focused, *inter alia*, on risk analysis, human rights and “screening and debriefing.” Moreover, the Public Protection Directorate of the Hellenic Police prepares analyses of previously investigated cases, including the forms of exploitation and indicators related to victims and alleged perpetrators, which are used in the training of border guards and other frontline personnel.³⁹ The border police use special handbooks for the identification of victims of THB, including children, in addition to the national SOPs. Nonetheless, it was pointed out to GRETA that, due to the significant pressure on border crossings, border guards have very limited time to conduct controls and detect possible victims of THB.

131. The Hellenic Civil Aviation Authority (HCAA) has established a network of relevant focal points (i.e. competent authorities, airport operators and air carriers) in order to promote coordination and co-operation in developing policies and protocols for responding to suspected incidents of human trafficking. It also participated in the International Civil Aviation Organization’s (ICAO) Working Group on Human Trafficking in the Aviation Sector, which has developed a comprehensive facilitation-related strategy in

³⁹

This information is also shared with Europol and Interpol where appropriate for further dissemination to other countries.

order to enhance the ICAO policies related to combating THB. The strategy includes training for relevant professionals.

132. In November 2019, the ONR organised a training for the Athens Airport Police Directorate, in collaboration with Athens International Airport and Aegean Airlines, on the topic of prevention and combating of THB. The MoU between the ONR and the NGO A21 includes training of personnel at the Thessaloniki Airport as well as production and distribution of information materials at the airport.

133. GRETA was informed that Europol guest officers have been permanently stationed on the five islands (Chios, Leros, Lesvos, Kos and Samos) where closed centres for the reception, identification and processing of asylum seekers and migrants (so-called "hotspots") have been set up and in the area of the Greek-Turkish land border since 2016, as part of the implementation of the National Operational Plan to Combat Cross-Border Crime. The Europol officers co-operate with the relevant police and port authorities and all of the information collected from migratory flows is communicated to Europol and to all relevant national law enforcement authorities in order to identify possible cases of cross-border crime, including THB.

134. Pursuant to a bilateral agreement between Greece and Albania, a Joint Contact Centre for police and customs co-operation was established at the Kakavia border crossing in Northern Greece. The Joint Contact Centre will facilitate the exchange of information and co-ordination on matters pertaining to human trafficking, illegal migration and organised crime.

135. GRETA notes with grave concern allegations of pushbacks and forced removals of migrants and asylum-seekers which have been reported at the land and sea border with Türkiye since 2017. Incidents of pushbacks/forced removals have been reported by NGOs such as the Refugee Support Aegean,⁴⁰ the Greek Council for Refugees and other organisations,⁴¹ as well as by a number of international organisations.⁴² Reports of alleged pushbacks have also been published in the media, including videos.⁴³

⁴⁰ <https://rsaegean.org/en/alarm-over-increase-of-reported-push-backs-at-sea-and-risks-for-the-lives-of-those-seeking-protection/>.

⁴¹ <https://www.gcr.gr/en/news/press-releases-announcements/item/1682-joint-action-for-the-creation-of-an-initiative-of-organisations-in-relation-to-push-backs>. See also the European Council on Refugees and Exiles (<https://ecre.org/greece-deadly-end-to-2021-pushbacks-prevent-arrivals-and-drive-people-towards-more-deadly-routes-closed-controlled-camps-again-face-legal-scrutiny-and-criticism/>), Human Rights Watch (<https://www.hrw.org/report/2022/04/07/their-faces-were-covered/greeces-use-migrants-police-auxiliaries-pushbacks>) and Amnesty International (<https://www.amnesty.org/en/latest/news/2021/06/greece-pushbacks-and-violence-against-refugees-and-migrants-are-de-facto-border-policy/>).

⁴² UNHCR (<https://www.unhcr.org/news/briefing/2020/6/5ee33a6f4/unhcr-calls-greece-investigate-pushbacks-sea-land-borders-turkey.html>), CoE Commissioner for Human Rights (<https://www.coe.int/en/web/commissioner/-/greek-authorities-should-investigate-allegations-of-pushbacks-and-ill-treatment-of-migrants-ensure-an-enabling-environment-for-ngos-and-improve-recept>), Human Rights Watch (<https://www.hrw.org/report/2022/04/07/their-faces-were-covered/greeces-use-migrants-police-auxiliaries-pushbacks>), etc.

⁴³ <https://www.euronews.com/2020/03/02/watch-migrant-boat-targeted-in-sea-between-turkey-and-greece>.

136. The Office of the Greek Ombudsman launched an investigation into the alleged pushbacks/forced removals in the area of the Evros river in 2017, and published an interim report covering the period up to the end of 2020.⁴⁴ The report details claims by persons seeking international protection who were intercepted by the police after crossing into Greece and had their mobile phones and identification documents taken. They were allegedly handed over to unidentified men in blue uniforms who forced them into vehicles (in most cases a white van) and took them to an unidentified building where they were detained without food or water, or any access to state services and civil society organisation. Hours later they were taken by another group of unidentified men wearing black uniforms to the bank of the Evros river, were placed into dinghies and were taken to the Turkish side of the river.⁴⁵ GRETA was informed by the Ombudsman that these individuals were also allegedly subjected to beatings and mistreatment.⁴⁶ While the Office of the Ombudsman was not able to identify the men involved in the alleged incidents, it notes the strong suspicion on the part of individuals subjected to these practices as well as certain NGOs and international organisations that the incidents either involved Greek state agents or were done with the knowledge and encouragement of the Greek authorities.⁴⁷ Some recent reports point to the Greek authorities allegedly using migrants to assist in pushbacks in exchange for a month-long residence permit and under threat of being charged with smuggling.⁴⁸ The report of the Ombudsman notes that the Greek authorities have categorically denied any involvement in the pushbacks/forced removals and have blamed the allegations on "traffickers and unidentified individuals aiming to destabilise the operational capacities of the Greek authorities."⁴⁹ GRETA notes that there are currently approximately 30 pending applications by asylum seekers before the ECtHR concerning alleged pushbacks from Greece to Türkiye.⁵⁰

137. GRETA is particularly alarmed by the possibility that the persons subjected to pushbacks/forced removals may have included potential victims of THB. A number of GRETA's interlocutors have mentioned cases of migrants who had alleged having been subjected to human trafficking in Türkiye but were nonetheless returned to Türkiye which is deemed a safe country by the Greek authorities. This not only represents a violation of the *non-refoulement* principle, as noted in the report of the Office of the Ombudsman, but it may constitute a violation of the right to identification and assistance of victims of trafficking under the Convention. GRETA is further concerned by information that during the Covid-19 pandemic newly arrived migrants were placed in a two-week quarantine and some of those who arrived in November 2021 were even placed in detention for up to two months before going through the reception procedure and being accommodated in reception centres. During this time, no screening for indicators of trafficking and/or presence of traffickers among the quarantined and detained persons was conducted by the authorities.

⁴⁴ <https://www.synigoros.gr/en/category/default/post/alleged-pushbacks-to-turkey-of-foreign-nationals-who-had-arrived-in-greece-seeking-international-protection>. The report covers 15 incidents investigated under the general mandate of the Ombudsman, as well as six incidents investigated under the special mandate of the National Mechanism for the Investigation of Arbitrary Incidents.

⁴⁵ Greek Ombudsman, Report on Alleged pushbacks to Türkiye of foreign nationals who had arrived in Greece seeking international protection, p. 21.

⁴⁶ Following an *ad hoc* visit carried out in March 2020, the CoE Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) called on the Greek authorities to prevent pushbacks of migrants across the Evros river to Türkiye and to take vigorous steps to stamp out ill-treatment of detained migrants by the Hellenic Police/Coast Guard. See <https://www.coe.int/en/web/cpt/-/council-of-europe-s-anti-torture-committee-calls-on-greece-to-reform-its-immigration-detention-system-and-stop-pushbacks>. Further, the CoE Commissioner for Human Rights has called on the Greek authorities to reconsider changes to the Deportations and Return Bill which would introduce restrictions and conditions on the activities of civil society organisation in areas of competence of the Greek Coast Guard, and the non-observance of which will be subject to heavy sanctions and fines. See <https://www.coe.int/en/web/commissioner/-/greece-s-parliament-should-align-the-deportations-and-return-bill-with-human-rights-standards>.

⁴⁷ Greek Ombudsman, Report on Alleged pushbacks to Türkiye of foreign nationals who had arrived in Greece seeking international protection, p. 21.

⁴⁸ See <https://www.theguardian.com/global-development/2022/jun/28/greek-police-coerce-asylum-seekers-pushbacks-migrants-turkey>. See also <https://www.hrw.org/report/2022/04/07/their-faces-were-covered/greeces-use-migrants-police-auxiliaries-pushbacks>.

⁴⁹ Greek Ombudsman, Report on Alleged pushbacks to Türkiye of foreign nationals who had arrived in Greece seeking international protection, p. 22.

⁵⁰ On 7 July 2022, the ECtHR issued its judgment in the case *Safi and Others v. Greece*, concerning the sinking of a fishing boat transporting 27 foreign nationals in the Aegean Sea in January 2014, in which 11 persons died. In relation to the application filed by the 16 surviving migrants, the Court found that the Greek authorities had violated Articles 2 and 3 of the Convention.

138. **GRETA urges the Greek authorities to ensure that individualised risk assessment is conducted prior to any forced removals and that it assesses the risks of trafficking or re-trafficking on return, in compliance with the obligation of *non-refoulement*. In this context, full consideration should be given to the UNHCR's Guidelines on the application of the Refugees Convention to trafficked persons⁵¹ and GRETA's Guidance note on the entitlement of victims of trafficking, and persons at risk of being trafficked, to international protection.⁵²**

2. Measures to protect and promote the rights of victims, guaranteeing gender equality

a. Identification of victims of THB (Article 10)

139. In its first evaluation report, GRETA urged the Greek authorities to improve the identification of victims of THB, *inter alia*, by ensuring that it does not depend on the presumed victim's statement and co-operation with the investigation or criminal proceedings, by speeding up the process of granting the status of victim of THB, and by promoting a multi-agency approach to identification, involving specialised NGOs, social workers, labour inspectors and health-care staff. GRETA also recommended that the authorities secure sufficient funding for the NRM, and to pay increased attention to the detection of victims of THB among migrants and asylum seekers.⁵³

140. It should be recalled that Joint Ministerial Decision 30840/2016 entitled "Establishment and Operation of the National System of Identification and Referral of Victims of Trafficking in Human Beings" provided the legal basis for setting up a National Referral Mechanism (NRM) in Greece. Pursuant to it, the National Centre for Social Solidarity (EKKA) manages the operation of the NRM, while the co-ordination and supervision of the NRM is assigned to the Office of the National Rapporteur (ONR). EKKA is tasked, *inter alia*, with the collection and referral of requests for protection of victims detected/identified by a public body or an NGO, the creation and operation of a system for the registration of such requests, and the monitoring of case management.

141. At the time of GRETA's first visit to Greece in 2016, the NRM was not yet operational and there were no standardised operating procedures or agreements with NGOs as regards the implementation of the NRM. Subsequently, EKKA was granted 631 835 Euros in the framework of the EU Internal Security Fund (2018-2022) for the operational support to the NRM, and the NRM was launched on 1 January 2019. The state institutions currently participating in the NRM are the Ministry of Labour, Social Insurance and Social Solidarity, Ministry of the Interior, Ministry of Justice, Ministry of Citizen Protection (Hellenic Police), Ministry of Migration and Asylum, Ministry of Health, and Ministry of Infrastructure and Transport. In addition, 49 NGOs and two international organisations (UNHCR and IOM) take part in the NRM.⁵⁴

⁵¹ [UNHCR, Guidelines on International Protection: The application of Article 1A\(2\) of the 1951 Convention and/or 1967 Protocol relating to the Status of Refugees to victims of trafficking and persons at risk of being trafficked, HCR/GIP/06/07.](#)

⁵² Available at <https://rm.coe.int/guidance-note-on-the-entitlement-of-victims-of-trafficking-and-persons/16809ebf44>.

⁵³ See GRETA's first report on Greece, paragraph 148.

⁵⁴ See the third annual report of the NRM (2021), pp. 47-48, for the full list.

142. As part of the setting up of the NRM, EKKA organised thematic working groups which developed Standard Operating Procedures (SOPs) for the Identification and Referral of THB Victims, as well as specific SOPs for the Reception and Identification Service (RIS), which concern the identification of presumed victims in centres for asylum seekers, pre-removal detention centres and closed controlled facilities on the islands, and SOPs for the health sector (which concern the detection of victims in hospitals and primary health centres). The “Handbook of the Greek NRM for the Protection of Victims of Human Trafficking” was issued in 2021.⁵⁵ It provides an overview of the relevant international and domestic legal framework, specifies the basic principles of the NRM and includes the three above-mentioned SOPs as well as a reporting (referral) of victims form, a consent form, and information for victims concerning their rights.⁵⁶

143. The SOPs provide a detailed list of indicators of THB and outline the steps to be taken by the actors who identify a presumed victim of THB (“reference actors”). These include performing a basic needs assessment upon initial contact with the victim, informing victims of their rights, and reporting the case to the NRM by completing and submitting the reporting (referral) form to EKKA.⁵⁷ Mandatory reporting obligations of public servants as well as derogations from the rules of professional secrecy for legal representatives, social workers, psychologists and doctors are specified.

144. Upon receiving the reporting form, EKKA issues a registration number, which is communicated to any other reference actors who may provide assistance to the victim and is used in further reporting (see paragraph 47). In addition to submitting the reporting form, the actors providing assistance to victims are also required to submit a “protection services monitoring form” to EKKA every four months. The Greek authorities have specified that pursuant to Article 2c of the Joint Ministerial Decision 30840/2016, EKKA monitors the case management and supports all protection actors, both from the public sector and civil society, not bearing an additional burden on them, but sharing expertise and knowledge through its helpdesk. EKKA is in daily contact with first-line professionals, giving them guidelines and information on the existing services.

145. GRETA was informed that the handbook and the SOPs have been distributed to all the relevant actors and EKKA organised a series of training sessions and seminars on the identification of victims of THB and the functioning of the NRM (40 in 2019, 18 in 2020 and 15 in 2021) (see also paragraph 33).

146. Three annual reports (for 2019, 2020 and 2021) on the operation of the NRM have been issued, providing disaggregated statistics on presumed victims and steps taken to refer them to assistance.⁵⁸ According to the 2019 report, there were 68 referrals of presumed victims to the NRM from public agencies (the Hellenic Police, Asylum Service, RIS, EKKA, National Public Health Organisation) and 82 from NGOs and UNHCR. In 2021, out of 157 referrals to the NRM, 82 were made by public agencies (Police, Asylum Service, RIS) and 75 by NGOs and UNHCR.

⁵⁵ https://ekka.org.gr/images/KOINONIKON23PAREMBASEON/%CE%95%CE%9C%CE%91/46034_EMA_leaflet_GR2.pDf (Greek) and

https://ekka.org.gr/images/KOINONIKONPAREMBASEON/%CE%95%CE%9C%CE%91/46034_EMA_leaflet_ENGL.pdf (English).

⁵⁶ The Handbook also contains contact information of the actors involved in the NRM.

⁵⁷ Under Article 58(5) of Law 4636/2019, the competent authorities have an obligation to inform the NRM of the identification of a presumed THB victim.

⁵⁸ See <https://sway.office.com/CZCIh5PWFObbhOn> for the 2019 report and <https://sway.office.com/bBLKrHSqmaXHHALM?ref=Link> for the 2020 report.

147. Regardless of the launch of the NRM, there have been no changes to the procedure concerning the formal identification of victims of trafficking since GRETA's first report.⁵⁹ Namely, while a person may be identified as a presumed victim of THB by any public body or NGO he/she comes in contact with, and provided with access to assistance measures (however, see paragraph 189), only the competent prosecutor of the Court of First Instance is competent to grant victim status by issuing an "act of recognition" as a victim of THB and related offences. Pursuant to Article 1 of the Immigration and Social Integration Code (Law 4251/2014), victim status may be granted in one of two ways. In cases where the victim co-operates with the police, the prosecutor will issue an act of recognition based on a statement (complaint) from the presumed victim immediately after the initiation of criminal proceedings for THB or related offences. Alternatively, victim status may be granted to a victim who does not co-operate with law enforcement, i.e. those who refuse to report to the police the crime committed against them, on the basis of a written opinion prepared by two specialists who are psychiatrists, psychologists or social workers and are employed by a public body, an NGO, IOM or another international organisation. The written opinion must reflect in as much detail as possible the facts that substantiate THB.⁶⁰ Relevant actors are informed of the existence of the second option through training provided by EKKA, and the Prosecutor's Office of the Supreme Court has issued a circular in this regard to all prosecutors. Nonetheless, GRETA was informed that the latter procedure had only been used once in a case in which the act of recognition was issued by a prosecutor in Thessaloniki.

148. GRETA was provided with a number of examples of cases where presumed victims of THB had been denied victim status by prosecutors because their exploitation had taken place prior to their arrival in Greece and there was no proof of their exploitation. NGOs referred to cases of African women who had been subjected to sexual exploitation while in Türkiye, but it was ruled by the prosecutors that the evidence presented in their testimony was vague, unconvincing, and not supported by other evidence, and therefore victim status was denied. There is no possibility to appeal the prosecutor's decision to deny victim status. However, GRETA was informed of two cases in which lawyers working for NGOs (Diotima) had complained against rejections of victim status, based on Article 139 of the CCP (according to which decisions of the prosecutor must be specifically and thoroughly reasoned) and Article 8 of the CC (according to which Greek criminal legislation applied to foreign nationals regardless of the laws in the place of commission of the criminal acts and whether the acts were committed abroad). The prosecutors had reportedly not taken into account the evidential value of the opinions issued by psychologists and social workers. The lawyers argued that victims cannot be imposed the duty of proof by standard means of evidence, for reasons inherent in the nature of the crime of THB, and that the prosecutors had unlawfully considered the perpetrator's identification as a prerequisite for the recognition of a person as a victim of THB. The lawyers also argued that the rejections were contrary to the provisions of the European Convention on Human Rights (in particular, Articles 1, 2, 3, 13 and 47) and the Council of Europe Anti-Trafficking Convention.⁶¹

149. In order to improve the competence of prosecutors in relation to the identification of THB victims, the Public Prosecutor's Office of the Supreme Court has issued a number of circulars (see also paragraph 237). The last one, No. 7/4573/23-5-22, issued on 23 May 2022, provides guidance to all prosecutors in Greece on the recognition of a person as a victim of THB, referring to the Council of Europe Anti-Trafficking Convention (see also paragraph 26). It appears to have been provoked by the fact that prosecutors ask for undisputable evidence that a person is a victim of THB, which is not usually available, and would therefore dismiss the vast majority of cases despite having a police report supporting the claims of victims and NGOs providing further support to the case. The circular has been shared with the Ministry of Justice, the Greek Police and the National Rapporteur.

⁵⁹ See paragraph 136 of GRETA's first report on Greece.

⁶⁰ See Handbook of the Greek NRM, p. 30, for detailed instructions concerning the written opinions.

⁶¹ In this respect, GRETA refers to the case of *J. and Others v. Austria*, in which the ECtHR found that Article 4 of the ECHR generates a positive obligation upon states to identify and support (potential) victims of trafficking and for this purpose states have to build a legal and administrative framework (paras. 109 and 111 of the judgment).

150. An important problem highlighted by NGOs concerns the absence of provision for interpretation when a presumed victim of THB files a complaint with the police. There is reportedly a shortage of interpreters available, in particular for some languages, and delays in the payment of accredited interpreters by the Ministry of Justice. In cases where the authorities are not able to provide interpretation, interpreters are reportedly engaged and paid by NGOs, such as METAdrasi and Praksis.

151. In its first report, GRETA urged the Greek authorities to speed up the process of granting the status of victim of trafficking, which could take six to 12 months. According to the authorities, the duration of this process ranges from one day (in flagrante delicto proceedings) to up to two months depending on investigation procedures. However, GRETA was informed during the second evaluation visit that the identification procedure can take much longer. In this regard, GRETA recalls the ECtHR judgment in the case *L.E. v. Greece*, referred to in GRETA's first report.⁶²

152. The NRM statistics indicate a low number of identified victims of THB for labour exploitation, compared to the large number of undocumented workers (an estimated 10 000). The SEPE is part of the NRM and labour inspectors participate in the three-day inter-sectoral seminars organised nationwide by the NRM, which include the definition of human trafficking and the analysis of its components. Labour inspectors also participated in simulation-based training organised by the OSCE. However, a protocol for identifying a victim of trafficking in human beings has not yet been developed for the SEPE.

153. If during a labour inspection there are suspicions or indications that some of the workers are victims of human trafficking, labour inspectors must inform the competent Directorate of the Hellenic Police as well as file a complaint to the public prosecutor (see paragraphs 78-80). In case of joint inspections with the police, the complaint to the prosecutor is submitted by the police.

154. Focal points responsible for referring presumed victims of THB to the NRM have been appointed at all Reception and Identification Centres (RICs) and Closed Control Access Centres (CCACs), as well as in the mainland facilities, and there are procedures for assessing vulnerabilities by medical staff and psychologists at all of these centres and facilities. In October 2022, a team of Case Management Reception Assistants was deployed to all facilities under the responsibility of RIS, in co-operation with the European Union Agency for Asylum (EUAA), and SOPs for their action were developed in order to ensure the identification of needs, referral and follow-up for all persons residing in reception facilities. Guidelines for proactive actions have been provided to front-line officers in the RICs. The RIS provided training on the topic of THB in 2021, covering 126 staff, including from the National Public Health Organisation (EODY) who are employed in RICs and temporary reception facilities. Additionally, there is an MoU in place, signed by all national authorities involved in the fight against gender-based violence and THB, together with the General Secretariat for Demography, Family Policy and Gender Equality, by means of which access to a 24/7 help line for the support and aid to refugee and migrant victims is given, together with access to relevant counselling centres.

155. According to the SOPs of the Asylum Service, in case a presumed victim of THB wants to make a complaint, the focal point of the Asylum Service for human trafficking issues is informed and contacts the NRM, the police and NGOs supporting victims of THB. If the person does not want to make a complaint, the caseworker informs the applicant that he/she can personally contact the NRM and the police. The Asylum Service has given instructions to all its local branches across the country on how the referral forms should be filled in and sent to EKKA. In 2019, 16 presumed victims of THB were detected by Asylum Service caseworkers, in 2020 - seven, and in 2021 - 41. The majority of them were women, coming from Cameroon, the Democratic Republic of Congo and Sierra Leone. In the period 2017-2022, seven cases of THB were detected at the time of registration of an asylum application before the interview.

⁶² See GRETA's first report on Greece, paragraph 138.

156. According to UNHCR, the number of presumed victims of THB who disclosed to UNHCR and/or partner organisations that they were victims of THB in their country of origin, in transit or in Greece was 77 in 2020 (of whom 15 in the country of origin, 40 in transit and 22 in Greece) and 95 in 2021 (of whom 20 in the country of origin, 46 in transit and 29 in Greece).

157. In 2016, IOM started deploying multi-disciplinary teams (comprising social workers, psychologists and child protection specialists) in the RICs. When IOM staff identify presumed victims of THB, they refer the case to the NRM. According to IOM, there is a need to improve the screening for vulnerabilities at entry points and streamline the mechanism for the referral of cases. IOM Greece distributes leaflets and posters on its work in all reception and asylum accommodation sites so as to raise awareness on the THB risks and enhance self-identification of THB victims among the asylum seekers and migrants. The material is available in eight languages (English, Greek, Arabic, Farsi, French, Lingala, Somali and Sorani).

158. GRETA notes that the entry into force of the NRM is a positive step, and it has started to produce data which is useful for analysing trends and designing policy measures. The inclusion of a series of public bodies and NGOs as “reference actors” is also a positive development. However, GRETA is concerned that the formal identification as a victim of THB continues to be in the hands of public prosecutors and is *de facto* conditioned on the victim’s willingness to come forward and report the offence. The identification procedure requires rethinking in order to make it more effective and to ensure that presumed victims of trafficking are promptly identified. Continued efforts must also be made to strengthen the detection of victims by labour inspectors and to train staff working in centres where asylum seekers and irregular migrants are placed.

159. **GRETA once again urges the Greek authorities to take steps to improve the identification of victims of THB, and in particular to:**

- **ensure that the identification of victims of THB does not depend on the presumed victim’s complaint (statement) and co-operation in the investigation or criminal proceedings, by amending the relevant legislation. The expertise of relevant organisations and entities, such as specialised NGOs, psychologists, health-care staff and labour inspectors should be duly taken into account during the identification procedure;**
- **ensure that the process of granting the status of victim of trafficking is completed without undue delay;**
- **pursue a proactive approach to the identification of victims of trafficking for the purpose of labour exploitation by encouraging regular and co-ordinated inspections in the sectors most at risk (see also paragraph 91);**
- **ensure that qualified interpreters are available whenever presumed victims of trafficking are interviewed in the context of the victim identification procedure. The costs of interpretation should be covered by the authorities.**

160. **Further, GRETA considers that the Greek authorities should continue paying particular attention to detecting victims of THB among migrants and asylum seekers in reception centres and persons detained as irregular migrants, and provide continuous training to all staff who come into contact with such persons.**

b. Assistance measures (Article 12)

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

162. The annual NRM reports provide detailed information on the different assistance measures provided to victims of THB (social support, psychological support, medical care, accommodation, etc.) by public agencies, NGOs and international organisations. According to the annual NRM reports, the number of victims of THB provided with accommodation was as follows: 41 in 2019, 30 in 2020, and 35 in 2021. Most of the victims were accommodated in RICs at the time of their detection/referral to the NRM, and it appears that many of them continued to be accommodated in these facilities rather than being referred to specialised shelters after being identified as presumed victims of THB (see paragraph 168). According to information provided by the Greek authorities, the NRM data only reflects the accommodation arrangements at the time of the reporting of the case. Victims may later be referred to shelters based on the needs assessment and the protection and safety plan developed in collaboration with the victim, but this will depend on the case. The authorities estimated that the needs of asylum seekers who were trafficked in their home countries would be assessed differently from the needs of asylum seekers who were recruited and exploited in Greece.

163. EKKA continues to operate two shelters for women victims of violence, including victims of trafficking, and their children, in Athens and Thessaloniki. GRETA visited both shelters. The one in Athens (already visited by GRETA during the first visit)⁶³ had 16 double rooms, but only nine were in use due to the poor state of repairs of the building. Since 2017, the number of victims of THB accommodated at the shelter has varied between two and five per year, some of them staying for up to two and a half years. The shelter employed 13 staff, including carers, social workers, a psychologist and a teacher. Greek language classes are provided to residents and there is also a child-care programme which is essential for the residents' support and integration. GRETA was informed that renovation and repair works were carried out on the exterior and interior of the shelter (rooms, bathrooms and kitchens) between May and July 2022, and was provided with photographs of the renovated shelter. At the EKKA shelter in Thessaloniki, there were no victims of THB present at the time of the visit (since 2017, there had been a total of five victims of THB accommodated there, staying between one and 10 months; none of them had received an identification decision by a public prosecutor while staying at the shelter).

164. Furthermore, several NGOs run specialised accommodation facilities and day-centres for the protection and psycho-social support of THB victims. A21 operates an emergency shelter for female victims of trafficking in Attica and a specialised shelter for victims of trafficking in Northern Greece (an apartment with a capacity of four). Further, A21 runs an independent housing programme (five apartments) which provides long-term accommodation for victims (families), all of which were full during the visit. GRETA visited the A21 shelter and day centre in Thessaloniki.

165. GRETA also visited Community House Damaris, a faith-based organisation providing a long-term residential programme for women who have been sexually exploited and trafficked, and their children. Damaris provides accommodation in a house in Athens (which was unoccupied at the time of the visit), as well as in autonomous apartments. Since the setting up of the programme, the number of women provided with assistance was 30. None of them was officially identified as a victim of THB by a public prosecutor. Although Damaris is part of the NRM, it is entirely funded by private donations.

166. There was a visible contrast between the material conditions provided in the EKKA shelters (in particular the one in Athens, which needed urgent refurbishment), and those in the NGO-run shelters,

⁶³ See paragraph 154 of GRETA's first report on Greece.

which were well-appointed and attractively decorated. EKKA shelters are authorised to accommodate women and their children, but do not have a child-friendly environment.

167. Concerning the provision of safe accommodation to male victims of THB, according to information provided by the Greek authorities, the NGO PRAKSIS, partner of the NRM, provides a number of safe apartments. If the number of male victims is greater than the available apartments, EKKA coordinates their temporary hosting in shelters for asylum-seekers or shelters for homeless men.

168. Female victims of trafficking can also be accommodated in shelters for victims of violence run by the municipalities (see paragraph 54). The General Secretariat for Demography, Family Policy and Gender Equality, within the National Programme for Preventing and Combating Violence against Women, has a network of 63 structures for women victims of all forms of gender-based violence which includes the bilingual SOS telephone helpline 15900 and email address (sos15900@isotita.gr), as well as 44 counselling centres and 19 shelters all over Greece. The services provided include psychosocial support, legal counselling as well as counselling in labour issues, emergency shelter and, where necessary, legal aid in co-operation with local Bar Associations. All the structures provide help to victims regardless of whether they have been officially identified as victims of trafficking by a public prosecutor. The number of victims of THB accommodated in shelters for victims of violence was 11 in 2017, 3 in 2018, 8 in 2019, 7 in 2020 and 6 in 2021.

169. NGO representatives with whom GRETA met pointed out that there is a need for greater social inclusion and long-term support for victims of trafficking, beyond the time that they spend in shelters (three to six months). In particular, access should be provided to Greek language classes and vocational training, with the aim of facilitating the victims' integration into Greek society and preventing (re)trafficking. GRETA was informed of difficulties in finding employment and accommodation for the women after they leave the shelter. In this context, the Office of the National Rapporteur had concluded an MoU with the Greek Manpower Employment Organisation (OAED) which provides for the inclusion of victims of trafficking in the existing employment and training skills programmes for vulnerable social groups. Services provided to women victims of THB by the counselling centres for women victims of violence also include assistance related to employment and enrolment of children in school.

170. **GRETA considers that the Greek authorities should enhance their efforts to provide assistance to victims of trafficking by:**

- **providing appropriate and secure accommodation to all victims of trafficking, including by referring presumed victims of THB identified among asylum seekers and migrants to appropriate and secure accommodation;**
 - **in view of the increasing number of male victims of THB, carrying out a needs assessment on the basis of which a plan should be made for the provision of accommodation and services tailored to the needs of male victims;**
 - **ensuring that all assistance measures provided for in law are guaranteed in practice. Where assistance is delegated to NGOs or other non-state actors as service providers, the State should ensure the provision of adequate financing and the quality of the services;**
 - **facilitating the reintegration of victims of trafficking into society and avoiding re-trafficking by providing them with long-term assistance, including vocational training and access to the labour market.**
- c. **Identification of, and assistance to, child victims of trafficking (Articles 10 and 12)**

171. In its first report, GRETA urged the Greek authorities to introduce a procedure for the proactive identification of child victims of trafficking for different forms of exploitation, paying particular attention to unaccompanied migrant children. GRETA also urged the authorities to take steps to improve the assistance

provided to child victims of trafficking, including through the assignment of legal guardians, providing suitable safe accommodation, and putting an end to child detention for immigration purposes.⁶⁴

172. The NRM SOPs foresee specific guidelines in the case of child victims. The NRM statistics show that the number of identified child victims has increased over the years: 15 in 2017, 12 in 2018, 49 in 2019, 74 in 2020, and 35 in 2021. Out of the presumed victims in 2019, 11 were unaccompanied children, and 19 were Greek children exploited in begging. The other children originated from Bulgaria (11), Romania (5), Albania (6), Pakistan (2) and other countries (5). In 2020, the majority of the presumed child victims were from Bulgaria (33), followed by Greece (23), Romania (9), Albania (6), and one unaccompanied child each from Guinea, Cameroon and DR Congo. In 2021, 14 of the presumed victims were unaccompanied children from African and Asian Countries; the other child victims originated from Greece (7), Bulgaria and Romania (12), and one each from Albania and the Republic of Moldova. The vast majority of the presumed child victims were exploited in begging; there were only a few cases of identified child victims subjected to exploitation in criminal activities, sexual exploitation or labour exploitation.

173. As noted previously, Law No. 4554/2018 provided the regulatory framework for the guardianship of unaccompanied children. The responsibilities of guardians included the care, representation and assistance of children to ensure their individual and social rights from the moment of their arrival. Pursuant to the law, guardians were present in all the administrative procedures that concerned the children, took care of the support of the children from the moment of their arrival at the entry points and informed them about procedures, their rights and obligations. They also assisted them in the process of recording their data, ensured their connection to the national child protection system and other services, and constituted the reference point or link between the child and these services. EKKA has entered into an agreement with the NGO METAdrasi which deploys professional guardians, as part of a project funded by the EU Asylum, Immigration and Integration Fund (AMIF). There were three annual interim schemes, under which between 56 and 70 guardians were deployed, representing some 1900 unaccompanied children. It was eventually decided that the legal framework should be reformed, and a new draft law was prepared and adopted in July 2022 (see paragraphs 18 and 93). Under the new scheme, each guardian can be responsible for up to 15 children. In this context, GRETA refers to **Recommendation CM/Rec(2019)11 of the Committee of Ministers to member States on effective guardianship for unaccompanied and separated children in the context of migration.**⁶⁵

174. In November 2019, the Prime Minister's Office announced a project entitled "No child alone" to respond to the pressing issue of assistance, accommodation and integration of the approximately 5000 unaccompanied children who were present in Greece at the time. The Special Secretariat for the Protection of Unaccompanied Minors (SSPUAM) was established under the Ministry of Migration and Asylum in February 2020. In September 2021, guardianship was added as a competence to the mandate of the SSPUAM, in addition to the provision of long-term or emergency accommodation, supervision of accommodation centres, and support for integration. The SSPUAM has developed a five-year Strategy for the Protection of Unaccompanied Children (see paragraph 29).

175. According to data provided by the Ministry of Migration and Asylum, at the end of 2021, there were 2225 unaccompanied children in various accommodation facilities. GRETA was informed that there are 71 long-term shelters for unaccompanied and separated children, with a maximum capacity of 40 places each, which are operated by a series of organisations (see paragraph 176). There are also 121 semi-independent apartments for children older than 16, with a capacity of four places each. Children are accommodated in these facilities until they reach the age of 18, after which they can benefit from the ESTIA scheme or another scheme run by IOM (called HELIOS). However, according to the Institute of Child Health, there is limited provision for unaccompanied children when they reach the age of 18. The Institute of Child Health has also identified a number of shortcomings related to the accommodation of children in shelters for women victims of violence (see paragraph 54).

⁶⁴ See paragraphs 158-163 of GRETA's first report on Greece. As indicated in that report, there was a shortage of capacity in shelters and many unaccompanied children were being held for weeks, if not months, in police cells.

⁶⁵ <https://rm.coe.int/cm-rec-2019-11-guardianship-en/16809ccfe2>.

176. GRETA visited the NGO Home Project, which is a safe house for unaccompanied underage girls. It is one of the 71 shelters that the SSPUAM co-operates with. The capacity is for 14 persons and at the time of the visit, 13 girls were accommodated, one of whom was with her 19-month-old child. Staff comprised psychologists and social workers. Half of the staff are people from the children's communities who are former beneficiaries themselves.

177. The NGO Smile of the Child operates three hotlines: the national SOS hotline for children (1056), the European Hotline for Missing Children (116000), and a hotline for adolescents (116111). The majority of some 200 000 calls received annually relate to forced begging and children travelling without documents.⁶⁶ In the first two months of 2022, the Hotline for Missing Children received 11 000 calls, resulting in 15 interventions related to THB in which undocumented children were taken from the airport to a safe place. Further, in 2019, 15 presumed cases of THB were reported to prosecutors, and in 2021, four cases. However, the NGO Smile of the Child noted that they did not receive feedback on the reports submitted.

178. Reference has already been made in paragraph 29 to the National Action Plan for the Rights of the Child, which includes a series of actions related to the protection of children from all forms of THB. Child-friendly justice is one of the Plan's priorities, providing for the setting up of Children's Houses in Athens, Piraeus, Thessaloniki, Heraklion, Patras (see paragraphs 258-259), training for the judiciary and relevant professionals in the examination of juvenile victims in criminal proceedings, and the establishment of a comprehensive electronic data base that will collect the data kept by the Juvenile Probation Officers and the Children's Houses.

179. Many victims were referred to the NRM from Thessaloniki in Northern Greece, mainly due to the street begging of Bulgarian, Romanian and Greek children, usually of Roma origin. The involvement of families as perpetrators/facilitators in the exploitation of the children makes their identification as THB victims more difficult. In a recent case, two couples of Bulgarian nationality were prosecuted in Northern Greece for forcing their children into begging. The arrests were made after a four-month investigation by the Thessaloniki Police Anti-Trafficking Unit.

180. In case of ambiguity as to the age of an unaccompanied or separated child, an age assessment is conducted according to the provisions of the Joint Ministerial Decision 9889/2020. Until the age is confirmed, the individual is presumed to be a child. The age assessment process has three stages - clinical, psychosocial and medical assessment - and it is aimed to be as unintrusive as possible. If a physician/paediatrician does not make a conclusion on age at the first stage, a social worker and a psychologist carry out an assessment during the second stage. If no conclusion is made, the third stage takes place, which can involve an x-ray.

⁶⁶

The number of possible cases of THB which were referred to prosecution was 15 in 2019, two in 2020, and four in 2021.

181. GRETA notes that the formal launch of the NRM in 2019 has facilitated the identification and referral to assistance of presumed victims of THB. GRETA also welcomes the attention paid to unaccompanied children, including through the setting up in 2020 of the Special Secretariat for the Protection of Unaccompanied Minors, the adoption of an Action Plan for the Rights of the Child, the establishment of safe zones for unaccompanied children, and the increase in the number of accommodation facilities. However, the guardianship system introduced pursuant to the 2018 law had stumbled across some difficulties and it was replaced by a new guardianship system in July 2022, and a comprehensive accommodation system was adopted by Parliament through Law 4960/2022 (see paragraphs 93 and 173).⁶⁷ While this is a positive development, it is too early to assess the effectiveness of the new system.

182. **GRETA urges the Greek authorities to take further steps to improve the identification of, and assistance to, child victims of trafficking, in particular by:**

- **ensuring that relevant actors take a proactive approach and increase their outreach work to identify child victims of THB and refer them to the NRM, by paying particular attention to unaccompanied and separated children and children from Roma communities;**
- **ensuring long-term assistance for the integration of child victims of trafficking.**

d. **Protection of private life (Article 11)**

183. According to Article 352B of the Greek CC and Article 67 of the Law 4478/2017, anyone who reveals personal information of a child victim of sexual abuse that can lead to the disclosure of the identity of the child shall be punished by imprisonment of up to two years.

184. Article 371, paragraph 1, of the CC provides that professionals such as doctors, clerics, lawyers and others who are bound by confidentiality rules shall be punished by a fine or imprisonment of up to one year if they disclose private data that they have obtained through the performance of their duties. The law provides for exceptions to the confidentiality rules in situations where there is a reasonable belief that a child is a victim of sexual exploitation or abuse (Article 2, paragraph 3, of Law 3727/2008), or when there is a need to protect an essential legitimate interest of the professional in question, another person or the public, which could not be protected otherwise. Moreover, rules of professional ethics applicable to social workers, psychologists and doctors allow, *inter alia*, for disclosure of confidential information in cases where such a disclosure is aimed at protecting the life or physical integrity of their client or a third person.⁶⁸ Laws 4478/17 and 2472/1997 also provide for the protection of identity and private life of injured parties in criminal proceedings.

185. GRETA was informed by NGOs that information about victims of THB, including their first names and/or initials, is often published in the media, following arrests or charges brought in THB cases. This would be not only in contravention of Article 11.1 of the Convention, which provides that each Party shall protect the private life and identity of victims, but also of the Council of Europe Convention on Data Protection. **GRETA considers that the Greek authorities should take measures to encourage the media to protect the identity and private life of victims of THB through self-regulatory or regulatory/co-regulatory measures.**

e. **Recovery and reflection period (Article 13)**

186. In its first evaluation report, GRETA urged the Greek authorities to ensure that all possible foreign victims of THB, including EU and EEA citizens, are systematically informed of the possibility to use a

⁶⁷ See <https://rm.coe.int/cm-rec-2019-11-guardianship-en/16809ccfe2>.

⁶⁸ The exceptions are provided in the following legal instruments: Article 6, paragraph 1(e) of the Presidential Decree 23/1992 with regard to social workers, the Psychologists' Code of Conduct of 2019 (Ministerial Decision no. Γ5β/Γ.Π. ολκ. 42984/2019, Government Gazette 2344/B/18-6-2019) with regard to psychologists, and Article 13, paragraph 3 of the Law 3418/2005 with regard to doctors.

recovery and reflection period and are effectively granted such a period. Further, GRETA stressed that steps should be taken to alert police officers and other relevant staff of the importance of this period, and to issue instructions regarding the procedure for granting it.

187. As detailed in GRETA's first evaluation report,⁶⁹ Article 49 of the Immigration and Social Integration Code provides that third-country nationals who have been recognised as victims of THB can be granted a reflection period of three months by an act of the competent prosecutor, in order to escape the influence of the perpetrators of the offences against them and to recover so that they can decide whether to co-operate with the criminal authorities. The reflection period for child victims of THB may be extended for an additional two months.

188. The NRM SOPs provide that third-country nationals who are victims of THB should be informed of their right to a reflection period by the relevant authorities. It also outlines the rights and services THB victims are entitled to during this period pursuant to Law 4251/2014, namely medical care, access to psychological support, appropriate living conditions in the event they do not have sufficient resources, protection provided by the police, prosecution and judicial authorities, as well as access to interpretation services and legal assistance.

189. GRETA notes with concern that no victims of trafficking have been granted the reflection period since GRETA's first evaluation. Even more concerning is the apparent lack of understanding of the purpose of the recovery and reflection period on the part of some of the prosecutors with whom GRETA met. Namely, GRETA was told that whether or not a victim of THB is willing to co-operate with the authorities is of crucial importance when deciding to grant the reflection period. This seems to be due to the fact that only persons who have been officially recognised as victims by a prosecutor can be granted the reflection period and this depends, in practice, on the victim's willingness to co-operate with law enforcement (see paragraph 147). Thus, in the opinion of some prosecutors met by GRETA, victims who are not officially recognised as such (i.e. who do not co-operate with the authorities) can only be granted the reflection period if their life, health, individual or sexual freedom is at risk, or in cases where there is a threat to their family in Greece or abroad. This interpretation of the reflection period is at odds with Article 13 of the Convention and contrary to the text of the relevant provisions in Greek law. GRETA was informed that the circular issued by the Prosecutor's Office of the Supreme Court after GRETA's visit in March 2022 (see paragraph 149) also provides guidelines to prosecutors on the granting of a recovery and reflection period.

190. GRETA stresses that the Convention provides for a recovery and reflection period to be granted not only to identified victims of THB, but also to those persons for whom there are reasonable grounds to believe that they are victims of trafficking. Pursuant to the victim-centred approach of the Convention, whether or not a victim co-operates with the authorities should not be a factor in the decision to grant a recovery and reflection period, as such a period should be offered to all possible victims of trafficking together with the provision of protection and assistance measures.

191. GRETA once again urges the Greek authorities to ensure that all possible foreign victims of THB, including EU and EEA citizens, are systematically informed of the possibility to be granted a recovery and reflection period and are granted such a period when there are grounds to believe they are victims of THB, regardless of whether or not they co-operate with law enforcement authorities. Training and written instructions on the purpose of the recovery and reflection period and the procedure for granting it should be provided to police officers, prosecutors, and other relevant officials.

f. Residence permits (Article 14)

192. As outlined in GRETA's first evaluation report on Greece,⁷⁰ pursuant to Articles 52 and 53 of the Immigration and Social Integration Code, a person who has been officially recognised as a victim of

⁶⁹ See GRETA's first evaluation report, paragraphs 167-171.

⁷⁰ Id., paragraphs 172-177.

trafficking by a decision of a prosecutor shall be granted a one-year residence permit provided that: i) the presence of the person in Greece facilitates the investigation or criminal proceedings, ii) he/she has demonstrated a clear intention to co-operate with the authorities, and iii) he/she has broken off all contact with the perpetrators. The residence permit can be renewed for the same period if the above-mentioned conditions are met.

193. Further, Article 19A of the Immigration and Social Integration Code (Law No. 4251/2014, as amended by Law No. 4686/2020), provides for the possibility of granting a residence permit for humanitarian reasons to certain categories of third-country nationals, including victims of trafficking and victims of particularly exploitative working conditions. The residence permit is issued for a period of one year and is renewable for two years each time on the condition that the relevant criminal proceedings continue. If no criminal proceedings have been initiated, the residence permit is renewable for one year.

194. Both types of residence permits are granted by a decision of the Minister of Migration Policy and entitle the holder to free-of-charge access to health care as well as access to the labour market. According to information provided by the authorities, the number of victims who were issued residence permits during the reporting period was 17 in 2017, 23 in 2018, 13 in 2019, one in 2020 and none in 2021. It would appear that victims of THB who are in the asylum process are not issued with residence permits as victims of THB. However, GRETA was informed that victims of THB identified in the asylum procedure have access to appropriate assistance measures provided by EKKA since the case will be reported to the NRM by the Focal Point of the Asylum Service, through the submission of the NRM form.

195. GRETA was informed that the number of victims of trafficking who have been granted refugee status or subsidiary protection during the reporting period was seven in 2017, 16 in 2019, seven in 2020, and 10 in 2021, though not necessarily on the grounds of human trafficking.

196. **GRETA considers that the Greek authorities should take further steps to ensure that victims of trafficking can fully benefit in practice from the right to obtain a renewable residence permit, and keep under review the practical implementation of the legislation relating to granting residence permits to victims of THB and the extent to which residence permits are granted because of the personal situation of the victim.**

g. Compensation and legal remedies (Article 15)

197. GRETA was informed that, pursuant to amendments to the CCP which came into force on 1 July 2019 (Law 4620/2019), victims of crime, including victims of trafficking, no longer have the right to join criminal proceedings as a civil party (to obtain compensation or financial satisfaction on grounds of moral damage) but can only appear 'in support of the indictment.' As noted in paragraph 240, assets deriving from the commission of the criminal offence which are determined to constitute damages suffered by the victim must be assigned to the victim by the criminal court, in accordance with Article 373 of the new CCP, in conjunction with Article 63 A of Law No. 4478 /2017. This does not prevent victims from asking the civil court for a higher amount of compensation (if their positive and consequential damages were not covered by the criminal court as mentioned above) and/or monetary compensation for moral damages. GRETA was not provided with any information concerning compensation awarded to victims of trafficking by courts during the reporting period.

198. Pursuant to Law 3811/2009 on Compensation of Victims of Violent Crimes, as amended by Law 4531/2018 and Law 4689/2020 (see paragraph 17), victims of trafficking are entitled to state compensation, which is awarded by the Greek Compensation Authority, operating under the Ministry of Justice, Transparency and Human Rights. State compensation covers violent criminal offences committed in Greece, but Greek residents can also seek compensation for offences committed in another EU Member State from the compensation authority of that state through a request transmitted by the Greek Compensation Authority. Moreover, pursuant to amendments introduced by Law 4689/2020, victims of crimes committed in Greece are eligible to seek state compensation even when they reside outside of Greece and the EU. In order for a victim of trafficking to obtain state compensation, there must be a final criminal conviction of the perpetrator and the perpetrator must lack the necessary means to comply with the final judgment awarding damages, or the perpetrator cannot be identified or prosecuted. The investigating and prosecuting authorities are obliged to inform victims of intentional violent crimes, including THB, about their right to apply for state compensation.⁷¹

199. Through Law 4689/2020, the deadline for reporting a criminal act to the authorities in order to qualify for state compensation was extended from five days to three months, and the fee for submitting the claim was reduced from 100 to 50 euros. The Compensation Authority is required to assess the claim for compensation within three months from the date it is lodged and issue its decision within three months from the date of the assessment. GRETA notes that the applications for state compensation are accepted exclusively in Greek, which may present an obstacle for foreign victims of THB.⁷²

200. State compensation covers medical and hospital costs, loss of income for a reasonable period of time, and funeral costs if applicable. In addition, pursuant to Law 4531/2018, state compensation includes the costs of psychological support when there is no corresponding public structure at the victim's place of residence, as well as the costs of relocation of the victim to a safe environment, i.e. the costs of housing and consumer goods. The expenses incurred by the State for medical costs as well as any sum the victim received from the perpetrator and social services are deducted from the amount of state compensation.

201. According to information provided by the authorities, no applications for state compensation have been submitted by victims of trafficking during the reporting period. GRETA was informed that this is attributed to the lack of proper information provided to victims, and that a Working Group within the Ministry of Justice is looking into ways to simplify the procedure for granting state compensation to THB victims.

202. As noted in GRETA's first evaluation report,⁷³ the provision of free legal aid in Greece is governed by Law 3236/2004, as amended by Law 4267/2014 and Law 4689/2020. The main requirement to qualify for legal aid is proof of low annual income. However, GRETA was informed that victims of trafficking involved in criminal proceedings are eligible to receive the assistance of a lawyer irrespective of their income. Presidential Decree 233/2003 provides that protection and assistance services shall ensure that victims of THB have access to legal assistance and interpretation from the moment they are referred to them, and that they shall be informed of their right to seek state compensation. Female victims of trafficking can also receive legal assistance from the counselling centres run by the General Secretariat for Demography, Family Policy and Gender Equality which have signed protocols of co-operation with the local Bar Associations. The NGO A21 has an agreement with a law firm from Athens to provide legal aid to victims of THB. According to the NRM reports, the number of THB victims who received legal representation and legal counselling was, respectively, 29 and 49 in 2019, 15 and 21 in 2020, and 32 and 40 in 2021.

⁷¹ https://e-justice.europa.eu/491/EN/if_my_claim_is_to_be_considered_in_this_country?GREECE&init=true&member=1.

⁷² Information on state compensation is posted on the website of the Ministry of Justice at: https://ministryofjustice.gr/English/?page_id=765 and https://ministryofjustice.gr/English/?page_id=762.

⁷³ GRETA's first evaluation report, paragraphs 184-185.

203. While welcoming the amendments to the legislation on state compensation, GRETA urges the Greek authorities to take further steps to guarantee access to compensation for victims of trafficking, in particular by:

- **providing information to all victims of THB on their right to compensation and the ways to access it, in a language they can understand, and ensuring that victims have effective access to legal aid in this respect;**
- **ensuring that state compensation is effectively accessible to victims of trafficking;**
- **making full use of the existing legislation on the freezing and forfeiture of assets to secure compensation for victims of trafficking;**
- **including victim compensation into training programmes for law enforcement officials, prosecutors, judges and lawyers.**

h. Repatriation and return of victims (Article 16)

204. The NRM SOPs outline the procedure for the repatriation or relocation to a third country of a victim of trafficking, namely: i) informing the victim of his/her right to stay in Greece or to be returned to his/her country of origin voluntarily, ii) performing a risk assessment in co-operation with counterparts in the country of origin, iii) liaising with a protection actor in the country of origin to ensure continuity of protection, and iv) organising the return in co-operation with the Embassy/Consulate of the relevant country.⁷⁴

205. Repatriation of victims of trafficking from Greece to their country of origin is arranged by EKKA or NGOs, in co-operation with the respective country's diplomatic mission in Greece. Together with IOM and the Ministry of Justice, the ONR has organised a workshop for diplomatic staff of foreign missions in Greece aimed at raising awareness of THB and focusing on the repatriation process. GRETA was informed that the NGO A21 organises international relocation and repatriation of victims of trafficking through its Referral Partner Network of care providers in different countries. Prior to return, A21's Survivor Relocation Service performs a risk assessment, provides legal support to the victim, arranges for documents to be obtained and for transportation, accommodation and referral to partner organisations in the country of return.

206. The IOM Office in Greece continues to run a programme of Assisted Voluntary Return and Reintegration (AVRR)⁷⁵ of vulnerable migrants, including victims of THB. As part of the return procedure, IOM conducts a risk assessment, provides assistance in obtaining travel documents, organises the return journey, and provides reintegration assistance including monetary support (a 370-Euro cash grant and in-kind reintegration support in the amount of 1500 euros).

207. GRETA was informed that the number of THB victims repatriated to their country was one in 2018, 11 in 2019, six in 2020, and one in 2021. IOM has assisted in the voluntary return of one victim of trafficking since 2017.

208. As noted in paragraph 137, GRETA is concerned that the persons subjected to pushbacks and forced removals from Greece may have included potential victims of trafficking.

⁷⁴ Handbook of the National Referral Mechanism, pp. 52 and 53.

⁷⁵ The current three-year-project on AVRR started in September 2019 and it is scheduled to be completed on 31 August 2022. The programme is co-funded 75% by European Funds (Asylum, Migration and Integration Fund) and 25% by National Funds. See <https://greece.iom.int/news/iom-announcement-assisted-voluntary-returns-reintegration>.

209. **GRETA considers that the Greek authorities should take further steps to:**

- **develop international co-operation in order to ensure proper risk assessment and safe return, as well as effective reintegration of victims of THB;**
- **ensure compliance with the *non-refoulement* obligation under Article 40, paragraph 4, of the Convention, taking into account the UNHCR's Guidelines on the application of the Refugees Convention to trafficked people.**

3. Substantive criminal law

a. Criminalisation of THB (Article 18)

210. In its first evaluation report, GRETA urged the Greek authorities to explicitly include servitude among the forms of exploitation resulting from human trafficking and to ensure that the criminalisation of trafficking in children fully reflects the provisions of Article 4 of the Convention. Further, GRETA considered that stating explicitly the irrelevance of the consent of a victim of trafficking to the intended exploitation, when any of the means are used, could improve the implementation of the anti-trafficking provisions.

211. As mentioned in paragraph 15, under the 2019 amendments to the CC, Article 351 which covered THB for the purpose of sexual exploitation was repealed and incorporated in Article 323A ("trafficking in human beings"). Article 323 of the CC ("slave trade") was also repealed and "slavery" was incorporated in Article 323A, in order to avoid confusion. In the new Article 323A, paragraph 5, the list of exploitative purposes was extended to include slavery, practices similar to slavery, servitude, and forced criminality, in addition to labour exploitation, forced begging, removal of organs, cells and tissues, and sexual exploitation. Moreover, forced marriage was added to Article 323A as one of the purposes of THB through Law 4531/2018 which implemented the Istanbul Convention. The term "exploitation" is defined in paragraph 5 of Article 323A as "acquisition of illegal benefit." Illegal adoption is not included in the THB provision as an exploitative purpose, but remains defined as a separate criminal offence under Article 360A of the CC. The amended Article 323A specifies in paragraph 4 that trafficking in children is a punishable offence even if none of the means set forth in the definition of trafficking in human beings has been used.⁷⁶

212. As noted in GRETA's first report,⁷⁷ "abuse of a position of vulnerability" is not listed as a separate means in Article 323A of the CC, but is linked to the means of "deception", namely "exploiting a person's position of vulnerability by making promises, gifts, payments or giving other benefits." The Greek authorities have pointed out that the term "position of vulnerability" has been interpreted broadly by the Supreme Court in judgment No. 955/2016.⁷⁸ More recently, in the wake of the ECtHR judgment in the *Choudhury and Others v. Greece* case, the Supreme Court opined in its judgment No. 2/2019 that a position of vulnerability consists of a situation of need, weakness or danger in which a person finds themselves due to economic, personal or other problems as a result of which they have no real and acceptable choice other than to accept exploitation. The position of vulnerability further covers situations in which a person is unable to protect his/her life, physical integrity or freedom. The Greek authorities have noted that the NRM reporting form lists the following situations under "abuse of a position of vulnerability": bad economic situation, problematic family situation (e.g. domestic violence and single-parent family), irregular stay in the country, lack of social skills (e.g. not knowing the language and illiteracy), inability to travel on one's own, hiding information about one's whereabouts, full dependence on the exploiters for one's living, and

⁷⁶ Article 323A, paragraph 4, of the CC further stipulates that the same punishment as prescribed in paragraphs 1 and 2 of the article shall be applied to whoever, using one of the means described in those paragraphs, recruits a minor for the purpose of using him/her in armed operations. Further, paragraph 7 of Article 323A provides for the punishment of imprisonment and a fine for anyone who forces a minor to beg in order to profit from their income.

⁷⁷ See GRETA's first report on Greece, paragraph 50.

⁷⁸ The court found that a victim of trafficking was in a position of vulnerability because she was a third-country national who did not speak Greek, had irregular residence status, did not have a work permit and was in a desperate financial situation.

exploitation of a bad history with the authorities. Additional situations which have been reported under the category “other” include pregnancy, the fact that the victim is a minor, disability, homelessness and lack of a support network.

213. GRETA notes that Article 323A of the CC still does not explicitly state the irrelevance of the consent of a victim of trafficking to the intended exploitation when any of the means are used. On the other hand, in the above-mentioned judgment 2/2019, the Supreme Court clearly established that the consent of the victim is irrelevant when any of the means are present. GRETA has no information with regard to whether and to what extent judgment 2/2019 of the Supreme Court has been followed in THB cases.

214. The 2019 amendments to the CC and subsequent amendments introduced by Law 4855/2021 resulted in certain changes with regard to the punishment prescribed for different forms of THB. The basic form of trafficking defined in Article 323A, paragraph 1, is currently punishable by imprisonment and a fine. Pursuant to the general provisions of the CC (Article 52, paragraph 2), the minimum penalty which can be imposed for THB is five years’ imprisonment while the maximum penalty is 15 years’ imprisonment.

215. Under paragraph 3 of Article 323A, the aggravated forms of THB, namely when THB a) is carried out “professionally”, b) is committed by an official who during the performance of their duty or by abuse of power commits or participates in the act, c) is connected to the illegal entry, stay or exit of the victim from the country, or d) resulted in grave bodily injury to the victim, is punished by a minimum sentence of 10 years’ imprisonment. If the offence results in death, the perpetrator shall be punished by life imprisonment.⁷⁹ A minimum sentence of 10 years’ imprisonment is also imposed in case of a child victim.

216. GRETA welcomes the amendments made to the Criminal Code which reflect its previous recommendations, and considers that the Greek authorities should take further steps to bring Article 323A of the CC fully in line with the definition of THB in the Convention by explicitly stating the irrelevance of the consent of a victim of trafficking to the intended exploitation, when any of the means are used.

b. Criminalisation of the use of services of a victim (Article 19)

217. As part of the amendments to the CC introduced in 2019, the minimum punishment for the knowing use of services of a victim of trafficking was increased from six months to three years of imprisonment. Specifically, pursuant to Article 323A, paragraph 6, of the CC, such punishment shall be imposed on a person who knowingly and without using the means described in paragraphs 1 and 2 of the article, employs, accepts the services of, performs a sexual act with a victim of human trafficking, or accepts the proceeds of the exploitation of such a person.

⁷⁹ It is GRETA’s understanding that under the 2019 amendments to the CC, the aggravated forms of THB enumerated in Article 323A, paragraph 3, were punishable by imprisonment of five to 15 years under the general provisions of the CC and a fine, while the minimum punishment in cases where the offence resulted in the death of the victim was 10 years’ imprisonment. Thus, the punishment was more lenient as compared to that prescribed in the CC in force during GRETA’s first evaluation of Greece, namely, a minimum of 10 years of imprisonment and a fine of 50 000 to 100 000 euros, as well as life imprisonment in case of the victim’s death. This was noted by the Supreme Court in its judgment 806/2020 dated 21 May 2020, which concerned THB for sexual exploitation of women from Russia and Romania which took place in 2006 and in which it was found that the aggravated form of THB existed because the defendants engaged in the offence professionally. The Supreme Court therefore decided, *ex officio*, to return the case to the lower court for re-sentencing. The main punishment of at least 10 years’ imprisonment and life imprisonment in case of death of the victim has been restored under the 2021 amendments to the CC.

218. There is no information with regard to any investigations and prosecutions of persons who may have knowingly used the services of victims of trafficking in the period covered by this report. **GRETA invites the Greek authorities to keep the application of the provisions criminalising the knowing use of the services of victims of trafficking under review with a view to ensuring that they are effectively applied in practice.**

c. Corporate liability (Article 22)

219. There have been no changes in the provisions related to the liability of legal persons for THB offences since GRETA's first report. As described in that report, Article 3 of Law 4198/2013 stipulates that in case any act listed in Articles 323A and 351 of the CC (now only Article 323A) was committed via or for the benefit or on behalf of a legal person by a natural person who acts either individually or as part of an organ of the legal person and who has a power of representation of the legal person, or an authority to take decisions on behalf of the legal person, or any authority to exercise control within the legal person, the Minister of Justice shall decide on the imposition of sanctions. The sanctions include an administrative fine of 15 000 to 150 000 Euros; withdrawal or suspension of the authorisation of the activity of the legal person for a period of up to six months; prohibition of the exercise of professional activities for the same period; and exclusion from entitlement to public benefits, aid, subsidies, award of works and service contracts, supplies, publicities and competitions of the State or legal persons governed by public law for the same period.

220. The legislation which regulates the procedure for public procurement provides for the exclusion of entities which are found to be involved in human trafficking.⁸⁰ Moreover, the MoUs between the Office of the National Rapporteur and the Governments of Attica and Thessaly aim to promote due diligence and to ensure that they do not purchase goods produced by, or contract services of, THB victims.

221. The Greek authorities indicated that there have been no cases in which legal entities were held liable under Law 4198/2013. GRETA notes that in light of the presence of a large number of undocumented foreign workers (see paragraph 14), the involvement of legal entities in their exploitation and possibly trafficking cannot be excluded. **GRETA invites the Greek authorities to examine the reasons why no legal entities have been prosecuted and punished for THB and to take measures to ensure that the legal provisions related to corporate liability are applied in practice.**

d. Non-punishment of victims of THB (Article 26)

222. In its first report, GRETA urged the Greek authorities to take additional measures to ensure compliance with the principle of non-punishment of victims of THB for their involvement in unlawful activities, to the extent that they were compelled to do so.

223. Since the issuance of GRETA's first report, certain amendments have been made to the relevant criminal legislation. Namely, the non-punishment provision which was previously contained in a separate provision of the CC (Article 187B) is now included in paragraph 8 of Article 323A which criminalises trafficking in human beings. As was the case with the previous provision, paragraph 8 allows a prosecutor of the misdemeanour court, upon receiving a complaint from a potential victim of THB and with the prior approval of the appellate prosecutor, to abstain temporarily from prosecution for violations of the laws on migration, prostitution, and for participation in criminal activities, provided that such participation was a direct consequence of the fact that the person was a victim of THB. The decision to refrain from prosecution will become final if the complaint proves to be well founded.

⁸⁰ Article 18 and Article 73, paragraph 1 of the Law 4412/2016 on Public Contracts, as amended by Law 4782/2021.

224. As noted in GRETA's first report,⁸¹ the manner in which the non-punishment provision is construed links the prosecutors' decision to abstain from criminal proceedings against a victim of trafficking to the victim reporting the offence and making a "well-founded complaint." The Greek authorities affirm that a simple statement by the victim to the police regarding the fact that he/she has been a victim of THB will suffice for the temporary postponement of prosecution against the person concerned. Nonetheless, GRETA notes that the legal requirement places an undue burden on the victim, who may not understand that he/she is a victim of trafficking or for various reasons may not be ready to report the offence. Rather, the duty should lie with the law enforcement to detect and investigate possible indicators of THB and apply the non-punishment principle, regardless of whether or not the victim reports the offence.

225. GRETA was informed that the scope of Article 59, paragraphs 4 and 5, of the CCP was expanded in 2019 to allow for the definitive refraining from prosecution for certain criminal offences of persons who are victims of human trafficking, provided that the trafficker has been convicted by a final decision of the court. Article 59 is applied in respect of offences of illegal entry into the country, possession of forged travel or identity documents, illegal labour and prostitution, which the victim committed while being trafficked.

226. There are no statistics with regard to the number of cases in which prosecutors abstained from prosecuting victims of THB for offences they have been compelled to commit by the traffickers.

227. According to civil society organisations, there have been cases of possible victims of trafficking, including children aged 16-17, prosecuted for smuggling. Migrant smugglers apparently compel children to steer boats from Türkiye to Greece, since the law is more lenient toward children. Law enforcement authorities reportedly bring migrant smuggling charges against these children without taking steps to identify possible victims of trafficking among them and to investigate the persons behind the smuggling ring. The children were reportedly placed under probation.⁸² Prosecutors with whom GRETA met were not aware of such cases and stressed that the non-punishment principle is applied as a rule in all cases where children are suspected of having been victims of trafficking, and that children are immediately removed from the custody of traffickers and placed in foster families.

228. GRETA considers that the Greek authorities should take additional measures to ensure compliance with the provision on the non-punishment of victims of THB for their involvement in unlawful activities, to the extent that they were compelled to do so, as contained in Article 26 of the Convention. Such measures should include the abolishment of the requirement of a prior complaint by the victim of trafficking, which is not in line with Article 26 of the Convention, and the development of guidance for police officers and prosecutors on the scope of the non-punishment provision. Particular efforts should be made to ensure that child victims of trafficking who may have been compelled to commit criminal offences are identified as victims, are not prosecuted for such offences and are provided with the necessary support and assistance.

⁸¹ See GRETA's first report on Greece, paragraph 206.

⁸² Under Greek law, in case of child offenders, the prosecutor for minors conducts the criminal procedure and issues a sanction without the involvement of the court.

4. Investigation, prosecution and procedural law

a. Measures related to ensuring effective investigations (Articles 1, 27 and 29)

229. In its first evaluation report, GRETA urged the Greek authorities to prioritise the identification of gaps in the investigation procedure and the prosecution of THB cases in court, with a view to ensuring an expeditious trial and effective, proportionate and dissuasive sanctions. GRETA further urged the Greek authorities to provide law enforcement agencies with the necessary resources and tools to detect and investigate THB cases, stressing in particular the importance of making use of special investigation techniques, as well as to develop the specialisation of prosecutors and judges to deal with THB cases.

230. There are two specialised anti-trafficking units within the Organised Crime and Human Trafficking Sub-Directorates of the Hellenic Police in Attica and Thessaloniki. In addition, 12 anti-trafficking teams have been set up in the regional General Police Divisions across the country.

231. According to the authorities, there is some flexibility with regard to the number of investigators assigned to the two specialised anti-trafficking units, depending on the requirements of ongoing investigations. However, GRETA was informed that the Thessaloniki unit, which currently comprises 12 members, is understaffed, particularly in light of the fact that, in addition to THB cases, this unit is mandated to investigate sexual crimes and spends considerable time on inspections of brothels. In the last four years the unit has investigated 25 cases of rape, including one high profile case, and since the beginning of the Covid-19 pandemic almost all of its resources have been devoted to related activities.

232. Police officers who come across suspected THB cases are supposed to inform the anti-trafficking units which will provide guidance and may get involved in the investigation if the case so requires. GRETA was informed that whenever there is a suspicion that a THB case may involve money laundering, the Anti-Money Laundering Authority is involved in the investigation. However, financial investigators from the Financial Investigations Unit are reportedly not frequently assigned to THB investigations.

233. The anti-trafficking units have contact points in the Labour Inspectorate offices across Greece and collaborate with them in cases of suspected THB for labour exploitation. In 2018 and 2019, the joint actions led to the discovery of 450 cases of undeclared work, although no cases of THB were found.

234. Since 2019, police liaison officers have been designated in the Reception and Identification Centres (RICs) across Greece, in order to facilitate the communication between the RICs and the police. The appointed staff have received training on THB, specifically in relation to the indicators for the identification of potential victims of THB and procedures to be followed. GRETA was informed that the anti-trafficking unit in Thessaloniki received information through these channels about a potential THB case in which it was alleged that migrants from the RICs were working on the islands without pay. The investigation was not taken further since the migrants themselves did not confirm the allegation.

235. GRETA was informed that under the previously mentioned A4 Project (see paragraph 52), seven inter-regional joint investigation teams were established (five in the northern Greece border regions, one in central Greece and one in the region of Attica), with the aim of improving the multi-agency co-operation in carrying out investigations. The teams were composed of 162 trained police officers. The authorities also planned to form additional inter-regional joint investigation teams which would include border guards, customs officers, as well as passport control officers from the northern border regions of the country. The implementation of the project was delayed due to the Covid-19 pandemic and is planned to be extended until the end of August 2023. Training sessions for 167 police officers are scheduled to take place in October-December 2022, and seven inter-regional joint investigation teams will be deployed in January 2023 until the end of the project.

236. Further, a prosecutor of the Prosecutor's Office of the First Instance in Thessaloniki who has been placed in charge of the general supervision of organised crime cases covers cases of human trafficking.

237. In 2019, the Prosecutor's Office of the Supreme Court issued a circular (No. 7215/9.10.2019) pertaining to the identification of victims of THB and containing comments on specific issues arising in the handling of THB cases by prosecutors and police investigators. In 2020, the Prosecutor's Office issued an amended circular according to which prosecutors should begin a preliminary enquiry immediately after receiving a criminal complaint for THB and should accelerate the procedure in order to prosecute the perpetrators after exhaustively collecting evidence.

238. Further, in January 2021, the Public Prosecutor's Office published a guide on good practices related to the investigation and prosecution of cases of trafficking for labour exploitation that has been distributed to all prosecutor's offices. The Prosecutor's Office also plans to issue a circular on the identification of victims of THB for labour exploitation.

239. Special investigative techniques provided for in Article 254 of the CCP include undercover investigations, controlled delivery and audio/video surveillance. GRETA was informed that the anti-trafficking units and teams have access to specialised equipment, such as video and audio recorders and surveillance vehicles equipped with imaging and recording systems. However, it was pointed out that the anti-trafficking unit in Thessaloniki is not always able to use the equipment for special investigative techniques due to a lack of manpower.

240. Seized assets deriving from a criminal offence are confiscated pursuant to a final decision of the court, in accordance with Article 373 of the CCP. GRETA was informed that the police have the power to seize movable property during the investigation, but that the seizure of immovable property or assets held in bank accounts can only be done by the Anti-Money Laundering Authority pursuant to an order of the prosecutor. GRETA was informed of one case investigated by the anti-trafficking unit in Athens which involved the dismantling in September 2019 of an organised criminal group accused of trafficking at least 11 female victims (including one girl), mostly from the Republic of Moldova, for the purpose of sexual exploitation in brothels in Athens. The Athens unit worked closely with the Financial Investigations Unit and the case resulted in the confiscation of 135 000 Euros, as well as boats and other assets. The members of the criminal group were arrested and the first instance proceedings began in January 2021. At the time of the adoption of this report, the case was before the Athens Court of Appeal.

241. The authorities have noted an increase in the use of the Internet for the recruitment of victims of THB, as well as for communication between traffickers. The Cyber Crime Unit of the Police has the authority to investigate cases of online sexual abuse of children and they co-operate with the anti-trafficking units in cases of suspected THB. The Cyber Crime Unit mostly conducts investigations through open sources and communication with the companies which manage social media sites.

242. According to information provided by the authorities, the number of THB cases investigated during this period was: 21 in 2017, 28 in 2018, 26 in 2019, and nine in 2020. The number of prosecutions for THB during the reporting period was as follows: 26 in 2017, of which 21 for sexual exploitation and five for labour exploitation; 25 in 2018, of which 22 for sexual exploitation and three for labour exploitation; 33 in 2019, of which 20 for sexual exploitation and 13 for labour exploitation; and 19 in 2020, of which seven for sexual exploitation and 12 for labour exploitation.

243. In 2017, courts issued 37 convictions in the first and second instance, of which 35 were for THB for sexual exploitation and two for THB for labour exploitation. Of the 35 defendants convicted for THB for sexual exploitation, 11 received sentences of between 18 months and nine years' imprisonment, as well as fines ranging from 1000 to 50 000 Euros, while 19 were sentenced to between 10 and 20 years' imprisonment and fines between 25 000 and 71 300 Euros. One of the defendants convicted for THB for labour exploitation was sentenced to four months' imprisonment, while the second received a sentence of 10 years' imprisonment and a fine of 50 000 Euros. The sentences issued in the second instance ranged from three years' imprisonment and a fine, to six years of imprisonment and a fine of 10 000 Euros.

244. In 2018, courts issued convictions in 14 cases in the first and 25 cases in the second instance, against 20 and 105 persons respectively. Of these, 19 cases concerned THB for sexual exploitation and 20 THB for labour exploitation. The sentences issued in the first instance ranged from three to 24 years' imprisonment, including one suspended sentence of five years' imprisonment. In the second instance, the sentences ranged from 200 hours of community service to 14 years of imprisonment, including two suspended sentences of two and three years' imprisonment. Two sentences of five and 14 years of imprisonment were converted to pecuniary penalties calculated at five Euros per day of detention. Most sentences also included fines ranging from 10 000 to 75 000 euros. Acquittals were issued in 17 cases (this includes one case which was terminated due to the death of the defendant).

245. In 2019, courts issued convictions in 11 cases in the first and 13 in the second instance, against 23 and 22 defendants respectively.⁸³ Fourteen cases concerned THB for sexual exploitation and 10 THB for labour exploitation. The sentences issued in the first instance ranged from a four-month suspended sentence of imprisonment to 25 years of imprisonment, and fines between 800 and 100 000 Euros. In the second instance, courts sentenced the defendants to imprisonment ranging from four to 27 years. In one case a sentence of five years of imprisonment was converted to pecuniary compensation at five Euros per day of detention. Acquittals were issued in 11 cases.

246. In 2020, courts issued convictions in 11 cases in the first and two in the second instance, against 15 and four defendants respectively. Nine cases concerned THB for sexual exploitation and four THB for labour exploitation. The sentences issued in the first instance ranged from one year to 12 years of imprisonment, and some defendants were also ordered to pay fines. Acquittals were issued in seven cases.

247. In 2021, courts issued convictions in the first and second instance against 180 defendants. Most of the defendants were convicted in relation to THB for "other forms of exploitation", 19 were convicted of THB for sexual exploitation, and three of THB for forced labour. In the first instance, 85% of defendants who were convicted of THB for other forms of exploitation received sentences of more than five years' imprisonment and fines of 10 000 Euros, while one defendant convicted of THB for sexual exploitation was sentenced to five years' imprisonment. In the second instance, 71% of defendants convicted of THB for sexual exploitation were sentenced to more than five years' imprisonment and fines of 30 000 Euros, while 72% of the defendants convicted in relation to other forms of exploitation were sentenced to more than five years of imprisonment and fines of 85 000 Euros.

248. Lawyers and civil society interlocutors pointed out that cases of trafficking for sexual exploitation are sometimes prosecuted as pimping. The criminal offence of 'pimping' was removed from the CC through the 2019 amendments and elements of it were incorporated into Article 323A ("trafficking in human beings"). The abolition of the offence of pimping was criticised by members of the police and the judiciary as creating practical difficulties in punishing offenders, because the lower threshold of proof required to prosecute the offence of pimping made it easier to substantiate a case and bring perpetrators to justice, while retaining the option to modify the charges after being able to build a *prima facie* case in order to seek the punishment of the perpetrators for the more severe offence of human trafficking. Through Law 4855/2021, the offence of pimping was re-introduced in paragraph 3 of Article 349 of the CC, which reads as follows: "except in cases of Article 323A (trafficking in human beings), whoever professionally or for profit promotes or exercises or forces another into prostitution or takes advantage of the income from the

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In addition, proceedings were terminated in one case due to the death of the defendant.

prostitution of another is punished by imprisonment of at least 18 months and a fine. The performance of the act by an employee, who in the exercise of his service or benefiting from his capacity commits or participates in any way in the act, constitutes an aggravating circumstance.”

249. Further, the number of cases of THB for labour exploitation does not seem to correspond to the real extent of this phenomenon in Greece (see paragraph 14). According to NGOs and lawyers met by GRETA, the prosecution relies heavily on statements of victims and witnesses, without expanding efforts to collect other types of evidence which would ensure the successful prosecution of perpetrators.

250. During the visit, GRETA met the Head of the Prosecutor’s Office in Amaliada who referred to an ongoing case involving land workers in exploitative working conditions (similar to the “Manolada case”). The employer had been acquitted at first instance, but was convicted at second instance of illegal employment of foreign citizens without a residence permit. The case was notified to the SEPE which launched an investigation to ascertain if exploitation was still taking place. Given that it was difficult to get statements from the 184 workers concerned (some of whom had disappeared), the prosecutor issued an “act of designation” for all of the workers in order for them to be granted a residence permit. GRETA was informed of another ongoing case in which charges were brought for the criminal offence of illegal and abusive employment, based on a complaint from the Special Secretary of Labour Inspectorate.

251. GRETA was informed that in 2019 the anti-trafficking unit in Thessaloniki conducted a nine-month investigation into a suspected case of THB of pregnant Roma women from Bulgaria for the purpose of private adoptions of their new-born babies in exchange for money. The average amount paid per child was 40 000 Euros, of which 6000 on average was paid to the mothers. Twenty-five children were adopted in this manner during a period of two years, and there were two cases of attempted adoption. The police discovered that the organised criminal group involved in the case, which included a doctor, a lawyer and several board presidents of private clinics, was also involved in a suspected case of trafficking of women for the purpose of the removal of reproductive cells. At least 24 such cases were registered. Although the investigation was finalised in 2019, the case has still not gone to trial.

252. Another issue identified by GRETA’s interlocutors is the considerable length of criminal proceedings in general and in THB cases in particular. GRETA refers to the Concluding observations on the combined fourth to sixth reports of Greece of the UN Committee on the Rights of the Child, issued on 9 June 2022, which recommended, *inter alia*, that the Greek authorities effectively investigate and prosecute cases of trafficking in children and decrease the length of court proceeding for trafficking cases.⁸⁴

253. GRETA notes positively the disaggregated statistics on the criminal justice response to THB cases, which demonstrate that there have been convictions for THB both for sexual and for labour exploitation. However, GRETA is concerned by the insufficient resources allocated to the investigating authorities, the length of criminal proceedings, and the lack of financial investigations and asset confiscation in THB cases.

⁸⁴ https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fGRC%2fCO%2f4-6&Lang=en.

254. GRETA urges the Greek authorities to take measures to strengthen the criminal justice response to THB, including by:

- **ensuring that THB offences are proactively and promptly investigated, regardless of whether a complaint about the reported crime has been submitted, and that relevant documentary, financial and digital evidence is collected during investigations, in order to avoid relying exclusively on testimony by victims or witnesses;**
- **ensuring that human trafficking offences are prosecuted as such every time the circumstances of a case allow this, rather than being requalified as lesser offences, and lead to effective, proportionate and dissuasive sanctions for those convicted;**
- **ensuring that units investigating THB offences are properly resourced, are not reassigned to other offences due to competing demands, and make use in practice of special investigation techniques;**
- **systematically carrying out financial investigations in order to locate, seize and confiscate the assets of the perpetrators;**
- **strengthening efforts to investigate and prosecute cases of trafficking for the purpose of labour exploitation;**
- **ensuring that the length of court proceedings in cases of trafficking of human beings is reasonable, in line with the case-law of the European Court of Human Rights (related to Article 6, paragraph 1 of the ECHR) and the standards set by the European Commission for the Efficiency of Justice (CEPEJ).⁸⁵**

b. Protection of witnesses and victims (Articles 28 and 30)

255. As outlined in GRETA's first evaluation report, there are a number of legislative provisions which pertain to the protection of victims of THB who take part in the criminal justice process. Article 12 of Law 3064/2002 covers specific protection measures for victims of THB and related offences in relation to the protection of their life, physical integrity, and personal and sexual freedom. Pursuant to Article 218, paragraphs 2 and 4 of the CCP (as amended by Law 4620/19) measures such as change of identity and relocation to another country may be applied to victims of THB. Moreover, the Immigration and Social Integration Code imposes in Article 51, paragraph 3, an obligation on the competent prosecutorial, judicial and police authorities to ensure, as a priority, the protection and safety of victims.

256. Law 2928/2001 provides in Article 9, paragraph 6, for the non-disclosure of a victim's personal details as well as the possibility to give a statement through audio-visual or audio means, upon order of the competent prosecutor, in proceedings related to the criminal offences of THB and smuggling of migrants. Other witness protection measures such as change of identity and relocation to another country are also provided for under this law.

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<https://rm.coe.int/cepej-2018-26-en-rapport-calvez-regis-en-length-of-court-proceedings-e/16808ffc7b>

257. Article 228 of the CCP stipulates that a psychiatrist or a psychologist shall be present during the examination and testimony of a victim of THB, among others, and the victim may be accompanied by his/her legal representative. Moreover, the statement of the victim shall be made in writing and recorded through the use of audio-visual means whenever possible, to be used during further proceedings in lieu of the victim's testimony in court. The parties may still request that the victim testify in court in order to supplement the prior statement. If the request is granted, the examination of the victim is carried out in the victim's residence by an investigating officer appointed by the judge, without the presence of the defence and based on precisely formulated questions.

258. Further, Article 227 of the CCP provides for a special procedure in case of child victims and witnesses of crimes against personal and sexual freedom, including THB. Namely, the child shall be examined by the competent authority (prosecutor, investigative judge) through a specialised psychologist or psychiatrist, and the testimony shall be recorded through audio-visual means to be used in further proceedings in order to avoid repeated testimony of the child. The examination of the child shall take place in the Independent Services for the Protection of Minor Victims known as 'Children's Houses', created under Law 4478/2017 with the aim of providing a child-friendly environment for the examination and audio-visual recording of a child's testimony in criminal proceedings, in accordance with the procedure prescribed in Article 227 of the CCP. These special offices are also competent to conduct individual assessments of child victims and provide general support services. The five Children's Houses established under this law (see paragraph 178) are also competent to conduct the individual assessment and evaluation of the child's perceptual ability and mental state and provide general support services.

259. While the adoption of the law establishing Children's Houses is a welcome development, GRETA notes with concern that only the Children's Houses in Athens and Piraeus are functional, having started operation in December 2021.⁸⁶ According to information from the authorities, the Children's Houses in Thessaloniki and Patras have also been staffed and the authorities are in the process of selecting appropriate premises. The Office of the Ombudsman has expressed concern regarding the delay in the operation of the Children's Houses and the failure of the authorities to ensure full compliance with the standards set out in the Ministerial Decision 7320/2019 on the conditions of the operation of Children's Houses. The authorities indicated that further amendments to the relevant legislation were being prepared.

260. The anti-trafficking police unit in Athens has set up a victim-centred room to be used for the examination of victims of trafficking, with the support of the NGO A21. The setting up of a similar room at the anti-trafficking unit in Thessaloniki was also proposed by A21, but the process was stalled due to the lack of appropriate premises in the police station.

261. GRETA was informed that the Ministry of Justice Working Group on THB, in collaboration with the NRM, will prepare a guide for victims of trafficking who participate in criminal proceedings. The guide will be posted on the Ministry's website and will be disseminated to all relevant actors.

262. Although the legal framework described above provides for a variety of protective measures for victims and witnesses, such measures are reportedly rarely applied to victims of trafficking in criminal proceedings. GRETA was informed that the victim's statement to the police is as a rule not recorded and that victims are regularly summoned to testify in court in the presence of the defendant. In one case from 2021, the victim was reportedly scheduled to appear before the investigative judge at the same time as the defendant was summoned to collect the case file, and she suffered a nervous breakdown after the encounter with the defendant. GRETA was also informed that some investigative judges are not aware that the presence of a psychologist during the examination of the victim is obligatory under Article 228 CCP and, as a result, a psychologist is often not appointed.

263. Due to the non-implementation of protective measures by the authorities, the protection of victims of trafficking who testify in criminal proceedings is left to NGOs that provide assistance to them. GRETA

⁸⁶ The Children's House in Athens employs three psychologists, two juvenile probation officers and one administrative officer, while the Children's House in Piraeus employs two psychologists and one juvenile probation officer.

was informed that all victims who are assisted by the NGO A21 have a legal representative and psychological support during criminal proceedings, and the NGO ensures their safe transportation to and from the courthouse. Moreover, A21 covers the travel and accommodation costs for foreign victims who travel back to Greece in order to give their testimony in criminal proceedings.

264. GRETA notes with concern the failure of the authorities to apply protective measures to victims of trafficking in practice, thus exposing them to re-traumatisation and re-victimisation. **Therefore, GRETA once again urges the Greek authorities to make full use of the available measures to protect victims of THB, including children, and to prevent intimidation during the investigation and during and after the court proceedings. Police officers, prosecutors and judges should be provided with the necessary training in order to ensure the application of such measures in practice.**

c. Jurisdiction (Article 31)

265. Article 8 of the Greek CC establishes jurisdiction over Greek nationals and foreigners who commit abroad one of the criminal offences enumerated in that article, which includes trafficking in human beings. The Greek CC applies regardless of the laws of the state in which the criminal act was committed.

266. Moreover, Article 348D of the CC provides for jurisdiction over Greek nationals for sexual offences against minors committed abroad, which are prescribed in Articles 339, 342, 348, 348A, 348B, 348C, 349, and 351A of the CC. Jurisdiction exists regardless of whether such acts are punishable under the laws of the country in which they were committed.

5. International co-operation and co-operation with civil society

a. International co-operation (Article 32)

267. In addition to the bilateral agreements on police co-operation and/or combating organised crime mentioned in GRETA's first evaluation report, which include provisions on suppression of THB,⁸⁷ Greece has concluded an agreement with Albania on the establishment of a Joint Contact Centre for Police and Customs Co-operation at the Kakavia border crossing (see paragraph 134).

268. In 2019, the relevant Greek authorities, led by the Office of the National Rapporteur, held a number of meetings with anti-trafficking counterparts in neighbouring countries, with a view to further improving international co-operation in this regard. In July 2019, a Greek delegation including representatives of the Labour Inspectorate, the Police, the Public Prosecutor and EKKA visited North Macedonia and met with counterparts in that country. In July 2019, the National Rapporteur held a meeting with his Albanian counterpart in Tirana within the framework of the Terre des Hommes' programme "Albania and Greece, supporting an effective transnational referral mechanism for children and potential victims of trafficking," to explore the possibility of updating an existing agreement between the two countries on the protection of child victims of THB. A follow-up meeting was held in Athens in November 2019.

⁸⁷ See GRETA's first evaluation report, paragraph 95.

269. GRETA was informed that the Hellenic Police regularly co-operate with the authorities of other states in order to exchange information and facilitate investigations into cases of THB which have a transnational character. Such co-operation is established through Interpol, Europol, SELEC, as well as police Liaison Officers in foreign embassies in Greece. In addition, the Hellenic Police contributes to Europol's Analysis Project PHOENIX on trafficking in human beings, and participates in Joint Action Days under EMPACT (European Multidisciplinary Platform against Criminal Threats), aimed at tackling THB for labour exploitation.

270. The Greek authorities have access to Joint Investigation Teams (JITs), which are co-ordinated and supported under Eurojust. However, GRETA was informed that there has not been a need to set up a JIT in THB cases, since international co-operation takes place successfully through other channels, mainly Interpol and SELEC. Some of GRETA's interlocutors from law enforcement also pointed out that there was not sufficient interest on the part of the authorities of other countries in establishing a formal JIT. GRETA received the impression that some representatives of law enforcement and prosecution are not sufficiently familiar with the modalities of establishing a JIT as well as the resources available through Eurojust.⁸⁸

271. GRETA welcomes the steps taken in the area of international co-operation by Greece and considers that the Greek authorities should continue and intensify their efforts, including through exploring the possibility of setting up Joint Investigation Teams in THB cases.

b. Co-operation with civil society (Article 35)

272. According to the annual report of the National Referral Mechanism (NRM) for 2021, 49 civil society organisations and two international organisations (IOM and UNHCR) currently participate in the NRM. A supplement to the NRM Handbook contains contact details of the NGOs involved in the provision of assistance to victims of THB and a short description of the type of services provided.

273. The Office of the National Rapporteur has concluded an MoU with the NGO A21 on joint action in the fields of prevention, raising public awareness and protection of victims of trafficking. Representatives of all of the NGOs met by GRETA reported excellent co-operation with the NRM and EKKA in particular.

274. While welcoming the efforts to include civil society organisations in the NRM, GRETA considers that the Greek authorities should continue building strategic partnerships with NGOs and other civil society actors, including trade unions, with the aim of achieving the purposes of the Convention, and provide adequate financing to ensure the range and quality of the victim assistance measures delivered by NGOs.

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See <https://www.eurojust.europa.eu/crime-types-and-cases/crime-types/trafficking-human-beings>.

IV. Conclusions

275. Since the adoption of GRETA's first report on Greece in October 2017, progress has been made in a number of areas related to action against trafficking in human beings.

276. The Greek authorities have further developed the legal framework relevant for combating trafficking in human beings, including by introducing amendments to the criminal legislation, as well as the legislation pertaining to compensation of victims of crime and guardianship of unaccompanied children.

277. Another positive development is the adoption of the National Action Plan for Preventing and Combating Trafficking in Human Beings and the Protection and Rehabilitation of Victims (2019-2023), following a period of seven years without an anti-trafficking policy document. The new Action Plan covers, *inter alia*, the early detection, identification, protection and assistance to victims of trafficking, as well as measures to ensure an adequate criminal justice response to trafficking in human beings.

278. The institutional framework relevant for combating trafficking was also strengthened as a result of the launch of the National Referral Mechanism (NRM) and the establishment of the Special Secretariat for the Protection of Unaccompanied Minors. Further, the authorities have set up a working group of legal professionals and criminal justice practitioners which has initiated a number of activities aimed at improving the criminal justice response to trafficking.

279. Moreover, efforts have also been made to provide training on human trafficking and related topics to a wide range of actors, including more than 800 front-line professionals who have been trained on the basis of the NRM handbook developed by the National Centre for Social Solidarity (EKKA).

280. Further, the Greek authorities have organised a number of activities aimed at raising awareness of the risks of human trafficking and prevention measures among the general public, such as the annual "Break the Chain" and "Raise Your Voice" festivals which brought together a range of public and private stakeholders, NGOs, and artists.

281. Steps have been taken to strengthen prevention of trafficking among vulnerable groups, including through the adoption of the National Strategy for the Social Inclusion of the Roma (2021-2030) and the related action plan, which include measures related to the prevention of trafficking. Moreover, the National Anti-Trafficking Action Plan contains a number of measures aimed at reducing vulnerabilities to THB.

282. Another positive development is the setting up of the system of data collection, as part of the NRM, which includes a detailed reporting form to be submitted to EKKA by NRM members and the publication of annual reports on the NRM containing disaggregated statistical information.

283. GRETA also welcomes the steps taken in the area of international co-operation, including the conclusion of an agreement with Albania on the establishment of a Joint Contact Centre for Police and Customs Co-operation at the Kakavia border crossing, and co-operation through Interpol, Europol and SELEC.

284. However, despite the progress achieved, some issues continued to give rise to concern. In this report, GRETA requests the Greek authorities to take further action in a number of areas. The position of the recommendations in the text of the report is shown in parentheses.

Issues for immediate action

- **GRETA urges the Greek authorities to intensify their efforts to prevent THB for the purpose of labour exploitation, taking into account GRETA's Guidance Note on**

combating trafficking for labour exploitation and the Council of Europe Committee of Ministers Recommendation CM/Rec(2022)21 on preventing and combating trafficking in human beings for the purpose of labour exploitation. This should include steps to:

- increase the number and strengthen the capacity of labour inspectors so that they can be actively engaged in the prevention of THB and ensure that their mandate includes a concrete focus on detecting potential victims of THB for labour exploitation;
 - address the risks of THB in the agricultural sector and ensure that sufficient resources are made available to labour inspectors to fulfil their mandate and carry out proactive and systematic inspections, including in remote locations at risk of THB. When joint inspections are conducted, the role of the immigration authorities should be clearly defined and the relevant legislative framework should be further developed to ensure that undocumented workers are able to regularise their status;
 - with a view to preventing abuse and exploitation, ensure that the living and working conditions of migrant workers meet all the requirements laid down in legislation, and provide adequate information on rights and social insurance coverage to migrant workers;
 - train labour inspectors throughout the country, as well as law enforcement officers, prosecutors and judges, on combating THB for the purpose of labour exploitation and the rights of victims;
 - ensure that inspections can take place in private households where domestic workers are employed with a view to preventing abuse of domestic workers and detecting cases of human trafficking;
 - strengthen the monitoring of recruitment and temporary work agencies and supply chains and review the legislative framework for any loopholes that may limit protection or preventive measures;
 - raise awareness among the general public as well as, in a targeted manner, among migrant workers, about the risks of THB for the purpose of labour exploitation;
 - work closely with trade unions, civil society and the private sector to raise awareness of trafficking for the purpose of labour exploitation, prevent trafficking in supply chains and strengthen corporate social responsibility, drawing on the Guiding Principles on Business and Human Rights and Recommendation CM/Rec(2016)3 on human rights and business (paragraph 91);
- GRETA urges the Greek authorities to ensure that individualised risk assessment is conducted prior to any forced removals and that it assesses the risks of trafficking or re-trafficking on return, in compliance with the obligation of *non-refoulement*. In this context, full consideration should be given to the UNHCR's Guidelines on the application of the Refugees Convention to trafficked persons and GRETA's Guidance note on the entitlement of victims of trafficking, and persons at risk of being trafficked, to international protection (paragraph 138);

- **GRETA once again urges the Greek authorities to take steps to improve the identification of victims of THB, and in particular to:**
 - ensure that the identification of victims of THB does not depend on the presumed victim's complaint (statement) and co-operation in the investigation or criminal proceedings, by amending the relevant legislation. The expertise of relevant organisations and entities, such as specialised NGOs, psychologists, health-care staff and labour inspectors should be duly taken into account during the identification procedure;
 - ensure that the process of granting the status of victim of trafficking is completed without undue delay;
 - pursue a proactive approach to the identification of victims of trafficking for the purpose of labour exploitation by encouraging regular and co-ordinated inspections in the sectors most at risk (see also paragraph 91);
 - ensure that qualified interpreters are available whenever presumed victims of trafficking are interviewed in the context of the victim identification procedure. The costs of interpretation should be covered by the authorities (paragraph 159);
- **GRETA urges the Greek authorities to take further steps to improve the identification of, and assistance to, child victims of trafficking, in particular by:**
 - ensuring that relevant actors take a proactive approach and increase their outreach work to identify child victims of THB and refer them to the NRM, by paying particular attention to unaccompanied and separated children and children from Roma communities;
 - ensuring long-term assistance for the integration of child victims of trafficking (paragraph 182);
- **GRETA once again urges the Greek authorities to ensure that all possible foreign victims of THB, including EU and EEA citizens, are systematically informed of the possibility to be granted a recovery and reflection period and are granted such a period when there are grounds to believe they are victims of THB, regardless of whether or not they co-operate with law enforcement authorities. Training and written instructions on the purpose of the recovery and reflection period and the procedure for granting it should be provided to police officers, prosecutors, and other relevant officials (paragraph 191);**
- **While welcoming the amendments to the legislation on state compensation, GRETA urges the Greek authorities to take further steps to guarantee access to compensation for victims of trafficking, in particular by:**
 - providing information to all victims of THB on their right to compensation and the ways to access it, in a language they can understand, and ensuring that victims have effective access to legal aid in this respect;
 - ensuring that state compensation is effectively accessible to victims of trafficking;
 - making full use of the existing legislation on the freezing and forfeiture of assets to secure compensation for victims of trafficking;
 - including victim compensation into training programmes for law enforcement officials, prosecutors, judges and lawyers (paragraph 203);

- **GRETA urges the Greek authorities to take measures to strengthen the criminal justice response to THB, including by:**
 - **ensuring that human trafficking offences are proactively and promptly investigated, regardless of whether a complaint about the reported crime has been submitted, and that relevant documentary, financial and digital evidence is collected during investigations, in order to avoid relying exclusively on testimony by victims or witnesses;**
 - **ensuring that human trafficking offences are prosecuted as such every time the circumstances of a case allow this, rather than being requalified as lesser offences, and lead to effective, proportionate and dissuasive sanctions for those convicted;**
 - **ensuring that units investigating THB offences are properly resourced, are not reassigned to other offences due to competing demands, and make use in practice of special investigation techniques;**
 - **systematically carrying out financial investigations in order to locate, seize and confiscate the assets of the perpetrators;**
 - **strengthening efforts to investigate and prosecute cases of trafficking for the purpose of labour exploitation;**
 - **ensuring that the length of court proceedings in cases of trafficking of human beings is reasonable, in line with the case-law of the European Court of Human Rights (related to Article 6, paragraph 1 of the ECHR) and the standards set by the European Commission for the Efficiency of Justice (CEPEJ) (paragraph 254);**
- **GRETA once again urges the Greek authorities to make full use of the available measures to protect victims of THB, including children, and to prevent intimidation during the investigation and during and after the court proceedings. Police officers, prosecutors and judges should be provided with the necessary training in order to ensure the application of such measures in practice (paragraph 264).**

Further conclusions

- GRETA reiterates the importance of maintaining the structural separation between co-ordination and monitoring functions, in accordance with Article 29 of the Convention, and once again invites the Greek authorities to examine the possibility of designating as a National Rapporteur a separate organisational entity or another independent mechanism for monitoring the anti-trafficking activities of State institutions (paragraph 20);
- GRETA considers that the Greek authorities should ensure sustainable long-term funding for anti-trafficking activities (paragraph 28);
- GRETA considers that the Greek authorities should continue their efforts by integrating training on THB into regular or mandated training programmes, with a view to ensuring that all relevant staff, including police officers, prosecutors, judges, lawyers, asylum officials, labour inspectors, social workers, child protection specialists, teachers and health-care professionals, as well as representatives of the media are periodically trained on THB. The training should in particular aim to strengthen the prevention of THB, facilitate the identification of victims, improve their protection and access to compensation, and increase the effectiveness of investigations and prosecutions in THB cases (paragraph 45);

- GRETA welcomes the data collection established as part of the NRM and considers that the Greek authorities should continue their efforts to develop and maintain a comprehensive and coherent statistical system on trafficking in human beings by compiling reliable statistical data from all main actors on the number of presumed and identified victims, as well as measures to protect and promote the rights of victims. This should be accompanied by all the necessary measures to respect the right of data subjects to personal data protection including ensuring that the confidentiality of sensitive information is protected (paragraph 51);
- GRETA considers that the Greek authorities should continue to support and carry out research on THB, including with regard to trafficking for the purposes of labour exploitation, forced begging and forced criminality, trafficking in children, internal trafficking, trafficking involving migrants and refugees, as well as the misuse of the Internet for committing THB (paragraph 55);
- GRETA welcomes the efforts to raise public awareness of human trafficking and invites the Greek authorities to continue implementing measures to raise awareness of THB (paragraph 65);
- GRETA encourages Greece to ratify the 2014 Protocol to the ILO Forced Labour Convention No. 29, and ILO Labour Inspection (Agriculture) Convention No. 129 (paragraph 89);
- GRETA considers that the authorities should further strengthen their efforts in the area of prevention of child trafficking, particularly with regard to children from vulnerable communities and unaccompanied children. Concrete measures should be taken to ensure that children are not returned to environments in which they may be exposed to a risk of (re)trafficking and to prevent truancy and early exiting from education among vulnerable children. Teachers and child protection professionals across the country should be provided with THB-specific training to enable them to recognise and address signs of vulnerability to THB (paragraph 105);
- GRETA welcomes the social and economic initiatives described above and considers that the Greek authorities should increase their efforts to prevent THB through social, economic and other measures for vulnerable groups, by providing long-term support and integration measures for migrants and refugees, including recognised beneficiaries of international protection after their access to benefits ceases, facilitating the social inclusion of Roma communities, combating gender-based violence, and supporting specific policies for the empowerment of women as a means of combating the root causes of THB (paragraph 112);
- GRETA encourages the Greek authorities to ratify the Council of Europe Convention against Trafficking in Human Organs as this would contribute to the prevention of trafficking for the purpose of organ removal (paragraph 120);
- GRETA considers that the Greek authorities should adopt and strengthen legislative, administrative, educational, social, cultural or other measures to discourage demand for the services of trafficked persons, for all forms of exploitation, in partnership with civil society, trade unions and the media, including by:
 - raising awareness of the important role of the media and advertising in tackling demand which leads to human trafficking;
 - promoting awareness among businesses, strengthening corporate social responsibility and preventing trafficking in supply chains;
 - continuing to implement educational programmes at schools which stress the importance of gender equality and respect for the dignity and integrity of every human being and the consequences of gender-based discrimination. The relevance, effectiveness and reach of educational/training programmes and awareness-raising campaigns should be evaluated at regular intervals (paragraph 129);
- GRETA considers that the Greek authorities should continue paying particular attention to detecting victims of THB among migrants and asylum seekers in reception centres and persons detained as irregular migrants, and provide continuous training to all staff who come into contact with such persons (paragraph 160);

- GRETA considers that the Greek authorities should enhance their efforts to provide assistance to victims of trafficking by:
 - providing appropriate and secure accommodation to all victims of trafficking, including by referring presumed victims of THB identified among asylum seekers and migrants to appropriate and secure accommodation;
 - in view of the increasing number of male victims of THB, carrying out a needs assessment on the basis of which a plan should be made for the provision of accommodation and services tailored to the needs of male victims;
 - ensuring that all assistance measures provided for in law are guaranteed in practice. Where assistance is delegated to NGOs or other non-state actors as service providers, the State should ensure the provision of adequate financing and the quality of the services;
 - facilitating the reintegration of victims of trafficking into society and avoiding re-trafficking by providing them with long-term assistance, including vocational training and access to the labour market (paragraph 170);
- GRETA considers that the Greek authorities should take measures to encourage the media to protect the identity and private life of victims of THB through self-regulatory or regulatory/co-regulatory measures (paragraph 185);
- GRETA considers that the Greek authorities should take further steps to ensure that victims of trafficking can fully benefit in practice from the right to obtain a renewable residence permit, and keep under review the practical implementation of the legislation relating to granting residence permits to victims of THB and the extent to which residence permits are granted because of the personal situation of the victim (paragraph 196);
- GRETA considers that the Greek authorities should take further steps to:
 - develop international co-operation in order to ensure proper risk assessment and safe return, as well as effective reintegration of victims of THB;
 - ensure compliance with the *non-refoulement* obligation under Article 40, paragraph 4, of the Convention, taking into account the UNHCR's Guidelines on the application of the Refugees Convention to trafficked people (paragraph 209);
- GRETA welcomes the amendments made to the Criminal Code which reflect its previous recommendations, and considers that the Greek authorities should take further steps to bring Article 323A of the CC fully in line with the definition of THB in the Convention by explicitly stating the irrelevance of the consent of a victim of trafficking to the intended exploitation, when any of the means are used (paragraph 216);
- GRETA invites the Greek authorities to keep the application of the provisions criminalising the knowing use of the services of victims of trafficking under review with a view to ensuring that they are effectively applied in practice (paragraph 218);
- GRETA invites the Greek authorities to examine the reasons why no legal entities have been prosecuted and punished for THB and to take measures to ensure that the legal provisions related to corporate liability are applied in practice (paragraph 221);

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- GRETA considers that the Greek authorities should take additional measures to ensure compliance with the provision on the non-punishment of victims of THB for their involvement in unlawful activities, to the extent that they were compelled to do so, as contained in Article 26 of the Convention. Such measures should include the abolishment of the requirement of a prior complaint by the victim of trafficking, which is not in line with Article 26 of the Convention, and the development of guidance for police officers and prosecutors on the scope of the non-punishment provision. Particular efforts should be made to ensure that child victims of trafficking who may have been compelled to commit criminal offences are identified as victims, are not prosecuted for such offences and are provided with the necessary support and assistance (paragraph 228);
 - GRETA welcomes the steps taken in the area of international co-operation by Greece and considers that the Greek authorities should continue and intensify their efforts, including through exploring the possibility of setting up Joint Investigation Teams in THB cases (paragraph 271);
 - While welcoming the efforts to include civil society organisations in the NRM, GRETA considers that the Greek authorities should continue building strategic partnerships with NGOs and other civil society actors, including trade unions, with the aim of achieving the purposes of the Convention, and provide adequate financing to ensure the range and quality of the victim assistance measures delivered by NGOs (paragraph 274).

Appendix

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

Public bodies

- Office of the National Rapporteur on Trafficking in Human Beings, under the Ministry of Foreign Affairs
- Ministry of Citizens' Protection - Hellenic Police
 - o Anti-trafficking units in Attica and Thessaloniki
 - o Border Protection Directorate
 - o Cyber Crime Directorate
- Ministry of Migration and Asylum
 - o Special Secretariat for the Protection of Unaccompanied Minors
 - o Directorate of Migration Policy
 - o Directorate of European and International Co-operation
 - o Asylum Service
 - o Reception and Identification Service
 - o Residence Permit Directorate
- Ministry of Justice
 - o Compensation Authority
 - o European and International Relations Department
- Ministry of Labour and Social Affairs
 - o National Centre for Social Solidarity (EKKA)
 - o Labour Inspectorate (SEPE)
 - o General Secretariat for Demography, Family Policy and Gender Equality
- Ministry of Health
 - o Institute of Child Health
 - o Hellenic Transplant Organisation (EOM)
- Ministry of Education and Religious Affairs
 - o Institute of Educational Policy
- Public Prosecutor's Office (in Athens, Thessaloniki, Patras and Amaliada)
- Greek Parliament, Committee on Equality, Youth and Human Rights, Sub-Committee on Combating Trafficking and Exploitation
- Ombudsman's Office
- Greek National Commission for Human Rights
- Decentralised Administration of Peloponnese, Western Greece and the Ionian
- Municipal authorities in Thessaloniki and Andravida Kyllini

Intergovernmental organisations

- International Organization for Migration (IOM)
- United Nations High Commissioner for Refugees (UNHCR)
- United Nations Children's Fund (UNICEF)

NGOs and other civil society organisations

- A21
- Arsis
- Damaris
- Diotima
- Generation 2.0 for Rights, Equality and Diversity
- Greek Council for Refugees
- Hellenic Red Cross
- Klimaka
- Médecins du Monde
- METAdrasi
- Praksis
- Refugee Support Aegean
- Salvation Army
- Smile of the Child

Government's comments

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

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

The Convention requires that "the report and conclusions of GRETA shall be made public as from their adoption, together with eventual comments by the Party concerned." GRETA transmitted its final report to the authorities on 19 December 2022 and invited them to submit any final comments. The comments of the authorities, submitted on 3 February 2023, are reproduced hereafter.



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

Athens, 3 February 2023

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

Dear Ms. Nestorova,

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

Further to our previous correspondence, we have the pleasure as the Office of National Rapporteur on THB of Greece to submit herewith the final comments received from our national stakeholders. We firmly believe that this contributes to a more complete overview of the situation in Greece.

We look forward to continuing the dialogue and fruitful co-operation with GRETA.

Yours sincerely,

Heracles Charmanidis
Expert Minister Councillor

Office of the National Rapporteur
on Trafficking in Human Beings



**FINAL COMMENTS ON THE REPORT ADOPTED BY THE GROUP OF EXPERTS ON
ACTION AGAINST TRAFFICKING IN HUMAN BEINGS (GRETA) CONCERNING THE
IMPLEMENTATION OF THE CONVENTION BY GREECE (SECOND EVALUATION ROUND)**

National Center for Social Solidarity (EKKA)

Regarding par. 166:

EKKA would like to note that since the beginning of its shelters' operation, special measures were taken to nourish the psychological and emotional needs of children – witnesses of violence and therefore victims of violence themselves.

Therefore, specialised staff was hired, adequately trained for implementing psychopaedagogical programmes aiming at evaluating and enhancing the children's psychological and emotional development, through specialised educational activities and tools, as well as advising and providing guidance on parenting to their mothers. At the same time, while children remain occupied in recreational or tutorial activities in child friendly decorated space, hosted mothers are given the opportunity of some valuable alone time in order to seek psychological support, employment or rest, among others.

Regarding the shelter's guest rooms in Attica shelter, which were recently renovated, they provide autonomy and a sense of personal space, which any hosted person can adapt to their needs and personal taste. Additionally, the main building is surrounded by green spaces, which hosted women with children are encouraged to enjoy as part of their daily routine. (See photos: <https://www.ekka.org.gr/index.php/el/domes-ypiresies/kdvm-2/ksenonas-attikis>)

Ministry of Migration and Asylum - Reception and Identification Service

Par. 35- Furthermore, a series of training programs have taken place addressed to RIS HQ staff conducted by the National Center of Social Solidarity and the National Referral Mechanism, as well as the National Centre for Public Administration & Local Government and International organizations.

And

Additionally, CCAC staff participated in a seminar entitled "E-trafficking as an emerging phenomenon: Advocating for a framework to protect and support potential victims of human trafficking" facilitated by the Danish Refugee Council under the scope of the "Free2Link" project.

Par. 105- Regarding RIS's role, it is important to stress that the Service has developed increased cooperation with child-protection organizations (that are registered in the Ministry's official registry of NGOs) that are active in its regional services, offering important procedural safeguards and monitoring to the vulnerable category that minors in the Centers and Facilities are.

It is important to stress that RIS has developed and operates "Safe Areas" inside its Reception Centers at the borders, in which minors have access to all necessary services and professionals (social workers, caretakers, lawyers, psychologists, educators etc). This structure allows for more effective and efficient protection of children and more specialized case management upon arrival. In the meantime, the "Safe Areas" that had been operating in the mainland have closed, in cooperation with the SSPUAMs in an effort to provide them with a more stable and safe environment in the mainland. Additionally, the Emergency Response Mechanism for Minors in Precarious Conditions has been developed by SSPUAMs in order to timely address and protect minors in need, in cooperation with various actors and services among which is RIS.

Par. 108- Vulnerable beneficiaries of international protection are entitled to receive access to the national reception system according to art. 109 of L. 4939/2022, for a specific period of time. Additionally, RIS is still collaborating with IOM on the integration programme of "HELIOS", offering housing support, language classes etc.

Par. 137- According to L. 4939/2022 Art. 38 - 44 and 43, all third country nationals are informed upon arrival and no longer than 15 days in a language they understand about their rights and responsibilities as well as the support services that are available to them including the right to legal aid and the right to have access to psychosocial support.

Victims of human trafficking are considered as vulnerable by the authorities.

The vulnerability assessment is conducted according to the abovementioned articles. Vulnerability is assessed during the identification and medical assessment phase and specialized care and protection is provided to those deemed to be included in these categories. The vulnerability assessment is ongoing and can be amended throughout the administrative process of reception (and asylum) in case additional information is submitted.

According to paragraph 5 of Art. 62 of L. 4939/2022, the competent authorities are obliged to immediately notify the National System of Identification and referral of Victims of Human Trafficking according to article 6 of L.4198/2013 in case they identify a Victim of Human Trafficking.

Par. 154- RIS, in cooperation with EUAA implemented a training program under the title: "Training on the Reception of Vulnerable Persons (RVP A)". This training is part of the training modules designed by EUAA – the EU Asylum Agency for Asylum and Reception officers of the EU Member States.

The purpose of the training was, among others, to enable participants understand the concept of vulnerability in the Reception context. It described different categories of vulnerable persons, including victims of trafficking, focusing on the implications of vulnerabilities for reception needs, vulnerability indicators, protective factors and initial steps to support applicants with special reception needs, psychological first aid, and biases and how to overcome them. It also outlined how to construct objective reports describing observations on vulnerability, the basic principles of facility and room allocation for vulnerable persons, and information provision to vulnerable persons.

Although the scope of the training was not to specifically address the concept of trafficking in human beings in depth, victims of trafficking is one of the categories of vulnerable groups recognized as such by the law in the context of the reception of international protection applicants. Therefore, the training was aiming to train reception staff in Greece on the identification of vulnerable persons or persons with special needs, including victims of trafficking, and on the provision of appropriate support and assistance to them.

89 RIS staff attended this module, which has both an online part and a face-to-face session. Furthermore, 8 more RIS staff attended the Train the Trainers module on RVP.

It is important to underline that all third-country nationals who reside in RIS regional facilities (RICs and Mainland Facilities) and are identified as victims of THB receive services of accommodation, taking into consideration their safety, food provision, health and psychosocial support as well as interpretation and legal assistance. Specialized services e.g., transfer to another shelter, are available through referrals by professionals.

Par. 157- Furthermore, since 2022 when RIS Facility of Elefsina and Serres started accommodating Ukrainian nationals, an enhanced cooperation with the Greek Police's Department for the Combat of THB has been established for the prevention of THB.

Par. 162- The identification and referral procedures of vulnerable persons and possible victims has been enhanced since October 2022 with the deployment of specialized EUAA staff (Case Managers) assisting the already deployed personnel of the responsible Vulnerability Focal Persons and the registration professionals.

Par. 170- In RICs and CCACs there are specifically designed areas where THB and other vulnerable cases can reside until further assessment and referral of their individual cases. In these areas there is distance from the rest of the population safeguarding security. Focused medical and psychosocial support is provided depending on their needs.