

Chapter II

Human trafficking

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1. Identification and translation of the most relevant rules and their evolution. Statistical data about the crime.

The Greek Penal Code refers to the crime of trafficking of people in Art. 323A. According to this provision:

“1. Any person who enforces, abducts, transfers, detains, harbours, surrenders or receives another person for the purpose of exploitation by force, threat of violence or other coercive means or by enforcing or misusing his powers is punished by imprisonment of up to ten years and a fine.

2. The same penalty shall be punished upon the culprit and if, in order to achieve the same purpose, the acts of the preceding paragraph are carried out with the consent of the victim by the use of fraudulent means or by taking advantage of the vulnerable position in which he is.

3. The act of the preceding paragraphs shall be punishable by a sentence of imprisonment of up to twenty years and a fine if: (a) it is done on a professional basis; (b) it is performed by an official who in the course of his duties or in his capacity as such engages or participates in any way in practice , **(c) is linked to the illegal entry, stay or exit of the victim from**

the country; or (d) result in severe bodily injury to the victim. A prison sentence of at least ten years shall be imposed if the act resulted in death.

4. The penalties of the preceding paragraph shall be punishable by the offense referred to in paragraphs 1 and 2 when directed against a **minor**, even when committed without the use of the means referred to therein. The same penalties shall also be punishable by anyone who, by means of paragraphs 1 and 2, recruits a minor for the purpose of using it in armed operations.”

According to para. 5 of the same provision, the concept of "exploitation" in the preceding paragraphs includes the conveyance of an unlawful property benefit from: (a) his or her affiliation to slavery or similar practices; (b) his or her affiliation; (c) begging the victim (labor exploitation); (d) committing criminal offenses by him; (e) removing the cells, tissues or organs of his body; (f) committing sexual acts, are exclusive end sexual stimulation (sexual exploitation) or g) forcing into marriage.

Moreover paras. 6 and 7 provide the following:

“6. With imprisonment of at least three years and a pecuniary penalty shall be punishable by anyone who, knowingly, without using the means referred to in paragraphs 1 and 2, recruits a person who is a trafficked person to work for him, accepts the services of that person, sexually exploits him or accepts the proceeds from his exploitation.

7. Whoever, without using the means provided for in paragraphs 1 and 2, expel minors to begging, with the purpose of exploiting their income, shall be punished by imprisonment and a fine.”

It is apparent that Article 323A of the Greek Penal Code refers to human trafficking regardless the nationality of

the victim (or the offender). However, as it is provided for in para. 3 (c) “The act of the preceding paragraphs [i.e. paras. 1 and 2] shall be punishable by a sentence of imprisonment of up to twenty years and a fine if it is linked to the illegal entry, stay or exit of the victim from the country”. As a result, the Greek legal system treats the fact that a victim may be a migrant as an aggravating circumstance to the crime of human trafficking.

Importantly, the final paragraph of Article 323A provides that “8. For anyone who denounces offenses committed by him as a result of the acts of the preceding paragraphs, the public prosecutor may, if the complaint is well founded, with the approval of the prosecutor's office, **temporarily refrain from prosecution for breaches of the Code of Immigration**, the Law on sexually exploited persons, and for offenses related to their participation in criminal activities, since that involvement was a direct consequence of the fact that they were victims of the offenses of the preceding paragraphs until an irrevocable decision is taken on the acts that have been denounced. If the complaint is found to be well founded, the abstention from the criminal prosecution becomes final.”

It must be noted that the Greek Penal Code was recently amended by virtue of Law 4619 / 2019. Article 323A was among the amended provisions, as well as Article 323 which referred to the crime of slave trade. The provisions of Article 323 were incorporated in the amended provisions of Article 323A (above), which however does not refer anymore to “slaves”, but only to “slavery or similar practices”.

Previously, human trafficking was covered by Law 3064/2002 ‘Fighting human trafficking, crimes against sexual freedom, child pornography and in general the economic

exploitation of sex life and [providing] support to the victims of the above actions'. This law first amended Articles 323A and 351 of the Greek Penal Code until their recent amendment with Law 4619 / 2019.

The Greek Police provides statistical data regarding cases of human trafficking that have been tackled.²

Cases according to the kind of exploitation for the years 2016, 2017 and the first half of 2018			
Year	2016	2017	2018
Work Exploitation	3	0	1
Forced begging	4	1	0
Sexual Exploitation	18	20	18

² Available at http://www.astynomia.gr/index.php?option=ozo_content&perform=view&id=82074&Itemid=73&lang=

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Victims per Sex and State of Origin (2016)		
	Male	Female
Albania	0	4
Afghanistan	1	0
Bulgaria	0	4
Greece	3	8
Moldova	0	2
Nigeria	0	1
Hungary	0	1
Ukraine	2	0
Romania	12	8

Number of victims per sex	18	28
Total number of victims	46	

Victims per Sex and State of Origin (2017)		
	Male	Female
Albania	0	2
Afghanistan	0	4
Bulgaria	3	3
Greece	0	4
Moldova	0	8
Ukraine	0	2
Romania	0	9
Russia	0	3
Number of victims per sex	3	35
Total number of victims	38	

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Victims per Sex and State of Origin (first half of 2018)		
	Male	Female
Albania	0	1
Bulgaria	0	6
Greece	0	5
Belarus	0	2
Pakistan	1	0
Romania	0	2
Russia	0	1
Number of victims per sex	1	17
Total number of victims	18	

2. *Comparison with the International and European law.*

Greece is a State-party to the major international and regional treaties against human trafficking. These include the Council of Europe Convention against Trafficking in Human Beings and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. However, a grave omission is the fact that Greece has not yet signed and ratified the 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others. Nevertheless, the internal legislation of Greece is in conformity with its obligations under the treaties it has ratified, a fact that is also mentioned in the Introductory Report of the amended Penal Code.

Furthermore, as EU member-State, Greece abides by the relevant EU law regarding trafficking in human beings. To address trafficking in human beings, the EU has put in place a comprehensive, gender-specific and victim-centred legal and policy framework, namely the *Directive 2011/36/EU on combating and preventing trafficking in human beings and protecting its victims* as well as the EU Strategy *towards the eradication of trafficking in human beings for the period 2012-2016*.

Directive 2011/36/EU is the fundamental EU legislative act addressing trafficking in human beings. It establishes robust provisions on victim's protection, assistance and support, but also on prevention and prosecution of the crime. The 2012-2016 EU Strategy has provided a coherent basis and direction for the EU policy in the area of trafficking in human beings and coming to its end has completed nearly all actions envisaged.

The Directive 2011/36/EU, as well as other relevant EU documents, are incorporated in Greek legislation.

3. Structure and purpose of the criminal offence.

The recently amended Article 323A of the Greek Penal Code covers a wide range of instances of human trafficking, since it incorporates all the relevant provisions of the previous Penal Code. As a result, the definition of the crime of human trafficking is very general and includes “the enforcement, abduction, transferring, detention, harbouring, surrendering or receiving of a person for the purpose of exploitation by force, threat of violence or other coercive means or by enforcing or misusing ones powers” while the many variables of the crime (for example whether the victim is a minor or a migrant) are considered as aggravating circumstances.

The criminal offence is against the life and health, freedom, human dignity and the working rights of the victim. All these rights and freedoms are protected by the Greek Constitution and Laws, as well as international and European instruments.

4. Conduct(s)

As provided for in the relevant provisions, the act of human trafficking is the enforcement, abduction, transferring, detention, harbouring, surrendering or receiving of a person for the purpose of exploitation by force, threat of violence or other coercive means or by enforcing or misusing one’s powers. The *actus reus* is further enhanced by the following paragraphs of Article 323A. For example, whoever recruits a person who is a trafficked person to work for him, accepts the

services of that person, sexually exploits him / her or accepts the proceeds from his exploitation (para. 6) or incites minors to begging, with the purpose of exploiting their income (para. 7) is considered as having engaged in the crime of human trafficking. As a result, it is crucial to refer to the specific acts referred to in Article 323 A in order to assess the *actus reus* of the crime in accordance with Greek law.

In order to determine the degree of *mens rea* that the relevant legislation requires to characterize an act as human trafficking, recourse to the general provisions of the Penal Code is needed.

The provision of Art. 27 indicates that the notion of intent [*mens rea*] is manifested in the following three variations: 1. Purpose (or direct intent of first degree - *dolus malus*) The offender acts in order to bring about the consequences of his illegal behaviour. 2. Direct Intent (or direct intent of second degree – *dolus directus*) The offender is not aiming at the materialization of the constitutive elements of a crime but visualizes them as the necessary consequences of his behaviour and, nevertheless, accepts it. In these cases, the offender accepts the commission of the offense as a necessary side effect of his intended aim. 3. Indirect or Eventual Intent (*dolus eventualis*) The offender is aware of or visualizes as probable the materialization of the constitutive elements of the offense as a result of this action but, nevertheless, accepts it. In these cases, the offender accepts the commission of the offense as a probable side effect of his intended aim.

It becomes evident from the relevant provisions that the required *mens rea* of the crime of human trafficking is any degree of intent, as described above, since the relevant provisions are of a general character and contain no provisions regarding degree of intent. The intent mainly focuses on the

intent to “exploit” the trafficked person, either by gaining profits from them, sexually exploiting them or force them into labour, and, in the case of minors, forcing them into begging.

With respect to negligence, Art. 28 of the Greek Penal Code defines it as the lack of attention (care), which the offender “owed” under the circumstances and which he/she could have exercised and, because of which, either he/she did not envisage the criminal consequences of his/her actions or he/she did envisage them but believed that they would not materialize. Evidently, the crime of human trafficking cannot be committed by negligence.

5. Defendant(s).

The defendant of the crime of human trafficking is whoever committed the acts described in Article 323A of the Greek Penal Code, provided that he/she acted fraudulently / intentionally.

6. Victim(s) of crime.

According to the first paragraph of Article 323A of the Greek Penal Code, the victim of the crime of trafficking is any person who is enforced, abducted, transferred, detained, harboured, surrendered or received by another person for the purpose of his / her exploitation by force, threat of violence or other coercive means or by enforcing or misusing his powers. The victim of the crime may be a minor, a migrant, or have other special characteristics which, if exploited, are treated as aggravating circumstances for the crime of human trafficking.

7. Other elements of the criminal offences.

The recently amended Article 323A contains all the relevant elements of the criminal offences. Neither the Greek Penal Code nor other Laws include any other provisions regarding a further specialization of the crime of human trafficking.

8. Criminal and non-criminal sanctions.

Each paragraph of Art. 323A' includes the criminal sanction for the crime of human trafficking and its aggravating circumstances.

First of all, and in accordance with paras. 1 and 2 of this provision, any person who enforces, abducts, transfers, detains, harbours, surrenders or receives another person for the purpose of exploitation by force, threat of violence or other coercive means or by enforcing or misusing his powers, and if, in order to achieve the same purpose, these acts are carried out with the consent of the victim by the use of fraudulent means or by taking advantage of the vulnerable position in which he is, is punished by imprisonment of up to ten years and a fine.

Furthermore, the act of the preceding paragraphs shall be punishable by a sentence of imprisonment of up to twenty years and a fine if: (a) it is done on a professional basis; (b) it is performed by an official who in the course of his duties or in his capacity as such engages or participates in any way in practice, (c) is linked to the illegal entry, stay or exit of the victim from the country; or (d) result in severe bodily injury to the victim. A prison sentence of at least ten years shall be imposed if the act resulted in death. The penalties of the preceding paragraph shall be punishable by the offense

referred to in paragraphs 1 and 2 when directed against a minor, even when committed without the use of the means referred to therein. The same penalties shall also be punishable by anyone who, by means of paragraphs 1 and 2, recruits a minor for the purpose of using it in armed operations.

Finally, according to paragraphs 6 and 7 anyone who, knowingly, without using the means referred to in paragraphs 1 and 2, recruits a person who is a trafficked person to work for him, accepts the services of that person, sexually exploits him or accepts the proceeds from his exploitation is punished with imprisonment of at least three years and a pecuniary penalty, while, whoever, without using the means provided for in paragraphs 1 and 2, incite minors to begging, with the purpose of exploiting their income, shall be punished by imprisonment and a fine.

9. Criminal liability of legal persons/corporate liability.

The Greek Penal Code refers to the criminal liability of individuals and not legal persons or corporations. In cases a legal person or a corporation is found to exercise practices that are related to human trafficking, the individuals behind these actions, as well as the lawful representatives, owners and shareholders, could be held criminally liable for the relevant offences.

10. Judicial decisions.

Since the Article 323A of the Greek Penal Code was recently amended, there are no published judicial decisions based on the amended article. However, since article 323A incorporates all the relevant provisions of the previous Penal Code, older judicial decisions can be also used in the context of understanding the characteristics of the criminal offence. Furthermore, it must be noted that the case-law study demonstrates that the provisions of the law have been interpreted several times in a different manner and with a view to achieving a more severe repression.

The most relevant cases on the matter are Areios Pagos Cases No. 783/2013, 2397/2005, 673/2011, 1499/2011, 917/2008, 408/2014 and 326/2007, Patras Court of Appeals Case No. 110/2011, Dodecanese Court of Appeals Case No. 24/2005, and Case No. of the Amaliada Council of Misdemeanors 90/2003.

10.1. Structure and purpose of the criminal offence.

According to “Areios Pagos”, the Supreme Civil and Criminal Court of Greece, in the Case No. 673/2011(G’ Criminal), the offender’s behavior may be committed in more alternative ways due to the nature of the “multiple crime” of human trafficking. Furthermore, in cases where more than one means are used by the offender, he/she still commits a single act and a single sentence is imposed on him/her, the size of which can be augmented. In order to establish the crime provided for in paragraph 1 of Article 323a of the Greek Criminal Code, which is committed it without the free consent of the affected person, it is objectively required that the

offender on the one hand recruit, transport or promote within or outside the territory, withhold, care, surrender with or without consideration to another person, or receive from another person the victim and on the other hand, by using the above means of violence, intimidation or other coercive means, that is, one that results in the free will of the victim of human trafficking in or through the imposition or abuse of power.

10.2. Conduct(s).

According to Areios Pagos Case No. 783/2013, the actus reus of the crime consists of the enforcement, abduction, transferring, detention, harbouring, surrendering or receiving of a person for the purpose of exploitation by force, threat of violence or other coercive means or by enforcing or misusing one's powers.

In addition to the elements of Article 323 par. a and b, the crime is committed as a crime with an 'excessive subjective nature' that requires the intent of the perpetrator, which includes, on the one hand, his knowledge and will, using violence or threat or any of the other compulsory means mentioned, to recruit, transfer, promote, subjugate, detain, etc. by himself/herself or by another person whose action is judged by complicity ("aiding") provisions, the victim, or by fraudulent means or other benefits referred above, to obtain the consent of the victim or to entice him or her to take action in order to become an object of exploitation and on the other hand, the intent of the perpetrator to exploit the victim's work himself or herself in third parties, without the need to

accomplish that purpose, that is to say, the effective completion of the crime.

10.3. Defendant(s).

Apart from the case where the defendant is the sole perpetrator, according to Article 45 of the Criminal Code, if two or more have jointly committed a criminal offense, each is penalized as the perpetrator of the act. Furthermore, it follows from the Article 47 par. 1 of the Greek Criminal Code that a form of complicity (mere aiding) is any material or mental, positive or negative assistance provided to the perpetrator of that particular act, prior to, or at the time of the commission, that provided by the offender with intent. [“Areios Pagos” (E’ Criminal) in the Case No. 326/2007].

10.5. Victim(s) of crime.

Relevant jurisprudence confirms the provision of Article 323 of the Greek Criminal Code, according to which the victim of the crime is any person who is enforced, abducted, transferred, detained, harboured, surrendered or received by another person for the purpose of his / her exploitation by force, threat of violence or other coercive means or by enforcing or misusing his powers. The victim of the crime may be a minor, a migrant, or have other special characteristics which, if exploited, are treated as aggravating circumstances for the crime of human trafficking.

For instance, in Case No. 326/2007 adjudicated by Areios Pagos, the victims were foreigners in great vulnerable position because of their financial condition, while in case 917/2008 of Areios Pagos, the victims were also foreigners (Albanians) in

dire financial situation and who had minor children and were unable to feed them because of their miserable financial situation. Taking advantage of the above vulnerable position of the parents of the minors, as well as the minors themselves, by using deceptive means and in particular by providing assurances that minors would spend well in Athens, that they would care of them and provide them proper work, from which they would earn enough money to deal with the financial problems of themselves and their children, gained the consent of, and through them, the consent of the minors, who were persuaded.

10.6. Other facts relevant for the criminal liability.

As far as evidence procedure and defendant's rights are concerned, Areios Pagos in Case No. 673/2011 ruled that the Court of First Instance did not violate the defendant's rights by law, the European Convention for the Protection of Human Rights and Fundamental Freedoms and the International Covenant on Civil and Political Rights, the absence of the foreigner suffering from a CBA at the hearing of the Court of Instance of the case, the fact that the victim did not testify in public as a witness and that the Court had taken into account the preliminary ruling and interrogation of that witness, together with the other evidence. Areios Pagos found the above-mentioned ground of appeal inadmissible and that the exercise of his rights under the above provisions 510 par 1 element A in conjunction with Article 171 (1) (a). d. is unfounded and therefore rejected.

10.7. Constitutional matters.

Constitutional matters regarding the criminalization of human trafficking are not raised in the relevant judicial decisions. Constitutional matters are raised only with respect to matters of judicial procedure. For example, in Cases No. 783/2013, 917/2008 and No. 673/2011 adjudicated by Areios Pagos, the conviction of the perpetrators has the specific and detailed reasoning required by the provisions of Article 93 para. 3 of the Constitution.

11. Literature

Taking into account the ongoing refugee crisis, as well as the continuous contemplation of the international and Greek communities on the matter of human trafficking, Greek academic literature has occupied itself greatly with the matter.

Of course, the available bibliography is about the criminal offence as stipulated in the Penal Code before its amendments, since the new Penal Code entered into force only in June 2019. Public discourse on the matter has not yet been crystallized as to whether the new amendments are beneficiary or not.

Nevertheless, the crime of human trafficking has been greatly discussed along with the other relevant penal provisions that used to be in force (i.e. the crime of slave trade and the previous Article 323A).

Moreover, most academics focus on the international and European Union legislation on the matter of human trafficking.

In addition, there is extensive literature on the factual aspects of the crime of human trafficking, i.e. the structure of the criminal networks, the origin of the victims and / or the conditions of them during the perpetration or tackling of the crime of trafficking.

Essential bibliography on the crime of human trafficking includes the following:

- Kyriazi T., *Trafficking in human beings* (Nomiki Vivliothiki, 2010)
- Papassiopi-Passia Z., *The Legal Status of Foreign Women - Victims of Exploitation and Illegal International Trafficking*, Volume III. "International and European Efforts", EPEAEK Pythagoras II, Gender Equality, (Department of Law, Aristotle University of Thessaloniki 2008)
- Ariadne Network Against Human Trafficking, *Fighting Human Trafficking*, (Sakoulas 2007)
- EDEA: *Proposals on the issue of trafficking in human beings and the situation in Greece*, (2007)
- Lazos G., *The foreign prostitute in Modern Greece, A qualitative and quantitative phenomenology* (1998)
- Micha E., *A Practical Legal Guide on addressing Human Trafficking* [in greek] (2014)
- Sykiotou A., *Human Trafficking in the Balkans: The victim, the Perpetrator and repressive strategies* [in greek] (Sakoulas, 2003).
- Triandafyllidou A. and Maroukis T., *Migrant Smuggling* (Palgrave Macmillan 2012).
- Papanтониου A., *Trafficking: the Role of the "Customer": Legal Approach and Empirical Data* [in greek] (Sakoulas, 2013)

- Magliveras K., *Combating Trafficking in persons: the role and action of International Organizations* (Sakoulas, 2007)
- Symeonidou - Kastanidou E., Kosmidis C. and Dimitrainas G., *The new Law 3064 / 2002 on Human Trafficking* [in greek] (Sakoulas 2003).

12. Reform Proposal(s).

It remains to be seen whether the new amendments to the Greek Penal Code will be adequate to further combat the challenges posed by the crime of trafficking. Nevertheless, there is much work to be done especially in field work and the ways the Greek Authorities try to combat trafficking in human beings. Below is a listing of reform proposals, some of which are also included in the relevant 2018 UNHCR report on Trafficking in Persons³:

- Increase efforts to identify trafficking victims among vulnerable populations and refer them to specialized services;
- provide advanced training to judges, prosecutors, and law enforcement on trafficking investigations and prosecutions;
- establish formal procedures for the national referral mechanism, including formalizing NGO and international organization services into the mechanism;
- train first responders on victim identification and the national referral mechanism;

³ Available at <<https://www.refworld.org/docid/5b3e0b344.html>>

- strengthen specialized services including shelter and psycho-social support for adult male and child victims;
- employ witness protection provisions already incorporated into law to further encourage victims' participation in investigations and prosecutions;
- allocate adequate funds towards a compensation fund;
- inform victims of their right to compensation.

13. Criminal Procedure Law.

13.1. International and European judicial cooperation and implementing law about the following issues: taking of evidence, transfer of sentenced persons, transfer of detained persons.

Greece has signed and ratified a number of bilateral agreements regarding police and judicial cooperation on the suppression of the crimes of human trafficking and migrant smuggling.

According to the Greek Police official database, by 26 May 2015, these agreements were the following:⁴

Bilateral Agreements on Police Cooperation:

⁴ The list in greek is available at <http://www.astynomia.gr/images/stories/2015/pinakas_symf_ell.pdf>

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	Country	Place and Date	Ratification by the Parliament
1	Egypt	Cairo, 21/02/1998	Law.2754/ 1999 (Official Gazette A'251 /19-11-1999)
2	Albania	Athens, 17/07/1992	Law 2147/1993 (Official Gazette A'96 /16-6-1993)
		Tirana, 12/03/2010 <i>(Implementation Protocol)</i>	Law 3962/2011 (Official Gazette 98 A'/29-4-2011)
3	Armenia	Athens, 18/06/1996	Law 2499/1997 (Official Gazette 100 A'/28-5-1997)
4	Bosnia and Herzegovina	Athens, 09/02/2006	Law 3725/2008 (Official Gazette 255 A'/17-12-08)

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5	Bulgaria	Athens, 08/07/1991	Law 2096/1992 (Official Gazette 188 A'/30-11-92)
		Sofia, 22/02/1996 <i>(Implementation Protocol)</i>	(Official Gazette A' 68/ 23-04-96)
		Sofia, 29/04/2008 <i>(Agreement for the establishment and operation of a Contact Centre)</i>	Law 3779/2009 (Official Gazette 132 A'/7-8-2009)
		Sofia, 29/04/2008 <i>(Agreement on one stop control for the crossing of borders)</i>	Law 3780/2009 (Official Gazette 133 A'/7-8-2009)
		Sofia, 09/06/2010 <i>(Amended Agreement)</i>	<i>(not yet ratified)</i>

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6	France	Paris, 19/05/2008	Law 3901/2010 (Official Gazette 215 A'/23-12- 2010)
7	United States of America	Corfu, 28/06/2009	Law 3800/2009 (Official Gazette 162 A'/4-9-2009)
8	Iran	Tehran, 16/03/1995	(not yet ratified)
9	Israel	Athens, 05/04/1995	Law 2383/1996 (Official Gazette 40 A'/7-3-1996)
		Jerusalem, 08/10/2013 (Amended Agreement)	(not yet ratified)
10	Italy	Rome, 10/01/2000	Law 3159/2003 (Official Gazette 64 A'/26-06- 2003)

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1 1.	China	Beijing 05/06/2007	Law 3963/2011 (Official Gazette 99 A' /29-04-11)
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1 2.	Croatia	Athens, 23/11/1998	Law 2756/1999 (Official Gazette 253 A' /19-11-99)
1 3.	Cyprus	Nicosia, 03/12/2007	Law 3936/2011 (Official Gazette 56 A' /21- 03-11)
1 4.	Lithuan ia	Athens, 26/06/1995	Law 2426/1996 (Official Gazette A' 149/ 04-07-96)
1 5.	Malta	Valeta, 24/05/2001	Law 3125/2003 (Official Gazette 63 A' /14- 03-2003)
1 6.	Hungar y	Budapes t, 17/02/1993	Law 2222/1994 (Official Gazette 111 A' /06-07-94)

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17	Ukraine	Athens, 24/04/2001	Law 3158/2003 (Official Gazette 163 A'163/26-6- 2003)
18	Pakistan	Islamabad, 12/05/2005	Law 3571/2007 (Official Gazette 124 A'/08-06-2007)
19	North Macedonia	Ohrid, 08/07/1998	(not yet ratified)
20	Poland	Warsaw, 18/06/1993	Law 2221/1994 (Official Gazette 110 A'/6- 7-1994)
21	Romania	Athens, 06/06/1992	Law 2138/1993 (Official Gazette 84 A'/28- 5-1993)
22	Russia	Athens, 06/12/2001	Law 3215/2003 (Official Gazette A'- 311/31-12-2003)

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2 3.	Serbia	Athens, 17/10/2008	Law 3935/2011 (Official Gazette 55 A /21- 03-11)
2 4.	Sloveni a	Ljubljana, 27/09/2002	Law 3269/2004 (Official Gazette 186 A /11-10-2004)
2 5.	Turkey	Ankara, 21/01/2000	Law 2926/2001 (Official Gazette 139 A /27-06-2001)

Multilateral Agreements on Police Cooperation

		Place and Date	Ratificati on by the Parliament
		Corfu, 02/10/1998	Law 2933/2001 (Official Gazette 150 A /10-7- 2001)

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1	Organization of the Black Sea Economic Cooperation (BSEC)	Tbilisi, 30/04/1999 (1st Protocol)	Law 3334/2005 (Official Gazette 92 A' /12.04.05)
		Kiev, 15/03/2002 (2nd Protocol)	Law 3452/2006 (Official Gazette 70 A' /03.04.06)
		Athens, 03/12/2004 (3rd Protocol)	Law 2933/2001 (Official Gazette 150 A' /10-7-2001)
2	Southeast European Law Enforcement Center	Bucharest, 09/12/2009	Law 4054/2012 (Official Gazette 45 A' /7-3-12)
		Bucharest, 24/11/2010 (Additional Protocol)	Law 4245/14 (Official Gazette 62 A' /11-3-14)

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<p>3</p>	<p>Protocol on the Cooperation between Greece, Bulgaria and Romania</p>	<p>Sofia, 08/09/1998</p>	<p>Law 2814/2000 (Official Gazette 69 A'/10-3- 2000)</p>
<p>4</p>	<p>Agreement between Greece, Bulgaria and Turkey on the establishment of a Common Contact Center</p>	<p>Sofia, 25/05/2015</p>	<p>(not yet ratified)</p>

13.2. Police cooperation.

The National Rapporteur Office is a regular associate partner in numerous international projects implemented by Greek state and civil society stakeholders.

One of the main deliverables of the National Rapporteur Office, developed through EU cooperation and funding, is the National Referral Mechanism. The National Rapporteur Office's strategic objective for the period 2018-2023 is to bring in more stakeholders in first level identification of potential victims of trafficking and / or smuggling in order to consolidate a more inclusive identification regime for the

victims. The Office is also a regular contributor to the European Union Regional Task Force that addresses the issue of mixed migration and refugee flows.

The Greek Directorate for International Police Cooperation operates under the auspices of the Greek Police Force and concerns itself, amongst others, with the tackling of international crimes such as human trafficking and migrant smuggling.

The Directorate for International Police Cooperation is an institutional forum for communication with the Police Authorities and Government Services of third States, as well as the International and European Organizations, on cooperation issues related to the responsibilities of the Hellenic Police Headquarters. Based on article 8 of Presidential Decree 178/2014, it is structured into 5 departments, namely the Support and Missions Division, the European and International Affairs Department, the SIRENE Division, the INTERPOL Department and the EUROPOL Division. In addition, under the same Decree the Joint Intelligence Center for International Police Cooperation is established within the structures of the Directorate.

Importantly, the main purpose of the SIRENE Department is to exchange supplementary information under the Schengen Convention. The content of the information concerns the taking of administrative and criminal measures against persons and objects, such as arrests of European arrest warrants, detection and seizure of stolen vehicles, detection and protection of minors, etc. In this context, it provides guidance to police, customs services with regard to the operation of the Schengen Information System (how to implement the Convention and the procedure to be followed in any case).

13.3. Auditing of the victims and their protection.

Since the 2015 refugee crisis, Greece has adopted the “hotspot approach” to audit and protect not only victims of trafficking and/or smuggling but also refugees and irregular migrants. The “hotspot approach” is part of the European Agenda on Migration of April 2015 adopted with the aim to address the immediate challenges related to the refugee crisis and to equip the EU with the tools to better manage migration in the medium and long term. In that context, a number of hotspots, i.e. first reception facilities, were set up to establish streamlined cooperation on the ground between Member States in the frontline of asylum-seeker and other migrant arrivals and the relevant EU agencies, in order to swiftly identify, register and fingerprint them. However, there are still many concerns raised about the reception conditions in hotspots with respect to the effectiveness of vulnerability screenings, the availability of interpreters and mediation services, the number of people accommodated at the facilities, and their access to healthcare.⁵

At the national level, the responsibility to audit victims of human trafficking and oversee related assistance ultimately lies with a specifically mandated government agency. However, procedures related to the identification of vulnerabilities are in reality implemented by a considerable number of actors, including national authorities, NGOs, EU agencies and international organisations, such as the UNHCR. In principle, it is the duty of the National Centre for Social

⁵ See more at Scherer A., “Victims of Trafficking in Hotspots”, European Parliamentary Research Service (2018), available at <[http://www.europarl.europa.eu/RegData/etudes/BRIE/2019/631734/EPRS_BRI\(2019\)631734_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/BRIE/2019/631734/EPRS_BRI(2019)631734_EN.pdf)>.

Solidarity (EKKA) along with the Greek Police to act as the principal government agency coordinating the efforts of all anti-trafficking stakeholders in the framework of the Greek national anti-trafficking and anti-smuggling mechanism.

13.4. Protection of minors.

In addition to difficulties related to victims' identification at an early stage, the living conditions in reception centres increase the risks of further exploitation for vulnerable groups, such as women and unaccompanied, minors while they are waiting for their papers to be processed. In November 2018 the UNHCR reported on the 'abhorrent' conditions in the centres in Samos and Lesbos.⁶ The UNHCR expressed concern over the protection of the most vulnerable groups, given the high number of reports it had received of sexual and gender-based violence being perpetrated against women and minors. The UNHCR insisted that Greece take urgent steps to address the humanitarian situation of around 11,000 asylum-seekers on these islands. In its 2017-2018 annual report⁷ and its country report on Greece, Amnesty International similarly noted that security continues to be a main source of concern in many of the hotspots. According to the same report, as of 15 December 2018, there were 2,256 unaccompanied minors waiting to be placed in shelters, including 74 detained in police stations.

⁶<https://www.unhcr.org/news/briefing/2018/11/5be15c454/unhcr-urges-greece-accelerate-emergency-measures-address-conditions-samos.html>

⁷ Amnesty International, *Report 2017-2018 - The state of the World's Human Rights*, available at <<https://www.amnesty.org.uk/files/2018-02/annualreport2017.pdf>>

Currently, according to the relevant legislation, after an unaccompanied minor is identified, the Reception and Identification Service is responsible to inform the local prosecutor who acts as temporary guardian of her/him in the area of his jurisdiction. The Reception and Identification Service also informs the National Centre for Social Solidarity (EKKA) for the identification of the unaccompanied minors. EKKA is the responsible authority for the accommodation of them. The Office of the National Rapporteur monitors closely the process and advocates towards its timely conclusion.