

# Demand in the Context of Trafficking in Human Beings in the Domestic Work Sector in Greece

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## Summary

Even though Greece counts as one of Europe's four main trafficking hubs and even though migrant domestic workers have been arriving in the country since the late 70s, these two storylines somehow fail to meet. According to the official figures, trafficking of human beings (THB) for domestic work is practically non-existent in Greece; and labour trafficking in general, is just a recent phenomenon. Addressing demand for cheap and exploitable workers becomes then a theoretical question. Migrant domestic workers themselves, however, have a very different story to tell about how they entered and stayed in the country, under what terms they found their work, what the expectations are and why they cannot leave. In most cases, these are stories of false promises, long working hours, small salaries and fear of coming forward. Lifting these cases out of their invisibility and understanding what are the factors shaping the demand in the context of THB in the domestic work sector is an important necessary step to open the debate on trafficking in domestic work in Greece.



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## About the project

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Trafficking in human beings covers various forms of coercion and exploitation of women, men and children. Responses to trafficking have traditionally focused on combating the criminal networks involved in it or protecting the human rights of victims. However, European countries are increasingly exploring ways in which to influence the demand for services or products involving the use of trafficked persons or for the trafficked persons themselves. **DemandAT** aims to understand the role of demand in the trafficking of human beings and to assess the impact and potential of demand-side measures to reduce trafficking, drawing on insights on regulating demand from related areas.

**DemandAT** takes a comprehensive approach to investigating demand and demand-side policies in the context of trafficking. The research includes a strong theoretical and conceptual component through an examination of the concept of demand in trafficking from a historical and economic perspective. Regulatory approaches are studied in policy areas that address demand in illicit markets, in order to develop a better understanding of the impact that the different regulatory approaches can have on demand. Demand-side arguments in different fields of trafficking as well as demand-side policies of selected countries are examined, in order to provide a better understanding of the available policy options and impacts. Finally, the research also involves in-depth case studies both of the particular fields in which trafficking occurs (domestic work, prostitution, the globalised production of goods) and of particular policy approaches (law enforcement and campaigns). The overall goal is to develop a better understanding of demand and demand-factors in the context of designing measures and policies addressing all forms of trafficking in human beings.

The research is structured in three phases:

- Phase 1: Analysis of the theoretical and empirical literature on demand in the context of trafficking and on regulating demand in different disciplines, fields and countries. From January 2014–June 2015.
- Phase 2: Three in-depth empirical case studies of different fields of trafficking – domestic work, prostitution, imported goods – and two studies on different policy approaches: law enforcement actors and campaigns. From September 2014–December 2016.
- Phase 3: Integrating project insights into a coherent framework with a focus on dissemination. From January 2017–June 2017.

## Project Facts

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## **Country case studies - Introductory note**

This country report is part of the DemandAT project's case study on trafficking in human beings (THB) in the domestic work sector. The study was conducted in seven European countries (Belgium, France, Greece, Cyprus, Italy, Netherlands, and UK) and this paper is part of a series of seven country reports.

The key objectives of the country research were to i) investigate types of situations in domestic work that may involve extreme forms of exploitation and trafficking, ii) examine the motivations and factors driving and shaping the demand as well as iii) examine the gaps in legislations and policies. The scope of the country reports is comprehensive, and aimed at gaining a better understanding of the phenomenon in the country, and do not focus only on the demand-side aspects.

The reports are based on desk research of available literature as well as case law review and interviews with key stakeholders. Secondary sources, such as reports by international organisations and NGOs, and academic articles, were consulted, as well as primary sources in the form of legal instruments and policy documents.

The working paper 'Trafficking in domestic work: Looking at the demand-side' (Ricard-Guay 2016) provided a common research framework within which to conduct the seven in-country case studies.



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## Introduction

Situated at the cross-road of three continents, Greece, a major entry point of migration flows into Europe, has remained a prime spot for criminals transporting and exploiting human cargo over at least two decades. The geographical location of the country, its EU membership, the frailties in its asylum and migration system as well as the difficulties in monitoring the admittedly high numbers of new arrivals have rendered the country particularly attractive not only to people smugglers – but also human traffickers. According to the United Nations, Greece ranks “very high” as a destination country and “high” as a transit country (UNODC 2006); while Europol has identified Greece as one of Europe’s key trafficking in human beings (THB) hubs (EUROPOL 2011).

Trafficking in women for the purpose of sexual exploitation has long been Greece’s best-known form of THB. Labour trafficking ranks second albeit with a sharp difference. In most cases the victims have been men exploited in agriculture and animal farming. Children recruited for forced begging or adoption represent an even smaller fraction (Hellenic Police 2003-2015). THB in domestic work is notably absent within Greece’s official database. Throughout the years only one such case appears to have been formally registered.

This very low figure comes as a surprise if juxtaposed to very high presence of migrant domestic workers in the country – a trend that counts at least five decades. It is estimated that today one of two migrant women in Greece works in the provision of care and domestic services; and that Greece has among the highest shares of migrants working in household services. (20.5% in Greece versus less than 2% in the United Kingdom in 2008, Lyberaki 2008 ; Kasimis & Papadopoulos 2005). Informal employment and undeclared work are widespread (Bellas 2012; Triandafyllidou 2013; Cholezas & Tsakoglou 2008; FRA 2014; Triandafyllidou & Ambrosini 2011; Robolis 2009).

There are two possible explanations: either Greece has achieved to indeed act as an absolute deterrent to traffickers of domestic workers or the victims are just completely invisible. On the basis of our research, we are inclined to believe that the latter comes closer to the truth.

The purpose of our research is to investigate but also raise awareness on a heavily understudied topic, namely labour trafficking in the domestic work sector in Greece. Through our findings we seek to shed light on a situation that to this day lacks formal figures; to explain the reasons behind the marginalisation of migrant domestic workers from both public dialogue and criminal justice; to identify the reasons that fuel demand in the context of trafficking in the domestic work sector; and to provide some recommendations in terms of potential avenues of actions for tackle this issue. While our focus is the national context, we understand that our research also addresses European policymakers, as Greece’s approach towards its trafficked domestic workers is embedded within the wider EU framework in which the Greek State functions and is thus of shared interest and concern.

As regards our methodology, we set out with the understanding that hardly any studies have dealt with our subject-matter. Given the scarcity of previous research, we had to rely on primary sources to collect much of our data. To this purpose, we consulted national case-law, annual reports and statistics kept by the Hellenic police, the Ministry of Justice, the Ministry of Labour and the Ministry of Interior as well parliamentary discussions and the data of the Hellenic Statistics Service. Where the necessary information was not available we sent written requests and resumed phone communication with the responsible authorities. We contacted amongst others the Police Headquarters, the Labour Inspection Authority, the Ministry of Labour, Social Insurance and Social Solidarity and the Department of Residence Permits at the Ministry of Interior. For their collaboration we are particularly grateful. We are also very thankful to the first-instance Court of Patra and the Greek Council of Refugees that readily provided the requested information in our research on national case-law. A vital part of our research

consisted of sixteen semi-structured interviews with key stakeholders active on the field. In designing our methodology, we sought to ensure that all involved sectors would be represented: government authorities, private stakeholders and NGOs, international organisations and independent experts as well as migrant associations (see ANNEX I). In the context of our research, and to further corroborate our findings, we also consulted secondary sources, such as academic journals, media outlets, human rights reports by both national and international organisations and NGOs as well as European security reports.

The present report is divided in three main sections. The first part discusses the national context of THB in the domestic sector in Greece. It analyses the legal framework on THB and on domestic work, defines key concepts and places the subject-matter of trafficking of domestic workers within the wider debate of labour trafficking. The second part essentially examines the application of this framework in practice and explores the role of demand, and the different aspects of the demand-side of THB in the domestic work sector, by analysing the situation on the ground. Empirical findings, key case-law and reported cases of THB in the domestic work sector will also be discussed in this section. The third section will engage into an analysis of the situation by identifying gaps, explaining the weaknesses and strengths of the existing approach and conclude with recommendations.

## **1 National context : trafficking in human beings (THB) in the domestic work sector**

### **1.1 Government approach and responses to THB in domestic work**

Even though exploitation in the domestic work sector was never explicitly excluded from Greece's anti-trafficking efforts, it has also never been among Greece's policy priorities. THB in domestic work is in general treated as a kind of labour trafficking; measures aimed at combatting labour trafficking are assumed to also be dealing with trafficking in domestic labour without there being an apparent need for further specification. The emphasis is thereby placed on detecting the victims and arresting the traffickers. Addressing demand has only very recently been included as an additional objective (Hellenic Parliament, 2012; Hellenic Parliament 2011; National Action Plan 2014).

Greece's rather vague response towards THB in domestic work is best understood in light of the country's overall approach towards its domestic workforce. Historically underrated about their contribution to economy and society, domestic workers in Greece have long struggled to gain access to the same basic entitlements recognised to other salaried employees in the country. Yet to this day, domestic workers and in particular live-in domestic workers, stand in the periphery of the labour rights protection; migrant domestic workers are disproportionately affected by this framework (Bellas 2012; Triandafyllidou 2013). In many respects, this broader social and political marginalisation has culminated in the complete invisibility of domestic workers also within Greece's anti-trafficking agenda.

#### **1.1.1 Regulations for domestic work**

Greece's regulatory framework on domestic work has been deeply imprinted by early social perceptions on the nature of paid household assistance as being performed by servants—rather than formal employment – that was naturally reserved to women. Until the mid- 20<sup>th</sup> century, domestic workers were mostly single women, from poor families, who would migrate from Greece's rural areas towards the urban centres and work in middle- and upper-class households. Their primary aim was to collect sufficient dowry that would allow them to get married. Domestic labour was thereby viewed less as a formal employment but rather as a

transit phase in a woman's life. The fact that the employers were very often remote relatives further obscured that the persons were performing a formal form of work. Even though the conditions were often exploitative and some women ended up working for many years as household servants, there was little incentive to lay down basic labour rights; to an extent also because no woman would openly ascribe to a long-term career as a housemaid (Thanailaki 2013; Hatzaroula 2009).

One of the first laws addressing the labour rights of "*live-in servants and other personnel*" in 1945 was actually one of exclusion: the right to paid leave was *prima facie* not applicable to domestic workers (Law N.539/45, Article 1 par.2). It took no less than 26 years before domestic workers reclaimed it (Law N. 375/1971). "*Domestic assistants and in general live-in personnel*" were also excluded from the landmark 1975 National General Collective Employment Agreement (EGSSE), which set an upper limit of 48 working hours per week (Law N.133/75, Article 8). It was mainly during the 80s and 90s that domestic workers saw their position significantly improve. At the scholarly level, analysts have pointed to the profound social changes at the time which, together with the rise of the feminist movement, infiltrated a deeper appreciation for domestic labour – also in monetary terms. It was also around the same time that Greek women entered the formal labour market, a development which profoundly changed the manner in which domestic services were supplied. In the absence of adequate welfare structures, the need for paid household assistance escalated. As demand outran supply, foreign workers came to fill in the emerging gap. This shift arguably contributed to the professionalization of domestic work on the one hand, but fuelled the growth of informal employment on the other – often to the detriment of labour rights (Belias and Rozakou 2012; Lyberaki 2008 ; Psimmenos and Skamnakis 2008; Lyberaki 2011; Maroufouf 2013). Today, domestic work is the main informal occupation of migrant women residing in Greece; live-in domestic work, in particular, has been practically abandoned by the Greek workforce (Bellas 2012; Topali 2008).

Under contemporary Greek law domestic work has the status of "dependent employment" (*εξαρτημένη εργασία*), but deviates from the standard labour law norms along multiple axes (Hatzaroula. 2008; Maroufouf 2013). The precise content and contours of its regulatory framework is in large judge-made law (for a codification see Ministry of Labour, Document No 40578/898/2.1.2014). It is also noteworthy that, to this day, Greece has not ratified the ILO Domestic Workers Convention.

Within the Greek legal order, domestic work is broadly defined and encompasses both household chores as well as care work (Court of Cassation, Decision No 1292/2004). A domestic worker is defined as follows:

Domestic employees are those who, in the context of a contract of dependent employment, offer their services to the employer and primarily cover the housekeeping or personal needs of the latter, of his/her family or of a third person (Ministry of Labour, Document No 40578/898/2.1.2014, Section A; author's translation).

In applying this definition the Greek courts have followed a rather flexible approach explaining that domestic workers are for instance "*domestic helpers, housemaids, cooks, gardeners, guards, baby sitters and so on*"( Court of Appeal, Decision No 1747/1990).

The general principle regulating the terms of employment is that of contractual freedom; employer and domestic worker are *prima facie* free to negotiate the conditions of work within certain limits set by the law (Ministry of Labour, Document No 40578/898/2.1.2014). In delineating these limits the Greek law distinguishes however between domestic workers who reside inside the employer's house and those that live outside. The scope of contractual freedom is much broader for the former, because of the special conditions under which they offer their services – inside a home – but also the relationship of trust and special care they form with their employer (Court of Cassation, Decision No 783/2013). This flexible framework is not necessarily protective for domestic workers as critical matters are left to the negotiation

power of the involved parties. In practice, however, employers are in a better position (Papataxiarchis and Topali, 2007). In the context of live-in domestic work in particular, the following areas are exempt from standard labour law regulations:

- Upper working time limits
- Work during Sundays/ official holidays/ rest days/ at night
- Overtime work
- Reimbursement for transport out of workplace
- Minimum wage requirements. In the absence of an agreement, the 'usual salary' is due, in other words what other employers pay for analogous services under analogous conditions (Greek Court of Cassation, Decision No 783/2013, 23 April 2013).

On the other hand, the law requires that all domestic workers, including live-in workers, are entitled to paid leave, holiday bonuses and compensation in case of termination of contract. In addition all domestic workers, both live-in and not, ought to be covered by the social security scheme ( Ministry of Labour, Document No 40578/898/2.1.2014).

In 2010, the Ministry of Labour introduced a mandatory payment system with labour stamps (*'ergosimo'*), the aim of which was to tackle undeclared employment and tax evasion. Instead of being paid in cash, domestic workers would be provided by their employers with labour stamps corresponding to the agreed wage and the necessary social contributions (Law N.3863/2010, Arts 20-24). These labour stamps could then be cashed at specific banks and post offices. This payment scheme has since been extended to other occupational categories with high rates of informal employment, such as farm workers and leaflet distributors (Law N. 3996/2011, Art. 76; Social Insurance Institute, Circular No 68/09.9.2011 and Circular No 43/11.7.2013). Nonetheless, undeclared work and cash-in-hand wages remain widespread.

Migrant domestic workers are subject to the same provisions as Greek domestic workers but are in addition required to have a valid permit to legally work and stay in the country. This is the generic "dependent employment" permit (Law 4251/2014, Code of Migration and Social Integration, Article 15). The permit is valid for two years, renewable and entitles the holder to bring his/her family members into the country under certain conditions (Law 4251/2014, Code of Migration and Social Integration, Articles 7 and 70). It allows the holder to change employer but not the occupational sector it has been issued for (Law 4251/2014, Code of Migration and Social Integration, Article 15).

Of high controversy has been the dependence of the residence/work permit to social insurance contributions. To maintain a valid permit, a migrant worker must demonstrate that social insurance contributions corresponding to a minimum number of workdays have been paid (Law 4251/2014, Code of Migration and Social Integration, Article 15). If failure to do so cannot be adequately justified (e.g. sickness, unemployment, stay abroad ) the permit can no longer be renewed (Ombudsman, Recommendations 2011).

This arrangement places migrant domestic workers in a rather precarious situation. Even where social security contributions are being paid, it is not uncommon for employers to pay less than the actual number of working days or to oblige the migrant to also cover the employer's share. In addition, the recent financial crisis and the surge of informal employment have exacerbated the number of migrants who have lost their right to stay in the country. (Magliveras 2011; Bellas 2012; Triandafyllidou 2013; Kapsalis 2015).

On the other hand, Greece's regulatory framework on migrant domestic work also provides certain safety clauses. The Greek courts have long established for instance that a person's irregular residence in the country does not translate into lesser labour rights. Likewise, the Social Security Institute offers coverage to all migrant workers, including those who work and

reside in the country irregularly. (FRA 2011; Supreme Court, Decision No 1148/2004; Supreme Court Decision 1710/2010; Court of Appeal, Decision No 4818/2000). One noteworthy case, decided in 2000, involved a woman from Eritrea who had been working as a live-in domestic worker for six years. She complained that she had not received holiday pay or holiday bonuses. The court held that since the woman had been working in the country without the necessary work and residence permit, her employment contract was invalid. However, employer and employee were nonetheless bound by a *de facto* labour relationship and the employer was under the obligation to pay the benefits, wages and bonuses that would have been applicable to a valid employment agreement concluded for analogous labour and under analogous circumstances (First Instance Court, Decision No 1084/2000).

Nonetheless, the overall threshold of protection afforded to domestic workers, in particular migrant ones, remains low (Triandafyllidou & Grobas 2008). As one of the lawyers that we interviewed observed, even the courts' approach only goes as far as extending to irregular migrant workers already established rights and entitlements. Given that the law on domestic work leaves many matters unregulated to begin with, many of the abusive situations that migrant domestic workers are exposed to, such as low wages or exhaustive time schedules lack a firm footing within the law. Upholding the labour rights of migrant domestic workers and in particular live-in domestic workers becomes then a real challenge.

### **1.1.2 Overview of key legislations related to THB in domestic work**

If Greece's labour legislation on domestic work has remained relatively static, the same does not apply to its anti-trafficking legislation, which has been repeatedly revised over the past decade to stay up-to-date with international developments.

THB was established as a self-standing crime in 2002, following sharp international criticism on Greece's adequate response towards a growing phenomenon (Law N. 3064/2002 transposing into the Greek legal order the 2002/629/JHA Framework Decision of the Council of Europe on combatting trafficking in human beings; Human Rights Watch 2001). Until then, in the absence of a more specific provision, trafficking cases were dealt with through a combination of different provisions within the Greek Penal Code: like the rather outdated prohibition of slavery (Article 353 Penal Code), which had never led to a conviction, the law on labour relations (Article 17, Law N. 2639/1998) and irregular migration (Article 54 of Law N. 2910/2001) and other related offences (e.g. incitement to begging (Article 409), procurement for prostitution (Article 349) etc). This first law was soon complemented by two more acts focusing on the social support owed to the victims and their residence rights (Presidential decree 233/2003 on 'Protection and support to victims of the crimes covered by Articles 323, 323A, 349, 351 and 351A of the Penal Code', ; Law No. 3685/2005, Articles 46-52 transposing Directive EC/2004/81).

Since then, Greece's anti-trafficking legislation has undergone a series of revisions. Today, Greece is a party to all major international human rights instruments, including the Palermo Protocols (Presidential Decree 233/2003) and the Council of Europe Convention on Action against Trafficking in Human Beings (Law N. 4251/2014). It has also transposed Directive EC/2011/36 on preventing and combating trafficking in human beings and protecting its victims (Law N. 4198/2013; Law N. 4216/2013). In 2013, Greece appointed its first National Rapporteur on Trafficking in Human Beings (Parliamentary Reply by Ministry of Citizen Protection, 23 November 2012).

When it comes to addressing trafficking in domestic work, and in particular demand, two aspects of Greece's anti-trafficking legislation are most relevant: a) the criminalization of trafficking itself, which includes the use of services provided by victims (Article 323 A Penal Code) and b) the social empowerment afforded to victims to help them resist exploitation

(Articles 49-52 Migration Code and Ministerial Decision 30651/2014, on residence rights and p.d. 233/2003 on assistance and support; Jorge-Birol, 2011; ICAT 2014)

### **A. Criminal Justice Response – Article 323A Penal Code**

Under Article 323A of the Penal Code trafficking in human beings for the purpose of labour exploitation (including domestic work) constitutes a felony, punishable with **a sentence of up to 10 years' imprisonment and a fine between €10,000 - €50,000.**

1. Whoever, by means of the use of force or threat of the use of force or other forms of coercion, abuse or abduction recruits, transports or transfers within or outside the territory, restrains, harbours, surrenders to a third party with or without expecting in return, or receives from a third party a person with the purpose of removing that person's cells, human tissues or organs or **take advantage or allowing a third party to take advantage of that person's labour** or begging, is served with a sentence of up to ten years imprisonment and a fine between €10,000 and 50,000. (Article 323A Penal Code)

Aggravating factors (e.g. if the victim is a child or the crime is repetitive) further increase these sentences. Trafficking for the purpose of sexual exploitation is dealt with in a separate article but carries the same sentence. The prohibition of trafficking also covers consensual forms of trafficking.

2. The same sentence is applicable where the offender, in order to achieve the same purpose, extracts the victim's consent by means of deception or lures the victim with promises, gifts, payments or the provision of other benefits abusing the victim's position of vulnerability." (Article 323A par 1 Penal Code)

To this day, however, little is known about the scope of Article 323A. Outside the context of sexual exploitation, the prohibition of labour trafficking has hardly been applied. In the only known judgment involving exploitation of labour in agriculture, it was decided that the crime of trafficking had not been established (Mixed Jury Court of Patra, Decision No 75,76,77,78-79-80-81, 85-86-87, 111-112-113-114-115-116-117-118-119-120-121-122-123-124-125-126-127-128/2014, discussed in detail in the next section; hereafter 'Manolada').

Next to trafficking, Article 323A also prohibits the use of the services provided by victims of trafficking.

3. A person who accepts the labour of another person, while being in knowledge that the worker is under conditions as the ones described before, is sentenced to at least 6 months' imprisonment. (Article 323 A Penal Code)

To our knowledge, this provision has never been invoked within Greek jurisprudence. Consequently, its precise scope and the contours of the responsibility foreseen for using the services provided by victims of labour trafficking remain to be established.

At the scholarly level, the notion of the 'client' and his responsibilities have been mostly analysed in the context of sexual exploitation. Of particular influence has been the work of Prof. Lazos who focuses on sex trafficking and prostitution. According to his theory, what distinguishes trafficker and client is the different nature of the exploitation involved; whereas the trafficker exploits the victim economically, the client exploits the victim sexually. For the trafficker the victim has a value in exchange; for the client the victim has a use value, an utility (Lymouris 2007; Lazos 2002). In this sense, he concludes, the term sexual exploitation is inadequate to describe the victim's situation; instead "commercial" or "sexual-economic" exploitation are optimal.

### **B. Victim assistance: Residence rights (Article 49-53 Migration Code and Ministerial Decision 30651/2014) and social support (p.d. 233/2003)**

As part of assisting the criminal justice proceedings, but also in order to avoid further victimisation, Greece's anti-trafficking legislation foresees social support and residence rights for victims of trafficking. The kind of entitlements victims have access to mainly depends on whether and under what conditions they have been formally recognised as victims by a public prosecutor.

All victims of trafficking that resort to the State for assistance are provided with medical care, psychological support, legal advice, interpretation services and adequate living standards if they lack the necessary means (p.d.233/2003; Law N. 3064/2002). These services are accessible independent of the existence of criminal proceedings or of a formal recognition of the victim by a prosecutor.

Victims who have been formally recognised by a public prosecutor are also entitled to a residence/work permit (Law N. 4251/2014, Article 1 (xi)). The Greek law foresees only one victim status. Depending however on whether the victim has collaborated with the police or not, different types of permits are issued. Victims who collaborate with the police can apply for a residence permit that also provides access to the labour market. The permit is valid for one year and renewable for as long as the proceedings are pending. After criminal proceedings have been completed, the holder is entitled to apply for a different category of residence permit to continue staying in the country. The law requires that the authorities attach special weight to the person's prior characterisation as a victim of trafficking when examining this application (Articles 49-53 Migration Code). Recognised victims who do not collaborate with the police can apply for a leave to stay on humanitarian grounds. The permit has an initial duration of one year and provides the holder with access to dependent employment. Upon completion of the proceedings, the permit can only be exceptionally renewed and under very specific requirements (Ministerial Decision 30651/2014).

It is noteworthy that to this day only victims who collaborated with the police were recognised as victims and issued with a residence permit of the first category.

### **1.1.3 Policies and measures addressing demand-side of THB in domestic work**

Addressing demand has only very recently entered Greece's anti-trafficking agenda. Even though the use of the services provided by victims was criminalised as early as 2002, for many years Greece has been following a predominant crime-control approach, heavily prioritising the arrest and prosecution of the traffickers. Assisting the victim was thereby treated as an subsidiary component of that primary policing priority (Hellenic Parliament, 2011; National Action Plan 2004 and 2006).

Addressing demand is in general understood in terms of raising awareness and sensitising the public. Most initiatives have so far focused however on sex trafficking and on encouraging public and victims to report the crime. One such representative initiative was an information campaign on violence against women organised by the General Secretariat on Equality and Gender between 2010-2013, which also addressed victims of trafficking with the motto: "you are not alone". Between 2013-2015 TV spots with the mottos "if you see something, say something" and "do not turn your back" aimed at encouraging the public to use the 24-hour helpline to report suspected cases.

Interestingly enough a sensitisation campaign directly targeting labour exploitation in domestic work and the responsibility of the employer was organised in a completely different context by the National Solidarity Centre. A 2010 TV spot with the main motto : "their social protection is our duty" sought to encourage Greeks families to insure their domestic helpers.

Of particular significance in developing the notion of demand was the 2013 establishment of the Office of National Rapporteur on Trafficking. The Rapporteur's mandate foresees undertaking actions "*for the purpose of deterring the offer and demand of the services that relate to human trafficking*" (Law No 4198/2013, Article 6 par 2(d); Ministry of Foreign Affairs, "Human Trafficking"). In line with his mandate, the National Rapporteur has on several occasions spoken publicly about the role of 'demand' and the responsibility of the 'client' (Interview 11, National Rapporteur, 22 March 2015; In.gr 2015). In addition, the Office of the Rapporteur supported several training- and awareness-raising seminars. Among the most publicised events was a two-day anti-trafficking event in October 2015. Its title and main message to the public was to "*Break the Chain*" of trafficking by not making use of the services provided by the victims.

The Rapporteur himself has described his understanding of demand in terms of a holistic public awakening, that would lead people to no longer want to use the services of potential victims (Interview 11, National Rapporteur, 22 March 2015). This is understood to require not only a criminal justice response to trafficking, but education and profound changes in behaviours and social norms. In the interview he provided for this study, the National Rapporteur referred to this broad understanding of demand as follows:

When we talk about demand, we need to talk about social conscience, we need to talk about social solidarity, we need to talk in other words about values; and to talk about values, civilisation and culture, we need to go to the place where these are born, namely to schools. It is not a question of knowledge but a way of life (Interview 11, National Rapporteur, 22 March 2015).

In the context of labour trafficking, translating this understanding into action would require delving deep into the private sector and creating conditions that would ideally encourage everybody who is part of the supply chain (consumers, resellers) to avoid purchasing goods that are products of labour exploitation (Interview 11, National Rapporteur, 22 March 2015).

In the same spirit, Greece's 2014 National Action Plan lists as a first priority the "prevention and suppression of human trafficking by means of information/sensitisation of selected target groups and the wider public" (2014 National Action on Human Rights: 230). This includes film festivals, concerts, award-winning competitions in theatre, sports, literature and the distribution of printed material. The second priority foresees targeted training of civil servants, border guards, coast guards, health care personnel, local authorities, NGOs, who will contribute to further sensitisation of the public ( National Action Plan 2014 : 231-232).

The National Action Plan does not specify further the kind of messages that ought be sent out or adjusted to the different forms of trafficking. Addressing demand in the context of THB in domestic work does not appear to be a current priority however.

#### **1.1.4 Key debates**

The role of demand in curbing human trafficking has only recently attracted public attention. Of particular significance in advancing discussions about the role and liability of the client was the 2012 public stigmatisation of 32 women, who had tested HIV-positive during a police round-up operation in Athens. The women, most of whom confessed to being addicted to drugs, were charged with illegal prostitution and deliberately trying to spread the virus to their clients. In order to protect public health, the authorities released the faces and identities of these women to the media. An open call was made for clients who had made use of their services to test themselves under the promise of confidentiality. It was estimated that at least 700 men sought medical advice. Tragically, the women were eventually acquitted in court (The Guardian 2012; The Independent 2012; Kathimerini, 2013; Ethnos, 2012). The handling of the case and the public humiliation of the women outraged human rights and women's rights groups, and fuelled

a heated debate on the criminal responsibility of the “client” in the sex industry. In a joint statement, several NGOs highlighted the need to curb demand for unprotected sex instead and emphasised the importance of education.

In the context of labour trafficking, the turning point was the 2013 tragic events in Manolada. In that case, around 200 Bangladeshi men had been recruited to work as strawberry pickers on a farm. Having worked for several months under very harsh conditions without being paid, the migrants gathered to demand their wages. In response they were shot by the employer’s guards. The cruelty the migrants had been subjected to and the subsequent acquittal of the Greek employer and his assistants in court were met with heavy public criticism by trade unions, politicians and rights groups (Enikos, 2014; The Guardian 2014). The motto “blood-stained strawberries” was widely used among social media and rights groups to boycott the consumption of strawberries produced in that region (Al Jazeera, 2013).

Domestic work has in general attracted little public attention. The Union of housekeepers and cleaners in Greece has over times undertaken initiatives to highlight issues of labour exploitation. The focus has however been on cleaners in professional environments and not in the domestic sector. Among the most influential spokespersons, MEP Kuneva, has criticised the powerlessness of cleaners vis-à-vis the employer, the absence of effective labour inspections and the reprisals workers face in cases where they resort to courts: “*The authorities support the employers, so we are on our own.*” (International Trade Union Confederation 2009; To Vima 2014). Most recently, in view of the preparation of an own-initiative report on women domestic workers and carers by the Committee on Women’s Rights and Gender Equality of the European Parliament, Kuneva, has announced the implementation of a thematic study on domestic work in Greece (Kuneva 2015).

## 1.2 THB in domestic work: general trends

If trafficking and exploitation in the domestic sector is a rather marginalised topic within Greece’s public dialogue, it is almost non-existent in terms of the official numbers. Since 2002, hardly any cases of labour trafficking in domestic work in Greece have been formally reported or become otherwise known.

### 1.2.1 Empirical data

Cases of labour trafficking in Greece were recorded as early as 2004. In their 2004 and 2005 annual reports on organised crime, the police described the operation of Albanian and Greek criminal gangs that were trafficking Albanian children and persons with disabilities from Ukraine to work as street-sellers and beggars. There is also reference to the case of a Romanian gang transferring Romanian nationals to work in agriculture under exploitative terms ( Hellenic Police 2004; Hellenic Police 2005). Cases like the above continued to be reported throughout the years, with the police expressing in 2011 a growing concern regarding the phenomenon of ‘labour trafficking’ in the country (Hellenic Police 2011; Hellenic Police 2012)

According to the official police statistics, victims of labour trafficking in Greece are mostly men, with families in their countries of origin and are recruited to work in agriculture and animal catering. The victims are normally forced to work for many hours (15-16 hours per day), under harsh physical conditions and are not paid or paid very little or part of their salary is withheld. Throughout the years, most victims have been Romani nationals.

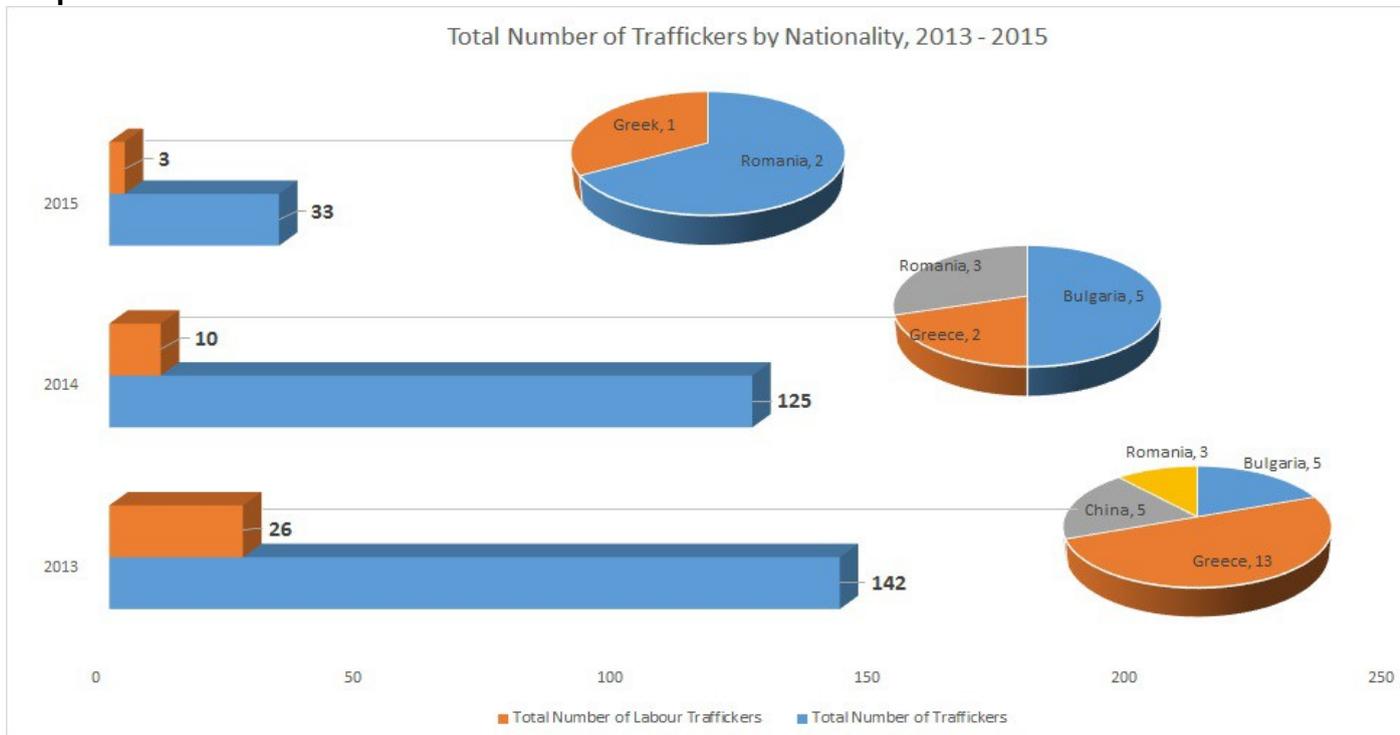
### Graph 1: Victims of labour trafficking by nationality, 2013-2015



Source: Hellenic Police, 2015

In most cases the victims were transferred to Greece irregularly following the main smuggling paths through Turkey, Bulgaria, Albania and even Italy (UNODC 2014; Hellenic Police 2004, 2005, 2011, 2012). The arrested traffickers were in majority Romanian and Greek nationals.

Graph 2:



Source: Hellenic Police, 2015

As regards trafficking in domestic work, according to the official data and on the basis of the interviews we conducted, only one case has been formally registered, in 2015. The victim, a woman of third-country origin, had been transferred to Greece to work as a domestic worker

in a diplomatic household. Once in Greece she was subjected to very harsh working and living conditions conditions, including long working hours, little food and lack of privacy. The case is currently ongoing.

Another case, involving trafficking in domestic work in a private household, was reported in the course of our interviews by the National Centre for Social Solidarity. In that case, which happened between 2007-2008, the victim was a woman from a Balkan country that had been brought to Greece by a private agent to work as a live-in domestic worker. Similar to the previous case, she ended up working under abusive living and working conditions: she had no private space in the house, she was forced to work extensive hours and without a schedule and she was not always being paid. Eventually she just left her employer.

### **1.2.2 Main characteristics and features of THB in domestic work**

In the context of Greece, cases of THB that elude the official police statistics often find their way into the asylum system and human rights reports. Surprisingly, this is not the case when it comes to trafficking in domestic work. Only a handful of situations that bore elements of trafficking in domestic work have been reported. Given the lack of data but also the wide diversity among the means and methods of recruitment it is still quite challenging to identify the main characteristics of THB in the domestic work sector in the country. In this section, we will briefly present some of those cases instead.

In one of the first studies on labour trafficking in Greece (CCME 2011), the researchers documented three cases that bore elements of trafficking for domestic servitude in private households. The first, concerned an Ethiopian girl who had allegedly been brought to Greece by a Pakistani family to work in their household. She was never paid, was physically abused and eventually thrown off the window by her employer. Another case concerned an African girl that had travelled to Greece to work as a hotel-maid, but instead was forced to work as the hotel-keeper's domestic servant under exploitative terms. She eventually managed to escape and asked the assistance of an NGO. A third case, concerned a Chechen woman who had arrived to Greece irregularly to find work. Some of her compatriots offered to help her but instead sedated her and transferred her to a house where she worked as a domestic servant for five years. She was never paid but also never physically abused and was eventually set free (CCME 2011).

Sporadically, media have also reported cases of a more organised nature. One such report, dating 2009, referred to the dismantling of a Moldovan network, that was transferring women from Moldova to work as domestic servants in Greece (CCME 2011). Another news article, from 2013, described the dismantling of seven members criminal gang of Bulgarian origin that was systematically transferring Bulgarian women into Greece, via the land border, to work as personal caretakers of elderly people. The traffickers, who had been active over a period of at least five years, were withholding the women's travel documents and part of their wages (Ethnos 2013).

In the course of our research, the migrants associations that were interviewed described a phenomenon of a much wider scale. According to the Union of African Women in Greece, domestic workers from Africa have been exploited in Greece's underground economy over at least 30 years. Most victims are women from poor households. They travel without their families and do not wish to return home. The most common nationalities are from Ghana, Ethiopia, Uganda, Sierra Leone, South Africa and Kenya (Interview 8, Union of African Women in Greece, July 2015) They are normally recruited by a private agent or an employment agency. In the period 2002-2004 travel would often take place by means of a tourist visa. An employment agency based in Africa and run mainly by Greeks would advertise the vacancies and also make all necessary travel arrangements. In recent years, however, the victims tend to travel on their own through the smuggling paths. A contact person in Africa arranges for the

trip and provides the details of a collaborator in Greece, whom the victims contact after crossing the border. Very often they are instructed to apply for asylum. In all cases, the women have to pay the agents; some pay already in Africa, others after they have arrived in Greece and others over a prolonged period of time.

Most women end up working as live-in housemaids in middle-class homes. The employer normally withholds their passport. A common form of deception concerns the salary, as they are often promised the basic salary in Africa. With the currency conversion, this is equivalent to €50 per month. Others get paid up to €400, others do not get paid at all. They normally work hard, for many hours, without holidays or work schedule. They may get dismissed at any time without warning or compensation. In some cases, the women were also verbally or physically abused by their employer, normally the house-lady. Many women start planning their escape after they get in touch with other co-nationals and understand their situation. They often however end up working in a different house under analogous conditions. Others decide to remain in their situation as they have nowhere else to go.

The Filipino migrant association described a different situation. Domestic workers from Philippines have been present in Greece for at least 30 years. They usually enter Greece legally, but not as domestic workers; as contract workers or by making use of Law No 89/1967, which allows offshore companies to hire foreign employees and directors. As a rule, the cost of the trip is covered by the employer (Interview 7, KASAPI Hellas, June 2015). Most Filipino domestic workers are employed in upper class households. In most cases the employer withholds their passport. The working conditions normally consist of long working hours and no fixed schedule; the domestic worker is often expected to be on stand-by day and night, adjusting to the needs of his/her employer. The household tasks are not fixed either. In recent years, a growing number of employers do not sign a contract, telling the migrant that he/she is now a member of the family. Some houses however offer good working conditions and the domestic worker forms a strong bond of loyalty with the employer.

In the course of this research, some interviewees working for NGOs were aware of cases that bore elements of transnational trafficking. In two cases reported to us, two women of African and Middle Eastern descent respectively, claimed that they had been trafficked as domestic workers to a third country prior to their arrival in Greece. They managed to escape and fled by their own means to Greece where they applied for asylum. In both cases the lawyers were convinced about the abuse each women had suffered but were very skeptical about the circumstances under which each victim had arrived to Greece and the extent to which she had not been a victim of re-trafficking – whether for domestic service or other purpose.

## **2 Case law review**

To this day, there has been no conviction for trafficking in domestic work in Greece. The notion of labour trafficking under Article 323A of the Penal Code was examined for the first time with respect to the events in the Manolada region. This landmark judgement, which will be our main focus here, also brought to the fore a series of procedural inadequacies, that arguably contributed to the final acquittal of the accused.

### **2.1 National case law: Key challenges in implementing legal dispositions and in legal proceedings**

In 2014, the mixed jury court of Patras, was asked to decide whether trafficking within the meaning of Article 323A of the Penal Code had occurred in the case of 200 Bangladeshi

migrants who had been exploited as seasonal workers on a strawberry farm in Manolada. (Mixed Jury Court of Patra, *Decision No 75,76,77,78-79-80-81, 85-86-87, 111-112-113-114-115-116-117-118-119-120-121-122-123-124-125-126-127-128/2014*). The victims, in their majority undocumented migrants, had been recruited through other co-nationals to work for a local fruit producer. According to the employment agreement, the migrants would earn a total of €22 for seven hours of work per day and receive an additional three euros for every hour of overwork. The employer would provide them with supplies to build shacks and daily food, the cost of which would be subsequently subtracted from their salary. The strawberries would then be re-sold to one of the largest fruit companies in Greece.

After not having been paid however for around five months, the workers decided to go on strike. In response, the local producer hired new staff. The workers returned to the farm to protest and were shot at by the guards, and 35 Bangladeshi were injured during the incident. In court, two main questions arose: first, whether the owner of the big fruit company, i.e. the re-seller, bore criminal liability under Article 323A; and second, whether the crime of trafficking had been established. For the public prosecutor, the answer to both questions ought to be positive. The court however reached the opposite conclusion and acquitted the accused.

On the first question, public prosecutor and court disagreed about the extent of the re-seller's involvement in the migrant's exploitation. The public prosecutor underscored that the migrants were working in greenhouses that were owned and exploited by the re-seller; that the re-seller had been in undisputed knowledge of the unsettling situation on the farm, the delay in the payments and the plan to hire new workers; and that he had even misled the workers with false promises (pp. 397-398). The court, however, observed that the re-seller did not own the farm itself; and that according to the contractual agreement with the local producer, the re-seller would only be responsible for financing the production. The management of the production at a practical level, including staff recruitment and payment, lied with the local producer. Even though the re-seller had at times visited the farm, he could not count as the migrants' employer and neither be held liable for their exploitation (pp. 418, 433-434). It is noteworthy that the possible responsibility of the re-seller under Art. 323A par 3, i.e. as a recipient of products provided by victims of trafficking was not raised by either court or prosecutor.

On the second question, namely whether the crime of labour trafficking had been established, the disagreement between public prosecutor and court evolved around the notion of consent. Both prosecutor and court agreed that the notion of consent under Article 323A had the meaning that the victim's agreement to the exploitation was not a product of his or her true and *authentic* will. Consent was not authentic if – amongst others – it was provided from a position of vulnerability.

For the prosecutor, the position of vulnerability ought to be evaluated on the basis of financial, social and psychological considerations. By relying on past case-law on sex trafficking, he argued that undocumented migrants, who face financial difficulties, do not speak the language, are socially excluded and are unable to resort to State support because of the illegal nature of their stay are in such a position of vulnerability (pp. 392-393). The deplorable conditions under which they are often forced to live and their bad psychological state allows them no other choice than agree to their exploitation (p. 401). The prosecutor further argued that the notion of labour exploitation under Article 323A ought to encompass not only forced labour; but also all cases of paid work that was carried out in violation of labour legislation. In the case of the migrant strawberry pickers, he argued, the working conditions resembled those of slavery, a practice which was widespread in the region. (p. 398)

In the Court's view, however, the crime of trafficking had not been established. In the judgement, the court defined vulnerability as a situation in which a person has no other choice than agree to the exploitation :

In particular, the notion of a vulnerable position requires the victim to experience a kind of distress where the refusal to succumb to the offender would seem irrational. In other words the victim ought to be completely incapable of self-protection and then be led to take certain decisions through the exploitation of his vulnerable position; when he completely gives up his freedom and succumbs to the sphere of control of the offender and under the initiative of the latter; when he experiences an exclusion from the outer world. (Manolada judgment:428; *author's translation*)

In this specific case, these conditions were not met. Migrants and employer were bound through a labour relationship, which did not have the effect of trapping the migrants, bringing them under the sphere of control of the employer, isolating them thereby from the outside world and consequently leaving them no other choice than agree to the specific work (p. 428).

The court first observed that the migrants had been aware of the terms of their employment beforehand and had accepted the employment on their own will, having assessed them to be satisfactory. This was corroborated in the court's view by the statements by some of the victims, that the employer's good reputation had weighed in their decision to accept the work or that they would have continued to work on the farm had they received their wages (pp. 423, 428). By relying on the testimonies taken during the investigation, the court found that some victims had even been able to negotiate the employment terms, such as the wages and the living conditions. One migrant for instance, had refused to stay in the shack, as it had no electricity or toilet and the air was unbearably hot; while another had asked to be paid 900 instead of €800 per month (p. 428).

On the other hand, it dismissed as incredible the victims' complaints that they had also been subjected to threats and physical violence on grounds that they had not been invoked at the earlier stages of the investigation. In addition, the court was not convinced that the migrants would have continued to stay in the farm had they been indeed subjected to such abuse, since "*the feeling of fear for one's life supersedes any other good or benefit.*" (p. 426). Finally, the court also noted that the migrants were free to move around in the area, to go into town, shop in the super market according to their own needs, socialize with other co-nationals, take part in local migrant associations, play cricket outside their shacks and in general decide how to fill in their free time.

In concluding, the court held that the fact that the victims were undocumented migrants meant that they experienced a difficult situation; but did not by itself suffice to place them in a position of vulnerability, the true meaning of which is "*direness and an absolute inability to protect oneself*" (p. 429). The judgment on Manolada was heavily criticized by both media, labour unions and human rights organisations for the alleged tolerance the judges displayed towards migrant labour exploitation. (The Guardian, 2014; Reuters, 2014). At the same time however it brought to the fore a series of procedural weaknesses in the context of adjudicating trafficking cases. The points we list below are based on the interview with one of the lawyers representing the victims as well as the press releases issued by two NGOs that were directly involved in the case (Greek Refugee Council, 2014; Hellenic League for Human Rights, 2014).

1. **Witness statement as main evidence.** Trafficking cases heavily rely on the witness testimony as the main evidence. For a numbers of reasons, however, victims, are not always in a position to provide a robust statement and remain consistent throughout a trial. In addition, the testimonies are often taken without allowing the victim to recover first. In this case too, the judges heavily relied on the witness testimonies of the 35 victims, which had been taken however right after the shooting. At the same time, crucial material was overlooked. For instance, the other 100 workers that were working on the farm were not invited as witnesses or the bank accounts of the employer were not checked.

2. **Lack of adequate protection towards victims of trafficking.** If the victim feels safe and empowered, then he/she is also in a better position to with-stand the challenges of a trial. Despite being identified as victims of trafficking, the migrants had not been provided with the necessary support, such as access to a shelter and counselling services. In addition, the remaining 100 migrants who had also worked under the same conditions as the 35 migrants were not granted the victim status
3. **Absence of procedural safeguards:** Even though in theory victims of trial enjoy a set of procedural safeguards in the context of a criminal prosecution, in practice these are often not implemented. In this specific case, even though the victims had received threats ahead of the trial they had not been placed under a witness protection program as they were entitled to and translations services were not always available.
4. **Communal mentality and lack of adequate training:** The prosecution of crimes of trafficking gets often affected by the local culture. In rural areas, in particular, which are more remote and conditions are hard for everybody, there is a strong tolerance towards hard labour and migrant exploitation. This mentality impacts not only the approach of the police and the judiciary in the investigation process, but also the trial itself and the interpretation of the law. For instance, the case of Manolada was decided by a regional court and a jury. The impact of the local culture on the interpretation of the law was in fact pointed out by many interviewees. This point will be further discussed in the last section of this report.

The case of Manolada is currently pending before the European Court of Human Rights (*Chowdury and others v. Greece*, Appl. No 21884/15).

## 2.2 Other remedies for persons who have been trafficked or exploited in domestic work

In addition to instituting criminal proceedings, victims of THB in the domestic work sector can make use of the following remedies:

### 1. Compensation from the State

This entitlement arises only after a final decision in the context of criminal proceedings has been reached only if it has proven impossible for the victim to be reimbursed by the offender. In order to be eligible, one of the following requirements must be met:

- The offender does not have the necessary means to compensate the victim
- The identity of the offender is unknown
- The case was concluded without it being possible to institute criminal proceedings against the offender or pass a sentence.

The application is examined by a special Committee within the Ministry of Justice. The compensation awarded is “reasonable and appropriate” and calculated on the basis of the medical expenses occurred, the loss of income during a reasonable period of time and any funeral expenditures (Law N. 3811/2009 and Law N. 4198/2013 Article 5). While the law leaves it up to the victim to initiate the proceedings, it also specifies that the authorities are obliged to

inform the victim about this option (Stop Trafficking, 2014). So far, this provision has remained however dead letter.

## 2. Criminal Proceedings on the basis of Labour Law violation

A domestic worker victim of THB can also institute proceedings on the basis of a violation of labour law (Law N. 2336/1995). As noted earlier, Greek courts have in general acknowledged that a person's irregular status in the country does not diminish his or her labour rights (Court of Cassation, Decision No 68/2001 and Legal Council of the State, Decision No 1318/1990 and Appeals Court of Athens, Decision No 940/1998). We noted earlier that in the context of domestic work the protection afforded is nonetheless limited, as the courts' interpretative approach only goes as far as extending rights and entitlements that are already recognised within the law. These are rather limited for domestic workers.

Next to this, there are also practical difficulties in making use of this remedy. According to the NGO lawyers interviewed in this study, a major obstacle is proving the victim's allegations; in particular in cases where the employer denies having ever hired the worker.

In exceptional cases where a migrant worker has fallen victim to extremely abusive working conditions that placed his/her health and safety at risk, the Greek law also grants to the victim residence rights on humanitarian grounds (Ministerial Decision 30651/2014. Article 1 par 1(c)). The procedure to apply for the permit is analogous to the one followed for victims of trafficking and requires the migrant's prior recognition by a public prosecutor as a victim of abusive working conditions. In addition, the migrant is required to collaborate with the authorities to criminally prosecute the offender. Exceptionally, such an act can also be issued if the migrant does not collaborate due to fear of reprisals against his/her family and his/her deportation would expose them to danger.

The permit has a duration of one year and is renewable until the completion of the criminal proceedings. The victim is entitled to legal support and translation services and may be provided with adequate living conditions if required. In 2015, only one such remedy was issued (Ministry of Interior, 2015).

## 3. Complaint before the Labour Inspectorate

The Labour Inspectorate is not a remedy *per se*, but acts as a mediator between the employer and the victim. It runs a helpline but may also receive individual complaints about violations of labour law. The procedure entails no fees and is easily accessible to all migrants. The Inspectorate normally interviews both parties and seeks to reach a settlement. However, in cases where a violation of the labour law has been established, it may impose an administrative fine on the employer (Law N. 3996/2011). Yet, in practice, only a small percentage of employers actually comply with the fines (Euro2day, 2015).

Next to this, the powers of the Inspectorate are rather limited. Most crucially, the inspectors do not have the power to conduct on-site visits in private houses. This limits substantially the possibility of migrant domestic workers to prove their allegations. In addition, while the Labour Inspectorate has received numerous complaints by migrant domestic workers, it has never considered any of them as a THB case.

The NGO lawyers interviewed in this study explained that in practice they prefer to seize the labour courts and the labour inspectorate simultaneously. While either remedy is considered particularly effective in the context of domestic work, this course of action can have the effect of putting pressure on the employer to comply with his or her obligations under labour law.

#### **4. Complaint before the Social Insurance Agency (I.K.A.)**

Uninsured domestic migrants may also report their employer to the Social Insurance Agency. Similar to the Labour Inspectorate, its powers are limited and it cannot conduct on-site visits. In case the migrant gets vindicated, it can recognise him or her insurance days and can impose a fine on the employer. In cases where a person is proven to have employed a migrant without registering his or her work an additional fine of €10,500 is imposed (Law N. 4225/2014).

#### **5. Complaint before the Greek Ombudsman**

Migrant domestic workers who have fallen victims of trafficking may also lodge a complaint before the Greek Ombudsman. Their complaint in this case will not be directed against the employer but a public authority. The Greek Ombudsman has for instance intervened twice to ensure that a victim of THB would have his/her residence permit renewed (A.P. 2011/2004; A.P. 10021/2004).

### **3 Discussion of results**

#### **3.1 THB in domestic work: Observations on types of situations and conditions**

On the basis of the interviews we conducted, the official statistics as well as the cases we identified in the course of our research, we will seek to provide an overview of the realities of THB in the domestic work sector in Greece. In particular, we have thus far discerned two basic forms of trafficking in domestic work in Greece:

##### **A. Trafficking for domestic servitude in diplomatic households**

To our knowledge this is the only officially documented form of trafficking in the domestic sector in Greece. While thus far only one case has been reported, it is also not uncommon for members of diplomatic services to bring domestic workers with them. Given however the inviolability of diplomatic premises and the immunity of diplomatic envoys, cases like the above can be difficult to detect.

##### **B. Trafficking for domestic servitude in civil households**

Middle- and upper-class family households are the most commonly reported employers of victims of trafficking for domestic servitude. Women from Africa, in particular Uganda, Sierra Leone, Ghana, South Africa, Ethiopia and Kenya who leave their country because of the poverty appear prone to exploitation. Domestic workers from Philippines, both men and women in their 20-30s, are also potential victims. A third pool concerns women from Eastern Europe and the Balkans. While most cases of trafficking appear to have occurred during the 90s, at least two cases have been reported in the last eight years. Recruitment normally takes place via employment agencies or private agents located in both the country of origin and the destination country. However, in two different cases that were reported for this study, the victim had been trafficked as a domestic worker in a third country prior to reaching Greece.

A diversity of trafficking routes was reported, which may be systematized as follows:

- a. Irregular entry into the country. In cases involving African women, the victims were often travelling on their own and instructed to apply for asylum.
- b. Tourist visa. This route was mainly used to transfer African women to Greece between 2002-2004.
- c. Legal entry as contract workers/ employee of offshore companies. This method is reportedly used with domestic workers from Philippine.
- d. Part of the Diplomatic envoy.

A common feature of the cases revealed through this research was that the victims had provided their consent during the recruitment process and continued to stay in the house despite their exploitation.

The usual forms of exploitation consisted of the following:

- No payment or very low payment.
- Long working hours (7 days per week, no holidays, no Sunday, no working schedule)
- Physical and verbal abuse and threats of dismissal
- Uninsured work
- Dismissal without prior notice and without compensation
- Confiscation of travel documents
- Unspecified labour
- Confinement in the house

In most cases the victims planned their escape by themselves and did not report their case. However, it was not uncommon for them to end up in a similar situation.

### **3.2 Key motivation factors and demand-side dimension**

In this section we will seek to shed light into the key factors that drive Greek households employ migrant domestic workers who have been potentially trafficked into the country; in other words the factors influencing demand in the context of THB in the domestic work sector.

Within existing literature, the demand-side of THB in domestic work has in general attracted little attention. Most studies analysing the need for paid domestic assistance stem from the field of social sciences and focus on the role of domestic work as an informal welfare structure and its interconnection with gender. The ethnicity of the worker is often a main reference point (Bellas 2012; Topali 2009; Psimmenos 2011). Several contributions focus on the experience of the worker herself in a relational context, in particular vis-à-vis the employer and the host society. They thereby provide us with useful insights about the profile of the employer, the workers and the dynamics inside the labour relationships. On the basis of these studies and the interviews conducted for this study, key elements related to demand in the context of trafficking in domestic work in Greece have been identified and will be discussed in this section.

A key finding from this study, which will be analysed in more detail immediately below, is that demand for domestic services does not necessarily translate into demand for the services by migrants that have been trafficked or potentially trafficked to Greece. In fact, it also does not necessarily translate into demand for domestic services offered exclusively by migrant workers. However, it is more common for migrant workers to offer in a cost-efficient manner the domestic services Greek households are looking for. Financial considerations act as the main motivation factor. Social and demographic factors may further refine demand, as potential

employers may be looking out for specific skills, services and qualities that not every domestic worker can offer.

At the scholarly level, the demand for migrant household assistance tends to be traced back to the composition of the Greek family, in which a woman acts as the primary caretaker. The structural changes in Greek society in the late 70s and in particular the entry of women into the formal labour market allowed the socio-economic role of Greek women to evolve; the domestic obligations, however, remained gendered. Faced with this new double role, namely both work and manage their domestic duties, and in the absence of an adequate welfare policy Greek women turned to external help they had the ability to pay for; a role migrant domestic workers readily assumed (Bellas 2012; Vassilikou 2007).

Within literature, the predominance of migrant domestic workers is often associated with the kind of services that Greek households need and which the domestic workforce cannot or is less willing to supply. Live-in domestic services, in particular, are predominantly supplied by migrant workers, as Greek domestic helpers have their own homes and families to also take care of (Kassimati 2009).

In the context of our research, almost all interviewees attributed the preference among Greek households for migrant domestic workers to the cheap labour they offer compared to the domestic alternatives. Not only do domestic migrants workers settle for less compared to Greek domestic workers but they also offer better value for money. In the case of migrant women from African countries, for instance, the salary ranged between 50-400 EUR. In the case of Filipinas, the salary was higher but relatively low compared to the amount of work that was carried out. The working conditions were for both categories exhausting: the domestic workers were expected to work 12-15 working hours per day, had no summer holidays, no Sundays and were on standby day and night; conditions a Greek domestic worker would not easily agree to. One woman reported to us that in households with more than one domestic worker, Greeks and migrants are often paid different wages. The Greek worker gets paid more and is allowed to leave after eight hours of work.

The recent financial crisis does not appear to have diminished demand for domestic labour. Instead, it has increased demand for cheaper and more exploitable labour. The Filipino association for instance described that instead of hiring two workers, as was the case in the past, households prefer to hire one who will perform all the tasks. In addition, the salaries have dropped. Related to this is the informal manner in which migrant domestic workers are most often employed, which is economically advantageous (Kassimati 2007). For instance, the Filipino association mentioned that since the beginning of the crisis, employers have increasingly become less willing to sign a written contract (Interview 7, KASAPI Hellas, June 2015).

The undocumented status of the migrant also plays a role, as it is often connected with worse working conditions and fewer demands from the side the employee and a sense of impunity for the employer. On the one hand, the expectations of migrant domestic workers who reside in the country irregularly are considerably low, which makes them an attractive workforce. Very often migrant domestic workers are also unaware of their situation and of the exploitation they are subjected to. The African women association, for instance, reported that African domestic workers often do not know that they are entitled to the same salary as Greeks or that their salary is too low or that they can be insured (Interview 8, African women association, July 2015). The anxiety they often feel because of their undocumented status acts as an additional impediment to ask for better working conditions (Kassimati 2007). One African woman we interviewed reported how she was living in constant fear when she first arrived in the country and was even being scared to step out of the door to sweep the staircase. In her study on domestic work, Kassimati reports that once migrant domestic workers legalise their stay, their behaviour changes and they become more assertive about their rights (Kassimati 2007). On

the other hand, the undocumented status places a migrant domestic worker in a situation of dependence on the employer and allows the latter to impose exploitative working conditions. It also places the employer in a more powerful position in case of a dispute and cultivates a sense of impunity. The African women that participated in the interview reported that domestic workers who stand up for their rights or complain are often threatened with dismissal. This threat carries a particular weight for an undocumented domestic worker, as it means she loses everything: the income, the shelter, the security.

The prevalence of specific nationalities in the domestic work sector – Filipinos, African, Eastern European and Balkans – is often attributed to the expectations of the employer and the profile and skills of the migrant; even though in practice these lines are often not absolute and the migrant domestic worker may also be asked to perform more tasks than what he or she was initially selected for. Filipinos are in general distinguished from other migrant domestic workers and ranked hierarchically higher (Topali 2009). The first Filipinos domestic workers arriving in Greece were young and single women. Because of their Christian catholic religion, their education and their good knowledge of English they were often assigned to take care of the children in upper-class households. The preference among rich households for Filipino domestic workers continues to this day (Topali 2009). In the 90s, the fall of the Soviet bloc was followed by an influx of migrant women from Eastern European countries: Bulgaria, Ukraine, Georgia and Romania (Nikolova 2014). In most cases they were middle-aged women who had left their husbands and children back home. Many of them had a higher educational background (e.g. doctors, translators, teachers). They were mostly employed as live-in caretakers for the incurably sick or the elderly who would otherwise have to be committed to institutions (Kassimati 2007; Bellas 2012; Gemi & Anagnostou 2015). Albanian domestic workers started coming to Greece during the same period. They normally travelled with their families and worked as part-time cleaners for different employers (Kassimati 2007). African domestic workers have attracted less scholarly attention (Bellas 2012). According to the information provided by the African migrant association, African domestic workers are normally of a low educational level although they often speak English. They are most often employed as live-in domestic workers in middle-class homes to do household chores, but also keep the children if the mother is busy.

Next to this, the personal traits and qualities can also play a role. Even though some employers focus on the individual, others make the choice on the basis of social characteristics that are collectively associated with particular nationalities (Kassimati 2007). The Filipino association, for instance, attributed the demand for Filipino domestic workers to their loyalty but also their passive behaviour, which is particularly appreciated in the affluent neighbourhoods where they work (also Kassimati 2007). On the other hand, the African women association attributed the preference for African domestic workers to their ability for hard work and resilience; contrary to Greek housemaids, they are less demanding and will be willing to do work even if they are sick or menstruate.

Discriminatory attitudes and practices towards migrant domestic workers in the Greek society, further shape demand. In a large study in 2008, Psimmenos and Skamnakis reported how discriminatory attitudes restricted to the domestic work sector the job opportunities offered to certain nationalities, shaped work relations of patronage and provided the necessary grounds for undeclared work and exclusion from welfare support (Psimmenos & Skamnakis 2008; Triandafyllidou & Gropas 2008). Likewise, social stereotyping and negative attitudes towards migrant domestic workers have arguably further blurred the line between morally acceptable and unacceptable practices (FRA 2015). The fact that migrant domestic workers often live in the employer's house and sometimes form a familial bond with their employer does not necessarily impede their exploitation (Kassimati 2007). According to the Filipino association, employers sometimes even use this bond and mutual trust as an excuse to avoid declaring the migrant's work. In the context of this research, several interviewees criticised for instance that it has become almost socially acceptable in Greece to hire a migrant domestic worker, not

insure her, pay her very little, ask her to work very hard and not inform her about her rights (Interview 7, KASAPI Hellas, June 2015). One public official commented that these discriminatory attitudes are even reflected in the ease with which Greeks talk about the exploitative working conditions of their domestic workers to their social circles.

### 3.3 Key gaps in legislations and policies

#### 1. Absence of an effective migration system:

Effective approaches to migration in the destination country can have a positive impact and act as a deterrent for human trafficking and for migrant labour exploitation. Yet to this day and despite a series of recent reforms, Greece follows a restrictive migration policy that has practically nullified the chances of a migrant legally entering and working in the country as a domestic worker (Marouf of 2013). In addition, existing loopholes provide fertile ground for misuse of the system.

In theory, Greece's migration system recognizes the need for migrant domestic workforce in the national labour market and regulates the influx by taking into consideration demand and supply. Migrants who wish to work in Greece as domestic workers can apply for a permit for dependent employment. In order to be eligible to apply for such a permit, a third country national must have entered Greece on a national visa (Type D) and must also have concluded an employment contract meeting some minimum remuneration requirements (Joint Ministerial Decision No 30825/4.6.2014). The maximum number of permits that can be issued per year is not unlimited, but is subject to the demand for migrant domestic workers among Greek households. The evaluation takes place every two years in each prefecture. The basic idea is that an employer who wishes to hire a domestic worker makes an application and justifies the demand, explaining why the position cannot be filled through the domestic workforce. A joint ministerial decision eventually determines the maximum number of dependent employees needed in each prefecture per occupational sector (Law 4251/2014, Code of Migration and Social Integration, Article 12).

Even though the procedure appears relatively straightforward, it is bureaucratically complex and discouraging to potential employers (Magliveras 2011; Marouf of 2013). As a result, demand appears to be low and the maximum number of permits for domestic work that are approved per year is consequently very small. By way of illustration, in 2014, the Ministerial Decision foresaw a maximum number of eight (8) permits for domestic work in whole of Greece; the same number, eight (8), has also been approved for the years 2015-2016 together (Joint Ministerial Decision No 24990/366; Joint Ministerial Decision No 3411/90). The chances thus of legally entering the country as a domestic worker are almost non-existent.

Next to the permit system, Greece has occasionally sought to legalise its irregular migrant population through *ad hoc* regularization schemes. Such wide-range initiatives were undertaken for instance in 1998, 2001 and 2005 (Triandafyllidou 2013; Marouf of 2013; Magliveras 2011). While most of these initiatives addressed all irregular migrants, in 2013, a Decision by the Ministry of Interior was specifically addressing migrant domestic workers (Joint Ministerial Decision No 43574/2013). Third-country nationals working as carers for persons with disabilities (a minimum of 80% disability rate) for at least a year could regularise their stay. The application could only be made within a period of 6 months (September 2013- February 2014) and each Greek employer could sponsor the application of only one third-country national. The necessary evidentiary documentation was rather uncomplicated: a medical report confirming the disability, a statement signed by the employer and an employment agreement. No qualifications or other minimum professional requirements were set. Unsurprisingly, it was not long before cases of misuse of the system came to the fore: false employment contracts, multiple contracts made in the name of the same employer, contracts involving unaware

employers. Despite strong speculations, the extent to which the system was also abused by trafficking rings remains unknown.

Seen in its entirety, Greece's migration approach does not necessarily represent a robust line of defence against THB in domestic work: it minimises the possibility of legally employing a migrant domestic worker on the one hand, regularises on an *ad hoc* basis those already in the country on the other and is not immune to misuse and corruption.

## **2. Lack of effective mechanisms to uphold labour rights in the domestic sector**

The overall structure of domestic labour in Greece fails to adequately protect migrants from exploitation by their employers. Migrant domestic workers, in particular live-in workers, are in a particularly vulnerable situation compared to Greek domestic workers. As mentioned earlier, the law allows employers and employees to freely decide on the terms of the work, including crucial aspects such as minimum wage rates and working hours. Given that domestic migrant workers do not enjoy the same negotiation power as Greek domestic workers, they often agree to particularly harsh working conditions.

At the scholarly level, analysts have also pointed to the absence of adequate incentives for employers and domestic workers to regularise their labour relationship. Psimennos, for instance, has pointed to the technical difficulties migrant domestic workers often experience when dealing with social security agencies and their sense of mistrust towards the State (Psimennos 2011). In a recent study, Kapsalis critically reviewed the absence of adequate financial incentives within the labour stamps system. In his view, the only reason provided to comply with social insurance schemes is the threat of fining the employer, which is by itself insufficient as a motivation (Kapsalis 2015). The domestic sector also lacks an effective monitoring mechanism to uphold labour rights for domestic migrant workers. First, the Labour Inspectorate cannot conduct inspections to check the working conditions inside a house. As a result, employers are less afraid of exploiting the migrant worker because they know that they will not be controlled.

Second, the existing system shifts the responsibility of being detected completely to the victim. Compared to other forms of trafficking that are more public, in the context of domestic work the success of Greece's anti-trafficking policy effectively depends on the victim's initiative to come forward. Given that this will rarely be the case, the chances of detection become dramatically slim. Related to this, is the difficulty of the victims to prove their allegations in those cases where they do actually come forward. This impacts on the effectiveness of the available remedies, in particular since the employer is often in a better position to discredit the victim.

## **3. Lack of victim protection**

Empowering victims so that they report the crime and avoid re-trafficking is a vital means of fighting human trafficking and confronting demand. Even though Greece's legislative framework offers in theory a comprehensive package of support to all victims of trafficking, not all of these services exist in practice. Among the most notable gaps is the absence of a State-run shelter for victims of labour trafficking or for men who are victims of trafficking. In addition, there is no service, whether at the NGO or the State level specialising in the social support and re-integration of victims who have fallen victims of labour trafficking. Likewise, as mentioned earlier, the issuance of residence permits is not as unimpeded; only victims who collaborate with the police are in practice provided with residence permits. Next to this, despite the letter of the law, to this day no videotaped testimony has been used in the context of a trial; the victim has to testify thus *vis-à-vis* the trafficker. Likewise, there is no legal aid system in place for victims of trafficking. Exceptionally, victims of trafficking aged between 18-30 years old can apply for legal support through the "Youth Legal Aid" program. However, this scheme has a supplementary role and the provision of legal support is conditional. In addition, only young

lawyers up to 35 years old can sign up. Given that traffickers and employers are more often than not in a better socio-economic position than migrant domestic workers, the victim is often placed at a disadvantage. In practice, legal support tends to be provided by volunteer lawyers and NGOs that work in the field

#### **4.Lack of awareness raising campaigns and training initiatives**

Even though awareness is considered the first step towards a successful anti-trafficking policy (ICAT 2014) and even though sensitising the public is directly connected to curbing demand (Rapporteur 2015), to this day there is very little investment in either. The lack of adequate education initiatives, training seminars and information campaigns, in particular outside Athens, was pointed out by all interviewees; while lack of awareness and training ranked first as key gaps in Greece's policy towards labour trafficking.

One of the earliest and most striking findings of our research was the ambiguity surrounding the notion of 'labour trafficking' itself, which was reflected in the varying use of the term among the different stakeholders we interviewed. Some NGO representatives, for instance, followed a broad approach and defined labour trafficking in terms of 'exploiting a person who works'. Interestingly enough, all interviewees invoked the same instruments to explain their understanding of labour trafficking: the Greek law, the EU Directive and international standards.

The confusion on the precise meaning of labour trafficking is also reflected in the annual statistics held by the police. In 2010, for instance, the police distinguished between two broad categories: trafficking for sexual exploitation and for financial exploitation ( Hellenic Police, Annual Statistics 2010). In 2013, four categories were used: labour exploitation (begging), labour and sexual exploitation, labour exploitation, sexual exploitation (Hellenic Police, Annual Statistics 2013). In 2014 three categories were used: sexual exploitation, labour exploitation, exploitation of begging (Hellenic Police, Annual Statistics 2014).

The lack of adequate training on the notion of labour trafficking was for most interviewees a major impediment also in the vigilance displayed by judges and enforcement officials, in particular in rural areas. Several interviewees pointed out that the working conditions for instance in Manolada were known long before the 2013 shooting; yet no formal action had been undertaken by the local authorities.

The migrant associations interviewed in this study described the effects of lack of awareness from a different perspective. They reported that migrant domestic workers do not receive adequate information about their rights by the relevant public authorities or their employers and are therefore more exploitable. They normally understand their work situation in the course of time, through their co-nationals or random events.

On the question of curbing demand, most interviewees pointed to the lack of early and adequate education, already at the school level, to combat discriminatory behaviours and shape positive social attitudes – an argument that the Rapporteur strongly supported. For several interviewees sensitising the public and socially stigmatising those who exploit migrant labour could achieve faster and better results than criminal prosecution. In support of this argument, some stakeholders, including the NGO lawyers, also expressed doubt about the practicality of taking criminal action against the 'client' in the context of labour trafficking. Contrary to sex trafficking, the chain of people who receive the services offered by victims of labour trafficking is hard to define and seems open-ended (e.g. producer, re-seller, consumer etc). In the domestic work sector in particular, one could argue that next to the parents-employers, remote family members, visitors and even children were making use of the services provided by the victims. Instead of building a policy on the basis of drawing sharp legal lines between the different forms of labour exploitation, a more holistic and nuanced approach was required.

## 4 Concluding remarks and key messages for national policy makers

In many respects, Greece's rather minimalistic response towards a persistent demand for domestic work within the country, has resulted in an environment that is conducive to the exploitation of migrant workers. Working informally, behind closed doors, migrant domestic workers strive for labour rights and better working conditions that are in large unregulated by the law. At the same time, because of the privacy of the home and in the absence of alternative protection mechanisms, there is little Greece's law enforcement and anti-trafficking units can do, other than wait for possible victims to come out, on their own initiative, from behind those doors. Targeting the value system of the 'client' can make the difference for those who – like domestic workers – fall within the grey zones of the law or are invisible to the trained eye.

### Recommendations

#### A. Short-Term Priorities

**Training of front-line officials:** An increasing number of victims of human trafficking are transferred into the country through the main smuggling paths. Despite recent improvements in screening procedures (European Commission 2014), an overwhelming majority of these cases go reportedly undetected. Greece must invest in the training of front-line officials like border- and coast guards but also health care officials to better recognise possible victims also of labour trafficking. Early detection can stop the channelling of victims into the Greek labour market.

**Database and statistics:** Statistics on labour trafficking are currently highly fragmented as each public authority and each NGO keep their own data. Even though the creation of a common database has been among the National Rapporteur's priorities its creation has been significantly delayed, also because of the absence of funding. The effective combatting of a crime as serious as human trafficking cannot however depend on the availability of external funds. The Greek State must allocate adequate funding for its anti-trafficking strategy as foreseen by the law.

**Targeted and joined training of stakeholders:** There are currently wide disparities among the different stakeholders on the definitions of basic legal concepts on labour trafficking. Notions such as labour exploitation, labour trafficking and client were interpreted in very diverse manners by the interviewees. Greece should consider organising joint trainings between non-governmental and governmental actors or issue guidelines to that purpose.

**Labour Inspectorate:** The Labour Inspectorate must demonstrate more vigilance in complaints received by domestic migrant workers. This includes displaying more alertness towards signs of trafficking and investigating *ex proprio motu* violations of labour law that the complainant does not directly invoke but emerge from the case. In addition, Greece must reconsider the evidentiary thresholds required in particular in light of its no-control policy. The Inspectorate should also adopt a non-tolerance approach towards behaviours that may jeopardise its impartiality, such as informal phone calls from employers.

**National Referral Mechanism:** Greece must expedite the creation of a national referral mechanism. Most crucially, it must develop a referral system within the Asylum Service and the Labour Inspectorate. The data show that an increasing number of trafficked victims make an asylum application. Greece could draw from the experience of other EU countries in designing its system.

**Awareness-raising campaigns:** It is crucial to raise awareness-raising campaigns about the criminal nature of trafficking and the different ways in which the public becomes part of the

THB process. TV spots, social media and online distribution of the material cost little and can reach out to a wide public.

## **B. Long-Term Recommendations**

**Domestic work permit scheme:** One avenue that could be considered and explored by Greece is to set into function a migration system that will offer legal avenues for domestic migrant workers to enter and work in the country and simplify the procedure for employers which is very bureaucratic. In addition, more long-term solutions of regularisation to its irregular migrant workforce could be offered. As the number of migrant domestic workers who live in the country grows so does the risk of further re-trafficking.

**Prosecution of clients:** So far Article 323A par.3 on the criminalisation of the client has not been enforced. Putting it into practice may help shape public conscience that accepting the service of a victim of trafficking is a criminal activity that cannot be tolerated.

**Incentives to hire domestic workers legally:** Some measures could be taken in order to enhance financial incentives to potential employers to hire domestic workers on a legal basis and render their employment more attractive compared to unregistered labour. Reducing informal economy will also be more profitable for the State.

**Domestic workers regulatory framework:** The existing framework places domestic migrant workers at a particularly disadvantageous position vis-à-vis the employer and in practice does not guarantee to them the same labour rights as Greek domestic workers. The authorities should consider revising the regulations and set some minimum requirements, in particular as regards minimum wage limits and rest days.

**Bilateral agreements:** A way to facilitate the exit from an abusive situation would be the adoption of bilateral agreements with countries from where the main nationalities of domestic workers come from. Filipino domestic workers, for instance, reported that they were unable to retire due to the absence of bilateral social security agreements.

**Investment in the protection and integration of the victim:** Greece must invest further in the protection and re-integration of victims of trafficking. Victims of labour trafficking in particular, must be provided access to State-run shelters with specialised counselling and support. In addition, the residence rights of victims of trafficking who do not collaborate with the police must be reinforced; either by providing for one permit or expediting the processing of the pending applications.

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## Annexes

### Annexe1

#### List of Interviews

Sector	Position	Organisation	Date of Interview	No of interview
Judicial	Public prosecutor on trafficking cases	Athens Prosecutor's Office	05-06-2015	1
NGO	Head	Arsis	28-05-2015	2
NGO	Lawyer	Arsis	28-05-2015	3
NGO	Social Worker	Praksis	15-07-2015	4
NGO	Lawyer	Center of Research on Gender Issues, DIOTIMA	14-05-2015	5
NGO	Lawyer	Greek Council for Refugees	01-07-2015	6
Migrants' Association	President	Association of Philippine Migrants KASAPI Hellas	05-06-2015	7
	President	Union of African Women in Greece	31-07-2015	8
	Member	Union of African Women in Greece	31-07-2015	9
Government		National Centre for Social Solidarity (EKKA)		10
Government	National Rapporteur on Trafficking in Human Beings	Office of National Rapporteur on Trafficking in Human Beings, Ministry of Foreign Affairs	22-05-2015	11
Government	Police Officer	Athens Anti-Trafficking Unit, Ministry of Citizens Protection	18-05-2015	12
Government	Police Officer	Athens Anti-Trafficking Unit,	18-05-2015	13

		Ministry of Citizens Protection		
Government	Head of Directorate on Residence Permits	Directorate on Residence Permits, Ministry of Interior and Social Reconstruction	18-05-2015	14
Expert	Associate Protection Officer	UNHCR	11-03-2015	15
Independent Authority	Human Rights Officer	Department of Human Rights, Ombudsman	15-07-2015	16

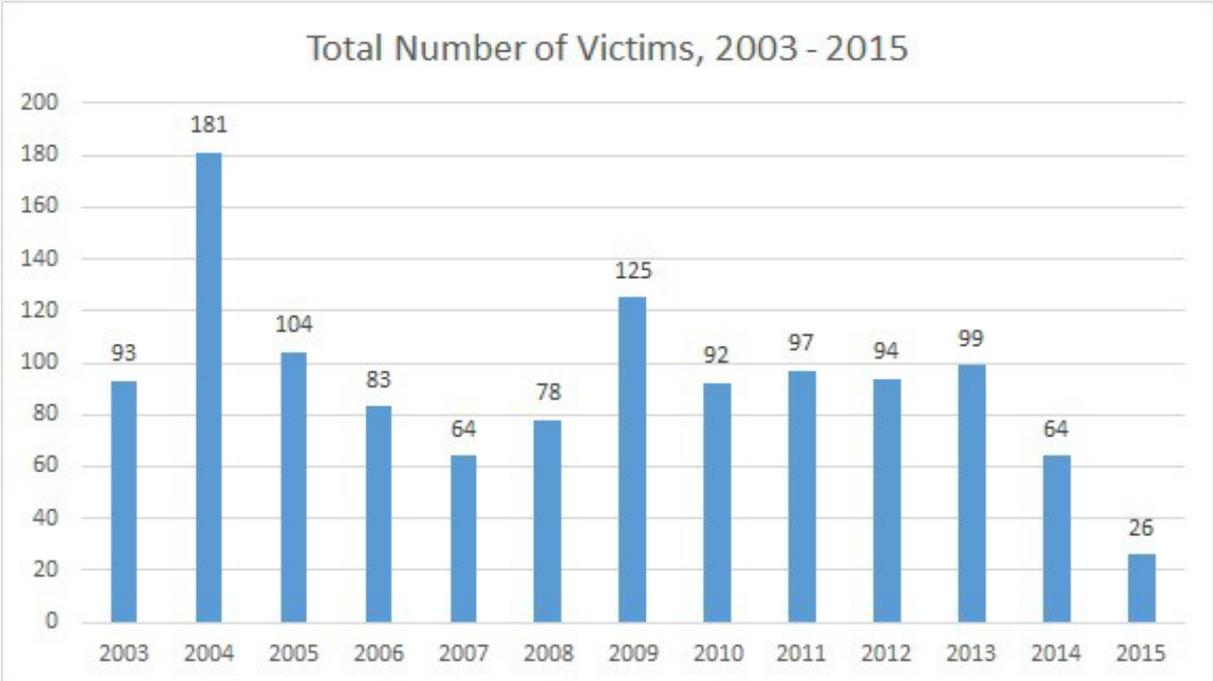
Annexe 2 : Additional tables

Table I

	Total Number of Victims	Total Number of Traffickers
2003	93	284
2004	181	288
2005	137	202
2006	83	206
2007	100	121
2008	78	162
2009	94	171
2010	97	220
2011	92	246
2012	125	303
2013	99	142
2014	64	125
2015	26	33

Source: Hellenic Police, Data covering period 2003 - first quarter 2015.

Table II



Source: Hellenic Police, Data covering period 2003 - first quarter 2015.

**Table III : Victim Characterisation Processes in Greece**

<b>Victim collaborates with the Police (Articles 49-53 Migration Code as amended)</b>	<b>Victim does not collaborate with the Police (Ministerial Decision 30651/2014)</b>
After the opening of criminal proceedings	Before the opening of criminal proceedings
<p>Substantial Requirements:</p> <ul style="list-style-type: none"> <li>- The victim's stay in the country is considered necessary for the purposes of the pending investigation or criminal procedure</li> <li>- The person is willing to collaborate with the authorities</li> <li>- The person has interrupted all ties with the offenders</li> </ul>	<p>Substantial Requirements:</p> <ul style="list-style-type: none"> <li>- In all other cases where the requirements of Articles 49-53 are not met</li> <li>- The victim is not collaborating because of threats against members of his/her family who are in Greece, in his/her country of origin or elsewhere</li> <li>- The victim faces an imminent danger if removed from the country</li> </ul>
<p>Procedural Requirements: Prior written notification by the police that proceedings have opened for one of the following crimes provided under the Greek Penal Code: Articles 323, 323A, 323B, 339(1) and (4), 342(1) and (2), 348A, 348B, 349, 351 and 351A)</p>	<p>Procedural Requirements: Prior written opinion of two specialists, either psychiatrists, psychologists or social workers, employed in a protection or assistance service or unit or the First Reception Service, NGOs, the IOM, International Organisations or other specialised and state-recognised protection and assistance bodies foreseen under Articles 2, 3 and 4 of Presidential Decree 233/2003.</p>
One-year residence permit as a recognised victim of trafficking (Articles 49-53 Law No 4251/2014)	One-year leave to remain on humanitarian grounds (Article 1 (α), Ministerial Decision 30651/2014)
Renewable for a year as long as same conditions of initial permit are met	Renewable for two years as long as criminal proceedings are pending. Renewable for one year in the absence of pending criminal proceedings
Within one month of completion of criminal proceedings, the holder can apply for any of the other permits foreseen in the Greek Migration Code. His/her prior status as a victim of trafficking is taken into account when issuing the new permit.	<p>Upon completion of criminal proceedings or if the deadline for renewal has passed and there are no pending proceedings, the permit can be only exceptionally renewed if one of the conditions foreseen in Law No 4251/2014 are met, i.e.:</p> <ul style="list-style-type: none"> <li>- The victim's stay in the country is considered necessary for the purposes of the pending investigation or criminal procedure</li> <li>- The person is willing to collaborate with the authorities</li> <li>- The person has interrupted all ties with the offenders</li> </ul>
Access to the labour market	Right to work under conditions of dependent employment

## **About the author**

Danai Angeli is a lawyer based in Athens and researcher at the European University Institute (EUI) in Florence. Her interests lie in the area of migration, disabilities and positive obligations towards vulnerable categories under international human rights law. She is currently involved as a national expert of Greece and Cyprus in the DemandAt project (EUI), which investigates the demand-side of anti-trafficking policies in the domestic work sector. Prior to that she worked as a main researcher for the MIDAS project (Eliamep), about the cost-effectiveness of irregular migration control practices in Greece. In her capacity as a qualified lawyer she has acquired significant litigation experience in the field of migration and asylum and has provided legal representation in selected asylum cases before the European Court of Human Rights. She is a graduate (LL.B) of the University of Athens and received an LL.M degree in international human rights law from the University of Essex and an LL.M degree in comparative, European and international law from the EUI. In her thesis she advanced a new understanding of positive obligations in light of theories of relational autonomy

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FURTHER READING:

Angeli, D (forthcoming 2016) *Policy Brief: Trafficking in Human Beings in Domestic Work in Greece: Tackling severe exploitation in hidden spaces*, DemandAT Policy Brief, Vienna: ICMPD

Ricard-Guay, A. (2016) *Trafficking in Domestic Work: Looking at the demand-side*. DemandAT Working Paper 5. Vienna: ICMPD

More DemandAT Country Studies on the Domestic Work Sector:

Angeli, D (2016) *Demand in the Context of Trafficking in Human Beings in the Domestic Work Sector in Cyprus*, DemandAT Country Study No. 2, Vienna: ICMPD

Camargo, B (2016) *Demand in the Context of Trafficking in Human Beings in the Domestic Work Sector in Belgium*, DemandAT Country Study No. 1, Vienna: ICMPD

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