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Human trafficking in Greece

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Abstract

Greece has been both a destination and a transit country for human trafficking since the 1990s. Public perceptions, the understanding and policy responses towards trafficking have been shaped by its connection with migration and the conditions of migrant exploitation in various sectors of the Greek economy. Using the rubric of criminogenic asymmetries to bring the above dimensions fully into the analysis, this chapter builds on extant research and other open sources to offer an overview of the issue of trafficking and the development of policy responses in Greece.

Key words: Human trafficking, Greece, illegal migration, exploitation

Introduction

There is increasing awareness of human trafficking (HT) as an issue in Greece, and a robust policy response has been articulated in recent years. The present situation is very different from what it was in the early 1990s, when rapid geopolitical and socioeconomic turned Greece into a prime site for HT. As the country gained a new significance in the landscape of international migration, becoming a destination and transit country for migratory flows from eastern Europe, Africa, and Asia, it also came into the spotlight as a transit and, importantly, destination country for HT. The dramatic deterioration of the country's economic situation after the 2008 crash and the imposition of a prolonged austerity regime beginning in 2010 have contributed to the abusive and harmful economic exploitation that now may even affect even its own native population.

Greece offers an intriguing context for the study of the substantive issue, and for the conditions that facilitate or impede the development of an anti-trafficking policy framework. The purpose of this chapter is to offer an overview and discussion of how both HT and the policy responses towards it have developed since the issue emerged. There is added value in attempting to capture the dynamic as it has unfolded during approximately twenty-five years. Conditions unknown and non-existent in Greece became a possibility and a reality for many in the sex-trade industry and the wider labor market. At the same time, a country that had no policy framework specifically addressing such conditions currently features regularized discourse and policy activity involving a diversity of institutional actors. This course has not been frictionless and uncontroversial. As the present analysis shows, HT did not latch on to Greek society as a predatory activity that was external to the latter's socioeconomic conditions. Equally, the articulation of a policy framework has not been the result of a linear process, in which growing awareness of the issue led unproblematically to a rational and coherent policy response.

The remainder of this chapter addresses key aspects of the question of HT in Greece. The first section will provide the necessary background for understanding how trafficking emerged as an issue in the post-Cold War context. This section explores trafficking under the general explanatory rubric of *criminogenic asymmetries* (Passas 1999; Passas 2001) aiming to explain the prevalence and dynamics

of the problem. A more detailed discussion of the development of the reality of trafficking in Greece takes place in Section 2. Section 3 offers an overview of the legislative framework that was introduced in the early 2000s to address trafficking, whereas section 4 offers an overview and discussion of how Greece's policy response towards the issue works in practice. The concluding section brings the various themes together to offer a more comprehensive evaluation of the situation in Greece.

The migration and human trafficking nexus in Greece

Academic and journalistic accounts have often raised acute concerns about the prevalence of HT in Greece (see, e.g. Christides 2013; Shelley 2010). In such accounts and other reports (e.g. US Department of State 2016, p. 182) Greece is identified as a significant destination and transit country for HT. This observation requires extensive contextualization: more specifically, to explain the issue of HT and to assess its prevalence in Greece is impossible without consideration of the country's position within and response towards international migration flows since the 1990s. Most victims have been individuals belonging to the immigrant ethnic groups that have rapidly grown in size among the country's population since the early 1990s. Therefore, migration trends provide the template on which the question of HT can be elucidated in terms of description and explanation.

The following discussion builds on the rubric of *criminogenic asymmetries* to account for three key dimensions defining the evolution of the issue of trafficking in Greece: firstly, Greece's (re)positioning in international migration flows as a desirable destination or convenient transit point; secondly, the reception and administration of migrant populations within the given economic, sociopolitical and cultural conditions of modern Greece; and thirdly, the institutional infrastructure and actual capacity of that country to articulate responses towards the protection of immigrants from conditions of vulnerability and rights violations. As Passas (1999, p. 402) states, "criminogenic asymmetries refer to structural discrepancies, mismatches and inequalities in the realms of the economy, law, politics and culture", causing higher demand for illicit goods and services, incentives for engaging in illicit activity or impairing the control capacity of authorities. Such conditions multiply and become more unpredictable in the contemporary fluid and interconnected international environment.

Greece's relative levels of economic and social development account for its appeal as a destination country, while its position at the periphery of the core advanced western European countries accounts for a range of institutional weaknesses and inefficiencies. The country also sits geographically on traditional commercial and, international migration routes that have gained a new relevance in the globalization era. The question of HT only emerged in the context of the dramatic changes end-of-20th-century Greece experienced, as a result of its geopolitical position and its economic and social standing internationally, and relatively to other countries in Southeast Europe.

Cold-War era Greece had been a source country for migration for most of the post-WWII era (Fakiolas and King 1996; Lianos and Cavounidis 2012). There were just under 170,000 foreign nationals were legally resident in Greece in 1989, the majority of them coming from EEC countries and North America (Fakiolas and King 1996; Petriniotis 1993). Overall, prior to the 1990s no conditions existed in Greece supporting the possibility that HT—as defined by the 2000 Palermo Protocol (United Nations, 2004) was an issue, whether for Greeks or foreign nationals living in Greece. After 1989 the

geopolitical change in eastern Europe gave rise to a sudden and mass influx of migrants from the transitioning eastern European countries, leading to a dramatic transformation of Greece, which gradually became a destination or transit country for people migrating from primarily from Africa, the Middle East, and Southeast Asia (Lianos, Petralias, and Boussoulas 2004). This repositioning has been emphatically reaffirmed in the past decade as Greece receives sizeable waves of economic migrants as well as refugees from conflict countries in the above regions. While the ongoing economic crisis and deterioration of social conditions since 2010 may be currently emerging as risk factors (for an overview see Giannitsis and Zografakis 2015), the issue of HT can be understood primarily in the context of cross-border population flows, and particularly those originating from the Balkan and other Eastern European countries (ESYE, 2007; Hellenic Statistical Authority, n.d).

A key driver of migration inflows to Greece in the 1990s and even into the late 2000s had been the widening difference between economic conditions in Greece and in the wider region. Greece experienced sustained and consistent economic growth contrasting the transition of those source countries to post-communism, which entailed a general deterioration of their micro- and macro-economic indicators (Gligorov, Kaldor, and Tsoukalis 1999) and inconsistent economic growth subsequently (Stanchev 2005, p. 26). The Greek economy provided employment opportunities particularly in the low skill, labor intensive sectors of the economy, such as agriculture, manufacture or construction. This capacity was also amplified by structural changes in the Greek employment structure, namely the gradual transition of small businesses based on self-employment or family labor to a generalized wage-labor structure. This development attracted migrant wage labor, but it was also fueled by the availability of cheap migrant labor (Cavounidis 2006).

The above “push-pull” conditions constitute the macrostructure of an *asymmetry*, which became *criminogenic* under the specific conditions of migration to Greece. As public perceptions are concerned, the phenomenon has been defined by the weight of mass inflows in the 1990s of irregular migrants from the Balkan and other eastern European countries. Until well into the 1990s, the process of migration to Greece involved crossing an unguarded border and a short journey to destinations in Greece that offered any prospect for employment (Lazaridis and Psimmenos 2000; Lazaridis 1999; Lianos, Sarris, and Katseli 1996; Markova and Sarris 1997). These flows were perceived as a threat to Greece's social order and led to a hasty revision of the outdated legislative framework regarding foreign nationals (Law 1975/1991). The new legislation was primarily a defensive reaction, featuring a heavy emphasis on border and stay permit controls and the introduction of a framework for aggressive police action against “illegal migrants” (“*lathrometanastes*”) (Psimmenos and Georgoulas 1999).

The consequence of this reaction had been that for most of the 1990s the vast majority of the migrant population in Greece consisted of undocumented migrants. This rapidly growing population (Lianos and Cavounidis 2012) was employed predominantly as unskilled labor in low-status, low-paid jobs (Cavounidis 2013; Lazaridis 1999; Linardos-Rylmon 1993). Legal status and labor market conditions have been the drivers of the intensive economic exploitation and social marginalization of migrants. Particularly in the major urban centers such as Athens and Thessaloniki the migrants' position as a labor force was interwoven with their general living conditions, and prospects. The experience of undocumented migrants in Athens have been described in the relevant research

literature as that of an “undocumented underclass” forced to exist with “periphractic spaces” (Psimmenos 2000; Lazaridis and Romaniszyn 1998). Additionally, they became the subject of increasingly hostile, if not openly xenophobic and racist public perceptions and discourse (see, e.g., Triandafyllidou 2000; Lazaridis and Wickens 1999). There has been a mainstreaming of the view of migrants as an existential threat to Greek society (Human Rights Watch 2012; Karydis 2016). In sum, the criminogenic condition has been the entrapment of migrants within a triangle of a lasting legal limbo, social marginalization, and the absence or the neutralization of any moral public sensibility towards their position and plight.

Legislative responses in a changing landscape

Subsequent legislative interventions and policy actions towards the regularization of the undocumented migrants and the integration of migrants in Greek society have rectified the above conditions to a considerable extent. The process has been slow and long-winded, not least because of the political controversies it has involved regarding the regulation of the status of aliens and the control of illegal migration. The common characteristics of the successive regularization programs have been firstly, the restrictive procedural and financial conditions placed on applicants (Fakiolas 2003; Jordan, Stråth, and Triandafyllidou 2003), and secondly, the complexity of the legalization procedures and their actual outcomes in terms of the residence status granted (Baldwin-Edwards 2009). Little empirical evidence exists to evaluate the outcomes of these programs, but the restrictive legislative conditions prevented in principle the regularization of the most marginalized and exploited categories of migrants.

Greece ultimately introduced legislative revisions aiming to simplify and rationalize its regulatory framework (L.4251/2014 and L.4332/2015), but developments since the mid-2000s have complicated the situation with migration in the country. From 2007 onwards, the ethnic composition of irregular migrant (and refugee) inflows to Greece has changed, as Asian nationals (from Iraq, Afghanistan, Pakistan, or Bangladesh) began to arrive in Greece in large numbers. While for these individuals Greece is not necessarily the destination country, Greece's gateway position to the EU in combination with EU migration control policies (e.g. the Dublin Regulation system) have entailed that large numbers of migrants remained in Greece, many of them in vulnerable and precarious conditions. These were also exacerbated by the tightening of police measures against illegal migration (Smith, 2012). With the onset of the conflict in Syria, these inflows escalated since 2014 into a massive wave leading to a virtual collapse of border controls—just under 1m migrants and refugees arrived in Greece in 2015 alone (Triandafyllidou and Mantanika 2016; Triandafyllidou 2015). At the same time since 2010, Greece has plunged since 2010 into an economic and social crisis which has had a devastating impact on labor market conditions and the general standard of life. It has also given a boost to far-right political influence and thus brought to the forefront of public life openly xenophobic and racist discourses among the general population (Vasilopoulou and Halikiopoulou 2015).

The preceding discussion has summarized the conditions which have contributed decisively to the emergence of HT as a significant issue in late-20th and early 21st-century Greece. The issue of HT is inextricably linked with the country's geopolitical position, economic situation and social conditions

as well policy approaches to migration and migrants. This context has been an active matrix for the generation of a significant and diverse array of criminal opportunities capitalizing on deeply entrenched conditions of vulnerability, and on possibilities for ruthless economic exploitation of the migrant population.

Trafficking in and through Greece: what we know

Indications about the prevalence of HT have been abundant since the onset of mass migrations to Greece in the early 1990s. The Greek context, however, offers a clear illustration of how contested the issue can be: estimates of the number of trafficked persons have varied wildly, depending on whether these are found in official, academic or civil society accounts. The image that emerges from the official data generated by the Hellenic Police regarding the prevalence and characteristics of trafficking is ambiguous, since the availability and quality of such data has been uneven. As is more generally the case with crime statistics in Greece, the reporting of police data on HT has been erratic and rudimentary. A relevant series available in the public domain has only existed since 2003 as legislation specifically addressing HT was first introduced in 2002 and civil society and international pressure on Greek authorities to take some action about the issue had been mounting at that time (Papanicolaou 2011).

In the absence of a legislative definition and of formal mechanisms to generate data in the 1990s, certain confluences have largely shaped the image of the phenomenon that emerges from the relevant research, civil society campaigns and also official approaches to the issue. Firstly, undocumented migration and the undocumented migrants' participation in the labor market is sometimes taken as a general indication of HT. This was particularly true in the late 1990s and after as awareness towards HT as an issue was increasing. Earlier reports did not make this connection readily, but nevertheless noted clearly the conditions of vulnerability and exploitation experienced by migrants in the labor market (e.g. Linardos-Rylmon 1993). The groundbreaking study of Psimmenos (1995), and his research into the sex-trade industry more specifically (Psimmenos 2000) captured qualitatively and reported situations that could be identified as trafficking retrospectively. The migrant workers' experience is approached through the much broader lens of structural transformations of the labor market and of the mechanisms producing and reproducing social exclusion and marginalization respectively. In contrast, subsequent reports focus on trafficking, and understand the illegal employment of women in the night time economy as a proxy to "hidden prostitution" (Emke-Poulopoulos 2001).

A second common conflation has been that between prostitution and trafficking for sexual exploitation. In the 1990s prostitution in Greece became a large and diverse industry pivoted on women from the Balkan and other eastern European countries. Prostitution in Greece has been tightly regulated business based on a system of licensing, under which prostitution is legal, but activities around it such as pimping and procurement are criminalized. Prior to the 1990s the population of sex workers was small and predominantly native Greek in ethnic composition. According to Lazos (2002a)'s major work on the sex-trade, the population of prostitutes had doubled to 11,600 persons between 1990 and 1993 and peaked at around 25,000 individuals in 1997. Starting from 1992 through to 2000, Lazos estimates that most prostituted persons were *forced* into prostitution, peaking in 1997

at 87% of the total prostituted population, or 21,750 persons in forced prostitution, that is, *victims of sex trafficking* (ibid.).

The findings of Lazos's study, which remains unique to date, had been widely used by civil society abolitionist campaigns against forced prostitution (e.g. STOPNOW n.d.). His account of the prevalence of forced prostitution in Greece, however, suffers from the ambiguity in the construction of the conceptual categories, such as the distinction between forced and voluntary prostitution (see Papanicolaou 2011). Lazos attributes the growth of the number of foreign women in the sex-trade industry to the operation in Greece of five transnational trafficking networks (i.e. Russian, Ukrainian, Albanian, Balkan, and Polish) during the 1990s. The presence of foreign women in various segments of the sex-trade industry is taken as indication of the activity of those trafficking networks and vice versa. As a result, the foreign women in the sex are approached as victims of trafficking by definition (Lazos 2002a). This is an oversimplified portrayal of the migrant women's complex trajectories and experiences in the Greek labor market and society (Kasimatis 2003; Lazaridis and Psimmenos 2000; Psimmenos 2000).

A third source of the ambiguity regarding the prevalence of trafficking in Greece stems from its association with a particular idea of organized crime as a robust and hierarchical structure, predominantly or exclusively operated by foreigners or members of ethnic minorities within Greece. Criticisms of the “alien conspiracy” approach (Antonopoulos 2009; Stamouli 2016), which has informed public debates and official policies in Greece build on the empirical observation that it fails to recognize defining characteristics of the social organization of illicit markets, and of the modes in which migrants were involved in them either as offenders or as victims (Antonopoulos and Papanicolaou 2014; Antonopoulos and Winterdyk 2005; Papanicolaou and Antonopoulos 2010). Rather, the exploitation of migrant labor in the sex-trade and other industries has occurred in various business sectors heavily featuring SMEs and legitimate indigenous entrepreneurs. Trafficking has been a much more diffused reality, organized around loose networks of criminal actors combined with a multiplicity of legitimate small businesses as the front end. The upshot is that policy approaches geared towards the detection and suppression of ethnic-based robust criminal organizations yield results that may significantly underrepresent the prevalence of trafficking.

The organized crime (OC) reports of the Hellenic Police constitute the single most important domestic official source of information on HT in Greece. Produced on a yearly basis since the mid-1990s, these reports have tended to identify organized crime with the presence and activity of migrant ethnic groups. This identification had been consistent particularly in the 1990s and 2000s as the reports did not merely stress the serious threat of organized crime arising from the activity of foreign ethnic groups, but, in fact, organized the presentation and explanation of the phenomenon of organized crime around the category of ethnicity (Papanicolaou 2008; Stamouli 2016). This dominant conceptualization, in combination with the relative lack of investigative infrastructure and capacity specifically targeted at the issue of HT, which other sources have reported (see, e.g. US Department of State, 2001; 2002, 2003, and 2004), accounts for the element of structure featuring in the types of cases pursued by the authorities. It also explains the slow pace at which the anti-trafficking efforts of the Hellenic Police developed initially.

The characteristics of the official approach can be seen in the data about the activity of the

Hellenic Police that have been more readily available since the early 2000s, when special anti-trafficking legislation was introduced (L.3064/2002), and international and domestic pressure regarding the anti-trafficking efforts of the Greek government was mounting. In the absence of special reports on HT made available by the Greek authorities on HT, the overall picture can only be compiled historically from several sources, namely, the annual OC reports of the Hellenic Police, the statistics published online by the Hellenic Police in a rudimentary form, and, interestingly, the section on Greece of the U.S. Department of State annual Trafficking in Persons report. The available data reported include the number of a) cases investigated by the Hellenic Police; b) organized crime groups investigated; c) offenders, broken down in ethnic origin; d) victims, again reported by ethnic origin; and, e) victims to whom protection arrangements were offered.

Table X.1 presents the complete series of the data for 2003–2017 that are available in the public domain in the above ways. In the 15-year period the Hellenic Police investigated 693 cases and 2,805 offenders, an annual average of 46 cases and 187 offenders. There are gaps in the reporting of the number of criminal organizations investigated, but other sources indicate that in the early 2000s and after the investigative productivity of the Hellenic Police improved significantly (US Department of State 2004, p. 145). As such, the Hellenic Police dismantled about 20 criminal organizations on average annually between 2004 and 2008, a figure which represents a significant improvement from the figure of 10 criminal organizations dismantled in 1999 (Hellenic Police 2000). The reporting of criminal organizations is indicative of the operational mentality of the authorities: the qualitative information (case narratives) often included in the annual OC report of the Hellenic Police focuses heavily on the element of structure and division of labor within the investigated criminal organizations. Interestingly, however, the data for the 15-year period return an average of four offenders per case, a figure that clearly refutes the notion of either a tall, extensive or complex organizational structure. Similar indications can be derived from the number of the victims involved in the above cases, as the total of 1,376 or the average of two victims per case indicates an incidence that is a far cry from the victimization of industrial proportions suggested by Lazos (2002a)'s study.

TABLE X.1 ABOUT HERE

The official data confirm some of the characteristics of trafficking explored by other studies and sources, but they also have important shortcomings as regards other aspects of the issue. The notion of organized crime, HT in this instance, as an 'alien conspiracy' is not supported since the number of offenders appears to be equally split between Greek and foreign nationals (48% and 52% respectively). The commentary in the OC reports often lends support to the idea that the involvement of Greek nationals particularly at the front end of the business has been key to the organization of the economic exploitation of the victims. In consecutive years, the OC reports have offered descriptions of the organization of the exploitation of the sexual labor of women-victims of trafficking in the context of which the (Greek) owners of the various establishments featured as the 'leaders of criminal organizations' (Hellenic Police 2005, p. 11). According to the police narrative, legitimate establishments such as bars, night clubs or cafes have played a focal role in the trafficking business since the victims were forced to prostitution under the cover of being employed as waitresses and

artists (Hellenic Police 2004, p. 7; 2006, p. 11). The range of relevant establishments extended beyond night clubs, bars or cafes to include massage parlors, hotels, secret brothels or legal ones where the women would work illegally (Hellenic Police 2005, p. 12)

Furthermore, the published data confirm that the vast majority of trafficking victims were foreign nationals, originating predominantly (88%) from eastern European and Balkan countries. This characteristic of the victim population mirrors the composition of the migrant population in Greece, and therefore offers a strong affirmation of the association of trafficking with the conditions of marginalization that migrant populations have experienced in that country. A breakdown of the population of victims by gender or by type of trafficking has not been consistently available so as to allow the compilation of a series covering the 15-year period. The narrative of the OC reports is nevertheless clear about the fact that victims have been women in their overwhelming majority, and that sex trafficking has been the predominant form of HT in Greece. Indications of labor trafficking emerging as an issue appear only from 2004 onwards, involving the exploitation by traffickers of the conditions of vulnerability of minors or disabled individuals who were forced to beg or work as street traders.

Overall, the Hellenic Police data offer an image of trafficking that is qualitatively similar and quantitatively radically different to that offered by sociological or economic studies of migration and criminological works. Specifically, the OC reports affirm the characteristics of trafficking as an issue heavily afflicting female migrant populations involved in the sex industry. On the other hand, the police data offer no support to the estimates of victims widely used by civil society organizations around the time anti-trafficking advocacy was at its peak in Greece—and also internationally (see Kempadoo 2005). The composite image emerging when all the various sources of information have been considered supports the conclusion that the police data only offer a partial and conservative measure of the prevalence of HT. The latter, however, was not the pandemic that anti-trafficking advocacy claimed it had been.

The key fact is that over a long initial period the economic, social and institutional environment in Greece brought very wide segments of the migrant population under conditions of marginalization, precarity and vulnerability such that abusive exploitation was a real possibility. In light of this, the longer-term trend emerging from the Hellenic Police data presented in Table X.1 can be assessed as follows. The numbers of trafficking cases investigated offenders and released victims all declined steeply after 2009 reaching a 15-year low around 2017. This trend is due to the fact that in the second half of the 2000s Greece was already developing significant institutional and policy responses towards trafficking. Conversely, the absence of these responses in the preceding period had amplified the criminogenic asymmetries underpinning HT. The following sections examine the key characteristics of these responses.

The legislative framework

Up until the beginning of the 2000s, Greece lacked legislation explicitly targeting HT. Such legislation was introduced by Law 3064 in 2002 (L.3064/2002), which established the core of the anti-trafficking framework that is currently in place. This section offers an overview of Greece's legislative response

to HT.

Before the 2002 law, the types of criminal behavior typically associated with HT were addressed by various provisions of the Greek Penal Code (GrPC) included in the chapters on crimes against personal freedom (Ch.18) and against sexual freedom (Ch.19), as well as provisions included in other statutes. While from a criminal law viewpoint, the provisions preceding L.3064/2002, could, plausibly, fully support a robust criminal policy response to the issue of trafficking, legal commentators in Greece (2003) and international observers (e.g. US Department of State, 2001; 2002, 2003) became acutely aware of the chronic and serious problem of the underenforcement of the relevant provisions, relating not only to technical issues in the application of the law by the courts but also to the investigative capacity and practices of the police. Thus, Law 3064/2002 was intended to articulate a response to the growing concern about HT within Greece by implementing the policy lines of the emerging international anti-trafficking regime articulated by the UN Convention against Transnational Organized Crime and, in Europe, by several policy documents of the EU and of the Council of Europe (Council of the European Union 2002). By doing so, it also addressed the political pressure mounting in connection with the enforcement of this regime (see Papanicolaou 2008; Bouklis 2016).

The new law modified extensively relevant parts of the GrPC. It introduced a new article (323A) criminalizing specifically HT for the purposes of organ removal, the exploitation of labor and the recruitment of minors for use in armed conflicts—these forms constituting "human trafficking" proper as per the title of the article. It took a different approach with regard to trafficking for the purpose of sexual exploitation, by amending or supplementing those articles of Chapter 19 of the GPC which deals crimes relating to prostitution and the protection of minors from sexual exploitation, including pornography. Incidentally, no changes were made in the regulatory framework of prostitution itself, which is legal in Greece under the conditions laid out by L.2934/1999. The legal framework differentiates clearly between adults and minors, in so far as the articles concerning pornography featuring minors (art. 348A) and the commission of indecent acts with or involving minors in exchange for money or gifts (art. 351A) prescribe mandatory minimum custodial sentences. The distinction also applies in art. 349 GPC that addresses pimping and distinguishes between pimping a minor, which is a crime punished with imprisonment up to 20 years according to the circumstances of the case, and pimping adult *women*, which incurs a sentence of imprisonment of at least eighteen months. Furthermore, the old article 351 GPC on procurement was replaced in its entirety by the new Law, and now punishes *trafficking for sexual exploitation* by imprisonment of up to 10 years, or up to 20 years if the victims is a minor, or when the offender intends to earn income from the commission of these acts. The new article also penalizes any individual who engages in sexual acts in the knowledge that the other person involved is a victim of trafficking; in this case, the prescribed custodial sentence is significantly higher when the victim is a minor (a minimum of 10 years of imprisonment).

The wording of articles 323A and 351 GrPC as introduced by L.3064/2002 follows closely the template offered by article 3(a) of the Protocol to Prevent, Suppress and Punish Human Trafficking of the UN Convention against Transnational Organized Crime (UNTOC). The Greek legal community overall has taken a skeptical stance towards this approach, due to the potential difficulties in the application of the law by the courts and has found that the improvement in terms of substantive criminal law was marginal (Dimitrainas 2003; Sykiotou 2003). Rather, the net gain of the legislative

intervention of 2002 was found elsewhere.

Firstly, L.3064/2002 related directly with the special legislation on organized crime that was introduced at a slightly earlier point by L. 2928/2001. This controversial legislative initiative introduced the concept of criminal organization and raised the minimum sentences for members of such an organization committing named offences, among which trafficking offences are included. Additionally, it extended significantly the investigative powers of the authorities dealing with cases of organized crime, by making at once applicable such techniques as DNA analysis, undercover surveillance, controlled deliveries, or the monitoring of financial transactions. Subsequent modifications of L.3064/2002 such those effected by L.3875/2010, which ratified the UNTOC, or L.4198/2013 reaffirmed and reinforced this connection between anti-trafficking and organized crime legislation. These more recent laws also introduced a framework for the liability of legal persons involved in or benefiting from HT offences.

Secondly, the law established a framework for the protection and support of the victims of trafficking, including individuals deemed to be at risk. The original provision of L.3064/2002 extended the offer of support, including shelter, health care, counselling and legal aid “for as long as necessary” (art. 12); minors and young people were also granted access to education. The offer of victim support was disassociated from the punitive measures against illegal immigration: L.2910/2001 on aliens had authorized prosecutors to defer the deportation of an undocumented migrant if the latter reported the traffickers, whereas L.3064/2002 framed this power directly in terms of victim protection. Nevertheless, uncertainty about the status of victims continued to exist since they could still be prosecuted for illegal entry to Greece under immigration law. Relatedly, L.3386/2005 made the deferral of the deportation conditional on the victim's cooperation with the police. At the time of the ratification of the UNTOC by Greece in 2010, however, the framework was improved in favor of victims. The requirement of cooperation was removed and access to support became more dependent on the actual condition and needs of the victim rather than the formalities of criminal procedure. Additionally, the formal recognition by the authorities of a “victim of trafficking” status entitles the undocumented foreign national to a permit stay with full rights of access to the labor market, healthcare as well as education and vocational training (art. 54, L.4251/2014).

In practice, the Greek anti-trafficking framework has not represented even and unequivocal progress. The combination of the aims to deliver, on one hand, a convincing response to organized crime and to ensure, on the other, that victims are protected and assisted has involved conflicting priorities. These conflicts were bound to be experienced more acutely given that the country lacked solid institutional foundations regarding both the fight against organized crime *and* the protection of victims of crime. As a result, what officials often presented as a well-designed system of cooperation between competent organizations (see, e.g. Panouris 2007) has been in reality a complex, multifaceted and sometimes volatile system (Papanicolaou and Bouklis, 2011) with three striking characteristics. Firstly, the premise of specialized victim protection has reflected the lack of a pre-existing actual model for victim support services in the form of generic service, mechanism or organization; it has had an 'ad hoc' character, appearing in the form of support to certain categories of victims only (FRA 2014; Papapantoleon 2014). Secondly, the framing of the regime by the logic of criminal procedure has dictated a ‘victims as witnesses’ approach, that is, seeing the victim not as a

party to the investigation and/or the proceedings, but essentially as a witness. In effect, the role of the victim is to provide information that might lead to the case's resolution and to a potential conviction. Thirdly, the expediencies of combatting organized crime have meant more generally that victim protection exists in a state of conditionality rather than standing on an equal balance with the interest to prosecute offenders (Bouklis 2016).

Anti-trafficking in practice

This final section summarizes the emergence, growth and outlook of anti-trafficking practice in Greece. As noted above, the Greek anti-trafficking policy framework involved from its inception a tension between a set of policy lines and concerns reflecting developments outside Greece, and Greece's own (low) levels of institutional infrastructure and preparedness, particularly with regard to victim protection mechanisms. The practical implications of this tension have meant that an assortment of institutional, domestic, international and both governmental and non-governmental actors have played an important role and have exercised influence in the translation of the policy framework into policy practice at different times.

Starting in 2001, an inter-ministerial and interdisciplinary committee, OKEA (Anti-trafficking Task Force/*Omada Katapolemisis Emporias Anthropon*), began to develop counter-trafficking efforts (Hellenic Police, n.d.a). Various observers pointed at the time problems with the operation of this structure: the absence of comprehensive anti-trafficking legislation, explicitly mentioning "trafficking" as opposed to "slavery", "prostitution" or "procurement" ("*somateporia*"); the low number of prosecutions for trafficking under existing criminal law; the lack of witness protection programs for trafficking victims to facilitate their participation in prosecutions; the ongoing detention and deportation of trafficking victims; even the complicity of some officials in trafficking (Amnesty International 2007; Human Rights Watch 2001). These criticisms were addressed by Presidential Decree 233/2003, which set out principles recognizing victims' rights and affirming entitlements applicable to trafficking victims. In its annex, a list of counselling services, medical units and shelters were included, provided by the General Secretariat for Gender and Equality along with three relevant ministries (of Health; Internal Affairs; Justice).

In 2004, an integrated National Plan of Action against trafficking came into force, attempting to introduce a broad spectrum of actions including locating, recognizing, providing shelter, issuing temporary residence and work permits, granting voluntary repatriation, offering education and labor integration. Revised in 2006, this action plan institutionalized a systematic, standardized and formalized cooperation of diverse actors. Additionally, a "permanent forum" introduced in 2005 was meant to enable the exchange of information and best practices between organizations. This development was consolidated by the 2005 Memorandum of Cooperation on Combating Trafficking in Persons and for Providing Aid to the Victims, signed by the jointly responsible Secretaries (Justice, Interior, General Secretariat for Gender Equality, Foreign Affairs, Employment and Social Protection, Health and Social Solidarity, Public Order), twelve NGOs and IOM. According to the views expressed at the time, this institutionalization of cooperation was vital, as it "lifted many coordination problems" and facilitated NGO access to the screening and referral process (Panouris 2007).

In 2006, an inter-agency action plan (“ILAEIRA”) aimed to further strengthen the cooperation between the Ministry of Citizen’s Protection, law enforcement officials, the Greek Police Headquarters and an array of diverse IGOs and NGOs. The IGO and NGO components included a multifaceted group of bodies, NGOS, charities and advocacy groups which subsequently expanded to include actors such as the Greek Section of Amnesty International and international organizations with a longstanding presence in Greece such as Doctors Without Borders and Doctors of the World (see Papanicolaou and Bouklis 2011). The initial intensive institutional activity was succeeded by an emphasis on the search for new synergies by means of multilateral partnerships. Scarcity of resources has entailed that the above list of participating organizations underwent various revisions with smaller NGOs battling for exogenous, discontinuous, and opportunistic funds. As financial considerations more actively influence the field of victim services, the policy choices of this period have juggled between punitive and victim welfarist anti-trafficking responses (Bouklis, 2016). The strategic leadership of anti-trafficking has shifted away from the police, and since 2013 the leading policy-making role is held by the Ministry of Foreign Affairs within which the office of the National Rapporteur Office for Combatting Human Trafficking resides.

The establishment of the office of the Rapporteur and the appointment of Dr. Iraklis Moskof in this role in 2013 indicates Greece’s full participation in the wider European and international structures and policy making networks in the issue area of HT. With Greece becoming entangled in multiple financial, border and international security crises, also entailing its repositioning as a source country, too (see, e.g. US Department of State 2013; 2014, 2015), the Greek National Rapporteur is intended to play a vital role in the EU network of National Rapporteurs set up by the European Council. Aspiring to set in motion the “4 Ps” approach (i.e. prevention, prosecution, protection and partnerships), the Rapporteur’s role is intended to monitor and coordinate, as well as to enable the “integration of the National Referral Mechanism for the identification of victims, the creation of a national database, the training of agencies and the deepening of cooperation” between competent services (Hellenic Ministry of Foreign Affairs 2013). During this era, newer and older organizations such as PRAKSIS, A21 Campaign, the ‘No Project’, ARSIS and Smile of the Child (re)emerged to take on the prevention and awareness-raising component involved in the “4 Ps” approach (USAID 2013).

In line with the above developments, the current period since 2016 has been marked by the establishment of the National Referral Mechanism (NRM), which was organized by the National Rapporteur (Hellenic Ministry of Foreign Affairs, 2017). The NRM is the most consolidated attempt towards a more so-called “victim-centered” coordinated approach having drawn funds from the EU structural funds (ESPA) and the Internal Security Fund (ISF). With the view to consolidate protections offered by state and non-state actors and to participate in a larger EU Transnational Referral Mechanism (European Commission 2018), the Greek NRA boldly aspires to include a wide array of law enforcement and other state agencies, as well as private and third sector actors in the articulation of responses towards the issue of HT (European Commission 2018).

These targets emerge naturally in light of Greece’s violations found in the judgements of *L.E. v. Greece* and the most recent judgement of *Chowdury and Others v. Greece* of the European Court of Human Rights. Whether all these cooperation targets and the ever-increasing focus on inter-agency cooperation actually benefits victims are a moot point. There is still no mechanism that independently

guarantees that any kind of evaluation of the activity in this expanding domain takes place. The substantive challenge lies in ensuring that the copious efforts of the various actors setting targets and aiming to enhance cooperation and capture funding, actually corresponds to a growing capacity to articulate responses towards the protection of all immigrants from conditions of vulnerability and rights violations.

Conclusion: on assessing trafficking and anti-trafficking in Greece

This chapter has offered an overview of the context, outlook and responses towards the issue of HT in Greece since the early 1990s. We have eschewed a discussion of merely the formal institutional arrangements relating to (anti-)trafficking or a "checklist" approach of the legal and organizational framework established in Greece. We have sought to analyze the dynamics underpinning the growth and challenges of that framework—and thus present a more accurate account of Greece's "progress" in the issue area.

Viewed through the lens of criminogenic asymmetries, this chapter has unpacked two major aspects of the phenomenon in Greece. Firstly, the asymmetry between economic and social conditions in Greece as a destination country and the source countries, particularly in the Balkans and eastern Europe, and Greece's response to this asymmetry in terms of migration policy have laid the foundations for the growth of deeply entrenched conditions of vulnerability intertwined with brutal economic exploitation of migrants. The analysis presented here has aimed to show that it is simply impossible to approach the question of HT outside the wider context of immigration and immigration policy. A second key asymmetry concerns the difference between Greece's institutional infrastructure, in terms of both social and criminal justice policy, and the sensibilities, rationales and approaches that have defined anti-trafficking in other contexts internationally. The Greek anti-trafficking framework was not a native development but was drawn from—and is typically assessed on the basis of—these other contexts. For this reason, the policy practice in the issue area, beyond the delay of approximately a decade, has exhibited genuine advances certainly, but also particularities, gaps and asynchronies that have not always or necessarily worked either to effectively address trafficking as a form of crime, or for the benefit of those affected by HT.

Casting the net more widely into the "structural discrepancies, mismatches and inequalities in the realms of the economy, law, politics and culture" (Passas 1999) has implications about the assessment of the development of Greece's situation. For example, one single most important factor in the empirical uncertainty about the prevalence of trafficking in the 1990s, and the slow ignition of policy responses is that the issue was not conceptualized and framed along the lines that have been established since at least the 2000 UN Convention. Despite the fact that substantive criminal law and criminal justice structures were in place to provide a census of the issue and a response, both the empirical records and the policy practice would not be conceptualized and framed as "human trafficking" as we now understand it. A wider substantive view of the factors shaping the issue and the policy response to it also underscores the dynamic nature of both the phenomenon and of the efforts to address it. While some widely agreed indicators of the issue and some minimum standards regarding policy responses are possible and necessary, the volatility of both the socioeconomic and

the policy environment dictate a need for measures of success and effectiveness that must monitor closely the changing context of the issue and reflect realistic expectations of what policies can deliver.

Cross reference

Durand and Jahn Section 4

Derencinivic Section 5

Winterdyk Section 6

Manangane Section 7

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Table X.1

Trafficking cases, criminal organizations investigated, offender and victims by nationality, and assisted victims in Greece 1999-2017

Year	Cases	Criminal Organizations	Offenders			Victims				Victims assisted/protected
			Alien	Greek	Total	Eastern European	Other Nationals	Greek	Total	
1999		10								
2003	49		118	166	284	88	5	0	93	28
2004	65	29	81	207	288	166	15	2	181	46
2005	60	17	69	133	202	123	14	0	137	57
2006	70	20	64	142	206	79	4	0	83	39
2007	41	17			121	98	1	0	99	35
2008	40	14	92	70	162	77	1	0	78	36
2009	66		174	129	303	112	11	2	125	121
2010	64		168	78	246	80	12	0	92	64
2011	41	14	137	83	220	95	1	1	97	51
2012	46		133	38	171	85	6	3	94	39
2013	37	10	98	44	142	50	49	2	99	24
2014	36	6	79	46	125	51	5	8	64	7
2015	32		71	35	106	45	1	4	50	
2016	25	15	46	46	92	33	2	11	46	
2017	21	14	73	64	137	30	4	4	38	
Total	693		1403	1281	2805	1212	131	37	1376	547

Source: Hellenic Police (n.d.b)