

**HUMAN RIGHTS WATCH
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**MEMORANDUM OF CONCERN:
Trafficking of Migrant Women for Forced Prostitution into Greece**

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MEMORANDUM OF CONCERN: Trafficking of Migrant Women for Forced Prostitution into Greece

INTRODUCTION

The trafficking of women for forced prostitution into Greece is a serious problem and a grave human rights abuse. After many years of failing to address this abuse, a joint ministerial decision by the ministers of public order and interior was signed in May 2001 providing for a “work management group on trafficking” to develop, coordinate and implement anti-trafficking policy in Greece.¹ Human Rights Watch welcomes this initiative in light of the growing scale of trafficking in Greece, which has been acknowledged by the Greek government and many other sources. However, Human Rights Watch believes that the Greek government should take urgent action on a number of fronts to combat trafficking and to protect the human rights of trafficked women. While the work management group is mandated to make its recommendations within one year, the urgency of Greece’s trafficking problems calls for immediate measures to ensure that no trafficking victim will be required to wait another year before she has access to justice for the serious abuses she has suffered.

The purpose of this memorandum to the government is to emphasize the need for both immediate and long-term, effective responses to the trafficking of women into Greece for forced prostitution. This memorandum focuses on the specific characteristics of the trafficking problem in Greece, the abuses that trafficking victims suffer, and the government’s to-date inadequate response to trafficking as a human rights violation. The inclusion of a comprehensive set of recommendations on effective measures to combat trafficking and to protect the human rights of trafficking victims signals both the immediate measures that should be taken by the government and the more long-term solutions that might fall within the mandate of the incipient working group.² Human Rights Watch hopes that this memorandum will contribute to the fight against trafficking in Greece and reaffirm that the human rights of trafficking victims must be protected.

¹Letter from Police Brigadier General and Director of the International Police Cooperation Division Nikolaos Tassiopoulos, Ministry of Public Order, Athens, to Human Rights Watch, May 29, 2001. The working group will consist of police officials; representatives from the Ministry of Foreign Affairs, the General Secretariat for Equality and the International Organization for Migration; the national representative from the European Observatory on Trafficking; and a sociologist. It is tasked with the implementation of a national action plan aimed at the prevention and suppression of trafficking and the protection of victims’ rights. Within one year from the establishment of the group, it is required to report on the trafficking situation in Greece; introduce legislation on trafficking; develop a model for a special office on trafficking within the Greek police; create a trafficking archive; and develop a plan for the voluntary repatriation of trafficking victims.

² In Appendix I, see also Human Rights Watch’s “Recommendations Regarding the Proposal for a Council Framework Decision on Combating Trafficking in Human Beings,” (March 2001). These recommendations address the pending “European Commission proposal for a European Council decision on combating trafficking.” See Proposal for a Council Framework Decision on Combating Trafficking in Human Beings, COM (2000) 854 [2001/0024 (CNS)], December 21, 2000.

BACKGROUND

Research and Methodology

Despite widespread acknowledgment that trafficking of human beings for the purpose of forced prostitution has escalated dramatically in recent years, the government of Greece has failed to address this problem. Greece has failed to take action to prevent trafficking, to protect the victims of trafficking, and to prosecute the traffickers. Moreover, efforts to identify and prosecute law enforcement and other officials complicit in trafficking are inadequate.

Human Rights Watch's conclusions are based on research conducted in Greece in November 2000 and on extensive follow-up research conducted during the following months. We interviewed government officials, police authorities, representatives from intergovernmental and nongovernmental organizations, and prison authorities; and gathered information on trafficking victims. In the aftermath of the research, we also forwarded to the Greek government a detailed critique of proposed immigration legislation that, in our view, failed to address adequately concerns regarding the trafficking of migrant women for forced prostitution into Greece.³

As a result of this research and advocacy, our specific concerns regarding the trafficking of women into Greece for forced prostitution include:

- the absence of comprehensive anti-trafficking legislation;
- few prosecutions for trafficking under existing criminal laws;
- the lack of witness protection programs for trafficking victims to facilitate their participation in prosecutions;
- the absence of government-sponsored services for all trafficked women, including shelter, medical care, psychological support, and assistance with other basic needs;
- the on-going detention and deportation of trafficking victims;
- the complicity of police officers in the trafficking of women.

Trafficking as a Human Rights Abuse

Categorizing trafficking as “one of the worst forms of abuse that migrant women suffer,” the International Organization for Migration (IOM) believes that hundreds of thousands of women are caught up in global trafficking networks.⁴ The essential elements of the crime of

³ See Human Rights Watch, “Comments on Greek Immigration Bill: HRW Letter to Greek Members of Parliament,” February 1, 2001, at <http://www.hrw.org/press/2001/02/Greece0202.htm> (May 22, 2001).

⁴ IOM News Release, “IOM Calls for Tougher Sanctions against Those Who Profit from Trafficking in Women,” No. 850, March 8, 2001. According to IOM, international migration is becoming “increasingly feminized,” with women making up almost 50 percent of the estimated 150 million international migrants worldwide. Persons trafficked for forced prostitution and other forms of forced labor comprise a significant number of women migrants. See IOM, *World Migration Report 2000*, November 2000.

trafficking are the recruitment and/or transport of persons using deception, coercion or fraud for the purpose of exploiting a person's labor.⁵

Trafficking of women into Western Europe for the purpose of forced prostitution and other forms of forced labor has been on the rise since the early 1990s. The European Commission estimates that 120,000 women and children are trafficked into Western Europe each year.⁶ In recent years, anti-trafficking initiatives have moved from the margins to the core of the legislative programs and action plans of international and regional intergovernmental bodies, including the United Nations (U.N.), European Union (E.U.), Council of Europe (COE), Organization for Security and Cooperation in Europe (OSCE), and many international nongovernmental organizations.⁷ In December 2000, over 120 nations signed the United Nations

⁵ The terms "trafficking" and "smuggling" are used interchangeably by many governments and the media. They represent two distinct phenomena, however. According to the U.N. Convention against Transnational Organized Crime's protocol, trafficking in persons means:

[T]he recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purposes of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.

United Nations Convention against Transnational Organized Crime, Annex II: Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, A/55/383, adopted by the General Assembly on November 2, 2000, article 3.

Smuggling is defined as "the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident," Protocol against Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, A/55/383, adopted by the U.N. General Assembly on November 2, 2000, Article 3. The smuggling protocol has been signed by eighty-one countries.

⁶ European Commission, *Trafficking in Women, The Misery Behind the Fantasy: From Poverty to Sex Slavery: A Comprehensive European Strategy*, March 8, 2001, at http://europa.eu.int/comm/justice_home/news/8mars_en.htm#a1 (May 22, 2001). The clandestine nature of trafficking makes it difficult to estimate accurately the numbers of trafficked persons in any region. Moreover, few countries keep statistics on cases of trafficked persons.

⁷ See, for example, United Nations Commission on Human Rights (Fifty-Sixth Session), *Report of the Secretary General on Activities of United Nations Bodies and Other International Organizations Pertaining to the Problem of Trafficking in Women and Girls*, E/CN.4/2000/66, January 20, 2000; *Report of the Special Rapporteur on Violence Against Women, its Causes and Consequences, Ms. Radhika Coomaraswamy, on Trafficking in Women, Women's Migration and Violence Against Women*, E/CN.4/2000/68, February 29, 2000; Commission on Human Rights Resolution, "Traffic in Women and Girls," E/CN.4/RES/2000/44, April 20, 2000. At the E.U. level, the most significant development is a European Commission proposal for a European Council decision on combating trafficking. See Proposal for a Council Framework Decision on Combating Trafficking in Human Beings, COM (2000) 854 [2001/0024 (CNS)], December 21, 2000. See also, Human Rights Watch, "Recommendations Regarding the Proposal for a Council Framework Decision on Combating Trafficking in Human Beings," March 2001, Appendix I. The Council of Europe set out anti-trafficking measures in a May 2000 recommendation to its forty-one member states. See Council of Europe, Recommendation No. R (2000) 11 of the Committee of Ministers to Member States on Action against Trafficking in Human Beings for the Purpose of Sexual Exploitation, May 19,

Convention against Transnational Organized Crime; eighty-six nations have also signed the convention's Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.⁸ Greece signed both the convention and the trafficking protocol, but has not yet ratified either.

Trafficking must be addressed as a human rights violation. Trafficking for forced prostitution and other forms of forced labor involves the illegal and often highly profitable transport and sale of human beings for the purpose of exploiting their labor. The networks that engage in the trafficking of migrant women for forced prostitution arrange for women's travel and job placement, and use deception, fraud, and coercion to place them into highly abusive conditions of employment, where they are forced to pay off outrageously high "debts" before they can receive wages or gain their freedom. While in debt, women face a range of abuses from not being paid for work completed and working excessively long hours to constant surveillance and slavery-like conditions. In more extreme cases, women are held in a situation of forced labor or in debt bondage and are sold and re-sold from brothel owner to brothel owner without any hope of ever escaping or paying off their "debt."⁹ Many trafficked women also suffer beatings, rape, psychological coercion, and serious health problems from sexually transmitted diseases. Failure to obey traffickers and employers can lead to fines, physical violence, and even death. Escape from these conditions is difficult and dangerous, and may lead to retaliation against a woman or her family members by operatives in the trafficking network.

All governments have an obligation to combat trafficking and other violations associated with this human rights abuse, including labor rights violations, rape, assault, debt bondage, and deprivation of liberty. Governments that acquiesce in or routinely fail to take action against trafficking, effectively—through their inaction—are complicit in it. With respect to trafficking specifically for forced prostitution, governments both in countries of origin and in countries into

2000, at <http://cm.coe.int/ta/rec/2000/2000r11.htm> as of May 22, 2001. As an immediate follow-up, the COE organized a seminar in Athens in June 2000 to develop a regional anti-trafficking action plan for South-East Europe. See also OSCE, Decision No.1: Enhancing the OSCE's Efforts to Combat Trafficking in Human Beings, MC(8) Journal No. 2, adopted by the Ministerial Council on November 28, 2000. See also OSCE, *Trafficking in Human Beings: Implications for the OSCE* (OSCE Review Conference, September 1999), Office for Democratic Institutions and Human Rights Background Paper 1999/3.

⁸ United Nations Convention against Transnational Organized Crime, A/55/383, adopted by the General Assembly on November 2, 2000 and Annex II: Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, A/55/383, adopted by the General Assembly on November 2, 2000. The convention and protocols will come into force when forty states ratify them. One state, Monaco, has ratified the convention and protocols. The convention and protocols are open for signature until December 12, 2002.

⁹The International Labour Organization classifies trafficking of women for forced prostitution as "forced labour." ILO, *Stopping Forced Labour: The Elimination of all Forms of Forced or Compulsory Labour*, June 2001, para. 29. Forced labour is defined as "all work or service which is extracted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily." ILO, Forced Labour Convention (No. 29), 1930, Article 2. Anti-Slavery International, a London-based nongovernmental organization, classifies trafficking of women for forced prostitution as a form of "modern day slavery." According to ASI, forms of modern slavery include forced labor and debt bondage. Forced labor involves "the promise of a good job tricking workers into accepting employment in locations instead where they find themselves enslaved." Debt bondage occurs when "a human being becomes collateral against a loan" but "the duration of the work is not clear and the original debt is rarely paid off." See Anti-Slavery International, "Frequently Asked Questions," at <http://www.iabolish.com/faq.htm>, June 11, 2001.

which women are trafficked, need to be alert to the problem and take effective measures to halt and prevent it. In particular, among other steps, they should invest in information campaigns that educate migrant women about their labor rights and warn them about trafficking abuses, and they should establish telephone hotlines with skilled staff to assist victims of trafficking. Governments should take all possible steps to identify, investigate, and punish rights abuses perpetrated by traffickers and to compensate trafficking victims. Moreover, both in countries of origin and destination, governments should take measures to halt police corruption and complicity in trafficking abuses by their own agents.

Governments should also address the precarious legal and social position of trafficked persons, with concrete measures to protect victims' rights. Measures should be adopted to afford trafficked persons the opportunity to cooperate effectively and safely with law enforcement officials. Such measures include stays of deportation; exempting trafficked persons from detention and prosecution for offenses directly relating to their trafficking; giving them real opportunities to seek justice and compensation for abuses they have suffered; ensuring their access to shelter, medical care, and other services; guaranteeing their personal safety and the safety of their family members; facilitating their safe and humane repatriation; and offering alternatives if such repatriation is not possible, including third country resettlement.¹⁰

In response to the upsurge in the trafficking of human beings, however, most West European governments have taken a narrow “crime control” approach to this phenomenon. The emphasis has been placed on enhanced border control; measures to combat organized criminal networks of traffickers; and detection, apprehension, and deportation of trafficked migrants. Ignoring the link between increasingly restrictive immigration and asylum policies in Western Europe and the boom in trafficking, many governments fail to address trafficking as a human rights and refugee protection issue. Yet, some argue that anti-immigration policies generated by West European governments are themselves an important contributing factor in the rise in trafficking in the region.¹¹ According to the IOM, “another way to combat this deadly and abusive traffic [of women for forced prostitution] would be for governments to consider the creation of more legal opportunities so that women are not compelled to resort to dubious job offers in order to find ways to support their families.”¹²

¹⁰See Human Rights Watch, *Owed Justice: Thai Women Trafficked into Debt Bondage in Japan*, September 2000, p. 2.

¹¹ See John Morrison, *The Trafficking and Smuggling of Refugees: The End Game in European Asylum Policy?*, United Nations High Commissioner for Refugees (UNHCR), July 2000.

¹² IOM News Release, “IOM Calls for Tougher Sanctions against Those Who Profit from Trafficking in Women,” March 8, 2001.

GREECE

Country of Transit and Destination for Trafficked Women

The Greek government organized a very expensive conference [on trafficking] last year. But there is not even an information campaign on trafficking. There is no money for direct services for women. The government has done absolutely nothing.

Member of European Forum for Left Feminists, Athens, November 14, 2000

Despite the creation of anti-trafficking initiatives at the international and regional levels—and in bilateral and multilateral agreements among European states—Greece has failed to take the measures necessary to tackle its own trafficking problems. The government has essentially pursued a “crime control” approach to trafficking. It has done very little to raise awareness of trafficking abuses or to develop laws and establish programs that simultaneously combat trafficking, punish traffickers, and provide effective protection for trafficking victims—mostly women migrants. In its first annual “Trafficking in Persons” report, issued in July 2001, the United States State Department gave Greece its lowest rating for compliance with a set minimum standards for combating trafficking and protecting trafficking victims.¹³ The report stated that Greece had not made significant efforts to combat trafficking, failed to acknowledge publicly that trafficking is a problem, failed to implement comprehensive anti-trafficking legislation, rarely prosecuted traffickers and awarded light sentences to punish traffickers when they were tried, and called corruption in the police and border control “a major problem.”¹⁴

The government’s failure to address the trafficking of migrants is not the result of any lack of information regarding the gravity of the problem. As early as 1996, the Athens-based

¹³United States Department of State, “Trafficking in Persons Report,” July 2001, at <http://www.state.gov/inl/rls/tiprpt/2001> (July 12, 2001). The “minimum standards for the elimination of trafficking” used to evaluate a country’s performance are drawn from the “Victims of Trafficking and Violence Protection Act of 2000,” Public Law 106-386: 1) The government should prohibit trafficking and punish acts of trafficking; 2) The government should prescribe punishment commensurate with that for grave crimes, such as forcible sexual assault, for the knowing commission of trafficking in some of its most reprehensible forms (trafficking for sexual purposes, trafficking involving rape or kidnapping, or trafficking that causes a death); 3) For knowing commission of any act of trafficking, the government should prescribe punishment that is sufficiently stringent to deter, and that adequately reflects the offense’s heinous nature; 4) The government should make serious and sustained efforts to eliminate trafficking. “Serious and sustained efforts” include, among other things, vigorous investigation and prosecution of traffickers and public official complicit in trafficking; effective victim protection mechanisms and safe repatriation schemes; and implementation of public awareness campaigns. Greece was the only European Union member to receive a “Tier 3” rating, the lowest, indicating that it had not met the minimum standards and had not made significant progress toward doing so. Tier 3 countries, which include Albania, Burma, Democratic Republic of the Congo, Kazakhstan, Pakistan, Russia, Saudi Arabia, Sudan, Turkey, and the Federal Republic of Yugoslavia—may face sanctions beginning with the 2003 “Trafficking in Persons Report,” including a halt to certain forms of non-humanitarian, non-trade related assistance.

¹⁴ Ibid.

Marangopoulos Foundation for Human Rights issued a working paper on trafficking in women that included a series of recommendations titled “Preventive Measures for the Victims, Repressive Measures for the Offenders, and Measures for the Social Rehabilitation of the Victims.”¹⁵ In 1999, the OSCE listed Greece as one of the major destination countries for trafficked women.¹⁶ The IOM has identified Greece as a key country of destination and transit for irregular immigrants from the Caucasus, especially for women trafficked for forced prostitution.¹⁷ The U.S. State Department Country Reports on Human Rights Practices in 2000 noted that trafficking of women in Greece has “increased sharply in recent years.”¹⁸

Likewise, a March 2000 report of the European Parliament found that trafficking in women had “increased sharply in recent years” in Greece.¹⁹ The report, a working paper on the status of anti-trafficking initiatives in E.U. member states, devoted less than one page to Greece, graphically indicating Greece’s failure to take significant measures to combat trafficking. It concluded by citing the observations of a 1999 report by the Committee on the Elimination of Discrimination against Women (CEDAW) regarding Greece’s report on the implementation of the convention:

The Committee is also concerned about the increase in trafficking in women. In this regard it notes that insufficient attention is given to possible links between lack of enforcement and trafficking in and migration of women. The Committee recommends that compliance with the regulations governing prostitution be monitored effectively and adequate measures to address trafficking in women be introduced.²⁰

¹⁵ Alice Marangopoulos, “Trafficking in Women: An International Organised Crime,” (Seminar, October 21-22, 1996), *Woman’s Struggle: A Journal of the League for Women’s Rights*, No. 63/4, 1996, p. 91. Mrs. Marangopoulos currently serves as chairperson of Greece’s National Human Rights Commission.

¹⁶ OSCE, *Trafficking in Human Beings: Implications for the OSCE* (OSCE Review Conference, September 1999), Office for Democratic Institutions and Human Rights (ODIHR) Background Paper 1999/3, Section 2.2.2 - General Trends at http://www.osce.org/odihr/docs/i3_index.htm (May 22, 2001).

¹⁷ IOM, *Trafficking in Migrants*, No. 22, Autumn 2000, p. 5. Daniel Esdras, Chief of Mission for the IOM in Athens, told Human Rights Watch that most trafficked women come from Albania, Bulgaria, Romania, and the countries of the former Soviet Union. Human Rights Watch interview, Athens, November 7, 2000.

¹⁸ U.S. State Department Country Reports on Human Practices 2000, February 2001, report for Greece at <http://www.state.gov/g/drl/rls/hrrpt/2000/eur/index.cfm?docid=769> (May 22, 2001). This report also noted that Greek law does not specifically criminalize trafficking in persons; cases against traffickers have increased, but remain at a very low level; and fines and sentences for traffickers are minimal.

¹⁹ European Parliament Directorate General for Research, *Working Paper: Trafficking in Women*, Civil Liberties Series, LIBE 109 EN, March 2000, para. 2.4. According to the report, the primary countries of origin of trafficked women in Greece are the countries of the former Soviet Union (Russia, Ukraine, Moldova), Albania, Bulgaria, and Romania. *Ibid.*

²⁰ U.N. Committee on the Elimination of All Forms of Discrimination against Women (CEDAW) Concluding Observations on the Second and Third Periodic Reports of Greece, A/54/38, February 1999, paras. 197-198.

More recently, in May 2001, another U.N. treaty body, the Committee against Torture (CAT), recommended that Greece take steps “to prevent and punish trafficking of women and other forms of violence against women.”²¹

Human Rights Watch’s own research on trafficking, detailed below, supports this assessment, indicating that trafficking of women for forced prostitution into Greece remains an acute problem and one that the Greek government has, to date, failed seriously to address—despite significant notice.²²

Greece’s Obligations under International and Regional Law

Greece has ratified a number of international and regional instruments that prohibit discrimination based on gender, race, nationality, and/or immigration status; all forms of forced labor and other slavery-like practices; and labor rights violations.²³

These treaties and agreements commit Greece to protecting the human rights of all persons who suffer under any form of forced labor, including migrant women trafficked to Greece for forced prostitution. By allowing perpetrators to exploit trafficked migrant women with impunity—and by failing to effectively stem corruption among government authorities and law enforcement officials who facilitate trafficking of women for forced prostitution—the Greek government fails to comply with its international and regional obligations and exacerbates women’s vulnerability to abuse.

²¹ U.N. Committee against Torture (CAT), “Conclusions and Recommendations: Greece,” CAT/C/XXVI/Concl.2/Rev.1, May 8, 2001, Section IV, para. 6(d).

²² Greece is also a member of the Stability Pact for South East Europe’s Task Force on Trafficking in Human Beings and the Southeast Europe Cooperative Initiative (SECI) Task Force on Human Beings and Illegal Trafficking and has sent delegates to meetings of both groups. As well, in January 2000, the International Helsinki Federation for Human Rights presented a report on trafficking in OSCE member states, including Greece, to the OSCE Supplementary Human Dimension Meeting on Trafficking in Human Beings. International Helsinki Federation for Human Rights, *A Form of Slavery: Trafficking in Women in OSCE Member States*, June 2000, pp. 21-24.

²³ Greece has ratified the International Covenant on Civil and Political Rights (ICCPR); International Convention on the Elimination of All Forms of Racial Discrimination (CERD); Convention on the Elimination of All Forms of Discrimination against Women (CEDAW); 1926 Slavery Convention and the 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery; Convention on the Rights of the Child (CRC); International Covenant on Economic, Social and Cultural Rights (ICESCR); European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR); and International Labour Organization (ILO) conventions 29 and 105 prohibiting all forms of forced labor; and numerous ILO conventions addressing labor rights violations. The U.N. Human Rights Committee, the international body responsible for monitoring states’ compliance with the ICCPR, has made it clear that human rights apply regardless of nationality or statelessness, and that states have a responsibility to protect the basic human rights of both citizens and aliens. See United Nations Human Rights Instruments, *Compilation of General Comments and General Recommendations adopted by Human Rights Treaty Bodies*, General Comment No. 15: “The Position of Aliens under the Covenant,” HRI/GEN/1/Rev.4, February 7, 2000, pp. 97-99.

Trafficking of Women to Greece for Forced Prostitution

The published studies and reports on the trafficking of women into Greece for forced prostitution all arrive at the same conclusion: the Greek government has done little to address its trafficking problems despite solid evidence that migrants—primarily women migrants—suffer grievous abuse at the hands of traffickers.²⁴

Marjana Valkova's story is typical of many women trafficked for forced prostitution.²⁵ She is Bulgarian and spoke with Human Rights Watch at Korydallos Women's Prison in Athens:

I paid a man 350 German marks (approximately U.S. \$162) to go to Greece since I had no papers. Instead, he brought me to Greece and sold me to a bar. He told me he would kill me if I left. We could not leave the house. There were twelve women, all of us from fifteen to twenty years old. The place was clean. We slept with a lot of men, ten men a day. We were beaten if we tried to leave. I was beaten with a belt. I was hurt. The others, too. The police came and arrested all of us women and brought us to a small prison. We were all there. The women were from Bulgaria, Romania, Russia, not from Africa really. I stayed for four months in prison. After that I went to court. Because I did not have papers, the court gave me three months [suspended sentence and immediate deportation] and told me I could not return to Greece for five years.²⁶

Marjana was in Korydallos in November 2000 serving a two-month sentence for re-entering Greece with her husband and child before the five-year waiting period had expired. At no time during her first or second incarceration was her status as a victim of trafficking taken into consideration. As with many women who are trafficked for forced prostitution, Greek law enforcement officials were only concerned with her status as an undocumented migrant and not with any abuse she suffered at the hands of her traffickers. Marjana was a victim of trafficking the first time she entered Greece but instead of being treated as a victim of a human rights abuse, she was punished with detention and the prohibition against re-entry (see section below on lack of protection for trafficking victims).²⁷

²⁴ See Gabriella Lazaridis, "Trafficking and Prostitution: The Growing Exploitation of Migrant Women in Greece," *The European Journal of Women's Studies*, Vol. 8, 2001, pp. 67-102; Ira Emke-Pouloupoulos, "Migrant Trafficking and Prostitution in Greece," Working No. 2, Mediterranean Migration Observatory, Urban Environment and Human Resources Research Institute, Panteion University, (forthcoming 2001); Iordanis Psimmenos, "The Making of Periphractic Spaces: The Case of Albanian Undocumented Female Migrants in the Sex Industry in Athens," in Anthias F. And Lazaridis G., eds., *Gender and Migration in Southern Europe: Women on the Move*, (London: Oxford University Press, 2000), pp. 81-101; International Helsinki Federation for Human Rights, *A Form of Slavery: Trafficking in Women in OSCE Member States*, June 2000, pp. 21-24.

²⁵ "Marjana Valkova" is a randomly selected name assigned to protect the woman's identity.

²⁶ Human Rights Watch interview, Korydallos Women's Prison, Athens, November 16, 2000. Human Rights Watch has addressed the detention conditions of migrants in Greece awaiting deportation in a separate report. See Human Rights Watch, *Urgent Concerns: Conditions of Detention for Foreigners in Greece*, December 2000, at <http://www.hrw.org/backgrounder/eca/greece-detention-bck.htm>, (June 11, 2001).

²⁷ According to Liopi Zoi, a social worker at Korydallos, there were approximately fifty women from Romania, Bulgaria, and Russia in the prison serving sentences and/or awaiting deportation. She said that most were

Human Rights Watch is concerned that there are no mechanisms in place in Greece to identify and support trafficking victims. Moreover, when intergovernmental or nongovernmental organizations attempt to intercede on behalf of trafficked women, their efforts are often stymied due to a lack of response or cooperation by the Greek government, suspected complicity in trafficking on the part of Greek law enforcement officials, and the lack of adequate infrastructure in Greece to address trafficking problems. The IOM has attempted to assist trafficked women from central and eastern Europe but with only limited success. One case involved a woman whom IOM Bucharest—in an urgent fax to IOM Athens—described as a “Romanian trafficked girl that is held captive and forced into prostitution in a bar in Greece.”²⁸ The Bucharest office provided IOM Athens with the details of the island, town, and even the bar where the woman was being held; the trafficker’s name and home and mobile telephone numbers; the woman’s name and place of residence in Romania; and the name, telephone, and fax numbers of the Greek Ministry of Public Order official who had represented Greece at a recent U.N.-associated meeting of the Southeast Europe Cooperative Initiative (SECI) Task Force on Human Beings and Illegal Trafficking.²⁹ The IOM’s Daniel Esdras supposed that the degree of available information provided would certainly result in a positive outcome for this woman. He was mistaken:

I called the Ministry of Public Order, the special section that deals with trafficking in women [the office of the official who attended the SECI meeting noted above]. I sent a fax to the ministry with the name of the girl, the fact that she was at the Tutti Frutti bar in Kos, the name of the trafficker *plus* the mobile number of the trafficker. I asked the ministry, *please* don’t deport her. I told them IOM would handle it, pay for her. IOM will repatriate her. The result? No written reply.³⁰

charged with something in addition to a simple violation of the Aliens Act, most frequently for working illegally in bars. It is not clear how many of these women were trafficked into Greece and how many came voluntarily to work in Greece’s thriving “entertainment” industry. Mrs. Zoi was aware of other trafficking victims in Korydallos but told us that they were “too afraid” to speak with us. Human Rights Watch interview, Liopi Zoi, Korydallos Women’s Prison, Athens, November 16, 2000.

²⁸ Communication from IOM Bucharest to IOM Athens regarding “police action to rescue a Romanian victim of trafficking,” October 5, 2000 (on file with Human Rights Watch). The Romanian woman managed to call her parents who in turn reported the case to the Romanian police.

²⁹ According to SECI’s web site, “SECI shall be a forum in which representatives of the participating states meeting to discuss common regional economic and environmental problems calling for concerted action and shall take into account region-wide plans for dealing with these problems.” SECI works in cooperation with the U.N. Economic Commission for Europe. See http://www.unece.org/seci/seci_sop.htm (May 22, 2001).

³⁰ Human Rights Watch interview, IOM Athens, November 7, 2000. There is no designated anti-trafficking unit in the Greek Ministry of Public Order. We found two staff people, one in the division of public security and one on the minister of public order’s staff, who were tasked with trafficking issues, but both insisted that they were in the process of “studying” the issue only.

IOM subsequently learned that the trafficker had been detained—but the police never found the Romanian woman victim.³¹ According to the police, the trafficker said that she had been sent back to Romania. Without the woman’s testimony, of course, any case against the trafficker was much less likely to succeed. The fact that local police had such detailed information but still failed to locate the woman clearly raised concern about possible police complicity in trafficking (see section below on police complicity in trafficking). Moreover, police should never rely on the statements of traffickers but should conduct a thorough independent investigate of allegations of trafficking.

The absence of government-supported services for trafficked women in Greece often results in an *ad hoc* and uncoordinated approach to their care. As a result, trafficked women who manage to escape cannot rely on the authorities for effective protection or for assistance with safe repatriation to their home countries. Sisi Vovou, a member of the Athens-based Network in Support of Migrants and Refugees and the European Forum for Left Feminists, told Human Rights Watch about two Romanian women trafficked to Greece who escaped from their traffickers. A group of students found the disoriented women and brought them to the network. According to Vovou, the incident—which occurred in 1998—was the catalyst for the network to begin working on trafficking issues:

We went to the general secretary for the equality of sexes and were told that accommodation could not be given to these women as they did not have passports or proof of medical checks. You should know that in all of Greece, with ten million plus persons, there is only one shelter for battered women. It has three rooms and a capacity of fifteen beds. This general-secretary did help, but later did not take much of an interest. In the end, these two women did end up staying in the shelter for about one and a half months, but were then kept in private homes for one and a half months. The shelter was difficult for them since the women there thought the Romanians were prostitutes and should not be mixed with them. We had to really fight to help them be sent home. The government never did pay for their repatriation. It was paid for by the general secretary out of private monies.³²

Vovou said that the network has helped about ten women since then, “but we cannot keep them because we have only the heart, not the support and services they require.”³³

Assistance for trafficked women seeking to repatriate is typically not available in Greece. One Ukrainian woman contacted a hotline for trafficked women in Kiev seeking help to escape

³¹ IOM staffers phoned the Ministry of Public Order to find out the woman’s fate while Human Rights Watch was interviewing Esdras.

³² Human Rights Watch interview, Athens, November 14, 2000. The general secretary for the equality of the sexes is tasked with monitoring gender discrimination in Greek society.

³³ Ibid.

from her Greek traffickers.³⁴ Many Ukrainian women who managed to escape from their traffickers also contacted the Ukrainian embassy for assistance but little help was forthcoming. The Ukrainian consul had called IOM to express concern about trafficked Ukrainian women and about the prohibitive costs of repatriating victims of trafficking. IOM Athens subsequently requested special funding from its international secretariat to establish a humanitarian account to fund airline tickets to repatriate trafficked Ukrainian women. However, the fund has been empty since November 2000.³⁵

Often, nongovernmental organizations in migrant women's home countries attempt to assist trafficked women by contacting authorities in the country to which a woman has been trafficked. Their efforts are also hampered by the absence in Greece of a coordinated plan to address trafficking and to support its victims. La Strada-Ukraine, an anti-trafficking organization in Kiev, confirmed to Human Rights Watch that the trafficking of Ukrainian women to Greece was a significant problem.³⁶ La Strada had recorded thirty-six cases of Ukrainian women trafficked to Greece.³⁷ La Strada said it became involved most often at the request of women's or girls' families seeking assistance in their search for a missing person. Trafficked women also called La Strada, but less frequently than their families. Since there is no anti-trafficking public awareness campaign or trafficking victims assistance hotline in Greece, Ukrainian and other trafficked women must rely on the few Greek nongovernmental organizations for hotline numbers in other countries or other sources of support in their efforts to escape from their traffickers or to access services post-escape.

“Crime Control” Approach to Trafficking

Trafficking of women for forced prostitution is a crime and thus merits a concerted and well-coordinated crime control approach. However, such an approach must address the rights of the victims, providing protections for them and ensuring access to justice for the abuses they

³⁴ Communication from IOM Kiev to IOM Athens regarding “Ukrainian woman trafficked to Greece who needs help,” September 9, 2000 (on file with Human Rights Watch).

³⁵ Human Rights Watch interview, IOM Athens, November 7, 2000.

³⁶ Email exchange between La Strada-Ukraine and Human Rights Watch, March 22, 2001.

³⁷ This number reflects only those Ukrainian women whose families have called La Strada seeking help in searching for a woman in Greece or from trafficked women themselves with free access to a phone, the money to pay for a call, and information about services for trafficked women in Ukraine. Thus, it most likely represents only a fraction of the women trafficked from Ukraine to Greece. La Strada gave Human Rights Watch a composite description of the circumstances under which many Ukrainian women are trafficked to Greece:

Some women were going to other countries, but later were resold to Greece. The majority of them say that they were proposed work as seasonal workers (collecting oranges, etc.), dancers, domestic servants. After arriving, their passports, documents, money, and personal belongings are taken away. They are told that they had to cover all expenses related with their transfer, documents, etc. and very often it's a pretty big [amount of] money.

Email exchange between La Strada-Ukraine and Human Rights Watch, March 22, 2001.

have suffered. In Greece, however, undocumented persons who are apprehended by the police are often treated like criminals, and detained and deported despite being trafficking victims. According to Regina Desfinitou, a police major with the Division of Public Security, “if a woman has no travel documents, she must be expelled according to the 1975/1991 Aliens Act.”³⁸ IOM officials in Athens confirmed that trafficked women are routinely detained and deported.³⁹

The minister of public order, Michalis Chrysochoidis told Human Rights Watch that “undercover police check women for documents before they are detained and sent back to their countries,” noting that “the women we decide to deport are from Eastern Europe mainly.”⁴⁰ When asked about affording protection to women trafficking victims, however, the minister asserted that trafficked women are not detained and deported but receive protection as victims:

The women caught here are not criminalized; they’re just brought back home. Many people have been arrested and accused of trafficking. We protect all these women. We give them license to stay here. We put them in security. We had a case in the last few days. It was a case of a woman from Moldova who accused a trafficker. We protected her and have kept her here in Greece. She’s now here because we wanted to judge her trafficker. Until we come into contact with them and know who’s in need of help, we can’t help. In every municipality there are centers where women can find refuge. There are two such houses for women in Athens. They live there for one to two months.⁴¹

Human Rights Watch spoke with women’s rights activists who denied that shelters for battered women are routinely used for trafficking victims. They told us that trafficked migrant women usually end up in detention pending deportation, in prison for working illegally in Greece, or on the streets.⁴²

Concerns raised by other countries, however, indicate that Greece does in fact routinely treat trafficked women like undocumented aliens. In January 2001, for example, Ukrainian government officials visited Greece with the aim of establishing a program for the repatriation of Ukrainian trafficking victims from Greece and to discuss cooperation in the fight against organized crime. The visit was organized, in part, by the OSCE due to its concern that in Greece,

³⁸ Human Rights Watch interview, Ministry of Public Order, Athens, November 16, 2000.

³⁹ Human Rights Watch interview, Daniel Esdras, IOM, Athens, November 7, 2000.

⁴⁰ Human Rights Watch interview, Ministry of Public Order, Athens, November 17, 2000.

⁴¹ Ibid.

⁴² The Non-Aligned Women’s Movement, the Research Centre of Women’s Affairs, and the Network in Support of Refugees and Migrants have all produced education leaflets/brochures on trafficking in Greece in several languages. Representatives from these organizations admitted, however, that it is very difficult for them to have contact with trafficked women and that when they do, they cannot offer them the support services they need.

“there is no special mechanism for differentiating between illegal immigrants and victims of trafficking.”⁴³ According to the OSCE:

If perceived as victims of trafficking and organized criminal activity—and protected as such—they [trafficking victims] can give testimony against the traffickers. This would be a big step forward in the prosecution of traffickers.⁴⁴

Concerns have been expressed that victims of trafficking are not distinguished from undocumented migrants and about the government’s method of deporting them. The Greek authorities routinely deport trafficked women by bus or train, sending them unaccompanied and arranging no assistance at the point of destination. According to IOM’s Daniel Esdras, deportation by land is “the cheapest way,” but “it leaves women vulnerable [because] traffickers can get the women back when they [the women] travel this way.”⁴⁵ Esdras contends that trafficked women should be repatriated by plane and that IOM staff should meet them on arrival in the country of destination to assist their reintegration. According to Sisi Vovou of the European Forum for Left Feminists, deporting trafficked women by land puts them at risk of being reabsorbed into trafficking networks because traffickers have “long arms” and can arrange for women to be abducted en route.⁴⁶

In fact, the Greek authorities have made some provision to repatriate trafficking victims by air, but this is little known. In April 2000, the Ministry of Public Order issued a policy directive allocating monies to purchase airline tickets for some trafficking victims. According to General Nikolaos Tassiopoulos, of the Ministry of Public Order:

A large number of women from the Ukraine, Moldova, Albania, and Romania are trafficked but when we tried to send them back to Ukraine [for example] through Bulgaria, the criminal networks entered the trains and forced the women to get off at non-authorized exit points and then took them back to Greece. The only solution was to cover air costs.⁴⁷

The general, however, was not able to provide details, including the amount allocated for this purpose or how many women it had benefited.

⁴³ Organization for Security and Cooperation in Europe (OSCE) press release, “Ukrainian and Greek Officials Discuss Ways of Fighting Human Trafficking,” January 29, 2001.

⁴⁴ Ibid.

⁴⁵ Human Rights Watch interview, IOM Athens, November 7, 2000.

⁴⁶ Human Rights Watch interview, Athens, November 14, 2000.

⁴⁷ Human Rights Watch interview, Ministry of Public Order, November 16, 2000. Note that Tassiopoulos also implies that trafficked women, in general, are treated as undocumented migrants and are deported. With the possible exception of the mode of transport for their deportation, Tassiopoulos gave us no indication that trafficked women were treated as victims of human rights abuses as opposed to being indistinguishable from undocumented migrants.

Moreover, the Greek police have failed to inform many of those directly involved with anti-trafficking work about the fund. For example, Daniel Esdras of IOM, was unaware of it, despite his direct experience of repatriating trafficked women. Sisi Vovou of the Forum for Left Feminists had been unable to access the fund to assist a trafficking victim.⁴⁸

Lack of Support for Trafficking Victims

Despite the growing evidence of trafficking in women to Greece, there is a near total absence of government-sponsored and/or funded services for trafficked women. As Gabriella Lazaridis notes, the absence of governmental action and services for trafficked women leaves them “puppets in the hands of the traffickers:”

If they attempt to escape, they face physical assault, threats to their families, coercion, or arbitrary deprivation of liberty. They are therefore forced into silence. The option of escape is not available as these women are undocumented and there is no forum in Greece which would offer them support.⁴⁹

Some trafficking victims receive informal support from nongovernmental organizations, such as the Network in Support of Migrants and Refugees. Representatives from another Athens-based group, the Non-Aligned Women’s Movement, told Human Rights Watch that it had been working on prostitution and trafficking issues for eighteen years but it had great difficulty establishing contact with trafficked women.⁵⁰ Moreover, there is no formal way for trafficking victims to access support through government-funded channels (which do not exist) or through projects funded by the E.U. Of the nearly 200 projects approved by the E.U.-funded DAPHNE Program since 1997, only one anti-trafficking project in Greece received support.⁵¹ This project, however, did not receive funding to provide any support services for trafficking victims. The project, funded in 1998, was titled, “Women Refugees—Stop Women’s Sexual Exploitation and Trafficking,” and was sponsored by the Research Centre of Women’s Affairs in Athens. Its objective was to evaluate public attitudes towards “sexual exploitation and trafficking of women” and to create an information support office for refugee and trafficked women. According to Mata Kaloudaki, the project coordinator, however, the center currently offers information, but does not provide any support services for victims.⁵²

While the survey and seminar projects that do receive E.U. funding are useful, the absence of funding for direct victim support and services sends a signal to member states that victim protection is not a priority. Another E.U.-funded program, the STOP Program, whose

⁴⁸ Human Rights Watch interview, Athens, November 14, 2000.

⁴⁹ Lazaridis, “Trafficking and Prostitution,” p. 89.

⁵⁰ Human Rights Watch interview, Athens, November 13, 2000.

⁵¹ DAPHNE funds projects that combat violence against children, young persons, and women.

⁵² The center shares space in Athens with the Non-Aligned Women’s Movement and many women belong to both groups. Human Rights Watch interview, Non-Aligned Women’s Movement, Athens, November 13, 2000.

mission is to improve international cooperation in the fight against trade in human beings and the sexual exploitation of children, does not provide funding for direct services. The program funds five key areas: law enforcement training; exchange programs and secondments; organization of multi-disciplinary meetings and seminars; studies and research; and the dissemination of information. Three projects have been funded in Greece: two training seminars sponsored by the Greek Ministry of Public Order (one on the “Sexual Exploitation of Minors” in 2000 and one on the “Sexual Exploitation of Women” in 1997) and one nongovernmental project in 2000-2001.

The nongovernmental project was sponsored by the Resource Center for Victims of Maltreatment and Social Exclusion (RCTVI). Its STOP project was titled “Confrontation of the Trafficking of Women from Balkan States and Russia in Order to be Sexually Exploited in Countries of the E.U.” According to Katerina Rentziou, a social worker with RCTVI, the project’s key components involved research to produce a general survey of the current phenomenon of trafficking of women from the Balkans into the E.U.; exchanges with others involved in anti-trafficking work in the Balkans and Europe; and information sharing among the countries involved in the exchanges. The project concluded with a Transbalkan anti-trafficking conference in Ioannina, Greece, in June-July 2001.⁵³ The only contact RCTVI had had with the Greek government was to request statistics on arrests and convictions of trafficking victims and to invite ministry officials to the conference. According to Rentziou, the project was not intended to provide support services for trafficked women, but staff members “have contacts with some women, who work in local bars (who have told us their stories), and we have visited some women who were arrested from the police, in the detention places, where they were kept until their deportation.”⁵⁴

Lack of Anti-Trafficking Legislation

The traffickers are highly organized because trafficking in women is easier. Guns and arms risk capital and many years in jail. There are no laws against trafficking in women in Greece; no risk. The first one to get punished is the woman. Deportation comes first so there is nobody to testify against the trafficker.

IOM official, Athens, November 2000.

Despite the substantial evidence that trafficking of migrants is a grave and growing problem, Greece has no legislation specifically criminalizing the trafficking of human beings for forced labor, including forced prostitution. Greece’s Aliens Act, Law 1975/1991—in force until June 2001, when a new immigration law came into force—included penalties in cases where the transport of undocumented migrants was for an “illegal profit.”⁵⁵ This provision addressed the more general phenomenon of smuggling, however, and there was nothing in the Aliens Act—and there is nothing in the new immigration law—that addresses penalties for the trafficking of migrants where transport is facilitated by coercion, deceit, or fraud for the purposes of forced

⁵³ Email exchange between Katerina Rentziou of RCTVI and Human Rights Watch, April 4, 2001.

⁵⁴ Ibid.

⁵⁵ Aliens Law No. 1975/1991, article 33.

labor, including forced prostitution, or that provides protection and support services to trafficked migrants.

Prostitution is legal in Greece. Due to heavy regulation, however, many Greek workers opt not to register as legal prostitutes giving rise to significantly more illegal than legal brothels in Greece.⁵⁶ Undocumented migrant women cannot register to be prostitutes due to their illegal status. Greece's penal code contains provisions prohibiting “pimping” and “exploitation of a prostitute.”⁵⁷ Article 351 of the penal code explicitly prohibits forced prostitution and mandates a fine and sentence of imprisonment of one to three years. Although the article is translated in English as “Body Trafficking,” the dynamic described in its provisions is not trafficking as defined under international law, which requires recruitment or transport.⁵⁸

In November 2000, Minister of Public Order Michalis Chrysochoidis informed Human Rights Watch that a bill addressing organized crime and terrorism that included witness protection measures was in the drafting process. In response, Human Rights Watch suggested that the bill should also address the problem of trafficking in human beings and the protection of victims of trafficking. The minister stated that he had not previously considered the link between people trafficking, organized crime, and the need for witness protection measures for trafficking victims, and indicated that he welcomed the proposal.⁵⁹

Subsequently, Human Rights Watch learned from the OSCE’s trafficking advisor that the Ministry of Public Order had proposed draft legislation for a National Observatory on Trafficking (N.O.T.) in Greece. The proposed observatory's objectives were to include:

⁵⁶ For example, in the Attica prefecture in 1997, there were approximately thirty-six brothels with legal permits and 160 brothels operating illegally. Greek Ministry of Public Order, Press Office, Athens, December 16, 1997.

⁵⁷ The crime of “Pimping” under Article 349 of the Greek Penal Code: 1) Whoever, in order to serve the debauchery of others, pimps or corrupts minors or facilitates the prostitution or corruption of minors is fined and punished with a sentence of nine months up to three years, should a reason for a more severe punishment not arise; 2) The sentence is extended to at least one year of incarceration plus a fine, if the crime is committed: a) against a person younger than sixteen years old; b) with deceitful means; c) by a relation by blood or affinity or by an adopted parent, spouse or other person who has undertaken the minor’s education or upbringing or is caring for him/her, even temporarily; 3) Whoever pimps a woman as a profession or for profit is fined and is punished with a sentence of at least eighteen months. Article 350 defines “Exploitation of a Prostitute” as “A man who is financially supported, in whole or in part, by a woman who works as a prostitute and who exploits her immoral profits is punished with a sentence of six months up to three years.”

⁵⁸ Article 351—Body Trafficking: 1. Whoever, in order to serve the debauchery of others: a) hires or misleads an underage woman for prostitution, even with her consent, b) hires or misleads an adult woman for prostitution by force, by deceit, by threat, by abuse of authority or by any other forced manner; c) withholds a woman against her will, by the above mentioned means, in a brothel or forces her to surrender to prostitution, is fined and punished with a sentence of one year up to three years, should a reason for a more severe punishment not arise; 2. The above sentence is extended to five years if the crime is committed by a person as stated in Article 349, par.2, c. 3; 3) These penalties are imposed even if the actions which constitute the components of the above crimes are committed in different countries.

⁵⁹ Human Rights Watch interview, Michalis Chrysochoidis, minister of public order, Athens, November 17, 2000.

implementation of a national strategic plan for prevention and suppression of trafficking and protection of the fundamental rights of trafficking victims; the creation of a database of national anti-trafficking laws; the production of research studies on trafficking and its social consequences; the development of strategies for international and regional cooperation on anti-trafficking measures; a public awareness campaign; securing funding for prevention and rehabilitation programs for victims; and law enforcement training. In April 2001, however, Nikolaos Tassiopoulos, police brigadier general and director of the International Police Cooperation Division at the Greek Ministry of Public Order, told Human Rights Watch that the proposal for the observatory had been dropped "due to financial matters without even reaching the parliament."⁶⁰ Consequently, at present, no comprehensive draft anti-trafficking legislation is pending in Greece. Yet, the criminal code provisions under current Greek law are insufficient to address adequately trafficking for forced labor, including forced prostitution, as understood under international law.

Police Involvement in Trafficking

Trafficking of women for forced prostitution often involves the complicity of the police and corrupt immigration officials. In fact, many believe that the international phenomenon of trafficking in women for forced prostitution could not exist at any level without the involvement of such officials. In Greece, the government has openly acknowledged that some Greek police officers have been involved in the trafficking of women for forced prostitution. Minister of Public Order Michalis Chrysochoidis told Human Rights Watch that some officers had been prosecuted and convicted for complicity in the trafficking of women, and that an Internal Affairs Bureau (IAB)—fashioned on the IAB of the U.S. Federal Bureau of Investigation (FBI)—had been established in October 1999 "because of the problem of corruption in the police." He added, "even in the last few days the Internal Affairs Bureau (operating now for one year) identified a police officer who was arrested for trafficking women. He is in jail now and the woman is here [in Greece]."⁶¹

Dimitris Kyriazidis, president of the Pan Hellenic Confederation of Police Officers (POASY), has also publicly acknowledged the involvement of the police "in networks which traffic illegal women" in Greece.⁶²

The low number of prosecutions under existing criminal laws combined with the absence of comprehensive anti-trafficking legislation in Greece make it difficult to determine how many police officers have been complicit in trafficking of migrant women for forced prostitution or when the allegations against them involve other crimes, such as complicity in prostitution rings, complicity in sexual assault, and provision of fraudulent documents. For example, the IAB's first annual report—issued in February 2001—recorded 146 charges against seventy-four police officers. Approximately one-half of the charges involved police complicity in activities related to

⁶⁰ Human Rights Watch telephone interview, April 2, 2001.

⁶¹ All quotes from Human Rights Watch interview, Ministry of Public Order, Athens, November 17, 2000.

⁶² *Eleftherotypia*, April 3, 2001.

undocumented migrants.⁶³ Such activities included granting residence permits to undocumented migrants and various levels of involvement in “prostitution rings.”⁶⁴ When police corruption cases are made public, however, the facts often indicate complicity in the trafficking of migrant women for forced prostitution as understood in the context of this memorandum. For example, the Greek media routinely report on police involvement in offenses that are not called “trafficking” under the Greek criminal code but on close review suggest police complicity in trafficking:⁶⁵

- In response to the publication of the IAB’s first annual report in February 2001, the Greek daily *Kathimerini* reported on the bureau’s “most famous arrests” including a police warrant officer charged in November 1999 with bribery, rape, setting up a gang, indecent assault, abuse of authority and violation of laws regarding arms and aliens for operating a trafficking network illegally bringing women from Eastern Europe into Greece and then “channeling” the women into various nightclubs;⁶⁶
- *Kathimerini* reported on June 12, 2000, that Greek Minister of Public Order Michalis Chrysochoidis “vowed to stamp out corruption in the police” after charges were leveled against police officers allegedly involved in an international racket that may have “traded” in 1,200 foreign women over the past ten years;⁶⁷
- The *Athens News* reported on November 11, 1998, that one serving and one retired police officer were charged with “procuring and forcing women into prostitution” as part of a crack down on police corruption that resulted in sixteen indictments against police officers for violations including the issuance of fake residence and work permits to “foreign, illegal prostitutes working under appalling conditions as virtual sex slaves for Greek and Albanian gangs.”⁶⁸

⁶³*Kathimerini*, “Anti-Graft Office has its Work Cut Out,” February 16, 2001.

⁶⁴*Kathimerini*, “Editorial: Self-Cleanup,” February 16, 2001.

⁶⁵Because there are no anti-trafficking laws *per se*, police officers are often charged with “pimping,” “exploitation of prostitution” or earning income from illegal activities. Article 351 of the criminal code prohibiting forced prostitution appears to be invoked rarely. The facts, however, often point to trafficking for forced prostitution. A stunningly embarrassing incident for the Greek police—and further evidence of its close relationship with an “entertainment industry” heavily implicated in the trafficking of migrant women—occurred in October 2000. The Thessaloniki police raided a strip club suspected of harboring trafficked women only to discover that the club was the primary sponsor of the police union’s magazine. Six undocumented migrant women were detained. See “Tutti Frutti Corruption,” *Status*, November 2000. According to this article, “law enforcement officers are now officially involved in the illegal activities of these nightclubs: illegal visas, prostitution and human trafficking.” See also “Police Bust Their Sponsors,” *Athens News*, October 20, 2000.

⁶⁶ *Kathimerini*, “Anti-Graft Office has its Work Cut Out,” February 16, 2001.

⁶⁷*Kathimerini*, “Probe into Huge Prostitution Racket,” June 12, 2000.

⁶⁸*Athens News*, “Avalanche of Corruption Charges Blasts Police after Procurement Arrests,” November 11, 1998.

Daniel Esdras, IOM chief-of-mission in Athens, told Human Rights Watch that trafficking in Greece could not occur without police complicity. According to a research study sponsored by The Marangopoulos Foundation for Human Rights in cooperation with Panteion University, researchers concluded that police are often bribed or involved in receiving money “to look the other way,” and some participate actively in trafficking.⁶⁹

While the Ministry of Public Order’s efforts to combat corruption among law enforcement personnel are a beginning, the absence of anti-trafficking legislation that accurately defines trafficking; education and public awareness campaigns about trafficking; and support services and adequate protection for victims, marks the ministry’s anti-corruption battle as a half-measure when it comes to combating trafficking in Greece.

Immigration Act 2001 and Trafficking of Women for Forced Prostitution

Recent legislative initiatives in Greece have also failed to address the issue of trafficking. A new immigration law passed by parliament in April 2001,⁷⁰ originally contained provisions granting work permits to “alien artists employed in entertainment centers” and essentially mirrored the existing visa requirements for alien artists in Greece’s Aliens Act, Law No. 1975/1991. Human Rights Watch critiqued an earlier draft of this bill and argued that although the provision was couched in language related to “artists” and their work in “entertainment centers,” it was essentially a grant for the employment of migrant women in bars, nightclubs, and other venues in the sex industry.

Human Rights Watch urged the Greek government to re-draft this section of the proposed law, taking into account the increasingly serious problem of trafficking of women into Greece for the purpose of forced prostitution.⁷¹ Our research revealed that the absence of laws on trafficking, coupled with the lack of coordination among government law enforcement agencies, failed to provide migrant women who were trafficking victims with effective protection from traffickers and their networks—which often included the very entertainment centers referred to in the bill. Moreover, the Greek government has used the existence of the visa regime for alien artists as a cover for not addressing trafficking abuses. In a 1996 report to CEDAW, the Greek government argued that the existing law—Aliens Act Law No. 1975/1991 governing the employment of foreign artists—could lead to abuses that Greek law enforcement could not address due to the visa exceptions for alien artists:

There are agencies that import women from abroad under the pretext of promoting artists, which does not enable the police force to intervene. The sojourn

⁶⁹Email communication from Katerina Rentziou, social worker with the Resource Center for Victims of Maltreatment and Social Exclusion (RCTVI), Ioannina, April 4, 2001.

⁷⁰ Law No. 2910/2001.

⁷¹ See Human Rights Watch, “Comments on Greek Immigration Bill: HRW Letter to Greek Members of Parliament,” February 1, 2001, at <http://www.hrw.org/press/2001/02/Greece0202.htm> (May 22, 2001).

permits of these women are valid for one to six months. The women work mainly in bars and hotels.⁷²

The Greek government could intervene if it had the will to do so. The fact that potential victims of trafficking and related abuses (e.g. rape, assault, etc.) might have visas under the immigration law should not preclude law enforcement officials from investigating and prosecuting perpetrators for trafficking and trafficking related abuses such as rape, assault, deprivation of liberty, and labor rights violations.

At a meeting with officials of the Ministry of Public Order in November 2000, Human Rights Watch pressed for the problem of trafficking to be addressed in the proposed immigration law, but according to the ministry, it did “not want to include in our immigration policy the trafficking of women.”⁷³ Likewise, Minister of the Interior Vasso Papandreou, did not accept that certain provisions of the immigration bill should be re-drafted to cover the trafficking of women for forced prostitution:

This is an issue that is now being discussed at the European level. I hope that they will produce some regulation at the European level. We are waiting for the European level. There is not legislation or special provision in the draft law for trafficking.⁷⁴

Just minutes before the final version of the immigration bill gained the preliminary approval of the Greek parliament on March 28, 2001, the articles establishing a visa regime for alien artists in entertainment centers were removed, apparently because of opposition party members’ fears that they could facilitate criminal activity.⁷⁵

Here, however, Human Rights Watch is concerned that the parliament may have gone too far. The absence of any mechanism for women to enter Greece for legal employment as dancers, barmaids, and other jobs in the entertainment sector, leaves migrant women even more vulnerable to traffickers for their entry into Greece. Many types of employment envisioned by the law’s draft provisions were legal, and as such, migrant women should not be barred from obtaining visas for legal employment in the entertainment sector. Human Rights Watch urged the

⁷² U.N. Committee on the Elimination of Discrimination against Women, Second and Third Periodic Reports of Greece, Article 6: “Trafficking and Prostitution,” CEDAW/C/GRC/2-3, November 11, 1996, para. 175.

⁷³ Human Rights Watch interview, Ministry of Public Order, Athens, November 17, 2000.

⁷⁴ Human Rights Watch interview, Ministry of Interior, Athens, November 15, 2000.

⁷⁵ According to the Athens-based daily, *Eleftherotipia*, the articles concerning the granting of residency permits to foreign artists were withdrawn because they “were not unanimously supported. The opposition claimed that the concept of artist was too vague, therefore, with a clear danger of facilitating pimping networks.” March 29, 2001. It is unclear, however, whether or not those members of parliament who challenged the provisions were opposed to trafficking as defined internationally or were opposed to prostitution in general. Although prostitution is legal in Greece, there are political forces that remain opposed to it. It is important to note, as well, that most Greek prostitutes do not work legally in the sex industry and that “pimping” and “exploitation of a prostitute” are crimes in Greece.

law's drafters to redraft the section, include language acknowledging the problem of trafficking in Greece, and fashion a visa regime that would not either directly or indirectly contribute to the trafficking of women into Greece for forced prostitution.

Now, in light of what occurred in March, Human Rights Watch is urging parliament to amend the immigration law in order to establish a visa regime for migrants in the entertainment industry that provides visas for employment in jobs that are legal in Greece. The details of such a visa regime should take into account the link between the entertainment industry and the trafficking of women into Greece for forced prostitution and, at a minimum, provide penalties against the use of coercive tactics in placement and employment, and guarantee basic labor rights protections for migrants who secure such visas.

Conclusion

The trafficking situation in Greece calls for both short- and long-term governmental measures. Comprehensive anti-trafficking legislation with protections for trafficking victims should be promulgated. Immigration policies should be developed that acknowledge the abuse suffered by undocumented women who are trafficked for forced prostitution. A public awareness campaign with international, regional, and national dimensions should be developed and implemented. A system of services to meet the basic needs of trafficking victims should also be developed and implemented. Advanced training for border control units and police officers should be institutionalized. Traffickers and their accomplices should be held accountable. Only a comprehensive package of legislative and policy measures—and the political will to implement and enforce them—will stem the tide of trafficking of women into Greece for forced prostitution. Most importantly, the Greek government should act now to develop and implement some of these measures—in particular those that promote and protect the human rights of trafficking victims.

RECOMMENDATIONS

Government of Greece

Legislative Initiatives

- Adopt comprehensive anti-trafficking legislation—with appropriate victim and witness protection elements—and amend existing legislation to provide appropriate penalties for all acts and attempted acts related to trafficking and offenses associated with trafficking. Such efforts should include:
- Review the Greek Penal Code to identify and amend provisions in conflict with the definition of trafficking in persons under international law and provide appropriate criminal penalties for any and all trafficking-related offenses;
- Amend the Immigration Law (No. 2910/2001) to mandate a visa regime for migrants in the entertainment industry that provides visas for employment in jobs that are legal in Greece. The details of such a visa regime should take into account the link between the

entertainment industry and the trafficking of women into Greece for forced prostitution and, at a minimum, provide penalties against the use of coercive tactics in placement and employment, and guarantee basic labor rights protections for migrants who secure such visas;

- Amend the Immigration Law (No. 2910/2001) to exempt victims of trafficking from prosecution or other penalties—such as detention and penalties for returning to Greece—for any crimes or illegal status resulting directly from trafficking abuses;
- Amend the Greek Labor Law to prohibit and penalize the confiscation of a person's passport, travel documents, or other identification papers by employers or job brokers;
- Include a general non-discrimination clause in anti-trafficking legislation and any laws addressing trafficking in any manner, guaranteeing that anti-trafficking legislation be applied and anti-trafficking initiatives be executed in a non-discriminatory manner without distinction of any kind, based on nationality, sex, racial or ethnic origin, religion or belief, disability, age, sexual orientation, property, or birth or other status.

Investigation and Prosecution of Traffickers

- Actively investigate and prosecute perpetrators responsible for trafficking in persons and impose penalties appropriate to the grave nature of trafficking as a human rights abuse. Where appropriate, bring charges against perpetrators for trafficking-related abuses, including rape, assault, deprivation of liberty, and forced labor. Take measures to ensure that the immigration status of trafficking victims does not impede the investigation or prosecution of trafficking, trafficking-related abuses, or labor law violations.
- Investigate thoroughly evidence and allegations of official complicity in trafficking and trafficking related abuses. Officials against whom there is adequate evidence should be prosecuted and penalties commensurate with their offenses should be imposed.

Victim and Witness Support and Protection

- Basic human rights protections should be guaranteed for all trafficking victims, whether or not they agree to testify against their perpetrators. Ensure that all victims of trafficking have access to essential services, including appropriate shelter, medical care, and psychological support.
- Guarantee victims of trafficking access to redress for abuses they have suffered, facilitating their ability to seek compensation for damages, withheld wages, and restitution, regardless of their immigration status. Assets confiscated from convicted traffickers should be made available to settle financial claims of trafficking victims.
- Establish and publicize a twenty-four hour telephone hotline number staffed with skilled personnel and other avenues by which victims can access support services.

- Take steps to protect victims or witnesses who cooperate in the investigation and prosecution of traffickers with measures to ensure their safety; physical and psychological well-being; dignity; privacy; right to timely voluntary repatriation to their country of origin or, when needed, resettlement in a safe third country. Effective protection measures include the provision of secure shelter, food, translation/interpretation services, and access to medical care and psychological support; security arrangements that shield the victim—and her family members if necessary—from retaliation by operatives of the trafficking network; a safe means of voluntary repatriation and effective program for reintegration into the home country; the ability to apply for asylum in the host country; and the possibility of resettlement in a third country. All protection measures should be undertaken in coordination with intergovernmental and nongovernmental organizations in the host and home countries that have expertise in dealing with victims of trafficking.
- Protective measures should be available to prevent disclosure of information, or to delay disclosure, when trafficking victims' or witnesses' security would be adversely affected. Victims and witnesses should be notified in advance of decisions relating to such disclosure. Measures to shield the victim's identity from the public and media—e.g., the use of image and voice altering technology, *in camera* hearings, and other mechanisms to ensure confidentiality of the victim's identity—should be made available, and methods of taking testimony in advance and/or via communications technology should also be considered. None of these measures should be prejudicial to, or inconsistent with, the rights of the accused to a fair and impartial trial.
- Repatriation, where appropriate, should be executed in a well-coordinated and timely manner in cooperation with countries of origin, transit, and destination and in consultation with expert intergovernmental and nongovernmental organizations in order to assure the safety of the trafficking victim and her family, and her successful reintegration into her home community.
- Information regarding the Greek Ministry of Public Order's special fund to repatriate trafficked women by airplane back to their home countries—and how to petition for these funds—should be included in all government-sponsored training initiatives and provided to intergovernmental and nongovernmental organizations; consulates and embassies; and others involved in the provision of direct services to trafficking victims and in anti-trafficking initiatives.

Alternatives to Detention and Deportation

- Punitive measures directed at trafficking victims—in particular detention pending deportation—should be waived. All efforts should be made to place trafficking victims apprehended by the police in secure private residences or safe shelters. Likewise, trafficking victims who go voluntarily to the police for assistance should not be detained. Greece should open government-sponsored women's shelters to trafficking victims and also provide government funding to nongovernmental organizations that operate secure shelters for trafficking victims.

- Issue temporary residence visas to trafficking victims pending the resolution of any criminal, civil, or other legal actions relating to abuses they have suffered. During this time, victims of trafficking should be provided with the right to work and/or other means of support.
- Establish a procedure whereby trafficking victims are informed of the complaints procedure of the Office of the Greek Ombudsman. Facilitate the lodging of complaints by trafficking victims where appropriate.

Establishment of Anti-Trafficking Unit

- Establish an Anti-Trafficking Unit within the Greek Ministry of Public Order tasked with coordinating all anti-trafficking initiatives—including training and public awareness—and with overseeing all investigations of traffickers and those complicit in trafficking offenses. The anti-trafficking unit should be staffed with experts on violence against women, trafficking of persons, and persons with experience interviewing and assisting women crime victims. This unit should work in consultation with prosecutors regarding protective measures for trafficking victims who agree to testify against perpetrators. Such a unit should also engage in routine consultation with expert intergovernmental bodies, nongovernmental organizations and with the Office of the Greek Ombudsman.

Training

- Develop and provide specific training and awareness programs for police, in particular those officers serving in the Internal Affairs Bureau; labor officials, in particular site inspectors; officials in the Greek Ministry of Public Order tasked with immigration matters; prosecutors; and judges regarding trafficking abuses suffered by undocumented migrants during placement and employment. Train officials to recognize trafficking abuses—including coercive job placement, forced labor, and debt bondage; to collect evidence of such violations; to lodge appropriate charges; to prosecute the perpetrators; and to offer adequate protections for trafficking victims. This should include training in effective investigation of evidence of coercion in all labor sectors, and prosecution of traffickers and their accomplices—including corrupt law enforcement officials and other state agents. Such training should be carried out with the active involvement of relevant intergovernmental bodies and local nongovernmental organizations.

Consular and Foreign Bilateral Relations

- Relevant Greek government ministries (foreign affairs, public order, interior) should consult with consular authorities from countries from which trafficked women originate in order to update such authorities on the trafficking situation in Greece; to coordinate safe, voluntary repatriation of trafficking victims; to coordinate other forms of assistance for trafficked women in Greece; and to coordinate public awareness about education and employment opportunities in countries of origin.

Cooperation with Nongovernmental Organizations

- Cooperate with nongovernmental organizations in Greece with expertise in women's human rights, migrants rights, labor rights, and anti-trafficking initiatives. Provide funding for nongovernmental organizations that provide direct services to trafficking victims and their families, including, among other things, provision of education and hotline services; shelter; medical and psychological services; and assistance with safe voluntary repatriation. Encourage and assist nongovernmental organizations in their efforts to obtain European Union monies through the STOP and DAPHNE programs to implement anti-trafficking programs and initiatives.
- Appoint representatives from nongovernmental organizations with expertise in trafficking, migrants rights, women's rights, and labor rights to the "work management group on trafficking" created by the joint ministerial decision of May 2001.

Right to Seek Asylum

- In coordination with UNHCR officers, ensure that victims of trafficking have the opportunity to seek asylum. Offenses related to being a trafficking victim, including lack of a valid visa, use of false travel documents, and irregular departure from country of origin should not adversely affect a trafficked person's asylum claim, impede access to the asylum determination procedure, or result in any punitive response, including detention. Gender-based persecution should be explicitly recognized as a ground for asylum. Consideration should be given to lack of protection by authorities in the country of origin from persecution by a person's traffickers. Detention of asylum seekers should be applied only in exceptional circumstances, on a case-by-case basis, and in accordance with the 1999 UNHCR Guidelines on Applicable Criteria and Standards relating to the Detention of Asylum Seekers.

International Law and Cooperation with International Organizations on Trafficking

- Ratify relevant international conventions, in particular the U.N. Convention against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children; and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.
- Issue open invitations to the United Nations special rapporteur on the human rights of migrants and the special rapporteur on violence against women to visit Greece.
- Report in detail to the U.N. Committee against Torture (CAT) in November 2001 about measures to combat trafficking as per the committee's recommendation to the Greek government to take steps "to prevent and punish trafficking of women" in its May 2001 conclusions and recommendations regarding Greece's country report.
- Cooperate with the Organization for Security and Cooperation in Europe's Office for Democratic Institutions and Human Rights Advisor on Trafficking Issues by providing

information on trafficking in Greece and national best practices. Implement the commitments made at the Istanbul OSCE Summit in November 1999 to combat trafficking in human beings.

- Adopt the goals of the Stability Pact for South Eastern Europe’s “Anti-Trafficking Declaration” signed by Stability Pact ministers at Palermo in December 2000. Participate fully in the Stability Pact’s Task Force on Trafficking in Human Beings.

United Nations

- Promote speedy ratification by Greece and other states of the U.N. Convention against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children in order to bring it into force as soon as possible.
- Encourage and provide technical and financial support to signatories to the U.N. Convention against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children to implement effective support and protection measures that ensure the safety; physical and psychological well-being; dignity; and privacy of trafficking victims and witnesses and their families.
- Promote ratification by Greece and other states of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families in order to bring it into force as soon as possible.

European Union

- Ensure that comprehensive human rights protections for victims of trafficking are included in the European Commission Proposal for a Council Framework Decision on Combating Trafficking in Human Beings (March 2000), taking into account Human Rights Watch’s *Recommendations regarding the Proposal for a Council Framework Decision on Combating Trafficking in Human Beings* (see Appendix I).
- Enhance outreach efforts to ensure greater awareness of the availability and requirements of E.U. funding for anti-trafficking initiatives through the STOP and DAPHNE programs. Give particular consideration to grant applications from countries that have received little or no STOP or DAPHNE funding in the past.
- Identify adverse political, economic, and social conditions resulting from gender discrimination and violence against women in countries from which migrant women are trafficked and endeavor to help alleviate such conditions through enhanced gender-specific aid schemes and programs that offer women genuine educational and employment opportunities.

Council of Europe

- Encourage member states to implement national programs of action to combat trafficking for forced prostitution and other forms of forced labor that do not impede the ability of persons to migrate voluntarily and ensure the protection of the human rights of trafficking victims.
- Assist member states with legal reform initiatives including drafting comprehensive anti-trafficking laws and amending penal codes and immigration laws in conformity with international law on trafficking in human beings.
- Encourage the European Committee for the Prevention of Torture (ECPT) to investigate the detention and deportation of trafficking victims in detention centers and prisons during its fall 2001 visit to Greece.

Organization for Security and Cooperation in Europe

- Strengthen the activities of the OSCE to combat trafficking and protect the human rights of trafficking victims in cooperation with international organizations and regional intergovernmental bodies. In particular, encourage member states to implement the commitments made at the Istanbul OSCE Summit in November 1999 to combat trafficking in human beings.
- Continue to monitor trafficking in human beings for all forms of forced labor. Focus particular attention on the root causes of trafficking, including discrimination and violence against women in countries of origin and assist countries of origin in developing action plans to alleviate root causes of trafficking.

Intergovernmental Organizations

- Push for greater cooperation from the Greek government on anti-trafficking initiatives. Expert organizations such as the International Labour Organization (ILO), United Nations High Commissioner for Refugees (UNHCR), and the International Organization for Migration (IOM) should consult with the Greek government about areas of concern regarding the effects of trafficking including, among other things, migrant workers rights, the right of trafficking victims to seek asylum, and the establishment of safe means of voluntary repatriation or resettlement and integration.

APPENDIX I

Recommendations regarding the Proposal for a Council Framework Decision on Combating Trafficking in Human Beings

Submitted by
Women's Rights Division, Human Rights Watch

Trafficking in persons is a grave human rights abuse that persists at staggering levels in all regions of the world. Moreover, despite international conventions that obligate states to prevent and provide redress for trafficking-related abuses, governments' responses remain woefully inadequate. Human Rights Watch therefore welcomes the E.U. Proposal for a Council Framework Decision on Combating Trafficking in Human Beings. However, we wish to express our grave concern that the proposal only minimally recognizes the importance of addressing the human rights violations inherent in trafficking, and we urge all member states to ensure that comprehensive human rights protections are included in the final language of the Council Framework Decision.

Member states have recently completed negotiations on the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, which many member states have signed. The United Nations Special Rapporteur on Violence against Women, Radhika Coomaraswamy, advocated that the Protocol "ensure an unequivocal human rights standard on trafficking in women, since it is impossible to combat trafficking without providing protection to victims of trafficking" (E/CN.4/2000/68, paragraph 107). Similarly, the Office of the United Nations High Commissioner for Human Rights (UNHCHR), the Office of the United Nations High Commissioner for Refugees (UNHCR), the United Nations Children's Fund (UNICEF) and the International Organization for Migration (IOM) called for governments to ensure comprehensive human rights protections for victims of trafficking in the Protocol (A/AC/254.27). These high-level calls for human rights protections should apply also to the proposed Council Framework Decision on Combating Trafficking in Human Beings.

Human Rights Watch has reviewed the most recent draft of the Council Framework Decision (Brussels, 21.12.2000) and offers these comments as the debates over the document continue. Human Rights Watch hopes that these suggestions will prove useful as member states work to incorporate human rights standards into all Framework Decisions.

Introduction

Recommendations:

- **Trafficking of persons is a grave human rights abuse:** The introduction should emphasize that trafficking in persons is a human rights abuse and that, in responding to this problem, member states should prioritize the protection of the human rights of trafficked persons, taking the steps necessary to prevent abuses and provide remedies where abuses occur. These abuses include rape, physical violence, debt bondage, slavery-like conditions, false imprisonment, servitude, sale as chattel, forced abortion, forced labor, lack of access to health care, and lack of education in the case of children. Unfortunately, the introduction to the Framework Decision focuses primarily on a law enforcement approach to trafficking, rather than integrating a human rights framework.
- **The root causes of trafficking include violence against women and children:** The Commission is to be commended for including references to the root causes of trafficking in the introduction to the Framework Decision. Violence against women and children in their countries of origin should be included as a root cause in addition to the “lack of education and professional opportunities.”

Article 1 Trafficking in Human Beings for the Purpose of Labor Exploitation

Recommendations:

- ***Forced marriage should be included within the definition of “production of goods or provision of services.”*** *Slavery-like practices should be understood to include those practices condemned under the 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery. These practices include, among others, debt bondage and forced marriage.*
- ***Trafficking can be within as well as across international borders.*** *Human Rights Watch commends the Commission on its focus on the exploitative purpose of forced labor or forced prostitution rather than on “movement” across a border.*

Article 2 Trafficking in Human Beings for the Purpose of Sexual Exploitation

Recommendations:

- **The definition of trafficking should be limited to situations in which coercive practices are used in the recruitment, transportation, transfer, or harboring or receipt of a person for the purpose of placing that person into slavery, forced labor, debt bondage, slavery-like practices, or servitude.** In recognition of women and men’s

ability to make voluntary decisions about migration and employment, the definition of “trafficking for sexual exploitation” should be limited to those situations involving deceptive or coercive practices. It is important to recognize that traffickers commonly employ physical and non-physical means of coercion, including physical violence and threat of physical violence, deceit, debt bondage, blackmail, isolation, and/or psychological pressure. The Framework Decision should distinguish between child and adult victims of trafficking. In the case of children, the definition of “trafficking for sexual exploitation” should not be limited to situations involving coercion.

- **The Framework Decision should include a separate definition of trafficking in children.** This definition should reference the recruitment, transportation, transfer or harboring or receipt of any child — or the giving of any payment or benefits to achieve the consent of a person having control over a child — for the purpose of placing the child into any form of slavery, forced labor, or servitude, or into any other type of labor condemned under the ILO Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor (Convention 182). Children do not have the same capacity to make decisions about their migration and employment as adults. When children are placed into employment conditions that have been condemned as a “worst form” of child labor by the International Labor Organization, evidence of coercion should not be necessary to qualify the practice as trafficking. ILO Convention 182 identifies the following “worst forms” of child labor: “(a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labor, including forced or compulsory recruitment of children for use in armed conflict; (b) the use, procuring or offering of a child for prostitution, for the production of pornography or for performances; (c) the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties; (d) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.”

Article 4: Penalties and Aggravating Circumstances

Recommendations:

- **The Framework Decision should give particular attention to complicity by state officials, law enforcement officials, and customs agents.** Human Rights Watch’s research in Europe and around the world indicates that trafficking, in most cases, cannot flourish without corrupt officials in countries of origin, transit, and destination. These complicit and corrupt officials make it difficult for trafficked persons to turn to the authorities for assistance.
- **Frozen assets should be made available to victims as compensation for violations of their human and civil rights.** The Framework Decision should require states to make assets confiscated from traffickers (in accordance with due process protections) available to settle financial claims of trafficking victims. This is a particularly important concern in cases of trafficking in persons, in which the traffickers derive often enormous profits from trafficked persons’ labor, and at the expense of trafficked persons’ health and well-

being. When the proceeds of this unjust enrichment have been confiscated through appropriate legal procedures, they should be used to provide victims with remedies for the abuses they have suffered.

Article 8: Victims

Recommendations:

- **The Framework Decision should acknowledge that states have a responsibility to protect the human rights of all trafficked persons, ensuring that further violations are prevented and that victims have access to legal remedies for the abuses they have suffered.** The Framework Decision should require states to take measures to protect trafficking victims from being prosecuted or otherwise penalized for offenses directly related to their being trafficked, including lack of a valid visa, solicitation, prostitution, or the use of false travel or identification documents. Neither should any victims of trafficking be prosecuted nor otherwise penalized (including through restrictions on the right to future travel) in the country of origin or destination for having been trafficked or having left the country of origin in an irregular manner. Protecting the rights of trafficked persons is also critical for gaining the trust and cooperation of trafficking victims that is necessary to investigate and prosecute traffickers effectively.
- **The Framework Decision should require states to meet the urgent needs of trafficked persons, ensuring that they have access to the emergency services necessary to address the abuses they have suffered.** Trafficked persons should be provided with appropriate housing, economic assistance, confidential medical and psychological care, and other social services, as needed. Child victims of trafficking should have access to education. Trafficked persons have been subjected to serious human rights abuses, and a variety of services may be necessary to address the harms they have suffered. For example, persons who escape or are removed from the control of their traffickers may need assistance in accessing appropriate shelter and economic support, and persons exposed to psychological trauma and/or physical health risks, including the risk of contracting sexually transmitted diseases, need immediate health care services. Such urgent needs must be met in order to protect trafficked persons' physical health and safety and to avoid further traumatizing victims of trafficking. Trafficked persons should not be detained or imprisoned.
- **The Framework Decision should explicitly provide that the right to seek asylum and the fundamental principle of *non-refoulement* should in all cases be upheld.** Trafficked persons should be given full opportunity (including through the provision of adequate information and access to groups and individuals with expertise on trafficking and asylum cases) to make a claim for asylum, and their claims should be considered on a case-by-case basis with full rights to appeal. Offenses related to being a victim of trafficking, including lack of a valid visa, the use of false travel or identification documents, or having left the country of origin irregularly, should not adversely affect trafficked persons' asylum claims, impede their access to asylum determination

procedures, nor result in punitive responses, including detention. In making refugee determinations, gender-based persecution should be recognized as grounds for asylum and consideration should be given as to whether authorities in the country of origin will not or cannot protect the trafficking victim from persecution by his/her traffickers. As a general rule, asylum seekers should not be detained. The detention of asylum seekers should only take place in exceptional circumstances, on a case-by-case basis, and in accordance with the 1999 UNHCR Guidelines on applicable Criteria and Standards relating to the Detention of Asylum-Seekers.

- **The Framework Decision should require member states to refrain from the immediate expulsion of trafficked persons, offering all victims of trafficking the opportunity to remain in the country while they consider their legal options.** Trafficked persons should be given the time, information, and assistance needed to initiate legal proceedings against their trafficker(s) and/or employer(s). Where trafficked persons decide to initiate a civil action and/or act as a witness in a criminal action, they should be allowed to remain in the country for the duration of such case(s), including all appeals. During this time, trafficked persons should be provided with the right to work and/or other means of support. States have an obligation to suppress human rights violations and provide remedies for victims where violations occur (see International Covenant on Civil and Political Rights, Article 2). Protection against immediate expulsion for all trafficking victims is necessary both to facilitate criminal investigations and prosecutions of traffickers and to provide trafficked persons with an opportunity to seek redress for the abuses they have suffered. Persons who are summarily deported will not be able to serve as witnesses in criminal cases or complainants in civil trials, nor will they be able to collect any financial judgments made in their favor. Similarly, trafficked persons will not be able to safely remain in the country of destination to pursue criminal and/or civil claims unless they are given the opportunity to work legally and/or access to other means of support.
- **The Framework Decision should note that permanent resettlement of trafficked persons may be appropriate in some cases, and states should provide trafficked persons with the right to apply for permanent residence status, giving appropriate consideration to humanitarian and compassionate factors in determining these cases.** Such measures should be in addition to states' obligation to protect the right to seek and enjoy asylum and to uphold the fundamental principle of *non-refoulement*.
- **The Framework Decision should require member states, in the investigation and prosecution of traffickers, to protect victims or witnesses who cooperate in these proceedings, with measures to ensure their safety, physical and psychological well-being, dignity, privacy, and right to timely repatriation to their country of origin.** The full range of witness protection measures should be made available to trafficking victims participating in criminal proceedings. Victims and witnesses should be notified in advance of decisions relating to disclosure of identifying information. Where victims' or witnesses' security would be adversely affected, measures should be available to prevent disclosure of information to the public and to delay disclosure to the accused.

None of these measures should be prejudicial to or inconsistent with the rights of the accused to a fair and impartial trial.

- **The Framework Decision should mandate that victims of trafficking, whether or not they are serving as witnesses, have access to the same human rights protections.** Human rights protections should be available to all victims, whether or not they agree to cooperate or testify.
- **The Framework Decision should require states to provide trafficked persons with information about their legal rights and access to legal assistance and translation services so they may seek compensation and restitution for abuses they have suffered.** Member states should ensure that their legislative frameworks contain measures that provide trafficked persons with access to adequate criminal, civil or administrative procedures for seeking compensation for material and non-material damages, unpaid wages, and restitution, regardless of the legal status of their work.
- **The Framework Decision should require states, in the investigation and prosecution of traffickers, to take measures to ensure that the alleged “character” or current or previous occupation of the trafficked person is not admissible save in the most exceptional circumstances, where the judge is satisfied that the evidence is highly relevant and credible and is essential for a fair trial.** In no circumstances should such information be admitted where it is presented for the sole purpose of attacking the character of the victim. Moreover, such information should not be cited as a ground for disqualifying a trafficked person’s complaint. This issue is particularly relevant where victims of trafficking have had experience working in the sex industry (before and/or after being trafficked). Information about sexual conduct has often been used to discredit and/or humiliate victims or witnesses in rape cases, and care should be taken to ensure that this does not occur in the investigation and prosecution of trafficking abuses.
- **The Framework Decision should require member states to keep information about the identity and location of trafficking victims confidential and to refrain from putting any indication regarding a person’s history as a trafficking victim in her/his travel documents.** Many trafficking victims have been subjected to further trauma and/or mistreatment after information about their experience of being trafficked was released through the press or other sources. Such publicity can also endanger the physical security of trafficked persons by increasing their risk of facing retaliation from their traffickers.
- **The Framework Decision should call upon member states to cooperate with countries of origin, transit, and destination — as well as with persons with expertise in working with trafficking victims — to facilitate the safe and humane repatriation of trafficking victims.** The Framework Decision should explicitly reference the important role that persons with expertise in working with trafficking victims, including members of non-governmental organizations, can play in ensuring trafficked persons’ safe and humane return. Many trafficking victims have been re-trafficked or otherwise abused after being “dumped” across international or internal borders without appropriate care taken to ensure their safety and their ability to reach their place of residence.

- **The Framework Decision should explicitly provide that no one should be involuntarily returned to a country where there are substantial grounds for believing that s/he would become a victim of a gross human rights abuse, such as torture, enforced disappearance, summary or arbitrary execution, or prolonged arbitrary detention.** This principle is well-established under international law (for example, see the 1951 Convention Relating to the Status of Refugees, Article 33 on *non-refoulement* and the 1967 Protocol relating to the Status of Refugees, Article 1.1; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment, Article 3; and the Declaration on the Protection of All Persons from Enforced Disappearances, Article 8).

Special Provisions for Child Victims of Trafficking

- **The Framework Decision should require states to ensure that where a trafficking victim is a child, countries of origin and destination take all necessary steps to locate the family members of the trafficked child, ascertain the circumstances under which the child became a victim of trafficking, and make a determination about placement in accordance with the best interests of the child.** Once a determination has been made, countries of origin, transit, and destination should facilitate the child's safe and humane return (or other placement). The goal of states' efforts should be the prompt reunification of the child with her/his family unless the best interests of the child dictate otherwise, giving consideration to the wishes of the child.
- **The Framework Decision should require states to ensure that special assistance, including legal counsel, is available to child victims of trafficking.** States should also adopt measures to ensure that monetary awards made to children are actually received by them through the formation of a trust or other legal mechanism.
- **The Framework Decision should require states to ensure that where trafficked children are remaining in the country during the pendency of trials, efforts are made to place such children with extended family members, and where not possible, in foster care or alternative small group home settings.** Under no circumstances should they be placed in a punitive institution, such as juvenile detention centers or remand homes for children. Shelters or group homes for trafficked children must have adequate security to protect residents from traffickers. They must also be given access to education, in addition to the services described in the recommendations above. A child's right to education is guaranteed in the Convention on the Rights of the Child, Article 28.

General Recommendations

At present, the Framework Decision lacks a specific section on prevention:

- **Prevention efforts should not be carried out at the expense of other human rights, including the right to freedom from discrimination and the right to freedom of movement and travel.** In particular, the right to freely leave any country, including

one's own, and the right to seek and enjoy asylum in another country should not be limited by any efforts on the part of countries of origin to prevent trafficking abuses. Countries of destination should also avoid overly broad measures that restrict the mobility of women of a certain age group, class, nationality, ethnicity, and/or other characteristic on the basis of their suspected status as potential trafficking victims. Many states have responded to the problem of trafficking with sweeping policies that restrict women's access to travel documentation, including passports and visas. These policies are often carried out in violation of women's human rights to freedom from discrimination and freedom to leave any country, including their own (International Covenant on Civil and Political Rights, Articles 2, 12), and can impede their right to seek and enjoy asylum. Moreover, such overly broad measures can be counterproductive to the effort to suppress trafficking. By making it more difficult for women to negotiate emigration and immigration controls by themselves, these measures can push women who wish to migrate into the hands of traffickers who are able to bypass the legal obstacles.

- **The Framework Decision should require states to undertake measures to ensure that educational and employment opportunities are available to women and girls on a non-discriminatory basis.** In the design and implementation of national educational and employment programs, emphasis should be given to populations who are particularly vulnerable to being trafficked. The Introduction to the Framework Decision, which calls for social and economic initiatives to prevent trafficking in persons, should make explicit reference to the need to eliminate discriminatory policies and practices that limit women and girls' access to education and/or employment. Such discrimination makes them more likely to accept risky employment offers and thus more susceptible to traffickers. In addition, sex discrimination is often compounded by discrimination on the basis of ethnicity or other characteristics to make specific populations of women and girls especially vulnerable. Efforts to prevent trafficking should address these inequities.
- **The Framework Decision should require states to undertake information campaigns that educate women and girls about their rights at home and abroad, empowering them to make informed choices about their employment and to defend their rights as workers.** Such efforts should pay particular attention to the rights of women and girl migrants and to services available to them when they are abroad.

At present, the Framework Decision lacks a general non-discrimination clause:

- **All anti-trafficking efforts should be carried out in a non-discriminatory fashion without distinction of any kind, such as discrimination based on nationality, sex, racial or ethnic origin, religion or belief, disability, age, sexual orientation, property, or birth or other status.** Moreover, member states should guarantee these rights and services to all victims of trafficking without discrimination on the basis of their immigration status, their having worked in the sex industry, or their decision to serve as a witness or otherwise cooperate in criminal investigations or prosecutions. Finally, such distinctions should not have any effect on the determination

of a person's status as a victim of trafficking. The Framework Decision should be consistent with the European Union Race Directive.

The Framework Decision should institutionalize the European Union's efforts to combat trafficking in persons.

- **The Framework Decision should include implementation mechanisms for enforcement and monitoring of anti-trafficking efforts. Human Rights Watch recommends the appointment of a Trafficking Coordinator or E.U. Special Envoy on Trafficking to oversee implementation of the Framework Decision.**
- **The Framework Decision should require annual public reporting on progress in combating trafficking. Member states should submit information on implementation of the Framework Decision to the E.U. Special Envoy, who will report to the European Parliament and the Council of Ministers.**
- **As a logical extension of the European Union Human Rights Charter, the Framework Decision should mandate a Human Rights Forum to discuss internal human rights issues, with a particular focus on trafficking. Such a forum would provide an opportunity for non-governmental organizations to have input into anti-trafficking efforts.**
- **All member states should ratify and encourage non-member states to ratify and implement the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery; the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime; the International Covenant on Economic, Social, and Cultural Rights; ILO Convention 143 (the Convention concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment); the International Covenant on Civil and Political Rights; the Convention on the Elimination of All Forms of Discrimination Against Women; the Convention on the Rights of the Child; and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.**

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