

Training lawyers, prosecutors, judges to ensure better rights protection for migrants and refugees victims of human trafficking — TRAIN-PRO-RIGHTS

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Overview of the challenges in the field regarding the identification and protection of victims of trafficking in human beings among asylum-seekers and refugees

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**Do victims of trafficking who apply
for asylum in Greece have
unrestricted access to all needed
services?**

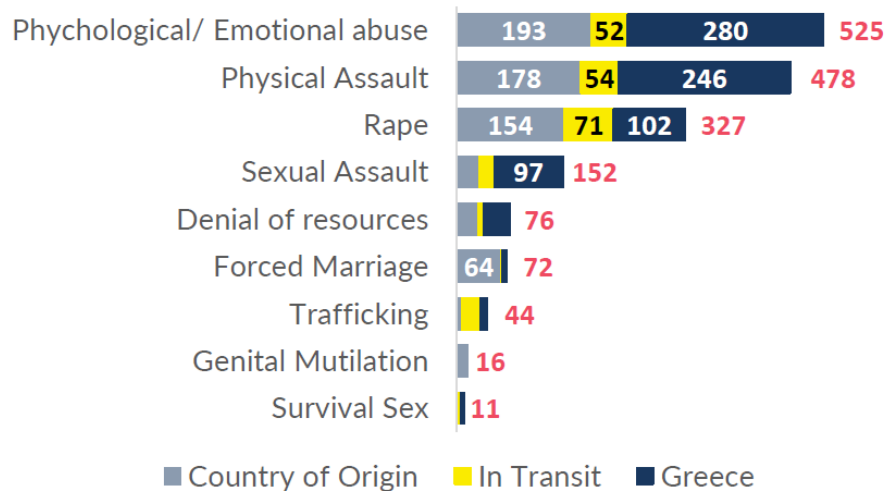
UNHCR's work and intervention

- Mandate to provide protection to persons of concern
- Support through UNHCR staff (Field Offices that cover all locations)
- Support through implementing partners, specialised on prevention and response to GBV and trafficking (Athens, Thessaloniki, Lesbos, Samos, Kos, Leros)
- Strengthening intersectoral coordination for prevention and response
- Capacity building to:
 - State actors
 - Partners
 - Volunteers
 - Persons of concern

SGBV Survivor Snapshot

773 Number of SGBV Survivors

SGBV Reported Cases by Type and Place of Incident



Place of Incident	# of Incidents
Country of Origin	339
In Transit	126
Greece	449

How should victims of trafficking be protected in Greece and by whom?

Vulnerable persons – Law 4636/2019 & 4686/2020

- Children (unaccompanied or not, separated)
- Relatives of people who died in shipwrecks (parents, siblings, children and spouses)
- Persons with disabilities
- Elderly people
- Pregnant women
- Single parent families with minor children
- Persons with serious illnesses
- Persons with mental disorders or disabilities
- Persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence, like the victims of female genital mutilation
- **Victims of human trafficking**

Obligations & Rights

- Victims of trafficking = **Vulnerable group**
- Reception and Identification service (RIS) – competent state authority for registration and identification
- RIS – has the responsibility to refer them to the competent social support and protection institutions
- Persons belonging to vulnerable groups could be transferred in Reception and identification Centres, in special separate areas, until completion of the reception and identification procedures (RIC regulation JMD 1/7433/15.04/2019, article 18, par. 3)
- They may be referred to the mainland following a decision of the RIC Director

Law 4251/2014 (articles 49-56)

- Defines the procedure to recognise a person as a victim of trafficking and the protection they are entitled to
- Recognition from the Public Prosecutor
- Granting and renewal of a resident permit
- Health care and other rights (P.D. 233/2003)

Rights of victims of trafficking

- **Recognition of victim of trafficking** by the Public Prosecutor, regardless of cooperation with the prosecutorial authorities (L. 4251/2014, art. 49 par. 1 case.ia)
- **Three-month period of consideration** from recognition (in order to decide regarding their cooperation with the prosecutorial authorities, art. 49, L. 4251/2014)
- **Resident permit and right of access to employment** (art. 52-56, L. 4251/2014, art. 19A 4332/2015)
- **Healthcare, Support, Provision of Interpretation** (art. 51, L.4251/2014)
- **Non persecution** (for crimes that took place as a direct consequence of the fact that they were victims of trafficking 187B par. 3, art. 59 art.4 CPD)
- **Non-deportation** (187B par.4 PC, 49 par. 3, L. 4251/2014)
- **Witness protection** (L. 3875/2010)
- Right to **Compensation** (L. 3811/2009)

Procedure for asylum seekers arriving to islands

- Arrival to a Greek island
- General information provision
- Transfer to a RIC or a PRDC
- Registration at the RIC or PRDC, medical screening & expression of will to apply for asylum
- Application for asylum & Vulnerability assessment
- Vulnerability assessment by EODY or AEMY (not for everyone)
- Stay in the RIC or PRDC until recognition or rejection
 - For very few serious cases, transfer to the mainland

Challenges for providing protection to victims of THB - Islands

- The RIC is not a protective environment
- Geographical restriction
- Issues with the assessment of a non-visible vulnerability
 - Lack of capacity of actors
 - No transfer to the mainland
 - No transfer to a separate area
- Possible effect on the asylum claim
- Challenges with access to safe shelter
- Limited integration options after recognition
- **Sometimes the persons do not know they are still being trafficked**

Challenges for providing protection to victims of THB - Mainland

- The sites are not a protective environment
- Issues with the assessment of a non-visible vulnerability
 - Lack of capacity of actors
 - High number of persons in the sites
- Many self-accommodated people
- Possible effect on the asylum claim
- Challenges with access to safe shelter
- Limited integration options after recognition
- **Sometimes the persons do not know they are still being trafficked**

Accessing safe accommodation

- Safe shelters of the network of GSFPGE and EKKA
 - Only on some islands (Lesvos, Chios and Rhodes) and few in Athens & Thessaloniki
 - Very long entry procedure (including exams etc.)
 - Eligibility criteria
 - Short-term stay with limited options for empowerment and integration
- ESTIA Accommodation
 - Safety issues
 - Not accepting recognised persons
 - Not providing specialised PSS services for victims of THB
 - Not providing targeted integration services
- HELIOS
 - Safety issues
 - Not providing PSS services
 - Not providing empowerment

Case study

Questions?

Thank you!