

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

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Case study 7

42 worker's Story

The story refers to 42 Bangladeshi nationals with undocumented status who worked in a strawberry farm near a Greek village. The employers of the farm promised the workers' wages of 22 euros for seven hours labour and 3 euros for each overtime hour, minus 3 euros for food. They worked in plastic greenhouses picking strawberries every day from 7 a.m. till 7 p.m. under the supervision of armed guards. They lived in makeshift tents of cardboard boxes and nylon without running water and toilets. They were warned by their employers that they would only receive their salaries if they kept on working for them.

After striking several times in order to receive their wages a further group of Bangladeshi nationals were recruited to work in the fields. Fearing that the wages of those recruited for the 2012-2013 season would not be paid, 100-150 of the workers demanded their salaries from their employers. They were subsequently shot at by an armed guard, who seriously injured several of the workers.

After the hospitalisation of many of the workers and a subsequent investigation by the Amaliada prosecutor, the Patras Criminal Court acquitted the four defendants of trafficking in human beings (Article 323A Greek Penal Code) on the ground that the objective element of the crime had not been established in the case. They convicted one of the guards and one of the employers for grievous bodily harm and unlawful use of firearms, later commuted to a financial sum.

The Court noted that the workers were **fully aware of the conditions of living and the amount of salary and had freely accepted them**. Moreover, **during their free time they could move freely in the region and there had been no proof that the workers free consent had been taken away from them, that they had been trapped and their vulnerability exploited**. The court noted that the workers had the possibility to negotiate their salaries and that their illegal stay in Greece had not been used as a mechanism by which to force the workers to continue working for their employers; that their irregular status constituted no position of vulnerability.

- The court noted: **«A situation of vulnerability** is a situation of absolute inability to protect yourself. »
 - «If they had truly received life threats, they would have abandoned their workplace”
 - «The fear for your life goes beyond any other thought, like demanding wages.
- Do you spot any elements of human trafficking?
- What do you think about the court's findings?



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