

Common template for EMN study on Third-Country National Victims of Trafficking in Human Beings: Detection, Identification and Protection

Final version (update), 9 July 2021

Action: EMN NCPs are invited to submit their completed common templates by [25 October 2021](#).

If needed, further clarifications can be provided by directly contacting the EMN Service Provider (ICF) at emn@icf.com.

1 BACKGROUND AND RATIONALE FOR THE STUDY

Trafficking in human beings is a crime against people that can take various forms such as sexual exploitation (including forced prostitution), forced labour or services, slavery and servitude related practices, as well as the removal of vital organs, all of which constitute a grave violation of victim's fundamental rights. Trafficking in human beings is prohibited in various international instruments such as in the Charter on Fundamental Rights of the European Union (EU),¹ the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Children and Women, supplementing the UN Convention against Transnational Organized Crime (Annex II),² the Council of Europe (CoE) Conventions on Action against Trafficking in Human Beings³ (which is monitored by GRETA, the CoE Group of Experts on Action against Trafficking in Human Beings) and on Preventing and Combating Violence Against Women and Domestic Violence (Istanbul Convention),⁴ the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW),⁵ Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, the International Covenant on Civil and Political Rights

¹ Charter of Fundamental Rights of the European Union, 2012, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A12012P%2FTXT>, last accessed on 10 May 2021.

² UNODC, Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Palermo Protocol), 2000, https://www.unodc.org/res/human-trafficking/2021the-protocol-tip_html/TIP.pdf, last accessed on 9 May 2021.

³ CoE, Convention on Action against Trafficking in Human Beings, 2005, <https://www.coe.int/en/web/conventions/full-list/-/conventions/rms/090000168008371d>, last accessed on 9 May 2021.

⁴ CoE, Convention on Preventing and Combating Violence Against Women and Domestic Violence, 2011, <https://www.coe.int/en/web/conventions/full-list/-/conventions/rms/090000168008482e>, (Istanbul Convention), last accessed on 9 May 2021.

⁵ UN, Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 1979, <https://www.un.org/womenwatch/daw/cedaw/>, last accessed on 10 May 2021.

(ICCPR),⁶ the Global Compacts for Migration⁷ and Refugees⁸ and the 2030 Agenda for Sustainable Development.⁹

According to the latest available data, between 2017 and 2018, there were more than 14 000 registered victims within the EU.¹⁰ Trends in the EU seem to mirror those at global level: for every 10 victims detected, five are adult women and two are girls, one in every three is a child.^{11 12 13} Trafficking in human beings is not only recognised as a highly profitable crime,¹⁴ it is also recognized as a crime with links to social development and security, migration, conflict- and climate-induced displacement. The impact and cost of human trafficking on individuals as well as on political, economic and social systems is compelling. Trafficking victims may suffer from an array of physical and devastating psychological health issues stemming from brutal physical and emotional attacks at the hands of their traffickers, dangerous workplace conditions, occupational hazards, inhumane living conditions, poor sanitation, inadequate nutrition, poor personal hygiene, and general lack of quality health care. Human trafficking has the power to affect the victims' life forever:¹⁵ therefore, the application of a human right-based and victim-centred approach is needed.

Persistent demand for sexual services and for low-wage workers employed in manual jobs continue to ensure opportunities for traffickers to operate: in spite of the recent significant increase in the number of people convicted, many perpetrators remain undetected and unpunished.¹⁶ Given its clandestine nature, and the many factors which may deter a victim from reporting the crime, trafficking in human beings is believed to be significantly underreported.¹⁷ Detection and identification of (potential) victims of trafficking in human beings is therefore likely to remain at the same time critical and problematic, as flagged by a recent report of the European Parliament.¹⁸

⁶ UN, International Covenant on Civil and Political Rights, 1966, <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>, last accessed on 10 May 2021.

⁷ UN, Global Compact for Safe, Orderly and Regular Migration, 2018, https://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/73/195, last accessed on 9 May 2021.

⁸ UN, Global Compact for Refugees, 2018, https://www.unhcr.org/qcr/GCR_English.pdf, last accessed on 9 May 2021.

⁹ UN, 2030 Agenda for Sustainable Development, 2015, https://www.un.org/ga/search/view_doc.asp?symbol=A/RES/70/1&Lang=E, last accessed on 10 June 2012. Trafficking in human beings is addressed under Goal 5 (Gender Equality), Goal 8 (Decent Work and Economic Growth) and Goal 16 (Peace Justice and Strong Institutions).

¹⁰ European Commission, Data collection on trafficking in human beings in the EU, 2020, https://ec.europa.eu/anti-trafficking/sites/default/files/study_on_data_collection_on_trafficking_in_human_beings_in_the_eu.pdf, last accessed on 8 May 2021.

¹¹ European Commission, Data collection on trafficking in human beings in the EU, 2020, https://ec.europa.eu/anti-trafficking/sites/default/files/study_on_data_collection_on_trafficking_in_human_beings_in_the_eu.pdf, last accessed on 8 May 2021.

¹² UNODC, Global Report on Trafficking in Persons, 2020, https://www.unodc.org/documents/data-and-analysis/tip/2021/GLOTIP_2020_15jan_web.pdf, last accessed on 8 May 2021.

¹³ The Counter Trafficking Data Collaborative, Global Data Hub on Human Trafficking, www.ctdatacollaborative.org, last accessed on 10 June 2012.

¹⁴ ILO, Profits and Poverty: The Economics of Forced Labour, 2014, https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_243391.pdf, last accessed on 9 May 2021.

¹⁵ IOM, UN.GIFT and London School of Hygiene and Tropical Medicine, Caring for Trafficked Persons: A Guide for Health Providers, https://publications.iom.int/system/files/pdf/ct_handbook.pdf, 2009, last accessed on 14 June 2021.

¹⁶ UNODC, Global Report on Trafficking in Persons, 2020, https://www.unodc.org/documents/data-and-analysis/tip/2021/GLOTIP_2020_15jan_web.pdf, last accessed on 8 May 2021.

¹⁷ EUROPOL, European Union serious and organised crime threat assessment (SOCTA), 2021, <https://www.europol.europa.eu/activities-services/main-reports/european-union-serious-and-organised-crime-threat-assessment>, last accessed on 10 May 2021.

¹⁸ European Parliament, Report on the implementation of Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims, (2020/2029(INI)), 2020, https://www.europarl.europa.eu/doceo/document/A-9-2021-0011_EN.pdf, last accessed on 15 May 2021.

Third-country nationals account for more than half of the registered victims in EU Member States.¹⁹ Vulnerable migrants have been reported to be at persistent risk of becoming victims of trafficking along migration routes: in particular unaccompanied minors and those in the asylum procedures, might be at a higher risk of becoming victims of trafficking in human beings and other gender-based violence, such as rape or domestic violence.²⁰ Reception centres for asylum applicants can be targeted by human traffickers for recruitment.²¹ Early identification of victims is crucial to promptly assist, support and protect victims of trafficking in human beings and enables police and prosecution authorities to better investigate and punish traffickers.²² However, their detection and identification in mixed migration flows remains a challenge²³ in a number of Member States,²⁴ some of which also relate to tensions with the current legal framework (especially within asylum procedures)²⁵ as well as to disruption in victim assistance and support services.²⁶ For instance, difficulties have occurred in some Member States, e.g. labour exploitation cases not recognised as trafficking in human beings and treated by the police under civil law (Latvia), difficult in detection and identification of victims due to more restricted movements during the Covid-19 pandemic crisis (Luxembourg), ‘cross-border’ victims or third-country nationals ‘forced’ to commit criminal acts themselves (the Netherlands) or collaboration with governmental agencies (Sweden).

The full extent of the impact of the COVID-19 pandemic on trafficking in human beings is not yet known. However, a rise in poverty as a result of restrictions, an increase in vulnerabilities linked to migration statuses and ongoing travel restrictions may have, among other factors, resulted in higher levels of trafficking and placed third-country national migrants at greater risk of exploitation.²⁷ The risks of exploitation of minors in particular are thought to have increased.²⁸ The pandemic has also made the

¹⁹ European Commission, Data collection on trafficking in human beings in the EU, 2020, https://ec.europa.eu/anti-trafficking/sites/default/files/study_on_data_collection_on_trafficking_in_human_beings_in_the_eu.pdf, last accessed on 8 May 2021.

²⁰ European Commission, Third report on the progress made in the fight against trafficking in human beings, 2020, https://ec.europa.eu/anti-trafficking/sites/default/files/third_progress_report.pdf, last accessed on 15 May 2021.

²¹ EUROPOL, European Union serious and organised crime threat assessment (SOCTA), 2021, <https://www.europol.europa.eu/activities-services/main-reports/european-union-serious-and-organised-crime-threat-assessment>, last accessed on 10 May 2021.

²² European Commission, Communication on the EU Strategy on Combatting Trafficking in Human Beings 2021-2025, 2021 (New EU Strategy) https://ec.europa.eu/home-affairs/sites/default/files/pdf/14042021_eu_strategy_on_combatting_trafficking_in_human_beings_2021-2025_com-2021-171-1_en.pdf, last accessed on 18 May 2021.

²³ European Commission, Third report on the progress made in the fight against trafficking in human beings, 2020, https://ec.europa.eu/anti-trafficking/sites/default/files/third_progress_report.pdf, last accessed on 15 May 2021.

²⁴ European Commission, Study on reviewing the functioning of Member States’ National and Transnational Referral Mechanisms, 2020, https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/study_on_reviewing_the_functioning_of_member_states_national_and_transnational_referral_mechanisms.pdf, last accessed on 15 May 2021.

²⁵ Johanna Schlintl, Liliana Sorrentino, Residence Permits, International Protection and Victims of Human Trafficking: Durable Solutions Grounded in International Law, 2021, https://documentation.lastradainternational.org/lisdocs/3387-REST%20Report%20Residence%20Permits%20-%20International%20Protection%20and%20Victims%20of%20Human%20Trafficking%20-%20FEB%202021.pdf?fbclid=IwAR2YqjwIVDXeb0CtOMDdJQd9lOGBDw_pMZ0d7hS_NQF3-E3deluM0bDued4, last accessed on 10 May 2021.

²⁶ International Organization for Migration (IOM), Understanding the migration & mobility implications of COVID-19, https://www.iom.int/sites/default/files/documents/covid-19_analytical_snapshot_59_human_trafficking_update.pdf, last accessed on 12 June 2021.

²⁷ Giammarinaro, Maria Grazia, COVID-19 Position paper: The impact and consequences of the COVID-19 pandemic on trafficked and exploited persons’, UN Human Rights Special Procedures, 2021, <https://www.ohchr.org/Documents/Issues/Trafficking/COVID-19-Impact-trafficking.pdf>, last accessed on 6 May 2021.

²⁸ EUROPOL, European Union serious and organised crime threat assessment (SOCTA), 2021, <https://www.europol.europa.eu/activities-services/main-reports/european-union-serious-and-organised-crime-threat-assessment>, last accessed on 10 May 2021.

identification of victims of trafficking more challenging for authorities and has resulted in delays in identification procedures.²⁹

In 2012, the EU called upon Member States to set up “systematic approach(es) to victim identification, protection and assistance” including promoting “regular training for officials likely to come into contact with victims or potential victims of trafficking in human beings [...] aimed at enabling them to identify and deal with victims and potential victims of trafficking in human beings”.³⁰ One of the key priorities of the EU Strategy on Combatting Trafficking in Human Beings 2021-2025 is protecting, supporting and empowering victims, which also includes the early identification of victims: in this regard, working together with relevant EU agencies, as well as embedding cooperation and partnerships against trafficking with non-EU countries of origin and transit and organisations at regional and international levels in the EU’s external relations policy is fundamental.³¹

2 EU LEGAL AND POLICY CONTEXT

This section outlines EU legislation relevant to the identification and protection of victims of trafficking. It begins by describing the anti-trafficking legislation and its main recent developments, followed by relevant elements of the Common European Asylum System (CEAS). Whilst the Anti-trafficking Directive 2011/36/EU introduces the concepts of detection and identification of victims in all situations, existing instruments for international protection and forced return procedures do not explicitly provide for a tailored mechanism.^{32 33} The recast asylum acquis goes some way in improving this situation as described below, although there may be room to further enhance provisions for victims of trafficking in human beings who are in Dublin or forced return procedures.

2.1 EU Anti-trafficking legislation

The EU recognises trafficking in human beings as a violation of human rights: Article 5(3) of the EU Charter on Fundamental Rights prohibits trafficking in human beings outright. The EU’s competence to act in relation to trafficking in human beings is set out in the EU Treaties, and in several legal documents. The Treaty on the Functioning of the EU (TFEU) recognises the EU’s power to act on trafficking in relation to its nature as (i) a phenomenon with links to migration,³⁴ and (ii) a cross-border crime.³⁵

Several Directives within the migration acquis either focus on, or have implications for, third-country national victims of trafficking in human beings, but the Anti-trafficking Directive 2011/36/EU is the first act at the EU level to address trafficking in human beings in a comprehensive and integrated way. The instrument adopts a victim-centred ‘human rights approach’, providing for a common definition of the criminal offence of trafficking, and obliging Member States to “establish appropriate mechanisms aimed at the early identification of and assistance to victims, in cooperation with relevant support organisations”.³⁶ In 2020 the European Commission published its third two-yearly report on the progress

²⁹ CoE, 10th General Report GRETA Activities, 2021, <https://rm.coe.int/10th-general-report-greta-activities-en/1680a21620>, last accessed on 9 May 2021.

³⁰ European Commission, EU Strategy towards the eradication of trafficking in human beings 2012-2016, 2012 (EU Strategy), https://ec.europa.eu/anti-trafficking/sites/default/files/the_eu_strategy_towards_the_eradication_of_trafficking_in_human_beings_2012-2016_1.pdf, last accessed on 6 May 2021.

³¹ New EU Strategy.

³² Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA (Anti-trafficking Directive), <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX%3A32011L0036>, last accessed on 10 May 2021.

³³ Forced return is outside the scope of this study.

³⁴ Treaty on the Functioning of the European Union (TFEU), Article 79, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A12012E%2FTXT>, last accessed on 15 May.

³⁵ TFEU, Article 83.

³⁶ It is noted that Denmark, Georgia, the Republic of Moldova and Norway are not bound by this Directive.

made in the fight against trafficking in human beings as required under Article 20 of the Anti-trafficking Directive 2011/36/EU.³⁷

Prior to the entry into force of the Anti-trafficking Directive 2011/36/EU, the Residence Permit Directive 2004/81/EC was the only piece of EU legislation providing for assistance to third-country national victims of trafficking.³⁸ It sets out a framework for Member States to grant a temporary reflection period of unconditional stay and assistance and conditions for granting a residence permit to third-country national victims of trafficking in human beings, when these persons cooperate with the authorities competent to start pre-trial investigations and convict the perpetrator. Some Member States³⁹ make provision for certain forms of residence permit, based on the vulnerable position of the victim. This possibility is sometimes limited to particular categories of persons (e.g. minors).⁴⁰

According to the Anti-trafficking Directive 2011/36/EU, "a person should be provided with assistance as soon as there is a reasonable-grounds indication for believing that he or she might have been trafficked and irrespective of his or her willingness to act as a witness".⁴¹ The Anti-trafficking Directive 2011/36/EU goes on to state that in cases where the victim does not already reside lawfully in the Member State the assistance should be provided unconditionally for at least the duration of the reflection period. However, it can be withdrawn if on completion of the identification process or expiry of the reflection period, the victim is not considered eligible to remain in the Member State.⁴² The Anti-trafficking Directive 2011/36/EU, however, recognises that in addition to residence based on cooperation, victims of trafficking may also be eligible for international protection.⁴³

It is also of note that potential victims of trafficking who have been issued a reflection period cannot be subject to any expulsion order against them for the duration of this period,⁴⁴ and that victims of trafficking who have been granted a residence permit will not be subject to an entry ban, provided that there is no threat to public policy, public security or national security within the scope of the Return Directive 2008/115/EC.⁴⁵

Finally, in its *Rantsev v. Cyprus and Russia* ruling,⁴⁶ the European Court of Human Rights (ECtHR) recalled the positive obligations that fall to States when it comes to inquiring into possible trafficking situations and to taking the necessary measures to protect victims. Going further than a simple obligation for states to enact laws aimed at ensuring the prohibition of slavery, servitude and forced labour as provided for in Article 4 of the European Convention on Human Rights (ECHR), the Court, set forth the obligation for states to take appropriate measures to 'remove an individual from a situation or risk, where it is

³⁷ European Commission, Third report on the progress made in the fight against trafficking in human beings, 2020, https://ec.europa.eu/anti-trafficking/sites/default/files/third_progress_report.pdf, last accessed on 15 May 2021.

³⁸ Directive 2004/81/EC on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities, (Residence Permit Directive), <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A32004L0081>, last accessed on 15 May.

³⁹ AT, BE, ES, HU, IT, LU, NL, PL, SK.

⁴⁰ Denmark, Ireland and Norway do not participate in and therefore are not bound by the 2004 Directive, while having similar national provisions in place for granting reflection periods and granting of a temporary residence permit based on a victim's cooperation with the authorities. European Commission, Report on the application of Directive 2004/81/EC, 2010, <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52010DC0493&from=EN>, last accessed on 9 May 2021.

⁴¹ Anti-trafficking Directive, recital 18 and Article 11(3).

⁴² Anti-trafficking Directive, recital 18.

⁴³ Anti-trafficking Directive, Article 11(6).

⁴⁴ Article 6(2) of the Residence Permit Directive provides for a possibility to Member States authorities to terminate the reflection period in cases where the person concerned has actively, voluntarily and on his or her own initiative renewed contact with the perpetrators of trafficking or for reasons relating to public policy and to the protection of national security.

⁴⁵ Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals, (Return Directive), <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=celex%3A32008L0115>, last accessed on 9 May 2021.

⁴⁶ ECtHR, *Rantsev v. Cyprus and Russia*, Application No.25965/04, 10 May 2010: <https://rm.coe.int/16806ebd5e>, last accessed on 15 May 2021.

presumed that state authorities were aware that this individual was at real and immediate risk of being trafficked or exploited'. Very recently, the Court reiterated that these positive obligations are incumbent upon states and stressed the need for the latter to 'protect victims and investigate as soon as there are reasonable grounds to believe that there is credible suspicion of trafficking'.⁴⁷

2.2 Main EU policy developments addressing trafficking in human beings

While the main responsibility for tackling trafficking in human beings and protecting victims lies with Member States, in 2012 the European Commission launched the first EU Strategy towards the Eradication of Trafficking in Human Beings 2012-2016 (EU Strategy).⁴⁸ It calls on Member States to adopt a systematic approach to victim identification, protection and assistance, including through the establishment of formal, functional national referral mechanisms (NRMs). In its mid-term report on the implementation of the EU Strategy,⁴⁹ for the first time, the European Commission collected statistical data on the trafficking of human beings at a European level. In 2020, a fifth edition was published together with the third report on the progress made in the fight against trafficking in human beings mentioned above.

On 14 April 2021, the European Commission adopted the new EU Strategy on Combatting Trafficking in Human Beings 2021-2025,⁵⁰ calling for a comprehensive response to combatting a complex criminal phenomenon as follows:

- Reducing demand that fosters trafficking, including by assessing the possibility of establishing minimum EU rules criminalising the use of exploited services from victims of trafficking and proposing legislation on corporate governance to clarify the responsibilities of companies.
- Breaking the business model of traffickers, online and offline including by conducting a dialogue with internet and technology companies and encouraging systematic training of law enforcement and judicial practitioners on detecting and addressing trafficking in human beings.
- Protecting, supporting and empowering the victims with a specific focus on women and children including by seeking to improve the early identification of victims and their referral to further assistance and protection. Strengthen victim empowerment programmes and facilitate re-integration. The European Commission will also fund gender-specific and child-sensitive training to help police, social workers, border guards or healthcare staff to detect victims.
- Promoting international cooperation with international partners including by means of foreign policy instruments and operational cooperation to help combat trafficking in countries of origin and transit including through dedicated human rights and security dialogues.

Tackling trafficking in human beings and the early identification of potential non-EU victims (who account for more than half of the total number) is also a priority under several of the latest Communications adopted by the European Commission. These include the new EU Security Union Strategy⁵¹ launched in July 2020, and the New Pact on Migration and Asylum⁵² of September 2020. It also plays a prominent

⁴⁷ ECtHR, *V.C.L and A.N. v. The United Kingdom*, Applications Nos. 77587/12 and 74603/12), 16 February 2021: <http://hudoc.echr.coe.int/fre?i=001-207927>, last accessed on 15 May 2021.

⁴⁸ EU Strategy.

⁴⁹ European Commission, Communication on the application of Directive 2004/81/EC, 2014, <https://ec.europa.eu/transparency/reqdoc/rep/1/2014/EN/1-2014-635-EN-F1-1.Pdf>, last accessed on 9 May 2021.

⁵⁰ New EU Strategy.

⁵¹ European Commission, Communication on the EU Security Union Strategy, 2020, <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52020DC0605&from=EN>, last accessed on 9 May 2021.

⁵² European Commission, Communication on a New Pact on Migration and Asylum, 2020, https://ec.europa.eu/info/sites/default/files/1_en_act_part1_v7_1.pdf, last accessed on 9 May 2021.

role in the Europol Serious and Organised Crime Threat Assessment and the EU Strategy to tackle Organised Crime 2021-2025, presented respectively on 13 and 14 April 2021.⁵³

The European Commission recently published three studies – one on the gender dimension of trafficking,⁵⁴ one on its economic, social and human costs⁵⁵ and one on reviewing the functioning of Member State's National and Transnational Referral Mechanisms⁵⁶ – focused on (different aspects of) the topic, with the latter one in particular treating victim detection and identification in the context of migration and asylum. Finally, the outcomes of this study will complement the Commission's evaluation of the Anti-trafficking Directive 2011/36/EU, which is a key action of the New EU Strategy.

2.3 EU asylum acquis

The EU asylum acquis comprises two Regulations and four Directives, which legislate on different aspects of the procedure for granting international protection, including which country is responsible for examining each application (Dublin III Regulation),⁵⁷ and how to compare fingerprints for law enforcement purposes (Eurodac Regulation),⁵⁸ the type of persons who qualify for international protection and the rights related to the international protection status (Qualification Directive 2011/95/EU),⁵⁹ the common standards that Member States should have in place for granting and withdrawing international protection (Asylum Procedures Directive 2013/32/EU),⁶⁰ and the common standards for the reception of applicants that should be granted to guarantee them a dignified standard of living (Reception Conditions Directive 2013/33/EU).⁶¹ In the EU asylum acquis, victims of human trafficking are considered a vulnerable category of applicants under the Reception Conditions Directive 2013/33/EU which lays down specific

⁵³ European Commission, Communication on the EU Strategy to tackle Organised Crime 2021-2025, 2021, https://ec.europa.eu/home-affairs/sites/default/files/pdf/14042021_eu_strategy_to_tackle_organised_crime_2021-2025_com-2021-170-1_en.pdf, last accessed on 9 May 2021.

⁵⁴ European Commission, Study on the gender dimension of trafficking in human beings, 2016, https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/study_on_the_gender_dimension_of_trafficking_in_human_beings_final_report.pdf, last accessed on 9 May 2021.

⁵⁵ European Commission, Study on the economic, social and human costs of trafficking in human beings within the EU, 2020, https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/study_on_the_economic_social_and_human_costs_of_trafficking_in_human_beings_within_the_eu.pdf, last accessed on 15 May 2021.

⁵⁶ European Commission, Study on reviewing the functioning of Member States' National and Transnational Referral Mechanisms, 2020, https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/study_on_reviewing_the_functioning_of_member_states_national_and_transnational_referral_mechanisms.pdf, last accessed on 15 May 2021.

⁵⁷ Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast), (Dublin III Regulation), <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=celex:32013R0604>, last accessed on 15 May 2021.

⁵⁸ Regulation (EU) No 603/2013 of the European Parliament and of the Council of 26 June 2013 on the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of Regulation (EU) No 604/2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person and on requests for the comparison with Eurodac data by Member States' law enforcement authorities and Europol for law enforcement purposes, and amending Regulation (EU) No 1077/2011 establishing a European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice, (Eurodac Regulation), <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32013R0603>, last accessed on 15 May 2021.

⁵⁹ Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (recast), (Qualification Directive), <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32011L0095>, last accessed on 15 May.

⁶⁰ Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (Asylum Procedures Directive), <https://eur-lex.europa.eu/legal-content/en/ALL/?uri=celex%3A32013L0032>, last accessed on 18 May 2021.

⁶¹ Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (recast), (Reception Conditions Directive), last accessed on 18 May 2021.

provisions for vulnerable applicants and their special reception needs, including the assessment of such needs.⁶² The applications of vulnerable persons can be prioritised under the Asylum Procedures Directive 2013/32/EU.⁶³ Finally, the new EU Pact on Migration and Asylum⁶⁴ proposes to put in place a pre-entry screening that should be applicable to all third-country nationals who are present at the external border without fulfilling the entry conditions or after disembarkation, following a search and rescue operation.⁶⁵

In this study, the Dublin III Regulation is of relevance as it establishes the criteria and mechanisms for determining the Member State responsible for the examination of an asylum claim in the EU. Where a Member State other than the one in which the applicant has lodged an application is found to be responsible for examining the application, the applicant will usually be transferred to that Member State. Where the applicant has lodged multiple applications in different Member States, the person will usually be transferred back to the Member State previously determined as responsible. In cases where a victim has been exploited in the Member State responsible, it could be traumatic to be returned to that Member State, even though in accordance with the Dublin Regulation, the transfer can take place. However, questions have arisen in relation to the reflection period that should be granted under art 6(2) of the Residence Permit Directive 2004/81/EC.⁶⁶ According to this provision, any expulsion order against a victim of trafficking shall not be enforced during this reflection period, which is an occasion for them to recover and decide whether they want to cooperate with the competent authorities, by, for example, reporting their trafficking situation. The Court of The Hague has referred several questions for a preliminary ruling, including whether a transfer decision pursuant to the Dublin Regulation during the reflection period qualifies as an expulsion order and thus whether such transfer is precluded by the Residence Permit Directive 2004/81/EC.⁶⁷

Where the applicant is an unaccompanied minor without family members on the territory of other Member States, the State where the unaccompanied minor has lodged an application for international protection shall be responsible.⁶⁸ Moreover, so-called 'Dublin' transfers do not always take place for instance where a Member State decides to take responsibility for an application for international protection lodged by a third-country national or a stateless person itself, for example:

■ on the basis of a national decision (the so-called 'sovereignty clause');⁶⁹

⁶² Reception Conditions Directive, articles 21 and 22.

⁶³ Asylum Procedures Directive, Article 31(7)(b).

⁶⁴ European Commission, Communication on a New Pact on Migration and Asylum, 2020, https://ec.europa.eu/info/sites/default/files/1_en_act_part1_v7_1.pdf, last accessed on 9 May 2021.

⁶⁵ European Commission, Proposal for a Regulation introducing a screening of third country nationals at the external borders and amending Regulations (EC) No 767/2008, (EU) 2017/2226, (EU) 2018/1240 and (EU) 2019/817, 2020, https://ec.europa.eu/info/sites/default/files/communication-screening-third-country-nationals_en.pdf, last accessed on 18 May 2021.

⁶⁶ Johanna Schlintl, Liliana Sorrentino, Residence Permits, International Protection and Victims of Human Trafficking: Durable Solutions Grounded in International Law, 2021, https://documentation.lastradainternational.org/Isidocs/3387-REST%20Report%20Residence%20Permits%20-%20International%20Protection%20and%20Victims%20of%20Human%20Trafficking%20-%20FEB%202021.pdf?fbclid=IwAR2YqjwVdXeb0CtOMDdJQd9lOGBDw_pMZ0d7hS_NQF3-E3deluMObDued4, last accessed on 10 May 2021. Also, Case C-66/21 CJEU in which the Netherlands asked preliminary questions on the relation between art. 6(2) Dir. 2004/81 and Dublin transfers.

⁶⁷ Court of the Hague, 29 January 2021 ECLI:NL:RBDHA:2021:727 also

Johanna Schlintl, Liliana Sorrentino, Residence Permits, International Protection and Victims of Human Trafficking: Durable Solutions Grounded in International Law, 2021, https://documentation.lastradainternational.org/Isidocs/3387-REST%20Report%20Residence%20Permits%20-%20International%20Protection%20and%20Victims%20of%20Human%20Trafficking%20-%20FEB%202021.pdf?fbclid=IwAR2YqjwVdXeb0CtOMDdJQd9lOGBDw_pMZ0d7hS_NQF3-E3deluMObDued4, last accessed on 13 June 2021.

⁶⁸ Dublin III Regulation, Article 8(4).

⁶⁹ Dublin III Regulation, Article 17(1).

- on humanitarian grounds based in particular on family or cultural considerations (the so-called ‘humanitarian clause’).⁷⁰

Concerns arise when it comes to asylum applicants who may become victims of trafficking during so-called ‘secondary movements’ or may be returned under the Dublin III Regulation to the country where exploitation has occurred. In 2011, in *N.S. and M.E.* (Joined cases C-411/10 and C-493/10),⁷¹ the Court of Justice of the EU (CJEU), held that, in line with Article 4 of the EU Charter of Fundamental Rights, Member States may not transfer an asylum applicant to the responsible Member State where they cannot be unaware that systemic deficiencies in the asylum procedure and in the reception conditions in that Member State amount to substantial grounds for believing that the asylum applicant would face a real risk of being subjected to inhuman or degrading treatment. The determining Member State shall continue to examine the criteria set out in the hierarchy of criteria in order to establish whether another Member State can be designated as responsible. This principle applies to all applicants whether or not they claim to be victims of trafficking.⁷² Nonetheless, decisions not to transfer remain dependent on effective detection methods, identification processes and a procedure in place for the transfer to be delayed or a final decision made whether or not to proceed with it.

Detection and identification of potential victims is key, and national courts have stressed the importance of these steps on several occasions, pointing to the tension that may arise from the time-efficiency spirit of the Dublin Regulation on the one hand, and the protection duties imposed on Member States on the other.⁷³

When the Dublin III Regulation was adopted in 2013 it also improved possibilities for detection, since it introduced a provision to conduct a personal interview ‘in order to facilitate the process of determining the Member State responsible’.⁷⁴ The Dublin III Regulation introduced provisions on the consideration of safety and security of unaccompanied minors in particular where there is a risk of the child being a victim of trafficking,⁷⁵ but does not explicitly introduce provisions relevant to adults who are (potential) victims of trafficking in human beings within Dublin procedures: the Reception Conditions Directive 2013/33/EU states that Member States shall take into account the specific situation of vulnerable persons such as (among others) victims of human trafficking.⁷⁶

2.4 The victims’ rights directive

Adopted in 2012, the Victims’ Rights Directive 2012/29/EU establishes minimum standards on the rights, support and protection of victims of crime and ensures that persons who have fallen victim to crime are recognised and treated with respect.⁷⁷ Trafficking in human beings is recognised as one of the crimes covered by the Victims’ Right Directive 2012/29/EU.⁷⁸ Victims of crime must receive proper protection, support and access to justice: in particular, the need for special support and protection for women (and their children) who are victims of gender-based violence, especially with a view to avoiding secondary and

⁷⁰ Dublin III Regulation, Article 17(2).

⁷¹ Judgment of the Court (Grand Chamber) of 21 December 2011. *N. S. (C-411/10) v Secretary of State for the Home Department and M. E. and Others (C-493/10) v Refugee Applications Commissioner and Minister for Justice, Equality and Law Reform*. References for a preliminary ruling: Court of Appeal (England & Wales) (Civil Division) – United Kingdom and High Court of Ireland – Ireland.

⁷² Dublin III Regulation, Article 3(2).

⁷³ For instance, Case N. NL19.30940 mentioned above (footnote 63).

⁷⁴ Dublin III Regulation, Article 5.

⁷⁵ Dublin III Regulation, Article 6(3)(c).

⁷⁶ Reception Conditions Directive, Article 21.

⁷⁷ Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA, (Victims’ Rights Directive), <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX%3A32012L0029>, last accessed on 18 May 2021.

⁷⁸ TFEU, Article 83(1).

repeated victimisation, is emphasised.⁷⁹ In the context of the individual needs' assessment, particular attention shall be paid to victims of trafficking.⁸⁰

On that basis, all EU Member States,⁸¹ must ensure and prioritise victims' protection and safety regardless of their residence status. Indeed, while Article 1 of the Victims' Right Directive 2012/29/EU calls for a non-discriminatory approach to the protection of victims of crime, Article 2 further defines victims as "anyone who has suffered physical, mental, emotional or economic harm caused by a criminal offence, as well as family members of someone whose death case caused by a criminal act". Read in conjunction with Recital 10 which highlights that "Member States must take necessary measures to ensure that the rights set out in this Directive are not made conditional on the victim's residence status", the definition of 'victims' provided de facto encompasses third-country nationals who may fall victims to crime within the EU territory, including the one of trafficking in human beings. The Victims' Right Directive 2012/29/EU provides victims and their family members with a right to information, support and protection. It further strengthens the victims' procedural rights in criminal proceedings and requires that EU Member States ensure appropriate training on victims' needs for officials who are likely to come into contact with victims. For certain groups of victims, the EU has adopted specific rules which respond more directly to the specific needs of some victims as, *inter alia*, to provide protection and support for victims of human trafficking.⁸²

3 STUDY AIMS AND OBJECTIVES

The proposed study aims to explore the national practices of detection, identification and protection of third-country national victims of trafficking in human beings. In this respect, without adopting the same scope, it updates the 2013 EMN study "Identification of victims of trafficking in human beings in international protection and forced return procedures" and covers:

1. Overview of national situations in relation to trafficking in human beings, in particular focusing on the national, latest available data, trends, patterns and trafficking purposes (Introduction).
2. National policy and legislative developments and measures to detect (presumed) third-country national victims of trafficking in human beings, including information on competent authorities, existing reporting mechanisms, possibilities to appeal decisions. (Section 1).
3. National policy and legislative developments and measures to identify (presumed) third-country national victims of trafficking in human beings, including referral mechanisms (if existent) among national authorities and other relevant stakeholders (Section 2)
4. National policy and legislative developments and measures to protect (presumed) third-country national victims of trafficking in human beings, including the legal framework for granting the reflection period, residence permits and the provision of appropriate information and assistance (Section 3).
5. Cooperation mechanisms with other Member States, EU agencies (EASO, Europol, Frontex), international organisations and third countries of origin and of transit (Section 4).
6. Challenges and good practices in Member States, such as those concerning vulnerable persons, (presumed) cases falling under the scope of the Dublin III Regulation and the impact of COVID-19 (Section 5).

⁷⁹ Victims' Rights Directive, Recital 17.

⁸⁰ Victims' Rights Directive, Article 22(3).

⁸¹ Denmark opted out from the Victims' Rights Directive.

⁸² Victims' Rights Directive, articles 8, 22 and 24.

4 SCOPE OF THE STUDY

The study covers the following categories of third-country nationals, detected, identified and protected as (presumed) victims of trafficking in human beings, who are:

- Asylum applicants;
- In an irregular situation;
- In possession of a valid authorisation to stay on the territory of a Member State (residence permit or short-term visa).

Third-country nationals who are in an irregular situation and subject to a return decision will be out of the scope of this study as they have already been dealt with in other recent EMN products.

The temporal scope for statistics and the national contexts is from January 2015 up to December 2020 for statistics and the national contexts.

The study is aimed at policy makers at national, European and international level, but also representatives of specific industries (e.g. private sectors in areas where trafficking in human beings is documented to occur), civil society organisations, academia, and will complement and update findings of other relevant European Commission reports and studies as well as contribute to the European Commission’s study for the evaluation of the Anti-trafficking Directive.

For the purpose of this study, the definitions listed in the section below will apply.

5 DEFINITIONS

The study uses the following definitions, which – unless otherwise stated – are based on the EMN Asylum and Migration Glossary.⁸³

Detection of (a situation of) trafficking in human beings	The process of identifying a possible situation of trafficking in human beings.
Dublin procedure	The process of determining the EU Member State responsible for examining an application for international protection lodged in one of the EU Member States by a third-country national under Regulation (EU) No 604/2013 (Dublin III Regulation).
Dublin transfer	<ol style="list-style-type: none"> 1. The transfer of responsibility for the examination of the merits of an application for international protection from one Member State to another Member State. 2. The (physical) transfer of an applicant to the EU Member State who is considered to be responsible for examining the merits of an application following a Dublin procedure
Identification of a victim of trafficking in human beings	The process of confirming and characterising a situation of trafficking in human beings for further implementation of support.

⁸³ EMN Glossary, https://ec.europa.eu/home-affairs/what-we-do/networks/european_migration_network/glossary_en, last accessed on 18 May 2021.

Detection of (a situation of) trafficking in human beings	The process of identifying a possible situation of trafficking in human beings.
Identified victim of trafficking in human beings	A person who has been formally identified as a victim of trafficking in human beings according to the relevant formal authority in Member States.
International protection	In the global context, the actions by the international community on the basis of international law, aimed at protecting the fundamental rights of a specific category of persons outside their countries of origin, who lack the national protection of their own countries. In the EU context, protection that encompasses refugee status and subsidiary protection status.
National referral/cooperation mechanisms	Mechanism aimed at identifying, protecting and assisting victims of trafficking in human beings, through referral, and involving relevant public authorities and civil society. ⁸⁴
Potential victim of trafficking in human beings	A person vulnerable to trafficking in human beings. ⁸⁵
Presumed victim of trafficking in human beings	A person who has met the criteria of EU regulations and international Conventions but has not been formally identified by the relevant authorities (e.g. police) as a trafficking victim or has declined to be formally or legally identified as victim of trafficking.
Protection of (<i>presumed/identified</i>) victims of trafficking in human beings	The action of national authorities aimed at protecting the fundamental rights of (<i>presumed</i>) victims of trafficking in human beings. ⁸⁶
Reception centre	A location with facilities for receiving, processing and attending to the immediate needs of refugees or asylum applicants as they arrive in a country of asylum.
Reflection period	A period of time determined according to national law granted to third-country nationals officially identified as victims of trafficking in human beings allowing the victim to recover and escape the influence of the perpetrators of the offences so that they can take an

⁸⁴ Article 11(4) of the Anti-trafficking Directive lays down an obligation on Member States to take the necessary measures to establish appropriate mechanisms aimed at the early identification of, assistance to and support for victims, in cooperation with relevant support organisations.

⁸⁵ Definition inspired by IOM, <https://publications.iom.int/books/migrants-and-their-vulnerability-human-trafficking-modern-slavery-and-forced-labour>, last accessed on 10 June 2021.

⁸⁶ Definition inspired by the Anti-trafficking Directive, Article 11. A person shall be provided with assistance and support as soon as the competent authorities have a reasonable-grounds indication for believing that the person might have been subjected to trafficking in human beings.

Detection of (a situation of) trafficking in human beings	The process of identifying a possible situation of trafficking in human beings.
	informed decision as to whether (or not) to cooperate with the competent authorities.
Registered victim of trafficking in human beings	A person who is either an identified or a presumed victim of human trafficking and has been registered by authorities and/or other agencies and organisations. ⁸⁷
Trafficking in human beings	The recruitment, transportation, transfer, harbouring or reception of persons, including the exchange or transfer of control over those 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 purpose of exploitation.
Transfer of procedure	The process of changing from one migration procedure to another. ⁸⁸
Victim(s) of crime	Anyone who has suffered physical, mental, emotional or economic harm caused by a criminal offence, as well as family members of someone whose death case caused by a criminal act'. ⁸⁹
Voluntary Return	The assisted or independent return to the country of origin, transit or third country, based on the free will of the returnee.
Vulnerable person	Minors, unaccompanied minors, disabled people, elderly people, pregnant women, single parents with minor children, victims of trafficking in human beings, persons with serious illnesses, persons with mental disorders and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence, such as victims of female genital mutilation.

6 PRIMARY QUESTIONS TO BE ADDRESSED BY THE STUDY

Primary research questions:

1. What is the national situation with regard to (presumed) third-country national victims of trafficking in human beings in the Member States?

⁸⁷ Definition inspired by the European Commission, Data collection on trafficking in human beings in the EU, 2020, https://ec.europa.eu/anti-trafficking/sites/default/files/study_on_data_collection_on_trafficking_in_human_beings_in_the_eu.pdf, last accessed on 8 May 2021.

⁸⁸ Definition elaborated by the Core AG for the purpose of this study.

⁸⁹ Victims' Rights Directive, Article 2.

2. What are the national policies and procedures in place to detect (presumed) third-country national victims of trafficking in human beings (including targeted policies and strategies for vulnerable persons)?
3. What are the national policies and procedures in place to identify (presumed) third-country national victims of trafficking in human beings (including targeted policies and strategies for vulnerable persons)?
4. What are the national policies and procedures in place to protect and support (presumed) third-country national victims of trafficking in human beings and what is the role of national referral mechanisms?
5. To what extent and how do Member States cooperate internationally in detecting, identifying and protecting (presumed) third-country national victims of trafficking in human beings?
6. What are the key challenges and good practices in the Member States in the detection, identification and protection of (presumed) third-country national victims of trafficking in human beings?

7 RELEVANT SOURCES AND LITERATURE

EMN Studies

- EMN (2014), [Study on the identification of victims of trafficking in human beings in international protection and forced return procedures](#).

EMN Ad-Hoc Queries (AHQ)

- EMN (2019), [AHQ on Access of victims of trafficking to their rights](#)
- EMN (2018), [AHQ on Identification of victims of human trafficking during asylum interview](#)
- EMN (2016), [AHQ on Protection of victims of human trafficking](#)
- EMN (2012), [AHQ on Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims](#)
- EMN (2009), [AHQ on Types of residence permits that victims of trafficking who do not cooperate with the authorities are granted](#)

Other Studies, Reports and Communications

- European Commission (2021), [Communication on the EU Strategy on Combatting Trafficking in Human Beings 2021-2025](#)
- European Commission (2021), [Communication on the EU Strategy to tackle Organised Crime 2021-2025](#)
- EUROPOL (2021), [European Union serious and organised crime threat assessment](#) (SOCTA)
- Council of Europe (2020), GRETA's activities, [General reports and resources](#)
- Council of Europe (2020), [Guidance Note on the entitlement of victims of trafficking, and persons at risk of being trafficked, to international protection](#)
- European Commission (2020), [Communication on the EU Security Union Strategy](#),
- European Commission (2020), [Communication on a New Pact on Migration and Asylum](#),
- European Commission (2020), [Third report on the progress made in the fight against trafficking in human beings](#)
- European Commission (2020), [Data collection on trafficking in human beings in the EU](#)
- European Commission (2020), [Study on the economic, social and human cost of human trafficking](#)
- European Commission (2020), [Study on reviewing the functioning of Member States' National and Transnational Referral Mechanisms](#)
- European Parliament (2020), [Report on the implementation of Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims](#)

- UNODC (2020), [Global Report on Trafficking in Persons](#)
- UNODC (2020), [How Covid-19 restrictions and the economic consequences are likely to impact migrant smuggling and cross-border trafficking in persons to Europe and North America](#)
- Council of Europe (2020), [Assistance to victims of human trafficking](#)
- European Commission (2016), [Study on the gender dimension of trafficking in human beings](#)
- European Commission (2014), [Communication on the application of Directive 2004/81/EC](#),
- ILO (2014), [Profits and Poverty: The Economics of Forced Labour](#)
- European Commission (2013): [Guidelines for the identification of victims of trafficking in human beings](#)
- European Commission (2012), [EU Strategy towards the eradication of trafficking in human beings 2012-2016](#)
- OHCHR (2010), [Recommended Principles and Guidelines on Human Rights and Human Trafficking](#)

Case law

- European Court of Human Rights, V.C.L and A.N. v. The United Kingdom, Applications Nos. 77587/12 and 74603/12), 16 February 2021: <http://hudoc.echr.coe.int/fre?i=001-207927>
- Court of Justice of the European Union (Grand Chamber) of 21 December 2011. N. S. (C-411/10) v Secretary of State for the Home Department and M. E. and Others (C-493/10) v Refugee Applications Commissioner and Minister for Justice, Equality and Law Reform. References for a preliminary ruling: Court of Appeal (England & Wales) (Civil Division) - United Kingdom and High Court of Ireland - Ireland.
- European Court of Human Rights, Rantsev v. Cyprus and Russia, Application No.25965/04, 10 May 2010: <https://rm.coe.int/16806ebd5e>

8 AVAILABLE STATISTICS

This study builds on the study on data collection on trafficking in human beings in the EU which provides for an in-depth analysis of criminal justice statistical data for years 2017 and 2018.⁹⁰

Information is checked against the EMN Annual Report on Migration and Asylum 2020 (ARM): to facilitate data collection, the EMN Service Provider provides the relevant datasheets on trafficking for each Member State, prepared since 2016, as part of the Statistical Report of the EMN Annual Report on Migration and Asylum.

9 METHODOLOGICAL CONSIDERATIONS

As with all EMN Studies, the National Reports should be primarily based on secondary sources. These may be supplemented by expert interviews. For example, experts working in the field (e.g. national authorities, service provider, civil society organisations, and international organisations) could be consulted to identify key challenges and good practices in the Member States in the detection, identification and protection of (presumed) third-country national victims of trafficking in human beings.

10 ADVISORY GROUP

The Core Advisory Group (AG) for this study is composed by: FR, IE, LU, NL, PL EMN NCPs, ICF (EMN Service Provider), DG HOME. Together with the following EMN NCPs (BE, CZ, EE, ES, FI, HU, LT, LV, MT, PL, SE, SI, SK, GE, MD), EASO and EUROPOL, they form the wider AG for this study.

⁹⁰ European Commission, Data collection on trafficking in human beings in the EU, 2020, https://ec.europa.eu/anti-trafficking/sites/default/files/study_on_data_collection_on_trafficking_in_human_beings_in_the_eu.pdf, last accessed on 8 May 2021.

11 TIMETABLE

The following tentative timetable has been proposed for the development of the common template for this study:

Date	Action	By whom
20 April	AG meeting	Lead EMN NCPs, wider AG, COM, EMN Service Provider
29 April	Draft version 2 common template to be shared with core AG members (1-week deadline)	Core AG EMN NCPs (FR, IE, LU, NL, PL NCPs), Odysseus experts
19 May	Draft version 3 to be shared the wider AG and COM for comments (1-week deadline)	All EMN NCPs to review
9 June	Core AG meeting to discuss comments	Core AG EMN NCPs (FR, IE, LU, NL, PL NCPs), EMN Service Provider
17 June	Consolidated final draft to be shared with COM	EMN Service Provider
25 June	Launch of common template	EMN Service Provider
25 October	Submission of common templates	All EMN NCPs

12 TEMPLATE FOR NATIONAL CONTRIBUTIONS

The template provided below outlines the information that should be included in the National Contributions of EMN NCPs to this Study. The indicative number of pages to be covered by each section is provided in the guidance note. For National Contributions, the total number of pages should not exceed 40 pages, including the questions and excluding the introduction of the study. A limit of 30 pages will also apply to the Synthesis Report, in order to ensure that it remains concise and accessible.

Common template of EMN study 2021

Detection, identification and protection of third-country national victims of trafficking in human beings

National contribution from GREECE

Disclaimer: The following information has been provided primarily for the purpose of contributing to a synthesis report for this EMN study. The EL EMN NCP has provided information that is, to the best of its knowledge, up-to-date, objective and reliable within the context and confines of this study. The information may thus not provide a complete description and may not represent the entirety of the official policy of the EMN NCPs' Member State.

Introduction:

National situation with regard to detection, identification, and protection of (presumed) third-country national victims of trafficking in human beings (2015-2020)

Q1. Please describe the main policy developments and debates that have occurred in the reference period 2015-2020 with regard to detection, identification, and protection of (presumed) third-country national victims of trafficking in human beings (e.g., parliamentary debates, policy reforms, draft/adopted legislation, media coverage, awareness-campaigns, relevant publications).

POLICY REFORMS

1. Strategy to combat human trafficking

In July 2021, the Strategy of the Ministry of Citizen Protection to combat human trafficking was published. This text includes the planning and priorities of the Ministry and the Greek Police for the period 2021-2025 as well as the actions that will be implemented in the coming years to effectively address the modern form of slavery, i.e. human trafficking. According to the introduction of the Strategy, "trafficking of human beings is one of the most heinous crimes and, at the same time, one of the gravest aspects of the refugee / migration phenomenon. Greece has shown a responsible and determined attitude towards this issue, adopting the relevant European and international legislation in order to dismantle trafficking and exploitation networks, arrest the perpetrators, but also protect and assist the victims. The Global Human Trafficking Database estimates that 164 countries and people of 175 different nationalities are involved in the "chain" of the phenomenon. According to the latest available data from the European Commission, between 2017 and 2018, there were "over 14,000 registered victims within the European Union, with the actual number being estimated significantly higher, as many victims are not recorded. Almost three quarters

(72%) of all victims in the EU and 92% of victims of trafficking for sexual exploitation are women and girls. "Almost a quarter of all victims of trafficking are children."

Furthermore, according to the above-mentioned Strategy, "in order to define a criminal act as human trafficking, three specific elements must be present:

- a) **an act** (recruitment, transfer, harbouring or receipt of persons);
- b) **a means** (the act is done using a means - threat or use of violence or other forms of coercion, kidnapping, fraud or abuse of power or exploitation of a particularly vulnerable position, offering or receiving money or privileges),
- c) **a purpose** (for reasons of exploitation - the exploitation includes at least the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or provision of services, etc.).

Recruiting a child for the purpose of exploitation is considered human trafficking even when the second fundamental element (i.e. the means) is missing.

Aims of the Strategy

- To better coordinate and strengthen the operational response of the Greek Police in the combat of human trafficking.
- To promptly identify and protect victims, with emphasis on the prevention of secondary victimization and the protection of minors and especially those coming from vulnerable social groups.
- To prevent human trafficking and protect vulnerable groups from possible victimization.
- To effectively handle organized trafficking networks.
- To strengthen cooperation among competent services.
- To strengthen cross-border cooperation in dealing with cases involving transnational criminal groups.

Operational Action Plan 2017-2019

Considering that human trafficking is a heinous, grave and organized crime of international character, the Greek Police, coordinated by Europol, prepared in 2017 an operational action plan for the years 2017-2019, in order to dismantle organized criminal networks involved in intra-EU labour exploitation cases. According to this operational plan, the Police appointed the Hellenic Labour Inspectorate as a partner in conducting on-site inspections. The two parties conducted joint inspections annually for the period 2017-2019. These inspections concerned undeclared work, employee time schedules, employee pay, etc.

2. Special care for the support of minors – victims of trafficking

In February 2020, the **Special Secretariat for the Protection of Unaccompanied Minors** was established at the Ministry of Migration and Asylum and has been designated as the competent authority for the overall protection of third country national or stateless minors deprived of parental care while in Greece. The Special Secretariat in 2020 established direct cooperation with the Office of the National Rapporteur on Trafficking in Human Beings with the aim of jointly planning actions and policies to prevent trafficking and exploitation of unaccompanied minors.

In this framework, actions were planned, which, due to the pandemic, began to be implemented in 2021. One of these activities pertained to the conducting of educational seminars on the prevention of human trafficking and exploitation of unaccompanied minors aiming to inform and familiarize the participants with issues relating to trafficking in human beings, migration, vulnerability of unaccompanied minors as well as the suitable ways to respond in cases of (suspected or confirmed) child victims of trafficking. The prestigious panelists comprised of scientists, representatives of national authorities and actors of the civil society. Approximately 300 professionals (psychologists, social workers, lawyers, care givers and interpreters) working in accommodation and care centres for unaccompanied minors participated in the online training workshops.

Moreover, the Special Secretariat for the Protection of Unaccompanied Minors, in the framework of its responsibilities and competencies, developed during 2020 the **National Strategy for the Protection of Unaccompanied Minors in Greece**. The National Strategy is structured on **four core pillars of action**, one of which is about the protection of unaccompanied minors from violence, all types of maltreatment and exploitation. The National Strategy is being constantly updated in accordance with the objectives that are being met and is expected to be made public by the end of 2021.

In addition, discussions have taken place at national and European level regarding the fingerprinting of children aged six and above (EURODAC), to ensure a valid way of identifying minors under the age of 14, both inside Greece and in the case of cross-border movement. For the protection of children, the **Program of Voluntary Relocation of Unaccompanied Children** has been implemented since April 2020 under the coordination of the Special Secretariat with the support of the European Commission and in cooperation with other state authorities and international and European agencies. Thus, creating a legal and safe pathway for children to move to another MS greatly reduces the risk of them becoming victims of exploitation. To date, 1,047 unaccompanied children have been transferred to other EU MS and another 489 minors are expected to be transferred. Drawing on the successful implementation of this Program, discussions have begun over the establishment of a permanent relocation mechanism and the durable implementation of family reunifications as effective measure to prevent the trafficking of minors third country nationals or stateless persons.

In the same spirit of child protection, the **National Emergency Response Mechanism** was designed in 2020 and implemented in 2021 to identify, register and provide immediate support and emergency accommodation to minors who are homeless or living under other precarious conditions. In other words, it is a mechanism that aims at the timely identification of children in need or at risk, including child victims of trafficking, and that ensures immediate intervention and protection. In addition to the authorities and professionals, children can also call a hotline 24/7 or send a message and ask for support from the SSPUAM expert group.

BILLS-VOTED LAWS

Greek legislation has been harmonized with both European and international legislative initiatives, regarding the identification of trafficking in human beings, the provision of assistance - protection to victims

and the punishment of perpetrators. In particular, during the period 2015-2020, the main legislative developments that have taken place at national level regarding the treatment of the phenomenon of trafficking in human beings are the following:

Penalties for employers and employees

Employers involved in exploiting third-country nationals face fines, administrative and criminal penalties under current law. More specifically, according to article 28 of law 4251/2014 (A' 80), the recruitment and employment of third-country nationals who do not hold any of the legal documents that give them access to work is not allowed. Employers who employ a foreigner without a permit giving him/her access to work (even if he/she resides legally in the country with another type of permit), are fined with 1,500 euros for each foreigner who legally resides but is illegally employed. When a violation of the above provisions takes place with the aim of pushing third country nationals to prostitution, in addition to other sanctions provided by law, the employer is punished with imprisonment of at least two years and a fine of at least 6,000 euros. In case the victim is a minor, he is punished with imprisonment of up to ten years and a fine of 10,000-50,000 euros.

The guilty party shall be punished with imprisonment and a fine of 50,000 - 100,000 euros if the crime was committed: a. against a person under the age of fifteen, b. by deceptive means, c. by a blood relative or foster relative or by an adoptive parent, spouse, trustee or other person to whom the minor has been entrusted for upbringing, teaching, supervision or custody, even temporarily, d. by an employee who, while exercising his duties or taking advantage of this capacity, commits or participates in any way in the act.

The above-mentioned offenses are taken to court under the flagrant crime procedure. The competent prosecutor issues an irrevocable conviction and notifies the the Secretary General of the Decentralized Administration within one month from its issuance. The latter is obliged, within one month from the notification of the decision, to withdraw the license of the store or business where the offense was committed, for a period of at least twelve months, and may, taking into account the general circumstances, proceed to the final removal of the operating license.

Furthermore, similar to Law 4554/2018 (A '130), as in force, in combination with the previous Law 4052/2012 (A'41) sanctions are imposed in cases where undeclared work and illegal employment of illegally residing third-country nationals are found. Overall, the administrative penalties provided for in the implementation of the above laws are extremely high, thus allowing the Labour Inspectors to indirectly help prevent human trafficking.

Given that trafficking in human beings for the purpose of labour exploitation is directly related to undeclared work, with law 4490/2017 (A '150), the Labour Inspectorate, as the primary inspection mechanism of the Ministry of Labour and Social Affairs regarding the supervision and the inspection of the implementation of the provisions of the labour legislation, proceeded to the extension of the Insurance Inspection of National Social Security Entity, in order to combat undeclared and uninsured work. It is pointed out that the complexity of the phenomenon of human trafficking is evidenced by the fact that the detection and identification of potential victims of labour exploitation is difficult to be conducted.

Migration legislation (residence permits for victims of trafficking)

In 2015, a provision was introduced, according to which, by decision of the Minister of Migration and Asylum, third country nationals victims of trafficking in human beings who are not cooperating with the prosecuting authorities are granted residence permits for humanitarian reasons, provided there is a relevant act from the competent Prosecutor of the Court of First Instance

Criminal legislation

Law 4619/2019 amended the provisions of Article 323a (1) of the Penal Code concerning the imposition of penalties on those responsible for trafficking in human beings and also **Law 4260/2019 (A'96)** amended article 59 (4) Code of Criminal Procedure, in relation to the postponement of criminal prosecution of victims of trafficking in human beings in case of illegal entry or exit from the country, possession and use of travel documents or identity cards or residence permits or other forged or genuine documents, issued for another person, illegal work and prostitution or any other act of facilitating thereof.

Establishment and operation of a National System for the Identification and Referral of Victims of Human Trafficking

Joint Ministerial Decision No. 30840/2016 (B'3003) provided for the establishment, operation and management of a National System for the Identification and Referral of Victims of Human Trafficking, named "National Referral Mechanism for the Protection of Victims of Human Trafficking (NRM)" at the National Center for Social Solidarity and the supervision and coordination of this Mechanism in the Office of the National Rapporteur on Trafficking in Human Beings.

NRM is the competent entity for the collection and referral of the protection requests made by victims who are detected /identified by the competent public authorities or partner entities which provide reception and social support to the target group and also for the monitoring of the handling thereof, and the establishment and operation of a system recording victims' protection requests (reporting, referral and monitoring of handling thereof).

In the framework of cooperation with respective National Referral Mechanisms of other countries, a fully updated electronic register of victims and complete statistical data are kept.

In order to ensure the most efficient operation and the effective monitoring of NRM, the National Centre for Social Solidarity in collaboration with the Office of the National Rapporteur on Trafficking in Human Beings are responsible to formulate, in accordance with the existing institutional framework and based on scientific criteria, 1) the procedure of informing the NRM regarding the actions and services provided to the victims by the reception and social support entities, 2) the vulnerability assessment protocol for victims, 3) a single framework which will define: a) the process of protection of minor victims, b) the process of admission of victims, their accommodation in Structures and their departure from there, c) the briefing of the victims about the process of recognition and issuance of a residence permit in the country, d) the process of repatriation of victims to the country of origin, e) the process of joining a program of legal representation and preparation for the examination of victims as witnesses, f) the submission of an application for compensation of victims by the Hellenic Compensation Authority. The term "single framework" is used to describe the standardized procedure to be followed by those involved, respecting the institutional framework and scientific ethics.

Office of the National Rapporteur on Trafficking in Human Beings

The Office of the National Rapporteur on Trafficking in Human Beings has been operating since 2013 (Law 4198/2013, A'215), in the context of the transposition of Directive 2011/36 / EU. With article 76 of Law 4781/2021 "Organization of the Ministry of Foreign Affairs" (A'31) the responsibilities of the Office of the National Rapporteur were transferred again and partially restated. Its main purpose remains the elaboration, coordination and implementation of the national strategy in the fight against trafficking in human beings at the levels of prevention, suppression and prosecution of perpetrators, as well as the protection of victims of trafficking -reporting directly to the Minister of Foreign Affairs. Other responsibilities include the conducting of training programs, the cooperation with police and judicial authorities, national and international bodies, the design and implementation of research, education and training programs, information and public awareness actions, the preparation of an annual national report, in which statistics on trafficking in human beings and estimates of new trends are included, and the delivery of the above

annual national report to the EU Anti-Trafficking Coordinator, the representation of the Country in the Network of National Rapporteurs or equivalent mechanisms of the European Union for trafficking in human beings.

The Office of the National Rapporteur, operating as a National Coordinating Authority on the issue of combating Trafficking in Human Beings, is in charge of the implementation of the National Action Plan 2019-2023. The National Action Plan of the Office of the National Rapporteur is a comprehensive framework for action in order to prevent and combat trafficking in human beings and protect and assist its victims. The proposed actions are structured around 5 strategic axes: 1) Prevention, Awareness and Reduction of Vulnerability, 2) Education and Training of Human Resources and Institutional Framework, 3) Protection, Assistance, Social Rehabilitation of Victims, 4) Persecution of crimes of trafficking and granting justice to victims, and 5) Promoting synergy between competent national and international entities.

Establishment of a Special Working Group for the Protection of Victims of Trafficking in Human Beings

In collaboration with the National Rapporteur on Trafficking in Human Beings, and by the initiative of the Ministry of Justice, a Special Working Group was set up in July 2021 to protect victims of trafficking in human beings, in order to achieve a comprehensive picture and assessment of the situation in Greece. The aim is to form a forum for communication, exchange of ideas and practices and formulation of guidelines by the service agents with similar competencies. The aim is a well-documented analysis of the situation, highlighting good practices and weaknesses in the implementation of anti-trafficking legislation. Already, in the ongoing amendments to the Penal Code, there are improvements to the dealing of the crime of trafficking in human beings.

Debates in Parliament / Establishment of the Parliamentary Subcommittee on Combating Trafficking and Human Exploitation of the Special Standing Committee on Equality, Youth and Human Rights

The Subcommittee was established in 2016 under the Special Standing Committee on Equality, Youth and Human Rights. It is responsible for monitoring legislative developments as well as the overall implementation of policies and measures in the field of combating trafficking in human beings. A typical example of a firm political will to support and implement the National Action Plan against Trafficking in Human Beings was the Special Parliamentary Session of three parliamentary committees on the occasion of World Anti-Trafficking Day on July 30, with the participation of the The Prime Minister, the President of the Parliament, party leaders, 4 competent Ministers and about 100 MPs.

Awareness campaigns

The Office of the National Rapporteur undertakes initiatives to inform and raise awareness of the general public with the aim of reducing the "demand" for services and products from victims of Trafficking & Human Exploitation, as well as tackling the "culture of impunity":

-The multi-thematic social awareness campaign "Break the Chain" (Festival, October 2015), on the occasion of the European Anti-Trafficking Day, has now become an institution, driven by the idea of combining culture and art with social awareness and action, with the aim of illuminating the various aspects of the phenomenon of human trafficking.

-Cooperation with the Ministry of Education regarding the planning of interventions in schools for the education and awareness of students and parents on human rights (eg training program for 200 teachers in collaboration with the Council of Europe and the Ministry of Education "Human Rights for Beginners ").

- A teacher training program is being developed in collaboration with the United Nations Office on Drugs and Crime (UNODC) which will include inclusive sex education and reproductive health material.

Q2. Please elaborate on the characteristics of detected, identified and protected (presumed) third-country national victims of human trafficking (including age, gender, country of origin, migration status), trafficking purposes (e.g. sexual exploitation, including forced prostitution, forced labour or services, slavery and servitude related practices, as well as the removal of vital organs), latest patterns and trends in the reference period 2015-2020.

Definitions

According to article 1, par. 1 (11) of law 4251/2014 (Code of Migration and Social Integration) a victim of trafficking means both the natural person for whom there are substantial reasons to be considered victim of any of the crimes provided for in Articles 323, 323A, 323B, 339(1) and (4), 342(1) and (2), 348A, 348B, 349, 351 and 351A of the Penal Code, before criminal prosecution, and the person against whom any of the above crimes were committed and for which proceedings were opened, whether the person has entered into the country legally or illegally. Under the previous indent, when the victim of the crime set out in Article 336 of the Penal Code is a minor, he/she is a victim of trafficking.

The above articles of the Penal Code concern the following crimes: (a) Trafficking in human beings, (b) Sexual intercourse with minors or in front of them, (c) Abuse of minors, (d) Facilitating debauchery of minors , (e) Child Pornography , (f)) Enticing minors for sexual reasons; (g) Pimping, (h) Sexual intercourse with a minor for money, before criminal prosecution, and the person against whom any of the above crimes were committed and for which proceedings were opened, whether the person has entered into the country legally or illegally..

Characteristics of third-country nationals considered victims of trafficking under the National Strategy to Combat Trafficking in Human Beings, 2021-2025

According to the Strategy of the Ministry of Citizen Protection to combat human trafficking 2021-2025, which was published in July 2021, the following data emerge:

"From the analysis of the cases investigated by the Greek Police Services, it appears that the predominant form of human trafficking in our country is sexual exploitation, followed by labour exploitation and begging and, finally, recruitment, trafficking for the purpose of organ removal, forced marriage and exploitation for the commission of criminal offenses.

The main mode of action (modus operandi) in cases of sexual exploitation was the exploitation of the vulnerability of the victims. The perpetrators approached people who were in a vulnerable position (without access to labour market, having family problems, people who were in migration flows, etc.) and with false promises (regarding the type of work, earnings and working conditions) get their consent in order to follow them in the country where exploitation takes place."

Internet use has played a key role in sexual exploitation. The perpetrators used the internet and social media on the one hand to recruit victims, on the other hand to attract customers by promoting - advertising the "erotic services" provided by the victims.

The perpetrators maintained control over the victims through the use and / or threat of violence, threats against their family members, restriction of freedom of movement, removal of means of communication (mobile phones, computers without access to the internet, etc.) and travel documents and finally, by creating a "debt bond" (the perpetrators paid for the victims' tickets, accommodation rent, etc., thus creating a debt, which the victims had to repay).

The use of physical violence has been reduced, as it is easily detectable (visible signs) and may be used as evidence for committing the crime of trafficking, while psychological violence has increased as a means of controlling the victims. Most traffickers are Greeks and EU citizens. It is worth noting that most of the perpetrators were involved in transnational criminal organizations. These criminal groups share all the characteristics of transnational organizations: structure and division of roles (qualitative element), more than three members (quantitative element) and long-term activity (temporal element). In addition, their members were both locals and foreigners active in Greece and abroad, which proves their transnational status.

The exploitation takes place mainly: by arranging erotic meetings in illegal brothels, on the street as sidewalk prostitution, in "stripshow" nightclubs, in places operating under the guise of providing wellness services (massage), in rural areas where there is a large concentration of foreign workers ".

Age	Sex	Country of origin	Legal status	Form of exploitation
2019				
0-17: 13	Female: 87	Albania: 9	Asylum application: 72	Sexual: 79
18-25: 28	Male: 15	Georgia: 4	Without documents: 17	Labor: 24
26-35: 48	Unknown: 3	Ghana: 6	Police note: 2	Slavery: 2
36-45: 15		Guinea: 2	Residence permit: 4	Removal of cells: 4
46-55: 0		Iraq: 2	Refugee status: 2	Exploitation of begging: 6
56-65: 1		Cameroon: 38	Unknown: 5	Recruitment in armed conflict: 1
Over 66: 0		Congo: 1	Certificate of submitted documents for residence permit: 1	Forced marriage: 3
		DRC: 11	Residence permit as THB victim: 2	Exploitation of criminal activities: 1
		Tanzania: 1		
		Morocco: 2		
		Moldova: 10		
		Bangladesh: 2		

		Nigeria: 5		
		Pakistan: 4		
		Afghanistan: 1		
		Eritrea: 1		
		Kazakhstan: 1		
		China: 1		
		Belarus: 2		
		Nepal: 1		
		Sierra Leone: 1		
Total:105	Total: 105	Total: 105	Total:105	Total: 120 (in some cases more than one form of exploitation are involved)
2020				
0-17: 9	Female: 75	Albania: 7	Asylum application: 63	Sexual: 70
18-25: 27	Male: 18	Mauritania: 1	Without documents: 13	Labor: 20
26-35: 37	Unknown: 0	Ghana: 6	Police note: 3	Slavery: 1
36-45: 16		Guinea: 3	Residence permit: 3	Removal of cells: 0
46-55: 4		Iraq: 2	Refugee status: 8	Exploitation of begging: 6
56-65: 0		Cameroon: 27	Unknown: 0	Recruitment in armed conflict: 0
Άνω των 66: 0		Congo: 2	Certificate of submitted documents for residence permit: 0	Forced marriage: 0
		DRC: 7	Residence permit as THB victim: 0	Exploitation of criminal activities: 0
		Uganda: 1	Residence permit for 3 months: 3	Servitude: 1
		Morocco: 1		

		Moldova: 3		
		Bangladesh: 3		
		Nigeria: 4		
		Pakistan: 6		
		Afghanistan: 1		
		Eritrea: 2		
		Somalia: 1		
		Sri Lanka: 1		
		Belarus: 1		
		Syria: 2		
		Sierra Leone: 2		
		Zimbabwe: 1		
		Ivory Coast: 1		
		Dominican Republic: 1		
		Burkina Faso: 1		
		Iran: 3		
		Gambia: 1		
		Djibouti: 1		
		Stateless: 1		
Total: 93	Total: 93	Total: 93	Total: 93	Total: 98 (in some cases more than one form of exploitation are involved)

Data based on the Annual Report of the National Referral Mechanism (NRM) for the Protection of Victims of Trafficking in Human Beings for the year 2020

There are significant data deriving from the reporting forms and the monitoring forms of service provision, which have been submitted to the NRM during the period from 1.1.2020 to 31.1.2021, by the entities that participate within it. Evidence from the annual report relates to victims identified within 2020, or receiving protection services (in their capacity as victims of trafficking) during the reporting period.

In particular, during the first year of operation of NRM, in the year 2019, reports were received for 154 possible victims of human trafficking. During 2020, seventy (70) cases of the year 2019 remained "open" - sixty one (61) adults and nine (9) children - since they continued to receive protection services.

The number of reports sent to NRM during the year 2020 reached a hundred and sixty-seven (167). They came from both Public Sector Services and Civil Society Agencies.

DEMOGRAPHIC DATA OF VICTIMS OF TRAFFICKING –2020

Sex

Of the total number of new cases – a hundred and sixty-seven (167) within the year 2020 - a hundred and thirteen (113) concern women and girls and fifty-four (54) men and boys (including two cases of transgender people).

Age

In terms of their age, the majority of adult victims are under 35 years old. Seventy-four (74) of the hundred and sixty-seven (167) reported victims of trafficking are children. Of these, three (3) are unaccompanied and regarding two other cases it was not possible to ascertain through the tracing mechanism whether they are accompanied or not.

Nationality

Out of the total number of cases, sixty (60) come from Africa (Cameroon, Democratic Republic of the Congo, Ghana, Nigeria, Guinea, Eritrea, Ivory Coast, Zimbabwe, Mauritania, Uganda, Gambia, etc.), eighteen (18) come from Asia (Afghanistan, Iran, Pakistan, Iraq, etc.) and the other cases were from European countries outside the EU.

Residence status of possible victims reported to NRM

The vast majority of adult victims (61) reported to NRM have applied for asylum and are waiting for their case to be assessed. The high number of asylum seekers also depends on the systematic process of psychosocial assessment carried out within the Reception and Identification Centers on the Aegean islands, but also the firm and active participation of the Asylum Service in NRM. Other cases concern EU citizens, victims without any legal documents, recognized refugees, etc. In the case of adult victims, 4 reported cases of asylum seekers who received international protection status in 2020, but not necessarily on the basis of their status as victims of trafficking.

The majority of sixty-six (66) children out of a total of seventy-four (74) victims of trafficking coming from EU countries, come from Bulgaria and Greece and are victims of exploitation for begging.

Data on exploitation / Forms

In the majority of cases (144) the victims were exploited for the first time. For thirteen (13) victims their reported exploitation was not the first one (among them 3 children). In ten(10) cases the relevant information remained unclear.

Sexual exploitation remains the most predominant form in the cases reported at NRM. In six (6) cases, the exploitation suffered by the victims was of multiple forms. Among the adult victims there were four (4) cases about sexual and labour exploitation (agricultural and industrial / small industry sector, domestic work / care of people and slavery). In the case of children victims, two cases of exploitation of begging in combination with exploitation for the commission of offenses were reported.

Based on relevant statistics for the granting of residence permits (Law 4251/2014) to victims of trafficking, the general conclusion drawn is that the majority are young women (18-27 years old) from countries of the former Soviet Union, Ukraine, Moldova, Belarus, Nigeria, who have been identified as victims of sexual exploitation.

Data from the Asylum Service

The characteristics of third country nationals who are considered victims of human trafficking and have been identified by the Asylum Service during the years 2019-2020 are the following:

A total of 22 victims of trafficking (13 women and 8 men) came from Albania, Ghana, Guinea, Eritrea, Cameroon, the Democratic Republic of the Congo, Bangladesh and Pakistan. The forms of exploitation suffered by the victims are street and hotel prostitution, home prostitution, care of people, begging, labour exploitation in industrial / small industry, construction or agricultural sectors. Two of the victims were minors without a support network.

Section 1: Detection of third-country nationals (presumed) victims of trafficking in human beings

Q3. Please describe the national procedures to detect (presumed) third-country national victims of trafficking in human beings, by answering to the following questions:

a) Are there measures in place to detect (presumed) third-country national victims of trafficking in human beings? Yes No

If so, please further elaborate in the table below.

Measures in place to detect (presumed) third-country national victims of trafficking in human beings	Details
Self-reporting	The report can be made through human trafficking agencies in the Authorities, or in any Protection Agency (government/state, NGOs and international organizations).
Awareness raising campaigns	Labour Inspectorate: The Operational Action Plan for Undeclared Work 2017-2019 of the Inspectorate, provided that prior to the implementation of the joint inspection actions, there should be special awareness campaigns aiming at sensitizing employers on issues of undeclared work, increasing their compliance and decreasing the magnitude of the problem. The Labour Inspectors, during the conduct of the inspections, provided consulting services to employees and employers, urging either side to address the relevant departments of the

	<p>Inspectorate for further clarifications or questions. The Inspectorate also acts preventively by providing information to employees and employers regarding the most effective means of following the provisions of labour law</p> <p>Office of the National Rapporteur on Trafficking in Human Beings: see above question 1</p> <p>In addition, the Strategy of the Ministry of Citizen Protection to combat human trafficking 2021-2025, at the level of prevention, provides:</p> <ul style="list-style-type: none"> - Organizing awareness campaigns on the dangers of human trafficking with the cooperation of competent public entities and Non-Governmental Organizations. - Promoting awareness-raising activities for front-line professionals in high-risk sectors and domains where exploitation of human trafficking victims usually happens - Application of "popups" on sites and websites, which present issues related to sex. Websites should inform and sensitize people about the dangers of human trafficking for the purpose of sexual exploitation.
<p>Collection of indicators</p>	<p>According to the Standard Operating Procedures of the National Referral Mechanism for the Protection of Victims of Trafficking in Human Beings, the first step is to locate and identify a possible victim by collecting evidence.</p> <p>According to the Standard Operating Procedures of the Asylum Service, if the Asylum Service case workers, during the interview or at any stage of the international protection process, become aware of any indications that the applicant is a victim of trafficking, they should complete the Report Form of the National Referral Mechanism and send it to the Contact Point of the Asylum Service for human trafficking issues, to the Head of the Department of Processes and Training.</p> <p>The Strategy of the Ministry of Citizen Protection to combat human trafficking 2021-2025, at the level of prevention, provides:</p> <ul style="list-style-type: none"> -The creation of an Indicator database of a type of exploitation, as they result from the analysis of relevant cases that have been investigated by the Greek Police

	<p>Services, as well as relevant reports of international and European Organizations.</p> <p>-Creating Indicators for the timely recognition of victims and possible victims by professionals of Health and the staff of the Social Services. Health professionals and social services staff come into daily contact with vulnerable groups. It is important to further support them by providing specific indicators for victim identification as well as appropriate training on vulnerability and risk assessment methodologies so that they can identify early victims of victimization in a timely manner.</p>
<p>Intelligence gathering by investigative services (e.g. police, labour inspectorate)</p>	<p>As mentioned above, the Labour Inspectorate participated in planned meetings with the Greek Police for targeted inspections, aimed at combating human trafficking for the purpose of labour exploitation, in the context of joint action days. Key statistics available from the joint inspections of the Inspectorate and the Police, concern violations of the provisions of labour legislation that may be indicators of labour exploitation for further investigation and inquiry. Until now, the Greek Police has the exclusive responsibility for further conducting an investigation in order for any employee to be classified as a potential victim of labour exploitation.</p> <p>In addition, the Strategy of the Ministry of Citizen Protection to combat human trafficking 2021-2025, at the level of prevention, provides:</p> <p>-Enhancement of cooperation with the Labour Inspectorate and the relevant social actors for the implementation of coordinated inspections in high-risk domains for the identification of possible victims and their exploiters, as well as for the fight against labor exploitation (e.g. undeclared work).</p> <p>-Encouragement of cooperation and exchange of information between national, local and regional authorities and municipalities on trafficking in human beings, related crimes and criminal networks.</p> <p>-Utilization of the channels of international police and judicial cooperation (EUROPOL, INTERPOL, SELEC,</p>

	<p>EUROJUST, etc.) for immediate and targeted exchange of information.</p>
<p>Proactive screening in asylum procedures</p>	<p>See above “Collection of Indicators”</p> <p>Also, in accordance with the Standard Operating Procedures of the Asylum Service, whether the applicant wishes to apply for a complaint or not, the case worker must notify, in writing and in compliance with the Operating Regulation of the Asylum Service, the Head of the Regional Asylum Office, who will decide if the Prosecutor must be informed about the commission of criminal offenses. In the event that the applicant is under 18, a special effort should be made by the case worker to proceed with a complaint and provision of protection. In any case, even if there is no wish to file a complaint, the Juvenile Prosecutor should be informed, who will give his/her consent for further action, as well as the competent public services for the fight against trafficking.</p> <p>If evidence arises that the applicant is a victim of human trafficking and wishes to file a complaint, the case worker should immediately notify the the Head of the Regional Asylum Office or the Team Leader. Following this, the Head / Leader should inform the Service Contact Point for human trafficking issues.</p> <p>The Contact Point contacts the National Referral Mechanism and the competent police anti-trafficking departments (Department for Combating Trafficking in Human Beings in the Division of Public Security of Attica, or the Division of Public Security of Thessaloniki, or one of the anti-trafficking teams which operate in the greek territory in the Divisions of Arkadia, Achaia, Herakleion, Ioannina, Corfu, Serres, Kozani, Cyclades, Larissa, Lesvos, Rodopi and Fthiotida , as well as organizations for the support of human trafficking victims: PRAKSIS (http://www.praksis.gr) in Athens and A21 (http://www.a21.gr/) in Thessaloniki</p>
<p>Proactive screening in migration procedures</p>	<p>The Office of the National Rapporteur on Trafficking in Human Beings takes a precautionary approach to identifying victims of trafficking and recognizes the essential role of first responders.</p> <p>Aiming at developing skills and introducing more professional teams in locating and referring third country nationals who are considered victims of human trafficking, a series of training programs were carried out by the National Referral Mechanism under the auspices of the Office of the National Rapporteur, the National Center for</p>

	Public Administration & Local Government, and other national organizations. The training was addressed to the staff of the Greek Police Department at the Athens International Airport, as well as to the staff of the Reception and Identification Centers (RIC) throughout Greece. At the same time, cooperation is underway with leading international organizations for the provision of specialized training to law enforcement professionals and front-line professionals.
Other	

b. What measures are in place to promote and facilitate self-reporting by (presumed) third-country national victims of trafficking in human beings?

According to the NRM Standard Operating Procedures, the field professionals of state agencies and NGOs that identify a trafficking victim, inform them about their rights, ensure their access to protection services (regardless of their cooperation or not with the authorities or their official recognition as victims of THB) and discuss their right to decide if they are willing to cooperate with the authorities or not

In the field of employment, the employees whose labour rights are violated have the right to appeal to the Labour Inspectorate either by submitting an anonymous complaint or by filing a request for a labour dispute. Complaints are submitted through the e-service for submitting an anonymous complaint (available at www.sepe.gov.gr), via email to the Inspection Department of the workplace, by visiting or telephone calling the relevant Inspection Department as well as by the telephone complaint hotline 15512. If cases of labour exploitation arise, the Inspectorate informs the Greek Police.

c. Please indicate whether (and in what way) these specific measures differ for any of the cases below.

Specific measure to detect (presumed) third-country national victims of trafficking in human beings:	Details
within asylum procedures	<p>According to the Standard Operating Procedures of the Asylum Service, if evidence arises that the applicant is a victim of human trafficking, whether he/she wishes to file a complaint or not, the case worker should inform the applicant that he /she can contact the National Referral Mechanism and the competent department of the Greek Police or make use of the 1109 hotline which operates 24/7 and is able to handle calls in almost all languages (https://1109.gr/ in order to file a complaint and get protection.</p> <p>In the event that a victim of human trafficking wishes to file a complaint, then, as described above, the Contact Point for Trafficking in Human Beings is informed in order to contact the NRM, the competent</p>

	<p>police authorities and the relevant organizations for the support of victims of human trafficking.</p> <p>After consultation with the above-mentioned parties and depending on what is the most effective way to handle each case, representatives of both competent services and competent NGOs come to the Asylum Service in order to investigate the case and the will of the victim to submit a request for support.</p>
within other migration procedures (e.g. seasonal workers, domestic workers, au pairs, students)	
who are voluntary returnees	
who fall under other categories included in the definition of vulnerable persons adopted for this study (e.g. minors, unaccompanied minors, disabled people, elderly people, pregnant women)?	As mentioned above, in accordance with the Standard Operating Procedures of the Asylum Service, in any case where a minor is found to be a possible victim of human trafficking, even if he or she does not wish to file a complaint, the Juvenile Prosecutor should be informed in order to give his/her consent for further action, as well as the competent public services to combat trafficking in human beings.
who are in an irregular situation	

d. What procedural safeguards exist for each category presented above?

In the context of the Reception

Victims of human trafficking are a vulnerable group as explicitly stated in art. 39 par.5 of law 4636/2019. According to art. 41 f) of law 4636/2019, "applicants with special reception needs" are the vulnerable persons, who need special guarantees in order to enjoy their rights. Therefore, victims of trafficking in human beings as members of vulnerable groups are treated as applicants with special reception needs. The special situation of the applicants, even if it becomes apparent at a later stage of the process of examination of an application for international protection, is taken into account throughout this process, and the development of their situation is systematically monitored (art. 58 par. 1 of n. 4636/2019).

According to art. 39 par.5, in the third stage of the Reception and Identification procedures which are the Registration and the Medical Examination, the Medical Examination and Psychosocial Support Team (Hellenic National Public Health Organization -EODY) that operates within the RIC is responsible for the identification and care of people belonging to vulnerable groups, as well as victims of trafficking.

During the reception and identification procedures for third country nationals / stateless persons, special care is taken for those who belong to vulnerable groups as well as victims of human trafficking. In addition, the Head of the Reception and Identification Center or the Structure, after a reasoned suggestion by the competent medical staff of the Center, refers the persons belonging to vulnerable groups to the competent public entity of social support or protection. A copy of the medical examination and psychosocial support file is sent to the Head of the entity they reside in or are referred to. In any case, the continuation of medical treatment is ensured in cases where this is required. Ascertaining that a person belongs to a

vulnerable group has as its only consequence the immediate coverage of the special reception needs of that person.

In addition, according to article 1 of Ministerial Decision No. 1140/2019 (B'4736): "To applicants for international protection, who enter Greek territory through the islands of Lesbos, Rhodes, Samos, Kos, Leros and Chios traffic restriction is imposed only within the island, through which they entered the Greek territory. This restriction shall be indicated in the application forms of international protection seekers "

Exceptions apply according to art. 2 of the same decision and specifically: "The traffic restriction is lifted by a decision of the Head of the Reception and Identification Center, which is issued in accordance with the provisions of par. 39 of Law 4636/2019 in the cases of vulnerable persons or persons who need special reception conditions according to the provisions of Law 4636/2019, if they can not be provided with appropriate support, including victims of human trafficking. Therefore, victims of human trafficking who initially reside in a Reception and Identification Center on the islands are transferred to appropriate inland structures in order to cover their special reception needs.

In addition, according to art. 39 par. 7 of Law 4636/19, during the stage of further Referral and Movement: "a. the Head of the Reception and Identification Center at the border of the country, [...] in order to achieve the proper completion of the procedures of the previous paragraphs and especially in case of persons belonging to vulnerable groups, may (by his own decision) refer the third country national or stateless person to inland Structures or designate their stay in other appropriate structures, for the continuation and completion of the reception and identification process.

This is in agreement with case 4, art. 39 par. 8 of Law 4636/19, according to which: throughout the reception and identification procedures, the Head and the staff of the Center shall ensure, as provided on a case-by-case basis, that third-country nationals or stateless persons [...] receive, if they belong to vulnerable groups, the appropriate treatment on a case-by-case basis, in particular if they are unaccompanied minors and persons with disabilities, and to take special care to ensure as much as possible that these individuals should reside in special and accessible places in the RICs, until the completion of the reception and identification procedures ".

Also, according to article 58 of law 4636/2019, when providing reception conditions, the special situation of vulnerable persons is taken into account, such as minors, unaccompanied or not, direct relatives of shipwreck victims (parents and siblings), people with disabilities, the elderly, pregnant women, single-parent families with minor children, victims of trafficking, people with serious illnesses, people with mental and emotional disabilities and people who have suffered torture, rape or other serious psychological, physical or sexual violence, such as victims of genital mutilation. The assessment of whether persons entering without legal formalities are vulnerable is made during the identification process. The special reception conditions apply immediately upon submission of the application for international protection. The special situation of applicants, even if it becomes apparent at a later stage in the international protection review process, is taken into account throughout this process, and the development of their situation is systematically monitored.

In addition, according to par. 5 of art. 58 of law 4636/2019, in case they identify victims of human trafficking, the competent authorities are obliged to inform immediately the NRM (art.6, law 4198/2013). In addition, it is mentioned, in article 59 par. 1 of law 4636/2019, that "for the assessment of the best interest of the minor, the possibilities of family reunification, the quality of life and the social development of the minor, security and protection issues are taken into account as well as the personal opinion of the minor depending on his/her age and maturity especially if there is a risk that he/she may become a victim of human trafficking.

In paragraph 3 of art. 20 of Law 4636/2019 [which transposes, among others, the directives 2011/95 / E.E. and 2013/32 / EU] it is proclaimed as a basic principle that in applying the provisions regulating the registration and examination of applications for international protection, the special situation of vulnerable persons, including victims of trafficking, should be taken into account. It is also emphasized that "determining of the special situation of the above-mentioned persons is made after an individual evaluation of each case".

In the provision of art. 75 of Law 4636/2019 which regulates the more specific guarantees for the examination of applications for international protection of unaccompanied minors, it is also noted in

paragraph 7, that minors who are victims of human trafficking or victims of other serious forms of violence, will always be examined with the normal procedure - that is, the provisions relating to the examination of the application at the border, or the expedited examination of the application will not apply during the examination of their application.

Finally, it should be mentioned that the Asylum Service, as early as 2016, through the Instructions to the employees who have the role of case workers on applications for international protection, gives specific instructions regarding the need to complete a form that has been provided to the Asylum Service by the National Referral Mechanism for Victims of Trafficking as well as instructions for directing victims of trafficking (under investigation) in order to report, if they so wish, to the competent police authorities, incidents that have taken place against them, under conditions of confidentiality and protection

Asylum Service

The Asylum Service is required by law to give applicants belonging to a vulnerable group (including minors in general and victims of trafficking) a reasonable amount of time to properly prepare and consult a legal or other counselor to assist them. during the procedure, if the interview is arranged within a short period of time (15 days from the submission of the application).

It also takes special care that there is an interpreter in the language requested by the applicant and, in particular in the case of potential victims of trafficking, that both the case worker and the interpreter are of the same sex with the applicant (e.g. female case worker and interpreter for female applicant).

Finally, according to the Asylum Service Standard Operating Procedures, before the beginning of the interview, the case worker must ask the applicant if he / she feels physically and psychologically ready for the procedure. If the answer is no, the case worker should investigate, by asking questions, the issue and consider postponing or delaying the beginning of the interview or performing the interviewing with frequent intervals.

e. What organisations / authorities are trained / competent to detect (presumed) third-country national victims of trafficking)?⁹¹

The Organizations/Authorities that have been trained in the framework of the NRM are:

Organisation / authorities	Trained to detect (presumed) third-country national victims of trafficking? Y/N	Competent to detect (presumed) third-country national victims of trafficking? Y/N	Details
Police	Yes	Yes	
Border guards	Yes	Yes	
Labour inspectors	No	No	The Labour Inspectorate has made efforts to educate and train Labour Inspectors on

⁹¹ EMN NCPs are invited to address this question by using as source the European Commission, Study on reviewing the functioning of Member States' National and Transnational Referral Mechanisms, 2020, https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/study_on_reviewing_the_functioning_of_member_states_national_and_transnational_referral_mechanisms.pdf, last accessed on 15 May 2021.

			human trafficking issues, but without achieving a comprehensive victim identification and training mechanism., As a result, the inspectorate is considered a consistent partner in the detection and tracing of victims of trafficking.
Migration services	No	No	
Asylum case officers			
General practitioners	No	No	
Other health workers	Yes	Yes	
Employers			
Trade unions		Yes	
Civil society organisations	Yes	Yes	
Others			

f. Please describe how national referral mechanisms (or alternative mechanisms in absence of one) have evolved in the detection of (presumed) third-country national victims of trafficking in human beings?⁹²

The field professionals of the entities (state and non-governmental) that have been included in the NRM follow its Standard Operating Procedures, which have been compiled after close cooperation among them, from the early stage of identification until the victims' social integration or safe and voluntary return to their countries of origin.

Section 2: Identification of (presumed) third-country national victims of trafficking in human beings

Q4. Please describe the national procedures to identify (presumed) third-country national victims of trafficking in human beings, by answering to the following questions:

a) What organisations / authorities are competent to identify (presumed) third-country national victims of trafficking?

⁹² Ibid.

Organisation / authorities	Competent to identify (presumed) third-country national victims of trafficking? Y/N	Details
Police	No	
Border guards	No	
Labour inspectors	No	At the institutional level, the Labour Inspectorate as the competent entity supervising labour issues, examines any complaints or suspicions related to labour exploitation. However, the Division of Public Security of the Greek Police is primarily responsible for the specialized investigation of human trafficking networks. The Labour Inspectorate acts as an adjunct to the work of the Police with additional data of labour exploitation as they emerge during the inspection.
Migration services	No	
Asylum case officers	No	Asylum officials can identify victims of human trafficking in the course of their duties. Trafficking in human beings may also, on a case-by-case basis, be the reason for prosecution / risk of serious harm that will be investigated through the interview whether it leads to the granting of international protection status or not. However, according to Greek law, Asylum Service is not the competent authority to recognize them as victims of human trafficking.
Civil society organisations	No	
Others	Yes	In Greece, responsible for the official recognition of THB victims is only the Public Prosecutor of the Court of First Instance

b) Are there specific measures in place to identify (presumed) third-country national victims of trafficking in human beings? Yes No

If so, please elaborate.

The characterization "Victim of trafficking in human beings" is attributed by an Act of the competent Prosecutor of the Court of First Instance, both immediately after the initiation of criminal prosecution for a crime provided for in **articles 323A, 339 par. 1 and 3, 342 par. 1 and 2, 348 par. 2, 348A, 348B, 349 and 351A of the Penal Code** and before the initiation of persecution for any of these offences.

In the latter case, the issuance of this Act requires a written assessment, prepared by two professional psychiatrists, psychologists or social workers, who serve either in a Protection and Assistance Service or Unit of the articles 2, 3 and 4 of the Presidential Decree 233/2003, as applicable, or in the First Reception Service, NGOs, the International Organization for Migration, or in International Organizations or in other assistance entities specialized and recognized by the state, in accordance with the procedures / provisions laid down in articles 2, 3 and 4 of the Presidential Decree 233/2003.

The Act of Recognition is issued regardless of whether the victim cooperates with the prosecuting Authorities, in all cases in which the above Prosecutor deems, after the assent of the Prosecutor of the Court of Appeals, that the conditions of article 1 par. 2 of the Presidential Decree 233/2003 are fulfilled, or that the victim does not cooperate due to threats against his/her family members located in Greece or in their country of origin or anywhere else and that, if they are not protected or if they are expelled from the country, the aforementioned persons are in immediate danger (art.1, par.1, case 11, law 4251/2014)

c) Please indicate whether (and in what way) these specific measures differ for any of the cases below.

Specific measure to identify (presumed) third-country national victims of trafficking in human beings:	Details
within asylum procedures	As mentioned above, trafficking in human beings may in some cases be the reason for prosecution / risk of serious harm that will be investigated through the interview whether it leads to the granting of international protection status or not. There are specific question and decision templates and guidelines to assist case workers in investigating such cases, in conjunction with support in providing information on countries of origin.
within other migration procedures (e.g. seasonal workers, domestic workers, au pairs, students)	
who are voluntary returnees	
who fall under other categories included in the definition of vulnerable persons adopted for this study (e.g. minors, unaccompanied minors, disabled people, elderly people, pregnant women)?	
who are in an irregular situation	

d) Does a (presumed) third-country national victim have to be formally identified by a competent authority in order to apply for / be granted a reflection period / residence permit / protection status?
Yes No

In order for a residence permit to be granted to a third-country national as a victim of trafficking, he/she must be formally recognized by an act of the Prosecutor.

e) Please describe how national referral mechanisms (or alternative mechanisms in absence of one) have evolved in the identification of (presumed) third-country national victims of trafficking in human beings?⁹³

The entities participating in the NRM, monitor the procedure for the official recognition of THB victims who wish to be officially recognised by the Prosecutor and to cooperate with the police. Moreover, in case the victim does not wish to cooperate with the Police or before the initiation of persecution, a written assessment is prepared by two professional psychiatrists, psychologists or social workers who serve in a protection entity

⁹³ Ibid.

Section 3: Protection of (presumed) third-country national victims of trafficking in human beings

Q5. In line with the Anti-trafficking Directive, please describe in the table below what kind of assistance, support and protection (presumed) third-country national victims of trafficking in human beings are given access to in your Member State who are in the reflection period, in the Dublin III procedure, in the asylum procedure or who have a valid authorization to stay (residence permit, short term visa or visa-free stay) respectively. Please also indicate, for each type of assistance the competent authority that can trigger its provision

Type of assistance	Reflection period	Dublin III procedure	Asylum procedure	Residence permit holders	Short term visa/visa-free stay
Information on risks and protection mechanisms		See adj.column "Asylum procedure"	In accordance with the Standard Operating Procedures of the Asylum Service, the case worker of the Asylum Service informs the applicant that he / she can also contact the National Referral Mechanism and the competent department of the Greek Police and / or hotline 1109 which operates 24/7, and is able to handle calls in almost all languages in order to file a complaint and be protected.	According to article 51 (2) of Law 4251/2014, they should be provided with adequate living conditions, if they do not have sufficient resources. For beneficiaries of international protection: The housing of beneficiaries (not applicants) of international protection (already residing in temporary accommodation) is supported by the HELIOS program (funded directly by the European Commission, implemented by the International Organization for Migration (IOM) and its partners and monitored	

				by the Ministry of Migration and Asylum and, more specifically, by the Directorate of Social Integration). The HELIOS program supports beneficiaries to gain access to an autonomous residence (in apartments rented by themselves) through networking with apartment owners, as well as through a subsidy for rental and relocation costs. This is a monthly rent subsidy (up to twelve months) and a one-time subsidy on installation costs.	
Appropriate and safe accommodation	According to article 51 (2) of Law 4251/2014, they should be provided with adequate living conditions, if they do not have sufficient resources.	See adj.column "Asylum procedure"	According to the Standard Operational Instructions of the Asylum Service, the National Referral Mechanism is informed and a referral is made to the competent services (police, Juvenile Prosecutor's Office, NGOs) to take action.		

<p>Necessary medical treatment</p>	<p>They have the right to health care provided by the National Health System, the Protection and Assistance Units and the First Reception Services (Law 4251/2014, article 51 (1) and Presidential Decree 233/2003, Articles 2,3 and 4)</p>	<p>See adj.column "Asylum procedure"</p>	<p>According to Law 4368/2016, the provision of health care and nursing services is provided for all uninsured and vulnerable social groups. In addition, the Ministry of Health, through programs funded by the Internal Security Fund (ISF) and the European Asylum, Migration and Integration Fund (AMIF) and implemented by the Center for Disease Control and Prevention (KEELPNO), provides overall services covering psychosocial needs of migrants and refugees both in inland Structures and on the islands of the Northeast Aegean (PHILOS Program - "Integrated Emergency Health Intervention for the Refugee Crisis"). In particular, the Ministry of Health: a) implements a surveillance system in</p>	<p>They have the right to healthcare provided by the National Health System, the Protection and Assistance Units and the First Reception Services (Law 4251/2014, article 51 (1) and Presidential Decree 233/2003, Articles 2,3 and 4)</p> <p>According to Law 4368/2016, the provision of health care and nursing services is provided for all uninsured and vulnerable social groups. In addition, the Ministry of Health, through programs funded by the Internal Security Fund (ISF) and the European Asylum, Migration and Integration Fund (AMIF) and implemented by the Center for Disease Control and Prevention (KEELPNO), provides overall services covering</p>	

			<p>the Open Hospitality Structures and in the Reception and Identification Centers (RIC), in order to protect public health through prevention, early diagnosis and treatment of diseases and epidemics, b) under the coordination of the General Secretariat of Public Health, provides vaccination coverage to refugee children, in order to prevent diseases and facilitate their smooth integration into the education system, c) provides primary health care services in Open Hospitality Structures and RICs, d) has strengthened the National Health System (by recruiting more staff for primary and secondary level health services, for the National Center for Emergency Assistance and for the National Center for Health</p>	<p>psychosocial needs of migrants and refugees both in inland Structures and on the islands of the Northeast Aegean (PHILOS Program - "Integrated Emergency Health Intervention for the Refugee Crisis"). In particular, the Ministry of Health: a) implements a surveillance system in the Open Hospitality Structures and in the Reception and Identification Centers (RIC), in order to protect public health through prevention, early diagnosis and treatment of diseases and epidemics, b) under the coordination of the General Secretariat of Public Health, provides vaccination coverage to refugee children, in order to prevent diseases and facilitate their smooth integration into the education system, c) provides primary health care services in Open Hospitality Structures and</p>	
--	--	--	--	---	--

			<p>Operations, e) has developed and implements the Protocol for the Assessment of Vulnerability in the context of the identification process in RICs. At the same time, it provides essential services (health care, psychosocial support and interpretation services) to the Pre-Departure Detention Centers for Foreigners</p> <p>According to the Standard Operating Procedures of the Asylum Service, the case worker of the Asylum Service refers to a public hospital in case he / she needs immediate medical care.</p>	<p>RICs, d) has strengthened the National Health System (by recruiting more staff for primary and secondary level health services, for the National Center for Emergency Assistance and for the National Center for Health Operations, e) has developed and implements the Protocol for the Assessment of Vulnerability in the context of the identification process in RICs. At the same time, it provides essential services (health care, psychosocial support and interpretation services) to the Pre-Departure Detention Centers for Foreigners</p>	
Counselling and information	Yes, from the Prosecution, Judiciary and Police Authorities	See adj.column "Asylum procedure"	<p>According to the Standard Operational Procedures of the Asylum Service, the National Referral</p>		

			Mechanism is informed and a referral is made to the competent services (police, Juvenile Prosecutor's Office, NGOs) to take action.		
Legal assistance	Yes, from the Prosecution, Judiciary and Police Authorities	See adj.column "Asylum procedure"	According to the Standard Operational Procedures of the Asylum Service, the National Referral Mechanism is informed and a referral is made to the competent services (police, Juvenile Prosecutor's Office, NGOs) to take action.	Yes (art.8, Pres. Decree 233/03)	
Translation and interpretation	Yes, from the Prosecution, Judiciary and Police Authorities	See adj.column "Asylum procedure"	According to the Standard Operating Procedures of the Asylum Service, during the process of identification, informing and referring the applicant, the services of an interpreter of the spoken language (of the same sex, if so preferred) are provided.	Yes (art.8, Pres. Decree 233/03)	

<p>Psychological assistance</p>	<p>They have access to the psychological support services provided by the National Health System, from the Protection and Assistance Units and the carriers defined in articles 2, 3 and 4 of PD 233/2003</p>	<p>See adj.column "Asylum procedure"</p>	<p>According to the Standard Operational Procedures of the Asylum Service, the National Referral Mechanism is informed and a referral is made to the competent services (police, Juvenile Prosecutor's Office, NGOs) to take action.</p> <p>The action "Strengthening psychosocial support services", which is already being implemented, concerns the provision of counseling services and psychosocial support to the residents of the accommodation structures, who in many cases belong to vulnerable groups of the population (unaccompanied minors, pregnant women, women having just given birth, victims of torture and</p>	<p>They have access to the psychological support services provided by the National Health System, from the Protection and Assistance Units and the carriers defined in articles 2, 3 and 4 of PD 233/2003</p> <p>The action "Strengthening psychosocial support services", which is already being implemented, concerns the provision of counseling services and psychosocial support to the residents of the accommodation structures, who in many cases belong to vulnerable groups of the population (unaccompanied minors, pregnant women, women having just given birth, victims of torture and maltreatment, disabled, the elderly, victims of human trafficking, survivors of sexual and gender-based violence)</p>	
---------------------------------	---	--	---	--	--

			<p>maltreatment, disabled, the elderly, victims of human trafficking, survivors of sexual and gender-based violence) and have special reception and treatment needs. Implementing Agency: Ministry of Health and supervised agencies</p>	<p>and have special reception and treatment needs. Implementing Agency: Ministry of Health and supervised agencies</p>	
Subsistence (material assistance)					
Social and economic integration				<p>For beneficiaries of international protection:</p> <p>The HELIOS program offers "integration courses" to beneficiaries of international protection. These "integration courses" are conducted in "Integration Training Centers" throughout the country. Each course lasts 6 months and includes modules related to learning the Greek language, cultural orientation, as well as</p>	

				<p>preparing for the labour market and other skills.</p> <p>In order to facilitate access to the labor market, the HELIOS program provides employment support. More specifically, the program provides individual employment opportunities and enhances job readiness through the provision of consulting services, access to work-related certifications and networking with potential employers. Employers who are willing to hire beneficiaries of international protection or have relevant questions can contact the "Employability Team" of the HELIOS program.</p>	
Protection against re-victimisation					
Other			Education:	Education:	

			<p>The integration of the children of immigrants, applicants and beneficiaries of international protection into the education system, the non-formal learning of children and lifelong learning of adults are key priorities of the National Integration Strategy. The integration of the children of migrants in the school system of the country has been supported for more than two decades through the institutionalization and strengthening of the operation of intercultural schools (N. 2413/1996 and L. 4415/2016) and the establishment and operation of reception and tutoring classes as well as the Reception Structures for the Education of Refugees (Ministerial Decision - Φ10 / 20 / Γ1 / 7- 9-99, L. 3879/10, Y.A. Φ1 / 63691 / Δ1 / 2017).</p>	<p>The integration of the children of immigrants, applicants and beneficiaries of international protection into the education system, the non-formal learning of children and lifelong learning of adults are key priorities of the National Integration Strategy. The integration of the children of migrants in the school system of the country has been supported for more than two decades through the institutionalization and strengthening of the operation of intercultural schools (N. 2413/1996 and L. 4415/2016) and the establishment and operation of reception and tutoring classes as well as the Reception Structures for the Education of Refugees (<u>Ministerial Decision - Φ10 / 20 / Γ1 / 7- 9-99, L. 3879/10, Y.A. Φ1 / 63691 / Δ1 / 2017</u>).</p> <p>As far as adults are concerned, there is the possibility of attending</p>	
--	--	--	---	---	--

			As far as adults are concerned, there is the possibility of attending "Second Chance Schools" (N. 2525/1997), in order to obtain a degree equivalent to a high school diploma and to have the right to continue their studies at the next level.	"Second Chance Schools" (N. 2525/1997), in order to obtain a degree equivalent to a high school diploma and to have the right to continue their studies at the next level.	
--	--	--	--	--	--

Furthermore, all victims of human trafficking, have the right to appeal to the Hellenic Compensation Authority (created by Law 3811/2009, A'231), which is incorporated in the Ministry of Justice. Victims of human trafficking are entitled to reasonable and appropriate compensation from the Greek state, provided that the crime is committed in Greece and the victim appeals to the Hellenic Compensation Authority. The victim is eligible to apply for compensation by the State mainly a) when, following an irrevocable conviction, the perpetrator lacks the financial means required to satisfy the above application, b) when, in case of prosecution initiated against a person or persons unknown, the perpetrator cannot be identified, c) when the perpetrator cannot be prosecuted due to the prosecution having been terminated by order of the competent Prosecutor and d) when, due to an irrevocable acquittal decision issued by the Court, there can be no penalty imposed on the alleged perpetrator

The compensation covers medical expenses and any treatment, specialized psychological support of the victim when there is no corresponding public structure of psychological support at the place of residence or stay of the victim, loss of income for a reasonable period of time, cost of changing environment (change of residence) and the cost of moving and purchasing the necessary consumer goods to relocate to a safe environment and finally the funeral expenses. The compensation does not cover the ransom paid by the victim, his relative or a third party to the perpetrators of the crimes of kidnapping (article 322 of the Penal Code) and kidnapping of minors (article 324 of the Penal Code).

For third-country nationals who are victims of trafficking and have applied for asylum, the competent Authorities for the Reception and Accommodation of Asylum Seekers of the Ministry of Migration and Asylum ensure that they are provided with adequate and safe accommodation, necessary medical care, counselling and provision of information, legal assistance, psychological support, an allowance, social and economic integration, protection against revictimization.

Regarding the hosting of TCNs in the Reception and Identification Centers on the islands, the current legislation stipulates that one of the responsibilities of the Units operating within the RIC, is to inform the residents about the available services and the support entities, inside and outside the Structure, for persons belonging to vulnerable groups and in particular unaccompanied minors, victims of torture and trafficking in human beings and persons who have been subjected to sexual, physical, psychological or other violence, as well as about the legal framework and in particular the possibilities for protecting victims of trafficking and gender violence. Also, the Medical Examination and Psychosocial Support Unit is responsible for:

- the detection and identification of the vulnerability and the relevant suggestion to the Head of the Center.
- special medical and psychosocial care, including case management and support for victims of trafficking in human beings and persons who have suffered sexual, physical, psychological or other forms of violence.
- referring persons belonging to vulnerable groups to the relevant body of social support or protection. Persons belonging to vulnerable groups can stay in the Reception and Identification Centers in separate areas, until the reception and identification procedures are completed and, in any case, for as long as they remain in the RIC. Special care is taken to protect their safety within the RIC, as explicitly defined in art. 18 of the RIC Regulation.

In general, according to art. 25 of the Regulation, the housing of people with vulnerabilities is treated in such a way as to ensure the most appropriate living conditions. The same applies to the hosting of TCNs victims of trafficking in human beings who are hosted in inland Temporary Reception and Hospitality Structures, according to the Structures Regulation no. 23/13532/2020 (Government Gazette 5272 / B / 2020) as defined in art.5 (responsibilities of Units) and art.11 par.2 (separate areas within the Structures for vulnerable groups).

Q6. How does your Member State apply the principle of non-refoulement for victims of trafficking in human beings? Please indicate whether (and in what way) specific measures differ from general practice.

There are no specific measures applicable to victims of trafficking in human beings as part of the international protection process implemented by the Asylum Service, other than the general application of the principle of non-refoulement.

In case of irregularly staying foreigners, protection is provided from deportation during the protection or assistance to victims of trafficking in human beings (article 12 (2) L. 3064/2002, as amended by article 3 (2) L.3875 / 2010) .

Q7. How does your Member State implement Article 60 and 61 of the 'Istanbul Convention'?⁹⁴

On March 29, 2018, Greece ratified the "Istanbul Convention" with national law (Law 4531/2018, A'62) and thus strengthens the protection of women victims of trafficking who seek asylum and their right to non-refoulement. Greece also participates in the mechanism for monitoring the implementation of the Convention, in the GREVIO Commission, an independent body that evaluates the legislative measures taken by the country to implement the provisions of the Convention and issues recommendations based on more specific research and reports it prepares.

International protection procedure

Case workers are trained to handle both the interview and the legal coverage of cases of gender violence against women. There are also specific question and decision templates and guidelines to assist case workers in investigating such cases, in combination with support in providing information on countries of origin.

Special care is also taken to ensure that there is an interpreter in the language requested by the applicant, and in particular in the case of potential victims of trafficking in human beings or victims of gender violence against women, both the case worker and the interpreter can be of the same sex of the applicant if he/she so wishes (e.g female operator and interpreter for female applicant).

According to the Asylum Service Standard Operating Procedures, before the beginning of the interview, the case worker should ask the applicant if he / she feels physically and psychologically ready for the procedure. If the answer is no, the case worker should investigate, by asking questions, the issue and consider postponing the interview or delaying its start or conducting the interview with frequent intervals.

Finally, in case an employee of the Asylum Service during the performance of his / her duties becomes aware of the commission of a criminal act, he / she notifies in writing the Head of the Regional Asylum Office, who decides on any further action and informs the competent prosecutor. At the same time, the principle of non-refoulement is applied by law throughout the whole process of international protection.

Q8. Please describe what typology(ies) of reflection periods, residence permit(s), protection status(es) and national programme(s) are available to protect (presumed) third-country national victims of trafficking, by answering the following questions.

a) What organisations / authorities are competent to trigger the request for a (presumed) victim to remain on the territory of your Member State? Please indicate if the organisations / authorities differ between cases of presumed and identified third-country national victims of trafficking in human beings.

The procedure of granting residence to a third country national is initiated by the competent Prosecutor of the Court of First Instance, with the issuance of the relevant act of characterization as a victim of trafficking.

⁹⁴ CoE, Convention on Preventing and Combating Violence Against Women and Domestic Violence, 2011, <https://www.coe.int/en/web/conventions/full-list/-/conventions/rms/090000168008482e>, last accessed on 9 May 2021.

At the same time, the Asylum Service is among the authorities competent to deal with the case in the event that a third-country national submits a request for international protection, regardless of whether he or she is simply a victim of trafficking or has been identified as such and refers to the National Referral Mechanism, the competent services of the Police and the civil society organizations that provide support, while on a case-by-case basis (eg minors) the Prosecutor is also informed by the Head of the Regional Asylum Office / Independent Asylum Unit.

b) Can third-country national victims of trafficking in human beings submit a request for a reflection period themselves? Yes No

If so, to whom? Please indicate if this possibility exists for both cases of presumed and identified third-country national victims of trafficking in human beings and the extent to which they differ.

c) Does your Member State provide for a reflection period also for presumed third-country national victims of trafficking in human beings? Yes No

See next question

d) How long does the reflection period last to decide if presumed third-country national victims of trafficking in human beings want to cooperate with the authorities? Does it have the same duration in case it is provided to identified victims?

Articles 49-56 of Law 4251/2014 regulate issues of residence in the Greek territory of victims of human trafficking, as defined in Directive 2004/81 / EC. Specifically, according to the provisions of article 49 of law 4251/2014, third-country nationals who have been identified as victims of human trafficking are provided with an act by the competent Prosecution Authority for a reflection period of three months, in order to escape the influence of their perpetrators, to rehabilitate themselves so that they can make an informed decision about their cooperation with the prosecuting authorities. During the reflection period, the persons referred to in the preceding paragraphs shall not leave the country. A return decision, which has been issued but has not yet been executed, is suspended. Furthermore, by decision of the competent Prosecution Authority, the reflection period may be terminated before its expiration, in case it is either established by the relevant Prosecution Authority that the above-mentioned person actively reconnected, voluntarily and on his own initiative, with the perpetrators of the crimes in question or that the evidence taken into account for his characterization as a victim of trafficking in human beings is no longer valid, or there are reasons of public order and security.

Especially for minors victims of human trafficking or smuggling, the same deadline can be extended for another two months by decision of the competent Prosecutor's Office and based on the serving of the best interest of the minor.

For the above-mentioned granted reflection period, victims of trafficking in human beings have the right to medical care and access to psychological support services provided by the competent authorities. In addition, the same persons are provided with adequate living conditions if they do not have sufficient resources, while the competent prosecutorial, judicial and police authorities take care, as a matter of priority, of the protection and safety of the aforementioned victims by providing them with translation and interpretation services if they do not speak the Greek language, in order to get informed regarding their legal rights and the services provided to them, as well as for the provision of any necessary legal assistance (Article 51 / Law 4251/2014).

Subsequently, the competent Prosecutor of the Court of First Instance or the competent police Authority or the competent social support entities provided by greek legislation inform the third-country national - victim of human trafficking that he / she is entitled to apply for a residence permit, in accordance with the above, providing him with the necessary information.

After the expiration of the reflection period or even before the expiration, the competent Prosecutor examines whether one of the following conditions is met and prepares a relevant report:

- a. if it is deemed appropriate to extend the residence of the person in question in the Greek Territory, in order to facilitate the ongoing investigation or criminal proceedings,
- b. if the person has shown a clear willingness to cooperate and
- c. if the same person has severed all ties with the alleged perpetrators of the offenses

The examination of the application for the granting of the residence permit is of high priority and its issuance is carried out by decision of the Minister of Migration and Asylum. Without prejudice to public order or security reasons, a residence permit of twelve months is issued if one of the conditions of the preceding paragraph is met and it gets renewed each time for an equal period of time, provided that the same conditions are still met.

Special care for minors - victims of human trafficking

The Greek state in any case prioritizes the provision of protection and assistance to minor victims of human trafficking, who are also the most vulnerable group. An unaccompanied minor is a person under the age of 18 who arrives in Greece without being accompanied by an adult responsible for his or her care, in accordance with Greek law or practice, and for as long as no responsible adult is in custody or the person under 18 who is left unaccompanied after entering Greece. According to the provisions of Law 4251/2014, for minors - victims of human trafficking, the reflection period can be extended for another two months by decision of the competent Prosecutor's Office and based on the minor's best interest.

In addition, the competent Juvenile Prosecutor or, in case there isn't one, the competent Prosecutor of the Court of First Instance, if the minor's family is not found or if he deems that in these circumstances his repatriation does not serve his interest, may order his protection until the issuance of a decision by the Court, to which he/she must apply within thirty (30) days, for the appointment of a Guardian, in accordance with the provisions of articles 1532, 1534 and 1592 of the Civil Code.

In addition, according to Article 5 of Presidential Decree 233/2003, victims under the age of 18 have access to public schools where reception or tutoring classes or intercultural education programs take place. In case there is uncertainty as to whether the victim is a minor, but this can reasonably be considered to be the case, he / she is considered to be a minor and special protection measures are provided until his / her actual age is ascertained.

e) Are (presumed) third-country national victims of trafficking in human beings expected to cooperate with the authorities during the reflection period? Yes No

But they can cooperate if they wish to.

If so, what is expected from them (e.g. report to the police, refer to support organisations, discontinue contact with traffickers)? Does cooperation differ between identified and presumed third-country national victims of trafficking in human beings?

f) What type of residence permit(s) are available specifically for (presumed) victims of trafficking in human beings in your Member State? Please indicate if this possibility exists for both cases of presumed and identified third-country national victims of trafficking in human beings and the extent to which they differ.

Only those citizens of third countries who have been recognized / characterized as victims of trafficking in human beings by an Act of the Prosecutor of the Court of First Instance, can according to article 52 of Law 4251/2014 (Immigration Code) obtain a residence permit for 12 months (with the possibility of renewal for an equal period of time as long as) the same conditions are still met), without the need to pay a fee.

International protection

Third-country nationals can apply for international protection and be granted international protection status (refugee or subsidiary protection), whether they are victims of trafficking in human beings or have been recognized / characterized by an act of the Prosecutor, provided that the conditions for granting international protection are met.(see next question for more details).

g) What are the conditions for getting these permit(s) granted? Do conditions differ between presumed and identified (i.e. not yet identified) third-country national victims of trafficking in human beings?

A primary requirement for the granting of a residence permit in accordance with the migration legislation, is that there should be an act of characterization by the competent Prosecutor of the Court of First Instance. Only third country nationals who have been recognized / characterized as victims of trafficking in human beings by an Act of the Prosecutor of the Court of First Instance, can according to article 52 of Law 4251/2014 (Immigration Code) obtain a residence permit for 12 months (renewable for an equal period of time if the same conditions are still met), without the need to pay a fee.

Furthermore, a residence permit is granted for humanitarian reasons (article 19A of law 4251/14) to third country nationals victims of human trafficking who do not appertain to article 52 of law 4251/14, provided that there is a relevant characterization act by the competent Prosecutor of First Instance . The validity of the original residence permit is annual, provides the right to paid employment and the provision of services or work and can be renewed at any time for two years only provided that the relevant criminal proceedings continue. If no criminal proceedings are pending, the residence permit is renewed for one year only.

A residence permit is also granted in cases where there is an objective and ascertained impossibility to provide the person concerned with a passport, upon a reasoned request of the person concerned and the opinion of the competent Committee. The residence permit can be renewed for one of the reasons specified in law 4251/2014, if the reason for which it was granted in the first place is no longer valid. Applications for residence permits on behalf of minors or adults who are unable to handle their cases and are hosted in any institution or legal entity of public benefit, are submitted by the designated representative of the institution or legal entity.

International protection

The granting of international protection status to third country nationals who are considered or have been recognized / characterized as victims of human trafficking is regulated by Law 4636/2019 and asylum procedure and falls within the competency of the Asylum Service. In particular, the conditions for the recognition of refugee status under the 1951 Geneva Convention Relating to the Status of Refugees and the Directive 2011/95 / EU apply, according to which a refugee is a third-country national who, as a result of a well-founded fear of persecution due to race , religion, nationality, political beliefs or participation in a particular social group, is outside the country of his or her nationality and he /she is not able, or does not wish to be under the protection of said country, or he/she is a stateless person outside the country of his/her habitual residence due to the same reasons mentioned above and he/she is not able or does not wish to return to it and the exclusion clauses do not apply in his/her case.

Accordingly, subsidiary protection is granted under Community Directive 2011/95 / EU, according to which "a person entitled to subsidiary protection" is, subject to exclusion clauses, a third-country national or a stateless person who does not qualify to be recognized as a refugee but there are substantial reasons why, if he or she returns to his or her country of origin or, in the case of a stateless person, to the country of his or her former habitual residence, he or she is in danger to be seriously harmed and cannot or, due to this danger, does not wish to place himself under the protection of that country. Serious harm consists of (a) the death penalty or execution, or (b) torture or inhuman or degrading treatment or punishment of the applicant in his country of origin, or (c) a serious and personal threat to the life or physical integrity of a civilian through the use of indiscriminate violence in situations of international or domestic armed conflict.

Consequently, the victim of trafficking in human beings, whether or not he or she has been recognized, and the circumstances under which he or she left or will find on his or her return to his/her country must fall into the above-mentioned reasons, based on the procedure followed by all applicants for international protection. The fact that someone was a victim of human trafficking is not in itself a reason for international protection.

h) Are other protection status(es) and national programme(s) offered to protect (presumed) third-country national victims of trafficking in human beings? Yes No

If so, please indicate the extent to which they differ between presumed and identified third-country national victims of trafficking in human beings.

Section 4: International cooperation between Member States and with third countries in addressing detection, identification and protection of (presumed) third-country national victims of trafficking in human beings?

Q9. Please describe how your Member State cooperates within the scope of the Dublin III Regulation:

a) How does your Member State deal with cases of (presumed) third-country national victims of trafficking in human beings that fall under the Dublin III Regulation?

The above-mentioned information about applicants for international protection is valid, since the requirement for implementing the Dublin III Regulation is the submission of a request for international protection.

b) What is the national policy and practice regarding Dublin transfers of (presumed) third country national victims of trafficking in human beings?

There is no separate policy or practice regarding regular Dublin transport.

c) How does identification and referral take place during the Dublin Procedure?

A request for international protection is a prerequisite for joining the Dublin Process, in which case the above-mentioned information regarding the asylum procedure is valid

d) Are presumed third country national victims of trafficking in human beings identified during the Dublin procedure entitled to a reflection period? Yes No Δεν υπάρχει διαφοροποίηση στο νόμο.

There is no differentiation in the law.

e) What, if any, are the situations in which Dublin transfers are halted for presumed third-country national victims of trafficking in human beings?

Under the Dublin III Regulation, the transfer period may be extended to a maximum of one year if the transfer has not been possible due to the detention of the person concerned or to a maximum of 18 months if the person concerned escapes. There is no specific or different provision.

f) Has your Member State used the humanitarian and sovereignty clauses under Articles 3 and 17 of Dublin III Regulation for cases of trafficking in human beings? Yes No

Q10. What (other) intra-EU cooperation mechanisms are in place regarding detection, identification and protection of (presumed) third-country national victims of trafficking in human beings? ⁹⁵

Cooperation between the National Referral Mechanisms for the Protection of Victims of Trafficking in Human Beings in the countries of origin and in the host countries is ongoing and open, aiming at informing each other of existing sources of assistance for victims and assisting voluntary and safe returns to the country of origin.

In addition, according to the Strategy of the Ministry of Citizen Protection to combat human trafficking 2021-2025 the following is provided:

- Utilization of the means of international police and judicial cooperation (EUROPOL, INTERPOL, SELEC, EUROJUST, etc.) for direct and targeted exchange of information.
- Participation and contribution to the Analysis Project "AP Phoenix" (trafficking in human beings), of the Analysis Work Files for Serious and Organized Crime Threat Assessment of Europol.
- Strengthening the cooperation with competent organizations and services at EU level. and the Council of Europe (Europol, Eurojust, Cepol, Frontex, GRETA) with the aim of organizing staff training for the identification of victims of trafficking and the provision of appropriate assistance but also for the enhancement of the detection of web content used by traffickers.
- Strengthening the international and national cooperation among the competent bodies, for planning and development of operational actions. In particular, making full use of operational partnerships, such as joint research teams, with the support of Europol and in the context of EMPACT.
- Strengthening the cooperation and coordination among judicial, prosecutorial, law enforcement authorities and other competent bodies. Adapting national anti-trafficking legislation, in line with international and European law, to ensure appropriate legal tools and their full utilization will strengthen the Principles for better case management and avoid further victimization.

Q11. What cooperation mechanisms with third countries, if any, are in place in your Member State regarding detection, identification, and protection of (presumed) third-country national victims of trafficking in human beings?

A bilateral agreement has been signed between Greece and Albania regarding the protection and assistance of children victims of trafficking from these countries (Law 3692/2008, A'173).

Q12. Does your Member States cooperate with third countries in the context of voluntary return of (presumed) third-country national victims of trafficking in human beings? Yes No

If so, in what way?

According to the Evaluation Report of Greece by the Group of Experts on Action against Trafficking in Human Beings (GRETA) of the Council of Europe (2017), the repatriation of victims of trafficking from Greece

⁹⁵ EMN NCPs are invited to address this question by using as source the EMN AHQ 2019.91 on [victims of trafficking of human beings exploited in another Member State](#), requested by LU NCP on 10 October 2019, last accessed on 13 June 2021. The AHQ was not made publicly available on the EMN website.

to their countries of origin takes place through the National Center for Social Solidarity or the NGO that has undertaken the case of the victim in cooperation with the diplomatic mission of the respective country in Greece and has made contact with the respective services in the country of origin.

IOM Greece runs an Assisted Voluntary Return and Reintegration (AVRR) program for vulnerable migrant groups, including victims of human trafficking. The program includes risk assessment prior to return, assistance in obtaining travel documents where necessary, organizing the return journey and reintegration assistance, including monetary support. Also since 2015, IOM has been running the TACT project (Transnational Action - safe and sustainable return and reintegration for victims of trafficking) which involves Greece, France, Italy, Poland and Spain as destination countries and Albania, Morocco and Ukraine as priority countries for return. The program is financed by the European Asylum, Migration and Integration Fund. The aim is to establish a cooperation mechanism in the field of safe return and reintegration of victims of trafficking in priority countries, to strengthen cooperation between the relevant institutions in the participating countries and to provide support for the reintegration of victims returning to their countries of origin.

In the case of the EU-Turkey Statement on Migration (18 March 2016), it stipulates that all new migrants crossing from Turkey to the Greek islands who are not applying for asylum or whose asylum applications are found unfounded or inadmissible will be returned to Turkey. The Greek authorities have stressed that victims of THB belong to vulnerable groups and there is no evidence of the return of recognised victims of THB to Turkey. Unaccompanied minors are exempted from return procedures even if they do not submit an asylum application.

Q13. Is your Member State considering any future cooperation mechanisms with third countries and with other Member States regarding detection, identification, and protection of (presumed) third-country national victims of trafficking in human beings? Yes No

If so, please explain.

As regards to minors, the development of synergies with other EU Member States and Partner States constitutes a priority of the Special Secretariat for the Protection of Unaccompanied Minors in order to safeguard the best interests of unaccompanied minors. A cooperation mechanism for the protection of child victims, which is being considered in terms of enhancement and mainstreaming, is to ensure legal pathways within the EU, such as relocation and family reunification. The Special Secretariat, in the context of its competency, takes initiatives on and implements actions aiming at protecting third-country national or stateless minors either by ensuring the provision of a set of quality services to children in order to be safe and have the equipment and support to develop their personalities, or by providing an integrated protection framework to prevent the risk of victimization, even by promptly identifying children outside the child protection system. In this sense, the extension of the support framework to young adults up to 21 years of age is being considered (framed by a network of professionals and the creation of a network of services). The first pilot action in this direction is the cooperation of the Special Secretariat with the Council of Europe in a transnational programme (GR,ES, NL) "UACFutures".

Furthermore, the National Strategy for the Protection of Unaccompanied Minors, among other actions of the third pillar of action concerning the protection of minors from violence, abuse, and exploitation, includes the designation of focal points in Member States aiming at the enhancement of the protection of minors in cross-border movement and the coordination in managing cases of possible exploitation of minors and missing children. In this context, SSPUAM has developed a strategic cooperation with the Office of the National Rapporteur on Trafficking in Human Beings for the activation of international networks such as the Organization for Security and Cooperation in Europe (OSCE) and the development of cross-border cooperation with the neighboring countries of Greece, in order to enable the timely detection of unaccompanied children trying to leave the country illegally with a gross risk for their safety and to have effective protection

Lastly, the Special Secretariat has included an action in the National Strategy for the Protection of UAMs concerning the cooperation between our country as an EU MS and third countries, from which unaccompanied minors located in Greece come from, in order to enhance child protection and promotion of children's rights in every country.

Section 5: Key challenges and good practices in Member States, including in light of the COVID-19 pandemic.

<p>Q14a. What are the key challenges faced in the i) detection, ii) identification and iii) protection of (presumed) third-country national victims of trafficking in human beings?</p> <p>Please include one challenge per row and indicate the stage for which it applies in the tick boxes below. If needed, please add additional rows to the table below.</p>	
<p>Challenge <i>(Please list in order of importance or chronological order as instructed under the first question)</i></p>	<p>Stage</p>
<p><i>Please describe the challenge.</i></p> <p>-The detection of victims of trafficking for the purpose of labor exploitation, for reasons related to the residence status of workers in the country,</p> <p>-labor market conditions</p> <p>-restrictions on the inspection procedures by the competent state bodies.</p>	<p><input type="checkbox"/> Detection</p> <p><input type="checkbox"/> Identification</p> <p><input type="checkbox"/> Protection</p>

<p>Also answer the following questions:</p> <p>a) For whom is this a challenge (e.g. policy-makers, competent authorities, third-country nationals, other stakeholders.)?</p> <p>-for victims who are not adequately protected, especially during the pandemic -for the Labour Inspectorate and the relevant authorities.</p> <p>b) Why is it considered a challenge?</p> <p>c) What is the source of the statement (e.g. based on input from experts, surveys, evaluation reports, other sources)?</p>	
<p><i>Idem</i></p>	<p><input type="checkbox"/> Detection</p> <p><input type="checkbox"/> Identification</p> <p><input type="checkbox"/> Protection</p>

Please elaborate by answering to the following questions

Q14b. What are the specific challenges at any of the above stages concerning vulnerable persons or asylum applicants?

Please include one challenge per row and indicate the stage for which it applies in the tick boxes below. If needed, please add additional rows to the table below.

Challenge <i>(Please list in order of importance or chronological order as instructed under the first question)</i>	Stage
<p><i>Please describe the challenge.</i></p> <p>Limited possibility of securing safe housing for male victims.</p> <p><u>Asylum Service</u></p> <p>Due to the COVID19 pandemic, access to the Asylum Service was initially impossible, as public services remained closed to the public for some time. Then most of the communication could be done via email, and even many interviews were conducted remotely. This may have caused a difficulty in establishing a climate of trust between the case worker and the victim during the interview or between any employee and applicant during various administrative actions so that the victim could disclose the evidence for the crime of human trafficking (in case it has not already been mentioned in a previous stage). As a result, it was difficult for the case worker and the employees of the Asylum Service to detect and extract information in order to provide protection. This is an inherent problem of the system in cases of non-direct personal contact.</p> <p>Also answer the following questions:</p> <p>a) For whom is this a challenge (e.g. policy-makers, competent authorities, third-country nationals, other stakeholders.)?</p> <p>b) Why is it considered a challenge?</p> <p>c) What is the source of the statement (e.g. based on input from experts, surveys, evaluation reports, other sources)?</p>	<input type="checkbox"/> Detection <input type="checkbox"/> Identification <input type="checkbox"/> Protection

Q14c. What are the specific challenges with regard to traffickers / criminal organisations involved in trafficking in human beings using asylum procedures for means other than intended? *(for example, to temporarily house victims in a reception centre before moving them to the intended country).*

Please include one challenge per row and indicate the stage for which it applies in the tick boxes below. If needed, please add additional rows to the table below.

Challenge <i>(Please list in order of importance or chronological order as instructed under the first question)</i>
<i>Please describe the challenge.</i>

The victim is being accompanied by the trafficker during the appointment with the Asylum Service for the interview procedure: this results in the victim not being able to describe what he/she suffers at the hands of his traffickers, not revealing that he/she is a victim of human trafficking or the exact reasons for fleeing his country or being given a false identity. The consequence is that the conditions for granting international protection status are not met. Also, in case the victim is informed about his / her rights and the possibility of protection by the authorities as a victim of human trafficking, the trafficker who accompanies him / her may realize that he / she spoke to the authorities and may suffer further violence. These are particularly difficult cases that require careful handling by all Asylum Service staff based on practical experience

Also answer the following questions:

- a) For whom is this a challenge (e.g. policy-makers, competent authorities, third-country nationals, other stakeholders.)?
- b) Why is it considered a challenge?
- c) What is the source of the statement (e.g. based on input from experts, surveys, evaluation reports, other sources)?

Q15. What are the consequences of COVID-19 pandemic on the detection, identification, and protection of (presumed) victims?.

In some cases, it was necessary to suspend protection actions, which made it difficult for victims to access protection services.

Q16. What new patterns and / or trends in trafficking in human beings have emerged because of the COVID-19 pandemic?

According to the Annual Report of the National Reporting Mechanism for the Protection of Victims of Trafficking in Human Beings for 2020 and regarding the assessment of the effects of the pandemic on the perpetrators and the general situation of the victims, the data submitted to NRM do not lead to some specific conclusion. International reports, however, show that the pandemic has exacerbated the vulnerability of victims, facilitated their isolation and submission, and led perpetrators to use the internet more widely, both to recruit and exploit their victims. In relation to the services, there was a worldwide lack of access to them for the victims and delays in the dispensing of justice.

Q17. How has your Member State adapted its policies and procedures due to the challenges of the COVID-19 pandemic?

The Greek state took a series of precautionary measures against the pandemic to prevent the spread of the coronavirus in Reception and Identification Centers and Hospitality Structures for Third Country Nationals:

In order to prevent the spread of the coronavirus, the National Crisis Management Plan in Refugee Structures "AGNODIKI" is applied in all Reception and Identification Centers (RIC). The Plan includes the development of medical units (examination room, treatment center, isolation space), daily reporting and control at the points of entry and exit from the structures, recording of any suspicious cases and recording of all the staff involved. In this context, an information campaign had been launched for all stakeholders (Government agencies, International Organizations and Civil Society Agencies), as well as third-country nationals in languages they understand. By decision of the relevant Head of Center, the designation of specific areas where delivery of purchases is allowed, while the process of placing ATMs within the Structures has begun.

In the same context, other preventive measures are taken, such as the suspension of receiving the public at the competent Regional Asylum Services (Regional Asylum Offices and Independent Asylum Units),

the Central Asylum Service, as well as the Appeals Authority. Respectively, the validity of the applications for international protection, residence permits and travel documents issued in application of the provisions of the law on international protection is being extended.

In addition, the Office of the National Rapporteur coordinated, in cooperation with the relevant Ministries and Regional Authorities, the access of victims of trafficking to the Covid-19 test.

In this regard, and aiming at decongesting the services of the Ministry of Migration and Asylum and further facilitating the applicants, the full implementation of the online platform for online residence permit applications in the country was introduced on April 15, 2020, for applicants with exceptional reasons. Through this procedure, submission of application for a residence permit electronically is being made available to:

- adults with seven years of continuous residence in the country
- minor protected members
- parents of native minors

According to the provisions of par. 1- 5 of art. 19 of law 4251/2014 (A'80), an application can be submitted by the interested party himself, the parent or guardian of a minor, or the lawyer of the interested party. The process is simple and can be done through the website of the Ministry of Migration and Asylum. This is a fully digitized process, since no in-person attendance is required during the process of submission, registration and issuance of the final decision, for the residence permit.

The digitization of the residence permit application process aims to decongest the services of the Ministry of Migration and Asylum and to serve the applicants expeditiously. From April 15 until today, a total of 2,156 applications have been submitted, 90% of which are registered in Attica. 99% of those fall into the first category of applicants, ie adults with seven years of continuous residence in the country.

Asylum Service

In addition, the Asylum Service placed particular emphasis on the digitalization of the Service's procedures and the prioritization of remote actions, on making use of the relevant legal framework as well as on the supply of all necessary protection materials, teleworking and the suspension of specific actions. More specifically:

1) pre-registration of a request for international protection: no. 65 par. 2 Law 4636/2019 "simple registration" : In case, for any reason, the full registration is not possible, according to paragraph 1, after a decision of the Director of the Asylum Service, the Reception Authorities may proceed, no later than three (3) working days from the submission of the application, in a simple registration of the minimum necessary data, including the language in which he wishes to have his application examined, and then to proceed as a priority to the complete registration provided in par.1, on a specific date, of which the applicant is informed and which may not be more than fifteen (15) working days from the pre-registration of the application. In this case, the applicant is provided with a document, bearing his / her details and a photograph, which he / she delivers during the final registration, in which case this is also replaced by the asylum seeker card in accordance with Article 70 hereof.

2) remote delivery of a decision by mail or e-mail: (art.82, par.3 case b), c) Law 4636/2019)

3) registration of international protection requests via Skype.

4) electronic delivery of Tax Identification Number and Provisional Insurance and Healthcare Number:

(Tax Identification Number: Decision of the Governor of AADE with No. A.1270, (Government Gazette 5508 / 14.12.2020) and subject: "Procedure for the Assignment of a Tax Registration Number to the applicants for international protection")

(Provisional Insurance and Healthcare Number: art. 55 par. 2 Law 4636/2019 (Government Gazette 199 / B / 31-1-2020) of the Ministries of Immigration and Asylum, Education and Religions, Health, State and Labor and Social Affairs, the return of a Provisional Insurance and Healthcare Number for Foreigners)

Due to traffic restrictions, several services used the internet to communicate with beneficiaries, which in many cases facilitated their access.

Q18. Regarding the challenges identified above, does your Member State have concrete plans or proposals in place for improvements to deal with them?

The Greek state, governed by the rule of law, implements a single strategy with specific plans and actions in order to directly and effectively manage a large volume of migration and refugee flows, by applying international and European treaties. The Greek system is creating mechanisms for the reception, identification, relocation or integration of migrants and is also taking measures to simplify, clarify and shorten procedures using digital technologies.

Q19. In light of possible new trends and developments, is your Member State anticipating any new challenges in the near future? Yes No

If so, please explain.

According to the Strategy of the Ministry of Citizen Protection to combat human trafficking 2021-2025, the criminal act of human trafficking will continue to be a real threat to Greece, namely:

- Sexual exploitation will remain the predominant form of human trafficking.
- Other forms of exploitation, like labour exploitation and begging, will continue to exist
- Regarding foreign perpetrators in criminal organizations, they will still be ethnically homogeneous and directly cooperating with Greek nationals.
- The use of the Internet as a means of luring-exploiting victims and finding customers is estimated to be reinforced by the members of these criminal organizations.
- There will still be cases, victims and perpetrators of european origin, with the main countries of origin of these victims being in Southeastern Europe.

Q20. What good practices in relation to i) detection, ii) identification and iii) protection of (presumed) third-country national victims of trafficking in human beings exist in your Member State?

Please include one good practice per row and indicate the stage for which it applies in the tick boxes below. If needed, please add additional rows to the table below.

Good practice <i>(Please list in order of importance or chronological order as instructed under the first question)</i>	Stage
<i>Please describe the good practice.</i>	<input type="checkbox"/> Detection <input type="checkbox"/> Identification <input type="checkbox"/> Protection

The National Referral Mechanism for the Protection of Victims of Trafficking in Human Beings in Greece proceeded to the formation of Standard Operating Procedures for the field of Health and for the structures hosting refugees, due to their special operating protocols. All standard procedures were created by working groups, in which professionals representing all stakeholders in the field participated. They also determine the steps to be taken when evidence is available but insufficient to identify a victim of trafficking.

The National Referral Mechanism for the Protection of Victims of Trafficking in Human Beings conducts trainings for professionals in the field by forming cross-sectoral / interdisciplinary teams, in order to ensure the acquaintance and familiarization of professionals with the Victim Protection Network. NRM's management team also acts as a support team for any issue that may relate to case management. The group (as part of a State Social Service) also monitors the protection of victims in the country at all stages.

Also answer the following questions:

a) Who considers this a good practice (e.g. policy-makers, competent authorities, third-country nationals, other stakeholders.)?

All interested parties

b) Why is it considered a good practice?

c) What is the source of the statement (e.g. based on input from experts, surveys, evaluation reports, other sources)?