

**TRANSNATIONAL STUDY ON THE  
CHARACTERISTICS OF POLICIES  
IN THE FIELD OF TRAFFICKING IN HUMAN  
BEINGS FOR LABOUR EXPLOITATION  
2009-2011**



## *Acknowledgements*

*This study is the result of participation from law enforcement structures involved in the prevention and combating of the criminal phenomenon, from public authorities responsible for providing assistance, protection and social reintegration for the victims of trafficking in human beings, as well as from the civil society. We would like to thank all of them for their contribution to this material.*

*Also, this undertaking had the benefit of our project partners' experience, namely:*

- European Public Law Organization – Greece;
- Ministry of Interior – Hungary;
- National Commission for Combating Trafficking in Human Beings – Bulgaria;
- KISA – Action for Equality, Support, Antiracism – Cyprus;
- Ministry of Interior of FYROM – Associate Partner.

*We would like to express our thanks to Mrs. Paola BORGHI<sup>1</sup> for a constructive approach and for the elegant way in which she was able to overcome the challenges that occurred along the way.*

*We would like to thank Mrs. Viktoria SEBHELYI<sup>2</sup> for her determination, good organization skills and innovative attitude.*

*We give our thanks to Mrs. Sanija BURAGEVA<sup>3</sup> for the rigorousness and consistency of her materials that demonstrate her experience in the research field both from the perspective of a public institution representative and as a member of a Non-Governmental Organization.*

*We would like to thank the representatives of the National Commission for Combating Trafficking in Human Beings from Bulgaria for the enthusiasm and the determination they showed in all circumstances.*

*The frequently questioning attitude of our partners in Cyprus – KISA – Action for Equality, Support, Antiracism – revived, every time, the discussions within our meetings, compelling us to overcome our limits and raise the quality standards of our activities. We thank you for this.*

*We would also like to thank our colleagues in the National Agency Against Trafficking in Persons (Romania) for their team spirit, for their tolerant and flexible attitude that proved once again that ANITP is a reliable partner, aware of the importance of cooperation activities at the transnational level in the fight against trafficking in human beings.*

---

<sup>1</sup> Researcher representing the European Public Law Organization from Greece

<sup>2</sup> Researcher representing the Ministry of Interior from Hungary

<sup>3</sup> Researcher representing the Ministry of Interior from FYROM



## **CONTENTS**

INTRODUCTION		<b>7</b>
CHAPTER I	ROMANIA – COUNTRY OF ORIGIN	<b>11</b>
CHAPTER II	HUNGARY – TRANSIT COUNTRY	<b>31</b>
CHAPTER III	GREECE – COUNTRY OF DESTINATION	<b>45</b>
CHAPTER IV	FYROM – THIRD COUNTRY	<b>65</b>
CHAPTER V	CYPRUS AND BULGARIA	<b>79</b>
CHAPTER VI	CONCLUSIONS AND RECOMENDATIONS	<b>89</b>
CHAPTER VII	ANNEXES	
A.	LIST OF LEGAL INSTRUMENTS ON TRAFFICKING IN HUMAN BEINGS AND LABOUR EXPLOITATION	<b>96</b>
B.	REGISTER WITH CONTACT DATA OF INSTITUTIONAL AND NON-GUVERNAMENTAL PARTNERS COMPETENT IN THE IDENTIFICATION AND REFERRAL OF VICTIMS OF TRAFFICKING IN HUMAN BEINGS	<b>100</b>
C.	LIST WITH THE CRITERIA/INDICATORS FOR THE IDENTIFICATION OF POSSIBLE VICTIMS OF TRAFFICKING IN HUMAN BEINGS FOR LABOUR EXPLOITATION	<b>108</b>
CHAPTER VIII	BIBLIOGRAPHY	<b>109</b>



## INTRODUCTION

Trafficking in human beings has dimensions and aspects that differ from one region to another and therefore it is necessary that the prevention and the combating of this phenomenon should be approached from many perspectives.

Globalization of criminality continued to produce effects in the human trade. The tactical performance of criminal networks overcomes the traditional geographic and information borders. Traffickers in human beings mobilize huge financial resources to design very efficient transnational strategies to create, reconfigure and supply a profitable market where trading persons living under precarious socio-economic and emotional conditions becomes a purpose in itself. These preconditions of vulnerability make it predictable that criminals will approach the future victims, while the government and players from the civil society mobilize “to keep up” with the effective performance of criminal networks<sup>4</sup>.

### **Why this study was necessary**

Statistics from Romania indicate an increasing trend in trafficking for labour exploitation of Romanian victims; in 2008, out of 1240 identified Romanian victims, 716 were trafficked for labour exploitation in EU states like Italy, Spain, Greece, Cyprus, while the statistics of the destination countries indicate mainly Romanian and Bulgarian sexual exploitation victims. The need to be addressed is the low capacity of victim identification, the low capacity of prosecution and the low number of convictions based on labour exploitation, because of probable gaps in institutional and legal framework and weaknesses in cooperation and coordination of efforts by police, prosecutors and labour inspectors in origin, transit and destination states. Another problem is the lack of understanding among the stakeholders of the distinction between trafficking for forced labour and human smuggling and illegal employment which prevent them from taking adequate assistance measures for the victims.

Offers for well-paid jobs are the main method of recruiting victims. The phenomenon is enhanced by the low awareness of risk among the vulnerable groups and by the lack of knowledge of the relevant stakeholders in countries of origin, transit and destination.

Statistics show that victims exploited for labour suffer one or several forms of abuse (different financial penalties or debt bondage, various forms of emotional abuse induced by traffickers, mostly through threats). Considering the complexity of the phenomenon, there is a need to assess the labour conditions, minimum wages, fiscal laws and/or migration laws.

The project addresses the specific objective of the EU plan<sup>5</sup> on best practices, standards and procedures for combating and preventing trafficking in human beings: “to prevent trafficking in countries of origin, transit and destination by raising awareness of the dangers involved and publicising crime prevention and criminal justice in the EU, including successful prosecutions, to deter traffickers.”

---

<sup>4</sup> *Annual report on the situation of trafficking in human beings in 2010* – ANITP – MAI, Romania.

<sup>5</sup> <http://eur-lex.europa.eu/>.





## METHODOLOGY

For the elaboration of the national studies, the researchers applied the following methods:

**1. Literature analysis (desk review<sup>6</sup>/research).** The researchers reviewed the applicable regulations in the field, as well as of any other resources (studies, external evaluation etc.) to analyse and to identify the current situation. The method came to support the theoretical information within the study.

**2. Interviews/questionnaires/work groups/Delphi method/any other instruments based on questionnaires or discussions according to the object of the study,** respectively the identification of policy characteristics in the field of trafficking in human beings for labour exploitation according to current needs.

The main instruments used were the questionnaire and the interviews, which were addressed to experts involved in the fight against trafficking in human beings for labour exploitation, from both the public and private sector in the field of combating and preventing trafficking in human beings, as well as in the area of assistance and protection of victims of trafficking in human beings.

The study analysed the situation of trafficking in human beings exploited for labour between 2009 and 2011.

The **transnational study** was developed to identify the needs in the field of trafficking in human beings for labour exploitation: the conclusions of this study will represent the basic elements of the prevention campaign that is to be implemented in all partner countries in order to raise awareness regarding the risks associated with forced labour.

Each chapter contains the synthesis of national studies in the following order: origin country – Romania, transit country – Hungary, destination country – Greece and third country – FYROM.

There are also short presentations made by our partners in the project: Bulgaria - National Commission for Combating Trafficking in Human Beings and Cyprus - KISA Action for Equality, Support and Antiracism which provided added value to the study.

Additional information on the national studies and national reports of Bulgaria and Cyprus is available on the partners' sites as follows:

- <http://www.eplo.eu/>, <http://thb.kormany.hu/>, <http://www.kisa.org.cy/EN/index.html>,
- <http://www.nacionalnakomisija.gov.mk/>, <http://www.antitrafic.government.bg/en/>.

The conclusions and recommendations aimed, especially, those aspects regarding the improvement of transnational cooperation between project partners, taking into account the characteristics of each partner country and having the purpose of improving the process of identification and referral of victims of trafficking in human beings for labour exploitation.

The last part of the study is represented by the annexes which will be useful tools for the stakeholders' activity.

Thus, Annex A represents a list of the most important normative tools regulating the activity of prevention and countering of trafficking in human beings for labour exploitation, and the activity of some related fields as well.

Annex B consists of a short description of the main partners involved in the identification, referral mechanism that offer information, support and protection to actual and possible victims of trafficking in human beings<sup>7</sup>.

---

<sup>6</sup> Additional data and analysis of existing information (legislation, books, sites, reports, statistics) on the phenomenon, essential questions, significant differences, strong and weak points.

<sup>7</sup> For additional information regarding the partners involvement in the identification and referral mechanism for the victims of trafficking in human beings, you can consult the national studies of the partners and the national reports of Bulgaria and Cyprus that are published on the project partners sites, as follows: <http://www.eplo.eu/>, <http://thb.kormany.hu/>, <http://www.kisa.org.cy/EN/index.html>, <http://www.nacionalnakomisija.gov.mk/>, <http://www.antitrafic.government.bg/en/>. We consider that the information in the national studies can be used for the establishment

Annex C represents a list of criteria which can be used to identify a victim of trafficking in human beings for labour exploitation.

We consider that this list made by the International Labour Organization and brought to attention by Mrs. *Sanija BURAGEVA* – FYROM<sup>8</sup> should be on the agenda of the regional seminars and workshops organized within the project “*Integrated approach for Prevention of labour exploitation in origin and destination countries*”, both to extend it and for dissemination, in order to improve the identification of possible victims.

The bibliography is available in the materials which represented the basis for the national studies.

---

and operation of experts’ network – one of the results of the Project “*Integrated approach for Prevention of labour exploitation in origin and destination countries*.”

<sup>8</sup> National study on the characteristics of public policies on the trafficking in human beings for labour exploitation - FYROM, Sanija **BURAGEVA**, site: <http://www.nacionalnakomisija.gov.mk/>.

# CHAPTER I

## ROMANIA – COUNTRY OF ORIGIN

### CERTAIN ASPECTS ON THE SITUATION OF TRAFFICKING IN HUMAN BEINGS FOR LABOUR EXPLOITATION

#### SECTION 1: GENERAL ASPECTS

##### 1.1. Certain legal aspects/legal framework

At a regional level, the financial crisis in the last years has stimulated the significant growth in the number of victims of trafficking in human beings for labour exploitation. The period 2009 – 2011 was characterized, at the national level, by an intense work to modernize the legal framework, aiming, in particular, to clarify the competences and responsibilities of the institutions with competencies in the field, to correlate the subsequent fields, as well to be in accordance with the related European Union documents. The accession of Romania to the European Union involved the harmonization of national legislation, the adaptation of structures and mechanisms of national public administration, but, as well as the development of administrative and legal capacities to implement the Community acquis. Romania has adopted gradually an assembly of legal measures for the continuous building and reinforcement of the national mechanism, in the context of improving the international cooperation for the prevention and combating the trafficking in human beings<sup>9</sup>.

*Law no. 678/2001 on the prevention and combating of trafficking in human beings*<sup>10</sup> with its *Enforcement Regulation*<sup>11</sup> and the *National Strategy against Trafficking in Human Beings (NSATP)*<sup>12</sup> are the legal framework of the activity for the prevention and combating of trafficking in human beings, as well as for protection and assistance of victims of this phenomenon.

Romania signed ratified and implemented most of the European and international instruments on the prevention and combating of trafficking in human beings for labour exploitation<sup>13</sup>. Currently, the implementation of the Directive 2011/36/UE of the European Parliament and Council of 5<sup>th</sup> of April 2011 on the prevention and combating of trafficking in human beings and the protection of its victims, as well as to replace the Framework Decision 2002/629/JAI of European Council is in progress.

#### RECOMMENDATIONS

➤ Given some institutional and legislative changes that occurred from 2003 to the present, it is necessary to reevaluate the Government Decision no. 299/13.03.2003 for the approval of the application of Law no. 678/2001 on preventing and combating trafficking in human beings to amend and supplement this regulation.

➤ Although we benefit from a law governing the National Mechanism for Identification and Referral of victims of trafficking in human beings, we believe that we need to supplement it with detailed information about certain procedures of identifying and referral of victims which could

---

<sup>9</sup> *The national study in Romania on the characteristics of public policies for the trafficking in human beings for labour exploitation*, <http://anitp.mai.gov.ro/ro/>.

<sup>10</sup> The main instrument of penal politics in the field of trafficking in human beings which includes both indictment norms and provisions on the definition of some used terms and expressions, aspects on the prevention and victims' assistance, naming the responsible institutions, including those at the international level.

<sup>11</sup> Published in the Official Gazette no. 206 on 31.03.2003

<sup>12</sup> Government Decision (G.D.) no. 1654/2006 for the approval of the National Strategy against Trafficking in human beings (NSATP) 2006 - 2010, G.D. no. 1720/2006 for the approval of the National Action Plan 2006 – 2007 for the implementation of the NSATP 2006 – 2010. The National Action Plan 2008 – 2010 for the implementation of the NSATP presents general relevant information, the main action fields and strategic objectives in the field of trafficking in human beings.

<sup>13</sup> Annex A: *List of legal instruments on trafficking in human beings and labour exploitation*.

become standard, also the list of indicators is recommended to be detailed and depending on the specific form of exploitation, it could include labour exploitation.

➤ Should also consider the effects of coming into operation of the new Criminal Code (Law no. 286/17.07.2009).

➤ Assess all other normative acts related to preventing and combating trafficking.

## **1.2. The national institutional framework**

The reaction capability to the issue of trafficking is coordinated mainly by the legal framework that allows state institutions to adjust their organization and resources and to develop the capacity to respond to threats and risks posed by this form of crime against society and the individual.

Generally, the adaptation of the legal and institutional issues of this nature is reactive in relation to the subject matter. It should be noted that the existing legislation and way of working of the institutions involved have allowed a sufficiently coherent and combined institutional response to facilitate the registration of a positive trend in efforts to reduce trafficking in human beings.

The high number of the institutions involved in preventing and combating trafficking in human beings can be explained by the magnitude and complexity of the phenomenon, both at national and international levels. Each institution, by law, has been assigned with responsibilities in preventing and combating trafficking, responsibilities which could be undertaken unilateral or through institutional cooperation.

At the national level, partnerships between public institutions, trade unions, employers and NGOs has proved to be one of the existential elements for carrying out, coordinating and evaluating unitary activities to prevent and combat trafficking in human beings for labour exploitation.

One of the key players in improving institutional response is the **Interministerial Working Group (GIL)**, aims as well to facilitate the inter-institutional cooperation, including with civil society. The Group's activity is supported by the locally anti-trafficking teams, coordinated by the county rapporteur.

Each public institution<sup>14</sup> responsible for preventing and combating trafficking is represented in GIL by a permanent member<sup>15</sup> and by a substitute member; NGOs can participate with experienced representatives, but without having the right to vote.

The answers to the evaluating questionnaire developed by the Group of Experts for Action against Trafficking Human Beings (GRETA), qualitative assessment of the impact of National Strategy Against Trafficking in human beings 2006-2010, managing the trafficking in human beings or drafting the Strategy against Trafficking in Human Beings for the period 2012-2016, are all examples of topics that have been under discussion at the GIL meetings.

**The National Steering Committee on preventing and combating child labour (CND)**, established by Government Decision no. 617/2004 amended and supplemented, as ministerial body on coordinating and monitoring programs and activities carried out in Romania for the prevention and elimination of the forms of child labour, including child trafficking, operates under coordination of the Ministry of Labour, Family Social Protection and Elderly, respectively, under the Subcommittee on Prevention and Combating Trafficking in Children, interinstitutional working group with advisory status for the protection and assistance of children victims of trafficking, held at expert level, functioning under the jurisdiction of CND – Directorate General of Child Protection - DGPC.

**National rapporteur institution.** According to the Council of Europe Convention on Action against Trafficking in Human Beings as, Romania has adopted the recommendation of establishing a National Rapporteur, useful and necessary because of its independence and authority. This is one of the objectives of the new strategic document. Currently ANITP assumed

---

<sup>14</sup> See Annex B - Register with contact details of the institutional and non-governmental partners with competence in the identification and referral of the victims of trafficking.

<sup>15</sup> In his absence, the substitute member shall participate (the person designated by the institution to replace the permanent member when he is missing).

responsibility in this regard. However, it is necessary to establish the National Rapporteur's institution, which can be represented either by a public institution (eg. ANITP), or by an individual.

The **Parliamentary Group for combating trafficking in human beings within the Romanian Parliament** was established in 2009, and it's based on a positive initiative that influenced the cooperation and supported, through parliamentary means, the activities of competent institutions in focusing and improving the actions of relevant stakeholders in all sectors of public administration and civil society. At the European Union and Member States level, the Parliamentary Group for combating trafficking in human beings supported the national perspective on E.U. proposals, ensuring proper representation and reflection of the national efforts for fighting trafficking in human beings.

Even before the establishment of ANITP, the role of the NGOs, as representatives of the civil society, was a forefront in the implementation of policies to prevent trafficking and assist victims. By engaging human and financial resources, by developing management mechanisms and funding instruments, inside and outside of the country, a number of NGOs have developed specialized services to assist victims of trafficking, initiated and implemented programs to prevent victimization, and addressed a number of important potential victims of trafficking for labour exploitation, for sexual services or other forms of exploitation.

The mechanisms of cooperation between NGOs and the public institutions entrusted by law with responsibilities in the field of trafficking in human beings (prevention, combating and assistance to victims) have developed, bringing favourable effects over the years, especially in recent years, which led to the establishment of ANITP as central authority in preventing victimization and coordination of assistance services provided to victims. In 2008 and 2009 several organizations have obtained financial resources - through the National Interest Programmes implemented by ANITP, with public funds - thus managing to cover part of the costs forecasted for the victim's assistance.

International organizations have also a coordinating role, supporting NGOs, raising government interest and involvement, providing information, encouraging cooperation, and functioning as donors for national or local projects.

ANITP and the civil society organizations' efforts to promote good partnership practices have had favourable effects on continuing operations of programs to assist victims of trafficking, as well as in projects/programs in the area of preventing victimization. At the same time the limitations, generated by the lack of financial resources, caused difficulties in perpetuating prevention programs and victim's assistance which were being developed by some organizations.

From the information provided by some NGOs, their cooperation activities can be summarized as follows:

The interinstitutional cooperation is the basic pillar for unitary conducting, coordinating and evaluating activities to prevent and combat trafficking in human beings. In this regard, public authorities cooperate continuously with Romanian and foreign NGOs and intergovernmental organizations, to carry out specific activities to prevent trafficking in human beings, especially to raise public awareness on trafficking in human beings and its consequences.

The approaches targeted to control the phenomenon, to understand the nature and its complexity in order to reduce the number of the victims of trafficking for labour exploitation had an important place on the agenda of governments, public institutions and civil society organizations. The need to focus on the crime prevention line is a problem that concerns the entire society, activity which must be done in a systematic and coordinated way, using all social resources, especially in the case of trafficking. In this regard, between institutions, state authorities and non-governmental organizations there has been an active cooperation in preventing and combating this phenomenon, regardless of its form.

The interinstitutional cooperation was maintained, both at national and international level, mainly due to the participation of ANITP personnel, from central and local level, in a series of conferences, visits, seminars/training sessions for improving their knowledge in preventing trafficking in human beings, as well as due to the national and transnational cooperation with

NGOs, international organizations and other institutions, within the projects and programs designed to improve knowledge and skills of workers, to support the exchange of experiences and best practices, to streamline working procedures with victims of trafficking, according to their characteristics, or to harmonize with the specifics of the services provided to victims.

## CONCLUSIONS

One of the main problems in the field, defined in the process of drafting the National Strategy against Trafficking in human beings 2012-2016, conducted in late 2011, is "limited ability of anti-trafficking response in accordance to features of the national action areas". Analysis of the existing legal framework and conducted anti-trafficking activities and working meetings with representatives of public institutions and NGOs with responsibilities in trafficking led to the identification of the following subsequent problems:

- **The reduced number as well as the existent disparities in the organization and operation of specialized services assisting the victims of trafficking.**

The current territorial arrangement of the residential centres for adult victims of trafficking is ineffective in satisfying their individual needs. Individual's residence, as one of the eligibility criteria which determines the subject's access to social services, provided by the local authorities, is a factor hindering the insurance of protection and assistance for victims of trafficking in specialized centres.

Also, the probation services that have the power to provide counselling and other assistance to victims of trafficking cannot have a prompt and appropriate response to the needs of these disadvantaged categories of persons. This is due to the fact that victim's addressing to the probation services is very low, knowing that they work with the offenders, and on the other hand not all the probation services have staff trained in psychological counselling, and those who have this type of training, do not have the accreditation needed to provide psychological counselling. Therefore, at this time, the probation services, although legally authorized to assist victims of trafficking, most often refer victims to other institutions or organizations that can respond to the specific needs of the victims.

- **Low capacity to implement the National Mechanism for Identification and Referral of trafficking victims.**

Observing the activity regarding the repatriation and referral of victims, especially the stages and stakeholders involved, has revealed that, at the level of institutions responsible for implementing the National Mechanism for identification and referral of victims of trafficking, the provisions of this document are not sufficiently known or there is some doubt regarding the tasks of identification and referral of victims of trafficking. Lacking the standards necessary for risk assessments for victims of trafficking identified and of the standards for their repatriation causes some delays in identifying the most appropriate measures of protection and assistance. Also, the indicators for identifying possible victims are not customized according to the type of exploitation, respectively labour exploitation - for the present study.

- **Limited capacity of the law enforcement authorities for the assessment, anticipation and response to the evolution of the crime acts typologies of trafficking.**

The problem mentioned is caused by the existing limitations of labour, financial and logistical resources, which have favoured common practice in response to the issue of trafficking, based in a high measure on the ability to manage individual capacity of the investigators to solve crimes.

Innovation and initiative are required in this area to be stimulated both by widespread use of modern tools of information management and addressing cross-border judicial approach.

- **The lack of reporting or underreporting/delayed reporting of the institutions in the field on activities and results.**

Partial taking or not taking the responsibility for collecting data of interest by the institutions in the fields of action, hinder the rate of information aggregation and assessment of the

situation of trafficking in human beings in Romania, resulting in a reduced capacity response in time to the reporting requirements in this field, affecting thus their quality.

• **The need of a neutral observer regarding the involvement and results of public policies in the field of trafficking, having the necessary authority and independence, able to evaluate and make recommendations on the efficiency and sustainability of the anti-traffic actions at national level.**

Differences of opinion between institutional authorities and civil society on the results and lines of action in the effort to prevent and combat trafficking and to assist victims are often lacking positive and constructive effects in the absence of proper arbitration that could be provided by the National Rapporteur Institution. The arbitration provided by the latter institution would have the effect of improving the coordination and synergy of actions of the two social segments so that the countering activities achieve the desired efficiency.

### **RECOMMENDATIONS**

1. Improving the implementation of the national mechanism for identification and referral of the victims of trafficking not only by increasing the awareness and training of personnel involved in the identification and referral, but also through effective inter-institutional cooperation.

2. Increasing the capacity of the law enforcement regarding the assessment, anticipation and response to the evolution of crime acts typologies of trafficking.

3. Improving the collection, processing and analysing of the data and also the information dissemination activity of the institutions responsible for implementing the policies in the field of trafficking for labour exploitation.

4. Setting up and implementing the national rapporteur institution as a neutral observer of the implications and outcomes of public policies in the field of trafficking, provided with adequate authority and independence in order to carry out assessments and to make recommendations on the effectiveness and sustainability of the anti-trafficking approach, at national level.

5. Intensifying and increasing the cooperation with non-governmental organizations engaged in prevention of trafficking and victim's assistance, must remain a priority as NGOs actively and effectively support the fight against this phenomenon.

6. Another recommendation relates to the need to strengthen collaboration with public/private, national and/or international organisations working in the field of migration and employment and training, to promote legal migration and public awareness about working abroad conditions, about the rights of every worker and the risks associated with "black labour".

## **SECTION 2: THE CURRENT SITUATION. CHARACTERISTICS OF TRAFFICKING IN HUMAN BEINGS FOR LABOUR EXPLOITATION**

### **2.1. Analysis of the causes and conditions that generate and facilitate trafficking for labour exploitation**

At regional level, the financial crisis of the recent years has favoured the increase in the number of victims of trafficking for labour exploitation.

Statistics based on solved cases by law enforcement agencies reveal increasing trends of trafficking in human beings for labour exploitation in a wide range of legal and illegal sectors, including agriculture, horticulture and food industry, cleaning, construction, domestic service, entertainment (especially artists: dancers, cheerleaders, for example. entertainment parks), hotels, nursing homes, restaurants, catering, small factories where physical labour is used.

In this context, coherent policies are needed to prevent and combat trafficking for labour exploitation.

In **\*agriculture\***, workers are required to work hard, where seasonal labour is often needed to make the most of that time of the year.

Due to the complex contracting and subcontracting issues, **\*Construction\*** is something quite common and the workers are not protected. Short-term workers are employed by small businesses acting as subcontractors for medium/large companies which do not comply with the labour legislation and conditions stipulated in the contracts they have signed with the workers recruited. Illegal deductions from their wages are often operated.

In the **\*textile and clothing\*** industry, small businesses, often clandestine, evade the national regulations and even if workers receive very low wages, they are not allowed to leave. Usually, they have a debt to pay for transportation and employment.

Another sector at great risk for forced labour is **\*housework\***. Many women see this type of activity as the only opportunity to go abroad and to emigrate and often they leave through the advertisements made by recruiters who are preparing their contracts. Once arrived, they discovered that they are not free to change the employers, that they receive little or no pay and no health insurance, maternity leave or rest. Because of the unprotected nature of their work and the very close relationship with the employer - who often lives in the same house – so they suffer from social isolation. As they do not speak the language, and because they do not have a legal status, they are easily deceived by the employers who are providing them abusive conditions. Housework is a sector that is difficult to track and control.

In particular, forced labour is determined by the nature of the relationship between the person concerned and the employer. This involves restrictions on freedom of movement, taking away the identity documents, making threats such as the threat of violence or threat of denunciation to the immigration authorities addressed to the illegal immigrants who complain about the living standards and working conditions.

One of the most common means of controlling victims is the system of “slavery caused by debt” which, legally represents the state or condition arising from a pledge by a debtor with his personal services or of a person under his authority as a guarantee of a debt, if the value of such services, reasonably assessed, is not applied to cover the debt or if the length or nature of these services is limited. In practice, the system of "slavery caused by debt" occurs when a person becomes a guarantee for a debt or loan. In trafficking cases, the persons who exploit keep the victims in this slavery situation due to the debt by the fact that they are asked to pay excessive amounts for their transport to the place of destination. Moreover, they are supplemented by exorbitant interest rates and inflated costs of food, accommodation and clothing to be paid. This is one of the main mechanisms used by traffickers to abuse and control their victims. Most of the time, the victims do not realize that this method is unfair and illegal because they believe it is part of a consensual transaction, based on correct or nearly correct prices.

The recording contracts leverage systems are illegal, as taking a human being as a guarantee for a debt is the result of deception against the worker's rights. This falls under the offence category of obtaining pecuniary benefits or services by deception, which is illegal in most countries.

At international level there is an agreement, stipulating that forced labour is not related to the type of activity/work that the person is undertaking. Forced labour is found in legal and illegal sectors of the economy, like commercial sexual exploitation, and organizing illegal activities. Consequently, an agricultural worker or on a construction site may or may not be in a situation of forced labour. Not the type of work they perform, but the conditions under which they work make the difference. This method of trafficking may be involve individuals (agents recruiting accomplices abusing their position within the administrative authorities of the States concerned), and legal persons (hotel companies, entertainment, travel agencies, transportation companies, companies employing etc.).

The analysis of the case studies and statistics implemented at ANITP allowed structuring of some categories of causes and conditions that generate and sustain trafficking in human beings. The precarious financial situation represents the most common reason, combined often with a lack of improvement perspective. The economic development inequalities between countries incite people to leave their country of origin to seek better paid jobs abroad. Economic downturns across countries lead to increased living standards for lower social class groups. In countries of origin due



to discrimination, women do not always have the same professional or economic opportunities as men, they are more affected by poverty, which can lead to their desire to go abroad to find a job.

Although the magnitude of trafficking has become more and more visible, at least at the level of skill to manage the situation, there is still company-wide insufficient information regarding the risks and traumatic situations faced by trafficked persons and at the same time, regarding the usual methods of traffickers recruiting victims. The most common method is that of recruitment under the false promise of ensuring legal well-paid jobs abroad, and this still persists, because the victims recruited have low education, cannot perceive inconsistencies in the traffickers' arguments and are unable to request additional information but even if they do so, they wouldn't have access to them. The companies carrying commercial contracts that promise different placement services in the West are not verified in terms of accuracy of the information provided, of the reality of verifiable contracts with foreign partners and of the assurances of the contracts.

The insufficiently harmonized criminal law addressing the phenomenon from different angles, low efficiency of control in this area, offset by more well-organized actions of cross-border crime, and quickly exploiting existing shortcomings are also causes of proliferation of trafficking in human beings. Lack of effective control in this area is reflected in the high degree of pull down under the appearance of legality, proof models agencies proliferation of artistic activities, offices matrimonial agency of labour placement abroad.

A country with open borders is subject to favourable effects of culture and world civilization but also international organized crime. Trafficking in human beings as a form of organized crime needs new markets, new networks of uncontrolled channels with a speed of deployment and extraordinary adaptability and having adequate money goals.

## **2.2. Evolution. Trends. Modus operandi**

Trafficking in human beings continues to encompass all forms of forced labour, slavery and servitude in all branches of industries and agriculture.

The economic recession recorded both at European and international level, biased the phenomenon of trafficking in human beings for forced labour, which resulted in a decrease in the quality of life, determining thus a higher risk-taking by people affected by redundant employment.

Meanwhile, proper implementation of the public policies to combat this phenomenon, especially in terms of adequate training of specialists that identify, investigate and prevent trafficking, resulted in an increase in the number of the victims identified within the analysed period.

During 2009 - 2011, the number of the labour exploited victims is still about half of the total number of identified victims, most of them forced to work in agriculture, horticulture and food processing, construction, cleaning services, domestic services (care homes), hotel, restaurants and catering, entertainment (especially artists: dancers, animation night clubs, amusement parks etc.).

The most common method of recruitment remains the direct approach by the recruiter and the advertisements.

Most victims are Romanian citizens labour exploited abroad, with the number of cases involving Romanian citizens being exploited within Romania being irrelevant<sup>16</sup>.

The main destination countries for labour exploitation are Spain, Czech Republic, Greece, Cyprus and Germany.

The most vulnerable age group is between 26-40 years, respectively males, with secondary education, coming from rural areas.

Although the economic crisis in Romania resulted in a decrease in the volume of the services provided to citizens, the difficulties in providing assistance to victims of trafficking and their rights could be overcome through collective efforts of those involved. The necessary resources

---

<sup>16</sup> Between 2009 and 2010 no foreign victims of labour exploitation have been identified in Romania, but in 2011 five foreigners from Bangladesh were identified as victims of trafficking for labour exploitation in Romania.

for repatriation, providing protection and emergency assistance, as well as including victims within socio-professional integration and psychotherapy programs were identified.

The analysis made from the perspective of the processes of accompanying the victims of trafficking in human beings indicates that legal issues called for legal solutions, the gender ones required solutions justified by “gender sensitive” approaches, as the emotional, psychological or social consequences that victims had coped with, sought and found answers in individualized approaches, responding to the particular needs which comprises all the needs of a victim or another. The two broad definition perspectives, the legal and the humanistic one, as well as the trafficking in human beings phenomenon approach, gave one reporting perspective of the social organism to the victims through its relevant actors and, in a corresponding manner, two theoretical, functional/operational matrices that gave sense to the victims’ accompanying when regaining control over their own psycho-somatic, social, economic and cultural lives. Within the custody and repatriation periods, scarcely victims are provided assistance opportunities to meet their acute needs, reality that adds a major stress to the victim’s condition of psychopathological syndrome.

The assistance of the victims, whether it was provided by the public or by the civil society was fundamentally guided by the principles of art. 12 of the Council’s of Europe Convention on Action against Trafficking in Human Beings<sup>17</sup>. A variety of factors have influenced individual resistance of the victims and their functional rehabilitation skills at the proximate reality environment where they live (temporal extent and trauma severity and quality of social support received and so on).

The Romanian criminal justice system and law enforcement authorities are facing substantial difficulties in the register of crime prevention and control of trafficking and exploitation of persons, determined by criminal and economic motivations burdened by the limitations caused by the scarcity of the institutional resources deployed for the administration of/to successfully combat this dark areas manifestation.

Trafficking in human beings crimes, from various reasons, are difficult to investigate, incriminate or punish. However, the judicial authorities have made efforts to give consistency to the humanitarian and legal obligation, unequivocally, to treat victims of trafficking according to the principles and rights set out in the existing rules. During the period analysed, the authorities with responsibilities in the field have encouraged the cooperation of the victims within criminal proceedings against traffickers, providing the victims of trafficking, by law, a number of safeguards and security throughout the course of the criminal proceedings.

The local prevention campaigns, which have actively involved institutional partners, have been adapted to the specific of the local and regional undergoing traffic. Setting the investigation of the activities, not only nationally but also at an international level, in order to detect as many as possible members of the criminal groups, led to the identification of a large number of victimized people and therefore a greater number of suspects who were investigated, furthermore the statistical variation of the dismantled organized crime groups involved in trafficking was reduced.

Traffickers have adapted, attracting a growing number of people to establish compact groups and many victims who are trafficked reach a more limited number of dealers. It is notable that the success rate of the increasing judicial approach resulted in the prosecution of a growing number of defendants. There is a tendency to change the general characteristics, as they are starting criminal activity at a much younger age than previously recorded.

The Joint Investigation Teams (JIT) that the Romanian authorities attended had a great impact on the criminal activity in line with trafficking in human beings in several states.

---

<sup>17</sup> See the text of the Convention: Council of Europe Convention on Action against Trafficking in Human Beings (CETS no. 197, <http://hub.coe.int/>).

## SECTION 3: REFERENCE, PROTECTION AND ASSISTANCE OF THE VICTIMS OF TRAFFICKING IN HUMAN BEINGS

### 3.1. Instruments. Method of implementation. Responsibilities

In order to support the persons in difficulty, unable to go on by themselves or with the support of close people, the social assistance was developed to find solutions to overcome the obstacles they face and to achieve a certain standard of life similar to the one existing in the rest of the society.

The victims of trafficking are one of the categories of vulnerable persons that represent, in particular, the subjects of social intervention. The right to benefit from assistance and protection is provided to all of the victims of trafficking without discrimination, regardless of the type of exploitation and their decision to participate or not in criminal proceedings.

Law no. 678/2001 on preventing and combating trafficking in human beings, as amended and supplemented, has introduced rules on the protection and assistance of the victims of trafficking, Romanian and foreign citizens, are guaranteed their right to physical, psychological and social care, privacy and identity, paying particular attention to minors and women. The law establishes general measures related to the victims' housing or period of reflection.

The inclusion within specialized programs of assistance is conditioned, firstly, by the correct identification of the victims of trafficking. Creating an integrated national system for identifying these victims and developing efficient activities of assistance and protection to the victims of trafficking as mentioned among the specific objectives within the National Strategy against Trafficking in Human Beings for the period 2006 - 2010.

The National Identification and Referral Mechanism for the victims of trafficking in human beings establishes specific procedures for the victims' referral, depending on where and how to identify the victim and regarding the institutions and organizations that identify the victims. This mechanism has been approved by joint order of the Minister of Internal Affairs, the Ministry of Labour, Family Social Protection and Elderly, the Minister of National Education, the Ministry of Health, the Director of the Directorate for Child Protection, the General Prosecutor's Office attached to the High Court of Cassation and Justice and the Minister of Justice.

The National standards of the specialized assistance and protection of the victims of trafficking were developed and approved by the Government Decision no. 1238/2007, based on which the activities of assistance and the protection of the victims of trafficking are developed and the activities of the service providers and the quality of services provided to the victims of trafficking are evaluated.

Another instrument meant to facilitate the social reintegration of the victims of trafficking is Law no. 211/2004 regarding some measures to protect the victims of crime. By this act four types of measures have been set: informing the victims about their rights, psychological counselling, free legal assistance and financial compensation offered by the state.

The latest legal instrument designed to contribute to the efficiency of the assistance provided to the children victims of trafficking is the Government Decision no. 49/2011 for approving the Methodology on prevention and intervention of the multidisciplinary team and network in cases of violence against children and domestic violence intervention and the *Methodology of multidisciplinary and interinstitutional intervention for exploited children and at risk of labour exploitation, children victims of trafficking in human beings as well as Romanian migrant children victims of other forms of violence in other states*. The document sets out detailed additional procedures for identifying and referring child victims, as stages of Case Management for children victims of trafficking.

The victims of trafficking receive assistance for social reintegration based on the needs identified after the initial assessment and comprehensive assessment of their situation and the existing network of social services at local/regional level, the victims are constantly informed and consulted on the measures planned to help them overcome the difficulty.

The main categories of the centres offering specialized services to victims of trafficking are:

- The governmental centres for assistance and protection for adult victims of trafficking, established under Law no. 678/2001 on preventing and combating trafficking in human beings;
- Transit governmental centres for minors victims of trafficking or unaccompanied minors;
- Governmental Centres for Refugees, foreigners under the administration of the General Inspectorate for Immigration;
- Assistance Centres under the management of nongovernmental organisations.

In addition to the specific centres for adult or minor victims of trafficking, depending on their local/regional situation, the needs identified or emergency cases, the victims can be assisted in other residential centres subordinated to the Directorate General of Social Assistance and Child Protection, for categories of persons at risk (victims of domestic violence, persons with disabilities, homeless people). Children victims of trafficking can be accommodated and assisted in emergency reception centres, for emergency cases, for child victims of various forms of abuse.

The main actors involved in the planning, implementation and monitoring programs to assist victims of trafficking are the Regional Centres of ANITP, Directorates General for Social Assistance and Child Protection – DGASPC (existing in each county and district of Bucharest) and the NGOs. The Regional Centres of ANITP provide initial assessment and referral of the victims of trafficking to social service providers, NGOs and DGASPC which may co-opt other institutions. Assisting the victims requires involvement of several institutions, the cooperation between them being extremely important, especially in the given socio-economic situation, when the human and financial resources are low both at the state institutions and NGOs.

The legal framework does not provide specific rules to assist victims of trafficking according to the type of exploitation, but planning the intervention respects the principles underpinning the social assistance, each case being dealt individually.

After the victim's admission to the centre, the centre's coordinator designate a case manager responsible for preparing a personalised program of counselling/psychotherapy, consulting and involving the victim in order to rehabilitate and socially reintegrate her. The victims of trafficking may receive the following social services: information and social counselling, shelter and basic needs provision, medical care, psychological care, counselling and legal assistance, financial and material support, professional counselling, and school counselling, recreational activities.

Both Romanian and foreign citizens, victims of trafficking benefit from the recovery and reflection period of up to 90 days in order to recover and make an informed decision on cooperating with the competent authorities, while they benefit from all the available assistance measures.

### **3.2. Positive initiatives**

The National Agency Against Trafficking in Persons initiated in 2006, in collaboration with the U.S. Embassy, the project "*Coordination of the victims of trafficking in the criminal proceedings*" which aims to create a unified and coordinated response from the institutions involved in combating trafficking in human beings and from those involved in their care and protection for the victims of trafficking who are witnesses or an injured party in the criminal proceedings.

The program has the following objectives:

- Respecting the individual rights related to participation in all phases of the criminal proceeding;
- Increase the level of victims' participation within the trial phases;
- Knowledge – provided to the victim – about the court proceedings and administrative proceedings;
- Facilitating the access of victims of trafficking, who are parts of the criminal investigation, to specialized support services.

To promote the project and its objectives, regional seminars were organized, in which aspects regarding the consequences of the abuses suffered within the traffic period and the impact

on the person called to testify were presented, as well as the activities that will take place within this project.

In order to accomplish the above goals, a cooperation protocol was signed between the National Agency Against Trafficking in Persons and the Public Ministry - Directorate for Investigating Organized Crime and Terrorism, Inspectorate General of the Romanian Police - Directorate for Combating Organized Crime, Inspectorate General of Border Police and Inspectorate General of Gendarmerie. The Protocol was signed in 2008, for a period of four years, but due to the positive effects it had produced, consultation steps have been taken to sign a new protocol.

The coordination of the victims in criminal proceedings is a separate assistance program for social reintegration. Victims may choose to be included in both types of programs or opt for measures of one program, while providing specialized support measures is not conditioned by their participation within criminal proceedings.

There are situations when victims of trafficking refuse referral to specialized providers but want to cooperate with legal authorities and accept support during the course of trial.

The victims of trafficking in human beings, injured parties or witnesses in criminal proceedings who agree to be assisted, are supported during the course of criminal proceedings, maintaining regular contact with them. The specialists of the Regional Centres from ANITP assure interinstitutional coordination for the victims that wish to participate in the trial and who agree to participate in this program. Representatives of the Regional Centres from ANITP, social workers or psychologists participate in the hearing of the victims and assist them during the hearing for their emotional support. The victims are informed and trained on issues they may face during the course of the criminal proceedings and presentation in the court.

The institutions involved shall cooperate to ensure the physical protection and safe transportation of the victims and to protect them in case of intimidation or pressure test performed in order to change their standing during the criminal proceedings. The protection of the victims is based on the findings of the risk assessments and can take simple form such as accompany from the court by the authorities to complex forms of witness protection category (protected witness identity, protected witness, the hearing by audio-video systems outside the meeting room). Due to this program, the number of the victims of trafficking who were injured party or witnesses within criminal proceedings has increased, as the extent of their participation in the trial phases and the abandonment cases of assistance programs before completion of the intervention and achieving the reintegration objective, were significantly reduced.

## **SECTION 4: INTERNATIONAL COOPERATION**

The new dimension of Europe, marked by the disappearance of the internal borders, highlights the danger of the organized crime's phenomenon and the difficulties specialists fighting against it are facing. The organized crime is a major and growing threat also internationally because it is developing at an alarming rate. Facing the difficulties encountered where the criminal organizations try to obtain benefits, states must devise appropriate and rapid strategies as an effective response against the phenomenon. Therefore, the harmonization of the criminal laws of all the EU Member States must be done in order to achieve uniform definition of serious crimes of international nature to prevent the development of sanctuaries in certain areas, as trafficking in human beings and money laundering.

Also an important role in the fight against cross-border crime is held by the judicial cooperation. Trafficking in human beings, one of the worst forms of violation of rights, dignity and integrity, is usually carried out in an area of extended territory and numerous people involved, traffickers taking advantage of naive victims and some synchronization between state institutions responsible for education, social protection, establishing the identity and movement of people.

Due to the fact that, often, “foreign elements”<sup>18</sup> appear in the field of trafficking in human beings, international cooperation represents a prerequisite element in prevention and countering for partners in the countries situated on the routes of origin, transit and destination.

Global economic and demographic implications require global expanding of the dialogue in the field of trafficking in human beings. Recent years have been characterized at European level through a very intense activity of decision making as a result of the initiatives to modernize the current legislative framework by organizing ministerial conferences of impact. An important objective of these conferences was to provide the opportunity to address the challenges, increasingly important for the European Union, to strengthen its capacity to act as partnership and within international cooperation in the prevention, protection of victims of trafficking in human beings and prosecution of traffickers. In addition, another objective was to provide factual and real information to the working structures of the Council of the European Union to develop an action document for strengthening the EU external dimension as a reaction against trafficking in human beings.

Thus, decision makers in the European Union launched an appeal to the international community, and to the regional and national institutions, non-governmental and international organizations, other civil society organizations as well as European Union institutions and agencies, both to counter the challenges of transnational criminality and to have a clear and comprehensive reaction towards multidisciplinary, coherent and coordinated policies, with the involvement of all actors in origin, transit and destination countries, in accordance with the human rights standards, giving a special attention to trafficking in women and children, according to national instruments.

International cooperation can be performed by the Ministry of Foreign Affairs, foreign law enforcement agencies, by the international police agencies (Interpol, Europol and especially for South-Eastern Europe, S.E.L.E.C. Centre) or through the international organizations or international networks of NGOs.

### **Forms of international cooperation in the fight against trafficking in human beings**

Generally, international cooperation in the field of law enforcement is complex and difficult due to the differences between legal systems, legislations, penal and social politics of states. Component of the organized crime, trafficking in human beings, either for labour or other type of exploitation, can be prevented or countered through an effective international cooperation between all law enforcement institutions, non-governmental organizations, adopting a corresponding internal and international legislation.

Law no. 678/2001, as amended by art. 45 – 47, international cooperation on trafficking in human beings was set only informal. According to these provisions, the Minister of Internal Affairs and the Ministry of Public are obliged to appoint officers and magistrates in the prosecutor’s offices within courts of justice, liaison officers and magistrates from other states to coordinate actions during prosecution. For this purpose, contact points with similar institutions in other countries were established in the Ministry of Foreign Affairs and the Prosecutor’s Office within High Court of Cassation and Justice.

According to the same provisions, the international transport societies and the personnel competent to control the travel documents have the obligation to check if the persons travelling with such means of transport comply with the reality and legality of entry and transit conditions.

International cooperation in the field of prevention and countering of trafficking in human beings does not limit to these legal provisions. The international conventions that Romania signed or ratified in this field, represent legal instruments that allow both informal and formal cooperation.

Although, the legal bodies play an essential part in the prevention of trafficking, taking into account the encouraging factors, we consider that governmental and non-governmental institutions and organizations competent in defending the human rights and freedom can have a decisive role. Trafficking in human beings, as a form of organized crime, involves, most of the times, persons

---

<sup>18</sup> No matter if we are talking about traffickers, transporters or employers/“consumers.”

under the jurisdiction of different states. This is the reason why, an international legal cooperation between competent institutions is necessary in the field of countering this phenomenon.

### **Positive initiatives**

No state can answer the danger of such a threat as trafficking in human beings without making use of the instruments of international cooperation with other states or international organizations. The international cooperation activity of Romania in the field of prevention and countering of trafficking in human beings is an instrument for public policies, which benefits from a double orientation: on one side it is an instrument which capitalizes the support and experience of foreign partners involved in anti-traffic cooperation, both at the level of the Member States and of third countries or other international actors, and on the other side it is an instrument of external politics used by Romania to formulate and promote the national interests in the fight against trafficking in human beings.

In view of international cooperation activities, Romania has benefited from a series of advantages on the basis of experience, resources and good practices exchanges with European and international partners. These have been targeted both to consolidate the institutional capacity and national politics for the prevention and combating of trafficking in human beings and to develop the institutional capacity of external partners, in order to draft an international cooperation framework, able to answer the new tendencies of trafficking in person's phenomenon. Also, at a global level, the development of cooperation structures in the field of countering trafficking in human beings has been developed and updated as a consequence of the changes generated by the trafficking in human beings phenomenon, as well as the appearance and diversification of the actors involved in the fight against trafficking in human beings and of the international cooperation practices.

Thus, the year 2010 has brought on the international stage a new actor with competences in the fight against trafficking – United Nations Special Rapporteur on problems of Modern Slavery - and Romania, through the agency of competent structures hosted an evaluation visit of the United Nations delegation.

In the context in which the prevention and combating of child forced labour represent a priority of the UN mandate in the field of modern slavery, Romania has demonstrated the fact that prevention activities like raising awareness, victim orientation and proactive attitude of the authorities with competences in the field are fundamental.

Also, a feature of the international cooperation politics and activities in the anti-trafficking fight, during the analysed period, was represented by the orientation to transfer the know-how for development in third countries. Thus, according to the European Policy for Development, through strategic partnerships with third countries, Romania has provided expertise, training and guidance for states as FYROM, Serbia, Albany, Turkey, Azerbaijan, Indonesia, Vietnam etc. using cooperation instruments as TAIEX, or in the context of some European or international grant projects made available by the European Commission, ICMPD and other international bodies.

Romania used in the period of analysis, tools of **bilateral and trilateral and regional cooperation**.

Thus, from the perspective of **bilateral cooperation**, Romania initiated and participated in a series of work meetings both on specific matters and on trafficking in human beings prevention and countering policies with representatives of diplomatic missions in Bucharest, Bulgaria, United States of America, United Kingdom of Great Britain and Northern Ireland, Check Republic, France, Azerbaijan etc.

**Trilateral cooperation** included targeted collaborations of Romania in the field of prevention and countering of trafficking in human beings, and a partnership developed within a European Grant project which paid special attention to the cooperation between origin countries, namely Romania and Bulgaria, and destination countries, Spain and Italy.

Regarding **regional cooperation**, Romania took part in the events initiated by European and international bodies such as OSCE, ILO, IOM, INTERPOL etc.



Also, in the view of the latest tendencies of trafficking in person's phenomenon, which tend to be targeted mainly at forced labour, Romania developed a regional cooperation partnership, which includes this study with countries as: Hungary, Bulgaria, Cyprus, FYROM and Greece. This partnership is carried out within a European grant project which aims at reducing the dimensions of trafficking in human beings for labour exploitation in origin, transit and destination countries. Therefore, Romania as Member State, part of the European and international system of fight against trafficking in human beings, promotes dialogue and cooperation between countries with different political structures and levels of development to attain the strategic objective of enhancing its partner status in the global effort to reduce the dimensions of trafficking in human beings.

The European affairs activities carried out in the period of analysis reflect on one side the commitment of Romania to assume its obligations as a Member State to create and consolidate the *acquis communautaire* in the field of prevention and countering of trafficking in human beings and, on the other side, reflects Romania's capacity to use the European affairs instrument to attain the national objective in this area. Thus, Romania, through the institutions competent in the prevention and combating of trafficking in human beings participated within working groups, seminars and meetings organized at the European Council and Commission level on matters of trafficking in human beings. During meetings as GENVAL, SCIFA, LIBE, SCIA, EPSCO<sup>19</sup> which addressed issues on trafficking in human beings, Romania presented mandate elements and official positions, which subsequently reflected in European public policies in the field of prevention and countering trafficking in human beings. Romania registered a success within European affairs, namely, the acceptance and inclusion in the European Strategy for fighting against Trafficking in human beings of the necessity to draft a European Report on the evolution of trafficking in person's phenomenon. After the debates, it was decided that it should be drafted twice a year, on the basis of a set of common European reporting indicators; this idea was sustained by Romania in all official mandates formulated during 2010. Also, we must mention the constant action of Romania to formulate official positions regarding the new European Directive **2011/36/EU** on the prevention and combating of trafficking in human beings and victims' protection, which replaces the Framework Decision 2002/629/JHA, as well as the national contribution to the Study made by the Hungarian presidency on the evolution of trafficking in human beings phenomenon at the European level - ***"Targeting newly emerging forms of trafficking in human beings in the EU Member States."***

Romania understood to assume its obligations as a Member State, by taking part actively in the European debates on community legislation which regulate the field of fight against trafficking in human beings, starting from an integrated approach concept and following the strategic objective to enhance its status as a trustworthy partner at the external border of the European Union, in the anti-trafficking fight.



## SECTION 5: CONCLUSIONS AND RECOMMENDATIONS

In order to have a clear picture of the stakeholders' management of trafficking in human beings, this study involved a qualitative research among competent civil servants. The research was based on the interview method; therefore an interviewing guide organized on three areas of interest

<sup>19</sup> **GENVAL** (Working Party on General Matters including Evaluation) – Grupul de lucru pe probleme de generale, inclusiv evaluare;

**SCIFA** (Strategic Committee on Immigration, Frontiers and Asylum) – Comitetul Strategic privind Imigrarea, Frontierele și Azilul;

**LIBE** (Committee on Civil Liberties, Justice and Home Affairs) - Comisia pentru libertăți civile, justiție și afaceri interne;

**SCIA** (Simultaneous Converging Instrument Approaches) - Abordări convergente simultane de instrumente;

**EPSCO** (Employment, Social Policy, Health and Consumer Affairs) - Ocuparea Forței de Muncă, Politică Socială, Sănătate și Consumatori;



was created: prevention, countering and assistance. The interviewing guide includes 12 questions, each area having between 2 and 6 questions. For this research, 7 institutions competent in the three areas of interest (prevention, countering and victims' assistance) were selected:

- Ministry of Justice – National Office for Criminality Prevention and Cooperation for Recovering Debts from Crimes (MJ- ONPCCRCPI);
- National Office for Witnesses' Protection (ONPM);
- Directorate for Countering Organized Criminality (DCCO) - Inspectorate General of Romanian Police (IGPR)
- Institute for Research and Prevention of Criminality (ICPC);
- Inspectorate General of Border Police – Directorate for Countering Illegal Migration and Cross-Border Criminality (IGPF- DCMIT);
- National Agency for Employment (ANOFM);
- National Agency Against Trafficking in Persons (ANITP).

The research included 12 interviews (face-to-face or online) with representatives of the previously mentioned institutions. The selection of interviewees was based on previous work experience of minimum 3 years in one of the 7 institutions in at least one area of interest. Interviewees were informed about the purpose and research objectives and have agreed to provide information on their own, in terms of professional experience working within the institution. Face to face interviews were recorded by the researcher as audio recordings and online interviews as written information. Respondents were asked to answer questions subject to current professional activity and experience.

### **Interpretation of the results**

In terms of coverage of Interviewing Guide, there were 14 responses related to the "Prevention", 14 responses related to the "Countering" and 12 responses related to the "Assistance", representing a total of 40 responses, which concentrates expert perspective in three areas of anti-trafficking. Also, a quantitative overall assessment of the responses to the interviewing guide, reflects a separation of the institutions involved in the management of trafficking in human beings in two independent categories: institutions with broad expertise in 2 - 3 areas to address trafficking in human beings and institutions with unidirectional/niche expertise. Thus, a broad expertise is present in case of ANITP, ONPM and ANOFM, attested by the official duties of the three institutions. On the other hand, institutions such as DCCO and ICPC have an unidirectional expertise.

### **A. PREVENTION**

The main prevention mechanisms used by the competent institutions, identified by respondents, were the prevention campaigns and the sectorial awareness activities. The seminars, roundtables and activities involving institutional cooperation are on the second place in the institutional process for preventing trafficking, identified by the respondent expert. These are followed by joint projects, views and standpoints. The qualitative developments provided by the respondents point to a steady development of prevention mechanisms used at institutional level where campaigns and briefings are central to prevention.

The respondents identified as strengths for prevention activities a series of actions that go beyond the ordinary line of prevention intervention used by the majority of the competent institutions. Thus, the counselling and mediation activities were considered value-added prevention activities followed by the existence of a prevention infrastructure/institutional network and the gratuity of the prevention services.

From the perspective of the weaknesses identified in the prevention of trafficking in human beings, the respondents emphasized the issues of budgetary constraints, staff turnover and the passivity of the target audiences.

Significantly, the respondents identified strengths of prevention different from the current mechanisms, focusing on sectorial awareness campaigns and activities. This shows an evolutionary

trend of the prevention concept towards the interaction focused mainly on the individual and secondly on the target groups.

Proposals to improve prevention mechanisms support the development of the prevention concept of a new person-centered approach. Thus, programs of civic education and professional retraining and job fairs adapted to the beneficiaries' needs have been proposed. Also, the issue of monitoring vulnerable groups and the groups with high criminal potential have been raised. The proposals addressing the institutional staff training, the exchange of best practices and the identification of funds reinforce this evolutionary trend of the prevention concept. Therefore, research revealed a dynamic image of the THB prevention. One can notice a basic prevention activity common to all institutions represented in the research field, focusing on campaigns, from which derives a number of additional activities such as counselling, mediation, networking intervention/prevention etc., considered by respondents as strengths. This position reflects the tendency to change the concept and prevention activities whose profile tends to leave the general logic of large audiences. The identification of target groups' lack of interest towards anti-trafficking messages as weakness means that the general messages have been downsized and the new approach involves messages centred on the individual.

## **B.COMBATING**

With regard to the fight against trafficking for labour exploitation, the research has revealed a number of issues reflecting the main characteristics of this form of exploitation. Thus, from the perspective of the identified difficulties it was recorded the prevalence of the difficulty in obtaining evidence in the destination countries as well as the victims' refusal to be involved in the criminal proceedings. The research also points out as secondary difficulties in combating trafficking, the lack of information of victims coupled with the failure to acknowledge the traffic situation, which create difficulty in the process of victims' identification and setting up a coherent support system.

If in terms of difficulties each of the respondents identified particular aspects of the field, among which and the difficulty of obtaining evidence in the destination countries, the victims' refusal to be part of the criminal proceedings stood up as constant characteristic, from a legal perspective, the research reveals almost an unanimous consensus. Thus, in terms of the legal framework, we ascertain that the existing national legislation covers combating for labour exploitation and other aspects, with a special emphasis on the broad coverage of Law no. 678/2001. A distinct opinion on this matter was noticed in the case of the National Agency for Employment which considers that the national legislation does not support the THB combating, declining its competence in this area and refusing to specify any gaps.

A significant aspect of the research in THB fight is represented by the characteristics of the trafficking for labour exploitation identified by the actors directly involved in the fight: the Directorate for Combating Organized Crime, the National Office for Witness protection and the Border Police. The characteristics identified by each of the actors directly involved in fighting against trafficking in human beings provided an image of an asymmetric phenomenon.

<b>Characteristics of the THB phenomenon</b>	<b>Characteristics victims</b>
- network recruitment (victims recruiting victims)	- rural origin
- transportation of organized groups	- information gaps
- large number of victims	- primary and secondary studies
- illicit nature	- the partial risk awareness
- monitoring lack of efficiency	- accepting the risk consciously

So when discussing trafficking in human beings for labour exploitation, we refer to a particular type of organized crime, with a strong asymmetric character.

**The asymmetric character lies in the insinuating profile of the recruitment process which does not involve some form of direct or coercive intervention of the offender, but it spreads like a virus, network-like, penetrating extended vulnerable groups.**

Also, another asymmetric feature is the partial or total acceptance of the trafficking risk, the victim being conscious, to a greater or lesser extent of breaches of the contract or of the verbal agreement. Taking this risk is directly related to the socio-educational characteristics of the victims of labour exploitation. The rural origin and the low level of education are, in sociological terms, tolerance factors to abuses and violations of rights, leading to accepting the risk situation. **However, such acceptance shall not be understood as self-determination, but we can talk about a kind of "flawed" acceptance or consensus, favoured by some external factors such as poverty and a series of internal limitations.**

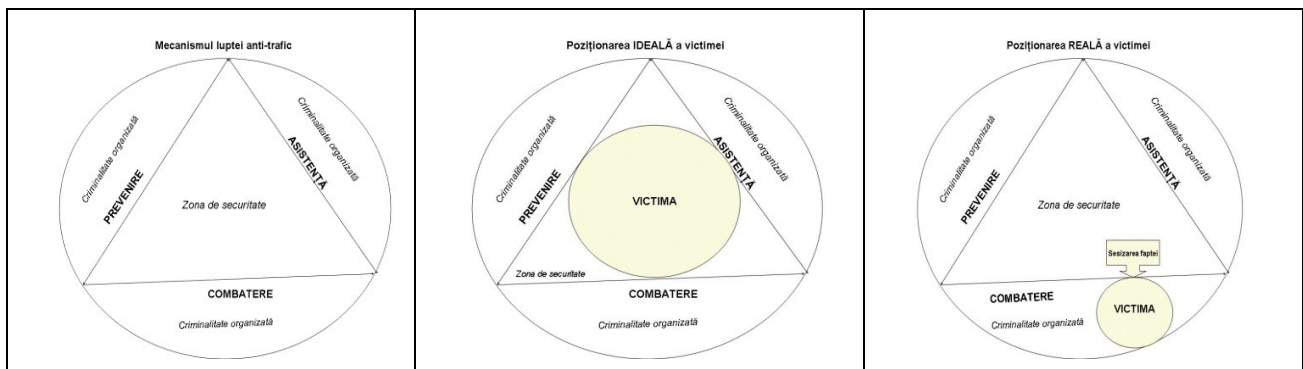
### C. ASSISTANCE

Assistance is one of the most challenging parts of addressing trafficking for labour exploitation. Research shows that the main challenges in this field have two main causes: on the one hand, aspects related to the institutional infrastructure and resources, and on the other hand, aspects related to the specificity of this type of crime.

Thus, the research highlights the lack of financial support in assistance activities and the insufficient staff specialization in providing assistance activities provided to both victims and offenders. Also, another specific problem in providing support services is the lack of awareness on the traffic situation by victims and consequently the disclaimer of this status. This creates a difficulty in setting the target group, beneficiary of the assistance services, which in turn affects all the segments of addressing trafficking in human beings for labour exploitation, namely: prevention, control and support.

**Failure to admit and accept** that the traffic phenomenon affects the prevention, impede on the intervention to prevent relapsing into trafficking, to combat and prevent the start of the criminal proceedings and the offenders' identification and obviously the assistance, which cannot identify and assist the beneficiaries. For the same reason, the victim of labour exploitation remains at risk and vulnerable, even after the traffic situation ends.

The position of the victims for labour exploitation in anti trafficking scheme can be represented graphically as follows:



In the same way we find lack of coherence and general character of the proposed solutions to address these issues of particular assistance for the victims of labour exploitation. However, the leitmotif of the proposals concerning assistance consists in stating a pressing need for coordination and institutional cooperation.

This research reflects on the one hand the marginal nature of assistance attributions in the landscape of general attributions, and on the other hand, the necessity to initiate a real debate in this field starting with a clear diagnosis of the assistance beneficiaries' profile.

## CONCLUSIONS

This research has generated a number of results that have created prerequisites for a subsequent diagnosis of the mechanism for addressing trafficking in human beings focused on child labour.

The most relevant aspects of the research bring into discussion a number of new elements reflected in all three segments of the anti-trafficking: prevention, combating, assistance. The keystone of the research results is the qualitative diagnosis of the trafficking in human beings' phenomenon for labour exploitation. The main features of this phenomenon places it in the broader asymmetric security risks but beyond the benchmarks of this category, we notice a number of features that require modification or refinement of the methods for prevention, combat and assistance.

Thus, features such as "viral" for the recruitment network, the victim of labour exploitation profile, who accepts and acknowledges the risk, the acceptance which might be considered flawed, are just some of the most relevant features of this type of trafficking. These are enough to generate change in the approach to the phenomenon, which was already described by this research.

Thus we notice new trends as regards prevention. The prevention and informative messages tend to be adapted to individual profiles and the activities are centred upon a type of direct communication with the target/vulnerable group, rather than upon a general, mediated message. Also, the exploratory research in the field of assistance reflects the need for substantial changes, designed to meet the needs of the victims with a distinct profile from the victims of sexual exploitation. From the same perspective we can note that the assistance represents a vulnerable area for labour exploitation which raises the issue of adapting the services and developing the necessary infrastructure.

As shown by the research, the gaps identified in the broader prevention, combat and assistance mechanism are not necessarily present in the national or European legal framework covering relevant issues in the field, but they are present in the implementation of the legislation. Thus, in the context of an evolutionary phenomenon, with a profoundly asymmetric character and distinct features compared to other types of crime, whose approach revealed that assistance is the main vulnerability, it is advisable to develop the inter-institutional cooperation, the identification of specialized resources and professional training of the experts, adapted to the particularities of this type of crime, as well as developing a joint strategy for addressing operational gaps in the existing infrastructure of the assistance for the victims of trafficking for labour exploitation.

## RECOMMENDATIONS

➤ Given some institutional and legislative changes that occurred from 2003 to present, it is necessary that the Government decision no. 299/13.03.2003 for the approval of the application of Law no. 678/2001 on preventing and combating trafficking in human beings should be re-assessed in order to be amended and supplemented.

➤ Although we benefit from a law governing the National Mechanism for Identification and Referral of victims of trafficking in human beings, we believe that we need to supplement them with details of the procedures applicable for the identification and referral of victims in order to become standard operational procedures; as well the list of indicators should be detailed, depending on the specific form of exploitation, including child labour.

➤ Also, attention should be given to the effects of entry into force of the new Criminal Code (Law no. 286/17.07.2009).

➤ Improving institutional capacity to investigate trafficking for labour exploitation offences as well as tracking the criminal profile by the prosecution. This recommendation can be implemented by improving the capacity for strategic analysis on trafficking in human beings in the Romanian Police; the completion of the procedures for transposition into national law the provisions of the EU in the field, through participation in training programmes of specialists in law enforcement units.

➤ Establish indicators according to the type of exploitation, in this case - labour exploitation - would be conducive for the investigation capacity.

➤ Development of partnerships by the national institutions involved in the reducing of trafficking with similar structures in the EU Member States, as well as with specialized bodies of EU. Thus, it must be taken into consideration the development of common actions (experience exchanges, joint commissions, study visits etc.) for the application of cooperation agreements concluded by Romania with those countries for trafficking prevention and countering.

➤ The improvement of communication, functional and interinstitutional cooperation channels with EU states, with non-EU states, as well as with International Organizations in the global context of countering trafficking in human beings.

➤ The improvement of data collection, processing and analysis, and of information dissemination activities at the level of the institutions responsible for the implementation of politics in the field of trafficking in human beings. The partial commitment or non-commitment of institutions in collecting interest data on fields of actions has a negative effect on the information dissemination and evaluation of trafficking in human beings, causing a delayed reaction capacity to the requests regarding the reports in the field, thus reducing their quality.

➤ To exchange data on trafficking in human beings in real time<sup>20</sup>. The coherence and comprehensiveness of trafficking in person's identification fluctuates and affects the quality of national/country reports and the perception of the institutional reaction capacity towards the existing situation.

➤ To establish and to make operational the National Rapporteur Institution, as neutral observer of the implications and results of public policies in the field of trafficking, having the necessary authority and independence, able to make evaluations and recommendations on the efficiency and sustainability of the anti-trafficking process at the nation level. The opinion differences between the institution and the civil society in regard to the results and action directions of the effort for trafficking prevention and countering, but for the victims' assistance lack in positive-constructive effects in the absence of a uniform arbitration which could be given by the National Rapporteur Institution.

➤ Another recommendation refers to the necessity to enhance the collaboration with public/private, national/international institutions in the field of migration, employment and vocational training for the promotion of legal migration and public information on the conditions of working abroad, regarding employee's rights and the risks associated to working on the „black market.”

➤ Efficiency and support measures for the activities to fight against trafficking in human beings at the national and international level, aiming at external non-reimbursable funds raising and efficient use of internal resources, to provide victims' with long term psychological and financial assistance and for their social reintegration. The recognition of the victims is a difficult and complicated procedure, especially for the victims, and should, therefore, be undertaken based on human rights by agencies or organisations, such as NGOs, which will be designated by the state and cooperate with all competent services and authorities.

➤ To perform the 'train the trainers' activities in the field of prevention and countering trafficking in human beings, to increase the number of specialists in the public and private institutions, including the representatives of civil society, with special attention given to the indicators used in the activity to identify and refer victims of trafficking in human beings for labour exploitation.

➤ The programme for the victim's coordination during criminal proceedings represents a model of best practices. The experience gained during its implementation should be disseminated, taking into consideration the fact that the victims' legal awareness and advocacy skills are often very low, thus they rarely report the crime and authorities don't have victim outreach services. Victims' cooperation with the authorities and participation in criminal trials should be encouraged

---

<sup>20</sup> Evaluations reports, studies, strategic analysis etc.

by incorporating incentives, such as compensation, other benefits or enhanced protection for victims who testify. Widespread impunity of the 'black' labour should also be fought, and the public further informed and encouraged to lodge complaints and to refer suspected victims to any competent agency, even outside the police.

## CHAPTER II

### HUNGARY – TRANSIT COUNTRY

#### SECTION 1: PRELIMINARY ASPECTS OF TRAFFICKING IN HUMAN BEINGS FOR LABOUR EXPLOITATION

##### 1.1. Legal regulations on trafficking for labour exploitation

Framework of the actual Hungarian regulation, the legal regulation on trafficking for labour exploitation is based on: The Fundamental Law of Hungary, chapter ‘Freedom and Responsibility,’ Article III. “Trafficking in Human Beings Section 175/B. “Sec. 175. Violation of Personal Freedom is completed by National Strategy for Fighting against Trafficking in human beings<sup>21</sup>, but by other normative documents on the prevention and combating of trafficking in human beings for labour exploitation and victims’ assistance<sup>22</sup>.

##### Mechanisms/procedures of the victims’ referral to assistance

The Victim Support Service’s county offices give information and advice on: the victim’s rights and obligations in criminal proceedings, the forms of support available to the victim and the conditions for application therefore, any available benefits, allowances and opportunities to assert the victim’s rights other than those provided for herein, the contact details of state, local government, civil and church organizations involved in helping victims of crime, and the opportunities to avoid secondary victimization with a view to the type of criminal act.

The protection from secondary victimization means the victim’s protection from further physical, psychological and pecuniary damages.

State compensation. Indigent victims entitled to state compensation are those who suffered an intentional and violent act, unlawful in terms of criminal law, and as a result their physical integrity or health has been seriously damaged. Furthermore, compensation can be provided to a natural person who was living at the time of the crime with the victim as a domestic partner or was a next of kin, adoptive parent, foster parent, adopted child, foster child, spouse or a common-law spouse of a deceased or an injured party.

Citizens of the EU can also submit the application form in their Member State of residence. Compensation will be paid for these victims by the Hungarian Victim Support Service. In order to receive assistance from the Victim Support Service a certificate issued by either the police, the public prosecutor’s office or the court is required. If the victim cannot provide the certificate, it must be obtained by the Service.

Hungary signed, ratified and implemented most of European and international instruments on the prevention and combating of trafficking in human beings for labour exploitation<sup>23</sup>.

##### Weaknesses:

The legal terms of labour exploitation or forced labour trafficking face problems because criminal procedures start in these cases because of illegal restraint and/or fraud. The criminal procedure for trafficking commences only if a “sale” can be proven.

<sup>21</sup> The Government's 1018/2008. (III. 26.) Gov. regulation regarding the 2008-2012 National Strategy against Trafficking in human beings. In December 2005 the Justice and Home Affairs Council (JHA) of the European Union, as part of the Hague Programme, developed an action plan for the prevention of trafficking in human beings for which they had considered the best practices and procedures. The mechanism includes representatives of governmental, nongovernmental and international organizations. Its operation is based on the so-called “4P” theory. The program “Prevention, Partnership, Protection and Prosecution” is the continuation of the so-called Tampere program (1999-2004). Both programs aimed to unify rules and regulations regarding refugee and immigration policies in all member states (eg. application procedures for refugee status) and to set up a European Refugee Fund.

<sup>22</sup> For additional information, please consult the National Study of Hungary.

<sup>23</sup> See Annex A: List of legal instruments on trafficking in human beings and labour exploitation.

- We have only the numbers of criminal investigation organizations about the phenomenon, which doesn't address the reality of the situation.
- Statistical data collection regarding the phenomenon began only recently.
- Victims' legal awareness and advocacy skills are always very low, thus they rarely (or never) report the crime to the authorities, and authorities don't have victim outreach services, so it is very incidental.
- It is difficult to "catch" the phenomenon from the labour authority, because the number or cases of imposition reports is low, and these are mostly referring for irregular employment.
- Status (and financial condition) of the safe house (shelter) is unstable, so the supply and services to victims is casual and incalculable.
- The referral system does not operate as a system: some services are missing from it, and some elements do not connect to each other.
- Referral system is not "victim-friendly."

#### Strengths:

- Coordination mechanism run by the national coordinator operates well and experts are in contact. Recently several positive initiatives have been launched, i.e. NGO roundtable, THB registration form, THB website, prevention activities, etc.
- The Ministry of Internal Affairs has produced a questionnaire for the synthesis of the central database and requires quarterly data sharing. The first test version shows of the results.
- A separate division within the Hungarian National Bureau of Investigation works on the phenomenon of trafficking.
- The Crime Prevention Department within the National Police offers feedback for the problem and phenomenon of trafficking in their programs, and in their area they seek to make different projects (education in foster care homes, for teachers, in Family Temporary Homes, etc.) In 2011 they logged 1400 "hours" working on trafficking in national level.
- Several elements of the system operate well.

### **1.2. National coordinator and national rapporteur**

The framework of the governmental action plan against trafficking in human beings for cooperating actors had been set by the National Strategy against Trafficking in human beings. The National Strategy defines the main goals and the necessary assets to reach them. Furthermore it mandates the appointment of a national coordinator and to set his/her tasks; among the most important is to cooperate with all participating actors, at both national and international levels, and to fulfil operative duties closely related to coordination.

Presently the European and international deputy state secretary of the Ministry of Interior holds the role of the national coordinator, who with his/her direct colleagues (experts in national matters) fulfils all administrative duties related to the mechanism of coordination. In the present structure the coordinator's role has been integrated into the governmental structure. At the time of its formation the mechanism of coordination included 12 governmental, civil and international organizations.<sup>24</sup>

In early 2011 Hungary presided over the Council of the European Union. The Hungarian presidency kept the appearance of new forms of trafficking in human beings (forced begging, labour, enslavement, etc.) as a high priority in order to gather information and learn the attitudes of other member states, and to form a council conclusion regarding the matter. While preparing for the presidency a questionnaire had been written, that during the Belgian presidency had been presented

<sup>24</sup> The members of coordination mechanism: Ministry of Interior/Ministry of Foreign Affairs/Ministry of Human Resources/KIM Jurisdiction Services Victim Support Service/Office of Immigration and Citizenship/ORFK Department of Criminal Prevention and Victim Protection/Main Public Prosecutor's Office/National Office of Courts/Capital Court/IOM International Organization for Migration/Hungarian National Bureau of Investigation Organized Crime Division/Trafficking in Human Beings Department Head of Department National Institute of Criminology/National Service for Crisis and Information



to the relevant workshop of the council and then delivered to all member states. In order to reach common conclusions the study was sent to all member states and a seminar for experts was held at the beginning of April 2011 in Budapest to further discuss the topic. The representatives of the member states, considering the results of the seminar, developed the “Budapest suggestions,” which was a solid base for the council's conclusion. “Fight against the Appearance of New Forms of Trafficking in human beings in the Member States of the European Union” was the title of the council's conclusion (8776/3/11) that was accepted by the Justice and Home Affairs Council under the Hungarian Presidency<sup>25</sup>.

The agenda intended to update the protection of victims at all European levels had been accepted under the Hungarian Presidency, in June 2011. The document, titled “Budapest Agenda”<sup>26</sup> was based on the format of the “Stockholm Agenda”<sup>27</sup> its main goal was to modernize the European systems of victims' protection by introducing exact measures.

At the end of 2009, the Council of the European Union eventually accepted the “Action Oriented Paper” to actualize all external actions of the member states against trafficking in human beings. The Committee of the European Union, together with the Hungarian Presidency, prepared a chart to realize this, into which member states had to fill in and update data collected after November 2009 in connection with their external actions against trafficking in human beings<sup>28</sup>.

The national coordinator maintains a so-called NGO Round Table in addition to the governmental mechanism. This informal round table is intended to coordinate cooperation between the national coordinator against trafficking in human beings and non-governmental organizations participating in the fight against trafficking in human beings. The legal basis of the civil round table is the National Strategy and the 2011/36/EK Policy<sup>29</sup>, which states that it is necessary and recommended to include civil organizations in research and decision-making, and that cooperation with them is also needed. The civil round table was set up on 11 December 2011 with the participation of eight organizations initially. The Interior Ministry seeks to form public knowledge about trafficking in human beings. Therefore, the websites against trafficking in human beings <http://emberkereskedelem.kormany.hu/> and <http://thb.kormany.hu/> have been active since October 2011. These sites contain a knowledge base of expertise and show other news, venues, and programs related to the topic of trafficking in human beings.

In Hungary, there are public institutions, NGOs and IOs<sup>30</sup> with responsibilities in the field of prevention and countering of trafficking in human beings, institutions responsible for the victims' protection and assistance, or for residence permit and social inclusion.

### **Cooperation in the field of identification, referral, assistance, social inclusion and repatriation**

There is no legislation for cooperation between different organizations. The cooperation is based upon the protocol and competence of project-implementing organizations.

---

<sup>25</sup> These conclusions encourage member states to enhance the collection of data of such new forms of trafficking in human beings, both within their states and across the EU, and to take necessary steps to develop the quality of those data later to be used for planning regarding policies in connection with monitoring the trends of trafficking in human beings, at national and transnational levels.

<sup>26</sup> Budapest Roadmap on Victim Protection.

<sup>27</sup> The Stockholm Roadmap that was accepted in 2009 places an emphasis on the suspect's rights, protection and special needs and aims to develop a European internal security strategy, which can reduce supranational criminal activity. Further information: The Policy of the European Parliament and the Council for stating minimal requirement for the support of victims of crimes, their protection and rights (2012.05.25)

<sup>28</sup> The report provides up-to-date information about the external efforts of member states against trafficking in human beings, including agreements between EU member states and third countries, regions or international organizations. It also summarizes the external efforts of the committee and other agencies of the union<sup>28</sup> in the recent past.

<sup>29</sup> The policy of the European Parliament and the Council 2011/36/EU (5 April 2011) for the prevention of trafficking in human beings, the fight against it, the protection of the victims, for the exchange of 2002/629/IB council's policy

<sup>30</sup> For additional information, please consult the National Study of Hungary and Annex B of this Study.

Strengths:

- In recent years Hungary has been involved in several projects supported by the European Commission. Their aim was the elimination of the referral system of trafficking. These guidelines are applicable for both sexual and labour exploitation types of trafficking.
- The national coordination mechanism has directed the information exchange and experience change - primarily in governmental levels.
- NGO roundtable occurred in December 2011; since then information exchange continues between NGOs and the governmental sector.
- Concept of the victim has wider meaning than the plaintiff concept of procedural law.

*Analysis of problems and weaknesses of the system:*

- Proving of Trafficking facts of the Criminal Code faces difficulties

## SECTION 2: CURRENT SITUATION

### 2.1. Analysis of the causes and conditions that generate and facilitate trafficking for Labour exploitation

In this section we will present the forms and characteristics of trafficking in human beings for labour exploitation identified during the research. We will also describe the methods of recruitment, the methods of the traffickers, and the conditions of employment. Regarding labour exploitation we distinguish forms of domestic and cross-border trafficking. Firstly, we examine the case in which Hungary is the country of origin. This category has two aspects: On the one hand, the phenomena of labour exploitation and trafficking of people exist within our borders.

On the other hand, Hungary is a source country of victims and of traffickers abroad<sup>31</sup>.

The number of registered cases related to crimes of trafficking in human beings is very low. The biggest problem is that the victims do not file complaints. Therefore even though everybody near the victims knows about these cases, the relevant governments and authorities are powerless. In response to public indignation, calls and reports the police have taken action in a number of enslaving cases in recent years. If authorities gather sufficient evidence then they must initiate proceedings, however criminal proceedings against perpetrators rarely make it to the prosecution stage. Numerous police raids have occurred in recent years.

In doing the research we came to the conclusion that modern-day slavery has multiple additional benefits. In addition to exploitation of free labour and the low risk of getting caught, the perpetrators also live off the state.

The victims work 12-16 hours a day and do not get paid for their work. Moreover their “employers” do not pay taxes and other contributions. *“The [enslaved person] himself is a currency with whom they set off debts.”* [E.4.] Captives’ maintenance costs little money, as they are sustained primarily on table scraps and leftovers. Their full pensions and social assistance are taken away from them. Employers cause further damage by purchasing valuables and taking out large loans under their victims’ names, and assuming total control over their identities.

Perpetrators of modern slavery relegate their victims to a state nearing that of the living dead.

They confiscate everything they own, destroy their relationships, and convince them that they are worthless and unwanted. Slavers employ different methods to deprive victims of their

---

<sup>31</sup> Before we present the results of our investigation, we feel it important to discuss shortly modern-day slavery. Modern slavery, otherwise known as “enslaving,” is a longstanding phenomenon in Hungary. It originally meant elderly impoverished people receiving provisions from slavers in return for their work and their pensions. Slavers took the elderly as a “member of the family.”

The equivalent Hungarian word for “enslaving” is *csicskáztatás*. The first criminal case related to enslaving began in 1996, in Tiszaújváros. A homeless man had moved in with a family that forced him to work, locked him up and compelled him to hand over his pension.

dignity, break their spirit and, once they fully exploit them, dispose of them as if they were garbage. An informant who was once a perpetrator in the UK said that victims who got sick were never to be seen again: their “employer” took them back to Hungary. According to Mihály Babák, mayor of Szarvas, the city spends three million HUF yearly for public funerals of those elderly or ill people whom their “employers” discarded.

### *Situation within the country*

We have identified three types of exploitation methods in Hungary, and these types overlap. In the following, we focus on the phenomenon of enslaving because usury, constraint, forced stealing and begging do not conform to classical notions of work; therefore it is worthwhile to examine these phenomena within the framework of another research. It is difficult to estimate the number of exploitation cases and information regarding the problem and the quality of data differs greatly.

The notion of enslaving is not included in the Criminal Code of Hungary, thus we examined the cases related to forced labour between the years 2009 and 2011. Only one case was identified each year. In larger farms, with between 100 and 200 animals, there typically live two to three victims. In smaller farms, typically only one.

Modification of individual laws related to usury took effect in 2011 under the law of CXXXIV.

The registered cases of crimes related to sexual exploitation (crimes of trafficking in human beings committed for the purpose of sodomy or sexual penetration) in the last two years crimes indicate an over-representation. Whereas in all three years, one case per year related to trafficking in human beings for the purpose of forced labour was registered in the database of registered crimes.

### *1. Enslaving*

The target group consists of “unwanted” people, mostly men between the ages of 40 and 70, outcast from their lives and families, assigned to social and nursing homes, and generally with physical and/or mental health issues. This includes homeless people, seniors living alone, impressionable men and women with little hope for the future, and people in foster care. These individuals have little support, in terms of family or friends, to protect them physically or legally. They are “outside” of the society as they are not the part of it (nor the social services, nor work or networks etc. when they disappear no one is missing them. They are often alcoholics and/or homeless people. They are often sought out and offered jobs in the streets, near employment centres, in day labour markets and even homeless shelters.

The “employers” seek such lonely, solitary people who have no one and whose disappearance is unlikely to be noticed by others.

#### *• Methods of recruitment*

Employers have strong social networks and are presumably in good relations with their environment. They obtain information from social care homes and addiction treatment centres through their runners, or even often from the employees of those institutions. They learn about patients’ allowances and their health conditions. According to the anonym informant, these captors lure ten to fifteen people from regional social homes per year.

The traffickers have their own recruiters. They are familiar in and around the homeless shelters. They make phone calls to the shelters, offering jobs for would-be workers. They promise wages and housing. Sometimes they say the work is only seasonal, such as agricultural and landscaping jobs in spring and summer. Another typical method of recruitment is when the captor personally looks for workers.

- *The means of exploitation*<sup>32</sup>

There are two types of victims in forced labour. One of them is characterised by strenuous physical labour. The victims do actual physical work, usually involving construction, agricultural work, tending to livestock or taking care of horses.

The nature of work on the farm implies taking care of animals and agricultural work. The nature of the household tasks varied; cooking, laundering, and cleaning, shopping was also included. In some cities the victims had to walk the traffickers' children to school. Those victims who carry out strenuous physical labour typically work on construction, demolition and refurbishment work. The other type of enslaving involves victims with physical and mental health problems who cannot be used for hard physical work. Although in these cases victims perform some kind of work, the work itself is not the priority - exploitation of the victims' resources is. These forms of exploitation include confiscation of victims' moveable and immovable properties, pensions, social assistance and even their identities. In every case, victims' social assistance and pensions are confiscated.

Social assistance and pensions typically make their way to the modern-day slaveholders' pockets via credit cards or proxies presented to the postman, which are allegedly signed by victims "voluntarily" in the beginning of their "agreement."

Elderly and/or socially disadvantaged people are lured from their homes or institutions and made to sell their houses. In nearly all cases victims' identification and personal documents were confiscated and used by the perpetrators, thus providing ground for charges of abuse of documents and fraud. The most common form of abuse is the taking out of loans in the victim's name (Csépa, Berhida, Kunszentmiklós).

The captors commit various frauds using their captives' names. Victims are compelled to sign legal documents creating fraudulent companies. We often encounter cases where victims are forced into labour in addition to having their pensions and social assistance taken away. Traffickers frequently hire out their captives for wage labour and then keep the money.

It is important to note in connection with enslaving that at the beginning the principal of reciprocity prevails.

## 2. *Usury*

Usury is the practice of making loans at exorbitantly high rates of interest. In Hungary usurers often target people already living in poverty. One type of usury, so-called "shop sharking," occurs when stores sell goods on credit, with merchants keeping tabs of who owes what and count at multiple rates upon receiving social assistance. Due to their inability to repay the debt, borrowers are often forced into labour without compensation. They are also often required to surrender their social assistance money and credit cards. According to the Unified System of Criminal Statistics of the Investigative Authorities and of Public Prosecution, the registered number of cases related to usury was eight in 2009, 113 in 2010, and 118 in 2011.

## 3. *Forced begging and stealing*<sup>33</sup>

In the course of our research we discovered a number of cases in which vulnerable people were forced into stealing and/or begging. In many cases theft or begging is the task of people living together in the same household with their captor. In these cases, victims must steal food for their captors and for themselves as well. We have encountered forced stealing at other places, such as when the theft of food coupled with stealing of forage necessary for feeding the animals (as at Gádoros). Theft of scrap metal is also frequent.

---

<sup>32</sup> References to the victims are indicated by the codes in brackets. The names of the settlements - where the exploitation took place as presented by media reports - are also marked in brackets next to their depiction.

<sup>33</sup> We do not have data regarding forced stealing and begging.

## **HUNGARY AS SOURCE COUNTRY**

The literature and the media report only cases of trafficking in human beings with The literature and the media mostly report cases of trafficking in human beings with Hungarian victims that occur in foreign countries, because enslaving is not considered as trafficking. Previously we demonstrated that, in reality, trafficking in human beings is a significant problem within the borders of Hungary, one involving several target groups. It is important to note, however, that trafficking is a ‘mobile’ phenomenon; the owners and captives are easily interchangeable, and as a result, when it involves leaving their country of origin, victims’ vulnerability increases. We discovered in the literature and in cases analysed that in case of cross-border trafficking, in addition to the ‘push-and-pull’ factors, the networks of human relationships and the intertwining of these different networks plays a prominent role. We gathered information on Hungarian labour migration along two types of cases: One concerns labour exploitation, the other trafficking in human beings. In this context we would like to demonstrate the phenomenon in which “conditions change along the way.”

The recruitment for jobs abroad takes place in Hungary. It can work via advertisements or, as it does most often, through acquaintances or ‘friend of a friend’ situations. In these cases travel is organized by the employer, who must be paid back later with interest. Target countries are those with no visa requirements for Hungarians. The workers often have no knowledge of their destination beforehand.

During recruitment workers are promised compensation and benefits that they can hardly resist, despite the fact that what they are promised is unrealistic and approaches middle class standards of the target country - and is far beyond what they might reasonably expect in Hungary. While the work itself can be anything, it typically amounts to physical labour -anything from harvesting produce to factory work. Employees generally sign no contract; if they do, it is often in a language they don’t understand. Once workers arrive at their destination, “employers” confiscate their personal documents, thus keeping the “employees” trapped and unable to escape. The latter are also commonly blackmailed with threats to their family members back home, information about who is often provided to captors by recruiters in Hungary. Victims live in total fear, made worse by their inability to speak the local language, ignorance of their legal rights and fear for their families left behind.

## **HUNGARY AS A DESTINATION AND TRANSIT COUNTRY**

Based on interviews with experts, relevant literature in the subject matter and media analysis the occurrence of foreigners being forced into labour is uncommon in Hungary. However exploitation of foreign labour, deceiving employees (alterations made to the original agreement after concluded with the employer), and failure to pay the employees is.

Foreign victims rarely turn to the authorities. The reasons are often fear of the police, the lack of adequate language skills, unsettled legal status, or the fear of losing legal status. As a result, even if foreigners are victimized, it is very unlikely that the authorities are made aware.

The most common reasons for foreigners taking employment in Hungary are economic in nature. Foreigners mostly work in construction, agriculture and trade industries. Representatives of trade unions stated that the percentage of foreigners in irregular work is five to ten percent (Juhász, 2006). Obtaining a work permit is a long, complicated and costly process. It requires the employer to apply for the work permit, which means in turn that the financial, administrative and time investment in the employee should be worth the employer’s efforts.

Statistical data are only available regarding foreign workers in possession of work permits.

Most of the irregularly employed foreigners work in the construction industry, in agriculture and the catering and tourism industries. The victimization of foreigners is difficult to track.

In Hungary, among the victims of known crimes, the number of foreigners is low. Most offences against foreigners are crimes against property, mainly theft. Concerning trafficking in human beings, we have found one data in the database of ENYÜBS: In 2008, two Romanian

citizens became trafficking in human beings victims in Szabolcs-Szatmár-Bereg County.

Police reported detecting several cases in Budapest's Józsefváros market involving Chinese and Vietnamese victims forced into labour. In another case, Asian victims were also "employed" in a textile business. There, migrants, who arrived in Hungary in hopes of a better life, were compelled to work from early morning until late night. However, it is very difficult to prove coercion regarding foreigners. They are often deported from Hungary on the grounds of illegal border crossings, unauthorized stays, or irregular employment without including any of them in a victim protection or service program.

## **2.2. Development. Trends, modus operandi**

The economic crisis of 2008 also had an impact on criminal activities. The crisis has caused certain social groups to slide into poverty, as well as a rise in insecurity and the number of registered crimes. The role of the Internet has increased in connection with crimes. The number of offences committed online has soared, as has the number of victims. The most common crime online is data theft. Other abuses include opening bank accounts in the name of homeless persons. In some cases, assets were put up for sale but never changed ownership - the defrauders simply disappeared with the money. Perpetrators' behaviour has also grown increasingly violent over the years. From 2009 to 2011 the number of registered criminal offences has steadily increased. Whereas the number of crimes against persons and property has declined, crimes linked to economic activity and against public safety have increased. Many crimes originally charged as trafficking in human beings are not prosecuted as such, as it is legally difficult to prove the "transaction" involved in the sale and purchase of people. Oftentimes suspects are charged with other, "parasitic" crimes - usually the forcing of others into prostitution.

While examining criminal statistics we must bear in mind the importance of latency. Known crimes are often referred to as 'the tip of the iceberg,' since law enforcement agencies have no data concerning most cases. The phenomenon, however, can only be understood if both the official statistical data and the estimated latency are taken into account. The relevant literature estimates the extent of latency from at least twofold to ten times as much. Investigated crimes are largely based on citizens' reports, which accounts for revealing approximately 70 percent of the registered crimes (Barabas, 2009), or are discovered during police routine checks. Regarding latency it is also important to note the contributing factor that crimes remain hidden.

The literature calls the phenomenon the authorities' "selection mechanism," which entails that the police investigate cases in which the detection rate is high.

It is worth mentioning that suspects often sign caregiver agreements with elderly, lonely, and/or mentally challenged people to lure them and victimize them. Sometimes it begins with an apartment exchange, backed by a sham contract. Only the promise of housing and care for vulnerable people, or even those on the run, is necessary.

To minimize the chance of getting caught, organized crime settles on activities that are either legal or at least appear so, in order to increase profits. In order to deceive the victims, contracts are drawn up, often with the help of lawyers.

## **2.3. The victim's and the trafficker's profile. Patterns identified at the national level in the population of victims trafficked for forced labour.**

It is important to begin this section with a short note about the relationship between victimhood and trafficking in human beings. The vulnerability of victims does not necessarily start with the action of trafficking in human beings, although that can also be a precursor to it (especially in the case of prostitution), but with the vulnerability that is present in the victim's life throughout. In this process trafficking in human beings can be considered more as a consequence. Trafficking in human beings is a rather complex phenomenon that does not exist independently, but as a manifestation of other problems.

Becoming a victim is a process, during which the victim needs to be "broken in" to obediently accept the orders of his/her captor. This goal is often reached by physical and

psychological methods, by restricting personal freedom and often by torture. Different companies were created in their names and debts were accumulated on these companies. They were regularly beaten with a whip and were tortured in front of the each other until they were totally broken in.

Torture changes personality and modifies identity. One loses continuity in their individual and social life and that is exactly what abusers want to achieve. Disintegrated personality leads to psychological problems and to post-traumatic stress disorder (PTSD). One of its symptoms is a devaluation of one's self-worth, inability to trust others, and losing all meaning of life. In one's emotional life anxiety, phobias, irritability and depression become constant. Another symptom of PTSD (among many others) is sleep disruption. Social relations of victims change, and often they somatise (feel physical or emotional pain without actual physical anomaly). Cognitive processes are altered (problems thinking and understanding). The length of time for "breaking in" victims varies. Afterwards, victims are stuck in the situation where they were broken, and they observe the events happening to them but with detachment. The "breaking-in" process includes taking away all of the victim's personal belongings and stripping them of their identity.

This crime leads to trauma to the victim, since it takes them out of their everyday lives, and thus disrupts their integrity. There are, however, certain groups who are especially vulnerable and exposed as victims. In the area of exploitation for labour purposes we have identified five highly vulnerable groups: homeless persons, foreigners, i.e. citizens of third countries, elderly persons, drug and alcohol abusers, children.

Victims do not have a job or a workplace, but they all need money and want to work. They typically have a low level of education and some experience in agricultural work, while some may have vocational training.

Victims do not know the environment in which they are placed. They are unaware of their rights and have no idea to whom to turn. They are often dependent on alcohol or drugs - which can be used to lure them in and then keep them in place. Their ability to represent themselves is low. They are often emotionally unstable, lonely people with a great need for love.

The gender of victims is specific to the type of exploitation, while perpetrators - in all forms of trafficking in human beings - are usually men. In sexual exploitation the great majority of victims are women, while in labour exploitation most are men.

Perpetrators are generally well off which creates a feeling of trust in the victims. They have a strong sense of others' situations and will turn the hopeless situation of victims to their own advantage, knowing full well that victims do not have any means to change the situation.

#### **2.4. Working conditions for the victims**

The victims are usually forced to work from daylight until dark. In summer they work even longer hours, from 5 am to 9 pm.

*Duration of captivity:* Typically victims are held captive for years, although sometimes for only a few months. The longest period of captivity recorded among the cases was 18 years (Pápa). However, in most case studies the usual period of confinement spans from three to five years.

*Psychological pressure:* In general, use of physical abuse at the beginning of the captivity is sufficient to create psychological pressure. We encountered a case where the victim's life was threatened should he talk to the police. Victims elsewhere reported that their captors severed their important relationships, leaving them no place to escape to. While the threat of beatings and torture keeps victims from attempting to escape, the promise of wages is also an important factor. Legal coercion took place after the captors became aware of police investigations.

*Physical abuse:* Physical abuse and beatings are frequent. In some cases the victims were beaten by hand, in others with a whip or fibreglass baton.

Accommodation: In general, the victims were subjected to incredibly harsh living conditions, in unheated, filthy accommodations. In the smaller hidden farms, where the victims were engaged in livestock farming, it was reported that they slept alongside the animals.

Hygiene, sanitation: Hygiene conditions are very bad. Very often the victims sleep on filthy, non-usable mattresses placed on the ground. Their bed linen and clothes are usually very dirty as well.

Food: There is little information regarding this topic. Usually the victims say only that they were forced to work in exchange for alms and accommodation. Only in a few cases did they give detailed accounts on the quality and quantity of food. In most cases they said they ate leftovers.

The victims were punished - if the captor was dissatisfied with their work, or if they worked less than 14 hours - by being deprived of food or forced to work extra hours.

Medical access: In general, victims do not get any medical care. Typically they get neither drugs, nor money to obtain them.

Strengths:

- The new Criminal Code (CC) made usury a more serious crime: from now on those who make an agreement even once with excessive amount of services required in return, which leads the other person to serious deprivation, will be punished to imprisonment up to three years.
- The new, stricter CC defines child labour as a separate crime.

Weaknesses:

- The definition of trafficking in human beings is imprecise, its interpretation by legislators and practitioners do not match.
- None of the organizations or institutions has any statistics regarding labour exploitation, which makes intervention difficult.

### **SECTION 3: PROTECTION, REFERRAL AND ASSISTANCE OF THE VICTIMS: TOOLS, IMPLEMENTATION, RESPONSIBLES, POSITIVE INITIATIVES**

#### **3.1. Assistance for the victims of labour exploitation (access to justice, social and psychological counselling, legal assistance, providing shelter and basic needs, access to medical services etc.)**

Whether victims are referred or gain access to services depends on the institution/authority with which they are in touch. Based on discussions with experts one can state that care for a victim is not systematic, the referral system has gaps. All institutions approached report they have good cooperation within their own area. However, professionals were unable to tell what happened to victims after having provided services to the victims. There is no feedback among institutions and follow-up is ad hoc. Individual social service providers are trying to solve the problems of victims within their own organizations - thus going beyond their competencies. The institutions have their own internal procedures about the identification and care of victims.

There is no unified, universally accepted indicator and the services and institutions of the referral system are being used on an ad hoc basis, rather than based on a developed protocol.

The role of NGOs is very important in caring for victims, since official victim assistance services only care for victims after a police report (as reported in detail in chapter 1.1.e), while NGOs can provide services without the “official” certification (certification of having reported trafficking to the police). NGOs most often provide special services (e.g. psycho-social assistance), they work independently, but often they cooperate systematically (e.g. human rights or women’s organizations working with victims of sexual exploitation work closely together with organizations



providing legal, psychological or shelter services). The work of NGOs is characterized by a hectic operation due to financial uncertainty (lack of resources); access to their services may not be continuous. In the area of services for victims of sexual exploitation (legal, psycho-social assistance, representation, lobbying) and in raising awareness of trafficking in human beings, the aforementioned organizations fighting for women's rights play an important role.

Whether someone gets into institutional care depends on whether they identify themselves as a victim. This is important because the "referral system" does not do a proactive outreach work; so only those identified as victims, and provided services, are those who identify themselves as such. If victims do not identify themselves as victims, but the institution identifies them as such, they have a chance of getting access to services.

### **3.2. Positive initiatives**

In this chapter programs and initiatives are introduced that have been started by different institutions - mostly as pilot programs. Following the "4Ps," the positive initiatives and projects are reviewed that have been started by governmental and non-governmental organizations to fight trafficking in human beings in the areas of prevention, victim protection, prosecution and institutional partnership.

#### **MIGRINFO Database**

This database is a so-called "meta database" which summarizes the source databases and research in the areas of migration and integration from general information to indicators related to the integration of migrants. It informs, for example, how and under what circumstances are databases accessible and what data is stored in them.<sup>34</sup>

#### **Cooperative Working Group in the area of Prostitution (PEM)**

The working group operates in Pecs, coordinated by the INDIT Public Foundation and the participation of local child protection, family services, police, hospitals and social workers in order to manage problems related to prostitution (drug and alcohol abuse, dysfunctional families, exploitation).

#### **National police**

Please see Chapter 1, Point 2.3, on the National Police Headquarters - EURES (European Employment Service) - and the Ministry of Foreign Affairs program, the programs of the Crime Prevention Departments, D.A.D.A. and the "Against Substances" ("Ellen-szer") programs.

It is important to mention the "Are You Sure You Want This?" program of the Baranya County Police Department. Since 2006, members of the staff hold information sessions and distribute information leaflets in schools to raise awareness of prostitution and related crimes.

#### **Strengths:**

- Some institutions of the referral system have a lot of information about labour exploitation (but this information should be better utilized).

#### **Weaknesses:**

- As can be seen, the system does not work. Due to lack of capacities the members of the mechanism do not know each other personally, so conferences, workshops and trainings should be the best forum to learn about each other's work.
- The shelter can only accommodate six people at a time, which often leads to problems.
- There are several opportunities in the system to assist, and this leads to several outcomes, so it is essential that there is a victim assistance system for victims of trafficking in human beings.

---

<sup>34</sup> <http://www.migrinfo.hu/> MIGRINFO is being edited by Pantha Rei Bt. since 2009 on the commission of the European Integration Fund

## SECTION 4: NATIONAL AND TRANSNATIONAL COOPERATION IN THE FIELD

### 4.1. National institutional cooperation

The National Strategy gives guidelines for institutional cooperation, as well as protocols for the internal rules and protocols of institutions. According to our experiences, the institutions are open to cooperation between organization and we can find contracts for sub-tasks.

### 4.2. International institutional cooperation

#### Areas of cooperation

- Information and prevention campaigns
- Counselling
- Researches in the topic of counter trafficking
- Safe returning home programs

**The institutional and international cooperation regulation** - bilateral treaties

#### Positive initiatives

##### Szarvas model

We can say that the one and only model is the Szarvas example. This was innovative by the mayor of Szarvas and the authorities (included Tax agency, the Police, Labour inspectors, Guardianship) of the City from 2008. The authorities often met to discuss and agree on slavery. If they know about a case of a victim in the city, they attempt to facilitate his/her escape.

Strengths:

- Well founded many elements of the signalling system functions well
- There is strong backing of civilians

Weaknesses:

- The referral system doesn't work as a system (on the whole); some of the elements often don't know each other, the service is ad-hoc
- The government and civil anti trafficking mechanism operate independently from each other
- Within the system there is no possibility for reintegration



## SECTION 5: CONCLUSIONS AND RECOMMENDATIONS

During the research we haven't identified any policies regarding labour exploitation.

#### Shelter

- More rooms in the shelter for victims
- Financial stability for the shelter
- More locations for the victims of trafficking
- Secret, more protected location (flood gate, 24-hour security service)
- Establishing more steps for the security system

#### Prevention

- Greater emphasis on prevention activities (education)
- Training of institutions who are in touch with the phenomenon (social service providers, homeless homes, police)

- Forced labour phenomenon can be measured from the Central Office for Administrative and Electronic Public Services by the recommendation of Mr. Babák Mihály (mayor of Szarvas city).

- Holding of systematized and specific trainings for professionals and NGOs working in trafficking

- Synthesis of trainings for the avoidance of parallel trainings

- Provide supervision for professionals working in the field of trafficking and provide grant sources for that

#### Legislation

- Strengthening needed in the application of Act on Protection of Witnesses

- Legislation concerning follow-up in referral system regarding trafficking

- Elaboration of a long-term strategy for the referral of the victims

#### Referral system

- Protocol on referral system needed and a PR campaign can be announced.

- A forum is needed within the referral system for members to meet, discuss and share experiences.



## CHAPTER III

### GREECE – COUNTRY OF DESTINATION

#### SECTION 1: ASSESSMENT OF CURRENT LAWS AND POLICIES

Until 2002, trafficking in human beings was not punishable as a criminal act itself but rather corroborated with other acts such as pandering, exploitation, solicitation of prostitution and slave trade. Law **3064/2002**<sup>35</sup> introduced substantial amendments to the Greek Criminal Code<sup>36</sup> and provided a definition of trafficking as “hiring, transporting, within or outside the Greek territory promoting, abetting, delivering with or without exchange for another, or receiving from another, a person use of force, threat or other coercive means, imposition or abuse of authority, cajoling the consent of a person with the use of deceptive means, misleads the person by taking advantage of the person’s vulnerability, for example making promises, offering gifts, payments or other benefits, for the purposes of child pornography, financial exploitation of sexual life, removal of organs and tissue,<sup>37</sup> labour exploitation, begging<sup>38</sup> and recruitment of children for armed conflicts.” Trafficking is punished by imprisonment of up to ten years and a fine of 10,000 to 50,000 euros, or at least ten years of imprisonment and a fine of 50.000 to 100.000 euros in cases of further aggravating circumstances, such as juvenile victims or victims who are physically or mentally disabled,<sup>39</sup> abuse of authority, heavy bodily harm or death of the victim, as well as trafficking exercised as profession. The law also entails imprisonment for at least six months for those who intentionally use services provided by victims. The law contains also specific provisions for the protection and support of victims, including the protection of life and physical integrity, interpretation during police interrogation and trial, provision of housing, food, health care, psychological assistance and legal aid from a legal counsellor with the support of an interpreter, access to education and vocational training, in particular for underage victims. The law also provides for the suspended deportation of trafficking victims, until a final decision is reached on the reported criminal acts, with an order made by the Public Prosecutor or the magistrate’s court and approved by the Public Prosecutor of the Court of Appeal. The agencies, the measures and the mode of provision for protection, support and care to victims foreseen in Art.12 of the above mentioned law, are set in **Presidential Decree (PD) 233/2003**.<sup>40</sup> Protection is provided if criminal proceeding is initiated against the traffickers or if the victim has appealed to Services and Units Providing Protection and Assistance.<sup>41</sup>

Art. 34 par. 7 of **Law 3274/2004**,<sup>42</sup> introduced a temporary residence permit, including work permit, for victims who are in the country with no legal entitlement and who bring charges against

<sup>35</sup> Law 3064/2002 “Fight against Trafficking in human beings, Crimes against Sexual Freedom, Child Pornography and generally the Financial Exploitation of Sexual Life and the Support of these Acts”, Official Gazette A’ 248/15-10-2002.

<sup>36</sup> Articles 8 (h), 73 p. 3, 187 p. 1, 338, 339 p. 1, 340, 344 (a), 348 p. 3, 349, 350, 351, 353 p. 2, and added articles 323A, 348A, 351A.

<sup>37</sup> As integrated by article 2, paragraph 4 of Law 3875/2010.

<sup>38</sup> Ibid.

<sup>39</sup> Ibid.

<sup>40</sup> “Protection and assistance to victims of crimes of Articles 323, 323a, 349, 351 and 351 A of the Criminal Code, in Article 12 of L. 3064/2002”, Official Gazette A’ 204/29.8.2003. The title was replaced by the third paragraph of Article 4 of Act 3875 as follows “protection and assistance under Article 12 of Law 3064/2002 for the victims of the crimes of Articles 323, 323A, 323V, 348A, 349, 351 and 351A Criminal Code and article 87 paragraphs 5 and 6 and 88 of Law 3386/2005.”

<sup>41</sup> Art. 3 par. 5 of Law 3875/2010 abolished the cooperation with the authorities as a condition to receive protection and assistance, which are nowadays provided to all victims as long as there is a threat to one’s life, physical integrity and personal and sexual freedom, regardless of the victim’s cooperation with the prosecuting authorities.

<sup>42</sup> Law 3274/2004 on the “Organization and Function of Local Government Organizations of 1st and 2nd Degree”, Official Gazette 195/A/19.10.2004. The article replaces Art. 44 par. 7 of Law no. 2910/2001, Official Gazette 91/A/2.5.2001.

traffickers. The permit is issued by order of the Secretary General of the Region, with six month validity, renewable until a court decision on the criminal proceeding is issued. **Law 3386/2005** on “Entry, residence and social integration of third country nationals in the Greek territory”<sup>43</sup> additionally encompasses provisions relevant to victims of trafficking in human beings. According to the law, illegal entry into the country cannot be prosecuted in case of trafficking victims.<sup>44</sup> Art. 46-52 of Capital G’ provide for victims’ protection, including shelter, medical, social, psychological and legal assistance, upon their characterization as victims by the Public Prosecutor. In particular, a reflection period is introduced.<sup>45</sup> By order of the Public Prosecutor, alleged victims are entitled to a one-month reflection period, extendable to two months for children, to decide whether to cooperate with the competent police and judicial authorities for prosecution. During this period victims cannot be deported and are entitled to all rights endowed to recognized victims, with the exception of residence permit issuance. According to the new law, the residence permit is extended to 12 months validity and is issued and renewed by a central authority at no cost. Children who do not participate in criminal proceedings are entitled to residence permits on humanitarian grounds while they are accommodated in protection centres by order of the Prosecutor for Minors. Under-age victims are guaranteed special care provisions, which include family tracing, legal representation and support in judicial proceedings. The deportation of women is prohibited under any circumstances during pregnancy and for six months after the delivery. Law 3386/2005 was amended by **Law 3536/2007**,<sup>46</sup> which introduced special provisions facilitating criminal proceedings against traffickers of child victims and the establishment of a national committee for the social integration of migrants. **PD 80/2006**<sup>47</sup> includes several articles dealing with temporary residence permit, access to social aid, medical care, accommodation, work, vocational training and assisted repatriation. **Law 3625/2007**<sup>48</sup> ratified the Optional Protocol to the Convention on the Rights of the Child on trafficking of children, child prostitution and child pornography.<sup>49</sup> It made numerous amendments to the Criminal Code,<sup>50</sup> introducing stricter penalties against offenders, the suspension of the time bar until the victim reaches the adulthood and the non-application of some safeguards for data protection if the victim is a child. **Law 3692/2008** on “Ratification of the Hellenic-Albanian Bilateral Agreement for the protection of minor victims of trafficking”<sup>51</sup> introduced new provisions aimed at improving cooperation between the two countries in prevention, identification, safe repatriation and prosecution of traffickers of child victims.

Greece has also signed and ratified relevant agreements for the cooperation of police to combat various forms of organised crime including trafficking in human beings<sup>52</sup> and for the exchange of information with countries of origin and transit.<sup>53</sup> At the international level, Greece has signed, ratified or transposed a great majority of international and regional legal instruments dealing with trafficking in human beings and labour exploitation, as well as more comprehensive

<sup>43</sup> Official Gazette A’ 212/23-8-2005.

<sup>44</sup> Art. 1 clarifies that a victim of trafficking in human beings is the natural person who has become a victim of crimes provided for in articles 323 (slave trade), 323 A (trafficking in human beings), 323 B (trafficking in human beings), 348 A (child pornography), 349 (pandering), 351 (solicitation to prostitution), 351 A (lewdness against a minor under fee), regardless of whether s/he has entered the country legally or illegally.

<sup>45</sup> In accordance with Council Directive 2004/81/EC of 29 April 2004 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.

<sup>46</sup> “Determining matters in migration policy and other issues falling into the competence of the Ministry of Interior, Public Administration and Decentralization”, Official Gazette 42/A’/23.2.2007.

<sup>47</sup> “Provision of temporary aid in case of a massive influx of immigrants”, Official Gazette 82/A’/14.4.2006.

<sup>48</sup> Official Gazette A’ 290/24.12.2007.

<sup>49</sup> Optional Protocol to the Convention on the Rights of the Child, on the Sale of Children, Child Prostitution and Child Pornography, General Assembly resolution A/RES/54/263 of 25 May 2000, entered into force on 18 January 2002.

<sup>50</sup> Articles 323a “Trafficking of human beings” and 348a “Child pornography”.

<sup>51</sup> Official Gazette A’173/25.8.2008. The agreement was ratified in July 2008 and entered into force in August 2008.

<sup>52</sup> Data from the Ministry of Interior, Decentralization & e-Government and the International Cooperation Department of the Greek Police Force Headquarters.

<sup>53</sup> Details on international police cooperation are provided in chapter IV.

instruments protecting human rights whose scope also applies to victims of trafficking. A full list of international, European and EU law, and the indication of their signature, ratification, accession or transposition into the Greek legal framework, is provided in Annex A.

A recent and important development in the Greek legal framework toward a greater protection of victims' rights is the ratification by **Law 3875/2010**<sup>54</sup> of the United Nations Convention against Transnational Organized Crime and its additional protocols.<sup>55</sup> Although many of the issues the Protocol to Prevent, Suppress and Punish Trafficking in human beings (Palermo Protocol) deals with were already covered by Greek law, additional important provisions in the existing legal framework were introduced.<sup>56</sup> In particular, a new provision recognises the "trafficking in migrants" as a criminal act, whereby the designated status of the victim, and their consequent right to assistance and protection, are ultimately subject to the said provision.<sup>57</sup> This specific provision can be considered a significant improvement with regards to upholding and protecting the fundamental rights and freedoms of victims, in a time when trafficking and smuggling are increasingly difficult to differentiate.<sup>58</sup> Such provision in Greek law can therefore be noted as particularly innovative and respectful of a human rights-based approach to the fight against trafficking and exploitation. Additionally, according to new Art. 1 of Law 3386/2005 as modified by Law 3875/2010,<sup>59</sup> victims can be now recognized as such if there are reasonable grounds to believe that they have been victims of trafficking, including trafficking in migrants, even if prosecution of the perpetrators have not been initiated. The act that characterizes a person as a victim can be issued by the Public Prosecutor even if the victim decides not to cooperate with the authorities due to threats against his/her family in Greece, the country of origin or elsewhere, as well as if the victims' life is considered to be in danger if not protected or if the person is to be deported.<sup>60</sup> Accordingly, victims who are characterized as such but do not cooperate with the authorities can be granted a residence permit on humanitarian reasons. Another positive change is the extension to three months of the reflection period, previously lasting one month, the provision removing victims of trafficking from the list of undesirable non-nationals, and the inclusion of begging in the forms of exploitation. Finally, by **Law 3907/2011**<sup>61</sup> establishing asylum services and front desk services, a residence permit may be granted on humanitarian grounds to victims of domestic violence and trafficking in human beings who do not cooperate with law enforcement authorities, for instance for fear of retaliation against themselves or their families

---

<sup>54</sup> Official Gazette 158/A/20.9.2010.

<sup>55</sup> UN General Assembly, Protocol to Prevent, Suppress and Punish Trafficking in human beings, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime, 15 November 2000. The United Nations Convention against Transnational Organized Crime, adopted by General Assembly resolution 55/25 of 15 November 2000, is the main international instrument in the fight against transnational organized crime. It opened for signature by Member States at a High-level Political Conference convened for that purpose in Palermo, Italy, on 12-15 December 2000 and entered into force on 29 September 2003. The Convention is further supplemented by three Protocols, which target specific areas and manifestations of organized crime: the Protocol to Prevent, Suppress and Punish Trafficking in human beings, Especially Women and Children, entered into force on 25 December 2003; the Protocol against the Smuggling of Migrants by Land, Sea and Air, entered into force on 28 January 2004; and the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition. Countries must become parties to the Convention itself before they can become parties to any of the Protocols.

<sup>56</sup> In particular, the law amends some specific articles of the Criminal Code (187 and 323A), of Law 3064/2002, of Presidential Decree 233/2003, of Law 3386/2005, of the Codes of Criminal and Civil Procedure and of a number of other laws, such as 3226/2004, 2928/2001, 3691/2008 and 3251/2004.

<sup>57</sup> Amendment of the relevant provisions of Law no. 3386/2005.

<sup>58</sup> In this regard, one could report the statement of J. Bustamante, the UN Special Rapporteur on the human rights of migrants, according to whom "It is clear that the protection afforded to smuggled migrants is considerably less than that provided for victims of trafficking under the Trafficking Protocol, specifically because smuggled migrants are considered to have consented to the practice", Report of 25 February 2008, A/HRC/7/12.

<sup>59</sup> Art. 3 par. 5.

<sup>60</sup> Paragraph 2a of the new Article 1 of Law 3386/2005.

<sup>61</sup> Law 3907/2011 "Establishment of asylum services and front desk services, adaptation of Greek legislation to the provisions of Directive 2008/115/EC of 16 December 2008 'on common standards and procedures in Member States for returning illegally staying third-country nationals' and other provisions", Official Gazette A-7/26.01.2011.

Despite recent important improvements, several further steps have been deemed necessary to ensure a full protective and rights-based approach in the national legal framework on fight against trafficking in human beings. Some important international and European legal instruments have yet to be ratified in Greece, in particular the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990) and the Council of Europe Convention on Action against Trafficking in Human Beings (2005). The ratification and implementation of the provisions of such instruments is strongly recommended.

### **National institutional framework on trafficking in human beings for labour exploitation**

In recent years, Greece has enhanced efforts to address the increasing phenomenon of trafficking in human beings also through inter-agency cooperation. A coordinated and integrated programme has been developed, encompassing: monitoring of the phenomenon; training of law enforcement and prosecution authorities; public information; victims' identification; legal protection; assistance, including sheltering, medical and psychological support; administrative support, including suspension from deportation and issuance of a residence permit; reintegration through vocational training and job inclusion in Greece or in the country of origin through assisted return programmes.<sup>62</sup>

The first institutional effort towards preventing and combating trafficking in human beings dates back to 2001, with the establishment of the **Task Force Against Trafficking in Human Beings** (OKEA), an inter-ministerial and multi-disciplinary group, headed by the Chief of the Hellenic Police, which remained operational until 2008.<sup>63</sup> In 2004, the **Special Law making Committee against Trafficking in Human Beings** was established. Chaired by the Ministry of Justice, the Committee's<sup>64</sup> mandate included the coordination of actions against trafficking in human beings, the proposition of legislation and other measures to combat trafficking in human beings, and the encouragement of cooperation among competent authorities. The Committee worked on a tripartite approach in coordination with institutions, international organizations and Greek NGOs.<sup>65</sup> However, the work of the Committee focused on trafficking for sexual exploitation, as it was clearly mentioned in the National Action Plan issued in 2006. The Committee was replaced in 2009 by the **National Coordination Mechanism to Monitor and Combat Trafficking in Human Beings** (NCM). The NCM was established with the aim of guaranteeing a coordinated, multidisciplinary and comprehensive approach in addressing trafficking in human beings, encompassing prevention, identification, referral, assistance, protection and prosecution. The NCM is composed of an inter-ministerial commission headed by the Ministry of Foreign Affairs<sup>66</sup> and includes the Ministry of Justice, Transparency and Human Rights, the Ministry of Interior, Decentralization and e-Government, the Ministry of Labour, Social Security and Welfare, the Ministry of Health and the Ministry of Public Order and Citizen Protection. Its main tasks include:

- Coordinating all of the competent agencies, police task forces and NGOs with the aim to strengthen victims' identification and support as well as investigations and penal convictions.

---

<sup>62</sup> Ministry of the Interior, Public Administration and Decentralization, General Secretariat for Gender Equality, *Information and data on the issue of violence against women in Greece*, April 2005.

<sup>63</sup> The group aimed at recommending a comprehensive body of legislation on trafficking in human beings, to inform and raise public awareness on the trafficking phenomenon and to submit proposals for the organization of police services.

<sup>64</sup> The Committee included the Ministry of Interior, the Ministry of Foreign Affairs, the Ministry of Employment, the Ministry of Health and Social Solidarity and the Ministry of Public Order, replaced in 2012 by the Ministry of Public Order and Citizen Protection.

<sup>65</sup> For this purpose, a Memorandum of Understanding (MOU) with the International Organization for Migration (IOM) and twelve national NGOs was signed. The MOU was aimed at ensuring the coordination of actions undertaken by different stakeholders through a clear assignment of tasks and division of roles for facilitating identification of trafficking victims, effective protection and assistance, and training of competent authorities. The provisions of the MOU applied to both alleged and identified victims. The MOU also included consistent consultations and meetings between all parties, however, reportedly, it was hardly implemented in practice.

<sup>66</sup> <http://www.mfa.gr/>.



- Monitoring trafficking in human beings through data collection and the establishment, management and supervision of a national database on trafficking, including both victims and traffickers, in cooperation with the police, the judicial authorities and IOM.

- Planning, implementing and evaluating counter-trafficking activities on a national basis. It includes carrying out trainings and awareness raising activities as well as preparing reports on individual cases of trafficking. Such reports record the established facts, the progresses and outcome of each case, and evaluate the effectiveness of the applied procedure in relation to identification, assistance, protection and prosecution, with the aim to make recommendations to the relevant stakeholders so as to better address the phenomenon.

- Promoting and coordinating national and international cooperation with governmental bodies, international organizations and NGOs. With regards to civil society, the NCM focuses on promoting NGOs participation and implementing raising-awareness campaigns, in collaboration with the media.

- On individual cases, submitting recommendations to the competent authorities concerning exemption from deportation of alleged foreign victims until they are characterized as such and protection.

With regard to national anti-trafficking policies, the NCM has been focusing on the implementation of a **National Action Plan to Combat Trafficking in Human Beings** spanning the period of 2010-2012.<sup>67</sup> This is a four-pronged plan encompassing the so-called “four Ps”: Prosecution, Protection, Prevention and Partnership.<sup>68</sup> The main axes on which the plan urges to take action include:

- Strengthening the identification of victims through training and capacity building of officials who are most likely to encounter trafficking victims, such as coast guards, border police and labour inspectors.

- Improving victims’ registration and monitoring the provision of assistance and services on individual cases, including protection against deportation and from penalization of criminal acts carried out as a consequence of trafficking.

- Recording and monitoring prosecution and ensure severe penalties for those harbouring the crime.

- Ensuring that child victims are provided with specialized assistance; ensuring that male victims are provided adequate protection.

- Sustaining NGOs with the aim to increase their role in victims’ identification and referral.

- Implementing, supporting and promoting seminars and public awareness campaigns and other events targeted toward the Greek audience, including potential clients of the sex trade and beneficiaries of forced labour.

- On proposal of the Special Legal Drafting Committee, establishing the Office of the National Rapporteur as the central authority responsible for the coordination and monitoring of anti-trafficking efforts.

The National Action Plan is implemented by different institutional stakeholders. The **Public Security Directorate of the Hellenic Police** has the primary mandate of combating trafficking in human beings. Its tasks include: collecting and processing data on arrests, prosecutions, convictions and incarcerations; establishing screening procedures for victims’ identification; carrying out voluntary repatriation and follow-up in the countries of origin in cooperation with the IOM; organizing trainings and capacity building for police forces, law enforcement and judicial authorities. The Directorate operates nineteen counter-trafficking task forces throughout Greece.

---

<sup>67</sup> The information on the tasks, composition and functioning of the NCM and National Action Plan provided in this and the following chapters, have been collected through desk research, researcher’s participation in public events and conferences as well as first-hand information obtained through interviews to the Ministry of Foreign Affairs carried out in May 2012.

<sup>68</sup> Towards the successful implementation of the National Action Plan, a working group composed by the relevant departments of the concerned ministries, IOM and some NGOs have been established, on the basis of a MOU, for the operation of a National Coordination Mechanism & National Rapporteur (ESYEM).

They carry out large-scale national and cross-border operations, involving law enforcement officials, prosecutors and NGOs, and exchanges intelligence and information. They are responsible for victims' identification, provision of immediate protective measures, referral, investigation and dismantling of criminal networks. The **Labour Inspectorate (SEPE)** within the Ministry of Labour, Social Security and Welfare, carries out inspections aiming at detecting violations of labour legislation and insurance obligations, and investigating illegal employment of workers, including possible victims of trafficking. SEPE conducts inspections of private and public workplaces, including farms, companies and any place where workers are likely to be employed. When any elements of the inspection indicate risk of labour exploitation, SEPE notifies the cases to the Police. The **Public Prosecutor** (Ministry of Justice, Transparency and Human Rights) is responsible for the characterization of alleged victims as a victim of trafficking in human beings, on the basis of the results of the investigation carried out by the Police. He/she is also entrusted with the release of the order<sup>69</sup> for the suspension of the victim's deportation and the grant of the reflection period. In cases of child victims, repatriation can be carried out only upon the Prosecutor for Minors' consent. The **General Secretariat for Gender Equality**,<sup>70</sup> the **National Centre for Social Solidarity (E.K.K.A)**<sup>71</sup> and the **Ministry of Health**, share responsibility for providing assistance, support and social inclusion to trafficking victims. The National Centre for Social Solidarity within the Ministry of Labour, Social Security and Welfare<sup>72</sup> is the leading state agency providing support to vulnerable persons, such as abused or neglected children, children and women victims of domestic violence and victims of trafficking. It offers legal and social counselling, psychological and health care in cooperation with public and private hospitals, safe accommodation and assistance to other relevant stakeholders, such as the Ministry of Justice and Interior.<sup>73</sup> The General Secretariat for Gender Equality is a body under the Ministry of Interior whose priority is combating all forms of violence against women, including trafficking in women. They carry out referral, legal and health counselling as well as prevention and awareness-raising campaigns. The Ministry of Health carries out trainings for doctors and nurses on the identification of trafficking indicators. Finally, the **Office of Support to Migrants within the Athens Labour Centre (EKA)**<sup>74</sup> is entrusted with the provision of information to migrants in relation to their labour and social security rights, direct assistance as well as the development of tailored information campaigns on labour rights, in collaboration with other stakeholders. The office predominantly deals with labour rights rather than trafficking, yet it may come across cases where trafficking is likely to be involved.

Despite the comprehensive approach to trafficking characterizing the National Action Plan 2010-2012, it must be noted that most of the foreseen actions are horizontal and, with the exception of some activities, do not focus on trafficking for labour exploitation. Moreover, failures in the implementation of the measures foreseen in the Action Plan have been identified, while a more effective impact of the latter on combating trafficking may be ensured only through a stronger and better coordinated intervention of all competent bodies and authorities dealing with prevention and repression of trafficking, in particular for labour exploitation.

---

<sup>69</sup> The order is issued by the Prosecutor of the Court of First Instance and confirmed by the Prosecutor of the Court of Appeal.

<sup>70</sup> <http://www.isotita.gr/en/index.php>

<sup>71</sup> <http://www.ekka.org.gr/EKKA!show.action?lang=en>. The information on the tasks and functioning of the National Center for Social Solidarity have been collected through desk work, discussions held in the framework of study visits to E.K.K.A attended by the researcher as well as interviews with the E.K.K.A held in May 2012.

<sup>72</sup> The E.K.K.A was moved from the Ministry of Health and Social Solidarity to the Ministry of Labour, Social Security and Welfare in June 2012.

<sup>73</sup> More in-depth information on this regard is provided in Chapter IV, Section 1 of this paper.

<sup>74</sup> The office was established in 2006 through the 'Equal' EU funded program and continues at present its activities, notwithstanding the limited human resources, through the support of the EKA.

## SECTION 2: DIAGNOSIS OF TRAFFICKING FOR LABOUR EXPLOITATION IN GREECE AND PATTERNS IDENTIFIED AT NATIONAL LEVEL

Greece is a transit and destination country for victims of trafficking, of all ages and genders, for both labour and sexual exploitation. Until recently, trafficking primarily concerned sexual exploitation, while labour exploitation mainly took place in an unorganized and individual fashion, whereby employers took advantage of available cheap labour by regular or irregular migrants smuggled into Greece. Exploitation was characterized by low wages, provision of poor accommodation, food and no payment of social security. This had an adverse effect on migrants' opportunities to duly renew their residence permits. Recent developments may have had an impact on the trafficking for labour exploitation in Greece. In 2007, the enlargement of the European Union and the abolishment of restrictions on movement and work for Bulgarian and Romanian citizens, facilitated illicit employment offices and agencies, organized criminal groups as well as individual traffickers in the organization of entry into Greece of citizens from Bulgaria and Romania, in particular for seasonal workers.<sup>75</sup> The heightening of the economic crisis, the reduction of job opportunities and the further development of underground economy may have also fostered trafficking for labour exploitation. Despite the police's estimation of hundreds of forced labour victims trafficked to Greece over the past few years, this phenomenon remained largely undetected for several years and only recently gained attention by the relevant authorities. Interviews with the Anti-Trafficking Department<sup>76</sup> clarified that victims of trafficking who are exploited in the labour sector are usually difficult to identify. They are typically subjected to less physical violence, consequently lowering probabilities of finding evidence of coercion, and are additionally reluctant to understand the type of exploitation they are subjected to and to report the crime to the police.

According to Hellenic Police, victims of trafficking for labour exploitation originate mainly from Romania and Bulgaria. However, according to the US Department of State Trafficking in human beings Reports,<sup>77</sup> citizens from Albania, Moldova, Afghanistan, Pakistan, India, and Bangladesh are also trafficked and exploited in the labour market in Greece. Victims are primarily exploited in agriculture or construction, particularly through the method of debt bondage, and, in a smaller scale, in the domestic sectors. Greek NGOs reported that children are mainly Roma from Albania, Bulgaria and Romania and are forced to sell small items, beg or engage in petty crimes. The police also reported an increase in "family-based" trafficking, in which parents bring their own children into Greece and force them to work.<sup>78</sup> When the parents are involved, cases of trafficking are generally harder to detect and prove.

In **2009**, 66 cases of trafficking were investigated by the Police, for a total of 125 victims identified, the great majority originating from Romania (51) and Bulgaria (28), followed by Russia (12) and Nigeria (10). Other nationalities included Albania (5), Slovakia (3), Hungary (3) and Lithuania (3). Only two Greek citizens were identified as victims.<sup>79</sup> However, it is to be noted that in the same year NGOs claimed to have assisted at least 3,376 victims. Therefore, the number registered within the police database may not be an accurate representation of the occurring phenomenon. Among the 66 cases identified by the Police, only 14 involved labour exploitation. While still low, this number represents, however, an increase compared to the 2 cases identified in the previous year.<sup>80</sup> In **2010**, 92 victims were identified: 66 women, 9 men and 17 minors. Similar to the preceding year, the majority originated from Romania (29), Bulgaria (25), Russia (13) and

<sup>75</sup> Maria Papantoniou-Frangouli (2011), Ibid.

<sup>76</sup> Information collected through interviews with the Hellenic Police, Anti-Trafficking Department, Ministry of Public Order and Citizen Protection, carried out in May 2012.

<sup>77</sup> United States Department of State, *Trafficking in human beings Report 2009 - Greece*, 16 June 2009; United States Department of State, *Trafficking in human beings Report 2010 - Greece*, 14 June 2010; United States Department of State, *2011 Trafficking in human beings Report - Greece*, 27 June 2011; United States Department of State, *2012 Trafficking in human beings Report - Greece*, 19 June 2012.

<sup>78</sup> TIP Report 2012, Ibid.

<sup>79</sup> Source: Hellenic Police, Ministry of Public Order and Citizen Protection

<sup>80</sup> Ibid.

Nigeria (10). Victims from Albania (6), Lithuania (3) and Uzbekistan (2) were also identified. Among the 92 identified victims, 32 were exploited for labour purposes: 15 women and 17 men. No minors were identified. Similar to the general statistics, the majority of victims of labour exploitation were of Romanian (15) and Bulgarian (10) descent, followed by Nigeria (4), Pakistan (1), Palestine (1) and Serbia (1).<sup>81</sup> The overall statistics of victims in **2011** do not dramatically contrast from the previous year. 97 victims were identified, the great majority originating from Romania (53) and Bulgaria (29). It is, however, to be noted that other nationalities decreased: 7 from Russia, 2 from Albania and Ukraine, and only 1 from Hungary, Bangladesh, Dominican Republic and Greece. Compared to the previous year, the number of men decreased (28), while the number of women (56) and minors (13) remained relatively static. Among the 97 identified victims, 50 were exploited for labour purposes: 22 women, 28 men and no minors, all of them being Romanian (38) or Bulgarian (12) citizens.<sup>82</sup> A comparison between the percentages of victims whose labour was exploited in relation to the total number of victims, in the three years under consideration, clearly shows a constant and significant increase in the identified number of labour trafficking victims: 14 out of 66 cases in 2009; 32 out of 92 in 2010; 50 out of 96 in 2011. According to the police, the increase of identified victims of trafficking for labour exploitation through the years 2008-2011 is the consequence of a real augmentation of the phenomenon but also of an improved capacity of law enforcement authorities in detection, thanks to the enhanced efforts in training and capacity building.

Means of **coercion** have been changing in the last few years. The physical brutality has been declining and replaced by the psychological violence, in particular in the case of labour exploitation. Traffickers use psychological abuse, threats of financial harm, blackmails and threats against the lives of the victims or their family members, instead of physical force, in the attempt to evade legal prosecution. Traffickers also intimidate victims by threatening to report them to the police for their irregular presence in the country or irregular employment. Travel or identity documents are usually kept by traffickers with a view to prevent victims from fleeing the places they live and work in Greece.<sup>83</sup> Debt bondage is often used for keeping control over the victims, with the promise that freedom or remuneration for the work carried out will be ensured upon paying back the debt allegedly contracted with the traffickers.

Victims can be identified based on some specific **indicators**. Generally they work on a daily basis and are paid very low wages, if paid at all. Victims typically live together in small houses or warehouses, which have poor hygienic conditions and are not equipped with basic facilities. Victims are also deprived of their travel or identity documents. Fearful behaviours of workers during inspections, their little understanding of the situation around them, their limited communication skills, the very poor working conditions and the presence of unusual elements such as beds or locked rooms in the workplace, are also indicators.<sup>84</sup>

**Recruitment** generally takes place in the victims' country of origin. Victims are commonly unemployed or working in non-qualified positions with low wages, and generally already looking for opportunities abroad. They are approached by co-nationals, often somebody familiar, with the promise of profitable, secure and legal employment in Greece, primarily in the agricultural sector, or are enticed by job advertisements. Some of the victims are aware that they will be required to pay back the transportation costs, but they are deceived regarding the type of employment and working conditions. Traffickers arrange the transportation to Greece, covering all expenses. By predominately being EU citizens from Bulgaria and Romania, most victims enter the country legally from the northern land borders. Once in Greece, they find themselves exploited in a condition of debt bondage. Migrants from third countries may also be approached in Greece and become victims of labour exploitation. Victims do not speak Greek and therefore lack any direct

---

<sup>81</sup> Ibid.

<sup>82</sup> Ibid.

<sup>83</sup> Information collected through interviews with the Hellenic Police, Anti-Trafficking Department, Ministry of Public Order and Citizen Protection, carried out in May 2012

<sup>84</sup> Information collected through interviews with the Labour Inspectorate (SEPE) held in May 2012.

contact with their employer, whilst their mediators are the traffickers, who receive their salaries and, employers are not always aware of the fact that their employees are victims of trafficking. Victims themselves are often unaware of being exploited; they consider the situation as likely to lead to a better life once their debts are fully paid.<sup>85</sup>

**Traffickers** for labour exploitation are predominately of the same nationality as the victims, whilst for sexual exploitation are mainly Greek. The criminal organizations are typically small, cell-based criminal groups, which use restaurants, nightclubs, small businesses, and yacht rental companies as money-laundering fronts.<sup>86</sup> In sexual exploitation women victims are used to recruit other victims on the promise to get their freedom as compensation,<sup>87</sup> while in case of labour exploitation mainly men co-nationals are involved. In **2009**, 303 perpetrators, 32 convictions, 12 acquitted cases and 42 ongoing prosecutions were registered by the competent authorities.<sup>88</sup> In **2010**, statistics on perpetrators dropped to a total of 246: 83 women and 163 men. Among them, the most represented nationality was Greek (78), followed by Romania (44), Bulgaria (30), Russia (25), Albania (22) and Uzbekistan (11). With this in mind, one must note that the victims and perpetrators were often of the same origin. Traffickers involved in labour exploitation were, in total 31, comprised of 6 women and 25 men, primarily of Romanian (13) and Bulgarian (7) nationalities, followed by Pakistan (4), Palestine (2) and Tunisia (2).<sup>89</sup> In **2011**, a total of 220 traffickers were investigated by the Police: 145 women and 75 men. A significant majority was composed by Greek nationals (83), followed by Romanian (57), Bulgarian (30), Albanian (17) and Russian (17) nationals. Among them, 13 were involved in labour trafficking: 3 women and 10 men, with a significant majority originating from Romania (9), followed by Bulgaria (2), Greece (1) and Albania (1).

### **Working conditions of victims of trafficking for labour exploitation**

As argued above, labour exploitation in Greece remains a relatively recent phenomenon in terms of the attention accorded to it by the relevant stakeholders. This entails that reliable and comprehensive information and data on working conditions of victims of trafficking for labour exploitation can be hardly found. Available studies and literature primarily focus on trafficking in general terms or on exploitation and working conditions of the migrant population. However, on the basis of reports from different sources, it has been argued that some of the migrants exploited in Greece may have become victims of trafficking, particularly through debt bondage, after being smuggled into Greece. The analysis below is the result of a combination of information not principally focused on labour trafficking, but rather on various highly interconnected phenomena.

Conditions characterizing labour exploitation in Greece should be read in the light of the applicable labour legislation and standards. The most important labour law principles are provided for in the Greek Constitution.<sup>90</sup> According to Article 22: “1. Work constitutes a right and shall enjoy the protection of the State. All workers, irrespective of their sex or other distinctions, shall be entitled to equal pay for work of equal value”; “2. General working conditions shall be determined by law, supplemented by collective labour agreements”; “4. Any form of compulsory work is prohibited”; “5. The State shall care for the social security of the workers, as specified by law.” Equal treatment of men and women regarding wages and other terms and conditions of employment is guaranteed constitutionally (Art. 4 par. 1 and 22) and regulated by Law 1414/1984.<sup>91</sup> Law 3896/2010<sup>92</sup> protect against **discrimination on grounds of gender** or marital status. However,

---

<sup>85</sup> Ibid.; TIP Report (2012), Ibid.

<sup>86</sup> Ibid.

<sup>87</sup> Annual Report on Organised Crime in Greece for the year 2005.

<sup>88</sup> TIP Report (2010), Ibid.

<sup>89</sup> Source: Hellenic Police, Ministry of Public Order and Citizen Protection.

<sup>90</sup> Articles 22, 23, 25 and 106 of the Constitution of Greece, amended in 2008.

<sup>91</sup> Official Gezzette 10 A/2.2.1984.

<sup>92</sup> “Implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation – Compliance with the legislation in force according to Directive 2006/54/EC of the European Parliament and the Council of 5 July 2006 and other relevant provisions”, Official Gazette A’

women are more often exposed to risks and unsafe conditions at work due to their limited participation in trade unions as well as their higher tolerance for unfavourable working conditions, a consequence of the greater threat of unemployment when compared to men. **Maternity leave** is granted by law.<sup>93</sup> Non-discrimination is set for in Law 3304/2005 on the “Application of the principle of equal treatment regardless of racial or ethnic origin, religious or other beliefs, disability, age or sexual orientation”,<sup>94</sup> implementing Directives 2000/43/EC and 2000/78/EC. According to article 281 of the Civil Code, any decision of an employer that is not justified by the general interest of the enterprise but rather based on personal reasons, is to be considered as invalid. The ceiling of **working hours** currently amounts to 40 per week.<sup>95</sup> The general **minimum wage** is determined by the national general collective agreement. Minimum wage limits are also determined according to the sector and business, within the corresponding collective workplace agreements. Rules on **health and safety at work** are numerous. In general terms the legal framework is divided into two categories: the laws setting general obligations and rights (Laws 1568/1985<sup>96</sup> and 2224/1994<sup>97</sup>), and an abundance of statutes regulating safety matters according to specific sectors or regulations for specific dangers entailed within specific businesses. This second category includes specific Presidential Decrees that adopt basic principles of safe and human working conditions tailored to *ad hoc* working areas.<sup>98</sup> Special protective provisions apply to **children**.<sup>99</sup> The minimum age for employment is fifteen, including for family businesses. Law 3189/2003<sup>100</sup> also prohibits economic activities such as begging and other forms of labour in the streets, including selling flowers, cleaning shoes or cleaning car windshields. **Persons with special needs** are granted special protective measures.<sup>101</sup> It should be noted that the comprehensive protective framework mentioned above is often not implemented due to the increasing phenomenon of flexible and precarious employment as well as the flourishing of underground markets. Moreover, due to the recent financial crisis and the dramatic changes in the labour market, most sectorial collective agreements have been abolished or are no longer applied; national legislation is also presently under revision.

According to early research findings,<sup>102</sup> for more than a decade migrants have fulfilled a significant part of production needs in many sectors of the Greek economy. Migrants typically carry out jobs that the local workforce largely refuses to perform, known as the so-called ‘3D jobs’: Dirty, Dangerous and Demeaning. Exploitative working conditions typically involve employment in heavy, non-qualified and demanding jobs, long working hours, underpayment, lack of social security, poor and degraded living conditions. According to migrants’ claims, they face severe housing problems, such as living in unsanitary and overcrowded facilities that lack basic amenities. Most migrants are irregularly present in Greece and, thus, they cannot escape from their working place or demand improved working and living conditions in fear of being arrested by the police. Recently, the hidden and occasional exploitation of individual migrants, victimized due to their

---

207/08.12.2010. This law transposes into Greek legislation Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation.

<sup>93</sup> Law 2874/2000, Article 11, which ratified Article 7 of the National General Labour Collective Agreement (EGSSE) for the years 2000-2001; Law 1483/1984, Article 15; Presidential Decree 176/1997; Presidential Decree 41/2003.

<sup>94</sup> Official Gazette 16/A/27.01.2005.

<sup>95</sup> A legislative framework based on some Sectorial Collective Agreements is applicable. The National General Labour Collective Agreement of 01/01/1983 introduced the 40 working hours weekly limit for all industrial workers, while the National General Labour Collective Agreement of 14/02/1984 introduced the same ceiling for all private sector employees.

<sup>96</sup> Official Gazette, A’ 177/85.

<sup>97</sup> Official Gazette 112/A’6.7.1994.

<sup>98</sup> Among those one can note Presidential Decree 70a/1988 on “Protection of employees exposed to asbestos during work”, Official Gazette, 1/A’17.2.1988, and Presidential Decree 70/1990 on “Hygiene and Safety of Employees in the shipping industry”, Official Gazette, 31/A/14.3.1990.

<sup>99</sup> Law 1837/1979; Presidential Decree 62/1998.

<sup>100</sup> Official Gazette 243/21.10.2003.

<sup>101</sup> Official Gazette 220/TA/28.9.1998.

<sup>102</sup> Katsoridas, D. (1996), Immigrant workers in Greece and their living conditions. *Thesis Journal Vol. 56* ([http://www.theseis.com/index.php?option=com\\_content&task=view&id=544&Itemid=29](http://www.theseis.com/index.php?option=com_content&task=view&id=544&Itemid=29)).

irregular status by individual employers, has turned into a well-organized criminal enterprise. Recent field research on trafficking for labour exploitation in Greece<sup>103</sup> has identified the leading sectors where labour exploitation, including of victims of trafficking is prevalent:

- **The agricultural sector** is the main sector where cases of trafficking for labour exploitation have been detected. Reportedly, it mainly employ irregular migrants of Pakistani and Bangladeshi origin, as well as Bulgarians, Romanians, Albanians and other workers from Eastern Europe. Workers are required to work about 15 to 16 hours per day under very precarious and unhealthy conditions, with salaries far below the legal minimum wage. They are accommodated in hazardous settlements in fields close to the workplace, among greenhouses or warehouses that are in appalling conditions, lacking hygienic facilities, running water and the sewer system. Poor food and allegations of sexual abuse have been reported.

- **The service – cleaning sector.** This sector works mainly through subcontracting and payments are far lower than foreseen by the relevant collective agreements. Workers are uninsured and are dismissed from employment for unsubstantiated reasons. Safety rules are not respected, which makes this sector one of the most exposed to work-related injuries and accidents. Allegations of sexual harassment and the use of physical and emotional abuse toward women have also been reported.

- **The tourism sector.** It primarily employs workers from Eastern European countries for periods ranging from two to six months, with no social insurance and frequent I retainment of entire salaries. Similar to the other sectors, health and safety conditions are also not respected and there are frequent accidents.

- **The industrial and production sector.** Exploited workers are engaged through subcontractors, with low payments, deprived of any basic labour rights and with no safety measures. Research findings have underlined the very high rate of work accidents.

- **Domestic service** particularly involves women, particularly vulnerable and exposed to exploitation. Domestic workers are underpaid and uninsured, required doing extensive working hours and often suffering from abusive and degrading treatments with no possibilities to react.

- **Begging** has actually become a highly profitable business for trafficking. Victims are closely supervised and are expected to collect a satisfactory amount after each day. They are deprived of their travel and identity documents, and are ordinarily victims of physical abuse and forced to live in accommodation with appalling conditions, inadequate nutrition and poor sanitation.

Finally, women are employed in **bars and nightclubs**, where they are victims of both labour and sexual exploitation, working as dancers or waitresses and providing sexual services at the same time.

### SECTION 3: LEGAL INSTRUMENTS

Legal instruments and provisions on **protection and assistance** to victims of trafficking in human beings include: Law 3064/2002<sup>104</sup> prohibiting trafficking for sexual exploitation and forced labour; Presidential Decree (P.D.) 233/2003<sup>105</sup> **on the provision of assistance and protection to victims of trafficking in human beings**; Law 3386/2005<sup>106</sup> transposing Council Directive 2004/31/EC on residence permit to victims of trafficking in human beings; Law 3875/2010<sup>107</sup> ratifying the UN Convention on Transnational Organized Crime and its Protocols; Law 3907/2011 establishing asylum services and front desk services.<sup>108</sup> Presidential Decree 233/2003 determines the public services and units responsible for the provision of protection and assistance to victims of

<sup>103</sup> Maria Papantoniou-Frangouli (2011), Ibid.

<sup>104</sup> Official Gazette A' 248/15-10-2002.

<sup>105</sup> Official Gazette A' 204/29-8-2003.

<sup>106</sup> Official Gazette A' 212/2005.

<sup>107</sup> Official Gazette 158/A/20.9.2010.

<sup>108</sup> Official Gazette A-7/26.01.2011.



trafficking in human beings. An overview is provided in Chapter I, section 2 of this paper. Additionally, a range of NGOs play key roles in victims' assistance, support and integration, coordinating their work with the relevant authorities or instead acting rather independently. Among the main NGOs active in anti-trafficking activities and victims' support one could mention "NGO Solidarity", "Klimaka", "The Smile of the Child", "Arsis – Social Organization for the support of youth", "Act up", "Greek Council for Refugees", "European Womens Network", "Nea Zoi", "A21Campaing" and several others.<sup>109</sup>

Protection and assistance are provided to all victims or alleged victims of trafficking as long as there is a threat to one's life, physical integrity and personal and sexual freedom. In other words, they do not longer depend on the victim's willingness to cooperate with the authorities and are not strictly linked to prosecution and trial procedures. As pointed out in Chapter I, this represents a remarkable improvement in protection and assistance provisions, consequent to the ratification of the UN Convention against Transnational Organized Crime. Once identified, alleged victims are granted a **reflection period**, which, according to the recent legal amendments, may cover up to three months, in order to recover and decide whether to cooperate with the police and the judicial authorities in the prosecution of their perpetrators. During this period, deportation of non-nationals irregularly residing in Greece is suspended and victims are entitled to all assistance and protection endowed to recognized victims, with the exception of the residence permit. Assistance includes **safe accommodation** in shelters (P.D. 233/2003, Art. 4) run by the National Centre for Social Solidarity (E.K.K.A) in two cases: Centres of Social Support and Shelters for Emergency, Guarded Hospitality & Care. More often, shelters are run by NGOs through bilateral cooperation agreements with the E.K.K.A. Shelters are funded by the Greek government, namely the Ministry of Health, E.K.K.A and the Ministry of Foreign Affairs. Unfortunately, the government's efforts to protect victims of trafficking diminished last year. Funding for NGOs ceased as the result of the economic crisis, and some relatively smaller shelters struggled to remain operational or had to close down. In addition, fewer victims were certified for care<sup>110</sup> and a lack of specialized staff was reported. Referrals to shelters are primarily carried out by the police and public prosecutors. Once accommodated in a shelter, victims undertake a medical examination. For the whole duration of the protection and assistance measures, victims are accorded free access to **health care and psychological support** (P.D. 233/2003, Art. 7) in public hospitals or other services part of the National Health System, as well as through counselling and services provided by the E.K.K.A, the General Secretariat for Gender Equality and competent NGOs, which also include pharmaceutical care. Victims also have the right to **free legal aid and interpretation** (P.D. 233/2003, Art. 8). Legal counselling and representation are provided by the General Secretariat for Gender Equality in cooperation with local bar associations, as well as by competent NGOs. The Ministry of Foreign Affairs also provides free legal counselling and aid to the victims of trafficking in human beings who are foreign nationals. Victims are provided socio-legal information about the applicable anti-trafficking legislation, protection provisions and measures and available services. The police have also created a detailed information leaflet on rights and services for victims of trafficking, available in 13 languages (English, Albanian, Arabic, Bulgarian, French, German, Spanish, Italian, Polish, Romanian, Russian, Serbian and Turkish) and distributed to all services and organizations dealing with trafficking across the country. **Rehabilitation, integration and social inclusion** services and programs are guaranteed by the Ministry of Health, the Ministry of Labour, Social Security and Welfare, in particular the E.K.K.A, and the General Secretariat for Gender Equality, despite the General Secretariat focusing only on female victims. Integration programs include free Greek language courses offered principally by NGOs, education, vocational trainings and programs for job inclusion. Juvenile victims are enrolled in educational programs in public schools, where reception

---

<sup>109</sup> In addition to deskwork, the information provided in this section has been gathered thorough interviews with national stakeholders, both authorities and civil society organizations, held in May 2012. The interviews could provide an insight of the current implementation, including strengths and weaknesses, of the protective framework for victims of trafficking in human beings.

<sup>110</sup> TIP Report (2012), Ibid.



classes or tutorial/intercultural sections are offered (P.D. 233/2003, Art. 5 and 6). Up to 23 years of age, victims with the necessary qualifications can be enrolled in public vocational training programs. Such trainings are offered by schools for Technical and Professional Education (TEE) or through programs carried out by the Manpower Employment Organization (OAED). NGOs also offer vocational training courses aimed at the acquiring of specific technical competences and also provide counselling and assistance in job searching. Information and counselling on employment and entrepreneurship are also provided by the General Secretariat for Gender Equality. Identified victims of trafficking who agree to assist the authorities have also the right to request a **residence and work permit** (Law 3386/2005, Articles 44 and 47), issued by the Ministry of Interior at no cost with 12 month validity and renewable annually until a decision is issued on the related criminal proceeding. Mediation in the procedure for issuing the residence permit is often carried out by the E.K.K.A, particularly by writing opinions on individual cases. The residence permit can be also converted into a permit for work or study, which would be at the same conditions as third-country nationals. Residence permits on humanitarian grounds can also be issued to children and to adults victims who decide, for fear of retaliation against themselves or their families, not to cooperate with the authorities. The deportation of women is prohibited under any circumstances during pregnancy and for six months after the delivery. If victims decide to return to their countries, **safe and free of charge repatriation** is financed by the Ministry of Foreign Affairs and carried out by the police in cooperation with the International Organization for Migration (IOM) and the embassies,<sup>111</sup> with the support of NGOs and the E.K.K.A. Cooperation with relevant stakeholders in countries of origin ensures the necessary support and follow-up for local integration. In the specific case of children, the consent of the Public Prosecutor for Minors is required before carrying out repatriation. Help to victims, information for the public and the possibility to report suspected cases of trafficking, even anonymously, are offered through 24/7 nation-wide **hotlines** in different languages. The General Secretariat for Gender Equality offers the helpline SOS 15900, the E.K.K.A helpline 197, the “Smile of the Child” a hotline targeting children, and the NGO A21 Campaign helpline 1109.

**Access to justice** to victims is facilitated by the E.K.K.A, NGOs and helpdesks of the General Secretariat for Gender Equality. In practice, however, reported incidents are rare. The reasons are manifold and principally depend on cultural and linguistic barriers, lack of efficient and automatic support systems, as well as the fact that victims of trafficking, who are in the majority of cases foreigners, when residing irregularly in Greece may be first treated as violators of national immigration law. Trapped in a double juridical status of victim as well as violator of the national immigration law, for fear of being arrested, detained and deported if they are not recognized as victims of trafficking, victims may be prevented from addressing the police. These conditions, coupled with the fear of retaliation from traffickers and the little incentive to cooperate with the police and the judicial authorities, increase the isolation of victims and prevent them from accessing the judicial system in practice. **Compensation** is granted by law; however there is not a specific state fund for trafficking cases and, thus, compensation originates only from expropriation of the traffickers’ belongings. Greek legislation provides also for a **witness protection** system, which is activated based on evidence of organized crime. Since it is often difficult to find evidence of criminal networks, victims may find themselves outside of any witness protection mechanism. In less serious cases, however, witness protection programs may be replaced by victims’ reallocation within Greece.

Despite the inclusive protective legal framework and the attempts made by the Greek state to adequately protect and assist victims, some **gaps** in implementation have been reported. This concerns the low rate of detected cases and, as a direct consequence, the denied access to assistance and protection services to all unidentified victims. Victims who are irregularly in Greece may also be arrested and detained for being in Greece illegally, to be ultimately returned to their country of origin without being recognized as victims of trafficking. The victims’ right approach recently adopted in the legal framework, according to which assistance and protection is granted

---

<sup>111</sup> <http://www.mfa.gr/>.

independently from the victim's participation in prosecution, seems not widely applied yet in the practice. The protection of victims' rights seems to have also remained secondary to law enforcement purposes, may this be for either the prosecution of traffickers or of violation of national immigration law. As the General Secretariat for Gender Equality has pointed out, victims of trafficking are also subjected to stereotypes and biases; and the victims may be discriminated since trafficking may be considered as a consequence of their choices. NGOs and the E.K.K.A have also reported difficulties in ensuring, in practice, all rights granted by the law, essentially due to financial shortcomings and, as a consequence, insufficient accommodation. This concerns in particular male victims, since most of the shelters are addressed to women, chiefly because only trafficking for sexual exploitation was considered for several years. Interpretation has also suffered from financial limitations, for instance when providing psychosocial support, and legal representation services. Access to vocational training and the labour market are recognized by law but are practically impossible to achieve. In order to access training programs victims are required to have a good understanding of Greek, and attendance is limited to victims of trafficking who are below 23 years of age. Despite access to the job market is granted by law, victims of trafficking experience serious unemployment problem due to low educational levels and the lack of knowledge of the Greek language. Whilst NGOs organize Greek language courses and job orientation services, access to employment remains very limited. When it comes to children, a fully effective protective framework for unaccompanied foreign children is still lacking in Greece. Serious shortcomings have been acknowledged in children's identification and registration including age assessment, thus minors may not be recognized as such and their vulnerabilities, including specific situations of exploitation and trafficking, not successfully determined. Reception centres for unaccompanied children are insufficient and specialized structures for children victims of trafficking non-existent. Deficiencies have been identified also in the guardianship system, thus unaccompanied children may remain without legal representation for prolonged periods.<sup>112</sup>

Several **positive initiatives** have however been identified, such as the counselling services, the hotlines and the Greek language courses provided by E.K.K.A, the General Secretariat for Gender Equality and several NGOs. In addition to what illustrated above, an initiative carried out by the NGO A21 should be mentioned. To facilitate the recognition of victims of trafficking among detained irregular migrants, the NGO carries out regular visits to a women detention centre near Thessaloniki, located in the north of Greece, with a social worker and whenever possible a lawyer. Some trafficking victims end up in the detention centre after escaping from the traffickers or when they are abandoned by the latter after the full exploitation of their services. When potential victims are identified by the NGO, the operators ask to speak with the detainee in private, as to gather information and to explain the available protective framework. Interpretation is provided by a team of volunteers or professionals on call as well as through phone calls. All information is gathered and submitted to the director of the detention centre and the Unit for Combating Trafficking in Human Beings of the Greek Police in Thessaloniki.

## SECTION 4: NATIONAL INSTITUTIONAL COOPERATION

The Greek authorities' effort towards enhancing prevention, protection and prosecution has encompassed inter-institutional coordination and cooperation with NGOs and the IOM Greek Mission through agreements, memorandum of understandings and direct support to activities. As declared by the Ministry of Interior, Decentralization and e-Government, the State authorities' intention is to ensure "a coordinated and effective action by all parties involved, since fragmented

---

<sup>112</sup> *Protecting Children on the Move. Addressing protection needs through reception, counselling and referral and referral and enhancing cooperation in Greece, Italy and France*, UNHCR, July 2012.

action is insufficient to tackle this transnational phenomenon.”<sup>113</sup> A fully operational national coordination mechanism<sup>114</sup> in Greece, however, is still lacking.

Since 2009 the task to ensure a multidisciplinary and comprehensive approach in addressing trafficking in human beings is assigned to the **National Coordination Mechanism to Monitor and Combat Trafficking in Human Beings (NCM)**. Headed by the Ministry of Foreign Affairs, the NCM<sup>115</sup> works as an inter-agency body, coordinating competent authorities, the IOM and several NGOs working in the anti-trafficking field. **Cooperation with NGOs** covers victims’ assistance, protection and counter-trafficking interventions through the implementation of an integrated National Programme for Action. The latter includes: financial support to four shelters for victims run by NGOs and two shelters run by the National Centre for Social Solidarity; provision of free legal aid to victims; voluntary repatriation programmes implemented in cooperation with IOM; support to victims for the reintegration in their country of origin; and finally international cooperation and the exchange of information with the countries of origin and international organizations. The collaboration also includes the implementation of awareness-raising and informational campaigns aimed at limiting the demand and increasing the ethical responsibilities of users.<sup>116</sup> However, cooperation is not formalized through official agreements, which would help to clearly set roles and terms of cooperation, share responsibilities and, thus, avoid overlapping and ensure accountability. There are, however, several bilateral cooperation agreements between NGOs and different Ministries on specific interventions. Several projects and assistance services carried out by NGOs are financed by the Ministry of Foreign Affairs through the International Development Cooperation Department (YDAS – Hellenic Aid). Funding granted by Hellenic Aid to actions undertaken by NGOs is aimed at capitalizing on the experience and knowledge of specialized experts working in the field and directly with beneficiaries. One example is the *Storgi* home for abused women and children, which was established through the cooperation between the NGO Solidarity and YDAS. The shelter provides medical and legal assistance to victims of trafficking,<sup>117</sup> and cooperates with the police’s anti-trafficking department, who are in charge of the direct referrals of alleged and recognized victims to the shelter.

The **referral system** is composed by numerous actors<sup>118</sup> working in an integrated manner, each of them with specific competences. The **police** identify the victims, provide them with immediate protective measures and refer them to the **Public Prosecutor** for the characterization as victims of trafficking, the suspension of any pending deportation order, the grant of the reflection period, and for initiating the prosecution of the traffickers. At the same time the police refer the victims to the E.K.K.A or NGOs for the provision of the necessary assistance and services. The **E.K.K.A** cooperates with **NGOs** for the provision of safe accommodation, with the police and the Prosecutor in victim’s identification and characterization, for instance by writing opinions on the alleged victim’s mental state, and the **Ministry of Interior**, by giving opinions on the repatriation or issuance of a residence and work permit. Referral to the relevant authorities is also carried out by the **General Secretariat for Gender Equality** whenever victims approach their help desk for health, psychological or legal counselling. For rehabilitation, integration and social inclusion, victims are referred to services provided by the **Ministry of Health**, the **Ministry of Labour**, Social Security and Welfare and the General Secretariat for Gender Equality. Safe repatriation is ensured by **IOM** in an integrated cooperation with the police, E.K.K.A and diplomatic authorities.

---

<sup>113</sup> Hellenic Republic, Ministry of Interior, Decentralization & e-Government, *Annual Policy Report 2009*, Athens, February 8th 2010.

<sup>114</sup> For the definition of National Referral Mechanisms and more information on its components and implementation, see Kroger, Malkoc and Uhl, *National Referral Mechanisms. Joining Efforts to Protect the Rights of Trafficked Persons. A Practical Handbook*, OSCE/ODIHR, 2004.

<sup>115</sup> For more information on the composition, tasks and activities carried out by the NCM in the implementation and monitoring of prevention activities and protection services, please refer to chapter I, section 2.

<sup>116</sup> <http://www.mfa.gr/>.

<sup>117</sup> <http://www.polarisproject.org/what-we-do/national-human-trafficking-hotline/the-nhtcr/overview4>.

<sup>118</sup> More detailed information on composition and role of each stakeholder is provided in Chapter I, Section 2 of this paper.

Referral to the police is also carried out by the **Labour Inspectorate** (SEPE) if victims are identified during inspections. Finally, the **Office of Support to Migrants** within the Labour Centre of Athens (EKA) provides information to migrants on labour and social security rights, and collaborates with other stakeholders to develop tailored information campaigns on labour rights. However, SEPE and EKA remain weakly involved in counter-trafficking strategies and tend not to focus on the potential trafficking component of cases of labour exploitation. With this regard, it should be noted that an integrated coordination system addressing trafficking for labour exploitation is still lacking in Greece. Situations of labour exploitation are generally relegated to the sphere of irregular employment, violation of labour rights and precarious and insalubrious living conditions. The authorities tend not to delve into them and, thus, the cases are not always assessed in the framework of existing anti-trafficking provisions. According to recent field research findings,<sup>119</sup> situations of labour exploitation reported by inspection mechanisms and local authorities, often encountered no integrated responses from the different relevant authorities, unless the victims themselves reported the case and testified. The failures of the State in promptly address labour exploitation have also been denounced by the office of the Greek Ombudsperson in 2008, referring in particular to the agricultural sector in the Peloponnese region of Greece.

### **International institutional cooperation**

Greece has been participating in various international and regional *fora*, promoting regional and international cooperation with international organizations, governments and NGOs. **International police cooperation** has been involving the EU, the UN, EUROPOL, INTERPOL, Southeast European Cooperative Initiative (SECI), Adriatic and Ionian Initiative, and the Black Sea Initiative. In 2006 the police initiated the comprehensive multi-year operational plan “ILAEIRA”<sup>120</sup> (2006-2009), which aimed at combating trafficking for sexual exploitation, identifying cases and assisting victims in collaboration with all competent bodies. The ILAEIRA plan was developed at two levels - national and international, and involved four implementation phases. In addition to Greece, ILAEIRA involved 21 EU Member States and other European countries, including Cyprus, Hungary, Bulgaria, Romania, and four International Organizations (EUROPOL, INTERPOL, Eurojust, Frontex). At present, bilateral meetings with police authorities of neighbouring countries, i.e. Albania, FYROM and Bulgaria, are held at the border points on a regular basis and whenever required by the two sides. The meetings aim to coordinate measures of passport control and supervision of the non-monitored borders for the purpose of suppressing irregular migration and combating trafficking in human beings through coordinated measures. On a continuous basis, information is also exchanged with EUROPOL, INTERPOL, SECI and through bilateral relations developed through police cooperation agreements and police liaison officers in Italy, Bulgaria, Cyprus, Turkey, Albania, Russia, Ukraine, FYROM, Croatia, Bosnia-Herzegovina, Serbia-Montenegro, Romania and Lebanon. The police also cooperate with the Embassies for safe repatriation of foreign victims. Once the victim, characterized as such by the Public Prosecutor and the criminal proceeding has been initiated, the police transfer the victim, if s/he wishes so, to his/her Embassy, which may then proceed with the victim’s safe repatriation.

The **Ministry of Foreign Affairs - YDAS** actively participates in transnational cooperation actions within the framework of the UN, NATO, OSCE, the Council of Europe and the Human Security Network.<sup>121</sup> YDAS finances programs for the establishment of networks to combat trafficking in human beings and exchange information with the countries of origin of the victims, particularly in the Balkans and Eastern Europe. In addition, it finances repatriation and reintegration programs, in cooperation with IOM, by supporting reception centres and vocational trainings in

<sup>119</sup> Maria Papantoniou-Frangouli (2011), Ibid.

<sup>120</sup> UN Secretary General’s data base on violence against women

<http://sgdatabse.unwomen.org/searchDetail.action?measureId=24096&baseHREF=country&baseHREFId=563>.

<sup>121</sup> Greek Embassy, Greek actions for the suppression of Trafficking in Human Beings: <http://www.mfa.gr/usa/en/>.

countries of origin. Since the agreement with Albania<sup>122</sup> entered into force, the Ministry signed relevant agreements on child trafficking with other countries of the Balkans and Eastern Europe. In October 2010, the “Southeast European Centre for Missing and Exploited Children” (SEEC) was inaugurated. The centre is founded by the NGO “The Smile of the Child” in collaboration with the “International Centre for Missing & Exploited Children” and deals with the issue of missing and exploited children in Southeast Europe. SEEC is an organizational network which provides partners with the opportunity to exchange and share information, experiences and best practices, examining the need for increased collaboration and cooperation across borders.

In 2010, the **Ministry of Labour, Social Security and Welfare** and the **Ministry of Health and Social Solidarity** participated in the Savi-Av Network (Social inclusion and vocational integration of Asylum seekers and Victims of trafficking in human beings), a thematic cross regional, inter-agency learning network co-financed by the European Commission under the European Social Fund 2007-2013. By identifying emerging issues and policy gaps, the network disseminates good practices on social inclusion of victims of trafficking.

The **National Coordination Mechanism** (NCM) collaborated with several EU partners, including Bulgaria and Romania, in a European Commission programme aimed at enhancing methods and procedures for the identification of trafficking victims through the development of common guidelines.<sup>123</sup> Since 2010, a number of international conferences and events have been held in Greece on the initiative of the NCM and various international partners.<sup>124</sup> The NCM has been cooperating with the IOM, co-competent Ministries, NGOs, the Foreign Ministry’s Special Secretariat for the Development of International Programmes and the General Secretariat for Gender Equality for the implementation of EC funded projects.<sup>125</sup> In addition, in cooperation with the new EC anti-THB web portal, the NCM will now supervise the launching of an informative national website.<sup>126</sup>

On the basis of international cooperation, several **positive initiatives** in the fight against trafficking in human beings and in the support of victims involved have taken place in Greece. The ARIADNE Network against Trafficking in Human Beings in South-Eastern and Eastern Europe was established in June 2005 with a seat in Greece (Athens) and under the coordination of the Greek organization Human Rights Defence Centre.<sup>127</sup> The network endeavoured to combat trafficking in human beings by developing close relations and moreover cooperate with countries of origin, transit and destination, and by promoting joint actions for strengthening support and assistance to victims.<sup>128</sup> The 2008-2009 “ARIADNE Third Joint Project” involved the publication of a handbook on good practices, workshops for NGOs and the distribution of information

---

<sup>122</sup> Law 3692/2008 on “Ratification of the Hellenic-Albanian Bilateral Agreement for the protection of minor victims of trafficking”, Ibid.

<sup>123</sup> <http://ec.europa.eu/anti-trafficking/index.action?breadCrumbReset=true>.

<sup>124</sup> In May 2011 the 2-day forum “A Victim Centered Approach to Identifying and Documenting Victims of Trafficking in human beings” was organized in cooperation with the IOM in Greece and the U.S. Embassy. The forum dealt with new trends in trafficking in human beings; the screening and identification of victims; detecting traffickers; providing specialized assistance and protection to child and male victims. In September 2011, the same actors organized a trilateral conference entitled “Addressing Modern Day Slavery (Bulgaria, Turkey and Greece).” Finally, the Human Rights Defense Center organized a roundtable in June 2011 in Athens, with the aim of assessing existing identification models and National Referral Mechanisms; detect and analyse good practices, gaps, needs, strengths and weaknesses in victims’ identification; formulate recommendations on the improvement of the identification procedure; explore new trends in trafficking and possible links between the latter and migration; exchange experiences and discuss the needs of participating countries and the region as a whole.

<sup>125</sup> In this framework, it has been participating in a number of tenders within the framework of “Administrative Reform”, “Digital Convergence”, “Competitiveness” and “Gender Equality”, funded by the National Strategic Reference Framework (NSRF) for 2007-2013.

<sup>126</sup> <http://ec.europa.eu/anti-trafficking/showNIPsection.action?country=Greece>.

<sup>127</sup> The Human Rights Defence Center has also cooperated with the IOM Mission in Greece, and with the Thessaloniki Office of the Stability Pact for SE Europe.

<sup>128</sup> Ariadne, *Third Joint Project* (2008-2009), <http://www.ariadnet.net/projects.php?Id=5&>. The project was co-founded by the Greek Ministry of Foreign Affairs, the Ministry of Foreign Affairs of Norway and the Canadian Embassy in Greece.

materials. The ASPIDDA Project aimed at combating discrimination against trafficked victims, protecting their fundamental rights and creating appropriate conditions for their integration into society and the labour market. In 2007, a two-year project AGIRE<sup>129</sup> focusing on child-trafficking was initiated between public and private entities in Austria, Greece, Italy and Romania.

## SECTION 5: CONCLUSIONS AND RECOMMENDATIONS

A new effort in addressing forms of exploitation other than sexual exploitation has been recently introduced in the political agenda on counter-trafficking, including trafficking for bonded or forced labour. This entailed a higher attention accorded to male victims and to awareness-raising activities addressed to the voluntary or involuntary consumers of products and services provided through the exploitation of others.<sup>130</sup> Nevertheless, despite significant efforts, the Greek government is still not fully compliant with the minimum standards for the elimination of trafficking, as explicitly stated in the US Department of State 2011 Trafficking in human beings Report.<sup>131</sup>

Victims' identification must be improved, as well as the prosecution and punishment of perpetrators strengthened. Proactive, serious and systematic control mechanisms should be established by different actors. The Labour Inspectorate (SEPE) should become a key actor in victim identification. Labour inspections should be increased and extended to all sectors, and further training should be provided to inspectors so as to be able to identify conditions that may involve or lead to trafficking. Trainings for the staff working in detention centres would also be necessary in order to improve recognition of possible victims and ensure their referral to the competent authorities and NGOs. A prompt understanding of indicators of trafficking is crucial for the identification of a potential case, in particular when it comes to labour exploitation. Victims may be in contact with a wide range of actors not directly dealing with trafficking issues, such as trade unions, health service providers or even the public and customers, thus it is crucial that such actors are sensitized and informed, so as to perceive signs of coercion other than the use of force and violence and refer all possible cases to specialized bodies. As the NGO A21 Campaign as pointed out, the development of lists of indicators could be also a useful tool for stakeholders other than specifically trained police authorities, for instance trade unions, NGOs, health operators and labour inspectors, so as to easily recognize possible cases of trafficking. The lists could be accompanied by an explanatory note on their use, emphasizing that the absence of a particular indicator does not exclude the case of trafficking. Each list of indicators should be tailored to the target groups and adapted to the context in which each stakeholder operates.

Police investigations into trafficking in human beings remain weak. A more proactive approach to combat labour trafficking is needed, particularly when it comes to local police forces, which would require further training and sensitization in order to ensure a higher identification of labour trafficking cases all over Greece. The systematic functioning and regular update of the victims' database is still lacking, with the risk of deporting alleged victims before they can be characterized as such. In addition, the judiciary suffers from structural and legal inefficiencies and provision of victim protection remains weak. Conviction rates of traffickers are low, in particular when it comes to trafficking for labour exploitation.<sup>132</sup> Victims' cooperation with the authorities and participation in criminal trials should be encouraged by incorporating incentives in the trial process, such as compensation, other benefits or enhanced protection for victims who testify. Widespread impunity of the 'black' labour should also be fought, and the public further informed and

<sup>129</sup> Austria, Greece, Italy and Romania. Acting for stronger private-public partnerships in the field of identification and support of child victims and at risk of trafficking in Europe.

<sup>130</sup> In 2009 IOM Athens, under the aegis of the Ministry of Labour, carried out trainings on the identification and recognition of labour traffickers' methods and victims' profiles. The training targeted the Labor Inspectorate and 121 labour inspectors attended the training course. Moreover, between 2011 and 2012, an awareness-raising event on the role of the private sector in protecting their employees from exploitation and labour trafficking was organized.

<sup>131</sup> TIP Report (2011), Ibid.

<sup>132</sup> Maria Papantoniou-Frangouli (2011), Ibid.

encouraged to lodge complaints and to refer suspected victims to any competent agency, even outside the police.

Finally, the establishment of a central body with legal personality is deemed necessary for a full and effective implementation of the National Action Plan and the existing legal provisions. In this framework, it is recommended that Greece promptly establishes a National Rapporteur on Trafficking, as required by the 2011 EU Directive on trafficking in human beings and protecting its victims.<sup>133</sup>

---

<sup>133</sup> 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.





## CHAPTER IV FYROM – THIRD COUNTRY

### SECTION 1: EVALUATION OF POLICIES SPECIFICITIES IN THE AREA OF TRAFFICKING IN HUMAN BEINGS FOR LABOUR EXPLOITATION, WEAKNESSES AND IDENTIFIED NEEDS

In order to make proper evaluation of specificities of policies in the area of THB for labour exploitation in FYROM, to determine weaknesses in policies and define needs, a questionnaire was prepared and a survey was conducted. The aim of the questionnaire was to gather information from competent representatives from institutions involved in the fight against THB for labour exploitation, along with institutions which need to be involved and were not involved until now.

The survey questionnaire was filled in by 24 persons, representatives of the following institutions:

1. Ministry of Interior, Unit for trafficking in human beings and smuggling of migrants....	4
2. Ministry of Labour and Social Policy, National Referral Mechanism .....	2
3. Social Affairs Centres at local level .....	7
4. National Labour Inspectorate .....	3
5. Basic Court Skopje 1 Skopje .....	1
6. Basic Public Prosecution Office for organized crime .....	1
7. International Organization for Migration IOM .....	1
8. International Centre for Migration Policy Development ICMPD .....	2
9. NGO “Open Gate – La Strada” .....	2
10. NGO “For Happy Childhood” .....	1

The Questionnaire was sent to the Chamber of Employers and Syndicate Union, but they did not respond.

The Questionnaire was composed of 28 questions regarding the following areas of interest:

- Competence and familiarization of the problem of labour exploitation
- Functionality and efficiency of institutional and legal framework
- What is the treatment of labour exploitation by national bodies, National Commission and the National Rapporteur
  - How much are national strategic documents – the National Strategy and the National Action Plan – covering labour exploitation and providing for the budget of planned activities accomplishment
  - Existence of labour exploitation in FYROM as a form of exploitation
  - Victims of labour exploitation, gender, age, nationality
  - Functionality and efficiency of Standard Operative Procedures for treatment of victims of labour exploitation
    - Protection of victims of labour exploitation
    - Inter-institutional cooperation
    - Involvement of the civil sector in the fight against labour exploitation and cooperation with state institutions
  - International cooperation of institutions and their participation in international projects for labour exploitation
  - Familiarization of policies, best practices to improve national response to labour exploitation
  - Recommendations and suggestions to improve national response

### **Analysis of the Questionnaire:**

Surveyed persons were entitled to choose whether they will stay anonymous, and 7 of them representing 29,1% choose to do so.

#### **Q.1. Is your work involvement somehow connected to THB for labour exploitation?**

This question aimed at determining competence was answered positively, i.e. the working post of the surveyed persons was connected with labour exploitation by 21 persons and 87,5%.

#### **Q.2. How much familiarized are you with the phenomenon of THB for labour exploitation?**

Sufficiently	Little	Not familiar at all
23	1	/

A total of 95,1% of the interviewees said that they are sufficiently familiarized with labour exploitation, which sets the competence on the issue which is subject to analysis.

#### **Q.3. Does FYROM have established proper and efficient institutional framework for appropriate response to the problem of THB for labour exploitation?**

Sufficiently efficient	Not efficient enough	Necessary to:
8	14	

Three of the respondents did not answer this question, while 36% of them said that the institutional framework is sufficiently efficient, and 63,6% consider it is not efficient, meaning that there is high risk of distrust in the existing institutional framework.

In order to improve efficiency of institutional framework, the surveyors said that it is necessary to:

- Improve cooperation between labour inspectorate and the Ministry of Interior, as well as trainings for labour inspectors
- Strengthen the capacity of the Labour Inspectorate
- The efficiency would depend on several elements, amongst which material foundation
- Specify indicators and training of persons to recognize this form of THB

#### **Q.4. Do the legal formulations of the criminal act Trafficking in human beings - Article 418a and Trafficking in minors – 418d contain sufficient indicators for identification and criminal prosecution of labour exploitation, according to international standards, such as UN Regulatives, International Labour Organization, EU?**

Yes	No	If not, which indicators
16	6	

As much as 72,7% of the respondents said that the legal formulation for THB contains sufficient indicators for identification of labour exploitation. Surveyors did not provide additional indicators to assist in identifying labour exploitation.

#### **Q.5. Which forms of labour exploitation are present in FYROM?**

Beggary	Petty theft	Forced labour	Domestic work – servitude	Sexual – forced prostitution	Other forms
24	12	12	09	17	/

Out of the total 74 answers to this question, 16,21% said that forced labour is a form of labour exploitation or 12,1% domestic work or servitude. There is evident recognition of beggary as a form of labour exploitation of children on the street.

**Q.6. What is FYROM in view of labour exploitation?**

Country of origin	Transit country	Destination country
21	09	09

FYROM was recognized as country of origin by surveyors in 53,8% of the responses given which confirms reality..

**Q.7. Victims of labour exploitation in most of the case are:**

Female	Male	Minors	Of age
23	08	17	07

According to this question , 74,1% of victims are female, and as for the age 70,8% are juveniles – victims of labour exploitation.

**Nationality**

Macedonian	Albanian	Roma
10	07	13

As for nationality, victims of labour exploitation are mostly Roma people - 43,3%, trend present in the period of the analysis by establishing false marriages for female minors from the Roma community.

**Q.8. What is the level of education of the victims?**

No education	Primary	Secondary	High
15	12	04	/

Victims lacking education are present with 48,3% which puts them in a highly risk group of citizens to be recruited as victims.

**Q.9. Do you know what is the environment where victims of labour exploitation originate from?**

Poor families	Dysfunctional families	Other
20	16	/

Victims of labour exploitation coming from economically poor families participate with 55,5%, so this is a risk factor for recruitment of victims of labour exploitation.

**Q.10. Manner of recruitment of victims?**

Physical force	Threat	Fraud	Other
04	06	21	/

Most present method of recruitment of victims in the FYROM is Fraud with 67,7%. This indicates that public awareness for the citizens and risk groups for trafficking for labour exploitation is missing.

**Q.11. Whether the established institutional framework, the National Commission for THB and illegal migration and the National Referral Mechanism are framework enabling functioning of the identification, referral, protection and assistance to victims of trafficking for labour exploitation?**

Sufficient and efficient	Not sufficient and efficient	Sufficient, but the implementation is not sufficient	Other
11	/	10	/

The national anti-trafficking institutional framework for labour exploitation is intended to provide efficient system and policy function. The response of 47,6% of the surveyed people was

that the institutional framework is sufficient, but that there is lack of its implementation by competent institutions.

**Q.12. Does the National Rapporteur sufficiently cover labour exploitation along with other forms of exploitation in its annual reports?**

Sufficient	Insufficient	Other
11	13	/

54,1% said that the National Rapporteur does not sufficiently emphasize labour exploitation in its annual reports on THB in FYROM, along the other forms of exploitation.

**Q.13. Do the Anti-Trafficking National Strategy and the NAP for 2009-2012 as strategic documents cover labour exploitation sufficiently?**

Cover it sufficiently	Cover it insufficiently	Cover it sufficiently, but there is lack of implementation	Other
05	11	08	/

Key strategic documents of the National Commission, National Strategy and the National Action Plan reflecting national policies and actions, according to the surveyed persons - 45,8% cover labour exploitation insufficiently, with 33,3% saying that they there is only a lack of efficient implementation.

**Q.14. Is the planned budget for NAP implementation sufficient for efficient realization of NAP planned activities and aims?**

Sufficient	Not sufficient	Don't know
3	14	7

The Budget of the National Commission for fight against trafficking in human beings and illegal migration is an important factor for implementation of activities of the National Action Plan. The surveyed persons in 58% cases said that it is not sufficient, and only 12,5% that it is sufficient. 29,6% said that they do not know, which indicates the fact that they are not familiarized with the issue of budgeting of the National Commission.

**Q.15. Does the National Referral Mechanism function properly and efficiently in accepting and referral of identified victim of labour exploitation?**

Yes	No	I don't know
12	02	10

The efficiency of the National Referral Mechanism of identified victims of labour exploitation is functional according to 50% of the surveyors.

**Q.16. Are SOPs efficient tool for treatment of victims of labour exploitation?**

Yes	No	Yes, but it is not well implemented
10	0	14

SOPs for treatment of victims of labour exploitation are an efficient tool according to the surveyed persons who agreed so in 58,3%, but that there is lack of implementation by the competent institutions.

**Q.17. Are SOPs followed when there is identified victim of labour exploitation?**

Yes	No	Not always
7	1	16

Confirmation to the previous question for insufficient implementation of SOPs and acting according to them when a victim of THB is identified is given by the 66,6% of the answers who said that not always the SOPs are followed.

**Q.18. Are there shelter centres for protection of victims of labour exploitation and who?**

Female	Male	Juveniles	Foreigners
16	0	12	13

Out of the total 41 replies to this question intended to determine the level of knowledge of the types of shelter centres for victims of THB available in FYROM, we can say that it is evident that there are no capacities for accommodation of male victims of labour exploitation.

**Q.19. Are the capacities of the existing shelter centres suitable for the number of identified victims?**

79,1% of the surveyed persons said that the existing capacities of the Shelter centres are suitable for the number of identified victims at annual level.

**Q.20. Is the efficient protection, reintegration and resocialization for identified victims provided, implemented or enabled and are they in function of the victim's best interests?**

91,6% of the responses state that the identified victims were provided with efficient support in view of protection, reintegration and resocialization and this was for the best interest of the victim.

**Q.21. Are there any legal grounds for efficient cooperation between state institutions in treating victims of labour exploitation in all phases?**

Yes, there are legal grounds and they are efficient	No, there are no legal grounds and they are not efficient	There are legal grounds, but there is lack of implementation
4	0	20

Inter-agency cooperation is key factor for efficient institutional response in the fight against THB for labour exploitation in the prevention, identification, referral, protection, reintegration and resocialization. The state has established legal assumptions for such cooperation in form of memorandums, protocols and procedures. Surveyed individuals, 83, 3% more specifically, said that there is legal ground for such cooperation, but it is lacking implementation.

**Q.22. Are the NGO and the civil sector involved in the work with identified victims, are they efficient partner and in which part?**

Are involved	Not involved	Not sufficiently involved	In the prevention	In identification	Protection	Reintegration
17	0	7	10	3	12	14

The civil and the NGO sector are significant partners of every country in the fight against THB. FYROM has established a model of direct participation of the NGO sector in the part of prevention, protection, reintegration and resocialization of victims of THB. This is confirmed by the survey conducted where 70, 8% of participants state that they are involved.

In order to determine where exactly the NGOs participate, the following areas were taken in the table above, where the participation in percentages is the following:

Prevention – 25,6%, Identification – 7,6%, Protection - 30,7% and reintegration with 35,8%.

**Q.23. Is the Employers Associations involved in prevention and recognition of labour exploitation?**

Yes	No	Don't know
1	10	13

Regarding the involvement of the Employers Association as an important tool in the fight against labour exploitation, 41,6% of surveyed individuals stated that it is not involved, and 54,1% does not know if this Association is involved.

**Q.24. Is there inter-institutional cooperation in the part of exchange of information for identification of victims and for safe return and prosecution of perpetrators?**

No	There is, but it doesn't function	There is and it is efficient	Other proposals or suggestions
1	11	12	

International cooperation of institutions is of great importance for successful dealing with the problem of trafficking in human beings for labour exploitation. In 50% in of the survey responses it was stated that there is such cooperation and that it is efficient, whereas 45,8% said that it does exist but it does not function.

As for the part of proposals to improve the cooperation, the following was received:

- With some countries there is established cooperation, but with others it is not sufficiently developed, or even not established. Additionally, Open Gate La Strada has developed cooperation with the NGO members of the La Strada network and other foreign NGOs.

**Q.25. Did you personally within your institution had official cooperation with an International Agency/organization/institution in relation to labour exploitation?**

Yes	No	If yes, state the organization
9	15	

This question refers to determining the participation of surveyed persons in the international cooperation for labour exploitation, and 62,5% state that they did not have official cooperation with some international organization.

The remaining part, 37,5% said that they have official cooperation with the following international organizations: OSCE, GIZ, IOM, ANITP, ODIHR. ITUC, ILO.

**Q.26. Have you cooperated or participated at an international project for labour exploitation?**

Yes	No	If you participated, state the name of project and the organization responsible for it
6	18	

75% stated that they haven't participated in international projects for labour exploitation and the other 25% took part in the following international projects:

- "Prevention from extreme labour exploitation" – Open Gate, Union of independent and autonomous syndicates of FYROM and the Dutch Christian Syndicate (CNV)

- ANITP "*Integrated approach for prevention of labour exploitation in origin and destination countries*"

**Q.27. Are you familiar with some policies, best practices or positive initiatives which may contribute to improved and more efficient national response to labour exploitation?**

Yes	No	If yes, elaborate which
4	20	

For efficient fighting against THB it is necessary to possess knowledge of international policies in dealing with trafficking in human beings, best practice and initiatives to follow international trends in this area.

83,3% said that they do not know of such policies and best practices, while the others - 16,7% did not indicate the specific best practices or initiatives that they know of.

**Q.28. Your personal suggestions, recommendations which you think may contribute to improvement of the national response against labour exploitation?**

The following was given as recommendation, by the surveyed persons:

- There should be relevant research regarding the state of affairs with THB in the country
- Evaluation to be made of the institutional response of trafficking for labour exploitation (of all relevant institutions)
  - Preparing specific indicators for identification of victims of labour exploitation
  - Greater cooperation and coordination between institutions
  - Preventive activity
  - Take into consideration the status of professionals working in this area in view of avoiding frequent changes of working positions
- Labour Inspectorate to be more severe in execution of its competencies
- Consider possibility for material compensation of all experts engaged beyond working hours
  - Inclusion of Employers Association
  - More active involvement of the Ministry of Labour and Social Policy with its own policies and strategies in the prevention of labour exploitation
  - Improving of the cooperation between institutions at national level
  - Capacity strengthening of relevant institutions especially labour inspectors in view of detection and identification of victims of THB from labour exploitation
- Labour inspectors should be directly involved in the actions conducted by the Ministry of Interior in terms of victim identification
  - Strengthening the role of syndicates in awareness raising for THB for labour exploitation
  - Strengthening transnational cooperation in view of exchanging information regarding THB victims
- National campaigns for citizens regarding awareness raising on labour exploitation
- Training professionals from more institutions in recognizing labour exploitation and identification of victims
  - Developing clear indicators for identification of victims of labour exploitation

**2. Training competent institutions and organizations in treatment of this type of victims**

- More efficient legal framework
- Team work
- Employing professionals
- Continuous education
- Presenting positive practices
- Opening new regional centres
- Increased information of citizens in general and specifically children and parents on the risk categories for THB for labour exploitation
  - Improving the coordination and knowledge of the Labour Inspectorate employees on their competences related to labour exploitation
  - Training professional workers within institutions at central and local level for prevention and detection of labour exploitation

The survey and its analysis detected the following weaknesses, determining the following needs:

1. FYROM has established appropriate institutional framework for the fight against trafficking in human beings for labour exploitation, but it is not efficient enough. There are weaknesses detected in the inter-agency cooperation, specialized trainings for labour exploitation, joint trainings, as well as in capacity strengthening for labour exploitation and their strong participation in detecting and identifying victims of labour exploitation.

2. The legal formulation of the criminal act trafficking in human beings is made in harmonization with the UN Palermo Protocol, but there is evident lack of special indicators for labour exploitation.

3. Victims of labour exploitation are minors in 708% of cases, and 43,3% are of Roma nationality, 55,5% of them originate from poor families and in 48,3% are with no education whatsoever. As per the manner of recruitment, the fraud as method of recruitment is present in 67,7% of the cases. These facts define the profile of victims of labour exploitation being the main risk group of citizens. There is a need of increased preventive activity regarding this category of citizens in order to increase public awareness for THB for labour exploitation.

4. Beggary as a form of labour exploitation was recognized in 32,4% cases, but not as a criminal act but as Trafficking in minors for labour exploitation. What is missing is real analysis and evaluation of the beggary as form of exploitation.

5. As for the functionality and efficiency of the national framework for identification, referral, protection and reintegration it can be said that it is established, but it is not being implemented by the institutions. What needs to be done is to find the appropriate mechanism for its efficient implementation.

6. National Strategy for fight against THB and illegal migration, the National Action Plan for the period 2009-2012, as national documents reflecting national policies in this area – contain standards made in accordance with the EU and UN regulatives on trafficking in human beings. They should be efficiently implemented by the key involved institutions, as well as of inserting a monitoring tool to monitor the efficiency and plan activities related to labour exploitation.

7. The national budget provided for implementation of the planned activities is not sufficient to support the developing component, especially from the aspect of prevention and resocialization.

8. Standard Operating Procedures for treatment of victims of THB are the operating documents to implement the National Strategy and Action Plan, aiming to harmonize activities accomplished on the basis of those documents taken on the part of institutions at central, regional and local level. It can be concluded that the SOPs are not always used in the activities of the institutions, especially at local level. There is no proper analysis to determine the application of those procedures in registered cases of labour exploitation, and there is also need of training on the use of SOPs.

9. Accommodation and protection capacities for identified victims of THB are suitable and satisfy the needs, according to the number of annually identified victims. However, it was shown that these are not enough and thus, there is a need to provide shelter centre for male victims. According to the provisions of the Law on Social Protection, the stay of victims in the Shelter Centre for victims of trafficking in human beings is limited to 6 months. There is no proper analysis to evaluate if this period is sufficient for the implementation of the Plan for protection and resocialization of the identified victim and conclude if it is best for the victim to be returned to the family or some other appropriate facility providing for the victim's best interests.

10. The inter-agency cooperation in all phases of the fight against THB is regulated and existing, but what is missing is the efficient implementation. It is necessary to find appropriate mechanisms to provide for the cooperation between institutions to be timely, appropriate and efficient.

11. The civil and the NGO sector are involved in the institutional framework and participate with the governmental sector at all levels. They also have active participation in the adoption of



national documents for THB and in the creation of national policies and response. There is, however, lack of organized approach of the civil and the NGO sector in line of national needs and activities, pursuant to the National Action Plan. Coordination of joint activities between governmental and the non-governmental sector is also necessary.

12. It is concluded that at all levels in the institutional framework there is minor involvement of Employer's Association and the Syndicate Union, both of which have significant part in the prevention and identification of labour exploitation. They have to be directly involved in the bodies of the National Commission, to participate in the planning and implementing of preventive activities and employer's awareness raising campaigns.

13. Professionals involved in the fight against THB have a small share to play in international projects for labour exploitation which cuts them short of exchanging experiences and best practices, greater participation and cooperation at joint projects for labour exploitation at international level.

14. As for international cooperation, there are legal grounds, both at bilateral and multilateral level, but in practice there are administrative barriers. This is especially true for the established TRM in South-east European countries, which face problems at operational level preventing the efficient exchange of information and cooperation between institutions.

## **SECTION 2: RECOMMENDATIONS TO IMPROVE IDENTIFIED PROBLEMS ACCORDING TO AIMS AND ACTIVITIES. IDENTIFICATION OF CHARACTERISTICS OF POLICIES FOR TRAFFICKING IN HUMAN BEINGS FOR LABOUR EXPLOITATION**

### **2.1. Strengthening institutional capacities, inter-sectorial and inter-agency cooperation**

National Commission for trafficking of human beings and illegal migration needs to put much more emphasis and importance on labour exploitation in the National Strategy and the National Action Plan against THB as a form of exploitation which is currently rising.

National Rapporteur in its annual THB reports needs to provide special summary on labour exploitation, indicating the reasons, forms of exploitation, areas where it occurs, along with its prevention and prosecution measures.

Monitoring and evaluation of planned and implemented activities are of great essence when measuring the performance of institutions. The monitoring tool to follow the implementation of planned activities may be an information template on activities undertaken according to the NAP or other ongoing activities. This will provide for timely information of the National Commission and the National Rapporteur for the activities undertaken, and it will also contribute in measuring the efficiency in action.

Budget projection for implementation of the National Action Plan should be realistic and in function appropriate to the projected activities and period of implementation. It needs to enable safety, stimulus and efficiency to institutions in the implementation of planned activities.

Implementation of national THB documents by the competent institutions in the country is key priority of the National Commission for trafficking in human beings and illegal migration. It should find efficient modus for mutual cooperation and joint action of institutions at all levels. One of the modalities is the drafting of Protocols for cooperation and joint action. These protocols will define manners of action, exchange of information and mutual notification.

To strengthen institutional capacities and improve inter-agency cooperation, the inclusion of Labour Inspectorate is essential, considering the competencies and authorization it has to control employers in view of working relations and the rights or entitlements resulting from working relations.

The National Commission needs to include the National Labour Inspectorate in the Secretariat. This would enable it to take direct and active part in the creation of policies for fight against THB for labour exploitation and in the implementation of those policies. For more efficient joint actions, there can be protocols of action drafted to be signed between the Ministry of Interior

and the National Labour Inspectorate, regulating in more detail the specificities of action, information and referral.

One of the key issues to improve capacities is the organization of specialized joint trainings for labour exploitation at central, regional and local level. These trainings should be organized for MoI, Labour Inspectorate, Public Prosecution Office in the area of identification of victims of labour exploitation and providing evidence against perpetrators. Specialized trainings will enable establishing personal contacts, along with strengthening mutual trust of the professionals involved in the detection of these criminal acts.

One of the forms to improve capacities is to set up joint teams between MoI and the Labour Inspectorate, especially at regional and local level. The teams will be tasked to identify risk areas where it is expected that labour exploitation will appear, and establish the forms of recruitment of victims of labour exploitation. In this way there will be efficient approach resulting in identification of victims of labour exploitation and prosecution of perpetrators.

There is evident contribution given by the civil sector especially in view of awareness raising and prevention of trafficking in human beings. However, at the same time, there is no organized and coordinated approach of the civil sector in function of national interests. That is why the National Commission needs to direct public awareness raising and labour exploitation prevention activities provided in the Action Plan towards the civil sector. One of the modalities may be to encourage Government financed projects, with the selection of most qualitative implementer to be made by public announcement.

## **2.2. Public awareness raising and prevention of trafficking in human beings for labour exploitation**

If we take into consideration the clearly defined profile of labour exploitation in the FYROM as country of origin, where 70,8% of identified victims are minors, 43,3% of Roma nationality, 55,5% coming from poor families and 48,3% with no education, it is necessary to undertake activities towards:

- Public awareness rising for this risk category of people on trafficking in human beings for labour exploitation. The Governmental and the NGO sector should educate this risk category on how to recognize THB for labour exploitation by organizing campaigns and lectures.

- Set up mobile teams at local level composed of social workers from the Social Affairs Centres and representatives of the Ministry of Education to visit and work with this social category in order to return or include them in the educational process.

- Economic enforcement of this category by providing forms of easier access to the labour market inside the country and abroad.

- Migration Centres set up in several municipalities to be used as good practice and developed in other risk municipalities identified as centres for recruitment of victims of labour exploitation.

- Organize campaigns and training of risk categories in the final year of studies as potential seekers of work abroad to recognize THB for labour exploitation.

- Children on the street who are an especially vulnerable category for labour exploitation should be the target group for public awareness raising and prevention of labour exploitation. Mobile teams set by Social Work Centres should act in a pro-active manner in identifying children on the street, finding their families and working with them in order to integrate them and overcome the reasons contributing to this situation, The accommodation of the children in the Daily Children Centres should be a temporary form of protection until the reasons for this situation are identified and measures are taken to get those children back with their families and return in the educational process.

Public awareness campaigns need to be organized for the citizens to recognize the consequences of beggary as a form of exploitation, make them aware that by giving petty money to those children, they support the expansion of this negative occurrence and provide for the exploitation of those children to continue by their parents or criminal groups.

### 2.3. Identification and referral

The absence of clearly identified indicators of labour exploitation contributes to the inefficient actions of institutions in terms of detection and identification of labour exploitation.

Specialized trainings should be organized for those professionals involved in the process of identification of victims of labour exploitation, specifically for representatives of MoI, National Labour Inspectorate, Employer's and Syndicate Unions.

For successful realization of these training there should be clearly defined indicators which will facilitate the identification of cases of THB for labour exploitation. The indicators of the International Labour Organization may be taken as an example of good practice and developed further:

People who have been trafficked for labour exploitation may:

- Live in groups in the same place where they work and leave those premises infrequently, if at all
- Live in degraded, unsuitable places, such as in agricultural or industrial buildings
- Not be dressed adequately for the work they do: for example, they may lack protective equipment or warm clothing
- Be given only leftovers to eat
- Have no access to their earnings
- Have no labour contract
- Work excessively long hours
- Depend on their employer for a number of services, including work, transportation and accommodation
- Have no choice of accommodation
- Never leave the work premises without their employer
- Be unable to move freely
- Be subject to security measures designed to keep them on the work premises
- Be disciplined through fines
- Be subjected to insults, abuse, threats or violence
- Lack basic training and professional licences

The following might also indicate that people have been trafficked for labour exploitation:

- Notices have been posted in languages other than the local language.
- There are no health and safety notices.
- The employer or manager is unable to show the documents required for employing workers from other countries.
- The employer or manager is unable to show records of wages paid to workers.
- The health and safety equipment is of poor quality or it is missing.
- Equipment is designed or has been modified so that it can be operated by children.
- There is evidence that labour laws are being breached.
- There is evidence that workers must pay for tools, food or accommodation or that those costs are being deducted from their wages.

Beggary as a form of labour exploitation is obviously present and it is an increasing trend. The statistics of 2009-2011 regarding the submitted criminal charges as per Art. 201 "Misuse of minor for forced labour or beggary" show as a fact that beggary exists as a form of exploitation. In the same time, it will be confirmed the conclusion of not recognizing the beggary as form of exploitation.

The Ministry of Interior as the institution competent for detection of criminal acts and perpetrators needs to undertake activities and study this occurrence in order to identify organized forms of crime, provide material evidence and criminally prosecute the perpetrators.

In this form of exploitation, again, there is absence of clearly defined indicators. And, again, the indicators for identification of beggary and petty theft of ILO may be used as an example of good practice and be developed further:

People who have been trafficked for the purpose of begging or committing petty crimes may:

- Be children, elderly persons or disabled migrants who tend to beg in public places and on public transport.
- Be children carrying and/or selling illicit drugs.
- Have physical impairments that appear to be the result of mutilation.
- Be children of the same nationality or ethnicity who move in large groups with only a few adults.
- Be unaccompanied minors who have been “found” by an adult of the same nationality or ethnicity.
- Move in groups while travelling on public transport: for example, they may walk up and down the full length of trains.
- Participate in the activities of organized criminal gangs.
- Be part of large groups of children who have the same adult guardian.
- Be punished if they do not collect or steal enough.
- Live with members of their gang.
- Travel with members of their gang to the country of destination.
- Live, as gang members, with adults who are not their parents.
- Move daily in large groups and over considerable distances.

The following might also indicate that people have been trafficked for begging or for committing petty crimes:

- New forms of gang-related crime appear.
- There is evidence that the group of suspected victims has moved, over a period of time, through a number of countries.
- There is evidence that suspected victims have been involved in begging or in committing petty crimes in another country.

Indicators may be printed out in practical booklets in small formats and disseminated among representatives of law enforcement agencies for their further reference.

Labour exploitation training should be also attended by Public Prosecutors and judges working on cases of THB for labour exploitation.

The Academy for the Training of Judges and Public Prosecutors should include the topic of THB for labour exploitation, indicators, forms and manner of exploitation, providing material evidence against perpetrators in its Annual Training Schedule. This will strengthen capacities for successful criminal procedures against perpetrators and for protection of the rights of the victim.

Within the analysed period not a single victim of THB was identified among the discovered illegal migrants transiting through FYROM.

It is necessary to strengthen capacities of the Ministry of Interior for interview techniques with migrants in order to identify potential victims of THB for labour exploitation.

The National referral system for identified victims of THB for labour exploitation was established through the National Referral Mechanism within the Ministry of Labour and Social Policy.

In order to provide its successful implementation, the National Commission prepared and adopted SOPs for treatment of the THB victims in 2008. They were revised in 2010.

The basic aim of the SOPs was to provide standardized, timely and efficient action by all competent institutions in the identification and referral of THB victims.

However, the practice showed that they were not implemented and that actions are not always taken in accordance to the specified procedures.

Recommendations to overcome this gap are the following:

- The Commission to make political pressure with the competent ministries for obligatory consideration of SOPs when acting.
- To conduct trainings on SOPs implementation at central, regional and local level. Such trainings would be efficient if conducted in a team manner, i.e. held in the same time with representatives from all competent institutions.
- To create a monitoring tool to check the SOPs implementation.

#### **2.4. Protection of victims of THB for labour exploitation**

Existing accommodation capacities for THB victims are appropriate for the number of annually identified THB victims.

The inexistence of Shelter centres for male and children THB victims may be settled in the following manner:

- the existing Centre for THB victims may be readapted with special premises for accommodation of children THB victims,
- finding alternative forms of accommodation, for instance in foster care families trained for working with THB victims or other forms of protection.

According to the Law on Social Protection regulating the existence of the Shelter centre for THB victims, the maximum stay of the victim is 6 months.

The need and the duration of the accommodation and the protection of the victim are evaluated based on an individual assumption, and it is not responsive to the victims' best interests.

Amendments should be made to this provision of the Law in the duration of the stay of a THB victim in the Shelter Centre, making it a period of 1 year. This period will enable more successful implementation of the victim's individual programs for its resocialization and made in the best interests of the victim.

There is also need to strengthen the capacities of the personnel in the Shelter Centres. It is necessary to conduct trainings on psycho-social protection in view of returning self confidence and prepare the victim for its reintegration.

#### **2.5. Repatriation and reintegration of the victim**

Within the period which is subject of the analysis (2009-2012), 2 foreign victims were identified in FYROM (from Kosovo and Bosnia and Herzegovina). In both of the cases there was lack of communication and cooperation between competent institutions in the process of repatriation.

Considering the fact the SEE countries (12 countries) have a Transnational Referral Mechanism proposed by the countries and List of contacts in the different institutions, it is a fact that there is lack of communication.

Countries participating in this mechanism to find political will in finding solutions for consideration and implementation of the procedures laid down. This will enable higher level of protection of the rights and best interests of the victim.

As for reintegration of THB victims, there is no proper research in the country to give a clear image on the successfulness and efficiency of the established Reintegration Program.

If we consider the determined profile of victims in the FYROM, the family as natural environment greatly participates and contributes in recruitment of the victim as a risk factor.

That's why the resocialization and reintegration team should spend time in analysing family of the victims with special attention. There should be full scan of the family and the family relation so that informed and rightful decision can be made on where to return the victim and start its reintegration.

Consideration should be also given to finding alternative forms, such as foster families for THB victims. This alternative form requires previous specialized training for these families on how to treat THB victim.

## **2.6. International cooperation**

The following activities may be undertaken to overcome gaps and satisfy the needs of international cooperation:

- Strengthening the implementation of signed bilateral cooperation agreements by signing Implementation Protocols.
- Assigning team or contact points for implementation of these Protocols, as well as holding regular annual meetings to analyse and evaluate achieved results, determined needs and finding appropriate solutions.
- Participating in regional and international projects for fighting against THB for labour exploitation in view of exchange of experience and best practices, as well as following new trends.

## **2.7. Criminal prosecution**

For the purpose of strengthening institutional capacities to prosecute perpetrators of criminal acts trafficking in human beings for labour exploitation it is necessary to:

- enforce human and technical capacities
- conduct specialized trainings regarding the identification of THB for labour exploitation victims, providing material evidence against perpetrators
- conduct specialized training for public prosecutors competent for prosecuting the criminal act trafficking in human beings
- use proactive approach in conducting investigations against perpetrators by applying special investigative measures
- initiate and conduct joint international investigations by establishing Joint Investigation Teams
- strengthen international police cooperation.

## CHAPTER V CYPRUS AND BULGARIA

### SECTION 1: CYPRUS

#### Trafficking in human beings in Cyprus

Cyprus is a destination country for victims of trafficking, mainly for sexual and labour exploitation, even though other forms of trafficking, such as for the purposes of begging, more commonly in children of Roma origin, street prostitution, removal of organs and marriages of convenience, also take place. The state however, has up to now acknowledged Cyprus as a destination country mainly only for victims of trafficking for sexual exploitation and to an extent of labour exploitation.

As documented in innumerable research and other reports of international, European and local organisations, agencies, academics and NGOs<sup>134</sup>, as well as in a number of cases reported by NGOs, trafficking for sexual exploitation has been a major problem for a long number of years in Cyprus. The majority of trafficking victims for sexual exploitation come from Eastern European countries such as Moldova, the Ukraine, Russia and Belarus, as well as from the Philippines, Dominican Republic, and more recently from China and Vietnam.

The extent of the problem is best illustrated by the *Rantsev v. Cyprus and Russia*<sup>135</sup> case, of 7 January 2010, in the landmark ruling of the European Court of Human Rights, about Oxana Rantseva, a young Russian woman who fell to her death in her attempt to escape her traffickers on 29 March 2001. With this ruling, Cyprus was convicted for its “failure to provide for an appropriate legal and administrative framework to combat trafficking and to properly investigate how and where the victim was recruited”<sup>136</sup>. Further, the Court “expresses the need for an urgent re-examination of the trafficking policy, but also of the national immigration policy and practices in general. In its decision the Court found that many of the procedural requirements in force in Cyprus set the immigrant worker under the control of the employer, thus creating a breeding ground for trafficking and slavery.”<sup>137</sup>

As noted by many commentators and NGOs, despite the progress in the legislation and policies for combating trafficking and sexual exploitation, in practice the problem of trafficking for sexual exploitation continues unabated and there are various problems in government policies and administrative practices, especially concerning the support, protection, integration and access to compensation of the victims. This is best exemplified by the much publicised abolition of the “artist” visa, which up to 2008-2009 was granted to migrant women who worked in night clubs, cabarets and other sex trade establishments, and its replacement by visas for “creative” and

<sup>134</sup> See for example: *Journeys of Jeopardy: A Review of Research on Trafficking in Women and Children in Europe*, Prepared for IOM by Prof. Elizabeth Kelly, Child and Woman Abuse Studies Unit, University of North London, U.K., November 2002; Donna Hughes and Tatyana Denisova, *Trafficking in Women from Ukraine*, U.S.-Ukraine Research Partnership, 2002; *Report on trafficking of persons*, Ombudsman’s Office, Nicosia, Nov. 2003; *The Protection Project, “The Cabaret Artistes of Cyprus,”* Johns Hopkins University, Washington, D.C., 2005; *Trafficking in human beings (TIP) Reports*, US Department of State, (Cyprus first featured in the TIP Reports in 2004; since then, it oscillates between two Tiers of the Watch List); *ENAR Shadow Reports – Racism in Cyprus*, annual reports prepared by KISA or with the support of KISA, for the years 2005 – 2010/2011; Mediterranean Institute of Gender Studies, *Mapping the Realities of Trafficking in women for the purpose of sexual exploitation in Cyprus*, 2007, <http://www.medinstgenderstudies.org/>; Nicos Trimikliniotis & Corina Demetriou *Thematic Study on Child Trafficking in Cyprus*, August 2008, European Union Fundamental Rights Agency.

<sup>135</sup> [http://www.coe.int/t/dghl/cooperation/economiccrime/corruption/Projects/CAR\\_Serbia/ECtHR%20Judgements/English/RANTSEV%20v%20CYPRUS%20-%20RUSSIA%20-%20ECHR%20Judgment%20\\_English\\_.pdf](http://www.coe.int/t/dghl/cooperation/economiccrime/corruption/Projects/CAR_Serbia/ECtHR%20Judgements/English/RANTSEV%20v%20CYPRUS%20-%20RUSSIA%20-%20ECHR%20Judgment%20_English_.pdf)

<sup>136</sup> Joy Ngozi Ezeilo, *Report of the Special Rapporteur on trafficking in human beings, especially women and children*, Human Rights Council, UN, 13 April 2011

<sup>137</sup> Nicoletta Charalambidou, KISA’s legal adviser, quoted in Anna Hassapi, *The Decision of European Court of Human Rights in the case of Rantsev v. Cyprus and Russia*, Cyprus Mail, 9 January 2010

“performing” group artists, the applications for which are examined, as in the case of other third-country migrants, by the Ministry of Labour and Social Security, instead of the Ministry of Interior as was the case previously. However, the new conditions and criteria for these visas are not publicised, nor is there transparency as to where people entering the country on these visas will go to work. KISA and other NGOs and international organisations have expressed their concern that the only changes brought about by the visa issue is the “decriminalisation” of the state, which was seen as part of the trafficking rings and system because of its special “artist visa” policies, and the place where women are being trafficked and exploited, from cabarets to bars to private apartments or massage parlours.

### **Trafficking for labour exploitation in Cyprus**

Trafficking for labour exploitation, on the other hand, has gone through years of denial, irrespective of the available evidence presented in reports and considerable pressure from national, European and international NGOs, agencies and other bodies<sup>138</sup>. Indeed, the first cases of labour trafficking were not officially taken up until 2007, when the Combating of Trafficking and Exploitation of Persons and the Protection of Victims Law of 2007, replacing the Combating of Trafficking in Human Beings and Sexual Exploitation of Children Law of 2000, came to fill the legislative gap by including all forms of trafficking.

Even after the recognition phase, however, labour trafficking is still treated to a large extent more as an issue of labour disputes and violations of labour rights rather than for what it is, a very serious crime involving gross human rights violations of the victims, who remain in their majority unidentified and do not, therefore, enjoy the protection and rights provided for by the law. As a result, the measures taken to combat trafficking for labour exploitation, in the area of protection and support to victims, are limited mostly to information leaflets and awareness-raising campaigns. The continued failure of the state to provide effective support and protection to victims of trafficking for labour exploitation is reflected in the fact that the only shelter for victims of trafficking run by the Welfare Services Department, of the Ministry of Labour and Social Security, and the only one in the whole country is intended only for sexual trafficking victims.

Trafficking for labour exploitation is more evident in domestic work, agriculture and animal farming, where the terms and conditions of employment, seasonal work and labour practices applicable to third country migrants, including their contracts, issued by the competent government services, as well as the collective agreement in force in the farming sector, increase their vulnerability. In the majority of cases, domestic workers are obliged to live at their employers’ house which, by its very nature, is automatically exempted from labour inspections and effectively barred from unionisation. Similarly, agricultural migrant workers are required to live at their workplaces, often in stables or barns, in the same space as the animals they tend, and which are evidently unsuitable for human habitation. These feudal employment conditions render migrant workers in these sectors vulnerable to extreme exploitation. In addition, migrant workers are potential targets for traffickers because of their race and ethnicity and their lack of awareness about their rights under national or international law or of the system in Cyprus. The majority of the victims of trafficking in these sectors come from Vietnam, Bangladesh, Pakistan, India, Sri Lanka, the Philippines, and more recently from African countries such as Nigeria. Labour trafficking is also spreading to other sectors of economic activity, such as the construction and tourism industries, where even EU nationals, mostly from Romania and Bulgaria, are employed.

Despite the fact that people in their own country may find themselves in exploitative situations (internal trafficking), in the case of Cyprus, as indeed in other European Union member states, migrants constitute the major target group for traffickers and therefore represent a population particularly vulnerable to labour exploitation and trafficking. This is a direct consequence of the

---

<sup>138</sup> *Trafficking for Labour in Cyprus*, a report in the frame of the EU-funded project: “Combating trafficking in human beings- going beyond”, coordinated by CCME and authored by C. Christodoulou, A. Diamantopoulou, V. Dourida, A. Michalakieli, M. Papantoniou-Frangouli, Athens, Feb. 2011; *Global Report on Trafficking in human beings*, UNODC, UN.GIFT, Feb. 2009; GRETA, *Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Cyprus*, First evaluation round Strasbourg, 12 September 2011



migration model, policies and practices in place in Cyprus. The problems of trafficking, therefore, can be fully appreciated only in the general context of the migration model in place, its major parameters and administrative practices. Even though a number of corrective policies and measures have been developed in recent years, introduced ostensibly to ensure the labour and human rights of migrants, the basic tenets of this migration model still obtain. This migration model was instituted at the beginning of the 1990s, in agreement with the social partners (trade unions and employer associations), in order to meet acute labour shortages in low-skilled or unskilled jobs and in sectors such as agriculture, services, cleaning and catering services, the construction and hotel industries, jobs that Cypriots would not take up. Ever since, Cyprus has followed a very strict migration model based on the issue of temporary work permits that are not normally renewable for more than a maximum period of 4 years<sup>139</sup>. With this permit, a migrant is attached to a specific employer and a specific job. Migrants can change employer only if they are given the so called “release paper” by their employer and only after the first 6 months of employment or if they can prove to the competent authority that their rights are violated by the employer. With a release paper, a migrant has one month within which to find a new employer, otherwise they become automatically irregular. In addition, the employer can at any moment terminate the employment of the migrant worker who, in that event, will automatically lose their resident permit as well and therefore be subject to arrest, detention and deportation. Their absolute dependence and bondage to their employers make migrants very vulnerable to extreme exploitation and trafficking.

Another key factor contributing to the vulnerability of third-country migrants is the fact that a large part of the entry, residency and employment process of migrants is facilitated not by state structures and mechanisms but through private profit-making agencies, regulated by law, as well as by individuals within the migrant communities who act as middle-men/women, both in Cyprus and in their countries of origin. A direct consequence of the operation of private agencies is the extremely high cost of migration (ranging from €2000 – €10000, depending on the country of origin), the brunt of which is borne by migrants and, to a much lesser extent, by employers. In addition to the restrictive migration model and policies, the exorbitant migration debts are partly responsible for the large number of undocumented migrants in Cyprus. With such huge migration debts, migrants are unwilling or unable to return to their countries of origin when their residency and employment permits expire or are revoked. They therefore end up with irregular status and extremely vulnerable to exploitation by traffickers. In addition, private agencies are often implicated in trafficking networks and working to this purpose in close association with similar agencies in the countries of origin of migrants.

The extent of trafficking in the northern part of Cyprus, which is not under the control of the Government of the Republic of Cyprus, is equally of serious concern. Systematic trafficking of women for sexual exploitation is more evident but NGOs and other stakeholders report the increase of trafficking for the purpose of labour exploitation as well. Contrary to the southern part of Cyprus, there is no legal framework in the areas not controlled by the Republic of Cyprus on any form of trafficking, even though a bill of law on trafficking has been pending for a number of years. The legal and political situation in the northern part of the island is an essential element which traffickers, on both sides of the divide, take advantage of.

### **Legal and institutional framework**

Cyprus has ratified all international legal instruments and transposed the relevant European Union law to combat trafficking in human beings.<sup>140</sup> The 2007 legal reform, referred to above,

---

<sup>139</sup> This replaced the 6-year permit with the expressed aim to prevent migrants from qualifying for the long-term residency under Directive 2003/109/EC. Exempted from the provision of this regulation are migrant domestic workers working for elderly, seriously ill or disabled people or people with special needs, families with young children, both parents who work, and people with large incomes.

<sup>140</sup> Directive 2011/36/EU on combating the sexual abuse and sexual exploitation of children and child pornography, replacing Council Framework Decision 2004/68/JHA, and Directive 2011/92/EU of 15 April 2011 on Preventing and Combating Trafficking in Human Beings and Protecting Victims have not as yet been transposed by Cyprus.

incorporates these international and EU instruments and therefore includes all forms of trafficking such as exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery and the removal of organs. It provides for the prevention of trafficking, the identification and protection of victims and for the prosecution of those involved in trafficking, with prison terms varying from 6 to 25 years.

The law also regulates the institutional and structural framework for combating trafficking in human beings. The Minister of Interior is the national co-ordinator and chairs the Multidisciplinary Co-ordination Group (MCG), which comprises the following authorities and competent government services and other stakeholders: The Law Office of Cyprus, the Ministry of Interior, the Civil Registry and Migration Department and the Asylum Service (both of which are part of the Ministry of Interior), the Ministry of Justice and Public Order, the Police and the National Machinery for the Rights of Women (both of which are under the Ministry of Justice), the Ministry of Foreign Affairs, the Ministry of Labour and Social Security, the Department of Labour and the Social Welfare Services (both of which are under the Ministry of Labour), the Ministry of Health, the Ministry of Education and Culture, as well as NGOs<sup>141</sup>.

According to the law, the MCG provides the framework for close co-operation between all competent authorities and NGOs and is tasked with taking all necessary measures to combat trafficking and exploitation of human beings and to protect victims. In particular, the tasks of the MCG include the following:

- Preparation of an annual report on the implementation of the law regarding the situation of trafficking in human beings at national and international level. The report is submitted to the Council of Ministers for approval and, subsequently, to the House of Representatives for information.
- Monitoring, evaluation, revision, if deemed necessary, and preparation of the National Action Plan<sup>142</sup>.
- Cooperation with countries of origin of victims and development of mechanisms for combating trafficking, at national and international level.
- Monitoring and analysis of developments in international law.

Cyprus has not appointed a National Rapporteur or equivalent mechanism<sup>143</sup> but, according to the Ministry of Interior, the Multidisciplinary Coordinating Group, set up in 2008, “de facto fulfils the same function as an equivalent mechanism.”

According to the anti-trafficking law, the Office of Combating Trafficking in Human Beings of the Police, set up in 2004, is the competent authority to determine and identify victims of trafficking. Notwithstanding the commendable work of the police anti-trafficking Office, especially in view of its very limited human and other resources, the identification of victims by the police is highly problematic and entails almost automatically a focus on the prosecution of perpetrators rather than on the protection of victims. It also causes reluctance and fear amongst victims to report cases of trafficking to the police. Furthermore, media reports and information reaching NGOs and other stakeholders about corruption and implication in trafficking networks of police officers in general (not of the Office), at time high-ranking ones, have not up to now been seriously investigated, a fact that further contributes to lack of confidence in the police both by victims and the general public. As indicated by data of the police anti-trafficking Office for the years 2009-

---

<sup>141</sup> A new law was enacted in March 2012 (L.13/I/2012) increasing the number of NGO members of the MCG from 2 to 4. Currently, the 4 NGOs members of the MCG are: KISA – Action for Equality, Support, Antiracism; MIGS – Medieterranean Institute for Gender Studies; STIGMA – Organization for the Protection of Victims of Sexual Exploitation, and Cyprus STOP Trafficking.

<sup>142</sup> The current Action Plan for Combating Trafficking in Human Beings is due to end at the end of 2012.

<sup>143</sup> This is an informal EU Network that was set up by the Council Conclusions, adopted on 4 June 2009. In line with Directive 36/2011/EU the National Rapporteurs are responsible for monitoring the implementation of anti-trafficking policy at the national level and play a key role in data collection on trafficking in human beings at national and EU Level. The first informal network at EU level of "National Rapporteurs or equivalent mechanisms" was established in June 2009.

2011, which showed a marked decline from 113 to 52 to 40 victims identified, respectively, Cyprus has one of the lowest rates of identification of victims in Europe.

According to the law, the Social Welfare Services must provide information in a language understood by the victims, welfare and psychological support and is responsible for the shelter for victims. The Department of Labour is responsible for finding jobs for victims and the Ministry of Interior is responsible to issue them with a residence permit. In addition, the law provides very specifically for the rights of victims during the one-month reflection period. These rights include protection from deportation, the right to medical care, information about their rights, welfare benefit, psychological support, protection by the police, free translation and interpretation services, the right to change sector of employment, reintegration measures, etc. Victims are also entitled to seek compensation. The exercise of these rights involves the engagement of a number of other services and authorities, such as for example the Ministries of Health and Education.

Even though the law does not provide for these protection and support measures only for those trafficking victims who are willing to testify in court, in the majority of cases the competent authorities disregard this principle and pressure victims to testify in court, otherwise they are not identified as victims of trafficking at all and they are subjected to detention and deportation measures whereas, they are not provided even with the minimum of support and protection. Trafficking victims receive social welfare benefit only until they testify in court. Immediately after their court testimonies, almost all victims are deported back to their countries of origin, while the law does not exclude the possibility of integration of the victims in the host country. Deportation is also instrumental in preventing victims from seeking compensation, while they are not provided with psychological and other support. In the rare cases they are allowed to stay on, victims of labour trafficking are very rarely, if at all, allowed to change either their occupation or their employment sector.

The problems of trafficking in Cyprus, as elliptically outlined above, accentuate the concern expressed by NGOs and other stakeholders in relation, first, to the situation of trafficking victims and, secondly, to the risks involved in neglecting or avoiding dealing with the problems decisively and effectively. Otherwise, the situation will almost inevitably lead to further spreading of exploitative practices as victims are not really identified and, subsequently, traffickers not sanctioned, with immeasurable costs both to the migrant victims of trafficking and to the Cypriot society at large.

## **RECOMMENDATIONS**

➤ The migration policy should be transparent, specific regulations governing it should be publicised and easily accessible to migrants in Cyprus and to perspective migrants in the countries of origin so that potential victims of trafficking have adequate knowledge of the regulations governing the stay and employment regime in Cyprus.

➤ The Cypriot authorities must address the immediate and deep-rooted causes and routes of trafficking for labour exploitation and provide adequate, accessible and effective remedies to all victims and potential victims facing exploitation and trafficking without discrimination on any ground.

➤ The recognition of victims is a difficult and complicated procedure, especially for the victims, and should, therefore, be undertaken by human rights based agencies or organisations, such as NGOs, which will be designated by the state and cooperate with all competent services and authorities. To this effect, the Cypriot authorities must proceed with the conclusion of cooperation protocols with NGOs, as provided for by the National Action Plan to combat trafficking in human beings for 2010 – 2012. In addition, the state must provide substantial funding to designated NGOs in order to carry out this important task.

➤ The protection of victims and the provision of psychological and other support, including shelter, health care and information about their rights, employment and compensation, must take precedence and be followed rather than preceded by the prosecution of traffickers and other perpetrators. To this effect, the Social Welfare Services must proceed immediately to the review of

the Manual of inter-governmental cooperation. In addition, the state must provide funding to NGOs that provide these services to victims.

- The state must adopt specific measures and strict policies for combating corruption in the persecuting authorities and all other government services.

- The repatriation of victims must take place only on a voluntary basis and only after an informed decision by victims.

## SECTION: BULGARIA

### CHAPTER I: PRELIMINARY ASPECTS OF TRAFFICKING IN HUMAN BEINGS FOR LABOUR EXPLOITATION

During the recent years Bulgaria is carrying out a comprehensive legislation reform in compliance with the basic principles of the constitutional state. One of the basic priorities of the reform is undoubtedly the protection and promotion of human rights and the prevention and elimination of all forms of exploitation. Trafficking in human beings, often defined as one of the “contemporary forms of slavery”, is a very serious violation of human rights, connected with various forms of exploitation of human beings – sexual, labour, removal of bodily organs or holding persons in forceful subjection. Taking into consideration the importance of this problem, Bulgaria took numerous measures for the elaboration of an adequate and effective policy aiming at combating this negative “phenomenon”, starting from elaboration of the necessary legislative basis (including legislative amendments, strengthening of the cooperation between the governmental and nongovernmental sector and the international cooperation). All these measures aimed at prevention of trafficking in human beings, assistance to victims and availability of effective criminal proceedings for the perpetrators of this type of crime.

#### **The National Strategy for Fighting against Trafficking in human beings.**

According to Art. 7, p. 3 of the Combating Trafficking in Human Beings Act promulgated in 2003, the National Commission for Combating Trafficking in Human Beings (NCCTHB) develops and administers on an annual basis the implementation of the National Program for Prevention and Counteraction of Trafficking in Human Beings and Protection of the Victims. The National Program is approved by the Council of Ministers and encompasses the main activities and the responsible institutions with regards to the prevention of trafficking in human beings, the protection, social assistance and reintegration of the victims of trafficking as well as the necessary measures for criminal prosecution of the traffickers. The National Program for Prevention and Counteraction of Trafficking in Human Beings and Protection of the Victims for 2012 was adopted by the Council of ministers on 31 May 2012.

**Bodies responsible for the implementation of the National Program are:** The National Commission for Combating Trafficking in Human Beings; The Local Commissions for Combating Trafficking in Human Beings; Ministry of Labour and Social Policy; Ministry of Education, Youth and Science; State Agency for Child Protection; Ministry of Health; Ministry of Interior; Central Commission for Combating Juvenile Delinquency; Ministry of Foreign Affairs; State Agency for National Security; National Investigative Service; Supreme Cassation Public Prosecutor’s Office; Supreme court of cassation; Ministry of Justice; National Employment Agency; Municipalities.

**The National Commission for Combating Trafficking in Human Beings.** In its role as a national coordinating body, the **National Commission for Combating Trafficking in Human Being** is the competent state institution that follows and monitors the implementation of the measures included in the NRM. The National Commission receives signals for trafficking in human beings and coordinates the work of all institutions and organizations providing care and support to

trafficked persons. The National Commission determines and administers the implementation of the national policy and strategy in the area of combating trafficking in human beings, carries out information, awareness and educational campaigns aimed at potential victims of trafficking, develops training programmes for officials working in the area of prevention and countering of trafficking in human beings, contributes to the inter-institutional and international co-operation for prevention and countering of trafficking in human beings.

#### **Mechanisms/procedures of the victims' referral to assistance.**

Bulgaria has a **National Referral Mechanism** (NRM) for support of trafficked persons since 2010. The Bulgarian National Mechanism is developed within the framework of a project funded by MATRA Program of the Dutch Ministry of Foreign Affairs and implemented by "Animus Association" foundation, in the main partnership with the National Commission for Combating Trafficking in Human Beings, in the period 2008-2010. It is in accordance with the national legislation concerning the situation of trafficked persons and their needs. The National Mechanism provides for implementation of the measures for protection and support to trafficked persons included in the Combating Trafficking in Human Beings Act.

## **CHAPTER II: CURRENT SITUATION**

The development of skills of victims of trafficking in human beings for participation in the labour market is part of the long-term psychological support and empowerment, included in the Standard Operating Procedures of the NRM.

Trafficked persons form a separate group with specific characteristics and needs in relation to the labour market. The process of developing skills for participation in the labour market is called empowerment because it stimulates the development of self-confidence and respects the autonomous position of the person. The aim of empowerment is to stimulate the activity, initiative, and adequate assessment of one's own strengths in order to seek professional realization. The consultations focus on the development of skills for job seeking, orientation in the situation on the labour market, development of a realistic strategy for finding a job, based on the qualities and abilities of the person.

The empowerment consultations can be individual or in group. They start with a risk assessment of the risk of re-trafficking or other forms of abuse and follow step-by-step the whole process of seeking and finding a job. The trafficked person has the opportunity to speak and discuss all practical aspects and difficulties he/she is faced with. An important aspect of this counselling is the adaptation of his/her ideas and preconceptions to the real circumstances so that he/she can not only find a job but also keep it.

During the counselling sessions, the trafficked person should develop sensitivity towards high-risk situations in the process of seeking a job, skills for objective assessment of real-time scenarios.

The consultations include work on the following topics: selection of a job from newspapers and Internet, telephone interview, preparation of documents for applying for a job (CV, motivation letter), skills for self-presentation during a job interview and protection of one's interests and rights, negotiation with the employer, enrolling in programs and courses for additional qualification, selection and access to qualification programs and courses, basic knowledge about labour rights.

The empowerment consultations are provided at the same time as the psychological consultations, but by a different specialist. The victim is referred to empowerment programs which are then entered in the safety support plan. The empowerment consultations take place once a week in order for the trafficked person to be able to try and take the steps agreed with the consultant to look for a job. If necessary, additional sessions are scheduled.

The empowerment process does not have to end when the person starts a new job. The empowerment consultations can be used for a prolonged period of time until he/she settles in his/her new workplace.

**Victim's profile:** Forced labour is a global phenomenon that may affect every region, country and economic sector. However there are certain categories of people that are more vulnerable to that phenomenon than others.

For Bulgaria, the most vulnerable categories of people, who may become victims for labour exploitation are:

- People living in poverty, emotionally and psychologically unstable;
- People with no or very basic education;
- People in active age, unskilled or illiterate who may be less aware of their legal rights;
- Persons who have been unemployed for a long time, searching for desperate opportunities;
- Persons with irregular migrant status, who can be exploited because of their vulnerability;
- People living in geographically remote rural regions, the ones with lack of any social or labour experience.

Most recently, the number of Bulgarian men reporting that they have fallen victims of trafficking for labour exploitation (in Germany, UAE, others) has risen.

During the last several years, **new trends in the trafficker's profile** have been observed:

- When recruiting money is not preliminary collected from the candidates for finding them a job which leads to an increase in the number of potential victims;
- Typically, recruitment and transportation of victims is done directly by individuals, and not through brokerage firms, as years ago;
- Most traffickers personally recruit and participate in the labour exploitation process in destination countries;
- There is a low degree of organization of trafficking networks, often the association, if any, is based on a generic or on a clan basis;
- There is an increased concentration of cases of labour exploitation in a given period of the year, which is associated with seasonal (agricultural) work.

### **CHAPTER III: PROTECTION, REFERRAL AND ASSISTANCE OF THE VICTIMS: TOOLS, IMPLEMENTATION, RESPONSIBLES, POSITIVE INITIATIVES**

#### **SECTION 1. ASSISTANCE FOR THE VICTIMS OF LABOUR EXPLOITATION (ACCESS TO JUSTICE, SOCIAL AND PSYCHOLOGICAL COUNSELLING, LEGAL ASSISTANCE, PROVIDING SHELTER AND BASIC NEEDS, ACCESS TO MEDICAL SERVICES ETC.)**

- The NCCTHB has two state shelters for temporary housing of victims of trafficking in Burgas and Varna, financed by the National Commission. In the shelters for temporary accommodation for victims of trafficking victims receives long term support assistance by social workers and receive specialized psychological and medical care, social support, access to programs for retraining and assistance in reintegration in the society.

- Procedures for protection, referral and assistance of the victims are provided in the NRM. Assistance is based on the needs of the victims providing identification, immediate needs assessment and initial referral to relevant services, safe return; crisis intervention and individual safety plan (psychological; medical; social - accommodation, food, personal belongings, cloths; legal; safety plan); renewal/acquirement of civil status and issuing identity documents (official identification) ; recovery and reflection period (partnering in taking decision and providing information about the available options); free medical care; renewal of health-insurance status; accommodation in a shelter; counselling and psychotherapy; provision of free legal aid; overcoming the stigmatization and rejection of society; long-term psychological support and empowerment; provision of financial compensation; development of social skills; social counselling and advocacy; job placement; humanitarian aid; restoration of the social insurance status; additional qualification and re-qualification.

## SECTION 2. POSITIVE INITIATIVES

- The NCCTHB organized training for officials from the Crisis Centres in Bulgaria. The training aimed to be exchanged experience, good practices and information, the establishment of personal contacts between Bulgaria and Austria, and development of procedures for the referral of Bulgarian children - victims of trafficking from Austria to Bulgaria.

The training is conducted annually since 2011 for duration of one month (four weeks). Officials from all Crisis Centres in Bulgaria are invited to participate. The training includes lectures and discussions, study visits of Austrian Crisis Centres, meetings with the Austrian police to exchange experience, etc.

The annual training of officials and exchange of experience led to an effective referral process and successful cooperation for the quick return, protection and provision of support to victims of trafficking.

- "Prevention of trafficking in human beings who belong to ethnic groups with a focus on the Roma minority in Bulgaria" is a pilot project that is being implemented on the territory of the Municipality of Varna, in particular the neighbourhoods of Maksuda, Vladislavovo and the village of Kamenar.

The project is developed and is being implemented by the National Commission for Combating Trafficking in Human Beings in cooperation with various non-governmental organizations - the Bulgarian Family Planning Association, the National Network of Health Mediators, Association "Sautchastie", and institutions - the Municipality of Varna, the Regional Health Inspectorate, regional structures of the Ministry of the Interior, with the financial support of the Embassy of France in Bulgaria and the Embassy of France in Romania.

The project "Prevention of trafficking in human beings who belong to ethnic groups with a focus on the Roma minority in Bulgaria" aims to reduce the number of victims of trafficking of Roma origin from the Municipality of Varna, to reduce the number of very early pregnancies, to reduce the number of abandoned children in institutions, to increase the awareness of the risk group regarding trafficking in human beings.

- "Multidisciplinary training of police officers, prosecutors and judges" - the aim of the trainings was to familiarize participants with the latest trends in trafficking in human beings in Bulgaria, to improve cooperation between institutions in investigations and criminal proceedings in support and reintegration of victims, and to enable the exchange of experience and good practices.

- Summer Academy for Volunteers 2012 in Burgas, Bulgaria: 68 young people between the age of 14 and 18 from Varna, Burgas, Sliven, Montana, Pazardjik, Plovdiv and Ruse were trained in the Summer Academy for Anti-trafficking volunteers.

The overall goals of the Academy were to enhance the knowledge of the topic "trafficking in human beings", exchange of knowledge and to share good practices between the volunteers in prevention activities. The specific goals of the Summer Academy for Volunteers 2012 were to improve volunteers' presentation skills, learn how to work as a team and learn how to train their peers in the area of prevention of trafficking in human beings.

## CONCLUSIONS AND RECOMMENDATIONS

Bulgaria is executing an active policy aimed at ensuring the protection and reintegration of victims of trafficking in human beings. Bulgarian Government is carrying out a comprehensive legislation reform in compliance with the basic principles of the constitutional state.

Very important steps towards the protection and assistance of the victims of trafficking in human beings are the establishment of the **National Commission on Combating Trafficking in Human Beings (NCCTHB)** under Art. 4 of the Combating Trafficking in Human Beings Act and **8 Local Commission for Combating Trafficking in Human Beings** which implement the anti-trafficking policy on a local level in the regions with highest risk of trafficking – Burgas, Varna, Pazardjik, Montana, Sliven, Ruse and Plovdiv. Another major step is the establishment of two state shelters for temporary housing of victims of trafficking actively operating in the cities of Varna and Burgas. Building a system of protection, rehabilitation and reintegration of victims of trafficking



through the establishment of the two state shelters for protection and assistance helps to strengthen the mental and physical health of victims after the experienced violence and contributes for their successful reintegration in the society.

The creation of Bulgarian **National Mechanism for Referral and Support of Trafficked Persons (NRM)** officially accepted in 2010, secures the compliance with the human rights of victims of trafficking and provides effective care and referral of victims to the appropriate services. The NRM also provides the opportunity for effective regional and international cooperation in combating trafficking and victim support. The main challenges in regards with trafficking in human beings are the lack of information within certain groups of the society and the general ignorance of the risk of trafficking in human beings. There is a challenge in the process of identification of the victims and the protection of children, especially the ones who become victims of re-trafficking. Another very important issue is winning the trust of the victims by the Bulgarian institutions in the context of becoming witnesses against the traffickers.

The main priorities of the national policy in the area of combating trafficking in human beings are related to addressing the main challenges: identification and protection of the victims by providing them with adequate long-term psychological and financial assistance for their integration in society; winning the trust of the victims of trafficking for a more effective investigation and prosecution of traffickers; activities directed not only at the victims but also at the society as a whole for diminishing the demand for sexual services; improving the cooperation at national and international level in the field of combating and prevention of trafficking in human beings and illegal migration.

Among the main difficulties in prosecution has been the fear of the victims of trafficking in human beings to ask for help and testify in legal proceedings against traffickers. This has been a result of the fact that the most vulnerable people are the ones who do not know their rights and who are not aware that the victims of trafficking are not subjects to punishment for illegal acts as a direct result of being trafficked. The convictions and imprisonments are a crucial factor in gaining the public trust and in ensuring the participation of the victims of trafficking in human beings in the process of prosecution of this crime.

Recommendations to improve the problems identified in accordance with the objective of the activity: Identifying the characteristics of policies in the field of THB for labour exploitation

- Improvement of the process of identification of victims of trafficking by conducting trainings for experts working in the field of trafficking in human beings and preparing of more as number and more qualified specialists;
- Allocation of funds for long-term psychological and financial assistance for the integration of the victims of trafficking in human beings in society;
- Increasing the trust of victims to institutions by changes in legislation banning the prosecution of victims of trafficking for unlawful acts committed as a direct result of their being trafficked and assurance that effective legislation is implemented which ensures a more effective prosecution and punishment of the perpetrators;
- Strengthening the cooperation between countries of origin, transit and destination of victims of trafficking because of the differences in the legal frameworks and the established practices.



## CHAPTER VI

### CONCLUSIONS AND RECOMMENDATIONS

The new dimension of Europe, marked by the disappearance of internal borders, highlights the danger of the organized crime phenomenon and the difficulties encountered by the specialists in combating it.

The transnational organized crime tends to be a very serious and dangerous phenomenon, generating complex social problems, whose ways of manifestation, consequences and ways of combating address not only control decision makers from the institutions but also public opinion. This phenomenon has destructive consequences on the structure and stability of the bodies and institutions of a democratic state and an impact not only on discussions with the view to the social and economic stability of any human community, but, in extremis, even to the peace and security of nations. Due to the complex cases, cross-border trafficking in human beings, a modern form of slavery is a phenomenon with profound implications in economic, social, demographic and psychological field that alters human values and impede social progress.

Due to globalization, the phenomenon of trafficking in human beings faces constant changes in terms of modus operandi, routes used, criminal organizations involved, hampering the efforts made by the authorities and all other stakeholders when fighting the phenomenon. In this context, the main obstacle to overcome was the relatively slow collaboration between similar structures in countries of origin, destination and transit, motivated mainly by the differences in legislation on data protection, criminalization of trafficking and on the protection and assistance provided to victims.

The economic recession registered at European and international level encouraged labour exploitation, which resulted in a decrease in the quality of life, resulting thus a higher risk-taken by people affected by the redundant employment.

Due to the fact that mostly, trafficking in human beings involves “elements” of foreignness<sup>144</sup>, the international cooperation is an essential element in preventing and fighting trafficking in human beings between partners from countries on the routes of origin-transit-destination.

The economic and demographic implications require extension of European-wide as well as worldwide dialogue in the field of trafficking in human beings.

In this context it is outlined the need to express coherent policies to prevent and combat trafficking in human beings, process that encounters a number of difficulties arising, mainly from the lack of knowledge of the actual dimensions of the phenomenon, due to the large mobility, people’s intense movement across borders, but secondly, due to the obscurity of the phenomenon maintained by its manifestations in the context of apparently legal activities.

According to the national studies’ analysis<sup>145</sup>, between 2009 – 2011 the number of the victims labour exploited was alarming, most of them being forced to work in agriculture, horticulture and food processing, construction, cleaning services, domestic services (home care), hotel, small factories where labour supplying raw materials is provided (paper recycling plant), restaurants, hotels and catering, entertainment (especially artists: dancers, entertainers in nightclubs, amusement parks etc.).

The most common method of recruitment remains the direct approach by the recruiter and advertisements.

---

<sup>144</sup> Whether it's the traffickers, carriers or employers/“consumers”

<sup>145</sup> To see the national studies created within the project and national studied developed in Bulgaria and Cyprus may be found on the partners’ sites: Cyprus - <http://www.kisa.org.cy/EN/index.html>, Greece - <http://www.eplo.eu/>, Hungary - <http://thb.kormany.hu/>, FYROM - <http://www.nacionalnakomisija.gov.mk/>, Bulgaria - <http://www.antitraffic.government.bg/en/>, Romania - <http://anitp.mai.gov.ro/ro/> ).

Romania and Bulgaria are still countries of origin, Hungary - a country of transit, and Greece and Cyprus are among the main countries of destination for trafficking for labour exploitation, among the project partners.

The most vulnerable age group is that comprising persons between 26 and 40 years, males, with secondary school education, originating from the rural area.

The „radiography” made from the perspective of analysing the process to accompany the VT indicates that legal problems claim legal solutions, as the consequences in the emotional, psychological and social-general plan the victims had faced looked for and found answers in individual approaches, answering particular needs which made up the wholeness of one or another victim’s needs.

Each of the two wide perspectives to define and approach the phenomenon of trafficking in human beings, the legal and the humanist one, opened a new perspective to report the social body to the victim, through the agency of its relevant actors and, accordingly two theoretical and functional/operational matrixes which gave meaning to the accompaniment of victims during the process of regaining control over their own psycho-somatic, social, economic and cultural life.

During the periods of custody and repatriation, on few occasions the victim is offered assistance opportunities answering his/her real needs, a fact that adds a major stress to his/her status with psychopathological syndrome.

The victims’ assistance is either offered by the public system or by the one of the civil society members, which has been fundamentally oriented towards the principles laid down in the art. 12th of the Council of Europe Convention on Action against Trafficking in Human Beings<sup>146</sup>.

A variety of factors has influenced the individual resilience of victims and their abilities of functional readjustment to the reality of the near environment they live in (harshness and temporal spreading of the trauma, the quality of the social support they received etc.).

The crime of trafficking in human beings is, from various reasons, difficult to investigate, incriminate or punish. Although the legal authorities have made efforts to give consistency to the humanitarian and legal obligation to treat the victims of trafficking in human beings does comply with the principles and fundamental rights laid down in the existing norms.

The authorities with responsibilities in the field have encouraged, during the analysed period, the victim’s cooperation in the criminal proceedings against traffickers, putting at his/her disposal, by law, a series of protection and safety measures, throughout the criminal proceedings.

The prevention campaigns where the institutional partners were actively involved have been adjusted according to the local and regional specific of the traffic.

The orientation of the investigation activities, not only at the national but also at the international level, for the purpose to tracking down as much members of the criminal groups as possible, allowed the identification of a large number of victimised persons and implicit of a larger number of suspects who have been investigated, although the statistic variation of the dismantled organised crime groups involved in traffic was at a low level.

It was noticed as fact that the traffickers have adapted, by attracting larger and larger numbers of persons to establish compact and numerous groups of victims who come to be trafficked by smaller and smaller numbers of traffickers.

In the countries of origin, it was noticed that the rate of success of legal actions has increased and a growing number of defendants have been sent to trial.

In regards to the traffickers’ general characteristics observed in the previous years, there is a tendency to start committing this crime at an early age.

The joint investigation teams (JIT) where the national authorities took part, had an important impact on the criminal activities in the field of trafficking in human beings, in many states.

The last years have been characterized, at the European level, by an extremely intense activity of the decision factors, through initiatives to modernize the legal framework, organizing impact ministerial conferences.

---

<sup>146</sup> To see the text of the Convention: Council of Europe Convention on Action against trafficking in Human Beings (CETS no. 197, <http://hub.coe.int/>).

An important objective of those conferences was to provide the opportunity to approach the challenges more and more important for the European Union, to enhance the capacity for action in partnership and in cooperation at the international level in the field of prevention, protection of the victims of trafficking in human beings and sending offenders to trial.

Another objective was to provide the work structures of the European Union Council with concrete and real data for drawing up an action document to enhance the external dimension of the European Union in regards of the reaction against trafficking in human beings.

Thus, the decision factors in the European Union have launched an appeal for the international community, including for the institutions at the regional and national level, non-governmental, international organizations and other organizations of civil society, as well as for the European Union institutions and agencies, both to counter the challenges of trans-national criminality and to offer a clear and comprehensive reaction towards multidisciplinary, coherent and coordinated politics with the involvement of all interested actors in the countries of origin, transit and destination.

This kind of explicit reaction must be in accordance with the standards of human rights, with a special attention for the trafficking in women and children, pursuant to international instruments.

International cooperation was carried out by the ministries of external affairs, foreign law enforcement agencies, by international police agencies (Interpol, Europol and especially for the South-Eastern Europe, S.E.L.E.C. Centre) or through the international organizations or international networks of NGOs.

No state can answer the threat of such a danger as trafficking in human beings without making use of the instruments of international cooperation with other states or international organizations.

The international cooperation activity in the field of prevention and countering of trafficking in human beings is an instrument for public policies, which benefits from a double orientation: on one side it is an instrument which capitalizes the support and experience of foreign partners involved in anti-traffic cooperation, both at the level of the Member States and of third countries or other international actors, and on the other side it is an instrument of external politics used by the states to formulate and promote the national interests in the fight against trafficking in human beings.

In the view of international cooperation activities, the states involved in the projects have benefited from a series of advantages on the basis of experience, resources and good practices exchanges with European and international partners. These have been targeted both to consolidate the institutional capacity and national politics for the prevention and combating of trafficking in human beings and to develop the institutional capacity of external partners, in order to draft an international cooperation framework, able to answer the new tendencies of trafficking in person's phenomenon.

We must mention the fact that, at the global level, the development of a cooperation structure in the field of countering trafficking in human beings has been developed and updated as a consequence of the changes generating the trafficking in human beings phenomenon, as well as the appearance and diversification of the actors involved in the fight against trafficking in human beings and of the international cooperation practices.

Thus, the year 2010 has brought on the international stage a new actor with competences in the fight against traffic – United Nations Special Rapporteur on Contemporary forms of slavery, its causes and consequences’.

In the context where the prevention and combating of children forced labour represent a priority of UN mandate in the field of modern slavery, the information, raising awareness, victim orientation and proactive attitude of the authorities with competences in the field are fundamental activities in the prevention of trafficking in human beings for labour exploitation.

Also, a characteristic of the international cooperation politics and activities in the anti-traffic fight, in the analysed period, was represented by the orientation to transfer of know-how for the developments in third countries.

Thus, according to the European Policy for Development, through strategic partnerships with third countries, Romania has provided expertise, training and guidance for states as FYROM, Serbia, Albania, Turkey, Azerbaijan, Indonesia, Vietnam etc. using cooperation instruments as TAIEX, or in the context of some European or international grant projects made available by the European Commission, ICMPD and other international bodies.

The states partners in the project have used in the period of analysis, tools of **bilateral and trilateral and regional cooperation**.

Also, in the view of the latest tendencies of trafficking in human beings phenomenon showing an increase of forced labour, it has been created this partnership of regional cooperation with organizations and institutions in countries as: Hungary, Bulgaria, Cyprus, FYROM and Greece.

This partnership is performed in the context of a European grant which aims to diminish the dimensions of trafficking in human beings for labour exploitation in the countries of origin, transit and destination.

The European affairs activities carried out in the period of analysis reflect on one side the commitment of partner states to assume their obligations as Member States to create and consolidate the *acquis communautaire* in the field of prevention and countering of trafficking in human beings and, on the other side, reflects their capacity to use the European affairs instrument to attain the national objective in this area.

## **RECOMMENDATIONS**

1. The harmonization of criminal laws in European Union states to obtain uniform definitions for the crime of human being trafficking for the purpose of labour exploitation.

It is necessary that the terminology should be as precise as possible, and its interpretation both by theoreticians and practitioners, unitary.

In the same time, it must be taken into account to increase the trust of victims in institutions by changes in legislation banning the prosecution of victims of trafficking for unlawful acts committed as a direct result of their being trafficked and assurance that effective legislation is implemented which ensures a more effective prosecution and punishment of the perpetrators.

2. The increase of the law's enforcement authorities capacity to evaluate, anticipate and answer the evolution of different criminal actions in the field of traffic.

The problem is caused by the limitation of the human, financial or logistic resources which has determined the investigators to use the same practices as when dealing with the crime of traffic. When dealing with cases of traffic, the investigators should count, to a large extent, on their individual capacity. Innovation and initiative in this field should be stimulated both by the usage, on a large scale, of modern instruments and by the cross-border approach of the legal procedures.

It is necessary to put much more emphasis and importance on labour exploitation in the National Strategy and the National Action Plan against THB as a form of exploitation which is in the rise. In annual THB reports should provide a special summary on labour exploitation, indicating the reasons, forms of exploitation, areas where it occurs, along with its prevention and prosecution.

3. The improvement of the way to collect, process and analyse data, but also of information dissemination activities at the level of institutions responsible for the implementation of policies in the field of trafficking in human beings.

The institutions that partially assume or do not assume the responsibility to collect the relevant data in their field of activity affect the dissemination of information and evaluation of the trafficking in human beings situation, causing a reduced reaction capacity when reports in the field are requested, thus affecting their quality.

4. The real<sup>147</sup> exchange of data on trafficking in human beings phenomenon. The fact that the coherence and comprehension of identifying the problem of trafficking in human beings varies

---

<sup>147</sup> Evaluation reports, studies, strategic analysis etc.

has effects on the quality of the national/country reports and on the wrong perception of the institutional capacity to react towards the current situation.

5. To create and make operational the institution of the national rapporteur, as an observer of involvements and results of public policies in the field of traffic, having the necessary authority and independence, able to assess and make recommendations on the efficiency and sustainability of anti-trafficking activities at the national level<sup>148</sup>.

The differences of opinion between the institution and civil society in regards to the results and action directions in the effort made for the prevention and combating of traffic and for victims' assistance are frequently lacking in positive-constructive effects in the absence of a fair arbitration which may be given by the Institution of the National Rapporteur. This arbitration may result in the improvement of coordination and merging of actions in two social segments so that the countering activities should reach the desired level of efficiency.

6. To create, make operational and efficient the implementation of National Mechanism for Victim Identification and Referral.

Even in the countries where this mechanism has been operational for more than 3 years, it has been ascertained the necessity to complete the normative acts with details related to the procedure of victims' identification and referral which should represent standard operational procedure; the observance of the repatriation activities and referral for assistance of the victims, have revealed the fact that, at the level of the institutions responsible for the implementation of the National Mechanism for Victim identification and Referral, the provisions of this document are not adequately known or there are certain things which are not clear as regards the tasks on identification and referral of trafficking in human beings.

The lack of standards for risk assessments regarding the identified victims of trafficking in human beings and of standards for assisted repatriation of the victims causes delays in the identification of the most appropriate measures for protection and assistance.

To make efficient the way the National Mechanism for Victim Identification and Referral is implemented both by increasing the information and training level of the personnel responsible for the identification and referral, and by improving the national and transnational cooperation within institutions and between institutions.

The referral mechanism must be "victim-friendly."

Another recommendation refers to the necessity for the representatives of the civil society and those of the public institutions to implement the mechanism in a unitary and interdependent way.

Also, it is recommended that the list of indicators should be detailed and depending on the specific of the form of exploitation, including labour exploitation.

The absence of clearly identified indicators of labour exploitation contributes to the inefficient actions of institutions from the aspect of detection and identification of labour exploitation.

Specialized trainings should be organized for professional involved in the process of identification of victims of labour exploitation, inclusive for the representatives of the unions.

For the successful realization of these trainings there should be clearly defined indicators which will facilitate the identification of cases of THB for labour exploitation.

### **1. Repatriation and reintegration of the victim.**

As for reintegration of THB victims, there is no proper research in most of the countries to give clear image on successfulness and efficiency of the established Reintegration Program.

If we consider the determined profile of victim, the family as natural environment greatly participates and contributes as risk factor in the recruitment of the victim.

---

<sup>148</sup> As required by the 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

That's why the resocialization and reintegration team should spend time in analysing family of the victims with special attention. There should be full scan of the family and the family relation so that informed and rightful decision can be made on where to return the victim and starts its reintegration.

Consideration should be also given to finding alternative forms, such as foster family for THB victims. This alternative form requires previous specialized training for these families on how to treat THB victim.

1. To increase the number of shelter centres and to improve the organization and operation of the assistance specialized services for the victims of trafficking in human beings, including for under-aged victims.

There is also need to strengthen capacities of the personal in the shelter centres. It is necessary to conduct trainings on psycho-social protection in view of returning self confidence and prepare the victim for its reintegration.

2. To develop strategic partnerships with the states in the region, European Union member states and third countries, as well as with EU specialized bodies and international organizations.

As for international cooperation, there are legal grounds, both at bilateral and multilateral level, but in practice there are administrative barriers. This is especially true for the established Transnational Referral Mechanism in the South-east European countries, which faces problems at operational level preventing the efficient exchange of information and cooperation between institutions.

On the basis of these partnerships, common actions can take place (experience exchange, mixed commissions, study visits, workshops and other types of reunions), in order to effect the cooperation agreements concluded in order to prevent and counter the trafficking in human beings for labour exploitation.

The improvement of communication channels and functional and interinstitutional cooperation with European Union states, in the global context of the fight against trafficking in human beings should be a priority.

3. Another recommendation refers to the need to enhance the collaboration with the public/private, national and/or international institutions working in the field of migration, employment and vocational training in order to promote legal migration and for raising awareness on labour conditions when working abroad, on the rights of each employee and on the risks associated with illegal working.

4. To become efficient and to support the activities of countering trafficking in human beings at the national and trans-national level, attracting non-reimbursable external funds and making an efficient use of internal resources, including for long term psychological and financial victims' assistance in order to help them reintegrate in the society;

5. The recognition of victims is a difficult and complicated procedure, especially for the victims, and should, therefore, be undertaken by human rights based agencies or organisations, such as NGOs, which will be designated by the state and cooperate with all competent services and authorities. To this effect, the authorities must increase the conclusion of cooperation protocols with NGOs, as provided for by the National Action Plans to combat trafficking in human beings. In addition, the state should further explore the possibility to provide substantial funding to designated NGOs in order to carry out this important task.

6. To carry out activities for training of trainers in the field of prevention and countering of trafficking in human beings, in order to increase the number of experts in the public and private institutions, including representatives of civil society with special emphasize on the indicators used in the activity of identification and referral of the victims of trafficking in human beings, exploited through labour.

7. The programme for the coordination of the victim during the criminal proceedings represents a model of best practices.

The experienced gained during the implementation of this programme should be disseminated during partner states, taking into consideration the fact that the victims' legal

awareness and advocacy skills are often very low, thus they rarely report the crime to the authorities, and authorities don't have victim outreach services, so it is very incidental. Victims' cooperation with the authorities and participation in criminal trials should be encouraged by incorporating incentives in the trial process, such as compensation, other benefits or enhanced protection for victims who testify. Widespread impunity of the 'black' labour should also be fought, and the public further informed and encouraged to lodge complaints and to refer suspected victims to any competent agency, even outside the police.

## CHAPTER VII ANNEXES

### ANNEX A LIST OF LEGAL INSTRUMENTS ON TRAFFICKING IN HUMAN BEINGS AND LABOUR EXPLOITATION

No.	LIST OF LEGAL INSTRUMENTS ON TRAFFICKING IN HUMAN BEINGS AND LABOUR EXPLOITATION	ROMANIA		BULGARIA		HUNGARY		CYPRUS		GREECE		FYROM	
		S	R	S	R	S	R	S	R	S	R	S	R
I.	UN												
1	Slavery Convention (1926)	X	X	X	X	X	X				X	X	X
2	Slavery Convention signed at Geneva on 25 September 1926 and amended by the Protocol	X	X	X	X				X		X		
3	ILO Convention (No. 29) Concerning Forced Labour (1930)	X	X	X	X	X	X		X	N/A	N/A	X	X
4	Universal Declaration of Human Rights (1948)	X	X	X	X	X	X	N/A	N/A	N/A	N/A	X	X
5	Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (1949)	N/A	N/A	X	X	X	X	X	X	X	X	X	X
6	Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (1956)			X	X	X	X		X		X	X	X



7	ILO Convention (No. 105) on the Abolition of Forced Labour (1957)	X	X	X	X				X		X	X	X
8	International Covenant on Civil and Political Rights (1966)	N/A	N/A	X	X			X	X		X		
9	International Covenant on Economic, Social and Cultural Rights (1966)	N/A	N/A	X	X			X	X	X	X	X	X
10	Convention on the Elimination of All Forms of Discrimination against Women (1979)			X	X				X	X	X	X	X
11	Convention on the rights of the child (1989)			X	X			X	X	N/A	N/A	X	X
12	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990)										X	X	X
13	ILO Convention (No 182), on the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (1999)	X	X						X	X	X	X	X
14	Convention Against Transnational Organised Crime (2000) and Protocol to Prevent, Suppress and Punish Trafficking in human beings, Especially Women and Children, Supplementing the Convention on Transnational Organized Crime (2000)	X	X	X	X	X	X	X	X			X	X
15	Optional Protocol to the Convention on the Rights of the Child, on the Sale of Children, Child Prostitution and Child Pornography (2002)	X	X	X	X			X	X	X	X	X	X

<b>II.</b>	<b>COUNCIL OF EUROPE</b>	<b>S</b>	<b>R</b>	<b>S</b>	<b>R</b>	<b>S</b>	<b>R</b>	<b>S</b>	<b>R</b>	<b>S</b>	<b>R</b>	<b>S</b>	<b>R</b>
16	European Convention for the Protection of Human Rights and Fundamental Freedoms (1950)	X	X	X	X			X	X	X	N/A	X	X
17	European Convention on the Compensation of Victims of Violent Crimes (1983)			X	X			X	X	X	N/A	X	X
18	Council of Europe Convention on Action against Trafficking in Human Beings (2005)	X	X	X	X			X	X	N/A	N/A	X	X
<b>III.</b>	<b>OSCE</b>	<b>S</b>	<b>R</b>	<b>S</b>	<b>R</b>	<b>S</b>	<b>R</b>	<b>S</b>	<b>R</b>	<b>S</b>	<b>R</b>	<b>S</b>	<b>R</b>
19	Decision No. 557/Rev.1 OSCE Action Plan to Combat Trafficking in Human Beings (2005)							N/A	N/A	N/A	N/A	X	X
20	Decision No. 8/07 on combating trafficking in human beings for labour exploitation							N/A	N/A			X	X
<b>IV.</b>	<b>EU</b>	<b>T</b>		<b>T</b>		<b>T</b>		<b>T</b>		<b>T</b>		<b>T</b>	
21	Charter of Fundamental Rights of the European Union (2000/C 364/01)			X								X	
22	Council Framework Decision 2002/629/JHA of 19 July 2002 on combating trafficking in human beings	X		X				X				X	
23	Council Directive 2004/81/EC of 29 April 2004 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	X		X		X		X				X	

24	Council Framework Decision 2001/220/JHA of 15 March 2001 on the standing of victims in criminal proceedings	X	X				X
25	Council Framework Decision 2004/68/JHA of 22 December 2003 on combating the sexual exploitation of children and child pornography	X	X		X		X
26	Council Directive 2004/80/EC of 29 April 2005 relating to compensation to crime victims	X	X		X		X
27	Council Framework Decision 2008/841/JHA of 24 October 2008 on the fight against organized crime		X		X		X
28	Directive 2009/52/EC of the European Parliament and the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals				X		X
29	Directive 2011/92/EU of 15 April 2011 on Preventing and Combating Trafficking in Human Beings and Protecting Victims		X	X			X
30	Directive 2011/36/EU of the European Parliament and of the Council on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA		X				

**NOTE**

**S = Signed**

**R = Ratified**

**T = Transposition**

**ANNEX B**  
**REGISTER WITH CONTACT DATA OF INSTITUTIONAL AND NON-GUVERNAMENTAL**  
**PARTNERS COMPETENT IN THE IDENTIFICATION AND REFERRAL OF VICTIMS OF**  
**TRAFFICKING IN HUMAN BEINGS**

<b>ROMANIA</b>		
<b>NAME</b>		<b>CONTACT</b>
<b>MINISTER OF INTERNAL AFFAIRS</b>		Piața Revoluției, nr. 1 A, sector 1, București Tel: +4 021/303 70 80 Fax: +4 021/264 86 77 Email: petitii@mai.gov.ro <i>Anti-trafficking Helpline – 0800 800 679</i>
<b>MINISTRY OF FOREIGN AFFAIRS – DIPLOMATIC MISSIONS AND CONSULAR OFFICES -</b>		Str. Aleea Alexandrescu nr.31, Sector 1, București. Tel: +4 021/319 21 08 Tel: +4 021/319 21 25 Fax: +4 021/319 68 62 E-mail: opinia_ta@mae.ro
<b>OTHER INSTITUTIONS INVOLVED IN THE NATIONAL MECHANISM FOR VICTIM'S IDENTIFICATION AND REFERRAL</b>	<b>MINISTRY OF LABOUR, FAMILY SOCIAL PROTECTION AND ELDERLY</b>	Str. Dem I. Dobrescu, nr. 2-4, sector 1, București Tel: +4 021/313 62 67 Fax: +4 021/315 88 12 E-mail: presa@mmuncii.ro
	<b>MINISTRY OF NATIONAL EDUCATION</b>	Str. General Berthelot, nr. 28-30, sector 1, București Tel +4 021/405 62 00
	<b>PUBLIC MINISTRY</b>	Bd. Libertății, nr 12, sector 5, București Tel +4 021/319 38 33 sesizare@mpublic.ro
	<b>MINISTRY OF JUSTICE</b>	Str. Apolodor, nr. 17, sector 5, București Tel: +4 0372/04 19 99 Fax: +4 037/204 11 88 E-mail: relatiipublice@just.ro
	<b>MINISTRY OF CULTURE</b>	Bd. Unirii, nr.22, sector 3 București Tel: +4 021/224 39 47 E-mail: birouldepresa@cultura.ro
<b>NON GOVERNMENTAL ORGANIZATIONS AND IO</b>		
<b>ADPARE</b>		Str. Pop de Băsești nr. 49-51, Sc. 2 Ap. 11, Sector 2, București Tel/fax: 021 253 29 04 adpare@adpare.eu

<b>AIDROM</b>	Str. Halmeu nr. 12-14 , Sector 2, CP021118 , București Tel: 021 212 48 68, 021 210 46 87, 021 210 07 98, 0722 804 911, 0751 179 274 Fax: 021 210 72 55 aidrom@gmail.com
<b>ASOCIAȚIA „CARITAS” BUCUREȘTI</b>	Str. Gh. Pripu nr. 22-36, Sector 1, București Tel: 021/233 21 36 Fax :021/233 21 34 caritas@mailbox.ro
<b>ASOCIAȚIA „GENERAȚIE TÂNĂRĂ”</b>	Str. Molidului nr. 8, Timișoara Tel/Fax : 0256/282 320 office@generatietanara.ro
<b>CENTRUL PARTENERIAT PENTRU EGALITATE</b>	Bd. Națiunile Unite nr. 4 Bl. 106, sc. A et 3, ap. 11, București Tel: 021 335 41 75, 021 335 41 80 Fax: 021 335 41 76 info@cpe.ro
<b>FUNDAȚIA RAȚIU PENTRU DEMOCRAȚIE (CENTRUL RAȚIU PENTRU DEMOCRAȚIE)</b>	Piața 1 Decembrie 1918, nr. 1, Turda, Jud. Cluj, 401094 Tel: +40 264 317555 Fax: +40 264 306350 E-mail: office@ratiudemocracycenter.org www.ratiudemocracycenter.org www.notforsale.ro
<b>CENTRUL ROMÂN PENTRU COPII DISPĂRUȚI ȘI EXPLOATAȚI SEXUAL - FOCUS</b>	Str. Biserica Amzei nr. 29, Et III., Sector 1, București Tel: 021/310 31 16, 021/310 02 16, 021/312 51 16 Fax: 021 31 27 116 focus@copiidisparuti.ro
<b>ORGANIZAȚIA INTERNAȚIONALĂ PENTRU MIGRAȚIE</b>	Bd. Dacia, nr. 89, Sector 1, București Tel: 021 211 45 65, 021 211 56 57 Fax: 021 211 44 54 iombucarest@iom.int
<b>ORGANIZAȚIA „REACHING OUT” PITEȘTI</b>	Str. Câmpineanu Bl. 2, Sc. C, ap. 14, Pitești, jud. Argeș Tel: 0248/282 000 Mobil: 0733 044 711 reachingoutrom@yahoo.com
<b>ORGANIZAȚIA „SALVAȚI COPIII” ROMÂNIA</b>	Intrarea Ștefan Furtună nr. 3, Sector 1, București Tel/: (+4)021 316 61 76 Fax: (+4) 021 312 44 86 rosc@salvaticopiii.ro

<b>WORLD VISION ROMÂNIA</b>	Str. Rotasului nr. 7, Sector 1, București Tel: 021/222 91 01 Fax: 021/224 29 72 rom_office@wvi.org
-----------------------------	---

<b>BULGARIA</b>		
<b>NAME</b>	<b>CONTACT</b>	
<b>NATIONAL COMMISSION FOR COMBATING TRAFFICKING IN HUMAN BEING</b>	1797 Sofia, 52A G.M. Dimitrov blvd, floor 1	Tel: +359 2 807 80 50 office@antitraffick.government.bg www.antitraffick.government.bg
<b>MINISTRY OF INTERIOR</b>	1000 Sofia, 29 Shesti Septemvri St.	Tel: +359 2 982 50 00 www.mvr.bg
<b>MIGRATION DIRECTORATE</b>	1202 Sofia, 48 Knyaginya Maria Luiza Blvd.	Tel: +359 2 982 57 97 www.mvr.bg
<b>MINISTRY OF FOREIGN AFFAIRS</b>	1113 Sofia, 2 Aleksandar Jendov St.	Tel: +359 2 811 94 43 www.mfa.government.bg
<b>MINISTRY OF LABOUR AND SOCIAL POLICY</b>	1051 Sofia, 2 Triaditza St.	Tel: +359 2 811 96 83 www.asp.government.bg
<b>MINISTRY OF HEALTH</b>	1000 Sofia, 5 Sv. Nedelya Sq.	Tel: +359 2 981 01 11 www.mh.government.bg
<b>MINISTRY OF EDUCATION, YOUTH AND SCIENCE</b>	1000 Sofia, 2 Knyaz Dondukov Blvd.	Tel: +359 2 921 77 99 www.minedu.government.bg
<b>STATE AGENCY FOR NATIONAL SECURITY</b>	1505 Sofia, 45 Cherni vrah blvd.	Tel: +359 2 814 70 55 www.dans.bg
<b>STATE AGENCY FOR CHILD PROTECTION</b>	1051 Sofia, 2 Triaditza St.	Tel: +359 2 933 90 50 www.sacp.government.bg
<b>STATE AGENCY FOR REFUGEES</b>	1618 Sofia, kv. Ovcha Kupel, 21A Montevideo Str.	Tel: +359 2 818 12 04 www.aref.government.bg
<b>SUPREME CASSATION PUBLIC PROSECUTOR'S OFFICE</b>	1040 Sofia, 2 Vitosha Blvd.	Tel: +359 2 921 92 35 www.vks.bg

<b>NON GOVERNMENTAL ORGANIZATIONS AND IO</b>	
<b>ANIMUS ASSOCIATION FOUNDATION</b>	tel: + 359 2 981 76 86
<b>CARITAS BULGARIA</b>	www.caritas-bg.org
<b>INTERNATIONAL ORGANIZATION FOR MIGRATION BULGARIA</b>	www.iom.bg
<b>OMBUDSMAN OF BULGARIA</b>	www.ombudsman.bg
<b>INTERNATIONAL LABOUR ORGANIZATION BULGARIA</b>	www.un-bg.bg
<b>BULGARIA GAY ORGANIZATION "GEMINI"</b>	www.bgogemini.org/bg

<b>HUNGARY</b>		
<b>NAME</b>		<b>CONTACT</b>
<b>MINISTRY OF INTERIOR</b>	<b>HUNGARIAN POLICE</b>	H-1139 Budapest, Camel st. 4-6. (107, 112) Tel: 06 (1) 443-5500
		<b>National Police's Telephone Witness (Crimestopper)</b> Tel: +36/80/555-111 www.police.hu/megelozes/telefonanu
<b>MINISTRY OF HUMAN RESOURCES</b>	<b>NATIONAL INSTITUTE OF FAMILY AND SOCIAL POLICY</b>	Tel: 06-80-20-55-20 email: okit@ncsszi.hu www.bantalmazas.hu
<b>MINISTRY OF PUBLIC ADMINISTRATION AND JUSTICE</b>	<b>VICTIM SUPPORT HOTLINE FOR VICTIMS OF CRIMES</b>	Tel: +36/80/244-444 www.kimisz.gov.hu
<b>INTERNATIONAL ORGANIZATION OF MIGRATION</b>		Tel: +36/1/4722500 email: iombudapest@iom.int www.iom.hu
<b>HUNGARIAN ACADEMY OF SCIENCES OF INSTITUTE FOR LEGAL STUDIES</b>		http://www.mta-jti.hu

<b>NATIONAL INSTITUTE OF CRIMINOLOGY</b>	email: okri@okri.hu http://okri.hu
<b>NON GOVERNMENTAL ORGANIZATIONS AND IO</b>	

<b>GREECE</b>		
<b>NAME</b>		<b>CONTACT</b>
<b>POLICE HEADQUARTERS, DEPARTMENT OF ANTI-TRAFFICKING</b>		Tel: 210 6977778 6975229572 email: dda.anti-trafficking@hellenicpolice.gr
<b>MINISTRY OF HEALTH AND SOCIAL SOLIDARITY</b>	<b>NATIONAL CENTRE FOR SOCIAL SOLIDARITY</b>	Tel: 2132039704, email: dkoinparemvasi@ekka.org.gr
<b>MINISTRY OF FOREIGN AFFAIRS</b>		Tel: 210 3681844 email: moskoff@mfa.gr
<b>MINISTRY OF JUSTICE, TRANSPARENCY AND HUMAN RIGHTS</b>		Tel: 210 7767488, email: svassiliou@justice.gov.gr xpappa@justice.gov.gr.
<b>MINISTRY OF LABOR</b>	<b>HELLENIC LABOUR INSPECTORATE</b>	Tel: 210 - 3702406-7 email: dkeath@yeka.gr
<b>GENERAL SECRETARIAT FOR GENDER EQUALITY</b>		Tel: 210 3315291 – 5 email: info@isotita.gr www.isotita.gr
<b>NON GOVERNMENTAL ORGANIZATIONS AND IO</b>		
<b>INTERNATIONAL ORGANIZATION FOR MIGRATION</b>		Tel: +302109919040 email: IOMATHENS2@iom.int
<b>NGO KLIMAKA</b>		Olga Theodorikakou, Tel: 210 3417160-2, 6977034630, email: central@klimaka.org.gr
<b>NGO A21 CAMPAIGN</b>		Maria Stamati, Tel: 6944570864, email: maria.s@thea21campaign.org
<b>NGO EUROPEAN NETWORK OF WOMEN</b>		Mrs. Roumpani, Tel: 2106411449, 6944265261, email: nroubani@gmail.com



<b>NGO SMILE OF THE CHILD</b>	Ioanna Avloniti, Tel: 210 3306 140, 693 6523 062, email: international.dept@hamogelo.gr, www.hamogelo.gr
<b>NGO ARSIS</b>	Dimitra Soumele, Tel: 210 8259880, email: arsisathina@gmail.com, www.arsis.gr
<b>NGO SOLIDARITY</b>	Lekka, Tel: 6937646297, email: lekkasofia@yahoo.gr, www.solidarity.gr
<b>NGO DIOTIMA, CENTRE OF RESEARCH OF WOMEN</b>	Tel: 210 3244380, email: diotima@otenet.gr, www.genderissues.org.gr
<b>GREEK COUNCIL FOR REFUGEES</b>	Tel: 210 3800990, email: gcr1@gcr.gr, web: www.gcr.gr
<b>HUMAN RIGHTS DEFENCE CENTER</b>	Tel: 210 9210977, email: info@kepad.gr, web: www.kepad.gr

<b>FYROM</b>	
<b>NAME</b>	<b>CONTACT</b>
<b>MINISTRY FOR INTERNAL AFFAIR OF FYROM</b>	Str.” Dimche Mirchev” n.9 1000 Skopje E-mail: <a href="mailto:kontakt@moi.gov.mk">kontakt@moi.gov.mk</a> Web: <a href="http://www.mvr.gov.mk">www.mvr.gov.mk</a> Tel.: +389 (0)2 3 117 222 факс: (02)3112468
<b>MINISTRY OF LABOR AND SOCIAL POLICY</b>	”Dame Gruev” br.14 1000 Skopje E-mail: <a href="mailto:mtsp@mtsp.gov.mk">mtsp@mtsp.gov.mk</a>
<b>MINISTRY OF JUSTICE</b>	”Dimitrie Cupovski”br.9, 1000 Skopje <a href="http://www.pravda.gov.mk">www.pravda.gov.mk</a>
<b>MINISTRY OF EDUCATION</b>	Mito Hadzi Vasilev Jasmin bb E-mail <a href="mailto:contact@mon.gov.mk">contact@mon.gov.mk</a>
<b>MINISTRY OF HEALTH</b>	str. “ 50- division No 6 E-mail: <a href="mailto:kabinet@zdravstvo.gov.mk">kabinet@zdravstvo.gov.mk</a>
<b>PUBLIC PROSECUTE OFFICE FOR ORGANIZE CRIME AND CORRUPTION</b>	bul.”Krstе Misirkov”bb 1000 Skopje
<b>BASIC COURT SKOPJE 1</b>	bul.”Goce Delcev “ bb 1000 Skopje E-mail: <a href="mailto:osnovenls@yahoo.com">osnovenls@yahoo.com</a>

<b>NON GOVERNMENTAL ORGANIZATIONS AND IO</b>	
<b>NGO “OPEN GATE-LA STRADA” SKOPJE</b>	Address: “Sava Kovacevic” 1a P.fah 110, 1000, Skopje E-mail: lastrada@lastrada.org.mk
<b>NGO “FOR HAPPY CHILDHOOD” SKOPJE</b>	Address: Petar Georgiev 74, 1000 Skopje Email: www.happy-childhood.com.mk
<b>IOM-MISSION SKOPJE</b>	Address: Ilindenska 9 –Skopje p.fah 1000 Skopje e-mail: iomskopje@iom.int
<b>ICMPD</b>	Address: Blvd. Goce Delcev bb, : MTV Building, 8th Floor 1000 Skopje Email: www.icmpd.org melita.gruevska- graham@icmpd.org

<b>CYPRUS</b>	
<b>NAME</b>	<b>CONTACT</b>
<b>MINISTRY OF INTERIOR</b>	1453 Nicosia – Cyprus Tel.: +357 22867879 – Fax: +357 22867724 Email: achristodoulidou@papd.mof.gov.cy – Website: www.moi.gov.cy
<b>MINISTRY OF LABOUR AND SOCIAL SECURITY</b>	7 Byron Avenue 1463 Nicosia - Cyprus Tel: +357 22401600 – Fax: +357 22670993 Email: administration@mlsi.gov.cy – Website: www.mlsi.gov.cy
<b>MINISTRY OF HEALTH</b>	1 Prodromou & Chilonos Street 17 1448 Nicosia – Cyprus Tel: +357 22605300/301 – Fax: 00357 22772238 Email: perm.sec@moh.gov.cy – Website: www.moh.gov.cy
<b>MINISTRY OF JUSTICE AND PUBLIC ORDER POLICE HEADQUARTERS</b>	1478 Nicosia – Cyprus Tel: +357 22808080 – Fax: +357 22808597 Email: police@police.gov.cy – Website: www.police.gov.cy
<b>LAW OFFICE OF THE REPUBLIC OF CYPRUS</b>	1 Apelli Street 1403 Nicosia – Cyprus

	<p>Tel: +357 22889100 – Fax: +35722665080  Email: att.gen@law.gov.cy – Website: www.law.gov.cy</p>
<b>OMBUDSMAN (COMMISSIONER OF ADMINISTRATION)</b>	<p>ERA House, 2 Diagorou Street, 1097 Nicosia, Cyprus  Tel: +357 22 405500 – Fax: +357 22 672881  E-mail: ombudsman@ombudsman.gov.cy – Website: www.ombudsman.gov.cy</p>
<b>NON GOVERNMENTAL ORGANIZATIONS AND IO</b>	
<b>KISA- ACTION FOR EQUALITY, SUPPORT, ANTIRACISM</b>	<p>48 Arsinoes Street, Old Part of Nicosia  Tel.: 22878181 – Fax: 22773039  Email: <a href="mailto:kisa@kisa.org.cy">kisa@kisa.org.cy</a> – Website: <a href="http://www.kisa.org.cy">www.kisa.org.cy</a></p>
<b>MEDIETERRANEAN INSTITUTE FOR GENDER STUDIES (MIGS)</b>	<p>46 Makedonitissas Avenue, P.O.Box 24005, 1703 Nicosia, Cyprus  Tel: + 357 22352311 (ext.115)  Fax: +357 22353682  Email: <a href="mailto:info@medinsgenderstudies.org">info@medinsgenderstudies.org</a> – Website: <a href="http://www.medinstgenderstudies.org">www.medinstgenderstudies.org</a></p>
<b>CYPRUS STOP TRAFFICKING</b>	<p>Tel: +357 22771063  Email: <a href="mailto:info@cyprusstoptrafficking.com">info@cyprusstoptrafficking.com</a> + <a href="mailto:cyprus.stop.trafficking@gmail.com">cyprus.stop.trafficking@gmail.com</a></p>
<b>STIGMA – ORGANIZATION FOR THE PROTECTION OF VICTIMS OF SEXUAL EXPLOITATION</b>	<p>Tel: +357 25770238 <a href="mailto:opvsaestigma@gmail.com">opvsaestigma@gmail.com</a>  Email: <a href="mailto:opvsaestigma@gmail.com">opvsaestigma@gmail.com</a></p>

## ANNEX C

### LIST WITH THE CRITERIA/INDICATORS FOR THE IDENTIFICATION OF POSSIBLE VICTIMS OF TRAFFICKING IN HUMAN BEINGS FOR LABOUR EXPLOITATION<sup>149</sup>

#### PEOPLE WHO HAVE BEEN TRAFFICKED FOR LABOUR EXPLOITATION MAY:

◆ Live in groups in the same place where they work and allowed to leave those premises infrequently, if at all
◆ Live in degraded, unsuitable places, such as in agricultural or industrial buildings
◆ Not be dressed adequately for the work they do: for example, they may lack protective equipment or warm clothing
◆ Be given only leftovers to eat
◆ Have no access to their earnings
◆ Have no labour contract
◆ Work excessively long hours
◆ Depend on their employer for a number of services, including work, transportation and accommodation
◆ Have no choice of accommodation
◆ Never leave the work premises without their employer
◆ Be unable to move freely
◆ Be subject to security measures designed to keep them on the work premises
◆ Be disciplined through fines
◆ Be subjected to insults, abuse, threats or violence
◆ Lack basic training and professional licences

#### THE FOLLOWING MIGHT ALSO INDICATE THAT PEOPLE HAVE BEEN TRAFFICKED FOR LABOUR EXPLOITATION:

◆ Notices have been posted in other language/s
◆ There are no health and safety notices
◆ The employer or manager is unable to show the documents required for employing workers from other countries
◆ The employer or manager is unable to show records of wages paid to workers
◆ The health and safety equipment is of poor quality or is missing
◆ Equipment is designed or has been modified so that it can be operated by children
◆ There is evidence that labour laws are being breached
◆ There is evidence that workers must pay for tools, food or accommodation or that those costs are being deducted from their wages

<sup>149</sup>This list is compiled by the International Labour Organization and subject mentioned in this study by Mrs. Sanija BURAGEVA - FYROM.

## CHAPTER VIII BIBLIOGRAPHY

### ROMANIA

#### *Legislative documents*

1. Criminal Code; The criminal procedure Code (2012).
2. *Convention no. 29/1930* concerning forced or compulsory work nr.231/1957 ratified by Romania by Decree no. 231/1957 published in the "Official Gazette of Romania," no.4. on 18 January 1958.
3. Law no. 211/2004 on measures to protect victims of crime, with all subsequent amendments.
4. Law 300/2006, ratifying the Council of Europe Convention on Action against Trafficking in Human Beings, adopted on May 3, 2005, opened for signature and signed by Romania in Warsaw on 16 May 2005.
5. Law no. 470/2001 ratifying the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, signed in New York on September 6, 2000.
6. Law no. 565 of October 16, 2002 ratifying the United Nations Convention against Transnational Organised Crime, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organised Crime and the Protocol against the Smuggling of Migrants by land, sea and air, supplementing the United Nations Convention against Transnational Organised Crime, adopted in New York on November 15, 2000.
7. Law no. 678/2001 on preventing and combating trafficking in persons, with all subsequent amendments.
8. Order 335/2007 for the approval of the National Identification and Referral Mechanism for Victims of Trafficking in Persons.

#### *Studies, reports, articles and other publications*

9. Annual assessment on the situation of human trafficking in 2011 available at: <http://anitp.mai.gov.ro/ro/docs/studii/evaluare2011.pdf>.
10. Assessment of human trafficking in Romania in 2010 available at: <http://anitp.mai.gov.ro/ro/docs/studii/evaluare%202010.pdf>.
11. Assessment of human trafficking in Romania in 2009 available at: <http://anitp.mai.gov.ro/ro/docs/studii/evaluare%202009.pdf>.
12. Irina Moroianu Zlătescu, *Human Rights – A system in evolution*, I.R.D.O Publishing House, Bucharest, 2008, page 4.
13. Nicoleta Druță, Elena Timofticiuc, Livia Deac, Antoaneta-Firuța Tacea, Ioaneta Vintileanu, Mădălina Argeșanu, Cristina Stepanescu, *Guide to prevent human trafficking/UNICEF - Representation in Romania – Bucharest*, MarLink Publishing House, Bucharest, 2004, page 7.
14. Tudor Amza, *Criminology*, Lumina Lex Publishing House, Bucharest, 1998, page 117.

15. Valerian Cioclei, *Criminology Manual*, Editura ALL BECK, 1998, p.98.
16. Acad.-I.Coteanu, Luiza Seche, Mircea Seche, Alexandra Burnei, Elena Ciobanu, Eugenia Contraş, Zorela Creţa, Valentina Hristea, Lucreţia Mareş, Elena Stângaciu, Zizi Ştefănescu-Goangă, Tatiana Țugulea, Ileana Vulpescu, *Explanatory Dictionary of the Romanian Language*, UNIVERS ENCICLOPEDIC Publishing House, Bucharest, 1998, page 1160.
17. Mateuţ Gh., *Second Offence in Theory and Practice of Criminal Law*, Lumina Lex Press, Bucharest, 1997, page 13.
18. C.Păunescu, *Aggression and the human condition*, Tehnică Publishing House, Bucharest, 1994, pages 113-114.
19. Sh. Glueck, Eleonor Glueck, „*Predicting Delinquency and Crime*”, Cambridge, Massachusetts, Harvard University Press, 1967.

**Websites:**

20. <http://anitp.mai.gov.ro/en/index.php?pagina=studii>.

**HUNGARY**

21. National Strategy against Trafficking in Human Beings: *Government Resolution No. 1018/2008 (III. 26.) on the 2008-2012 National Strategy against trafficking in human beings*.
22. *The main features of employment of foreign nationals in Hungary*, National Employment Service, 2009-2010 annual data, 2011 I-III. quarterly data.
23. Tünde Barabás A. (2009): *Victimisation in Hungary: Representation of statistics and empirical assessment In: Manual of criminal policy and social crime prevention – 2009. II.* (Eds.: Andrea Borbíró - Anna Kiss – Edit Velez – Lajos Garami) page 39. (30. April 2012).
24. Dr. Ágnes Czine (2011): *Human trafficking as a form of organised crime, thesis of PhD dissertation*: [http://doktori-iskola.law.pte.hu/files/tiny\\_mce/File/Archiv2/czine\\_agnes/tezisek\\_czine\\_nyilv.pdf](http://doktori-iskola.law.pte.hu/files/tiny_mce/File/Archiv2/czine_agnes/tezisek_czine_nyilv.pdf) (30. April 2012).
25. A mayor of Fidesz has indicated modern day slavery for many years: [http://mno.hu/belfold/evek\\_ota\\_jelezte\\_a\\_csicskazitast\\_a\\_fideszes\\_polgarmester-296697](http://mno.hu/belfold/evek_ota_jelezte_a_csicskazitast_a_fideszes_polgarmester-296697) (26. April 2012).
26. *Non-EU harmonised international protection in Hungary, European Migration Network, August 2009*: [http://helsinki.hu/wp-content/uploads/books/hu/Hontalansag\\_Magyarorszagon\\_2010.pdf](http://helsinki.hu/wp-content/uploads/books/hu/Hontalansag_Magyarorszagon_2010.pdf) (26. April 2012)
27. Office of the United Nations High Commissioner for Refugees – Hungarian Helsinki Committee – National Police Headquarters: *Access of refugees to the surface area and to the asylum procedure in the Republic of Hungary (2010)*.
28. Office of the United Nations High Commissioner for Refugees (UNHCR), Hungarian Helsinki Committee, National Police Headquarters, 2011.
29. Dr. Lenke Fehér: *Victim rights and victim assistance authorities*, In: Fehér L. - Forrai J. (eds.) (1999): *Prostitution, forced prostitution, trafficking in human beings* (Manual for the education of prevention and victim assistance). Ministry of Social Affairs and Family, Budapest page 69-84.

30. Dr. Lenke Fehér - Barbara Zséger (2009): *Civilians taking part in victim support*, In: Andrea Borbíró – Anna Kiss– Edit Velez – Lajos Garami (eds.): *Manual of criminal policy and social crime prevention*, volume II. Ministry of Justice and Law Enforcement, Budapest, chapter 8.3., page 95-104.
31. Dr. Lenke Fehér – Judit Forrai (eds.) (1999): *Prostitution, forced prostitution, trafficking in human beings (Manual for the education of prevention and victim assistance)*. Ministry of Social Affairs and Family, Budapest.
32. György Halmos: *Slavery in Berhida - Fraud, blackmailing and duress*: [http://naplo-online.hu/cimlapon/20101214\\_berhidai\\_rabszolgasors](http://naplo-online.hu/cimlapon/20101214_berhidai_rabszolgasors) (27. February 2012).
33. Dr. Lilla Hárdi: Commentary C. B. Nemeroff, J. D. Bremner, E. B. Foa, H. S. Mayberg, C. S. North, M. B. Stein. *Posttraumatic stress disorder: A state-of-the-science review*: [http://www.cordelia.hu/documents/Hardi\\_PSTD\\_review.pdf](http://www.cordelia.hu/documents/Hardi_PSTD_review.pdf) (26. April 2012).
34. Dr. Lilla Hárdi - Gábor Király PhD - Esther Kovács- Kathryn Heffernan (2010) *Torture and Survivors. Manual for Experts in Refugee Care. Cordelia Foundation for the Rehabilitation of Torture Victims*: [http://cordelia.hu/documents/KINZAS\\_ES\\_TULELOK\\_KEZIKONYV\\_verz\\_2010\\_06\\_14.pdf](http://cordelia.hu/documents/KINZAS_ES_TULELOK_KEZIKONYV_verz_2010_06_14.pdf) (12. March 2012).
35. Dr. Ilona Görgényi: *Victim assistance – prevention – reintegration*, In: Fehér L. - Forrai J. (eds.) (1999): *Prostitution, forced prostitution, trafficking in human beings (Manual for the education of prevention and victim assistance)*. Ministry of Social Affairs and Family, Budapest page 45-69.
36. Gyulai Gábor– dr. Júlia Mink– dr. Júlia Iván (2012): *Expulsion and human rights. The most important human rights obligations in practice under the expulsion enacted or revised by court*. Record, Hungarian Helsinki Committee.
37. Szilvia Gyurkó - György Virág (szerk.) (2009): *Slave market: Social and criminological features of international human trafficking affecting Hungary*, ESZTER Foundation, Budapest.
38. Law, protection, supply (2010): *Building inter-professional cooperation in Hungary for the fights against prostitution, trafficking for sexual exploitation and for victim assistance*. (Results of a project) MONA Foundation for the Women of Hungary.
39. Judit Juhász (2007): *Migration and black labour in Europe - Migration and Irregular Work in Europe (MIGIWE) Final study*.
40. Judith Lewis Herman (2003): *Trauma and recovery. The Aftermath of Violence - from Domestic Abuse to Political Terror*, Budapest.
41. Dr. Ferenc Irk (eds.) (2005) *Criminological studies* 42. Budapest, OKRI.
42. Nikolett Kiss - Dóra Deák: *Inhuman treatment – I was held as slaves*. 16. October 2009: [http://naplo-online.hu/fooldal-bunugyek\\_balesetek/20091016\\_rabszolgakent\\_tartottak](http://naplo-online.hu/fooldal-bunugyek_balesetek/20091016_rabszolgakent_tartottak) (28. May 2012).
43. Miklós Noszlopy N.: *Slavery in Alföld: they ate what was given dogs*. 28. September 2010: <http://www.baon.hu/bacs-kiskun/kek-hirek-bulvar/alfoldi-rabszolgasors-azt-ettek-amit-a-kutyak-330349> (28. May 2012).
44. Lajos Pálffy: *They arrived with Mercedes 500 for the runaway “slave”*: [http://mno.hu/belfold/500-as\\_mercedesszel\\_jottek\\_kek\\_a\\_szokott\\_rabszolgaert-300720](http://mno.hu/belfold/500-as_mercedesszel_jottek_kek_a_szokott_rabszolgaert-300720)(27.02.2012).

45. Endre Sik (2011): *Hungarian people on the Austrian labour market. Sociology of migration*. Eötvös Loránd University, Faculty of Social Sciences, Budapest.
46. Péter Szuhay: *Homeless people and slaves. Case of roma people from Ároktó with a homeless person from Miskolc*. In: *Regio - Minority, politics, society* 1997. 8. year, nr. 3-4.
47. Gábor Veisz: *Present and future of state victim assistance*. Edited version of the presentation at “Public Safety and Society” conference on 30 September 2011, Budapest, 2011: <http://kriminologia.hu/sites/default/files/2011eavszveiszg.pdf> (24. May 2012).
48. Szandra Windt: *Features of foreign victims in Hungary based on the data of ERÜBS (2000-2007)* –Newspaper of Prosecutors, 2009/5. page 67-72.
49. Zsuzsanna Wirth: *Two Hungarians were arrested in England for slavery*, 09 May 2012: <http://www.origo.hu/nagyvilag/20120509-letartoztattak-ket-angliai-magyar-csicskaszatott-emberkereskedok-angliaban.html> (12. May 2012).

## GREECE

### *Legal instruments*

50. Law 1837/1989, Official Gazette 85/A’/23-03-1989.
51. Law 1483/1984, Official Gazette 153/A’/08-10-1984.
52. Law 1414/1984, Official Gazette 10 A’/2.2.1984.
53. Law 1568/1985, Official Gazette, A’ 177/85.
54. Presidential Decree 70a/1988 on “Protection of employees exposed to asbestos during work”, Official Gazette, 1/A’/17.2.1988.
55. Presidential Decree 70/1990 on “Hygiene and Safety of Employees in the shipping industry”, Official Gazette, 31/A/14.3.1990.
56. Law 2224/1994, Official Gazette 112/A’/6.7.1994.
57. Presidential Decree 176/1997, Official Gazette 150/A’/15-07-1997.
58. Presidential Decree 62/1998, Official Gazette 67/A’/26-03-1998.
59. Law 2874/2000, Official Gazette 286/A’/29-12-2000.
60. Law 3064/2002 “Fight against Trafficking in Persons, Crimes against Sexual Freedom, Child Pornography and generally the Financial Exploitation of Sexual Life and the Support of these Acts”, Official Gazette A’ 248/15-10-2002.
61. Presidential Decree 41/2003, Official Gazette 44/A’/21-02-2003.
62. Presidential Decree (PD) 233/2003 “Protection and assistance to victims of crimes of Articles 323, 323a, 349, 351 and 351 A of the Criminal Code, in Article 12 of L. 3064/2002”, Official Gazette A’ 204/29.8.2003.
63. Law 3189/2003, Official Gazette 243/21.10.2003.



64. Law 3274/2004 on the “Organization and Function of Local Government Organizations of 1st and 2nd Degree”, Official Gazette 195/A/19.10.2004. The article replaces Art. 44 par. 7 of Law 2910/2001, Official Gazette 91/A/2.5.2001.
65. Law 3386/2005 on “Entry, residence and social integration of third country nationals in the Greek territory”, Official Gazette A’ 212/23-8-2005.
66. Law 3304/2005 on the “Application of the principle of equal treatment regardless of racial or ethnic origin, religious or other beliefs, disability, age or sexual orientation”, Official Gazette 16/A/27.01.2005.
67. Presidential Decree 80/2006, “Provision of temporary aid in case of a massive influx of immigrants”, Official Gazette 82/A/14.4.2006.
68. Law 3536/2007 "Determining matters in migration policy and other issues falling into the competence of the Ministry of Interior, Public Administration and Decentralization", Official Gazette 42/A/23.2.2007.
69. Law 3625/2007, Official Gazette A’ 290/24.12.2007.
70. Law 3692/2008 on “Ratification of the Hellenic-Albanian Bilateral Agreement for the protection of minor victims of trafficking”, Official Gazette A’173/25.8.2008.
71. Law 3896/2010, “Implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation – Compliance with the legislation in force according to Directive 2006/54/EC of the European Parliament and the Council of 5 July 2006 and other relevant provisions”, Official Gazette A’ 207/08.12.2010.
72. Law 3875/2010, Official Gazette 158/A/20.9.2010.
73. Law 3907/2011 “Establishment of asylum services and front desk services, adaptation of Greek legislation to the provisions of Directive 2008/115/EC of 16 December 2008 ‘on common standards and procedures in Member States for returning illegally staying third-country nationals’ and other provisions”, Official Gazette A-7/26.01.2011.
74. UN General Assembly, *United Nations Convention against Transnational Organized Crime: resolution/adopted by the General Assembly*, 8 January 2001, A/RES/55/25
75. UN General Assembly, Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime, 15 November 2000.
76. Optional Protocol to the Convention on the Rights of the Child, on the Sale of Children, Child Prostitution and Child Pornography, General Assembly resolution A/RES/54/263 of 25 May 2000.
77. 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.

### ***Reports***

78. Hellenic Police, Public Security Division, Crime Analysis Unit, Annual Report on Organised Crime in Greece for the year 2005.
79. Hellenic Republic, Ministry of Interior, Decentralization & e-Government, *Annual Policy Report 2009*, Athens, 8th February 2010.

80. Katsoridas, D. (1996), Immigrant workers in Greece and their living conditions. *Thesis Journal Vol. 56*.
81. Maria Papantoniou-Frangouli and others, *Trafficking For Labour in Greece. Report prepared in the frame of the project: Combating trafficking in human beings- going beyond*, February 2011.
82. Ministry of the Interior, Public Administration and Decentralization, General Secretariat for Gender Equality, *Information and data on the issue of violence against women in Greece*, April 2005.
83. National Action Plan to Combat Trafficking in Human Beings, 2010-2012, Law 87(I)/2007, E.E. par.I(I), art.4133, 13-07-2007.
84. OSCE Office for Democratic Institutions and Human Rights (ODIHR), *National Referral Mechanisms. Joining Efforts to Protect the Rights of Trafficked Persons. A Practical Handbook*, OSCE/ODIHR, 2004.
85. United States Department of State, *Trafficking in Persons Report 2009 - Greece*, 16 June 2009;
86. United States Department of State, *Trafficking in Persons Report 2010 - Greece*, 14 June 2010.
87. United States Department of State, *2011 Trafficking in Persons Report - Greece*, 27 June 2011.
88. United States Department of State, *2012 Trafficking in Persons Report - Greece*, 19 June 2012.
89. United Nations High Commissioner for Refugees, *Protecting Children on the Move. Addressing protection needs through reception, counselling and referral and referral and enhancing cooperation in Greece, Italy and France*, July 2012.
90. United Nations Special Rapporteur on the human rights of migrants, Report of 25 February 2008, A/HRC/7/12.

### **Websites**

91. <http://www.mfa.gr/en/foreign-policy/global-issues/human-trafficking.html>.
92. <http://www.isotita.gr/en/index.php>.
93. <http://www.ekka.org.gr/EKKA!show.action?lang=en>.
94. <http://www.greekembassy.org/Embassy/Content/en/Article.aspx?office=1&folder=189&article=15996>.
95. <http://www2.mfa.gr/www.mfa.gr/el-GR>.
96. <http://www.protectionproject.org/wp-content/uploads/2010/09/Greece.pdf>.
97. UN Secretary General's data base on violence against women.
98. <http://sgdatabse.unwomen.org/searchDetail.action?measureId=24096&baseHREF=country&baseHREFId=563>.
99. <http://ec.europa.eu/anti-trafficking/index.action?breadCrumbReset=true>.
100. <http://ec.europa.eu/anti-trafficking/showNIPsection.action?country=Greece>.
101. <http://www.ariadnet.net/projects.php?Id=5&>.

## FYROM

102. *National Strategy for Trafficking of Human Beings and illegal migration in FYROM 2009-2011 year*: [www.nacionalnakomisija.gov.mk](http://www.nacionalnakomisija.gov.mk).
103. *National Action Plan for Trafficking of Human Beings and illegal migration of FYROM for years 2009-2011*: [www.nacionalnakomisija.gov.mk](http://www.nacionalnakomisija.gov.mk).
104. *Annual Reports of National Commission for Trafficking of Human Beings and illegal migration, in FYROM years 2009, 2010 and 2011*: [www.nacionalnakomisija.gov.mk](http://www.nacionalnakomisija.gov.mk).
105. *Annual Reports of National Reporter for Trafficking of Human Beings and illegal migration in FYROM for years 2009, 2010 and 2011*: [www.nacionalnakomisija.gov.mk](http://www.nacionalnakomisija.gov.mk).
106. *Trafficking for Forced Labour: How to Monitor the Recruitment of Migrant Workers*, ILO, 2005.
107. *A Global Alliance Against Forced Labour*, ILO, 2005.
108. *Forced Labour and Human Trafficking: Estimating the Profits*, ILO, 2005.
109. *Global Report on Trafficking in Persons*, UNODC, 2009.
110. *Human Trafficking Indicators*, [www.unodc.org](http://www.unodc.org).
111. *Labour Migration Patterns, Policies and Migration Propensity in the Western Balkans*, November 2009.
112. Decision No.557-OSCE *Action plan to combat trafficking in human beings*.
113. International Labour Organisation (2003a) *Fundamental Rights at Work and International Labour Standards*, Geneva: ILO- (2003b) *Forced labour outcomes of irregular migration and human trafficking in Europe*, Geneva: ILO.
114. A Global Alliance against forced labor - *Global Report under the Follow-up to the ILO Declaration on Fundamental Principles and Rights at Work 2005*.
115. Proposal for a *DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on preventing and combating trafficking in human beings and protecting victims*, repealing Framework Decision 2002/629/JHA.Brussels, 29.03.2010.
116. *Trafficking for Forced Labour: How to Monitor the Recruitment of Migrant Workers*, ILO, 2005.
117. *Anti-Slavery reports in Europe*.
118. *Trafficking in Person Reports 2009, 2010, 2011*, US Department of State.
119. *Trafficking in Human Beings: Identification of Potential and Presumed Victims*, OSCE 2011.
120. *Compensation of Trafficked and Exploited Person in the OSCE Region (2008)* OSCE – ODIHR.
121. *The NRM approach to trafficking and its application to trafficking for labour exploitation*, ODIHR Anti-Trafficking Programme April 2007.
122. *Unprotected Work, Invisible Exploitation: Trafficking for the Purpose of Domestic Servitude*, OSCE - Office of the Special Representative and Co-ordinator for Combating THB.

123. OSCE Ministerial *Decision no. 14/06 “Enhancing efforts to combat trafficking in human beings, including for labour exploitation, through a comprehensive and proactive approach”*.
124. OSCE Ministerial *Council Decision no. 8/07 combating trafficking in human beings for labour exploitation*.

## CYPRUS

125. C. Christodoulou, A. Diamantopoulou, V. Dourida, A. Michalakieli, M. Papantoniou-Frangouli, *Trafficking for Labour in Cyprus*, a report in the frame of the EU-funded project: “Combating trafficking in human beings – going beyond”, coordinated by CCME, Athens, Feb. 2011: [http://www.ccme.be/fileadmin/filer/ccme/20\\_Areas\\_of\\_Work/10\\_Slavery\\_\\_\\_Anti-Trafficking/National\\_reports/2011-03-Cyprus\\_Report\\_GOING\\_BEYOND.pdf](http://www.ccme.be/fileadmin/filer/ccme/20_Areas_of_Work/10_Slavery___Anti-Trafficking/National_reports/2011-03-Cyprus_Report_GOING_BEYOND.pdf).
126. Commissioner of Administration (Ombudsman), *Report on trafficking of persons*, Nicosia, November 2003.
127. *ENAR Shadow Reports – Racism and discrimination in Cyprus*, 2005 – 2011: [http://www.enar-eu.org/Page\\_Generale.asp?DocID=15294](http://www.enar-eu.org/Page_Generale.asp?DocID=15294).
128. Joy Ngozi Ezeilo, *Report of the Special Rapporteur on trafficking in persons, especially women and children*, Human Rights Council, UN, 13 April 2011: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N12/454/33/PDF/N1245433.pdf?OpenElement>.
129. GRETA, *Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Cyprus*, First evaluation round, Strasbourg, 12 September 2011: [http://www.coe.int/t/dghl/monitoring/trafficking/docs/Reports/GRETA\\_2011\\_8\\_FGR\\_CYP\\_en\\_final.pdf](http://www.coe.int/t/dghl/monitoring/trafficking/docs/Reports/GRETA_2011_8_FGR_CYP_en_final.pdf).
130. Anna Hassapi, *The Decision of the European Court of Human Rights in the case of Rantsev v. Cyprus and Russia*, Cyprus Mail, 9 January 2010: <http://www.kisa.org.cy/EN/news/624.html>.
131. Donna Hughes and Tatyana Denisova, *Trafficking in Women from Ukraine*, U.S. Ukraine Research Partnership, 2002: [http://www.uri.edu/artsci/wms/hughes/ukraine\\_report.pdf](http://www.uri.edu/artsci/wms/hughes/ukraine_report.pdf).
132. Prof. Elizabeth Kelly, Child and Woman Abuse Studies Unit, University of North London, U.K., *Journeys of Jeopardy: A Review of Research on Trafficking in Women and Children in Europe*, Prepared for IOM, November 2002: [http://www.iom.int/jahia/webdav/site/myjahiasite/shared/shared/mainsite/published\\_docs/serial\\_publications/mrs11b.pdf](http://www.iom.int/jahia/webdav/site/myjahiasite/shared/shared/mainsite/published_docs/serial_publications/mrs11b.pdf).
133. Michele A. Clark, Anna Koppel, *The Cabaret Artistes of Cyprus*, The Paul H. Nitze School of Advanced International Studies, John Hopkins University, The Protection Project, Washington, D.C., 2004: [http://www.protectionproject.org/wp-content/uploads/2010/09/eng\\_cabaret.pdf](http://www.protectionproject.org/wp-content/uploads/2010/09/eng_cabaret.pdf).
134. The Paul H. Nitze School of Advanced International Studies, John Hopkins University, *The Protection Project Review of the Trafficking in Persons (TIP) Report*, Washington DC, July 2012: [http://www.protectionproject.org/wp-content/uploads/2012/07/TIP-Review\\_2012\\_Final.pdf](http://www.protectionproject.org/wp-content/uploads/2012/07/TIP-Review_2012_Final.pdf).
135. MIGS, Research project funded by the Global Fund of Women, Mapping the Realities of Trafficking in Women for the purpose of sexual exploitation in Cyprus, October 2007: [http://www.medinstgenderstudies.org/wp-content/uploads/migs-trafficking-report\\_final\\_711.pdf](http://www.medinstgenderstudies.org/wp-content/uploads/migs-trafficking-report_final_711.pdf).

136. Trimikliniotis, Nicos, Fulas-Souroulla, Mihaela, *Mapping of policies affecting female migrants and policy analysis: the Cyprus case*, Working Paper No. 11 – WP1, Intercollege, Nicosia, December 2006: [http://www.femipol.unirankfurt.de/docs/working\\_papers/wp1/Cyprus.pdf](http://www.femipol.unirankfurt.de/docs/working_papers/wp1/Cyprus.pdf).
137. Trimikliniotis, Nicos & Demetriou, Corina, *Thematic Study on Child Trafficking in Cyprus*, European Union Fundamental Rights Agency, August 2008: <http://fra.europa.eu/fraWebsite/attachments/Child-trafficking-09-country-cy.pdf>.
138. Trimikliniotis, Nicos & Demetriou, Corina (2009) *Trafficking, Profiteering and State Complicity: Researching the Demand Side of prostitution and trafficking in Cyprus, Translocations: Migration and Social Change* 5(1): 1–32: <http://www.prio.no/Publications/Publication/?x=4315>.
139. UNODOC, UN.GIFT (Global Initiative to Fight Human Trafficking), *Global Report on Trafficking in Persons*, February 2009: [http://www.unodc.org/documents/human-trafficking/Executive\\_summary\\_english.pdf](http://www.unodc.org/documents/human-trafficking/Executive_summary_english.pdf).
140. Joint UN Commentary on the EU Directive *Prevent – Combat – Protect Human Trafficking – A Human Rights-Based Approach*, November 2011: <http://www.unhcr.org/4ee6215e9.html>.
141. US Department of State, *Trafficking in Persons (TIP) Reports*, 2004 – 2012: <http://www.state.gov/j/tip/rls/tiprpt/>.
142. Vassiliadou Myria, *Women's Constructions of Women: On Entering the Front Door*, Journal of International Women's Studies, Special Issue: Feminist Challenges: Crossing Boundaries, Vol. 5, May 2004: <http://www.bridgew.edu/SoAS/jiws/May04/index.htm>.

### ***Main Eu and Cyprus legislation and other instruments***

143. 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: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:101:0001:0011:EN:PDF>.
144. 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: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:315:0057:0073:EN:PDF>.
145. The EU Strategy towards the Eradication of Trafficking in Human Beings 2012–2016: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2012:0286:FIN:EN:PDF>.
146. Law for Combating Trafficking and Exploitation of Human Beings and for the Protection of Victims of 2007 [N.87 (I)/2007] (in Greek): [http://www.cylaw.org/nomoi/arith/2012\\_1\\_13.pdf](http://www.cylaw.org/nomoi/arith/2012_1_13.pdf).
147. Law (Amending) for Combating Trafficking and Exploitation of Human Beings and for the Protection of Victims of 2012 [N.13 (I)/2012] (available only in Greek): [http://www.cylaw.org/nomoi/arith/2012\\_1\\_13.pdf](http://www.cylaw.org/nomoi/arith/2012_1_13.pdf).

### ***Case Law***

148. European Court of Human Rights, Case of Rantsev v. Cyprus and Russia, Strasbourg, 7 January 2010: [http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-96549#{\"itemid\": \"001-96549\"}](http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-96549#{\).

## **BULGARIA**

### ***Legislation***

149. Bulgaria, *Combating Trafficking in Human Beings Act*, Promulgated, State Gazette, No. 46/20/05/2003, available at: <http://antitraffice.government.bg/en/2011-12-15-11-21-11/legislation>.
150. Bulgaria, National Mechanism for Referral and Support of Trafficked Persons in Bulgaria, adopted in November 2010, available at: <http://antitraffice.government.bg/en/2011-12-15-11-21-11/legislation>.
151. Bulgaria, *Penal Code* (Наказател ен кодекс), entry into force 1 May 1968, available at: <http://antitraffice.government.bg/en/2011-12-15-11-21-11/legislation>.
152. Council of Europe, *Council of Europe Convention on Action against Trafficking in Human Beings*, Warsaw, 2005, available at: <http://antitraffice.government.bg/en/2011-12-15-11-21-11/legislation>.
153. National Commission for Combating Trafficking in Human Beings, *Report on the Activities of the National Commission for Combating Trafficking in Human Beings for 2011*, Sofia, Bulgaria, 2011.

### ***Websites:***

154. Bulgarian National Commission for Combating Trafficking in Human Beings: <http://www.antitraffice.government.bg/index.php?lang=english>.