

Human Trafficking in Serbia and Greece:
A Comparative Analysis of a Victim-Centered Approach

Thesis

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Abstract

The fall of communism and the advancements of globalization have fueled the trafficking of human beings in Southeastern Europe. People became a commodity and the value of life was cheapened. Countries responded to this international phenomenon with the implementation of anti-trafficking legislation. The initial drive to prosecute traffickers was prioritized over human rights, specifically the rights of the victim. In a desperate attempt to combat trafficking and explain it as a crime of corruption, weak law enforcement, or ineffective legislation governments neglected the most important thing, it is a crime against humanity. This paper analyzes the context of human trafficking in Greece and Serbia. While Greece and Serbia are in Southeastern Europe, their pasts are most different, which causes the existence of trafficking in each country to vary. This paper will specifically examine how each country treats victims of trafficking and if the policies set forth incorporate a victim-centered approach. Taking a victim-centered approach when combating trafficking means a country is putting the rights of the victim at the forefront of the case and that survivors are treated as victims and not criminals. The categories of legislation, law enforcement, prosecution, and victim assistance will be analyzed in order to understand how each country can better serve its victims.

Dedication

I dedicate this thesis to my parents for bestowing upon me the importance of being educated and valuing all things in life.

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I would like to thank my friends, family, advisor, and professors for all of their support and guidance. I would not have made it through my many years of schooling without them. I would like to thank my former political science professor Dr. Anna Law at DePaul University who inspired me to do my best and pushed me to study what I love. It was through her courses I discovered the many injustices in the world and how inhumane people can treat one another. Yet, it was also through her courses that I learned it only takes one person to make a difference. I would especially like to thank my parents who raised me in an environment where I could ask questions, speak my mind, and not be afraid to be different; who told me anything is possible and that learning is a life-long process. Σας ευχαριστώ για την αγάπη και την υποστήξή σας.

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Introduction

Human trafficking is a grave violation of human rights and an international phenomenon that has flourished due to the collapse of socialism in Eastern Europe and the advancements of globalization. The issue of human trafficking spans across the globe, leaving no country untouched. People of all ages, genders, and races are trafficked and exploited for a multitude of purposes. It is estimated that there are between 20 and 30 million people trapped in slavery today.¹ While numbers and statistics are hard to ascertain due to the underground essence of this criminal enterprise, one thing is certain: the problem is large and serious efforts are necessary to combat this societal ill. The trafficking in human beings is a multi-billion dollar industry. Approximately 32 billion U.S. dollars are profited each year by the sale of human beings.² Experts have stated human trafficking is the second largest profitable crime, following drug trafficking.³

This paper will analyze the dynamics of trafficking in Serbia and Greece. While trafficking appears in similar contexts in each country, the legislation, law enforcement, judicial processes, and assistance provided to victims vary. An analysis of how legislation is implemented, the complexities of the judicial processes, how law enforcement

¹ Rushton, Simon. "Rights Group: 21 Million Now in Forced Labor." *The CNN Freedom Project: Ending Modern-Day Slavery*. CNN, 1 June 2012, accessed 4 June 2012.

² *Trafficking in Persons: Analysis in Europe*. Rep. Vienna: United Nations Office on Drugs and Crime, 2009.

³ *Trafficking in Persons: Analysis in Europe*. Rep. Vienna: United Nations Office on Drugs and Crime, 2009.

operates, and the services provided to victims will grant insight as to whether or not the countries utilize a victim-centered approach. The United Nations Office of the High Commission for Human Rights (OHCHR) established guidelines to be used when protecting the rights of victims in human trafficking. These guidelines will be used to measure the strength of each country's victim-centered approach. The human rights guidelines stated by the OHCHR are:

- (1) The human rights of trafficked persons shall be at the centre of all efforts to prevent and combat trafficking and to protect, assist, and provide redress to victims;
- (2) States have a responsibility under international law to act with due diligence to prevent trafficking, to investigate and prosecute traffickers and to assist and protect trafficked persons;
- (3) Anti-trafficking measures shall not adversely affect the human rights and dignity of persons, in particular the rights of those who have been trafficked, and of migrants, internally displaced persons, refugees and asylum-seekers.⁴

Taking a victim-centered approach when combating trafficking means a country is putting the rights of the victim at the forefront of the case and that survivors are treated as victims and not criminals. Also, to take such an approach, it is essential that the judicial process and the treatment of the victim (post-trafficking) are sensitive to the trauma the victim has experienced. It is important to emphasize that victims are also survivors. Some argue using the term "victim" deprives the survivor of agency. However, victims can have agency, but in order to insure agency their needs and rights must to be

⁴ Robinson, Mary. *Recommended Principles and Guidelines on Human Rights and Human Trafficking*. 68th ed. Geneva: Office of the High Commissioner for Human Rights, 2002: 1.

put at the forefront of the case. It is crucial that law enforcement, prosecution, and all other parties involved in the case speak with the victim and not for the victim.

It is imperative for countries to take a victim-centered approach when combatting trafficking because while human trafficking is a crime composed of many factors, it is, above all, a crime against humanity. In many instances countries become overwhelmed with the prosecution aspect of trafficking, with an intense focus on catching the criminal. It is not to say that traffickers should not be prosecuted, but states must not lose sight of that fact that this crime happened to someone. A country's ability to combat trafficking is often measured by its ability to prosecute. However, taking a victim-centered approach would imply the measurement is based on how a country treats its victims. Taking a victim-centered approach has largely emerged as a response and corrective to the initial emphasis on a prosecutorial-approach. Initial efforts to combat trafficking were rooted in criminal codes and legislation. The methods developed on how to treat a victim and the rights of the victim were an afterthought. The objective of this thesis is to stress the significance of a victim-centered approach and to examine its elements.

My studies primarily focus on the Balkans. When discussing human trafficking in Eastern Europe, I wanted to examine two countries within my region of study that had different political environments. While Greece and Serbia are in Southeastern Europe, their pasts are most different, which causes the existence of trafficking in each country to vary. Greece's membership in the European Union allowed for an interesting contrast

regarding policy, as well. The European Union has had anti-trafficking directives in place for over ten years. My hypothesis is due to Greece's placement in the European Union (which requires more rules and regulations regarding trafficking), the country would be in a better position to combat human trafficking. Serbia's past of unstable politics and violence during the recent Yugoslav wars should place it in an inferior position compared to Greece in its abilities to combat trafficking.

International Standards and Definitions

As stated above, human trafficking (in some form) has existed since time immemorial. Slavery has existed for centuries; it has just been more pervasive in some regions compared to others. Human trafficking is a form of modern-day slavery. Yet, it was not until the 21st century that the international problem gained serious recognition via the United Nations Convention against Transnational Organized Crime.

In 2000, the United Nations held a Convention against Transnational Organized Crime in Palermo, Italy. The Convention had three supplemental protocols: the Protocol against the Smuggling of Migrants by Land, Sea and Air; the Protocol against the Illicit Manufacturing and Trafficking in Firearms, Their Parts and Components and Ammunition; and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. To provide a base definition for the remainder of the paper the United Nations definition of human trafficking will be used (see Appendix). Three characteristics, therefore, need to be present for human trafficking to exist: act (what), means (how), and purpose (why). The only time when means (fraud, force, coercion, etc.) does not have to be present is in the case of an underage victim, a person under the age of 18 years. A child does not have the capacity to fully understand his or her actions, and therefore coercion does not need to be proven. States that are members to the Protocol are pledging their efforts to combat human trafficking. Therefore, the

Palermo Protocol often serves as the framework when countries are developing national anti-trafficking legislation.

While the United Nations Protocol provides a tremendous foundation for the definition of human trafficking, it is lacking in some elements of its definition. The Palermo Protocol only recognizes cases of trafficking when victims have crossed international borders. The failure to recognize domestic cases of trafficking is detrimental to victims. It has become increasingly common for victims to never leave their country of origin. Therefore, applying the Palermo Protocol without modifications does not assist victims of domestic trafficking. Another controversial aspect of the Palermo Protocol is the interpretation of the word “coercion.” In some instances women have signed consent forms (usually out of fear), yet it is a clear case of human trafficking. A prosecutor’s ability to prove coercion becomes difficult when the victim’s signature is on a consent form.

The Council of Europe Convention on Action against Trafficking in Human Beings is another tool countries can use as a framework for national legislation. This Convention entered into force 1 February 2008.⁵ This Convention is a “comprehensive treaty mainly focused on the protection of victims of trafficking and the safeguard of their

⁵ *Council of Europe - Summary of the Council of Europe Convention on Action against Trafficking in Human Beings (CETS No. 197)*. Council OF Europe, 16 May 2005, accessed 10 Apr. 2012.

rights. It also aims at preventing trafficking and prosecuting traffickers. The Convention applies to all forms of trafficking; whether national or transnational, whether or not related to organized crime.”⁶ It is important to highlight a specific difference between The Council of Europe Convention on Action against Trafficking in Human Beings and the Palermo Protocol; The Council of Europe Convention is applicable to all cases of trafficking, including national and transnational incidents. Thus, it aids in recognizing and serving victims of domestic trafficking.

In addition, the Council of Europe Convention aims for a victim-centered approach that protects the rights of victims and keeps their best interests at the forefront (as so stated in its mandate).⁷ Both The Palermo Protocol and the Council of Europe Convention do not require the proof of coercion, deception, or fraud in cases that involve children (any person under the age of 18 years old). The Council of Europe Convention provides monitoring mechanisms that are independent of the state to assist state compliance.⁸ Guaranteeing government compliance of international agreements is always a difficult task. Due to the lack of force behind the Council of Europe Convention and The Palermo Protocol, states a party to the agreements do not have much obligation to

⁶ *Council of Europe - Summary of the Council of Europe Convention on Action against Trafficking in Human Beings (CETS No. 197)*. Council OF Europe, 16 May 2005, accessed 10 Apr. 2012.

⁷ *Council of Europe - Summary of the Council of Europe Convention on Action against Trafficking in Human Beings (CETS No. 197)*. Council OF Europe, 16 May 2005, accessed 10 Apr. 2012.

⁸ *Council of Europe - Summary of the Council of Europe Convention on Action against Trafficking in Human Beings (CETS No. 197)*. Council OF Europe, 16 May 2005, accessed 10 Apr. 2012.

comply. Therefore, international shame is used as a compliance mechanism. Essentially, countries will be portrayed poorly in the international media for failing to comply. However, the use of international shame does not always result in a victim-centered approach to trafficking. Countries that feel forced to comply may do the bare minimum to avoid embarrassment. This does not guarantee a country is best serving victims.

The United States also has human trafficking legislation that affects the international community, the Victims of Trafficking and Violence Prevention Act (TVPA). This legislation was implemented at the Federal level in 2000. The TVPA is comprehensive legislation that provides protection and services to victims of trafficking, regardless of nationality, promotes educational and public awareness programs, and provides avenues for legal recourse.⁹

The United States' legislation is important because the U.S. plays an incredibly large role in combating human trafficking at an international level. The United States is one of the biggest donors for anti-trafficking funds throughout the world. Therefore, the United States' definition of human trafficking and what the U.S. deems necessary to combat it are critical to the international community. Beginning in 2000, the U.S. State Department created an all-inclusive analysis of anti- trafficking efforts throughout the world on a country-to-country basis. The product of the analysis is the annual Trafficking in Persons Report (TIP). This report ranks countries based on their efforts to combat

⁹ *Trafficking Victims Protection Act of 2000*. Rep. Rescue and Restore.

trafficking. There are four tiers onto which a country can be placed. Placement is based on said country's efforts to combat trafficking, not on how pervasive trafficking is within a country. Governments are analyzed based on their compliance with the TVPA's minimum standards.¹⁰

Placement onto Tier 1 implies the country's government is in full compliance with the Trafficking Victims Protection Act's minimum standards. Tier 1 is the best ranking a country can achieve, yet it does not mean trafficking does not exist within the country. It means that the government has recognized the problem of human trafficking and it is taking the necessary measures to combat it. Placement onto Tier 2 means the country is not fully complying with the Trafficking Victims Protection Act's minimum standards. The country is, though, "making significant efforts to bring themselves into compliance with those standards."¹¹ Placement onto Tier 2 Watch List indicates, not only, that a nation is not in full compliance with the Trafficking Victims Protection Act but also the number of victims is increasing and there is a failure to show active efforts to combat the problem."¹² When a country is placed onto Tier 3, the country is not in compliance with the minimum standards and is not making any real efforts to combat human trafficking. Countries placed onto Tier 3 face sanctions by the United States.

¹⁰ *The 2011 Trafficking in Persons Report*. Rep. Washington, DC: U.S. Department of State, 2011.

¹¹ *The 2011 Trafficking in Persons Report*. Rep. Washington, DC: U.S. Department of State, 2011: 11.

¹² *The 2011 Trafficking in Persons Report*. Rep. Washington, DC: U.S. Department of State, 2011: 11.

The TIP Report is the only report that analyzes every country. The United Nations has produced reports analyzing countries' efforts to combat trafficking. However, the reports only covered certain countries in certain regions.¹³ The fact that this is the only report can be harmful to countries because the world is essentially being judged based on criteria set forth by the United States. The United States' main criterion for analysis is a country's ability to prosecute. Therefore, prosecutions are primarily what place a country onto a certain tier. It can be speculated that the emphasis on prosecution is due to the "rights-based" culture of the United States. The United States has a history of obtaining rights via legal recourse, essentially defining crimes and violations via prosecution. This lends itself to the reasoning behind prosecution as a main criterion for the report. Due to cultural and legal differences, prosecutions in other countries do not mirror the judicial process in the United States. The stigma attached to victims of human trafficking in other countries is so severe (especially in Serbia), victims are afraid to come forward, let alone testify. A country may be doing everything in its power to combat human trafficking, but being unable to identify victims or having victims who are unwilling to testify can seriously hinder the ability to get a conviction.

¹³ *Trafficking in Persons: Analysis in Europe*. Rep. Vienna: United Nations Office on Drugs and Crime, 2009.

From 2001-2003 Greece was placed on the Tier 3 list; essentially the Greek government was not even recognizing the problem of human trafficking.¹⁴ Being cast in a negative light in the international community, specifically in the eyes of the United States, facilitated the implementation of human trafficking laws. As of 2004 the State Department recognized some efforts on behalf of the Greek Government and placed Greece on the Tier 2 Watch List, where it remained until 2005.¹⁵ In 2006 even more efforts were shown and Greece was moved up to the Tier 2 list, where it has remained.¹⁶ Serbia is also on the Tier 2 list and has been there since 2005. Once Serbia was no longer a Republic with Montenegro its efforts to criminalize human trafficking drastically increased. The Serbian Criminal Code amended some of the previous trafficking legislation that was still in place from its union with Montenegro. The creation of a Human Trafficking Council and National Coordinator has been contributing factors to Serbia's placement onto Tier 2.

While the State Department's Trafficking in Persons Report can be critiqued due to its lack of cultural sensitivity and its large emphasis on prosecution, it does have some redeeming qualities. Since the U.S. is held in such a high regard, or at least the opinions of the U.S. are taken seriously in the international community, it forces countries to attempt to combat the issue of trafficking. The best-case scenario would be that if a

¹⁴ *The 2011 Trafficking in Persons Report*. Rep. Washington, DC: U.S. Department of State, 2011.

¹⁵ *The 2011 Trafficking in Persons Report*. Rep. Washington, DC: U.S. Department of State, 2011.

¹⁶ *The 2011 Trafficking in Persons Report*. Rep. Washington, DC: U.S. Department of State, 2011.

country has a human trafficking problem, out of concern for its citizens and humanity at large, actions would be taken to circumvent this problem. However, best-case scenarios do not always occur. If a country is only dealing with human trafficking due to the negative publicity that it would receive if it did nothing, at least something is being done even if for the wrong reasons. Therefore, the State Department's report brings attention to the country's problems and that is better than silence.

The last international standard that needs to be addressed is the European Directive of 2011. This is only pertinent to Greece due to Greece's membership in the European Union. The European Directive was set forth 5 April 2011 in order re-establish the process for assisting victims and combating trafficking within the European Union.

“The new Directive brings robust provisions on victim's protection, including national mechanisms for early identification and assistance and supports the principle of non-punishment for petty crimes and unconditional assistance. It also obliges Member States to set up National Rapporteurs or equivalent mechanisms to be responsible for monitoring implementation of anti-trafficking policy at the national level.”¹⁷

The 2011 Directive recognizes the gender-specific phenomenon of trafficking (women and men are trafficked for different purposes). In addition, it recognizes the multiple reasons for trafficking; labor exploitation, sexual exploitation, domestic servitude,

¹⁷ “*Fight Against Trafficking in Human Beings: EU Policy.*” EUROPA—European Commission. 8 Mar. 2011, accessed 23 May 2011.

begging, and so forth.¹⁸ The Directive also addresses the vulnerability of children causing them to be more susceptible to human trafficking.¹⁹ The EU Directive calls on the support and protection of victims; and if the victim is a child, that the child's best interests are always taken into account.²⁰

Article 2 of the Directive states that all European Union Member States must have legislation that punishes traffickers, regardless of the type of trafficking.²¹ It also specifies that a "child" is any person under the age of 18. The Directive specifies maximum penalties of either five or ten years, depending on the trafficking violation. To date Greece has laws and penalties pertaining to the EU's new Directive. In addition to legislation specific committees have been formed to better understand the issue of trafficking in Greece.

¹⁸ Buzek, J., and E. Gyori. "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." *Official Journal of the European Union* 10 (2011).

¹⁹ Buzek, J., and E. Gyori. "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." *Official Journal of the European Union* 10 (2011).

²⁰ Buzek, J., and E. Gyori. "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." *Official Journal of the European Union* 10 (2011).

²¹ Buzek, J., and E. Gyori. "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." *Official Journal of the European Union* 10 (2011).

Greece's position within the European Union subjects it to further rules and regulations. Serbia, on the other hand, desperately trying to become a member state of the European Union has pushed for stricter legislation and mechanisms to be used when combatting trafficking. In addition to whether or not countries are taking a victim-centered approach, the strength of the rules and regulations put forth by the international community should be considered.

Chapter 1: Context of Trafficking in Serbia and Greece

The instability of government in the Balkans, in the late 1980's and 1990's allowed the trafficking trade to flourish and in many cases go undetected. Yugoslavia was disintegrating and the Serbian government was more concerned with its duty to provide basic needs to its citizens. Serbia also did not have the resources or knowledge necessary to address the issue of human trafficking. Additionally, the sanctions placed on Yugoslavia created trafficking routes for weapons, cigarettes, and drugs, which in turn were used to traffic humans.²²

Serbia is still recovering from the wars that took place in the 1990s. The dissolution of the former Yugoslavia left Serbia a weak and fractured state in which poverty plagued the country. The dearth of economic opportunities in Serbia allowed traffickers to exploit the vulnerability of a population. Yugoslavia crumbled shortly after the collapse of communism in the former Soviet Bloc. The collapse of communism opened international borders and made travel more accessible to the average person. During Soviet times people were not allowed to work freely in different countries, this opening of borders lured people to seek opportunities abroad. The former Yugoslavia has an unusual position between the West and Eastern Europe and its citizens could travel to

²² Limanowska, Barbara. *Trafficking in Human Beings in South Eastern Europe*. Rep. Vol. 3. United Nations Development Programme, 2005.

the West. Despite the fact that Yugoslavs could travel in the past, the collapse of socialism (in general) triggered the boom of trafficking, which includes Serbians who sought economic opportunities elsewhere.

While trafficking of human beings occurs in Greece and Serbia, those who are trafficked differ in each country. Serbia is considered a source, transit, and destination country for victims of trafficking.²³ This means victims originate from Serbia, are trafficked through Serbia to other countries, or arrive in Serbia from a different country. Most foreign victims found in Serbia are from neighboring countries.²⁴ However, the majority of victims identified in Serbia are Serbian Nationals.²⁵ Children are trafficked for the purpose sexual exploitation and subjected to forced marriage and forced begging. Recently there have been an increased number of Serbian boys forced to beg on the streets.²⁶

Astra, a non-governmental organization in Serbia, which assists victims of trafficking, cited an overwhelming portion of victims who sought out their help were female (94%).²⁷ The remaining 6% were males who had been trafficked for the purpose of labor exploitation. The victims' ages were as follows: 56% younger than 18, 25%

²³ *The 2011 Trafficking in Persons Report*. Rep. Washington, DC: U.S. Department of State, 2011.

²⁴ *The 2011 Trafficking in Persons Report*. Rep. Washington, DC: U.S. Department of State, 2011.

²⁵ *The 2011 Trafficking in Persons Report*. Rep. Washington, DC: U.S. Department of State, 2011.

²⁶ *The 2011 Trafficking in Persons Report*. Rep. Washington, DC: U.S. Department of State, 2011.

²⁷ Drobnyak, Tanja. *The Position of Trafficking Victim in Court Proceedings: The Analysis of Judicial Practice through Monitoring of Trials and Court Judgments*. Astra Anti Trafficking Action. 2011.

older than 18, and there was no data regarding the final 19%.²⁸ Many women are trafficked within (or into) Serbia for the purpose of sexual exploitation. Trafficking for the purpose of sexual exploitation includes a variety of sexually exploitative actions including: forced prostitution, exotic dancing, and pornography.

Greece's position in Europe, between East and West, has caused it to be a "hot-spot" for human trafficking. Greece has been categorized as a transit and destination country for victims of trafficking.²⁹ It serves as a gateway to Western Europe, and therefore people are often trafficked through Greece in order to get to Italy or other West European countries. It is also, in many cases, the destination for victims. Various types of trafficking occur in Greece, including forced labor, forced begging, and forced prostitution (all types involve men, women, and children). There is a strong presence of Romanian, Bulgarian, and Albanian traffickers in Greece and while Greek citizens are typically not the targeted victims, Greek citizens do participate in the trafficking of others (non-Greek Nationals).³⁰

According to data supplied from the European Union, most victims who arrive in Greece typically originate from Eastern Europe, South-Eastern Europe or Africa. The European Union has broken down trafficking routes throughout Europe, two of which

²⁸ Drobnjak, Tanja. *The Position of Trafficking Victim in Court Proceedings: The Analysis of Judicial Practice through Monitoring of Trials and Court Judgments*. Astra Anti Trafficking Action. 2011.

²⁹ *The 2011 Trafficking in Persons Report*. Rep. Washington, DC: U.S. Department of State, 2011.

³⁰ Papanicolaou, Georgios. "The Sex Industry, Human Trafficking and the Global Prohibition Regime: A Cautionary Tale from Greece." *Trends in Organized Crime* 11 (2008).

directly affect Greece, The Balkan Route and The Eastern Mediterranean Route. Traffickers who transport their victims via The Balkan Route originate from Albania, Bulgaria, and Romania and travel to Slovenia, Hungary, Italy or Greece.³¹ The Eastern Mediterranean Route begins in Turkey and then victims are taken to Bulgaria, Romania, or Greece.³²

It has been estimated 40,000 women and children between the ages of 12 and 25 are trafficked and forced into prostitution annually into Greece.³³ According to the Ministry of Public Order and Foreign Affairs the majority of children trafficked into Greece originate from Romania and Albania but there has been an increase in the presence of Bulgarian children.³⁴ Albanian children are seen begging on the streets of Athens and Thessaloniki, unaccompanied by adults.³⁵ Placing children alone throughout city squares is a tactical strategy on the part of the trafficker, meant to invoke sympathy and a donation by those who pass by. There has also been an increase in Bulgarian

³¹ *Fight Against Trafficking in Human Beings: Greece.* EUROPA—European Commission. 8 Mar. 2011, accessed 23 May 2011.

³² *Fight Against Trafficking in Human Beings: Greece.* EUROPA—European Commission. 8 Mar. 2011, accessed 23 May 2011.

³³ *Sex Trafficking of Children in Greece.* Rep. ECPAT, 2009.

³⁴ *Sex Trafficking of Children in Greece.* Rep. ECPAT, 2009.

³⁵ Invernizzi, Antonella. “*Vulnerability to Exploitation and Trafficking of Bulgarian Children and Adolescents in Greece.*” *MARIO Project* (2011).

children trafficked to Northern Greece, specifically the city of Thessaloniki, who are forced to beg on the streets.³⁶

There are three methods typically used to traffic people depending on the type of exploitation that will occur: a false promise of a job offer, the “lover boy” technique, or kidnapping. All techniques are used in Serbia. It is important to understand the ways in which people are trafficked in order to not only raise awareness, but enhance the understanding of the roots causes of trafficking. As discussed above, Greek citizens do not contribute to the pool of victims. However, the circumstances in which people are trafficked are still relevant when discussing Greece because the trafficking technique used, dictates how and where a victim will enter Greece. For example, if a child is kidnapped from an orphanage or off the street and trafficked into Greece, his or her experience in Greece will most likely be begging on the streets of Athens or Thessaloniki.

The false offering of a job is the most common technique used by traffickers in Serbia. Potential victims are usually approached by someone they know, who presents a job opportunity abroad. Economic hardships allow desperation to thrive and people to accept jobs, simply out of necessity, even though the circumstances may seem questionable. Most job offers presented to women and girls are in feminized branches of

³⁶ Invernizzi, Antonella. “*Vulnerability to Exploitation and Trafficking of Bulgarian Children and Adolescents in Greece.*” *MARIO Project* (2011).

the economy, such as waitressing, providing child care, or cleaning homes.³⁷ The jobs falsely offered to men are typically in agriculture or the construction industry. In either situation once the victim reaches his or her destination their passports are seized and the supposed job is non-existent or existing without pay.

In the case of trafficking for the purpose of sexual exploitation, female recruiters are often trafficking victims themselves and are forced home to recruit new victims; or they are told if they find someone to replace them, their freedom will be granted. There is always the chance the victim will not be released once she finds her replacement, which is usually the case. There are also the women who “begin to identify with their traffickers after an extended period of abuse and become recruiters, in some cases because of this affinity or because they have been desensitized as a result of their own trafficking.”³⁸ The use of a female trafficker is a clever “recruiting strategy” because women (and girls) are more inclined to trust other women, especially if they are familiar ones.³⁹

In some cases once people have been recruited, they know they are illegally entering a country (i.e.: being smuggled), yet they are unaware of the situation that awaits them in their destination country. Women are often coached on how to properly respond to questions asked at the border; they are typically told to tell border officials they are

³⁷ Karakatsanis, Neovi M., and Jonathan Swarts. “Migrant Women, Domestic Work, and the Sex Trade in Greece- A Snapshot of Migrant Policy in the Making.” *The Greek Review of Social Research* 110 (2003).

³⁸ Surtees, Rebecca. “Traffickers and Trafficking in Southern and Eastern Europe Considering the Other Side of Human Trafficking.” *European Journal of Criminology* 5.1 (2008): 55.

³⁹ Surtees, Rebecca. “Traffickers and Trafficking in Southern and Eastern Europe Considering the Other Side of Human Trafficking.” *European Journal of Criminology* 5.1 (2008): 54.

traveling for pleasure.⁴⁰ Victims are complicit in these lies because they are entirely unaware of what awaits them.

The “lover boy” technique (specifically used in trafficking for the purpose of sexual exploitation) does not promise a job, but a relationship. Young men, often handsome, will befriend young women and form a relationship with them. The “lover boy” will ask for nothing in the beginning, making the young woman or girl to think the relationship is genuine. After his trust is gained he will arrange for her to travel or “visit” somewhere. The girl is trafficked and the “lover boy” remains in the same area to form a new relationship with his next victim.

Lastly, a small percentage of victims are trafficked via kidnapping. Young girls leaving clubs and bars at night will be kidnapped on their walk home. Orphanages with excessive over flow of children are often targeted. Children can be lured from orphanages or kidnapped due to lack of supervision.⁴¹

⁴⁰ Surtees, Rebecca. “Traffickers and Trafficking in Southern and Eastern Europe Considering the Other Side of Human Trafficking.” *European Journal of Criminology* 5.1 (2008).

⁴¹ Radovic, Ivana, Jovana Bogićević, Marija Anđelković, Marijana Gligorić, Milos Teodorović, Miša Stojiljković, Nadežda Milenković, Olivera M. Todorović, Olivera Otašević, Saša Leković, Svenka Savić, and Tamara Vukasović. *Human Trafficking Manual for Journalists*. Astra Anti Trafficking Action. (2008).

All methods of trafficking target the most vulnerable and marginalized people of society. Those who fit in that category, whether due to emotional or economic vulnerabilities, tend to be young people.⁴²

⁴² Corrin, Chris. "Transnational Road for Traffic: Analysing Trafficking in Women From and Through Central and Eastern Europe." *Europe-Asia Studies* 57.4 (2005).

Chapter 2: Legislation in Greece and Serbia

Greece and Serbia have made significant strides in combating human trafficking in their respective countries recently. This section will analyze both countries' legislative progress, but especially the implications the legislation has on victims. When the international protocols first came into place, Greece and Serbia faced severe difficulties when initially confronting the phenomenon. Within the past two years, though, both governments have stepped up their efforts to eradicate this international quandary.

Legislation is a key component when combating human trafficking. While it is not the only important factor, without legislation making the act of trafficking in beings illegal there would be no crime. Therefore it is essential countries have it in place. In 2002 Greece passed its first law criminalizing human trafficking, Law No. 3064/2002 that outlaws trafficking for the purpose of sexual exploitation and labor exploitation. The punishment is up to ten years in prison and fines not exceeding 50,000 Euros.⁴³ The law also incorporates assistance for victims of trafficking, stating legal assistance, shelter, and protection must be provided to those who have been trafficked.⁴⁴ Also, those who have entered the country illegally are assisted in their repatriation. This law is in accordance

⁴³ *Fight Against Trafficking in Human Beings: Greece.*” EUROPA—European Commission. 8 Mar. 2011, accessed 23 May 2011.

⁴⁴ *Fight Against Trafficking in Human Beings: Greece.*” EUROPA—European Commission. 8 Mar. 2011, accessed 23 May 2011.

with the OHCHR guidelines, allowing for protection and assistance to be provided to victims of trafficking.

In 2005 Greek Law No. 3386/2005 was passed in order to better assist victims of trafficking. This law allows for a reflection period of 30 days, during this time the victim can decide whether or not he or she will assist prosecutors and law enforcement in a criminal proceeding.⁴⁵ Those who decided to assist the government with the prosecution of traffickers are granted temporary, renewable residence permits, as well as access to healthcare and social services.⁴⁶ Therefore, only victims who cooperate with authorities are granted any type of assistance. Victims of human trafficking have, in most cases, experienced unimaginable violence and psychological abuse.⁴⁷ To come forward and claim that he or she was a victim of trafficking is a rather significant step, especially, in the face of the stigma and shame that is attached to those who have survived such horrendous circumstances. The fear and hesitation involved when confronting one's trafficker is often misconstrued as "not cooperating" with the government. Not only do victims fear the repercussions of their traffickers if they testify or press charges, but there

⁴⁵ *Fight Against Trafficking in Human Beings: Greece.* EUROPA—European Commission. 8 Mar. 2011, accessed 23 May 2011.

⁴⁶ *Fight Against Trafficking in Human Beings: Greece.* EUROPA—European Commission. 8 Mar. 2011, accessed 23 May 2011.

⁴⁷ Hossain, Mazedra, Kathy Zimmerman, Melanie Abas, Miriam Light, and Charlotte Watts. "The Relationship of Trauma to Mental Disorders Among Trafficked and Sexually Exploited Girls and Women." *American Journal of Public Health* 100.12 (2012).

is often mistrust towards law enforcement and government as a whole. In addition to fear, the lack of trust and faith in law enforcement can cause hesitation on behalf of the victims. To withhold services due to lack of cooperation creates a secondary victimization. This secondary victimization can be viewed as adversely affecting the human rights and dignity of a victim. The OHCHR guidelines explicitly state anti-trafficking measures should not do that. Instead of being victimized by a trafficker he or she is victimized by the flaws of government institutions, by being deprived of essential services.

For these reasons Greece needs to re-examine its legislation regarding victim cooperation. Having legislation in place criminalizing the act of trafficking is only the beginning. If Greece does not incorporate trafficking victims' rights into legislation, there will be insufficient room to assist victims.⁴⁸ If victims are not guaranteed safety, protection and assistance (as stated in OHCHR guidelines) they will be less likely to come forward. Therefore, legislation becomes irrelevant if no victims are coming forward. There is no crime if there is no victim. It is possible for this legislation to be amended with the implementation of the 2011 European Directive. Greek officials have stated under this Directive they hope to increase the reflection period to grant victims more time to cooperate. However, officials should amend the current legislation even

⁴⁸ Haynes, Dina F. "Used, Abused, Arrested and Deported: Extending Immigration Benefits to Protect the Victims of Trafficking and to Secure the Prosecution of Traffickers." *Human Rights Quarterly* 26.2 (2004).

further by eliminating the reflection period all together and granting visas regardless of cooperation.

In 2007 Greece passed Law No. 3625/2007, which addresses the issue of the trafficking of minors. This law facilitates the stricter prosecution/penalties for those who traffic minors. The most recent law in regard to human trafficking is Law No. 3692/2008 which reflects an agreement Greece made with Albania in 2006. Essentially it is a law to protect and support minors who are trafficked and to insure cooperation between Albania and Greece. Some examples are exchanging information through proper channels, cooperating with diplomats in their attempt to provide assistance, and participating in international operations.⁴⁹

Due to the increased numbers of children arriving from Albania to Greece, it is key that Greece has set up mechanisms to work with Albania to help the children who have been trafficked. This law enforcing cooperation is incredibly beneficial to not only those who have been trafficked, but law enforcement as well. One would think an international problem such as human trafficking would warrant international cooperation. Sadly, though, that is often not the case. Countries have a tendency to get caught up in the blame game, blaming other countries for their trafficking problems. It is far easier to push the “burden” of trafficking onto other countries than accept responsibility for an ill that is

⁴⁹ *Fight Against Trafficking in Human Beings: Greece.* EUROPA—European Commission. 8 Mar. 2011, accessed 23 May 2011.

present in one's own country. Greek Law No. 3692/2008 therefore provides a legal channel for Greece and Albania to work together when children have been trafficked. If Greece could arrange such an agreement with Bulgaria, as well, this would indeed be beneficial to Bulgarian children who have been trafficked into Greece.

The penalties Greece prescribes for traffickers are insufficient. Currently, the maximum penalty a trafficker can receive is 15 years in prison. An (ideal) goal of the prison system is to rehabilitate offenders. Yet, in order to be rehabilitated there needs to be an admission of guilt and that is rarely expressed amongst traffickers. In reality, traffickers do not come forward at their own behest to confess the crimes they have committed.⁵⁰ Traffickers are caught by law enforcement, tried and sentenced (if convicted). Inflicting a punishment of 15 years for selling another human being is deplorable. Greece, under OHCHR guidelines, is neglecting its responsibility to thoroughly prosecute trafficking cases. It is not to say harsher penalties should be implemented as a deterrent, but a means for justice for the victim. It has been proven in most cases criminals do not weigh their options before committing a crime. If a trafficker can be released in 15 years, he or she is free to re-commit previous crimes. In addition, 15 years is the maximum penalty, which means many offenders are receiving less than

⁵⁰ Antonopoulos, Georgios A., and John A. Winterdyk. "Techniques of Neutralizing the Trafficking of Women: A Case Study of an Active Trafficker in Greece." *European Journal of Crime, Criminal Law & Criminal Justice* 2 (2005).

that.⁵¹ Insufficient penalties are not placing the victim at the forefront of the crime. In fact, penalties of such a low-caliber undermine a victim's humanity.

Serbia also suffers from inadequate sentencing, but first a look at Serbia's legislation is necessary. Serbia's enactment of anti-trafficking legislation has demonstrated some of its efforts to combat the phenomenon. Prior to 2006 Serbia had legislation in place that criminalized human trafficking, however it was criticized for being weak and ineffective. The initial 2003 legislation was in line with the Palermo Protocol but did not differentiate between smuggling and trafficking. In 2006 Serbia revised its criminal code, adding three articles that related to human trafficking (therefore, replacing the previous law regarding human trafficking). The three articles specifically address human trafficking, trafficking for the purpose of child adoption, and any acts that mimic slavery.

Article 388, "Trafficking in Persons," outlines the conditions necessary for defining an action as human trafficking. In addition, it differentiates human trafficking from human smuggling, an improvement from the 2003 legislation. Article 388 uses the Palermo Protocol ingredients (act, means, and purpose) to define trafficking but it does not state international borders must be crossed. This allows for domestic trafficking cases to be prosecuted. Similar to Greek Law No. 3625/2007, Article 388 also places a strong

⁵¹ Lambropoulou, Effi. "Crime, Criminal Justice and Criminology in Greece." *European Journal of Criminology* 2.2 (2005).

emphasis on the trafficking of minors. Increased penalties are implemented for those who traffic juveniles. Article 388 addresses the degree of violence used by traffickers and enforces stricter punishments for those who inflict “severe bodily harm” or if the trafficking of a person results in his or her death. However, the phrase “severe bodily harm” can be controversial because it is unclear what in fact constitutes severe bodily harm.

Article 389, “Trafficking in Children for the Purpose of Adoption,” is specifically meant to protect children from being sold and illegally adopted. Essentially, Article 389 forbids the illegal adoption of anyone under the age of 14. Illegal adoption implies that any or all regulations in place by the state have been violated. All parties involved in the illegal adoption are subject to penalties of one to five years. In addition, if a person involved in the illegal adoption is a member of organized crime, the minimum imprisonment time is three years.

Article 390, “Holding in Slavery and Transportation of Enslaved Persons,” is the third article in the Serbian Criminal Code which can be used to prosecute human trafficking cases. The article directly forbids any type of slavery, which is in violation with international law, or any situation resembling slavery, including buying, selling, or handling of others. Such violations prescribe a penalty of one to ten years. Those who transfer the victim are also held responsible and can face six months to five years in prison. Article 390 also has a clause regarding minors, any slavery offenses committed

against minors warrant a sentence of five to fifteen years. Article 390 is unique to Serbia, regarding its use of language. Most pieces of legislation (elsewhere in the world) do not have articles or clauses directly pertaining to slavery. However, the Serbian Criminal Code's incorporation of slavery language criminalizes any attempts to enforce slave-like conditions, without necessarily specifically trafficking human beings. This is critical because trafficking implies there was transfer or movement of a person, Article 390 allows criminals to be prosecuted even if a victim was not transported from one location to another.

The government convicted 36 offenders in 2010. Under Article 388, 27 people were convicted and 9 people were convicted under Article 390. This is a decrease in convictions when compared to 2009 (40 offenders were convicted). These convictions are similar to that of Greece, which will be discussed in the next chapter.

Putting anti-trafficking laws on the books is crucial for any country. However, a component of legislation is the penalty the trafficker must pay to society and the victim (monetary and imprisonment). While the language of the legislation in Serbia may appear to be strong, the penalties inflicted upon traffickers are minimal. The trafficking in human beings has been able to flourish due to the low-risk, high-profit nature of the crime. In other words, those who traffic human beings do so because the profits are exorbitant (the concept of the re-usable product) and if one does get caught, the penalty hardly fights the crime. A two-year sentence for essentially destroying someone's life is

unacceptable. The penalties need to be drastically increased. Research has shown there is in fact hope for Serbia to do so in the future. Between 2007 and 2010 there was an increase in penalties. The penalties in 2010 were as follows: four traffickers received 10 to 20 years' imprisonment, seven traffickers received 5 to 10 years' imprisonment, 10 traffickers received 3 to 5 years' imprisonment, seven traffickers received 1 to 3 years' imprisonment, and 8 traffickers received 6 months to 1 year imprisonment.⁵²

The State Department has analyzed Serbia's penalties as acceptable, noting the penalties are in line with other serious offenses such as rape. However, an entire review of the criminal code may be necessary when a sentence for embezzlement or extortion is comparable to that of a trafficking crime.⁵³ What does that say about the value of human life and the justice awarded to victims?

The largest obstacle, regarding legislation, Serbia and Greece need to overcome is the issue of minimal penalties. Scarce penalties are not providing adequate justice for the victim. Imprisoning a trafficker for a significant time will not take away the horrific experience of the victim, but it can provide comfort and respect to the victims.

⁵² *The 2011 Trafficking in Persons Report*. Rep. Washington, DC: U.S. Department of State, 2011.

⁵³ Criminal Code: Official Gazette of RS, 66 § Twenty One-Article 207 (OSCE 2005).

Chapter 3: Prosecutions in Serbia and Greece

The judicial process is closely connected to the area of legislation. Legislation is the starting point, an essential foundation for a prosecution to take place. Prosecutions can only occur with the help of victims [and law enforcement]. It is imperative victims are treated well throughout the trial process. The prosecutorial process can be most traumatic for victims of trafficking and therefore taking a victim-centered approach is most necessary.

The process to prosecute human trafficking cases in Serbia is intimidating for victims.⁵⁴ There are two separate court systems in Serbia, general courts and courts that try organized crime cases. Human trafficking cases are tried in the general court system. As in many countries, the defendant has the right to face his or her accuser. However, in Serbia this right is seriously detrimental to the victim's well-being and outcome of the case. The defendant can approach the victim, without any legal mediation, and ask, "Why are you saying such things about me?" in a pestering or intimidating manner. This is stripping the rights and dignity of the trafficked person, which is unacceptable when taking a victim-centered approach, according to the OHCHR guidelines. This process is

⁵⁴ Markovic, Vesna. "Crime and Punishment in Serbia: A Country Profile." *International Journal of Comparative & Applied Criminal Justice* 33.2 (2009).

very intimidating for victims who have been abused by their traffickers and therefore, Serbia's judicial process is not conducive to a victim's centered approach.

In the courts that directly deal with organized crime cases, the process is different. This confrontation process can be done by video-conferencing. While the defendant still retains the right to face his or her accuser, the victim does not participate in such an intimate engagement. The video-conferencing method safeguard, to an extent, victim intimidation and it is less likely for a victim to recant statements that have been previously made.

In Greece and Serbia, there is a need for judges and prosecutors to be more educated in the horrors victims of trafficking face, especially during their enslavement. This insufficient understanding of what the victim went through lends itself to the lack of sympathy and empathy judges display during the trial. Judges, and prosecutors, can easily become frustrated by a victim's change in story. Many people believe a change in story is indicative of a lie. That is in fact not the case. Due to the excessive trauma and abuse victims may have faced, it is quite easy to get confused by specific dates, facts or time.⁵⁵ Therefore, a victim's inaccuracies or "flaws" in a story are typically due to duress stress and not a purposeful lie. In many instances victims are deeply embarrassed by what has

⁵⁵ Hossain, Mazedra, Kathy Zimmerman, Melanie Abas, Miriam Light, and Charlotte Watts. "The Relationship of Trauma to Mental Disorders Among Trafficked and Sexually Exploited Girls and Women." *American Journal of Public Health* 100.12 (2012).

happened to them, or what has been done to them, and are therefore hesitant to fully disclose all information. Therefore, a better understanding on behalf of all involved (prosecutors and judges) is essential when taking a victim-centered approach in combatting human trafficking.

In Greece, however, there are not only errors on the side of the prosecution. NGOs have stated some defense attorneys have tried to buy a victim's testimony in order to have a case thrown out of court.⁵⁶ Defense attorneys should not have access to victims. Having the defense contact a victim during any process of the trial is unethical and mechanisms need to be put in place to circumvent this from happening.

In 2011 Greece had 28 trafficking convictions; a decrease from 2009 in which there was 32 convictions. There were also more acquittals in 2011 compared to 2009 (14 compared to 12). These statistics are very similar to Serbia's conviction rates, which can explain Greece and Serbia's placement onto Tier 2 of U.S. Trafficking in Persons Report. When excavating beyond the numerical analysis, reports concluded that some judges did not fully understand trafficking offenses; this in turn led to lighter punishments.⁵⁷ If judges do not understand the cases they are trying, there is no possible way victims will be granted any type of justice. The lack of understanding of the offense [on behalf of the judges] only reinforces the fact more training for judicial officials is necessary. The lack

⁵⁶ *The 2011 Trafficking in Persons Report*. Rep. Washington, DC: U.S. Department of State, 2011.

⁵⁷ *The 2011 Trafficking in Persons Report*. Rep. Washington, DC: U.S. Department of State, 2011.

of understanding on behalf of judges can also be linked to misinformation disseminated by the media. There have been several instances of media coverage explaining trafficking cases as incidents of smuggling.⁵⁸ Under Greek Law those offenses are in fact different. While judges have an obligation to properly understand violations of Greek Law, the media has a responsibility to society to properly depict what indeed is trafficking.

Astra, an anti-trafficking NGO in Serbia, produced a report in 2011 that analyzed the current judicial process regarding trafficking cases. The goal of the analysis was to consider the position of the trafficking victims in the judicial process in order to assess whether or not domestic regulations are in line with international standards in the field, efficiency and implementation of the existing regulations in practice, as well as the effect of prior trainings for the judicial officials. Astra hoped the analysis would result in changes in legislation or further training for judicial staff to better implement the current legislation. The conclusions Astra ascertained are indeed similar to the findings suggested in this paper, thus far. Astra concluded there are a need for additional education of judicial officials, a better implementation of legislation, and more regulations regarding the trial process.

Astra's analysis uncovered that victims are required to wait during the trial process with the accused. This is hardly ensuring the safety of the victim during the trial

⁵⁸ "Illegal Migrants Smuggled among Fruit." *Ekathimerini.com*. FinanzNachrichten.de, 8 Apr. 2012, accessed 1 May 2012.

process. The Serbian Criminal Code does incorporate victim safety, which allows victims to have hearings without the presence of the accused, reading previously given statements (without forcing them to relive the trauma again), yet these conditions are rarely applied. Based on OHCHR guidelines, not applying the standards (which are in place) states are not doing everything in their power to protect victims during prosecution.

Astra also noted the extensive length of judicial proceedings are problematic; increasing the chance of secondary victimization. Researchers found the following reasons for not holding hearings: 23% of the time it was due to the absence of a judge, 22% of the time it was due to the absence of defendants, 11% of the time it was due to the absence of the injured party, the other 22% was due to miscellaneous reasons, and the final 11% of the time in which hearings are postponed is unknown.⁵⁹ A lengthy court process draws out the trauma and can negatively impact a victim's well-being. While court officials cannot control all of the reasons stated for delays, they can take responsibility for the instances when judges were not present. The stress of merely showing up to court is substantial and to have a judge not appear in front of the injured party is unacceptable. It is critical that judges understand the severity of the situation and make themselves available for set trial dates.

⁵⁹ Drobnyak, Tanja. *The Position of Trafficking Victim in Court Proceedings: The Analysis of Judicial Practice through Monitoring of Trials and Court Judgments*. Astra Anti Trafficking Action. 2011.

Victim security is another concern raised by Astra. Their research illustrated that victims' full names were used in the court proceedings, terminating any element of victim confidentiality. This is in direct violation of the OHCHR guidelines for victims of trafficking, which states the security of the victim should be put at the forefront of the case. The use of full names allows traffickers to access family members and potentially threaten them. Using the full names of victims can be damaging, yet the court can be commended for not disclosing addresses. The address for the Agency for Coordination of the Protection of Human Trafficking Victims or the address of Astra was used in place of the victim's real address.⁶⁰

⁶⁰ Simeunovic-Patic, Bilijana, and Sanja Copic. "Protection and Assistance to Victims of Human Trafficking in Serbia: Recent Developments." *European Journal of Criminology* 7.1 (2010).

Chapter 4: Law Enforcement in Greece and Serbia

Law enforcement efforts have increased in Serbia and Greece but difficulties still arise when combating human trafficking. In addition to traditional police officers, both countries have created National Task Forces in order to better understand and assist law enforcement with the eradication of human trafficking.

Shortly after the United Nations established the international definition of human trafficking in 2000, the Greek government created η Ομάδα Καταπολέμησης Εμπορίας Ανθρώπων, known outside of Greece as the Task Force against Trafficking in Human Beings.⁶¹ This was the first step in recognizing human trafficking as a problem in modern day Greece. According to Ελληνική Αστυνομία (Greek National Police Force), this task force was created to study the phenomenon of human trafficking, specifically trafficking for the purpose of sexual exploitation, with the aim to create a plan of action on a national scale. This anti-trafficking task force (often referred to as a committee) was created under the Ministry of Justice. This committee consisted of members of government, law enforcement, prosecutors, and non-governmental organizations. The Greek Government recognized the vulnerability of the State to human traffickers due to, “Greece’s geographical position, its high living standards and the fact that it is a member of the European Union, make it attractive for criminal networks engaged in human

⁶¹ “Ένας χρόνος λειτουργίας για την ΟΚΕΑ.” Ελληνική Αστυνομία. 29 Apr. 2002, accessed 26 May 2011.

trafficking.”⁶² Based on gathered data regarding trafficking the task force created a new regional sector in law enforcement in which the capital, Athens, is included, Attica’s Security Human Trafficking Department.

This new sector of law enforcement has been cracking down, and disassembling trafficking rings throughout Greece over the past several years. In 2007 one of the largest trafficking rings, known to date, was dismantled in Thessaloniki. 121 persons were arrested for their involvement with the human trafficking ring.⁶³ In 2009 the police investigated 66 cases of human trafficking, a 65% increase compared to the 40 investigations conducted in 2008.⁶⁴ In February of 2011, Attica’s Security Human Trafficking Department arrested eight people involved in a human trafficking ring in Athens. The ring included five Romanian men and three Greek women who promised young Romanian women jobs as housekeepers in Greece. Unfortunately, when the women arrived in Athens they were locked in an apartment and forced to work as prostitutes in three brothels, which were owned by a Greek national. Last year police arrested two people responsible for trafficking mentally handicapped adults and children, from Bulgaria into Greece, and forcing them to work as beggars. The man and woman arrested falsely promised the victims legal employment, yet upon their arrival to Athens

⁶² *National Action Plan to Combat Trafficking in Human Beings*. Rep. Athens, 2006.

⁶³ *Trafficking in Persons: Analysis in Europe*. Rep. Vienna: United Nations Office on Drugs and Crime, 2009.

⁶⁴ *The 2010 Trafficking in Persons Report*. Rep. Washington, DC: U.S. Department of State, 2010.

were forced to beg in main squares and metro stations. While these arrests and investigations are important and speak to the human trafficking problem that is currently in Greece, little data has been compiled regarding the victims of these cases. The inability to access details of the cases makes it difficult to calculate if in these specific instances victims were treated at the forefront of the case.

Greece created a National Coordination Mechanism (NCM) in 2009. The NCM was created under the Ministry of Foreign Affairs and its goal is to monitor and combat human trafficking. It is also meant to serve as a coordination mechanism in order to work with relevant NGOs and other government bodies. The NCM is supposed to plan, implement, and evaluate trafficking activities on a national level. The activities of the NCM include: establishing human trafficking databases, supporting the Trafficking in Persons Task Force with the identification of victims, promoting human trafficking NGOs, and promoting awareness campaigns. Several awareness campaigns have been carried out under the NCM, however not to the extent or intensity in which Serbia has done.

Aside from difficulties in determining specific incidents of victim neglect, Greece's law enforcement efforts have begun to dwindle. Five years ago there was significant momentum behind law enforcement to combat trafficking, however the citizenry and the government have started to lose sight of the problem. After the 2007 Thessaloniki arrests only smaller scale or "petty" traffickers have been arrested or

pursued. The larger rings that required more resources and attention may have been neglected secondary to the Greek economic climate. The austere economic conditions imposed upon Greece by the European Economic Union have taken the governmental and law enforcement resources and, thus political attention, away from problem of human trafficking. This has been especially evident in the past year, in particular, under the transitional government that has been preoccupied with Greek debt reduction.

On the other hand, the momentum behind the fight against trafficking in Serbia is in full force; however Serbia faces a different problem. The country is unfortunately plagued with the problem of corruption within law enforcement. While all law enforcement is not corrupt, it is prevalent enough to warrant concern, according to Serbia's National Human Trafficking Coordinator in an informal interview. Under the worst circumstances corrupt officials either turn a blind eye or partake in the sex trade, essentially facilitating the problem. Circumstances in which government officials misuse their power and assist traffickers include, but are not limited to: falsifying documents, accepting bribes in order for borders to be crossed, ignoring ongoing prostitution rings, and dismissing criminal cases involving traffickers.

While it is difficult to pinpoint the beginning of law enforcement corruption regarding trafficking in persons (specifically in Serbia), one can look to the way law enforcement handled the issue during the Yugoslav wars. An unfortunate example of this is in the 1990s when peacekeeping troops were using the services of trafficked women. Their

presence actually exacerbated the issue of human trafficking. Many international human rights organizations such as the International Organization of Migration and the United Nations have reported that there is a dramatic increase in trafficked women and girls in areas that have long term, international deployments.⁶⁵ This is a regrettable demand that needs attention. People that are supposed to be helping the miserable social conditions and political instabilities of countries; are in fact undermining any type of legal system, in order to fulfill their “needs.” Unfortunately, the peacekeeping troops in the 90s fueled the capacity [of human trafficking] in which it exists today. In the worst cases in which law enforcement is directly using the services of victims, clearly a victim-centered approach is not being taken. However, even in situations where law enforcement is doing their best to combat the problem, an element of sensitivity is still lacking.

To avoid the recurrence of past failures, Serbia created a National Coordination Mechanism in 2004. This effort is directed by the National Human Trafficking Coordinator Mitar Djuraskovic. He is dedicated to the fight against trafficking and has put forth efforts to not only combat the problem, but assist victims and spread awareness by assisting NGOs in the creation of shelters/rehabilitation centers, securing funding for interventions which include the use of the media. The most recent project set forth by the National Human Trafficking Coordinator was the production of the film, *Sestre (Sisters)*. In cooperation with the European Union, International Organization for Migration and

⁶⁵ Mendelson, “Barracks and Brothels: Peacekeepers and Human Trafficking in the Balkans.”

Monte Royal Productions it has been used as a trafficking awareness tool for the country. *Sestre* was first released in Serbia in April 2011 in 14 cities throughout the country.

Discussions were held after the screenings to stimulate awareness on human trafficking.

Since April, the film has been viewed in surrounding countries and was aired on national television, in which approximately one million viewers tuned in for the showing. Those involved in the production of the film have been in contact with the Ministry of Education and hope to incorporate the film into Serbia's high school curriculum.⁶⁶

The film was made in cooperation with the Ministry of Justice and is meant to serve as a training tool for judges, prosecutors, and law enforcement. While not enough time has elapsed since the production of the film, it will be interesting to see if the judges and prosecutors accept the criticisms raised by the film and alter court proceedings. Aside from the training purposes for officials, *Sestre* is also meant to send a message to the general public. It informs young adults on the dos and don'ts of migration and seeking jobs abroad. In addition, it is meant to reach the part of the population that frequents brothels, to serve as a reminder that things are not always what they appear to be. And in fact, many of these women servicing clients in brothels are being held against their will.

Serbia's coordination mechanism has been more successful than that of Greece due to its access to resources, that were directly set-aside in the government's budgetary

⁶⁶ Djuraskovic, Mitar. "Human Trafficking in Serbia." Interview by Sophia Papadimos. Oct. 2011.

process. Additionally, Serbia has outside organizations in place to oversee the progress Serbia is making.

Chapter 5: Victim Assistance in Greece and Serbia

When analyzing a country's abilities and efforts to put the victim at the forefront, a victim's ability to access services is crucial. If governments cannot or will not provide services to victims of human trafficking they are neglecting the victims and placing them in a situation that is essentially untenable. The OHCHR guidelines emphasize states must be doing everything in their power to assist victims of trafficking. Victims of human trafficking are subjected to incredible psychological abuse and in many cases, extreme violence. Therefore, readily accessible services are necessary to attempt to rehabilitate the victim.

The current economic crisis in Greece has limited the government's ability to help victims of trafficking. The political unrest and unprecedented high unemployment rates have caused drastic funding cuts to social services. The political elections that took place in early May have left Greece without a majority party. When a new government eventually gains power it will have to set budget expenditures for the upcoming years. Therefore, it will take time to see how important providing services to human trafficking victims will be for the next government's agenda. But for the foreseeable future Greece's bailout money will be allocated elsewhere. Not providing funding is contrary to section two of the OHCHR's guidelines, which claims states have a responsibility to act with "due diligence" to prevent, investigate, and prosecute cases of trafficking. Failing to

provide adequate services is not taking a victim-centered approach to the fight against trafficking. In the past, non-government organizations played a large role in Greece's efforts to combat human trafficking but many have closed due to a lack of finances. Fortunately, the NGO The A21 Campaign was founded in 2008 to provide services where the government fell short. The A21 Campaign promotes awareness and provides assistance to victims of trafficking. The goal of the organization is to rehabilitate survivors, provide legal support, and raise awareness on the issue of human trafficking, as well as educating those most at risk for being trafficked.⁶⁷ "The A21 Campaign is unique in that it is an international anti-human trafficking organization that is actively involved in not merely raising awareness, but also addressing the political and legal structure frameworks that allow human trafficking to continue."⁶⁸ A21 works with other governments to ensure victim rehabilitation and repatriation.

In 2009 A21 opened a crisis shelter in Thessaloniki, Greece, which provides victims with a safe environment, access to medical services (including psychological counseling), vocational training, and legal assistance.⁶⁹ A21 has also formed relationships with the Greek government and Greek police in order to better assist victims of trafficking. In addition, the organization has built relationships with several hospitals

⁶⁷ A21 Εκστρατεία ΚΑΤΑΡΓΩΝΤΑΣ ΤΗΝ ΑΔΙΚΙΑ ΣΤΟΝ 21 ΑΙΩΝΑ, accessed 15 Nov. 2011.

⁶⁸ A21 Εκστρατεία ΚΑΤΑΡΓΩΝΤΑΣ ΤΗΝ ΑΔΙΚΙΑ ΣΤΟΝ 21 ΑΙΩΝΑ, accessed 15 Nov. 2011.

⁶⁹ A21 Εκστρατεία ΚΑΤΑΡΓΩΝΤΑΣ ΤΗΝ ΑΔΙΚΙΑ ΣΤΟΝ 21 ΑΙΩΝΑ, accessed 15 Nov. 2011.

throughout Greece to provide assistance to suspected victims of human trafficking.⁷⁰

While funding for victim's services by the Greek government continues to be a problem, its continued collaboration with A21 and other NGOs assisting victims, will be essential to ensure victim assistance.

Regarding victim assistance, the Greek government and law enforcement are struggling in the identification process of victims. NGOs are claiming to help far more victims than the courts or law enforcement. Services can be more effectively and readily provided if victims are identified. As discussed above, many victims are hesitant to come forward and identify themselves as victims of trafficking. Therefore there is a responsibility of law enforcement and others to assist in the identification of victims. This process continues to be a struggle for the Greek government. The Greek government identified 76 victims of human trafficking in 2008 and 125 victims in 2009.⁷¹ However, NGOs alone, in 2008, reported they assisted over 650 victims of trafficking.⁷² The discrepancy in numbers is alarming. This is alarming for several reasons. As discussed above, countries are judged by their ability to prosecute; so on a very basic level the fewer victims identified directly correlates to the number of cases prosecuted. Secondly, the lower the number of victims identified is, the less funding NGOs will get from the

⁷⁰ Α21 Εκστρατεία ΚΑΤΑΓΩΓΟΝΤΑΣ ΤΗΝ ΑΔΙΚΙΑ ΣΤΟΝ 21 ΑΙΩΝΑ, accessed 15 Nov. 2011.

⁷¹ *The 2011 Trafficking in Persons Report*. Rep. Washington, DC: U.S. Department of State, 2011.

⁷² *Fight Against Trafficking in Human Beings: Greece*. EUROPA—European Commission. 8 Mar. 2011, accessed 23 May 2011.

Greek Government. Potentially, Greece could also get less funding from outside donors. The current economic crisis in Greece has caused funding to be cut in areas that are deemed “less important.” If there is an inaccurate number depicting the amount of victims of trafficking, less funding will be allocated to the fight against human trafficking.

A weak area that has been previously noted is Greece’s unwillingness to easily provide residency visas for victims of trafficking. Not providing permanent residency visas is detrimental to a victim’s safety. As discussed above, many traffickers are known acquaintances of the victim and know the location of the victim’s village. Not providing a visa for a victim to stay in Greece could put the victim back into the traffickers’ hands. It is imperative a victim be allowed to stay in a country, regardless of his or her cooperation with the authorities. Denying a victim residency is in direct violation of the OHCHR’s guidelines, for the government to place a victim in a potentially dangerous situation is in no way putting the protection of the victim at the forefront of the case. In fact, the government is being negligent with a victim’s life.

In Serbia, victim services providers (including the government and NGOs) are in a very different position than of those in Greece. As of last year, Serbia secured annual funding for victims of trafficking. The government has been an active participant in

spreading awareness about the issue of human trafficking and providing direct services or referral services to victims.⁷³

The NGO mentioned previously, Astra, has had a presence in Serbia since 2000 and is specialized in the rehabilitation of victims of trafficking. The Serbian Government, along with the European Union, is one of Astra's biggest donors. The Astra Daily Center offers services to victims of trafficking including legal assistance (provision of comprehensive legislation regarding status, rights and relevant legal procedures, and legal representation in court proceedings), psychological counseling, medical assistance, support and advocacy throughout the trial process, assistance with the reintegration process, interpretation, and repatriation. There is a large stigma attached to people who have been trafficked in Serbia. This stigma seriously hinders a victim's ability to return to a normal life in his or her village/city. In addition to working with the victim to regain self-confidence, Astra raises awareness within communities that what has happened to the victim is not his or her fault. The Daily Center attempts to provide normalcy to victims' life by offering sports and cooking classes. A main area of focus for the Daily Center is providing economic empowerment by either placing people back into the educational system or offering vocational training.

⁷³ Simeunovic-Patic, Biljana, and Sanja Copic. "Protection and Assistance to Victims of Human Trafficking in Serbia: Recent Developments." *European Journal of Criminology* 7.1 (2010).

In efforts to prevent and educate people on the topic of human trafficking Astra conducts workshops, trainings, and lectures. The workshops, geared towards primary and secondary school students, highlight the risks of trafficking and ways for children to protect themselves. Seminars and trainings target professionals and NGO activists to help them better understand the phenomenon of trafficking, being able to identify trafficking rings and potential victims, sensitivity training, and becoming better acquainted with anti-trafficking mechanisms in Serbia.

Astra also runs a 24/7 SOS hotline. This is the only hotline in the Republic of Serbia. The hotline has a two-fold purpose. It offers education regarding human trafficking, in addition to connecting victims with direct assistance and support.

When comparing Astra to The A21 Campaign, Astra has been active in the anti-trafficking world for much longer. It was established in 2000, immediately after the United Nations Palermo Protocol was founded. Based on time alone, Astra has been able to help more victims of human trafficking. This is not to say, though, in the future The A21 Campaign will not reach the status of Astra.

It can be concluded that organizations established to assist victims of trafficking do have the victims' best interests at heart and are in accordance with OHCHR guidelines. Due to international pressures and internal bureaucratic pressure, governments' assistance to victims is not always most helpful to victims. However, organizations such as Astra and The A21 Campaign have trained personnel who can

directly help victims and are aware of the trauma victims have undergone. As long as governments remain in collaboration with such organizations, victim assistance will continue to improve.

Conclusion

Human trafficking is clearly prevalent in Greece and Serbia, while it takes different forms in each country; its existence continues to be a problem. Both countries have taken significant strides to combat the issue, but have failed to incorporate a victim-centered approach into said efforts. Greece and Serbia are offenders of prescribing insufficient penalties to traffickers. Increasing penalties would demonstrate that the country takes the worth of its citizens and foreign nationals seriously. This increase needs to not only occur in Serbia and Greece, but an overall evaluation of international penalties needs to be examined. If the international community is condoning the penalties prescribed [which it is via the TIP Report] then the international community is undervaluing life by putting a price on it. Who is to say a life is only worth 50,000 euros?

Both judicial processes neglect the well being of the victim. Serbia does this via the confrontation process during trial and Greece permits negligence by allowing defendants to contact victims. These harmful elements of the judicial process are, by definition of the OHCHR guidelines, not placing a victim at the forefront of the case. The judicial process needs to be amended not only to inflict harsher penalties, but also, in the case of Serbia, to allow video conferencing as in Organized Crime Courts. This needs to occur emergently in order to ensure victim safety and confidentiality. As stated in the

OHCHR guidelines, it is critical that the protection of the victim is always constant and that victim's rights are never being violated.

The lack of sensitivity on behalf of law enforcement, prosecutors, and judges greatly interferes with each country's ability to help victims in the most beneficial ways. If those who are meant to enforce laws and prosecute traffickers cannot fully grasp what a victim has endured, their services will be limited. Advanced trainings must be implemented to safeguard victims from courtroom antics and insensitivities.

Throughout this paper there was an intense focus on prosecution/judicial processes and legislation aspects of a victim-centered approach. There is an overwhelming amount of data regarding those categories. This speaks to the previous point made (in the introduction), that human trafficking efforts stemmed from a prosecution-based approach. Framework and mechanisms are still not in place to truly measure how victims are being treated, post-trafficking.⁷⁴ While it seems that NGOs in Serbia and Greece are assisting victims of trafficking, there fails to be an abundance of long-term data regarding the recovery of victims. There has also been less attention paid to preventative measures, specifically in Greece. It is important to not disregard prevention techniques because of the difficulties of measuring them. Prevention is an

⁷⁴ Brunovskis, Anette, and Rebecca Surtees. "Agency or Illness—The Conceptualization of Trafficking: Victims' Choices and Behaviors in the Assistance System." *Gender, Technology & Development* 12.1 (2008).

important component of combatting trafficking and should not be neglected due to the ambiguity of its success rates.

Directives and minimal standards put forth by the European Union and the United States are essentially ineffective in the cases of Greece and Serbia, especially when considering a victim-centered approach. While the rules and regulations can serve as guidelines and suggestions, the only real push to comply is the use of international shaming. One would think that being part of the EU provides a stable political, social, and financial structural framework for stability of a nation. However, a nation such as Greece, that does not have a sturdy politico-social and financial infrastructure that melds with the greater European Economic Union, may become disadvantaged in its efforts to combat socially destructive behaviors, such as trafficking in humans. In this comparison of Greece and Serbia it becomes obvious that merely being part of the EU can mean very little if membership has not brought politico- social and financial benefits. The difference here (between Greece and Serbia) then becomes one of internal strengths (regarding human trafficking), such as a country's concern for its own citizens. In this regard, Greece fares better than Serbia. The Greeks do not seem to have an inclination to traffic their own citizens, as the Serbian's did, or do.

While Serbia and Greece are both homogeneous and of the same religion at first blush, the Serbs have the disadvantage that they waged an armed struggle against the diversity of the former Republic of Yugoslavia to secure themselves. In this struggle, as

in all wars, but especially civil wars with a religious bent, life becomes cheap and less valued. However, by going through the wars of the 1990s they (the Serbian Government) have begun in earnest, through laws, film/media, and the appointment of a National Human Trafficking Coordinator to demonstrate a determined effort to their citizenry that they will take action to cleanse this national blemish of human trafficking. This is something that the Greeks need not demonstrate to their citizens. The Greek position can be thought of as one that reverberates an ethnocentric hubris, which may be positive for them, but gives their neighboring countries little solace. As Greece falls into economic disarray, and cannot produce effective legislation or mandate funding regarding human trafficking, it begs the question of what will happen if Greece totally collapses? It is possible that Greece becomes a donor country in an environment with ineffective laws and insufficient budgeted monies to protect the common person. Where as Serbia has survived a substantial trauma, although quite scathed, the Greeks may be approaching their own Armageddon.

In the end laws and solid social, political and financial structures do not necessarily prevent human trafficking, although they may mitigate it. The internal efforts of a country's political and governmental machinery in this regard are extremely important. If such internal efforts are supported externally by the likes of the EU or the US then the results may be stellar. However, a country that has instability cannot benefit to the optimum from external support because it has ineffective internal governmental

machinery and a citizenry that has more pressing issues to consider other than the trafficking of “others.” The inherent xenophobia throughout Greece has allowed the trafficking of “others.” Greeks’ ethnic bias against Albanians and other foreigners must be noted as a potential cause for Greece’s failure to take a victim-centered approach to trafficking. Taking a victim-centered approach requires a government to recognize and care for a victim. It can be speculated that because trafficking victims are not Greek nationals the State feels less of a responsibility to assist them.

The legacy of the Yugoslav war made things in Serbia worse, and Greece’s EU membership should have put it in a better position to prevent, combat, and assist victims. However, without economic vitality and socio-political stability a state cannot look to helping those who are weak and hidden in an underground society such as human trafficking. Greece and Serbia are both failing in providing victim-centered relief and support to victims of human trafficking. Greece should be more successful at its interventions because of its homogeneity, lack of armed conflict within its borders, political stability (to date) and EU membership, but this may not actually be so. Serbia is not successful for its lack of all things that advantage the Greek position. The task of combatting human trafficking is daunting in view of the fact that countries with the means cannot interdict it successfully, making a hopeful future even more burdensome for those without.

Serbia and Greece's Victim-Centered Approach to Combat Trafficking

SERBIA

Legislation	Law Enforcement
Prosecution	Victim Assistance

GREECE

Legislation	Law Enforcement
Prosecution	Victim Assistance

KEY



Satisfactory



Mediocre



Unsatisfactory

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Appendix A: Definitions of Trafficking and Criminal Code

United Nations Convention on Transnational Organized Crime, Definition of Trafficking

“Trafficking in persons shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.”⁷⁵

Serbian Criminal Code

Article 388:

1) Whoever, by force or threat, deceiving or keeping in deception, by abusing authority, confidence, dependency, another’s difficult conditions, or by withholding identity documents or giving or receiving payments or other benefit, recruits, transports, transfers, delivers, sells, purchases, mediates in the purchase, harbours or holds another person, for the purpose of exploitation of their labor,

⁷⁵ United Nations Office on Drugs and Crime, Convention against Transnational Organized Crime, Palermo Protocol, 2000.

forced labor, pursuing a criminal activity, prostitution or other form of sexual exploitation, vagrancy, using for pornographic purposes, placing in slavery or in similar status, of for the removal of organs or body parts or using in armed conflicts, shall be punished by imprisonment for two to ten years.

(2) If the criminal offense referred to in paragraph 1 of this Article is committed against a juvenile, the perpetrator shall be punished by the punishment envisaged for this offense even if no force, threat or any other envisaged act for perpetrating this criminal offense has been used.

(3) If the criminal offense referred to in paragraph 1 of this Article is committed against a juvenile, the perpetrator shall be punished by imprisonment for not less than three years.

(4) If the perpetration of criminal offense referred to in paragraph 1 and 3 of this Article, resulted in a serious bodily injury of a person, the perpetrator shall be punished by imprisonment for three to fifteen years.

(5) If the perpetration of criminal offense referred to in paragraph 1 and 3 of this Article, resulted in death of one or more persons the perpetrator shall be punished by imprisonment for not less than ten years.

(6) Whoever engages in committing criminal offence referred to in paragraph 1 to 3 of this Article or if the offence is committed by an organized group, the perpetrator shall be punished by imprisonment for not less than five years.

Article 389:

(1) Whoever takes a person who has not turned 14 away for the purpose of adoption contrary to valid regulations or whoever adopts such a person or mediates in such an adoption, or whoever for that purpose purchases, sells or delivers another person who has not turned 14, or transports, provides accommodation or harbors such a person, shall be punished by imprisonment for one to five years.

(2) Whoever engages in acts referred to in paragraph 1 of this Article or if the offence has been committed in an organized manner by several persons, shall be punished by imprisonment for not less than three years.

Article 390:

(1) Whoever in violation of international law enslaves another person or places a person in similar position, or holds a person in slavery or similar position, or buys, sells, hands over to another or mediates in buying, selling and handing over of such person or induces another to sell his freedom or freedom of persons under his support or care, shall be punished by imprisonment of one to ten years.

(2) Whoever transports persons in slavery or other similar position from one country to another, shall be punished by imprisonment of six months to five years.

(3) Whoever commits the offence specified in paragraphs 1 and 2 of this Article against a minor, shall be punished by imprisonment of five to fifteen years.”⁷⁶

⁷⁶ Radovic, Ivana, Jovana Bogićević, Marija Anđelković, Marijana Gligorić, Milos Teodorović, Miša Stojiljković, Nadežda Milenković, Olivera M. Todorović, Olivera Otašević, Saša Leković, Svenka Savić, and Tamara Vukasović. *Human Trafficking Manual for Journalists*. Astra Anti Trafficking Action. (2008).