

National Legal Framework-Greece

The following legal documents for combating trafficking human beings are currently in force:

- **Articles 323A and 351 of the Criminal Code.** Law 3064/2002 amended the above mentioned articles and made human trafficking a criminal offence.

All forms of trafficking in human beings are addressed, including trafficking for sexual exploitation (Article 351), labour exploitation, trafficking for the removal of organs and trafficking for military purposes (Article 323 A). Trafficking in human beings is a **felony**. Offenders are punished with imprisonment up to ten years, in addition to a fine. In cases of further aggravating circumstances (juvenile victim, abuse of authority, heavy bodily harm or death of the victim, trafficking exercised as profession), trafficking is punished with at least ten years of imprisonment and a fine up to 100.000 euro. The new legislation also punishes (imprisonment for at least six months) those who intentionally use services provided by victims (*clients*).

- **Law 3625/2007** ratifying the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. This law further amended relevant articles of the criminal code and of the criminal procedure by establishing heavier sentences when the victim is a child.
- **Law 3727/2008** ratifying the Lanzarote Convention of the Council of Europe on the Protection of Children against Sexual Exploitation and Sexual Abuse which introduced new provisions regarding the protection of victims that are minors.
- **Presidential Decree 233/2003** providing for assistance and support structures for victims of trafficking. A list of social and psychological support and assistance services is included in the Annex of the Presidential Decree.
- **Law 3386/2005**, providing for residence permits to victims.

Identified victims who *cooperate* with the Authorities for the prosecution of their traffickers are entitled to a one-year, renewable, **residence permit**, without obligation to pay the required fee; this permit is also valid as a work permit providing victims with access to the labour market. Victims are entitled to the renewal of their residence permits until the criminal procedure has been completed. Thereafter, they can apply for a residence permit under a different status (marriage, work, etc). Special care is taken for under-aged victims, aiming at locating their families and securing their legal representation and support in judicial proceedings. The Prosecutor is the competent organ for the identification of victims. Once victims have been identified as such, the Greek Law provides for their **protection**, in particular, shelter, as well as medical, social, psychological and legal **assistance**. Potential victims of trafficking are entitled to **one month reflection period**, which is provided by the competent prosecutor, in order for them to decide whether they will cooperate with the Authorities for the

prosecution of the traffickers. During this period they cannot be deported and they enjoy all the privileges provided to identified victims, with the exception of the issuance of residence permits. The deportation of women is prohibited under any circumstances during pregnancy and for six months after delivery.

- **Law 3692/2008** ratifying the bilateral agreement between Greece and Albania for the assistance and protection of children victims of trafficking, introducing new provisions aimed at establishing better cooperation between the two countries and facilitating the repatriation of child victims.