



Submission to the UN Special Rapporteur on Contemporary Forms of Slavery, Mr. Tomoya Obokata, for the Report on Homelessness as a cause and a consequence of contemporary forms of slavery

## **Homelessness as a consequence of Contemporary Forms of Slavery: the treatment of survivors among asylum seekers in Greece**

In this submission, we are providing the Special Rapporteur with the most important takeaways from our work with survivors of CFS among asylum seekers in Greece. Fenix Humanitarian Legal Aid (Fenix) offers holistic legal aid to asylum seekers on Lesbos and in Athens, meaning that we provide our clients with legal representation, protection management, and MHPSS. We work with the most vulnerable groups of asylum seekers, including survivors of CFS.

In 2021 and 2022, Fenix provided services to 14 clients who reported being subjected to trafficking in their country of origin or in transit. However, Fenix supported much higher numbers of clients (67 asylum seekers) who reported being subjected to CFS. About 60% of these clients were forced into marriage or were sold to be a wife. One in four clients (23%) who faced CFS were subjected to sexual slavery. Another quarter of clients (24%) underwent a form of forced labour, including child labour and servitude. 16% of cases related to forced conscription in armed conflict, a large majority of cases with regards to children. About one in three incidents happened during our clients' journeys, which confirms the finding that forcibly displaced people are more vulnerable to CFS. Remarkably, many cases also show that people in situations of homelessness, were more at risk of being subjected to CFS.

We have extensive experience guiding our clients through the Greek asylum procedure. Hence, we are familiar with the gaps in the processes aimed at identifying and protecting survivors of CFS, which in the Greek context only means survivors of human trafficking. Even for survivors of human trafficking, asylum authorities often fail to identify them. In addition, survivors will often not get access to the services they are entitled to, because there are insufficient services available; there is also no effective central body managing the protection efforts. **This is a particular issue with regards to accommodation: the abolishment of shelter programmes, and a lack of investment in safe housing options, leaves many asylum seekers who have survived CFS in detention-like camps, and at a high risk of ending up in situations of destitution or homelessness.**

## Treatment of CFS survivors arriving in Greece: gaps in identification

Greece has faced regular criticism for the lack of support for survivors of CFS and human trafficking.<sup>1</sup> Over the last two decades, **limited actions were taken to improve the identification and protection** of the latter. Since the early '00s, legal frameworks were introduced on the fight against organised crime<sup>2</sup>, the criminalization of human trafficking<sup>3</sup> and the protection and support for survivors of human trafficking<sup>4</sup>. In 2013, the Office of the National Rapporteur on Trafficking in Human Beings was established to coordinate national efforts.<sup>5</sup> A National Referral Mechanism (NRM) for victims of human trafficking was created in 2016.<sup>6</sup> The NRM is the competent authority to collect and respond to protection requests, and to follow up on trafficking cases and the protection needs of survivors. None of the frameworks extend their protection to survivors of CFS that have not been confronted with human trafficking.

Aside from general standards for human trafficking survivors, there are frameworks specifying how Greek authorities should treat asylum seekers who have survived human trafficking. Law 4939/2022<sup>7</sup>, the Greek Asylum Code, identifies **victims of human trafficking as a vulnerable group**; survivors of other CFS are not per definition considered vulnerable.<sup>8</sup> The identification of vulnerabilities should occur during the 'reception and identification procedure'.<sup>9</sup> Those identified as vulnerable are entitled to special reception conditions.<sup>10</sup> In addition, asylum seekers who are identified as survivors of trafficking may receive special procedural guarantees.<sup>11</sup>

These vulnerabilities should be assessed through **medical and psychosocial examination** by the National Public Health Organisations (EODY).<sup>12</sup> Upon recommendation of EODY, the Commander of the Reception and Identification Centre (RIC) or Closed Control Access Centre (CCAC) must refer

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<sup>1</sup> See e.g., the ECtHR cases on the treatment of survivors of Human Trafficking in Greece: ECtHR 21 January 2016, *L.E. v. Greece*, 71545/12; ECtHR 30 March 2017, *Chowdury a.o. v. Greece*, 21884/15.

<sup>2</sup> See for an overview of legislation: <https://www.e-nomothesia.gr/kat-egklema-organomeno/>. See on transnational crime: Law 3875/2010 on Ratification and implementation of the United Nations Convention against Transnational Organised Crime and its three Protocols and related provisions, 158/A/20-9-2010.

<sup>3</sup> Law 3064/2002 on combating trafficking in human beings, crimes against sexual freedom, child pornography and, in general, the economic exploitation of sexual life and assistance to the victims of these acts, 248/A/15.10.2022, <https://www.e-nomothesia.gr/kat-egklema-organomeno/n-3064-2002.html>. See also: Law 4198/2013 on the Prevention and combating of human trafficking and protection of its victims and other provisions, 215/A/11-10-2013, with the latest changes from Law 4619/2019 (95/A/11-6-2019), Law 4855/2021 (215/A/12-11-2021) and Law 5028/2023 (54/A/9-3-2023).

<sup>4</sup> Law 3064/2002. Also see article 63a of Law 4478/2017 (91/A/23-6-2017) and Law 4689/2020 (103/A/27-5-2020).

<sup>5</sup> Law 4198/2013, with the latest changes from Law 5028/2023 on the Prevention and combating of human trafficking and protection of its victims and other provisions, A/215/11.10.2013. This law transposed EU Directive 2011/36/EU.

<sup>6</sup> Ministerial Decision 30840/2016, see: [https://www.ekka.org.gr/images/pdf/nomothesia/5/%CE%9A%CE%A5%CE%91\\_30840-2016.pdf](https://www.ekka.org.gr/images/pdf/nomothesia/5/%CE%9A%CE%A5%CE%91_30840-2016.pdf).

<sup>7</sup> Law 4939/2022 with the legislative changes introduced by Law 5027/2023 on the Ratification of a Code of Legislation on the reception international protection of third country citizens and stateless persons and temporary protection in the event of a mass influx of displaced foreigners, A 111/10.6.2022, <https://www.kodiko.gr/nomothesia/document/797068/nomos-4939-2022>.

<sup>8</sup> Article 1(l) of Law 4939/2022.

<sup>9</sup> Article 41 and 62(2)(3) of Law 4939/2022.

<sup>10</sup> Article 62(4) of Law 4939/2022.

<sup>11</sup> Article 72(1)(2) of Law 4939/2022.

<sup>12</sup> Article 41 of Law 4939/2022.



asylum seekers belonging to vulnerable groups to competent organisations to provide adequate care.<sup>15</sup> In addition, the special situation of applicants must be taken into account throughout the asylum procedure and must be monitored closely.<sup>14</sup> Finally, survivors of trafficking should be referred to the NRM.<sup>15</sup>

The **identification process has shown serious shortcomings**. EODY only identified 20, and RICs only 44 possible cases of abuse and exploitation in 2021, although up from 10 in 2020.<sup>16</sup> Different organisations, including Fenix, have criticised the competent authorities for not consistently and effectively screening and identifying the vulnerabilities of asylum seekers, including for the identification of survivors of trafficking and other CFS.<sup>17</sup> Reports indicate that procedures are often rushed and superficial.<sup>18</sup> Moreover, since November 2022, psychosocial assessment does not occur if it is not requested by the doctor responsible for the medical examination.<sup>19</sup> Hence, a significant number of survivors remain unidentified, without access to special reception conditions and special procedural guarantees.<sup>20</sup>

In several cases where Fenix provided services, **asylum authorities failed to identify incidents of human trafficking**. Even very apparent cases of human trafficking went unnoticed. For example, a client who was homeless in their country of origin, was kept in captivity for five years and forced into a relationship of sexual abuse. Nevertheless, EODY failed to recognise our client as a survivor of trafficking. According to our client, EODY screening only took 20 minutes, and the client was not even asked whether they had been subjected to violence. Another client, a minor at the time, had fled their country of origin and ended up homeless in a third country, where the client was forced to work under a so-called “bondsmen”. Even though the client shared this information during the asylum interview, no steps were taken to further explore the qualification of the case as one involving human trafficking. These and other examples indicate that authorities are either unwilling to use the qualification, or insufficiently familiar with its specifics.

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<sup>15</sup> Article 41 of Law 4939/2022.

<sup>14</sup> Article 41 and 62(3) of Law 4939/2022.

<sup>15</sup> Article 62(5) of Law 4939/2022 and Articles 76 and 79 of Law 4781/2021 with legislative changes from Law 4998/2022 on Organisation and operation of Foreign Affairs, the Council of Greek Diaspora, regulation of internal development cooperation and humanitarian issues and other provisions, A 31/28.2.2021, <https://www.kodiko.gr/nomothesia/document/674430/nomos-4781-2021>.

<sup>16</sup> US State Department, *Trafficking in Persons Report: Greece*, 2022.

<sup>17</sup> US State Department, *Trafficking in Persons Report: Greece*, 2022; RSA et others, *The State of the Border Procedure on the Greek Islands*, 2022, [https://rsaegean.org/wp-content/uploads/2022/10/BorderProcedure\\_Greek\\_islands\\_report.pdf](https://rsaegean.org/wp-content/uploads/2022/10/BorderProcedure_Greek_islands_report.pdf); AIDA et GCR, *Greece Country Report: Identification*, 30/5/2022, <https://asylumineurope.org/reports/country/greece/asylum-procedure/guarantees-vulnerable-groups/identification/>; Fenix et others, *Joint NGO Briefing on the Situation in Greece*, 1/11/2021, <https://www.fenixaid.org/articles/joint-ngo-briefing-on-the-situation-in-greece>.

<sup>18</sup> AIDA et GCR, *Greece Country Report: Identification*, 2022.

<sup>19</sup> Meeting of the Legal Action Working Group Lesbos, 28 February 2023.

<sup>20</sup> AIDA et GCR, *Country Report: Greece, 2021 Update*, 2022., 109 - 131; RSA et others, *The State of the Border Procedure on the Greek Islands*, September 2022; RSA et others, *New Pact on Migration and Asylum, Interpretation of relevant provisions in the case law of the Greek administrative courts*, 2021, [https://uploads-ssl.webflow.com/60bcf98f54ccd12605b18048/61262c337f809f321e5df78b\\_a9ddf9\\_317d387d13ae408bbf7894d187c717f2.pdf](https://uploads-ssl.webflow.com/60bcf98f54ccd12605b18048/61262c337f809f321e5df78b_a9ddf9_317d387d13ae408bbf7894d187c717f2.pdf).



Also, on several occasions, Fenix observed that caseworkers doing asylum interviews seemed to only inquire about incidents of human trafficking that had happened in the applicant's country of origin or habitual residence. These trafficking incidents are often a reason to flee, and so are rightfully considered relevant for the examination of the asylum application. However, many asylum seekers and beneficiaries of international protection have lived outside of their country of origin, have been brought to another state as part of a trafficking scheme or have faced incidents of CFS in transit. For example, one of our clients who is an unaccompanied minor, was forced into a trafficking scheme for the purpose of sexual exploitation in a third country, where the client had been homeless. However, the client was not recognised as a victim of human trafficking. Only after one year and legal interventions, the client was reassessed, and vulnerabilities were recognised.

Unless they have suffered severe violence, asylum seekers who are **survivors of CFS that does not constitute human trafficking** - e.g. forced marriage, forced conscription and different forms of serfdom - are per definition not identified as vulnerable.<sup>21</sup> Hence, survivors of these CFS will often not gain access to special reception conditions. This leaves many vulnerable individuals without protection.

### Treatment of CFS survivors arriving in Greece: gaps in protection

Under **Law 3064/2002** survivors of trafficking must be provided with protection and assistance, namely housing, food, living conditions, medical care, psychological support, and legal representation.<sup>22</sup> Despite a decrease in the official number of new arrivals and asylum seekers in Greece, the **living conditions provided continue to be substandard** across the country. Both on the Greek islands and mainland, the reception facilities are inadequate, and the majority are in remote areas with limited transportation and access to services and medical care.<sup>23</sup> In addition, frequent gaps in the provision of electricity, food and hygiene structures continue to persist despite the investment by European and Greek authorities.<sup>24</sup> The reception conditions, including accommodation, have been repeatedly found to violate fundamental rights.<sup>25</sup>

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<sup>21</sup> Article 1(l) of Law 4939/2022.

<sup>22</sup> Article 12 of Law 3064/2002. See also the NRM SOPs, as mentioned in Council of Europe, *Reply from Greece to the Questionnaire for the evaluation of the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the Parties*, 22/2/ February 2022, 33.

<sup>23</sup> AIDA, *Overview of the main changes since the previous update, 2022*, <https://asylumineurope.org/reports/country/greece/overview-main-changes-previous-report-update/>.

<sup>24</sup> AIDA, *Overview of the main changes since the previous update, 2022*.

<sup>25</sup> ECtHR 21 January 2011, *M.S.S. v Belgium and Greece*, 30696/09; ECtHR 13 June 2019, *Sh.D and Others v Greece, Austria, Croatia, Hungary, North Macedonia, Serbia and Slovenia*, 141165/16; ECtHR 11 March 2015, *AL.K. v Greece*, 63543/11; ECtHR 21 October 2014, *Sharifi and Others v Italy and Greece*, 16643/09; ECtHR 5 July 2011, *Rahimi v Greece*, 8687/08. Also see: Fenix, *ECtHR grants interim measures for an extremely vulnerable Applicant whom the Greek authority overlooked for more than one year*, 22/12/2022, <https://www.fenixaid.org/articles/ecthr-grants-interim-measures-for-an-extremely-vulnerable-applicant-whom-the-greek-authority-overlooked-for-more-than-one-year>; Fenix, *European Court of Human Rights Grants Interim Measures for Three Fenix Clients*, 22/12/2021, <https://www.fenixaid.org/articles/interim-measures-for-three-clients>; LCL, *European Court of Human Rights recognises Greek authorities' persistent disregard for migrants' health and lives in Mavrovouni camp*, 26/8/2021, <http://legalcentresvos.org/2021/08/26/european-court-of-human-rights-recognises-greek-authorities-persistent-disregard-for->



Crucially, the Greek government has also reduced or eliminated the programmes or facilities that provided accommodation adjusted to the needs of vulnerable groups. In February 2022, the Ministry of Migration and Asylum announced the restriction of the ESTIA program's capacity to 10.000 places by April 2022, aiming to finish it completely by the end of 2022. Starting in October 2022 asylum seekers with vulnerabilities, including survivors of violence and trafficking, were informed at short notice (in some cases, as little as 24 hours) that they would have to leave their apartments. They were then transferred to camps in initially unknown destinations, where they were set up in conditions considered inhumane. On 31 December 2022, the EU-funded ESTIA program was completely terminated.<sup>26</sup> Similarly, the HELIOS integration programme often cannot provide beneficiaries of international protection with access to housing, because of its very limited capacity.<sup>27</sup>

Aside from the guarantees under Law 4939/2022, the **Greek Human Trafficking framework** entitles survivors of trafficking, independent of their nationality or status, to protection and care.<sup>28</sup> However, it is widely known that the Greek authorities have also been struggling to implement these provisions.<sup>29</sup> When it comes to **providing shelter**, the available accommodation is very limited, especially on the islands. EKKA runs only two shelters for women and girls, and two emergency shelters; these are for survivors of different forms of violence, so not human trafficking specifically.<sup>30</sup> The government has also set up collaborations with NGOs, such as A21 and Diotima, to establish shelter programs, psycho-social support, medical care, legal aid, and reintegration support.<sup>31</sup> However, their capacity is also too limited, especially on the islands. Crucially, shelter programmes for men seem to be wholly absent.

**The result is that asylum seekers who survived CFS, or survived human trafficking, will most often not have access to accommodation.<sup>32</sup> Hence, survivors are at a higher risk of ending up on the street, or of being returned to detention-like camps where services are absent. In our experience survivors who do get access to shelter, will often only be able to stay there temporarily, after which they also must return to the camps. In all of these situations, they are much more vulnerable to becoming a target of new CFS schemes.**

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[migrants-health-and-lives-in-mavrovouni-camp/](https://asylumineurope.org/reports/country/greece/reception-conditions/housing/types-accommodation/); AIDA & GCR, *Country Report Greece: Types of accommodation*, 2022, <https://asylumineurope.org/reports/country/greece/reception-conditions/housing/types-accommodation/>.

<sup>26</sup> Ministry of Migration and Asylum, *The program for hosting asylum seekers in urban apartments "ESTIA" has been completed*, 4/1/2023, <https://migration.gov.gr/oloklirothike-to-programma-filoxenias-aitoynton-asylo-se-astika-diamerismata-estia/>; Ministry of Migration and Asylum, *The "ESTIA II" housing program is completed in 2022*, 22/2/2022, <https://migration.gov.gr/oloklironetai-to-programma-stegasis-estia-ii-to-2022/>.

<sup>27</sup> RSA, *Systemic deficiencies in the access of beneficiaries of international protection to supporting documents and social rights*, 30/3/2023, <https://rsaeegean.org/el/report-dikaiouchoi-diethnous-prostasias/>; RSA, *The new "Cartoneros" of Athens*, 2022, available at: <https://rsaeegean.org/en/the-new-cartoneros-of-athens/>; RSA, *Beneficiaries of international protection in Greece: Access to documents and socio-economic rights*, 2022, [https://rsaeegean.org/wp-content/uploads/2022/03/2022-03\\_RSA\\_BIP\\_EN.pdf](https://rsaeegean.org/wp-content/uploads/2022/03/2022-03_RSA_BIP_EN.pdf).

<sup>28</sup> Article 12 of Law 3064/2002.

<sup>29</sup> US State Department, *Trafficking in Persons Report: Greece*, 2022.

<sup>30</sup> GRETA, *Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Greece*, 2023, para 21.

<sup>31</sup> US State Department, *Trafficking in Persons Report: Greece*, 2022.

<sup>32</sup> US State Department, *Trafficking in Persons Report: Greece*, 2022.



Our **work in the field confirms many of the abovementioned trends**. In the few cases where our clients were identified as survivors of human trafficking, they did not get access to protection services while they were in the asylum procedure. Especially accommodation and housing have been very difficult to get access to since the abolishment of the ESTIA-programme.

Significantly, in several of these cases, asylum officials who referred survivors of human trafficking to the National Referral Mechanism seemed to assume that the NRM would take over the coordination of the protection efforts. However, referral to the NRM went without any consequence for our clients. Referred clients were not approached by NRM officials, nor were they introduced to protection services while in the asylum procedure. The NRM should check in with the referring asylum officials to see if survivors have gotten access to protection services. However, they do not seem to intervene where protection is insufficient. The result is that neither the referring officials nor the NRM effectively follow up on the protection of survivors of human trafficking, depriving them of protection; hence, leaving them at risk of ending up in situations of destitution, homelessness, and eventually of being subjected to trafficking or other form of CFS while in Greece.

To conclude, it is important to note that organisations who are not part of the NRM cannot refer cases to the mechanism, or request information from it, which makes it impossible to follow up on their clients' cases within the NRM-system. In addition, they cannot advocate on their behalf in an attempt to get them access to services through the NRM.