HUMAN TRAFFICKING AND MIGRANT SMUGGLING

THE CASE OF THE SOUTH-EASTERN EUROPEAN SEA-BORDERS

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Abstract

This study examines the situation concerning Human Trafficking and Migrant Smuggling in the South-Eastern European Sea-Borders from a legal, Social and Law enforcement standpoint. It raises various questions about the effectiveness of the measures and sanctions against this offence. The results show an emerged need for immediate solutions. This study employs documentary research on the phenomena and official statistics of the relevant Greek Services. In order to answer thesis questions, experts were interviewed and texts from newspapers, parliament’s political statements, governmental and NGO reports, and seminar papers were analyzed.

The acceptance of the Palermo Protocols influences the way that trafficking and smuggling should be conceptualized. Finally, this thesis provides the framework for a new policy which, in order to be successful on confronting the phenomena, must incorporate European and International best practices.

It is important to make a careful distinction between illegal immigration, human smuggling, and human trafficking which are different concepts. This distinction is relevant because these different categories of the illegal movement of people across borders have different legal and political consequences.

Human smuggling and trafficking have become a world-wide industry that ‘employs’ every year millions of people and leads to the annual turnover of billions of Euros. More often smuggling routes are made possible by weak legislation, lax border controls, corrupted law enforcement officers, and because of the power of the organized crime.
Naturally, poverty and war, contribute to the rising of the legal and illegal migration. Illegal migration and smuggling of immigrants seems to be increasing due to the strict border controls combined with the expansion of the areas of free mobility, such as the Schengen area, and the growing demographic imbalance in the world. The more closed are the borders and the more attractive are the target countries, the greater is the human smuggling and trafficking and the role played by the organized crime. The involvement of criminal groups in migration means that smuggling leads to trafficking and thus to victimization and the violation of human rights, including prostitution and slavery. (Väyrynen 2003).

First part - Human Trafficking and Migrant Smuggling.

Setting the scene.

In the southeast part of the Mediterranean Sea every year, thousands of people from less privileged countries are passing illegally the borders in order to arrive in Greece and then in Western Europe. Western Europe is the “promised land” for most of them, but for some others, things are different. Obstacle for these people is the sea, the weather, the bad luck, but also the law enforcement units performing their duty to confront this phenomenon. In the end, many who manage to make it over these obstacles, are confronted with other problems concerning everyday living, shelter, hygiene, clothing, food and other basic needs. Usually after a period of time these problems come to an end for the smuggled immigrants, but for the victims of trafficking their hell is just beginning.

Greece is situated in the southeast part of the Mediterranean Sea. The neighbor to the East is Turkey, with a small land border in the northeast area of Thrace and the extended sea borders of the Aegean Sea. To the
south lies Africa, and Italy is to the West. Greece’s geographical position makes it EU’s “gatekeeper” from the East.

Greece is a destination and transit country for smuggled immigrants, for women and children trafficked for the purpose of sexual exploitation and for men and children trafficked for the purpose for forced labor.

‘Human Smuggling and Trafficking’ issues, despite their long history, have been at the epicentre of media, public, political and scientific debates since the early 1990s. Generally, human smuggling and trafficking has been viewed through the prism of ‘organised crime’, ‘threat’ and danger. (Antonopoulos, Papanicolaou 2011). Thus, since the early 1990s huge migration movements around the world, have been alerted to the ‘threats’ that these two forms of ‘organised crime’ pose both to human and national security.

Many people were drowned in the Aegean Sea after a boat carrying illegal migrants sank in mild weather, carrying Iraqi, Afghan, Jordanian, or other immigrants. The smugglers often left them alone and escaped when the boat was sinking.

There are two main types of route used for human smugglers and traffickers from Turkey to Greece. The first is on foot, crossing the land border via the Evros River. The second is by boat, sailing from Turkey to the eastern Aegean islands or to the Greek mainland.

The increasing enforcement of control and surveillance in the South-Eastern Mediterranean, has led to a displacement of facilitated illegal migration towards the Greek Land Borders via the Evros River.
Historical background.

According to the international régime, states have the right to control who enters their territory. The right of all people to freedom of movement between states is not internationally recognized, although Article 13 of the Universal Declaration of Human Rights recognizes everyone's right to leave any country, including their own.

Large numbers of people try anyway to enter to one country without authorization, for political, economic and personal reasons. Even before the 1990s Western and other countries have increase their efforts in order to stop illegal migration. This was seen as a threat to national stability, an issue of international crime along with money laundering, smuggling, drug and arms trafficking, mafia-type criminality and terrorism. Migrants, trying to cross borders came increasingly to be seen as belonging to the undesirable and criminal class. Various techniques widely used include visa requirements, reinforced border controls, carrier sanctions, surveillance at sea and interdiction of boats and cooperation agreements between countries.

The more states invest in measures to prevent illegal arrivals, the more those seeking unauthorized entry must have recourse to smugglers and the higher the price they are charged and the more dangerous the routes proposed to them.

Since interdiction measures haven't been successful in preventing the arrivals of undocumented migrants, governments have also relied heavily on other techniques, i.e. making the situation of those who do enter irregularly so unpleasant that others will be discouraged from following their example.
At the beginning of the 1990s, the more specific problem of trafficking began to attract increasing attention. Following the break-up of the former Soviet Union, large numbers of women and girls were trafficked to Western Europe, often to prostitution. According to the Office of Democratic Institutions and Human Rights (ODIHR) of the OSCE, in 1997 an estimated 175,000 women and girls were trafficked from Central and Eastern Europe alone, mostly to other OSCE countries (OSCE, 1999). The US government estimates that there are 1-2 million women and children trafficked annually around the world. (US State.2009)

Increasingly NGOs and then international institutions have been addressing the issue of human trafficking, and specifically trafficking in women. For example, in 1991 OSCE states committed themselves to "eliminate ... all forms of traffic in women ..." (Moscow Document) and later, in the Stockholm Declaration (1996) the OSCE Parliamentary Assembly expressed concern about trafficking and recognized its link to economic transition and the problem of organized crime.

The International Organization for Migration (IOM) has involved itself in significant ways in combatting trafficking in migrants. It declares itself "particularly concerned about those migrants who are, or have been, deceived or coerced into situations of economic exploitation, which unfold through forced labour, forced servitude, coercion, debt bondage, or other violations of their fundamental human rights". In addition "the Organization is concerned about trafficking, as it shows a migration management problem to governments of sending countries as well as transit and receiving countries, because orderly migration and several types of national legislation, including migration legislation, are violated." (Iom 2010).
The United Nations has also been involved on the issue of trafficking with stronger insistence. For example, in March 1994 the United Nations Commission on Human Rights adopted Resolution 1994/45 calling for the elimination of trafficking in women for the purposes of prostitution. The Beijing Platform for Action emphasized trafficking in women as one of the forms of violence against women needing to be addressed by the international community. The General Assembly adopted resolutions on traffic in women and girls on 12 December 1997 (52/98) and 1 February 1999 (53/116).

In Greece the word migrant has acquired a very particular meaning after 1990. It has been associated with non-western European migrants. Levels of migration to Greece had been low historically, and in the 1970s and 1980s they were fuelled primarily by return migration of Greek people from Western European or other countries that received the earlier large Greek migratory wave in the 1950s and 1960s. Additionally, the numbers of EEC nationals or others who on the basis of bilateral or multilateral agreements entered Greece legally for work or as refugees and asylum seekers were also relatively low. Although official data and estimates vary according to the source, the population of foreign nationals (legally) resident in Greece was around 200,000 in 1989.

The situation changed dramatically after 1989 due to the geopolitical changes of that time. There was a sudden change in the influx of migrants with the arrival of large numbers of Greek expatriates, after the Soviet Union had relaxed regulations concerning travel abroad. These people were not only of Greek ethnic origin but were also in their vast majority legal migrants, who entered Greece with valid travel documents and enjoyed a special status leading to ‘fast-track’ naturalisation after legislative changes in 1991.
But the vast majority of migrants to Greece after the late 1980s have not been of Greek descent, a characteristic which gave rise to a unique situation in the country’s history. Suddenly Greece was transformed from a sending to a receiving country and the vast majority of migrants were Eastern Europeans, particularly Albanian nationals, who entered the country and its labour market illegally. Greece also became a destination or transit country for people migrating from other regions such as Africa or the Greater Middle East and, to a lesser extent, Southeast Asia.

It is extremely difficult to provide accurate figures regarding the number of migrants as there are an unknown number of undocumented migrants in the country.

**The phenomenon of Human Trafficking.**

Human trafficking is the illegal trade of human beings for the purposes of, commercial sexual exploitation, forced labor or a modern-day form of slavery.

Human trafficking is a crime that seriously violates human rights because is a modern form of slavery. Each year millions of people, men, women and children, fall into the hands of traffickers. According to international reports (UNODC, 2009, US Department, 2009), human trafficking is the fastest growing transnational criminal activity. (wakepeopleup 2011). It is second only to drug trafficking as the most profitable illegal industry in the world. (Haken, Jeremy. "Transnational Crime In The Developing World". Global Financial Integrity). Globally, it is estimated that trafficking generates criminal profits in excess of US $31 billion every year (Forced

Human Trafficking can be understood as an activity where the two phenomena of organised crime and illegal immigration intersect. It occurs because the possibilities of regular migration to industrialised countries have declined: more stringent entry controls push migrants into using illegal channels and these involve severe forms of labour exploitation.

Gender and age vary at the risk, vulnerability and exposure to exploitation. Among the three categories of trafficking in migrants (men, women and children), women and children are more vulnerable during the trafficking process.

According to a February 2008 United Nations estimate, "about 2.5 million people from 127 countries have been trafficked to 137 countries for purposes such as forced labour, sexual exploitation, the removal of organs and body parts, forced marriages, child adoption and begging." Organizations like Not For Sale estimate that as many as 27 million people are enslaved globally today. (UN 2008).

Victims of human trafficking are not permitted to leave upon arrival at their destination. They are held against their will through acts of coercion and forced to work or provide services to the trafficker or others. The work or services may include anything from bonded or forced labor to commercialized sexual exploitation. The arrangement may be structured as a work contract, but with no or low payment or on terms which are highly exploitative. Sometimes the arrangement is structured as debt bondage, with the victim not being permitted or able to pay off the debt. Bonded labor, or debt bondage, is probably the least known form of labor
trafficking today, and yet it is the most widely used method of enslaving people. Victims become bonded laborers when their labor is demanded as a means of repayment for a loan or service in which its terms and conditions have not been defined or in which the value of the victims’ services as reasonably assessed is not applied toward the liquidation of the debt. The value of their work is greater than the original sum of money "borrowed. (Trafficking Resource Center).

Forced labor is a situation in which victims are forced to work against their own will, under the threat of violence or some other form of punishment, their freedom is restricted and a degree of ownership is used. Men are at risk of being trafficked for unskilled work, which globally generates $31bn according to the International Labor Organization. (International labour office 2005). Forms of forced labor can include domestic servitude, agricultural labor, sweatshop factory labor; janitorial, food service and other service industry labor and begging.

Child labour is a form of work that is likely to be hazardous to the physical, mental, spiritual, moral, or social development of children and can interfere with their education. The International Labor Organization estimates worldwide that there are 246 million exploited children aged between 5 and 17 involved in debt bondage, forced recruitment for armed conflict, prostitution, pornography, the illegal drug trade, the illegal arms trade, and other illicit activities around the world.

Victims of sex trafficking are generally found in specific circumstances and easily targeted by traffickers. Circumstances, and situations vulnerable to traffickers include homeless individuals, runaway teens, displaced homemakers, refugees, and drug addicts. While it may seem like trafficked
people are the most vulnerable and powerless minorities in a region, victims are consistently exploited from any ethnic and social background.

Traffickers, also known as pimps or madams, exploit vulnerabilities and lack of opportunities, while offering promises of marriage, employment, education, and/or an overall better life. However, in the end, traffickers force the victims to become prostitutes or work in the sex industry. Various work in the sex industry includes prostitution, dancing in strip clubs, performing in pornographic films and pornography, and other forms of involuntary servitude.

One form of sex trafficking involves international agents and brokers who arrange travel and job placements for women from one country. Women are convinced to accompany traffickers after promises for great opportunities unreachable in their home country. However, once they reach their destination, the women discover that they have been trapped and there they find out the true nature of the work that they will be expected to do. Most have been told lies regarding the financial arrangements and conditions of their employment and find themselves in coercive or abusive situations from which escape is both difficult and dangerous. (racinedominicans 2010).

Trafficking of children, is the recruitment, transportation, transfer, harboring, or receipt of children for the purpose of exploitation. Trafficking and commercial sexual exploitation of children can take many forms and include forcing a child into prostitution or other forms of sexual activity or child pornography. Child exploitation can also include forced labour or services, slavery or practices similar to slavery, servitude, the removal of organs, illicit international adoption, trafficking for early marriage,
recruitment as child soldiers, for use in begging or as athletes (such as child camel jockeys or football players.

Trafficking in children often involves exploitation of the parents' extreme poverty. Parents may sell children to traffickers in order to pay off debts or gain income, or they may be deceived concerning the prospects of training and a better life for their children. They may sell their children for labor, sex trafficking, or illegal adoptions. The adoption process, legal and illegal, when abused can sometimes result in cases of trafficking of babies and pregnant women between the West and the developing world. Thousands of children from Asia, Africa, and South America are sold into the global sex trade every year. Often they are kidnapped or orphaned, and sometimes they are actually sold by their own families. (UNICEF 2010).

Almost without exception, the exploitation begins upon arrival in the foreign country. The working time of the victims is most commonly about 12 hours a day, and occasionally up to 15 hours. On a monthly basis, the victims work between 25 and 30 days. Depending on where the victims work their working conditions, the prices of the offered services, etc., vary. In most cases the tariffs of the outdoor work are lower, but are compensated by the number of clients, which is larger. The places of operation also vary: from open spaces as parks, streets, highways, parking lots, to close ones such as clubs. In most cases of indoor prostitution.

Several main factors seem to be determining the choice of working location for the victims. The connections and the trafficker's ability to negotiate a territory for 'his' prostitutes are decisive. If the trafficker can get hold of a good territory, a girl has a chance to work at a good location provided she is pretty, speaks the language, and can communicate freely
with the clients. The method of her recruitment also matters. If she was forced into prostitution and there is a chance of her escaping or turning in the traffickers she is assigned to the most secure location. Moreover, in some cases, traffickers take the personal documents of the victims in order to keep them under control and not to allow the women to escape and seek help from local authorities.

Trading in girls - transferring the control and exploitation rights from one pimp to another - is a common phenomenon. One girl can change hands many times. Often, traffickers would stake or bet a girl in a card game, or simply offer them to their friends to exploit. These examples clearly show that the victims of trafficking are treated as nothing but mere commodities. So even though the woman was previously aware of what she gets involved in, deceived by stories of quickly earned large sums of money, she remains unaware of what the relations within the network itself will be and mostly to what extent she would be exploited. In addition, although in most cases the girl is lured by promises of a relationship or of marriage, in fact, it appears that she is just one of the many victims trapped in the world of trafficking which is very difficult to escape. As a rule, traffickers control the prostitutes by promising them rewards and punishing them by taking the benefits away and imposing fines. Furthermore, in many cases, they restrict the movement of the girls and take a significant part of their earnings.

Traffickers not only take most of the money earned from the prostitution but also apply penalties. Imposing a punishment has the effect of both discipline and deterrence; it teaches the other prostituted women a lesson that if they disobey, they will be severely punished as well. For that purpose, punishments are imposed in front of others. Punishments are
very important during the exploitation phase because the main conflicts between the traffickers and victims occur in the destination country where it is very important not to draw the attention of local police authorities with unnecessary conflicts.

From the empirical information collected, it can be concluded that cases of trafficking for sexual exploitation are not episodic acts of individual criminals. It is very difficult for a single person to begin to prostitute or to exploit sex workers, especially to bring her abroad even in countries where this activity is defined as legal. Even if starting alone, representatives of the criminal organisations that monopolise that market find the prostitute or her pimp and force them to work for them or pay them racket. (Pertunov, 2010).

Greece, due to its geographical location, high living standards and European Union membership, is a destination area for many foreign women, coming from Eastern and Southeast Europe. These women, in their quest for better living conditions, are easily lured by criminal groups, as they are plagued by poverty, sex discrimination, lack of educational and professional opportunities in times of economic hardship. The problem of trafficking in human beings is closely connected to illegal immigration, as criminal organizations sometimes traffic illegally their victims into our country. Although the two crimes have some similarities, the distinction between the two is clear and simple.

According to the Hellenic Police it appears that during the years 2008/10 there had been a downturn of the phenomenon in terms of the number of victims requesting police protection. While a considerable decline of incidents of physical violence against women has been noticed lately,
however, other forms of coercion are applied such as psychological violence, debt bondage etc. Excessive violence and coercive measures are now considered less favorable from criminal networks. A more “friendly” approach is currently adopted, that grants certain concessions to victims (some money, a day off, a prospect of earning their freedom once they pay off debts or recruit other victims). In this way, criminals ensure the victim’s consent, making it more difficult for the authorities and NGOs to promote victim cooperation in view of successful prosecution.

The phenomenon of Migrant Smuggling.
"...the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a state party of which the person is not a national".

People smuggling operations range from small to large-scale actors operating in a transnational market. Small-scale smugglers generally arrange all aspects of the smuggling operations themselves. However, more commonly, smugglers engage and do business within a larger smuggling network where there is a division of work among the actors involved. In the past, smuggling rings tended to be more obscure, amateurish, and limited. As people smuggling has continued to grow, however, smuggling rings are far more extensive and organized. Smuggling operations are often complex and smuggled persons often make stops at countries across the globe before arriving at their final destination.

It is estimated that every year, four million people are trafficked or smuggled across international borders. The value of this criminal trade has been estimated at approximately $US10 billion per year. The illegal industry continues to boom as Western 'receiver' nations and the demand for illegal access increases and supply emerges to meet demand. Factors such as the breakdown of national borders, the revolution in
communications and information and the availability of transportation help fuel the trafficking of people. The United Nations High Commissioner for Refugees (UNHCR) acknowledges that people smuggling is "a sad reflection on a variety of factors, including poverty, tightened migration policies, violent conflicts and abuse of human rights".

The practice of people smuggling has seen a rise over the past few decades and today now accounts for a significant portion of illegal immigration in countries around the world. People smuggling generally takes place with the consent of the person or persons being smuggled, and common reasons for individuals seeking to be smuggled include employment and economic opportunity, personal and/or familial betterment, and escape from persecution or conflict.

Smuggling operations are complex, working within networks of many individual players. As smuggling operations and its infrastructure becomes increasingly complicated, so do the issues surrounding the matter of people smuggling. With major and minor players around the world, people smuggling has a significant economic and legal impact on society and solutions to the problem of people smuggling remains as an issue under continued debate and development.

Many individuals who want to being smuggled are escaping poverty, seeking opportunities abroad, or escaping natural disaster, conflict, or persecution. Others may be seeking asylum. While many who are smuggled are poor and uneducated, there are also others who belong to the educated middle class. As such, perhaps the only generalization that can be made about smuggled individuals is that they are all on a quest for a better life.
Overlaps and differences between migrant smuggling and human trafficking.

The distinctions between smuggling and trafficking are often very hard to distinguish and sometimes they overlap. Identifying whether a case is one of human trafficking or migrant smuggling and related crimes can be very difficult for a number of reasons:

Some trafficked persons might start their journey by agreeing to be smuggled into a country, but find themselves deceived, coerced or forced into an exploitative situation later in the process (for instance, being forced to work for extraordinary low wages to pay for their transportation).

Traffickers may present an 'opportunity' that sounds more like smuggling to potential victims. They could be asked to pay a fee in common with other people who are smuggled. However, the intention of the trafficker from the beginning is the exploitation of the victim. The 'fee' was part of the fraud and deception and a way to make more money.

Smuggling may not be the planned intention at the beginning but a 'too good to miss' opportunity to traffic people presents itself to the smugglers/traffickers at some point in the process.

Criminals may both smuggle and traffic people, employing the same routes and methods of transporting them. In short, what begins as a situation of migrant smuggling may develop into a situation of human trafficking.
Simply put, there are five main technical differences between human trafficking and migrant smuggling.

**Consent** - migrant smuggling, while often undertaken in dangerous or degrading conditions, involves consent. Trafficking victims, on the other hand, have either never consented or if they initially consented, that consent has been taken away by the coercive, deceptive or abusive action of the traffickers.

**Exploitation** - migrant smuggling ends with the migrants' arrival at their destination, but in trafficking involves the ongoing exploitation of the victim.

**Transnationality** - smuggling is always transnational, whereas trafficking may not be. Trafficking can occur whether victims are taken to another state or even when moved within a state's borders.

**Source of profits** - in smuggling cases profits are derived from the transportation of facilitation of the illegal entry or stay of a person into another county, while in trafficking cases profits are derived from exploitation.

**Trafficking is considered a crime against the individual, smuggling a crime against the borders of a state.**

The relationship between these two crimes is often oversimplified and misunderstood: both are allowed to prosper and opportunities to combat both are missed. It is important to understand that the work of migrant smugglers often results in benefit for human traffickers. Smuggled migrants may be victimized by traffickers and have no guarantee that
those who smuggle them are not in fact traffickers. In short, smuggled migrants are particularly vulnerable to being trafficked - combating trafficking in persons requires that migrant smuggling be addressed as a priority. (UNODC 2010).
Organized crime and the business of migrant smuggling and trafficking.

Irregular migration is increasingly a problem of international organised crime and should be seen as a threat to democracy and civil society itself. The trafficking of migrants to Greece and Europe has become a multi-billion-Euro business for criminal organisations. Over the last ten years, thousands of migrants have been moved illegally across international borders with the assistance of professional trafficking organizations. The increasing number of people forced or willing to move abroad as well as the restrictions placed on legitimate migration systems have translated into organised crime. Around the world, trafficking organisations have learned to take advantage of this structural inequality, creating sophisticated channels of illegal migration while exploiting those forced or willing to migrate.

Organised crime is a phenomenon that has emerged in different cultures, societies and countries all over the world. It has become global in scale and is no longer exclusive to certain geographical areas, to singular ethnic groups or to particular social systems. Organised crime is ubiquitous.

Organised crime — and particularly migrant trafficking — exists in dynamic environments, both as a function of the illegal market and as a result of the changing nature of law enforcement activities and policies. In summary, the main reasons for the emergence of the market for migrant trafficking are: (1) the restrictions on legal immigration imposed by industrialised
countries, (2) the increasing demand for entry into these countries, and (3) the comparatively low risks and high profits involved in migrant trafficking.

The organisational and operational pattern of the migrant trafficking enterprise are similar to that of a provider of legitimate services with some additional features the illegal market requires. In order to maximise the economic return of their activities, traffickers imitate the structures of legal businesses through organisation, globalisation, human resources, supply, production, distribution and finance.
Second part - Legal Framework against Human Trafficking and smuggling.

UN Legal Framework against Human Trafficking and Migrant smuggling.

Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children.

The Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (also referred to as the Trafficking Protocol) is a protocol to the Convention against Transnational Organised Crime. The Trafficking Protocol entered into force on 25 December 2003. By October 2009, the Protocol had been signed by 117 countries, and there were 133 parties. The United Nations Office on Drugs and Crime (UNODC) is responsible for implementing the Protocol. It offers practical help to states with drafting laws, creating comprehensive national anti-trafficking strategies, and assisting with resources to implement them. In March 2009, UNODC launched the Blue Heart Campaign to fight human trafficking, to raise awareness, and to encourage involvement and inspire action. The Protocol commits of ratifying states to prevent and combat trafficking in persons, protecting and assisting victims of trafficking and promoting cooperation among states in order to meet those objectives.

The Protocol covers the following:
Defining the crime of trafficking in human beings; essentially, trafficking is the transport of persons, by means of coercion, deception, or consent for the purpose of exploitation such as forced or consensual labor or prostitution:
“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... The consent of a victim of trafficking in persons to the intended exploitation set forth [above] shall be irrelevant where any of the means set forth [above] have been used.

Facilitating the return and acceptance of children who have been victims of cross-border trafficking, with due regard to their safety.

Prohibiting the trafficking of children (which is defined as being a person under 18 years of age) for purposes of commercial sexual exploitation of children (CSEC), exploitative labour practices or the removal of body parts.

Suspending parental rights of parents, caregivers or any other persons who have parental rights in respect of a child should they be found to have trafficked a child.

Ensuring that definitions of trafficking reflect the need for special safeguards and care for children, including appropriate legal protection.
Ensuring that trafficked persons are not punished for any offences or activities related to their having been trafficked, such as prostitution and immigration violations.

Ensuring that victims of trafficking are protected from deportation or return where there are reasonable grounds to suspect that such return would represent a significant security risk to the trafficked person or their family.

Considering temporary or permanent residence in countries of transit or destination for trafficking victims in exchange for testimony against alleged traffickers, or on humanitarian and compassionate grounds.

Providing for proportional criminal penalties to be applied to persons found guilty of trafficking in aggravating circumstances, including offences involving trafficking in children or offences committed or involving complicity by state officials; and,

Providing for the confiscation of the instruments and proceeds of trafficking and related offences to be used for the benefit of trafficked persons.

The Convention and the Protocol obligate ratifying states to introduce national trafficking legislation.

The Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, was adopted by General Assembly resolution 55/25. It entered into force on 25 December 2003. It is the first global legally binding instrument with an agreed definition on trafficking in persons. The intention behind this definition is to facilitate convergence in national approaches with regard to the establishment of domestic criminal
offences that would support efficient international cooperation in investigating and prosecuting trafficking in persons cases. An additional objective of the Protocol is to protect and assist the victims of trafficking in persons with full respect for their human rights.

**Protocol against the Smuggling of Migrants by Land, Sea and Air.**

The Protocol against the Smuggling of Migrants by Land, Sea and Air, adopted by General Assembly resolution 55/25, entered into force on 28 January 2004. It deals with the growing problem of organized criminal groups who smuggle migrants, often at high risk to the migrants and at great profit for the offenders. A major achievement of the Protocol was that, for the first time in a global international instrument, a definition of smuggling of migrants was developed and agreed upon. The Protocol aims at preventing and combating the smuggling of migrants, as well as promoting cooperation among States parties, while protecting the rights of smuggled migrants and preventing the worst forms of their exploitation which often characterize the smuggling process.

**Palermo Convention**

The Convention against Transnational Organized Crime (Palermo Convention) is a United Nations - sponsored multilateral treaty against transnational organized crime, adopted in 2000. Its three protocols (the Palermo Protocols) are:

Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children.

Protocol against the Smuggling of Migrants by Land, Sea and Air.
Protocol against the Illicit Manufacturing and Trafficking in Firearms.

All four of these instruments contain elements of the current international law on human trafficking, arms trafficking and money laundering. The convention and the protocols fall under the jurisdiction of the United Nations Office on Drugs and Crime (UNODC).


Other related UN conventions.

UN Convention on the Rights of the child 1990.

The operational protocol to the convention on the Rights of the child on sale of child pornography 2000.

U.N. Convention against Torture and other cruel inhuman or degrading treatment or punishment (1984).

U.N. convention on elimination of all forms of discrimination against women -CEDAW (1979).
EU Legal Framework against Human Trafficking, Smuggling and Illegal Immigration:


The EU continuously seeks to strengthen its fight against this crime, latest with the Directive on Prevention, Combat and Protection adopted in April 2011. The legislative acts of the EU considered are:

The Framework Decision on the Standing of Victims providing victims with rights to assistance and information (2001/220/JHA L 82/2: Art. 4), and protecting the family of the victims in cases of risk of reprisals (ibid L 82/3: Art 8).

The Framework Decision on Combating Trafficking addressing the divergence of law among the member states (2002/629/JHA L 203/3: Paragraph 2) and outlining common provision for the EU to follow on the fight against human trafficking.

The Directive on Residence Permit issuing short term residence permits to third country nationals who have fallen victims of trafficking (2004/81/EC L 261/20: Art.1) with the purpose of encouraging victims to testify against their traffickers (ibid L 261/19: Paragraph 9).

The EU’s approach to human trafficking is primarily within the framework of crime and justice. Despite the increased EU legislation within the field of
human trafficking, problems still exists. Weak law, lack of implementation and enforcement and low priority assigned by the Member to the fight against human trafficking hinder the fight against human trafficking.

The greatest challenges for EU to combat trafficking are: Addressing the root causes adequately, fighting corruption and implementing and harmonising the legal framework of the EU within the area of human trafficking. The Directive on Prevention, Combat, and Protection seeks to meet these challenges as it calls for closer cooperation among Member States, increased awareness raising and information directed towards potential victims to prevent people from being trafficked.

Council Framework Decision - This framework decision aims to approximate the laws and regulations of the Member States in the field of police and judicial cooperation in criminal matters relating to the fight against trafficking in human beings. It also aims to introduce at European level, common framework provisions in order to address certain issues such as criminalisation, penalties and other sanctions, aggravating circumstances, jurisdiction and extradition.

In spring 2009, the European Commission presented a proposal for a new Framework Decision on preventing and combating trafficking in human beings, and protecting victims. The aim of the proposal, which is intended to replace the current Framework Decision on human trafficking from 2002, is to create a more integrated, holistic approach in the fight against trafficking in human beings. The objective is to prevent and prosecute human trafficking crimes and protect those who fall victim to these crimes more extensively. It is intended to discuss this proposal at the Justice and Home Affairs Council on 23 October 2009, and to reach a political
agreement on the Framework Decision at the next Council meeting on 30 November-1 December 2009.

**The European Pact on Immigration and Asylum:**
The European Pact on Immigration and Asylum endorsed by the European Council summit held on 15 and 16 October 2008 in Brussels. At this point that "The European Union, however, does not have the resources to decently receive all the migrants hoping to find a better life here. Poorly managed immigration may disrupt the social cohesion of the countries of destination. [of immigrants] "(p. 3). So we emphasized that immigration policy should take account of "the capacity of the host of Europe in terms of labor market, housing, and health services, education and social services" (p. 3).

Legal immigration should "take account of the priorities, needs and capacities of the host specified by each Member State ' (p. 4), while illegal immigration is to' ensure that illegal immigrants return their countries of origin "(p. 4).

Moreover, it stresses that "illegal immigrants who are in the ground member states have to leave this land" (p. 7), while stressing that they should prefer the voluntary repatriation and to adopt dissuasive and severe penalties for those exploit illegal immigrants (such as employers). The European Commission considers that "legalization should not be considered as a way of managing migration flows, and in fact often emerge as the negative impact of immigration policy elsewhere" (4, p. 17). Council of the European Union Brussels, 24 September 2008.
Hellenic Legal Framework against Human Trafficking and Smuggling.

The Greek Government has taken a number of steps to avoid organisers from participating in human smuggling and trafficking. The theory is to make human smuggling and trafficking a high risk, low gain activity, so that organised crime groups will be deterred from undertaking these activities. Relevant legislation at the State level addresses: slavery, sexual servitude, and deceptive recruiting; organised people smuggling; domestic violence against spouses and defactos applying for permanent residency on the basis of their relationship, child sex tourism and organised crime. Slavery, Sexual Servitude and Deceptive.

Law 3064/2002 (Government Gazette Issue A’248/15-10-2002) Combating trafficking of persons, crimes against sexual freedom, pornography of minors and the financial exploitation of sexual life in general and providing assistance to victims of such acts, which prohibits trafficking for both sexual exploitation and forced labour. The penalties are commensurate with those prescribed for other grave crimes. The law prescribes imprisonment of up to 10 years and a fine of 10,000 to 50,000 Euros.

Presidential Decree 233/2003 (Government Gazette Issue A’204/28-8-2003) «Protection and assistance to victims of crimes pertaining to articles 323, 323Α, 349, 351 and 351 A of the Penal Code, according to Article 12 of Law 3064/2002». The law prescribes for the assisted voluntary repatriation of trafficking victims who have entered Greece illegally. It also addresses protection for victims, specifying that they must be given legal assistance, shelter and protection to enable them to testify against their captors.

Law 3386/2005 on Entry, stay and social integration of third country nationals on Greek territory » (N.3386/2005)
Articles 84-87 of Law 3386/2005, in which a) determine the cases in which public services, public entities and services for the wider public sector are required to not provide services to third country nationals, and the penalties applicable to infringements, b) sets out obligations of notaries in the notarial acts when parties or participants in any way are nationals of third countries and related penalties for infringement, c) for the obligations of employers of third country nationals and the related penalties for infringement and d) provide for the obligations of officials and other individuals and related penalties for infringement and there is express provision of imprisonment of at least 1 month and penalty of at least 5,000 euros for those who facilitate the illegal residence of third country (Article 87 paragraph 6) or imprisonment of at least 2 years (amended by the Law and is punishable for more of 5 years imprisonment).

Law 2928/01 on criminal organizations and other provisions (N. 2928/2001)

In order to facilitate criminal proceedings against traffickers of victims who are minors, Law no. 3625/2007 was adopted in 2007.

Victims of human trafficking are offered a 30-day reflection period, under which the victim may decide whether s/he will participate in criminal proceedings, according to Law 3386/2005 on the entrance, residence and social integration of third-country nationals in the Greek territory. Identified trafficking victims who assist the government in prosecutions are provided with temporary, renewable residence permits, and access to social services and healthcare.
Third part - The Case of the South-Eastern European Sea-Borders.

Current Situation in the South-Eastern European Sea Borders – (Eastern Mediterranean route).

Detections of illegal border-crossings on this route various seasonally. The numbers of migrants entering Greece through its sea borders lately are not particularly high. In some cases, illegal immigrants are shipped directly to the coast of mainland Greece, from which they can easily reach Athens.

Origins and profile of illegal immigrants. The vast majority of persons arriving are young single men in their twenties. The majority would appear to have little or no education. The arrivals generally take place between April and October each year. For Greece the departure points are generally Turkey, but also Egypt. The main nationalities among those intercepted are Afghans, Iraqi Kurds, and Pakistanis followed by Turkish Kurds, other Iraqis, other Turks, and Iranians. Some Egyptians and Syrians have also been registered. The identification of country of origin may not always be accurate as many persons may claim a different origin or nationality to avoid being returned. Smugglers arrested are mainly Turks and Greeks. (Council of Europe 2008).

According to research interviews with the Police Forces and the Ministry of Mercantile Marine Security Department smugglers’ networks operating through Turkey have their hub in Istanbul mainly and may adopt different modus operandi. Some are loosely-organised networks of smaller teams of ‘guides’ that take responsibility for the different legs of the immigrants’ journey (e.g. crossing the Turkish border from Iraq, Syria, or Iran, moving
north to Istanbul, then reaching the Aegean coast and then crossing the sea border to enter Greece). Others resemble more mafia-like organizations with a journey schedule and contacts at transit stations. In some cases, migrants ‘buy’ their journey not only to Greece but further north. They are smuggled to Italy (hiding in ferries), through Albania (hiding in trucks) or by plane (using fake passports) (Papadopoulou 2004: 173).

On October 12, 2010, a conference on “EU Policy and the National Action Plan for combating Human Trafficking” was held at the Ministry of Foreign Affairs. In his opening speech, the Greek Minister of Foreign Affairs Mr. Dimitris Droutsas stated, among other things, that Greece, too, has been touched by the problem of human trafficking, mainly in the form of trafficking rings aimed at sexual exploitation and forced labor. For these reasons, Greece has dynamically joined the global alliance for combating this phenomenon. Moreover, Mr. Droutsas mentioned that it has now been eight years since Greece implemented the legal framework for combating trafficking and that in this time, it has gained significant experience from initiatives and actions on all levels: international, regional and national. At the end of his speech, Mr. Droutsas pointed out the following: “Our country’s goal is to be among the leading players in the international campaign for confronting modern forms of slavery. Our goal is not simply to meet our commitments under the new European legislation and international conventions. Our goal is to be a frontrunner.” Within this framework, “Hellenic Aid” of the Greek Ministry of Foreign Affairs has co-funded various programmes to combat human trafficking, which are carried out by Non Governmental Organizations and other institutions. An example is the programme “NATALIE III for the protection of children of Albanian origin, victims of neglect or exploitation” of the Greek NGO “ARSIS”, with a total budget of 186.668 euros. The
programme’s main activities were the creation and operation of a guesthouse in Thessaloniki, with a view to ensuring the protection and the provision of help to children that have been victims of trafficking and exploitation, the operation of the NGO ARSIS’ “Day Center” in Tirana, where children that have been victims of neglect or exploitation are sent to and a campaign to raise awareness of the public in Greece regarding the phenomenon of trafficking in persons.

**Statements by Greek Ministers.**

About the issue of Human Smuggling and trafficking, several Ministers have given answers after petitions and questions by Means of Parliamentary Control.

The Minister of foreign affairs Mr. S Lamprinidis on June 2011 has stated: In the Ministry of Foreign Affairs exists interministerial body in cooperation with the Ministries of Citizen Protection, Internal Affairs, Public Health and Social Solidarity, Justice, Transparency and Human Rights and the General Secretariat for Gender Equality. In the same time the Ministry of Foreign Affairs in cooperation with the European Union, the United Nations, the Organization for Security and Co-operation in Europe – OSCE, the International Organization for Migration and the Council of Europe, aims to ensure the participation of Greece in an International plan of action for encounter the Human Smuggling and traffickting. In Greece we register a dynamic increase confronting the problem and already we have positive results against organized groups and in the field of victim protection. Also we have recently presented the national plan for action with the cooperation of the relative Ministries that among the other goals, aims to put Greece amongst the protagonists in the International campaign against modern slavery. In addition we notice that in the framework of the
National coordination mechanism there is a work team of Ministries staff that is in close cooperation with the International Organization for Migration and certified NGO, aims in the prevention, suppression and protection of victims of Human Smuggling and trafficking and includes a series of initiatives aiming in the improvement of the recognition and the aid of the victims, as well as the training and sensitivity of police and judicial personnel in the right practices of international Organizations who protagonists in the fighting of modern types of slavery.

The Deputy Minister of Citizen Protection Mr. Emmanuel Othonas on August 2011 has stated: The issue of illegal immigration has become a major national issue and as such is treated by our Ministry. The influx of illegal immigrants is huge burden for our country, but with the help of the European Commission and European funding, we made great efforts to implement the National Action Plan for the management of migratory flows, in cooperation with the ministries, bodies etc.

To this end, specific actions designed to handle this emergency situation. Moreover, we have taken actions. These actions were approved by the European Commission in December 2010.

In addition, the provisions of Law 3907/26-01-2011 "Establishment Asylum Service and the Office of reception, adaptation of Greek legislation to the provisions of Directive 2008 / I 15/EK" on common rules and procedures in Member States for returning illegally staying third-country "and other provisions", according to the requirements of the common European law and the conditions, circumstances and infrastructure to upgrade the level of protection of human rights, always on the promotion and respect of human dignity. Moreover, with the above law, in conjunction with the applicable provisions of law 336/2005, regulates the detention and overall management of foreigners living illegally in the Greek territory.

Specifically, the arrested illegal foreigners who illegally enter our country,
returned to their home country Note however that, in general, and to complete the procedures for removing the illegal aliens detained in Special Areas Permit and in police cells.

For aliens apprehended at the border of our country, they kept in order to complete the necessary official procedures (identification, recording, fingerprinting, photographing) and then issued deportation orders without reservation, to depart within the prescribed period for voluntary departure from the country in their own country or country of their choice. Unless the foreign authorities delivered to the neighboring country (Turkey) on the existing Readmission Protocol, other foreigners for whom it is possible repatriation transferred to the Department of Attica Aliens in order to complete the removal procedures. Operational our goal is to complete the administrative procedures in accordance with the legislation in a short period and focus our efforts on cases of aliens who may be repatriated.

Regarding the question referred for expenses incurred in the management of illegal immigrants from conception to their removal, they are caused in the budget expenses of the Ministry of Citizen Protection, we inform you that exact calculation of the costs associated with migration is not is possible because of the nature of the problem. However, the approved expenditure by the regular budget for the deportation of illegal immigrants, according to the appropriate Service of the Greek Police Headquarters (Directorate of Finance) that the year 2006 adopted (632,353.65) Euros, in the year 2007 (447,250.30 euros), 2008 (600,084.50) Euros, 2009 (618,871.90 euros) for the year 2010 adopted (2,100,000.00) Euros.

In addition to these, please be advised that the committee set up by officers of Attica Aliens subject to market research, selecting the cheapest deals (purchase tickets, etc.) the costs of deportation of aliens. Specifically, in 2010 expelled (17,340) foreigners, while in the 7 months of
The year 2011 (5573). The year 2010 were 4 national companies returns charter flights to Egypt Pakistan, Afghanistan and Nigeria, while the first 7 months of year 2011 were already 4 special flights (two in Nigeria and one in the Dominican Republic and Egypt).

Furthermore, through the voluntary return, in 2010 returned a total of 1,410 foreigners, [A Phase Action International Organization for Migration (IOM) and the Greek Police Force], the first 7 months of the year 2011 returned total of 889 foreigners in their country of origin (B phase action IOM 511 and the Departments of Police 378).

Furthermore, we know that for this purpose and used European funds. Specifically, the No 575/2007/EC of 23.05.2007 Decision of the European Parliament and the Council established the European Return Fund for the period 2008 to 2013 as part of General Programme "Solidarity and Management of Migration Flows", "which co-financed 75% from European funds and 25% by national resources.

In implementing the multiannual and annual programs specifically 2008, 2009, 2010 and 2011 the European Return Fund, approved by the European Commission with a total budget of EUR 69,500,000.00, allocated funds amounting to 30,000,000.00 euros funding forced return. They have also allocated funds amounting to 17,000,000.00 euros for implementing voluntary return programs as another alternative. The funding covers costs associated with the implementation of forced return, relating to issuance of travel documents, purchase tickets or rental of aircraft, accommodation and meals of returned irregular migrants and their police escorts during return operations in the country of origin.

The Minister of Citizen Protection Mr. Christos Papoutsis on July 2011 has stated: The Police authorities have planed the program of criminal police
for the year 2010 – 2014 with which specify the priorities for the whole country and also the targets of the Hellenic police. For the human trafficking case there is only one target this is the zero tolerance in the phenomenon. For this purpose there are antitrafficking teams: one big team in the central offices and 14 teams in the rest of the country. Also there are special services for protection of the minors. Our target is to eliminate the phenomenon of trafficking and human exploitation with actions like: Survey of all the parameters of the problem in each one of the police departments, sensitivization of the police staff for deep knowledge and understanding of the phenomenon, strict application of the law and deep investigation of organized human trafficking cases, activation – improvement of intelligence office, survey and targeting of criminal groups and individuals, briefing, for the passport control staff in order to identify possible victims during their entrance in the country (profiling), cooperation with all the competent authorities, using all the methods of international good practices, fast resolution of all the problems that the personnel is facing. Also the police authorities are in cooperation with NGO in order to provide farther help to the victims. According statistics of the antitrafficking team, during the year 2010, the Hellenic Police has deal with 62 human trafficking cases (47 of sexual exploitation and 154 of economic exploitation), 16 from those was under Organized Criminal Groups. 246 where the perpetrators, and 92 the victims (men, women and minors), 64 from them have asked for aid and protection from the State.
Greek Social Confrontation (State and Private Institutions).

Ministry of Justice.

Upon the initiative of the Minister of Justice, a special committee was set up under the chairmanship of the General Secretary of the Ministry of Justice, with the aim of coordinating the implementation of provisions of Law 3064/2002 on the subject of “fighting trafficking in human beings” at political level. The outcome of the committee’s work, which operates at the tier of General Secretaries and co-competent ministries is the elaboration of the project: “Actions against Human Trafficking”. The project relies on the coordination of co-competent ministries and spans the whole spectrum of actions related to trafficking in human beings.

In the framework of the Ministry of Justice actions, training seminars are organized for magistrates and prosecutors whereas conferences are held at the National School of Judges.

At the initiative of the Head of the Athens Court of First Instance, a prosecutor was assigned with the task of overseeing the phenomenon’s evolution.

In the ministry of Justice, there is a special Legislative Drafting Committee responsible for drafting a ratifying law and adapting Greek legislation to provisions of the Council of Europe Convention on actions against trafficking in human beings (THB) and the U.N. Protocol for the Prevention and Suppression of human trafficking, especially of women and children, that supplements the UN Convention against Transnational Organized Crime.
Ministry of Health and Social Solidarity

It participates in the network through the National Centre for Social Solidarity (EKKA), which is the main national coordinating agency for offering social solidarity services and information on welfare matters, as well as the main public agency for providing assistance and accommodation to victims of illegal trafficking and trading with the aim of exploiting sexual freedom. Its services are the following:
Counseling, information and awareness on matters of welfare.
Psychological support to persons, families and groups.
Temporary accommodation in shelters for persons who are in a crisis or emergency situation.
Temporary accommodation to female victims of illicit trafficking and trading with the purpose of sexual exploitation.
Coordination and mediation for access to social solidarity services that are offered by other agencies, non-profit organizations and Non-Governmental Organizations.

Ministry of Interior

The Ministry of Interior focuses on victim support, with public administration granting residence permits and the accompanying possibility of stay on Greek territory for the time period needed until the relevant procedures are completed.
of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration who cooperate with the competent authorities”, amended the legislative framework that governs the issuance of residence permits to human trafficking victims.

In particular, new Law 3386/05 regarding the “Entry, Stay and social integration of nationals of third countries into Greek territory”, that is valid as of 1.1.2006, includes a special chapter (articles 46-52) on the issuance of residence permits to human trafficking victims according to what is stipulated in the aforementioned Community Directive 2004/81/EC.

A significant innovation in the new Law and in that particular chapter is that the competence of granting a residence permit has been transferred from services in the regions of the country to central agencies (the Ministry), in the framework of effective controls and overall oversight as well as in order to have better coordination between co-competent ministries and actors for a more effective response to human trafficking.

Trafficking in Human Beings (THB) victims, who are granted the aforementioned residence permit, have the right to have access to the labour market, as well as to regular medical and pharmaceutical care, vocational training and education, according to the provisions of article 6 of Presidential Decree 233/03 “Protection and assistance to victims of crimes of articles 323, 323 A, 349, 351 and 351 A of the Penal Code, and according to article 12 of Law 3064/2002 (Government Gazette Issue A’248)”.

The area of residence can also be changed, and particularly within a month from the completion of the relevant procedure with the issuing of an
irrevocable judicial decision. If the complaint on the actions denounced is found to be true, due to THB characteristics, the residence permit holder can be granted a residence permit for one of the reasons stipulated in Law 3386/05.

The Ministry of Interior cooperates with NGOs that are active in Trafficking in Human Beings matters, offering thorough information about cases that are related to the procedure of granting or renewing a residence permit of third country nationals who are victims of Trafficking in Human Beings (THB). (www.ypes.gr).

Ministry of Employment and Social Protection.

The Ministry of Employment and Social Protection is involved in the response and fight against Trafficking in human beings with the following actions:
- The Labour Inspection Body (SEPE), was established with Law 2639/98. It is the national authority responsible for labour legislation implementation controls. Labour inspectors are divided into social and technical inspectors, who examine human trafficking aspects, as part of their competencies, primarily through workplace inspections.
- In the Operational Project “Employment and Vocational Training” a special priority category of eligible unemployed women has been included, who have been characterized as human trafficking victims.
- In the program’s framework, the General Secretariat for Gender Equality, has realized the project «Financing Integrated Interventions in favour of Women”, which has been designed with the view to integrate unemployed women in the labour market and is based on the creation of a web of supportive psychological, social and work structures.
Ministry of National Education and Religious Affairs.

The Ministry of National Education and Religious Affairs aims at promoting awareness among educators in terms of human trafficking. For this reason, information material is being prepared in order to be used as a foundation for disseminating information in the education community, through related circulars, as well as through the Ministry of National Education and Religious Affairs webpage.

Ministry of Foreign Affairs.

Ministry of Foreign Affairs actions cover the whole spectrum of fighting trafficking in human beings (prevention, protection and suppression). They include programs for victim identification and referral, hospitality shelter operation and psychosocial support, legal and administrative support, voluntary repatriation, actions in countries of origin, public awareness and sensitization campaigns and competent public authority training programs.

General Secretariat for Gender Equality.

The General Secretariat for Gender Equality is involved in the response and fight against Trafficking in Human Beings with the following policies and actions:
Counseling centres on matters of violence against women offer psychosocial support and legal counseling on issues of Trafficking in Human Beings.
A TV spot was produced in the framework of public awareness and sensitization on Trafficking in Human Beings.
Information leaflets have been published in Greek and English, on how to combat this phenomenon and on victim support services. The Research Centre for Gender Equality (KETHI), a body that is supervised by the General Secretariat for Gender Equality, has among its competences, the provision of information to women on gender equality matters. The Research Centre for Gender Equality (KETHI) operates in Athens, Thessaloniki, Patras, Volos and Heraklion, Crete and four additional branches are expected to operate in Amfissa, Preveza, Kalamata and Komotini. In the framework of the Hellenic Ministry of Foreign Affairs, International Economic Relations and Development Cooperation programs, the General Secretariat for Gender Equality, in cooperation with KETHI embarked in 2006 on the program of development aid with the title “Support of regional policies against the illicit trafficking and trade of women” in Bosnia-Herzegovina and Serbia (Kosovo). In the framework of the Project “Integrated Interventions in favour of Women” of the Operational Plan “Employment and Vocational Training” realized by the General Secretariat for Gender Equality, among the categories that benefit for the first time are women who have been characterized as victims of human trafficking. The project aims at improving access and participation of women in the labour market through the provision of services on awareness, counseling and social support. Women who become victims of human trafficking are a priority in terms of eligibility criteria. The General Secretariat for Gender Equality and the UN High Commission’s Office in Greece drafted and signed on July 5, 2005, a new revised Memorandum of Understanding, with the aim of jointly promoting women’s and girls’ rights, who have sought asylum and have a humanitarian status in Greece according to the 1951 Geneva Convention.
and Presidential Decree 61/1999. The Memorandum aims at safeguarding procedures for the identification of the most vulnerable cases of women who seek asylum and may be human trafficking victims.

The General Secretariat for Gender Equality, in cooperation with the Training Institute of the National Centre of Public Administration has organized seminars in various cities in Greece (Athens, Thessaloniki, Heraklion, Ioannina, Patras) on the topic of violence against women (Trade in women with the aim of sexual exploitation has also been included) and on appropriate response measures. The goal is to train competent professionals in better responding to this phenomenon even in agencies which have not been directly created for this purpose (e.g. municipality social services).

It participates with a representative in the Anti-Trafficking Task Force (ΟΚΕΑ), that was established at the initiative of the Ministry of Public Order and has operated since April 2001.

It cooperates with NGOs in responding to this phenomenon and funds relevant actions, when necessary.

The General Secretariat for Gender Equality, in cooperation with the Research Centre on Equality Issues (KETHI) participates in the Hellenic Ministry of Foreign Affairs Development Aid and Cooperation projects in the countries of origin of economic immigrants and human trafficking victims.

The National Center for Social Solidarity (ΕΚΚΑ) is the primary state agency for the support of trafficking victims. EKKA offers numerous services, including counseling and psychological assistance, housing, an emergency help line, and health care.
The NGO Klimaka exists to assist victims of human trafficking in Greece, and cooperates with NGOs in source countries to stop the influx of trafficked persons to Greece. Klimaka works with organizations in Albania, Serbia, Nigeria, and Ukraine to increase awareness and prosecution of trafficking crimes. The CHLOE Women’s Shelter provides living arrangements, legal assistance, educational training, counseling services, and medical attention to victims in Greece.

The STORGI home for abused women and children was established by a cooperative between the NGO SOLIDARITY and the International Development Cooperation Service of the Ministry of Foreign Affairs. STORGI provides shelter, as well as medical and legal assistance, to victims of domestic violence and trafficking.

Doctors of the World (Médecins du Monde-Greece) sponsors a shelter in Athens for refugees, a shelter for victims of sex trafficking, and a medical center. While the NGO’s primary focus is offering humanitarian aid in times of conflict or natural disaster, it also advocates for human rights through “silent diplomacy” and the media.

The European Network of Women (ENW), based in Athens, sponsors women’s shelters and hotlines for victims of trafficking. The ENW also provides free legal assistance to victims and training to professionals who come into contact with trafficked individuals.

In June 2005, the ARIADNE Network Against Trafficking in Human Beings in Southeastern and Eastern Europe was founded in Athens. Eighteen NGOs from 13 countries belong to the network, which was established to assist victims, raise public awareness, and distribute publications about
human trafficking. Lately, member countries are involved in the 2008–2009 “Third Joint Project,” which is implementing measures to counter trafficking, such as publication of a “good practices” manual, staging of a workshop for member NGOs to discuss effective anti-trafficking practices, and distribution of materials describing services to potential victims and organizations that come into contact with victims.

ARSIS (Social Organization for the Support to the Youth) is specialized in providing social support to youth and defending youth rights.

SOLIDARITY is the Non-Governmental Organization (NGO) of the Church of Greece and provides social support.

And many others.
Responses of the Greek Law Enforcement Authorities

Law Enforcement - Prosecution for Traffickers:
Greece’s specialized anti-trafficking police officers demonstrated strong law enforcement efforts. Greek law 3064, adopted in 2002, prohibits trafficking for both sexual exploitation and forced labor, and prescribes imprisonment of up to 10 years and also a big fine. Many trafficking-related statistics, such as the total number of trafficking prosecutions and suspended sentences of convicted trafficking offenders, were unavailable. According to available data, law enforcement arrests of suspected trafficking offenders increased from 121 in 2007 to 162 in 2008. Police conducted 37 sex trafficking investigations, two labor trafficking investigations and one investigation of trafficking for the removal of human organs. The government reported 21 convictions of trafficking offenders, 17 acquittals, and 41 ongoing prosecutions during 2008. Sentences for the 21 convicted offenders ranged from one year to almost 17 years’ imprisonment, and many sentences also included fines, though many convicted trafficking offenders continued to be released pending lengthy appeals processes. Greek courts, especially at the appeals level, often give convicted trafficking offenders suspended sentences.


A National Action Plan to Combat Human Trafficking was adopted in 2005. The Action Plan addresses all levels of counter-trafficking action - prevention, protection and prosecution - in cooperation with international organisations, other governments and NGOs. The National Action Plan includes the following elements: Monitoring the phenomenon,
Databases/collection of statistics, Screening procedures to identify victims, Establishment of shelters, Support to victims including legal assistance, granting of residence and work permits, and voluntary repatriation, Support in countries of origin, Educating police forces; educating law enforcement and judicial authorities, Awareness-raising campaigns.

The Government of the Hellenic Republic has gradually created the solid preventive, protective and prosecutorial framework, necessary for confronting and eliminating modern slavery. Greece has enhanced efforts to respond to the problem, including legislative reforms, inter-agency coordination among law enforcement, prosecution and judiciary, extensive protection to the victims, awareness raising campaigns, and systematic prosecution of criminal networks exploiting trafficked victims. Greece has also strengthened the cooperation with relevant bodies within major international organisations and countries of origin, transit and destination, with encouraging results. The National Coordination Mechanism will continue focusing on a four-pronged Action Plan with a view to further improve our record in Prosecution, Protection, Prevention and Partnership. Greece endorses a consistent human rights roadmap, leading to a less strict and more inclusive identification regime for the victim and to more positive results in counter-trafficking. The Government and Civil Society are cooperating closely in the implementation of a comprehensive National Action Plan (N.A.P.) to combat TIP based on counter-trafficking Laws and on a victim identification regime (a national referral mechanism) ensuring the proper application of victim protection measures.

the new EU Directive, the N.A.P. addresses all levels of counter-trafficking action (Prevention, Protection Prosecution) in Partnership with International Organizations, other governments and N.G.Os.

The Government’s political will is to be among the leading players in the international campaign for confronting modern forms of slavery. The intention is to impose sentences that will reflect the severity of the crime and deter criminal networks. Indeed, concrete results have been achieved in the field of Proactive law enforcement. The Hellenic Police operates 19 counter-THB task forces throughout Greece. The work of the Hellenic Police is based on large scale national and cross-border operation that is bringing together police task forces, prosecutors, law enforcement officials and N.G.Os, engaging in victim identification, referral, assistance, vigorous investigation and dismantling of criminal networks.

Under the new European legislation and international conventions, Greece’s “Protection”, approach adopts a set of pro-active measures starting with a more inclusive identification regime for the victim, immediate assistance and protection of the individual, provision of a reflection delay period in which the victim can self actualize and cooperate with the authorities, granting of residence and work permits to pursue a reasonable second chance in life. In short, Greece provides incentives to thousands of victims who are now suffering in silence and hesitate to reach out for help. This is precisely why this protection system is consolidating a trusting environment, which could persuade more victims to cooperate with the authorities and NGOs.
In short, some key areas of attention for the 2010-2011 Action Plan, are:
Continue efforts to equip and train officials most likely to encounter trafficking victims, such as the coast guard and border police, in trafficking victim identification and assistance procedures, with a view to increase the number of potential victims identified by the government, Sustain funding for anti-trafficking NGOs, Ensure potential victims are offered assistance and deportation relief available under Greek law and not penalized for crimes committed as a direct result of being trafficked, Ensure specialized assistance for child victims and adequate protection for male victims, Establish a central authority to coordinate and monitor anti-trafficking efforts (the Office of the National Rapproteur), Continue public awareness campaigns targeted toward a Greek audience, including potential clients of the sex trade and beneficiaries of forced labor, Coordination of anti-trafficking actions at a national level, A National Coordination Mechanism (NCM) was established in 2009. The NCM is tasked with monitoring and combating trafficking in human beings under the coordination of the Ministry of Foreign Affairs, The NCM coordinates all competent authorities and NGOs working in the field of anti-trafficking. It is also in charge of the planning, implementation and evaluation of counter-trafficking activities on a national basis as well as promoting and coordinating international cooperation.

Investigation and prosecution: A specialised anti-trafficking group has been operational within the Public Police Security Division of the Hellenic Police Headquarters since 2002. The group's responsibilities have included drawing up a Public Order and Security Policy.

The Hellenic Police operates 19 counter-trafficking task forces throughout the country. The work consists of large scale national and cross-border
operations that brings together police task forces, prosecutors, law enforcement officials and NGOs, all engaged in victim identification, referral, assistance, vigorous investigation and dismantling of criminal networks.

The mandate of these Task Forces is to exchange intelligence and information with prosecutors, NGOs, shelters and other partners. The Task Forces collect and process complete data on arrests, prosecutions, convictions and incarcerations.

In 2006, Operation ILAEIRA was implemented by the ex Ministry of Public Order (now Ministry of Citizen’s Protection) and the Greek Police Headquarters. The operation aimed to suppress and combat trafficking in women and children for sexual exploitation. The ILAEIRA plan is developed on the basis of two parameters:

The first parameter concerns the operational (police-judicial) action for the combating of organized networks with international character and for victim recovery. The second parameter concerns the provision of assistance and protection to victims, as a result of the action that will be developed under the first parameter.

Twenty one other European countries participate in ILAEIRA action. These include EU Member States and third countries as well as International Organizations (Europol, Interpol, Eurojust, Frontex, Seci etc).

During 2008 and the first two months of 2009, international operations resulted in the dismantling of trafficking networks. 161 people were arrested, and assistance was provided to 13 female victims of trafficking.
According to the 2010 US State Department Trafficking in Persons Report, the police conducted 66 human trafficking investigations in 2009, a 65 percent increase above the 40 investigations in 2008. Fourteen of the new investigations involved forced labour, compared with only two in 2008.

The government reported 32 new convictions of trafficking offenders, 12 cases acquitted, and 42 ongoing prosecutions in 2009. The average sentence for trafficking offenders was approximately 11 years with fines.

**Greece, E.U. and international cooperation.**

Greece participates in many international and regional fora that promote regional cooperation with neighbouring countries. Much focus lies on police cooperation with other EU Member States and third countries. In 2006, an agreement for the protection and support of child victims of trafficking was signed between Greece and Albania, which was ratified in 2008 by Law 3692/2008. The bilateral agreement between Albania and Greece was recently ratified by the Greek Parliament and provides a series of actions to be taken by the Greek authorities. Some main examples of international cooperation include:
- Supporting regional cooperation and holding bilateral meetings between frontier police directorates with respective services in Bulgaria and Albania
- Exchanging information via authorised communication channels such as the SECI centre, Greek Liaison Officers appointed in EU Member States and third countries, and Police Cooperation Agreements concluded by Greece
- Cooperating with foreign diplomatic missions in providing assistance to victims who are nationals of their countries
Participating in international operations, such as operation LEDA (held in 2003, during the Greek E.U. Presidency) and operation MIRAGE (held by the SECI centre).

Towards a sophisticated Data Base, a Website and a National Referral System.

In cooperation with the International Organization for Migration, co-competent Ministries, NGOs, the Foreign Ministry’s Special Secretariat for the Development of International Programmes and the Secretariat General of Equality, the NCM (National Coordination Mechanism) is participating in a number of tenders within the framework of “Administrative Reform”, “Digital Convergence”, “Competitiveness” and “Gender Equality” being funded by the National Strategic Reference Framework (NSRF) for 2007-2013.

Through EC funding, the NCM will thus implement the creation of a twofold, detailed and systematically updated database for victims and monitoring the progress of legal cases against traffickers. In addition through NSRF support and in cooperation with the new EC anti-THB web portal, the NCM will also supervise the launching of an informative national website. Through NSRF support, the NCM will also resume in a more vigorous and systematic way, large-scale education and train the trainers projects for all competent authorities and civil society stakeholders.

**Readmission Agreement with Turkey.**

The operation of the Greek-Turkish Readmission Agreement which has been in place since 2002 but rarely enforced until last 2010, when Turkey readmitted 1,457 migrants out of 10,198 requests submitted by the Greek authorities. However, these numbers still represent only a fraction of
migrants crossing the border. According to the Greek authorities, Turkey usually disputes the fact that migrants have crossed from their territory unless it can be proved they come from countries who share Turkish borders and with whom Turkey also has a readmission agreement—Iran, Iraq, Syria and Georgia.

The EU regards Readmission Agreements as part of an effective policy for combating illegal migration and has sought to agree formally with non-EU states that they will not only accept their own nationals back, but also third country nationals who have transited their territory en route to the EU. The EU is pressing for the signature of such an agreement with Turkey, to facilitate a greater number of returns.

**Voluntary returns.**

Another means of removing migrants from Greece is by assisted voluntary returns, whereby migrants who agree to go home are given financial assistance to do so. Many of the migrants who have managed to reach Greece but cannot get to their ultimate destination would prefer to go home rather than remain in limbo, but lack the resources to do so. The International Organisation for Migration, which operates voluntary returns out of Athens, aware (the year 2010) of 3,000 migrants who wanted to return home, but only had funding available to repatriate 500 of them.

The Office of the United Nations High Commissioner for Refugees in Greece, which does not usually advocate the use of voluntary returns programmes, believed that in this instance such programmes were the only way to resolve the current migration crisis in Greece in the short-term.
Joint statement of the Heads of the EU Justice and Home Affairs Agencies on 5th EU Anti-Trafficking Day.

Human smuggling and trafficking are, by nature, transnational activities. Responses to these problems can only be effective if members of the international community act cooperatively. One recent initiative for combating Trafficking is the joint statement of the Heads of the EU Justice and Home Affairs Agencies on 5th EU Anti-Trafficking Day held in Warsaw on 19-10-2011:

“Together, we commit to address trafficking in human beings in a coordinated, coherent and comprehensive manner. In partnership with EU Member States, EU institutions and other partners, we will focus on better prevention of trafficking, more efficient investigation and prosecution of perpetrators, and a more effective protection of victims in compliance with fundamental rights standards. To this end, we will work closely with civil society organisations within and outside the EU.

Our approach is in line with the provisions of the Lisbon Treaty and the Stockholm Programme. We will therefore use the new powers provided by the Lisbon Treaty to further implement, together with other involved institutions and the Member States, the EU Action Oriented Paper on strengthening the EU external dimension on action against THB in order to create a coherent pan-European approach of the EU’s efforts against trafficking in human beings.

We are equally committed to join efforts supporting the EU Member States in implementing the provisions of the newly adopted Directive of the 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.
The fundamental rights of victims of human trafficking are central to EU policy in this field. Therefore, in addition to our specific mandate and activities, we are all committed to carrying out our work in full respect of human rights in line with the Charter of Fundamental Rights of the European Union and the European Convention on Human Rights. We will also ensure that a gender perspective is integrated in our structures, policies, and programmes and that particular attention should be paid to the protection of rights and adequate treatment of vulnerable groups of victims of human trafficking, in particular women, children and unaccompanied minors. Using our unique strategic position, knowledge and expertise we commit to working closely with the European Commission and the Member States to ensure that differences in practices and tradition will not jeopardise or prejudice the rights of victims of trafficking.

In our action we will respect the principles of subsidiarity and proportionality, keeping in mind that the agencies should be the operational tools for the Member States and for the EU institutions when protecting the freedom of citizens and ensuring the security of the EU. A focus shall lie on prevention. In this context, it is important to work towards a high level of awareness in the population in order to combat trafficking. The evolving framework of the EU internal security requires the joint effort of the EU Agencies. This includes improving border security by identifying both traffickers and potential victims of human trafficking. At the same time we are conscious that many victims are trafficked and exploited within the EU borders. Acknowledging the many manifestations of trafficking, Agencies will work to ensure that the rights of victims are respected in practice, which includes due consideration of gender perspective and related factors that, in combination, can increase vulnerability. Towards this aim we will design complementary training
programmes targeting senior and front line officials to ensure that the needs and rights of victims are addressed. In doing so, we are committed to enhancing synergies across EU agencies active in the preparation of training for law enforcement and judicial officials.

From the perspective of law enforcement and judicial cooperation, we are committed to assisting Member States to increase the number of human trafficking investigations and prosecutions as well as to coordinate cross-border action, so that human traffickers are brought to justice fairly and efficiently.

Judicial cooperation in the fight against trafficking in human beings should be global in outlook and include cooperation with non-EU countries and the facilitation of investigations outside EU borders where appropriate. From the same perspective, seizure of criminal assets in trafficking cases requires proper judicial followup to ensure that crime does not pay. Our agencies will help coordinate investigations and prosecutions conducted by Member States' authorities which address the financial aspects of organised crime. This means taking concrete steps to improve the tracing, confiscation and recovery of proceeds from human trafficking, while maintaining full regard for fundamental rights. We will promote the social re-use of assets seized, to facilitate the rehabilitation of victims of crime and to help prevent future exploitation.

We will also seek to increase the number of Joint Investigation Teams, as well as parallel and mirror investigations, whenever possible and necessary for cross-border anti-trafficking operations. Developing new threat assessment methodologies at the EU level as part of the new EU policy cycle for serious and organised international crime, refining analytical capabilities, defining intervention priorities and establishing links with national security strategies as well as the EU external security strategy are key elements that will help us developing
necessary coordinated planning but also flexibility to respond to emerging threats and react more quickly to the new forms of human trafficking.

We will enhance our present efforts in order to ensure better collection, access and sharing of information related to trafficking victims and organised crime groups. In this process we will take the necessary steps to observe EU data protection rules.

In order to ensure better results in working towards the eradication of trafficking in human beings, each Agency will nominate a contact point, who will have an overview of the Agency’s action in his/her field and may represent the Agency in EU and relevant fora. This person will ensure improved communication between the Agency and EU institutions, including the EU Anti Trafficking Coordinator and with relevant Intergovernmental Organisations or Nongovernmental Organisations in the field. The contact persons will meet when needed to discuss common actions at an expert level.

In order to translate this commitment into actions, and as the next step, we will establish and implement concrete joint priorities and activities in our planning and where relevant propose these for our upcoming work programmes.

It is only by working together through a properly integrated approach that we can help address the misery caused by human trafficking”.

About FRONTEX.

On 24.11.2011 for the purpose of this work, the ex FRONTEX Research Officer Commodore Dimokritos Tsiritis, said: The problem of smuggling and trafficking of illegal immigrants is one of the great challenges of the 21 century. The problem is particularly large in the eastern border of the
Aegean Sea. The routes of illegal migration are changing, when traffickers are experiencing problems then. This is called "phenomenon of displacement." Before opening the new route, the criminal networks are testing the ability of authorities to react. If the response is inadequate, then they start their illegal activities.

The FRONTEX is a specialized and independent European agency that has the duty to coordinate and promote operational cooperation between Member States in the field of border security. The duty of FRONTEX is: Risk analysis, Coordination of operational cooperation between Member States, technical and operational assistance to Member States, support for repatriation operations, training staff and monitoring of technological research.

The FRONTEX was established by the European Union in 2005 and immediately began to organize joint ventures with Member States in areas with increased flows of illegal immigrants like the eastern Aegean. The state that hosts FRONTEX has the administration of the operations. The instruments are: Floating patrol vessels, mobile radar units, cameras and other.

In Greece is applied in the maritime borders with Turkey the Poseidon project with the participation of the other European member states. The register CRATE (Centralised Records of Available Technical Equipment) is a central repository maintained by the FRONTEX, where Member States have put their available technical means, which could be used when necessary. FRONTEX itself does not hold any equipment and depends on the equipment supplied by the Member States.

Groups RABIT (RABit Border Intervention Teams) consisting of qualified experts from Member States who have been trained by FRONTEX and are developed in exceptional and urgent circumstances.

The EUROSUR is a European surveillance system in the southeast
border. The purpose of the system is to detect targets (boats with illegal immigrants) in time, in order to permit the identification of contingency measures and to prevent the targets before they reach the Hellenic and EU territory. First Phase: The system will interlink the existing surveillance mechanisms for establishing the unified supervisory system to create a single national coordination center, (NCC, National Co-ordination Centre), which coordinates 24 hours / 7 days the activities of all national authorities dealing with matters of border control. Second Phase: Development and implementation of common technical tools at European level. For example unmanned long-range aircraft (UAVs). Third Phase: Joint informative maritime information environment through interactive digital map available to all command centers. The coming years will be invested much money and effort into developing this system to provide adequate control of the southeastern sea borders and encounter illegal immigration. The Greek approach to the phenomenon of illegal immigration by sea borders should be done through the concept of 'integrated border management "starting from political agreements on immigration policy and operational cooperation with neighboring countries like Turkey. The doctrine is based on the idea that the illegal immigrant is not a criminal and the efforts should be given to the prosecution of the traffickers. The first concern must be the security for all the people involved.

The deputy director of the European border control agency Frontex, Gil Arias Fernandez, at a press conference in Athens said: In the first nine months of 2011, the European authorities have registered almost twice as many illegal immigrants than in the same period of 2010. In particular, from January 1 to September 30 this year, 112,844 immigrants arrived in Europe, while last year the number was 76,697.
According to Frontex data, illegal immigrant inflow in Europe through the so-called Eastern-Mediterranean route, i.e. the border between Greece and Turkey, is almost of the same intensity as in 2010. Last year, from January to October 39,000 illegal immigrants were registered, while this year there are 2,000 less. The majority of immigrants come from Afghanistan, although this year a 25% drop has been recorded. At the same time, the number of Pakistanis has increased and there are five times more than in 2010. Increase was registered in the number of immigrants from Bangladesh too.

“Once the immigrants arrive in Greece, they try to reach Western European countries in two ways. First is the sea route of the Ionian Sea to the Italian border near Calabria and Puglia. Significantly fewer immigrants pass through the Western Balkans, but there is also the route of Scopia – Serbia – Hungary – Austria and the increase in the desired country is 35%. This year, the number has reached 2,000. The number of immigrants trying to enter Europe by crossing the Turkish-Bulgarian border is insignificant.

Frontex does not expect a drastic change in the large flow of illegal immigrants crossing the Greek-Turkish border. “The reasons are lack of reception centres in both countries, lack of readmission agreements with some countries of origin, the proximity of Istanbul to the border and the low prices of airline flights, the low visa regime to Turkey and the large number of trafficking networks operating in Turkey with Greek staff,” said Fernandez.

Asked by tvxs.gr to comment on the detention conditions of migrants who identified the Greek border, Mr. Fernandez emphasize a point: "From the moment that 300 immigrants a day are crossing the Greek border, and reception centers are having the capacity of 600-800 people, you understand what conditions prevailing ...». He added that there are no
facilities for conducting medical examinations or to store materials such as blankets, sleeping bags, etc., who have often destroyed, and exposed to the weather. "We understand that it does not help the current economic situation in Greece," noted Deputy Executive Director of Frontex.

Pressures: He has told: "As time passes and the Greek authorities did not do what they should (pp. accordance with Frontex creating adequate detention centers), the European partners will reduce their assistance to Greece." Mr. Fernandez believes that when immigrants are detained for about 3 days and then released, offered an incentive to extend the phenomenon. "It is significant that immigrants do not hide from authorities, however, they say: 'Well, here we are', as they thing that this is part of the process," he added.

The process: Describing the tvxs.gr what usually happens once found an-illegal-immigrant in the Greek border, Mr. Fernandez says: "After we found them, we take them to the nearest center, then we interviewed them to identify their data and to know where they came from, how they came, if they need international protection, where asylum seekers, etc. Then we forward all of the details to the Greek authorities to consider the possibility of returning to their countries or to give them asylum. Under the Law, they may stay in detention for up to 1 month, but usually they remain for only 3 days, because after are new immigrants that must enter, etc. So they get free and usually either get on board or go to Italy, or to the Balkans. Basically, their goal is not to stay in Greece, but they seek to reach countries like Germany, Sweden and the Netherlands, they think they can easily find a job and generally have a better perspective "

[69]
Human Trafficking and Smuggling in Cyprus.

Cyprus is a destination country for men and women who are subjected to forced labor and forced prostitution. NGOs report that trafficking victims in Cyprus originate from Russia, Moldova, Ukraine, Hungary, Bulgaria, Romania, Belarus, the Philippines, Morocco, China, Vietnam, Uzbekistan, Greece, the United Kingdom, Colombia and the Dominican Republic. During the reporting period, the government identified victims from Vietnam, China, the Philippines, Egypt, Romania, Bulgaria, India, Nepal, Cameroon, Ukraine, and Estonia. Sex trafficking occurs within commercial sex industry outlets in Cyprus, including cabarets, bars, pubs, and massage parlors disguised as private apartments. Groups vulnerable to forced labor include domestic workers from Vietnam, as well as asylum seekers, foreign migrants, and EU citizens from Romania and Bulgaria working in the construction and agricultural sectors. NGOs continue to report that Roma children, as well as children of migrants and asylum seekers, remain especially vulnerable to prostitution and other forms of trafficking. Local authorities and NGOs noted an increase in street prostitution in the country involving women from Romania, China, Vietnam and the Philippines in 2010; these women are vulnerable to trafficking given the debts incurred by migrating to Cyprus.

The Situation Cyprus does not fully comply with the minimum standards for the elimination of trafficking; however, the Government makes significant efforts to do so. Some observers allege that trafficking-related complicity significantly hampered the government's anti-trafficking efforts though the government took some initial steps to address it. The government also initiated implementation of its April 2010 National Action Plan (NAP) during the reporting period. Despite these efforts, however, the government failed to demonstrate evidence of increasing efforts to address human trafficking.
over the previous reporting period. The government failed to vigorously prosecute or convict trafficking offenders, very few prosecutions resulted in traffickers being held accountable in 2010. Further, the government did not convict or sentence any officials complicit in trafficking in Cyprus, which observers allege continued to be a significant problem. Although the government dedicated significant resources, implementation of the plan was slow. The government made few improvements in the protection of victims, it did not ensure procedures for the safe repatriation of foreign victims. The artiste visa that was of grave concern in previous reporting periods was replaced with other visa or work permit categories which traffickers have managed to exploit to import foreign women into the commercial sex industry, a major locus of human trafficking. The government has yet to implement a nationwide campaign to specifically address demand within the context of Cyprus, in order to educate clients about the realities of forced prostitution inherent to the island's sex industry.

Recommendations for Cyprus: Undertake greater measures to prosecute, convict, and sentence trafficking offenders; impose punishments of imprisonment that are commensurate with punishments imposed on other serious criminal offenders; aggressively prosecute and seek convictions of any officials complicit in trafficking; implement a guide for all front-line responders – not only for police – outlining identification, referral, and protection procedures for potential trafficking victims; improve partnerships with NGOs in protecting and assisting victims; ensure that victims are offered legal alternatives to their removal to countries where they may face possible retribution and hardship; proactively implement the National Action Plan on trafficking; and launch a demand reduction campaign specifically aimed at Cypriot clients of prostitution to educate them about the link between prostitution and trafficking.
Prosecution: The Government of Cyprus maintained its efforts in the prosecution of suspected traffickers, but convictions and punishment of trafficking offenders in 2010 were inadequate. Cyprus prohibits both sex and labor trafficking through its Law 87 (I) of 2007, which also contains protection measures for victims. Although penalties of up to 20 years' imprisonment are prescribed for sex trafficking, these penalties are not commensurate with those prescribed for other serious crimes, such as rape, for which the maximum sentence is life in prison. During the reporting period, the government investigated 29 suspected cases of trafficking, an increase from 17 suspected trafficking cases in 2009. Although there were 41 ongoing trafficking prosecutions at the end of 2009, the government secured convictions in only three cases, convicting three trafficking offenders in 2010 and one in 2011. Punishments for these offenders were woefully inadequate: one offender was sentenced to six months' imprisonment with the suspension of an additional three years' imprisonment, one was convicted to 12 months in prison, and the two others each received a nine-month sentence. These few convictions represent a significant decline from the previous reporting period, when the government convicted 10 traffickers. Furthermore, the government did not demonstrate adequate follow-up on a large forced labor case from November 2009, when police arrested and charged three suspects for subjecting 95 Romanians to forced labor, mostly in the construction sector; the ringleader reportedly used debt bondage and hired enforcers to control the victims who were forced to live in converted shipping containers in an isolated industrial area near Nicosia. The government has yet to begin prosecution in this case; all suspects continue to be free on bail. Despite a significant anti-trafficking budget, the government failed to fulfill its pledges to devote additional resources to its five-member specialized anti-trafficking unit.
The government took some initial steps to address alleged trafficking complicity of public officials during the reporting period. In March 2011, police arrested the assistant chief of the Aliens and Immigration Unit for his suspected involvement in trafficking. This unit has direct responsibility for the oversight and inspection of all bars, cabarets, and other commercial sex establishments in Cyprus. NGOs had repeatedly reported concerns about this officer and asked for his transfer. This official, however, was released on bail a short time after his arrest. An NGO issued a statement expressing satisfaction with the arrest, citing the "inter-connections, corruption and participation of members of the police in trafficking" and urging the government to "extend their inquiries so as to include an administrative and penal investigation particularly of the Civil Registry and Migration Department in order to reveal the breadth and scope of the involvement of officers of the Department in the said crime." Also during the reporting period, the government reported it prosecuted a member of the police force for involvement in trafficking-related corruption. However the government has yet to produce a conviction or criminal punishment of an official complicit in trafficking.

Protection: The Government of Cyprus made inadequate efforts to improve the protection for trafficking victims during the reporting period. Over the year, the government identified 17 victims of forced labor, 24 sex trafficking victims, and two victims subjected to both labor and commercial sexual exploitation. Twenty-four victims of sex trafficking were identified during the reporting period, in comparison with 21 such victims identified in 2009 and 41 in 2008. While the government produced a manual to guide its police in identifying victims, it has yet to fully implement its commitment to institute proactive victim identification procedures for use by all front-line responders in the country. The government should forge more effective
partnerships with NGOs to improve protection of trafficking victims in Cyprus. A recent statement signed by several anti-trafficking NGOs calling for increased cooperation with the government cited the problem of "unsatisfactory victims shelter" among other improvements sought. The government continued to fund its shelter, allocating $278,000 for its operation in 2010. Victims were allowed to leave the shelter unchaperoned and at will, provided they first met with the police and social services officers to be informed of potential risks. The government cared for a total of 26 trafficking victims in the shelter in 2010, compared with 47 sheltered in 2009. The government provided rent subsidy and a monthly allowance to other victims who chose to stay in private apartments or hotels. According to NGOs, the majority of trafficking victims in Cyprus received only basic support measures, as most are not fully informed about services accessible to them.

Prevention: The government demonstrated modest efforts to prevent trafficking in Cyprus in 2010. NGOs continued to report that the government's revised policy on the former artiste permit had little actual impact on reducing sex trafficking in Cyprus. Local experts assert that the high demand for commercial sex acts on the island continues to create a market for traffickers and that the majority of clients of the sex industry are Greek Cypriot men. The government has yet to implement any campaigns to raise awareness among these clients about how forced prostitution is a serious crime and human rights abuse. The government-approved 2010-2012 National Action Plan called for a demand-focused public awareness campaign. The government did implement other awareness raising activities, however. During the reporting period, the government and a multidisciplinary coordinating group (MCG) oversaw the publication and distribution by the police of 5,000 comic books containing stories about trafficking victims. In cooperation with the Ministry of Education, it provided
anti-trafficking awareness training to teachers, featuring presentations by an NGO and a local media group involved in awareness-raising. It also began work with one NGO on an awareness program in schools. In collaboration with an NGO, the government printed and began issuing 40,000 information cards to potential trafficking victims arriving at the airport in the fall of 2010; immigration officials ceased distributing the cards during the year, but began re-issuing them again in February 2011. An NGO was permitted to present an awareness program to some 300 soldiers. The MCG printed and began to distribute 55,000 brochures in a variety of languages addressed to potential victims. These public awareness efforts have not yet resulted in any measurable law enforcement or victim protection outcomes.

The government reported it screened applications for foreign "performing artists," the work permit category that replaced the previous artiste visa, and reported issuances of such "performing artists" permits dropped to 460, compared with 1225 in 2009. It reported it issued 323 "barmaid" and "barman" work permits in 2010, compared with 467 in the previous year. According to a local NGO, however, traffickers continued to utilize these and other work permits to recruit victims into the commercial sex industry in Cyprus. Further, experts report that the abolishment of the artiste visa made little actual impact in Cyprus, instead shifting the problem elsewhere to bars and massage parlors. (U. S. Department of State 2011).

Smuggling in Cyprus: Due to its geographic position, Cyprus has become in the past few years a country of a disproportional number of illegal immigrants. Cyprus, together with the other EU border countries in the Mediterranean feels the pressure of illegal immigration to a much greater extent than other countries of the EU. Furthermore Cyprus is confronted with a well organized and uncontrolled influx of asylum seekers via Turkey to the occupied areas of Cyprus. From the Turkish occupied areas, the
illegal immigrants cross over to the Cyprus government controlled areas, in the south, through the Green Line, where they can apply for asylum, according to EU regulations. Illegal immigrants manage to cross over through the so called Green Line, which is an imaginary line, dividing the Turkish occupied areas with the government controlled areas. They manage to do so with the help of the organized networks both in Turkey, as well as in Cyprus (the occupied areas and the government controlled areas). Around 99% of illegal immigrants, who arrive to Cyprus, come through Turkey and through the Green Line. (US Department of State 2011).

**International Good Practices - Cooperation.**

International cooperation in criminal matters is an essential prerequisite to combating smuggling and trafficking of migrants. There are transnational crimes that may involve actors from several jurisdictions. A given set of facts may justify and give rise to criminal investigations and prosecutions in multiple jurisdictions. Informal and formal methods of international cooperation are important in order to prevent smugglers and traffickers from having safe havens.

The forms of international cooperation include: Extradition, Mutual legal assistance, Transfer of criminal proceedings, Transfer of sentenced persons, Cooperation for purposes of confiscation to deprive traffickers of criminal assets, Cooperation between law enforcement authorities including exchanging information and cooperation in conducting inquiries, Joint investigations, Cooperation in using special investigative techniques.

[76]
Channels of communication of international cooperation include: Competent national authorities or central authorities, Diplomatic staff, Law enforcement officials.

The type of cooperation needed, the legal requirements of the requested State and the provisions of the relevant agreement will determine who is contacted. Also, the forms of cooperation mentioned above could be combined with a view to ensuring the most comprehensive assistance with investigations, prosecutions and judicial proceedings related to smuggling of migrants.

Examples of more structured forms of cooperation in law enforcement include: Posting liaison officers to facilitate cooperation with the host Government’s law enforcement officers in criminal investigations, Bilateral and multilateral agreements and arrangements on law enforcement cooperation and on the sharing of law enforcement information.

Challenges of international Cooperation: There are several challenges to international cooperation on combating the smuggling and Trafficking of migrants and in other criminal investigations. Both formal and informal law enforcement cooperation have been hampered by such issues as: Lack of trust, Diversity of legal systems, Diversity of law enforcement structures, Absence of channels of communication, Diversity in approaches and priorities, Linguistic and cultural challenges.

The most important component of international cooperation is the role played by individuals. All the laws and policies that allow for international cooperation count for little if individuals do not cooperate proactively and appropriately. There is sometimes reluctance to share information, often in relation to security concerns. When seeking cooperation, an investigator
must be mindful of these concerns. Having suitable methods in place to protect the security of information may encourage a better flow of information.

International cooperation in criminal matters can be challenging and requires knowledge, planning and awareness of the practical issues at stake in both the requested and the requesting States. Some of these issues include, but are not limited to, the cost of investigations, the location of the trial, the applicable legal framework, nationality, the location of witnesses, the location of offenders, gathering of evidence and admissibility of evidence rules. However, with a little experience, the benefits of using the tools of international cooperation will greatly outweigh these challenges.

Challenges of formal cooperation: The main advantage of effective formal cooperation is its potential for generating evidence that is admissible in court. However, varying laws and legal systems present a significant challenge for formal cooperation. Often bureaucratic requirements are demanding and results are sometimes not timely. If a person’s safety is at risk, it is unlikely that a formal letter of request will be appropriate because it may take a considerable amount of time to achieve a result.

Challenges of informal cooperation: Informal cooperation (direct officer-to-officer contact) is often quicker than formal cooperation. This can have many benefits with respect to smuggling of migrants operations as it can result in prompt responses to situations that carry risks to people. However, there are some risks and challenges involved in this form of cooperation, such as: Exposing colleagues in other countries to risks in
connection with cooperation, Diplomatic incidents because action is not properly considered, Exposure of people to increased risks through unwitting or deliberate leakage of information from the agency involved, Increased risk of compromising other operations and law enforcement staff.

These types of risks can be minimized by: Not making individual officer-to-officer contact if this is specifically forbidden by one of the jurisdictions concerned.
Finding out what the arrangements for cooperation between the countries concerned are. Where liaison officers or units exist, their advice should be sought.
Not passing on information that may expose someone to danger without establishing the risks of contacting a particular unit or individual, Keeping liaison units informed of the activities in progress. It may be difficult to assess the level and impact of the risk at a distance. Where possible, liaison departments and officers should be asked to provide information about who can be safely contacted.

*Best practice in international cooperation: communication*
International cooperation is greatly facilitated by communication between counterparts. Informal, direct and spontaneous contact should be established and maintained (for example, via e-mail, telephone, tele- or video-conferences). In general, there should be as much communication as possible among counterparts.
The database of UNODC provides contact information for the competent authorities of more than 150 States or dependent territories that had been provided to UNODC, including information on specific procedures to be followed in urgent cases. The Directory currently contains the contact
information of over 600 competent national authorities, organized into thematic categories: extradition, mutual legal assistance, illicit traffic by sea and smuggling of migrants by sea. (UNODC 2011)

**Conclusions - Proposals.**

No member country of the EU can only by itself solve the problem of Smuggling, Trafficking and Illegal Immigration. Experience shows that even large countries like Italy and Spain are able to have so many forces to face adequately such a complex problem.

Only collectively and under the coordinating role of the EU we can find a satisfactory solution. Greece, Italy, Spain, Malta and Cyprus are the first group of countries that accept the consequences of Smuggling, Trafficking and Illegal Immigration and are in the most difficult position.

The EU has failed in dealing with the problem, leaving the southern countries to accept all its negative consequences, while a new wave of immigrants from North Africa moving to Europe because of the riots in Libya, Egypt and Syria. EU must agree on a European Plan for the southern EU countries to confront illegal immigration and Trafficking of humans." The Nordic countries should financially support the countries of the south, suffering constantly from the constant waves of illegal immigrants arriving in the Mediterranean coasts of EU. It is time to update European policy, known as "Dublin 2", in order to enable the reallocation of beneficiaries of international protection within the Member States of the EU. It is also necessary to increase the power of the Board of the European force protecting European borders, FRONTEX, lacks the powers
to send immigrants back unless they can prove where they came from. But many destroy their documents, making it impossible to establish their home country.

The Frontex operation is not performing a significantly different role from that played by the Greek authorities, other than providing increased personnel and provision of technical assistance in the form of cameras, helicopters and so forth. The cost of an illegal migrant being smuggled into the European Union is a useful indicator of border enforcement efficiency, because a rise in smuggling costs could indicate that enforcement measures are making it more difficult and costly for smugglers to successfully get illegal migrants across the border.

Frontex border agency had to be reinforced with more funds and more resources. There are 12 countries collaborating in Frontex at the moment and there is a need to increase that number, and support its budget and resources. Rather than seeking short-term solutions, Europe had to look long-term because “the problem is not only for today but the phenomenon will increase unless the issue is solved.”

However, rising smuggling costs could also indicate increased demand for smuggling services whose supply is limited or changing characteristics of the marketplace such as the formation of cartels by smugglers.

Also EU and its member states must ensure that: convicted offenders receive adequate punishments, vigorously investigate and prosecute offenses of involved officials, improve anti-smuggling and anti-trafficking law enforcement data to include information on sentences served, continue

[81]
victim identification and assistance training for officials, encourage the sustainability of funding competent NGOs, ensure specialized protection for potential victims, ensure potential victims are offered options for care and immigration relief available under Greek law and strengthen public awareness campaigns.

As noted by the experts from UNODC (2010) the response against human smuggling and trafficking must be global. However, in order to be able to report effective results against this crime we should not forget that everything starts at the local level - both the emergence of the problems and their solutions. This means that each country that is in one way or another affected by the problem should make special efforts to both combat and prevent human smuggling and trafficking.

There is a need to develop a “Network of European Immigration Liaison Officers (ILO)” in the South-Eastern Mediterranean region and focus on the strategic importance on human intelligence (HUMINT) that will be provided from the Network of ILO.

The South-Eastern Mediterranean Immigration Liaison Officers will have as their central objective the collection and intelligence sharing with the EU Joint Situation Centre, FRONTEX and EUROPOL for an operational as well as strategic level.

The strategic aim of the ILO is to promote intelligence sharing between EU member states in order to prevent the traffickers of illegal immigrants to bring them in European territory and not only to deal with the problem after the illegal immigrants are already in European territory. (Nomikos 2011).
Greece also should expand its border control capabilities by high-end technological means such as mini-UAV’s and more sophisticated sensors, and in parallel boost its personnel presence both in material terms (more patrols) but most importantly in quality terms, meaning having specialized border guards that will be specifically trained for that purpose without having to do other duties.

Sea Border enforcement and Control: States clearly have a sovereign right and duty to protect their borders. Many Governments see rigorous border and pre-border enforcement as preferable to tightening too many internal controls.

Greater transparency and cooperation: Much of the data on the trafficking and smuggling of immigrants that does exist remains within the confines of national or European Government. It is very difficult for academics or NGOs to participate in a common research agenda if key aspects of the data remain unpublished and confidential. These data need to be provide the most comprehensive overview of the trafficking/smuggling phenomena.

Recognize that organized people smuggling undermines the government's right to control who may or may not enter a country. Irregular migration is increasingly a problem of international organised crime and should be seen as a threat to democracy and civil society itself.

Daily checks involving employer sanctions, identity cards for all citizens and legal residents, police raids on small businesses where illegals may be employed, and fines and prison sentences for illegals - policies that are intrusive for employers and for residents and may put at risk legal
immigrants and people of the same ethnic background as those who are in the country illegally.

Regional solutions outside of Europe: The European Union Country Action Plans puts considerable weight on the development of civil society and human rights in countries of origin in order to try and diminish the incidence of irregular migration in future years. The problem must be managing in the countries of origin with: Long-term development objectives in the region or country of origin (‘root causes’), Reception in the region, Human rights and civil society. If we want to fight illegal immigration and all the consequences, it is important to improve the way of living in the countries of origin.

The problem must be managing within the European Union with: Better balance of responsibilities between European states, Return of refugees and other migrants, Quotas of legal immigration, Public information campaigns, Training and technical assistance, Rigorous attempts at forcibly returning unsuccessful asylum-seekers and other migrants

Good research and accurate data: There is almost a complete absence of any good data about how smuggling and trafficking activities affect the lives of refugees coming to Europe. Local and European-wide research initiatives are urgently required to illuminate the following: Exactly how and why specific migrant nationalities engage with the smuggling and trafficking. What are the humanitarian and financial costs involved? What are the risks that immigrants are forced to take? How does the immigrant community in Europe interact with the country of origin or with the smugglers, and what are the range of social and financial remittances
involved? What factors determine the immigrant’s or the smuggler’s choice of final destination country?

Training and funding opportunities: Opportunities for co-operative training programs, should be extended. Governments, UNODC, Law enforcement authorities and NGOs should work collaboratively undersuch programmes to develop a holistic approach to migration within Greece and Europe. Funding arrangements should be sensitive to the particular needs of immigrants who are smuggled or trafficked.

Europe needs a “European solution” to the problem of Smuggling, Trafficking and Illegal Immigration, without a common policy and a European solution, the problem would remain. Solidarity is important. When there is a problem between in a member states, the European Union must support, because the problem needs a European solution.
This research is meant to increase the understanding of human smuggling and trafficking specially in the Southeastern European Sea borders, and how it relates to an issue more commonly understood, migration. The outcomes and proposals about human Smuggling, trafficking and migrant movement in the sea border region are based on logical conclusions reached after research.

As demonstrated on the above analysis human smuggling and trafficking are some of the most controversial and challenging modern migration and human rights issues, that today’s Hellenic government is facing.

The analysis of the phenomena and their consequences for the victims and for the Greek society are presenting the immediate priorities of a modern policy for the substantial confrontation.

The confrontation demands, policy makers to fully understand the mechanisms that are fueling the phenomena and requires the development of such a strategy that will enable the design of a realistic and long term inspiration Policy not only in Greece but at an European and international level as well.

Human Smuggling and Trafficking appears to be a highly profitable and sustainable business for the involved criminal parties. Therefore research on this topic needs to focus on the study how human Smuggling and Trafficking is adapting to the new circumstances. In summary, to understand human Smuggling and trafficking and suggest effective policies, researchers need to see this subject from three broad areas: one, Factors leadings to such high demand, two, Reasons for continuous supply of individuals and three, The attraction for mediators in this complex international network.
In the fight against transnational organized crimes, like human smuggling and trafficking in persons, this thesis recognizes the serious and growing need for international cooperation, particularly in mutual legal assistance, extradition, law-enforcement, technical assistance and training.
List of immigrants arrested by police and port police authorities for illegal entrance-residence.

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<tr>
<th></th>
<th>FROM 01/01/2009 TO 09/31/2009</th>
<th>FROM 01/01/2010 TO 09/31/2010</th>
<th>PERCENTAGE CHANGE</th>
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<tr>
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<td>CRETE</td>
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<td>REST OF THE HELLENIC TERRITORY</td>
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<td>TOTAL</td>
<td>96,085</td>
<td>96,398</td>
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Source: Adapted from Greek Ministry of Citizen Protection, October 2011.
List of arrested traffickers - by nationality - of illegal immigrants by police & police port authorities (the last 9 months of 2010).

<table>
<thead>
<tr>
<th>S/N</th>
<th>NATIONALITY</th>
<th>ARRESTED BY POLICE AUTHORITIES</th>
<th>ARRESTED BY PORT POLICE AUTHORITIES</th>
<th>GRAND TOTAL</th>
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<td></td>
<td>TOTAL</td>
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<td>924</td>
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Source: Adapted from Greek Ministry of Citizen Protection, October 2011.
List of arrested immigrants - by nationality - for illegal entrance - residence, by police and port police authorities the last 9 months of 2010.

<table>
<thead>
<tr>
<th>S/N</th>
<th>NATIONALITY</th>
<th>ARRESTED BY POLICE AUTHORITIES</th>
<th>ARRESTED BY PORT POLICE AUTHORITIES</th>
<th>GRAND TOTAL</th>
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<td>1</td>
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**TOTAL** | 94.747 | 1.651 | 96.398 |

Source: Adapted from Greek Ministry of Citizen Protection, October 2011.
Human Trafficking victims (articles 323A & 351)

Statistical data (01/01 until 31/12/2009)

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Human Trafficking – perpetrators (articles 323A & 351)

Statistical data (01/01 until 31/12/2009)

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Source: Adapted from Greek Ministry of Citizen Protection, October 2011.
Arrests of Illegal Immigrants (first)

Arrests of Smugglers (second)

Source: Adapted from Greek Ministry of Citizen Protection, October 2011.
Top five nationalities of illegal immigrants apprehended at Greece’s sea borders

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Data for 2007 refer to the period 1 January to 14 October 2007.

Source: Greek Ministry of Mercantile Marine, October 2007.
Greek Aegean Sea Islands (From Google-Images)
Cross-border zone (Kotsifas 2010)
Lesvos island topography (Kotsifas 2010)
Bibliography – Sources.

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UNODC, Toolkit to Combat Trafficking in Persons. 2006.


**Articles accessed from Web sites.**


**Web Sites**

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