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## **TRAFFICKING FOR LABOUR IN GREECE**

**Report prepared in the frame of the project:  
Combating trafficking in human beings- going beyond  
coordinated by CCME**

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**GLOSSARY**

**ADEDY** (Supreme Administration of Greek Civil Servants Trade Unions)

**EKA** (Labour Centre of Athens-belonging to the Greek trade unions)

**GSEE** (General Confederation of Greek Labour)

**ILPAP** (Electro-buss company in Athens)

**IMF** (International Monetary Fund)

**INE** (The research institute of GSEE and ADEDY)

**ISAP** (Electric Railway of the city of Athens)

**ITUC** (International Trade Union Confederation)

**KSPM** (Reintegration Centre for Migrant Workers)

**OIKOMET** (The subcontracting firm in which Constantina Kuneva worked)

**PASKE** (The trade union affiliated to PASOK)

**PASOK** (The Greek socialist party)

**PEKOP** (Pan-attic Union of Cleaners & Domestic Staff)

**SEPE** (Body of Labour Inspectors)

## **ABOUT THIS REPORT**

In this report we endeavour to account for the phenomenon of trafficking for labour in Greece.

In the first and longer part we attempt to compile a picture of the extent and manifestation of trafficking for labour in Greece and present the grounds that render trafficking for labour possible, promote and sustain it.

Following that we present and discuss the institutional framework, comprising the relative legislative and the institutional responses, and the role of NGO's.

Finally, on the basis of what has been presented, we try to locate the problems that prevent the combating of trafficking, we discuss what is to be done and make proposals.

## **1. INTRODUCTION**

Trafficking for labour in Greece is a recent phenomenon. Its emergence, its development and its constitution to a socio-economic phenomenon under its present structure and its present dynamic are definitely the result of processes that have taken place in both Greece and worldwide during the last decade or so.

In around ten years time, the pre-existing unorganized and occasional exploitation of individual migrants, vulnerabilized and victimized due to their irregular status by individual employers that took advantage of the opportunities presented for cheap and flexible labour, has turned into a well organized enterprise.

In the paragraphs that follow we will present the information we have been able to gather up to now concerning the actual forms of trafficking, will try to account of the transformations of trafficking practices, of the conditions that render trafficking possible and sustained it and we will make the links with major societal processes.

Trafficking for labour is a migration, a labour and a criminality issue. We will start our report by dedicating one paragraph for each of the above in

order to account for developments and conditions that frame the phenomenon.

The first two paragraphs, on migration and labour, will be more detailed while the criminality aspect will be just tackled, being of less relevance to the focus of the present study.

## 1.1. Trafficking for labour in the frame of migration

Since the beginnings of the nineteen-nineties, when Greece turned into an immigration country through the unplanned massive arrival of hundred of thousands of immigrants, mainly from ex socialist countries and in the first place from Albania, and until the end of the decade, exploitation and trafficking like situations manifested themselves as follows:

Irregular migrants from Albania and other Balkan countries arrived individually, and later on in small groups, crossing usually on foot the northern borders of Greece. Facilitators started to operate following the tightening of the border controls. We cannot speak of traffickers as yet, given that they were involved in nothing further than transport, charging amounts that corresponded more or less to the difficulty and the degree of risk the enterprise each time entailed. In the transport to Greece of migrants from further away Asian countries, the role of organized networks was far more complicated and the conditions closer to trafficking.

These disorderly arriving migrants found work -in the first place in agricultural settings- as they made their way from northern border areas towards the south and the big cities. The conditions of employment were those of very low wages combined with offer of accommodation and food. The relation with the employer was that of exploitation of various degrees combined with a paternalistic attitude in the frame of which frequently the migrant received care and attention. Cases of trafficking for labour could be traced when employers refused to pay due wages and particularly, when in order to avoid paying, blackmailed migrants with denouncing them to the police to be deported<sup>1</sup>.

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<sup>1</sup> Refusal of paying due wages and threats to be denounced to the police to be deported has been associated with crimes committed by the migrant worker. See Antonios K. Papantoniou, Maria Frangouli-Papantoniou, and Artemis Kalavanou, *Illegal Migration in Greece and the Problem of Crime. Research Report in the Frame of the Tser Project Migrinf-Immigrant Insertion in the Underground Economy, Deviant Behaviour and the Impact on Receiving Societies*, 2 vols. (2; Athens: KSPM-Research Department, 1998) 1-370.

Starting with 1998, the situation changed with the implementation of successive regularization campaigns. Migrants' vulnerability decreased, they started working under social security coverage and little by little to claim higher wages. However, the improvement of their situation was relative and fragile: frequently employers refused to pay the social security stamps that constituted a precondition for migrants to renew their residence and work permit and thus migrant workers tottered between regular and irregular status.

The first publicly known cases of trafficking in Greece appeared in the early two-thousand as cases of debt bondage of migrants, mainly from Asia, trafficked usually by co-ethnic organized groups. These cases may or may not relate to labour: in most cases victims were kept captive and even tortured until their relatives paid the amounts claimed, in few recorded cases they were kept captive and forced to work under appalling conditions, until they paid back the alleged debt.

In the years that followed, the situation concerning trafficking for labour developed rapidly in conjunction with the emergence of new patterns of immigration. While migrants that had arrived in the frame of the previous flows had in the mean time found a 'niche' in Greece society and had taken over regular jobs, new waves of fragile migrants appeared:

a) Due to wars, repressive regimes and other political, social or economic factors, an increased influx in Greece of people of a different ethnic composition than those in the frame of previous waves, originating mainly from Asia and Africa and not any more from ex-socialist countries, is taking place.

Though a large part among them have sustainable asylum claims, given the inadequate asylum procedures in Greece and the extremely low refugee rate, many among those that enter the procedure will see their application for asylum rejected, while most are lost in nature without ever coming into contact with Greek authorities or being detected. These remain under an irregular status seeking employment in the shadow economy and forming an army of a cheap, ultra-flexible and exploitable labour available to any employer, all particularly in agriculture.

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It should be stressed here that for this situation the Dublin Regulation is responsible to a large extent. Greece constituting the south-eastern borders of Europe receives disproportionately large numbers of asylum seeker. Among them very important are the numbers of the Iraqis and Afghans who evaded wars to which Greece had no involvement. Due to Dublin Regulation these asylum seekers, whose intention is to move forward to North European countries, are stuck in Greece.

b) The enlargement of EU induced a new type of immigration into Greece. Employment offices/agencies of dubious character, organized trafficking groups and individual traffickers have taken advantage of the possibility of regular entry into Greece of citizens of new member states in order to bring in workers, for seasonal work in the first place, under exploitative and trafficking for labour conditions.

The above-mentioned situation has led to the development of a labour market in Greece of two velocities for foreigners<sup>2</sup>:

Those that had arrived in the previous years have passed through difficult and exploitative situations, but these have constituted steps towards an improvement of their condition. On the contrary the newcomers are those who remain vulnerable and easy prey for exploitation and trafficking and for whom the chances are very thin that the difficult conditions they are going through will lead to an improvement of their situation.

It should be added here that not only the chances and conditions in the labour market are different for the two groups, but that the 'established' migrants discriminate against the newcomers. They use characterizations and arguments that are even harsher than those put forward by Greeks against migrants and they enter into open fights with them<sup>3</sup>. The reason is

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<sup>2</sup> See Prof. Ch. Kasimis paper about the structure of employment and the professional mobility of migrants, presented in the workshop of the Agricultural University of Athens: «Employment and insertion of migrants in local societies», Athens 31/10/08 (Χαράλαμπος Κασιμης, 'Διάρθρωση Απασχόλησης Και Επαγγελματική Κινητικότητα Των Μεταναστών', *Απασχόληση και ένταξη των μεταναστών στις τοπικές κοινωνίες* (Αθήνα: Γεωργικό Πανεπιστήμιο, 2008). The paper is based on an empirical research conducted by Kasimis, Ch., Papadopoulos, A. G. et al. (Agricultural University) in 2007-2008 in the frame of the European project: «Human Resources and Development Planning on both Side of Ionian sea» (CHuReDePIS) (INTERREG IIIB-ARCHIMED).

<sup>3</sup> During the first years of immigration, immigrants came into competition and conflict with Roma population, as the latter accused them to take their jobs of seasonal labour in the harvests. Now established migrants come into conflict with newcomers, as they take their jobs and dump the wages. Μ. Ψαρα and Μ. Ριτζαλεου, 'Όλη Η Ελλάδα Μια ...Μανωλάδα. Οι Φυλές Των Νεο-Σκλάβων Που Δουλεύουν Για Το...Μεροκάματο Σε

that, all particularly in the present period of economic crisis and instability the consequences of which have already been felt by the established migrants, they view newcomers as competitors and as a threat, fearing that they will substitute them in their jobs and damp their salaries.<sup>4</sup>

## 1.2. Trafficking in the frame of labour

Changes of the understanding of labour in the frame of a globalised labour market, informalization of labour, flexibilization and deregulation of the labour market have created conditions favouring the appearance of phenomena of (extreme) exploitation of workers and even of forced labour and trafficking for labour that had vanished in a Europe with a strong welfare state and consolidated human rights and rights for the workers.

We can distinguish relatively two main trends that have contributed towards a deterioration of the condition of workers all over Europe during the last decades:

- a) That of the informalisation of the labour market expressed in the first place through the emergence and expansion of an underground economy and the establishment of an even larger sector of 'grey' economy. By grey economy we mean those areas of the labour market and economy, where the boundaries between regular and irregular conditions of employment become confused.
- b) The flexibilisation and precarization of labour in the frame of the formal economy.

### a) Informal labour market

Underground labour market is a field, where the labour legislation is not applied and hence workers are very vulnerable. Informal economy is not necessarily associated with practices of extreme exploitation or trafficking for labour, but constitutes a space where such phenomena are more likely to emerge and in fact frequently do emerge.

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Χωράφια, Οικοδομές Και Εργοστάσια', *ETHNOS*, 26-04- 2008 p. 1. Also information derived from various discussions of collaborators of the present project with immigrants.

<sup>4</sup> Kassimis, Ch., op.cit.- Μαρία Δεληθαναση, 'Οι Δύο "Τάξεις" Μεταναστών Της Αθήνας. Οι Παλιοί Που Δουλεύουν Για 40-55 Ευρώ Στρέφονται Κατά Των Νέων Που Ρίχνουν Το Μεροκάματο Κάτω Και Από 20 Ευρώ', *KATHIMERINI*, 21-12- 2008.

Two assumptions concerning informal labour market have for a long time dominated the study of irregular migration and the labour market and are now being questioned:

- -That the informal labour market was a characteristic of the countries of the South of Europe attributed to underdevelopment and expected to disappear through development.
- -That the growth of informal economy sector in the European North was the outcome of the arrival of irregular migrants.

Whatever the truth in the above statements, evidence that an extended informal sector is operating in the countries of Northern Europe too and that the informal sector is not reserved to migrants alone, but is constituted mostly by indigenous workers, challenges the above mentioned assumptions, puts into evidence the complexity of the situation and urges for searching additional factors that can more fully account for the situation.

According to the research project “Undocumented Worker Transitions (UWT)”, funded by the European Commission in the frame of the Sixth Framework Programme<sup>5</sup>, the underground economy in Western Europe, after its drastic restriction in the years that followed the Second World War, started, since the nineteen-eighties, to expand again following an accelerated speed in nineteen-nineties. In the more advanced European capitalist countries, with a previously restricted underground economy, this increase was more pronounced: the percentage covered by underground economy doubled during the above mentioned period and in certain among these countries exceeded the 20% of the overall economic activity.<sup>6</sup> Nonetheless, the countries of the European South remained those with the greatest labour force participation to the underground economy.

The underground economy that has been developed is made up mainly of indigenous workers, whilst migrants -undocumented and documented- occupy a significant part of it. Thus, the other way round, it can be supported, and this is certainly the case of Greece, that it is the pre-existence

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<sup>5</sup> Sonia Mckay, 'Undocumented Workers Transitions (Uwt). Research Project Funded by the European Commission within the 6th Framework Programme for Research between March 2007 and February 2009. Coordinated by Professor Sonia Mckay', (London: Metropolitan University, Working Lives Research Institute, 2007-2009).

<sup>6</sup> F. Schneider and D Enste, *Hiding in the Shadows. The Growth of the Underground Economy* (Washington: International Monetary Fund, 2002). page 2.

of an extended informal labour market that attracts migrants. These migrants were and are more or less welcomed in defiance of the officially declared restrictive policies<sup>7</sup>. Under this perspective the desirability of irregular migrants and irregularly working migrants is in alignment with the needs of a deregulated economy

According to Castells and Portes (1989), European case studies contradict the view that the underground economy is primarily a consequence of immigration: while immigrants undoubtedly contribute to the expansion of the informal economic activities, the underlying causes for the expansion of the informal economy in advanced countries go beyond that<sup>8</sup>.

The established universality of the presence of informal economy, the participation to it of indigenous workers, the links found between working conditions in both informal and formal economies, the observation that informal economy complements and serves the formal economy and contributes to economic growth, lead the authors of the research project UWT to conclude that informal economies are not the product of particular national traits, but a consequence of specific changes in the labour market, such as flexibilization and precarization, and that it is the way that markets operate that creates the need and produces demand for undocumented labour. As a consequence, the informal labour market and economy are considered to constitute a structural element of the actual labour markets and are in a sense desirable<sup>9</sup>. In the case of Greece, similar concerns have been put forward: For example A. Papadopoulos, who has participated in research on the labour situation of migrants, in a newspaper

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<sup>7</sup> Antonios K. Papantoniou, Maria Frangouli-Papantoniou, and Artemis Kalavanou, *Migrants Insertion in the Informal Economy, Deviant Behaviour and the Impact On Receiving Societies. Migrinf: First Greek Report*, ed. Tser, 2 vols. (1; Athens: KSPM-Research Department, 1996) 1-164.

<sup>8</sup> Manuel Castells, Alejandro Portes, and Lauren A. Benton (eds.), *The Informal Economy: Studies in Advanced and Less Developed Countries* (Baltimore: John Hopkins University Press, 1989), Rossana Cillo and Fabio Perocco, 'Migrant Labour in the Underground Economy: Between Processes of Irregularization and Informalization', *Undocumented Worker Transitions (UWT). EU Sixth Framework Programme* (Venice: University of Venice "Ca' Foscari", Laboratorio di Formazione e Ricerca sull' Immigrazione, 2008), 1-45.

<sup>9</sup> The first author to challenge the link of informal labour market with underdevelopment and immigration and consider opportunities for informal employment as "a structured outcome of the composition of advanced economies" and as taking place in the context of economic restructuring was Saskia Sassen. See: Saskia Sassen, *Globalisation and Its Discontents. Essays on the New Mobility of People and Money* (New York: The New York Press, 1998) xxxvi + 254. p. 154. Since then this has been taken over by various authors.

interview says that even if measures are taken for helping migrants to become lawful and regular, a way will be found so that a stock of 'non-regular workers' is maintained for use by local communities in pursue of cheap labour<sup>10</sup>.

The authors of the UWT research project bring this type of reflection one step further arguing that the restrictive migration policies that produce irregular migration serve these labour markets defined by casualisation and informalisation<sup>11</sup>.

In the frame of these informal economies, internal hierarchisations have been established. Certain groups of workers are more vulnerable than others, among them irregular migrants and all particularly certain sub-categories of them, but also some subcategories of regular migrants. It is exactly these categories that are the most prone to slip into trafficking-like labour conditions.

#### b) Flexibilization and precarization of labour market in the frame of formal economy

The general principle of flexibility of labour, aiming at promoting competitiveness, leads to a vulnerabilisation of workers and to a gradual deterioration of their condition. Flexible employment in its various manifestations leaves more space for exploitation and for bending the laws and thus hatches conditions in the frame of which anything becomes possible, even trafficking for labour. The 'slippery slope' phenomenon is thus not restricted at the level of individual worker, who, once s/he has experienced the loss of his/her job, his/her next job would be under more precarious conditions and so on, but appears also at the level of large groups of workers, also workers working in the formal economy, who see their situation deteriorate to the point of becoming victims of exploitation. Overall the terms and conditions of employment decline and the situation of workers becomes increasingly fragile.

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<sup>10</sup> Ιωάννα Σωτηρχου and Άρης Χατζηγεωργίου, 'Πόσο Μακριά Είναι Η Καλαβρία; Φάκελλος «Μετανάστες Και Ανεκτικότητα»', *ELEFThEROTYPIA*, 23-01-2010 2010.

<sup>11</sup> Sonia McKay et al., 'The Relationship between Migration Status and Employment Outcomes', *Undocumented Worker Transitions. EU Sixth Framework Programme. Final Report* (London: Metropolitan University, Working Lives Research Institute, 2009), 1-82. p.53.

The ‘flexicurity’ principle has been developed as a mechanism of compensation for what is being lost in the frame of flexible employment, and as a new philosophy of work in the frame of which the rights of workers would be safeguarded and promoted by a different kind of principles than those in place in the frame of a ‘conventional’ labour market, principles which presumably would be appropriate and effective in the frame of the new conditions prevailing in the global market and globalized economy. However, ‘flexicurity’ constitutes a ‘Danish model’, developed in Denmark under specific conditions and is not expected to properly operate, but only in specific economic and social environments that hardly constitute the reality of most European states. This is all particularly the case of countries such as Greece, where an absence of the required social structure is to be observed<sup>12</sup>. In most cases and in most countries it is flexibility and not flexicurity that develops leading to a progressive loss of the security of remaining in the labour market, to increased instances of violation of workers rights, a decreased control of conditions by responsible authorities, a weakening of the trade unionism and an absence of protection by the trade unions for the most vulnerabilized categories of workers.

While the overall situation in the frame of the ‘new economic order’ is one of vulnerabilization of workers, it is in the first place the institutionalization and promotion of specific modalities of labour relationships and of recruitment and engagement of workers that is responsible for introducing trafficking in the formal economy. These modalities are:

- *-Subcontracting*. Unquestionably the most vulnerabilising expression of flexibility is the establishment and expansion of the use of subcontracting. In the frame of subcontracting procedures are obscured, responsibilities become defuse and it is difficult to control whether the law and the regulations are being applied.
- *-Labour providers and third party employment relations*. Intermediaries of employment of various kinds have appeared and have been frequently institutionalized, usually under the form of employment offices/agencies that are either legal or function at the margins of legality. It should be noted here that until recently in Greece only public bodies were entitled to provide employment services, private employment offices being outlawed. It is only few years ago, following the relative directive of the European Com-

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<sup>12</sup>Γιάννης Κουζής, 'Το Πράσινο Βιβλίο Για Τις Εργασιακές Σχέσεις Και Η Flexicurity', (2007), 1-10.

mission, that the establishment and functioning of private employment offices became legal. These labour mediating structures open the way for compromising the rights of workers, for importing and placing to job position irregular labour and for proceeding to trafficking for labour practices. The situation becomes even more risky for the worker when the employment office/agency does not function only as an intermediary, but becomes the employer of the worker that further rents him/her to an organization or firm.

The above modalities of ‘outsourcing labour’ entail multiple benefits for the employers that are even more obvious in the case of public bodies and organizations belonging to the broader public sector:

- The organization/firm may apply double standards to its workers: different standards for the regular employees of the organization and different, lower standards, for the outsourced workers.
- The organization/firm can disclaim all responsibility for the working conditions of the outsourced employees or workers and for the eventual breaches of the labour regulations, for which it holds responsible the subcontractor or intermediary (though according to the Greek legislation the contractor remains accountable).
- It should be added here that in the case of the public organizations, outsourcing and subcontracting allows for the privatization of part of the labour they use. This paves the way for trafficking to infiltrate in the public sector<sup>13</sup>.

Many authors and many organizations that deal with the issue of trafficking have stressed the connection between such modalities of labour relations and trafficking<sup>14</sup>. For example B. Anderson and B. Rogaly<sup>15</sup>, say that «*The migrants are often engaged through a bewildering array of subcontracting chains and agents, all of which can make it difficult to claim and safeguard their basic human and labour rights. In extreme cases, their treatment can amount to the forced labour practices*».

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<sup>13</sup> Subcontracting services to private firms has been made possible through the law 2956/2001

<sup>14</sup> Klára Skřivánková, *Trafficking for Forced Labour. Uk Country Report* (London: Anti-Slavery International, 2006) 1-44., see p.15

<sup>15</sup> Bridget Anderson and Ben Rogaly, *Forced Labour and Migration to the Uk, Study Prepared by Compas in Collaboration with the Trades Union Congress* (London and Oxford: TUC and COMPAS, 2005).p.7

Under the above-described conditions, the usual lines of vulnerability that are the legal status, ethnicity, gender and age category do not hold any more. Of course, there are those who are at a higher risk than others, but no worker is protected on the basis of his/her belongingness to the 'right' group.

Nevertheless, talking of regular workers that are trafficked represents something of a paradox: How is it possible that workers are simultaneously workers who hold rights and trafficked? The reply to that question is equally paradoxical: It is exactly the fact that legal workers do have rights that renders necessary to have recourse to trafficking for labour practices to make them renounce their rights. While it is easy to make irregular migrants accept an exploitative situation, in the case of those who are entitled to rights, stronger intimidation means are required. That is why violence exercised against legal workers might escalate to take extreme expressions, as we will have the opportunity to see later on.

The introduction of trafficking into formal economy has far reaching implications that affect not only those directly involved in it but the wider society as well, to which we all belong: By invading formal economy, trafficking for labour stops inhabiting a world apart, occupying a dark and invisible corner of the labour market and society at the margins of everything respectable and turns instead into a possible and conceivable dimension of economic and social transactions that take place all around us and in which each one of us might be implicated, in one way or another. This for example is the case when trafficking for labour conditions are to be found in work sites such as the metro, the public hospitals, the universities, even the very institution aiming at the protection of workers rights, that is the Greek Trade Union Confederation (GSEE) –be it for cleaning, security and the like. Trafficked workers might work side by side with non-trafficked workers in the same way that irregular workers might work side by side with regular workers.

A last observation to be made in relation to outsourcing is that it promotes further the already prevalent transnational dimension of trafficking:

In the frame of globalised economy and unified Europe, subcontracting and the activity of employment agencies acquire an expressively transnational character. Not only facilitate the transport of workers, individually or in groups, from one country to another, but this frequently takes place under labour legislation conditions that transcend those of the receiving

country, involving the legislation of both countries -sending and receiving- as well as EU regulations. In this context, the transgression of the rights of workers is facilitated and can easier pass unnoticed.

While in certain countries a current modality for transnational labour recruitment is through subcontracting firms and cases of trafficking very frequently are to be located in that context, in Greece the prevailing modality for transnational recruitment is that of employment offices/agencies, operating in the source country or in Greece or in both countries, that bring in workers whose labour is subsequently exploited under trafficking like conditions -subcontracting remaining a within country employment modality. Source countries are most frequently Balkan countries that have joined the EU and all particularly those countries that have recently acquired the right of free movement and consequently their citizens can be brought into Greece as legal migrant workers. Their initial regular status of course does not safeguard that subsequently they will be employed under regular conditions.

Summing up what has been described in this paragraph on trafficking and labour market we could observe that trafficking for labour intersects with both underground and regular economy, it affects both undocumented and regular migrants, both foreigners and Greeks.

### **1.3. The criminal dimension**

The relation of trafficking for labour to criminality is a complex and multi-dimensional one. Trafficking for labour may be viewed as a platform, where labour market and criminality meet, interact and exchange services:

- -The first, and obvious remark is that trafficking for labour is a criminal offence per se.
- -The second observation is that trafficking for labour is connected to broader criminality and this in various ways: Trafficking for labour is derived from and promoted through other types of criminality; it leads to further criminal acts; it contributes to the further expansion of criminality in society and the intrusion of criminal practices into mainstream economic activities and social relations.

Our intention here is not to discuss extensively the relation between trafficking for labour and criminality, as we did with the relation between the conditions prevailing in the labour market and trafficking. We will restrict ourselves in tackling the problem by mentioning the major aspects of this relationship. Some of these aspects will be put into evidence in the examples of trafficking that will be presented in subsequent paragraphs. The major aspects could be considered to be the following:

- -Trafficking for labour results to a significant extent from the activity of organized crime networks, which apprehending the opportunities for gain extend their usual activities to the recruitment, transport and exploitation of the labour of migrants.
- -The opportunities of gain through trafficking for labour may lead to the constitution of ad hoc criminal networks, usually with flexible structure and exchangeable membership.
- -Trafficking/smuggling networks bringing into the country migrants produce vulnerable categories of foreigners that can easily fall victim of further networks and employment under trafficking for labour conditions.
- -The discussion that takes place about criminality in relation to trafficking and all studies and research that have been relatively conducted revolve around the trafficked persons, in their quality as victims, and the criminal networks. Less discussion takes place about the employers of trafficked persons as responsible for producing demand and thus contributing in sustaining and reinforcing the criminal activities and even less -if not at all- is discussed their direct participation in criminal acts in their effort to obtain trafficked workers and secure that these will work under trafficking for labour conditions. Employers may proceed in serious criminal acts such as, physical abuse, threats of the lives of workers, even attempted murder -usually in order to control or 'punish' misbehaving workers. Attacks have also been observed against Labour Inspectors<sup>16</sup>.

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<sup>16</sup> Μιχαήλ Χάλαρης, 'Ο Ρόλος Του Σ.Ε.Π.Ε. Στον Εντοπισμό Των Περιπτώσεων Trafficking Για Εργασιακή Εκμετάλλευση', in Κέντρο Συμπαράστασης Παλινοστούτων Μεταναστών (ed.), *Συνάντηση Εργασίας για την «Εμπορία Προσώπων για Εργασιακή Εκμετάλλευση» στην Ελλάδα και την Κύπρο* (Αθήνα, Ξενοδοχείο TITANIA: αδημοσίευτο, 22-02-2011), Προφορική Εισήγηση.

- -Trafficking for labour produces the conditions for organized crime to intrude in mainstream business. Business owners and employers come into contact with criminal networks for acquiring workers and further, in order to control workers, they have recourse to the help of individual criminals or organized crime networks. In that way a process is initiated that promotes the infiltration of organized crime in the labour market and in society and consolidates its position.

#### **1.4. Further conditions**

The conditions mentioned in the previous paragraphs are certainly of decisive importance, nevertheless they cannot by themselves efficiently account for the transition from a situation of simple exploitation with sporadic elements of trafficking to a situation of organized, systematic and ‘pro-active’ trafficking for labour in Greece.

For this to happen a number of corroborating circumstances are required. With this we refer to social, cultural and economic conditions that have conspired for the development of trafficking, its organization and systematization, its maintenance and its protection against being detected and suppressed. These conditions might develop in the frame of the local environment, at the national level or have a transnational character. In that way trafficking for labour appears as a very complex social and economic phenomenon with an underlying systemic character.

Some of these conditions have to do with the countries of origin and are both responsible for rendering vulnerable large sections, or specific groups of the population and for the active promotion of trafficking.

Among the conditions of significance in Greece we can mention the following:

- -Corruption and clientelism
- -Inertia of the institutions, authorities neglecting their duties
- -Complicity at the local level and covering up of illegal practices
- -Slow and ineffective administration and bureaucracy
- -Infiltration of criminality and organized criminality at all levels of society and the increased making bridges with ‘decent’ society.

And finally, very recently:

- -The economic crisis.

When we discuss the specific manifestations of trafficking for labour in Greece we will try to take into account the conditions that allow, facilitate or conduce to trafficking -to the point that available evidence renders that feasible.

In conclusion of this introductory paragraph and considering the implications of what has been discussed for trafficking for labour in Greece, we would like to formulate two remarks:

a) We need to realize that trafficking for labour does not constitute an occasional phenomenon that resides outside our (Greek) society and to which we need to block the entrance by taking the proper measures. On the contrary trafficking: constitutes an international phenomenon, flourishing in the frame of a globalised, flexibilized economy, permeating all economies and societies; develops roots and takes specific expressions nationally and locally; develops structural links with the Greek economy and society; is further reinforced and promoted on the basis of the interests that have developed within borders.

b) We have mentioned the position of certain authors that underground economy, due to its quality of economizing resources, its complementarity to the formal economy and the support it offers to it, is indulged and even desired. Following the same line of thought, the question arises whether we can venture a corresponding hypothesis concerning trafficking for labour, that is, that trafficking is becoming increasingly welcomed and desirable by certain economic and societal forces.

## **2. THE MANIFESTATIONS OF TRAFFICKING FOR LABOUR IN GREECE.**

As it is understood there are no studies or researches on trafficking for labour in Greece that give an overview of the situation and on which we could rely to give accurate information concerning where trafficking is to be located -actually there are no studies or researches at all whose stated aim is to address trafficking for labour. On the basis of the information that we have been able to collect we are led to believe that various manifestations of trafficking are to be found in almost all economic sectors.

There are, however, certain sectors and certain niches inside them where trafficking practices are more expanded, more intense or more visible.

In Greece trafficking takes place par excellence in agriculture and in the service sector. It has been possible to locate few cases of trafficking or suspected cases of trafficking in other sectors while in further sectors of economic activity it has not been possible to trace such cases, but only locate conditions that might favour trafficking. The absence of publicly known cases of trafficking in a specific economic sector or industry does not mean that there are no such cases. Incidents of trafficking are frequently well concealed or no one has ever taken the interest or had the courage to make them known.

Concerning the characteristics of labour trafficking, its most significant actual characteristics, which make both a quantitative and a qualitative difference with the past, can be summarized as follows:

- -Employment under trafficking like conditions takes place in large scale. While in the past it was exclusively the individual employer who exploited one or just few irregular migrants, now the employment of workers under trafficking like conditions is massive.
- -While in the past the cheap labour of irregular migrants was used to render viable marginal small sized enterprises, nowadays an enterprise may count on cheap trafficked labour for its expansion or might even be planned on the basis of trafficked labour.
- -Exploiting the labour of migrants is not any more a question of taking advantage of opportunities offered. Employers, be they small producers or big enterprises, frequently 'order' to employment agencies and unregistered recruiters or bring themselves in migrants to be exploited under trafficking for labour conditions.
- Trafficking for labour becomes increasingly demand driven and demand managed. Trafficking networks offer services that meet the emerging demand and reinforce it in their turn. Employment opportunities and employers interests regulate the presence and the movement of immigrants, vulnerable enough to become victims of trafficking.
- While in the past trafficking for labour appeared more or less in a uniform way, now it manifests itself in an infinite number of forms, depending very much on the economic sector. Some are easy to detect as trafficking, while others are well camouflaged.

Concerning who is affected by trafficking, we can distinguish three major categories:

- -The masses of irregular migrants/asylum seekers that have recently arrived in Greece and who work mainly in agriculture.
- -Workers that arrive under various modalities via employment agencies and unregistered providers. These are employed mainly in seasonal jobs in agriculture and tourism as well as in private households.
- -Workers that are engaged through subcontracting or are rented workers. These might be regular migrants or Greek citizens making part of the domestic labour force, might be migrants that have been brought to Greece through an employment agency, or might be irregular immigrants.

## **2.1. Data collection and methodology.**

The material used for the compilation of this paragraph on the manifestations of trafficking for labour is from various sources and of varying quality. It includes:

- Publications in the press
- Information from workshops/public discussions
- Interviews with representatives of organizations
- Discussions with other knowledgeable persons
- Internet sources, particularly blogs
- TV broadcasts
- Various printed material, such as pamphlets, etc.
- Official documents, legal texts, parliament proceedings, etc.
- Police statistics, reports and press releases
- Studies and researches

Given the scarcity of relative research and the absence of experts on the issue that could provide substantial information, we have tried to use and put into value all possible sources of information, however trivial these might be. In this frame we have proceeded as follows:

- We have collected as much information as possible from as many sources as possible.

-We have compared and contrasted the scattered information in order to compose the puzzle as well as in order to cross-check the information and retain what seems to be confirmed by more sources.

-In certain occasions we are not as clear and as precise in our descriptions as we would have liked to as either there were gaps in the information we were able to get or we were not in a position to test the accuracy of the information and so we opted to be vague rather than risk to be incorrect.

-The text is not as systematic as we would have desired and the approach might differ from one paragraph to the other. This is due to the fact that the text has been very frequently 'information driven' that is its structure was defined by what we had in hand each time.

In the presentation of the situation that follows we have remained quite close to our data and our descriptions of the incidents are quite detailed. The reasons are the following:

- a) The data gathered was not always sufficient to proceed to the formulation of more general statements so we rather remained by the particular
- b) We have used the detailed description of incidents to support the empirical rootedness of our more general statements and conclusions
- c) We are eager to present the dynamics of the trafficking phenomenon and its links with societal processes. For that purpose it is very important to include in the description all information concerning how each specific incident of trafficking was produced, sustained, remained concealed, became public and what were the reactions to it by the civil-local society, the authorities, trade unions etc.

We have opted to present trafficking for labour in Greece on the basis of economic sectors. In the frame of each sector we will make reference to the different modalities of trafficking that relate to that sector, wherever this is applicable.

For the purpose of analysis we have developed a list of themes. The themes appearing on the list are those that we considered significant in order to get a picture of trafficking as complete as possible. The list of themes has as follows:

- -Who are the exploited/trafficked workers (who are apt to work under trafficking for labour conditions, what is their ethnic background, legal status, gender, how they are situated in the frame of

the foreign population in the area, what are their links with the area, why and under what conditions they undertook the job, what are their migratory projects)

- -How they arrived in Greece, in the area and in the job (have they been brought through agencies or traffickers, did they come by themselves, were they already established in Greece)
- -Who are their traffickers/exploiters/employers (are the traffickers and exploiters co-ethnics or Greeks; those who exploit them are those that have brought them in Greece, intermediaries, the employers; what is the role of employers, do they directly exploit them, does this happen with the mediation of traffickers)
- -What are the modalities of their employment and the terms of their exploitation (do they work seasonally, under subcontracting, under other precarious modalities, how these relate to their exploitation)
- -What are the elements on the basis of which a case of trafficking can be build (deception concerning expected conditions, intimidation, abuse, restriction of liberties)
- -What are the victims' reactions to their exploitation/trafficking condition (reporting their case, doing nothing, collective reactions)
- -How traffickers/employers manage to circumscribe the law
- -What are the reactions of the authorities, local, central (were they aware, did they take measures according to their competency, if not, why; what happened to the eventual initiatives by the local or competent authorities)
- -What has been the role and interventions of institutions responsible for control
- -The role of trade unions
- -Structures which allow such conditions to emerge and sustain them

- -Clientelism, corruption, complicity at the local (and national) level [complicity between (local) authorities and employers, complicity between traffickers and employers, indications of corruption of officials].
- -What is the reaction of the local society (does local society favour the situation and conceals it, are there any reactions, are there any organized efforts to assist exploited migrants and trafficked persons)
- -How the case became to be known
- -Has the case been characterized as a case of trafficking
- -What is the outcome (were there any interventions, were any legal steps taken, what happened to the victims, have victims been helped, what kind of assistance has been provided, were perpetrators prosecuted, has the situation changed in the area)
- -How the situations that have become known relate to and contribute to the economy locally (who profits, the individual employer, is there a more generalized profit)
- -Links with criminality

These themes have been used as guiding principles in presenting the situation in the different sectors of concern. However, so much the extent of trafficking in the different sectors, as the amount and quality of information for each sector vary very much. Consequently in certain sectors we were able to gather information about almost all themes, while in others for only just a few of them. Moreover, on the basis of the specific characteristics and specific interest that each sector presents, we opted to put the emphasis and elaborate further on certain aspects instead of others.

The list of themes will also make easier the comparison between the sectors and will help compiling the overall picture of trafficking for labour in Greece.

## 2.2. The agricultural sector

### 2.2.1. Background information

As in the case of other European countries, in Greece too the agricultural sector is the sector for trafficking for labour par excellence. To this contributes the fact that Greece is to a large extent an agriculture-based economy.

It is essentially in agriculture that the first undocumented migrants that arrived in Greece in early nineteen-nineties were engaged, before coming to the cities and undertaking also other kind of jobs. Their work was obviously irregular, they were frequently exploited and there were individual cases of extreme exploitation and work under trafficking like conditions. But what prevailed were the relations of 'convenience' between farmers and workers, as defined by Francesco Carchedi in the Italian report of the present transnational project. Since that time, Greek farming always relied on immigrant labour. However, as immigrants had progressively settled and became in their majority regularized, their labour in agriculture became more expensive, they moved to other kind of jobs in the area and many moved to the cities. So Greek farmers were oriented towards new sources of workforce.

Successively different groups of migrants served the needs in agriculture and each wave became all the more expensive. Seasonal workers with labour contracts from countries with which bilateral agreements were closed constituted a partial solution to the problem for a period. In parallel, the possibility was foreseen in the aliens law to bring in migrants to work in agriculture through work contracts that were valid for a specific employer for a determined period. However, the bureaucracy was so heavy and the procedure so slow, that the farmers that were ready to employ legally agricultural workers making use of this modality, quickly resigned<sup>17</sup>. For a time the needs in agriculture were mainly served by migrants already settled in each area, who, however, did not constitute any more particularly cheap labour.

Opportunities for cheap and flexible labour -frequently cheaper than during the first years of immigration in Greece- appeared again in the last years, as trafficking for labour conditions were put in place.

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<sup>17</sup> Kathy Tzilivakis, 'The Jobs Greeks Won't Take', *ATHENS NEWS*, 27-04 2007.

As the present situation in agriculture is formed, it is characterized by an almost absolute reliance on foreign labour. Part of this workforce consists of the regularized and more or less established migrants belonging to older waves of immigration and part of it of newcomers and seasonal workers. These latter are susceptible of harder forms of exploitation than in the past, but most of all, their situation is characterized by the increased organization and systematization of their exploitation. In a newspaper interview, K. Kavoulakos, collaborator of the Institute of Urban and Rural Sociology, speaks of the existence of situations of extreme and ‘exaggerate’ exploitation in the countryside (he does not use the term ‘trafficking’ something to be considered as revelatory of the absence in Greece of understanding phenomena in terms of trafficking), and comments that unfortunately one could support that to a certain degree agricultural production in Greece relies on such situations<sup>18</sup>. It would not be an exaggeration to say that employment of migrants under such conditions has turned into a structural element of farm economy that resists change and that, if this situation were to change, significant re-adaptations in the sector would be required.

The contribution of migrant labour under trafficking like conditions is not limited in rendering viable small exploitations or in making family farm holdings more profitable. An additional phenomenon is that on the basis of extreme exploitation of migrants small production units were able to grow and in certain cases to the point of becoming important agricultural enterprises.

In this paragraph we will describe three situations:

- -Seasonal workers from accession countries, mainly those for which free movement of labour has been established.
- -The case of ‘errant’ migrants that are irregular migrants and asylum seekers recently trafficked into Greece
- -As example of agricultural exploitation that managed to grow to form an important agricultural enterprise on the basis of exploitation-trafficking of foreign labour, the specific case of the strawberry fields of Nea Manolada .

As Nea Manolada case has turned to a high profile one we will start with that.

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<sup>18</sup> Σωτηρχου and Χατζηγεωργίου, 'Πόσο Μακριά Είναι Η Καλαβρία; Φάκελλος «Μετανάστες Και Ανεκτικότητα»'.

The description of the cases that follow might sometimes appear confusing and incomplete. This is to be attributed to the type of our sources, mainly newspaper articles, and the incomplete, sometimes divergent information, that these sources provide. We apologize to the reader for that.

### **2.2.2. The Nea Manolada case: farms growing to export production units through the exploitation of migrant labour**

Nea Manolada is a village of 2.000 inhabitants in the Municipality of Vouprasia, belonging to the Prefecture of Ilia in west Peloponnese.

A number of large production units operate in the area and in addition some smaller ones. The agricultural enterprises consist in systematic and intensive cultivation of strawberries in green houses through the excessive use of fertilizers.

The Nea Manolada farming enterprises constitute an example of enterprises that have grown through intensive labour under trafficking like conditions. On the basis of the size to which they have grown, they constitute a unique case quite extraordinary for Greece. Professor Ch. Kasi-mis, that has conducted research in the area of Vouprasia, observes that the strawberry fields enterprise has grown to 60% in three years as a result of the exploitation of migrant labour<sup>19</sup>. In the last years the production expanded to the point of covering the largest part (90%) of the Greek market, while at the same time the 70% of the production is exported. The turnover is 50 million Euros, which the producers have declared that they intend to double<sup>20</sup>.

#### *Who are the workers*

Most of the workers are of irregular status, newcomers, originating mainly from Asian countries, Pakistan and Bangladesh. There are also some Bulgarians, Romanians and Albanians. Some of the workers live permanently in the area, while others are seasonal workers. The number of regular and permanent foreign inhabitants in the area is 1.500 and those working seasonally in the strawberry fields reach the 3.500. It is to

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<sup>19</sup> Ibid.

<sup>20</sup> Βάσω Ασμανιδου, "Δουλεύουμε Για Ένα Κομμάτι Ψωμί", *PRESS TIME*, 25-04- 2008 p. 1.

be mentioned that among those working in the strawberry fields seasonally most remain in the area during the year occupied in other jobs.

Research conducted in the Municipality of Vouprasia (where Nea Manolada belongs), under Prof. Kasimis led to interesting findings concerning the differentiation of workers in the area on the basis of time of arrival, migratory status and ethnic origin. Thus Albanians belong to those that arrived early in Greece and have been able to profit from the legalization campaigns to acquire regular status. They are rather settled constituting the ethnic category that is better off and the members of which undertake jobs under better conditions: they do not work in the strawberry fields, and if they do it is under different terms. There are, however, certain newly arrived Albanians, who remain in an irregular status and are exploitable<sup>21</sup>. The Asian immigrants are people that arrived recently as irregular migrants or as asylum seekers. Their situation is very precarious, extremely vulnerable and they occupy the bottom of the hierarchy. Always according to the above-mentioned research, many among the Asian migrants intend to work for some years, gain some money and return to their families and respective countries<sup>22</sup>.

*Pay, working conditions and accommodation conditions that compose a trafficking case*

The wages paid to strawberry field workers are below the minimum wage. The daily wage was 20-23 euros, that is, 7-10 euros below the minimum wage (30,4 euro)<sup>23</sup>. In case of overtime work workers might receive an additional 3,5 euros per hour. Overtime work is frequently compulsory, but not paid as such<sup>24</sup>. In addition it has been mentioned that

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<sup>21</sup> Κασιμης, 'Διάρθρωση Απασχόλησης Και Επαγγελματική Κινητικότητα Των Μεταναστών'.

<sup>22</sup> Ibid.

<sup>23</sup> Ανωνυμος, 'Επιστροφή Στα Χωράφια Της Μανωλάδας Μετά Τις... Υποσχέσεις', *ELEFTHERI ORA*, 22-04- 2008, Νικολέτα Τζωρτζη, 'Ανέστιοι Και Πένητες, Καταδικασμένοι Σε Σύγχρονα Κάτεργα. Οικονομικοί Μετανάστες, Νόμιμοι Ή Παράνομοι, Αποτελούν Τους «Αθλιους» Της Ελλάδας, Αφού Ζουν Και Εργάζονται Σε Μεσαιωνικές Συνθήκες Που Προσβάλλουν Κάθε Ανθρώπινο Αίσθημα', *VRADYNI*, 26-04-2008 p. 72,73, Ανωνυμος, 'Άγριο Ξύλο Για 5 Ευρώ. Πολεμικό Κλίμα Στη Μανωλάδα Της Ηλείας Μετά Την Εξέγερση Αλλοδαπών Εργατών Για Το Μεροκάματο', *TA NEA*, 21-04-2008, Ανωνυμος, 'Φράουλες', *TA NEA*, 21-04- 2008.

<sup>24</sup> According to the 36/2007 decision of Areios Pagos (Supreme court) those working in Agriculture are to work 40 hours per week. If they work longer they should be paid with 50% increase of the hourly pay, as overtime work. If they work on Sunday, Christmas

underage children work in the greenhouses, being paid even less than their parents, though working under the same conditions<sup>25</sup>.

Wages are paid either on a daily basis, or at the end of the season. Frequent is the case that wages are withheld, as well as cases that employers at the end of the season in order to avoid paying the due wages denounce their workers to the police to be deported<sup>26</sup>.

In large enterprises workers have a steady job, while small producers hire workers for the day.

Migrants work under very arduous and damaging for their health conditions. They work long hours, under the very high temperatures that develop in the greenhouses. The cultivation of strawberries in Nea Manolada is made with a very heavy use of fertilizers and workers are exposed to them without being provided with the necessary protective equipment.

Concerning accommodation, entrepreneurs of the large exploitations have developed 'camps' for their workers. 25 such camps are mentioned. The camps are situated almost at workplace in the fields, among the greenhouses. There are no hygienic facilities, no running water and no sewage system. The shelters are frequently kind of tents made up from plastic sheets with high temperatures develop in them, while some a kind of wooden barracks. The conditions are not only unhealthy, but also dangerous. Given the proliferation of plastic there were two cases of fire.

These camps are not only places where workers are accommodated, but also places where workers are segregated, confined and further financially exploited: Camps are being run by the employers whom the workers pay for the rent and for the elementary facilities that are made available to them as well as for their security. Workers are supposed to cover all their needs inside the camp using the facilities provided there. For example the 'tenants' are forced to buy food and other necessities from the 'mini market' in the camp. Further their movements are controlled, even

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and Easter the increase of their daily wages is to be of 75%. More than 120 overtime hours per year are prohibited.

<sup>25</sup> Greek Ombudsman, 'Letter to the Authorities', (Athens, 22-04-2008).

<sup>26</sup> Ibid.

during their free time<sup>27</sup>. It is mentioned that their condition of dependency is further reinforced by the fact that they have to pay an amount to the local 'mafia' for protection. In a press report the following calculation has been made to illustrate the situation in which workers are found: «His wage is 22 euro, from these he has to pay: 1 Euro per day for rent, 3 Euros to his pimp (that is the local mafia for protection), 5 Euros for the food»<sup>28</sup>.

*The chronicle: discovery, events and reactions by the responsible authorities and the state.*

This situation has been running for a number of years without to preoccupy any responsible authority.<sup>29</sup>

A detection of the problem took place first by the fire brigade, when one of the camps took fire in 2006. The chief of the regional fire brigade has sent a very poignant letter to the local governments with notification to the Public Prosecutor, in which are exposed the dangers that are linked with such type of accommodation which he characterizes as 'human rubbish dump'<sup>30</sup>. The reaction was that the owner of the camp brought bulldozes and annihilated all traces, while local journalist were prevented from taking photos. No reactions from responsible authorities were reported<sup>31</sup>.

First in 2007 discussions took place among local authorities -the city planning authority included- concerning the accommodation conditions of foreign workers in the area, after the fire brigade and the police had denounced the bad and dangerous conditions under which the workers were accommodated. One farming enterprise took also part in the discus-

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<sup>27</sup> Ανωνυμος, 'Γκέτο Και Παραγκουπόλεις. Μεσαιωνικές Οι Συνθήκες Διαβίωσης Και Εργασίας Για Τους Αλλοδαπούς Που Εργάζονται Στις Καλλιέργειες Φράουλας Της Νέας Μανωλάδας', *TO ARTHRO*, 18-04 2008.

<sup>28</sup> Ντίνα Δασκαλοπουλου and Μάκης Νοδαρος, 'Κόκκινος Χρυσός. Μια Γλυκιά Γεύση Με Πικρές Ρίζες', *EPSILON*, 03-03- 2008, sec. 60 p. 60-66, 68, 70.

<sup>29</sup> In 1999 Albanian workers have organized the first strike in the area. The workers from other ethnic groups, not only did not support them, but also turned against them. The strike resulted to a slight increase of wages and in a slight improvement of accommodation conditions, such as being provided with running water. *Ibid.*; Καλλιρρόη Ιωαννου, 'Εξέγερση Στο Ντόγκβιλ Της Ηλείας', *PRIN*, 26-04- 2008 p. 12, 18.

<sup>30</sup> Νικόλαος Χαντάς, 'Round Letter of the Chief of the Regional Fire Brigade to the Local Authorities and the Public Prosecutor', (Lechaina, Ilia, 2006).

<sup>31</sup> Πέτρος Μανταϊος, 'Βουβοί Απέναντι Στη Βουβαμάρα', *ELEFTHEROTYPIA*, 30-06 2006.

sions. It is worth mentioning that only the issue of accommodation was discussed while working conditions were not tackled. Actually not even the issue of accommodation was settled: The city planning decided that 10 barracks had to be pulled down and charged the entrepreneurs with a fine of 300.000 euros for providing workers with improper accommodation. However, the Prefect though he had expressed his disappointment and disgust about the accommodation he finally gave in to the counter-proposal of the representative of the producers to wait until ‘the end of the season’<sup>32</sup>.

The issue acquired wide publicity only one year later, in Spring 2008, through an extensive reportage in the weekly ‘Epsilon’ of the newspaper ‘Sunday Eleftherotypia’ under the title «*Red Gold: a sweet taste with bitter roots*», in which the living and working conditions of the migrant workers in Nea Manolada were exposed in details and direct references to trafficking were made<sup>33</sup>. As a result the case of Nea Manolada was discussed in the Parliament. The government reacted at that stage as follows: The Minister of Labour asked the Body of Labour Inspectors to proceed to controls, the Minister of Health ordered health controls, the Minister of Interior declared that they are preparing a Ministerial decision according to which the employers are responsible for providing decent accommodation to the seasonal workers.

The Ministry of Labour also found out that inspections had taken place in 2006 and 2007 resulting to three charges lodged, which however remained without consequences. This led the Minister to ask to be informed about all the fines that had been imposed during the last years and had not been paid. Concerning the inspections ordered by the Ministry of Labour these were again without consequences: Farmers managed to hide the migrant workers<sup>34</sup>, only one or two employers were prosecuted for employing irregular workers and two employers that employed underage migrants working in the fields<sup>35</sup>, no employers were charged with more serious charges. Representatives of the political world deplored that the competent authorities had not proceed with the required controls and in implementing the relative legislation, when it was evident that the farm-

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<sup>32</sup> Πέλυ Μπεβουδα, 'Κατεδαφίζουν Τα Παραπήγματα', *PATRIS PYRGOU*, 21-02- 2007.

<sup>33</sup> Δασκαλοπουλου and Νοδαρος, 'Κόκκινος Χρυσός. Μια Γλυκιά Γεύση Με Πικρές Ρίζες'.

<sup>34</sup> Νάσος Χατζητσακος and Δέσποινα Κουκλακη, "Το "Θερμοκήπιο" Αφύπνισε Το Κράτος. Χρειάστηκε Η Αποκάλυψη Του Ετ Για Να Κινητοποιηθούν Τρία Υπουργεία', *ELEFTHEROS TYPOS*, 10-04- 2008.

<sup>35</sup> Ανωνυμος, 'Φράουλες Και Αίμα...', *PRIN*, 13-04- 2008.

ers of the area were breaking the labour legislation and violating the human rights of the immigrants<sup>36</sup>.

Following these developments, in April 2008 around 1.500 foreign workers refused to work and gathered at the village square asking for a rise of their wage to 30 euros and to be paid the due wages. This was a 'strike' organised by workers themselves communicating their plans through the word of mouth without the interference of any trade union or other organisation.

The second day of the strike has been more eventful. Trade unionists of the communist party came to their support and together closed the main street of the village. In the evening producers and their supporters attacked trade unionists of the communist party as they considered them responsible for the abstention of the migrants from work<sup>37</sup>. At the same time migrant workers were attacked, even in their homes: Men went in the night to the camps, attacked their barracks and destroying them, shooting in the air for intimidation<sup>38</sup>. As a result many migrants run towards the sea, where they spent the night<sup>39</sup>. The police intervened with result that migrant workers were arrested. Despite the fact that trade-unionists of the Communist party, but also journalists were beaten up, the police did not proceed in making any arrests from the 'other side', that is that of the representatives of employers. It is important to mention here that journalists not only were beaten up, but were also threatened with their lives in case that they continued to reveal what is going on in the area.

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<sup>36</sup> Αωνυμος, 'Επιστροφή Στα Χωράφια Της Μανωλάδας Μετά Τις... Υποσχέσεις', Αωνυμος, 'Αύξηση Ημερομισθίου Στα 26 Ευρώ Συμφώνησαν Παραγωγοί-Οικονομικοί Μετανάστες Στην Ηλεία', *EXPRESS*, 22-04- 2008.

<sup>37</sup> Γιούλη Σταριδα, 'Στα Χαρακώματα Για Τις Φράουλες. Ξεσηκώθηκαν Οι Μετανάστες Στη Μανωλάδα Ηλείας. Συμπλοκές Με Τους Παραγωγούς Και Τραυματισμοί', *ESPRESSO*, 21-04- 2008, Τζωρτζη, 'Ανέστιοι Και Πένητες, Καταδικασμένοι Σε Σύγχρονα Κάτεργα. Οικονομικοί Μετανάστες, Νόμιμοι Ή Παράνομοι, Αποτελούν Τους «Άθλιους» Της Ελλάδας, Αφού Ζουν Και Εργάζονται Σε Μεσαιωνικές Συνθήκες Που Προσβάλλουν Κάθε Ανθρώπινο Αίσθημα', Αωνυμος, 'Άγριο Εύλο Για 5 Ευρώ. Πολεμικό Κλίμα Στη Μανωλάδα Της Ηλείας Μετά Την Εξέγερση Αλλοδαπών Εργατών Για Το Μεροκάματο'.

<sup>38</sup> Κώστας Μπογατσος, 'Ξερίζωσαν Την Αδικία. Καλύτερες Αμοιβές Και Συνθήκες Διαβίωσης Διεκδικούν Οι Μετανάστες Που Μαζεύουν Τις Φράουλες', *ELEFTHEROS TYPOS*, 21-04- 2008, Ιωαννου, 'Εξέγερση Στο Ντόγκβιλ Της Ηλείας'.

<sup>39</sup>According to the testimony of one Bangladeshi worker, appearing in the newspaper «Rizospastis» 22.04.08. The violence exercised against migrant workers, and not only those participating to the strike has been confirmed by other sources too. See: Αωνυμος, 'Συνένοχοι Τσιφλικάδες Και Κυβέρνηση', *RIZOSPASTIS*, 22-04- 2008.

After 3 days of ‘strike’ migrant workers and producers came to an agreement. It was decided that wages would be raised from 23 to 25 euro. Disagreement with this way of settling things was expressed by opposition parties and the Supreme Administration of Greek Civil Servants Trade Unions (ADEDY), as no solution was given to the living conditions of workers and as the wage agreed upon remained below the minimum wage<sup>40</sup>. In addition no reference had been made concerning overtime payments and payment during holidays, foreseen by the law also in the case of undocumented migrant workers without work contract.

### *The reactions of the Ombudsman*

Particularly concerned with the situation was the Ombudsman, who, after the events, sent a letter to the responsible Ministries and responsible local authorities in which provides a picture of the situation and communicates his concerns<sup>41</sup>. In the letter is expressed the fear that there are indications that trafficking in human beings is exercised in the area and that the phenomenon might not be local, but present in other areas too: Their pay is low and part of it is paid back to employers for providing the absolute necessary in terms of accommodation, water supply electricity, food and protection. The conditions of accommodation are degrading for human dignity, their liberties are restricted, their activities are controlled, even in their free time. Immigrants seem to be under the absolute control of employers.

The overall assessment of the situation by the Ombudsman has as follows:

*«The overall picture of the labour and social relations under scrutiny reminds the conditions of the uncontrolled exploitation during the first years of the industrial revolution. These relations are defined exclusively by the economic or other power of the employers whilst the state is completely absent, not only in the form of the modern social state, but even in the form of elementary public control of private relationships».*

In reference to the state control mechanisms the Ombudsman puts question marks about the proper functioning of the Body of Labour Inspectors, of the social security institutions and of the local government con-

<sup>40</sup> Ανωνυμος, 'Επιστροφή Στα Χωράφια Της Μανωλάδας Μετά Τις... Υποσχέσεις'.

<sup>41</sup> Greek Ombudsman, 'Letter to the Authorities'.

cerning the issues of social welfare and proper conditions of accommodation, and of the police concerning trafficking in human beings and the offer of illegal ‘protection’. All of the above mentioned authorities were expected to have been aware of the situation and to have taken over their respective responsibilities.

### *The current situation*

Overall, despite the great publicity that the issue has taken, no substantial measures have been taken to improve the situation of the workers in Nea Manolada. Two years after the events in Nea Manolada the situation is reported not to have changed. In a newspaper article it is mentioned that the local government declares unable to deal with the situation and the local entrepreneurs provide individual solutions that are inadequate, as for example buying a limited number of containers for sheltering workers. The area remains a forbidden area for journalists, who became victims of violent attacks whenever they had attempted to make reportage<sup>42</sup>. It seems that we will never learn the exact and whole truth about what happened and happens in Nea Manolada.

### **2.2.3. Cross-border seasonal immigration of EU citizens**

In the last years the number of seasonal workers has very much increased, facilitated by the accession of Balkan countries to EU and the establishment of free movement between certain of these countries and Greece. Most seasonal cross-border workers are Rumanian and Bulgarian citizens, who since January 2009 can come to work legally in Greece.

The modalities of arrival are through employment agencies, unregistered recruiters, trafficking networks, employers in particular in Northern Greece that travel to the neighbouring Bulgaria and actively recruit workers<sup>43</sup>, or workers may come on their own account. Frequently they come as families accompanied by young children.

The most usual and significant modality and the one about which we need to provide some further details is that of employment agencies.

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<sup>42</sup> Μάκης Νοδαρος, '«Αστυνομία - Επιχειρηματίες Συμμετείχαν Σε Εκφοβισμούς Για Σπάσιμο Της Απεργίας». Φάκελος Μετανάστες Και Ανεκτικότητα', *ELEFTHEROTYPIA*, 23-01-2010 2010.

<sup>43</sup> Χρήστος Μποκάς and Μανώλης Γαλανής, 'Της Γής Οι Κολασμένοι', *PROTO THEMA*, 26-04-2008 2008 p. 48-49.

These might be licensed but operate at the margins of legality and implement illegal practices. They function in the countries of origin, but also in Greece. While their activity is well known, it is very difficult for authorities to intervene. These manage very well to cover up their illegal activities and turns to be very difficult for police to bring proofs and build a case against them. Further, they frequently have connections with powerful people or the political world and so manage to elude controls and prosecution.

Trafficking networks, whether related to an agency or not, are in the rule composed of both citizens of the country of origin and Greek citizens. They employ various intermediaries, frequently locals, who take over the exploitation of immigrants once in the destination country, arrange for accommodation, for employment and cash the wages.

In the previous years, before the establishment of free movement, the workers arrived in Greece, through a Schengen visa, following an itinerary through other countries, such as Austria and Italy. Since 2009 that free movement between Greece Rumania and Bulgaria was established, they come directly, crossing the northern borders of Greece with cars and busses.

Seasonal workers may come with a contract, which might be a genuine one or a fake one, or come without contract at all. In any way the terms of the contract are not kept and they are deceived concerning pay, accommodation and overall living conditions.

Their intention is to work for the season, earn a certain amount of money and then return. In less frequent cases they overstay and spend in Greece successive 'seasons', moving from one harvest and from one area to the next.

They are in general exploited: All of them receive a low pay, lower than that of indigenous workers and established migrants. In any way, lower than due. They work under strenuous conditions and their accommodation is appalling. Their exploitation is of different degrees and in certain cases can amount to the forced labour.

Frequently, they fail in their migratory project to gain a certain sum of money and then return home: Due to the combination of low pay and unlawful deductions from their wage such as for paying off the debt for

transport, for work arrangements, for accommodation, food, etc. they might end up with very little money or practically no money.

Their exploitation is much more pronounced when traffickers and agencies through their local collaborators continue to keep control on them after being brought to Greece: Some times they have their own camps, where they accommodate workers under appalling conditions. They 'rent' them to farmers, or they might become their employers and the farmer pays the wage to the exploiter/trafficker, who retains a certain amount, some times most of the money, giving to the workers only survival money. Their travelling documents are retained and further restrictions of liberties are inflicted on them.

It is in this frame that clear cases of trafficking have appeared and it is such cases that we will present in the following.

A last remark to be made is that very few cases of trafficking of trans-border seasonal workers have come to light and these are the ones in which the police has intervened. The police itself has difficulties in locating cases and all particularly in prosecuting cases. Migrants, all they want is to receive their money and go back home and as a consequence they do not choose to pursue action, but only in order to claim due wages. Moreover, they will not testify as the traffickers intimidate them and as they are very much ashamed of their condition. As it is stressed by Elena Timofticiuc in the Rumanian report of the present transnational project, trafficked persons for labour are very much ashamed of what happened to them, even more than women trafficked for sexual exploitation, and they do not want their condition to become known.

### 2.2.3.1. Case 1. Peloponnese/Prefecture of Achaia/village Lapa<sup>44</sup>

#### *The story of the case*

Around 300 Rumanians and Bulgarians brought for seasonal work in agriculture were sheltered in a camp in the village Lapa of Achaia. Upon arrival they were taken over by a couple of Rumanians and a Greek collaborator. These arranged for them to work in nearby farms, cashed the money from the farmers but did not pay the workers, or gave them starvation money. They also withheld their travel documents and in the case that migrants claimed them back or claimed their wages they threatened them, even with their lives. Interesting is to add that one usual threat was that they would deliver them to the Albanians!

The case became known as 10 among them left the camp and went to the police in Patras (the capital of the Prefecture of Achaia and main haven to Italy) and reported their case. The story of these 10 Rumanians, among whom 4 women, has as follows:

The traffickers had cashed 550 euros per person for their transport to Greece. As this happened before the establishment of free movement between Rumania and Greece, from Rumania they flew to Austria, from Austria went to Italy and from there by boat to Patras. From Patras they were brought to the camp of Lapa.

There the traffickers took their travelling documents and forced them to work in the strawberry fields for long hours. The migrants also mentioned that they were forced to shop from the supermarket of the Greek person that was one of the accomplices.

After some days of work the Rumanians asked to be paid and to receive back their documents. The Rumanian trafficker tried to intimidate them,

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<sup>44</sup> Γιώργος Ηλιοπουλος, 'Σύγχρονοι Δουλέμποροι', *PELOPONNESOS*, 05-04 2007, Μάκης Νοδαρος, 'Φάμπρικα Εκμετάλλευσης. Στα «Μαλακά» Οι Δουλέμποροι', *ELEFTHEROTYPIA*, 10-04- 2007., Ανώνυμος, 'Ελεύθεροι Οι Κατηγορούμενοι Για Την «Αιχμαλωσία» Αλλοδαποί', *gowest.gr* (updated 06-04-2007) <[http://www.gowest.gr/index.php?option=com\\_content&task=view&id=8264&Itemid=1892](http://www.gowest.gr/index.php?option=com_content&task=view&id=8264&Itemid=1892)>, Ανώνυμος, 'Οι «Σκλάβοι» Της Δυτικής Αχαΐας', *gowest.gr* (updated 04-04-2007) <[http://www.gowest.gr/index.php?option=com\\_content&task=view&id=8242](http://www.gowest.gr/index.php?option=com_content&task=view&id=8242)> Μάκης Νοδαρος, 'Οι Δουλέμποροι Στην Αχαΐα Με Την Ανοχή Τοπικών Παραγόντων Και Αστυνομίας Έστησαν Στρατόπεδο Συγκέντρωσης', *ELEFTHEROTYPIA*, 05-04-2007 2007.; Χρύσα Τσατσαμπα, 'Ρουμάνοι - Συγκλονιστική Εξομολόγηση', *SIMERINI* <<http://www.simerini.gr/?category=1&newsid35=6561&section=32&print=1>>

telling that he would exercise physical violence and/or burn their documents. At the same time a police patrol arrived to the above mentioned camp and suggested to them not to create troubles.<sup>45</sup>

In the following the Rumanians left the area for Patras where they reported their case to the police. They were in bad psychological and physical condition. To the area arrived members of the anti-trafficking unit of the Attica (Athens) police.

On the base of the information these Rumanians provided, in April 2007 the police arrested the Greek owner of the supermarket –son of ex-Mayor of a nearby town- and the couple of Rumanians that exploited them. In the possession of the Greek person they found 14 identity documents of Rumanian. All three were charged with serious offences, including trafficking in persons. Nevertheless, the prosecutor decided to release them until trial: the Greek person unconditionally, the Rumanians after paying of 2.000 euros for bail.

The police continued the investigation in order to identify further perpetrators. They also investigated eventual connections with the local police, given the above mentioned incident of police coming to the camp and suggesting to the Rumanian migrants not to create troubles.

### *The reactions of the society*

The farmers, in the exploitations of which the migrants worked, denied to the police that they were aware of the situation. They mentioned that the arrested Rumanian couple had presented themselves as the intermediaries and representatives of migrant workers and that they gave the money to them in good faith that they would pay the workers.

There is, however, evidence that the existence of the ‘camp’ and the conditions prevailing there were well known in the area:

At the beginning of 2006 the Mayor of the area had filed a complaint against the owner of the plot of land where the camp was situated, but with no consequences. In the following he had sent reports to the Prefecture of Achaia, with result that the Direction of Health sent two Health Inspectors on the 12/03/07.

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<sup>45</sup> Νοδαρος, 'Φάμπρικα Εκμετάλλευσης. Στα «Μαλακά» Οι Δουλέμποροι'.

In their report the Health Inspectors mentioned, among others, that migrants resided in sheds, that the camp did not have sewing system and did not meet the required by the legislation sanitary conditions with result that the health of residents was endangered and there was risk of epidemics. This report is mentioned to have contributed together with the testimonies of the 10 Rumanians in that the police became activated to investigate the overall case and search for perpetrators.<sup>46</sup>

It is reported in the press that after the events a public discussion took place in the area concerning the concealment of the exploitation of foreign workers by local leaders.

### ***2.2.3.2. Case 2. Peloponnese/Prefecture of Achaia/village Lakopetra***<sup>47</sup>

#### *The story of the case*

In 2009, the police dismantled another network of traffickers of Rumanian citizens in the Prefecture of Achaia. This was a network composed of 4 Rumanians and one Greek citizen. The Greek person was owner of a travel agency and was travelling in the Rumanian countryside with a tourist buss trying to lure workers to come with him, promising regular employment with the satisfactory for them day-wage of 25 Euros for a normal work schedule. He also promised accommodation in rooms of four persons with kitchen and toilet.

Once in Greece, their documents were withheld and they were more or less 'detained' in storehouses and barracks, under extremely bad conditions, so bad that when the police arrived they entered the barracks wearing gas masks. Through abuse and threats of their lives they forced them to work for long hours without pay.

<sup>46</sup> Ανωνυμος, 'Στρατόπεδο "Αιχμαλώτων" Στο Ριόλο', *IMERA*, 05-04- 2007.

<sup>47</sup> Ανωνυμος, 'Κρατούσαν Σε Στάβλους Αλλοδαπούς Εργάτες', *KATHIMERINI*, 15-09-2009, Βασίλης Γ. Λαμπροπουλος, 'Το Εργασιακό Δουλεμπόριο Πονοκέφαλος Της Ελ.Ας. Δεκάδες Κυκλώματα Προωθούν Αλλοδαπούς Από Βαλκανικές Χώρες Προκειμένου Να Δουλεύουν Υπό Άθλιες Συνθήκες', *TO VIMA*, 16-09- 2009., Ανώνυμος, 'Τις Ταξίδευε Στην Κόλαση', *TO VIMA*, 15-09 2009. Ανωνυμος, 'Εξαρθρώθηκε Κύκλωμα Διακίνησης Ρουμάνων Εργατών', *AVGI*, 17-09- 2009., [www.greekinsight.com](http://www.greekinsight.com). 16/9/09; Μ. Τσαλδαρης, 'Ρουμάνοι Εργάτες Στο Έλεος Δουλεμπόρων. Δούλευαν Σε Άθλιες Συνθήκες Σε Ντοματοκαλλιέργειες Στην Πελοπόννησο', *ESPRESSO*, 15-09- 2009. Ελληνική Αστυνομία, 'Εξάρθρωση Κυκλώματος Εμπορίας Ανθρώπων', *Press Release* (Αθήνα: Γενική Αστυνομική Διεύθυνση Αττικής, 14-09-2009).

The network did not limit its activity in exploiting the seasonal migrants they had introduced in Greece, but tried also to control Rumanian workers already in Greece: They asked Rumanian labourers to pay to them part of their salary, presumably as a kind of protection.

It is these migrant workers that went to the Police and denounced the situation.

The Anti-trafficking unit of Attica arrived to the area. Among the 66 Rumanians that were found, 24 agreed to testify, while the remaining 42 refused to testify, due to fear.

On the basis of these testimonies the police arrested the 4 Rumanian traffickers. The Greek collaborator evaded arrest.

The victims were accommodated in shelters with the assistance of the Church and subsequently were returned to their country.

According to the police the same traffickers had been located some months ago to transfer Rumanian workers to Arta and force them to work under similar conditions.

#### *The reactions of the society*

In this case too the farmers of the area declared unaware of the situation and that they believed that the wages they gave to the intermediaries reached the workers.

#### **2.2.3.3 Case 3. Peloponnese/Prefecture of Argos<sup>48</sup>**

Argos is a Prefecture in east Peloponnese. In November 2006 the anti-trafficking unit of the Attica (Athens) Police has arrested in the area of Argos one Rumanian woman who was withholding 19 passports belonging to compatriots of her<sup>49</sup>.

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<sup>48</sup> Ανωνυμος, 'Δούλοι Στις Φυτείες Της Ελλάδας Του 2006. Ρουμάνοι Επικεφαλής Κυκλώματος Εκμετάλλευσης Συμπατριωτών Τους', *ELEFTHEROTYPIA*, 27-11- 2006.

<sup>49</sup> Ibid.

The Rumanian woman together with her husband had lured with a promised salary of 1.000 Euros at least 19 compatriots to come to work in Greece. The husband took over the transport of the workers through Hungary, Austria and Italy. Once in Greece they placed them in a house in Argos and withheld their documents. The migrants worked in the fields of the area from 4 in the morning until late at night without being paid. The couple of Rumanians cashed their wages from the producers and never paid them to the workers. When the workers protested, the couple threatened that they would denounce them to the police.

The anti-trafficking unit has located only 10 out of the 19 workers.

#### ***2.2.3.4. Case 4. Peloponnese***

Another similar case in Peloponnese was described to us by EKA during the interview with them<sup>50</sup>. This was the case of 12 Rumanians (8 men and 4 women) who were brought by car to Patras, where a compatriot of theirs together with her Greek husband received them. From Patras the couple brought them to two different villages where they worked, the women in strawberry and the men in lettuce fields. They were provided with tents to stay and were offered only very little food. They did not have any contact with the employer; their only contact was the couple of traffickers. They were never paid and also physical violence was exercised against them. They decided to go to the police station. There, they were not able to communicate with the police, due to language barriers.

The Rumanians called finally their embassy that sent an interpreter and in the following the anti-trafficking unit of the police in Patras intervened. The women victims were sent to Athens to be sheltered in the shelter of 'Solidarity' (Church NGO for battered and trafficked women) and after one week were repatriated 'according to their wishes'.

In discussing this case the representatives of EKA commented that there is a big issue with police in the countryside. They are not aware of the problem of trafficking, they do not understand the migrants that do not speak Greek well, or choose not to understand, and consequently they provide no help.

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<sup>50</sup> Interview with EKA 30.01.09. Thereafter when we refer to information provided by EKA we refer to our interview with EKA.

### 2.2.3.5. Case 5. Northern Greece/Prefecture of Pieria<sup>51</sup>

Pieria is a Prefecture in Northern Greece.

In June 2008 a Greek tobacco producer and two Bulgarian brothers visited a village in Bulgaria and lured 6 workers (4 men and a family with an eight years old girl) to come to Greece to work in the tobacco field promising a daily wage of 50 euros.

When they reached the Greek-Bulgarian borders the Greek tobacco producer took the travelling documents of workers under the pretext of controls and kept them.

When they arrived in their destination, the producer accommodated them in a barn and forced them to work from 4:30 to 13:00 and then from 16:00 to 22:00. For the first day the employer paid the 6 men, 10 euros all together. When in the third day the workers complained that they did not have money to buy food, the employer made clear that their wage would not be 50 Euros per person, but 10 Euros for the 6 persons, that is 1,66 euros per person for 14 hours of work. With this money they were also expected to buy their food. On the fourth day they did not want any more to work, but he forced them to work in the fields.

When on the fifth day the workers refused to work he sent them away but withheld their passports. In order to return to them their passports he asked from each one to pay him 600 Euros, as this was presumably the cost of bringing them from Bulgaria to Pieria. The workers remained without food in the fields for three nights and one night they slept in the village square, something that seems not to have attracted the attention and interest of inhabitants<sup>52</sup>.

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<sup>51</sup> Μαρία Μαρκοπουλου, 'Αιχμάλωτοι Σε Στάβλο 6 Βούλγαροι Εργάτες', *ADESMEFTOS TYPOS*, 28-06- 2008, Αργυρώ Μωρου, 'Νέα Μανωλάδα...Πιερίας.', *ELEFTHEROTYPIA*, 28-06- 2008, Κώστας Τομαρας, 'Δούλευαν Για 1,66 Ευρώ Την Ημέρα. Βούλγαροι Εργάτες Κατήγγειλαν Αγρότη Ότι Τους Ανάγκασε Να Εργάζονται 14 Ώρες Την Ημέρα Για Ψίχουλα Και Τους Ζητούσε 600 Ευρώ Για Να Τους Δώσει Πίσω Τα Διαβατήριά Τους.', *ETHNOS*, 28-06- 2008, Ανωθυμος, 'Συνελήφθησαν Δουλέμποροι', *KATHIMERINI*, 28-06-2008, Ανωθυμος, 'Νέα Υπόθεση Εκμετάλλευσης Οικονομικών Μεταναστών Αποκαλύφθηκε Στην Πιερία', *LOGOS*, 28-06- 2008, Ανωθυμος, 'Σύγχρονοι Δουλέμποροι Στην Πιερία', *TO VIMA*, 28-06- 2008, Π. Σπυροπουλος, 'Σύγχρονο Σκλαβοπάζαρο Στην Πιερία', *VRADYNI*, 28-06 2008.

<sup>52</sup> Σπυροπουλος, 'Σύγχρονο Σκλαβοπάζαρο Στην Πιερία'.

The sister of one of the workers in Bulgaria reported to the anti-trafficking unit, that her brother asked her to deposit to a bank account 600 Euros so that the owner of the account would return to him his passport. The anti-trafficking unit intervened and arrested the owner of the bank account together with one of the Bulgarian accomplices.

The workers were found in a very bad physical and psychological condition. The eight years old girl had to be hospitalised because of problems due to her long exposure under the sun while her parents were working.

The migrants have been sheltered in an NGO until returned to Bulgaria, according to their wishes. The traffickers, the two Bulgarians and the Greek farmer, have been led to the Public Prosecutor.

#### ***2.2.3.6. Case 6. Northern Greece/Cases of EKA***

EKA in their interview with us have mentioned that in Northern Greece and all particularly in the Prefecture of Evros (bordering at the north with Bulgaria and at the east with Turkey, the river Evros forming the Greek Turkish borders and constituting a major entry point of irregular migrants and asylum seekers) there are numerous cases of Bulgarian, but also Rumanian, seasonal workers introduced mainly through employment agencies operating in the countries of origin. EKA receives a significant number of claims for unpaid wages from such migrants. The issues are treated in collaboration with the regional Labour offices. The situation is described to have as follows:

Producers gave the workers a small advance payment at the beginning of the season. At the end of the season, however, they did not pay the due wages and instead threatened the workers with calling the police, actually called the police, or beat them up so that they are intimidated and leave without claiming their money. Such cases were more pronounced after the accession of Bulgaria and Rumania to EU and before the establishment of free movement of workers.

One concrete case treated by EKA has as follows:

In 2005 a claim has been made to EKA concerning Bulgarian seasonal workers who had not been paid their wages for the season. The EKA has collaborated with the local Labour Centre in Alexandroupolis and has established that the migrants were residing in appalling conditions in a

camp and were subjected to a criminal group composed of Greek citizens. After the intervention of the Labour Centre of Alexandroupolis, the employers gave the due wages to 180 Bulgarians.

Another example is the following: Traffickers have introduced 6 migrants in Northern Greece. They paid to the trafficker 2.000 euros each. After around six months of work the employer gave them 200 euros and brought them personally to the other side of the borders. One of the women went to EKA for assistance to receive the due wages. When EKA said that they should use lawyers and follow the formal procedure the woman stepped back in fear of retaliation in her family in Bulgaria.

What is of particular significance to us here is that while EKA is aware and knows that these migrants are abused, these cases are treated solely as labour disputes. This is to a certain extent to be attributed to the fact that what seasonal workers need is to have their money, as in any way they intend to return to their country. Further, it puts into evidence that Labour Centres stick to their mandate to protect the workers rights and will not see the situation under the trafficking for labour perspective.

### ***2.2.3.7. Case 7. Northern Greece/Prefecture of Kavala***

In 2005 the Prefect of Kavala, a border Prefecture to that of Evros, discussed with Counsellor of Bulgaria the issue that in the broader region Bulgarian networks bring in co-ethnics for work, whom they charge for the services offered amounts higher to one months wage for seasonal work in Greece<sup>53</sup>.

During the same period the president of the Independent Confederation of Trade-Unions of Bulgaria denounced that the seasonal workers that arrived in Greece through perfectly legal contracts with local enterprises in the frame of an initiative of the Bulgarian and Greek trade unions, were accommodated under appalling conditions were badly nourished and were never paid their wages. In addition there were allegations of sexual assault<sup>54</sup>.

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<sup>53</sup> Νίκος Σπιτσερης, 'Εκμεταλλεύονται Αλλοδαπούς. Καταγγελία Του Νομάρχη Καβάλας Για Κυκλώματα Δουλεμπόρων Σε Βάρος Βούλγαρων Εργατών', *MACEDONIA ΘΕΣΣΑΛΟΝΙΚΗΣ*, 19-05 2005.

<sup>54</sup> Ανωνυμος, 'Καταγγελία Για Εκμετάλλευση Βούλγαρων Εργατών', *ADESMEFTOS TYPOS MITSI*, 14-05 2005.

### ***2.2.3.8. Case 8. Northern Greece/Prefecture of Thessaloniki/village of Adendron<sup>55</sup>***

This is most cruel case, among those known to us, and combines trafficking for labour with sexual abuse.

A criminal network composed of 3 Bulgarian citizens (two men and one woman) was luring compatriots through accomplice of theirs in Bulgaria by promising them employment in Greece. The recruited workers were brought to Greece through Italy. Once in Greece they confiscated their traveling documents. They were held in debt bondage and forced to work by different employers chosen by the traffickers. The traffickers retained all their money allegedly to pay back the traveling expenses, the cost for accommodation and of food.

The specific case that became known to the police is that two couples of Bulgarians being held hostages by the 3 traffickers. The offenders together with their victims moved to a country house at the rural area of Adendron of the Prefecture of Thessaloniki, where they exploited their labour and abused them. In October 2006, the police deported the one couple and the husband from the second couple, as illegal migrants.

When the husband was deported the traffickers brought the women, 32 years of age, to a barn near the house, tied her with a rope and forced her to live side by side with a dog. They fed her with the food they gave to the dog, that is, dried bread. They tortured her, hitting her with iron bars and even with a burning smith's pliers. They forced her to proceed to humiliating and indecent acts. Some times they forced her to eat the shit from the dog or from sheep. She was hanged with the head down and remained like that for five hours. She was made to stand all through day

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<sup>55</sup> Νάσος Θεοδωρίδης, 'Ετήσια Έκθεση 2007 Του Κέντρου Πληροφόρησης & Τεκμηρίωσης Για Το Ρατσισμό «Αντιγόνη», (Αθήνα: Κέντρο Πληροφόρησης & Τεκμηρίωσης για το Ρατσισμό «Αντιγόνη», 2007), 1-112. Συμβούλιο Εφετών Θεσσαλονίκης, *Απόφαση 491/2007*, ed. Ζωή Παπασιώπη-Πασιά, V vols. (Το Νομικό Καθεστώς Για Τις Αλλοδαπές Γυναίκες-Θύματα Εκμετάλλευσης Και Παράνομης Διεθνούς Διακίνησης Βιβλίο Ιν: Νομολογία, IV; Θεσσαλονίκη: Αριστοτέλειο Πανεπιστήμιο Θεσσαλονίκης, Νομική Σχολή 2008) 21-41.

and night allowing her to sleep for 3 hours. They also forced her to have sexual contact with men in exchange of money.

At the same time she did all the work in the house.

She was forced to do and suffer all that and at the same time she was blackmailed with her underage daughter that remained in Bulgaria: They said that they would kidnap the daughter, bring her to Turkey and force her into prostitution.

This situation lasted for around 5 months. When she was liberated by the police, she was in an extremely bad physical condition: she suffered from attenuation of her body, was not able to walk without being supported, had many wounds and skin problems, serious damage of the ears, wounds in her genitals and so on.

The 3 offenders were brought to trial, charged with serious charges, among which, trafficking in human beings.

### ***2.2.3.9. Case 9. Peloponnese/ Prefecture of Ilia/Andravida<sup>56</sup>***

The town of Andravida is in the Prefecture of Ilia, that is the same Prefecture where Nea Manolada also belongs. This is a case representing another type of appalling accommodation conditions, but we do not have further information concerning how they arrived, whether there were traffickers that exploited them and to what extent it was employers that exploited them.

Journalistic reportages brought into evidence the conditions of a ‘camp’ where 50 Bulgarian workers with families were accommodated in old busses. Each person pays to the owner of the plot where old busses are parked 50 euros. Of course there are no hygienic installations. These were seasonal agricultural workers who would move after some time in another area to work.

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<sup>56</sup> Μάκης Νοδαρος, 'Κι Άλλος Καταυλισμός Ντροπής Στην Ηλεία', *ELEFTHEROTYPIA*, 07-04- 2009., Ανωσυμος, 'Διαβίωση Μεταναστών Στην Ανδραβίδα', *AVGI*, 10-04-2009 2009. Ανωσυμος, 'Ζουν Σε Εγκαταλειμμένα Λεωφορεία. Εργάτες Γης Στην Ανδραβίδα', *RIZOSPASTIS*, 10-04- 2009.

It is also reported that the workers are terrorized and that they are in the uncertainty concerning, whether they will be paid. After the reportage, the issue came to the Parliament and there was a relative discussion.

### *The reactions of society*

Although the busses are along side a main road and perfectly visible, no one seemed to be aware of the situation. It is only the Mayor of Andravida that took interest in the case and has informed all the responsible authorities about the situation in that camp, as well as the Public Prosecutor, but there was no response for months, as the Mayor declares.

The Andravida case is representative of cases that journalistic interest has been risen and concerns mainly the appalling accommodation conditions, with little or no reference to further conditions that would help build cases of trafficking of labour.

### **2.2.3.10. Case 10. Prefecture of Aitoloakarnania<sup>57</sup>**

Another case that the focus has been on accommodation conditions is also the case of Bulgarians being brought for seasonal work through employment offices in a village in central Greece (Prefecture of Aitoloakarnania). The case became known due to an event of conflict between Bulgarian workers and a Greek person, who allegedly has been attacked by a Bulgarian. What is of interest in this case is the reaction of the Mayor concerning the appalling living conditions who supported that he can do nothing, it is those that bring them that should take care of providing workers with decent accommodation.

### **2.2.4. The ‘errant’ migrants**

The massive arrival during the last years of irregular migrants and asylum seekers from Asia and Africa, trafficked or smuggled into Greece has resulted in the formation of groups of ‘errant’ immigrants. Part of them goes to Athens to apply for asylum or in the hope to find work there, others target at continuing their journey westwards and thus gather around the havens from which ships leave for Italy (Patras and Igoumenitsa).

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<sup>57</sup> Μάριος Διονέλλης, 'Αιτωλοακαρνανία: Ένταση Με Βούλγαρους Εργάτες', *tvxs.gr* (updated 29-01-2010) <<http://tvxs.gr/print/50877>>, accessed 16-02-2010

Still others -perhaps the majority- spread in the countryside, mainly in Peloponnese where the port of Patras is to be found, while recently some move also towards central-western Greece, where Igoumenitsa is to be found.

These immigrants are the outcome of the European and Greek migration and asylum policies and practices. Large part among them are asylum seekers, who, due to Dublin II Regulation, are, against their will, stuck to Greece. On its side Greece with the very problematic implementation of asylum seekers legislation raises obstacles to their access to asylum and does not provide them with the required protection and assistance.

These immigrants form an army of cheap labour that wander in the Greek countryside, frequently clustering by ethnicity, available to work under any conditions for whoever employer. Some of them settle down for a while in the case that they find work in a bigger exploitation, but most remain errant. Their movements are being driven by the needs of Greek producers, who seem to have become able to manage for their benefit the movements of these groups of errant workers in search of seasonal employment.

This category of migrant workers is of irregular status and in a continuous fear that they will be deported. They have paid a very high fee to traffickers to bring them to the West and under no circumstances they would risk to be sent back to their country of origin. Thus they constitute the most vulnerable and exploitable category. Their exploitation takes various forms, is of different degrees and makes sometimes difficult to discern, whether and when trafficking for labour is in place.

In contrast to the imported seasonal workers, errant immigrants constitute a category of workers exploited usually directly by their employers. There is, however evidence, that some become subsequently dependent on networks that bring them from one area to another and make them available or 'rent' them to employers, cashing part of their wage.

As it is evident their circumstances have not been recognized as those of trafficking for labour and also there are no individual cases among them that have ever been recognized as such. The information we have is about their collective condition and exploitation in specific areas. In the following we will present examples of such areas placing the condition of errant workers in the frame of the overall situation prevailing in the area con-

cerning migrant workers with parallel reference to the condition of the seasonal workers.

### ***2.2.4.1. The Filiatra case and the Somalis and Sudanese errant workers***

#### ***2.2.4.1.1. The profile of the area and of its immigrant workers***

Filiatra is a town in the Prefecture of Messinia in south-west Peloponnese, neighbouring the Prefecture of Ilia, where Nea Manolada is located. This is an area with very significant agricultural production. Until recently the small family exploitations prevailed but during the last years these have come together to form large farms. On the basis of the above characteristics and the conditions prevailing for migrants working in these exploitations, the case of Filiatra has been characterised as ‘The new Nea Manolada’. The distinctive characteristic of Filiatra is the prevalence of errant workers that offer their labour seasonally.

*Who are the migrant workers in the area.*

In Filiatra there seems to be a similar differentiation of foreign workers to the one reported by Kasimis for the area of Vouprasia (Nea Manolada). Three groups can be distinguished:

Albanians constitute the settled ethnic group to which in Filiatra are to be added that of Chinese. These have better job are better paid, are integrated in the local society and their children attend the Greek school<sup>58</sup>.

The second group in the hierarchy is constituted by Bulgarians Rumanians and some Sudanese and Pakistani who are more or less permanent residents of the area: During the season they work in the fields and when the season is over try to find some other employment in the town so that they remain there. They will be forced to move if unable to find a job.

The number of the above, more or less regular and more or less established migrants, is mentioned to be 1.017<sup>59</sup>.

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<sup>58</sup> Μαρία Δεληθαναση and Γ. Μπαρδοπουλος, 'Στα Φιλιατρά Με 20 Ευρώ Για 10 Ώρες Στον Ήλιο... Πρόσφυγες Από Τη Σομαλία Και Το Σουδάν Δουλεύουν Και Ζουν Υπό Άθλιες Συνθήκες', *KATHIMERINI*, 13-07-2008 2008.

The third very important category of workers and the most vulnerable one is constituted by the masses of errant Somali and Sudanese that arrive in the area during the season of picking water melons and who are employed under appalling conditions. It is this group that will preoccupy us in the first place in this paragraph.

*The conditions of employment of immigrants in Filiatra: a changing situation*

In the case of Filiatra the terms of employment of migrant workers are closely linked to the changing economic landscape in the area: Family-centric farming has been replaced by large agricultural enterprises. This has led to a change of the relations between farm owners and their migrant workers. During the first years of immigration in Greece, that is during the nineteen-nineties, farmers employed migrant workers from the ex-socialist countries with whom the family kept a good relationship and as at the time these were irregular employers took care of all their needs. The situation changed drastically as new large scale agricultural unites emerged that required large numbers of workers. Employer and workers stopped to relate at a personal level. The new employers targeting at the maximization of their profit were ready to exploit migrants as much as they could. This situation is described and denounced by local representatives<sup>60</sup>.

***2.2.4.1.2. The case of Somali and Sudanese errant workers***

As an example of the extreme exploitative conditions of errant workers we will present the situation of Somali and Sudanese workers as this is described for the year 2008, year that we started to compile this report:

*Pay and work conditions.*

In the beginnings of May 2008, hundreds of Somali and Sudanese are reported to arrive at Filiatra to find employment in the picking of water-melons.

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<sup>59</sup> Ελένη Ευαγγελοδημου, '«Μανωλάδα 2» Στη Μεσσηνία. Λαθρομετανάστες Στις Ελιές Έναντι Πινακίου Φακής', *ELEFTHEROS TYPOS*, 25-01-2009 2009 p. 1.

<sup>60</sup> Γιώργος Γκονης, 'Μετανάστες Στα Φιλιατρά Και Γαργαλιάνους: «Στην Αρχή Συνεργάτες, Μετά....Ας Τρώνε Τα Σκουπίδια Μας»', 25-04- 2010.

The Somali and Sudanese that come for the season usually gather early in the morning in the village square waiting to be picked up by an employer. The wage for 10 hours of work in the fields did not exceed the 20 euros for men and 14 for women, accommodation and meals not included<sup>61</sup>.

*Accommodation.*

They usually reside in warehouses, derelict buildings, barracks, without electricity, running water and sanitary facilities, or are accommodated on-site in makeshift homes out of cardboard boxes or plastic sheeting or just sleep on mattresses in the greenhouses themselves<sup>62</sup>. They pay rent per head to the owners of these shelters. Those who did not manage to find some shelter slept in the open air.

*Manipulation of the situation by the authorities*

When Labour Inspectors from the regional offices came for inspection, the producers of Filiatra asked them not to proceed to lodge complaints before the end of June, when the watermelon season is over. In fact in June the police arrived and asked the seasonal workers to leave the area. Somali and Sudanese left Filiatra and moved to the nearby area of Amaliada, where the watermelon crop starts in July. In a reportage of the newspaper Kathimerini the police director of the region said that the police asked workers to leave because inhabitants had expressed a concern about public health in the area. The police did not feel that it should call the health service, because if they did «*the health service would arrive at least one month later*». Concerning accommodation conditions the deputy Mayor said «*what can we do, they do not want to stay in houses*»<sup>63</sup>.

The case of these Somali and Sudanese constitutes an extreme example of the movement of errant workers being not simply stirred, but almost forced. Seasonal workers do not take themselves the decision where to go on the basis of where there are work and earning opportunities, but are

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<sup>61</sup> Δεληθαναση and Μπαρδοπουλος, 'Στα Φιλιατρά Με 20 Ευρώ Για 10 Ώρες Στον Ήλιο... Πρόσφυγες Από Τη Σομαλία Και Το Σουδάν Δουλεύουν Και Ζουν Υπό Άθλιες Συνθήκες'.

<sup>62</sup> Anonymous, 'Messinia Drive to Feed Immigrants', *Herald Tribune*, 18-03 2010, Ανωνυμος, 'Πογκρόμ Στα Φιλιατρά Μεσσηνίας', *H EPOCHE*, 18-04- 2010.

<sup>63</sup> Δεληθαναση and Μπαρδοπουλος, 'Στα Φιλιατρά Με 20 Ευρώ Για 10 Ώρες Στον Ήλιο... Πρόσφυγες Από Τη Σομαλία Και Το Σουδάν Δουλεύουν Και Ζουν Υπό Άθλιες Συνθήκες'.

retained in an area and then pushed away depending on the interests of local producers.

This happens with the complicity of authorities and through the neutralization or even the manipulation of the role of control mechanisms. Control mechanisms not only are not put in effect when they should, but are being used for alien to their mandate purposes: Labour Inspectors are asked not to proceed with filling complaints at the moment of the infraction, when a restitution could take place, but are asked to wait to file the complaints at the moment that seasonal workers would have become redundant and complaints could be used for getting rid of them. In fact it is only at the end of the season that police arrived and asked workers to evacuate the area. Seasonal workers would not be allowed to remain in the area out of season and be expected to create troubles, but would be forced to move where they are next wanted.

#### *The reactions of authorities and society*

The presence of large numbers of foreigners, mainly from Africa, under the above mentioned conditions, has initiated contradictory reactions in the area. According to information from the press, not only the inhabitants, but also the local government council is divided: On the one side are those that support the interests of the employers, which require the presence of large numbers of migrants that are to work and live under appalling conditions, on the other there are those who are critical of the situation that has developed, either because they have become xenophobic and consider the presence of the destitute migrants a danger to their security or because they deplore the deterioration of the situation of immigrants in the area and sympathize with the migrant workers.

Of particular concern for the local people are not so much those that remain errant, but those among the irregular migrants that attempt to stay longer in the area. It is mainly in the period in between employments that the situation of migrants is most devastating and gives rise to concerns. Some deplore that local entrepreneurs favour the presence of immigrants when they are in need of their labour and when the season is over they leave migrants to their fate, 'feeding from the garbage'. This situation has led to the creation of commissions of support to the migrants in the town.

The Filiatra case constitutes a concrete example with its own characteristics that are particularly acute, however the situation of the overall Prefecture of Messinia is more or less similar. In a newspaper article the

whole area of Messinia is compared with Nea Manolada with the comment that their difference is that after the ‘strike’ in Nea Manolada the workers have managed to raise their salary to 28 Euros, while salaries in Messinia remain unchanged<sup>64</sup>.

#### ***2.2.4.2. The Arta case and the Afghan errant workers***<sup>65</sup>

Arta is a Prefecture in Epirus in north-west Greece with capital the city of Arta. The main cultivation is orange and citrus trees.

The interest about the situation of immigrants in Arta has been raised when, on the occasion of the fire that took a deserted poultry where Rumanian seasonal workers were accommodated shortly before Christmas 2007, 7 priests of Arta villages signed a letter in which they revealed the conditions under which lived and worked the immigrants in the area. As a reaction to this letter and its revelations a number of articles have appeared in the national press, all particularly in the Newspaper Kathimerini.<sup>66</sup>

##### *Who are the workers*

It is estimated that the foreign population of the city of Arta is composed of around 300 established Albanians and between 2.000-3.000 seasonal workers that arrive each year, since 2006, at the winter season for the picking of oranges and citrus fruits in the orchards of Arta<sup>67</sup>.

In Arta too is to be observed a differentiation of migrant workers corresponding to that described in the research of Kasimis in Vouprassia: Albanians are established in the area and frequently have a privately owned house. They work with a wage of 40 euro in various jobs other than farming or work in the picking of olives as sharecroppers.

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<sup>64</sup> Ευαγγελοδημου, '«Μανωλάδα 2» Στη Μεσσηνία. Λαθρομετανάστες Στις Ελιές Έναντι Πινακίου Φακής'.

<sup>65</sup> Θανάσης Γ. Καππος, 'Το Δουλεμπόριο Είναι Εδώ! Χιλιάδες Μετανάστες Πεταμένοι Σαν Τα Σκουπίδια Νοσούν Από Μολυσματικές Ασθένειες', *PRIN*, 20-01- 2008. Αλέξης Γαγλιας, 'Οι Σκλάβοι Του Πορτοκαλεώνα', *KAPPA KATHIMERINIS*, (10-01- 2010), 34-43.

<sup>66</sup> Ανωνυμος, 'Οργανωμένη Βοήθεια Για Τους Μετανάστες. Συγκροτείται Τριμελές Συντονιστικό Όργανο Με Στόχο Την Προσφορά Βοηθείας', *ECHO TIS ARTAS*, 13-01-2010.

<sup>67</sup> Μαρία Καλυβιωτου, 'Μαύρη Εργασία Για 2.500 Μετανάστες Στην Άρτα', *AVGI*, 15-01-2010.

The other immigrants do not have a steady job, work on a seasonal basis and are paid in the rule between 10-15 euros, which is obviously extremely low, much below what irregular immigrants appear to be paid in Peloponnese and much below the wages of immigrant in Nea Manolada, for the increase of which they went on 'strike'.

The majority of the seasonal workers belong to the category of 'errant' workers. They originate in the first place from Asia, mainly Afghanistan but also from Pakistan and some further Asian countries. In addition to those that come by themselves and under their own initiative, there are also those that are brought in the area by organized networks that recruit workers from different asylum seekers camps.

During the last three years a change in the situation is to be observed. This change consists in the increase of the numbers of 'errant' workers remaining in the Arta area for longer periods and off-season. This is the outcome of the following circumstances: After the closing down of the 'asylum seekers' camp in Patras and the evacuation of the area from foreigners, many among those that intended to move westwards now opt for the port of Igoumenitsa, second in importance haven for ships to Italy. Igoumenitsa belongs to a border Prefecture to that of Arta. Waiting to find their way out of Greece these immigrants seek employment in the broader region and go wherever they can find a job. This movement of people is mentioned to have contributed to a 20% increase of the number of migrants present in the Arta area<sup>68</sup>.

The other category is that of seasonal workers from East European countries that have joined the EU (Rumanians, Bulgarians, Polish and Czechs). These pass the borders legally, sometimes with their cars. Some among them are of Roma origin. Among the seasonal workers there are minors and some families too. From police information we know that at least one trafficking network is active in the area, the same that was active in the village Lakopetra in the Prefecture of Achaia and which has been dismantled.

The Rumanians that were the victims of fire at the poultry seemed to belong to 'itinerant' seasonal workers that go from one place to the other

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<sup>68</sup> Ανωνυμος, 'Γ. Ντοκουμές Για Δημοσίευμα Της Καθημερινης: Δεν Ισχύουν Οι Αναφορές Για Γκέτο Και Μπράβους. Μετά Τη «Σκούπα» Στην Πάτρα Αύξηση Κατά 20% Των Μεταναστών Στην Άρτα', *ECHO TIS ARTAS*, 13-01- 2010.

depending where it is the high season for specific crops. They testified to the police that they had arrived from Achaia, where they worked for the picking of potatoes, while in the spring they would move from Arta to another place in central Greece (Karditsa) to harvest cotton. They also mentioned that their daily wage was 10 euro for men and 5 for women. According to the Mayor of Arta they were being exploited by traffickers, but were afraid to denounce their traffickers<sup>69</sup>.

### *Pay and working conditions.*

Migrant seasonal workers gather early in the morning in specific piazza, waiting to be picked up for a day wage. They work for 12 hours with pay not exceeding the 15 euro a day. The amount paid is a function of the time they worked and the quantity of fruits collected. Only in the case that they are able to collect a large quantity of fruits the pay might rise above the mentioned figure. The time for the transport of the fruits is not included in the time for which they are paid. Sometimes they are paid per box they fill in. It is a frequent phenomenon that producers do not pay to the workers the due wage.

According to the Mayor of Arta there are networks that bring irregular immigrants to Arta and exploit them. They come in groups with some one who is the head of the group, usually a Greek citizen. The head of the group approaches the employer and provides him with a list of 80-150 workers. The employer hires the workers and pays the trafficker. While the employer pays 15 euros per worker, out of those, the migrant will receive only 5-10 euros. From their wage sometimes is extracted a sum of money to pay back the debt of being brought to Greece and/or an amount for accommodation<sup>70</sup>.

### *Accommodation and living conditions*

Accommodation conditions in Arta play a more significant role, than in the other cases we have described, because the season for citrus fruits is in the mid-winter and the weather conditions are adverse. According to the testimony of the priest of a local town, father Charalambos, when the Afghan workers first arrived in November 2006 they were barefoot, with

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<sup>69</sup> Μαρία Ριτζαλεου, 'Γλίτωσαν Τη Φωτιά, Όχι Τη Σκλαβιά', *ETHNOSonline*, 27-12- 2007.

<sup>70</sup> Καλυβιωτου, 'Μαύρη Εργασία Για 2.500 Μετανάστες Στην Άρτα', *Ανωνυμος*, 'Κοινωνικό Φόρουμ Άρτας: Ας Βοηθήσουμε Τους Μετανάστες Τώρα!', *ECHO TIS ARTAS*, 21-12-2007 2007.

short sleeved shirts and slept in the fields in the cold, sometimes having nothing to cover themselves. Now seasonal errant workers have clothes and rarely sleep in the open air, however accommodation conditions remain very bad and very precarious:

They stay collectively in warehouses, sheepfolds and deserted or dilapidated buildings. Some even in makeshift shelters using plastic sheeting or cardboard, placed in protected areas, such as under the Arta Bridge or under trees. In this type of accommodation it is not possible to keep the minimum of sanitary conditions. There are no toilets, frequently no running water and no electricity. Nevertheless, most of these places are rented to the migrants for up to the 55 Euros per head per month. In one case 60 Afghans remained in a warehouse with bare window openings, with no toilet, no electricity. The owner asked for the water supply 50 euros per day. Accommodation is frequently organized by the employer and it is a current practice that workers pay the 'rent' to their employer, who pays the owner. When they arrive through a trafficker, the trafficker may take over their accommodation.

For the season 2007-2008 it has been reported that the health condition of the immigrants, particularly the errant immigrants that lived in the open air and in makeshift homes, was awful, due to exposure to cold and bad weather for two winter months. Particularly they suffered from lung diseases (for example tuberculoses, pneumonia) and severe skin diseases, but also from all kinds of diseases and conditions.

The accommodation conditions of Balkan trans-border seasonal workers are also bad. During the fall 2007, around 80 Rumanian and Bulgarian workers, including women and children, lived in a deserted poultry in a village of Arta. In order to be heated they used self-made stoves in which they burned coal with result the building to take fire and be destroyed. Due to this incident the living conditions of migrants in the area became known.<sup>71</sup> Seasonal workers from Rumania and Bulgaria may stay in their cars with which they have arrived.

The Prefect provides the information that in certain cases the buildings/camps where workers are accommodated are being guarded and no one is allowed to approach, mentioning that such phenomena are well

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<sup>71</sup> Σωτήρης Ζωτος, 'Κολαστήριο Για Μετανάστες Αποκάλυψαν Οι Φλόγες. Απάνθρωπες Οι Συνθήκες Δουλιάς Και Διαμονής Για Τους 80 Εργάτες Γής Που Γλίτωσαν Από Το Παρανάλωμα Το Περασμένο Σάββατο.', *RIZOSPASTIS*, 27-12- 2007.

known in the area.<sup>72</sup> The Police director of the area confirms the information that one year ago traffickers had accommodated migrants in an old factory and were guarded, but adds that now there are no such incidents<sup>73</sup>

*The reactions of society and the authorities.*

Perhaps nothing would have happened to assist immigrant workers if the 7 priests had not signed a letter of protest against the conditions prevailing in the area, which was published in the local newspapers.

The letter had as title «This year Christ has been born under the bridge», the Arta bridge being an important historical monument under which immigrants find refuge from cold weather and develop their makeshift homes. In this letter it is mentioned that the human beings have turned into instruments, reference is made to slave trade and is commented that the absolute absence of mercy and shame bring us back to medieval labour conditions. They put forward the question «*How can this be a Christian nation and an Orthodox Greece?*»

Following the presentation of the situation by the priests and their protest an important mobilization took place to assist the immigrants, all particularly the irregular ‘errant’ immigrants whose condition was the worst. The priests provided extensive help giving clothes, blankets, bringing immigrants to hospital with their own cars and calling the ambulance to take those that were in such a bad condition that could not walk. Given that many suffered from dermatological problems and there was no dermatologist in the Arta hospital they asked the Ministry of Health to send a mobile health unit. The mobile health unit arrived and remained for days in the area to reach all immigrants in need of medical assistance and medication, as the situation was very grave and characterised as being out of control<sup>74</sup>.

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<sup>72</sup> Καλυβιωτου, 'Μαύρη Εργασία Για 2.500 Μετανάστες Στην Άρτα'.

<sup>73</sup> Ανωθυμος, 'Γ. Ντοκουμές Για Δημοσίευμα Της Καθημερινης: Δεν Ισχύουν Οι Αναφορές Για Γκέτο Και Μπράβους. Μετά Τη «Σκούπα» Στην Πάτρα Αύξηση Κατά 20% Των Μεταναστών Στην Άρτα'.

<sup>74</sup> Ανωθυμος, 'Άθλιες Συνθήκες Για Ξένους Εργάτες Στην Άρτα', *KATHIMERINI*, 15-01-2008, Σπύρος Καραλης, 'Παρέμβαση Από Υπ. Υγείας Για Τους Μετανάστες. Κινητή Μονάδα Για Την Ιατροφαρμακευτική Περίθαλψη Τους Από Χθες Στην Άρτα', *KATHIMERINI*, 16-01-2008.

Local people have reacted in a very supportive offering blankets, clothing, food and have collected important an amount of money.

The local authorities were equally mobilised and started taking measures to relieve the appalling conditions under which immigrants lived. The first reaction was to provide to 50 out of the 80 for the Rumanians victims of the fire in the poultry, accommodation in the building of a former training centre. However, the remaining 30 were left in the half burned building and were asked to leave the place before the 1st January 2008<sup>75</sup>.

Central authorities were also responsive. The Ministry of Health, beyond the mobile medical unit, they sent also sleeping bags, distributed among immigrants sleeping in the open air<sup>76</sup>.

The reaction of traffickers and producers to the publicity that took the issue was to ask the workers to leave as soon as possible from Arta. According to one version no force was used but they were encouraged to leave and indirect means were used to exercise pressure on them, as for example owners of the shelters ceased to rent them the spaces. According to another version police controls have been used to chase irregular migrants from the area. On that occasion an Albanian worker sent a message to the local social forum in which he said that it is a generalized phenomenon that migrants are used as long as needed for the crops and then are terrorized so that they leave from the area<sup>77</sup>.

Father Charalambos comments that after the publicity that took the issue they tell to the immigrants to leave and go to Athens so that the problem goes away from the area and comments that in their situation, being exhausted and sick, they will not manage to reach Athens, they will die on the road, but this seems to be of no concern to anyone. Father Charalam-

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<sup>75</sup> Ζωτος, 'Κολαστήριο Για Μετανάστες Αποκάλυψαν Οι Φλόγες. Απάνθρωπες Οι Συνθήκες Δουλιάς Και Διαμονής Για Τους 80 Εργάτες Γής Που Γλίτωσαν Από Το Παρανάλωμα Το Περασμένο Σάββατο.'. In another newspaper article the situation is described differently. The Major says that the Rumanian migrants were transferred to the building of the former training centre, from which after 2 days the traffickers took the migrant away threatening them that if they did not follow them they would not give them work any more. Only 60 of them remained. Ριτζαλεου, 'Γλίτωσαν Τη Φωτιά, Όχι Τη Σκλαβιά'.

<sup>76</sup> Ανωθυμος, 'Απάντηση Σε Δημοσιεύματα Του Νομάρχη Άρτας: Ο Αρτινός Λαός, Με Τους Τοπικούς Φορείς Έχει Δώσει Δείγματα Γραφής Στην Ανακούφιση Του Δράματος Των Μεταναστών', *ECHO TIS ARTAS*, 22-01- 2008.

<sup>77</sup> Μαρία Καλυβιωτου, 'Η Αστυνομία Κυνηγά Τους Πρόσφυγες Για Να Υπερισχύσει Ο Νόμος Της Σιωπής', *EPOCHE*, 20-01- 2008.

bos is positive in that immigrants are being terrorized and are indirectly driven to leave the area<sup>78</sup>.

Further positive reactions on behalf of the civil society and authorities appeared starting with 2009. A local movement was constituted by inhabitants in 2009 for providing assistance to migrant workers. In early 2010 the authorities of the area constituted a coordinating body for offering assistance to the migrants, particularly to ‘nomad’ ones, in which participated the Prefect, the Mayor, the Church and the Red Cross together with other responsible authorities. The local movement and the coordinating body collaborate for providing migrants with meals, clothing, possibility of taking a bath and providing shelter for particularly vulnerable people, as their situation has not changed very much in comparison to previous years<sup>79</sup>.

Though reference is made to problems such as low pay by employers and exploitation by networks, there seems no action to have taken in that direction.

### **2.2.5. Discussing trafficking for labour in agriculture**

In this paragraph we will draw together and discuss the information concerning the main dimensions of trafficking for labour situation of the groups of migrants we have dealt with as well as the information concerning the perceptions and reactions to trafficking.

Using some further information we will try to compose the bigger picture concerning trafficking in Greece.

*Who are their exploiters*

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<sup>78</sup> Σπύρος Καραλής, '«Να Μας Αδειάσουν Τη Γωνιά Οι Ξένοι». Οι Απάνθρωπες Συνθήκες Διαβίωσης Και Εργασίας Αφγανών Και Πακιστανών Διχάζουν Την Κοινή Γνώμη Της Άρτας', *KATHIMERINI*, 20-01- 2008, I. Νικολοπουλος, 'Το Γιοφύρι Της Ντροπής. Διώχνουν Τους Μετανάστες Από Την Άρτα Για Να Κρύψουν Τα Ίχνη Της Ντροπής', *TO VIMA*, 16-01- 2008 p. A13.

<sup>79</sup> Καλυβιωτου, 'Μαύρη Εργασία Για 2.500 Μετανάστες Στην Άρτα', *Ανωνυμος*, 'Όργανωμένη Βοήθεια Για Τους Μετανάστες. Συγκροτείται Τριμελές Συντονιστικό Όργανο Με Στόχο Την Προσφορά Βοηθείας'.

Immigrants belonging to the categories discussed in this paragraph are exploited and submitted to trafficking for labour conditions by trafficking networks and/or by employers.

Exploitation by traffickers seems to be the harshest one. From the examples presented appears that the most extreme cases of exploitation are those of trafficking networks that continue to exploit migrants from new EU countries, after having brought them into Greece for seasonal labour. In such cases traffickers and their intermediaries may keep absolute control on the migrants. They accommodate them in camps under squalid conditions controlling their movements and restricting their freedoms. They arrange work for them in farms or rent them to farmers. They cash the money and give only little or almost no money to the workers. They keep control on them withholding their documents, blackmailing them, threatening them even with their lives and may physically abuse them.

Traffickers do not only operate trans-nationally, they may also operate within the country with victims both categories of migrants. The following modalities have been established from the cases described and on the basis of further information:

- -According to police information employment offices operating in the Athens area have a countrywide activity through the establishment of informal 'offices' in the countryside that 'rent' workers to the farmers.
- -Trafficking networks recruit workers from asylum seekers camps and bring them where seasonal labour is in demand.
- -Trafficking networks undertake to move accession countries seasonal workers from one part of Greece to another depending on the needs of seasonal work, extending in an irregular way the period of their presence in Greece. It is possible that these networks are the same as or are linked to those networks/employment agencies that have brought them into Greece.

These modalities may be overlapping.

Employers in their turn may exploit, using trafficking for labour practices, migrant workers they directly engage. This is the case with Nea Manolada. It is also the case with Filiatra, partly Arta and in general in the areas, where 'errant' workers are being hired for seasonal work. Em-

employers may 'order' workers or may even actively participate in the recruitment and trafficking into Greece of seasonal workers that they intend to exploit under trafficking for labour conditions (Pieria case).

Employers may employ workers that remain under the control of traffickers and deliver the wages to the latter, becoming accomplices to the offense of trafficking by tacitly accepting and profiting from the situation. For this they can easily find an alibi pretending that they knew not that the wages they paid to the traffickers would not reach the workers. Another modality is that employers 'rent' workers from traffickers, that is, pay a certain amount to the trafficker who provides the workers, and subsequently employ directly the workers.

Errant workers are in their majority exploited by employers. In the case that trafficking networks exploit them, these are networks functioning within the country.

#### *Elements that compose a trafficking case*

The conditions prevailing that range from exploitation to trafficking are the following:

- -The pay is below or much below the legal wage. In the case of cross border seasonal workers from eastern countries successive reductions of salary take place in exchange of services offered<sup>80</sup>. Wages may not be paid at all.
- -Seasonal migrants brought through agencies and individual traffickers are deceived during the recruitment process concerning pay, accommodation, work and living conditions.
- -Work conditions are very hard: migrants are forced to work long or excessively long hours. According to the police reports on organized crime seasonal worker from Eastern Europe are made to work 15-16 hours per day<sup>81</sup>. They frequently work under adverse conditions, for example under the extreme heat of the greenhouses, and even under dangerous for their health conditions, such as being exposed to pesticides and fertilizers without protection.

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<sup>80</sup> Headquarters of the Hellenic Police, 'Annual Report on Organised Crime in Greece for the Year 2005. Open Version', (Athens, 2006), 1-37. See p.11

<sup>81</sup> Ibid. See p.12

- -Accommodation conditions are appalling. The shelters are very precarious and lack the absolute necessary. There are no hygienic facilities, such as running water and sewage system, no electricity, are overcrowded and employers or owners overcharge the migrants. This is valid in all cases, whether they are accommodated in camps run by trafficking networks, in 'camps' run by employers (Nea Manolada), or in the case that migrants arrange themselves for their accommodation in dilapidated buildings and warehouses. They may also spend the season in makeshift shelters, sheds, sleep on a mattress in the greenhouse or sleep in the open air.

Accommodation and some times food may constitute secondary profit generating activities for traffickers and/or employers.

- -In the cases that traffickers have introduced into Greece workers and go on to exploit them, we have as common practice the withholding of travelling documents. An extreme example is the case of the farmer (Pieria case) who blackmailed the workers he had recruited to pay 600 euro to give them back their passports.
- -Frequently in cases that migrants claim due wages they are threatened with being denounced to the police and being deported.
- -Migrant workers are closely monitored and their movements and their liberties are restricted. Being accommodated in camps - beyond the appalling conditions prevailing there- serves also in keeping immigrants under control. Workers move from the camp to the field and are not allowed to go further. Sometimes, they are forced to make their provisions from the market inside the camp (Nea Manolada) or buy from a specific market (Achaia/Lapa case). In the case of Nea Manolada it is mentioned that in addition residents of the camp pay money to the local mafia for protection. In Arta there are buildings/camps, where labourers are accommodated, that are guarded and no one is allowed to go near.
- -There are vague references of seasonal workers in Northern Greece being kept in debt bondage until they pay off their debt for being brought into Greece. Allegedly these are forced to work through successive seasons to earn the required amount, something that traffickers make sure that never happens.

- -Intimidation and abuse are being used and frequently workers are terrorized. In most cases the threat of physical abuse serves as a means of control, actual physical abuse being less frequent. Thus in the Achaia/Lapa camp migrants were threatened with being ‘delivered to the Albanians’. In the case in Peloponnese mentioned by EKA, migrants reported to be physically abused. The case of the Bulgarian women (Thessaloniki/Adendron) constitutes an extreme example of intimidation, blackmail and psychological abuse, physical abuse and threats of retaliation on her family left behind. Even when no direct physical violence is exercised, frequently the hardships trafficked migrants undergo are such that their psychological and physical health are damaged.
- -Control mechanisms are used in an abusive way against the workers instead of protecting their rights. In the Nea Manolada case control mechanisms instead of tackling the unlawful activity of employers led to arrests of migrants without papers. In Filiatra the police was called to remove workers instead of investigating their situation of overexploitation.
- -Areas where conditions of labour trafficking prevail become prohibited areas. This was the case of Nea Manolada that journalists were abused even threatened with their lives.
- -Broader practices used to manipulate the seasonal migrant labour may be viewed as expressions of trafficking situations. An example is the deceptive and forced movement of workers, through the abusive use of control mechanisms, depending on the seasonal needs of labour in the various areas.

This practice takes its most extreme form in the case of ‘errant’ workers (Filiatra), but the steering of the movement of workers to meet seasonal needs, some times in a more indirect and subtle way, seems to constitute a constant dimension in the exploitation of migrants in agriculture. As we have seen in the case of Nea Manolada employers have asked to postpone the pulling down of barracks, decided by authorities, until the end of season.

*Are cases perceived as trafficking cases?*

The general tendency in the Greek countryside is to conceal and minimize the problems of migrant workers and certainly not recognize situations/practices as manifestations of trafficking. Thus:

- Broader problems appearing due to the presence of migrants, for example problems related to health and eventual epidemics, are approached from the vantage point of view of the interest of the local population ignoring the risks migrants are undergoing.
- Responsibilities are avoided by holding migrants accountable for their problems (for example authorities put forward that immigrants reside under those awful conditions because they have chosen to).
- In case that it becomes recognized that something is wrong in relation to the situation of migrant workers the tendency is to limit the perceived problem to one specific aspect, most frequently to a peripheral one, such as the accommodation conditions or the health problems, avoiding discussion about more substantial issues. This was the case with Nea Manolada where only the accommodation issue was tackled prior to the ‘strikes’, but also with the case of the Achaia/Lapa camp that the Mayor became interested in the appalling accommodation conditions and hygienic situation and not in the labour situation of the residents.

Thus it is meticulously avoided to view the situation as one of comprehensive violation of the human and labour rights of workers that would allow the characterization of cases as of trafficking for labour.

With the exception of the cases, where the victims or their relatives have submitted complaints and the police intervened, no other cases have been processed as cases of trafficking for labour.

References to trafficking might have been made in relation to the incidents and broader situations, but these remained at a very general and abstract level usually with no intention to bring the cases under the anti-trafficking legislation, and in any case remained with no practical consequences:

In the Nea Manolada case: journalists spoke directly and clearly of trafficking situation; there is a vague reference that the police is examining the case in terms of trafficking for labour; the Greek Ombudsman has expressed the anxiety that the situation is one of trafficking for labour and that situations such as prevailing in Nea Manolada are expected to be

prevalent in other areas too. Nonetheless, this case has not been finally treated as one of trafficking for labour and actually has not been dealt with at all.

In the cases of Filiatra and Arta, where support committees have been established, the discussion is in terms of exploitation and/or in terms of appalling conditions experienced by migrants, but not in terms of trafficking. As mentioned it is only priests of Arta villages that have denounced the situation as one of ‘slave trade’ and one of them, Father Charalambos, in a newspaper interview wanders “*why should a whole region be made hostage of traffickers?*”<sup>82</sup>.

EKA and the local Labour Centres treat indistinguishably all cases as labour disputes. This is partly to be attributed to the fact that what seasonal workers usually need and what they put forward as demand is to receive unpaid wages and return back home, partly to the ignorance of the trafficking for labour issue and legislation and partly to the fact that these offices that are trade-union related understand their mandate as that of protecting the labour rights of workers and going no further.

#### *Complicity at the level of local society and beyond*

The obvious reason for not recognizing situations of exploitation and even less characterise them, as trafficking is that farmers and the local inhabitants have much to gain from the (over)exploitation of workers. There are those who profit directly, those who profit indirectly and those who experience the need to show solidarity with their fellow countrymen.

This results in a collective silencing and suppression of the situation<sup>83</sup>.

Local and regional competent authorities and those responsible for inspections and controls may become accomplices in the frame of local solidarity and a clientel system that extend beyond the borders of a specific area. They might overlook what is happening and their activity is frequently distorted to serve the interests of the local elite instead of fulfilling their duties.

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<sup>82</sup> Ανωνυμος, 'Παρουσιάζουν Την Άρτα Σαν «Γκέτο» Εξαθλιωμένων Μεταναστών!!!', *ECHO TIS ARTAS*, 15-01- 2008.

<sup>83</sup> Γεώργιος Αλεβιζάκης, 'Άγνοια, Εκμετάλλευση Και Προοπτικές', in Κέντρο Συμπαράστασως Παλιννοστούντων Μεταναστών (ed.), *Συνάντηση Εργασίας για την «Εμπορία Προσώπων για Εργασιακή Εκμετάλλευση» στην Ελλάδα και την Κύπρο* (Αθήνα, Ξενοδοχείο TITANIA: αδημοσίευτο, 22-02-2011), Προφορική Εισήγηση.

In the case that inspection mechanisms do function or local authorities denounce the situation and take the foreseen legal steps, their actions are short-circuited, blocked and finally nothing happens, as it has become apparent from the examples we have presented. In the case of the camp in Achaia/Lapa, for instance, the Mayor had filed complaint against the owner of the camp where migrants were accommodated and Health Inspectors made controls resulting to a report. Nonetheless, it is only when victims testified to the police that the report of the Health Inspectors was located and the police proceeded in controlling the camp and investigating the case.

Central authorities seem equally powerless and their decisions are equally ignored. The case of Nea Manolada constitutes a comprehensive example including all levels of competent authorities up to the government. The chain of covering up actions and interlocking interests from bottom up has as follows:

A detection of the problem did take place first by the fire brigade, when one camp took fire in 2006. However, the poignant report of the chief of the fire brigade remained with no consequences. Authorities were forced in 2007 to discuss the awful situation in the camps. The decisions taken were not only partial but also postponed ‘until the end of the season’. Labour Inspectors made inspections and proceeded in lodging charges and imposing fines. The situation was, however, covered up so these remained with no consequences. Due to the ‘strikes’ of the workers and the extended discussions that ensued, the issue came to the Parliament and the government was forced to investigate the case. Several relative Ministerial decisions were taken and controls were ordered. These also apparently were without consequences, as the situation remained unchanged and instead the area became a ‘prohibited’ area for any one wanting to investigate the situation.

In conclusion local interests remain sovereign and steer the situation to the direction desired by those who make profit out of it. This is rendered possible in the frame of local complicity and a clientele system that cuts across the local, regional and national level.

#### *Positive reactions at the local level*

Positive reactions on behalf of the local civil society have appeared in Filiatra and Arta. In both cases part of the authorities and inhabitants have

denounced exploitation and have come together to offer assistance. In both cases a movement of support to migrants has been established that also denounces their exploitation. Nevertheless, the issue of trafficking is not treated and the initiatives remained at the level of 'humanitarian assistance' without resulting to any sustainable improvements of the situation.

*Conclusions drawn for the situation in Greece overall*

The information we have been able to gather and we have presented above is scattered information either of concrete incidents or of more generalized situations referring to a village/town or even a broader geographical area where may be present more than one type of migrant workers and exercised more than one type of exploitation.

Though we have referred to distinct cases, there are all reasons to believe that these are representative of further cases and that similar situations to those described are to be found also elsewhere:

In the case of Arta we have seen that Rumanians, possibly trafficked, had worked previously in Achaia and were planned to move to another area when the season in Arta would be over. The priests in Arta mention that the extreme exploitation of groups of immigrants is a generalized phenomenon and that when the immigrants leave from Arta they are doomed to face the same conditions somewhere else. Thereof they are led to conclude that the phenomenon must be tackled at a more general level<sup>84</sup>.

According to information from the police, appearing in a press article<sup>85</sup>, extended networks are operating in various towns and regions of Greece, everywhere that seasonal labour is demanded. Member of the Parliament from Achaia comments, on the occasion of the case of Lakopetra/Achaia, that unfortunately the problem of trafficking for labour is not a problem of Iiia and Achaia alone, but is to be found wherever seasonal workers are needed<sup>86</sup>. In various newspaper reports we have references that living and working conditions of seasonal migrants all over Greece are very

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<sup>84</sup> Καραλης, '«Να Μας Αδειάσουν Τη Γωνιά Οι Ξένοι». Οι Απάνθρωπες Συνθήκες Διαβίωσης Και Εργασίας Αφγανών Και Πακιστανών Διχάζουν Την Κοινή Γνώμη Της Άρτας'.

<sup>85</sup> Λαμπροπουλος, 'Το Εργασιακό Δουλεμπόριο Πονοκέφαλος Της Ελ.Ας. Δεκάδες Κυκλώματα Προωθούν Αλλοδαπούς Από Βαλκανικές Χώρες Προκειμένου Να Δουλεύουν Υπό Άθλιες Συνθήκες'.

<sup>86</sup> Ανωνυμος, 'Εξαρθρώθηκε Κύκλωμα Διακίνησης Ρουμάνων Εργατών'.

bad, but we do not have more precise information. What we have is only reference to their wages, which in most areas are around the wages we have mentioned to be paid in the areas we have treated, that is very low, much lower than the legal wage<sup>87</sup>. EKA, that has an overview of Greece, through the local Labour Centres, mentions that cases of overexploitation are to be found all over Greece.

### **2.3. The service sector, subcontracting and outsourcing**

Agriculture and services constitute the most important sectors, where trafficking for labour is to be found in Greece. In the case of the service sector trafficking tends to concentrate in specific industries, namely the cleaning and the tourist ones (hotels and catering) that are those to which we will refer in this paragraph. Domestic work will be treated in a separate paragraph.

The service sector is the sector in Greece par excellence, where trafficking for labour takes place in the frame of subcontracting and other forms of outsourcing workers: The cleaning sector is characterised by trafficking in the frame of subcontracting and the tourist sector, due to its seasonal character, by various forms of outsourcing workers.

The situations that we will proceed to describe are the following:

- -Trafficking in the frame of subcontracting cleaning/security companies
- -Trafficking in the tourist sector through various modalities of outsourcing workers
- -One case of trafficking in catering

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<sup>87</sup> Ανωνυμος, 'Άγριο Ξύλο Για 5 Ευρώ. Πολεμικό Κλίμα Στη Μανωλάδα Της Ηλείας Μετά Την Εξέγερση Αλλοδαπών Εργατών Για Το Μεροκάματο', Τζωρτζη, 'Ανέστιοι Και Πένητες, Καταδικασμένοι Σε Σύγχρονα Κάτεργα. Οικονομικοί Μετανάστες, Νόμιμοι Ή Παράνομοι, Αποτελούν Τους «Άθλιους» Της Ελλάδας, Αφού Ζουν Και Εργάζονται Σε Μεσαιωνικές Συνθήκες Που Προσβάλλουν Κάθε Ανθρώπινο Αίσθημα', Ψαρα and Ριτζαλεου, 'Όλη Η Ελλάδα Μια ....Μανωλάδα. Οι Φυλές Των Νεο-Σκλάβων Που Δουλεύουν Για Το....Μεροκάματο Σε Χωράφια, Οικοδομές Και Εργοστάσια'.

### **2.3.1. Trafficking in the frame of subcontracting: The cleaning/security firms example**

During the last ten years in Greece the phenomenon of subcontracting has seen great expansion. Subcontracting firms are active in various sectors of the labour market, are increasingly gaining in importance and continuously expanding to cover further sectors. Subcontracting is used for low-level jobs, such as low technical jobs and cleaning jobs, but also for higher-level jobs, such as bank employees. In all cases it is translated into a fragilisation of the employment situation and an exploitation of various degrees. In certain cases, in low-level jobs in particular, it has degenerated into trafficking for labour.

The situations of exploitation and of violation of workers rights in the frame of subcontracting were well known, what was not known was the emergence of trafficking for labour cases in their frame. This was revealed in a very shocking way through a concrete incident: the assault on December 2008 against Constantina Kuneva, a Bulgarian employee of cleaning/security firm and trade unionist. This criminal action has initiated discussions on the conditions of work under subcontracting, subcontracting in the cleaning sector in particular, and has led to extensive revelations. The cleaners' trade union 'PEKOP' (Pan-attic Union of Cleaners & Domestic Stuff) of which Kuneva was general secretary, became very active since then in exposing further situations and contributed to a better understanding of what happens in this area.

In this paragraph we will focus on the cleaning companies, many among which are also security companies. These will be treated as an example of conditions prevailing in the frame of subcontracting and as an example of the expansion of trafficking into regular employment transcending the usual lines of vulnerability: ethnic origin, regularity of status, and gender.

The information presented in this paragraph is based on the following main sources:

- The Kuneva case itself on the basis of information from the press, mass media, blogs, speeches, various events
- The research conducted by INE (the research institute of GSEE-ADEDY), already before the incident with Kuneva, on cleaning subcontracting companies
- The information provided by the press, blogs, TV broadcasts on cleaning/security subcontracting companies

- The information provided on various public occasions by PEKOP (the trade union to which Kuneva belonged) on the situation in cleaning subcontracting companies, post Kuneva attack.

As much of the information collected refers to the firm for which Kuneva was working, the «OIKOMET» subcontracting cleaning and security company, we will unavoidably make more frequent references to that company.

Given that we are indebted for much of the information appearing in this paragraph to the INE report, particularly concerning the description of the subcontracting cleaning companies and their relation to (public) contractors, we feel obliged to shortly introduce the INE report:

This INE report is a study on cleaning subcontracting firms that has been commissioned by GSEE (General Confederation of Greek Labour), EKA (Labour Centre of Athens), the Confederation of Employees of Private Sector and the PEKOP to the INE, which is the research institute of GSEE-ADEDY. The name of the report is «Labour relations in the cleaning sector»<sup>88</sup>. As the authors themselves state, though the outcome of the research refers to the situation prevailing in the specific sector this does not mean that the phenomena described are limited to that sector, but extend to other economic sectors and industries too. The study was coordinated by professor J. Kouzis and was based on the information made available by trade unions, the SEPE (Body of Labour Inspectors) and the PEKOP.

The research was conducted in the second half of 2008 and was completed by the end of the year. It was first made public at the end of January 2009, after the discussion on the issue was triggered by the criminal attack against Kuneva. The coordinator of the report mentioned that it was only under pressure that GSEE decided to upload the report to its website and thus make it accessible to the public for the first time<sup>89</sup>.

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<sup>88</sup> Γιάννης Κουζής et al., *Οι Εργασιακές Σχέσεις Στον Κλάδο Του Καθαρισμού: Αποτελέσματα Εμπειρικής Έρευνας*, ed. Ινστιτούτο Εργασίας Γε.Σ.Ε.Ε./Α.Δ.Ε.Δ.Υ. (Αθήνα: Ινστιτούτο Εργασίας, 2009) 1-54.

<sup>89</sup> Contribution by J. Kouzis at the «Discussion» about the invisibility of the precarious feminine work organized by the review «Historein», Athens 16/03/09 Γιάννης Κουζης, 'Παρέμβαση Στην Εκδήλωση Που Διοργάνωσε Το Περιοδικό «Historein» Με Θέμα: 'Από την αφάνεια της επισφαλούς «γυναικείας εργασίας»: Συζήτηση με αφορμή την επίθεση εναντίον της Κωνσταντίνας Κούνεβα. (Αθήνα, Ανώτατη Σχολή Καλών Τεχνών, 16-03-2009: Περιοδικό «Historein», 2009).

### ***2.3.1.1. The chronicle of the Kuneva assault***

The assault against her life, her struggles as a trade unionist and the interview she had given about a month before the attack to the Belgian journalist representing ITUC, Jacky Delorme, rendered the situation very well known not only in Greece, but also abroad, where also support initiatives have emerged.

The chronicle of the events has as follows:

Kuneva worked with the firm OIKOMET<sup>90</sup>, in its subcontract with the organization of public interest ISAP<sup>91</sup>, which is the electric railway in the city of Athens (Piraeus-Athens-Kifissia) that pre-existed the recent Metro lines.

Five years ago Kuneva joined the first-degree trade union 'PEKOP', becoming later its general secretary. PEKOP is a trade union of the cleaning staff in the region of Attica (Prefecture to which Athens belongs). The authors of the INE report mention that, at the time that the report was being prepared, PEKOP was exceptional in Greece as a union representing workers employed under conditions of extreme flexibility and insecurity. Since then, however, two more unions of cleaners have been created on the example of PEKOP: One in central Macedonia (Northern Greece) and one in the Municipality of Magnisia (central Greece).

In 26 of November 2008 Kuneva gave an interview to the Belgian journalist Jacky Delorme, who had come to Greece to investigate the issue of trafficking for labour in Greece on behalf of ITUC. In the interview she spoke of threats against her life and of being followed by a man. The interview became known publicly only after a discussion started around the assault against her.

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<sup>90</sup> OIKOMET is a subcontracting firm that employs 870 persons 40% of whom are immigrants. It has closed contracts with 16 organizations of the public sector. (Βασίλης Γ. Λαμπροπουλος, 'Φάκελλος Της Ελ.Ας. Για Την Επίθεση Στην Κούνεβα', *TO VIMA*, 25-09-2009.)

<sup>91</sup> ISAP is the Electric Railway of the city of Athens. It is a legal entity of private law depending from the Ministries of Transport and Economy.

During that period Kuneva was in dispute with OIKOMET concerning transgressions of labour rights of the cleaning staff. In December she took part to the tripartite meeting of PEKOP with the Ministry of Labour to discuss the issue. A next meeting was planned for the 5th January 2009.

On December 22 on her way back home late at night after the end of her shift, two men attacked Kuneva, throwing sulphuric acid on her face and down her throat. Kuneva was hospitalised in a critical condition. She escaped the danger, but remained for one year in the hospital due to very serious damages of vital organs. On December 2009, one year after the attack, Kuneva exited from the hospital having undergone multiple operations, having partly regained her capacity to speak, seeing barely from one eye and expecting to undergo further operations.

The criminal attack against Kuneva passed in the daily press in small letters. According to the official version of the police it was an incident of private revenge possibly related to some kind of love affaire and thus investigations were oriented towards the private life of Kuneva and addressed her family and friends. This interpretation was founded on the modalities of the attack: Sulphuric acid has been traditionally used in Balkan societies -Greece included- mainly by women to revenge men that were unfaithful or other women viewed as competitors, always in relation to love affairs. It was further used as a disciplinary mean by men against women they believed to own, for example in the frame of the relationship between pimp and a misbehaving prostitute.

Despite the precedent of the Kuneva interview by J. Delorme in which she had mentioned the threats against her life and that a man was following her for some time, it took more than a month to make the connection between the incident and the threats Kuneva had mentioned in her interview.

It is PEKOP with the assistance of other first-degree unions, feminist organizations and (extreme)leftist groups that initiated a discussion relatively and challenged the official version of the incident. The contribution of feminist organizations seems to have been decisive in making the voice of the colleagues of Kuneva heard by the mass media and reach the general public. Their arguments were based on the following:

- -The personality and personal history of Kuneva that did not leave any space for suspicion that she was implicated in illicit activities or dubious love affairs. Kuneva is a historian and archaeologist that

came nine years ago in Greece in order to provide to her son, now 13 years old, who suffered from serious heart problems, better medical care. She was engaged as a cleaning woman in cleaning firms as she needed to have social security stamps to be able to cover the further treatment of her son, after the heart operation he underwent. Despite the little money she had, she offered piano lessons to her son.

- -Her struggles as a trade unionist, her disputes with the cleaning firm and the threats she had suffered at different times.

In the above frame, the modality used to assault her could be interpreted alternatively as aiming to disorient the investigation as well as a symbolic punishment. Feminists and PEKOP considered that the use of that medium symbolized the need to put in her place in a paradigmatic way a woman and a migrant that transcended the role that suits her, which is to be submissive, work, take care of her family and stay away from the public sphere.

A committee of solidarity to Kuneva was formed and became very active. This committee together with other collectivities initiated a large number of events including demonstrations, talks, steps to authorities, publicizing in Internet. It was at the end of January 2009, one month after the attack, that the mass media, authorities etc., became interested on the broader issue and the revelations concerning subcontracting firms started to cumulate.

Following mobilizations<sup>92</sup> the police reoriented its investigations and started to focus to the milieu of cleaning firms, with the suspicion that the assault has been undertaken by a group of known godfathers of Piraeus, who connect with an entrepreneur in the cleaning sector<sup>93</sup>. Nevertheless, the men that attacked Kuneva were not found. Six months after the attack as investigations led nowhere, the Public Prosecutor declared the case closed<sup>94</sup>.

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<sup>92</sup> Κώστας Τομαρας, 'Σύλληψη 48χρονου Αλβανού. Απολογείται Σήμερα Στον Ανακριτή Ως Ύποπτος Για Συμμετοχή Στην Επίθεση Με Βιτριόλι Κατά Της Γ.Γ. Του Συλλόγου Καθαριστριών. Έρευνα Για Τις Εταιρείες Καθαρισμού', *TO ETHNOS*, 25-02- 2009.

<sup>93</sup> Λαμπροπουλος, 'Φάκελλος Της Ελ.Ας. Για Την Επίθεση Στην Κούνεβα'.

<sup>94</sup> Ανώνυμος, 'Διεθνής Αμνηστια : «Σκάνδαλο Η Παύση Ερευνών Για Την Υπόθεση Κούνεβα»', *ELEFTHEROTYPIA*, 25-06- 2009.

The struggles, discussions and the high publicity that the case took the next months had as result the re-opening of the case in November 2009, about a year after the attack against the trade unionist. In early November, the Minister of Citizen Protection announced a reward of one million Euros for information leading to the arrest of the assailants involved in the attack on Kuneva<sup>95</sup>.

Besides, the Public Prosecutor issued an order to proceed with the police investigation into the attack against Constantina Kuneva<sup>96</sup>.

A month later, in early December at a press conference, the Minister of Citizen Protection promised that the case would soon be solved. Some days later the Hellenic Police revealed that they have found more information about the organizer of the attack, who, according to their information, is associated with a cleaning company. The investigation has focused on an entrepreneur, who was obviously bothered by the trade unionist's action, and his relations with men involved with organized crime<sup>97</sup>.

The discussion whether the case is to be closed or to be reopened continues until now. The latest news is the following: Having examined two incidents of assaults with sulphuric acid, previous to the Kuneva case, the police considers as very probable the following scenario: An entrepreneur of cleaning company, who has contacts with the group of 'godfathers' that seems responsible for the other two similar attacks, has assigned to them to punish Kuneva in a paradigmatic way. For the moment, the en-

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<sup>95</sup> Σπυρος Κουντουρης, 'Επικήρυξη Ρεκόρ Για Κούνεβα', *ETHNOS*, 12-11- 2009, Ανωσυμος, 'Επικηρύσσονται Οι Δράστες Της Επίθεσης Εναντίον Της Κούνεβα', *KATHIMERINI*, 12-11- 2009., Ανωσυμος, 'Υπόθεση Κούνεβα: Επικήρυξη Των Δραστών Με 1 Εκατ. Ευρώ', *IMERISIA*, 13-11 2009. Ανωσυμος, 'Επικήρυξαν Τους Δράστες Της Κούνεβα Με 1 Εκατομμυριο Ευρώ', *TO VIMA*, 13-11- 2009. Νίκος Δεμισιωτης, 'Επικήρυξη 1 Εκατ. Ευρώ Για Τους Δράστες Της Επίθεσης Κατά Της Κων. Κούνεβα', *APOGEVMATINI*, 13-11-2009 2009. Μαρία Μαρκοπουλου, 'Με 1. Εκατομμύριο Ευρώ Επικήρυξαν Τους Δράστες Της Επίθεσης Κατά Της Κούνεβα', *ADESMEFTOS TYPOS RIZOU*, 13-11- 2009. Κουντουρης, 'Επικήρυξη Ρεκόρ Για Κούνεβα'.

<sup>96</sup> Ανωσυμος, 'Ανοίγει Και Πάλι Ο Φάκελος Κούνεβα', *ELEFTHEROTYPIA*, 12-11- 2009, Εύα Καραμανώλη and Χριστίνα Κοψίνη, 'Ενας Χρόνος Ανάκρισης Χωρίς Φως, Για Την Κούνεβα', *KATHIMERINI*, 13-11- 2009.

<sup>97</sup> Βασίλης Γ. Λαμπροπουλος, 'Φως Στην Υπόθεση Της Κωνσταντίνας Κούνεβα', *TO VIMA*, 10-12- 2009, Ανωσυμος, 'Προς Εξιχνίαση Η Υπόθεση Κούνεβα', *Published on TVXS.gr* (updated 10-12-2009), accessed 02-03-2010

trepreneur together with an Albanian, who is considered to be the executor, are charged for the preceding attacks against the two other persons.<sup>98</sup>

### ***2.3.1.2. Conditions in the frame of cleaning subcontracting companies***

#### *About the subcontracting firms*

According to the INE study it is estimated that 93 companies are active in the cleaning sector employing around 17.000 persons. The proliferation of such companies appeared in the last decade and is due on the one hand to the overall phenomenon of deregulation of the labour relations and the development of flexible employment conditions in the Greek labour market and on the other to the privatization of specific activities, parts of activities, or of entire enterprises of public interest. The authors further mention that the cleaning sector constitutes a privileged space for deregulation of the labour relations.

During the last years the cleaning and security of buildings of private enterprises, of organisations affiliated to the broader public sector - including hospitals, universities, local administration, schools etc.-, of the public administration itself -Ministries included-, are entrusted to private subcontracting companies. Here we will focus on the public and broader public sector, as more information is available in their case and because of the particular interest that cases involving the public sector represent.

The staff of the cleaning/security companies is composed to a large extent of foreign women, the majority regular, but also some irregular, who are the most vulnerable among the employees. However, many among the cleaning women are also Greek women and the security staff is composed of both men and women, mainly Greek and mainly men, all of whom work under the same trafficking-like conditions.

#### *Building a case of trafficking in the case of subcontracting companies*

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<sup>98</sup> Βασίλης Γ. Λαμπροπουλος, 'Το Κύκλωμα Που Τιμωρεί Με Βιτριόλι. Νανοί Της Νύχτας Ίσως Κρύβονται, Σύμφωνα Με Έρευνα Της Ελ.Ας. , Πίσω Από Την Επίθεση Κατά Της Κωνσταντίνας Κούνεβα', *ΤΟ VIMA*, 12-09 2010.

The activities of the subcontracting companies can be sustained to fall under trafficking for labour on the basis of the following three dimensions:

- The infractions of the legislation
- The strategies and techniques they use to provide the coverage of lawfulness
- The means used to achieve the compliance of the workers and the acceptance of the curtailment of their rights

In the following we will present and discuss in more details the concrete manifestations of the above.

We will start with the infractions that are directly linked to labour legislation, we will continue with the strategies and technique used to violate the legislation but appear lawful, and finally we will discuss the means used to impose on workers the curtailment of their rights and curb their resistance. Going from the first level to the third we move nearer to trafficking practices, but it is all particularly by combining the three levels that a case of trafficking can be built.

#### a) Infractions linked to the labour legislation<sup>99</sup>

- -Pay is lower than foreseen by the relative collective agreements<sup>100</sup>. In most cases the previous service, the family situation are not taken into account in forming the wage and work during holidays, overtime etc. is not paid. Very frequently, however, the pay is even lower than that, as low as half of the due amount.

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<sup>99</sup> Χριστίνα Παπασταθοπούλου and Μαρία Δεδε, 'Καθαρός...Μεσαίωνας. Σύγχρονοι Σκλάβοι Της Μαύρης Ανασφάλιστης Εργασίας', *ELEFTHEROTYPIA*, 12-01- 2009 p. 52-53. Χριστίνα Παπασταθοπούλου and Μαρία Δεδε, 'Παρέμβαση Κοντού Στον Ησαπ Για Την Οικομετ', *ELEFTHEROTYPIA*, 05-03- 2009. Λορέτα Μακολεϊ, 'Η Κωνσταντίνα Κούνεβα Μιλάει Για Τις Εμπειρίες Της Έμφυλης Βίας Στην Λορέτα Μακόλεϊ', <<http://www.re-public.gr/?p=1757&print=1>>, accessed 15/11/2010 Ανωυμος, 'Πολλά Αναπάντητα Ερωτηματικά Για Την Επίθεση Στην Κούνεβα....', *PARASKINIO*, 23-01- 2009.

<sup>100</sup>Telloglou, T. Τάσος Τελλογλου, 'Δουλεμπόριο Με Σφραγίδα. Ο Τάσος Τέλλογλου Ρίχνει Φώς Στο Σύγχρονο Δουλεμπόριο Των Κρατικών Υπηρεσιών.', *ΣΚΑΪ-TV «Νέοι Φάκελοι»* (updated 09-02-2009) <<http://folders.skai.gr/default.asp?pid=10&la=1&tID=180&tr=1>>, accessed 15-11-2010 Interview with the General Secretary of the Ministry of Labour D. Kontos

- -Current is the phenomenon of late pay or gradual pay off of the due wages.
- -Firms may not pay social security contributions for the workers. One such example is that of a public hospital where 100 sub-contracted workers remained without social security for one year.
- -Employing irregular workers.
- -Not registering their workers under arduous and unhealthy jobs, as they should.
- -The workers almost never receive a copy of their work contract, so they do not know the terms of the contract.
- -Unilateral, injurious for the workers modification of the terms of the contract that takes place tacitly.
- -Workers are fired for unsubstantiated reasons. They are fired if they do not comply to the unlawful demands of the firm, they are fired if they are ill and cannot work, they are fired if they react to what is happening. There are reported cases of workers -mainly irregular migrants- being fired after having suffered a work accident due to the deficiency of safety measures.
- Another infraction of the contract that occurs with the indulgence of the contracting company/public organization is when workers are used to provide services that go beyond those appearing in their contract. This is the case of public hospitals where cleaning women are being used for jobs such as transporting patients, helping in the kitchen, ordering medical files, transporting medical waste, cleaning the operation theatre.
- -Health and safety regulations stipulated by the law are not followed: There is rarely a doctor and safety technician at work place; no medical files are kept and there are no individual health booklets; no sufficient instructions are given for the safe use of detergents; there are no shields notifying danger at the workplace; no training or information is available to the workers concerning the dangers for their health and safety at workplace; the companies do not provide workers with the required means of personal protec-

tion, such as gloves, shoes, special clothing; there are no dressing rooms and personal closets.

The type and sources of hazards cleaners are exposed to are a function of the work place. A common health risk for cleaners is the use of strong detergents, if the instructions for protection are not attended or not available. Many cleaners have been hospitalized with serious problems or have to live with lasting problems, such as skin or lung problems<sup>101</sup>.

Certain workplaces are linked to particular hazards if workers do not undergo training. Such is for example the cockpit of trains. If unaware it is easy to press a button while cleaning and generate an accident. Actually accidents did happen resulting to injuries and in one case a dead, as the train went loose and moved out of the station into the street. Health hazards are also associated to the fact that cleaners are assigned jobs beyond their competency. One such case is that of hospitals where cleaning women are asked to clean the operation theatre or dispose of hospital waste without having the required training, not even the required equipment for protection (for example without gloves that protect from contamination). In many instances the cleaners have been informally 'detached' for this work. The medical or administrative staff of the hospital has frequently denounced this situation as it entails serious dangers for the workers, but also for the hygiene in the hospital, and has stressed that even for mere cleaning in hospitals the cleaners need to receive a special training so that the health of workers and patients is protected<sup>102</sup>.

- -Beyond treatment that constitutes infraction of the labour legislation there are testimonies of treatment degrading for the personality of workers, usually with women as victims and usually amounting in sexual harassment<sup>103</sup>. The most common victims are women be-

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<sup>101</sup> There are reported cases that the box contained another detergent than the one supposed to, eventually a non-allowed one, and consequently the cleaners misled concerning any additional protective measures they should take.

<sup>102</sup> Ελένη Πετροπουλου, 'Βρόμικες Δουλειές Στο Εσου Στο ,,,', 'Όνομα Της Καθαριότητας', *IMERISIA*, 15-03- 2008. Μαρίνα Πετροπούλου, 'Καθαρίστριες Για Όλες Τις Δουλειές', *ELEFTHEROTYPIA*, 13-05 2007.

<sup>103</sup> Γεωργία Δαμα, '«Απειλείται Η Ζωή Μου»', *ELEFTHEROTYPIA*, 01-12- 2009, Στέλιος Παπαπετρου, 'Ο Γολγοθάς Της Επιβίωσης Στην Ελλάδα Του 2007.', *KAPPA KATHIMERINIS*, /227 (07-10-2007), 46-50.

longing to vulnerable categories, that is migrant women, unmarried mothers etc. Migrant women are vulnerable either because they are undocumented and afraid to be deported or because as regularized migrants are in need of social security stamps in order to be able to renew their residency. It is reported that women are forced to have sexual relations with the supervisor or members of the company. It is also being reported that superintendents urge the girls to 'keep company' to the directors of the contracting organisations and enterprises in order to secure that the contract with that organization would be renewed. In cases of demands to offer company to men, or sexual harassment, women had the choice either to quit the job or to give in. Women that had some support from outside, that is Greek women that had a family, a mother or a husband, quit the job while the others had little option, but to give in. Migrant women might not know the language or do not know to whom they should address themselves in cases of systematic sexual harassment, so they usually did nothing. There are very few cases of women that went to the court and won the case.

- Finally we have to mention that in certain among these companies the employment conditions may reach extreme precariousness. This is for example the case of the cleaning subcontracting company of ILPAP<sup>104</sup>, which is the electro-buss company in Athens. A large part of the employees of the company are irregular, are not socially secured and are engaged for 1-3 months and then substituted by other workers<sup>105</sup>.

#### b) Strategies and techniques used to provide the coverage of lawfulness

- -In order that salaries appear to be in conformity with labour legislation, they present full time workers as part timers. In that way the little pay they receive appears in conformity with the legislation.
- -There is no correspondence between the actual pay and the amount figuring on the receipt. Such an example is the case of a cleaning company subcontracted by a public hospital that used 80

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<sup>104</sup> ILPAP is a legal entity of private law depending from the Ministries of Transport and Economy

<sup>105</sup> Μαρία Δεληθαναση, '«Μαύροι» Εργάτες Στο Αμαξοστάσιο Των Ηλπαπ', *KATHIMERINI*, 22-01- 2009.

workers to clean the hospital, who actually received 350 euro per month, while they signed for 600 euro.

- -They make workers sign various documents through which they are deprived of rights: injurious for them changes of their contract; signing voluntary quitting of the job at the time of being hired so that the firm can any time dismiss the worker without having to pay indemnisation (in other cases they sign the voluntary quitting the job at the moment they are fired); married workers sign that they are not married so that they do not receive the marriage allowance. In other equally frequent cases they are forced to sign white papers, which subsequently the firm fills in with what ever suits to the firm.
- -For avoiding paying the social security stamps related to arduous and unhealthy occupations two strategies are being mentioned. The first is the one used by OIKOMET. According to a circular of 2006<sup>106</sup>, cleaning staff comes under the arduous and unhealthy occupations in the case that they work for at least 6 hours for 5 days a week. In order to avoid the extra expenses that the social security of staff under arduous and unhealthy occupations entails, OIKOMET changed unilaterally the working conditions of cleaners: it introduced a forced and fictitious break of half an hour, so that the working hours are reduced to 5.30. Thus cleaners would not come under arduous and unhealthy occupations and the company would not have to pay for the extra stamps. The other strategy is to characterise the worker as ‘of general duties’ and not as cleaner.
- -In order to increase profits companies proceed to the so called ‘cloning of workers’: In order to save money, companies with contracts with several organizations engage a smaller number of workers than foreseen in their contracts. As the subcontracting companies in order to be paid by the contractors have to present lists with the employees that worked each day at each workplace, they use the same names in the different lists, that is the same worker appears to work on the same day to more than one workplace (associated to different contractors). The job is done through double shifts and overtime, not paid to the workers. In case of control they collect workers from the different work places to the one where the inspection is to take place.

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<sup>106</sup> Circular 182/85 of 2006 of the Ministry of Labour

c) Means used to achieve the compliance of the workers and the acceptance of the curtailment of their rights <sup>107</sup>

Having recourse to various means and strategies to force workers comply and accept the curtailment of their rights constitutes the aspect the most significant in respect to trafficking. The first mean used is that of deception, more effective with foreign workers, particularly newcomers. For Greek and more knowledgeable workers, coercion, blackmail and threats are being used, even physical violence. These means are used to force workers comply with the conditions set by the firm, sign documents such as the afore mentioned through which they renounce their rights. Particularly violent means are used to dissuade workers from participating to trade union activities, to ‘punish’ trade unions leaders and to control and counteract efforts of developing trade unionism.

In more details the means and strategies used have as follows:

- -Deception is used to make migrants sign documents the content of which they do not understand –due to inadequate knowledge of the language. This applies to the type of documents referred to above, the signing of which entails a renouncing of rights. More elaborate deceitful techniques are sometimes used. Such an example is the following: In one incident (OIKOMET) the supervisors, after an oral interview with foreign workers, who did not know how to read and write in Greek language, they filled in a document. Workers were asked to sign the document being told that it was a survey. In reality it was modification of their contract.
- -A common threat and blackmail is that of being fired for not accepting the terms imposed. Not simply being fired, but also being put on the ‘black list’. There are blacklists of workers circulating among subcontracting firms, so that a ‘misbehaving’ worker would not find work elsewhere. There are reported cases of threats that have been made in front of the Jury: *«give your name to put you in the black list so that you will never find work again»*, *«you will not find a job if you are fired or the company*

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<sup>107</sup> Πέτρος Καρσιωτης and Μαρία Ψαρα, 'Αλλοδαποί Στη Φάμπρικα Πάσης Φύσεως Νονών', *ΕΘΝΟΣ ΤΗΣ ΚΥΡΙΑΚΗΣ*, 04-01- 2009, Ιωάννα Σωτηρχου, 'Δεν Καθαρίζουν Με Την Κωνσταντίνα', *ΕΛΕΥΘΕΡΟΤΥΠΙΑ*, 30-12- 2008.

*closes down*». Given that now almost all cleaning jobs in public buildings and buildings of private companies are subcontracted to private companies, if a cleaner is on the black list has practically no chances to find work.

There was an attempt to fire Kuneva, but this was taken back because she was a trade unionist and was illegal to fire her, however, her mother was fired instead.

Of particular significance is that workers are being fired, some times massively, when they denounce to the Labour Inspectorate the breach of their rights<sup>108</sup>.

- -More violent means are being equally used: workers, particularly women, can be orally intimidated or suffer from bodily aggression such as receive a slap or be grasped by the hair. They can even be beaten up. Blackmail and intimidation are exercised not only against women cleaners, but also against men, as reported by male security employees. An employee of security firm denounces in a TV interview<sup>109</sup> that the employees in the security firms are blackmailed to sign various kinds of 'white papers'. It is even mentioned that physical violence is exercised against them.

An example of intimidation and aggression is the following:

This incident occurred in July 2009 with victim a woman working as cleaning staff in a subcontracting firm responsible for the cleaning of the University of Ioannina (western Greece). The woman refused to sign a contract in which the spaces that she was responsible to clean were inaccurately described and her pay appeared higher to what she actually received. Her employers in their attempt to make her to sign forced her to work overtime and paid her less than they should. As she still did not comply with their demands, they stole her keys, her mobile

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<sup>108</sup> Χριστίνα Παπασταθοπούλου, 'Λερναία Ύδρα, Τα Κυκλώματα Στην Καθαριότητα', *ELEFTHEROTYPIA*, 07-08- 2010, Ανωνυμος, 'Μετά Τους Εκβιασμούς Ήρθαν Οι Απολύσεις. Εργολαβική Εταιρεία «Abnor Clinique». Πέταξε Στο Δρόμο 42 Εργαζόμενους Που Δούλευαν Στα Μαγειρεία Του «Σισμανόγλειου» Και Αντιδρούσαν Στην Καταπάτηση Των Δικαιωμάτων Τους', *RIZOSPASTIS*, 10-11- 2009.

<sup>109</sup> Με ποιον είναι η ΓΣΕΕ?

phone, the list where she was writing the spaces she had cleaned and finally they beat her up<sup>110</sup>.

After the attack against Kuneva, cases have been reported in which supervisors threaten women alluding or clearly stating that what happened to Kuneva will happen to them too. In one concrete case a woman was threatened that if she did not sign a white paper, worse than what had happened to Kuneva would happen to her.

- Efforts are undertaken to obstruct the attempts of workers to unionize and weaken the power of their trade unions. For this purpose subcontracting firms use various means to intimidate trade unionists. They blackmail and threaten them with being sucked, being put on the blacklist so that they do not find work, they threaten them with their physical integrity or their life and sometimes put these threats into practice<sup>111</sup>. They attempt to bribe them, when threats appear ineffective. The authors of the INE report mention that the testimonies of trade unionists show a climate of terrorism. In the following we will describe violence and blackmail exercised against trade unionists.

Taking as first example the case of Kuneva, we have the following information. In her interview to J. Delorme she had mentioned the following<sup>112</sup>: a supervisor has pulled her by the hair and ear and told her to go home; she has been threatened to be fired but this was not possible as she worked in the trade union; she had been lured with doubling her salary and becoming su-

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<sup>110</sup> Γιώργος Τσαντικός, 'Δικαίωση Για Τις Καθαρίστριες Στο Πανεπιστήμιο Ιωαννίνων. Έκπτωτος Κηρύχθηκε Ο Εργολάβος Που Είχε Αναλάβει Τον Καθαρισμό Χώρων Του Πανεπιστημίου Ιωαννίνων', *EPIROTIKOS AGON*, 27-11- 2009, Contrarossa, 'Εργοδοτική Επίθεση Σε Καθαρίστρια Στα Γιάννενα', (updated 05-07-2009) <[http://contrarossa.net/index.php?option=com\\_content&task=view&id=42&Itemid=1](http://contrarossa.net/index.php?option=com_content&task=view&id=42&Itemid=1)> , accessed 15-11-2010 , Δάφνη Σφετσα, 'Περίπτωση Κούνεβα Και Στα Γιάννενα!', *AVGI*, 02-07-2009 2009, Συλλογος Διοικητικων Υπαλληλων Πανεπιστημιου Ιωαννινων 'Χτύπησε 50χρονη Καθαρίστρια Επειδή Ζήτησε Τα Δεδουλευμένα', (updated 03-07-2009) <<http://www.tvxs.gr/v15482> (πηγή: Zougla.gr)>, accessed 15-11-2010

<sup>111</sup> Νίκος Ρουμπος, 'Ίδρυσαν Σωματείο, Κατήγγειλαν Τριτοκοσμικές Συνθήκες', *ELEFTHEROTYPIA*, 15-01- 2009

<sup>112</sup> Αλέξης Παπαχελας, 'Η Άγνωστη Κωνσταντίνα Κούνεβα. Ο Αλέξης Παπαχελάς Αποκαλύπτει Την Άγνωστη Ιστορία Της 45χρονης Εργαζόμενης Μητέρας Που Υπέστη Δολοφονική Επίθεση Με Βιτριόλι.', *ΣΚΑΪ-TV «Νέοι Φάκελοι»* (updated 09-02-2009) <<http://folders.skai.gr/default.asp?pid=10&la=1&tID=179>>, accessed 15-11-2010

pervisor; she had been threatened with her life. In the Kuneva case the threats have climaxed with the actual attack against her life.

Revelatory of the climate of terrorism around trade unionists is the case of a colleague of Kuneva, who, in front of the camera in a TV broadcast, admitted that under the threat to be fired she conceded to sign a paper against Kuneva<sup>113</sup>. She spoke of the threats she received in order not to have any contact and speak to Kuneva. She said that she had no choice, but to comply, something for which she publicly apologises.

The threats are addressed to the leaders of the (first-degree) trade unions but also to simple members. These aim at preventing that the conditions prevailing or a specific event become publicly known, at stopping the workers from participating to meetings and events or from testifying in court. In such cases the threats usually referred to their physical integrity «*if you do not stop by yourself we will make you stop*», «*if you testify, I will brake your legs*», «*until the evening you will be slaughtered*».<sup>114</sup>

The president of PEKOP, after the Kuneva attack, receives continuously threats for her unionist activity. She received telephone calls, asking her to close down the union, she has even received threats against her life. She has been threatened in order not to go to Thessaloniki and participate to a meeting to be held in the Aristotelion University of Thessaloniki on the issue of subcontracting in the cleaning sector<sup>115</sup>.

On July 2009 the cleaners that worked in the subcontracting company that had taken over the cleaning of the Social Security Institution, among other buildings, in the city of Volos (central east Greece, Municipality of Magnisia), established a first-degree trade union. As the union denounced the fact that the

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<sup>113</sup> Ibid.; Μαριάννα Τζιαντζη, 'Η Κωνσταντίνα Πήρε Το Όπλο Της', *KATHIMERINI*, 11-02-2009.

<sup>114</sup> Δαμα, '«Απειλείται Η Ζωή Μου»', Νίκος Ρουμπος, 'Ίδρυσαν Σωματείο, Κατήγγειλαν Τριτοκοσμικές Συνθήκες', *ELEFTHEROTYPIA*, 15-01- 2009.

<sup>115</sup> Δαμα, '«Απειλείται Η Ζωή Μου»', Papantoniou, Frangouli-Papantoniou, and Kalavanou, *Migrants Insertion in the Informal Economy, Deviant Behaviour and the Impact Om Receiving Societies. Migrinf: First Greek Report*.

subcontracting firm forced the cleaners to sign new contracts on which the hours of work were reduced from 6 to 4 or 3, so that they were not paid the stamps for arduous and unhealthy jobs, the subcontracting company threatened to fire the workers and in fact fired them. It is reported that the subcontractor proceeded in firing the workers with the consent of the director of the Social Security Institution. As a result of reactions produced, the firm was forced to take back the workers.<sup>116</sup> Further, the cleaners denounced that there were instances that cleaners had been moved to another job, so that they would not testify about what had happened to them. Those who did testify in court were put on the blacklist and remained unemployed.

Another, characteristic of the situation, incident is the one that took place in Thessaloniki. One year after the assault against Kuneva, unknown persons attacked the car of a trade unionist in Thessaloniki with sulphuric acid producing extended damages. This happened while the trade unionist was at the university, attending an event organised by the union of cleaners and security employees of central Macedonia<sup>117</sup>. The police and the Body of Labour Inspectors investigated whether this constituted a way of intimidating the victim in her capacity of trade unionist. This incident seems to bear a symbolic character being reminiscent of the assault against Kuneva (with sulphuric acid)<sup>118</sup>.

Further, they use means and strategies to prevent the development of and counteract the first-degree trade-union movement.

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<sup>116</sup> Ανώνυμος, 'Ξεσηκώθηκαν Οι Καθαρίστριες Της Μαγνησίας', *ΚΟΣΜΟΣ (Λάρισα)*, 08-06-2009.-

<sup>117</sup> Νίκος Ρουμπος, 'Στόχος Επίθεσης Και Πάλι Οι Καθαρίστριες. Επιχείρηση Εκφοβισμού Καταγγέλλει Καθαρίστρια Από Τη Θεσσαλονίκη', *ELEFTHEROTYPIA*, 01-12-2009.

<sup>118</sup> Ανωνυμος, 'Επίθεση Με Καυστικό Υγρό Σε Ιχ Συνδικαλίστριας', *NAFTEMPORIKI*, 01-12-2009, Tvxssteam, 'Επίθεση Με Οξύ Σε Συνδικαλίστρια Του Σωματείου Καθαριστριών', (updated 01-12-2009) <<http://tvxs.gr/print/43330>>, Ανωνυμος, 'Επίθεση Σε Αυτοκίνητο Συνδικαλίστριας. Καυστικό Υγρό Έριξαν Άγνωστοι Στο Αυτοκίνητο Συνδικαλίστριας Στη Θεσσαλονίκη. Προκλήθηκαν Υλικές Ζημιές. Σε Εξέλιξη Έρευνα Της Αστυνομίας', (updated 01-12-) <<http://news247.gr/ellada/article77102.ece>>, accessed 04-12-2009, Ανωνυμος, 'Η Επιθεώρησης Εργασίας Ερευνά Την Επίθεση Κατά Αυτοκινήτου Συνδικαλίστριας', (updated 01-12-2009) <<http://news.in.gr/greece/article/?aid=1081118>>, accessed 04-12-2009, Έλλη Ισμαηλίδου, 'Σφοδρή Επίθεση Με Εκρηκτικά Σε Αυτοδιαχειριζόμενο Χώρο Στη Θεσσαλονίκη', *Published on TVXS.gr* (updated 24-11-2009) <<http://tvxs.gr/print/42844>>, accessed 16-11-2010

Among the simplest means used are the attempts to prevent workers from voting, as it happened in the PEKOP union elections for example, by threatening that those that will vote will be fired. As more complex strategies used can be mentioned the following: a) try to take control of first-degree workers trade unions by establishing high rank employees of the subcontracting firm as members of the board, b) develop their own trade unions, which constitute instruments for imposing the conditions they desire on the workers<sup>119</sup> and try through these trade-unions to substitute the authentic workers trade unions in the representations to the higher organs of trade-unionism (for a concrete example see next paragraph).

### ***2.3.1.3 The state mechanisms, the public sector, trade unions and subcontracting companies***

As we have seen above the legal framework is in place for regulating the activity of the subcontracting companies. Nevertheless, in pragmatic terms we have a situation of flagrant violations of the law. In this paragraph we would like to present the contextual conditions that render that possible.

A number of factors are at play, among which: the attitudes and behaviour of the state, the failure to make the public sector and the public bodies behave according to the law; the very soft position of the central trade unions and generally the lack of solidarity of established trade unions with vulnerable categories of workers and those engaged in precarious employment; the prevalence of a clientel system and the power of interlocking interests; the increased difficulty to keep control of the situation under conditions of flexible employment, such as subcontracting; the structural inefficiency of the inspection mechanisms.

In the following we will present some illustrations of how these factors contribute in preparing the ground for trafficking for labour to emerge.

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<sup>119</sup> Ανώνυμος, 'Διαμαρτυρία Καθαριστριών Για Τις Εργολαβίες Στα Νοσοκομεία', *PROTO THEMA*, 03-08- 2010, Γυναικείες Οργανώσεις, 'Πολλαπλά Πολίτης «Δεύτερης Κατηγορίας» (Για Την Κωνσταντίνα Κούνεβα)', *EPOCHE*, 04-01- 2009, Βαγγέλης Δαρουσος, 'Ρατσισμός: Βαρύς Και Ανθυγιεινός', *Η EPOCHE*, 04-01- 2009. Μάριος Διονελλης, 'Υπόθεση Κούνεβα: Νέες Αποκαλύψεις Για Τις Διασυνδέσεις Της Οικομετ', *AVGI*, 06.06.2009 06.06.2009.

*The relation of public organizations with subcontracting companies*<sup>120</sup>

Those organizations affiliated to the public sector publish tenders, asking for the candidate that will submit the offer pertaining the lowest cost. There are also certain cases of direct commission of the job to a specific firm. The task is assigned for a specific period of time. The first and most obvious benefit of organisation of the public sector is that they avoid the longer term obligations associated with direct employment, other benefits follow<sup>121</sup>.

On their side the subcontractors opt for increasing their profit by suppressing the labour cost, following practices that violate the labour and social security rights of the workers. However, according to the legislation in effect, the contracting organization is responsible to make sure that in their contract with the subcontracting company the salaries and other costs of the workers are not lower than what the law foresees in each case. So what actually happens is one of the following:

- The contracting organization does not fulfil its obligation to control and make sure that in the contract signed by both sides the pay of workers is in conformity with the law. In this case the contracting public organisation pays in total less than the amount foreseen by the law for the cleaning services and consequently has a profit. The INE report mentions that frequently in the offers that the subcontracting firms make for the tender, the cost of the wages is lower than the minimum wage foreseen by the relative collective agreement, and consequently the public body is aware that the workers rights will be violated in the frame of the implementation of the contract. Information about such cases is to be found in numerous press articles.<sup>122</sup>
- The contracting organisation pays to the subcontractor an amount that corresponds to the legal salaries of workers, but at the end of

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<sup>120</sup> Ιλεάνα Σακκα, 'Υπεργολαβίες Στο Δημόσιο Και Τα Νπδδ. Αυτή Η Κολόνια Κρατάει Χρόνια', *H AVGI*, 21-01- 2009.

<sup>121</sup> In the past organizations of the public sector were not allowed to subcontract services. It is only in 2001 through L. 2956/2001 that this became possible.

<sup>122</sup> Such was the case with ERT (Greek Radio and Television). The offer was much below the real costs. It was annulated after recourse, but could not be readjusted to the legal level, as the European legislation does not allow a readjustment of the range of over 50%. See also: Τάσος Τέλλογλου, 'Ο «Πόλεμος» Για Την Καθαριότητα Και Τα Θύματά Του', *KATHIMERINI*, 15-02- 2009.

the day the subcontracted company manages to circumscribe the law so that the money remains in their pocket instead of going to the workers. In this case the public organization is guilty of fraud against the state<sup>123</sup>. There are estimations of the amounts of money being 'lost' somewhere in between the public organization that pays and the workers. For this case too we have various examples that have appeared in the press.

- In certain cases both parties benefit, that is, the contractor pays less than the real cost of the labour and the subcontracting firm pays even less to the workers and thus increases its margin of profit.

Overall it seems that in most cases the subcontracting firm is the one that derives the largest benefit on the detriment of the other parties.<sup>124</sup> The most prominent example is that of public hospitals, where in many cases has been denounced that the amounts paid to subcontractors are huge and that subcontractors are paid much more money than what would be required in order to offer the commissioned services. That is the amount appearing in the contract corresponds to the legal salaries of a much larger number of cleaners than needed, while the number of cleaners that are actually employed is below what would be needed and at the same time they are paid below the legal wages<sup>125</sup>. One doctor, member of the administrative council of a public hospital and former trade-unionist, estimates that in this specific hospital the cleaning subcontracting company cashes at least the 1/3 of the money paid according to the contract<sup>126</sup>.

The extent of the practice of paying workers less than stipulated by the relative legislation and simultaneously violating other labour regulations is manifested by the need felt by the Minister of Labour to issue in 2006, despite the fact that legislation in force did cover the issue, a circular on the subject «Contracts of the Public Sector with security and cleaning firms», through which the public services and public organizations are

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<sup>123</sup> Τομαρας, 'Σύλληψη 48χρονου Αλβανού. Απολογείται Σήμερα Στον Ανακριτή Ως Υποπτος Για Συμμετοχή Στην Επίθεση Με Βιτριόλι Κατά Της Γ.Γ. Του Συλλόγου Καθαριστριών. Έρευνα Για Τις Εταιρείες Καθαρισμού'. Μαρίνα Πετροπούλου, 'Καθαρίστριες Για Όλες Τις Δουλειές', *ELEFTHEROTYPIA*, 13-05 2007

<sup>124</sup>As such an example is presented the case of the General Hospital of Athens that pays to the subcontracting company 144.000 euro per month, when with the same money 120 persons could be hired by the hospital itself.

<sup>125</sup> Πετροπούλου, 'Βρόμικες Δουλειές Στο Εσο Στο ,,,' 'Όνομα Της Καθαριότητας'.

<sup>126</sup> Πετροπούλου, 'Καθαρίστριες Για Όλες Τις Δουλειές'.

being asked, when closing a contract with a subcontractor, to put in the contract the term that the subcontractor adheres to the labour legislation and in case that this term is not respected to terminate the contract. Of course such a term in the contract is superfluous, as it does nothing but repeat that the law should be respected.

In the INE report is further stressed that no contract with a subcontracting firm has ever been revoked on that basis, despite the fact that the firms that close contracts with the public sector systematically violate the labour legislation. As we will have the opportunity to see in the following, not even the contract of ISAP was revoked, despite the revelations and even the protests, demonstrations, pressures exercised on the ISAP administration and the Ministry of Labour itself. It seems that subcontracting company owners benefit from immunity.

*The state dealing with the issue of cleaning subcontracting companies after the Kuneva assault.*

As a result of the revelations in the period that followed the Kuneva assault concerning subcontracting companies, the Public Prosecutor ordered an investigation of the cleaning companies in Greece to be conducted in two directions: a) trafficking in human being and b) fraud against the public sector. The investigation has been commissioned to the anti-trafficking unit of the Attica (Athens) police, which would start by investigating the case of existence of an extended circuit of exploitation of people, mainly migrants, employed in the cleaning sector without following the legal procedures and under conditions of slavery<sup>127</sup>. The Minister of Labour sent a letter to the administrations and the legal counsellors of the public organizations asking to control the contracts with the subcontracting cleaning firms<sup>128</sup>.

These decisions of the administration show clearly that the state recognizes that there are infractions of the legislation and that some of these infractions come under the trafficking in persons legislation.<sup>129</sup> However, no tangible results were to be traced and the attitudes and behaviour of

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<sup>127</sup> Τομαρας, 'Σύλληψη 48χρονου Αλβανού. Απολογείται Σήμερα Στον Ανακριτή Ως Υποπτος Για Συμμετοχή Στην Επίθεση Με Βιτριόλι Κατά Της Γ.Γ. Του Συλλόγου Καθαριστριών. Έρευνα Για Τις Εταιρείες Καθαρισμού'.

<sup>128</sup> Τέλλογλου, 'Ο «Πόλεμος» Για Την Καθαριότητα Και Τα Θύματά Του'.

<sup>129</sup> For example in Greece the traffickers that bring in irregular migrants, are called 'slave-traders'

public contractors remained unchanged. Despite the law and the circular issued stipulating the responsibility of public organizations to control that the subcontractor keeps with the legislation and the letter sent by the Minister asking for controls of the contracts, when PEKOP demanded from public contractors to take over their responsibility to control the subcontracting firms their response was that they pay the subcontracting firms to offer them cleaning services, how they manage to do that is their business<sup>130</sup>. Similar was the response of public contractors on other occasions. For example, when the administrative personnel of the university of Ioannina has tried to bring the attention to the problems of the cleaners, the response of the administration of the university was that «this is not your role there are special committees for that»<sup>131</sup>.

The lack of readiness of organizations affiliated to the public sector to conform to the legislation and react to the infractions made by the subcontractors is exemplified in the clearest way in the case of ISAP as contractor of the subcontracting company the OIKOMET, where Kuneva worked. Despite the efforts of PEKOP and the intervention of the Ministry of Labour, the ISAP postponed ad infinitum the solution of the issue, resulting that until today the situation goes on unchanged. The detailed chronicle of interventions and reactions has as follows:

After the Kuneva attack, on the 21 of January 2009 PEKOP made a representation to the Body of Labour Inspectors and asked for inspection at the workplace of ISAP. As result of the inspection a report was compiled in which a number of violations of labour legislation are mentioned.

On the 13th of March the General Secretary of the Ministry of Labour sends a document to the managing director of ISAP reminding him of his obligation to make sure that OIKOMET implements the labour and social security legislation, stressing that the infraction of this legislation constitutes a ground for terminating the contract.

This led to a tripartite meeting between the ISAP administration, PEKOP and the trade union of the regular workers in ISAP. A common agreement was reached. One of the points agreed upon was that ISAP would terminate the contract with OIKOMET and would open a new competition. After one month the managing director of ISAP resigned. Six months later the administration of ISAP kept replying to the question concerning when the new contest will be

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<sup>130</sup> (Press Release) Πεκοπ, 'Στη Θέση Της Κωσταντίνας Κούνεβα Μπορεί Να Είμαστε Όλοι Μας', *TO ARTHRO*, 25-01 2009.

<sup>131</sup> Συλλογος Διοικητικων Υπαλληλων Πανεπιστημιου Ιωαννινων 'Χτύπησε 50χρονη Καθαρίστρια Επειδή Ζήτησε Τα Δεδουλευμένα',

announced that they wait for the new managing director to take his position. Until now nothing has happened.

On the top of the above, the core institutions of the public sector continue to use subcontracting companies that employ workers under conditions that flagrantly break the law. Again this became known due to an accident suffered by a worker<sup>132</sup>. 2 years after the Kuneva assault, on the 19 December 2010, an Egyptian employee of a cleaning subcontracting company was killed falling from the third floor of the Ministry of Labour.

The Egyptian was irregularly employed and not socially secured; the accident occurred on a Sunday, while, according the contract, cleaners were to work from Monday to Friday from 16 to 21; the foreseen safety measures were not in place; there was no superintendent; the Ministry was closed, meaning that no one was there<sup>133</sup>.

The cleaning company that was subcontracted by the Ministry tried to present the Egyptian worker as a subcontractor himself in order to avoid the responsibility for what happened to him.

As in the case of the Kuneva assault, the accident was kept secret for nine days. The accident became known by the staff of the office of General Secretariat of the Management and Organization of European and other Funds, the windows of which the Egyptian worker was cleaning when he fell.

*The government, the trade unions and PEKOP: the example of discussions with the Ministry of Labour*

The discussions of PEKOP with the Ministry of Labour on the infractions of labour rights of cleaners subcontracted to ISAP continued after the assault against Kuneva. According to PEKOP representatives the General Secretary of the Ministry of Labour appeared to be favourable towards the demands of PEKOP. Again according to PEKOP representatives the discussions led to no agreement or solution due to the intervention of GSEE.

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<sup>132</sup> Βάλια Νικολάου, 'Υπουργείο...Αδήλωτης Εργασίας Και Υποκρισίας', *ELEFTHEROS TYPOS*, 29-12- 2010.- Ανωνυμος, 'Ζουν Στη Σκιά, Πεθαίνουν Στο Σκοτάδι', *H EPOCHE*, 31-12- 2010.

<sup>133</sup> The question was raised, how the worker entered the Ministry when the entrance was closed and there was no porter.

For the reader who would be interested in more details, we present in the following the description and the views presented relatively by two representatives of PEKOP in the TV broadcast under the title «With whom is GSEE?» by a well known in Greece journalist the following:<sup>134</sup>

Maria Kondaki, member of PEKOP, said to the reporter that in a meeting with the General Secretary of the Ministry concerning the issue of the stamps about the arduous and unhealthy occupations, the issue of the forced break and other issues, the General Secretary made the following declaration: «*They call me on the phone, asking not to listen to you*». Mrs. Kondakis says that the general secretary let be understood that he received telephone calls from GSEE.

Vaso Tsiouni, vice-president of PEKOP, said that during a meeting with the General Secretary of the Ministry, while he seemed positively disposed towards the demands they were putting forward, after a telephone call he changed his attitude taking the side of the employers. When he was straightforwardly asked, how is it possible to change his position from one moment to the other, the General Secretary declared that he cannot pretend any more and cannot conceal the fact that he receives pressures to close the case of OIKOMET, alluding that the pressures were from GSEE.

In a public discussion that took place in the frame of the «Anti-racist Festival» which I (Maria Papantoniou-Frangouli) have attended, Vaso Tsiouni made the same point that has been supported by further trade unionist of first-degree trade unions participating to the discussion<sup>135</sup>.

### *The trade union movement and subcontracting*

First-degree trade unions, such as PEKOP, which have as members workers employed under conditions of extreme flexibility among whom many are migrants, are reported to be marginalized in the frame of the mainstream trade union movement and the federations of such trade unions<sup>136</sup>. Also according to the INE report the trade union of the workers employed directly by the contracting public organization do not show solidarity and do not provide support to their colleagues that work under subcontracting.

<sup>134</sup> 'Back Pages': Reportage under the title: «With whom is GSEE?» M. Dionellis 6/6/09.

<sup>135</sup> Βάσω Τσουνή, 'Συμβολή Στη Συζήτηση «Αγώνας Ενάντια Στην Υπερεκμετάλλευση Και Την Καταπίεση Των Μεταναστριών. Στο Δρόμο Της Κωνσταντίας Κούνεβα', 14ο Αντιρατσιστικό Φεστιβάλ: Συζητήσεις, εργαστήρια, μουσικές και καλλιτεχνικές εκδηλώσεις (unpublished, 2009).

<sup>136</sup> Νίκος Νικησιανης, 'Επισφαλής Μισθωτή Εργασία Και Συνδικαλιστική Οργάνωση', *Εισήγηση στη Συζήτηση για την επισφάλεια της εργασίας που οργάνωσε το «Δίκτυο για τα Πολιτικά και Κοινωνικά Δικαιώματα»* (Θεσσαλονίκη, 2008), Κυριακή Κλοκίτη, 'Στον Κόσμο Των Αφεντικών....Κάποιες Είναι Πιο Ξένες...', *EPOCHE*, 25-01 2009.

According to the authors of the INE report, various other authors and the PEKOP trade unionists, GSEE has not provided the expected support to the cleaners in their struggle that had been initiated already some years ago<sup>137</sup> and even that its role had been subversive<sup>138</sup>. GSEE itself makes use of the services of a subcontracting company for cleaning its offices.

The committee of solidarity to Kuneva deplored the position of GSEE<sup>139</sup>, after the attack to Kuneva. More concretely it deplores that: GSEE has refused to sign the report that PEKOP compiled with its demands and submitted to the General Secretary of the Ministry of Labour; refused to support the demonstrations PEKOP has organized in protest against the Kuneva assault; GSEE is further criticized by various authors that if it did not support the actions organized by others it did not either proceeded in undertaking any kind of action for protesting against the Kuneva attack; GSEE has called PEKOP a union, which exists only on paper<sup>140</sup>; it has declined until now to separate its position from the ‘employers trade union’ of OIKOMET and its subversive action.

*PEKOP and the ‘employers-workers trade union’ –the story of a paradox*

OIKOMET in order to counteract the activities of PEKOP created its own trade union trying in that way -among others- to substitute PEKOP in the discussions with the Ministry of Labour. The members of this union are

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<sup>137</sup> Νικησιανης, 'Επισφαλής Μισθωτή Εργασία Και Συνδικαλιστική Οργάνωση', Τάκης Καμπυλης, 'Οι «Αόρατες» Ριζοσπάστριες Του 21ου Αιώνα. Οι Καθαρίστριες Κινούνται Μεταξύ Της Μαύρης Αγοράς Εργασίας Και Του Προθαλάμου Της «Εδέμ», Της Νομιμότητας', *KATHIMERINI*, 10-01- 2009, Κλοκιτη, 'Στον Κόσμο Των Αφεντικών...Κάποιες Είναι Πιο Ξένες...'. Διονελλης, 'Υπόθεση Κούνεβα: Νέες Αποκαλύψεις Για Τις Διασυνδέσεις Της Οικομετ'.

<sup>138</sup> Διονελλης, 'Υπόθεση Κούνεβα: Νέες Αποκαλύψεις Για Τις Διασυνδέσεις Της Οικομετ'.

<sup>139</sup> Πρωτοβουλία Πρωτοβαθμιων Σωματειων, 'Κωνσταντίνα Δεν Είσαι Μόνη! Η Εργοδοτική Τρομοκρατία Δεν Θα Περάσει', (updated 22-01-) <[http://www.enosi-ergazomenon.gr/index.php?option=com\\_content&view=article&id=97%3A---&catid=30%3A-&Itemid=57](http://www.enosi-ergazomenon.gr/index.php?option=com_content&view=article&id=97%3A---&catid=30%3A-&Itemid=57)>, Συνέλευση Αλληλεγγύης Στην Κωνσταντίνα, 'Η Κωνσταντίνα Δεν Είναι Μόνη Της! Ο Αγώνας Της Κωνσταντίνας Δεν Είναι Θέμα Για Τις Ειδήσεις, Ούτε Το Πλυντήριο Για Τις Συνειδήσεις Των Γραφειοκρατών', *athens indymedia* (updated 06-03-2009) <[http://athens.indymedia.org/front.php3?lang=el&article\\_id=999391](http://athens.indymedia.org/front.php3?lang=el&article_id=999391)>, accessed 26-04-2009

<sup>140</sup> Νατάσα Κεφαλληνου, 'Οι Κωνσταντίνες Δεν Είναι Πια Μόνες', *PRIN*, 25-01- 2009 p. σελ. 12-13.

supervisors, personnel managers and administrative staff<sup>141</sup>. This union has been denounced as an employers' union disguised as a workers' union. Further, it is mentioned that pressures have been exercised on the cleaning staff of OIKOMET to become members of that union. There are testimonies that workers were blackmailed to become members or else they would be sucked.

Revelatory of the situation are the following incidents:

-During the consultation of PEKOP with the Ministry of Labour on the 22<sup>nd</sup> of November 2008 on the issue of unilateral modification of the contract of cleaners from 6 hours per day to 5 1/2, so that they are not entitled to stamps for arduous and unhealthy professions, in which Kuneva also participated, the OIKOMET union gathered its members outside the Ministry. They carried posters with slogans against PEKOP and its demands. They targeted Kuneva personally, accusing her that she aimed at closing down the firm<sup>142</sup>. It has even been mentioned that after the meeting with the Ministry ended Kuneva has been chased until the Omonia square, by the members of the OIKOMET union.

-During the inspection at the workplace on the 21<sup>st</sup> of January that has taken place as a result of the insistence of PEKOP and to which we have made reference above, the OIKOMET union wanted to be present. It was, however, estimated that its presence would terrorize workers, who would not speak the truth to the inspectors. As a reaction to their exclusion, the OIKOMET union members called the police. According to the president of the Federation of Trade Unions of Private Employees, to which PEKOP belongs: the OIKOMET union insisted to be present and tried to terrorize the workers who were being questioned by the inspectors about the work conditions.

Further, concerning the relation of the 'OIKOMET trade union' with the overall trade union movement, the following information is instructive:

President of the union is the personnel manager of OIKOMET, who has been in permanent conflict with PEKOP and Kuneva (though she persistently denied that in various interviews). As president of the OIKOMET union, the personnel manager of OIKOMET has been candidate for the elections in the Labour Centre of Piraeus (EKP), under the PASKE, which is affiliated to PA-

<sup>141</sup> Ντίνα Δασκαλοπούλου and Αφροδίτη Πολιτη, 'Ιστορία Εργασιακής Φρίκης: Κωνσταντίνα Κούνεβα. Μια Εργάτρια Με Συνείδηση', *EPSILON*, /928 (2009), 35-42.

<sup>142</sup> Συνέλευση Αλληλεγγύης Στην Κωνσταντίνα, 'Η Κωνσταντίνα Δεν Είναι Μόνη Της! Ο Αγώνας Της Κωνσταντίνας Δεν Είναι Θέμα Για Τις Ειδήσεις, Ούτε Το Πλυντήριο Για Τις Συνειδήσεις Των Γραφειοκρατών', Δασκαλοπούλου and Πολιτη, 'Ιστορία Εργασιακής Φρίκης: Κωνσταντίνα Κούνεβα. Μια Εργάτρια Με Συνείδηση', Πρωτοβουλία Πρωτοβαθμιων Σωματειων, 'Κωνσταντίνα Δεν Είσαι Μόνη! Η Εργοδοτική Τρομοκρατία Δεν Θα Περάσει',

SOK (socialist party, at the opposition at that time, now in power). It should be added here that the owner of the OIKOMET firm has been a former trade unionist leader, again under PASKE. The personnel manager of OIKOMET has been elected as a substitute member, which is translated in that under conditions she could represent the workers of Piraeus in the convention of GSEE<sup>143</sup>. The president of the Federation of Private Employees (where both unions belong) comments that in such a way we will end up with workers being represented by employers in the conventions of GSEE. To be added here that the GSEE is accused of accepting the OIKOMET union as an authentic trade union of workers.

### *The inspection mechanisms*

The Body of Labour Inspectors (SEPE) lacks the necessary personnel to proceed with the required controls. Now that the phenomenon of violation of labour regulations has been expanded and that subcontracting has acquired very important dimensions, the labour inspection mechanisms prove even more insufficient.

Beyond the regular inspections that take place on a sample of enterprises, an inspection takes place after a worker has lodged a complaint. Workers in insecure and vulnerable conditions and all particularly those under trafficking like conditions rarely are in a position or dare to lodge a complaint. Consequently the Labour Inspectors do not have the opportunity to discover the most serious cases.

When the inspection takes place after a complaint it remains bound to that complaint. That is, even if broader transgressions of labour legislation are established, sanctions may be inflicted only for the infractions for which the complaint has been lodged.

Beyond these structural problems of the inspection mechanism, in the case the cleaning subcontracting companies there are problems that interfere with the execution of inspections:

- The cleaning subcontracting companies do not meet their obligations deriving from the legislation, as for example they do not keep a social security book, a leaves' register, entrance and exit cards,

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<sup>143</sup> Διονελλης, 'Υπόθεση Κούνεβα: Νέες Αποκαλύψεις Για Τις Διασυνδέσεις Της Οικομετ'. Μάριος Διονελλης, 'Πίσω Σελίδες: Εκπρόσωπος Της Κούνεβα... Η Διευθύντριά Της', *Published on TVXS.gr* (updated 06-06-) <<http://tvxs.gr/print/12307>>, accessed 14-11-2010

presence registers, and in the workplace there are no tabled lists of the cleaners working in the shift and of the work programme. This renders difficult the inspection procedure. The fines for such omissions are insignificant in comparison to the benefits that the firms derive from the infractions of the labour legislation and consequently do not constitute an effective adherence measure.

- Subcontracting companies short circuit inspections. They manage to be informed, when an inspection is to take place and thus take the necessary precautions and develop a strategy of concealment. An example is that of the subcontracting company of ILPAP: When Inspectors arrived to control the night shift, after the complaint of an African cleaner that she was not socially secured and that many irregular workers were employed, the firm changed the list of workers on the night shift, which was the one of 'black labour', and in that shift brought to work Bulgarian women from the morning shift that were socially secured. The Inspectors were not able to locate anything irregular<sup>144</sup>.

PEKOP has asked on many occasions the SEPE to intervene with inspections. Some of them were successful in the sense that the rights of workers were redressed, some were not.

### *Interlocking interests, clientelism and corruption*

A widely accepted interpretation of how is it possible that the subcontracting firms that brake in brutal ways the labour legislation are not prosecuted is that the owners of the firms are closely connected to members of the government, of the public administration, the political parties in general and the Trade Unions<sup>145</sup>. There is a possible give and take between the two sides, as the subcontractors provide exchanges for being selected and protected. It has been even stated that subcontractors exchange their being selected with votes at the trade union elections. Other accusations are that the subcontracting companies are closely linked to

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<sup>144</sup> Δεληθαναση, '«Μαύροι» Εργάτες Στο Αμαξοστάσιο Των Ηλπαιπ'.

<sup>145</sup> Δήμητρα Κογκιδου, '«Ποιος Επιλέγει Για Μένα Και Τον Καθένα Να Ζούμε Έτσι;' *TO KENTRI TIS MAKEDONIAS*, 31-01-2009 2009. - Σακκα, 'Υπεργολαβίες Στο Δημόσιο Και Τα Νπδδ. Αυτή Η Κολόνια Κρατάει Χρόνια', Πετροπουλου, 'Βρώμικες Δουλειές Στο Εουσ Το ,,, 'Όνομα Της Καθαριότητας', Νίκος Γ. Ξυδακης, 'Βρώμικη Εργασία', *KATHIMERINI*, 24-01- 2009, Κογκιδου, '«Ποιος Επιλέγει Για Μένα Και Τον Καθένα Να Ζούμε Έτσι;'.

organized crime. We have to mention here that all the above views have been expressed and supported by well-known and respected journalists<sup>146</sup>

#### ***2.3.1.4. Concluding remarks***

This paragraph has been dedicated to the cleaning/security subcontracting companies with emphasis on the situation of cleaning staff and on the behaviour of public bodies as contractors.

As we have seen, a lot of discussion has been initiated concerning the breaching of the legislation and the harsh exploitation of workers in the frame of subcontracting cleaning companies. References to labour trafficking have been made by various parties and experts. Even institutional bodies have recognised that the type of breaching of the legislation to be located in the activities of subcontracting companies falls under the trafficking in persons offence, nevertheless no action has been taken in that direction, at least no action that led to any tangible results.

No doubt cleaning subcontracting companies constitute a privileged field, for the negative repercussions of flexibilization of employment to manifest themselves. However, similar situations as those described above appear in further sectors and industries and a tendency is to be observed of further expansion of subcontracting and of its unlawful and exploitative practices.

#### **2.3.2. The example of the tourist sector**

The tourist sector is for Greece one of the most important sectors of economic activity. The Greek economy relies heavily on the income from the tourism. Large part of the labour force works in the various activities that

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<sup>146</sup> In addition to journalists and PEKOP representatives we can refer here to the comment included in the memorandum submitted by DES ME to the Permanent Committee for Equality, Youth and Human Rights of the Greek Parliament, to be discussed in the common meeting between that Committee and DES ME that took place in the Parliament on the 27th of January 2010: «even in the cases that cleaning work is offered through subcontracting companies, .....and despite the fact that the state has mechanisms of control and inspect, the implementation of the legislation is not safeguarded due to the interlocking interests and lack of transparency that characterise that section of the labour market». DES ME is a network, to which also KSPM is affiliated, and which promotes the rights of women migrants and more particularly of domestic workers (see paragraph on Domestic sector).

come under tourism and at the same time it has been traditionally a sector where a lot of foreigners worked. Flexible and irregular labour has always characterized the sector, but this is becoming all the more overwhelming during the last years and the conditions degenerate to a very dangerous level.

The situation varies very much among the various activities under this sector. The most important activity and the one, where the conditions of work have most radically deteriorated is that of employment in hotels.

### ***2.3.2.1. Hotels, seasonal employment and outsourcing***

The tourist sector, particularly the hotel section of it, is a highly deregulated one. This is linked to the particular characteristics of the industry, among which its seasonal character and the great fluctuation of its needs in labour, not only through the year, but also during the week or the day.

The tourist sector is a good example of how deregulation in a sector increases the vulnerability of workers, leads to situations of exploitation and allows elements of trafficking for labour to be introduced. At the same time constitutes an example of how the outsourcing from abroad of vulnerable seasonal workers contributes to the deterioration of the conditions in the sector with negative impact on the regular Greek workers too.

In this paragraph we will present the main grounds for vulnerability in the tourist sector, how in their frame trafficking for labour conditions are generated and finally how is the situation with inspections.

#### *The characteristics of the tourist sector that breed vulnerabilities*

The tourist sector is characterized by:

a) A pronounced seasonal character. The tourist sector in Greece functions with 75-80% seasonal labour, the season lasting up to 6 months<sup>147</sup>.

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<sup>147</sup> Βουλη των Ελλήνων, 'Πρακτικά Βουλής, Ιβ' Περίοδος, Τμήμα Διακοπής των Εργασιών Θέρους 2009, Συνεδρίαση Ιδ', (Αθήνα: Βουλή των Ελλήνων, 03-07-2009), 822-28.

b) A particular regime followed in respect to work contracts and labour relations: contracts are for a specific time from two to six months; workers might also be engaged on a daily basis, meaning workers might be informed by the employers at the end of the day whether they will be needed on the next day or not; workers might be engaged by the hour and work from four to ten hours daily as a function of the needs. Depending on the type of contract the workers might or might not be entitled to overtime pay, holiday rest, yearly leave or absence due to sickness<sup>148</sup>.

c) The common practice to withhold salaries. In the case of Greek workers frequently wages are being paid after the season ends or even later, while in the case of foreigners wages might not be paid at all<sup>149</sup>.

d) The large share of foreign employees. They come mainly from East European countries that have joined EU and later on were granted free movement of workers. There are, however, employees from west European countries and third countries as well.

e) The large number of trainees employed in the sector. Actually, according to the regulations, trainees may constitute up to the 10% of the employees of an enterprise in the sector. Employing trainees is very profitable thus entrepreneurs have asked for a rise of this quota to 50%, while in addition they employ 'bogus' trainees. Most trainees are foreigners, originating from the same countries as the seasonal workers.

f) The large number of workers not being socially secured. This is due either to the fact that employers do not secure their employees or to the status of employees e.g. trainees who are secured only for work accidents. According to an estimate of the federation of workers in the tourist sector<sup>150</sup>, around 65% of those working in tourism [550.000-600.000 workers (seasonal and working through the year, Greeks and foreigners)] are not socially secured.

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<sup>148</sup> Ibid.; Παρασκευή Σολωμού, 'Οι Μορφές Απασχόλησης Στα Τουριστικά Επαγγέλματα Στο Νομό Κεφαλληνίας', Διπλωματική Εργασία (Πάντειο Πανεπιστήμιο, 2008).

<sup>149</sup> Ο Ιός, 'Οι Σκλάβοι Του Αιγαίου. Συνθήκες Δουλεμπορίου Πίσω Από Την Τουριστική Βιτρίνα', *ELEFTHEROTYPIA*, 07-10- 2007.

<sup>150</sup> According to the president of the "Panhellenic Federation of Catering and Tourist Employees" (ΠΟΕΕΥΤΕ). See: Χριστίνα Πουτέτση, 'Μέτρα Στήριξης Του Τουρισμού Με Διασφάλιση Των Θέσεων Εργασίας', *TO VIMA*, 10-03- 2009.

g) The recent tendency to employ less qualified personnel for qualified jobs and the employment of irregular migrants or irregularly employed migrants.

### *Elements of trafficking introduced*

In this sector too we can locate use of deceptive means, threats, blackmail, abuse and generally instances of extreme exploitation and taking advantage of the vulnerabilities of workers. These are closely linked to and are facilitated and promoted by the above listed characteristics of the sector. The most vulnerable and prone to become trafficked workers are evidently the seasonal workers arriving through dubious agencies and all particularly the ‘bogus’ trainees. In the following we provided a description of the situation and of the elements of trafficking that emerge in that frame.

During the last years the tendency is to import seasonal workers from the East-european countries. These workers can come legally and at the same time they are cheap and malleable. They come through employment agencies and frequently deceit is used to attract them. While the legal salary of employees from those countries is between 350-600 euros, they are lured with 700-1000 euros that would never be given to them (EKA). In addition to being paid less than promised they are asked to work more days and longer hours. They are made to work 6-7 days a week for 10-15 hours per day to cover the emerging needs, without additional pay. Further, they are deceived concerning their contract: they are promised with a contract, but they might finally not get one, or get a fake one<sup>151</sup>. So though many among them arrived regularly and could work regularly, they end up with very precarious and irregular work conditions<sup>152</sup>.

The courrant practice in tourism, even with regular Greek employees, is to give a small advance payment and pay the full amount at the end of the season. Foreign seasonal workers some times are not paid at all or remain with the small in advance payment. As EKA told us non-payment of wages is very frequent also among Greek seasonals. In the case of for-

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<sup>151</sup> Ο Ιός, 'Οι Σκλάβοι Του Αιγαίου. Συνθήκες Δουλεμπορίου Πίσω Από Την Τουριστική Βιτρίνα'.

<sup>152</sup> Ελένη Ευαγγελοδημου and Γεράσιμος Κοντος, 'Οι «Σκλάβοι» Του Καλοκαιριού 2. Παιδιά Ενός Παράνομου Εργοδότη. Μετανάστες Και Φοιτητές Θύματα Του Σύγχρονου Δουλεμπορίου', *ELEFTHEROS TYPOS*, 17-08- 2008.

eigners, employers blackmail or threaten them so that they do not demand their wages. In case they are of irregular status, or do not hold a work permit, or a contract, they are blackmailed with being denounced to the police to be deported. In certain cases they actually denounce them to the police. If they are regular seasonal workers that intend in any way to go back to their country at the end of the season, the following forms of intimidation are being reported: In the case of women they threaten them with faked sexual harassment, so that they are afraid and leave without demanding their salaries. In the case of men they are threatened with or might actually be beaten up (EKA).

Trainees too arrive in the rule through the mediation of agencies and are also deceived and exploited. Trainees are paid less in any way, however, in order to attract them, sometimes they are promised better remuneration. The exploitation of trainees consists mainly in the following: they work much longer hours than foreseen for a trainee, sometimes the double, and work for 7 days instead of 5; they are asked to fill in any needs for labour; they might be ascribed the most cumbersome jobs or on the contrary be assigned with responsibilities for which they are not fit, substituting more experienced personnel; of course they are not provided training and supervision as foreseen; sometimes entrepreneurs withhold their personal documents and the documents provided by their school; they do not allow them move at a distance from the hotel; they are intimidated; they are blackmailed with not being given the foreseen bonus of 100 Euros at the end of the internship that is meant to cover the travelling expenses back to their country<sup>153</sup>.

Trainees come to Greece expecting to get training and paid holidays, but they do not get either of those. Long hours of work frequently with no days off, and restriction of their movements do not allow them to spend time on the beach or have any kind of recreation.

Given the benefits derived from the employment of trainees, this legal possibility has degenerated into a trade of 'bogus' trainees, arriving through the mediation of employment agencies operating in Greece and

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<sup>153</sup> Ibid. - Αωνυμος, 'Η Ομοσπονδία Ξενοδοχοϋπαλλήλων Ετοιμάζει "Μαύρη Λίστα" Για Ξενοδοχεία Της Ρόδου!', *Demokratiki Rodou*, 19-05- 2009. - Αωνυμος, 'Ξενοδοχοϋπάλληλοι. Στα Ύψη Η Ανεργία', *PROODOS RODOU*, 16-05- 2009. - Αωνυμος, 'Εργαζόμενοι Στον Τουρισμό. Τα Προβλήματα Δε Γνωρίζουν "Σεζόν"', *ODIGITIS*, 19-06 2009. - Αωνυμος, 'Βουλή - Συζήτηση Επίκαιρης Επερώτησης Του Κκε Για Τον Τουρισμό', *RIZOSPASTIS*, 04-07 2009. - Βουλη Των Ελληνων, 'Πρακτικά Βουλής, Ιβ' Περίοδος, Τμήμα Διακοπής Των Εργασιών Θέρους 2009, Συνεδρίαση Ιδ'.

abroad. It is to be stressed here that employment agencies in Greece are not entitled to place trainees to enterprises<sup>154</sup>. These 'trainees' actually amount to cheap workers with a salary as low as 200-300 euros, without social security coverage, working and being accommodated under appalling conditions. It is exactly these workers in the tourist sector that are the most vulnerable and in the highest risk to slip into trafficking for labour conditions. Their numbers during each high season are referred to be very important and are on the increase from one year to the other. For the summer 2008 their number has been estimated between 20.000-30.000<sup>155</sup>. For the summer 2010, with the economic crisis and the subsequent crises in tourism in Greece, it is reported that fake trainees have substituted many regular workers.

A concrete example is provided by the case of Chalkidiki, the most important tourist resort in Northern Greece.

*The secretary of the Greek confederation of hotel employees and vice president of the union of the sector in Thessaloniki-Chalkidiki mentions that the big hotel enterprises collaborate with offices that rent workers and which officially are named "Private employment consultancy offices". These offices making use of a programme "Student, Work and Travelling" bring in young workers of low cost, who allegedly are students of schools of tourism, but in fact they are not. He mentions that these bogus trainees receive 8-9 euros as a day wage for many hours of work and are accommodated under appalling conditions<sup>156</sup>.*

The hotels of Chalkidiki operate during the last years with a percentage of 50-70% of foreign workers as personnel in violation of the legislation in effect<sup>157</sup>. For the summer season of 2009 has been mentioned that in the tourist island of Rhodos 50% of those working in the hotels are imported foreigners, mainly under the status of trainees<sup>158</sup>. The situation is

<sup>154</sup> Σοφία Χριστοφορίδου, '«Δουλεμπορικά» Τα Γραφεία Ενοικίασης Εργαζομένων', *MACEDONIA*, 07-04- 2010.

<sup>155</sup> Ευαγγελοδημου and Κοντος, 'Οι «Σκλάβοι» Του Καλοκαιριού 2. Παιδιά Ενός Παράνομου Εργοδότη. Μετανάστες Και Φοιτητές Θύματα Του Σύγχρονου Δουλεμπόριου'.

<sup>156</sup> Χριστοφορίδου, '«Δουλεμπορικά» Τα Γραφεία Ενοικίασης Εργαζομένων', Σοφία Χριστοφορίδου, 'Καμαριέρες Και Σερβιτόροι Με 336 Ευρώ Το Μήνα Σε Πολυτελή Ξενοδοχεία', *MACEDONIA*, 07-04- 2010 p. 4-5.

<sup>157</sup> Χριστοφορίδου, 'Καμαριέρες Και Σερβιτόροι Με 336 Ευρώ Το Μήνα Σε Πολυτελή Ξενοδοχεία'.

<sup>158</sup> Ανωνυμος, 'Ξενοδοχοϋπάλληλοι. Στα Ύψη Η Ανεργία', Ανωνυμος, 'Ξενοδοχοϋπάλληλοι. Στα Ύψη Η Ανεργία'.

similar overall in Greece, where important tourist units operate, and results in that among the graduates of the Greek schools of tourist only 20% will find work in the tourist industry<sup>159</sup>.

The exact modalities of labour relations of these imported through agencies seasonal workers are not clear. We do not know exactly how they relate to the agency and what exactly are the obligations of the employers to the agency. It seems that the current case is that the employer pays an amount to the agency per worker. There are, nevertheless, cases of workers in the tourist industry being rented or being subcontracted.

An example of modality of subcontractation in the tourist sector is the following:

*An agency is paid to take over en block a specific activity, usually the work in the kitchen. The agency uses its own workers that are paid from the agency and have no labour relation with the tourist enterprise. In these cases the workers are paid with wages much below what is stipulated by the collective agreements and the agency keeps for itself most of the money. These are Greek agencies that might work with Greek or foreign employees<sup>160</sup>.*

This situation is sustained by the reluctance and difficulty of seasonal or irregular migrants to report the exploitation and abuse, the absence of inspections and the inefficacy of sanctions.

According to EKA, while non-payment of due wages constitutes a current practice there are only few claims. The reason is that seasonal migrant workers do not have to whom to turn to and are frightened. Further, the margins to help them are very tight: They do not have a signed contract nor payment receipts to prove anything and employers say that migrants lie. Moreover, in small place it is extremely difficult to find witnesses that are ready to confirm the violation of the rights of workers and bring themselves in confrontation with the entrepreneurs. All cases, however, that are processed through EKA, the local Labour Centres or any other assisting organization, even when further abuses are involved, are seen

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<sup>159</sup> Χριστοφοριδου, 'Καμαριέρες Και Σερβιτόροι Με 336 Ευρώ Το Μήνα Σε Πολυτελή Ξενοδοχεία'.

<sup>160</sup> Parliament proceedings. Βουλή Των Ελλήνων, 'Πρακτικά Βουλής, Ιβ' Περίοδος, Τμήμα Διακοπής Των Εργασιών Θέρους 2009, Συνεδρίαση Ιδ. Συζήτηση Επίκαιρης Επερώτησης Βουλευτών Του Κομμουνιστικού Κόμματος Ελλάδας Προς Τον Υπουργό Τουριστικής Ανάπτυξης, Σχετικά Με Την Πολιτική Της Κυβέρνησης Στον Τομέα Του Τουρισμού', (Αθήνα: Βουλή των Ελλήνων, 03-07-2009), 822-28.

simply as labour disputes and not as cases that fall under the anti-trafficking legislation.

In the following we present a case that has been mentioned to us by EKA, which is not a case of extreme abuse, but is a representative and characteristic one, pinpointing at several problems:

*The girl worked at a hotel in one of the Ionian islands (western Greece). The employer withheld her travelling documents. When the girl refused to continue work as she had not been paid, the employer called the police. The police arrested her as she did not have any personal and travelling documents. The girl came into contact with EKA, which informed the police that her documents had been withheld by the employer. The police after having undertaken a control established that the employer kept in fact her documents. However, the police did not proceed in prosecuting the employer, it just let the girl free. From her side the girl did not lodge a complaint against the employer.*

Health and safety conditions in the tourist sector are not kept, as it is the case with subcontracting in cleaning sector too and, as we will see in a next paragraph, is the case in the industrial/technical works sectors. The following case is of some relevance:

*An Albanian girl had a fatal accident in a hotel in a Greek island, as the elevator for the service did not function properly. What is worth noting in this case is that, according to the president of the local Labour Centre, the employers did not notify, as they should, the Labour Inspectorate or the police. It is further reported in the article from which we have derived the information that those working in the hotel have been asked to sign a document in which they declare that they will not make the incident known<sup>161</sup>.*

### *Inspections in the tourist sector*

Inspections are very rare. In the first place because the number of inspectors is very small and it is practically impossible to control all the enterprises in a tourist area<sup>162</sup>. In the tourist island of Corfu for example, with over 500 hotels and thousands of other tourist enterprises, there are only 3 Labour Inspectors. It is also being mentioned that employers manage to avoid inspections as they occupy powerful positions, for example in the

<sup>161</sup> Tvxssteam, 'Τραγικό Εργατικό Ατύχημα Στην Κώ', *Published on TVXS.gr* (updated 19-06-2009) <<http://tvxs.gr/print/13306>>

<sup>162</sup> Βουλή Των Ελλήνων, 'Πρακτικά Βουλής, Ιβ' Περίοδος, Τμήμα Διακοπής Των Εργασιών Θέρους 2009, Συνεδρίαση Ιδ. Συζήτηση Επίκαιρης Επερώτησης Βουλευτών Του Κομμουνιστικού Κόμματος Ελλάδας Προς Τον Υπουργό Τουριστικής Ανάπτυξης, Σχετικά Με Την Πολιτική Της Κυβέρνησης Στον Τομέα Του Τουρισμού'.

local Labour Centres (Employers are members and even presidents of local Labour Centres, while only workers or employees should be), or they intimidate workers so that they will not lodge a complaint<sup>163</sup>. In case that a complaint is lodged and the case is referred to the court, the trial will take place after more than 2 years (the Greek courts are overburdened and takes a long time until a case comes to court), something that dissuades migrant workers and all particularly seasonal workers to pursue their case.

When an inspection does take place and infractions of the legislation are established, this results in the imposition of fines. The profit, however, that employers derive from the exploitation of workers is more significant than the fines they have to pay and consequently fines are not deterring.

In the case of Chalkidiki (see above) it is reported that the Labour Inspectors have approved the list of employees of a big hotel enterprise in which appear large number of foreigners reported to be trainees with a salary of 336 euros per month, without to be mentioned how many hours they have to work. The secretary of the Greek confederation of hotel employees, to whom we have already made reference, supports that Labour Inspectors are at the side of employers and refuse to see the violations of the labour legislation. He also says that whenever the Federation asks the Labour Inspectors to make controls the employers are informed before hand and prepare themselves accordingly<sup>164</sup>.

### *Concluding remarks*

Overall the situation of employment in the tourist sector, all particularly concerning seasonal work, is one of progressive degeneration of working conditions. Entrepreneurs in the sector have taken advantage of the availability of vulnerable labour in numerous ways: a) vulnerable workers are exploited to the extreme, their conditions nearing those of labour trafficking, b) substandard and precarious work conditions are expanding to affect other workers too, c) regular workers are being substituted by precarious and exploitable ones, d) regular and previously well paid workers

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<sup>163</sup> Ευαγγελοδημου and Κοντος, 'Οι «Σκλάβοι» Του Καλοκαιριού 2. Παιδιά Ενός Παράνομου Εργοδότη. Μετανάστες Και Φοιτητές Θύματα Του Σύγχρονου Δουλεμπόριου'.

<sup>164</sup> Χριστοφοριδου, 'Καμαριέρες Και Σερβιτόροι Με 336 Ευρώ Το Μήνα Σε Πολυτελή Ξενοδοχεία'.

are blackmailed that if they do not comply with the new demands they will be replaced by more malleable workers<sup>165</sup>.

This situation is further reinforced by the economic crises prevailing in Greece at the moment and the crisis that the tourist sector is undergoing at the present year.

### **2.3.3. Beyond outsourcing: a case of trafficking in the tourist-restaurants sector**

As in the case of hotels employment in restaurants, cafeterias, bars etc. is also deregulated, precarious and to a significant extent driven by seasonal needs. Again this is a situation that has been aggravated recently. According to the yearly report of SEPE, the 21% of the total number of inspections have taken place in the catering industry. This is also the industry where the largest number of sanctions has been inflicted<sup>166</sup>. We do not have information about the exact conditions of work, as they have developed in the last years, nor there are known cases of trafficking, except one case, which we will present below. This is a recent case of making use of extreme coercive means to ‘punish’ a worker in an exemplary way and force employees to renounce their rights. This is not a case of employment under subcontracting or renting of workers, just a case of extremely abusive relations between an individual employer and the employees.

#### *The description of the case*

C. M, a Rumanian girl that has grown up in Greece, worked for a chain of cafeterias in Athens. The specific coffee shop where she was working as a waitress was situated very centrally in Athens, near the Syntagma (Constitution) square. Returning from a sickness leave she was fired. She asked her employer to give to her the compensation foreseen, however, the employer refused to give to her the entire sum. C.M. had recourse to her trade union of «Waiters, Cooks and other Employees of the Food In-

<sup>165</sup> Ibid. Ανώνυμος, 'Πρόσχημα Η Κρίση Για Την Καταπάτηση Των Δικαιωμάτων. Σοβαρές Καταγγελίες Από Τους Συνδικαλιστές Των Ξενοδοχοϋπαλλήλων', *RODIAKI*, 19-05- 2009. Πουτέτση, 'Μέτρα Στήριξης Του Τουρισμού Με Διασφάλιση Των Θέσεων Εργασίας'.

<sup>166</sup> 'Το Υπουργείο Εργασίας Εξετάζει Νέα «Υπόθεση Κούνεβα»', *ELEFTHEROTYPIA*, 31-03 2010.

dustry». A meeting was arranged between the worker, the representatives of the trade union and the employer-owner of the cafeteria chain, during which the trade unionists reported that the employer was provocative and offensive. At a second meeting, when the owner became aware of the large presence of trade union representatives, he started taking photos with a digital camera. When he was asked to delete the pictures, he lifted his shirt and let appear the gun attached to his belt. The follow up took place at the police station, where police officers registered the event and 'recommended' to the worker and members of the union to refrain from lawsuits. It is worth mentioning that the owner throughout the incident kept repeating the phrase «*You have now entered into trouble*»<sup>167</sup>.

In the evening of the next day, while C.M. was returning home, she received an attack by unknown persons. She was brutally beaten and left unconscious and blood stained. Robbery was excluded as a motive, as the perpetrators did not take either her money or her cell phone.

The trade union of «Waiters, Cooks and other Employees of the Food Industry» compares the case of C.M. with that of Kuneva. This comparison has been taken over by the Minister of Citizen Protection who said «*This concrete case is essentially the same with that of Constantina Kuneva, simply the method is different and the consequences are different*»<sup>168</sup>. In fact a certain parallelism does exist: Threats and subsequently an attack against her physical integrity have been used to intimidate the worker and apparently also in order to give a lesson to the trade unionists. As in the case of Kuneva, the police made allusions to links of the employer with organized crime. As in the case of Kuneva, the police never solved the case.

### *What does this case tells us about trafficking*

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<sup>167</sup> Σωματείο Σερβιτορων Μαγειρων Και Λοιπων Εργαζομένων Του Κλάδου Επισιτισμού, 'Κανένas Εργαζόμενος-Η Δεν Είναι Μόνος - Πόλεμο Στον Πόλεμο Των Αφεντικών', *Σωματείο Σερβιτόρων Μαγείρων* (updated 29-03-2010) <<http://somateioserbitoronmageiron.blogspot.com/2010/03/blog-post.html>>, accessed 30-03-2010 - Αωνυμος, 'Ερευνα Του Σεπε Για Την Απόλυση Από Το Via Vai ', *Reporter.gr* (updated 31/03/2010) <<http://www.reporter.gr/>>, accessed 17-11-2010 - Αωνυμος, 'Καταγγελία Για Επίθεση Εναντίον Μετανάστριας Που Ζήτησε Αποζημίωση Απόλυσης', *LOGOS*, 30-03-2010 2010, Αωνυμος, 'Καταγγελία Για Επίθεση Εναντίον Μετανάστριας Που Ζήτησε Αποζημίωση Απόλυσης', *FINANCIAL BOX*, 30-03-2010 2010.

<sup>168</sup> Στέλιος Καρεζος, 'Νέα Επίθεση Τύπου Κούνεβα', *Published on TVXS.gr* (updated 26-03-2010) <<http://tvxs.gr/print/55397>>, accessed 15-07-2010

Three significant dimensions in respect to trafficking can be identified in this case:

a) The first dimension is that of a worker suffering reprisals for daring to address her trade union for support. In the paragraph on the cleaning sector and subcontracting we have referred to abuse of workers for participating to trade unions and to reprisals for appealing to the Labour Inspectorate. Here we have an even more worrying situation, as physical abuse has been used as punishment for the mere appeal to ones trade union for support.

This constitutes an indication that the deterioration and degeneration of the employment conditions includes, among others, the obstruction of the workers to appeal to the mechanisms that are meant for their protection.

b) The second dimension is that of paradigmatic action undertaken by the employer in order to pass the message to third parties: the other workers and trade unions that come to support.

The question arises relatively, whether such acts, in their quality of being addressed -beyond the specific worker directly and physically targeted- to the workers in general and those that support them are to be considered as manifestation of trafficking. Is the concept of trafficking to be understood only as referring to well circumscribed, tangible acts targeting an individual worker, or could alternatively be understood to include all these actions that drive workers to come massively under extremely exploitative conditions and to become captive of these conditions as they have been deprived of any alternative and any means to react and find support?

c) The third dimension is that of the penetration of criminality into mainstream work relationships and legitimate business.

## **2.4. Domestic service**

Women coming for domestic work, as helpers with the household and carers, were among the first immigrants in Greece, already before the immigration wave of 1990 that turned Greece into an immigration country. From the start elements of exploitation and trafficking were there, but were much less discussed than it is now the case.

The elements of trafficking were to be located into two spheres:

- -The exploitation and eventual abusive behaviour on behalf of the employers
- -The exploitation by the employment offices. In the nineteen-seventies and nineteen-eighties the majority of domestic workers were Filipinos coming legally in the frame of bilateral agreements and with the assistance of employment offices. The girls remained more or less 'captive' of these agencies that forced them to accept the conditions they stipulated by threatening them with being sent back home. For example, the agencies cashed a specific amount by the employers each time they provided them with a maid. In order to increase their profits, they imposed on the girls a frequent change of employer. This led to a restriction of the freedom of the girl to dispose of her labour, but did not constitute a violent form of exploitation.

Since the 1990ies, when large numbers of immigrants started to arrive in Greece and in parallel the phenomenon that researchers use to call 'feminization of migration' made its appearance, the number of foreign women working in Greek households has very much increased. According to the report of INE on employment, employment in the branch of private households in the period 2000-2008 has increased with 39,5%<sup>169</sup>. The  $\frac{3}{4}$  of domestic workers are migrants, mainly from neighbouring countries. While domestic work is certainly gender specific, it should not be forgotten that there are also migrant men that work in households.

There are different modalities under which domestic workers arrive in Greece and these modalities have frequently an impact on their condition and on their state of vulnerability. The modalities are extremely diverse:

- They come on their own, regularly or irregularly
- They come through employment agencies
- Both women and men come with a contract as office employees to a specific employer and work instead as domestic helpers in the household of that employer. In that case they cannot change employer

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<sup>169</sup> Ινστιτούτο Εργασίας Γσσε-Αδεδυ, *Η Ελληνική Οικονομία Και Η Απασχόληση. Ετήσια Έκθεση 2009*, ed. Ινε (Annual Reports; Αθήνα: ΙΝΕ-ΓΣΕΕ-ΑΔΕΔΥ, 2009) 1-380.

- Men come with seafarer's documents and have to renew their permit every month. This category is very vulnerable as they do not have the right to work on land<sup>170</sup>
- There are those that come with the diplomats as part of their household
- Domestic workers may be trafficked into Greece by traffickers who subsequently exploit their labour. We know very little about that case. There is only one example of a network dismantled by the police:

*Moldavian traffickers transport by sea women from Moldova to work as domestic helpers in Greece. Traffickers sign with the women a kind of contract in which are mentioned the conditions of their work, their pay and what they owe to the traffickers. Women are brought in small numbers, two or three of them, by plane to Turkey, then brought to the Turkish coast and from there they pass with a motorboat to Greek islands. Just for this last part of the trip each women paid 3.000 euro. The Moldavian who was the head of this circuit was active since 2006<sup>171</sup>.*

### *The condition of domestic workers and trafficking*

As Anderson & Rogaly say commercial sex and domestic work attract most of the attention concerning trafficking,<sup>172</sup> while other sectors have been up to now neglected. This is equally true for Greece: a lot of discussion has been initiated around the conditions of employment of domestic workers and their exploitation and there is greater readiness to present these conditions in terms of trafficking, than the conditions in other economic sectors and work sites. For example, long and awkward hours of work and being available even during rest period, are put forward as indi-

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<sup>170</sup> As the president of KASAPI (Filipino ethnic organization), Joe Valencia, says in a newspaper interview, in certain cases they are hired by an off shore company to work as office employees in ships or yachts. Instead they finish up as house helpers in the home of their employer. Βένη Παπαδημητρίου, 'Μια «Κλειστή» Κοινωνία 35.000 Ψυχών Στο...Χάος Της «Πολυεθνικής» Αθήνας. Φιλιππινέζοι Οικονομικοί Μετανάστες', *ΑΡΟΓΕΥΜΑΤΙΝΙ*, 28-05- 2006 p. 18-19.

<sup>171</sup> Σταύρος Μαλαγκονιαρης, 'Στα Ίχνη Δουλεμπόρων. Κύκλωμα Που Φέρνει Γυναίκες Από Τη Μολδαβία Για Να Εργαστούν Στη Χώρα Μας Ως Οικιακές Βοηθοί', *ETHNOS*, 10-02- 2009.

<sup>172</sup> Anderson and Rogaly, *Forced Labour and Migration to the Uk, Study Prepared by Compas in Collaboration with the Trades Union Congres.* p.10

cations of trafficking. Such an approach characterizes mainly the feminist organizations, while other assisting organizations continue to speak of domestic work in terms of exploitation and breaches of workers rights:

According to EKA, the majority of victims of violation of workers rights are women that work in cleaning subcontracting companies and in domestic work. In domestic work the employers do not pay the due amount and also might restrict the freedom of movement of the women. Employers sometimes withhold their personal and travelling documents, but it is mainly the employment agencies that withhold the documents to keep control on the women that they have brought in for domestic work. The representatives of EKA mentioned that they had a lot of cases that the workers rights were violated, but not cases that they could identify as cases of trafficking for labour.

The elements of precariousness of the employment of domestic workers in Greece, as they are presented by organizations that offer their assistance are the following:

- -Many are without papers and consequently constrained in the house and at the mercy of their employers
- -Even when the domestic worker is regularized many employers refuse to pay the social security contributions
- -They frequently have to work many hours or be at the disposition of the employer or the person under their care all through the day and night
- -They are isolated with few social contacts and are not well informed about their rights and the opportunities open to them
- -Generally they are very vulnerable to exploitation by employers and have very limited possibilities of reaction
- -Their work is not recognized as a job. Consequently there are no regulations concerning the conditions of work and they do not have access to rights such as, paid holiday, sickness leave, compensation or unemployment benefit.

The actual situation, however, of domestic workers is not always as bad. In the frame of the informality the relations of the domestic worker with the employer or the family as a whole are often satisfactory for both party. But at the same time they hatch dangers and situations of exploitation and trafficking can easily emerge.

*Cases of trafficking*

What is always stressed, when domestic work is being discussed, is that homes are private spaces and consequently what happens in there is most difficult to be detected. As a consequence, cases that the domestic worker lived under trafficking like conditions in households will not become known, but only in the rare cases that the domestic helper managed to escape and went to the police, or that a violent act against a girl became visible.

In Greece there was only one prominent case:

*A family of Pakistani origin employed an Ethiopian girl that they had rented from an employment agency, when the family was in Abu Dhabi. The family came to Greece, due to the job of the husband who was working in a multinational company, and brought the girl with. The girl had a salary of 110 dollars per month that she never received in her hands. The family withheld her travelling documents. On the 13.10.08 the girl fell from the window and was badly injured. She was brought to hospital in a critical situation. The family said that she fell as she was washing the windows. The girl said that her employer (the wife) pushed her out of the window<sup>173</sup>.*

In our organisation we had two cases: one case that was a straightforward one and another that the conditions were never made clear. The story of the one that was an evident case goes as follows:

*An African girl that had studied in a school of tourism in her own country met a Greek hotel owner. The hotel owner offered to take her to Greece to work in his hotel. When the girl came to Greece instead of working in the hotel she has been confined in his house in order to serve as a domestic worker. She never came out of the house and did not have the possibility to do so. One year later she managed to escape.*

An extreme case of a woman subjected to forced labour, is reported by NGO Klimaka (interview with Klimaka). This is clearly a case of trafficking, but not a clear-cut case of domestic work. It goes as follows:

*A Chechen woman arrived in Greece with her husband. Her husband was heavily drinking and not working. She wanted to find work but she did not speak Greek and had no connections. At Omonia square (central square in Athens) she met some women compatriots of hers. They offered to find work*

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<sup>173</sup> Σίσσυ Βωβου, 'Απίστευτο Και Όμως Αληθινό', *Η ΕΠΟΧΗ*, 04-01- 2009, Ανωσυμος, 'Προσπάθεια Να Εξαφανιστεί Η Νεαρή Μετανάστρια Από Την Αιθιοπία', *ΕΠΟΧΗ*, 16-11- 2008.

*for her and said they knew an employer for whom she could work as domestic help at a country house. They close an appointment.*

*When she met her compatriots they sedated her, closed her eyes and transported her to a house after a long journey. She had no idea where she was brought to and what transportation means were used to bring her to the place. She remained confined in the house for 5 years doing housework, without having the opportunity to have contact with any one. As she did not speak Greek she could not communicate with or understand the house owners, she believes however, that they spoke Greek. The owners stayed at the house at intervals, but there was always someone to supervise her. She has never been paid, but she did not suffer any other type of abuse. She believes that they did not hit her because she was obedient, she did not protest, she only cried asking to let her go.*

- *When her compatriots brought her there they told her that she would stay for five years. This is what actually happened. After five years she was sedated again and brought to Omonia square, where they left her. She tried to find her husband, whom she did find, but he was living with another woman. He stayed with them a while and then asked for help. The NGO GCR (Greek Council of Refugees) sent her to the shelter of the NGO 'Klimaka' as victim of domestic violence, something that was not exactly the case. Klimaka sent a report of the case to the anti-trafficking unit of the police. However, she failed to be recognized as victim of trafficking, as it was very difficult to provide proofs of what happened and she was not in a position to provide names or information about her traffickers.*

### *What is being done*

NGOs assist domestic workers when they have problems with employers, usually in cases that their salaries are withheld or the employer does not pay the social security contributions. However, help is rarely sought.

NGOs also advocate for the improvement of the living and working conditions of domestic workers. The main issue of concern at the moment is that of regulation of domestic work. Assisting organizations strongly believe that domestic work has to be recognised as employment so that women are protected from exploitation, risks of abuse and trafficking.

The most important efforts in that direction have been undertaken by DES.ME.

DES.ME is a network of organizations, mainly feminist organizations, but also migrant and other organizations. Our organization, KSPM, also participates to the network. DES.ME has as aim to bring into evidence

the problems met by migrant women who live in Greece, to assist them in coping with these problems and to promote their political and labour rights. From the very beginning it has become particularly active in promoting the issue of regulating domestic work. For that purpose it collaborates with networks and organizations from abroad, organizes events, information and sensitization campaigns, press conferences, radio and TV broadcasts, publications in the press. In January 2010 it participated to a discussion in the frame of the 'Equality Committee' of the Greek Parliament on the issue of Kuneva, during which it had the opportunity to put forward its positions concerning domestic work and the need of regulating the it.

More concretely DES.ME puts forward the following demands relatively to domestic work:

- -Prepare a legislative framework for regulating domestic work and establishing standards.
- -Recognise domestic work as employment and safeguard the labour and social rights of the migrant women.
- -Establish special measures and incentives for employers in order to combat undeclared labour.
- -Provide all migrant women (that do not have a regular job) with unemployment cards so that they have access to active employment policies.

## **2.5. Trafficking for labour in the frame of a companionship or marital relationship**

We could call 'domestic trafficking' the type of trafficking of a woman that has marriage or couple relation with a man, who has proceeded in closing such a relationship in order to exploit the labour of that woman, or when the relation degenerates into a relation of trafficking of labour as the husband discovers that he can exploit the labour of the woman. The confinement of the woman in her house renders the detection of such cases very difficult.

Two examples reported by the collaborators of EKA:

### *Example 1.*

*A woman from Bulgaria gets to know a Greek farmer through an arranged contact. She decides to come to Greece and become his companion (live as a*

*couple, they, however, did not marry). The woman comes to Greece with a legal work permit valid of six months.*

*Once in Greece, the woman stays in the house of the Greek farmer in a remote village in Peloponnese. Right from the beginning the man puts his 'companion' to work. She has to take care of the house, the meals, to work in the fields and take care of the animals. In addition she should have sex with him. He withholds her documents and does not allow her to use a cell phone. He threatens her that he will denounce her to the police and he also sometimes physically abuses her.*

*The woman is informed about EKA from a Bulgarian newspaper and calls to the service. EKA comes into contact with the local Labour Centre. An extension of the six months work permit is achieved and the woman is thus able to find a job by another employer. Further, EKA has succeeded in that her 'companion' and employer pays her the wages owed to her, since he had had put her to work. EKA worked on this case for 2 years.*

### *Example 2.*

*A Greek man working in Bulgaria entered into a love relationship with a Bulgarian woman. The woman reported that so long they remained in Bulgaria their relationship was good. When the man returned to Greece the Bulgarian woman followed him. The man sequesters her in their house and forces her to work in his private business for very long hours. She is not allowed to have any external contacts. At a certain moment, as in order to work for him effectively she needed to learn Greek, he lets her follow a course of Greek language. There she meets a compatriot of hers that is a journalist who helps her escape and also brings her in contact with EKA. The victim refused to lodge complaint because she received threats against her and against her family by her former companion. Finally she decided to return to Bulgaria.*

## **2.6. The industrial/production sector, technical works, construction etc.**

The information we have about these sectors is minimal. We will try here to shortly present the available evidence concerning cases and conditions.

### *Industrial / technical works*

About the industrial / technical works sectors evidence is inconclusive and the situation remains nebulous. What we have is information about an increase of infractions of workers rights as well as an increase in accidents. These are attributed to the precarisation of the condition of workers associated with the generalization of subcontracting. This is applicable to

private companies as well as to companies belonging to the public or the broader public sector and to public works.

The situation is described as follows:

- -In the industry and technical works is reported to prevail a strong tendency to fill in vacant work positions and even substitute regular workers with workers engaged with contracts of precarious employment, mainly through subcontracting. Peripheral, but also core activities, are being 'contracted out'.
- -The workers engaged through subcontractors are paid much below what are paid the workers engaged directly by the enterprise, some times one third of the salary, and at the same time they are made to work very long hours and very intensively.
- -Have restricted labour rights, are easily fired, might be paid with a delay or even not paid at all and frequently constitute undeclared labour.
- -Frequently do not have the necessary formation for the job position to which they are placed. Moreover they are in a permanent change of jobs and they do not have the time to get acquainted with the specific job and work environment.
- -Subcontracting companies do not provide with the required supervision by a staff member with the foreseen training
- -Workers under precarious forms of employment are not trained on issues of health and security and they do not receive the necessary training/information each time they enter a new job, as they are taken to be provisory, expendable, not making part of the enterprise, and the enterprise is not interested to invest in them. Further, in order to minimize costs, health and safety regulations are not kept. Subcontracted workers are not even provided with protective equipment and clothing. Out of necessity, sometimes the staff of the enterprise shares gloves and other protective equipment with their subcontracted colleagues.
- -Among these subcontracted workers there are many migrants that constitute the most vulnerable and exploited category.

- The above-mentioned conditions are held responsible for the occurrence of accidents<sup>174</sup>.

These conditions constitute elements of trafficking, might hatch trafficking, but do not constitute trafficking for labour *per se*.

What we have as possible indications that trafficking for labour is actually there is scattered information concerning workers being blackmailed and threatened so that they continue to work under appalling conditions and conditions dangerous for their safety. An example is the following:

- *In a letter to the Public Prosecutor in July 2009, workers unions and associations expose the conditions prevailing in a work subcontracted by the Greek electrical company (PPC. S.A), that of the transport with lorries in Northern Greece:*

*In the letter is mentioned that lorries are overloaded, have many technical problems that remain unattended and many have fake plates and fake licenses so that to evade controls, with result to constitute a risk to the drivers and beyond them. In addition it is mentioned that the subcontracting company threatens workers to remain silent and become accomplices of the breaches of the legislation, taking advantage of their great need to keep their job.*<sup>175</sup>

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<sup>174</sup> Ελένη Μαΐλη, Κώστας Τρακοσας, and Γιάννης Ζαχαροπουλος, 'Αίμα Στο Γρανάζι Της Εκμετάλλευσης', *RIZOSPASTIS*, 09-08- 2009 p. 10, 11, Ανωνυμος, 'Αίμα Στο Γρανάζι Της Εκμετάλλευσης. Νεκροί Και Σακατεμένοι Εργάτες', *RIZOSPASTIS*, 09-08 2009, sec. Εργατικά, Ρούλα Σαλουρου, '«Επιδημία» Εργατικών Ατυχημάτων', *Capital.gr* (updated 27-08-2009) <<http://www.capital.gr/NewsPrint.asp?id=801917>>, accessed 15-09-2011 , Πέτρος Τζεφέρης, 'Τα Ατυχήματα Στον Μεταλλευτικό Κλάδο Και Οι...Εργολάβοι', (updated 27-08-2009) <<http://telegraph.gr/>>, accessed 15-11-2010 , Χριστιάννα Λούπα, 'Τι Συμβαίνει Με Τα Εργατικά Ατυχήματα;', <http://christiannaloupa.wordpress.com> (updated 30-08-2009) <<http://www.neoskosmos.com/news/el/node/3017>>, accessed 16-08-2010 , Ergatikiki Allilegyi, 'Θανατηφόρο Ατύχημα Στη Δει (Κοζάνη)', *Εργατικοί θάνατοι* (updated 17-04-2009) <<http://athens.indymedia.org/topics.php3?lang=el&topic=76>>, accessed 11-05-2010 , Μάριος Διονελλης, 'Λαρκο: «Τους Δίνουμε Από Τis Δικές Από Τis Δικές Μας Φόρμες»', *Published on TVXS.gr* (updated 04-08-2009) <<http://www.tvxs.gr/print/15841>>, accessed 10-04-2010 , Κυριάκος Μπανος, 'Οι Νεκροί Της Λαρκο Απαιτούν: Όχι Στο Ξεπούλημα', *ERGATIKI ALLILEGYI*, 09-09- 2009. Ανωνυμος, 'Δύο Νεκροί Σε Εργατικό Δυστύχημα Στη Κ. Κηφισιά. Γσεε: «Μαύρο» Το 2009 Με 200 Θανατηφόρα Δυστυχήματα Μέχρι Σήμερα', *ELEFTHEROTYPIA*, 14-09-2009. Τάσος Κουρακης, 'Η Σχεδόν Παντελής Έλλειψη Μέτρων Ασφαλείας Από Εταιρείες Και Εργολάβους Στην Κατασκευή Της Εγνατίας Οδού Έχει Ως Αποτέλεσμα Την Αύξηση Των Εργατικών Ατυχημάτων. Ερώτηση Του Βουλευτού Του Συριζα Προς Τους Υπουργούς Απασχόλησης Και Πεχωδε', (Αθήνα, 29-07-2008).

<sup>175</sup> Σεεεν, 'Επιστολή Στον Εισαγγελέα Πρωτοδικών Κοζάνης (Από Το Σωματείο Εργατοτεχνιτών Και Εργαζομένων Στην Ενέργεια, Σεεν)', (updated 02-07-2009) <<http://www.seeen.gr/?p=31>>, accessed 15-07-2010

Another phenomenon is that of importing groups of migrants by subcontracting companies that take over technical works, usually public. The phenomenon started with the public works undertaken for the preparation of Olympic games. This still goes on but very little is known about the actual conditions. What is only known is that technical firms ‘import’ migrants taking advantage of the legal opportunities provided, but under modalities that transgress the law.

Similar practices are to be observed in the industry. Subcontracting companies take over specific jobs and bring in their own workers that execute these jobs. Workers are paid with the salaries paid in their countries of origin, are not socially secured and are frequently ‘recycled’. We do not know whether their overall conditions are those of trafficking for labour. SEPE has denounced such situations. One such case SEPE has clearly characterised as a case of trafficking. This is the case of import of workers by a subcontracting company of the ‘Hellenic Petroleum SA’, which is of public interest. Irregular workers, from the Baltic countries in the first place, were brought by sea and accommodated in the ship. They worked in the Hellenic Petroleum under awful conditions and when their presence became known they were sent back and replaced by new ones<sup>176</sup>.

#### *Manufactures and further industries*

At the basements of a very central area in Athens, an area that is progressively inhabited by immigrants, operate a number of garment-facon workshops. The workers are Bangladeshis in the first place but also Pakistanis and few from other ethnicities. The conditions of work there are awful: 10-15 hours of work, including Sundays, with an hour wage of 2-4 euro; long delays in paying wages; in the rule non-payment of social security contributions. As the workshops are ‘underground’, working there is strenuous and unhealthy: the ventilation is very bad, there is a lot of dirt and rats. It is also reported that migrants work under conditions of terrorism<sup>177</sup>. This situation goes on for years, apparently unchanged.

<sup>176</sup> Ανώνυμος, 'Λευκορώσοι, Λιθουανοί Και Λετονοί Εργάτες Ανασφάλιστοι Στα Ελπε Θεσσαλονίκης', *ETHNOS*, 30-12- 2009. Χάλαρης, 'Ο Ρόλος Του Σ.Ε.Π.Ε. Στον Εντοπισμό Των Περιπτώσεων Trafficking Για Εργασιακή Εκμετάλλευση'.

<sup>177</sup> Ανωνυμος, 'Αθλιες Οι Συνθήκες Εργασίας Και Διαμονής Τους', *RIZOSPASTIS*, 28-06-2008, Ανωνυμος, 'Από Τα Γκέτο Του Μπαγκλαντές, Στα Γκέτο Των Πατησίων', *RIZOSPASTIS*, 29-05- 2001, Ανωνυμος, 'Με Τους Μετανάστες Στα Υπόγεια Γκέτο', *RIZOSPASTIS*, (28-04- 2009), Ανωνυμος, 'Σκλάβοι Πάνω Στις Ραπτομηχανές',

It is further mentioned that similar workshops are located at the periphery of Athens, where the workers are in addition accommodated under appalling conditions<sup>178</sup>.

The representatives of EKA we have interviewed consider that the workers in these workshops are victims of trafficking and mentioned one specific case that they were aware of and which is a straightforward case of trafficking:

*The workers were locked up in an underground apartment and every day they went to their workplace passing through a tunnel under the streets. They never came to the 'surface' and had no possibility to leave the place. It has been very difficult to locate them.*

EKA also mentioned an impressive case of trafficking in the publishing industry.

*A Moldavian artist, that was illustrating children's books, was contacted in her place of origin. The publishing house brought her to Greece promising her a good job. Once in Greece she was locked up in an apartment and was forced to work illustrating children's books very long hours without pay, being provided only with food. She finally managed to escape and went to EKA.*

In cases of inspections in manufactures and workshops, workers are being hidden in storerooms, or even in refrigerators. This allows suspecting that these, or at least some among them, are cases of trafficking. There is, however, not solid evidence that these are cases of trafficking and not simply cases of irregular workers that the employer wants to hide in fear of repercussions for employing undeclared labour. The mere fact that they hide them in a way that puts their lives into danger could be considered as an element of trafficking. For example, in one case, workers were hidden in a trap, where they risked suffocating. One of the employees revealed their existence in fear that they might die.

### *Construction industry*

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RIZOSPASTIS, 07-06- 2008, Ανωθυμος, 'Στα Λαγούμα Το Μήνυμα Της Αντίστασης. Με Τους Μετανάστες Που Εργάζονται Στις Υπόγειες Βιοτεχνίες Των Πατησίων Συζήτησαν Χτες Οι Συνδικαλιστές Του Παμε, Καλώντας Τους Να Συντονίσουν Τα Βήματά Τους Με Το Ταξικό Συνδικαλιστικό Κίνημα', RIZOSPASTIS, 11-11- 2005.

<sup>178</sup> Ανωθυμος, 'Αθλιες Οι Συνθήκες Εργασίας Και Διαμονής Τους', Ανωθυμος, 'Σύγχρονοι Σκλάβοι Ζουν Και Δουλεύουν Σε Καταώγια', RIZOSPASTIS, 07-06- 2008.

We do not have evidence of trafficking in the construction sector, which is one of the main sectors where trafficking is to be found in other countries. As we will see in the paragraph about trafficking by co-ethnics, there are suspicions of trafficking in the construction sector by co-ethnics or other migrants.

What appears above illustrates how little information we have about the actual conditions of those among the migrants who work under the worst conditions.

## **2.7. The impact of the Crisis: an example from the fishing industry**

Exploitation and extreme exploitation of workers, on the increase during the last years, is now being further reinforced, accelerated and legitimized through the economic crisis prevailing in Greece: enterprises that face difficulties pass the problem on to the workers; further enterprises take as an excuse the adverse economic conjuncture to increase their profits on the back of their employees. In such a gloomy environment inhibitions break down and exploitation acquires increasingly the features of trafficking.

Migrant workers, particularly in certain sectors of economy, constitute the privileged victims, but exploitative work conditions expand to increasingly affect indigenous workers too.

One example, in which direct reference is made to the crisis, is that of the Egyptian fishery workers in Northern Greece (Nea Michaniona).<sup>179</sup> The situation has as follows:

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<sup>179</sup> Grigoriadis, F. Θεσσαλονίκη - Οι Έλληνες κι Αιγύπτιοι αλιεργάτες της Νέας Μηχανιώνας. *Omogeneia.ana-mpa.gr*. 11/1/2010, Ενταση στο λιμάνι της Νέας Μηχανιώνας *Ethnos* 4/1/2010; *Vima* 5/1/2010. η απεργία των αιγυπτίων αλιεργατών στη μηχανιώνα, ένα παράδειγμα για όλους τους εργάτες στην Ελλάδα; *Aformi's Blog*. 09.01.2010. Egyptian workers started to arrive already since the middle eighties in the frame of bilateral agreements between Greece and Egypt for seasonal work, mainly in the fishery industry. Since then many among them have acquired residency and are now settled, while the flow of seasonal Egyptian workers continues.

*Until recently, the work conditions of these Egyptian fishery workers were relatively good and they earned the satisfactory amount of 1.200-1.500 euros per month. This amount was composed of their monthly salary plus a share in the profits. Since the Autumn 2009 their salary dropped to 300-400 euros - evidently much below the minimum wage- and were refused a share in the profits. The fishery entrepreneurs substantiated this reduction of pay on the decrease of the price they could get for the product (as a result of the economic crisis) and the increase of the costs (increase of the price of petrol). In addition to the reduction of earnings, practices that refer to trafficking have been mentioned, such as the signing of white papers in place of contracts. Beyond the Egyptian workers, Greek workers working on the same job have suffered from the deterioration of conditions.*

*The workers of the fishery industry in Nea Michaniona, as they did not receive support in their demands from the trade union of the sector, decided to create their own workers union, something that met with a lot of resistance. As a result they went on strike that lasted for months claiming restitution of their wages and the right to build their own union. Employers threatened that they would fire them and take in their place other migrants, contracted from abroad. Finally, an agreement was reached between owners of fishing boats and workers.*

Here two elements that are of interest:

- a) As in the case with the tourist industry pressure is exercised on workers to accept lower work conditions by blackmailing them with being substituted by imported workers, cheaper and more malleable
- b) This case of the fishing industry brings additional evidence of the practice of forcing workers sign white papers in place of contracts, already mentioned in the case of cleaning/security subcontracting companies.

## **2.8. Trafficking by co-ethnics and other migrants**

Trafficking by co-ethnics is a situation that is even less well known, as it is more concealed and underground. In the situations described in the previous paragraphs, all particularly concerning agriculture, we have mentioned cases that migrant workers were brought by compatriots into Greece to be exploited under trafficking for labour conditions. In most cases this happened with the involvement at some stage of Greek citizens. Here we would like to focus on those types of trafficking that are either ethnic specific or in any way take place purely by and among foreigners.

We can distinguish the following categories of trafficking by compatriots and other foreign citizens:

- Exploitation and trafficking of newly arrived migrants
- Exploitation of the labour of compatriots or other migrants
- Trafficking for sexual exploitation of both women and young boys
- Trafficking and smuggling migrants into Greece
- Trafficking with the use of debt bondage, that is imported migrants are being held hostages and are blackmailed until they pay their debts to the trafficker
- Trafficking for begging, for both adults and children

We will not enter into a discussion on all of the above modalities, given that not all of them constitute trafficking for labour. We will limit ourselves in presenting those that are of greater relevance to the issue of trafficking for labour.

### **2.8.1. Exploitation and trafficking of newly arrived migrants by compatriots**

Such situations were much more intense and prevalent during the first years of immigration in Greece, that is the early nineteen-nineties, when immigrants were still irregular, under the constant threat of deportation, and with no one else to turn to, but their compatriots that had arrived first. The relative information is extremely limited, given that all this happened underground, in hidden places, away from and with no contacts with the mainstream society.

A detailed description of such a case that had all the characteristics of trafficking (the term did not exist at that time), was provided by research about the first Albanian immigrants, conducted by I. Psimmenos<sup>180</sup>:

Those Albanians who had arrived as first in Greece created informal reception structures for those to come, provided them with the protection denied to them by the state, found work for them, but at the same time exploited their labour, very frequently forcing them to work for them in illicit activities. In this frame women and young girls were channelled to

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<sup>180</sup> Iordanis Psimmenos, *Immigration from the Balkan States: Social Exclusion in Athens (in Greek Language)* (Athens: Glory Book-Papazissis, 1995).

prostitution, while men were used for other kind of jobs or illegal activities, under conditions of coercion and exploitation, described in detail in the research. Whenever the police discovered such networks, it was the newly arrived migrants, who paid, while the exploiters/traffickers remained well concealed and unattainable.

Trafficking for labour seems also to have developed in the frame of the recent Chinese community in Greece. There are diffuse or anecdotal references of newly arrived Chinese migrants being employed in enterprises of compatriots under trafficking like conditions and conditions involving restrictions of liberties. Further, it seems that these conditions are not reserved to newly arrived, but expand to further members of the community. Due to the closer of this community no concrete information is available. There are also references of extortion of Chinese shop owners by compatriots<sup>181</sup>

### **2.8.2. Exploitation of the labour of compatriots or other migrants**

For the more recent years we have information about exploitation of the labour of migrants by compatriots or other foreigners, but we do not have details or any concrete information that would allow us to characterize this exploitation as trafficking. The following more or less general situations are known:

Migrants may play the role of informal subcontractors. A Greek employer assigns to them part of a job, usually in construction works, for which several workers are needed. The migrant, acting as a subcontractor, hires in his turn other migrants. The migrant-subcontractor cashes the wages from the employer and pays the workers retaining part of the money in exchange of the services offered.

In a press report of 2001 vague information about organized groups of migrants that exploit the labour of workers using threats and coercion is being presented. It is mentioned that 2.500 immigrants in Greece work for other immigrants, under conditions of servitude, their passports being withheld, being blackmailed and surveilled<sup>182</sup>.

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<sup>181</sup> Κοραλία Κυριακου, 'Η Κινεζική Μαφία Μπαίνει Στην Ελλάδα', *PRESS TIME*, 10-10-2009 p. 24, 25.

<sup>182</sup> Β. Λιανού, 'Δουλεμπόριο Αλλοδαπών Από Αλλοδαπούς «Εργοδότες»', *APOGEVMATINI TIS KYRIAKIS*, 19-08- 2001.

Another piece of information is that Albanian organised criminal groups exploit domestic workers from various East European countries, who, under threats, have to pay to them part of their salaries. More broadly there is anecdotal information of migrant workers of certain ethnicities that acquire power and control the labour of other migrants, forcing them to pay part of their salaries.

### **2.8.3. Trafficking for labour with debt bondage**

There are many reported cases of Asian migrants that have paid a trafficker to bring them into Greece and subsequently were held hostages, until their relatives paid the alleged debt. The main nationalities involved, either as perpetrators or victims, are Pakistani, Indian and Chinese. Such cases are extremely cruel, captives being tortured, sometimes until death. In certain cases, migrants that do not pay their debt are forced to work, while remaining secluded and guarded. Few reported cases exist of Asian migrants that as soon as they arrived in Greece were secluded and guarded and forced to work to repay debt. These are cases of early two-thousand and one more recent case<sup>183</sup>. In a research conducted by the Asian Unit, it is mentioned that that Asian migrants brought into Greece in groups by traffickers are in debt bondage and that there are indications that migrants sometimes work ‘on behalf’ of the trafficker to pay back part of their debt.<sup>184</sup>

Debt bondage is also present among East Europeans trafficked for seasonal labour in Greece. We have alluded to that in the paragraph about trafficking in the agricultural sector. One of the cases mentioned in that paragraph, the case Thessaloniki/Adendron, was a case of trafficking for labour with debt bondage.

A further case of trafficking for labour case with debt bondage with Rumanian workers as victims, about which we have sufficient details, is the following:

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<sup>183</sup> For more details see: Maria Papantoniou-Frangouli and Vangelio Dourida, *Working Paper on Trafficking for Labour in Greece. Prepared for the Cat Iii Project, Co-Financed by the European Commission in the Frame of Agis Programme* (Athens: KSPM, 2007). The most recent case was of 2007: Νικολέτα Τζωρτζη, 'Έγινε Το Όνειρο Λυγμός', *VRADYNI*, 14-01-2007 2007 p. 1.

<sup>184</sup> Ανώνυμος, 'Παρουσιάζουν Την Άρτα Σαν «Γκέτο» Εξαθλιωμένων Μεταναστών!!!', *ECHO TIS ARTAS*, 15-01- 2008.

*A Rumanian network brought into Greece compatriots of theirs promising them that they would work with 35 euro per day for 3 months. The initial agreement was that migrants pay 500 euros for these services. The workers arrived in groups of 10-15 persons and were sequestered in underground apartments in the centre of Athens while others were accommodated in abandoned cars. Upon arrival the traffickers asked for 800 euros in addition to the 500 euros agreed upon. To pay off the debt migrants were put to work in different jobs, mainly in construction. The traffickers retained the money and gave them only little food. If there was no work they forced them to beg. In case of resistance or attempt to escape they threatened them with a gun and abused them.*

*17 Rumanians, members of the network were arrested by the anti-trafficking unit of the Athens police and have been brought to the Public Prosecutor, charged with trafficking for labour.<sup>185</sup>*

The US trafficking in persons report mentions that there are many migrants forced to work in the agriculture or construction industry in debt bondage<sup>186</sup>. The relative information is, however, scarce, imprecise and incomplete.

#### **2.8.4. Trafficking for beggary**

Trafficking for beggary is a very well developed business with numerous victims.

Bringing in compatriots or migrants from other countries and exploiting them presents all the characteristics of trafficking.<sup>187</sup>

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<sup>185</sup> Ανώνυμος, 'Είχαν Ως Δούλους 31 Εργάτες', *ETHNOS*, 03-10- 2005, Νίκος Δεμισιωτης, 'Κρατούσαν Σκλάβους 31 Εργάτες Σε Υπόγεια', *APOGEVMATINI*, 03-10- 2005.

<sup>186</sup> U.S. Department of the State, 'Trafficking in Persons Report 2009-Greece', (Washington, DC, 16. June. 2009).

<sup>187</sup> Δ.Ι.Ασ., 'Τους Έβγαζαν Στη Ζητιανιά!', *Θεσσαλονικιώτικοι Ρυθμοί -Έγκλημα-Salonica News* (updated 12-04-2009) <[http://salonica-news-astinomika.blogspot.com/2009/04/blog-post\\_9591.html](http://salonica-news-astinomika.blogspot.com/2009/04/blog-post_9591.html)>, accessed 18-11-2010, Πέτρος Καρσιώτης and Μαρία Ψαρά, 'Η Μαφία Της... Επαιτείας Στους Δρόμους Της Αθήνας', *ETHNOS*, 22-11-2009 2009 p. 36, 37, Ανώνυμος, 'Εξωθούσαν Συμπατριώτη Τους Σε Επαιτεία', *ELEFTHEROTYPIA*, 12-10- 2009, Αριστείδης Μάτιος, 'Δουλεμπόριο. Εισαγωγή Ζητιάνων Από Τα Βαλκάνια', *MACEDONIA*, 26-04- 2008.

- Deception is used, as they usually promise to the migrant to find work for him/her. In case of invalids they might lure them with offering to bring them to Greece for treatment.
- Force is being used in recruitment, particularly in the case of disabled people. For example they might be abducted. Disabled persons might also be taken away by paying little money to their families.
- Their personal documents are withheld.
- They are sheltered under awful conditions, in crowded places or very precarious shelters where the absolute necessary is missing
- They provide them with shelter and food and retain all the money they get
- They are forced to beg and are closely supervised. Their movements and their liberties are completely restricted, some times they are locked in the building where they spend the night.
- Traffickers have recourse to intimidation and force. Beggars are expected to bring every day a predefined amount, if they do not, they are punished. In frequent cases physical violence is being used, including torture and infliction of injuries<sup>188</sup>.

Among those forced to beggary a significant category constitute the disabled people. The number of disabled people introduced in Greece is very large. Another category is mothers with young children. Trafficking of young children was very extended in the past, but it is not so common any more. The pick was at the end of nineteen-nineties with Albanian children being bought, rented, kidnapped or lured and deceived to come to Greece to beg. According to Terre des Homes, throughout the decade of 90ies thousands of Albanian children worked in the streets of Greek cities, being in their majority victims of trafficking.<sup>189</sup>

There is a large number of examples of cases of trafficking for begging or of the police dismantling relative networks, where elements of trafficking are evident. In most cases perpetrators and victims originate from Bulgaria and Rumania. In the following we will present some of these examples. There are many more of them.

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<sup>188</sup> Headquarters of the Hellenic Police, 'Annual Report on Organised Crime in Greece for the Year 2004. Open Version', (Athens, 2005), 1-41., see p.13.

<sup>189</sup> Pierre Philippe and Vincent Tournecueillert, *The Trafficking of Albanian Children in Greece* (Lausanne: Terre des Hommes, 2003) 1-40.

- *A couple from Bulgaria was luring compatriots of theirs by promising them to bring them in Greece, secure them residency and place them in specialized institutions. When they arrived in Greece they asked them to beg so that to earn the money they needed waiting to be placed to the institution. Each morning they brought them at different traffic light posts. At noon they collected them and returned them to the apartment where they were sheltered and took the money<sup>190</sup> <sup>191</sup>.*
- *A 30 years old Bulgarian exploited his old and invalid father, whom he brought every day to beg, usually outside churches. Even after arrest the old man was afraid to speak to the police. Finally, he admitted that his son forced him to beg, took all the money and offered only food to him<sup>192</sup>.*
- *A Bulgarian man exploited 6 compatriots of his who were invalid, among whom one underaged. Each morning he took from the invalids their artificial members away and brought them to beg. In the evening when he brought them back, he took most of their money and returned to them their artificial members.<sup>193</sup> The police has characterized the case as one of trafficking in human beings.*
- *A three membered network was bringing into Greece persons with special needs and forced them to beg. After the network was dismantled, one of the victims said that he had conceded to come to Greece, the other, who missed both his legs, said that they had bought him for 1.000 leva. Both victims said that they forced them to beg and to turn in most of the money they collected. The network offered them just food and shelter. The exploiters intimidated them and even physically abused them, when they did not bring the expected sum of money<sup>194</sup>.*
- *Two young men of 19 and 20 years of age had brought a sixty years old compatriot, whom they forced to beg during the day. In the evening they took the money he had collected and locked him up in a car, where he spent the night.<sup>195</sup>*
- *A network composed of Rumanians recruited young people with special needs in Rumania and promised to find regular work for them and their families. They brought them to Greece and placed them in apartments they rented at the centre of Athens. The police located three such apartments, each with 17-20*

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<sup>190</sup> Ανωθυμος, 'Εξάρθρωση Κυκλώματος Εκμετάλλευσης Αναπήρων Μεταναστών', *KATHIMERINI*, 12-04- 2009.

<sup>191</sup> Δ.Ι.Α.σ., 'Τους Έβγαζαν Στη Ζητιανιά!',

<sup>192</sup> Ανωθυμος, 'Βιομηχανία Επαιτείας Με Ιστορίες Φρίκης', *akida-eu-blogspot.com* (updated 10-07-2009) <[http://akida-eu.blogspot.com/2009/07/blog-post\\_08.html#uds-search-results](http://akida-eu.blogspot.com/2009/07/blog-post_08.html#uds-search-results)>, accessed 15-06-2010

<sup>193</sup> Ελληνική Αστυνομία, 'Σύλληψη Επτά (7) Αλλοδαπών Για Επαιτεία Και Εμπόριο', *Press Release* (Αθήνα: Γενική Αστυνομική Διεύθυνση Αττικής, 12-09-2009)., Ανωθυμος, 'Τους Εξωθούσε Στη Ζητιανιά. Έκλεβε Τα Τεχνητά Τους Μέλη Για Να Τους Εξωθήσει Στην Επαιτεία', *ELEFTHEROTYPIA*, 14-09-2009 2009.

<sup>194</sup> Β. Κ., '«Αγόραζαν» Ανάπηρους Και Τους Ανάγκαζαν Να Επαιτούν', *ANGELIOFOROS*, 13-10- 2009.

<sup>195</sup> Ανωθυμος, 'Εξωθούσαν Συμπατριώτη Τους Σε Επαιτεία'.

*persons. The victims were placed each morning at central points in Athens to beg, the members of the network watching them from a close distance. Each of the victims was forced to give to the traffickers 20-70 euro every day. The police was able to locate 44 victims, among whom 6 babies and 7 underage children with their mothers.<sup>196</sup>*

The extent of trafficking for begging is such that in the latest piece of legislation concerning trafficking (L. 3875/2010), special mention is being made to trafficking for beggary.

### **3. TRAFFICKING AS RECORDED IN THE POLICE STATISTICS**

As we have seen in the previous paragraphs, on the basis of the limited information that was possible to gather, trafficking for labour in Greece is expanded, manifesting itself under various modalities.

Nevertheless, trafficking situations are not recognized as such. Many among the genuine trafficking cases will never be treated under the anti-trafficking legislation.

As a result the cases that have been actually recognized as trafficking for labour cases are very few.

The cases recognized as trafficking cases appear in the police statistics. Police statistics are generally understood to represent the activity of the police rather than the state of the art concerning the different offences. In the case of trafficking for labour the small number of offences recorded reflects not merely the police activity, but underlying that, the degree of recognition of this phenomenon and the offense it represents by the different stakeholder and the society at large. To be noted here that the small number of the offenses recorded is not characteristic of the Greek case; it is a common problem shared by all European countries that have adopted an anti-trafficking legislation.

#### **3.1. Statistical information**

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<sup>196</sup> Ελληνική Αστυνομία, 'Σύλληψη Δύο (2) Μελών Κυκλώματος Εμπορίας Ανθρώπων, Με Σκοπό Την Επαιτεία', *Press Release* (Αθήνα: Γενική Αστυνομική Διεύθυνση Αττικής, 30-04-2009).

Following the passing in Greece of the law concerning trafficking in human beings in 2002 (L. 3064/2002), trafficking appears in the criminal statistics of the police as a distinct offence.

The statistics provided by the police since 2003 on the offence of trafficking in persons and appearing in the Hellenic Police website, provide, the number of cases, the number of offenders and the number of victims.

Offenders and victims are distributed on the basis of citizenship in all years.

Since 2005 victims are also distributed on the basis of the variables gender and adults/minors.

Since 2005 we have also the distribution of cases on the basis of type of trafficking: sexual exploitation, trafficking for labour, illegal adoption and trafficking for the removal of organs

Further, statistical information is provided concerning the victims that have been offered assistance according to the law and those that have been recognized as victims by the Public Prosecutor.

In the following we will present some tables with information of interest in order to provide an overall picture of the trafficking cases detected. In the last table, Table 4, cases are distributed on the basis of type of trafficking.

**TABLE 1**  
**Distribution per trafficking cases, perpetrators and victims for the years 2003-2009**

Years	2003	2004	2005	2006	2007	2008	2009
Cases	49	65	60	70	41	40	66
Perpetrators	284	288	202	206	121	162	303
Victims	93	181	137	83	100	78	125

Source: Ministry of Citizen Protection

Below we present two Tables: Table 2. for the year 2007 on the basis of citizenship gender and adult/children and Table 3. for the year 2008, year for which we had information only on the variable citizenship.

**TABLE 2**  
**Distribution of victims of trafficking per citizenship, gender, adult/underage for the year 2007**

<b>Citizenship</b>	<b>Men</b>	<b>Women</b>	<b>Underage</b>	<b>Total</b>
Albanian	-	1	-	1
Bulgarian	10	15	1 (baby)	26
Lithuanian	-	-	1 (girl)	1
Moldavian	-	2	-	2
Nigerian	-	4	1 (girl)	5
Ukrainian	-	3	-	3
Rumanian	21	20	2 (girls)	43
Russian	-	18	-	18
Sudanese	-	1	-	1
<b>Total</b>	<b>31</b>	<b>64</b>	<b>5</b>	<b>100</b>

Source: Ministry of Citizen Protection

**TABLE 3**  
**Distribution of victims of trafficking per citizenship, for the years 2008-2009**

<b>Citizenship</b>	<b>2008</b>	<b>2009</b>
Albanian	5	5
Bulgarian	23	28
Brazilian	-	1
Georgian	-	1
Greece	-	2

French	1	-
Lithuanian	1	3
Nigerian	2	10
Hungarian	1	3
Uzbek	-	2
Ukrainian	1	1
Rumanian	25	51
Russian	19	12
Serbian	-	1
Slovakian	-	3
Total	78	125

Source: Ministry of Citizen Protection

In Table 4. appears the distribution of cases of trafficking on the basis of type of trafficking for the years 2005-2009.

**TABLE 4**  
**Distribution per type of trafficking for the years 2005-2009**

Year	sexual ex- ploitation	trafficking for labour	Illegal adoption	Trafficking of organs	Total
2005	59	1	-	-	60
2006	66	4	-	-	70
2007	29	11	1	-	41
2008	37	2	-	1	40
2009	?	14	?	?	66

Total	66	13	1	1	81
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Source: Ministry of Citizen Protection

Unfortunately the police is not informed about the development of cases that have been referred to the court. Consequently Police is not in a position to provide information concerning convictions.

From the US report on trafficking in persons we have relatively the following information: The government reported 32 new convictions of trafficking offenders, 12 cases acquitted, and 42 ongoing prosecutions in 2009, compared with 21 convictions, 17 acquittals, and 41 ongoing prosecutions in 2008. The average sentence for trafficking offenders was approximately 11 years with fines. Here again no distinction is made between the different types of trafficking<sup>197</sup>.

Concerning specifically trafficking for labour the number of cases that have been referred to the court is extremely small. If there are any convictions these must not be more than 2-3 and there are no cases for which final ruling is reached.

## 4. THE INSTITUTIONAL FRAMEWORK

### 4.1. The legal status of trafficking for labour exploitation

*by Apostolos Kapsalis*

Although the phenomenon of trafficking for labour exploitation has been booming for decades in the Greek case, the legislative immunity of the Greek legal system is relatively recent, up to a certain point resulting from the relevant developments on international level. The geopolitical position of the country, the massive and unregulated influx of hundreds of thousands of economic immigrants in the last 20 years, combined with the timidity and inexperience of the Greek state to effectively intervene in the field of cross-movement and trafficking, are the three important factors fostering an environment of systematic and widespread violations of fundamental human rights.

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<sup>197</sup> U.S. Department of the State, 'Trafficking in Persons Report 2010. Country Narratives G-J', (Washington, DC, 2010), 158-60.

Not infrequently, particularly in cases where illegal activities through which large amounts of money is being trafficked, the institutional framework very quickly proves inadequate to address the problem effectively. The legislation on human trafficking in our country makes no exception.

A large number of other terms of law and in particular the spirit of legislations relating in an indirect way to potential victims of crime (immigration policy, legal protection of social rights, integration policies of vulnerable social groups) contribute to the up to now limited success in tackling the problem of trafficking, both on preventive and on punitive level.

With stringent penal provisions of law that focus on punishing the very heinous of behaviors, such as human trafficking, slavery, procurement or forced begging, the Greek society is not drastically shielded against the increasing risk of growing phenomena of trafficking in the current economic-political circumstances. The effects of the financial recession on the real economy of a country that has resorted to the international support mechanism for survival are expected to broaden the area traditionally lying 'in-between' the formal and legal, by all means, professional activity and the genuine «trafficking» for labour exploitation cases, particularly in regard to migrant populations.

#### **4.1.1. Presentation of the current institutional framework**

##### ***1. a. About human trafficking***

Until very recently, the legal framework which was in force in Greece was inadequate to cope with human trafficking, as human trafficking was not independently punished, but with specific clauses of the Penal Code only certain acts, such as pimping (KP 349), the exploitation of prostitutes (PC 350), the slave trade (PC 323) and solicitation to prostitution (PC 351) were punished.

The victims, more often than not without a residence permit, were involved in a process of detection, arrest, detention and deportation without being given any legal, psychological, medical or other material sup-

port<sup>198</sup>. Law 2910/2001 regulated the criminalization and the control of illegal immigration but without meeting either trafficking or victim protection, with the exception of the term of law of Article 44 § 7, with which it was within the Prosecutor's discretion to recommend the suspension of deportation of foreigners without a residence permit until the issuing of an irrevocable decision on the alleged acts, on condition that they reported the fact that they were victims of procurement.

Undoubtedly the adoption of the **law 3064/2002** "*Fighting trafficking, crimes against sexual freedom, child pornography and generally the economic exploitation of sexual life and assistance to victims of such acts*" was a new departure in the relevant Greek legislation. With the terms of this law apart from the slave trade, modern forms of trafficking and in particular trafficking for labour and sexual exploitation are now dealt with. Note that most such offenses are classified as felonies and severe penalties are established, including in some cases life imprisonment.

Alongside Law 3064/2002:

1. In the case of indictable offences prosecution takes place ex-officio
2. The crime of child pornography is enacted for the first time
3. The sexual abuse committed by an adult against a minor under payment or other tangible rewards is enacted as a special case compared with simple seduction
4. The punishment for acts of solicitation to prostitution and of lewdness, even when committed abroad, is provided
5. Acceptance of services from victims of human trafficking, while being aware of their condition as victims, is criminalized
6. Provisions for the protection of victims of such crimes are provided

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<sup>198</sup>Papagiannopoulou Matina, *The phenomenon of transnational trafficking in Greece and internationally*, Centre for Women Studies and Research, 2007.

In particular, in terms of the last dimension, the **Presidential Decree 233/2003**<sup>199</sup> regulates in detail issues of assistance to victims of crimes related to trafficking specifying the relevant legislative provision of Article 12 of Law 3064/2002. It states that protection for victims is provided for as long as there is a risk of life, physical integrity and personal and sexual freedom, **whether they cooperate with the prosecuting authorities or not**<sup>200</sup>.

Assistance is offered for as long as it is judged as necessary by competent agencies, among which NGOs were included for the first time in addition to Ministries and other relevant departments. The direct and free medical and hospital care is provided together with legal assistance and interpretation/translation, as well as participation in special vocational training programs for underage victims.

With a **joint ministerial decision**<sup>201</sup> of the Ministers of the Interior and Health and Welfare, the Project Management Team was established which comes under to the Ministry of Health and has as duty to protect and assist victims of trafficking. This is pursued through the coordination of jointly responsible ministries, the recording and evaluation of cases of trafficking and the issuance of interpretative circulars to implement the Presidential Decree 233/2003.

Also, for the protection of the victims of trafficking who are in the country without any legal title in their possession and in the case of complaints for offenses related to trafficking and promoting prostitution, the above may be granted temporary residence permit, valid also as a work permit (**Article 34 paragraph 7 of Law 3274/2004**, "*Organization and operation of first and second grade bodies of local government*").

Extremely important regulations on the issue of human trafficking were

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<sup>199</sup> Entitled "*Protection and assistance to victims of crimes of Articles 323, 323A, 349, 351 and 351A of the Penal Code in Article 12 of Law 3064/2002*". The title of the Presidential Decree was replaced by the third paragraph of Article 4 of Act 3875 as follows "*protection and assistance under Article 12 of Law 3064/2002 for the victims of the crimes of Articles 323, 323A, 323V, 348A, 349, 351 and 351A Penal Code and article 87 paragraphs 5 and 6 and 88 of Law 3386/2005*".

<sup>200</sup> As now provided in Article 1 paragraph 1 of the Presidential Decree after the amendment, with Article three paragraph 5 of Law 3875.

<sup>201</sup> Number **DY1d/oik. 109152/11.06.2003** Joint Ministerial Decision.

included in the recent **Law 3386/2005** "*Entry, residence and social integration of third country nationals in the Greek territory*". Specifically in Chapter I (*Issue and renewal of residence permits to victims of trafficking or illegal trafficking on immigrants*<sup>202</sup>) is provided that to a third country national who has been recognized as a victim of trafficking by an act of the competent Public Prosecutor a residence permit of twelve months is issued if he/she cooperates in combating human trafficking, which is renewed each time for one more year in order to facilitate ongoing investigations or criminal proceedings.

The residence permit ensures access to employment and medical and health care. Before granting a residence permit, the competent Public Prosecutor provides the victims of trafficking with the reflection period of one month (which can be extended in the case of minors), in order to recover, to escape from the influence of the perpetrators of the relevant crimes and in order to become able to take an unbiased decision as regards their cooperation with the law enforcement authorities.

**Law 3536/2007** "*Special provisions relating to immigration policy and other issues concerning the Ministry of the Interior, Public Administration and Decentralization*" and Article 11, paragraph 3<sup>203</sup> stipulates explicitly for the first time that the recognized victims of trafficking are not deported and any deportation order is suspended under what is stated in paragraph 2 of Article 12 of Law 3064/2002.

Finally, very recently, just in August 31, 2010, the United Nations Convention against Transnational Organized Crime and its three additional protocols were ratified by Law. Indeed, as stated in the preamble to the new **Law 3875/2010**<sup>204</sup>, the Greek legislator had already covered most of the issues raised by the Convention, but in any case, the Palermo Convention is a comprehensive legal basis for the promotion of the cooperation between State-Parties to prevent and combat transnational organized crime.

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<sup>202</sup> As entitled now after the amendment made to Article 6 of Law 3875/2010.

<sup>203</sup> By which the second section of paragraph 3 of Article 48 of Law 3386/2005 is replaced.

<sup>204</sup> Entitled "*Ratification and implementation of the UN Convention against Transnational Organized Crime and its three Protocols thereto and related provisions*".

In the remaining 11 articles of the ratification of the Palermo Convention Act, are introduced the necessary, according to the Greek legislator, additional provisions in the existing institutional framework, particularly in specific articles of the Criminal Code (187 and 323A), the Law 3064/2002 and Presidential Decree 233/2003, in Law 3386/2005, the Codes of Criminal and Civil Procedure and a number of other laws, such as 3226/2004, 2928/2001, 3691/2008 and 3251/2004.

### *1. b. Especially for the case of Article 323 A of the Penal Code*

The two main provisions of the Criminal Code that punish acts of trafficking are the acts of law 323A (human trafficking) and 351 (solicitation to prostitution), which by Law 3064/2002 were included in the list of indictable offences for money laundering.

In particular, Article 323A, which was first introduced into the Greek legislation by Law 3064/2002, is facing three of the most despicable forms of trafficking, namely, labour exploitation, the removal of body organs and the recruitment of minors to their use in armed conflict. The article states the following:

*1. Anyone using violence, threats or other coercive means or the imposition or abuse of authority, hires, transfers, promotes within or outside the Greek territory, detains, encourages, delivers with or without any exchange to another party or receives from another party a person for the purpose of removing **tissue**<sup>205</sup> or body organs or of exploiting himself or another person his work or **begging**<sup>206</sup>, is to be punished with imprisonment of up to ten years and a fine of between 10000 and 50000 Euros.*

*2. With the same is punishable the perpetrator if, in order to achieve the same purpose, he extorts the consent of the person using fraudulent means or drifts the victim, taking advantage of his/her vulnerable position, with promises, gifts, payments or other benefits.*

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<sup>205</sup> An addition that was fulfilled with article 2, paragraph 4 of Law 3875/2010.

<sup>206</sup> *Idem*.

3. *Anyone who knowingly accepts the person's work and services, who is under the conditions described in paragraphs 1 and 2, **or the proceeds from the begging of that person**<sup>207</sup>, shall be punished with imprisonment of at least six months.*

4. *With at least ten years incarceration and a fine from 50000 to 100000 euro the perpetrator is punished in accordance with the preceding paragraphs, if the act: a) is against a minor **or a person physically or mentally disabled**<sup>208</sup>, b) is performed professionally, c) is performed by a civil servant who commits or takes part in the act taking advantage of his position d) resulted in the serious physical harm of the victim.*

5. *Anyone who uses the means of paragraphs 1 and 2 to recruit a minor for use in armed conflict is punishable by imprisonment of at least ten years and a fine between 50000 and 100000 euros.*

The legislator taking into account the fact that the acts of trafficking are generally not committed by individuals, but as part of organized criminal networks, included all illegal acts performed by the first person who approached the victim until the last being the ultimate "recipient" of the victim and his labour.

Basic elements that constitute the crime of trafficking for labour exploitation in the framework of the first paragraph of the law, is the use of violence or threats or forcing the victim in any way or the imposition or abuse of power on the perpetrator's part in view of exploitation of his labour by himself or by someone else.

The same criminal treatment is reserved by the legislator even in the case that the perpetrator has obtained the "consent" of the victim. This consent, however, is not the result of free decision, but has been extorted either via hiding the true purpose of the offender's acts and the simultaneous presentation of false information, that is, via deception, or via "brib-

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<sup>207</sup> Idem.

<sup>208</sup> Idem.

ery" of the victim, who is in a vulnerable position. In both cases the offender effectively deceives the victim thus affecting his true will<sup>209</sup>.

By introducing the concept of "vulnerable position", the legislator sought to protect certain vulnerable groups such as non-nationals, women and minors, believing that they can easily be at disadvantage.

With the recently voted Law 3875/2010 some important provisions are introduced in the field of combating trafficking for labour exploitation, modifying several provisions of the current institutional framework, most notably of Law 3386/2005, Presidential Decree 233/2003 and Article 323A of the Penal Code.

A major innovation in the new law (by modifying the relevant provisions of Law 3386/2005) is the recognition of the status of victims of *trafficking in migrants*<sup>210</sup> and the corresponding (to that of a victim of trafficking) instituting of proceedings for their assistance and protection. In this way the necessary conceptual distinction between the often liable to confusion crimes of *trafficking* and *smuggling* is ensured without, however this distinction to have any impact on the fields of punishing offenders and protecting victims.

Moreover, the right to recognition as a victim of illegal trafficking in migrants is secured, even if not prosecuted by the victim. The new Article 1 of Law 3386/2005 that refers to definitions provides explicitly in its first paragraph<sup>211</sup> the following:

*"i. Victim of trafficking is both the person for whom there are reasonable grounds to be considered victim of any of the crimes under Articles 323, 323A, 323B, 348A, 349, 351 and 351A of the Penal Code before prosecution procedures start for this, and that against whom any of the crimes for initiating criminal proceedings was committed, regardless of whether he has entered the country legally or illegally.*

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<sup>209</sup> Nostos (DP), *Guide to civil rights and international law for victims of trafficking*, Equal, 2006

<sup>210</sup> Meaning trafficking or smuggling migrants into Greece

<sup>211</sup> The below mentioned articles of the Criminal Code relate specifically to the following: 323 (slave trade), 323 A (human trafficking), 323 B (human trafficking), 348 A (child pornography), 349 (pimping), 351 (solicitation to prostitution), 351 A (lewdness against a minor under fee).

*ia. A victim of trafficking in migrants is both the person, for whom there are reasonable grounds to be regarded as victim of any of the crimes provided for in Article 87 paragraph 5 and 6 and 88 [Law 3386/2005] when committed by criminal organizations according to Article 187 paragraph 1 of the Penal Code, before the criminal prosecution for this starts and the person against whom have been committed any of the crimes for which the criminal prosecution has been initiated, if he has entered the country illegally".*

In the paragraph 2a of the new Article 1 of Law 3386/2005 what is provided, inter alia, is that "*The designation "victim of trafficking in human beings" ... is given by an Act of competent Prosecutor of First Instance Court, both after the initiation of criminal proceedings ....and before prosecution starts for any of these offenses. [...]. The act of characterization is issued even when the victim does not cooperate with the prosecuting authorities in cases where the Prosecutor considers that these conditions are completed according Article 1 paragraph 2 of Presidential Decree 233/2003<sup>212</sup> or the victim does not cooperate because of threats directed against members of his family who are in Greece or in his country of origin or elsewhere and that, if not protected or if deported, the aforementioned persons are facing a direct danger"*.

In addition, in the new Article 44 of Law 3386/2005 is specified that the residence permit for humanitarian reasons is granted even if the victim does not cooperate with the prosecuting authorities, provided that the competent Prosecutor of First Instance Court has proceeded in the act of characterization, in accordance with the previously mentioned.

Other important reforms are undoubtedly the prolongation of the reflection period (from one month to three months under the new Article 46) and the obligation to delete the relevant individual, characterized as victim of trafficking or of illegal immigration, from the list of undesirable non-nationals (new Article 82 par. 6 Law 3386/2005).

Finally, regarding in particular Article 323A of the Penal Code, traffick-

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<sup>212</sup>“*For the purposes of this decree, victims of these crimes are characterized those individuals, nationals or non-nationals, who have suffered direct damage to their physical integrity or their personal or sexual freedom or is there a serious risk as regards these blessings or their lives*”.

ing for labour exploitation is expanded by providing punishment of such acts with a view to exploiting the victim through extrusion into begging. So far these crimes remained unpunished because the offense could not be brought under the legal framework of Article 323 (slave trade), or that of Article 409 (negligence of prevention from begging or vagrancy) of the Penal Code.

Specifically, in regard to begging, as stated in the preamble to the Law 3875/2010, the non-prosecution of the act under Article 323 of the Penal Code is due to the fact that begging is not considered work, but a request to a stranger to show mercy on the grounds of poverty or destitution. Correspondingly, in the objective and subjective elements of Article 409 of the Penal Code are not present the key features of trafficking, namely the use of coercive or deceptive means and the exploitation of the individual.

#### 4.1.2. Review of the institutional framework

The legislator's need to include begging in the terms of law relating to trafficking for labour clearly demonstrates that in the case for this category of heinous crimes the institutional framework proves to be inadequate due to constant deterioration of the phenomena of exploitation and trafficking. Moreover, according to the annual Trafficking in Persons (TIP) Report for 2009 released by State Department Greece is again assessed at "Tier 2"<sup>213</sup>, "the midpoint of three levels measuring effectiveness in the prevention, protection, and prosecution of human trafficking. TIP report notes that the Greek government increased overall funding toward victim protection and demonstrated strong law enforcement efforts. However, the report also notes insufficient progress in Greece on punishing trafficking offenders, proactively identifying victims, providing reliable shelter facilities for trafficking victims, and specifically targeting domestic audiences with sex and labour trafficking prevention campaigns.

Some researchers believe<sup>214</sup> that the Basic Law, the Law 3064/2002 does not cover the phenomenology and the breadth of the problems / consequences of trafficking in human beings on the social, economic and po-

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<sup>213</sup> Tier 2": not fully compliant with minimum standards but making significant efforts to do so.

<sup>214</sup> Papagiannopoulou Matina, *The phenomenon of transnational trafficking in Greece and internationally*, Center for Women Studies and Research, 2007.

litical level, nor does it include a clear definition and specific protection measures to regulate the critical issue of victim assistance. Moreover, despite legal regulations, trafficking is not faced as a problem of violations of the human rights of migrants, particularly of women and children, but as a transnational crime of illegal population movement to be dealt with through suppression rather than protection of victims.

The fact is that certain terms of law, as it was at least the case before the recent revision of 2010, depended several aspects of the victim protection on his/her cooperation with the prosecuting authorities, which violated the fundamental principle of non-discrimination of victims before the law<sup>215</sup> and simultaneously Article 12 par. 6 of the European Convention on Action Against Trafficking "*each party shall adopt such legislative or other measures as may be necessary to ensure that assistance to a victim is not made conditional on his or her willing to act as a witness*".

In any case, despite the extent of trafficking for labour, the number of judicial decisions is extremely limited.

In one of these decisions<sup>216</sup> the importance of provision of begging as a form of trafficking by Law 3875/2010 was amply demonstrated. In this case, the perpetrators who induced two Albanian minors to beg having received the explicit approval of their parents' in their country of origin, for the sum of 170,000 drachmas, could not be prosecuted for the offense of Penal Code Article 323 (slave trade). The only reason for not referring the offenders to Article 323A was that the crime of trafficking was not standardized at the time of the offenses, so they were eventually referred for other crimes, including incitement to beg (Article 409 Penal Code, which the court describes as a form of trafficking for labour exploitation).

Subsequently, the decision of the Supreme Court 917/2008 provides, *inter alia*, an extremely useful interpretation of the notions of "*consensus*" on the part of the victim and that of his" *vulnerable position*". In this case,

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<sup>215</sup> Athanassia P. Sykiotou, 'Legislative Measures against Trafficking in Human Beings. International and European Legislative Measures against Trafficking in Human Beings', in Antonios K. Papantoniou and Maria Papantoniou-Frangouli (eds.), *Demand of Stolen Lives. Researching the Demand Side of Trafficking (Destoli). Final National Field Report in the Frame of the European Programme Agis* (Athens: KSPM, 2008), vol 2. pages 1-78.

<sup>216</sup> 185/2003 Magistrates Council of Thessaloniki.

the perpetrator by profession, an Albanian national, deceived the parents of minor children that he brought to Greece, and induced them to sell paper tissues, by providing them with the false promise that they would work in decent conditions along with him and that they would send part of the money they earned in Albania.

The perpetrator, taking advantage of the economic vulnerability of their parents through fraudulent means, extracted their consent to entrust to him their children, the consensus of whom derives on the one hand from the consent of their parents and on the other from the belief that through this kind of "work" for the benefit of the perpetrator, the children would allegedly help the financial situation of their parents.

Without this broad interpretation, the fact of the decent standard of living of the minors in the residence of the offender and his family, coupled with their ability to move freely inside or outside the home of the offender, would render punishment difficult even on the basis of the paragraph 2 of Article 323A of the Penal Code, since the elements in paragraph 1 (coercion, violence) were not met in this case.

It is clear that the forms of committing the crime of trafficking for labour exploitation are too many and no relevant national criminal legal framework, no matter how detailed and specific it may be, can, by itself, provide the desired effect, especially on prevention. The broad wording of the law in classifying a crime as trafficking for labour exploitation, particularly when the legislation is relatively recent, is no guarantee for an equally broad use of this law in practice.

It is up to the competent state bodies to investigate and refer many relevant cases to the Greek courts and up to the Greek courts via their judicial decisions to develop the appropriate jurisdiction so much concerning the content of objective and subjective substance of crime, as the severity of penalties imposed.

Above all, what is required is the political will for effective and decisive intervention by the competent bodies and authorities (police, labour inspectorate, control mechanisms, social security institution) for the preventive and repressive treatment of the modern plight of trafficking for labour exploitation.

This results directly even from certain judicial decisions. According to an enactment of the Appeals Board of Thessaloniki (491/2007) were brought to trial three Bulgarian citizens, members of a circuit recruiting fellow countrymen at home, even spouses, with the aim of labour exploitation, sometimes "providing" the victims to other employers for various types of labour and sometimes "exploiting" themselves their labour (case Thessaloniki/Adendron, mentioned in the paragraph on trafficking in agriculture)

Apart from the issue of the concurrence of various crimes relative to trafficking, the judge, after making mention of the importance of the adoption of Law 3064/2002 characteristically notes: "*with the legislative coverage on the relatively new phenomenon in our society, namely the exploitation of man by man in within the employment relationship, this phenomenon has not shrunk, against which obviously conditions that prevent its creation need to be established, namely the development of education, the combating of poverty and the development of employment policy in those countries where the above phenomena occur*".

Moreover, it is necessary to take extra care on a legal level in host countries and especially in light of the protection of fundamental rights (in particular) of vulnerable groups (migrant populations, women, minors). The provisions of immigration policy are not blameless in creating the essential conditions for the commission of the offenses of trafficking for labour exploitation or indeed illegal trafficking in migrants.

Host countries in planning their immigration policies intend, inter alia, to control the number of migrants entering the territory, regardless of the particular category, actual or alleged to which they belong (immigrants, refugees, victims of trafficking, etc.). Since in many cases this is the dominant objective, they often overlook the particular aspects and the root causes of trafficking in persons as well as the need to protect their human rights<sup>217</sup>.

According to a widespread view, vulnerability to labour exploitation is often exacerbated by current complex and restrictive migration regimes, the complexity and restrictive nature of labour laws and the harsh exclu-

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<sup>217</sup> Kyriaki Tenia, *Human Trafficking*, Law Library, 2010.

sions from welfare provisions in several European states<sup>218</sup>. The particular statement seems to be inspired by the Greek case.

First of all, the restrictive immigration policy on EU level, which now renders “legalization” of immigrants with mass procedures impossible and is even extended to the deportation of EU nationals on the ground of their culture and behaviour<sup>219</sup>, combined with the global economic recession and the effects of climate change on third world countries are factors intensifying the phenomenon of trafficking of the typical economic migrants and environmental refugees to host countries.

In these countries, the immigration law would force these people into squalid living conditions and working at the limits of forced labour. In Greece, the spirit and letter of the regulations governing the renewal of residence permits render immigrants’ hostages to the moods of the individual who employs them<sup>220</sup>.

More concretely, the normally<sup>221</sup> short-term work permits (formerly separate residence and work permits) are renewed if the employer a) meets at a predetermined level (usually 150 stamps per year) the social security obligations and b) concludes a written employment contract with the person concerned.

In this way, however, a relationship of overdependence of the legal status of immigrants from the employer's willingness to respect the legitimacy (without practically any consequence for the employer if he does not) is formed, and the unequal treatment of the migrant worker as regards his work contract, as its written form is generally optional in the Greek labour law, is reinforced.

Thus, the "delegalisation" and the threat of its occurrence in conjunction

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<sup>218</sup> Anker (van den) Christiane, *Rights and responsibilities in trafficking for forced labour: migration regimes, labor law and welfare states*, Web journal of current legal issues, 2009.

<sup>219</sup> As in the case of the Roma since 2006 in Italy and very recently in France.

<sup>220</sup> Apostolos Kapsalis, *Undeclared work and 'legalization' of immigrants*, Studies, INE / GSEE-ADEDY 27, 2007.

<sup>221</sup> The possibility of obtaining the status of long-term migrant resident was undermined in practice by exorbitant, essential and purely formal requirements on the part of the Greek legislator, resulting in very few holders of these permits, although the real beneficiaries are the majority of permanently settled non-nationals.

with the constant risk of arrest and deportation of permanently settled immigrant families, constitute, in a sense, institutional forms of coercion to work under reduced rights, or no rights, in view of an overexploitation of entire population groups. This institutional form of coercion is based on the possibility of taking advantage of their vulnerability provided precisely by the unilateral and conservative legal terms of law regulating migration.

It is easily perceived that in Greece of the current economic juncture facing the imperatives of international financial institutions and organizations for its fiscal revitalization, social insecurity, deregulation of labour relations and the erosion of legitimacy and the rule of law dominate. In other words, all those requirements for new sharp inequalities and the bankruptcy of large sections of society are met. These factors which in their turn will exacerbate the problem of trafficking and forced labour.

Moreover, the prospect of limiting the effects of trafficking for labour exploitation undermine conditions such as:

- a) Inhumane living and working conditions, at the margins of labour and social legislation, for tens of thousands of labourers from EU or third countries in the Greek countryside
- b) Abuse of apprenticeship and gaining work experience for Greek and foreign students on the tourist industry on islands and other summer resorts
- c) The largely legally unregulated work in households
- d) The promiscuity of 'contractors' of for cleaning and security services in the broader public sector.

In the case of Greece, in the era of the International Monetary Fund, the formal incorporation into national law and order of international norms, without simultaneously a sincere turn of the state towards the protection of human dignity and fundamental rights, will only have minimal effects in addressing the contemporary forms of slavery and forced labour.

Indeed, the more comprehensive and flexible the legal framework is, as

now is the case of trafficking legislation in Greece, the clearer become the institutional gaps and omissions in the consciousness of the citizens due to the expansion of human trafficking, particularly for labour exploitation, and the generalized impunity of perpetrators. The breakdown of confidence of the people in a country, native and non-native, towards legality and the institutions of democracy leads with mathematical precision to dangerous social disorders with unpredictable consequences.

## **4.2. The response of the institutions**

Through the L. 3064/2002, the offence of ‘trafficking in persons’ has been introduced into the Greek legislation. This was a new concept for the competent authorities. The first institution to respond adequately and take action was the police. On the contrary the judiciary was very slow in realizing the situation that the law addressed, comprehending the legislation and assuming their responsibilities associated to it.

The steps taken relatively by the public administration are the following:

The first administrative initiative was the establishment in July 1999 of an Inter-ministerial Committee. The Committee has been created through the decision of the Ministry of Interior and Public Administration. In 2004 under the initiative of the Ministry of Justice a new Inter-ministerial Committee was established, having as function to co-ordinate the action against trafficking. In 2006 the Ministry of Justice upgraded the committee at Secretaries General level and enhanced its powers so that it could also introduce legal proposals. The committee elaborated a National Action Plan (NAP) on trafficking. In the frame of the NAP a memorandum of understanding between competent authorities and NGO’s has been signed, with the aim to promote the protection and assistance to victims. Twelve non-governmental organizations and in addition IOM, signed the memorandum. The work of the Committee, as well as the content of the NAP, were clearly oriented towards trafficking for sexual exploitation alone.

For the implementation of the NAP a working group has been formed composed by representatives of Ministries and collaborating with IOM and the NGO’s that have been included in the memorandum of understanding, under the name National Co-ordination Mechanism & National Rapporteur.

In October 2010, a new NAP has been announced. However, as the ‘Rap-

porteur' of the Inter-ministerial Committee and of the NAP has mentioned in the workshop organised in the frame of the "Going beyond" project in Greece, this NAP is in 'progress' and hence not available for consultation. Moreover, he admitted that most actions foreseen concerning trafficking are horizontal, trafficking for sexual exploitation has been clearly privileged and that the only activity foreseen targeting trafficking for labour specifically is a campaign that addresses employers. He added that there is clearly the need for actions specific against labour trafficking.<sup>222</sup>

The police proceeded as follows:

In 2001 the Hellenic Police established the 'Task Force Against Trafficking in Human Beings' (OKEA). In OKEA participated police officials and representatives of the relevant Ministries. In its meetings were invited to assist also representatives of NGO's and experts. It aimed, among others, to prepare the revision of the legislation that led to the passing of the anti-trafficking law.

At the operational level the most significant action was the establishment of anti-trafficking units. The first to be established was in Athens in 2003 under the Security Division of the Headquarters of the Hellenic Police. The second was in Thessaloniki. Currently 17 anti-trafficking units have been established in the Police Directions of different cities of Greece.

For implementing the targets set by the NAP, the police initiated in 2006 the comprehensive multi-year operational plan 'ILAIRA', which aimed at combating trafficking for sexual exploitation, identifying cases and assisting victims in collaborations with all competent bodies. Previously to ILAIRA, various operations have been implemented, some of them at a regional level including further areas of the Balkans, that also targeted exclusively trafficking for sexual exploitation.

The police was also the first, and we would venture to say the only one, that realized the emerging significance of trafficking for labour. As aim for 2009 has been stated to be the focus on trafficking for labour. There were also thoughts of expanding ILAIRA that was out of its conception

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<sup>222</sup> Ηρακλής Μοσκόφ, 'Εργασιακό Trafficking Και Εθνικό Σχέδιο Δράσης Για Την Καταπολέμηση Της Εμπορίας Προσώπων', in Κέντρο Συμπαράστασης Παλινοστούτων Μεταναστών (ed.), *Συνάντηση Εργασίας για την «Εμπορία Προσώπων για Εργασιακή Εκμετάλλευση» στην Ελλάδα και την Κύπρο* (Αθήνα, Ξενοδοχείο TITANIA: αδημοσίευτο, 22-02-2011), Προφορική Εισήγηση.

and as its name also reveals<sup>223</sup>, oriented towards women victims of sexual exploitation, to trafficking for labour<sup>224</sup>.

Our last reference concerning measures taken will be that of the training of officials. This has taken place in large scale and was addressed to various categories of officials: judiciary, police, border guards etc. We do not have, however, information concerning whether and to what extent trafficking for labour was also tackled.

We will not proceed in describing further measures and initiatives concerning combating trafficking in human beings, as they were all addressed to trafficking for sexual exploitation and targeted women victims.

### 4.3. Assisting organizations

In Greece there are no specialized organizations for the assistance to victims of trafficking, be that for sexual or labour exploitation. We have mentioned above the 12 organizations that have signed the memorandum of understanding in trafficking in human being. This does not mean that all of them have become actually active in the fight against trafficking. Many among them run shelters and was expected that they could provide accommodation to eventual victims, be they women or children. Some might have actually done so some others may not.

The NGO's, which have some experience or involvement with trafficking cases, belong to one of the following two categories:

a) Organisations, the services of which are addressed to categories of populations in which victims of trafficking may belong. These are organizations that deal with migrants/refugees, women, vulnerable/marginalized populations, victims of violence.

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<sup>223</sup> The name belongs to the first abducted woman in the history of mankind. Ilaeira was one of the two daughters of the Leucippus, King of Messinia, and her sister's name was Phoebe. Castor and Polydeuce abducted them, although they were their cousins and already engaged to Idas and Lygheas, who were the sons of Aphareas, brother of Leucippus. This led to the lethal war between the four men, Idas, Lygheas, Castor and Polydeuce, in which the Dioskouroi latter found their uncelebrated death.

<sup>224</sup> For more detailed information about the institutional framework as well as the police operations see: Maria Papantoniou-Frangouli and Vangelio Dourida, *Working Paper on Trafficking in Women in Greece. Prepared for the Cat Ii Project, Co-Financed by the European Commission in the Frame of Agis Programme* (Athens: KSPM, 2004).

b) Organizations that, after the passing of the anti-trafficking legislation have added to the services they offered, services addressed to victims of trafficking, usually women. These are organizations that were running shelters, or have developed a shelter specifically to offer accommodation to victims of trafficking.

In the case of organizations offering services to specific groups of the population such as migrants or women, victims of trafficking might approach them and ask for assistance or a case of trafficking might be identified through the process of assistance. Sometimes organizations may not recognize victims of trafficking for labour as such and consider their case as one of labour dispute.

Overall, the actual number of cases that have received assistance by NGO's as trafficking for labour cases is negligible. Of significance to mention is that, even when a trafficking for labour case has been assisted by an NGO, the NGO does not consider that offering that type of assistance constitutes a special sector of their activities. This has become also evident from the effort that staff members, which we have interviewed, undertook in order to locate and mention to us cases of trafficking that the organization might have served.

The organizations offering shelter to women, including trafficked women, are more knowledgeable on the issue of trafficking. They are usually aware of cases of trafficked women, other than for sexual exploitation. The usual types of assistance they offer are shelter and the accompanying services. In addition organizations might provide legal assistance in court cases. The usual procedure is that the police refers cases to them.

Most of these shelters have been either established or have received additional financial assistance through a Programme targeting women, victims of sexual exploitation, launched by YDAS (Hellenic Aid International Development Cooperation Department) of the Ministry of Exterior. Certain shelters have subsequently closed down, due to the difficulties entailed in the financing through this Programme.

### *Interviewing organizations*

We have visited and conducted interviews with 5 organizations, 4 NGO's and EKA. Two among them run a shelter, where trafficked women are also accommodated. The organizations are the following:

- The NGO of the Greek Orthodox Church ‘Solidarity’ is running a shelter, under the name ‘Storgi (affection)’, for women in trouble. Since the emergence of the phenomenon of trafficking for sexual exploitation, it has focused on women victims. It collaborates with the anti-trafficking unit of the police that refers to Solidarity women that have been recognised as victims of trafficking for sexual exploitation or during the refectation period. The only victims of labour trafficking sheltered and assisted by Solidarity are 4 Romanian women referred to the shelter by the anti-trafficking unit of the police. Reference to them has been made in the paragraph on trafficking in the agricultural sector (Case 4. Peloponnese). These women, who never went through the procedure of recognition as victims, remained in the shelter for only one week and then were voluntary repatriated by IOM.
- The NGO Klimaka is an organization working on issues of mental health. In 2004 Klimaka has opened a refuge for foreign women, victims of trafficking and domestic/partnership violence, financed in the frame of the above-mentioned YDAS Programme. The refuge closed down in 2008, due to problems with the financing from YDAS. The refuge had a capacity of 12 persons. During the period of its functioning it has accommodated 110 women, among which 30 were victims of trafficking. Given its expertise on issues of mental health it could receive also psychiatric cases and in fact many of the clients belonged to that category.

Klimaka assisted trafficked women referred by the anti-trafficking unit, not necessarily recognized as victims, as well as trafficked women that arrived to Klimaka through other channels. During the 4 years of its operation it served only one case of trafficking for labour. This is a case referred by the GCR to Klimaka as a victim of domestic violence, which however, proved to be a victim of labour trafficking. This is the case of the Chechen woman described in the paragraph about trafficking in the domestic sector (**2.3. Domestic work**)

- The Greek Council of Refugees (GCR), as its name indicates, works with the asylum seekers and refugees. Since 5 years ago, it initiated a programme of legal advice and support addressed to women trafficked for sexual exploitation. In the interview they mentioned that they never had any case of trafficking for labour. This is not certain, as it is highly probable that they had cases of

trafficking, which they did not recognise as such, or were not recorded as such and consequently this did not pass in the memory of the organization. We have already mentioned the case of the Chechen woman that was referred to Klimaka as a case of domestic violence.

- Arsis (Athens, Thessaloniki, Volos) is an NGO active in the prevention of social marginalization and the promotion of integration of young people belonging to vulnerable categories as well as of other vulnerable groups of the population. It is the only organization, among those mentioned, that has among its targets the work with trafficking for both sexual and labour exploitation, however, only in relation to children and young people. It works with children that are victims of trafficking and with street children that are in risk of falling victims of trafficking.

Arsis has implemented or participated in a number of projects, national and transnational against the exploitation and trafficking of migrant children. The projects implemented since 2002 target at the location, contact, assistance, protection in collaboration with the authorities, and social integration of children-victims of trafficking. Arsis uses also pro-active methods and street-work. Arsis has worked all particularly, through transnational collaborations, with children trafficked between Albania and Greece. Has been active for their safe voluntary repatriation and in case that repatriation is either not desired or not feasible, for their integration into Greek society so that further marginalization is avoided.

The information provided by Arsis concerning trafficking in migrant children is the following:

Most of the children located are children that are accompanied by their parents. Exception made of 6 traffic light children, which are the only cases of children that have been recognized as victims of trafficking.

Concerning the children that are in Greece with their families the situation was described to us as follows: Families come to Greece with the intention to exploit the labour of their children, consequently these are cases of trafficking that are very difficult to prove. The parents can easily put forward that they are migrants and children were forced to work due to the financial difficulties of

the family. Thus, while some of these cases are cases of extreme exploitation, are not recognised as trafficking for labour, but as simple cases of child labour. In these cases Arsis, among other steps taken, works intensively with the children and their families and offers psychological and social support.

- The most productive interview was that with the “office of support to migrants” of the Labour Centre of Athens (EKA). This office has been established in 2006 making part of a project implemented in the frame of the European Initiative «Equal», 2nd cycle, with the aim to support migrants to implement their labour and social security rights in an equitable way. After the termination of the project the office survived with just one employee and the support offered by EKA. The activities of the Office consist in informing migrants about their rights, in assisting migrants to pursue their labour rights, in collaborating with other organizations and competent authorities, in developing information campaigns. For issues appearing outside the broader Athens area they collaborate with the local Labour Centres.

The office treats cases as cases of infraction of the labour legislation and does not make use of the anti-trafficking legislation. However, from the description of various cases that was provided in the frame of the interview became apparent that many met the criteria to be considered as cases of trafficking for labour. As it can be traced in this report we have made frequent references to cases provided by EKA. The collaborators were open to consider the aspect of trafficking for labour in the cases they treat and thought that it might be useful for certain among them. However, they commented that most of the cases of serious infractions of the rights of the workers were cases of seasonal workers, usually in agriculture and tourism, whose only concern was to be paid the due wages and leave the country. Consequently these cases would have little to gain from being treated as cases of trafficking.

There is an additional NGO that has a significant contribution in assisting victims of trafficking and has actually sheltered victims of labour trafficking. This is the EKYTHKA that is operating in Ioannina in western Greece and addresses its services to various categories of vulnerable and abused people. EKYTHKA has not responded to the questionnaire we have sent.

Beyond NGO's, the organizations which are officially assigned to job to offer services to victims of trafficking are the following:

- a) IOM to which the responsibility of repatriation has been assigned
- b) The National Centre for the Immediate Social Aid (EKKA). It operates a hotline; it runs two shelters for emergency accommodation immediately after detection and provides all other emergency assistance to victims, until taken over by NGO's.

## **5. CONCLUDING REMARKS AND PROPOSALS**

The description of the situation concerning trafficking that we have attempted above aimed at providing a picture, however incomplete that may be, of the situation, but also at pinpointing the problem situations linked with it and the obstacles raised in any attempt to deal with incidents of trafficking.

In this paragraph we will try on the basis of what has been said so far to formulate proposals concerning what are the conditions to be met in order to be able to deal with trafficking for labour in an efficient way and what is required in connection to interventions in the field.

Our proposals are based on the Greek experience and are elaborated and presented in direct reference to what has been established in the field. Nonetheless, in their more general formulation they might be of relevance to other contexts too.

### **5.1. Conditions to be met in order to combat trafficking for labour**

In order to combat trafficking for labour effectively the preconditions are: to become knowledgeable of the extent and the manifestations of trafficking; state and non-state actors become aware of trafficking; the approach by the judiciary be improved; and finally the offence of trafficking to be comprehended and defined in such terms that correspond to the actual situation, to the new expressions of trafficking for labour and its overall dynamic.

a) Become knowledgeable of the situation

From the description of the situation concerning trafficking for labour in Greece becomes apparent that the phenomenon remains very little known in its extent as well as in its concrete manifestations. Trafficking has been located in certain geographical areas, industries and certain categories of workers, while elsewhere conditions have been identified that would allow suspecting the presence of trafficking, but the available information did not go that far. It is thus required, as an initial step towards combating trafficking, to collect more evidence that will allow to establish the magnitude of the phenomenon, identify the areas of concern, economic, geographical, etc., identify its modalities of appearance and locate further concrete incidents.

If this does not happen what we will be addressing and dealing with will be just the top of an iceberg, while many more covered up forms of trafficking for labour will be eluding.

b) State and non-state actors become aware of trafficking

The general public is perfectly aware that something goes seriously wrong in the labour relations and that there are cases of extreme exploitation that constitute grounds for concern. However, these situations are not perceived in terms of trafficking. Usually, they are described in vague terms with non-legal consequences, such as 'medieval work conditions'.

Of much greater pertinence is that the competent bodies for controls, inspections and law enforcement are aware of the phenomenon of trafficking for labour and the relative legislation and act accordingly. This is required so that suspected cases of trafficking reach justice in the first place. Assisting organizations should also become aware. As we have seen, NGO's, workers, or pro-workers organizations, do not approach appalling conditions at workplace in terms of trafficking, but mainly in terms of the breaches of labour legislation.

This makes evident the need of awareness raising and informative campaigns, seminars, training etc., addressed to broader audiences and all particularly to specific audiences such as competent authorities, assisting organizations, workers organizations, migrants organizations and any body that might bear responsibility on the issue.

c) Improving the approach by the judiciary

Trafficking, and in particular trafficking for labour, is a new concept. Lack of familiarity with the concept and the relative offence applies also to the judiciary that needs to become better acquainted and more competent with the relative legislation and to become able and ready to recognize infractions under the specific legislation in the cases they are called to process, either as Public Prosecutors or judges<sup>225</sup>.

The law on trafficking that the judiciary is called to apply is broad and comprehensive, something that constitutes both its weakness and its strength or potential strength:

It constitutes weakness in the sense that, by not depicting with precision what comes under the offence of trafficking for labour, the member of the judiciary that is not familiarised with the legislation and with the actual situation does not find any guidance in his/her effort to establish the offence of trafficking in concreted cases. Thus many court cases pass unnoticed as trafficking for labour cases.

It constitutes at the same time a strength, as it enhances the flexibility of legal instrument, allowing, on the basis of accumulated experience, increased understanding of the situation out there, accumulation of case-law and the realization of the emergence of new manifestations of the phenomenon, to develop interpretations of the offence which are pertinent for each individual case and which can deal effectively with the new articulations of the offence.

This is illustrated in the development of approach of trafficking in women for sexual exploitation in the court cases, where is to be observed a transition from a very narrow interpretation of the law to a very broad and comprehensive one:

For sometime women were considered as victims of trafficking for sexual exploitation when abducted or thrown into prostitution by

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<sup>225</sup> Concerning trafficking for sexual exploitation in 2006 that is 4 years after the passing of the anti-trafficking legislation it is being commented that the institutions of justice are ineffective in putting into value the possibilities offered by the law. Νικολέτα Μπεχλιβάνη, 'Το Πρόβλημα Trafficking Μέσα Από Την Ελληνική Νομολογία', in Ζωή Παπασιώπη-Πασιά (ed.), Το Νομικό Καθεστώς Για Τις Αλλοδαπές Γυναίκες-Θύματα Εκμετάλλευσης Και Παράνομης Διεθνούς Διακίνησης Βιβλίο V: Ελληνικό Δίκαιο (Θεσσαλονίκη: Αριστοτέλειο Πανεπιστήμιο Θεσσαλονίκης, Νομική Σχολή 2008), 95-140. See p. 101.

being deceived with the promise of a legitimate occupation. At the very beginnings, even in such cases, judges had expressed doubts that the girl was prostituting herself against her will, putting forward the rationale that if she had not consented to prostitute herself she would have left. Later on the concept of trafficking was broadened to include women that came knowingly that they would work in prostitution, but were deceived concerning the conditions. Finally, women have also been recognized by Greek courts to be forced into prostitution on the ground that no other options of decent employment were available to them.

Hopefully the approach of the judiciary to trafficking for labour will follow a similar trajectory.

It should, however, be stressed here that it is more difficult to properly account of the offense of trafficking for labour than of trafficking for sexual exploitation as:

- -The difficulty to distinguish between coerced and voluntary work is greater than to distinguish between coerced and voluntary prostitution, and there are more subtle degradations.
- -While in the sex trade the whole business is illegal, trafficking for labour permeates the legitimate economy. It is much more difficult to discern situations of trafficking in the frame of perfectly legal modalities of employment and mainstream business.

And certainly there is much greater promptness to recognize and punish trafficking for sexual exploitation than trafficking for labour, due to the strong moral concerns linked to the first.

d) The offense of trafficking should account of a changing situation

Reviewing the history of the anti-trafficking legislation, starting with the first EU framework decision, it becomes apparent that the offence ‘trafficking in human beings’ was born in order to account more efficiently, than would have been possible with the legislation in effect, of novel, more intense and more frequent expressions of phenomena that have always existed. Indeed, the European legislation and subsequently the domestic legislation of member states have contributed in bringing the attention to the phenomenon and its new aspects and in dealing more efficiently with them.

The very fact that it was first sexual exploitation that was addressed shows that concern is driven by what appears as significant and prevalent in the social sphere, given that in fact it was sexual trafficking that was the first to be intensified through ‘new migration’, while trafficking for labour has grown to take important dimensions only in recent years.

In the run, both expressions of trafficking -sexual and labour- have acquired new manifestations following the changes in the context. The legislative framework has been improved and adapted, but mainly on the basis of the needs that arose in respect of trafficking for sexual exploitation. It is, however, trafficking for labour that is most dependent on the context, its expressions and its expansion following closely the developments in the social and economic sphere: The new conditions prevailing in the labour market, the economic crisis -particularly intense in Greece-, the generalization of corruption, globally and nationally, have led to new acute forms of exploitation of workers that easily turn into trafficking situations.

So what has to be taken into consideration by the legislative arsenal in order to be able to cope effectively with the phenomenon of labour trafficking in its actual manifestations and dynamics in the frame of a changing context are the following:

- -The wide scope of a law does not guarantee a correspondingly broad implementation of the law during legal proceedings. It is thus important, first to clarify issues that might create problems in interpretation of the law and secondly, when new issues arise as significant to specify the relative clauses so as to make sure that these issues will not elapse the attention of those that make judgements. We can bring an example from the recent law on trafficking (L. 3875/2010) complementing the previous one, where special mention is made to the exploitation of beggars as a form of trafficking. While forced beggary was tacitly included in the previous law (police in its action has recognized it as a form of trafficking), judges were reluctant to pronounce judgement on that basis (see paragraph **4.1. The legal status of trafficking for labour exploitation**).
- -Under the radically changing economic environment and labour market conditions that become increasingly characterized by flexibility and precariousness is possible that novel manifestations of

trafficking for labour appear on the basis of parameters and characteristics not foreseen by the legislation in effect. In that case the need may arise for an amendment of the legislation that allows for new forms of exploitation that brutally violate workers rights and fundamental rights to come under the anti-trafficking legislation and victims to benefit from the protection that this law provides.

Further, given the emergent polymorphism of labour exploitation all over Europe, transcending the common grounds on which the offence of trafficking for labour and sexual exploitation has been built, the need may arise for a re-conceptualization of the offence of trafficking for labour on its own terms and in relative independence from trafficking for sexual exploitation.

## **5.2. What is to be done in the field**

The experience of Greece concerning combating trafficking for labour is extremely restricted and we do not have any examples of good practice that could be of benefit to others. As a result, what we will undertake here is to present what we consider that is to be changed and improved -in the case of Greece- on the basis of what we have observed to be the actual situation.

Eventually this presentation of what is missing, is defective, or is to be improved in the Greek case, may be of benefit to others, as the reader of this report might recognise analogous situations in his/her country and realize that there are similar problems that ask for a solutions and similar needs that are to be met.

We expect that partners from countries that are a step or many steps ahead will contribute to the present Project presenting more sophisticated strategies for fighting trafficking of labour and redressing the harm inflicted to victims through the violation of their rights.

Here we will not cover all the spectrum of problems for which recommendations could be formulated. We will limit ourselves in elaborating on the issues that have to do with the role and contribution of institutional actors and describe what should be done to make their intervention in respect to labour trafficking more efficient.

### *Labour inspections*

The Body of Labour Inspectors (SEPE) is the responsible body for inspecting workplaces and for detecting violations of labour legislation. Their role is very crucial, being the only ones to come into direct contact with the sites where trafficked persons might be found or conditions might be present that foster trafficking. It is thus very important to be aware of the phenomenon of trafficking and what that represents so that they are able to detect cases and make the distinction between breaches of labour legislation and cases of trafficking for labour. However, actually there are many restrictive factors at play:

- -First, it is generally acknowledged that the number of labour inspectors is highly insufficient and this in respect to all sectors of economy. The situation is not expected to improve in the near future: Given the requirement of reduction of the number of public servants (imposed in the frame of the EU/IMF support mechanism to overcome the economic crisis), it would not be realistic to ask or expect an increase in the personnel of SEPE. Consequently it cannot be foreseen that efficiency of controls can be achieved.
- -An additional problem to the shortage of staff and the inadequacy of inspections, is that there are serious problems in the actual implementation of inspections: The enterprises that have infringed the legislation manage to cover up the infractions of the legislation at the work site, disorient controls and finally the sanctions pressed, such as fines, might never be put in effect. Moreover, as the Special Secretary of SEPE, M. Chalaris, has mentioned, the staff of SEPE is frequently intimidated and threatened. He specifically referred to one case that the SEPE functionaries were splashed with petroleum while making controls<sup>226</sup>.
- -In order for Labour Inspectors to have a contribution in tracing cases of labour trafficking it is required that they are assigned the responsibility for that and receive training so that they are able to recognize cases of trafficking and know how to proceed with them. Further, a close collaboration with the police is required. Of course ideal is the example of Italy, where there is a specific police unit

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<sup>226</sup> Χάλαρης, 'Ο Ρόλος Του Σ.Ε.Π.Ε. Στον Εντοπισμό Των Περιπτώσεων Trafficking Για Εργασιακή Εκμετάλλευση'.

responsible for labour issues and which accompanies the labour inspectors in their inspections at workplaces.

- -Finally is to be stressed that inspections should be undertaken in agricultural settings, where seasonal and other vulnerable categories of migrant labourers are employed. Actually a bill of law that foresees among others the extension of the responsibility of SEPE at the agricultural enterprises is being prepared. Nevertheless, though suggested by the Special Secretary of SEPE M. Chalaris, this does not extend to include the control of the labourers<sup>227</sup>.

Given the inefficiency of labour inspections and given that trafficking for labour is spread in different sectors of the labour market and work sites and has many facets, it is important to assign to all control or inspections agents (social security, health inspectors, city planning etc.) the duty to report all suspicious cases and conditions they encounter while fulfilling their duties.

### *The police*

The police are at the moment the most important player in the fight against trafficking for labour -as we had already the opportunity to stress-through detecting and prosecuting cases of trafficking.

It is, nevertheless, needed a more pro-active approach to the issue of trafficking for labour similar to the one that police has followed concerning trafficking for sexual exploitation, for instance through extended police operations and raids. It would be of great significance if police could take a proactive role in investigating the situation prevailing in the agricultural sector, but this is outside its competence and in practice very difficult.

Further it is to be noticed that, if at the higher level of the hierarchy knowledge and the will to do something is present, this is not the case with the local police forces. These need to be informed, sensitized and trained so that cases of trafficking are identified on the spot in small and remote places as well.

### *Trade Unions*

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<sup>227</sup> Ibid.

The contribution of the trade unions can be of utmost importance, and this into three directions:

- -Firstly, in the direction of promoting the participation to trade unions of vulnerable workers in risk to being trafficked and extending support to those that are non-unionized.

As we had the opportunity to describe above, workers in precarious employment do not benefit of the support of the trade unions of their colleagues directly engaged by organisation/company, and are not accepted as members to these unions. This has led in Greece to the slow rise of a movement among vulnerable and employed in the frame of subcontracting workers, at the fringes of trafficking for labour, towards establishing their own first-degree trade unions.

Further, these vulnerable workers' trade-unions are not supported by their federations and confederations thus to the discriminations that these workers -whether migrants or indigenous- suffer in the labour market and at the workplace is to be added their marginalization in the frame of established trade-unionism. As a result these first-degree trade unions stick together and try to promote their interests counter to the mainstream trade unionism.

This tendency has to be reversed in order for the trade unions to have a contribution in the fight against trafficking, since it is among the workers represented by these first-degree trade unions and those remaining outside any union that incidents of trafficking for labour are most frequently to be found.

- -Secondly, in identifying cases of trafficking. Given that trade unions are in permanent contact with workers, their role in locating victims of trafficking, and all particularly identifying conditions that are likely to generate trafficking, is pertinent.
- -Thirdly, trade unions and assistance offices linked to trade unions should become competent to distinguish between cases of mere infraction of labour legislation and cases that could come under trafficking for labour. Further they should become able to judge, when simply redressing the labour rights that have been transgressed, for example non-payment of salaries, is all that the victim needs, and when it is for the benefit of the victim and corresponds to its interest to process the case as one of trafficking for labour.

### *Prosecution of cases*

An issue of major concern is the very small number of cases that are being prosecuted, and this all over Europe. This shows the failure of the system and raises the question whether the focus should not shift towards procedural issues and issues of implementation of the legislation.

The failure to prosecute cases is to be attributed to background conditions, to which we have already made reference, but also to problems that have to do with procedures. These are shared in the cases of trafficking for sexual exploitation and labour trafficking, but they are even more prominent in relation to the latter.

The central issue is the absence of witnesses that can testify. As has been mentioned, victims are scared, some times threatened with retaliation on their families and in addition are too ashamed of their condition to make it publicly known. It is equally hard to find other witnesses, either because they are afraid, or because of the solidarity to other members of the their community that might be involved with or profit from the situation.

While trafficking is a flagrant offence, that is, for a case to go to the Public Prosecutor and to the court it is not required that the victim press charges, the chances of a trafficking case in the court without witnesses to testify, relying only on the investigation of the police and the testimony of the policemen are very thin. On its side the police being aware of that will not bring a case further if there are no witnesses to testify.

In order to counteract this situation the following are required:

- -Evidently the priority is to take measures so that victims testify. The measures should include protection to the victims, providing victims with the necessary information and explaining to them that they will not be hurt and providing victims with support all through the procedure. The role of NGO's is very important here.
- Given that victims rarely press charges and/or appear as witnesses, the whole procedure relies heavily on the investigation undertaken by the police and the police testimonies. This requires that policemen are competent. Eventual training might be required so that

they improve their skills in investigation and interrogation of the victims<sup>228</sup>.

- Further, it is important that the judiciary is convinced to treat the cases that come under this crime area on the basis of the evidence from the police investigations and the testimonies of the police officers, without requiring the testimony by the victims themselves<sup>229</sup>.

### 5.3. What is required at the macro level.

We would like to close this report by coming back to the macro-level, from which we have started this report, and this because to our belief no measures at the micro-level can be successful in changing effectively and sustainably a situation, unless supported, or at least not boycotted, by the macro-conditions. We will limit ourselves to two policy fields that are particular pertinence in respect to trafficking for labour in Greece.

The first is the market place. Flexibility in the labour market and the labour relations promoted at the European level, under pressures that are global, has degenerated in Greece into ‘illegal flexibility’. By this is meant that flexibility degenerates into a situation that flagrant breaches of labour rights are becoming the rule and are being progressively normalized. Thus, the way to trafficking for labour is paved and we had the opportunity to observe, how trafficking even intrudes mainstream and legitimate business.

In order to block the way to trafficking it is important for Europe to reconsider its labour market policies and put into place rigorous control mechanisms to prevent the breaches of labour legislation and the degeneration of conditions to those of trafficking for labour.

The second has to do with the European and domestic migration and asylum policies.

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<sup>228</sup> Μπεχλιβάνη, 'Το Πρόβλημα Trafficking Μέσα Από Την Ελληνική Νομολογία'. See pp. 101-103

<sup>229</sup> Anderson and Rogaly, *Forced Labour and Migration to the Uk, Study Prepared by Compas in Collaboration with the Trades Union Congres*. See p. 21

Here we will not make proposals about migration policies in general, but we will concentrate to asylum policies and specifically as these are expressed in the Dublin Regulation.

Dublin constitutes an unfair mechanism as it ‘dislocates’ the burden of taking care of asylum seekers towards the south and eastern borders of Europe. It results in that masses of asylum seekers are stuck in Greece as well as other border countries of Europe, many among which are new member states.

Both the unfairness and failure of Dublin Regulation have been stressed by various competent European organizations<sup>230</sup>. ECRE has asked for a complete revision, characterizing Dublin unfair and ineffective<sup>231</sup>. At the moment a recasting of Dublin –as well as of other directives concerning asylum- is discussed at the European level. It is of crucial importance that the reform is courageous and comprehensive enough so that the inequalities in the distribution of burdens are redressed and the rights of asylum seekers are satisfactorily protected.

To be noted here that it is not only the issue of asylum seekers that is at stake, but more broadly the issue of irregular migrants entering EU through the Greek borders of Europe<sup>232</sup>. It is unfair that Greece bears alone the responsibility of dealing with such high numbers of migrants whose intention in any way was to reach ‘Europe’ through Greece, not to remain in Greece.

On its side Greece is responsible for not conforming to its obligations deriving from International and European conventions concerning protection and assistance to asylum seekers. The result is, as we have seen, that

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<sup>230</sup> Anonymous, 'Eu Must Act on Migrants. Un Official Says Policy Has to Be Reviewed as Greece Cannot Shoulder Burden Alone', *Herald Tribune*, 21-10= 2010.

<sup>231</sup> European Council on Refugees and Exiles (Ecre), 'Sharing Responsibility for Refugee Protection in Europe: Dublin Reconsidered', (London: ECRE, 2008), 1-35.

<sup>232</sup> The UN special rapporteur on torture and other cruel treatment on his visit in Greece in October 2010 made the following suggestions: “Greece should not carry the burden of receiving the vast majority of all irregular migrants entering the European Union in 2010” “The EU should fundamentally rethink its asylum and migration policy and replace the Dublin II Regulation with fairer system of burden sharing which also takes into account legitimate concerns of asylum seekers ad irregular migrants” ous, 'Eu Must Act on Migrants. Un Official Says Policy Has to Be Reviewed as Greece Cannot Shoulder Burden Alone', *Herald Tribune*, 21-10= 2010.

asylum seekers are prone to become victims of trafficking for labour practices.

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