

# Unidentified, unrecognised and denied support

## Survivors of human trafficking in the Samos Closed Controlled Access Centre



**I Have Rights  
Samos  
Greece**

I Have Rights (IHR) is a non-profit legal centre that provides one-to-one legal information and representation to people on the move in Samos. IHR monitors human rights compliance on the island and engages in advocacy and strategic litigation to hold the Greek Government and European institutions to account.

Samos is a significant transit point for individuals seeking safety in Europe. Its position at the entry of Europe presents a crucial opportunity for authorities to identify those fleeing trafficking or being trafficked, ensuring their rights to security, safety, and recovery as guaranteed by European law. However, substantial evidence demonstrates this opportunity is often missed.

From March 2022 to July 2023, IHR supported 53 clients who are survivors of human trafficking. Through: i) reports from the survivors themselves, ii) IHR's observations as legal practitioners working on Samos, iii) data from the organisation's case management system and iv) an in-depth content analysis and coding of documents provided to the 53 survivors by the Greek authorities, IHR presents evidence that the rights of survivors of human trafficking are being violated.

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# ABBREVIATIONS

<b>CCAC</b>	Closed Controlled Access Centre
<b>ECAT</b>	The Council of Europe Convention on Action Against Trafficking in Human Beings
<b>EKKA</b>	National Centre for Social Solidarity
<b>EODY</b>	National Public Health Organisation
<b>EU</b>	European Union
<b>EUA</b>	European Union Agency for Asylum
<b>FGM</b>	Female Genital Mutilation
<b>GAS</b>	Greek Asylum Service
<b>IHR</b>	I Have Rights
<b>IOM</b>	International Organisation for Migration
<b>MSF</b>	Médecins Sans Frontières
<b>NATO</b>	North Atlantic Treaty Organisation
<b>NGO</b>	Non-Governmental Organisation
<b>NRM</b>	Greek National Referral Mechanism for the Protection of Human Trafficking Victims
<b>RIC</b>	Reception and Identification Centre
<b>RIS</b>	Reception and Identification Service
<b>SOPS</b>	Standard Operating Procedures
<b>U.S.</b>	United States



# TABLE OF ACTORS

Actor	Description
<b>Reception and Identification Service (RIS)</b>	The RIS oversees the implementation of identification procedures (including registration, verification of identity and nationality, medical screening and a vulnerability assessment) and the provision of reception conditions to applicants for international protection. It operates six RICs and CCACs, including the CCAC in Samos, as well as 25 reception facilities across Greece for adult asylum seekers.
<b>Greek Asylum Service (GAS)</b>	The GAS is responsible for the asylum procedure, in particular for the registration and personal interview.
<b>Hellenic Police</b>	The Police carries out the identity and citizenship verification process for new arrivals of third country nationals in the police screening interviews.
<b>Frontex</b>	Frontex is the European Border and Coast Guard Agency that supports EU Member States and Schengen-associated countries in the management of the EU's external borders. In the Samos CCAC, Frontex conducts police interviews for newly arrived asylum seekers
<b>European Union Agency for Asylum (EUAA)</b>	The EUAA is an agency of the European Union mandated with supporting Member States in applying the package of EU laws that governs asylum and international protection. In Greece, it supports the activities of the RIS and the GAS, including with deploying caseworkers to Samos.

<b>European Commission Representatives</b>	The EC Representative in Samos is responsible for monitoring the situation on the island on behalf of the DG Migration and Home Affairs.
<b>National Public Health Organisation (EODY)</b>	EODY provides actions aimed at the protection and improvement of health in the population. In Samos it is responsible for carrying out medical and psychosocial evaluations in the CCAC and for assessing asylum-seekers' vulnerabilities through the Medical Examination and Psychosocial Support Unit.
<b>National Centre for Social Solidarity (EKKA)</b>	EKKA coordinates networks that provide social support services, care and solidarity to individuals. EKKA manages and operates the NRM.
<b>Office of the National Rapporteur on Trafficking in Human Beings</b>	The Office is mandated to cooperate closely with all competent Ministries as well as with International Organizations (OSCE, UN, Council of Europe) and civil society stakeholders and is active in all four pillars of the strategy to combat trafficking (Prevention, Protection, Prosecution and Partnerships).

# INTRODUCTION

Trafficking in human beings, defined as the illegal transport of individuals by force or deception for the purpose of labour, sexual exploitation, or financial gain, is a widespread crime that involves serious human rights violations, often resulting in lasting harm to those affected. While human trafficking can happen to anyone, pre-existing vulnerabilities such as socio-economic status, immigration status and lack of social networks make people more susceptible to exploitation. In this way, asylum seekers and other people on the move are particularly at risk of being trafficked, as they are often away from familiar surroundings, are at risk of social isolation, and may lack access to basic resources and livelihood opportunities.[1]

I Have Rights (IHR) has worked with 53 clients who are survivors of human trafficking (hereinafter the 53 survivors), representing 13% of IHR's total client base. If the rate of survivors of human trafficking among IHR's clients is representative of the wider population of people on the move on Samos, then in 2022 approximately 285 survivors of human trafficking entered Samos, reaching nearly the same amount of the 358 survivors referred to the Greek National Referral Mechanism for the Protection of Human Trafficking Victims (NRM) in the whole of Greece for 2022.[2] Moreover, the majority of survivors referred to the NRM in 2022 were asylum seekers, representing 245 out of 358 (68%) referred persons, with the most common residence for referred survivors being facilities for asylum seekers, including Closed Controlled Access Centres (CCACs) and Reception and Identification Centres (RICs).[3] This data demonstrates the importance of identifying survivors during reception and asylum procedures and how Samos, as the second largest hotspot island in Greece, and the Samos CCAC in particular, represent a key opportunity for survivors to be identified and for their rights to be vindicated.

In this report, IHR demonstrates that this opportunity is severely missed on Samos. IHR highlights the systemic failures in the treatment of survivors of human trafficking on Samos, how this leads to violations of their rights and Greece's legal obligations under national and international law, including the obligation to prevent and combat trafficking in persons and to protect survivors of trafficking in persons.[4] This is concerning due to the presence of various state and EU bodies in the CCAC including: the Reception and Identification Service (RIS), the regional Greek Asylum

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[1] UNHCR. N.D. Trafficking in Persons. Available at: <https://www.unhcr.org/what-we-do/protect-human-rights/asylum-and-migration/trafficking-persons>.

[2] Around 2,170 asylum seekers are registered as arriving to Samos in 2022. Due to the systemic practice of pushbacks the real rate of arrivals is higher.

[3] EKKΑ. 2023. Annual Report Of The National Referral Mechanism For The Protection Of Human Trafficking Victims (January - December 2022). Page 10. Available at: [https://ekka.org.gr/images/KOINONIKON-PAREMBASEON/%CE%95%CE%9C%CE%91/NRM\\_REPORT\\_2022.pdf](https://ekka.org.gr/images/KOINONIKON-PAREMBASEON/%CE%95%CE%9C%CE%91/NRM_REPORT_2022.pdf).

[4] Article 9, Palermo Protocol; UN General Assembly. 15 November 2000. Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime. 15 November 2000. Available at: <https://www.ohchr.org/sites/default/files/ProtocolonTrafficking.pdf>.

Service (GAS), the Hellenic Police, the European Agency for Asylum (EUAA), Frontex and Commission Representatives (hereinafter: Samos authorities, for a description on their roles see page 4-5).

This report contributes to existing evidence which demonstrates the inhumanity of CCACs. While the focus of this report is survivors of human trafficking, **by no means does IHR believe that the CCAC is unsuitable only for “vulnerable” people.** Instead, the report presents evidence of the treatment of a particular group in the CCAC. It shows that even for a group that is recognised as vulnerable in law and is entitled to a variety of legal protections, their rights are violated. This stands in stark contrast with claims as to the CCAC’s humane and rights compliant approach to migration. Therefore this report should act as a warning against plans in the New Pact on Immigration and Asylum to use closed centres like the CCAC as a blueprint for the accelerated reception and asylum processing of people on the move at the EU’s borders. **CCACs should not be used for the accommodation of anyone, let alone vulnerable people.**

After highlighting the methodology of the report, IHR provides a brief context of Samos, before highlighting the key instruments and provisions that govern Greece’s treatment of survivors of human trafficking. The report then goes on to present a general overview of the demographic of survivors of human trafficking on Samos before analysing the Samos’ authorities compliance with their international obligations during the asylum and reception procedures in the Samos CCAC. The report is then broken down into sections, following the procedures of the NRM handbook and Greece’s obligations to identify, provide first level protection to and recognise survivors of human trafficking.

The report demonstrates that at every stage the authorities increasingly fail survivors, leaving them unable to proceed to the next stage as imagined by international and national frameworks for the vindication of their rights. In this way, the report demonstrates that while a fraction of survivors are identified, none are provided with first level protection and integration and none are officially recognised as survivors. The report concludes that throughout the procedure **the authorities are, at best, desensitised to survivors, and at worse wilfully ignorant of their obligations, resulting in a systemic violation of the rights of survivors of human trafficking.**

A note on terminology: the term “victim” is important in demonstrating that a person has been subjected to a crime whereas the word “survivor” emphasises a person’s strength and resilience in the face of adversity. Therefore, when referring to people who have been subjected to human trafficking both terms are important and have a place. For consistency, and aiming to acknowledge the strength in escaping exploitation, seeking safety and fighting for a better life, the term “survivor” is used in the report.

# METHODOLOGY

As stated above, the report's findings are grounded in **i)** testimony from survivors themselves provided to IHR in interviews with clients, including in appointments in preparation for asylum interviews (as a feminist organisation, IHR believes survivors), **ii)** IHR's experience as a legal actor supporting survivors on Samos **iii)** data from the organisation's case management system and **iv)** an in-depth content analysis and coding of asylum and reception documents provided to survivors.

For all 53 survivors, data from IHR's case management system and anonymised reports from survivors are used. Of the 53 survivors, IHR analysed and coded 21 interview transcripts (40%) and 12 vulnerability reports (23%). The documents available for each client vary depending on the amount of support provided by IHR. For clients formally represented by IHR, access to their full files could be requested. Yet, due to funding constraints, IHR cannot formally represent every client who is a survivor of human trafficking. IHR only has the capacity to represent around 20% of its total client base. Therefore, for clients IHR provided only with legal counselling, access to all of their documents was not possible.

Of note are vulnerability reports issued by the National Public Health Organisation (EODY). Applicants of international protection are themselves not provided with a copy of this report, with lawyers only being provided with them if they legally represent an applicant through providing a power of attorney to the Reception and Identification Service (RIS) of the CCAC, authenticated by a public authority. While space precludes an analysis of how this lack of access to personal data violates General Data Protection Regulation (GDPR),<sup>[5]</sup> lack of access by survivors themselves to essential documents indicates the non-transparent nature of the asylum and reception procedures in Greece.

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[5] The notion of the carrier of the right to privacy being denied access to their own personal data presents an inherent paradox.





# THE CONTEXT ON SAMOS

Samos is situated two kilometres away from the Turkish coast and it is among Greece's five designated "hotspot" islands,[6] an approach developed as part of the European Agenda on Migration, presented by the EU Commission in 2015 as a response to migratory pressures that EU member states faced at the external borders.[7] Following the announcement of the EU-Turkey deal bilateral agreement in March 2016, authorities on Samos, as well as on other hotspot islands, became responsible for returning newly arrived migrants to Turkey.

As well as being the second largest hotspot island, Samos sees the second highest rates of illegal pushbacks in the Aegean.[8] According to Médecins Sans Frontières (MSF), who provided emergency medical care to more than 570 people on Samos in 2022, patients reported experiences of physical violence and inhuman and degrading treatment, including beatings, strip-searches, sexual violence, theft of belongings, and being abandoned at sea in motor-less dinghies.[9] 30% of IHR's clients

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[6] Hotspots are formally defined in Article 2(10), European Coast and Border Guard Regulation of 2016. Regulation (EU) 2016/1624 of the European Parliament and of the Council of 14 September 2016 on the European Border and Coast Guard and amending Regulation (EU) 2016/399 of the European Parliament and of the Council and repealing Regulation (EC) No 863/2007 of the European Parliament and of the Council, Council Regulation (EC) No 2007/2004 and Council Decision 2005/267/EC. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32016R1624>.

[7] State Watch. 2015. Explanatory Note on the Hotspots approach. Available at: <https://www.statewatch.org/media/documents/news/2015/jul/eu-com-hotspots.pdf>.

[8] We Are Solomon. 2022. Dark Waters of the Aegean: 1,018 illegal pushbacks. Available at: [https://wearesolomon.com/mag/focus-area/migration/dark-waters-of-the-aegean-1018-illegal-pushbacks-carried-out-by-the-greek-state/?mc\\_cid=8a040fd752&mc\\_eid=40c2c1f6b7](https://wearesolomon.com/mag/focus-area/migration/dark-waters-of-the-aegean-1018-illegal-pushbacks-carried-out-by-the-greek-state/?mc_cid=8a040fd752&mc_eid=40c2c1f6b7); Forensic Architecture. 2022. Drift-backs in the Aegean Sea. Available at: <https://forensic-architecture.org/investigation/drift-backs-in-the-aegean-sea>.

[9] Médecins Sans Frontières. 2022. Fear, beatings and forced returns for people seeking safety on Greek island of Samos. Available at: <https://www.msf.org/fear-beatings-and-pushbacks-people-seeking-safety-greek-island-samos>.

report having experienced one or more pushbacks from Greece, with 14 of the 53 survivors (26%) reporting to have experienced at least one pushback. Therefore, even before entering the Samos CCAC, survivors are acutely aware of the potential for violence and inhuman treatment on Samos and the total impunity that those who systematically violate human rights have so far been guaranteed. **IHR is concerned that such experiences may impact survivors' ability to disclose human rights violations, including experiences of human trafficking.**

If not pushed back, the police takes asylum seekers to the CCAC, where they are automatically and unlawfully de facto detained for around 3 weeks.<sup>[10]</sup> Opened in September 2021, the Samos CCAC, built with 43 million euro of EU funds,<sup>[11]</sup> has the capacity to host 3,000 people including 900 in a currently closed Pre-Removal Detention Centre.<sup>[12]</sup> Reports on the CCAC detail: the detrimental impact it has on physical and mental health,<sup>[13]</sup> systemic and unlawful practices of restriction and deprivation of liberty,<sup>[14]</sup> allegations of police violence and inhuman treatment,<sup>[15]</sup> prison-like conditions,<sup>[16]</sup> the structure's systemic violation of human rights,<sup>[17]</sup> the lack of

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[10] This unlawful practice is the basis of current infringement proceedings against Greece. Moreover, at the time of writing around 700 newly arrived applicants (including, inter alia, survivors of human trafficking, pregnant women, children and survivors of two recent shipwrecks) are detained in degrading conditions in the two "Temporary Accommodation Zones" of the CCAC. See also: I Have Rights. 2023. The EU-Funded Closed Controlled Access Centre - the de facto detention of people seeking safety on Samos. Available at: [https://ihaverights.eu/wp-content/uploads/2023/02/detention\\_report\\_full.pdf](https://ihaverights.eu/wp-content/uploads/2023/02/detention_report_full.pdf).

[11] Ministry of Migration and Asylum. Official website. Available here: <https://migration.gov.gr/en/>.

[12] Greek Refugee Council and Oxfam. 2022. Lesbos Bulletin: Update on Lesbos and the Aegean Islands, by the Greek Council for Refugees & Oxfam. Page 3. Available here: <https://oi-files-d8-prod.s3.eu-west-2.amazonaws.com/s3fs-public/2022-03/CGR-Oxfam-Lesbos%20Bulletin-March-2022.pdf>.

[13] Médecins Sans Frontières. 2022. Closed centres for refugees on Greek islands exacerbate psychological trauma. Available at: <https://www.msf.org/closed-centres-refugees-greek-islands-exacerbate-psychological-trauma>; Info Migrants. 2022. Centers on Greek islands lack psychological and medical support, says MSF. Available at: <https://www.infomigrants.net/en/post/45256/centers-on-greek-islands-lack-psychological-and-medical-support-says-msf>.

[14] I Have Rights. 2023. The EU-Funded Closed Controlled Access Centre - the de facto detention of people seeking safety on Samos. Available at: [https://ihaverights.eu/wp-content/uploads/2023/02/detention\\_report\\_full.pdf](https://ihaverights.eu/wp-content/uploads/2023/02/detention_report_full.pdf).

[15] I Have Rights. 2023. The EU-Funded Closed Controlled Access Centre - the de facto detention of people seeking safety on Samos. Available at: [https://ihaverights.eu/wp-content/uploads/2023/02/detention\\_report\\_full.pdf](https://ihaverights.eu/wp-content/uploads/2023/02/detention_report_full.pdf); Nektaria Psarakis. 2023. Άγρια κακοποίηση προσφύγων στο ΚΕΔ Σάμου από αστυνομικούς - «Ξεκινάμε άμεσα ΕΔΕ», η απάντηση της ΕΛ.ΑΣ στο ΤΠΠ. Available at: <https://thepressproject.gr/agria-kakopoiisi-prosfygon-sto-ked-samou-apo-astynomikous-xekiname-amesa-ed-e-i-apantisi-tis-el-as-sto-tp-p/>.

[16] Greek Refugee Council and Oxfam. 2022. Lesbos Bulletin: Update on Lesbos and the Aegean Islands, by the Greek Council for Refugees & Oxfam. Page 3. Available here: <https://oi-files-d8-prod.s3.eu-west-2.amazonaws.com/s3fs-public/2022-03/CGR-Oxfam-Lesbos%20Bulletin-March-2022.pdf>; I Have Rights. 2023. The EU-Funded Closed Controlled Access Centre - the de facto detention of people seeking safety on Samos. Available at: [https://ihaverights.eu/wp-content/uploads/2023/02/detention\\_report\\_full.pdf](https://ihaverights.eu/wp-content/uploads/2023/02/detention_report_full.pdf).

[17] I Have Rights and International Rescue Committee. 2023. International Rescue Committee's (IRC) and I Have Rights (IHR) contribution to the European Ombudsman's own-initiative inquiry OI/3/2022 MHZ on how the European Commission ensures respect for fundamental rights in EU-funded migration management facilities in Greece. Available at: <https://www.ombudsman.europa.eu/en/doc/correspondence/en/167053>; Greek Refugee Council and Oxfam. 2022. Lesbos Bulletin: Update on Lesbos and the Aegean Islands, by the Greek Council for Refugees & Oxfam. Page 3. Available here: <https://oi-files-d8-prod.s3.eu-west-2.amazonaws.com/s3fs-public/2022-03/CGR-Oxfam-Lesbos%20Bulletin-March-2022.pdf>; Deportation Monitoring Aegean. 2022.

privacy<sup>[18]</sup> and, the lack of access to essential services including doctors.<sup>[19]</sup>

In particular, reports featuring testimonies from people held in the CCAC detail the severe impact accommodation in CCACs has on almost every area of a person's life.<sup>[20]</sup> While its prison-like architecture and unsuitability for hosting survivors of human trafficking will be described further below, IHR continues to call for CCACs to be closed and for asylum seekers to be accommodated in dignified conditions that are in compliance with human rights standards.

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The Dystopia in form of a camp – The 'Closed Controlled Access Centre of Samos. Available at: <https://dm-aegean.bordermonitoring.eu/2022/03/24/the-dystopia-in-form-of-a-camp-the-closed-controlled-access-centre-of-samos/>.

[18] I Have Right. 2022. "They are killing minds"- Life in the Samos Closed Controlled Access Centre. Available at: <https://ihaverights.eu/they-are-killing-minds/>.

[19] Médecins Sans Frontières. 2022. Closed centres for refugees on Greek islands exacerbate psychological trauma. Available at: <https://www.msf.org/closed-centres-refugees-greek-islands-exacerbate-psychological-trauma>; Info Migrants. 2022. Centers on Greek islands lack psychological and medical support, says MSF. Available at:

<https://www.infomigrants.net/en/post/45256/centers-on-greek-islands-lack-psychological-and-medical-support-says-msf>; I Have Rights and International Rescue Committee. 2023. International Rescue Committee's (IRC) and I Have Rights(IHR) contribution to the European Ombudsman's own-initiative inquiry OI/3/2022 MHZ on how the European Commission ensures respect for fundamental rights in EU-funded migration management facilities in Greece. Available at: <https://www.ombudsman.europa.eu/en/doc/correspondence/en/167053>.

[20] Greek Refugee Council and Oxfam. 2022. Stories from Samos: a collection of testimonies. Available at: [https://www.gcr.gr/media/k2/attachments/Stories\\_from\\_Samos\\_A\\_collection\\_of\\_Testimonies.pdf](https://www.gcr.gr/media/k2/attachments/Stories_from_Samos_A_collection_of_Testimonies.pdf); I Have Rights. 2023. The EU-Funded Closed Controlled Access Centre – the de facto detention of people seeking safety on Samos. Available at: [https://ihaverights.eu/wp-content/uploads/2023/02/detention\\_report\\_full.pdf](https://ihaverights.eu/wp-content/uploads/2023/02/detention_report_full.pdf); Samos Advocacy Collective and Europe Must Act. 2022. "A Life Without Freedom Is Not A Life". Life in the Closed Controlled Access Centre in Samos. Available at: <https://www.europemustact.org/post/a-life-without-freedom-is-not-a-life-life-in-the-closed-controlled-access-centre-in-samos>.

# GREECE'S TRAFFICKING FRAMEWORK

Greece has ratified three fundamental legal instruments relating to trafficking in human beings which have been incorporate into Greek national law:

International Instrument	Known as	Purpose	Implementation into Greek law
The United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime[21]	The Palermo Protocol	The first legally binding instrument with an internationally recognized definition of human trafficking, which provides a vital tool for the identification of survivors and for the detection of all forms of exploitation which constitute human trafficking	L.3875/2010 (158/A'2010)

[21] UN General Assembly. 2000. Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime. 15 November 2000. Available at: <https://www.ohchr.org/sites/default/files/ProtocolonTrafficking.pdf>.

The Council of Europe Convention on Action against Trafficking in Human Beings[22]	ECAT	Intended to enhance the protection afforded by the Palermo Protocol and develop the standards and strengthen the protection afforded to survivors in the countries that are Party to the Convention (not restricted to Council of Europe member states)	Law 4216/2013 (266/A/2013)
Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA [23]	The 2011 EU Directive on Preventing Trafficking	This Directive lays down minimum common rules for EU countries for determining offences of trafficking in human beings and punishing offenders, as well as for measures to better prevent this phenomenon and to strengthen the protection of survivors. It includes a broader concept of what can be considered trafficking in human beings.[24]	L. 4198/2013 (215/A'/2013)

[22] Council of Europe. 2005. Council of Europe Convention on Action Against Trafficking in Human Beings (ECAT), CETS 197. Available at: <https://rm.coe.int/168008371d>.

[23] Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA (The 2011 EU Directive on Preventing Trafficking). Available at: <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX%3A32011L0036>.

[24] The 2011 EU Directive on Preventing Trafficking emphasises other forms of exploitation such as forced begging, exploitation of criminal activities (e.g. pickpocketing, shoplifting, drug trafficking and other similar activities), illegal adoption or forced marriage, insofar as they fulfil the constitutive elements (action, means and purpose) of trafficking in human beings. See: Working Group on Trafficking in Persons. 2010. Analysis of key concepts of the Trafficking in Persons Protocol. Available at: [https://www.unodc.org/documents/treaties/organized\\_crime/2010\\_CTOC\\_COP\\_WG4/WG4\\_2010\\_2\\_E.pdf](https://www.unodc.org/documents/treaties/organized_crime/2010_CTOC_COP_WG4/WG4_2010_2_E.pdf).



# DEFINITION OF TRAFFICKING

**ACTION** ← [RECRUITMENT, TRANSPORTATION, TRANSFER, HARBOURING OR RECEIPT OF PERSONS] BY MEANS OF [THE THREAT OR USE OF FORCE OR OTHER FORMS OF COERCION, OF ABDUCTION, OF FRAUD, OF DECEPTION, OF THE ABUSE OF POWER OR OF A POSITION OF VULNERABILITY OR OF THE GIVING OR RECEIVING OF PAYMENTS OR BENEFITS TO ACHIEVE THE CONSENT OF A PERSON HAVING CONTROL OVER ANOTHER PERSON] FOR THE PURPOSE OF EXPLOITATION. [EXPLOITATION SHALL INCLUDE, AT A MINIMUM, THE EXPLOITATION OF THE PROSTITUTION OF OTHERS OR OTHER FORMS OF SEXUAL EXPLOITATION, FORCED LABOUR OR SERVICES, SLAVERY OR PRACTICES SIMILAR TO SLAVERY, SERVITUDE OR THE REMOVAL OF ORGANS"]

**MEANS**

**PURPOSE**

ARTICLE 3 - THE PALERMO PROTOCOL

# KEY OBLIGATIONS

Article 9 (1) of the Palermo Protocol requires States to establish policies, programmes and other measures to prevent and combat trafficking in persons and to protect survivors, especially women and children, from revictimisation. The Greek Joint Ministerial Decision 308040/2016 provides for the establishment of the National Referral Mechanism for the Protection of Victims of Trafficking in Human Beings (NRM).[25] The management of the NRM is assigned to the National Centre for Social Solidarity (EKKA) and is supervised by the The Office of the National Rapporteur on Trafficking in Human Beings. According to the Joint Ministerial Decision, the NRM's competence includes: (a) the collection and referral of requests for the protection of survivors detected/identified; (b) monitoring case management; and (c) the creation and operation of a system with the aim of recording the requests for protection of survivors.

It is important to note that the competences of the NRM do not provide for the positive obligations to identify, support, protect and assist survivors of trafficking, instead only a passive approach of collecting, recording and monitoring of information. This is reflected in the Handbook of the Greek National Referral Mechanism for the Protection of Victims of Human Trafficking (the NRM Handbook), which states that the establishment and operation of the Mechanism does not create new structures or protection services for survivors, but rather provides for the coordination of existing Services, their optimal utilisation and consequently the identification of gaps and/or negative practices.[26] This is in contrast with Greece's international obligations, namely the establishment of protection and support services for survivors of trafficking and not merely the collection of data.

The NRM Handbook contains the NRM Standard Operating Procedures (SOPs) ,are outlined in the diagram below on page 16.[27] The Samos authorities' adherence to Greece's obligations to survivors of human trafficking will now be addressed, with the next sections focusing on: identification & initial reporting to the NRM (procedure I), assumption of case by reference actor (procedure II) and first level protection and integration (procedures III and IV). Due to the fact that none of the 53 survivors were in voluntary repatriation or relocation programmes while on Samos, IHR does not have data on procedure V of the NRM Handbook.

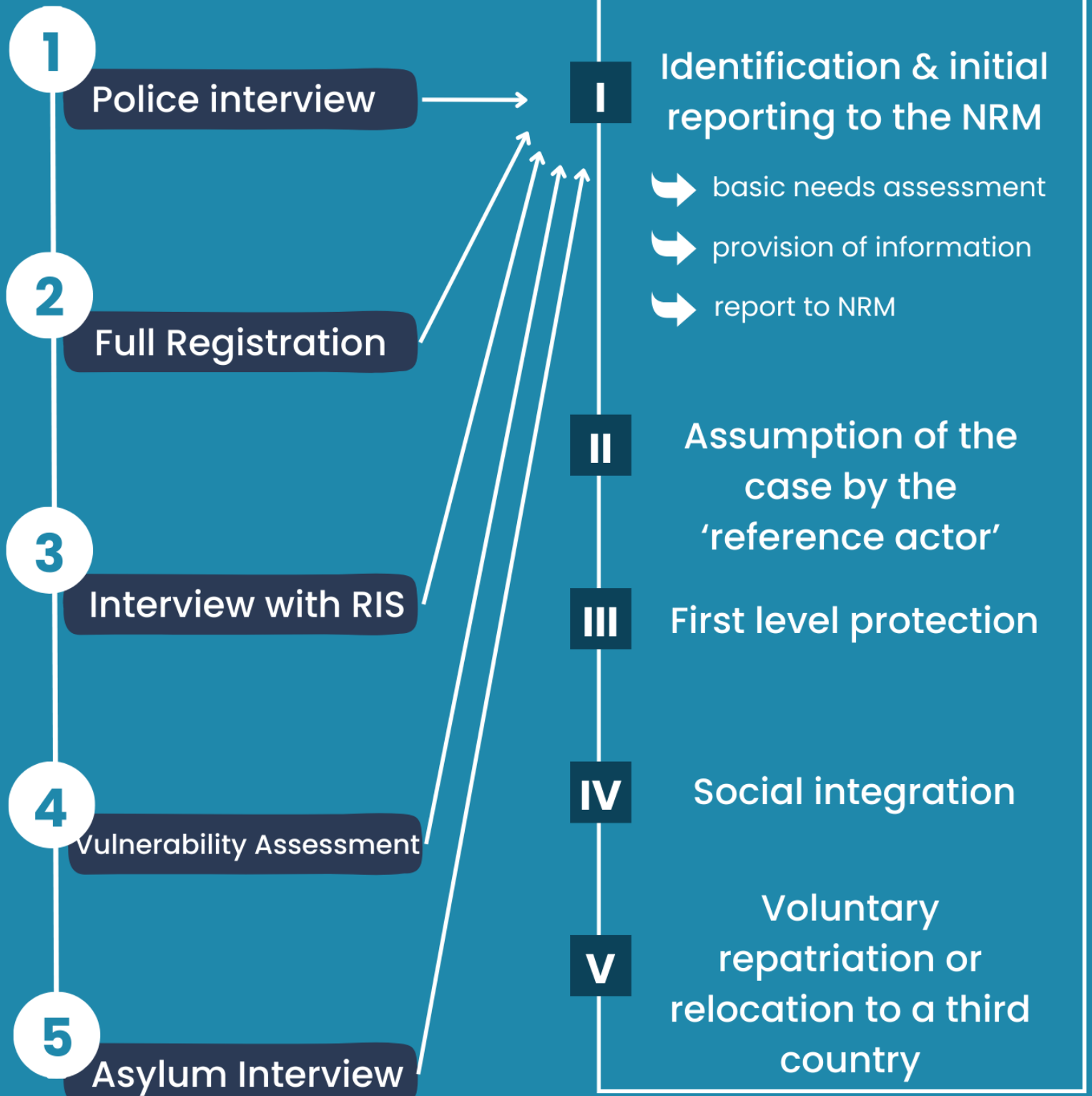
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[25] Government Gazette for Greek Joint Ministerial Decision 308040/2016. Available at: [https://www.ekka.org.gr/images/pdf/nomothesia/5/%CE%9A%CE%A5%CE%91\\_30840-2016.pdf](https://www.ekka.org.gr/images/pdf/nomothesia/5/%CE%9A%CE%A5%CE%91_30840-2016.pdf).

[26] EKKA. 2021. Handbook of the Greek National Referral Mechanism for the Protection of Victims of Human Trafficking. Page 31. Available at: [https://ekka.org.gr/images/KOINONIKON-PAREMBASEON/%CE%95%CE%9C%CE%91/46034\\_EMA\\_leaflet\\_ENGL.pdf](https://ekka.org.gr/images/KOINONIKON-PAREMBASEON/%CE%95%CE%9C%CE%91/46034_EMA_leaflet_ENGL.pdf).

[27] EKKA. 2021. Handbook of the Greek National Referral Mechanism for the Protection of Victims of Human Trafficking. Page 34-35. Available at: [https://ekka.org.gr/images/KOINONIKON-PAREMBASEON/%CE%95%CE%9C%CE%91/46034\\_EMA\\_leaflet\\_ENGL.pdf](https://ekka.org.gr/images/KOINONIKON-PAREMBASEON/%CE%95%CE%9C%CE%91/46034_EMA_leaflet_ENGL.pdf).

## THE ASYLUM PROCEDURE



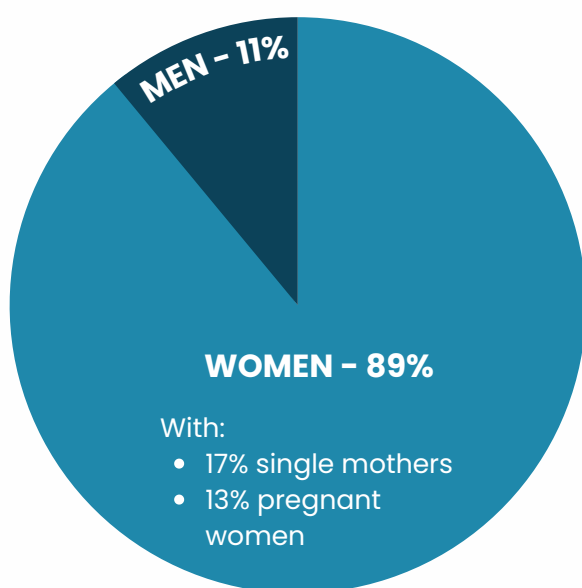
# SURVIVORS IN SAMOS

The NRM Handbook states that “the chances of a person being trafficked increase if their characteristics refer to the usual victim profiles of the specific area [...]”.<sup>[28]</sup> This is confirmed in IHR’s data, which points to common indicators among the 53 survivors pointing to their experiences of human trafficking.

By analysing the cases of 53 survivors, IHR identified common indicators among survivors of on Samos. The most common similarities in the group were biographical traits including gender, race and countries of origin. Highly common similarities include their trafficking experiences such as countries of recruitment, countries of exploitation and type of exploitation. Moreover, all survivors demonstrated other indicators, including: being a survivor of sexual violence and/or torture and physical violence and having medical conditions commonly found among survivors of human trafficking.



## Biographical trends



**Gender of the 53 survivors**

All 53 survivors arrived as single adults (100%). All 53 survivors are of African-descent (100%). 47 of the survivors are female (89%) and six are male (11%). Eight of the 53 survivors arrived as single mothers to infants or very young children (15%) while 6 of 53 (11%) were pregnant upon arrival. While women represent a higher percentage of global survivors of human trafficking,<sup>[29]</sup> male survivors are often less recognised than women due to gender biases.<sup>[30]</sup>

[28] EKKΑ. 2021. Handbook of the Greek National Referral Mechanism for the Protection of Victims of Human Trafficking. Page 38. Available at: [https://ekka.org.gr/images/KOINONIKON-PAREMBASEON/%CE%95%CE%9C%CE%91/46034\\_EMA\\_leaflet\\_ENGL.pdf](https://ekka.org.gr/images/KOINONIKON-PAREMBASEON/%CE%95%CE%9C%CE%91/46034_EMA_leaflet_ENGL.pdf).

[29] “For every 10 victims detected globally, five are adult women and two are girls”. United Nations Office on Drug and Crime. 2020. Global Report on Trafficking in Persons 2020. Available at: [https://www.unodc.org/documents/data-and-analysis/tip/2021/GLOTIP\\_2020\\_15jan\\_web.pdf](https://www.unodc.org/documents/data-and-analysis/tip/2021/GLOTIP_2020_15jan_web.pdf).

[30] Tien. 2013. Human Trafficking: the Missing Male Victim. Public Interest Law Reporter 18(3). Available at: <https://lawecommons.luc.edu/cgi/viewcontent.cgi?article=1016&context=pilr>.

# SAMOS SURVIVORS' PROFILE

OUT OF 53 SURVIVORS OF HUMAN TRAFFICKING:



85% OF THE SURVIVORS ARE FROM:



83% OF THE SURVIVORS WERE TRAFFICKED TO TURKEY AND IRAN



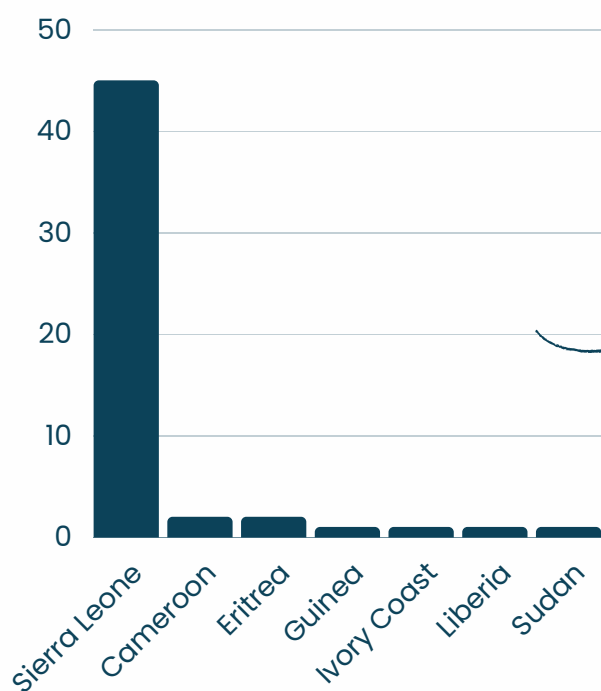




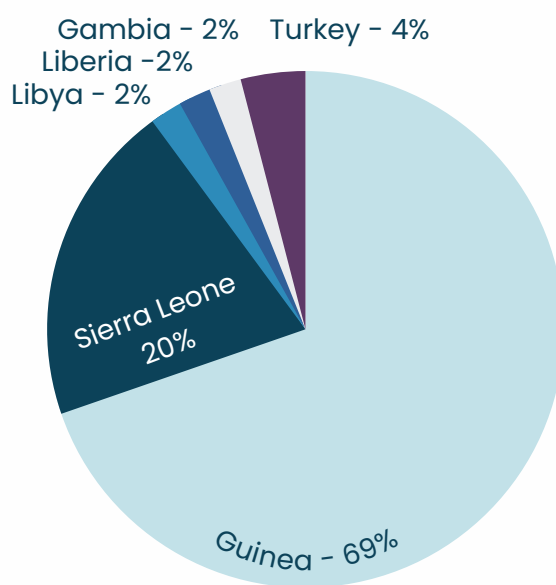
## Country of origin and recruitment

45 of the 53 survivors (85%) are from Sierra Leone, while other countries of origin include Cameroon (2 persons, 4%), Eritrea (2 persons, 4%), Guinea (1 person, 2%), Ivory Coast (1 person, 2%), Liberia (1 person, 2%) and Sudan (1 person, 2%).

31 of 45 survivors from Sierra Leone (69% of the clients from Sierra Leone) were recruited in Guinea, the neighbouring country to Sierra Leone. The other survivors from Sierra Leone were recruited from Sierra Leone (9), Gambia (1), Liberia (1), Libya (1) and Turkey (2). Two of the survivors from Sierra Leone were recruited for a second time and re-trafficked by different traffickers, one again in Turkey and another in Iran. One survivor from Ivory Coast was re-trafficked in Ghana, Cameroon and Gabon. In the other seven cases of survivors from other countries of origin, three were recruited in their country of origin (Cameroon (1), Guinea (1), Liberia (1)), whilst the other five were recruited in other countries (Sudan (1), Ethiopia (1), Nigeria (1), Libya (1)).

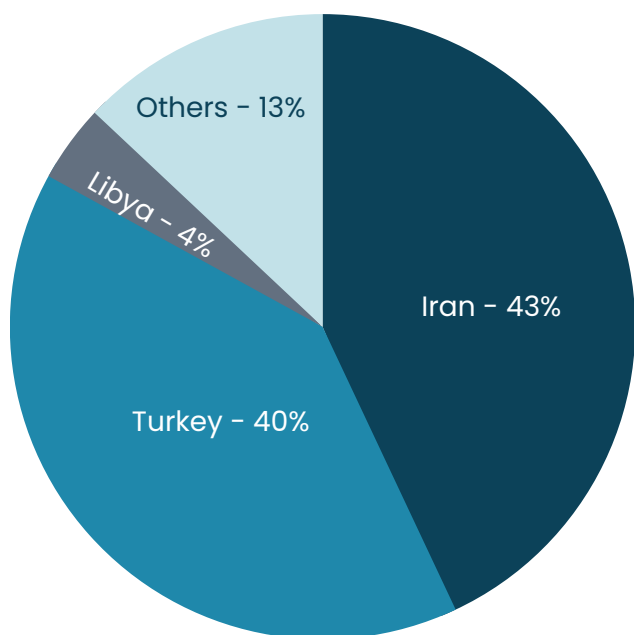


Country of origin of the 53 survivors



Country of recruitment of survivors from Sierra Leone

## **Country of exploitation**



23 of the 53 survivors (43%) were trafficked to Iran and 21 of the 53 survivors (40%) were trafficked to Turkey. 4 were trafficked to another country before or after being trafficked to Iran or Turkey: one to Iran and then Turkey, one to Guinea and then Iran, one to Guinea and then Turkey and one to Sudan and then Turkey. In addition, two survivors were trafficked to Libya, one to Iraq, one to Lebanon and then Syria and one to Cameroon, Ghana and Gabon. It is evident from this data that movement from Sierra Leone/Guinea to Turkey or Iran is the typical transportation route for survivors on Samos.

### **Countries of exploitation of the 53 survivors**

35 of the 53 survivors were held in formal detention centres during their journey (66%) with the duration of detention ranging up to nine months of detention, with some of the survivors being detained several times. Of those where IHR has collected data on the country in which they were detained, 88% were detained in Turkey while 12% were detained in Iran.



## Presence of common indicators

Non-exhaustive list of indicators	Analysis of the 53 survivors
<p><b>Forms of exploitation:</b></p> <ul style="list-style-type: none"> <li>• Domestic servitude</li> <li>• Sexual exploitation</li> <li>• Forced prostitution</li> <li>• Forced labour</li> <li>• Forced marriage</li> </ul>	<ul style="list-style-type: none"> <li>• 22 cases (42%)</li> <li>• 20 cases (38%)</li> <li>• 18 cases (34%)</li> <li>• 8 cases (15%)</li> <li>• 3 cases (6%)</li> </ul> <p>16 of the 53 survivors (30%) experienced two or more types of exploitation. For example, 9 survivors (17%) experienced domestic servitude and sexual exploitation.</p>
<p><b>The means of exploitation:</b></p> <ul style="list-style-type: none"> <li>• Violence or threat of violence of survivors</li> <li>• Confinement or surveillance;</li> <li>• Other forms of coercion (such as deception about nature of the job)</li> <li>• Confiscation of documents</li> <li>• Debt bondage</li> <li>• Dependency on exploiters</li> <li>• An individual who offered to guarantee their exit from the country of origin and their transfer “unselfishly” and “without something in return”[31]</li> </ul>	<p>100% of the survivors could recall the means used to exploit them.</p> <ul style="list-style-type: none"> <li>• 12 survivors of torture and violence (23%)</li> <li>• In IHR’s experience, in forced prostitution cases it is common for the person to be locked in a room and be unable to leave.</li> <li>• In particular, in IHR’s experience of preparing survivors for their asylum interviews, recruiters often offer “out of kindness” to “help” the survivor flee harm</li> </ul>

[31] International Labour Office. 2009. Operational indicators of trafficking in human beings. Page 4. Available at: [https://www.ilo.org/wcmsp5/groups/public/@ed\\_norm/@declaration/documents/publication/wcms\\_105023.pdf](https://www.ilo.org/wcmsp5/groups/public/@ed_norm/@declaration/documents/publication/wcms_105023.pdf).

<p><b>Medical indicators:</b></p> <ul style="list-style-type: none"> <li>• Pregnancy</li> <li>• Mental health issues including illness, deterioration and psychological trauma</li> <li>• Gynaecological issues or sexually transmitted diseases</li> <li>• Undetected, untreated or chronic diseases</li> </ul>	<p>34 cases had one or more medical conditions that, if investigated, could have indicated their exploitation (64%)</p> <ul style="list-style-type: none"> <li>• 6 cases (11%)</li> <li>• 35 cases (66%) asked to see a psychologist. 10 cases (19%) reported mental health issues</li> <li>• 15 cases (28%)</li> <li>• 3 survivors had serious illness (6%)</li> <li>• While not necessarily an indicator of trafficking <i>per se</i>, 44 of the survivors (83%) experienced female genital mutilation (FGM). This was highest amongst the cases of women trafficked from Sierra Leone and Guinea</li> </ul>
<p><b>Other indicators:</b></p> <ul style="list-style-type: none"> <li>• Experiences of sexual violence</li> <li>• Single parent with infant/ young child, potentially indicating previous pregnancy from sexual violence</li> </ul>	<ul style="list-style-type: none"> <li>• 39 cases (74%)</li> <li>• 8 cases (15%)</li> </ul>

**100% of the survivors displayed indicators of their human trafficking experiences.**

There were therefore “reasonable grounds”[32] for authorities to believe that each of the 53 persons were survivors of human trafficking as they fit the common characteristics of asylum seeking survivors. While Greece is legally obliged to implement mechanisms for the early detection of indicators and identification of survivors,[33] one would also hope that if a large group of survivors exhibited strikingly similar demographics that, at the very minimum, the authorities would become sensitised to the existence of survivors on Samos.

[32] “Reasonable grounds” is a decision based on “I suspect but I cannot prove”. By contrast, the higher threshold of “conclusive grounds” is made on the balance of probabilities, which can be defined as “more likely than not”. Paragraph 18, the 2011 EU Directive on Preventing Trafficking states: “A person should be provided with assistance and support as soon as there is a reasonable-grounds indication for believing that he or she might have been trafficked and irrespective of his or her willingness to act as a witness”.

[33] Article 10(2), ECAT and Article 11, the 2011 EU Directive on Preventing Trafficking.

34%



FORCED  
PROSTITUTION

42%

DOMESTIC SERVITUDE



FORCED MARRIAGE

6%

FORMS OF

EXPLOITATION

38%



SEXUAL EXPLOITATION

15%

FORCED LABOR



## TYPE OF EXPLOITATION FACED BY THE 53 SURVIVORS

30% EXPERIENCED 2 OR MORE TYPES OF EXPLOITATION  
INCLUDING 17% WHO EXPERIENCED DOMESTIC SERVITUDE AND SEXUAL EXPLOITATION





**SURVIVORS NEED TO BE PROVIDED WITH HOUSING AND A SPECIFIC FRAMEWORK, TO FIND A DECENT AND SECURE JOB SO THAT WE CAN OVERCOME THE HARDSHIPS WE HAVE SURVIVED - WE NEED TO DO POSITIVE THINGS TO MOVE FORWARD, WE NEED TO PRODUCE THINGS. IF THE SURVIVORS WERE TAKEN CARE OF STRAIGHT AWAY, I THINK WE WOULD MOVE FORWARD BETTER.**

**RM, A SURVIVOR**

# PROCEDURE I: IDENTIFICATION AND INITIAL REPORTING

## INTERNATIONAL LAW

**Article 10(2) of the ECAT:** States should adopt legislative and other measures as necessary for the identification of survivors & survivors shall not be removed from the State's territory until the identification process is completed by the competent authorities. They shall receive assistance provided for in Article 12.

**Article 11 of the 2011 EU Directive on Preventing Trafficking** highlights the importance of early identification and assistance according to the special needs of survivors.

**The Directive 2013/32/EU ("the 2013 EU Asylum Procedures Directive"):**<sup>[34]</sup> procedures for determining asylum claims should be sensitive to gender and vulnerabilities, creating an environment where asylum seekers of any gender feel safe to disclose past experiences of gender-based or other specific persecution, including trafficking in human beings. Member States have an obligation to identify applicants in need of special procedural safeguards prior to a first instance decision as to their protection status and to ensure that interviewers and decision-makers have sufficient training in avoiding retraumatization and evaluating the applicant's cultural origin, gender, sexual orientation and vulnerability.

## NATIONAL FRAMEWORK

**Article 67 (2) L. 4636/2019 and Article 2 (d) of the Ministerial Decision 1140/2.12.2019.**

"Identification & Initial Reporting to the NRM " is the first procedure of the SOPs of the NRM Handbook. It provides for the initial identification and for the following three steps, including:

1. Basic needs assessment by the identification actor during the first contact;
2. Provision of information to the presumed survivor, including the definition of trafficking in human beings, the survivor's rights, the possibility for cooperating with the prosecuting authorities, the presentation of options and their consequences, the possibility for a reflection period, and an explanation of the role of NRM;
3. The referral to the NRM, completed by sending the reporting form to the EKKK.<sup>[35]</sup>

Identification in RICs or CCACs can be carried out by:

- the police during identity and citizenship verification process;
- the Medical Examination and Psychosocial Support Unit, during the medical, psychological and psychosocial support;

[34] Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (recast). Available at: <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=celex%3A32013L0032>.

[35] EKKK. 2021. Handbook of the Greek National Referral Mechanism for the Protection of Victims of Human Trafficking. Page 39. Available at: [https://ekka.org.gr/images/KOINONIKON-PAREMBASEON/%CE%95%CE%9C%CE%91/46034\\_EMA\\_leaflet\\_ENGL.pdf](https://ekka.org.gr/images/KOINONIKON-PAREMBASEON/%CE%95%CE%9C%CE%91/46034_EMA_leaflet_ENGL.pdf).

- the RIS, and the GAS during the process of registration and interview;
- the Detention authorities in the centres, including in Closed Controlled Facilities on the islands;
- the staff members of the centres of the Actors operating within the centres.

As depicted in the diagram on page 16, the identification of survivors of human trafficking is essential both in the reception and asylum procedure and in the identification and initial reporting procedure under the NRM. Identifying survivors is the first step towards the vindication of their rights, including the provision of services that are in line with their specific needs and conducive to their physical, psychological and social recovery, including appropriate housing, material assistance, and medical and psychological assistance (addressed from pages 36 to 44 below).

According to the 2022 NRM annual report, there was an increase in the cases of survivors of trafficking identified and referred, reaching 358, compared to only 157 for 2021.[36] Of these, the majority (259) reports were sent by Actors of the Public Sector, while 99 were sent by non-governmental organisations.[37] Additionally, since 2021 EKKa and the Asylum Service have updated their SOPs to include specialised procedures if a case officer identifies an asylum seeker as a trafficking survivor.[38] Despite these improvements, IHR's data confirms that the reception and asylum procedure in Samos continues to be unsuitable for the identification of survivors.

Identifying actors in the CCAC should be acutely aware of the likelihood of survivors in the structure and should act with a survivor-sensitive approach. Yet, the evidence collected by IHR demonstrates that this does not happen and that actors at every stage of the reception and asylum procedures miss the opportunity to identify survivors. In particular, **IHR is concerned that pressure to keep up with extremely quick assessment rates expected from the Samos Greek Asylum Service (GAS), has resulted in speed being prioritised at the expense of proper and individualised assessment of asylum applications.** As a result, applicants must go through an accelerated procedure where investigations of whether they are survivors of human trafficking is not carried out. For example, interviews are made before vulnerability is assessed including where psychosocial evaluations are omitted.

The NRM Handbook highlights the importance of state ownership of the Mechanism including the process of identification of survivors of human trafficking, with full participation, responsibility and accountability of the State for its operation and results.[39] It also highlights the importance of the involvement of civil society and of an intersectional and cross-sectoral approach.[40] IHR is committed to its role in the

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[36] EKKa. 2023. Annual Report Of The National Referral Mechanism For The Protection Of Human Trafficking Victims (January - December 2022). Available at: [https://ekka.org.gr/images/KOINONIKON-PAREMBASEON/%CE%95%CE%9C%CE%91/NRM\\_REPORT\\_2022.pdf](https://ekka.org.gr/images/KOINONIKON-PAREMBASEON/%CE%95%CE%9C%CE%91/NRM_REPORT_2022.pdf).

[37] *Ibid.* Page 10.

[38] U.S. Department of State. 2023. 2023 Trafficking in Persons Report: Greece. Available at: <https://www.state.gov/reports/2023-trafficking-in-persons-report/greece/>.

[39] EKKa. 2021. Handbook of the Greek National Referral Mechanism for the Protection of Victims of Human Trafficking. Page 31. Available at: [https://ekka.org.gr/images/KOINONIKON-PAREMBASEON/%CE%95%CE%9C%CE%91/NRM\\_REPORT\\_2022.pdf](https://ekka.org.gr/images/KOINONIKON-PAREMBASEON/%CE%95%CE%9C%CE%91/NRM_REPORT_2022.pdf).

[40] *Ibid.* Page 32.



identification of survivors of human trafficking amongst its clients, and for this reason it continues to submit referrals to the NRM. However, civil society actors often have a limited capacity and can only reach a limited number of survivors. For this reason, IHR highlights the importance of the role of the authorities as they are better placed to reach and identify higher numbers of survivors of human trafficking.

This is particularly true in the Samos CCAC where asylum seekers are subjected to deprivations and restrictions of their liberty, thus making their access to Non-Governmental Organisations (NGOs) more challenging.



## STEP 1: INITIAL IDENTIFICATION AND BASIC NEEDS ASSESSMENT BY IDENTIFICATION ACTOR



### Police screening interview

No identification takes place during a first screening upon the arrival of asylum seekers conducted by Frontex or the police. Identification is not possible due to the way this first screening is carried out. While in this screening interview the authorities ask asylum seekers questions about their route to Europe, the authorities focus their questions on smuggling networks and do not ask people if they are survivors of trafficking or which network or routes were used for human trafficking. This is despite human trafficking being a serious cross border crime.

Likewise, the European Parliamentary Research Service Study identified that the procedures taking place at arrival use screening forms that only serve to collect identity data, thus leaving no room for questions aiming at detecting specific vulnerabilities and to take the necessary measures to respect the rights of survivors of human trafficking.[41] That this standardised approach fails to detect vulnerabilities is further demonstrated by the fact that **none of the 53 survivors were identified at the police screening, despite all showing indicators of human trafficking.**



### Full registration and complementary RIS interview

The authorities do not identify survivors of human trafficking in the full registration interview by GAS/ the European Union Agency for Asylum (EUAA) and the complimentary registration by RIS where only standardised questions about identity, flight route and reasons for fleeing are asked without further inquiry into the asylum seekers' individual experiences. As highlighted by the United States (U.S.) Department of State's 2023 Trafficking in Persons Report, assessments at the registration stage of the procedure are too cursory to identify a survivor.[42] These findings are also reflected in the experience of IHR's clients. **None of the 53 survivors were identified at this stage of the procedure.**



### Vulnerability assessments

The vulnerability assessment is doubly important for asylum seeking survivors of human trafficking, since if they are identified as a survivor of human trafficking they are considered "vulnerable" providing them with rights in the reception and asylum

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[41] European Parliament. 2019. Detecting and protecting victims of trafficking in hotspots. Ex-post evaluation. Page 16. Available at: [https://www.europarl.europa.eu/RegData/etudes/STUD/2019/631757/EPRS\\_STU\(2019\)631757\\_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2019/631757/EPRS_STU(2019)631757_EN.pdf).

[42] U.S. Department of State. 2023. 2023 Trafficking in Persons Report: Greece. Available at: <https://www.state.gov/reports/2023-trafficking-in-persons-report/greece/>.

procedures and from the NRM.[43] IHR has identified shortcomings in the vulnerability assessment, which is composed of a mandatory medical examination and a possible psychosocial evaluation carried out by EODY. As many of the indicators of human trafficking concern the medical and psychological constitution of a person, these are key opportunities for identification. Such indicators include gynaecological issues or sexually transmitted diseases (present with 15 of the 53 survivors, 28%) and mental health issues/ suicidal thoughts (as highlighted in page 22, 35 asked IHR to refer them to a psychologist, 66% and 10 of the 53 survivors reported mental health issues, 19%).

**SHE\* DIDN'T CHECK ANYTHING. I CAME IN, SHE ASKED FOR MY NAME, SHE SAID 'I SEE YOU ARE PREGNANT', I SAID 'YES', SHE ANSWERED 'OKAY, THANK YOU' AND ASKED ME TO LEAVE.**

**EK, SURVIVOR**



\* referring to the psychologist of the camp

In the Samos CCAC, EODY is the only organisation permitted to perform vulnerability assessments.[44] Other non-public medical organisations such as MSF, who launched an emergency medical response due to the lack of access to medical support in the CCAC, are not accepted for the purpose of identifying vulnerable applicants. This is particularly problematic, as currently there is no doctor on staff at EODY despite the population of the CCAC currently being around 1,600. The responsibility for carrying out medical

assessments falls on one volunteer doctor who visits the camp on an ad hoc basis, around 2 afternoons per week.[45] At the time of writing, the volunteer doctor is responsible for carrying out the medical assessments of over 1,100 asylum seekers who arrived to Samos in August 2023. In practice, this results in medical assessments not taking place or, as reported by IHR's clients, feeling rushed and like a "tick box" exercise.[46] For example, one survivor suffered from severe pain in her stomach and gynaecological issues, which she told the CCAC doctor during her first medical assessment, which took place a month after her arrival, but she was not asked whether she had experienced any sexual violence or trafficking.

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[43] Being a survivor of human trafficking is one of the categories of vulnerability for this procedure as well as, *inter alia*, being a survivor of torture, rape or serious violence as well as being a person with serious illness. Article 1-λγ of the Asylum Code 'Asylum Code' describes Greek Law 4939/2022, in force since 10 June 2022. It repealed the IPA (International Protection Act, i.e. Law 4636/2019); Article 14 (8), Greek Law 4375/2016.33.

[44] European Council on Refugees and Exiles. Asylum Information Database – Country Report: Greece. 2022. Page 108. Available at: [https://asylumineurope.org/wp-content/uploads/2023/06/AIDA-GR\\_2022-Update.pdf](https://asylumineurope.org/wp-content/uploads/2023/06/AIDA-GR_2022-Update.pdf).

[45] International Rescue Committee and I Have Rights. 2023. Contribution to the European Ombudsman's strategic inquiry into how the European Commission ensures respect for fundamental rights in EU-funded migration management facilities in Greece. Available at: [https://ihaverights.eu/wp-content/uploads/2023/02/EU-Ombudsman\\_Submission\\_IRC\\_IHR\\_Jan-2023\\_final.pdf](https://ihaverights.eu/wp-content/uploads/2023/02/EU-Ombudsman_Submission_IRC_IHR_Jan-2023_final.pdf).

[46] I Have Rights. 2023. Fighting human trafficking – review of EU rules. Feedback from I Have Rights. Available at: [https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/13106-Lutte-contre-la-traite-des-etres-humains-reexamen-des-regles-de-lUE/F3389760\\_fr](https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/13106-Lutte-contre-la-traite-des-etres-humains-reexamen-des-regles-de-lUE/F3389760_fr); Are You Syrious?. 2022. AYS Special from Greece: Protests on Samos CCAC shed light on procedural violations. Available at: <https://medium.com/are-you-syrious/ay-special-from-greece-protests-on-samos-ccac-shed-light-on-procedural-violations-d5e7bf509c40>.



The rushed nature of medical assessments also means that when they take place, vulnerabilities are often not identified. In IHR's experience, only where a person explicitly states that they are a survivor of human trafficking or sexual violence are they referred to a psychologist for the necessary psychosocial evaluation for their vulnerability to be assessed.[47] Furthermore, a psychosocial evaluation only takes place if the camp doctor recognizes signs of someone being a survivor of trafficking and forwards this person to the camp psychologist, who carries out the evaluation or a survivor who explicitly identifies themselves as a survivor. For eight (15%) of the 53 survivors, IHR requested a psychosocial assessment by EODY, but no confirmation on whether this assessment took place after the request was received.

**Only 11 of the 53 survivors (21%) could give information about the outcome of their vulnerability assessment. Of those 11 survivors, only 7 (13% of the 53 survivors) were considered vulnerable due to being survivors of human trafficking,** this is despite 22 out of the 53 survivors (42%) having medical conditions that could flag their trafficking experiences. 4 (8% of the 53 survivors) were considered as vulnerable under other vulnerability categories including: survivor of sexual violence, survivor of torture and pregnant woman. Despite these also being common indicators of human trafficking, in these cases the authorities did not appear to make further investigations as to whether someone was a survivor of human trafficking.

The lack of staff leads to delays in the conduct of the medical and psychosocial screenings. IHR only knows of 3 clients (6%) for which an EODY psychosocial report was made before the asylum interview, whereas for 6 (12%) of IHR's clients it was made only after their interview, for one (2%) it was made between the two parts of the interview, for one (2%) it was made after the interview and for another (2%) it was made after the decision was issued. If vulnerability is only determined after the interview, the right to asylum may be undermined due to the violation of procedural safeguards and relevant information not being considered.

According to Article 67(1) of the Asylum Code, asylum seekers who are survivors of torture, rape or other serious acts of violence must obtain a certificate from a public hospital or by an adequately trained doctor of a public sector healthcare service, to be considered 'vulnerable'. This is despite claims from MSF and Greek NGO METAdrasi that no public hospital in Greece is equipped to carry out such assessments.[48] Moreover, documents issued by non state actors, certifying for example sexual violence, are not taken into account by the authorities in both vulnerability assessments and in asylum decisions. IHR has records of sexual violence certificates issued by MSF to 15 of the 53 survivors (28%), with many of the reports detailing medical conditions that can be indicators of human trafficking. The authorities refusal to engage with medical professionals represents a missed opportunity to identify and support survivors of human trafficking. Additionally, it falls short of the commitment

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[47] I Have Rights. 2023. Fighting human trafficking – review of EU rules, feedback from I Have Rights. Available at: [https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/13106-Fighting-human-trafficking-review-of-EU-rules/F3389760\\_en](https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/13106-Fighting-human-trafficking-review-of-EU-rules/F3389760_en).

[48] METAdrasi. 2021. ΕΚΘΕΣΗ ΣΥΝΗΓΟΡΙΑΣ: «ΘΥΜΑΤΑ ΒΑΣΑΝΙΣΤΗΡΙΩΝ: ΑΠΟ ΤΗΝ ΑΝΙΧΝΕΥΣΗ ΣΤΗΝ ΠΡΟΣΤΑΣΙΑ». Available at: <https://torturesurvivor.metadrasi.org/εκθεση-συνηγορίας-θυματα-βασανιστηριων>; Médecins Sans Frontières. 2021. Οι Γιατροί Χωρίς Σύνορα ολοκληρώνουν τη δράση τους στην κλινική για επιζώντες βασανιστηρίων στην Αθήνα. Available at: <https://msf.gr/magazine/oi-giatroi-horis-synora-oloklironoun-ti-drasi-toys-stin-kliniki-gia-epizontes-vasanistirion>.



included in the NRM Handbook to implement an intersectional and cross-sectoral approach and to collaborate with civil society actors throughout the mechanism, including in the identification procedure.[49]



## Asylum interview

With the police, full registration and RIS interviews being unsuitable for identification and vulnerability assessments lacking rigour, the interview is a key, albeit late, opportunity for survivors to be identified. Yet, identification at this stage means no provision (neither under the asylum and reception procedures nor the NRM) could have been made for the special needs for the survivor until this point. During the interview, the authorities spend several hours investigating the reason for an asylum seeker's flight and the route taken. During such an interview, caseworkers are required to notice indicators of trafficking and ask follow up questions to find out the exact circumstances of trafficking.[50] Through information found by IHR via a Freedom of Information Request to the EUAA, **only 3 out of 23 EUAA caseworkers on Samos attended the EUAA training “Trafficking in Human Beings”, pointing to interviewing caseworkers lack of training and sensitisation to survivors.** This is of serious concern as due to unlawful practices of de facto detention, applicants risk being without access to essential legal information.

IHR prepared all of the 53 survivors (100%) for their asylum interviews. IHR is almost always the first actor to take time to sit with survivors, hear their experience and explain that what happened to them is called “human trafficking”. Often, survivors are confused about who was involved in trafficking them and they are not aware that the person who claimed to be their “friend” or “Aunt” were likely acting as recruiters.

**A survivor was only identified in by an EUAA caseworker in five of the 21 (24%) transcripts.** This is despite in 18 of the 21 (86%) transcripts, the survivor clearly disclosed their experience of human trafficking, either by saying “human trafficking” or by describing their experience in detail. In 13 of these 18 transcripts (72%) the caseworker asked at least one question about the survivor’s experience of human trafficking. In five of these transcripts (28%) the interviewing caseworker did not ask any follow up questions. Of interest is that 4 of these transcripts without follow up questions are from August 2022, with only one being in 2023 of this year, indicating an improvement in the Samos GAS’ practice.

Trafficking survivors often remain unidentified by authorities during the reception and asylum procedure. While the first steps of the procedure are not at all conducive to the identification of survivors due to non individualised standardised procedures, the authorities also mostly fail to fulfil their obligation to identify persons during the vulnerability assessments and asylum interviews. Thus, Greece is in violation of its obligations to identify under the NRM, as well as under international law.[51]

[49] EKK. 2021. Handbook of the Greek National Referral Mechanism for the Protection of Victims of Human Trafficking. Page 32. Available at: [https://ekka.org.gr/images/KOINONIKON-PAREMBASEON/%CE%95%CE%9C%CE%91/46034\\_EMA\\_leaflet\\_ENGL.pdf](https://ekka.org.gr/images/KOINONIKON-PAREMBASEON/%CE%95%CE%9C%CE%91/46034_EMA_leaflet_ENGL.pdf).

[50] Article 21 and 22, 2013 EU Reception Conditions Directive; Article 82, Asylum Code.

[51] Art. 10(2) ECAT and 11(2), 2011 EU Directive on Preventing Trafficking.

## STEP 2: PROVISION OF INFORMATION TO SURVIVORS ON THEIR IDENTIFICATION

The second step of the identification procedure as per the NRM handbook, includes the provision of information about survivors' rights which should include the definition of trafficking in human beings, their rights, the possibility for cooperating with the prosecuting authorities, the presentation of options and their consequences, the possibility for a reflection period, and an explanation of the role of NRM.[52] As long as survivors of trafficking are unaware as to whether they have been identified or not and which rights derive from this identification, then their rights cannot be realised.

As demonstrated above, survivors are not identified during the police interview and the full registration, which means that information can not be provided to survivors of human trafficking at these stages. As a consequence, this section will focus on the vulnerability assessment and the asylum interview.



### Vulnerability assessments

IHR received a copy of the EODY vulnerability report for 12 of the 53 survivors (23%). In 11 cases (21%) the person was considered a survivor of human trafficking. With the EODY report only being provided to lawyers if they legally represent their client and not to the applicants themselves, survivors are dependent on legal representation to have access to this report. This leaves most asylum seekers unaware of whether they were identified as vulnerable or not.



### Asylum interview

In 5 of 21 transcripts (24%) the survivor was explained what their rights were. In all of these 5 cases this was done following a standard template during the interview. These 5 transcripts were all from interviews which took place after October 2022, with 4 of them being in 2023: **while these demonstrate an improvement in the provision of information over the reporting period, this is still done on relatively infrequent and inconsistent basis as other transcripts from after October 2022 detail that the caseworkers did not provide information the same period do not include this information.** Additionally, the caseworkers only read from a template to provide information including "if the conditions are met to classify you as a victim of human trafficking, you can be granted a residence permit" and "you have the possibility to receive legal and/or psychological help from organisations active in the field". **Crucially, in all 5 transcripts the caseworker did not provide further information beyond the template and did not check whether the survivor had understood.**

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[52] As provided in Article 10 ECAT; see also EKKA. 2021. Handbook of the Greek National Referral Mechanism for the Protection of Victims of Human Trafficking. Page 39. Available at: [https://ekka.org.gr/images/KOINONIKON-PAREMBASEON/%CE%95%CE%9C%CE%91/46034\\_EMA\\_leaflet\\_ENGL.pdf](https://ekka.org.gr/images/KOINONIKON-PAREMBASEON/%CE%95%CE%9C%CE%91/46034_EMA_leaflet_ENGL.pdf).

For example, one survivor reported that during the asylum interview she was asked to fill in a form about the experience of human trafficking that she disclosed. When she mentioned that she could not read, the caseworker reportedly told her she only needed to agree and sign. No further explanation was provided to her, as well as no follow up confirming a referral to the NRM.

This data highlights the authorities' failure to provide accurate information on the identification procedure and the rights that accompany it. Not providing this information to survivors of human trafficking results in undermining their ability to understand the experience and to be provided services that are adequate to their needs. Therefore Greece is not only in breach with the provisions of the NRM Handbook, but also with corresponding requirements in international law.[53]

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[53] Article 12(1)(d), ECAT; Article 6(3)(b), Palermo Protocol.





## STEP 3: NRM REFERRAL

Once identification and information provision has taken place, the third step in the NRM handbook is to make a referral to EKKA.[54] IHR referred 34 of the 53 survivors (64%) to the NRM. For six of the survivors (11%) IHR contacted RIS and EODY asking for the psychologist to see the person both so their vulnerability could be assessed and so EODY could themselves do the NRM referral. As IHR did not represent these six cases, no response from EODY as to whether a referral to the NRM had been made was received.

Other than these six cases, to the best of IHR's knowledge, only 12 survivors (23%) were referred to the NRM by the RIS throughout the procedure. In 5 of the 21 interview transcripts (24% of transcripts on file, 9% of the total survivors) survivors asked whether they wanted to submit a referral to the NRM. In all 5 cases survivors were not aware of any follow up to the referral.

## CONCLUSION

The asylum and reception procedure in the Samos CCAC represents a series of missed opportunities for the identification of survivors of human trafficking. 0% of survivors were identified by the police, 0% in the RIS interview and 0% in the full registration with the GAS. Of the EODY vulnerability assessment documents on file 92% categorised a survivor as a "victim of human trafficking". Of the 21 interview transcripts 23% recorded the identification of a survivor in the asylum interview.

If identified (step 1), provision of information (step 2) and referrals to the NRM (step 3) did not always take place, and/or survivors themselves reported being unaware of if these steps were taken. Other than the assessments made by IHR, IHR does not have information on whether the basic needs assessment (step 1) is carried out. Failures in implementing these steps have serious implications beyond the denial of the additional support and safeguards that should be provided but can also result in access to asylum being undermined.

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[54] EKKA. 2021. Handbook of the Greek National Referral Mechanism for the Protection of Victims of Human Trafficking. Page 39. Available at: [https://ekka.org.gr/images/KOINONIKON-PAREMBASEON/%CE%95%CE%9C%CE%91/46034\\_EMA\\_leaflet\\_ENGL.pdf](https://ekka.org.gr/images/KOINONIKON-PAREMBASEON/%CE%95%CE%9C%CE%91/46034_EMA_leaflet_ENGL.pdf).

# PROCEDURE II: ASSUMPTION OF THE CASE BY THE “REFERENCE ACTOR”

Procedure II of the NRM is the assumption of the case by the “reference actor”, which is responsible for managing the case of a presumed human trafficking survivor after their admission to the NRM. The “reference actor” is defined as the actor who has the possibility of an immediate and appropriate - for the particular characteristics of the survivor- intervention by a professional specialised in protection issues.[55] It can be the actor who identifies the presumed survivor if suitable, or another actor can be identified by EKKA, but it should be the actor most suitable based on the stability of the cooperation with the survivor.

In the cases that it referred to the NRM, IHR acted as the reference actor by informing other service providers and sharing the NRM protocol number of the survivor. The reference actor should also be responsible for a complete needs and risk assessment of the survivor, for developing an Individualised Action Plan, and for its schedule and implementation. Due to limited capacity and scope as a small grass-roots project on Samos only, IHR recognises its limitations in providing further support as a reference actor. This is compounded further by the fact that 46 survivors of the 53 (87%) are now on the mainland. This highlights the importance of having a reference actor nominated by the State authorities with the capacity to provide longer-term support to survivors.

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[55] EKKA. 2021. Handbook of the Greek National Referral Mechanism for the Protection of Victims of Human Trafficking. Page 42-43. Available at: [https://ekka.org.gr/images/KOINONIKON-PAREMBASEON/%CE%95%CE%9C%CE%91/46034\\_EMA\\_leaflet\\_ENGL.pdf](https://ekka.org.gr/images/KOINONIKON-PAREMBASEON/%CE%95%CE%9C%CE%91/46034_EMA_leaflet_ENGL.pdf).



# PROCEDURE III AND IV: FIRST LEVEL PROTECTION AND SOCIAL INTEGRATION

## INTERNATIONAL LAW

**Article 6 of the Palermo Protocol:** Protection services should be provided to survivors of human trafficking by States, in cooperation with NGOs and civil society, taking into account the age, gender and special needs of survivors of trafficking in persons, in particular of children and that such services should include:

- (a) Appropriate housing;
- (b) Counselling and information, in particular as regards their legal rights in a language that the survivors of trafficking in persons can understand;
- (c) Medical, psychological and material assistance; and
- (d) Employment, educational and training opportunities.

**Article 12 of the ECAT:** assistance should include measures as necessary to assist survivors in their physical, psychological and social recovery, with reasonable standards of living, access to medical treatment, translation and interpretation services, counselling and information, assistance during the criminal proceedings and access to education for children.

According to **Article 6 of the Palermo Protocol**, **Article 12 ECAT** and **Article 22 of the Directive 2013/33/EU (“the 2013 EU Reception Conditions Directive”)**,<sup>[56]</sup> survivors are entitled to accommodation that does not reinforce their experiences, or intimidate and re-traumatize them.

As per **Article 22 of the 2013 EU Reception Conditions Directive** Member States have the duty to assess whether applicants considered as vulnerable – which “victims of human trafficking” are recognised as such in Article 21 – have special reception needs and must make sure that these needs are taken into account “throughout the duration of the asylum procedure”.

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[56] Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32013L0033&from=EN>.

## NATIONAL FRAMEWORK

The NRM Handbook states that, “any person who is detected and identified as a victim of trafficking should receive the protection services to which they are entitled, from the moment of their detection and regardless of the issuance of a Prosecutor’s Recognition Act”.[57] This is what is referred to as the procedure III of the SOPs: “First Level Protection”. According to the Handbook, this stage should provide for the provision of protection services, including the assessment of needs, the formulation of the individualised action plan and its implementation in direct and close cooperation with the survivor. In the short term, it aims to meet the urgent needs and mitigate the risks, while the long-term objective is to empower the survivor by utilising their own capabilities, skills and resources.[58]

Procedure IV of the NRM SOPs – namely, “Social integration” – should also be highlighted here. It includes supportive actions for persons who have survived human trafficking in the process of their integration into the Greek society, depending on their age, and other special needs related to education, work, health, entertainment, financial support and more.[59]

According to the NRM Handbook, accommodation should be provided: “[...] in a safe and quiet environment, suitable for the gender, age and general condition of the presumed victim of human trafficking. The accommodation structure is selected based on the risk and needs assessment of the presumed victim. For example, the site selected is away from the area the exploitation took place or/and where the involved in the case of human trafficking reside.”[60]

As a minimum, the level of risk of the site must be investigated and conditions of vulnerability of the survivor must be taken into consideration.[61]

According to the NMR Handbook, information about medical care should be provided to the presumed survivors and their consent should be obtained. When the Reference Actor cannot provide the adequate medical care, they should refer to “other healthcare facilities [...] in accordance with the national health system”. Survivors should also be accompanied to healthcare facilities by “a representative of the [Reference] Actor”, providing interpretation if necessary.[62]

Psychological assistance should start “with the formation of a relationship of trust and acceptance”, in “an atmosphere of security and respect” in order for the survivor to become aware that “from a victim s/he becomes a survivor”. After the risks and needs assessment, the psychologist should either implement a “treatment or [request] the counselling intervention that will aim at the prevention of the victim’s re-victimization”. A (child) psychiatrist can be called on.[63]

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[57] EKA. 2021. Handbook of the Greek National Referral Mechanism for the Protection of Victims of Human Trafficking. Page 33. Available at: [https://ekka.org.gr/images/KOINONIKON-PAREMBASEON/%CE%95%CE%9C%CE%91/46034\\_EMA\\_leaflet\\_ENGL.pdf](https://ekka.org.gr/images/KOINONIKON-PAREMBASEON/%CE%95%CE%9C%CE%91/46034_EMA_leaflet_ENGL.pdf).

[58] *Ibid.* Page 47.

[59] *Ibid.* Page 51.

[60] *Ibid.* Page 48.

[61] *Ibid.*

[62] *Ibid.*

[63] *Ibid.*



WHEN I SEE THE FENCE IT TAKES ME  
BACK TO IRAN, UNTIL NOW IT  
REMINDS ME OF THE PRISON. ONCE I  
GET BACK HOME TO THE CAMP I  
REMEMBER IT IS A PRISON. SO I  
WOULD RATHER LIVE OUTSIDE.



E.K., A SURVIVOR





Given the flaws in the identification of survivors on Samos, they are often precluded from the possibility of accessing protection services they are entitled to. At the national level, even where survivors are identified in Greece, there is no guarantee that they will access protection services.

According to the 2022 NRM annual report,[64] of the 368 cases referred to the NRM, only a percentage received the following protection services:

- 189 (51%) received accommodation services;
- 128 (35%) received psychological support;
- 123 (33%) received social support;
- 123 (33%) received medical care;
- 77 (21%) received legal counselling;
- 72 (20%) received material assistance;
- 26 (7%) received legal representation;
- 6 (2%) received support in legal proceedings;
- 1 (0.3%) received Child Protection Services.

These statistics set a stark backdrop for survivors on Samos, who due to the lack of specialised services on the island, are routinely denied their rights to physical, psychological and social recovery.



## **Appropriate Housing**

On average, the 53 of the survivors were accommodated in the CCAC for 3.6 months, before being transferred to camps on the mainland which also lack specialised services for survivors. IHR has repeatedly demonstrated that the CCAC is unsuitable for the accommodation of anyone due to, inter alia, its systematic violation of people's rights, its securitised approach and its inhumane design.[65] The CCAC is therefore wholly unsuitable for the accommodation of survivors of human trafficking.

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[64] EKKKA. 2021. Handbook of the Greek National Referral Mechanism for the Protection of Victims of Human Trafficking. Page 50. Available at: [https://ekka.org.gr/images/KOINONIKON-PAREMBASEON/%CE%95%CE%9C%CE%91/46034\\_EMA\\_leaflet\\_ENGL.pdf](https://ekka.org.gr/images/KOINONIKON-PAREMBASEON/%CE%95%CE%9C%CE%91/46034_EMA_leaflet_ENGL.pdf).

[65] I Have Rights. 2022. One year since Greece opened new prison-like refugee camps NGOs call for a more humane approach. Available at: [https://ihaverights.eu/wp-content/uploads/2022/09/JS\\_One-year-since-Greece-opened-new-prison-like-refugee-camps-NGOs-call-for-a-more-humane-approach.pdf](https://ihaverights.eu/wp-content/uploads/2022/09/JS_One-year-since-Greece-opened-new-prison-like-refugee-camps-NGOs-call-for-a-more-humane-approach.pdf); I Have Rights. 2023. Joint Statement: Call for the Closure of the Samos Closed Controlled Access Centre. Available at: <https://ihaverights.eu/joint-statement-call-for-the-closure-of-the-samos-closed-controlled-access-centre/>; International Rescue Committee and I Have Rights. 2023. Contribution to the European Ombudsman's strategic inquiry into how the European Commission ensures respect for fundamental rights in EU-funded migration management facilities in Greece. Available at: [https://ihaverights.eu/wp-content/uploads/2023/02/EU-Ombudsman\\_Submission\\_IRC\\_IHR\\_Jan-2023\\_final.pdf](https://ihaverights.eu/wp-content/uploads/2023/02/EU-Ombudsman_Submission_IRC_IHR_Jan-2023_final.pdf); I Have Rights. 2023. The EU-Funded Closed Controlled Access Centre - the De Facto Detention of People Seeking Safety on Samos. Available at: [https://ihaverights.eu/wp-content/uploads/2023/02/detention\\_report\\_full.pdf](https://ihaverights.eu/wp-content/uploads/2023/02/detention_report_full.pdf); I Have Rights. 2023. "They are killing minds"- Life in the Samos Closed Controlled Access Centre. Available at: <https://ihaverights.eu/they-are-killing-minds/>.

The Samos CCAC is situated in a remote part of Samos, on a 154 acre site in Zervou, 6.9km from Vathy town, the capital of Samos. Asylum seekers are not allowed to leave the CCAC until their identification procedure is complete, which results in an unlawful *de facto* detention.[66] After the detention period, people in the CCAC are subject to curfew and must adhere to rules of the facility otherwise they risk losing reception support including other forms of accommodation and cash assistance. These factors impact the survivors ability to integrate into society, as well as to access better services autonomously, and receive support from various NGOs and access the safe spaces they provide in the town.

The architecture of the CCAC mimics the dehumanising infrastructure of a prison and is equipped with security infrastructure found in detention centres. It is operated with 24/7 surveillance and is guarded by the Hellenic police, in particular Greek riot police and border guards, and G4S, a private security company with 50 people on guard per shift.[67] On a structural level, the CCAC is surrounded by barbed wire and a double NATO-type security fence. [68] There are also elevated observation posts manned by security personnel who monitor residents inside the camp.[69] In addition to this, the security officials also use CCTV surveillance, drones and motion analysis algorithms to monitor the residents.[70] In order to enter the camp, residents must pass through turnstiles, magnetic gates, x-ray machines and a two-factor identification process which includes scanning their identification card and their fingerprints.[71] The CCAC is divided into zones which are separated by internal fences. When a resident wants to walk from one zone to another they must pass through checkpoints manned by security officers.[72]

This securitised accommodation is unsuitable for survivors of trafficking as it poses the risk of re-traumatisation, as many survivors have experienced their movements being controlled by their traffickers. For example, one survivor reported feeling unsafe despite the high level of security:

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[66] Greek National Law 4939/2022 (entry into force 10 June 2022) Art. 40(a); I Have Rights. 2023. The EU-Funded Closed Controlled Access Centre – the De Facto Detention of People Seeking Safety on Samos. Available at: [https://ihaverights.eu/wp-content/uploads/2023/02/detention\\_report\\_full.pdf](https://ihaverights.eu/wp-content/uploads/2023/02/detention_report_full.pdf).

[67] I Have Rights. 2023. The EU-Funded Closed Controlled Access Centre – the De Facto Detention of People Seeking Safety on Samos. Available at: [https://ihaverights.eu/wp-content/uploads/2023/02/detention\\_report\\_full.pdf](https://ihaverights.eu/wp-content/uploads/2023/02/detention_report_full.pdf).

[68] Ministry of Migration and Asylum. N.D. Closed Controlled Access Center of Samos. Available at: <https://migration.gov.gr/en/ked-samoy-kleisti-elegchomeni-domi-samoy/>.

[69] Oxfam and Greek Refugee Council. 2022. Lesbos Bulletin Update on Lesbos and the Aegean Islands, by the Greek Council for Refugees & Oxfam. Page 3. Available at: [https://www.gcr.gr/media/k2/attachments/20220224\\_Lesbos\\_Bulletin.pdf](https://www.gcr.gr/media/k2/attachments/20220224_Lesbos_Bulletin.pdf).

[70] Samos Advocacy Collective, Europe Must Act. 2022. A Life without Freedom is not a Life: life in the closed control access centre in Samos. Page 5. Available at: <https://www.europemustact.org/post/a-life-without-freedom-is-not-a-life-life-in-the-closed-controlled-access-centre-in-samos>; I Have Rights. 2023. The EU-Funded Closed Controlled Access Centre – the De Facto Detention of People Seeking Safety on Samos. Page 23. Available at: [https://ihaverights.eu/wp-content/uploads/2023/02/detention\\_report\\_full.pdf](https://ihaverights.eu/wp-content/uploads/2023/02/detention_report_full.pdf).

[71] Oxfam and Greek Refugee Council. 2022. Lesbos Bulletin Update on Lesbos and the Aegean Islands, by the Greek Council for Refugees & Oxfam. Page 3. Available at: [https://www.gcr.gr/media/k2/attachments/20220224\\_Lesbos\\_Bulletin.pdf](https://www.gcr.gr/media/k2/attachments/20220224_Lesbos_Bulletin.pdf).

[72] Oxfam and Greek Refugee Council. 2022. Lesbos Bulletin Update on Lesbos and the Aegean Islands, by the Greek Council for Refugees & Oxfam. Page 3. Available at: [https://www.gcr.gr/media/k2/attachments/20220224\\_Lesbos\\_Bulletin.pdf](https://www.gcr.gr/media/k2/attachments/20220224_Lesbos_Bulletin.pdf).

“The security is very strong [...] I feel so annoyed by the security guard because they take control over me. I would feel better if I lived in a house in town”.

Beyond a section for female single headed families and the so-called “safe zone” for unaccompanied minors, there are no specialised structures within the CCAC to accommodate vulnerable groups.[73] Survivors of human trafficking are therefore left in the same structure as other asylum seekers in the CCAC, in conditions that are not adequate to their particular need.

Survivors have described the CCAC in the following ways:

- “The camp? It’s like a prison”
- “I just want to leave the camp – I think that if I come out, I will feel ok. I don’t think I feel ok in there. It’s like a prison. There is nothing to do”.
- “I think that when you are free, it makes you feel less sick and makes you forget that you are sick. But here, we live like prisoners, it’s not good for your mental health. You can break down when you are isolated and not taken care of. You stress about everything, about taking the bus, don’t miss the bus, because if you miss the bus you are sleeping outside, on the street, everything is stressful”.
- “When I see the fence it takes me back to Iran, until now it reminds me of the prison. Once I get back home to the camp I remember it is a prison. So I would rather live outside”

47 survivors (89%) were granted a geographical lift and transferred from Samos at some point in the procedure. The survivors that received a geographical lift constituted 96% (45 out of 47) of the female survivors that IHR supported, while only 33% (2 out of 6) of the male survivors received one. These statistics may reveal the gender stereotypes of the authorities, where female survivors are more likely to be identified and supported.

Most of the survivors were transferred to camps on the mainland of Greece in: Kavala, Diavata, Sisto and Agia Eleni. Since the withdrawal of the International Organisation for Migration (IOM) from mainland camps, these structures are without any protection actors and specialised treatment or support to vulnerable people, including survivors of human trafficking.[74]

By accommodating survivors of trafficking in the CCAC and/or mainland camps Greece denies them their right to appropriate housing and thus violates Article 6(a) of the Palermo Protocol of and of Article 12(1)(a) of the ECAT.

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[73] I Have Rights and Mobile Info Team. 2023. Submission to the Committee of Ministers of the Council of Europe in the cases of M.S.S. v. Belgium and Greece & Rahimi v. Greece. Available at: <https://ihaverights.eu/wp-content/uploads/2023/08/I-Have-Rights-and-the-Mobile-Info-Team-Rule-9.2-Communication-to-the-Committee-of-Ministers-regarding-the-execution-of-M.S.S.-v.-Belgium-and-Greece-and-Rahimi-v.-G.pdf>. I Have Rights. 2022. One year since Greece opened new prison-like refugee camps NGOs call for a more humane approach. Available at: [https://ihaverights.eu/wp-content/uploads/2022/09/JS\\_One-year-since-Greece-opened-new-prison-like-refugee-camps-NGOs-call-for-a-more-humane-approach.pdf](https://ihaverights.eu/wp-content/uploads/2022/09/JS_One-year-since-Greece-opened-new-prison-like-refugee-camps-NGOs-call-for-a-more-humane-approach.pdf).

[74] Refugee Support Aegean. 2023. Refugee women in the offside Greece encampment policy and services takeover lead to isolation and deny protection. Available at: <https://rsaegean.org/en/refugee-women-in-the-offside/>.





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**THE 'PLACE IS TOO SMALL -  
NOWHERE TO HAVE FRESH  
AIR. NO TOYS. NO PLAY AREA.  
NO CLASSES'**

**BK, A SURVIVOR**



## Material Assistance

On Samos, the authorities fail to provide adequate material assistance to vindicate survivors' rights to psychological, social and physical recovery, nor could those services be provided within the confines of the CCAC due to its prison-like environment.

Without sufficient cash assistance, individuals are unable to access basic services or goods to fill the gap in the lack of provision of basic goods such as quality food, hygiene products and clothes. This is concerning as CCAC residents are forced to deal with severe water shortages and inadequate food.[75] Asylum seekers accommodated in the CCAC are entitled to €70 each month, however ongoing delays with the provision of cash assistance means that even when residents have permission to leave the camp, they cannot always afford to do so. On average, people are only provided cash assistance after two and a half to three months of being on Samos,

averaging out as 93 to 77 cents per day. The cost of the €3.20 return bus ticket to Vathy is therefore beyond the means of many asylum seekers on Samos. Walking to town takes approximately 1 hour 30 minutes. Unable to leave the CCAC, and without the money to buy their own provisions, CCAC residents are at risk of isolation and are without access to material assistance and support.

The lack of provision of material assistance contributes to the barriers and challenges to a dignified life for survivors of trafficking, many of whom wish to be accommodated in towns where they are able to be more independent and engage with society. By refusing to provide support, Greece violates the legal requirements that require assistance be provided.[76]

**"YOU STRESS ABOUT EVERYTHING, ABOUT TAKING THE BUS, DON'T MISS THE BUS, BECAUSE IF YOU MISS THE BUS, YOU ARE SLEEPING OUTSIDE, ON THE STREET, EVERYTHING IS STRESSFUL. IT WAS REALLY DIFFICULT, YOU CAN DO NOTHING, YOU SLEEP, YOU DON'T HAVE MONEY." - R.M., SURVIVOR**



## Medical Assistance

As outlined above on page 29, there is a lack of medical staff in the Samos CCAC, where medical assessments are only carried out by a volunteer doctor on an ad hoc basis. The presence of an ad hoc volunteer doctor does not guarantee the provision of

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[75] International Rescue Committee and I Have Rights. 2023. Contribution to the European Ombudsman's strategic inquiry into how the European Commission ensures respect for fundamental rights in EU-funded migration management facilities in Greece. Available at: [https://ihaverights.eu/wp-content/uploads/2023/02/EU-Ombudsman\\_Submission\\_IRC\\_IHR\\_Jan-2023\\_final.pdf](https://ihaverights.eu/wp-content/uploads/2023/02/EU-Ombudsman_Submission_IRC_IHR_Jan-2023_final.pdf).

[76] Article 6(c), Palermo Protocol and Article 12(1)(a), ECAT.

medical care, which is important for the identification of medical indicators, but also to guarantee to survivors required medical care.[77] Additionally, as the volunteer doctor is mostly occupied with medical assessment (as part of the vulnerability assessment for asylum procedures) for newly arrived asylum seekers, the capacity for them to provide other medical care to longer term residents of the CCAC is limited.

Asylum seekers with serious medical conditions report facing extended wait times to see a doctor and in accessing the Samos hospital, which they can only attend if referred to by EODY.[78] Due to the deficiencies in medical care, Greece denies survivors a further part of the obligation to which they are entitled, which constitutes a violation of their legal obligations.[79]



## **Psychological Assistance**

All of the 53 survivors had one or more appointments with the EODY psychologist in the CCAC. Despite this, survivors reported to IHR that they felt like their experiences were not always taken seriously. For example, one survivor reported that they were told, “drink water and spend time with friends”. Another survivor reported that the psychologist stopped her from disclosing her trafficking experience, while another one felt unable to disclose to the psychologist as she felt ashamed.

Between August 2021 and August 2022, MSF treated more than 570 asylum seekers on Samos.[80] MSF reported that many of their patients come to their appointments feeling abandoned and hopeless and fearing being locked into the CCAC. Between April and August 2021, 64% of new patients at the MSF mental health clinic reported suicidal ideations while 14% were deemed at risk of suicide.[81]

Many of the survivors reported suffering with poor mental health and trauma-related symptoms without adequate care, which detrimentally impacts their ability to recover from their experiences. From IHR’s case notes, experiences from survivors include:

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[77] Article 6, Palermo Protocol and Article 12, ECAT.

[78] International Rescue Committee and I Have Rights. 2023. Contribution to the European Ombudsman’s strategic inquiry into how the European Commission ensures respect for fundamental rights in EU-funded migration management facilities in Greece. Available at: [https://ihaverights.eu/wp-content/uploads/2023/02/EU-Ombudsman\\_Submission\\_IRC\\_IHR\\_Jan-2023\\_final.pdf](https://ihaverights.eu/wp-content/uploads/2023/02/EU-Ombudsman_Submission_IRC_IHR_Jan-2023_final.pdf).

[79] Article 6(c) and Article 12(1)(b), the Palermo Protocol.

[80] Médecins Sans Frontières. 2022. Fear, beatings and pushbacks for people seeking safety on Greek island of Samos. Available at: <https://www.msf.org/fear-beatings-and-pushbacks-people-seeking-safety-greek-island-samos>.

[81] Médecins Sans Frontières. 2023. “We can only help our patients to survive” new camp on Samos. Available at: <https://www.msf.org/we-can-only-help-refugees-survive-new-camp-greek-island>.





- Isolation
- Poor mental health
- Stress and intense fear
- Hypervigilance and intrusive thoughts
- Overthinking with impossibility to relax
- Trauma-related hallucinations (e.g. hearing voices)
- Feelings of shame and sadness
- Suicidal thoughts
- Reduced appetite
- Insomnia and nightmares related to the trafficking experience
- Difficulties mothering a child born from rape.

The lack of psychological care offered to survivors in the Samos CCAC violates Greece international obligations.[82]

## CONCLUSION

The authorities on Samos fail to provide survivors of human trafficking with first level protection to support them in their physical, psychological and social recovery, nor could they do so within the confines of the CCAC which **is unsuitable for the accommodation and support of all asylum seekers.**

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[82] Articles 6(c) and 12(1)(b) of the Palermo Protocol.

# RECOGNITION

## INTERNATIONAL LAW

As required by **Article 10(1-2) of the ECAT**, each Party “shall ensure that the different authorities collaborate with each other as well as with relevant support organisations, so that victims can be identified in a procedure duly taking into account the special situation of women and child victims and, in appropriate cases, issued with residence permits under the conditions provided for in Article 14 of the present Convention”.

## NATIONAL FRAMEWORK

According to **Article 1 par.1(xi) of L. 4251/2014**, the official legal recognition of a survivor of trafficking in human beings is carried out through an Act of Recognition. The Act of Recognition is granted in a legal instrument by the competent Prosecutor of First Instance, both in cases where the survivor consents to cooperate with prosecuting authorities, and the second where the survivor does not. In the second case, the procedure requires “the submission to the Prosecutor of a written opinion, prepared by two professionals with the capacity of psychiatrist, psychologist or social worker, who serve either in a Protection and Assistance Service or Unit of the articles 2, 3 and 4 of the Presidential Decree 233/2003, as applicable, or in the First Reception Service, a Non-Governmental Organisation, or the International Organisations, or in other specialised protection and assistance bodies recognised by the State. [...] “in addition, the act of recognition (of non-cooperating) victims of trafficking in human beings is issued provided that the Prosecutor of the Court of First Instance deems, after the assent of the Prosecutor of the Court of Appeals, that the victim is an actual victim of trafficking in human beings, or that they do not cooperate due to threats against members of their family who are located in Greece, or in their country of origin, or anywhere else and that, if they are not protected or if they leave the country, the aforementioned persons will be in imminent danger.”[83]

Only after this is done can an Act of Recognition be issued by the Prosecutor of the Court of First Instance.

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[83] Law 4251, G.G. A' 80 of 2014, Code for Migration and Social Integration and other provisions. 2014. Available at: <https://www.refworld.org/docid/54eb40114.html>.



**None of the 53 survivors (0%) have been formally recognised as a survivor of human trafficking by the Greek authorities.** This figure is representative of the wider practice in Greece where i) Greek authorities do not recognise survivors exploited outside of Greece but who were later identified in Greece[84] and ii) where recognition rates, even for survivors exploited in Greece, are extremely low.

As the 53 survivors supported by IHR were all exploited outside of Greece, it is therefore **likely that they will never receive official recognition, highlighting the serious failures in Greece's framework to identify and recognise survivors of trafficking.** Moreover, according to the 2022 NRM annual report, only 3 person were recognised in 2022 and only 18 cases were in the official recognition procedure,[85] thus suggested that not only will the 53 survivors not be recognised but that it is highly unlikely they will even be in the procedure.

The fact that survivors remain unrecognised contributes to further breaches of the ECAT.[86] Without recognition of their experiences of trafficking, survivors are precluded from taking advantage of the reflection period, as well as from accessing a residence permit, medical and psychological assistance, appropriate living conditions and legal protection.[87]

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[84] U.S. Department of State. 2023. 2023 Trafficking in Persons Report: Greece. Available at: <https://www.state.gov/reports/2023-trafficking-in-persons-report/greece/>.

[85] EKKΑ. 2022. Annual Report Of The National Referral Mechanism For The Protection Of Human Trafficking Victims (January - December 2022). Page 47. Available at: [https://ekka.org.gr/images/KOINONIKON-PAREMBASEON/%CE%95%CE%9C%CE%91/NRM\\_REPORT\\_2022.pdf](https://ekka.org.gr/images/KOINONIKON-PAREMBASEON/%CE%95%CE%9C%CE%91/NRM_REPORT_2022.pdf).

[86] Article 10(2) and Article 14(1) of the ECAT. It also risks breaches of Article 9 of the ECAT.

[87] Articles 49, 50, 51 and 52 Law 4251/2014. See also Articles 10(2) and 14(1) ECAT; According to Article 49 L.4251/2014, survivors who have been officially recognised as victims of human trafficking are provided with a reflection period of three months with an act of the competent Prosecution Authority, in order to escape the influence of the offenders of the crimes against them and recover mentally.

# CONCLUSION

The evidence collected by IHR and presented in this report is stark: all the 53 survivors provided clear indications or evidence that they are survivors of human trafficking with asylum claims inextricably linked to those experiences of trafficking, and who face a risk of re-trafficking if returned to their countries of origin. However, the Greek authorities have consistently failed to identify and recognise their status as survivors of human trafficking, and failed to guarantee and vindicate their rights as such. The deficient implementation of the reception and asylum procedures leads to no identification at all in many steps of the procedure, and limited identification at others.

Moreover, where such disclosures are made, limited or no support is made available to survivors in Greece, impeding their recovery. This therefore raises serious concerns about the Greek State's ability to effectively analyse their risk of further serious harm, including the risk of re-trafficking if returned to their country of origin. This concern is raised further still by the fact that survivors of human trafficking who experienced exploitation outside of Greece are not recognised under the Act of Recognition, leaving all of the 53 survivors (and most asylum seeking survivors of human trafficking) without access to their rights.

These failures are compounded in that key characteristics and experiences of the survivors may well mean they should qualify for subsidiary protection on the basis of risk of serious harm equivalent to a breach of their Article 3 rights, are not able to avail of such protection. Owing to failures in identification and recognition, information about the fact that they have been trafficked and subjected to serious harm is not adequately captured in their asylum applications (or captured at all). This leaves survivors at risk of being re-trafficked and experiencing yet further harm.

# RECOMMENDATIONS

## **We call on the EU and EU member states to:**

**1**

Abandon plans under the New Pact of accelerated procedures in closed centres at the EU's borders and, instead, promote social integration policies for newly arrived asylum seekers and recognized refugees.

## **We call on the Greek authorities, with the support of the European Commission to:**

**1**

Abandon the strategy of Closed Controlled-Access Centers.

**2**

Restore alternatives to camp accommodation. For example, by exploring how to mobilise community resources.

**3**

End the use of official and de facto administrative detention measures against people seeking international protection in Greece.

**4**

Identify survivors as soon as possible. This includes survivors being asked in police screening and full registration interviews as to their trafficking experiences.

**5**

Ensure that vulnerability assessments are carried out prior to applicants for international protection having their personal interview.

**6**

Employ sufficient doctors and psychologists in CCACs and RICs for vulnerable persons to be identified and for asylum seekers to have access to treatment.

**7**

Require that GAS and EUAA employees in Greece undergo mandatory training on survivors of human trafficking.

**8**

Implement systematic referrals to the NRM so survivors can start the process of accessing appropriate interventions on the basis of their individual needs.

**9**

Strengthen an interdisciplinary and cross-sectoral approach towards the protection of survivors of human trafficking by enhancing cooperation between state and civil society.

**10**

Guarantee appropriate housing for survivors in a safe and quiet environment suitable for their specific vulnerabilities and outside of CCACs and RICs as soon as possible.

**11**

Ensure that formal recognition is granted to survivors who experienced exploitation outside of the Greek territory.

**If you have any inquiries or comments**

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