

I Have Rights¹ Second Communication to the UN Special Rapporteur on Trafficking in Persons regarding Greece's Failures towards Survivors of Trafficking accommodated in the Closed Controlled Access Center of Samos, Greece.

28th November 2023



Photos of the Closed Controlled Access Centre ('CCAC') from the Hellenic Republic Ministry of Migration & Asylum Website.²

¹ I Have Rights ('IHR') is a non-profit refugee law clinic based on the island of Samos. Since March 2022, IHR has provided legal counselling and representation to nearly 600 asylum seekers and has provided legal information to nearly 1,000 people through our information hotline. IHR closely monitors and documents the human rights of people on the move on Samos, and in particular has published various reports on the Samos CCAC. IHR engages in advocacy and strategic litigation, communicating with stakeholders in Greece, regionally and internationally.

² Hellenic Republic Ministry of Migration & Asylum Website. Available [here](#).

Dear Siobhán Mullally, Special Rapporteur on Trafficking in Persons,

I Have Rights (IHR) writes to respectfully request a response to our first confidential communication sent to you on 23 October 2022 on behalf of 13 women, highlighting the systemic failures of the Greek State to identify, protect and support survivors of trafficking on Samos, Greece.

This second communication also provides updates in relation to (i) a recent report prepared by IHR detailing our continuing concerns;³ (ii) findings of the 2023 GRETA report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Greece (the ‘GRETA report’);⁴ and (iii) findings of the 2023 GREVIO Evaluation Report concerning Greece’s implementation of the Istanbul Convention (the ‘GREVIO report’).⁵

As further detailed below, IHR calls on the Special Rapporteur:

- To **investigate** Greece’s compliance with international standards concerning the treatment of survivors of human trafficking in Samos;
- Make **recommendations** to ensure that Greece fully complies with international standards concerning the treatment of survivors of trafficking on Samos;
- Specifically, to **condemn** Greece’s failure to recognise survivors who have been trafficked outside Greece, and to make recognition contingent on a willingness to cooperate with law enforcement.

Summary of Communication

The situation for survivors of human trafficking on the island of Samos remains dire. As a designated ‘hotspot’, and one of the main points for individuals arriving to Europe via Turkey, Samos represents a key opportunity to identify, support and protect survivors of trafficking and prevent their re-trafficking. If IHR’s statistics are representative of Samos, then approximately 285 of the 2,170 asylum seekers who entered in 2022 were potential survivors of trafficking.⁶ However, as we have previously demonstrated, not only is this opportunity being missed, but Greece’s regime of deterrence and detention further compounds the violation of their rights. This is most notably via repeated and violent pushbacks and de facto detention in inhuman conditions in the EU-Funded Closed Controlled Access Centre (CCAC) on Samos.

Our first communication, sent on behalf of 13 survivors of trafficking, documented the systemic failures of Greece to comply with various provisions under ECAT. Each of the 13 women, who were all (bar one) at the time of making the communication between the ages of 18-26, fled their countries alone, with backgrounds of poverty, limited education, a lack of family support, past histories of exploitation and/or violence, and a fear of persecution due to their sexuality and/or forced female genital mutilation (‘FGM’). They arrived in Samos as asylum seekers, having been trafficked through Iran, Iraq and/or Turkey for the purpose of sexual exploitation and/or forced labour. Despite displaying clear indicators of their experiences including pregnancy, gynaecological issues, scarring, suicidal ideation and mental health problems, these women were not identified or recognised as such, and were not provided with adequate support.⁷ Instead, they were de facto detained in the prison-like

³ IHR. 2023. Unidentified, unrecognised and denied support: survivors of human trafficking in the Samos Closed Controlled Access Centre (‘the Trafficking Report’). Available [here](#).

⁴ GRETA. 2023. Report concerning the implementation of the Council of Europe’s Convention on Action against Trafficking in Human Beings in Greece. Available [here](#).

⁵ GREVIO. 2023. GREVIO Baseline Evaluation Report, Greece. Available [here](#).

⁶ As per IHR’s Trafficking Report, 13% of IHR clients were identified by IHR as survivors of trafficking from the period of March 2022 to July 2023. It is notable if representative of the whole of Greece, the figure of 285 almost reaches the 385 total potential survivors who were referred to the NRM in the whole of Greece in 2022.

⁷ Only 1 of the 13 were informed that had been identified as a survivor of trafficking. 0 were recognised.

CCAC, received insufficient medical care and a lack of provision of basic services, inhibiting their right to psychological, social and physical recovery and causing a deleterious impact on physical and mental health.⁸

Since our initial communication, GRETA published a report concerning Greece's implementation of ECAT on 23 March 2023.⁹ The GRETA report found a number of issues for immediate action, including the need (i) to ensure individualised risk assessments are conducted prior to any forced removals,¹⁰ (ii) to improve the timely identification of survivors of trafficking;¹¹ and (iii) to grant foreign survivors of trafficking appropriate periods of recovery and reflection regardless of their cooperation with the authorities,¹² among many others.

However, despite making important findings as to Greece's general failures towards survivors of trafficking, **GRETA did not visit the CCACs in Greece**, meaning it did not have the opportunity to make detailed conclusions regarding the impact and/or suitability for survivors of human trafficking. In this instance, we ask the Special Rapporteur to investigate Greece's compliance with international standards concerning the treatment of potential survivors of trafficking accommodated in the CCACs, as a critical component of Greece's migration policy, and given the likely negative impacts on confining potential survivors of trafficking in a highly-securitised, detention environment, without access to essential and specialised services and support.

Our concerns are supported by the stark findings of the GREVIO in its report published on 14 November 2023, concerning Greece's implementation of the Istanbul Convention.¹³ The report raises several concerns with CCACs in Greece, including substandard conditions,¹⁴ lack of single-sex accommodation,¹⁵ and isolation from essential services and restrictions of freedom of movement, which could amount to de facto detention.¹⁶ GREVIO calls for Greece (i) to set up an effective system of screening vulnerabilities; (ii) to ensure safe and adequate accommodation; (iii) to ensure access to healthcare; (iv) to implement standard operating procedure on gender sensitive reception of asylum seekers; and (v) to respect the principle of non-refoulement.¹⁷ **We submit that these findings require particular consideration with respect to the specific needs and implications on the rights of survivors of trafficking;** an area which has not yet been addressed in full by an international body.

In these circumstances and as per our submissions below, we urgently highlight and seek your response in relation to two related areas of concern:

1. The inappropriate and unsuitable conditions of the CCAC on Samos, where potential survivors of human trafficking are subject to periods of automatic and de facto detention, and/or accommodation in a highly securitised, isolated facility without access to essential and/or specialised services; and
2. The ineffective operation of the National Referral Mechanism in circumstances where the Greek authorities continue to implement hostile migration policies via repeated and often violent pushbacks, and de facto detention in wholly unsuitable, isolated and inappropriate accommodation.

⁸ Please see our first communication sent to your office on 23 October 2022.

⁹ GRETA report.

¹⁰ GRETA report, page 32, para 138.

¹¹ GRETA report, page 36, para 159.

¹² GRETA report, page 42, para 191.

¹³ GREVIO report.

¹⁴ GREVIO report, page 75, para 343.

¹⁵ GREVIO report, page 77, para 354.

¹⁶ GREVIO report, page 74, para 34 and page 75, para 342.

¹⁷ GREVIO report, page 77, para 354 and page 78, para 359.

The Closed Controlled Access Centre ('CCAC')

The EU-funded CCAC, opened in September 2021, is located in a remote, north-western area of Samos, 6.9 km from the nearest town, communities and essential services. It has capacity to accommodate 2,040 asylum seekers, however is currently subject to extreme overcrowding.¹⁸ While the population has reduced from this summer's heights of around 5,000 people, at the time of writing around 3,500 asylum seekers are held in the Samos CCAC, with the structure currently in operation at over 170% capacity. This figure includes around 2,000 people who are currently de facto detained in CCAC for around 30 to 50 days.

The CCAC resembles a prison. Accommodation and services are in containers, separated and surrounded by barbed wire fencing, and heavily policed by Greek state police, border force, and a private security firm.¹⁹ Services are shared and scarce.²⁰ To enter or pass through the different zones of the CCAC, individuals must pass through check-points manned by security staff, fences, turnstiles, magnetic gates, x-ray machines and a two-factor identification process which includes scanning their identification card and their fingerprints.²¹

As per the recent findings of the EU Ombudsman,

“The external fencing and surveillance infrastructure do not create a physical environment conducive to wellbeing and are, rather, reminiscent of detention facilities [...] It is questionable how respect for human dignity and protection of the best interest of the child and of vulnerable individuals can be ensured if residents are forced to stay in such an environment.”²²

The CCAC operates within the wider context of Greek deterrence and isolation policy, which includes the conduct of pushbacks. There is substantial evidence to show a generalised practice by the Greek authorities of illegal and violent pushbacks, with Samos seeing the second highest rate of illegal pushbacks in the Aegean.²³ Pushbacks are notoriously violent and degrading, with Médecins Sans Frontières detailing reports by patients of physical violence, strip-searches, sexual violence, theft of belongings and being abandoned at sea on motorless liferafts.²⁴

If not pushed back, upon arrival to Samos asylum seekers are taken to the CCAC and automatically de facto detained without being provided with identification documents or reasons for their detention. Despite this practice being the basis of current infringement proceedings against Greece,²⁵ it persists, lasting at the time of writing between one to two months for each newly arrived person.

Individuals are not permitted to leave until identification procedures have been completed and during this time access to medical care is extremely limited. Vulnerability assessments usually do not take place until after many weeks of being de facto detained, and are completed by a volunteer doctor who attends the CCAC irregularly. These assessments have been described by IHR's clients as “rushed”

¹⁸ IHR. 2023. Unlawful detention and worsening conditions: over 4,000 asylum seekers unlawfully detained on Samos and Lesbos. Available [here](#).

¹⁹ IHR. 2023. The EU-Funded Closed Controlled Access Centre - the De Facto Detention of People Seeking Safety on Samos, page 19-26. Available [here](#).

²⁰ IHR. 2023. Unlawful detention and worsening conditions: over 4,000 asylum seekers unlawfully detained on Samos and Lesbos. Available [here](#).

²¹ 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 [here](#).

²² EU Ombudsman. 2023. 'Decision in strategic inquiry OI/3/2022/MHZ'. Para 48. Available [here](#).

²³ We Are Solomon. 2022. Dark Waters of the Aegea. Available [here](#).

²⁴ Médecins Sans Frontières. 2023. Asylum seekers in Greece report being beaten, strip-searched and sent back to sea. Available [here](#); Médecins Sans Frontières. 2022. Fear, beatings and forced returns for people seeking safety on Greek island of Samos. Available [here](#).

²⁵ Efsyn. 2023. Commission: Infringement procedure for a series of issues in Greece. Available [here](#).

and “a tick box exercise”.²⁶ Access to a psychologist is highly restricted as there is only one for a population of around 3,500 people, raising serious concerns about the rigourness of vulnerability assessments and/or opportunities for the identification of survivors of trafficking.²⁷ This situation leaves potential survivors deprived of their liberty, unidentified, without access to essential services and their needs overlooked.²⁸

Once identification procedures are complete, individuals are only permitted to access certain limited zones of the CCAC and are subject to a curfew. IHR submits that the infrastructure, remoteness, lack of sufficient cash-assistance²⁹ and significance of the invasive surveillance imposed on residents in the CCAC **constitutes a systemic unlawful deprivation of liberty**.³⁰ These submissions are supported by GREVIO’s concerns the restriction of movement in CCACs could amount to de facto detention for persons not holding an asylum seekers card.³¹

The effects of the unlawful practice of deprivation of liberty, lack of privacy, intrusive surveillance, isolation and lack of access to essential services, resulting in deleterious impact on physical and mental health, is documented in our first communication to you through the experiences of 13 survivors of trafficking. These effects are compounded by the serious lack of adequate medical care, exemplified by the fact that for nearly two years there has been **no doctor stationed in the Samos CCAC**.³² As per our initial communication, despite women displaying the effects of sexual, physical and/or psychological violence including scarring, suicidal ideation, mental health problems, complicated pregnancies, miscarriages and/or gynaecological issues, they were not provided with any/or adequate care for their particular needs.

The lack of care is also stark given the large proportion of women within our initial complaint who were held inside the CCAC pregnant or with newborn babies, conceived as a result of their experiences of sexual exploitation. Sadly, two women suffered miscarriages (one late in her pregnancy), yet were not provided with adequate psychological or other support. Those with newborns reported that they were not provided basic items such as cots, clothing, toys or any individualised services for their children. **The lack of care in these stark circumstances, is dehumanising, undignified and fails to uphold the right to physical, psychological and social recovery of survivors of trafficking.**

The GREVIO report draws attention to the negative implications on women survivors of gender-based violence being held in the CCAC including risk of re-traumatization, further violence and limited access to adequate support and protection.³³ In particular, GREVIO refers to disturbing reports of women being exposed to the risk of having to resort to selling and exchanging sex in order to cover basic needs for themselves and their children, such as baby food/formula and nappies.³⁴ **This is particularly alarming due to the risk of trafficking and/or re-trafficking inside the CCAC, which has not sufficiently been investigated by an international body.**

²⁶ IHR. 2022. AYS Special from Greece: Protests on Samos CCAC shed light on procedural violations. Available [here](#).

²⁷ IHR. 2023. Unidentified, unrecognised and denied support Survivors of human trafficking in the Samos Closed Controlled Access Centre, page 28-30. Available [here](#).

²⁸ *Ibid*.

²⁹ On average, it takes 2-3 months from the time of registration with the police until asylum seekers receive the first payment of cash assistance. When people are finally paid, they are often not paid the total amount they are ‘owed’. It is common for asylum seekers on Samos to never receive cash assistance.

³⁰ IHR. 2023. The EU-Funded Closed Controlled Access Centre - the De Facto Detention of People Seeking Safety on Samos. Available [here](#).

³¹ GREVIO report, page 74, para 342.

³² International Rescue Committee and IHR. 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, page 2 and page 8.. Available [here](#).

³³ GREVIO report, page 74-75, para 341.

³⁴ GREVIO report, page 75, para 343.

As per our initial communication, we submit that the facility is entirely unsuitable and inappropriate for survivors of trafficking. In response to this letter, and in line with your comments that “persons who are presumed or identified trafficking victims must be removed from detention as soon as possible and granted appropriate assistance and protection in specialised facilities”,³⁵ we request that you urgently investigate Greece’s compliance with international standards concerning the treatment of potential survivors of trafficking in the Samos CCAC.

In particular, we urge you to condemn the unsuitability of the CCAC for survivors of trafficking as an environment which is (i) retraumatizing and dehumanising; (ii) exposes survivors to a risk of further violence and/or trafficking; (iii) is not conducive to creating an atmosphere of trust; and (iv) prevents survivors from being able to integrate into society, access services and receive support from NGOs.

Failures of the National Referral Mechanism (‘NRM’)

The operation of the Greek NRM is ineffective. Despite the heavily surveilled nature of the Samos CCAC, survivors of trafficking are often **not identified**, and if they are, identification is reliant on self-disclosure. The identification of survivors of trafficking is also futile where the right to assistance remains illusory; as survivors **(i) remain accommodated in the CCAC; (ii) receive no specialised support or medical care; (iii) are not granted a recovery and reflection period; (iv) and are not formally recognised as such by the Greek State.**

The practice of pushbacks interferes with the obligation to identify potential survivors of trafficking, where individuals may be subject to refoulement without being identified, or hinder their ability to disclose their experience due violence by the authorities. This practice affects many survivors of trafficking, with **26% of IHR’s clients who are survivors of trafficking report having experienced at least one pushback**, and with 6% having experienced four or more pushbacks.³⁶ We note that GRETA is “particularly alarmed” by pushbacks of potential survivors of trafficking, which “represents a violation of the non-refoulement principle (and) may constitute a **violation of the right to identification and assistance of victims of trafficking**”.³⁷

Where potential survivors of trafficking are accommodated in the CCAC, they are required to self-disclose so as to be identified as potential survivors of trafficking. As per our previous communication, **all of the 13 women were required to self-identify** despite each of them displaying clear indicators of trafficking. Even where medical evidence was provided in support of disclosure, **only 1 case in 13 was referred to the NRM.** In all cases, the authorities demonstrated a failure to make inquiries as to the vulnerabilities or experiences of survivors of trafficking.

A report prepared by IHR analysing the data of 53 potential survivors of trafficking clients between the period of March 2022-June 2023, reveals continued major omissions in the implementation of the NRM. The report finds that **0% of survivors were identified or informed of their rights** during their **first police screenings** or during their **registration interview**, with only **13% identified in their vulnerability assessments** and **29% in their asylum interviews**. All relied on self-identification, despite presenting with clear indicators. The report also documents a continued practice of Greece **failing to grant a reflection and recovery period, failing to provide adequate or appropriate support and/or accommodation**, and not **formally recognising** survivors.³⁸

³⁵ OHCHR. 2020. Comments by the Special Rapporteur to the draft General Comment no. 5(2020) on migrants’ rights to liberty and freedom from arbitrary detention. Available [here](#).

³⁶ IHR. 2023. Unidentified, unrecognised and denied support Survivors of human trafficking in the Samos Closed Controlled Access Centre, page 10. Available [here](#).

³⁷ GRETA report, page 31, para 137.

³⁸ IHR. 2023. Unidentified, unrecognised and denied support Survivors of human trafficking in the Samos Closed Controlled Access Centre. Available [here](#).

These low numbers are in accordance with the figures of GRETA that Asylum Service caseworkers only detected presumed survivors of trafficking in 16 cases in 2019, in 7 cases in 2020 and in 41 cases in 2021 in the whole of Greece.³⁹ The failure to identify or make reasonable inquiries is unsurprising where, as IHR has discovered through a Freedom of Information request, only **3 of the 23 EUAA caseworkers on Samos conducting asylum interviews have attended the EUAA Training on trafficking in human beings**. This is compounded by the findings of GREVIO that medical checks in reception centres are unsuitable to flag vulnerabilities,⁴⁰ that women can be inhibited from disclosing their experiences due to the fact that requests for female caseworkers are not met, and there are a lack of suitable spaces to assess vulnerabilities.⁴¹

Furthermore, **identification is futile where survivors are not able to access their rights that flow from identification, most notably the right to psychological, physical and social recovery**. Instead, even where individuals who are identified and referred to the NRM, “many of them continued to be accommodated in these facilities rather than being referred to specialised shelters”.⁴² This finding is reflective of our initial communication, whereby (i) all women remained accommodated in the CCAC for months; (ii) none were granted a recovery and reflection period; (iii) none received adequate protection, medical and/or integration support and (iv) none were formally recognised as survivors of trafficking, precluding them from accessing residence status in Greece.⁴³

Finally, we draw particular attention to Greece’s practice of **not recognising survivors of trafficking who are exploited outside of Greece**, therefore precluding many survivors from accessing their right to residence and stability. We are also extremely concerned with the findings of GRETA that since its first evaluation, **no survivor of trafficking has been granted a reflection period**.⁴⁴

We urge you to draw attention to the omissions of the NRM, and to condemn the failures of the Greek state to identify, support and recognise survivors of trafficking in Samos. We urge you to consider the intersectional dimension of this discrimination as 100% of survivors encountered by IHR between March 2022-June 2023 were persons from African descent, and with 89% being women.

Conclusion

Based on the information set out in this communication and the communication sent to your office on 23 October 2022, IHR calls on the Special Rapporteur:

- To **investigate** Greece’s compliance with international standards concerning the treatment of survivors of human trafficking in Samos;
- Make **recommendations** to ensure that Greece fully complies with international standards concerning the treatment of survivors of trafficking on Samos;
- Specifically, to **condemn** Greece’s failure to recognise survivors who have been trafficked outside Greece, and to make recognition contingent on a willingness to cooperate with law enforcement.

If you have any questions or require any further information, please do not hesitate to contact IHR at samos@ihaverights.eu.

³⁹ GRETA report, page 35, para 155.

⁴⁰ GREVIO report, page 76, para 346.

⁴¹ GREVIO report, page 73, para 334.

⁴² GRETA report, page 37, para 162.

⁴³ GRETA also found that recognition is de facto conditioned on the willingness of survivors to report an offence, GRETA report, page 36, para 158.

⁴⁴ GRETA report, page 42, para 189. GRETA also notes there is an apparent lack of understanding of the purpose of the recovery and reflection period.