



Monitoring and Assessing the Integration of Vulnerable Migrants in Greece

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Executive Summary

The present report provides an in-depth assessment of integration policies and outcomes in the case of Greece by specifically bringing into focus the needs of three migrant groups who for various reasons are commonly considered to be especially vulnerable: women, children and victims of trafficking (VoTs). Do the migrant integration policies and programmes in Greece meet the specific integration needs of these three vulnerable migrant groups? In addressing this question, the present report describes and evaluates both a) the general national framework for the integration of migrants and the extent to which existing legal provisions and policy frames acknowledge and take into account the specific needs and conditions of these especially vulnerable immigrant subgroups, and b) the extent to which the application and implementation of existing laws, policies and practices promote a degree of integration of migrant women, children and VoTs in Greece, on the basis of measurable indicators. The assessment of integration outcomes focuses on collecting quantitative (statistical) data about the levels of integration of each of the three vulnerable migrant groups in comparison to the following groups: migrant women in comparison to migrant men; migrant women in comparison to women in the total population (native women); migrant children in comparison to children in the general population (native children).

In developing a set of criteria and indicators to assess the integration of Third Country Nationals (TCNs), as well as the extent to which they explicitly consider these vulnerable groups, the research methodology of the ASSESS project draws from the Common Basic Principles for immigrant integration policy in the European Union, as well as from existing international principles and standards for protection of the rights of each respective target vulnerable group. The outcome indicators provided in this methodology are selected and designed based on the existing work conducted and tools designed to this date at the EU level: Zaragoza indicators, additional immigrant integration indicators proposed by MPG and ESN, the MIPEX policy indicators and the currently developed MIPEX outcome indicators as well as the EU Active Citizenship Composite Indicator (ACCI). The indicators that we deploy also rely on the review of the existing national monitoring systems of immigrant integration in the studies of ten EU Member States, particularly on the national immigrant integration indexes developed in Austria and Belgium. The outcomes of integration policies are considered and analysed in the frame of the legal and social context of Greece, and they are assessed also on the basis of qualitative information, which we collected through interviews with experts, policy makers, NGO representatives and other stakeholders.

Our study on Greece shows that Greek law and policy does not take into account the special needs and conditions of migrant women, and specifically, their overwhelming concentration on the informal employment sector. Their position in such kind of employment largely excludes them from accessing basic rights and services, and it is a major impediment in their effective integration in Greek society. Concerning VoTs, the relevant Greek law and

policy are predominantly defined by a criminal approach to combatting trafficking, while they are thoroughly deficient in regard to provisions that establish an appropriate and effective support structure to promote the recognition, rehabilitation and eventual integration of victims. Finally, given that children are by definition dependent and thus more vulnerable persons, Greek law and policies, especially in the sphere of education, have sought to address the specific needs of newly arriving migrant children and those of the second generation. However, the results so far show significant shortcomings in their effectiveness to promote their integration.

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Table of Abbreviations

ACCI	Active Citizenship Composite Indicator
EL.AS	Greek Police
EOPPEP	National Organisation for the Certification of Qualifications and Vocational Guidance
EPAL	Professional High School
TEE	Technical Professional School
EPAS	Professional Secondary School
EU	European Union
GO	Greek Ombudsman
GDIPSI	General Directorate for Immigration Policy and Social Integration
GSGE	General Secretariat for Gender Equality
GSSL	General Secretariat for Life Learning
HFM	Hellenic Forum of Migrants
HP	Hellenic Police
HSA	Hellenic Statistical Authority
IKA	Social Security Organisation
KE.DA	Centre for Intercultural Education
LFC	Labour Force Survey
LI-GCL	Labour Institute of the General Confederation of Labour
MFA	Ministry of Foreign Affairs
MERA	Ministry of Education and Religious Affairs
MI	Ministry of Interior
MIC	Migrant Integration Council
MIPEX	Migrant Integration Policy Index
MLSSW	Ministry of Labour, Social Security and Welfare
MPG	Migration Policy Group
MPOCP	Ministry of Public Order and Citizen Protection
NGO	Non-Governmental Organisation
ORC	Ombudsman for the Rights of Children
TCN	Third-Country National
NCSS	National Centre for Social Solidarity
UNHCR	United Nations High Commissioner for Refugees
VoT	Victim of trafficking in human beings
YDAS	Agency for International Development of the Ministry of Foreign Affairs

1. Introduction

1.1 Aims and scope of the study

The present report provides an in-depth assessment of integration policies and outcomes in the case of Greece by specifically bringing into focus the needs of three migrant groups who for various reasons are commonly considered to be especially vulnerable: women, children and victims of trafficking (VoTs). Do the migrant integration policies and programmes in Greece meet the specific integration needs of these three vulnerable migrant groups? In addressing this question, the present report describes and evaluates both a) the general national framework for the integration of migrants and the extent to which existing legal provisions and policy frames acknowledge and take into account the specific needs and conditions of these especially vulnerable immigrant subgroups, and b) the extent to which the application and implementation of existing laws, policies and practices promote a degree of integration of migrant women, children and VoTs in Greece, on the basis of measurable indicators.

The assessment of integration outcomes focuses on collecting quantitative (statistical) data about the levels of integration of each of the three vulnerable migrant groups in comparison to the following groups: migrant women in comparison to migrant men; migrant women in comparison to women in the total population (native women); migrant children in comparison to children in the general population (native children). The results of this assessment in Greece, as it is subsequently discussed in the report, have certain limitations. These largely stem from the lack of comprehensive and systematic data collection and monitoring mechanisms in the field of migrant integration more broadly.

In developing a set of criteria and indicators to assess the integration of Third Country Nationals (TCNs), as well as the extent to which they explicitly consider these vulnerable groups, the research methodology of the ASSESS project draws from the Common Basic Principles for immigrant integration policy in the European Union, as well as from existing international principles and standards for protection of the rights of each respective target vulnerable group. The outcome indicators provided in this methodology are selected and designed based on the existing work conducted and tools designed to this date at the EU level: Zaragoza indicators, additional immigrant integration indicators proposed by MPG and ESN, the MIPEX policy indicators and the currently developed MIPEX outcome indicators as well as the EU Active Citizenship Composite Indicator (ACCI). The indicators that we deploy also rely on the review of the existing national monitoring systems of immigrant integration in the studies of ten EU Member States, particularly on the national immigrant integration indexes developed in Austria and Belgium. The outcomes of integration policies are considered and analysed in the frame of the legal and social context of Greece, as well as the ways in which legal provisions and judicial and social support structures operate in practice. Information about their application and functioning in practice has been collected through qualitative interviews with experts, policy makers, NGO representatives and other stakeholders.

Monitoring and assessment refer to the processes whereby administrative and decision-making authorities, but also non-governmental actors (NGOs), evaluate the implementation of legal provisions and policies, and their appropriateness and effectiveness in achieving the specific objectives, for which they were adopted in the first place. There are two distinct, albeit inter-related types of monitoring: a) *process monitoring* which documents policies and activities (the output), and b) *impact monitoring* which documents the results of policy implementation and activities (the outcome). Roughly in correspondence to these two kinds of monitoring, we assess the integration of migrants and the three vulnerable groups under focus in particular, at two levels: at the level of legal-policy content and at the level of policy outcomes.

Conceptualisations of vulnerability and vulnerable groups abound and widely vary, not least across different disciplines and research traditions. Yet, the utility and appropriateness of defining particular social, ethnic or other groups as vulnerable, has been viewed with skepticism, or it has even been profoundly questioned. While we agree that from a policy perspective it is important to identify and attend to the particular conditions and characteristics that render certain individuals and groups more exposed to the risk of poverty or harm, it is equally important to also take note of the pitfalls that the designation of vulnerability can carry.

Generally, vulnerable groups are those who experience a higher risk of poverty and social exclusion than the general population. Ethnic minorities, migrants, disabled people, and the homeless among others, may face difficulties that can lead to further social exclusion, such as low levels of education or unemployment. Vulnerability is closely connected to the diminished capacity of an individual or group to anticipate, cope with, or resist those conditions that can lead to social exclusion and impoverishment; that group or individual is therefore strongly dependent on state support. Besides material deprivation, vulnerability is also associated with social harm that can be caused by prejudice, stigmatisation and generally negative social attitudes towards a particular group.¹

At the same time, the notion of vulnerability as applied to migrant women has been criticised for projecting an exaggerated and generalisable image of victimhood. According to the victimhood discourse, all immigrant women are vulnerable, exploited or abused, and in need of protection.² Migration historian Marlou Schrover claims that migration of women is presented as a new phenomenon when it is not, while there is an unwarrantedly excessive emphasis on the private sphere and the family. Schrover argues that “women’s subordination and victimisation is more often proven.... It would be possible to move the field forward if there were.... more comparisons between migrant men and women, less emphasis on victimhood, less attention to risk and more to opportunity”.³

¹ Lourdes, Peroni, and Alexandra Timmer. “Vulnerable groups: The promise of an emerging concept in European Human Rights Convention law.” *International Journal of Constitutional Law*, Vol. 11 No. 4, (2013), pp. 1056–1085.

² Schrover, Marlou. “Gender and Migration in Historical Perspective”, European University Institute Forum, “The ‘Lampedusa Dilemma’: Global Flows and Closed Borders. What should Europe do?”, EUI, Florence 17-18 November 2014, p. 1.

³ Schrover, Marlou. “Gender and Migration in Historical Perspective”, p. 7.

While people may differ in their exposure to material deprivation or social harm because they belong to a certain social group, other identity, age and other factors, easily associating vulnerability with specific social groups is not only unwarranted but it has many pitfalls. Above all, the notion of vulnerability carries the risk of essentialising, namely of reifying one kind of experience as paradigmatic of a social group's position, at the expense of other experiences, while obscuring significant differences within groups.⁴ This is not to deny the utility of the concept of vulnerability, but to emphasise that it emanates from the *socially constructed disadvantage* of certain groups; it is not inherent in a particular gender, sexual, ethnic or other identity. Not all migrant women are necessarily vulnerable by virtue of being both migrant and female; their position of vulnerability is context-specific and it must be explained in relation to the particular societal, political and institutional environment, in which they live, rather than be assumed. Whether they are in fact vulnerable or how vulnerable they are may differ across countries, time periods or across different migrant groups.

Taking into account the above concerns, we would argue that children can be considered vulnerable by virtue of their age and developmental stage that clearly renders them less capable of making independent decisions about their life and to places them in need of protection. Men and women who have experienced a situation of labour servitude or sexual exploitation, especially if they are far away from their families and communities, are also likely to be more readily considered vulnerable. Female migrant workers are considered more vulnerable as compared to men because they tend to be concentrated in a more limited number of occupations, and particularly within the informal sector, which is not covered by any labour legislation or social protection.⁵

In Greece, the specific needs of migrant women, migrant children and victims of trafficking (VoTs) are covered and addressed by laws, policies and agencies across a variety of different policy sectors: child welfare and child protection institutions, social welfare institutions, gender equality and special anti-trafficking bodies, education, health-care policy and labour market policies, among others. Provisions allowing for the access of third-country nationals (TCNs), including the vulnerable subgroups under focus, to rights and services, are often dispersed, fragmented or even 'concealed' in the legislation of different policy sectors, lacking common and coherent objectives and priorities. In evaluating the content of laws and policies that are relevant for integration, we also take into account the empowerment and participation of immigrants in the formulation of integration policies and measures (defined in the Common Basic Principles of Immigrant Integration), the extent to which a human rights-based approach is applied, and whether a certain degree of mainstreaming of migrant integration issues in all relevant policy areas and levels of government and public services is achieved.

⁴ Phillips, Anne. "What's wrong with Essentialism?" *Distinktion: Scandinavian Journal of Social Theory*, Vol. 11, No. 1 (2010), pp. 47-60.

⁵ Kawar, Mary. "Gender and Migration: Why are Women more Vulnerable?", http://graduateinstitute.ch/files/live/sites/iheid/files/sites/genre/shared/Genre_docs/2865_Actes2004/10-m.kawar.pdf

The notion of vulnerability has mainly been taken into account in Greek legal provisions concerning the management of irregular migration and asylum seeking, and not with regard to the integration of legally residing TCNs. For instance, the concept is invoked in the frame of the country's latest asylum law reform, which defines vulnerable groups as unaccompanied minors, persons with disabilities or chronic diseases, the elderly, pregnant women or women with newborn children, single-parent families with minor children, and the victims of human trafficking, torture or other degrading treatment.⁶ Immigration policy documents, such as the National Strategy for Immigrant Integration and the Multi-Annual Programme for TCNs for the 2007-2013 period also make reference to gender equality, as well as to women, children and other vulnerable social groups, such as youth, the elderly, illiterate and disabled persons.

Gender and the family, are mentioned as factors that can influence effective immigrant integration efforts, however, they are not specifically considered and taken into account in integration-related policies. An exception here is the National Programme for Substantive Gender Equality 2010-2013, drafted by the General Secretariat for Gender Equality (GSGE), which defines as a main goal the defence of the rights of all women through equality-related interventions. It seeks to target groups of particularly vulnerable women, who are subject to multiple discrimination and who have been particularly strongly affected by the economic crisis since 2010. Actions for facilitating the access of vulnerable women to information and counselling services for dealing with violence or for acquiring work-related qualifications were included in this Programme.⁷ Notwithstanding such actions taken by the Greek Secretariat of Gender Equality, our study on Greece shows that Greek law and policy does not take into account the special needs and conditions of migrant women, and specifically, their overwhelming concentration on the informal employment sector. Their position in such kind of employment largely excludes them from accessing basic rights and services, and it is a major impediment in their effective integration in Greek society.

Concerning VoTs, the relevant Greek law and policy are predominantly defined by a criminal approach to combatting trafficking, while they are thoroughly deficient in regard to provisions that establish an appropriate and effective support structure to promote the recognition, rehabilitation and eventual integration of victims. Finally, given that children are by definition dependent and thus more vulnerable persons, Greek law and policies, especially in the sphere of education, have sought to address the specific needs of newly arriving migrant children and those of the second generation. The vulnerability and the special interests of children and minors are recognised in immigration law. They have also formed the basis for several interventions by the Greek Ombudsman (GO) and the Ombudsman for the Rights of Children (ORC) since the early 2000s, especially in regard to the access of children of

⁶ See Law 3907/2011, Art. 11. Distinct procedures apply for irregular immigrants applying for asylum or belonging to vulnerable groups, who are directed to separate reception and legal procedures, while the remaining irregular migrants face expulsion or return to their country of origin.

⁷ Stratighaki, Maria. "To fylo stis politikes metanastefseis kai oi metanastries stis politikes isotitas ton fylon" [Gender in immigration policies and female immigrants in gender equality policies]. In Alexandra Zavvou, Nelli Kampouri and Maria Stratighaki (eds.), *Fylo, Metanastefsi, Diapolitismikotita* [Gender, Migration, Inter-Culturalism]. Athens: Nisos, 2013, pp. 229-230.

TCNs to education. However, the results so far show significant shortcomings in their effectiveness to promote their integration.

1.2 Methodology

Research for this report has been drawn from a wide variety of sources. Data was first collected through desk research that included review of the findings of relevant studies and of academic literature, as well as information requests to relevant institutions. Desk research has also included review of the legislation and policy framework for immigration, gender equality, trafficking, and education. We collected a wealth of statistical data the European Labour Force Survey reports and the Greek Statistics Agency (*Elliniki Statistiki Ypiresia*), the Ministry of Education, the Greek Police (ELAS) and the Ministry of Interior and the General Directorate for Immigration Policy and Social Integration in particular. We have depicted the data that we aggregated in the form of tables and graphs that are included throughout the report. In addition, twenty interviews were conducted between September and November 2014 interviews with key stakeholders (law enforcement, service providers, educators, independent agencies, immigration experts and international organisations) through which we collected valuable information that has allowed us to contextualise the quantitative data, and to evaluate the outcomes of integration laws and policies. A list of all interviews is appended at the end of this report.

1.3 Background profile of target groups

The 2001 census recorded 762,191 foreign nationals of which 690,000 were TCNs, legal or undocumented.⁸ During the 2011 census, the resident population of TCNs in Greece was 712,879 (7.5% of the total population) of which 385,773 (54%) were male and 327,106 female (46%).⁹ Data from the MI database on valid stay permits, put the number of legally residing TCNs at 473,124 in 2014. The legally residing population of TCNs in Greece includes mostly individuals with Albanian citizenship (69%). They are followed by individuals coming from the former Republics of the Soviet Union, including Ukrainians, Georgians, Russians and Moldovans, and by people from India, Philippines and Pakistan (see Table 1). Men constitute slightly over half (53%) of the total legal immigrant stock, and women make up 46.8% of the legally residing immigrant population (see Figure 1). At the same time, the gender balance in the composition of the various ethnic groups though is very uneven and heterogeneous. Women make up less than 9.6% of immigrants from Pakistan and Bangladesh while they comprise over 83% of immigrants from Ukraine, 76% of those coming from

⁸ The numbers include immigrants from Bulgaria and Romania which were not EU members at the time. See Baldwin-Edwards, Martin, and Giannis Kyriakou. "Statistical data on immigrants in Greece: An analytical study of available data and recommendations for conformity with European standards". Greece: IMEPO, 2004. http://ec.europa.eu/ewsi/UDRW/images/items/docl_7511_515679235.pdf. Accessed May 20, 2014.

⁹ The number includes 4,876 foreigners that declared no citizenship or no specified citizenship. Source: HSA. Data provided upon request.

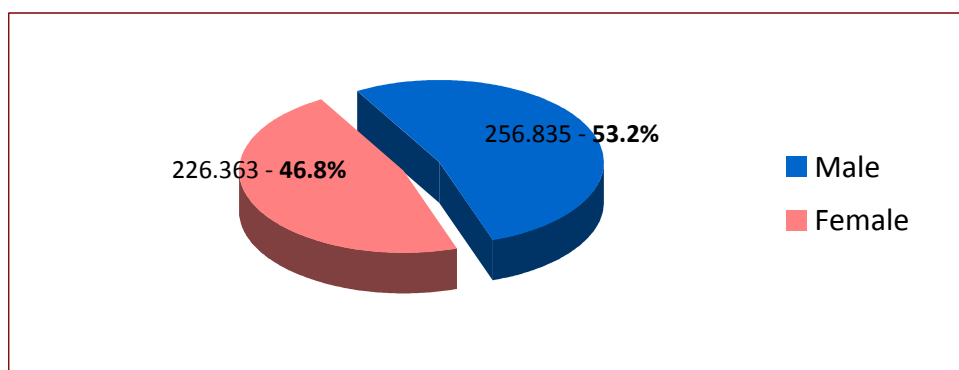
Russia, and 75.7% and 70.5% for those from Georgia and Moldova, respectively (Ministry of Interior, 2014, see Table 1).

Table 1: TCNs by nationality and gender in Greece

	Male	Female	Total
Albania	183,385	142,143	325,528
Ukraine	2,936	14,451	17,387
Georgia	4,684	10,801	15,485
Pakistan	13,386	1,237	14,623
Russia	2,091	10,417	12,508
India	9,251	3,079	12,330
Egypt	8,116	2,753	10,869
Moldova	2,262	6,807	9,069
Philippines	2,278	6,420	8,698
Armenia	2,101	3,443	5,544
TOTAL	230.490	201.551	432.041

Source: Data is based on the number of individuals in possession of a valid residence permit by country of origin by reference date 10.2.2014: 10 main countries of origin. [Source: Ministry of Interior]

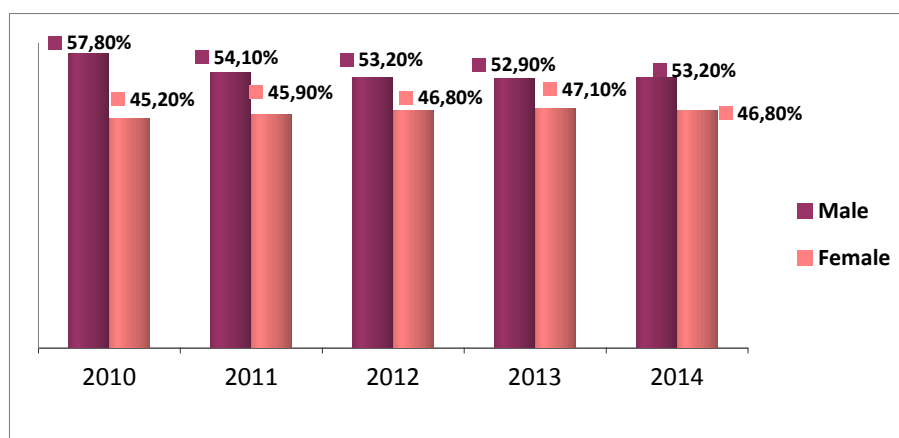
Figure 1: Gender division of the regular immigrant population, 2014



Source: Ministry of Interior, October 2014 [authors' compilation]

In terms of the gender composition of the immigrant population, the male-female balance has over time narrowed with the number of immigrant women increasing from 45.2 % in 2010 to 47.1 % in 2013 while that of males slightly decreasing 4.6 % from 2010 to 2014.

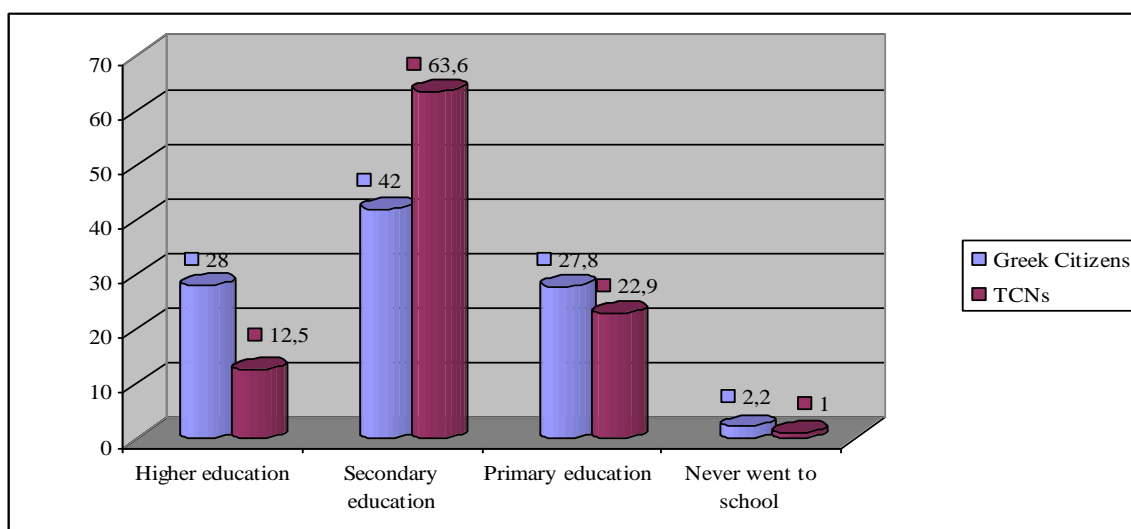
Figure 2: Gender composition of migrant population, 2010-2014



Source: Ministry of Interior, October 2014 [authors' compilation]

According to data from the Labour Force Survey (2014, second quarter), most immigrants (around 76 %) are secondary or high school graduates. The educational level of immigrants varies mostly according to their gender.

Figure 3: Educational Level of Greece's Total and Migrant population

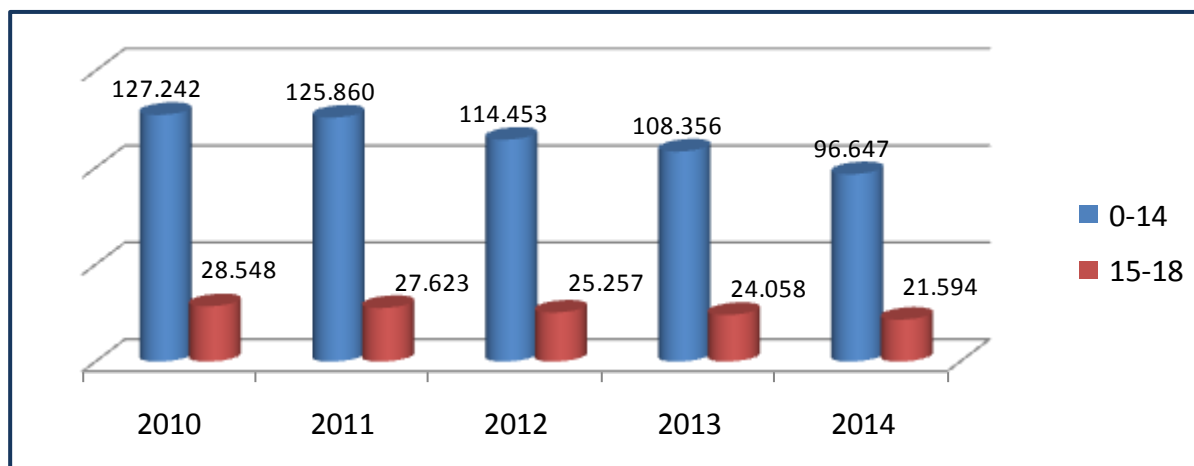


Source: National Statistical Service of Greece, Labour Force Survey 2th trimester 2014

Regarding the migrant children, an overview of the stay permits database of the Ministry of Interior provides key insights on the development of the demographic profile of second-generation immigrants in Greece. According to this data, the highest number of migrant children belongs to the age group 0-14 years old; in 2010 they accounted for almost 82% of minor migrant children compared to the age group of 15-18 years old (Figure 3). Regarding the dimension of gender, males represent 51.5% of

the migrant children population of the age groups 0-14 and 15-18. Compared to the previous years, the number of migrant children gradually declined in the stock of immigrants in 2014. The figures for the 2014 stood at 118,241 a decrease by about 7.5% compared to 2010.

Figure 4: Total Number of documented migrant children (2010 - 2014)

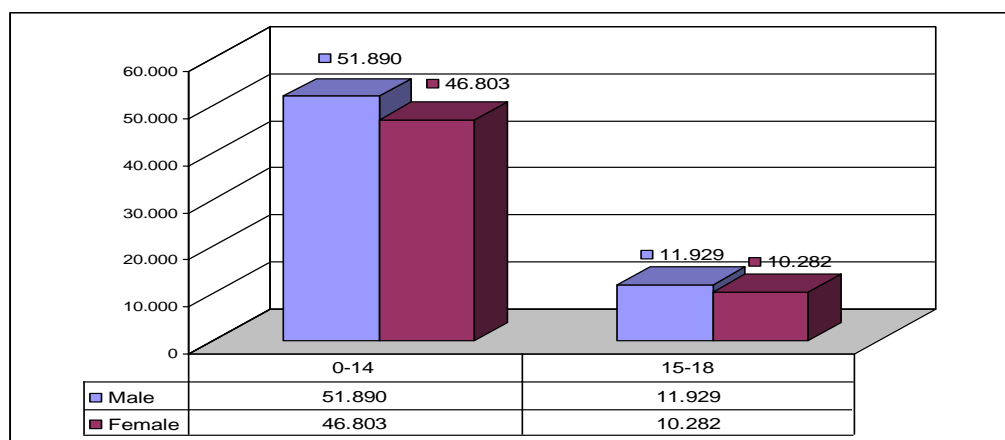


Source: Stay permits Database, Ministry of Interior, October 2014 [authors' compilation]

The fall in the stock of registered migrant children can possibly be attributed, at least in part, to the number of second generation who gained Greek citizenship in the frame of Law 3838/2010. This law had facilitated the acquisition of nationality for second generation migrants, however, its validity was suspended in 2013 following a decision by the Council of State that deemed it unconstitutional (discussed later in this report). According to the available figures, about 13,500 migrant children have been naturalised Greek in the time period of 20/3/2010 - 22/08/2012. Therefore, it can be surmised that the decrease in the number of regular migrant children is only in part due to the fact that a significant number of migrant children shifted from the category of TCNs to that of Greek citizens by virtue of becoming naturalised under Law 3838/2010. Another part of the decrease of migrant children though can possibly be attributed to the fact that many parents' lost their jobs in the context of the economic crisis, and they were therefore unable to renew their residence permit. As a result of this, their children also lapsed from a regular status to an irregular one.

With respect to gender composition of migrant children (Figure 5), the male-female gap is larger from age 0 to 14, when comparing to the age group 15-18.

Figure 5: Migrant children by gender and age



Source: Ministry of Interior, stay permit database, November 2014 [authors' compilation]

Greece is both a destination and transit country for a significant number of victims of trafficking (VoTs). Based on the data of identified VoTs published by the police from 2003 until 2013, they have mainly originated from six countries: Romania, Bulgaria, Ukraine, Moldova, Nigeria, Ukraine, Albania. While over the past five years, VoTs from Moldova, Nigeria, Russia and other former Soviet republics have declined in numbers, those from Bulgaria and Romania have over time remained stable or even increased. VoTs from West European or Central-East European countries have over the past five years drastically declined, being less than a handful in 2013 (see Table 2).

In terms of gender composition, a bit over 60% of the recognised VoTs since 2003 have been women. However, the male-female gap has over time narrowed, with the number of female victims remaining stable or declining while that of males increasing. Minors comprise 8.5% of the total number of recognised victims (Figure 5). Women from countries East Europe and former Soviet republics, as well as from African countries make up the vast majority of victims of sexual exploitation. Victims of labour-related trafficking on the other hand are males, including minors, from Afghanistan, Albania, Bangladesh, Bulgaria, India and Moldova. According to the information contained in the 2013 US State Department report for Greece, the number of children, especially of Roma origin, from Albania, Romania and Bulgaria who are compelled by family members or relatives to work in Greece, selling small items on the street, begging or pickpocketing, has increased.¹⁰

¹⁰ US Department of State, "Greece – 2013. Trafficking in Persons Report". Available at <http://www.state.gov/j/tip/rls/tiprpt/countries/2013/215471.htm>

Table 2: Victims of Trafficking by Nationality 2003-2013

	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	TOTAL
Albania	1	9	2	4	1	5	5		2	8	1	38
Baltic states ¹¹	4	4	4	4	1	1	3	3		2		26
Bangladesh											35	35
Belarus	7	8	3	1								19
Bulgaria	1	10	9	10	25	25	28	25	29	21	20	203
Armenia		3		1			1			2		7
Georgia												
Greece		2					2		1	3	2	10
Central-East European states ¹²	3	4		4		1	6		1		2	21
Moldova	10	10	7	5	2		2	1			3	40
Nigeria	2	3	8	3	5	2	10	10		5	1	49
Ex-Soviet Republics Caucasus ¹³	5	5	3				2	2				17
Ukraine	14		12	5	3	1	1		2			38
Former Yugoslavia	1			1			1	1		1		5
Romania	10	41	53	20	43	25	51	29	53	44	20	389
Russia	31	50	28	25	18	19	12	13	7	8	1	213
Other ¹⁴	1	5	1	1	1		1	3	2		14	29
West and South European states ¹⁵	3	6	4			1						14
TOTAL	93	181	137	83	99	78	125	92	97	94	99	1153

Source: Greek Police, Ministry of Public Order and the Protection of Citizens
 [Table created by authors]

¹¹ Lithuania, Estonia, Latvia

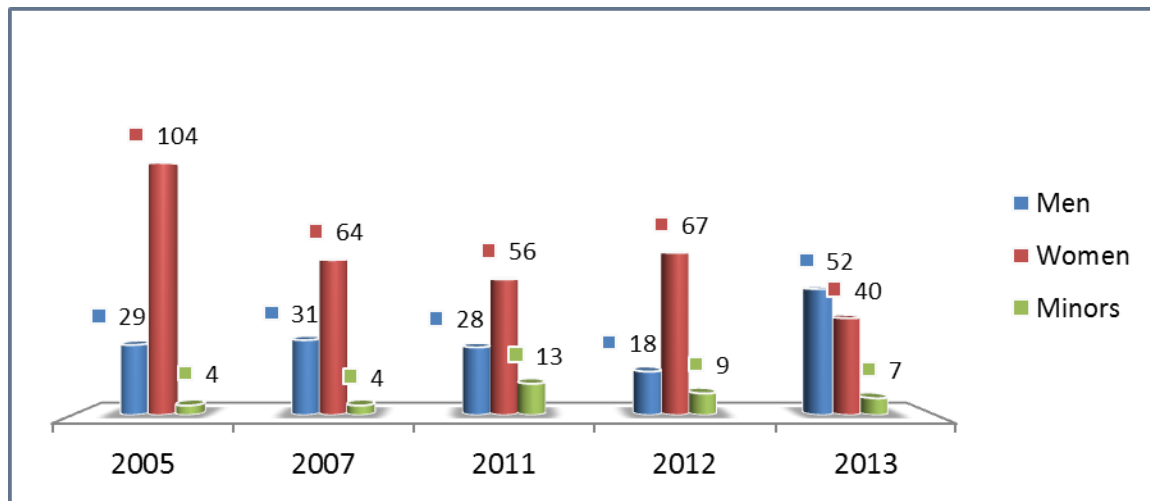
¹² Czech Republic, Hungary, Poland, Slovakia

¹³ Kazakhstan Uzbekistan Kyrgyzstan

¹⁴ Syria, Sudan, Thailand, Ghana, Eritrea, Morocco, Bangladesh, Pakistan, Palestine, Dominican Republic, Brazil, Cameroon, Ivory Coast, China.

¹⁵ United Kingdom, Netherlands, Denmark, Germany, Austria, Portugal

Figure 6: Victims of Trafficking by Gender, 2005, 2007, 2011-2013¹⁶



Source: Greek Police, Ministry of Public Order and the Protection of Citizens [authors' compilation]

¹⁶ In 2013, there was an unusually large number of men due to a major case of labor-related trafficking, which was uncovered, and which involved 35 male victims from Bangladesh.

Part One: Assessment of the integration of migrant women

1.1 Policy assessment

Gender equality is in principle guaranteed in the 2001 Greek constitution. Greek legislation has made significant progress in achieving its harmonisation with the EU *acquis communautaire*, particularly in the sectors of employment and social security. Yet, it has not taken into consideration the dimensions of migrant women and their specific needs. Indeed, in state policies, female migrants are “visible” only as family members and victims of domestic violence and trafficking, rather than as autonomous individuals.

For the first time in 2005, an immigration law reform introduced some changes that took into account the gender dimension. In particular, the immigration law 3386/2005 included several new measures with a view to simplifying the management (issuing and renewal) of stay permits, and incorporating the *acquis communautaire* in the areas of family reunification and long term residence status.¹⁷ Equally importantly, this law for the first time acknowledged the need for the adoption of a strategy for the social integration of migrants, making specific references to equal treatment in employment and to respect of fundamental rights. It also pronounced support for family reunification, and it recognised the right of immigrants to access employment, education and training. In its broader approach to migration management (in comparison to earlier laws) that for the first time extended to issues of integration, law 3386/2005 also included certain new provisions that mainly targeted migrant women. For instance, it allowed female migrants to apply for a residence permit which does not depend on the husband’s position, status, income, or ethnicity, in case a woman as a family member suffered domestic violence.

The inclusion of three new provisions in the abovementioned 2005 law sought to limit the phenomenon of de-regularisation both of immigrant women who had residence permits for family reunification and of their husbands who were unemployed, as well as for the second generation of immigrants who were no longer minors. More specifically:

- ✓ Migrant women who lived in Greece during the last five years under the family reunification status have the opportunity to obtain an independent residence permit (Article 60 of the Law 3386/2005 amended by the Article 45 of the Law 3731/2008).
- ✓ Migrant women who lost their legal status but can demonstrate their long presence and their strong ties with the country may obtain a residence permit for humanitarian-exceptional reasons (Article 42, Law 3907/2011).

¹⁷ Articles 67-69 incorporate the EU directive for the status of long-term residents into the Greek legal order. A basic knowledge of the Greek language and of Greek history and culture are among the preconditions for acquiring this status

✓The introduction of the “*ergosimo*”, an insurance coupon (Article 20, Law 3863/2010), as a uniform method for the salary payment and social security contributions of workers employed in the domestic service sector, offered the opportunity for the formalisation of irregular work (Maroukis and Gemi, 2013).

Despite these new provisions, the above law (and later amendments) failed to create a stable and permanent legalisation mechanism for workers in the largely informal domestic care sector. The main reasons that the legislative initiatives failed to adequately address the needs of migrant women are associated with the temporality of legal status. A bureaucratic and restrictive immigration policy, administrative obstacles leading to long delays in the process of obtaining the residence permits, and the difficulties in ensuring the required social contributions for the renewal of residence permits also undermined the potential of the abovementioned legal provisions to legalise employment in the informal sector (Gemi, 2013). In the longer run, these reforms did not prevent the profoundly negative consequences that the financial crisis would have for the socio-economic status of migrant women.

The latest legal reform introduced with the Code of Migration and Social Integration (Law 4251/2014, hereby Immigration Code) brought the issue of integration upfront in the title. Even though only two articles¹⁸ (128-129) in this law directly referred to integration, the mention of it in the title reflected the greater attention that decision-makers gave to it. The goal of social integration policy is to integrate the legally resident TCNs and their family members, as well as migrant children and persons entitled to international protection into the Greek society. In the frame of the new immigration code, family members (mainly women and children) have equal rights with the sponsor in regard to education and access to vocational training. Within a year following family unification they have full and free access to paid employment and independent economic activity. This right might be subject to certain labour market criteria for the first year of their residence. Residence permits for reasons of family reunification are granted for one year and they are renewable every two years. Five years following family reunification, or upon reaching the age of majority in the case of children, the family members acquire an autonomous right to residence.

Another equally important goal of the new Immigration Code was to promote among the Greek society the recognition and acceptance of legal migrants and their equal participation in the economic, social and cultural life of the country. Legal migrants should have equal rights with Greek citizens but also new obligations, the central one being to respect the laws and fundamental values of Greek society.¹⁹ Policies and actions in pursuit of immigrants’ integration must be based on the prohibition of any kind of discrimination based on constitutional principles, and they should respect the fundamental rights of TCNs and their cultural differences.²⁰

Although the latest immigration law reform as embodied in the Immigration Code in Greece has made significant progress, it did not include any proactive and gender-sensitive measures. The particular socio-economic situation of migrant women

¹⁸ Law 4251/2014 “Code of Immigration and Social Integration and other provisions”, Articles 128 and 129.

¹⁹ Law 4251/2014, Article 128.

²⁰ Law 4251/2014, Article 128.

is not adequately taken into account in the existing integration law and policy, which continue to assume that women are as a 'complementary part' of male migration. Such an assumption is particularly strong in the framework of family reunification where women are implicitly considered as protected members of the family. Their employment does not always count as an economic activity, since many of them still work in the shadow sector of the domestic services. The 'blindness' of Greek integration policy to address women and gender equality perhaps should not come as a surprise, if we consider how belatedly and ambivalently immigrants' integration entered the policy agenda and become an official goal of the state. In fact, it took the Greek authorities nearly 20 years to realise that migration policy planning should be considered as a long-term and multi-faceted phenomenon rather than a temporary emergency phenomenon (Triandafyllidou and Maroufof, 2011).

1.1.1 Employment

Employment policies in Greece operate within the framework of the objectives defined by EU governments in March 2000 in Lisbon. The main goal of the employment policy has been to reform the regulations concerning working hours, with a view to increasing employment through greater flexibility.²¹

Existing studies have identified significant differences between the two genders in employment and in the sectors in which male and female immigrants are employed. Men are mostly employed in the primary sector and in construction, while women work in household and care services (Kasimati and Mousouri, 2007, 24). However, it is difficult to document the proportion of migrant women who work in the care and domestic sector because employment in this sector is thoroughly informal and under-regulated. In part though, the high proportion of migrant women who are employed in jobs that are outside the formal economy can be discerned from data on the distribution of insured women by nationality, which is provided by the Social Security Organisation (IKA). This data shows that a very low number of employed migrant women (8.6 %) is insured in comparison to native women (91.4 %). Unfortunately, the recording of this data does not include a distinct employment category for care-domestic worker.

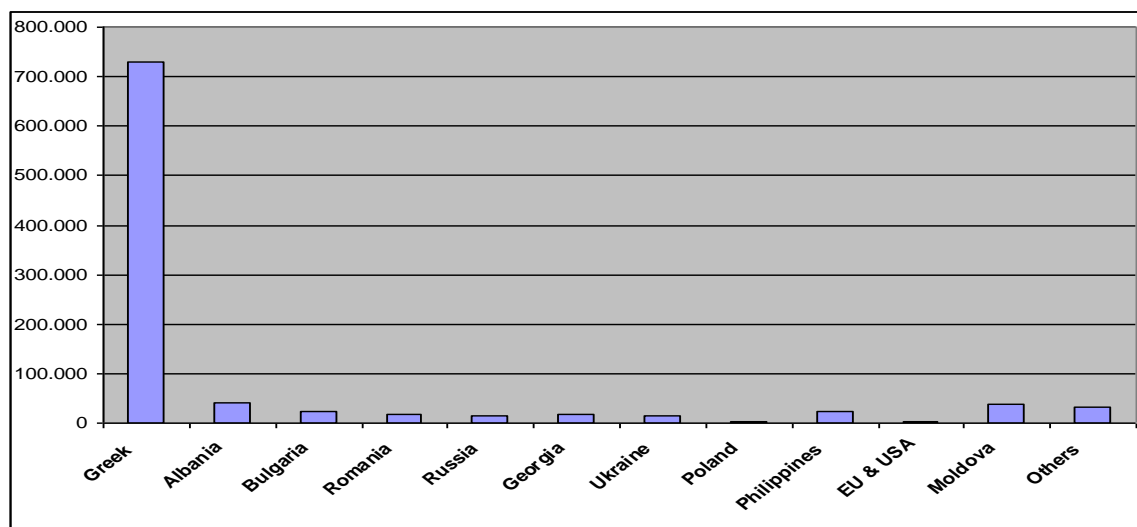
Existing studies also confirm that migrant women are overwhelmingly concentrated in the care and domestic work sector, and that their employment status is characterised by the dependence on private households (Bellás, ed, 2012, Papataxiarchis, et.al 2008). As employment in this sector takes place overwhelmingly in the informal economy, female migrants constitute an invisible labour force which takes the pressure off the care system (Vullnetari and King, 2009). Moreover, the preoccupation of the female immigrant with the place of domestic labour is experienced as a social and economic form of degradation. This entails a crisis of identity that is

²¹ Law 3385/2005 'Regulations on employment promotion, strengthening of social cohesion and other provisions', with an aim to curb irregular employment, provides, among others, for new regulations for the determination of overtime work, for the rearrangement of collective agreement and for compulsory arbitration provisions (Articles 1 and 2).

<http://eurofound.europa.eu/observatories/eurwork/articles/new-law-on-maximum-working-time-and-working-time-arrangements>

related to the change in the professional place and the transition to a clearly female model of employment (Balourdos and Tsinganou 2013, 324). The paradox of the domestic space is that whereas for immigrant women it is the place of their salaried work, for the host society and for its institutions, it remains an informal and devalued place.

Figure 7: Employed women by nationality, April 2014



Source: Social Security Organisation – IKA, April 2014

In the first place, the large-scale absorption of women immigrants in the private care and domestic household services has been associated with the inadequacies of the Greek public care sector and the welfare state more broadly. Another important factor is related to the large number of Greek women who entered the labour force in the past few decades. The rising levels of education among them in tandem with the large expansion of the service sector prompted the increased participation of Greek women in the labour market. As larger numbers of Greek women entered paid employment, there was a pronounced and widespread need for persons who could look after their children, the elderly and the home, which could not be covered by the grandparents or by the under-developed social welfare state in Greece. The Greek welfare state though did not provide alternative forms of public care. At the same time, the entrenched, patriarchal gender relations have constrained a substantial reallocation and redefinition of traditional gender roles.

In this context, the resulting gaps in and high demand for care and domestic labour have been almost exclusively filled by women TCNs. Care-related work and domestic housework has been provided in an abundant and affordable way by rising numbers of women from southeast European countries and the former Soviet republics, and less so by women from Africa seeking to escape structural poverty, environmental degradation, ethnic-civil strife, or war. In fact, women migrants from the former Soviet republics migrate in much higher numbers than men from the same region. The

majority of these women migrate independently as heads of their family, and subsequently other members of their family, including their husbands, apply to join them through family reunification. They are usually over-represented in the informal work sector (Ventura, 2009:30) and they are excluded from the formal and legally protected labour market. It has also been observed that women leave their children and husbands back home. This, according to Cavounidi (2003), not only demonstrates the independent, autonomous mobility of women, but it also shows that the migration model of Eastern European countries is shaped by gender (Nikolova, 2013).

As a consequence of their concentration in the informal domestic and care services sector, female immigrants are often not insured in the social security system. A recent study on domestic workers in Greece argues that one third of legally residing domestic worker women immigrants work without social security (Bellas, ed. 2012, 145). Findings from other studies (Psimmenos and Skamnakis 2008) similarly show that waged domestic labour is to a significant extent employment without social security. Furthermore, in the domestic sector, labour relations between employers and legally resident female migrants are not covered by a Collective Labour Agreement that determines working conditions and safeguards protection of wage levels. The absence of a collective agreement renders female migrants excessively dependent on a single employer. Thus, while self-insurance at IKA – the National Social Security Organisation – covers the insurance preconditions that the new migration law requires for renewing the legal residence of female migrants, the cost of securing those social insurance stamps still falls upon these female workers to pay.²²

In case they are dismissed, female migrants working as household helpers can access unemployment benefits only when they had a legal work contract with their employer. Women migrants who work for different employers and cover the cost for their own self-insurance are also not entitled to unemployment benefits. The condition of informal domestic workers (who do not have a proper work contract) is much less favourable. The absence of both labour and insurance rights is compounded by the frequently extortionate circumstances of work and the unemployment due to the ongoing economic crisis. Thus, it should not come as a surprise that between 2009 and 2012, female migrants have seen a constant decrease in their income earned through domestic employment in Greece (Bellas, ed., 2012, 155).

In principle, labour rights are not linked to legal status, but they have been recognised by Greece's highest court (*Areios Paghos*) to apply to all immigrants regardless of whether or not they are legal residents on a par with Greeks (Topali 2012, 42). In practice, however, labour rights are not available to those who are employed in the domestic sphere and in the informal sector. Domestic and care-related labour is considered employment of a particular kind that is exempted from various common provisions related to working hours or pay for overtime work. In regard to live-ins, care

²² Migrant women must have at least 150 stamps per year (i.e. a stamp for each working day), which cost 1,400 € per year. There might be additional difficulties in securing those when work certificates for the specific employment and wage are required but not provided, which is often the case, as the employer may be reluctant to declare them. Recently the number of stamps has been reduced to 120 because of the grave difficulties many immigrants are facing in securing employment in the context of the economic crisis.

and domestic housework is not covered by collective agreements but their employment is based on an individual contract with the employee (Topali 2012, 41, 46). Under these circumstances, many of migrant women are facing temporary and insecure employment, hard working conditions, deskilling, language problems and they were usually low paid. Working in the sphere of the informal economy also constrains their access to the officially defined social protection schemes such as health care and childcare facilities (Lyberaki, 2008).

It should be noted that TCNs do not enjoy equal rights with Greek and EU citizens, unless they have the status of long-term residents, which guarantees access to a wide range of employment and labour activities (L.4251/2014, article 97).

Regarding the conditions and policies facilitating **access to the labour market** for women TCNs, family reunion permit holders have equal access with their sponsor only after completing their first year of residence in the country. Greek nationality, as already mentioned, is a prerequisite for access to employment in certain sectors of the labour market. On the other hand, employment status and the purpose of the stay permit (i.e. from dependent to self-employed working activity and vice versa) can change only after 3 years of regular stay in the country.

The right of TCN women to accept any **private-sector employment** under the same conditions as EU nationals is contingent upon the type of stay permit they hold. Studies have shown that immigrant women show a stronger presence in professions that in most cases bear no relation to their level of educational attainment or their professional qualifications, which they had obtained in their countries of origin.

In the case of **access to self-employment**, the new Code of Immigration and Social Integration brought some innovations. Article 15, paragraph 6 makes a particular reference to the stay permit for dependent employment. The renewal of such a permit provides access to both dependent and independent work. At the same time, the holder of a stay permit for dependent employment may engage, under specific provisions, in independent economic activity only if she obtains a long-term residence permit (Article 15, parag. 7). Long-term residents and certain categories of holders of temporary work permits and family reunion permits have equal access to self-employment as EU nationals.

Concerning **access to employment programmes** (e.g. providing incentives to employers to hire people), there are no targeted programmes to encourage the hiring of women TCNs or other targeted measures and national programmes to address the labour market situation of migrant women. However, equal working conditions of TCNs with natives and EU nationals are guaranteed (safe and healthy working conditions, etc.), as well as equal treatment with nationals in labour market.

In the field of **life-long learning**²³, there are targeted vocational training programmes for TNCs such as craftsmen, housekeeping, electricians, construction

²³ The Operational Programme entitled 'Employment and vocational training' has developed special classes of 'Greek language for immigrants' which is part of a wider policy to support the social and economic integration of the immigrants. Yet, the programme entitled "Learning the Greek Language in certified Centres for Vocational Training for unemployed returning Greeks, migrants, refugees and other unemployed persons whose lack of adequate knowledge of the Greek language constitutes an obstacle for their social integration (2006-2008)" was completed, with a total budget of 32 million euros and

workers, etc.²⁴ In the framework of the European Fund for the Integration of Third Country Nationals, the Multi-Annual Programme of the Ministry of Interior, Decentralisation and e-Governance, the competent authority selects and implements a series of projects.²⁵ Some of those projects have been on the “Education of immigrants in the Greek language, the Greek history and the Greek civilization” and on the “Teaching the Greek language as a second language for migrant workers”.

Projects and initiatives funded through the European Social Fund (ESF) have primarily focused on addressing the problems faced by different migrant groups in accessing mainstream employment and social support services and mechanisms.²⁶ ESF-funded interventions have also provided Greek language courses, and they have contributed to developing basic skills and career counselling services. Through such actions, they have increased the employability of migrants and minorities and facilitated their integration in Greek society (Balourdos, 2010).

In Greece, women who are TCNs have access to **social security rights/benefits**. Their access to unemployment benefits, old age pension, invalidity benefits, maternity leave, family benefits, and social assistance is based on a contributory system. In some cases, unemployment agencies have internal regulations that deny benefits to female TCNs if they stay out of Greece for a certain period of time (i.e. more than a week), on the assumption that they are therefore not using this time (which they spend outside the country) to seek new employment in Greece. This is not the case for Greek and EU nationals. Migrant women who hold family reunion permits do not have access to financing schemes of housing; such schemes are available only to the sponsor. This, however, is currently inconsequential in view of the fact that the public housing organisation (*Organismos Ergatikis Katoikias*), which was responsible for housing projects, closed down a few years ago. Since then, neither migrants, nor Greeks have access to public housing and related schemes of financing.

Although the procedures in Greece for the **recognition of professional qualifications** acquired outside the EU are in principle the same for immigrants and EU nationals, titles acquired in non EU countries are often downgraded or not recognised. More documents are required depending on the profession, for instance a residence and work permit and a certificate of reciprocity from the Ministry of Foreign Affairs. The National Organisation for the Certification of Qualifications & Vocational Guidance (EOPPEP) is an all-encompassing statutory body investing on better quality and more

involving around 8,000 unemployed migrants. Another policy tool is the Ministry of Labour and Social Security’s Operational Programmes “Manpower Development – Full integration of all manpower in an equal opportunities society” and, in particular the initiative titled “Local social inclusion actions for vulnerable groups”, with a total budget of 90 m. euros²³. Finally, the community programmes “PROGRESS” and EQUAL, also implemented by the Ministry of Labour and Social Security, have supported a number of initiatives targeted at the integration of migrant women.

²⁴ Plus Development – Comprehensive Intervention for Immigrants: http://ec.europa.eu/ewsi/en/practice/details.cfm?ID_ITEMS=23280

Greek Language Training Courses to Promote Equal Opportunities for Access to the Labour Market, http://ec.europa.eu/ewsi/en/practice/details.cfm?ID_ITEMS=30845

²⁵ Law 3613/2007 and Law 3649/2008.

²⁶ Public social care for undocumented immigrants is limited to providing health services only in case of an emergency, whilst NGOs and migrant communities step in to fill some of the significant gaps in the provision of social and health care.

efficient lifelong learning services in Greece. In principle, migrant women who have a legal residence status can go through the established procedures to recognise their qualifications and degrees, however, in practice they rarely pursue this. The process of recognising degrees from non-EU countries is fairly long, bureaucratic and demanding. Furthermore, migrant women have limited access to information about procedures, requirements, fees, etc. which are necessary in order to obtain recognition or accreditation of their academic titles or university degrees, therefore, they either postpone this process or chose not to pursue it.

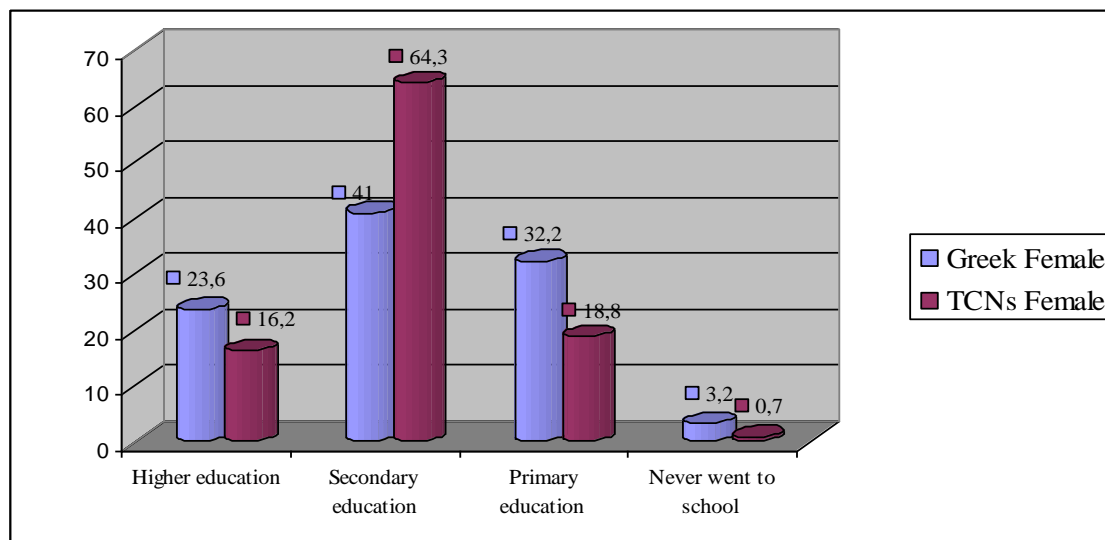
Therefore, immigrants' skills and experience, including of migrant women, are not being adequately recognised by Greek employers, thus preventing them from moving beyond low-skilled and low-paid jobs. Recognition of a university degree does not necessarily enable a migrant woman to find work related to her professional qualifications, as additional licenses may be required in order to practice certain jobs. For example, qualified nurses, have to obtain a professional license in order to practice their profession. Other professions like that of lawyers, exclude those who are not Greek nationals and refuse to enlist them among their members, which means that they cannot practice law.²⁷

Besides the institutional initiatives, the policy context related to immigrants consists of a number of EU and national programmes. Hence, migrants as a distinct target group are included in a number of programmes aiming to combat social exclusion. Since 2000, all official texts and the National Employment Action Plans (NAPS) explicitly recognise the beneficial effect of migrants' employment. However, in the Greek employment and social welfare system, the rights of migrants are in practice circumscribed, even for those who are regularised and well integrated into the labour market. A central factor impeding migrants from enjoying their rights is institutional and it stems from the lack of coordination among various public services competent to implement the migration law in tandem with the active employment policies.

1.2.2 Education and training

The profile of most migrant women seems to be quite similar: they usually do not have an autonomous work permit (that is, they are not as individuals entitled to a work permit) and they are overqualified. They fill employment positions that do not correspond to their educational or professional skills. In the study of Lianos (2007) the level of over-qualification was shown to be higher among female immigrants than among their male counterparts (63.1 %). The vast majority of migrant women (around 85 %) are secondary or high school graduates and they are overrepresented in the secondary education when comparing with Greek female (Figure 12). In general, the educational level of migrant men (38 %) is lower than the average for migrant women (62 %). There is, however, a considerable mismatch between their educational level and the type of work they perform.

²⁷ European Court of Human Rights, *Bigaeva v Greece*, application no. 26713/05, judgment of 28 May 2009.

Figure 8: Educational Level of Greece's women and migrant women

Source: National Statistical Service of Greece, Labour Force Survey 2th trimester 2014

Access to higher education and vocational training is guaranteed for regular migrants who are in principle entitled to equal treatment in education and vocational training. With regard to the recognition of qualifications obtained outside the EU, there are no state procedures for the recognition of TCN qualifications obtained outside the EU (such as the existence of one-stop-shop for applicants to apply for recognition of qualifications and national guidelines on fair procedures, timelines and fees for assessment by professional, governmental, and non-governmental organisations). Young migrant women who legally reside in Greece have access to the so-called “Second chance schools”, which are open to people between 18 and 30 years old who have not finished the mandatory nine-year schooling. Migrants also have access to programmes of adult education run by the General Secretariat for Adult Education of the Ministry of National Education. Unemployed immigrants legally residing in Greece can participate in vocational training, which is run by the Organisation for Manpower Employment in cooperation with the EU-funded Centres of Professional Training (IOM, 2010, 101).

Finally, Greek law establishes a process of certification for adequate knowledge of Greek language, history and culture.²⁸ In its annual report covering the 2012-2014 period, in the section titled “Language and Culture for the Social Integration of Immigrants”, the General Secretariat of Lifelong Learning, “offers immigrants who reside legally in the county the opportunity to learn with quality and effectively, the Greek language, to familiarise themselves with the culture and history of the country; a better understanding of our cultural features shall facilitate their communication,

²⁸ Law 4115/2013 on “Organisation and Function of the Foundation of Youth and Lifelong Learning and of the National Centre for the Certification of Skills and Professional Orientation, and other provisions”. See also 2013 report of the General Secretariat for Lifelong Learning, p. 30.

exchange and harmonious and equal co-existence in Greece”. The opportunities to obtain Greek language proficiency certification also improve their employability (General Secretariat for Lifelong Learning, 2013, 30). One of the more well known projects is the programme “Training of immigrants in the Greek language, Greek history and Greek civilization –ODYSSEAS”. There are also several training programmes, such as vocational courses for craftsmen, housekeeping, electricians, construction workers, etc. These programmes are sponsored by the Ministry of Employment and Social Protection and are they largely designed and implemented ad hoc.²⁹

1.2.3 Social inclusion

Immigrants in Greece are among the most vulnerable groups with regards to the risk of poverty and social exclusion. They are over-represented among the groups that have low socioeconomic standing, and they are disproportionately affected by unstable employment and unemployment, the lack of housing, and poor housing quality, health and nutrition. Immigrants not only experience exclusion but the experience of exclusion is often more severe or extreme for them. In the case of Greece, participation in the labour market is intertwined with social inclusion, while unemployment is intertwined with the risk of marginalisation and social exclusion (Balourdos and Tsiganou, 2013, 330).

The European Commission (2013, 7) in its reports on the EU population at risk of poverty or social exclusion notes that in Greece the gap between immigrants and Greek citizens represents more than 50 % of the national targets of social inclusion. In addition, the proportion of foreign born persons aged 20-64 at risk of poverty or social exclusion is at least 15 percentage points higher than the proportion for the total population in this age group (Eurostat 2012, 170). At the same time, the median income of migrants in the prime working ages of 25-54 is lower compared to the median income level of the total population in Greece (Eurostat 2011, 162).

Formally employed immigrant women do not seem to face any form of differentiation with respect to the terms of access and use of social services and benefits in comparison to natives. To a great extent, there seems to be a perpetuation of the informal and uninsured character of the work of immigrant women, despite the fact that they now formally reside in the country. Indeed, it is observed in 13 studies that the labour of immigrants is not complemented with corresponding social security coverage. Less than one out of five workers cannot find employment defined by the same labour and security rights as native workers (Balourdos and Tsiganou 2013, 325).

1.2.4 Active Citizenship

Immigrants in Greece participate in the political and public life mainly through their associations and through their membership in various non-governmental organisations. They lack any formal electoral rights whether at the national or the local level.

²⁹ For more information see the site of ESF Implementation Authority: <http://www.eyekt.gr/%28S%28snbhf2fspmra rmfkrho3w55%29%29/eye/StaticPage.aspx?pagenb=51587>

Alongside facilitating the acquisition of Greek nationality for the second generation migrants, the much-discussed and acclaimed Law 3838/2010, which we described in the background report, had extended political rights (full rights, both to vote and the right to be elected) to TCNs at the local level. Voting rights are already enjoyed by non-Greeks who are EU citizens, in line with post-Maastricht EU law. The extension of local political rights for TCNs though was deemed unconstitutional – alongside the provisions for granting Greek nationality to the second generation of TCNs – by the Council of the State.³⁰ The ruling states that local voting rights are reserved to Greek citizens and cannot be extended to those who are not Greek, without prior amendment of the Constitution. This means that almost ten per cent of the population living in the Greek territory is excluded from political participation. Therefore, the participation of TCNs at the local level was short-lived, and they were only able to vote once in the 2010 elections.

Another institutional reform intended to promote the political and civic participation of immigrants at the local level was the establishment of the Migrant Integration Councils (MICs). They were established in the frame of a major administrative and local government reform, known by the name of ‘Kallikratis’ in 2010.³¹ It merged a large number of local government units into a smaller number of territorially and administratively larger local government entities, to which it decentralised a variety of competences and functions. These councils function as consultative bodies to the municipal authorities. Their mission is to inform the municipal government about the problems that the migrants face in the respective region, to present proposals for actions aiming at the integration of the migrants in the local government and policy-making structures, and to assist migrants in accessing the regional and municipal services.

The MICs though have so far remained largely inactive, with the exception of such councils set up in the municipalities of Athens and Thessaloniki, where large immigrant populations are concentrated. In part, an important constraint has been the lack of adequate resources and administrative support, which has not allowed the MICs to perform the role envisioned in the ‘Kallikratis’ reform. In those few municipalities where they exist, they function as a consultative but little active body.³² Most importantly though, the main obstacle in promoting the role of the MICs has been the lack of political will, as well as the lack of political interest and incentives in empowering these councils. The MICs were legislated around the same time as the local voting rights with Law 3838/2010. They were conceived as a local institutional frame for immigrants, who would have full voting rights and elect their own representatives in local government, and who would in turn be members of the MICs. The suspension of local migrant rights in the aftermath of the abovementioned Council of State decision has undermined those original goals and expectations. As TCNs do

³⁰ Council of State, Plenary Court decision 460/2013.

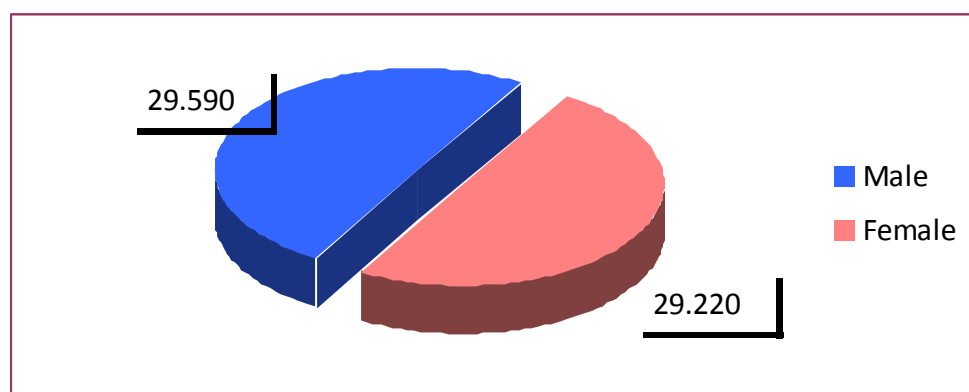
³¹ Article 78 of Law 3852/2010 (07.06.2010) on the “New Architecture of the structure of Local Authorities and Decentralized Administration”.

³² Papakonstantis, Markos. “Ta Symvoulia Entaksis Metanaston sto Plaisio tis Politikis Entaksis Ypikoon Triton Chorou” [The Immigrant Integration Councils in the Framework of Social Integration of TCNs], *Koinoniki Sinochi kai Anaptiksi*, Vol. 8, No. 2 (2013): 107-126, p. 111.

not have local voting power, they cannot rally the support of, and exercise pressure upon local and national authorities to respond to their problems and demands.

Access to citizenship is one of the most difficult fields of social integration for immigrants in Greece. Procedures are extremely difficult and costly, especially for persons who cannot prove lineage from Greek parents, or who do not possess some document permitting long-term residence. Greek nationality remains the main prerequisite for access to political participation and representation for migrants. Acquisition of Greek citizenship appears however to be extremely limited, with very few persons becoming naturalised in the period 2010-2014. Migrant women seem to be on a par with men as far as naturalisation is concerned (49.7 % of those granted citizenship are women, versus 50.3 % who are men).

Figure 9: Acquisition of Greek Citizenship by gender (2010-2014)



Source: Ministry of Interior, October 2014 (authors' compilation)

The conditions of insecure residence and the lack of long-term prospects for the overwhelming majority of the immigrant population are serious impediments to their participation in public life. In fact, the level of participation of immigrants in civil society organisations is low, and it mostly centers around issues that are related to the renewal of official residence and work permit, rather than their pursuit of social, cultural and political demands and their representation in Greek society (Balourdos and Tsiganou 2013, 335).

1.2.5 Anti-discrimination

Greece has transposed the EU directives against discrimination on the basis of ethnic and racial origin, religious belief, disability, age and sexual orientation, which apply mainly in access to employment, and partly in participation in professional and other associations, access to education, social provisions, and goods and services.³³

³³ These are the Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, and the Council Directive 2000/78/EC

According to Law 3304/2005, which transposed these directives, three bodies have been designated as responsible for promoting equal treatment and receiving complaints filed by victims of discrimination.³⁴ The constellation of agencies in place for ensuring equal treatment is complemented by three additional bodies: The Social and Economic Commission; the Service of Equal Treatment of the Bureau of Legislative Coordination; the Special International Legal Relations of the Ministry of Justice; and the Department of Equal Opportunities of the Social Protection Directorate of the Ministry of Labour and Social Protection. All of these bodies are responsible for the implementation of the anti-discrimination principles. The Greek Ombudsman has dealt with less than a handful petitions from immigrant women claiming discrimination, mainly on the basis of nationality. In addition, recently introduced legislation, which also transposed the relevant EU decisions, aims at combatting racism and xenophobia through criminal law.³⁵

The national legal framework for the implementation of equal treatment and the fight against discrimination presents important weaknesses with regard to its scope, its completeness and its effectiveness (Afouxenidis, et. al. 2012, 29). However, as it is well-known, nationality is excluded from the list of protected characteristics in the respective EU directives. Therefore, it is difficult to sustain claims of discrimination by migrants on the basis of nationality.³⁶ Recently published research on women's migration to Greece reveals serious problems in regard to equal treatment in socio-economic life.³⁷ More particularly, the research finds that immigrants are discriminated against with regard to:

- ✓ The validation of the right to formal stay and employment.
- ✓ Access to employment, with work conditions of decency and equality.
- ✓ Access of immigrants to education and training. Discrimination is mentioned with respect to the lack of support structures for education, training, or further vocational training of the immigrant population.
- ✓ Access to the democratic process and the possibility of involvement of immigrants in the formulation of the public policies that concern them.
- ✓ Access to healthcare and economic and social welfare.
- ✓ Access to housing with decent living conditions, and racial marginalisation of immigrants in deprived and impoverished neighbourhoods.
- ✓ Access to public services and discriminatory treatment by public servants.

of 27 November 2000 establishing a general framework for equal treatment in employment and occupation.

³⁴ These bodies are the Greek Ombudsman, the Hellenic Labour Inspectorate of the Ministry of Labour and Social Protection and the Equality Commission of Ministry of Justice.

³⁵ Law 4285/2014 transposed the Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law.

³⁶ See the 2012 Annual Report of the Greek Ombudsman in the field of Anti-Discrimination, pp. 111-112.

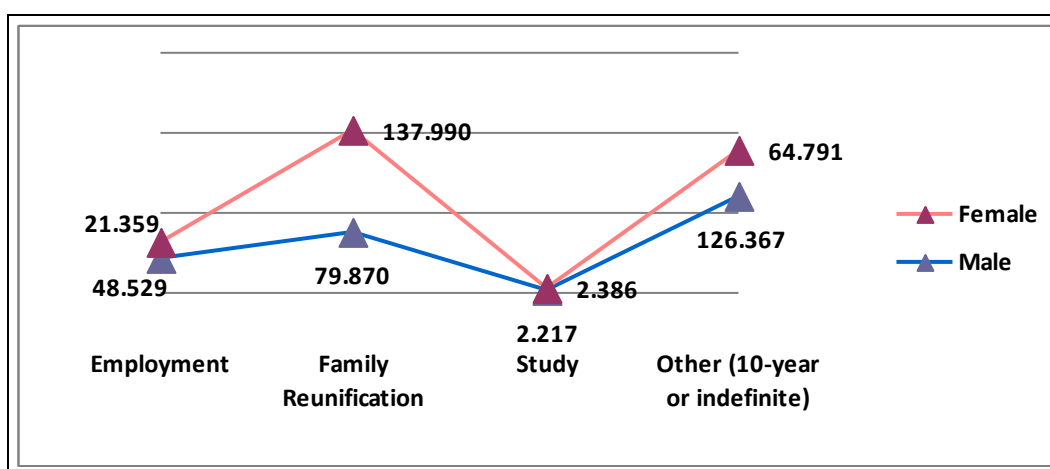
³⁷ Tsiganou, Ioanna, and Laura Maratou-Alibranti eds. *Gynekia Metanastefsi stin Ellada: Odikos Chartis politikon koinonikis entaxis (Female Migration to Greece: Roadmap of Social Integration Policies)*. EKKE, 2014

The experience of rejection or racism is particularly important: it impedes the immigrant woman’s access to services, but also to the host society itself, making daily life more difficult. Such difficulties and the domestic experiences put serious hurdles in the trajectory of immigrant women toward integration in Greek society. The study of Bellas (ed. 2012, 165), show that immigrant women often experience demeaning behavior from state services, but also from persons in the wider environment. Equally importantly, there appears to be a multiplication of racist violence phenomena, with immigrants from Africa being most at risk of being subjected to verbal or physical violence.

1.2. Assessment of Outcomes

In Greece, employment is considered one of the primary reasons for migrant women’s mobility, with almost 50 percent of those who immigrate to Greece looking for a job (OECD, 2012b:28). Nevertheless, existing data shows an over-representation of women immigrants in the category of holders of stay permits granted for family reunification. Family reunification has become an attractive mechanism of legal integration and the securing of legal residence without proof of formal employment. The data that we presented in the preceding sections suggests that formal rights of access to social welfare services and labour rights or the ability to independently secure the acquisition and renewal of a residence permit, are in practice significantly restricted for migrant women due to the predominantly informal nature of their work. While their willingness to undertake such employment can be seen as a means of facilitating their inclusion in the labour market, their difficulty in demanding and in securing equal labour and social rights is a major barrier to their integration in the Greek economy and society. Even though female migrants make up a sizeable section of the total immigrant population, they are largely absent from the formal integration policies (Kambouri 2007, 19).

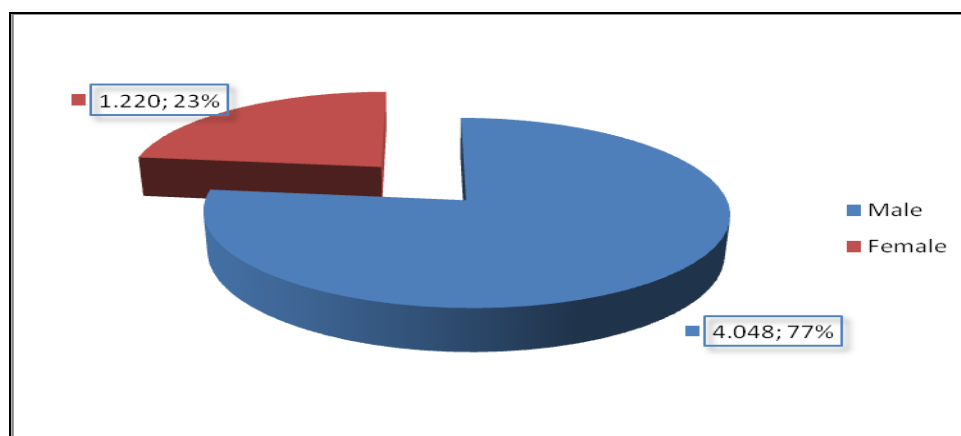
Figure 10: Stay permits by gender and purpose, 2014



Source: Ministry of Interior, October 2014 [authors’ compilation]

Not only are female migrants more likely to have legal residence in Greece as dependent members of a family, but they are also less likely to acquire long-term residence status – also a consequence, at least in part, of the precarious and informal nature of their employment. With respect of long-term residence, only 1.1% of the population of regular migrants and only 0.5% of the overall population of migrant women have so far attained the long-term resident status and therefore have access to equal rights in labour market. Furthermore, data on migrants issued with long-term stay permits shows that women are underrepresented, with only 23% being able to obtain such a stay permit, compared to 77% of men.

Figure 11: Long-term stay permits by gender, 2014

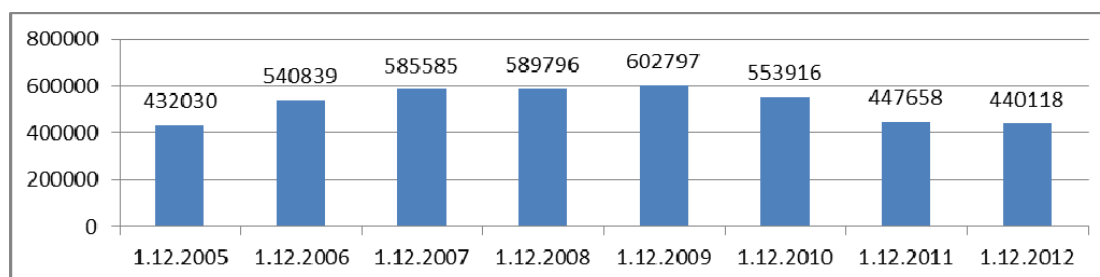


Source: Ministry of Interior stay permit database, November 2014

The Greek financial crisis and the austerity measures have dramatically altered the country's economic and social conditions, also affecting the lives of immigrants. The impact of the economic crisis on immigrant workers, as the most vulnerable social group, is manifold and largely interwoven with the systemic characteristics of immigration in Greece³⁸. In reality, the crisis has hit harder sectors of the Greek economy employing most of the migrants' work force, notably the construction sector, which has seen significant unemployment since 2008 (OECD, 2012). Survey evidence shows regular migrants losing their legal status and lapsing back into irregularity due to high unemployment rates, which are estimated at 36% for the third quarter of 2012 (Labour Force Survey, 2012). According to the data of the Ministry of Interior, the largest number of legal immigrants residing in Greece was recorded in March 2010, when 600,000 residence permits were in force. Since then, there has been a gradual decline in the number of stay permits. In the end of 2010 there were 550,000 stay permits, while in December 2010 this number was smaller, at 440,000.

³⁸ Maroukis, Thanos. "Undocumented Migration: Greece". Report for the CLANDESTINO EC funded project, 2008. Available at: <http://clandestino.eliamep.gr/>.

Figure 12: Legal migrants population Greece, 2005-2012

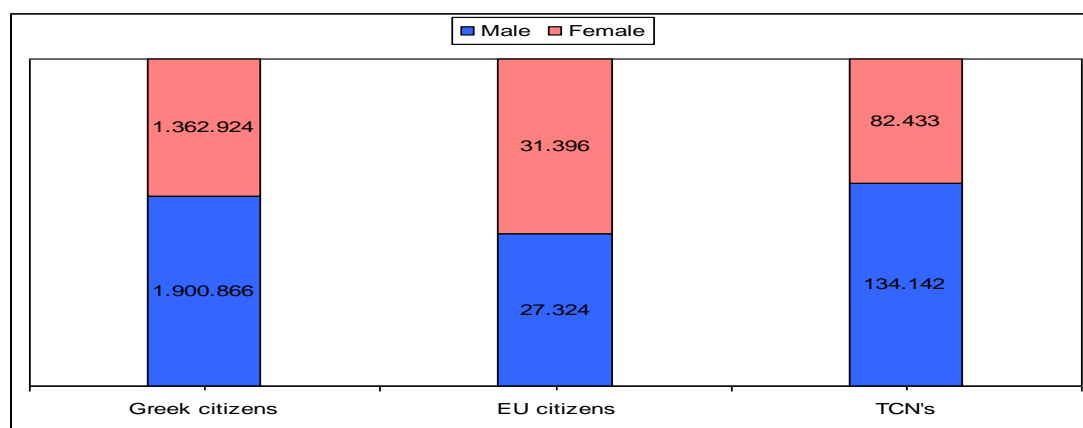


Source: Database of valid stay permits, Ministry of Interior (cited in Triandafyllidou 2013).

This decrease in the number of residence permits is possibly due to the effects of the economic crisis, the insecure employment status and the dramatic rise of unemployment. As a result, a significant number of immigrants lose their legal residency status due to the inability to meet the conditions and secure the necessary documents (e.g. sufficient annual income, employment contract, insurance) for the renewal of one's residence permit.

At the same time, the pre-existing gender balances in the marketplace have notably changed since the onset of the economic crisis. Men display higher rates of unemployment in comparison to women. This is due to the economic crisis and its consequences for the sectors of the economy, in which the employment of male migrants was concentrated (e.g. construction).

Figure 13: Employment rates by nationality group and gender, 2014



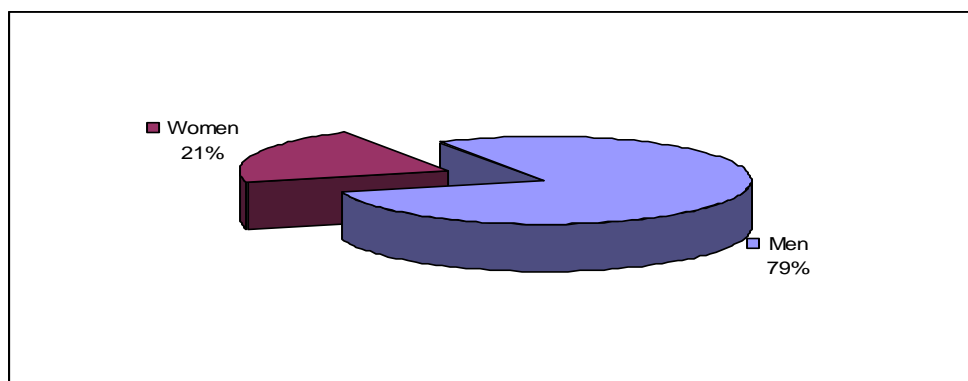
Source: Labour Force Survey, 2nd trimester 2014 (authors' compilation)

The gender gap in unemployment rates between migrant men and women seems to have grown in recent years. The much higher percentage of unemployment among male TCNs is due to the fact that they were employed in sectors such as construction, which have been profoundly affected by the economic crisis. While also detrimental,

the consequences of the economic crisis have not been as severe in the domestic service and care sector where the majority of women migrants are employed (Maroufop 2013). Overall, the current rise in unemployment and the acute crisis of specific labour market sectors has created disproportionate hardship to migrant families. Migrant men are mostly unemployed and migrant women usually work in the informal sector of care-related and domestic housework labor, often without a proper contract and without health insurance (Triandafyllidou and Maroufop, 2011).

In the field of active citizenship, as it has already been mentioned above, the extension of voting rights for TCNs at the local level has been suspended following the 2013 Council of State decision discussed in the previous sections. However, it is worth mentioning that data from the 2010 local elections, in which TCNs did vote, reveal that women immigrants went to vote in much smaller numbers than men. For instance, in the largest electoral constituency of Athens (Athens A), only 394 out of 1,504 immigrant voters were women (that is, 26%).

Figure 14: Participation of TCNs at the local level by gender



Source: Ministry of Interior, 2014³⁹

The following table summarises the outcome indicators of social integration by women population category.

Target group	Area of integration	Outcome Indicators	Population Category	%	Data Source
Migrant Women	Employment	Employment rate	migrant women/ native women	38.0/42.0	LFS: 2 nd trimester 2014
			migrant women/ migrant men	38.0/62.0	

³⁹ http://www.ypes.gr/el/Elections/ElectionCatalogues/Eklogikoi_Katalog_omytx/Dimotikes_ekloges/

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		Unemployment rate	migrant women/ native women	40.6/51.0			LFS: 2 nd trimester 2014
			migrant women/ migrant men	40.6/59.4			
		Activity rate	migrant women/ native women	60.6/58.4			LFS: 2 nd trimester 2014 ECDE: 2013 ⁴⁰
			migrant women/ migrant men	60.6/87.1			
		Over-qualification rate	Overall Population	28.7			ECDE: 2012 ⁴¹
		No of TCN not employed, not in education, not in training		224.855/ 4.0 of overall population			LFS: 2 nd trimester 2014
	Self-employed	migrant women/ native women	24.5/31.0			LFS: 2 nd trimester 2014	
		migrant women/ migrant men	24.5/75.5				
	Education	Highest Educational Attainment	migrant women/ native women	H ⁴²	M ⁴³	L ⁴⁴	LFS: 2 nd trimester 2014
				61.9	48.4	38.8	
			migrant women/ migrant men	50.0	48.2	58.8	
				61.9	48.4	38.8	
Tertiary educational attainment		migrant women/ native women	61.9/50.0			LFS: 2 nd trimester 2014	
		migrant women/ migrant men	61.9/38.1				

⁴⁰ In 2012/ Employment and Social Developments in Europe 2013, p. 437

⁴¹ In 2010/ Employment and Social Developments in Europe 2012, p. 366

⁴² High level of education

⁴³ Medium level of education

⁴⁴ Low level of education

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Social Inclusion	Participation in lifelong learning	migrant women/ native women	4.9/7.6	Eurostat, 2013 ⁴⁵
		migrant women/ migrant men	4.9/4.1	
	Median income	migrant women/ native women	5.005/8.711	Eurostat 2013 ⁴⁶
		migrant women/ migrant men	5.005/4.906	
	Unemployed registered in public employment services	Greek natives	918.053	Manpower Organisation – OAED, August 2014 ⁴⁷
		TCNs	44.024	
	Uptake of unemployment benefits among unemployed	Greek natives	203.343	Manpower Organisation – OAED, August 2014 ⁴⁸
		TCNs	13.265	
	At risk of poverty and social exclusion	migrant women/ native women	58.9/36.3	Eurostat, 2012 ⁴⁹
		migrant women/ migrant men	58.9/53.7	
	In-work poverty rate	migrant women/ native women	29.7/11.1	Eurostat, 2013 ⁵⁰
		migrant women/ migrant men	29.7/35.5	
	Persistent at risk of poverty rate	migrant women/ native women	21.9/20.6	Eurostat, 2013
		migrant women/ migrant men	21.9/23.1	

⁴⁵ http://epp.eurostat.ec.europa.eu/portal/page/portal/statistics/search_database

⁴⁶ <http://appsso.eurostat.ec.europa.eu/nui/submitViewTableAction.do>

⁴⁷ http://www.oaed.gr/index.php?option=com_content&view=article&id=2373&lang=el

⁴⁸ http://www.oaed.gr/index.php?option=com_content&view=article&id=2373&lang=el

⁴⁹ <http://appsso.eurostat.ec.europa.eu/nui/submitViewTableAction.do>

⁵⁰ http://epp.eurostat.ec.europa.eu/portal/page/portal/statistics/search_database

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			migrant men		
Active Citizenship	Naturalisation rate	Migrant women		11.4 ⁵¹	Ministry of Interior, October 2014
		Migrant Men		10.0	
	Share of TCNs who acquired long term residence permits	Migrant women		20.5	Ministry of Interior, October 2014
		Migrant Men		40.2	
	Elected TCN representatives in last parliamentary elections			No application	
	Elected TCN representatives in last local government elections			No application	
	Voter turnout			No application	
	Membership in political parties			No available data	
	Membership in trade unions			No available data	

⁵¹ 29.220 migrant women have been naturalized during the period 2010-2014 in a total 255.776 migrant women population

Part Two: Assessment of the integration of migrant children

II.1. Policy assessment

In Greece, the statutory rights of children who are TCNs are guaranteed with regard to education and health, independently of whether their parents legally reside in Greece or not. All others rights though depend on the legal status of parents. From a legislative perspective, it would be useful to draw a distinction between two categories of children of migrants, namely minors (under the age of 18) and adults.

Regarding the adult children of migrants, the Code for Migration and Social Integration introduces a new stay permit category for the second generation.⁵² More concretely, it offers a five-year duration stay permit to adult children of migrants who were born in Greece or have successfully attended a minimum of 6 years in a Greek school by the age of 21. This stay permit can be renewed every 5 years without the need of additional documents but just with the presentation of the previous stay permit, and by paying a fee of 300 euros. The rights granted to the second generation stay permit holders, as they are enshrined in the Code (Article 97, rights and obligations of long-term residents), include all the rights that apply to the long-term resident status, with the exception of the right of mobility within the EU. It is estimated that approximately 150,000 children of migrants are eligible to obtain the second generation stay permit.⁵³ However, it has been suggested with a certain degree of concern that this provision for a special second-generation residence permit contained in the Code is actually used as a substitute for nationality acquisition in the aftermath of the Council of State decision that struck down Law 3838/2010.⁵⁴

With regard to minor children of migrants (under 18), their legal status is directly determined by the status of their parents, legal or irregular. Still, even if their parents do not have legal residence in Greece, they are not deported when their parents or guardians are in Greece.⁵⁵ Many of them are children and teenagers who were born, raised and socialised in Greece. They attend Greek school and speak Greek better than their native language and Greece is the only country they have known. However, their integration process is obstructed by the lack of provisions allowing them to access Greek citizenship. Their prospects of becoming naturalised are grim in the aftermath of the Council of State decision (unless they live for at least ten consecutive years in Greece and are willing to go through the long and highly individualised process of naturalisation). In this decision, the country's high court argued that a 'real bond' with

⁵² Law 4251/2014, Article 108. Published in the Government Gazette A' 80, 1 April 2014.

⁵³ Interview, Mr. G. Tsioukas. Former Special Scientist, Greek Ombudman, 29 September 2014

⁵⁴ Gemi, Eda. "Immigration Code: New Solutions to Old Problems?", ELIAMEP Briefing Notes no. 24/2013, November 2013. Prior to the suspension of Law 3838/2010 (Article 1a), 13.500 TCN children (out of 40.000 overall applications) were granted Greek citizenship, Interview, Mr. G. Tsioukas. Former Special Scientist, Greek Ombudman, 29 September 2014.

⁵⁵ Interview, Mr. G. Tsioukas. Former Special Scientist, Greek Ombudman, 29 September 2014

the Greek nation cannot be ascertained by formal legal requirements such as the length of residency, having been born in Greece, or having studied at a Greek school for 6 years. As a consequence of this decision, there has been a fall back exclusively to the *jus sanguinis* principle. In any case, this is an extremely negative development, at a time when radicalisation trends (in the context of the economic crisis) have cast a grim shadow over social and political life in Greece.

At the political level, the National Strategy for the Integration of TCNs⁵⁶ is the most significant policy document that contains the basic principles of integration in line with the EU approach and integration principles. With respect to children who are TCNs, the national strategy calls for respect of the fundamental rights of the child and particularly of vulnerable children. It also pronounces a number of other principles related to their education and access to welfare services, such as:

1. The respect of fundamental rights of the child irrespective of nationality, as defined in the Convention on the Rights of the Child of United Nations.
2. Advancing the rights of the child, with particular attention to vulnerable children.

The above objectives are to be achieved through the following:

1. Development of educational measure tailored to the needs of TCN children
2. Enhancing the familiarity of parents who are TCNs with the school environment and the programme with the aim of better monitoring the education of their children.
3. Strengthening the cooperation with the competent authorities of other Member States regarding the identification of perpetrators of sexual abuse and economic exploitation of children.
4. Raising awareness of public opinion and the awareness of children TCNs and their parents around the phenomenon of child trafficking.
5. Raising awareness among young children around migration issues.
6. Disseminate information on the Convention on the Rights of Children.
7. Promoting effective access of minor TCNs and youngsters to programmes related to child and young ages.
8. Promoting the provision of social welfare services targeting migrants of young age and young people who are in a particularly vulnerable situation.
9. Providing consultancy service and cultural training to TCN minors.
10. Promoting intercultural dialogue among the school age population.
11. Identifying opportunities, challenges and needs of the second generation TCN in Greece.

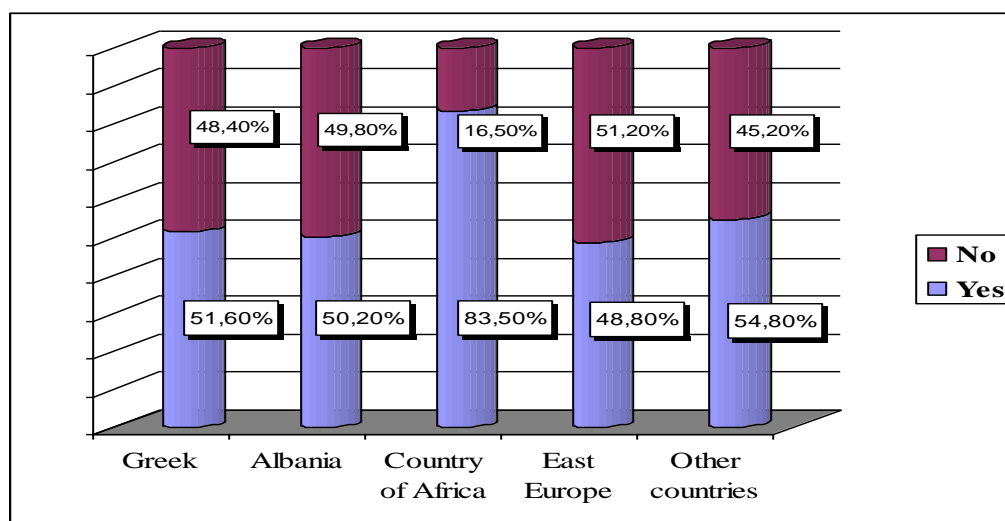
⁵⁶ National Strategy for the integration of TCN's, pp. 99-100

II.1.1 Education

All immigrant children have access to public schools for the mandatory nine-year period. Migrants' children have direct access to the Greek education system. They make up between 13-14 % of the total population in primary education. The children of regular migrants enjoy the same rights as Greek children, and children of families residing irregularly in Greece also have access to school and to hospitals for medical care. Some schools offer additional language classes for migrant children in the context of programmes run by the Centre of Intercultural Education of the University of Athens. The Ministry of Education has also created 26 intercultural schools to address the needs of children from different cultural, linguistic and ethnic backgrounds (IOM, 2010, 101)⁵⁷.

According to the Ministry of Education, the past 2-3 years have been marked by a considerable decline from 13% to 8% in the number of children of immigrant families attending elementary schools.⁵⁸ In other words, from a total of 77,000 pupils who are not Greek nationals, approximately 50,000 are children of migrant origin, of which a very large percentage are born in Greece and are fluent in Greek. Those born in Greece and being fluent in Greek are mostly pupils of Albanian origin, and secondarily pupils from the wider Balkan region and Eastern Europe. A recent study showed that more than half of immigrant children (54.7%) participated in the Greek educational system as pupils or students. Almost 8 out of 10 immigrant children (79.3%) in the age group 15-21 years old participate in the educational system (Tramountanis et al. 2014, 9).

Figure 15: Participation of migrant children in the Greek educational system by nationality



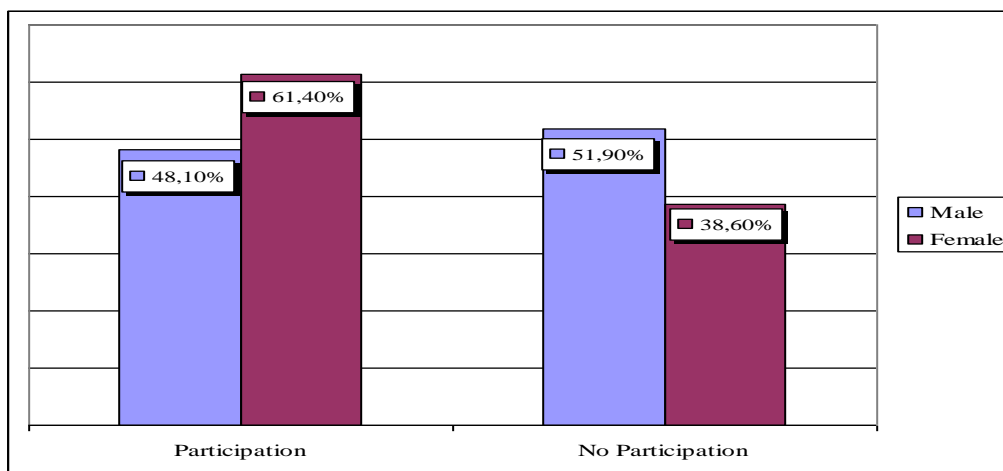
Source: Chrysakis, M., Balourdos, D. and Tramountanis, A. 2012 [authors' compilation]

⁵⁷ IOM (2010), Compendium of Migrant Integration Policies and Practice: Greece. Available at: http://www.iom.int/jahia/webdav/shared/shared/mainsite/activities/facilitating/mi_compendium_ver_feb2010.pdf

⁵⁸ Interview, Dr. G. Papachristos, Ministry of Education, 12 September 2014

Regarding the participation of pupils of immigrant background, there is a strong differentiation with respect to gender, with female pupils being more represented than male pupils. Moreover, the participation of female second-generation immigrants in the Greek educational system is greater than that of males (61.4 % of females as opposed to 48.1 % of males).

Figure 16: Participation of second generation immigrants in the Greek educational system by sex



Source: Tramountanis, et. al 2014 [authors' compilation]

Research has shown a differentiation in the percentages of participation in secondary education between foreign-born and Greek students, and in the level of educational attainment. Immigrant pupils take part in the second cycle of studies in secondary education (High School, EPAL, TEE and EPAS) at a lower rate than in middle school. After completing their compulsory 9-year education, they turn, to a greater extent than native students, to the technical-professional education instead of continuing their education in high school. The over-concentration of immigrant pupils in certain school units in combination with the use their native language at home or in oral communication with fellow nationals, creates problems of learning in the language of their host country, and problems in their school performance. As a result, the drop-out rate from education is increased (Balourdos and Tsinganou 2013, 326).

Official policy has established the so-called intercultural schools and 'welcoming classes' to address the specific educational needs of migrants' children. Throughout the country, there are 15 intercultural schools in primary education and 12 in secondary education. In the school year 2014-2015, 400 welcoming classes are scheduled to operate.⁵⁹ Additionally, the programme DIAPOLIS aimed at the inclusion of foreign pupils has been recognised as a best practice by the Ministry of Education.⁶⁰

⁵⁹ Interview, Dr. G. Papachristos, Ministry of Education, 12 September 2014

⁶⁰ Education of migrant children and 'palinostoundes', <http://www.diapolis.auth.gr/>

It was implemented by the Aristotle University of Thessaloniki and its goals included, among other things:

- ✓ Greek language learning,
- ✓ support of children in welcoming classes and of tutors,
- ✓ intercultural communication,
- ✓ training,
- ✓ the pupils' native language,
- ✓ psychological support of pupils and parents,
- ✓ the school and community,
- ✓ student study visits

Despite the existence of a constantly rising number of foreign pupils and the deficits in intercultural education, there has been a decline in the number of racist and xenophobic incidents in Greek schools. This is not to deny that forms of direct or indirect discrimination still occur against foreign students in inter-cultural schools. As a result, the particular school is “tagged” as undesirable for parents and pupils, natives and immigrants (Balourdos and Tsiganou 2013, 327).

Access to compulsory age education

According to the current institutional framework and constitutionally safeguarded rights, all children residing within the Greek territory have the same rights to access education as Greek citizens, whether or not they (and their parents) are legally residing in the country.⁶¹ This is the case up until they reach 18 years of age, when producing documents of legal residence becomes a requirement. In practice however, there are cases in various schools in the country where directors have not enrolled pupils or they have not allowed them to advance from one grade to the next, on the pretext that they have not produced all the necessary documents from their country of origin (e.g., certificate of registration, birth certificate).⁶² In a report to the Ministry of Education, the Greek Ombudsman for the Rights of Children views such practices as infringing on children's rights. It explains that the delay in producing such documents is not the child's fault, but it is due to the difficulty in securing these documents, either because of the irregular situation in the country of origin, or because of delay on the part of the parents.

Other incidents of denial of enrollment in schools have come to our attention through our interviews. Sometimes school principals cite legal obstacles. In reality they deny the child its right to study, in order to avoid dealing with the complex and difficult issues that the participation of a foreign child in the school unit may involve. As one teacher stipulates:

⁶¹ This is corroborated by all interviews.

⁶² There are, however, exemptions regarding specific categories of children including asylum-seeking and refugee children.

I know of cases of children who are not enrolled in schools because they are considered ‘dangerous’, since they haven’t been vaccinated. But the law does not say that you should deny their enrolment because they have not been vaccinated. You still enroll them and ask them or direct them to obtain vaccination... A child who is foreign and doesn’t speak Greek well is told to go to the intercultural school and s/he is not accepted for enrollment in the neighborhood school. A child who for whatever reason hasn’t produced the necessary documents is told, “if you don’t produce those documents, we will not enroll you.”⁶³

Access of TCN girls to education

Institutionally speaking, girls of migrant background enjoy the same access to education as TCN boys. Any difference in treatment that may be observed is largely linked to the cultural identity of the parents and families who believe that girls must not have access to education. There are some communities of immigrants, Muslims in particular, who do not enroll girls in education. What is more, in certain parts of the country, Roma girls interrupt their schooling earlier because their parents marry them and thus forbid them to attend school.

Class placement of TCN children

The commonly accepted practice in primary education is that from the moment that TCNs present themselves together with their children in a school, and from the moment they have the minimum basic legal documents in translation, there is no issue as to the enrollment of a child in a comprehensive school. Class placement is based on the age of the child and the level of education completed in their country.

Information on school attendance

School authorities provide information to parents and students usually in Greek language. Sometimes, at their own initiative, teachers may inform the stakeholders and NGOs about the curriculum of the intercultural school in all languages, including in Swahili.⁶⁴ School units have a degree of autonomy, which allows them to be in cooperation with the parents’ associations or with the municipality and to produce information in their languages of choice. The Ministry of Education, however, does not provide information and directions in the migrants’ mother tongue.⁶⁵

On the other hand there are areas in the centre of Athens, where several children of Afghan and Iranian families are trapped at home while waiting for their parents to go to another place or country. These families do not have papers and they are afraid that their children may never attend school. In this case there is no other way except for the municipal social services to inform them that their children must attend the school.

⁶³ Interview with E. Antonarakou, High Intercultural School, 10/9/2014

⁶⁴ Interview, E. Antonarakou, High Intercultural School, 10 September 2014

⁶⁵ Interview, Dr. G. Papachristos, Ministry of Education, 12 September 2014

Providing consultation to TCN parents

Certain programs implemented in universities, e.g. the programme for the integration of Roma children, provide services of mediation and information for foreign parents. There are also specialized mediators, social workers and psychologists who play a mediator's role between the family and the school and in every way try to bring the children to school and enroll them. As noted by the Director for Primary Education of the Ministry of Education, there is a particular problem faced by the Roma because of their constant mobility. There is also the students' record, which follows the pupil in every school they attend, so that they may not face a problem with regards to their continuing education⁶⁶. Moreover, there is a school advisor and director of the school who may provide information, etc. There are also the advisory centres, which provide counseling services for parents, children and pupils on a range of topics. There is, moreover, an observatory of conflict and school violence.

School Enrolment

The instructions and directions provided by the Ministry of Education require taking a Greek language test, which is included in a book entitled "Open windows 1 and 2" (last reprinted in 2003). In reality there is almost no school director implementing this.⁶⁷ They usually accept students on the basis of whether a student has completed the preceding level of schooling in their country of origin, and their degree of verbal aptitude in Greek language. If knowledge of a student's background is entirely absent, an informal mathematical examination is carried out so as to estimate the students' learning background. Yet, in any case the usual practice is that of enrolling the student in a more junior class, and of ensuring that they attend extra classes in the welcoming class or in the preparatory and supportive classes.

Quality criteria and tools

Some secondary schools do conduct examinations. The schools' administration decides to hold entrance examinations for those pupils who cannot produce legal documents as it is the case with asylum seekers. These entrance examinations are, however, conducted in accordance within the context of a dated legal framework to which immigrants have to take exams in language and religious affairs. Law 2413/1996 entitled "Greek education abroad, Intercultural education and other provisions» exempts foreign pupils from examination in their first year of education. However, the entrance exams include a test for written language aptitude. In primary education, evaluation of knowledge is carried out with specific language tests at three levels (beginner, intermediate, advanced) and it is on this basis that children are placed in the welcoming classes. The Ministry of Education anticipates that this year, the new tools

⁶⁶ Interview, Dr. G. Papachristos, Ministry of Education, 12 September 2014

⁶⁷ Interview, Dr. G. Papachristos, Ministry of Education, 12 September 2014

prepared by universities through special programs such as KEDA and DIAPOLIS in Thessaloniki will all be officially adopted.

Induction programmes for TCN pupils and their parents

In Greece, four hours of extracurricular instruction per week can be provided when there is a demand from at least seven pupils and depending upon the availability of qualified teachers. The cost of this instruction is met by the State (EACEA, 2009, 25). At the same time, various programmes are implemented in several schools and their structure is usually focused on cultural activities. An interesting initiative this year was that of a primary school in Athens with a great number of foreign pupils. Making use of a module on Olympic Education, as well as other programmes of the Ministry of Education, this school has organised Greek language lessons for parents and mother language lessons for children. It is estimated that such an approach has significantly increased the level of cohesion inside the educational community.⁶⁸

Language training

There are language training programs that are either implemented on a voluntary basis, or are subsidised. Up until 2008, supplementary instructions and welcoming classes operated in several schools across the country with migrants' children. In the last years no such funds are available as a result of the economic crisis, despite the fact that in certain schools, such as schools in the centre of Athens, 60% of students in classes are of migrant background, and as many as 90% of those may be from African or Arabic countries.⁶⁹

Access to individual support by teachers

Welcoming classes and supplementary classes are now under pressure to terminate due to lack of funds in the context of austerity and economic crisis. Migrant children usually attend an ordinary class and then may attend fast-track seminars on Greek language usage. This method is viewed as positive because in an ordinary class the child may conquer the communicative dimension of the language very soon. In the context of its autonomy, a school unit may also carry out language lessons with the communicative dimension, and other supportive activities for the inclusion of students in the school.⁷⁰

Access to special school programs to assist in integration

Access to special school programmes only concerns the welcoming classes and the intercultural schools. At the same time, welcoming classes may also provide parallel tutoring. Every child has a tailored programme. Depending on the degree of their

⁶⁸ Interview, Dr. G. Papachristos, Ministry of Education, 12 September 2014.

⁶⁹ Interview, P. Spiliopoulos, Director of Special Elementary School, 10 September 2014

⁷⁰ Interview, Dr. G. Papachristos, Ministry of Education, 12 September 2014.

maturity and the level of language proficiency, school help to migrant students requires *de facto* an individualised approach. An issue regarding education in general is that those activities that should be part of the core of education for migrants' children, for Roma children and for all groups with special linguistic or cultural features, should not only be tied to programmes commissioned through EU funding. Unlike programmes implemented through this framework, programmes aimed to assist migrant students should not be project-based. Instead, complementary interventions to provide training, documentation, or assistance to students with special needs, should form part of the basic conception of an educational system.⁷¹

Development of textbooks for the learning needs of TCN pupils

The Centre for Intercultural Education (KE.DA) has published the existing school textbooks, which cover exclusively the sub-levels of compulsory education.

Teachers' qualifications

There are no special training programmes for teachers working with TCN pupils. However, Greek tutors are trained in the course of intercultural education and Greek language as a second or third language in all university departments of education in the country. In the context of the training of teachers, between 40-45% of teachers hold a Master's degree in pedagogical subjects, while a large percentage of them have a post-graduate degree in intercultural education. As the Ombudsman for Children's Rights stipulates:

In schools with a strong presence of immigrants, teachers say they have been placed without preparation. [...] It is vital that teachers receive appropriate preparation and supervision in the course of the school year so that they may deal effectively with the issues that arise, and they should also undertake training.⁷²

TCN teachers specialised in second-language learning standards

Specialisation in second-language learning standards is only required for intercultural schools and not for ordinary schools or welcoming classes.

Programmes, guidelines, tools and minimum standards

The Ministry of Education supplies guidelines and information for intercultural schools and reception classes.

⁷¹ Interview, Mr. G. Moschos, Greek Ombudsman, 16 October 2014.

⁷² Interview, Dr. G. Papachristos, Ministry of Education, 12 September 2014.

Adequate compensation for teachers

The welcoming classes function mostly through the National Strategic Reference Framework. Last year there were 480 welcoming classes in all of Greece and this year it is predicted that there will be approximately 400 welcoming classes in all of Greece. This reduction is a result of the lack of funds. For instance, during 2005-2006 teachers could display 8 to 10 hours of overtime per week in welcoming classes. This is no longer the case.

Assessments and programme evaluations

There is as yet no such framework. The Ministry of Education is currently in the evaluation phase of the DIAPOLIS programme which was implemented by the Aristotelian University of Thessaloniki. Based on good practices that emerged from this programme, it is in the process of implementing a platform of evaluation that will be based on both quantitative and qualitative criteria. The Ministry of Education evaluates the practices that stem from this programme in order to implement them in schools.

II 1.2 Social inclusion

According to Eurostat (2011), second-generation migrants with a foreign background in Greece have considerably lower activity rates concerning employment.⁷³ In 2008-2012 in Greece, overall child poverty rates increased substantially during the economic crisis, but they rose much faster for children in migrant households. By 2012 there were two countries where more than half of all children in migrant households were poor: Greece (77 %) and Spain (62%).⁷⁴ The report of UNICEF (2014) found that by far the biggest difference in child deprivation is observed in Greece, where material deprivation rose substantially faster, in absolute terms, among children in migrant households. The severe deprivation rate went up from 8% to 16% for those in non-migrant households, while increasing from 26 % to 52 % for children in households where at least one adult was born outside of the EU.⁷⁵

Access to social assistance programs

Similarly to native Greek children, children who are TCNs have access to social assistance programmes as native children if they have a formal residence status. However, in emergency cases, access to medical care is not denied to children of

⁷³ EUROSTAT (2011), Migrants in Europe. A statistical portrait of the first and second generation, 2011 edition, p133. Available at: http://epp.eurostat.ec.europa.eu/cache/ITY_OFFPUB/KS-31-10-539/EN/KS-31-10-539-EN.PDF

⁷⁴ Chzhen, Yekaterina. "Child poverty and material deprivation in the E.E. during the great recession". Working paper, WP-2014, No. 06. United Nations Children's Fund (UNICEF), 2014, p. 21. Available at: http://www.unicef-irc.org/publications/pdf/wp_2014_ye.pdf.

⁷⁵ Chzhen, Yekaterina. "Child poverty and material deprivation in the E.E. during the great recession". Working paper, WP-2014, No. 06. United Nations Children's Fund (UNICEF), 2014, p. 30. Available at: http://www.unicef-irc.org/publications/pdf/wp_2014_ye.pdf.

irregular migrants either. As one teacher described her experience, “I have accompanied children from Iraq, who had many illnesses that have no cure, illnesses such as hepatitis C and AIDS, treatment [by public authorities] is the same for all children, and medicine is provided.”⁷⁶

Access to intercultural activities

In theory, intercultural activities are incorporated in education as a whole, especially in the senior classes of primary school, and they are included in the curriculum of the Ministry of Education. Therefore, they are applicable to all children irrespective of their status or cultural differences. In summer camps, for instance, there is no distinction between children. Furthermore, in European programmes such as Comenius, which provide for the exchange of students, immigrants’ children take part on an equal basis and without distinction. The visits carried out by the school usually have an intercultural character and the sports activities are team activities.

II 1.3 Guardianship

In Greece there are currently thousands of unaccompanied minors with several hundred placed in minors’ shelters. According to the most recent data released by EKKA, in the last trimester of 2014, 671 unaccompanied minors (the vast majority of them were boys and over 500 of them coming from Afghanistan) were placed in an accommodation facility. However, in the end 499 of them actually entered an accommodation facility, as the rest of those who had received placement for various reasons did not enter in such a facility.⁷⁷

While unaccompanied minors are in Greece, Greek law provides for their placement in some institution of care and guardianship. What happens in practice is that the prosecutor temporarily orders the appointment of a guardian and sends the child to an institution, where, however, s/he is often lost or from which s/he escapes. It should be noted that according to national law (Presidential Decree 220/2007), the public prosecutor for minors or the first instance public prosecutor act as temporary guardians for unaccompanied children. The practices of public prosecutors around the country differ. In some cases the prosecutors remain the temporary guardians whilst in others, following a court hearing, the guardianship of a child is assigned to the director of the reception center where the child is accommodated. For children accommodated in minors’ shelters, there is the possibility to issue separate residence permits for humanitarian reasons until the age of 18. As it is pointed out by the representatives of the High Commissioner for Refugees, it is not very clear whether the legal provision extends to the reception centers accommodating unaccompanied minors, which are managed by NGOs. In any case, we do not know of a single case of an unaccompanied

⁷⁶ Interview, E. Antonarakou, High Intercultural School, 10 September 2014

⁷⁷ National Center of Social Solidarity (EKKA), Management of Accommodation Requests of Asylum-Seekers and Unaccompanied Minors, statistical data of the last trimester of 2014 (October, November, December).

minor, who has gained a residence permit on humanitarian grounds based on that provision.

Formal procedures to designate a guardian

The civil code stipulates that guardianship shall be determined when there are no parents, when they are deceased or have been declared missing. Children whose parents are abroad (e.g. in Afghanistan or Pakistan) are considered unaccompanied as they are not covered by the clauses pertaining to guardianship. In theory, their status is the same as that of native children who do not have parents. In such a case, a guardian and a guardianship council is appointed by the court. There are no special clauses regarding guardianship of unaccompanied children in the Civil Code. The common practice is to appoint as guardian the supervisor of a hosting institution. There are no mechanisms for regular monitoring and review of the guardianship services provided to unaccompanied children.

Criteria for service provision

In theory, there are formalised criteria for service provision including terms of references of guardian, but in practice, they are not applied. In other words, there are the general law provisions (articles 1589-1654 of Civil Code on guardianship) but what is lacking is a strategic framework followed by the establishment of institutional procedures and implementation mechanisms at the national level (e.g., the role and the duties of a guardian are not defined). These populations display substantial mobility and the shelters where they are placed are not detention centers. People come in and out. All children attend school outside and it is very easy for them to leave⁷⁸.

II 1.4. Assessment of outcomes

Since the legal status of children of migrants is directly determined by the status of their parents, their socio-economic situation is also precarious. Another serious problem to be considered is the phenomenon of early school leavers. In Greece more than 40% of young migrants are early school leavers.⁷⁹ A relatively greater drop-out rate is observed among migrant children in primary education with over 5-7 % of migrants' children not reaching the sixth grade of primary school. The greater drop-out rate, however, is observed after the first year of high school where a great percentage of those children drop out of school. Young people with a migrant background are also generally at greater risk of exiting the education and training system without having obtained an upper secondary qualification. Across EU Member States, there are marked differences in the share of the foreign-born early school leavers aged 18-24 and the early school leavers aged 18-24 of the general population. Similarly in Greece, the gap between the

⁷⁸ Interview, Mr. G. Moschos, Greek Ombudsman, 16 October 2014.

⁷⁹ MEMO/11/52, Early school leaving in Europe – Questions and Answers, Brussels, 31 January 2011, p. 2. Available at: http://europa.eu/rapid/press-release_MEMO-11-52_en.htm

proportions of migrants and of the total population who are early leavers from education and training is greater than 10 percentage points (Eurostat, 2011, 156).

The following table depicts through quantitative data the situation of migrant children in Greece. It makes use of a broad range of quantitative data provided by both national and European organisations.

Target group	Area of integration	Outcome Indicators			Data Source
Migrant children	Education	TCN population in school age	migrant children/ native children	94.830 - 1.463,826	Ministry of Interior, Stay permit database, Nov. 2014
			migrant girls/ migrant boys	22.211 - 98.693 ⁸⁰	
				42.238 - 52.592 ⁸¹	
		Low achievers ⁸²	migrant children/ native children	432 - 473 ⁸³	PISA ⁸⁴
		Early school leaving	migrant children/ native children	42.0 – 8.3	Eurostat ⁸⁵
		School drop out rate	migrant children/ native	44% - 11.4%	Eurostat, 2011 ⁸⁶ and EL.STAT 2013

⁸⁰ Stay permit database November 2014, group ages: 0-14 and 15-18

⁸¹ TCN's population in age school by group ages 0-14 and 15-19 in 2010-2011

⁸² Share of low achievers is higher than the EU average in all 3 fields, and significantly higher in reading. Slightly worsening trend in performance in all 3 fields compared to 2009 and stagnation in all 3 fields over the last decade. Important gender gap both in reading and in science i.e. girls outperform boys. Large gap in performance between native-born and first-generation migrants and still large gap between native-born and second-generation migrants. PISA 2012, p. 19. Available in http://ec.europa.eu/education/policy/strategic-framework/doc/pisa2012_en.pdf

⁸³ 473 is the aggregate mean score for natives in mathematics (466), reading (483) and science (470), pp. 7-10. Available in <http://www.oecd.org/edu/Untapped%20Skills.pdf>

⁸⁴ OECD (2012), PISA 2012 Results in Focus. What 15-year-olds know and what they can do with what they know. Available at: <http://www.oecd.org/pisa/keyfindings/pisa-2012-results-overview.pdf>

⁸⁵ EUROPE 2020 TARGET: Early Leavers from Education and Training, p. 7. Available at: http://ec.europa.eu/europe2020/pdf/themes/29_early_school_leaving.pdf

⁸⁶ EL.STAT, Statistic Category: Education. Available at: http://www.statistics.gr/portal/page/portal/ESYE/PAGE-themes?p_param=A1401

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			children		
		TCN children in pre-school care (kindergarten, pre-school)	Total	9.8% (16.290) ⁸⁷	Eurostat and National Statistics - ELSTAT ⁸⁸
		Share of TCN pupils in class levels lower than their age		No available data	
Social inclusion		At risk of poverty and social exclusion for children	migrant children/ native children	43.1% - 28.8%	Eurostat ⁸⁹ , 2013
		Persistent at-risk-of-poverty rate for children	migrant children/ native children	61.1% ⁹⁰ - 23.4%	Eurostat, 2013 ⁹¹
		Severe material deprivation for children	Overall children population (1-15 years old)	1.8% ⁹²	Eurostat: SILC ⁹³
		In work poverty rate of people living in households with dependent children	Total Population	28.9%	EL.STAT ⁹⁴
		Share of children	migrant children/	77% - 35% ⁹⁵	UNICEF, 2014

⁸⁷ No available data for children of migrants in pre-school care.

⁸⁸ EL.STAT, Statistic Category: Education. Available at: http://www.statistics.gr/portal/page/portal/ESYE/PAGE-themes?p_param=A1401

⁸⁹ Eurostat page. Available at:

http://epp.eurostat.ec.europa.eu/statistics_explained/index.php/Children_at_risk_of_poverty_or_social_exclusion#Migrant_background_and_risk_of_poverty

⁹⁰ http://epp.eurostat.ec.europa.eu/cache/ITY_OFFPUB/KS-SF-13-004/EN/KS-SF-13-004-EN.PDF. p.5

⁹¹ <http://appsso.eurostat.ec.europa.eu/nui/submitViewTableAction.do>

⁹² Aggregate mean score of material deprivation, namely fruit and veg. 1.2, proteins 4.7, clothes 0.6 and shoes 0.8.

⁹³ http://epp.eurostat.ec.europa.eu/cache/ITY_OFFPUB/KS-SF-13-004/EN/KS-SF-13-004-EN.PDF, p. 5

⁹⁴ EL.STAT, Press Release. Statistics on income and living conditions 2013, p. 9. Available at: http://www.statistics.gr/portal/page/portal/ESYE/BUCKET/A0802/PressReleases/A0802_SFA10_DT_A_N_00_2013_01_F_EN.pdf

⁹⁵ Chzhen, Yekaterina. "Child poverty and material deprivation in the E.E. during the great recession". Working paper, WP-2014, No. 06. United Nations Children's Fund (UNICEF), 2014, p. 21. Available at: http://www.unicef-irc.org/publications/pdf/wp_2014_ye.pdf.

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		living in very low-work intensity households	native children		
		Housing deprivation for children	Total Population	5.4 (2012)	Eurostat ⁹⁶
		Overcrowding rate for children	Total Population	39% - 275	Eurostat
		Highest education attained by parents living in the child's household		Not available data	

⁹⁶ Eurostat, Main Page. Available at:
http://epp.eurostat.ec.europa.eu/statistics_explained/index.php/Housing_statistics

Part Three: Assessment of the integration of VoTs (victims of trafficking)

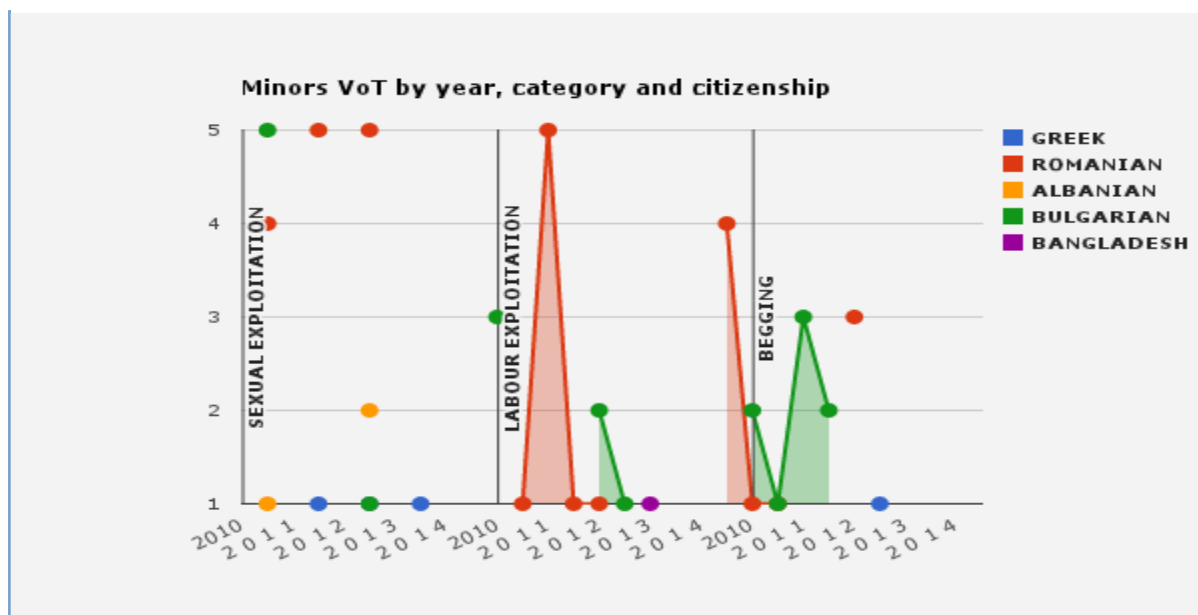
In Greece, sexual exploitation is the main form of trafficking, as the data about the number of recognised VoTs shows (see Table 3). At the same time, social workers, whom we have interviewed, claim that cases of labour-related trafficking have increased in the past couple of years, even though they are difficult to detect. The data published by the Greek police for 2003-2013 shows 35 VoTs for the year 2013, all from Bangladesh that for the first time appears as a country of origin for VoTs. Most, if not all of them, were identified as victims from a single case of labour-related trafficking that was revealed and investigated, and which took place in the village of Manolada strawberry fields (Peloponnese in the south of Greece). The number of recognised VoTs who are minors is very small, and they mainly originate from Bulgaria and Romania. Overall, the number of officially recognised and registered victims is small and it significantly underestimates the actual magnitude of the problem, due to a number of factors that are subsequently discussed.

Table 3: Victims of Trafficking by form of exploitation 2010-2014

VICTIMS CITIZENSHIP	LABOUR EXPL.					BEGGING EXPL.			SEXUAL EXPL.				
	2010	2011	2012	2013	2014	2010	2012	2013	2010	2011	2012	2013	2014
DOMINICAN REPUBLIC										1			
IVORY COAST												1	
ALBANIAN									6	2	8	1	
BULGARIAN	13	1	2	6	1	5	5	5	7	28	13	9	4
GEORGIAN											2		
GREEK					1		1			1	2	2	1
CAMEROONIAN												1	
CHINESE												1	
LATVIA											2		
LITHUANIA									3				
MAROCCO												1	
MOLDOVAN									1			3	
BANGLADESH		1		35									
NIGERIAN									10		5	1	2
HUNGARIAN										1			
UZBEKISTAN									2				
UKRANIAN										2			1
PAKISTAN									1				
PALESTINE									1				
POLISH								1				1	
ROMANIAN	6	12	16	13	6	13	4		10	41	24	6	2
RUSSIAN									13	7	8	1	3
SERBIAN									1				
CHECH REPUBLIC													2
FYROM											1		
TOTAL NUMBER	19	14	18	54	8	18	10	6	55	83	65	28	15

Office of the National Rapporteur to Monitor & Combat Trafficking in Human Beings Ministry of Foreign Affairs Hellenic Republic.

Figure 17: Victims of Trafficking who are minor by year, kind of exploitation and Nationality



Source: Diagram created by authors on the basis of data obtained from the Greek Police, ELAS, Ministry of Public Order and the Protection of Citizens

III.1 Policy assessment

In exploring the extent and ways in which victims of trafficking (VoTs) and their especially vulnerable position are being taken into account in immigrant integration policies, we are faced with the following situation: more than one third or close to half of recognised victims originate from EU Member States, mainly from Romania and Bulgaria. These VoTs are EU citizens and enjoy freedom of movement, residence and employment across the EU. Therefore, they are not targets of migration and immigrant integration policies, as those VoTs who are TCNs, and issues and policies of integration do not apply to them. As it is already mentioned, the total number of VoTs who are TCNs is small, and it has been low since the 2000s. It is well-known that police data of recognised VoTs significantly underestimates the actual number of VoTs. This is not only in regard to particular kinds of trafficking, such as begging, in which children are involved, and which is extremely difficult to identify and persecute as trafficking.⁹⁷ Over the past ten years, legal reforms have improved the frame for combatting trafficking, including through measures providing incentives to victims to come forth and testify against their exploiters, as well as providing support to them. Still, there are important hurdles that remain for victims to do so.

The existence of an adequate legal framework that complies with international standards is a key element in anti-trafficking and victim protection efforts. The legal framework applying to victims of trafficking (VoTs) in Greece is defined at the

⁹⁷ See Dia Anagnostou and Anna Kandyla, “Countering new forms of Roma children trafficking: A participatory approach – National Report on Greece”, report prepared in the frame of the CONFRONT project, December 2014.

intersection of two distinct sources of law, which deal with completely different matters and have different goals. The first one is the legislation to combat trafficking in human beings as a form transnational crime, and it is informed by a criminal law approach to it. The second piece of legislation is part and parcel of the Greek immigration and migrant integration law, and its goal is to recognise, assist and eventually achieve the integration of VoTs as an especially vulnerable subsection of the immigrant population. Even though VoTs often lack the legal status to stay and work in the country, they are considered to be individuals who are at risk if returned back to their countries of origin, and they are therefore provided with a residence permit and a frame of support and assistance.

Greece is a party to the United Nations Convention against Transnational Organised Crime and it ratified the UN Palermo Protocol in 2010.⁹⁸ It has also ratified the Child's Rights Protection Protocol in 2007.⁹⁹ The Council of Europe Convention on Action against Trafficking in Human Beings was ratified on 11 April 2014 and it entered into force on 1 August 2014. Trafficking in human beings was established as a distinct criminal offense in 2002 when new specific clauses were added to the Penal Code (*Poinikos Kwdikas*) by means of Law 3064/2002 (15 October 2002). This law emerged as a response to phenomena that the existing legal framework at the time was unable to tackle. Major push factors from abroad that coincided with a period of economic growth in Greece had rendered the country not only an attractive destination for economic immigrants, but also a transit and destination country for networks engaged in trafficking.¹⁰⁰

Law 3064/2002 defined the crime of trafficking in human beings by adopting the UN definition that sees it as the recruitment, transportation, transfer across borders and within the country, harbouring or reception of persons, including the exchange or transfer of control over those persons, by means of the threat or use of force or other forms of coercion, for the purpose of labour or sexual exploitation or of removing body organs.¹⁰¹ This applies also to cases when the offender has achieved the consent of the person to the intended exploitation by means of deception or by abusing their position of vulnerability through promises, gifts or other benefits.¹⁰² Provisions and measures for the protection of victims of trafficking constitute an important part of the counter-trafficking policy framework.

In Greece, the enactment of anti-trafficking legislation in 2002 by means of Law 3064/2002 was accompanied with the recognition of the right of the victims to

⁹⁸ Greece / Law 3875/2010 (20.07.2010).

⁹⁹ Greece / Law 3625/2007 (24.12.2007).

¹⁰⁰ Lymouris, Nikolaos. "Trafficking in Greece". Paper presented at the 3rd Hellenic Observatory PhD Symposium on Contemporary Greece: Structures, Context and Challenges, London School of Economics, London, United Kingdom, June 14-15, 2007. P.4. http://mpra.ub.uni-muenchen.de/32457/1/MPRA_paper_32457.pdf. Accessed September 2, 2014. Papantoniou-Frangouli, Maria (in collaboration with Dourida, Vangelio, Diamantopoulou, Areti, Barla, Efrosyni and Kapsalis, Apostolos). "Trafficking for Labour in Greece". Report prepared in the frame of the project:

Combating trafficking in human beings - going beyond, 2011, p.19-21. http://www.ccme.be/fileadmin/filer/ccme/20_Areas_of_Work/10_Slavery___Anti-Trafficking/National_reports/2011-03-Greek_Report_GOING_BEYOND.pdf. Accessed September 2, 2014.

¹⁰¹ Articles 1(1) and 8(1) of Law 3064/2002.

¹⁰² Articles 1(2) and 8(2) of Law 3064/2002.

protection and assistance, to be provided for as long as there is a risk of life, physical integrity and personal and sexual freedom.¹⁰³ During this period, victims who are non-EU nationals shall not be deported.¹⁰⁴ Law 3064/2002 also established prison sentences and pecuniary penalties, which were especially severe when the crime of trafficking was committed against a person under the age of majority.¹⁰⁵ Following the enactment of the anti-trafficking legislation, a team was established within the Public Security Division of the Hellenic Police in 2002 to handle such instances at the national level. Since 2006, the departments for Fighting Human Trafficking at the Attica and Thessalonica Security Divisions and specialised anti-trafficking teams operate within several regional police divisions in Greece.

The vulnerability of children to human trafficking specifically gained recognition through the ratification of the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography in 2007 by means of Law 3625/2007 (24.12.2007). This law brought further amendments in the Penal Code in order to cover for the crimes of offering, delivering or accepting, by whatever means, a child for the purpose of sexual exploitation, transfer of organs for profit, and engagement in forced labour. In 2010, Law 3875/2010 (20.09/2010) came into force, ratifying the United Nations Convention against Transnational Organised Crime (the Palermo Convention) and its three additional protocols: the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children; the Protocol against the Smuggling of Migrants by Land, Sea and Air; and the Protocol against the Illicit Manufacturing and Trafficking in Firearms.¹⁰⁶

In 2013, Greek legislation related to VoTs was again amended with Law 4198/2013 in the frame of transposing the EU Anti-trafficking Directive.¹⁰⁷ A significant new element that Law 4198/2013 introduced is the non-prosecution of victims for their involvement in criminal activities that they may have committed as a direct consequence of being subjected to any of the acts of trafficking referred to in the Penal Code. The principle of non-prosecution, serves to recognise that victims of trafficking may be compelled to commit any criminal activity as a result of their trafficking. It thereby seeks to protect the position of the presumed victims in the process of judicial and criminal investigation while at the same time facilitating their willingness to collaborate and provide testimony in the prosecution of offenders. In the end, the public prosecutor will reach a final decision on whether or not the alleged victim is prosecuted, depending on the available evidence. His/her non-prosecution will

¹⁰³ Art. 12 of Law 3064/2002, as amended by Art. 3(1) of Law 3875/2010.

¹⁰⁴ See amendments with Art. 3(1) of Law 3875/2010. Issues of assistance to victims and the designation of the responsible welfare institutes were further specified by means of Presidential Decree 233/2002.

¹⁰⁵ The law does not provide for a definition of underage person/minors. The Greek Civil Code (*Astikos Kwdikas*) defines minority indirectly by establishing the age of majority at 18 years of age (Article 127).

¹⁰⁶ Protocol to Prevent, Suppress and Punish the Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organised Crime; A/Res/55/25, Nov. 2000.

¹⁰⁷ Directive 2011/36/EU of the European Parliament and 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, OJ L L 101, 15.4.2011, p. 1.

be permanent if the alleged act of trafficking, of which he/she is a victim, was substantiated and proved in the course of its investigation.¹⁰⁸

Although the domestic anti-trafficking legislation already covered most of the issues dealt with both by the Palermo Convention and the EU Directive, the adoption of these international and EU instruments was significant. It set the ground for increased European and international cooperation in preventing and combating the crimes related to human trafficking, while also aiming at promoting the implementation of anti-trafficking policies at the domestic level. Following the provisions of the EU-Directive, the Office of the National Rapporteur was established under the central service of the Ministry of Foreign Affairs, with the mandate to design a national anti-trafficking strategy and coordinate its implementation.¹⁰⁹

International¹¹⁰ and EU law obliges states to provide protection and social support to VoTs, regardless of whether they are willing to identify themselves as victims and to denounce the act of trafficking, to which they have been subjected. Greek law, however, treats separately the two categories of victims, with the respective provisions for each category of victims contained in different pieces of legislation. Provisions concerning VoTs who are willing to testify and collaborate with the police authorities in a judicial and criminal prosecution process are contained in the Immigration and Social Integration Code (ISIC or the Code), specifically in Articles 49-56, which transposed the respective EU directive.¹¹¹ The other category of victims, who for whatever reasons – above all due to fear – are not willing to testify to the police and to take their case to court, are covered by another piece of legislation containing provisions for the granting of residence permits for humanitarian reasons. While victims are no longer required to cooperate with the prosecuting authorities, they need to be detected and identified as (potential) victims during the investigative process and on the basis of the victims' report or testimony (*katathesi tou thimatos*).¹¹²

While the granting of residence permits on humanitarian grounds, which also apply for VoTs who are not willing to testify and cooperate with the authorities, was previously covered by immigration law. This issue, however, was left out from the newly adopted ISIC in 2014, unlike the remaining immigration-related provisions that were merged in the Code, due to strong political disagreements that appeared in the course of adopting the ISIC. In order to fill this gap in the Immigration Code, the

¹⁰⁸ Law 4198/2013, Article 2(3). Victims' protection from prosecution is also provided for violations of the legislation on prostitution or immigration as a result of their trafficking.

¹⁰⁹ Law 4198/2013, Art. 6(1). Law 4198/2013 transposed into national law the EC directive 2011/36/EE on the prevention of trafficking in human beings and victim protection.

¹¹⁰ According to the Palermo Protocol and the additional protocol to the UN Convention against organised crime, which have been incorporated in Greek law with Law 3875/2010, VoTs are entitled to state protection and support even if they do not cooperate with the authorities to prosecute the perpetrators.

¹¹¹ Council Directive [2004/81/EC](#) of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities.

¹¹² At the stage of investigation of a child witness-victim of trafficking the law requires the presence of a child psychologist, child psychiatrist or, in case one is not available, a psychologist or psychiatrist. The examination of the victim shall take place without undue delay. Article 4 of Law 4198/2013.

residence permits on humanitarian grounds formed the subject of a recently promulgated inter-ministerial decision, which outlines the prerequisites for obtaining such a permit for VoTs too.¹¹³

The right to stay

In the recently adopted Migration and Social Integration Code, Greece follows the definition of trafficking provided in the Palermo Protocol. A VoT is defined as a natural person for whom there are reasonable grounds to believe that he/she is a potential victim of slave trade, sexual exploitation or abuse, forced prostitution, crimes against minors, forced begging and the removal of organs.¹¹⁴ To be entitled to the protective provisions enshrined in the legislation, such as the right to acquire a stay permit, trafficked persons need to be first certified as such by an act of the Public Prosecutor of a First Instance Court, or the Public Prosecutor for Minors. Officially recognised VoTs are granted a period of ‘reflection’ of three months, renewable for up to five months in the case of minors. The purpose of this ‘reflection’ period is to give victims the time to restore themselves psychologically, to sever ties with the perpetrators and to make a decision away from their influence and pressure, on whether they cooperate with the authorities on the trafficking case.

During this reflection period, presumed victims can rightfully remain in the country. They cannot be returned back to their country of origin even if an expulsion decision had already been issued (which during ‘reflection’ is suspended). They also have the right to medical care and they can access the social and psychological support services provided by the National Health System (ESY), by organisations cooperating with the ESY, and by First Reception Services (*Ypiresies Protis Ypodochis*).¹¹⁵ The competent police, judicial and prosecutorial authorities must ensure the protection of the VoTs, and they shall inform them through translation in their language about their rights, as well as the services and the legal aid that are available.¹¹⁶ If the presumed VoT is an unaccompanied minor, then the competent authorities are obliged to do everything necessary to determine his/her identity and nationality, to search for his/her family, and to ensure that s/he has access to legal representation, should this be necessary in the course of the criminal investigation. If the authorities verify that the person is not accompanied by family members, then the prosecutor can order any measure that is considered necessary for his/her care, until the court appoints a legal guardian.¹¹⁷ At the same time, this ‘reflection’ period may be terminated at any time with a decision by a prosecutor, if a) the prosecutorial authorities discover that the victim liaises anew with his/her traffickers or smugglers, b) if in the light of new

¹¹³ This was KYA 30651/2014 issued by the minister of Labour, Social Security and Welfare, the minister of Justice, Transparency and Human Rights, and the minister of Public Order and Citizens’ Protection.

¹¹⁴ Greece / Art. 1(ia) of Law 4251/2014 (01.04.2014).

¹¹⁵ Code of Immigration and Social Integration, Law 4251/2014, Article 54.

¹¹⁶ Code of Immigration and Social Integration, Law 4251/2014, Article 51.

¹¹⁷ Law 4251/2014, Article 50.

evidence the presumed victim can no longer be characterised as a VoT, and c) for reasons of public order and security.¹¹⁸

The right to a residence permit and access to the labour market

After the end of the reflection period, recognised VoTs may acquire a residence permit, however, they can do so under certain conditions. A residence permit may be granted if the stay of the victim is useful to the criminal investigation, when the victim is willing to collaborate with the police or when s/he has severed all relations with the alleged perpetrators of the trafficking. The permit is valid for 12 months and renewable so long as the conditions for granting it continue to exist. During this period, the residence permit allows the VoT to access the labour market, as well as occupational training and education.¹¹⁹ It must be noted that the 12-month residence permit specifically issued to VoTs may be renewed for one or more years, if the underlying conditions still apply. In 2012, a residence permit was granted to 63 out of 74 applicants.¹²⁰ According to the latest data obtained from the Ministry of Internal Affairs (in November 2014), 20 residents permits were granted to female VoTs between the age of 19 and 49. These permits were issued on the basis of the provisions contained in the Immigration Code, therefore, they only refer to those VoTs who consented to cooperate with the police in a criminal investigation and judicial process.

On the other hand, this residence permit cannot be renewed, or it can even be suspended, if the authorities deem that the person's complaint is fraudulent, if s/he re-establishes relations with the alleged traffickers, or if the criminal investigation process on the trafficking case at stake has been completed.¹²¹ In the latter case, the residence permit may still be renewed after the investigation and the judicial process terminates, if it involves victims who have suffered bodily harm or harm to their sexual freedom, as well as VoTs whose life is at risk.¹²² Otherwise, within one month after the issuance of an irrevocable decision on the criminal and judicial process associated with the act or of trafficking, holders of residence permits specifically granted to VoTs may request a different immigration status and apply for another type of residence permit.¹²³ In this case, the applicant must meet the conditions that are required for the specific kind of residence permit that is sought, and there is no assurance or clue in the Immigration Code as to whether the former recognition as VoT or victim of smuggling shall be a weighing factor towards a positive decision. The Immigration Code merely states that the competent authorities reviewing this new application for residence permit will take this into account and give priority to such an application.¹²⁴

VoTs who are not willing to cooperate with the authorities in prosecuting the perpetrators are also entitled to a residence permit, in their case, on humanitarian

¹¹⁸ Code of Immigration and Social Integration, Law 4251/2014, Article 49 (3) and (4).

¹¹⁹ Code of Immigration and Social Integration, Law 4251/2014, Article 54.

¹²⁰ Data obtained from the Office of the National Rapporteur to Monitor & Combat Trafficking in Human Beings Ministry of Foreign Affairs Hellenic Republic.

¹²¹ Law 4251/2014, Article 55.

¹²² See Presidential Decree 233/2003, Art. 1 (2).

¹²³ Arts 49-56 of Law 4251/2014 (01.04.2014).

¹²⁴ Law 4251/2014, Article 56.

grounds. Upon their recognition as such victims through an act of the prosecutor, they can be granted a one-year permit. This permit can be renewed for more than one year if there is a criminal investigation process under way, to which the victim is a significant witness. This residence permit allows the victim to work, however, it can only be renewed for one more year once the criminal investigation process ends.¹²⁵ After this, the victim can seek to obtain another kind of permit under the Immigration Code, for which s/he fulfils the conditions and prerequisites.

According to social workers from NGOs, whom we interviewed, differentiating the entitlements of the two categories of victims by subsuming those under different legal frames is problematic and must be amended. Such differentiation must arguably be abolished, particularly as the two frames provide unequal rights to VoTs who collaborate and those who do not collaborate with the authorities. Those who do not collaborate with the police can only engage in paid employment, while those who do collaborate are entitled to a greater set of rights such as access to various kinds of employment, access to medical care, vocational training and education.¹²⁶ While in practice this inequality does not make much of a difference – VoTs are unlikely to be able to engage in full-time work before they can rehabilitate themselves, which usually takes time – it raises questions and doubts as to whether the intention of decision-makers is to treat the two categories of victims on an equal basis. There is not differentiation between the two categories in regard to VoTs access to medical care, where, however, the problems are of an entirely different kind – not one of access per se but of availability of specifically trained personnel and appropriate structures tailored to the needs and problems of the VoTs. Regardless, a unified frame that brings both categories of VoTs under a single and coherent set of legal provisions is important in sending the message and encouraging victims who do not want to collaborate with the police to come forth.¹²⁷

Access to welfare and assistance

Victims and potential victims of trafficking enjoy access to assistance and support irrespectively of whether they have been officially granted the status of a victim through the ‘Characterisation Act’; it suffices that they resort to any of the bodies entitled to offer such services, which are then required to inform the police and the judicial authorities about the incident.¹²⁸ Trafficking victims may report the incident or seek assistance in person, or through existing helplines that are addressed both to victims and individuals who wish to report an incident, providing counseling and referral to emergency services, organisations serving trafficking victims and law enforcement.¹²⁹

¹²⁵ KYA 30651/2014, Article 1.

¹²⁶ See Presidential Decree 233/2003, Articles 5-7.

¹²⁷ Interview, Daphne Kapetanaki, UN High Commissioner for Refugees, Office in Greece, Athens, 9 October 2014.

¹²⁸ Article 2 of Presidential Decree 233/2003 (28.08.2003).

¹²⁹ The National Centre for Social Solidarity, currently under the Ministry of Labour, Social Security and Welfare operates a national 24/7 emergency helpline and, since 2011, also the National Child Protection Helpline, functional 24/7 and staffed by social workers and psychologists, which is addressed to children at risk due to abuse, neglect, trafficking or any kind of exploitation. Nevertheless, due to lack of human

Recognised or presumed VoTs have access to protection and assistance that can be provided by various state agencies and organisations, as well as by local government authorities (LGAs). Their protection and assistance is provided as long as the presumed VoT has sought such protection and assistance, and regardless of whether a criminal investigation process into his/her case is underway.

VoTs are entitled to stay in an accommodation facility and to receive protection for the entire duration of the trial. The competent public organisations, ministries and LGAs are responsible for providing shelter to VoTs and they must ask the support of and protection by the police if the victims' life is in danger. In practice, however, accommodation can be provided only if the shelter, where they are staying has the capacity to accommodate them for a long time and if its internal regulations allow it. The main – if not only – state agency that provides support and shelter for VoTs is the Greek Centre of Social Solidarity (*Elliniko Kentro Koinonikis Allileghiis*, EKKA). Additionally, shelters are set up and operated by non-governmental organisations who have received funding for this purpose.

EKKA has facilities that provide temporary accommodation to various vulnerable individuals and groups, including VoTs, alongside social and psychological support to them during the time they remain in an EKKA shelter. In 2012, EKKA operated 2 such shelters with a capacity to accommodate 60 persons in the Attika area (in the capital of Athens and surroundings) and 20 persons in the area of Thessaloniki (the second largest city of Greece). In the same year, EKKA in collaboration with NGOs also operated three other shelters in Volos, Penteli (Attika area) and Thessaloniki) for victims of family violence, VoTs and unaccompanied minors. In 2010 and 2011, 36 VoTs of various nationalities were accommodated in the EKKA facilities.¹³⁰ Unaccompanied minors, many of which are potential or actual VoTs, can also find support and shelter in eleven accommodation facilities that are funded by the European Refugee Fund (ERF), the EEA Grants and the State, and which are all managed by EKKA¹³¹. In 2013, 1150 minors were referred to the relevant housing and protection programmes. The General Secretariat for Gender Equality in cooperation with municipalities all over Greece has established shelters for women who have suffered violence and abuse, including VoTs. At the end of 2013, 16 such shelters were in operation, in addition to 3 shelters operated by EKKA and another one operated by the NGO 'A21 Campaign' that is exclusively for VoTs, offering specialised assistance and legal support to them.¹³²

resources in the context of diminishing public funding there concerns that the Centre shall not be able to maintain this helpline 24/7. See <http://impact-eu.org/files/IMPACT%20NATIONAL%20GR%2011032014.pdf>, p. 137.

¹³⁰ See Letter-response of the Ministry of Health and Social Solidarity to a Member of Greek Parliament, no. 144023, 8 March 2012.

¹³¹ EKKA is the national authority appointed to manage referrals to open accommodation facilities for UASC and asylum seekers. The shelters are run by NGOs and those funded by ERF are supervised by the Ministry of Labour and Social Solidarity.

¹³² The EKKA shelter offered assistance to 15 new cases in 2013, and the A21 shelter did the same in 20 new cases in 2013. See "Country Report – Greece" of the Office of the National Rapporteur to Monitor & Combat Trafficking in Human Beings Ministry of Foreign Affairs Hellenic Republic, pp. 5-6. The anti-trafficking NGO A21 also operates a hotline for reporting cases and requesting services and assistance.

In providing assistance and accommodation, state authorities also collaborate or enter into contract with non-profit private entities or NGOs working with VoTs.¹³³ Currently, NGOs like ‘Praxis’ run an accommodation shelter, not specifically for VoTs, but generally for vulnerable persons, such as asylum-seekers, victims of torture, persons with chronic diseases, and others, alongside two centers for unaccompanied minors.¹³⁴ In the frame of services provided in those centers, Praxis engages in prevention work, counselling, informing and supporting minors who are at risk of becoming VoTs. More broadly, in the course of providing services through the medical assistance facilities that they run, Praxis social workers come across persons, whom they suspect are VoTs. If they verify this through further questions in an interview, Praxis contacts and informs the anti-trafficking unit in the Greek police, and cooperates with them in providing protection and support to the presumed VoT.¹³⁵

Even though VoTs are entitled to accommodation and specialised assistance, in practice there are a number of problems that prevent them from accessing and benefiting from such assistance. In the first place, the social assistance and support structures mentioned in the rather out of date legislation (Presidential Decree 233/2003) described in the previous paragraph, either no longer exist, or they lack trained and qualified to deal with persons who have been subject to trafficking, and they are therefore not appropriate to provide the necessary care to VoTs.¹³⁶

Accommodation facilities and structures of support that are more specialised and tailored to dealing with VoTs are usually project-based, and therefore temporary. They operate for a given period of time during which funding exists. For example, in the 2000s, the Agency for International Development of the Ministry of Foreign Affairs (YDAS) had funded NGOs specialising on social support and assistance to VoTs. Large and well-established NGOs like ‘Klimaka’ had set up a shelter for VoTs which functioned from 2004 until 2006, but after that it closed down as the YDAS funding was terminated. Other NGOs like the Greek Council for Refugees have run programmes of economic and legal support to VoTs, which was also terminated after the funding came to an end. Since the economic crisis and austerity started in 2009-2010, there are hardly any accommodation facilities and programmes specifically for VoTs. Apart from one specialized facility run by NGO A21 in Thessaloniki, only state-run shelters are available, such as those run by the Greek Center for Social Solidarity (EKKA) or the shelters that are operated by the General Secretariat for Gender Equality in cooperation with municipalities all over Greece.¹³⁷

Anti-trafficking legislation makes no clear distinction between interim and long-term assistance. Assistance and protection are provided for as long as it is considered

The A21 Campaign cooperates with an interpretation service and can therefore provide interpretation by phone in 170 languages. See <http://www.1109.gr/eng/content/frequently-asked-questions/gjwqm1#1>.

¹³³ Presidential Decree 233/2003 on the “Protection and assistance to victims of crimes” as specified by various articles of the Criminal Code, among them victims of trafficking, Articles 1-4.

¹³⁴ Interview, Dina Vardaramatou, Praxis, 23/9/14, Athens

¹³⁵ Interview, Dina Vardaramatou, Praxis, 23/9/14, Athens

¹³⁶ Interview, Daphne Kapetanaki, UN High Commissioner for Refugees, Office in Greece Athens, 9 October 2014.

¹³⁷ Interview, Daphne Kapetanaki, UN High Commissioner for Refugees, Office in Greece, Athens, 9 October 2014.

necessary by the facilities responsible for providing these services on a case by case basis.¹³⁸ In practice, each of the facilities involved has more or less its own house rules on length of stay, depending on the kinds of victims it receives and resources. For instance, child victims of trafficking are usually hosted in a facility that accommodates all categories of children (orphans, abused and neglected children, unaccompanied minors). We also need to note that generally applicable minimum standards for the provision of assistance and care do not exist. This means that each facility follows its own best practices depending on resources and no consistent and structured methodologies for the provision of support services of child victims are being followed nationwide. No doubt public services and NGOs act in line with professional standards in assessing the child's best interest and catering to its needs. Nonetheless, the lack of standard procedures is quite naturally translated in a lack of monitoring and evaluation of these schemes with respect to the extent to they support the victim's recovery and wellbeing.

The difficulty that VoTs have to access assistance and accommodation is also due to the fact that TCNs who have been subjected to trafficking exploitation are often arrested as irregular migrant and they are placed into a detention center. State authorities have entered into agreements with NGOs, on the basis of which NGOs can transfer presumed or actual victims from detention facilities to specialised shelters. According to NGOs, most of the personnel in detention centers have had little, if any, training in regard to the detection and identification of victims of trafficking and smuggling of persons. The same can also be said for border and marine guards, who are therefore little qualified and able to detect VoTs and victims of smuggling during land and sea operations.¹³⁹ While the legal frame in principle allows VoTs to access social assistance services and the public health system, in practice both access and availability of appropriate care and support are restricted. According to the 2013 U.S. Department of State report on trafficking in Greece, there is no shelter for male victims, or an emergency shelter that can be easily accessed by victims.¹⁴⁰ More importantly, there are no programmes that specialise and are tailored to address the specific conditions and psychological problems of VoTs, as our interviews with social workers and experts disclosed.¹⁴¹

A person must first present himself/herself to the police and claim to be a VoT, before they can be directed to specialised welfare, accommodation and support facilities. According to experts' opinions that we obtained through interviews, the possibility that persons among irregular migrant detainees or others, who are VoTs, will present themselves to the authorities to report their situation, is limited because it is based on unrealistic assumptions. Persons who have been VoTs are unlikely to go to the police or judicial authorities to file a complaint, because psychologically, they are unlikely to have the necessary sense of trust towards the authorities and they are simply

¹³⁸ Greece / Article 2(2) of Presidential Decree 233/2013.

¹³⁹ U.S. Department of State, "Greece – 2013 Trafficking in Persons Report". Available at <http://www.state.gov/j/tip/rls/tiprpt/countries/2013/215471.htm>

¹⁴⁰ U.S. Department of State, "Greece – 2013 Trafficking in Persons Report". Available at <http://www.state.gov/j/tip/rls/tiprpt/countries/2013/215471.htm>

¹⁴¹ Interview, Daphne Kapetanaki, UN High Commissioner for Refugees, Office in Greece, 9 October 2014.

very afraid to do go to them to report their situation. Profound fear is very much the basis of their relations with and dependence on the traffickers, and fear is a consciousness-distorting emotional state. Victims are unlikely to be ready to talk even to a lawyer about such a painful, stigmatising, and emotionally as well as mentally damaging experience, unless they have already received substantial and specialised support and counseling that encourages and prepares them to do so.¹⁴² Victims are far less likely to report their exploitative situation on their own than if they are under social support and counseling, and only after they have built a relation of trust with social workers.¹⁴³

Access to education and training

Recognised VoTs who are below 18 years of age can access and enroll in public schools, which have special reception classes, or intercultural (*diapolitismika*) education programmes.¹⁴⁴ There are no other special or more detailed provisions though concerning the conditions under which they can do so.

III.2 Assessment of integration outcomes

A major problem in Greece, according to experts, is that officially identified and registered VoTs are few. This is not because there no or few victims of sexual, labour or other exploitation, but their small official numbers reflect the major deficiencies in proactive victim detection and identification by adequately trained and qualified personnel among the police, the social welfare authorities at the local and national level, the health system, etc. The substantial underestimates of the official count of VoTs, which is already mentioned in the beginning, is in large part due to the absence or thorough deficiency of appropriate processes of victim detection and identification. Instead of assuming that victims will simply show up to the police to report that they have been subjected to trafficking, and testify themselves in order to initiate a process of criminal investigation, it is suggested that it is imperative to improve the process of victim identification as much – if not more – as much (if not more) through reliance on intensive social work, as on legal assistance and the criminal prosecution process. It is difficult to evaluate the integration phase, when the earlier stages of victim detection/identification and social protection and assistance and seriously hampered.¹⁴⁵

Based on our interviews with experts and social workers, the provisions and measures enshrined in the existing legal-policy frame have limited effectiveness in promoting the integration of VoTs in practice. In part, this is due to the fact that the Greek law, policy and practice have so far placed the emphasis on the initial protection of victims, and less so on integration, which is considered a later stage that follows after

¹⁴² Interview, Danai Aggeli, Athens, 9 September 2014.

¹⁴³ Interview, Daphne Kapetanaki, UN High Commissioner for Refugees, Office in Greece, 9 October 2014.

¹⁴⁴ Presidential Decree 233/2003, Articles 5-6.

¹⁴⁵ Interview, Daphne Kapetanaki, UN High Commissioner for Refugees, Office in Greece, Athens, 9 October 2014.

the first stage of victims' support and assistance. Once victims have been able to rehabilitate themselves mentally, emotionally and psychologically, they can then be considered to be ready for integration in the labour market, in the educational system, and generally for building a new normal life.¹⁴⁶ Integration of the VoTs is a later stage of the process once the protection, support and rehabilitation of the victim have been achieved. While it is an extremely important stage, it will not be reached unless the earlier phases of victim detection and identification, as well as social support and protection are effective.

As integration of VoTs is not defined as an explicit goal of Greek law and policy, either in the area of anti-trafficking or in immigration law, there is thorough lack of data on the subject. The non-collection of any data related to VoTs in itself reflects the fact that the special needs of VoTs are not an explicit consideration in the legal system and in the social support structures that are available to provide assistance to them. Apart from data on the number of recognised VoTs collected by the Greek Police, we lack data on the number of VoTs who are provided with accommodation, psychological counseling or medical care, among other things. Recently (November 2014) a Member of Parliament (from a leftist party) submitted a question to the Minister of Internal Affairs, the Minister of Foreign Affairs, and the Minister of Justice, and inquired about the number of VoTs who have been provided with accommodation, and a residence permit since 2000.¹⁴⁷ It is anticipated that the lack of data on VoTs will be addressed with a creation of a National Data Base under the aegis of the Office of the National Rapporteur to Monitor & Combat Trafficking in Human Beings Ministry of Foreign Affairs Hellenic Republic, as well as the National System for Recognition and Resort of VoTs. The latter in particular is expected to organise the system of social support for VoTs that is in place by improving the processes of screening for VoTs, the victim identification process, and their placement in shelters that apply approved standards of social assistance. In the meantime though, the lack of data at present does not allow us to evaluate outcomes.

Some insight on the outcomes of policies and measures aimed at the social support and eventual integration of VoTs can be gained from a case against Greece that is currently under review by the European Court of Human Rights (ECtHR). Reference to this case of *L.A. v Greece*, which was taken in Strasbourg with the legal support of the Greek Helsinki Monitor, is made in the abovementioned letter-question of the Member of Parliament submitted in the Greek Parliament in November 2014. The applicant (a female) in this case was a recognised VoT since 2007, who in 2014 encountered significant obstacles in the process of renewing her residence permit. These obstacles were in part due to the fact that the new Immigration Code now requires the victim herself to obtain a certification from the prosecutorial authorities that the criminal investigation into her case is ongoing (whereas before this was done through inter-departmental communication). The case of the L.A. brings to the fore the bureaucratic obstacles but also the lack of appropriately established procedures, lack of

¹⁴⁶ Interview, Daphne Kapetanaki, UN High Commissioner for Refugees, Office in Greece, Athens, 9 October 2014.

¹⁴⁷ See question related to the detrimental effects on VoTs due to the non-cooperation of prosecutorial authorities, submitted by Ms Maria Giannakakou, 14 November 2014.

inter-departmental cooperation, and lack of qualified personnel, including interpreters, all of which can enable a VoT to access the rights and social support provided for by law.

Target Group	Area of Integration	Outcome Indicators	Data Source
Victims of Trafficking	The right to stay	74 TCNs who were recognised as VoTs in 2013 and they were given a reflection period ¹⁴⁸	National statistics or national administrative data banks
		85% ¹⁴⁹	Office of the National Rapporteur to Monitor & Combat Trafficking in Human Beings Ministry of Foreign Affairs Hellenic Republic
		TCN VoT who received long term/ or permanent residence permit ¹⁵⁰ NO DATA AVAILABLE	National statistics or national administrative data banks
		TCN VoT who were repatriated in their home country. NO DATA AVAILABLE	National statistics or national administrative data banks
	Access to welfare and social assistance	Accommodation capacity of safe and suitable accommodation facilities for VoT ¹⁵¹	National statistics or national administrative data banks
		TCN VoT placed in safe accommodation/ shelters ¹⁵²	National statistics or national administrative data banks
		TCN VoT who received psychological counseling ¹⁵³	National statistics or national administrative data banks
		TCN VoT who received medical assistance ¹⁵⁴	National statistics or national administrative data banks

¹⁴⁸ TCN VoT who were given a reflection period as share of the overall number of VoT identified in the year 2013.

¹⁴⁹ In 2012, a residence permit was granted to 63 out of 74 applicants, that is 85%. Data obtained from the Office of the National Rapporteur to Monitor & Combat Trafficking in Human Beings Ministry of Foreign Affairs Hellenic Republic.

¹⁵⁰ TCN VoT who were given long term/ or permanent residence permit as share of the overall number of VoT identified in the year 2013.

¹⁵¹ How many persons (VoT) could be placed in these facilities at one at the same time.

¹⁵² TCN VoT placed in safe accommodation and shelters as share of the overall number of VoT identified in the year 2013.

¹⁵³ TCN VoT who received psychological assistance as share of the overall number of VoT identified in the year 2013.

¹⁵⁴ TCN VoT who received medical assistance as share of the overall number of VoT identified in the year 2013.

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	Education	TCN VoT who enrolled in course in the host country language ¹⁵⁵	National statistics or national administrative data banks
	Employment	TCN VoT who enrolled in vocational training courses ¹⁵⁶	National statistics or national administrative data banks
		TCN VoT who entered employment ¹⁵⁷	National statistics or national administrative data banks

¹⁵⁵ TCN VoT who enrolled in course in the host country language as share of the overall number of VoT identified in the year 2013.

¹⁵⁶ TCN VoT who enrolled in vocational training course as share of the overall number of VoT identified in the year 2013.

¹⁵⁷ TCN VoT who entered employment as share of the overall number of VoT identified in the year 2013.

Conclusions

Migrant women have benefited from specific gender equality policies developed so far, as well as from EU-funded and specifically targeted programmes aimed at labour market integration, vocational training and education. Such actions were fragmented and ad hoc and they did not influence the design and planning for each successive annual programme (Stratigaki, 2013). Many migrant women have no access to such opportunities, and not only because of their fragmented, ad hoc and temporary nature of the aforementioned initiatives. Not having Greek nationality limits their ability to access new opportunities, and so does the fact that migrant women are predominantly employed in the informal sectors of the economy, such as in the care services and domestic work.

In assessing the integration of female migrants in the labour market, one should take into consideration the major differences and inequalities existing between migrant women working in the formal sector of the economy and those working in the informal one. Being a de facto an “invisible” social group and lacking basic social, labour and political rights, most migrant women do not undertake collective action and raise their voice in order to put pressure on the government to recognise their rights and act accordingly. As a consequence, the state pretends not to “see” them, and the same is applied to related policies. The situation seems to be extremely difficult when it comes to the privacy of the home where they usually work, which is protected by the law and it is quite impossible to intervene in order to protect their labour rights which might be violated anytime.

With regard to **migrant children**, there are important barriers to their integration, emanating less from the legal rights that they enjoy and more from the ways in which existing legislation in education is applied in practice. It is no surprise therefore that their integration in the educational system, a preeminent channel for their inclusion in the society at large, leaves much to be desired. Migrant children’s statutory rights are guaranteed with regard to education and health, independently of whether their parents legally reside in Greece or not. However, their access to other rights depends on the legal status of their parents, whose legal and socio-economic situation is often precarious. On the other hand, the rights granted to migrant children, as enshrined in the Code of Immigration and Integration (Article 97), do not include the right of mobility within the EU. It has been suggested that the provision for a special second-generation residence permit contained in the Code may be used as a substitute for nationality acquisition.

In the field of education, migrant children have access to public schools for the mandatory nine-year period. Official policy has established the so-called intercultural schools and ‘welcoming classes’ to address the specific language rather than education needs of migrants’ children. A relatively greater drop-out rate is observed among them after the first year of high school, when comparing to the primary school drop-out. Generally, migrant children are at greater risk of exiting the education and training system without having obtained an upper secondary qualification. At the same time, migrant children appear to have considerably lower activity rates concerning employment, as well as higher child poverty and deprivation (which increased

substantially during the economic crisis), when comparing to the children of natives. When it comes to the unaccompanied minors, despite that in theory they should enjoy the same level of protection as native children, there are no special clauses regarding guardianship in the Civil Code, which are tailored to this especially vulnerable group of children. The common practice is to appoint as guardian the supervisor of a hosting institution.

Concerning **VoTs**, while Greek law and policy provide for social support to identified VoTs, their integration in medium and longer-term into Greek society has not been explicitly defined as a goal in official policy in this area. In practice, the main problem that forms an insuperable barrier to prospects for further integration is the limited ability of law and policy, but also of how they are applied in practice, to detect and identify victims. First, policies must place more emphasis on the phase of detection and identification and rely much more on social work rather than on the process of criminal prosecution. Secondly, much more work needs to be done and progress to be made in the direction of training personnel in social services, the police and border guards, personnel in detention centers, and other agencies, in order to qualify them to detect and identify victims and to direct them towards specialised structures of support. Thirdly, it is essential to establish forms of inter-departmental communication and exchange of information between different agencies, courts, the police, local authorities, and NGOs, in order to coordinate action in support of VoTs. The problem may not be the lack of sufficient structures of support (shelters, psychological counseling, medical assistance, etc.) but the lack of communication and cooperation among various authorities and NGOs, which would make it possible to place presumed or actual victims in the proper and readily available structure.

Recommendations

Migrant Women

- ✓ The institutional framework does not ignore immigrant women in general, but it treats them as dependent family members rather than as autonomous and active actors. As such the legislative and policy frame should properly address the real and specific social and work conditions of female migrants, and ensure that they can enjoy the basic social and labour rights.
- ✓ Female migrants' access to the formal labour market should be facilitated through simplified procedures for changing one's employment status.
- ✓ Greece should seek to establish bilateral agreements with countries of origin for the transfer of pension rights, and recognition of qualifications and work experience acquired in Greece.
- ✓ Access to regularisation and social security coverage procedures should be simplified, with an emphasis on the specific conditions of domestic sector workers.
- ✓ Policies must step up measures for combating the informal character of employment among immigrant women, with a focus on tax incentives for employers in the domestic sector.
- ✓ Access to lifelong learning programmes must be improved with the goal of upgrading and certifying professional qualifications, as well as to promoting professional mobility.
- ✓ Support and promote migrant women entrepreneurship through measures and policy initiatives that will help them to overcome specific barriers such as: access to finance and support services, language barriers and special training programmes in order to build on limited business, management and marketing skills.
- ✓ Local initiatives must seek to promote the representation of migrant women's interests in the professional, social and political spheres, and enhance the role of local authorities in engaging migrant women in local political life.
- ✓ The issuing of a long-term residence permit that is not contingent on the status of the spouse must be made easier.
- ✓ The legislative framework for accessing citizenship must be improved as to facilitate the acquisition of citizenship for TCNs who live in Greece for several years.

Migrant Children

- ✓ The content and implementation of educational measures aimed at students of migrant background, their mandate and operation, must adhere to the broader European policy framework and prioritise the interests of the child.
- ✓ EC funded programmes with a limited timeframe must complement, not replace or be separate from, existing institutions and their mechanisms.
- ✓ Establishment of decentralized social services (at the local level) with the purpose of identifying and addressing social and educational issues of immigrant students as these arise in the school environment.
- ✓ Strategies aiming towards the integration of special social groups in the educational system should go beyond intercultural schools (which are only meant for pupils from foreign backgrounds). They should encompass a broad array of activities and services (e.g. welcoming classes for pupils from foreign backgrounds). The goal should be to facilitate the transition to new institutional standards of intercultural education, in keeping with the framework provided by Law 2413/1996.
- ✓ Equal access to health services for all children should be ensured, regardless of whether they are foreign, or whether their stay is formal or informal.
- ✓ Special measures must be taken for the protection of unaccompanied children, particularly in relation to the institution of guardianship, the provision of accommodation, and the securing of a framework for monitoring and supporting their social integration.

Victims of Trafficking (VoTs)

- ✓ Policy and practice must be reformed and adapted as to substantially improve the processes of victim detection and identification.
- ✓ Regular training must be provided to personnel in police, border guards and detention centers, but also in hospitals and social welfare services to enable those professionals to detect and identify VoTs.
- ✓ It is necessary to improve the communication and coordination among different agencies and NGOs.
- ✓ It is imperative to set up effective and systematic data collection procedures.
- ✓ Integration must be defined as a central goal of policy in regard to VoTs.
- ✓ Equal treatment and similar levels of protection must be provided to victims who are willing to cooperate with the authorities and those who are not willing to do so, not only in law but also in practice.

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Annex: List of Interviews

	Institution	Position of the respondent	Date of the interview	Data collected about which target group:
1	Intercultural Lyceum of Athens	High school Teacher	10/9/2014	Migrant Children
2	Greek Ombudsman	Special Scientist	29/9/2014	Migrant Children
3	Greek Ombudsman	Deputy Ombudsman for Children	16/10/2014	Migrant Children
4	Ministry of Education	Chief of Elementary Education Department	12/9/2014	Migrant Children
5	Special Elementary School	Director/Teacher	10/9/2014	Migrant Children
6	High Commissioner for Refugees	Associate Community Services Officer, Children in Brackets, UNCHR	22/10/2014	Migrant/unaccompanied migrant children
7	High Commissioner for Refugees	Protection officer	22/10/2014	Victims of Trafficking
8	NGO PRAXIS	Athens & Southern Greece Decentralized Desk	23/9/2014	Victims of Trafficking
9	Group of Lawyers for the Protection of Migrants and Refugees/	Lawyer/former head first reception's commission, Asylum Services	11/9/2014	Victims of Trafficking
10	DIOTIMA	Director	29/9/2014	Migrant Women
11	Greek Ombudsman	Equality Department	16/9/2014	Migrant Women
12	Aristotelio University of Thessaloniki	Law Department/former General Secretary of Ministry of Interior, General Secretariat for Population	29/9/2014	All groups
13	Ministry of Interior	Special Adviser of Deputy Minister of Interior on Migration and Integration	29/9/2014	All groups

