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# **Mapping of policies affecting female migrants and policy analysis: the Greek case**

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# Mapping and Analysing Policies

## Introduction

Current migration policies in Greece include policies dating back to 1997 when the first chance to get legalized was offered to a large number of migrants who had already been living in the country since 1992. The illegal status exposed immigrants to exploitation, while preventing access to a series of basic services; the risk of creating a new group of socially excluded was present. Policies designed and implemented since then, have not been able to reduce this risk, while the migrant population, is constantly on the increase, as Greece has become an important destination country for migrants. The aim of this paper is to provide a general picture of policies implemented nowadays and especially to present their effects on female migrants.

Part One of this presentation, entitled “*General policies and their effects on female migrants*”, includes a short description of the General Policies for Employment addressing the whole population, as well as the regulations of the labour market, on the basis of commitments made by Greece in the framework of the Lisbon objectives. Moreover there is a reference to policies aiming at the re-insertion of the long-term unemployed and a brief presentation of policies implemented for the regulation of employment in areas with high migrant participation, which in Greece mainly include the extensive domain of “informal employment”, i.e. household work and the care of children and the elderly. Finally, there is a discussion about how economic migration is related to the policies about prostitution in contemporary Greece.

In Part Two, entitled “*Policies targeting migrants*”, the initial focus is drawn to legislation currently in force and concerning the legal entry, residence and employment of migrants, as well as the changes this legislation brought about in relation to the regime in force until recently. In the context of the present study, it would however be necessary to make the following, clarification based on the writers’ point of view: although migration legislation in Greece has moved on to a new phase in which the integration of long-term resident migrants in Greece is an issue raised with increasing urgency, and although the initial legislative “embarrassment” which saw migration as a source of criminality has been overcome, nevertheless, “legalization”, namely, control of legal entry to the country, remains the basic priority of the Greek authorities. This is the reason why, the writers have adopted the term “legalization”, as it aptly represents this real tendency.

Subsequently there is reference to the policy of the Greek State on matters relating to nationality, and to policies aiming at migrants’ integration into the Greek society, (i.e. the right to access educational structures, language, health services and housing). The European Initiative “Equal” aiming at a more inclusive work life and fighting discrimination and exclusion is also presented in Part Two, together with national policies which facilitate the access of migrants to civil and participation rights and entitlements. Moreover, what is also discussed is recent legislation against discrimination, which concerns the implementation of relevant Community Directives, policies to combat illegal migration, and the institutional framework recently set up to combat human trafficking

In Part Three the basic institutions playing a significant advisory role in drawing up migration policies in the country, (i.e. the Institute of Migration Policy - IMEPO of the Ministry of the Interior, which according to its founding law, is the only research institution in Greece with relevant competencies and, from the domain of independent administrative authorities, the Ombudsman, which contributes to “correcting” the course taken by any policies implemented) are presented.

Finally, Part Four includes a description of activities at the level of civil society, social movements, trade unions, NGOs, feminist, women’s and migrant organizations active in the area of migrants’ rights, delivering advisory and information services, and initiating the crucial public dialogue which has a positive impact on the integration of migrants into Greek society.

## 1. General policies and their effects on female migrants

### 1.1 Labour Market and Employment Policies

Employment policies in Greece greatly operate within the framework of objectives agreed by European governments in March 2000 in Lisbon and have been developed around the major assumption that unemployment is mainly a result of the failure of those unemployed to enter paid employment, rather than a symptom of imbalances within the labour market (e.g. redundancies, layoffs, fixed-term contracts, etc)<sup>1</sup>; hence a great number of employment programmes have paid attention to abolish obstacles for specific groups of the population to gain access to paid employment. On the other hand, Labour Force Surveys steadily underestimate the number of migrants participating in the labour force, due to the lack of statistical data, originating from the broad participation of migrants in the informal labour market – a fact which in turn results in their “invisibility”<sup>2</sup>, and at the same time in their exclusion from general employment policies, as will be discussed below.

Especially, the basic concern of the recent employment policy was to reform regulations concerning working hours, (**Law 3385/2005**<sup>3</sup>, “**Regulations on employment promotion, strengthening of social cohesion and other provisions**”) with a view to increase employment, through greater flexibility (i.e. by giving the chance to those inactive due to care responsibilities, to enter the labour market and work part time).

Accordingly, measures have been taken to introduce part time employment into the public sector (**Law 3250/2004**<sup>4</sup>, «**part-time employment in the public sector**, regional and local administrative units and institutions of public law»). These changes aimed at a greater flexibility in the service sector as they enabled regional and local authorities to hire personnel on the basis of private law and under new forms of work contracts (i.e. fixed-term and part-time contracts). The target-groups of those measures are: unemployed persons over 30, people registered at the Public Employment Services (PES) and being five years younger than the age they are entitled to receive a pension, unemployed persons under 30 registered at the PES for more than 18 months (long term unemployed), mothers of minor children, persons with disability exceeding 50%, and unemployed parents with large families (i.e. who have more than 4 children).

In relation to the above, a first observation is that these policies are highly specialized targeting very specific groups, and function as positive actions instead of being part of an integrated approach aiming at the inclusion of all socially vulnerable groups in the labour market. More importantly however, they do not have a positive effect on the integration of female migrants in the labour market as the latter are not one of the above mentioned target groups. Female migrants are mainly occupied in the (usually informal) domestic sector, in tourism and agriculture and not in the public sector.

The most important reforms as regards the employment policies in Greece were initially focused at the gradual replacement of the passive with the so-called active ones. (**Law 2874/2000**<sup>5</sup> “**Promotion of employment and other provisions**”, **Law 3227/2004**<sup>6</sup> on “**Measures against unemployment and other regulations**”, and **Ministerial Decision 33364/2003**)<sup>7</sup>. This change in policy direction has led to specific institutional reforms and especially to the regulatory framework of the main national

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<sup>1</sup> NAP 2002

<sup>2</sup> NAP 2003

<sup>3</sup> Official gazette (*ΦΕΚ*) A 210/19.8.2005

<sup>4</sup> Official gazette (*ΦΕΚ*) A 124/7.7.2004

<sup>5</sup> Official gazette (*ΦΕΚ*) A 286/29.12.2000

<sup>6</sup> Official gazette (*ΦΕΚ*) A 31/9.2.2004

In particular, art. 1 stipulates that “*the unemployed recipient may be hired or placed in full- or part-time position for the duration of unemployment payments and be remunerated in accordance with the provisions applying to other employees placed under the same employer*”.

<sup>7</sup> Measures for the subsidy of low-waged employees’ insurance contributions and reduction of employers’ contributions for newly hired workers with a salary up to €600.

institution competent to implement “passive” policies, that is the Greek Manpower and Employment Organization (OAED) (Konstantinopoulos, 1993: 38). In this way, it has been the alteration of its monolithic character as a National Public Legal Entity as well as the decentralization of various employment related services through the adoption of an institutional schema of autonomous and flexible legal units competent for the delivery of related services (**Law 2956/2001<sup>8</sup> on the “Restructuring of the Greek Manpower and Employment Organization (OAEΑ<sup>9</sup>) and other provisions”**).

The new strategy of the Public Employment Policies, is characterized by the adjustment to an individualized approach of the unemployed, that is, activation measures for the creation of employment and self-employment and the reduction of unemployment, such as the subsidized programmes for: New Work Positions (*NΘE*), the Acquisition of Work Experience (*STAGE*) and the programme for Setting up of an Enterprise (*NEE*).

Employment Promotion Centres (*KIIA*), providing individualized counseling services to the unemployed, operate within the framework of Active employment policies.

The basic mechanism of unemployment benefits was obviously preserved. The beneficiaries of unemployment payments are salaried workers whose work contract has ended or has been terminated by their employer and who are insured at the unemployment branch of PES. The conditions for receipt of payments depend on whether the employee is a first-time beneficiary whereas the duration of payments depends on the number of days worked. The daily rate is €12,45 to €13,17 euros, increased by 10% for each dependent family member. Moreover, in an attempt to reinforce geographical mobility, a housing benefit is provided for unemployed persons moving from their place of residence in order to work (Joint Ministerial Decision 50233/3.5.2004).

In the context of taking measures to reinforce employment, institutional reforms have taken place aiming to interconnect social support services to employment structures and services. Thus, a Network of Social Support Services was recently established, operating by means of locally based and decentralised authorities, with the aim to combat poverty and social exclusion through the provision of support to persons in immediate need. At present 91 Social Support Service Offices are active in the country.

In addition, in the framework of general actions for social inclusion, “Integrated Interventions<sup>10</sup>” are carried out targeted to particularly vulnerable groups of the population (i.e. people with special needs, Roma, people of advanced age, the un-insured, returnees, and migrants). These initiatives are mainly funded by the Third Community Support Framework (*Γ’ ΚΙΙΣ*).<sup>11</sup>

On the other hand, migrants as a distinct target group are included in a number of programmes aiming to combat social exclusion. Since 2000, all official texts and National Employment Action Plans (NAPS), explicitly recognise the beneficial effect of migrants’ employment. According to some assessments, migrants’ participation in the labour market also contributes to freeing part of the workforce from traditional roles and accelerating the rate of labour participation of Greek women.

The Operational Program “Employment and Vocational Training” provides Accompanying Supportive Services (*Σ.Υ.Υ*) to unemployed persons belonging to vulnerable social groups with the aim of supporting and accompanying them in their search for employment or professional rehabilitation and their social inclusion<sup>12</sup>. For the period 2003-2005, the budget for specific groups at risk of social exclusion (migrants are also included in these target groups) was €135 million, targeting 8.340 beneficiaries<sup>13</sup>.

With regard to the promotion of equal opportunities and the enhancement of women’s access to the labour market, an Integrated Intervention Program is being put in place with a budget of €53 million

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<sup>8</sup> Official gazette (*ΦΕΚ*) Α 258/6.11.2001

See also the relevant Ministerial Decision 30342/ 3 March 2002 making provisions for the setting up of private employment agencies.

<sup>9</sup> From now on referred as Public Employment Service (PES).

<sup>10</sup> It refers to programmes which include a combination of concerted actions such as counselling and support services, training, promotion and matching to work places, support for entrepreneurship, etc.

<sup>11</sup> See NAP for inclusion (*ΕΣΑΕΝ*), 2005-2006, p. 12

<sup>12</sup> See NAP for inclusion (*ΕΣΑΕΝ*), 2005-2006, p. 15

<sup>13</sup> Up to now, there is no data available on the numbers of (male and female) migrants who have participated and benefited from those actions and measures..

(in 2006) and addressing 30.000<sup>14</sup> women beneficiaries. It includes actions ranging from individualized counselling services, to assisting unemployed women to draw up a specific professional and/or business plan and to promoting women to the labour market through subsidized job placement, programmes to gain work experience and programmes subsidising the establishment of enterprises. However, the Program is only addressed to unemployed Greek women and not to migrant women (non EU nationals) who are thus being excluded.

In relation the above we must note that, compared to other EU countries, Greece has the lowest spending on both insurance coverage for the unemployed and “passive” forms of policies, while at the same time, the right to receive an unemployment benefit presupposes social security contributions by beneficiaries, over a fixed period. (Dedousopoulos, 1997: 42-46). Moreover, in this still to be expanded Greek social welfare system, the position and rights of migrants is eventually quite difficult even for those who are regularized and well integrated into the labour market. The basic problem remains the lack of coordination among various public services competent to implement the migration law which will be discussed in the next section (2.1.) together with the Employment Policies. Due to excessive delays in carrying out the relevant procedures for the renewal of work permissions, in many cases migrants’ claims for unemployment benefit are rejected as they do not possess a valid work permit.<sup>15</sup> This means that they have submitted their papers and have taken a relevant confirmation about their permit being under issuance (provisional permit), nevertheless under the running law, the public employment services demand the valid employment permit in order to consider the migrant eligible for the unemployed benefit. Moreover, although migrants might have managed to obtain employment with full rights, being also eligible for the unemployment benefit, the responsible authorities lately tend to reduce this benefit in case unemployed migrants leave on a short trip to their own home country. Authorities claim that being unable to control migrants’ work activities at home, they cannot provide the unemployment benefit in such cases. Therefore migrants’ right to receiving an unemployment benefit is withdrawn. On the other hand, the attempt to reinforce geographical mobility of the unemployed contradicts the provisions of migration law which, by contrast, aims at constraining migrants’ mobility by posing additional obstacles in the change of residence and work place. More generally, the new migration law does not specifically provide for migrants’ access to active employment policies and the formal labour market. Being obliged to issue the stay permit on the basis of a work permit until recently, the majority of migrants – especially female – could not practically be legal and unemployed (and be registered at the PES when unemployed), therefore they were not eligible to participate in any of those active employment measures and programmes.<sup>16</sup>

In general, one could say that although migrants are included in the rhetoric of employment and social inclusion policies as one of the socially vulnerable target groups, in reality their participation is not supported and different types of obstacles put them at the margin of the policies and measures. Finally, the contradictory approaches followed by employment and migration public services, in reality abolish migrants’ basic social rights, a fact which eventually refers to a status of **uneven legalisation**.

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<sup>14</sup> See NAP for inclusion (*ΕΣΙΑΕΝ*), , 2005-2006, p. 15

<sup>15</sup> See the relevant intervention of the Ombudsman, Conclusion no. 11866/2003, 24/11/05.

<sup>16</sup> According to the new migration law, in order to get their residence permit, migrants must prove that they have an employer. This in turn obliges them to cancel their registration at the PES (*ΟΑΕΑ*), in the case they are entitled to an unemployment benefit as in the case they are simply registered as unemployed. See article 15, § 1 and 2 of Law 3386/2005.

## **1.2 Social policies for re-entering the labour market: main directions**

Policies for re-entering the labour market mainly target structural unemployment brought about by work organizational changes. To prevent unemployment in the 45-64 age groups, policies aim at providing the unemployed population with new knowledge and work skills. Since 2001, developments in this field are strongly influenced by the turn to the “Active employment policies”, aiming systematically at the reinforcement of labour supply. Given that unemployment in Greece mainly strikes young people and women, policies are launched to support (re)-entrance of those groups to the labour market. Moreover, unemployment in Greece tends to last longer than the average length of unemployment in Europe<sup>17</sup>, whereas people of mature age, remain outside the labour market, either because of family obligations (especially women) or because of the devaluation of their professional abilities on their way to retirement.

The Ministry of Labour and Social Affairs through its Operational Program “Employment and Vocational Training 2004-2006” offers vocational training possibilities to several categories of long-term unemployed persons in certified Vocational Training Centres (*KEK*). This program implements life long learning projects involving the training and rehabilitation of 23.000 unemployed persons with a view to adapting their skills to the new needs of (local) labour markets.

It should be noted though that the mainstreaming rationale of training programmes has not been developed sufficiently to include migrants. Specific provisions are made for the vocational training of migrants in the framework of pilot programmes realized for socially vulnerable groups in the context of the EU initiative EQUAL, (see chapter 2.3.), with limited influence up to now. Exclusionary mechanisms for migrants willing to participate are in place, due to a number of reasons the most important being the way implementation takes place in terms of inconveniences created e.g. the hours at which these programmes are offered exclude migrants. For example a great number of migrants, and especially female domestic labourers working in the informal labour market, cannot attend these vocational training courses as they work irregular and unsocial hours.

## **1.3. Policies regulating employment in sectors with high participation of migrant women**

### **1.3.1 Policies regulating the informal sector of economy and combating undeclared work**

In Greece as in other South European countries, the informal economy is sizeable and without precise figures on its scale<sup>18</sup>.

Due to the fact that the restructuring of production is particularly slow in Greece (the same is true of technology in several areas of economic activity), the demand for cheap unskilled labour is continually renewed, leading the migrants into the black economy.

Policies adopted to reduce undeclared labour aim to simplify the institutional framework as well as to enforce stricter application of regulations. One of the objectives of the new migration policy of the Ministry of Interior (see below) is to guarantee documentation for their legal residence and work in the country. The new institutional framework attempts, up to a certain point, to contribute to the conversion of part of the informal labour into formal - which is expected to facilitate the social integration of migrants.<sup>19</sup>

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<sup>17</sup> NAP 2003

<sup>18</sup> Approximately 30% of GNP (Kanellopoulos 1992)

<sup>19</sup> Nevertheless, the fact that there is an important demand for undeclared labour in Greece, encourages in the first place migrants to enter the country. On the other hand, any attempt to restrict undeclared labour would put in danger small and medium-sized enterprises as they are the main providers of this form of employment which enables them to endure competition. It should be noted that this contradiction constitutes a serious political problem for a government which will have difficulties to assume the cost of a possible recession of the internal market due to the collapse of the SMEs.

To the extent that these policies are not combined with a substantial chance to legalize the status of migrants (see below how and why the new law is far from ensuring legalization), they can only have negative impact on the work and residence conditions of migrants. This is because they aim more to assess the extent of the problem and repress it than to act preventively by ensuring exit strategies for illegal workers toward the official labour market. Therefore, it is reasonable to expect that migrants will opt to rapidly find insecure work, without rights, in the ‘black economy’, instead of looking for jobs in the official labour market, which are additionally unavailable to them because of restrictions on the issuance of work permits. The state regulatory mechanisms are characterized by a combination of tolerance and attempts to control while leaving many gaps in which informal activities and practices develop into a structural part of citizens’ life and a major means of social integration.

### 1.3.2. Policies regulating the presence of female migrants in the domestic sectors

Participation of women in the informal economy is widespread among locals, and a large proportion of it concerns unpaid work in family businesses<sup>20</sup>, as in household work and caring. (Hatzimihalis & Vaiou, 1990: 94-95). The latest data from the National Statistics Service (*ΕΣΥΕ*), (Labour Force Survey, 2nd semester 2005) are of particular interest with regard to female migrants. According to these figures, almost half of female migrants employed (approx. 48,5%) work mainly as household helpers, cleaners, personal carers, resident service personnel, or in related services, whereas 16% work in hotels and catering, 10% in wholesale and retail outlets, 8% in industry, and 7,6% in farming (Kapsalis, 2006). To a large extent, the first category (representing 48,5%) covers “informal” areas of the economy, which employs non-legal as well as legal migrants (see below).

The gradual growth in recent years of female participation in the Greek labour market has resulted in an increased demand for domestic and care work as women entering the job market progressively abandon the gendered stereotypical roles of family organization (i.e. house-cleaning, running of households, child-minding, and caring) (N.Karakatsanis, J. Swarts, 2003: 242-251). A basic element of the so-called “feminization” of migration into Greece (Psimmenos, 2001: 102-103), are migrant household workers, who fill the gaps left by the above process. The absorption of female migrants in this area constitutes a “solution” to the problem of dispensing the services in question at low costs (Hletsos, 2004:26-27, 11-13). According to the elaboration of the census data (2001) which records about 121.000 migrant women, the majority (51.8%) concentrate in “remaining services”, which includes domestic service and caring. However, as many studies and (intuitive) estimates indicate, a significant number of migrants – and migrant women in particular – are not included in census data. Also, all quantitative estimates, important as they may be, have to be considered in the light of the undeclared or informal part of economic activity and the considerable involvement of migrants in it.

According to a recent publication based on the processing of the Labour Force Survey data by INE of GSEE, 43.500 female migrants were recorded to be employed in private households, which constitute 67% of the total number of women (65.041) employed in this area. From 2001 to 2005, they presented an increase of 60,1% (Kapsalis, 2006).

Two categories have to be distinguished in this respect: legal migrants and illegal migrants.

The first category, i.e. legal migrants, meets the requirements of the new migration law (see below), which makes provision for different types of work and residence permits depending on labour demand, in combination with legislation passed relatively early, in 1988, regarding the self-insurance of migrants. In particular, since 1988, employment policies aiming to raise employment rates, combat tax-evasion and provide health and pension coverage for economically weak workers, the majority of whom are migrants, and **Law 1759/1988<sup>21</sup> (“Insurance coverage of uninsured groups, improvement of social insurance coverage and other provisions”)** made provisions for the self-insurance of domestic personnel on the basis of 50% of the daily wage of an unskilled labourer A

<sup>20</sup> It should be noted, however, that, according to data mentioned in NAP for inclusion (*ΕΣΣΑΕΝ*) 2005-2006, in 2003-2004, the category “Helpers in the family business” made redundant 75.000 individuals, while simultaneously, economic migrants significantly reinforced the availability of labour in this category too.

<sup>21</sup> Official gazette (*ΦΕΚ*) Α 50/18.3.1988



more recent regulation regarding paid domestic workers was enacted with **Law 2639/1998**,<sup>22</sup> (“**Regulation of labour relations. Labour Supervision Body**”), and concerns mainly insurance contributions and health care, including coverage for childbirth, whereas **Decision 110/1998: P. 1245: regarding the “Issue of Service Invoice Books by paid domestic workers”** gave the right to domestic workers to work as freelancers and be self-employed.

The fact that the great majority of workers employed in the domestic sector, are female migrants has led to the need to restructure the institutional legalization framework in order to address new labour market trends, which may prove to be decisive for the evolution of migration into Greece in the future.

Even though labour relations in the domestic sector between employers and legal female migrants operate within a legal framework ensuring some elementary rights at work, the fact that the legal framework is not supported by a Collective Labour Agreement specifying working conditions and safeguarding greater protection of wages, contributes to excessive dependence of female migrants on a single employer.

Thus, while self-insurance at *IKA* (National Social Security Organization) covers the insurance preconditions that the new migration law asks for, legal residence of female migrants, the cost of social insurance stamps in fact penalizes them. Migrants have to prove they have at least 150 stamps per year (i.e. a stamp for each working day), which cost 1,400 € per year. What is more, there might be additional difficulties 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.

Problems do arise even in cases where there is a work contract, because employers neglect to notify the National Social Security Organization (*IKA*) of the new employee, which is their duty. This in turn means that female migrants cannot ensure the 200 stamps required for the renewal of their permit. Moreover, even though it is the employer’s obligation to notify the National Social Security Organization, the ones penalized when the National Social Security Organization is not notified are migrants who have to work illegally, and might be led to expulsion from the country. A final point to be stressed is the fact that the right of female migrants working as household helpers to unemployment benefit in case they are dismissed, only concerns cases in which there is a legal work agreement, and not cases of self-insurance.

On the other hand, the condition of non-legal domestic workers is much less favourable, as the absence of both labour and insurance rights and of a legal job-seeking network, is aggravated by the frequently extortionate circumstances of work and the threat of deportation. Note should also be taken of the great cost paid by female migrants – frequently higher than what they earn as household workers – to specialized agencies in order to obtain the highly valued household work contract and enter Greece legally (Lazaridis, 2000: 62).

All impediments listed above push the vast majority of female migrants into non undeclared work and residence status, having painful consequences for their economic situation, and violating their right to a normal social and family life, as in many cases children grow up in illegality<sup>23</sup>.

### **1.3.3. Policies controlling prostitution**

A significant number of female immigrants migrate mainly from Eastern Europe, but also from Africa, in accordance with or against their own free will, to cater for the demand in services areas related directly or indirectly to prostitution and sexual services mainly for local men. This means that female migrants working as prostitutes or entertainment artists should also be considered as part of contemporary economic migration.

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<sup>22</sup> Official gazette (*ΦΕΚ*) A 205/2.9.1998

<sup>23</sup> The matter of the legal status of the children born in the country has very recently been raised by female migrants, as an urgent key-issue that has to be regulated by the Greek government: it concerns the rejection of public services to register these children. As a result these children although they are born, grown up, educated and Greek speaking citizens at the age to 18 years old they are treated as economic migrants and their status is regulated by the Migration Law.

Prostitution is regulated in Greece by **Law 2734/1999**<sup>24</sup>, “**Prostitution and other provisions**”, amended and completed by **Law 2839/2000**<sup>25</sup>. Under this legislation, persons offering sexual services against payment have to be in possession of the appropriate licence. The conditions of issuance are based on age (the person has to be 18 years old), health criteria, criminal record and family situation. Foreign nationals can exercise the profession in accordance with the law if they meet the above criteria and are residing legally in the country. The competent authority for supervising certificates is the prefecture, whose authorities issue medical booklets and carry out medical checks. Local authorities (i.e. municipalities) are responsible for the issuance of a fixed number of permits (up to two prostitutes) per licensed brothel. Penal and administrative sanctions (imprisonment up to 2 years) are defined for persons in transgression of the law’s provisions. The Penal Code also makes provision for the punishment of individuals pushing women into prostitution, as for those living off prostitutes by exploiting them.

It is clear from the above that in Greece, policies mainly opt to deal with prostitution as a profession, the exercise of which requires a special certificate. On the other hand, the rapid social changes taking place as the structures of Greek society are being modernized, also have an impact on this area. First, there is a reduction in the number of Greek women entering prostitution, and a change in the profile of these women. Older, legally practising Greek prostitutes, usually working in a brothel equipped with a special license, are gradually being replaced by much younger foreign nationals working outside legal brothels, as the “sex industry” spreads to bars, cafeterias, and related spaces of essentially “male” entertainment, in which foreign nationals are usually hired as “waitresses” or “dancers” (N. Karakatsanis, J. Swarts 2003: 252,253).

It is rather characteristic that, during a previous attempt to pass a migration law, an article entitled “Artists in entertainment premises” was withdrawn, following pressure from women’s organizations and feminist groups, such as the European Forum of Left Feminists. The article stated, among other things, that each café or restaurant in the provinces could be converted into an entertainment centre for the weekend, that the employer could invite “female artists” (whose art is not specified) from abroad for a period up to six months, that these employees do not have the right to change either employers or employment, and that when the six-month period comes to an end, they have to return to their countries of origin. In this particular case, the legislator was simply incorporating an established practice in the law, i.e. encouraging foreign women to enter prostitution. It is estimated that the ratio of Greek women to foreign women employed in the sex industry was 7:3 in 1991 and 2:3 in 1996, whereas nowadays, more than 50% - 55% of the women employed in prostitution in Athens originate from former Soviet democracies (Emke-Pouloupoulos, 2001:45).

Female migrants entering prostitution encounter specific legislative provisions with which they are unacquainted in addition to language problems and no access to health services. Thus, they experience a double social exclusion. On the one hand, they undergo the exclusion also experienced by Greek prostitutes, due to the excessively control-oriented and repressive institutional framework and the inefficacy of health services. On the other hand they encounter the restrictive migration legislation which in Greece is still not mature enough to promote migrants’ smooth integration into society. The above factors make female migrants vulnerable and more liable to be swept into human trafficking networks (which are discussed below).

## **2. Policies targeting migrants**

### **2.1 Migration and naturalization policies, policies regulating residence and work: recent legislative developments**

The main piece of legislation drawn up with the objective of regulating the legal status of migrants in Greece is **L. 2910/2001**<sup>26</sup>, “**Entry to and residence of foreign nationals in Greece**”. This bill was passed in order to address shortcomings in previous legislation (**L. 1975/1991**) and it claims

<sup>24</sup> Official gazette (*ΦΕΚ*) A 161/5.8.1999

<sup>25</sup> Official gazette (*ΦΕΚ*) A 196/12.9.2000

<sup>26</sup> Official gazette (*ΦΕΚ*) A 91/2.5.2001

to provide a long-term, realistic migration policy allowing the integration of migrants into the Greek society. This bill amended and completed constitutes the first generation of migration legislation in Greece that was drawn up in response to a set of social changes during which the country turned into a net importer of migrants. Still, these first laws frequently display the characteristics of anti-crime legislation being primarily rather repressive and aiming at controlling the entry and legalisation of migrants failing to be concerned with processes, measures, mechanisms and human resources necessary to accomplish migrants' integration.

In August 2005 the Greek Parliament passed **Law 3386/2005**<sup>27</sup> on the '**Entry to, residence, and social integration in Greece of foreign nationals from third countries**', the provisions of which do not apply to E.U. citizens, refugees, and asylum seekers.

This recent bill, which is now in force, contains 98 articles. Its objectives, as stated in the explanatory report, are:

- a) To take a 'strategic initiative with regard to the management of the migratory flow',
- b) To set up appropriate guarantees 'in order to avoid unregulated entry to and exit from the country of foreign nationals' by intensifying controls,
- c) To grant the possibility of permanent registration to illegal migrants residing in Greece 'with a view to definitively resolving the relevant enduring problem'
- d) To provide basic principles for the social integration of migrants.

Specifically, art. 9 makes provision for seven types of residence permit. In application of regulation EC 1030/2002, these are issued as single permits incorporating permission to work. The central issuing authorities are regional, thus increasing the power of decentralised, regional authorities over the granting of permits. The cost of permits is €150 for a one-year permit, €300 for a two-year permit and so on.

The new law maintains the provisions of L. 2910/2001 concerning future migrants. An attempt has been made to rationalize the relevant procedures: employment services have been set up at consulates; employers' applications are made through the Greek Manpower and Employment Organization (*OAEA*) and annual reports have to be drawn up about the needs of the labour market.

With regard to migrants who have not been legalized, a so-called 'third chance' is granted to them in order for them to become legal under conditions defined in art. 91 par. 11 of the transitional provisions. Only migrants resident in Greece prior to the 31st December 2004 can benefit from this provision, which defines the requirements for proof of residence up to that date as follows: 'entry visa, date of application for a residence permit on humanitarian grounds, issuance of a tax identification number, or receipts of payment from a social security organization'. A circular issued by the Ministry of Interior (*ΥΠ.ΕΣ.Α.Α.Α.15887/2005*, 1 September 2005) defines further requirements for the application of art. 91 par. 11, and states that for nationals of foreign countries who do not require an entry visa, a passport stamp from the migration service at the point of entry is sufficient.

With regard to migrants already in the process of renewing their permits, and with regard to the completion of procedures for the renewal of work and residence permits expiring before the law was passed<sup>28</sup> the validity of permits was extended until the 31st December 2005 automatically, without requirement for any additional documents. Nevertheless, before the 31st October 2005 individuals concerned had to submit new applications for work permits at the employment departments of their prefectures providing social security coverage for 150 days per year from the 1st July 2003 until the date of application.

Finally, the transitional provisions of art. 91 par. 10 regularize the category of semi-legal migrants: the deadline for relevant applications was the 31st October 2005 including

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<sup>27</sup> Official gazette (*ΦΕΚ*) A 23.8.2005

<sup>28</sup> Permits granted and renewed under L. 2910/2001 and its amendments, which granted automatic renewals of validity, extensions of application deadlines, and the option to retroactively purchase 150 social security stamps per year.

cases in which a work permit had been granted without an application for the renewal of the residence permit, or cases in which the prior possession of a work permit was not required.

As regards the transposition in national law of **Council Directives 2003/86<sup>29</sup>** and **2003/109<sup>30</sup>** on the right to family reunification and on the rights of long-term residents, Chapter 10 articles 53-60 of the bill require proof of the applicant's personal income, which *'cannot be less than the gross annual income of an unskilled labourer, increased by 20% for the spouse and 15% for each child'*. The latter increase is not required in cases where both spouses are legal residents in the country. Contributions of family members are taken into account only when calculating the total income for the renewal of residence permits due to family reunification, and not in first-time applications for permits.

Conditions for granting the status of long-term resident are defined in Chapter 13 art. 67-69, as are the concepts of stable and regular income, *'which are assessed in accordance to their nature'*, and that of a habitation conforming to standards of hygiene. Art. 68 includes requirements for adequate knowledge of the Greek language, and for a grasp of Greek history and culture, to be assessed by a special committee.

The right to apply for long-term resident status is granted on condition that the applicant has completed five years of residence following the issuance of a residence permit according to the provisions of L. 2910/2001<sup>31</sup>.

In assessing the above legal framework and its implementation, attention should be drawn to the fact that in practice, the necessary infrastructure is not in place and there is a **shortage of suitably trained staff** in the departments charged with implementing the law. These shortcomings render the process of legalizing migrants, which is already problematic, even less favourable.

With regard to the substance of the bill, and in relation to its stated objectives, attention should be drawn first of all to the **short duration of the permits issued**, the preservation, if not the increase, of bureaucratic procedures, the setting up of different committees of doubtful usefulness, and the fact that in several cases the bill refers to prospective ministerial decisions for the resolution of important matters. More generally, this tendency to escalate the charges of government services appears to have purely financial motives. Effectively, an annual charge of €150 is established, constituting a form of high taxation imposed on foreign nationals.

The so-called **'third chance of legalization'** is in effect not offered because additional requirements and limitations render it impracticable: the procedure applies only to those migrants who were resident in the country before the 31st December 2004, while it is almost impossible to justify such residence by the required means (entry visa or special entry stamp from the migration service, date of application for a residence permit on humanitarian grounds, issuance of a tax identification number, or receipts of payment from a social security organization).

The great majority of migrants unable to take advantage of this provision can reasonably be supposed to be female migrants. A large percentage of new migrants entering the country after 2001 are members of the families of semi-legal migrants dating from the previous period (from the 'second chance' to legalization). The possibility of legalizing semi-legal male migrants from the previous period, originating from neighbouring countries, has

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<sup>29</sup> L 251 03/10/2003 p. 0012 - 0018

<sup>30</sup> L 016 23/01/2004 p. 0044 - 0053

<sup>31</sup> It should, however, be pointed out that new legislative action is expected to regulate the status for "long-term resident migrants", a fact which testifies to the government's own admission that the relevant Community Directive has been inadequately implemented. A new draft Presidential Decree, drawn up by the Ministry of Interior and currently under review by the **Council of State**, has already been made public; but for the time being it is not known whether it will be discussed in the framework of **consultation** with the competent bodies.

not resulted in the entry of their spouses and children. For the latter, the new legalization procedure is a one-way street, making it virtually impossible for them to prove residence by the required means. The incorporation of the Council Directives on family reunification has not resolved this problem either, due to the way in which it was effected, since the income requirements are clearly unrealistic and strike at the ability of female spouses to benefit from them. The inclusion of the income of spouses in the total income is only permitted for applications for the renewal of residence permits in cases of family reunification, and not for the first-time issuance of permits.

Moreover, the stated priority of taking a '*strategic initiative with regard to the management of the migratory flow*' finally functions as a significant limitation of the mobility of the foreign labour force, to the extent that it prohibits change of work specialization and free moving to a region other than that in which the permit was issued. It is certain that the preceding point applies with additional force to female migrants, who pre-eminently constitute a flexible labour force which, under these limitations, eventually is trapped in irregular jobs without rights.

The conditions concerning independent economic activity are a further obstacle to the integration of migrants, that is, the deposit of a minimum of €60.000 in a Greek bank, which unjustifiably prevents equality of access to work. Obviously, female migrants are excluded from the female business community, which is already meagre in Greece.

Moreover, according to Ministerial Decision 160/3-1-2006 relative to the application of the new Migration Law, 200 or 150 stamps are required for the renewal of work permits, depending on how many employers there have been [one or more]. Concerning in particular migrants working as domestic service providers, there is great difficulty in meeting this decisive requirement. But more generally, for female migrants employed in dependent work, it is exceedingly difficult to provide the required number of stamps because there is no way for the relevant inspecting authorities to ascertain whether employers' insurance obligations have been met.

The fact that substantial measures of integration are not proposed, apart from the vague criterion of 'adequate knowledge' of the Greek language and history to be assessed by a special committee, bears with it the danger of arbitrariness, especially at the expense of female migrants who, working in the black economy without rights, have neither access to the necessary information nor the time to access the appropriate training structures.

Particularly unfavourable is the exclusion of foreign nationals from the application of the provisions of the Code of Administrative Procedure, as it prohibits their exchange with the public administration as well as their representation by a lawyer before the authorities, unless their residence has been legalized, even in cases in which the delay in legalization is imputable to the authorities.

Finally, the transference of decision-making power concerning appeals against deportation from the General Secretary of the Region to the Minister of Public Order, constitutes a return to a police-state rationale.

### **2.1.2. Citizenship**

If it is true that in order to be fully accepted in the host state, two stages intercede (possibly along with an intermediate one), that is, the legal residence into the country and access to citizenship of the related state by means of naturalization, then, citizenship laws constitute a vital part of the mechanism, as well as an indicator of the integration or exclusion of migrants in a society. In Greek legislation, the new Code of Greek Citizenship has been valid since the end of 2004. (**Law 3284/2004, Regarding the Enactment of the Code of**

**Greek Citizenship**<sup>32</sup>). This law did not essentially alter the existing framework. In general, regarding migrants born and/or living in Greece, parents on the one hand are required to have completed 10 years of residence and children on the other hand are required to have reached adult age, that is, be 18 years old.

Greek citizenship law remains attached to the law of blood-relationship (*jus sanguinis*), as is the case in many European countries (Ombudsman, Annual Report 1998, Athens: 31) Consequently citizenship depends on nationality. Respectively, language and religion – up to the point that they still further define national origin in Greece– are determinant elements regarding the proof of nationality.

Therefore, Greek citizenship laws are more a part of a national homogeneity preservation mechanism, than an expression of a policy actuated by modern values regarding individual rights. Thus, based upon the new law, the naturalization process regarding migrants born and living in Greece (2<sup>nd</sup> generation migrants), is practically subject to the same or even stricter rules than the ones regarding their parents (see above). At the same time, this process introduces important exceptions that *de facto* contribute to the existence of citizens of different grade and to the restriction of the right to judicial protection. Mentioned indicatively, is the exception from the provisions of the Administrative Procedure Code regarding the time-limit of the Administration's response in “*cases regarding acquisition, acknowledgement and reacquisition of the Greek citizenship*” as well as from the obligation of the answer's justification. Finally with regard to the fee for the naturalization application in Greece, it should be mentioned that it is one of the highest in Europe (around 1.500 euros).

Although the actual situation of migration presses towards changes in the citizenship legislative framework, the Greek model of state constitution seems to have reached its historical limits (Christopoulos 2005: 22-31), as it remains adhered to the tradition of the *jus sanguini*. This is proven also by the fact that one of the most important changes towards its modernisation, occurred some years ago, in 1984, when Law 1438<sup>33</sup> (Regarding the amendment of the provisions of the Code of Greek Citizenship), provided for the right of women to pass the Greek citizenship on to their children.

## **2.2. Integration policies addressing migrants: education, language, culture, health and housing**

The new Migration Law includes an action plan for the social integration of foreign nationals (articles 65-66), yet it is a simple outline, including only general and basic principles. Below there is a brief presentation of some basic aspects of social integration policies.

### **2.2.1. Education - Language**

Law 3386/2005, briefly presented in the previous chapter, provides for special residence permits for educational purposes (articles 28-29) that have a time limit: the total duration of the studies increased by half, plus a year for language learning. The law recognises all related public and private institutions of higher education and vocational training and does not enact a limit to the residence permits issued for this reason per year. It is also important, that foreign students in Greece can also work part-time (article 35).

Concerning minor migrants living in Greece legally with their families, Law 3386/2005 provides that if they are at school age, they attend the nine year compulsory education provided for natives by the Constitution, and have access to all educational stages and

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<sup>32</sup> Official gazette (*ΦΕΚ*) A 217/10.11.2004

<sup>33</sup> Official gazette (*ΦΕΚ*) A 60/8.5.1984

activities of the school or educational community without restrictions (article 72). In order to enrol foreign national minors in public schools, respective documents to those for natives are required. As an exception, it is possible to enrol children of foreign nationals in public schools with incomplete papers in the cases of:

- a) Those who are protected by the Greek state as refugees and those who are under the protection of the United Nations High Commissioner for Refugees (UNHCR).
- b) Those who come from territories where serious disorder prevails.
- c) Those who have applied for asylum.
- d) Foreign nationals that reside in Greece, even if their legal residence has not been settled. The intervention of the Ombudsman has been decisive in this case.

In Greece, the teachers of a school can ask for a reception class for foreign students that do not speak Greek and have serious difficulties in attending their class (Ministerial Decision of 1980)<sup>34</sup>. Although learning the Greek language is heavily emphasized, in these classes students are also taught the regular syllabus. Students who know Greek but are unable to respond to the demands of certain subjects, can benefit from extra tuition, if their school runs such a programme. (By **Law 1404 /1983<sup>35</sup> Reception Classes and the institution of Tuition Classes** are finally legislated. Additions and amendments have been made by the Ministerial Decisions YAF2//378/Γ1/1124,3 issued in 1994 and F10/20/Γ1/708/ issued in 1999).

The main concern of the above institutional framework is the “intensive learning of the Greek language”, though there is an interesting development, since gradually the Greek language is mentioned as the second language of foreign students. However, these tendencies are recorded inside a wider framework, aiming at the foreign students’ cultural and linguistic assimilation. The reference, in declarations at least, to the need of teaching the language and culture of the countries of origin, is as mentioned before, a positive development, yet to the extent that respective infrastructure and trained personnel are not available, it remains unknown whether the above provisions can be realised.

Foreign nationals can also be enrolled in cross-cultural schools, according to the **Presidential Decree 435/84<sup>36</sup>**. By **Law 2413/1996<sup>37</sup> Regarding Greek Education abroad, Cross-Cultural Schools etc**, an Institution of Private Law, the Institute of Cross-Cultural Education (*IIIOAE*), was founded. The Institute of Cross Cultural Education is responsible for the editing and approval of the curricula and books used in “cross-cultural education” schools. For their enrolment in these schools, children of foreign nationals living in Greece, have to produce the following: a) A birth certificate, b) A school certificate (for children who have already attended a school in their country), c) A health certificate, d) A residence permit.

It should be noted that the adoption of cross-cultural teaching principles and methods in a limited number of schools, does neither promote the idea of cross-cultural education as a dimension of the general educational approach, nor does it promote the integration of foreign students. On the contrary, it favours the reproduction of differentiating cultural stereotypes, through the educational system (Vergidis 1995, 2003: 99-105).

To the point that the knowledge of the host country's language is important for the economic and social integration of migrants and since the lack of knowledge constitutes the greatest obstacle to the placement of migrants in the labour market, it is necessary to provide for language learning programmes. Inasmuch as the Greek legislator has chosen the strict model of the Netherlands, enacting the satisfactory knowledge of Greek as a prerequisite for granting the “status of long-term resident foreign national” (article 68 of Law 3386/2005),

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<sup>34</sup> Official gazette (*ΦΕΚ*) 8182/Z/4139/20-10-1980).

<sup>35</sup> Official gazette (*ΦΕΚ*) A 173/24.11.1983

<sup>36</sup> Official gazette (*ΦΕΚ*) A 54<sup>A</sup>. 1984

<sup>37</sup> Official gazette (*ΦΕΚ*) A 124/1996

even without respective infrastructure and preparation. Therefore, regarding adults, subsidized programmes and Greek language learning programmes in particular, are offered in Vocational Training Centres (*K.E.K.*), under the prerequisite of having an unemployment card. Law 2740/1999<sup>38</sup> establishes for the first time a Certificate of Greek language knowledge. In fact, the Ministry of Interior recently announced that the first 400 Greek language certificates have been issued – a very small number compared to the total number of migrants in the country, and after such a lengthy period.

However, the problem still remains, as these structures/vocational training centres are minimal compared to the needs, and what is more they greatly continue to financially rely upon Community funds. Most importantly, educational infrastructure is addressed to a population, (i.e. migrants), for whom the lack of information is not compensated by their limited participation in migrants' communities and respective networks. Especially with regard to women migrants, the obligatory knowledge of Greek is yet another obstacle, as due to their double burden roles –work in both the public and private spheres – they often have no access to valuable information or to the necessary free time to attend language courses.

Finally, an important issue is the recognition of certificates of studies/degrees obtained in the countries of origin from the responsible Greek authority (*ΔΟΑΤΑΙΙ*). The lack of will for appropriate regulation measures is justified, up to a point, by the great differences among educational systems and syllabuses. As far as female migrants are concerned, since they are employed as service-providers and do jobs which are defined as manual and requiring no specialization, the State has no incentive to recognize their relatively high educational level. It is worth mentioning at this point that analysis of data from the 2001 census shows that female migrants have a higher educational level than their male counterparts.<sup>39</sup>

### 2.2.2. Access to Health Services

The Greek institutional framework renders this important social right dependent upon the legality of residence in the country. More specifically: Article 71 of the new Migration Law provides that "*citizens of third countries residing legally in Greece, benefit from the same social security institutions and have the same rights with those citizens of native Greek origin*". This means that legal migrants alone have a right to social security and benefits, that is, those that have a work/residence permit, and an official social insurance and health card.

This regulation is part of the wider constitutional framework, as the Greek Constitution in article 5 par. 2 provides that "*all those found within the Greek Territory benefit from the absolute protection of their life, honour and freedom, without any discrimination regarding their nationality, race, language and religious or political beliefs. Exceptions are allowed in cases foreseen by international law*". A fifth paragraph added to the above article provides that "*Everyone has a right to the protection of their health and genetic identity. The Law defines all issues related to the protection of each individual against biomedical interventions*". While, article 21 entitled "social rights" provides that: "*The state provides for the health of its citizens and takes special measures for the protection of youth, old age, citizens with disabilities and the relief of poverty*".

Besides, by means of the **Presidential Decree 95/2000**<sup>40</sup> «**The mission of the Ministry of Health**», the state authority responsible for the implementation of the above mentioned social right to health was designated. Specifically, article 22 of the Presidential Decree 95/2000 entitled "*Structure – Responsibilities of the Direction of Social Aid and Solidarity*",

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<sup>38</sup> Official gazette (*ΦΕΚ*) A 186/16.9.1999

<sup>39</sup> Source: National Statistical Office of Greece (*ΕΣΥΕ*), 2001 Population census. (Analysis: INE/GSEE-ADEDY G. Kritikidis). Mentioned also in (Kapsalis, 2006).

<sup>40</sup> Official gazette (*ΦΕΚ*) A 76/10.3.2000



regulates issues regarding the protection of vulnerable groups, issues of study, training and monitoring of the implementation of social protection programmes or of financial assistance to the poor, socially maladjusted (beggars-vagabonds) and Greek repatriates and other vulnerable groups of the population.

Regarding the *“foreign nationals who are unable to prove that they have entered and reside in the country legally”*, the new law introduces a prohibition regarding services offered by Greek public services, Institutions of Public Law, Regional and Local Administrative Units, public utility companies and social security organizations (article 84). The sole exception regards *“only hospitals in cases of medical emergencies and in cases of services to minors”*.

This provision, maintains the confusion that occurred in the past due to the **circular Y4a/8992 of 13/7/2000 of the Ministry of Health entitled "Medical care and hospitalization of foreign nationals"**, which was met with negative reactions by the medical community and general public. Among other regulations, the medical personnel were asked to *“notify the police authorities, in case they doubt the legality of the migrants' residence or if a certificate of indigence is produced”*, taking for granted that this would have to be either fake or illegally issued, since its issuance for migrants of this category was not provided for. While for those staying illegally in the country, based on the circular mentioned, necessary medical services are provided *“exclusively and only in cases of medical emergency and until their health condition is stabilized”*. In the opposite case, if the incident is not defined as an emergency *“foreign nationals of this category shall not be accepted, and the police authorities should immediately be notified for further legal consequences”*.

The above circular was soon revoked due to intense denunciations, but the regulation of the new Migration Law, according to the writers' view, does not clearly define the extent of illegal migrants' right of access to health services. On the other hand, there are exceptions to the above mentioned prohibition introduced by the provisions of article 11 of **Law 2955/2000<sup>41</sup> case E, entitled "Hospital and other Health Units' Supplies and other provisions"**. According to this provision *“foreign economic migrants infected by HIV or other infectious diseases”* receive free medical treatment and hospitalization regardless of their legal or illegal entry into the country, *“if they need treatment and the country of origin or return cannot provide them with effective medical treatment and hospitalization”*.

On the whole, it should be pointed that the issue of migrants' access to health services is important, and their right to equal access should be ensured, with supportive language and communication provisions. Moreover, because the majority of migrants work under difficult working conditions and are exposed to a high rate of work-related accidents and illnesses, they are in need of easy access and immediate treatment by public health services.

A point to be stressed with regard to female migrants in pregnancy, is the fact that they encounter grave financial problems in order to cover child birth costs because they are mainly employed as undeclared labourers and are therefore financially in a weak and insecure position and, most importantly, they often do not have social security. The situation aggravates in case there are complications in the baby's health, as admission to the infants' monitoring unit, is very costly. Evidently their right for a safe pregnancy period is violated and so is their right for physical and psychological health. Considering that a relatively large proportion of births in the country concerns migrant mothers it becomes obvious that female migrants' health issues constitute a serious social problem (Drettakis, 2002).

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<sup>41</sup> FEK A 256/2.11.2001

### 2.2.3. Access to public housing

This issue presents a peculiarity, initially due to the fact that Greece is a country with a high rate of home ownership and a respectively limited sector of social or state subsidized housing. The general framework of the social security and income prerequisites of the relevant Workers' Housing Organization (*OEK*) is strict enough even for Greek beneficiaries. Therefore, even though legal migrants in theory have access to housing subsidized by the state, in reality very few migrants have acquired it; the main reason being their limited social security coverage, which constitutes a form of indirect discrimination. On the other hand, there is a limited but growing recent tendency towards home ownership, mainly by Albanians who buy flats in old apartment buildings, in central neighbourhoods of Athens and other big cities<sup>42</sup>.

## 2.3 Implementation in the national context of EU employment policies and initiatives, such as INTEGRA and EQUAL programs, aiming at the integration of migrants in the labour market.

During the first round of the Community Initiative Equal which aimed at addressing socially vulnerable population groups (people with disabilities, insufficiently trained workers, repatriates, migrants, refugees, ex-prisoners, juvenile delinquents, Roma populations, minorities such as Muslim Greek *Pomakoi*, substance abusers, victims of trafficking, asylum seekers etc) and promote horizontal policies and actions to fight exclusion from the labour market seven (7) **Equal projects** (out of the 40 that were realized in Greece) **addressed issues regarding migrants. Moreover, two (2)** (out of the 8) **measures and general objectives of the Equal project in Greece were specifically targeted at fighting racism and xenophobia** (Measure 1.2) **and supporting the social and occupational integration of asylum seekers** (Measure 5.1).

Equal projects aim at innovation, horizontal approach, mainstreaming and collaboration (both on a national and a European level) and have indeed changed the picture with regard to vulnerable groups of the population by opening public debates about a number of serious issues that have so far been "hidden" or underestimated. The following actions promoted by C.I. EQUAL in order to combat racism and xenophobia regarding access to the labour market, are indicatively mentioned:

- Setting up an open line of tele-information and tele-counselling for the social support of target groups (migrants, refugees, repatriates) - Setting up a Post-information Centre, connected to the Greek Manpower and Employment Organization (*OAEA*) and, through it, to Employment Promotion Centres (*KIIA*), in order to interactively exchange information, mainly regarding the demands of the labour market.
- Search, evaluation and correlation of the target groups' professional skills and promotion into the labour market through exploitation of appropriate qualifications.
- Operation of a model digital network that has been created and installed in the National Youth Foundation (1<sup>st</sup> trimester of 2003) and which, through a common database, connected organisations specialising in providing help and services to

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<sup>42</sup> D. Vaiou et al, *Intersecting patterns of everyday life and socio-spatial change in the city. Local and migrant women in the neighbourhoods of Athens*, 2nd Interim Report Dec. 2006, National Technical University of Athens

asylum seekers and refugees in Greece, as well as registered migrants. It is a co-ordinated effort by those in direct contact with the above target-groups, to promote them in the labour market.

To mention just a few of the actions forwarded during the first round of the Equal project:

- Development Partnership (DP) DREAM realized actions to combat racism and xenophobia in the mass media
- DP MEVEL forwarded actions to boost women's employment (including women migrants' employment) in the local Aegean economy
- DP INFORMATION CENTRE FOR MIGRANTS focused on upgrading migrants' technical skills
- DP DESMOS E-QUALITY realized actions to forward the integration and reintegration of long term unemployed migrants
- DP FORUM FOR EQUALITY AND SOCIAL INTEGRATION aimed at combating racism and xenophobia and laying the ground for a balanced growth of multicultural society (It is worth mentioning that the DP created an online observatory focusing on migrant and refugee issues entitled "Migrants in Greece" and has produced a guide for immigrants in 5 languages)
- DP IDEA forwarded actions to network all central state, regional and local administrative units and agencies involved in policies for the unemployed
- DP ANADRASI – ISTOS aimed at reinforcing the services provided in reception centres and centres of temporary residence for asylum seekers through integrated interventions and participating agents (improvement of existing infrastructure, counselling, etc)

In the context of Equal II, 64 pilot Projects of a total budget of €80.226,015 were approved throughout Greece, in order to implement actions aiming at combating discrimination and at facilitating access of all vulnerable population groups to the labour market.

Equal projects have undoubtedly produced good practices in relation to migrant integration in the Greek labour market and society. However, it should be pointed out that, as long as good practices are not incorporated into the main policy corpus targeted at migrants and as long as innovative ideas are not mainstreamed, positive influence may have a limited effect on future policies. Furthermore a series of problems arose during the implementation of Equal projects, mainly due to delays caused by either the transitional phase that the competent public authorities were undergoing at that time (e.g. the Greek Manpower and Employment Organization - *OAEΔ*), or by major changes in the administration framework of the European Initiatives in 2001.

On the other hand, it should not be disregarded that, through the Equal projects and the Development Partnerships set up for their realization, NGOs, training and vocational centres, counselling agencies, youth centres, trade unions, cooperatives and universities were able to organize campaigns, sensitize the public and inform citizens –even in small local communities – about the situation of migrants in Greece and the need to take measures to combat racism and discrimination.

#### **2.4 Policies giving access to political/civil rights and participation and enabling migrants to establish associations**

The fundamental dimensions underlying the access of migrants to civil and social rights are two. The first one, concerns the host society and the maturity level of social opportunities and networks allowing a country's citizens residents to participate actively in democratic procedures. The second one, has to do with the institutional framework that allows or excludes certain citizens residents or groups of citizens residents from such opportunities. It

should be noted that, with regard to the first dimension, Greece does not have a particular tradition as an organized civic society. On the contrary, it has for long been characterised by the operation of informal networks and management strategies of social and indirectly political benefits. These networks are often formed on the basis of the particular place of origin of the participants and they can be traced back to the historical type of the recent Greek social formation (N. Mouzelis, K. Tsoukalas). Regarding the second dimension, the right to vote and be elected in Greece is entirely dependent on the Greek nationality (see below).

#### 2.4.1. Access to political and social rights

The basic legal document that provides for access to civil rights is the **Constitution**. In article 5, the right to participate in the country's social, economic and political life, is combined with the right to the free development of each individual's personality: *“Everyone has the right to freely develop his/her personality and to participate in the country's social, economic and political life, provided he/she does not offend the rights of others and does not violate the Constitution or moral customs”*. In articles 51 and 52, the Greek Constitution further defines the right to vote, reserving it for citizens that fulfil certain prerequisites defined by the common legislator: *“members of the Parliament are elected by the direct, general and confidential vote of citizens that have the right to vote, as defined by law”* (article 51) and *“the free and unfalsified expression of the will of the people, as an expression of the sovereignty of the people, is guaranteed by all the servants of the State, who are under the obligation to secure it in every case”* (article 52).

Therefore, in order for migrants to have the general ***right of voting and of being elected***, they would have to be legal, long-term residents that have successfully applied for naturalization and have consequently been registered in voters' lists. ***Greece is one of those countries that do not grant any civil rights to migrants living in them, not even at a regional or local level, since the approach of issues concerning their residence in the country so far is more related to subjects of public safety and economy and less to personal and civil rights***. Regardless of all the recommendations of the European Commission to member States and to Greece to take measures improving migrants' participation in politics, mainly focusing on the right to vote and be elected in local authorities, ((recommendations 76 (2000) and 115 (2002) of the European Council regarding the participation of legally residing subjects in the local public life, as well as the Commission's recommendation 1500 (2001) concerning the subjects' participation in politics in the member States of the European Council), these issues are handled with great reluctance, as the control of the migratory flow remains the primary concern.

There is a different attitude towards the issue of ***participation in political parties***. The Constitution (article 29), states that *“Greek citizens have the right to vote, to freely found and participate in political parties...”*. All in all however, the acceptance of migrants is a matter of political parties' internal autonomy.

Furthermore, Greece does not have any official service representing migrants, with which the Greek State can consult on issues concerning them. This lack was clearly demonstrated during the process of the “quasi public dialogue” which the government prioritised, instead of a substantial and effective “consultation” with collective legal representations of migrants, in the process of voting the new Migration Law.

With regard to the ***participation of migrants in trade-unions and associations***, that is their access to the constitutionally consolidated right to associate (article 12 of the Constitution), there seems to be a growing perplexity: According to article's 107 provision of the ***Introductory Law of the Civil Code, participation of foreign nationals in trade-union***

*administration is explicitly forbidden. The only exception provided for is migrants' participation in unions in which "on account of their purpose, foreign nationals necessarily participate". In this latter case "...by decree subject to revocation, the participation of migrants in the board of directors and in equal ratios to participating Greeks, can be allowed". On the other hand article 7 par. 1 b' of Law 1264/1982<sup>43</sup> clearly states that "...foreign nationals, working legally, can be members of trade-unions" which also means that migrants can be founding members of trade unions as well. Consequently, those who work without the necessary residence and work permits, do not have the right to become members of a trade-union.*

The European Convention on Human Rights (ECHR) which in articles 11 and 14 explicitly mentions the "*supply of major protection to migrants' right of association*" should be implemented. The Greek courts' jurisprudence is already moving towards the right direction based on the correct interpretation of the constitutional provisions and the explicit demand of the ECHR (see, for example, the very recent decision 332/2006 of the Single-Member First Instance Civil Court of Athens - MPR ATH).

Regardless of the above, the Union of Greek Construction Workers and Related Professions has decided that "all working foreign nationals, officially declared or not" can be enrolled in its chapters. The same tactic is followed by the Union of Workers and Employees in the Textile, Clothing and Leather Industry.

It is often the case in Greece, as in other countries, that migrants operate through organized communities, which constitute mechanisms of reception, information and support during their entry and residence in the country, while they can potentially mediate and represent their interests in contact with the Administration and the state mechanisms. *It can be assumed that, in fact, informal solidarity networks are actually more functional, and they often intersect with circuits of dubious legality but perhaps greater effectiveness than the state's social services themselves.*

Regarding women migrants, it should be pointed that, because a great number of them takes up undeclared and insecure jobs, where trade union representation is extremely difficult, if not impossible, their participation in a union is highly unlikely. However, very recently, rapid and mass enrolment has been observed in relevant **branch trade unions** (cleaners and domestic labourers), by female migrants aiming to fight together with Greek women for vital problems caused by this insecure type of work. (Kapsalis, 2006).

## **2.5 Anti-racism, anti-discrimination, equal opportunities and affirmative action policies.**

The two crucial **Directives 2000/43/EC<sup>44</sup>** and **2000/78/EC<sup>45</sup>** for equal treatment in the employment and work have very recently been incorporated in a national law i.e. **Law 3304<sup>46</sup>** regarding the "**Implementation of the equal treatment principle regardless of race or national origin, religious or other beliefs, disability, age, or sexual orientation**".

However, before the presentation of the basic points of this law, there will be a brief reference to the existing framework in the background of which the recent legal intervention has taken place.

### **2.5.1. The existing institutional framework**

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<sup>43</sup> Official gazette (*ΦΕΚ*) A 79/1.7.1982

<sup>44</sup> L 180 19/07/2000 p. 0022 - 0026

<sup>45</sup> L 303 02/12/2000 p. 0016 - 0022

<sup>46</sup> Official gazette (*ΦΕΚ*) A 16/27.01.2005

There are many constitutional provisions regarding human rights mainly expressing general principles. Article 25 of the Constitution establishes the general protection of the “*rights of man as a person and as a member of society*”, while article 22 of the Constitution provides for the protection of the constitutional rights of employees, i.e. equality (equal pay for equal work) and the prohibition of discriminations in general. What is more, even though there are laws penalising racial discrimination (**Law 927/1979**<sup>47</sup> “**On punishment of acts or activities aiming at racial discrimination**”, as amended by **Law 1419/1984**<sup>48</sup> and the previous Migration **Law 2910/2001**) they are hardly implemented.

Measures and provisions against discrimination at work based on gender, race or national origin have been included in various legislative acts of past labour laws. The most significant examples are **Law 1414/1984 “On the Implementation of the principle of gender equality in employment relations”**, which applied only to the private sector and **Law 1576/1985** which ratified the International Convention for the gender equality in the workplace. The most recent development in anti-discrimination legislation is **Law 3304/2005** which was passed recently.

To sum up the basic outline of the wider institutional framework referring to discriminations is as follows:

- **Law 2462/1997** concerning “**International compensation for breach of contract of personal rights etc**”, which prohibits any propaganda liable to cause disputes due to discrimination related to religion, race, gender, etc.
- **Law 2595/1998** which is an “**Additional Protocol to the European Social Charter**” and provides for the prohibition of any discrimination in the workplace related to the gender of the individual.
- **Law 2683/1999 (Civil Servants' Code)** which provides that all citizens should not be discriminated against in relation to their religion, race, gender, etc by the civil servants and civil servants should not be subjected to any maltreatment from their superiors or discrimination based on their religion, race, gender, etc.
- **Presidential Decree 219/2000**, which provides that people working in Greece should not be subjected to any discriminatory treatment, regarding their religion, race, gender etc.

A final point to be stressed is the fact that all Collective Work Agreements, signed by social partners include provisions against discriminations based on religion, race, gender, etc.

### **2.5.2. The case of ethnic minorities**

Ethnic minorities are dealt with on an altogether different basis by the Greek State. According to the long-expressed position of the Greek State, no other ethnic group is recognised on the basis of legal terms, whereas the Moslems of Thrace, are the only group recognised on a religious basis as a different religious minority of the Greek population. Their right to protection however is highly dependent on Greek-Turkish relations. On the other hand, there are a number of exceptions to the above position of the state regarding a limited series of legal provisions concerning the Jewish and Armenian communities (Tsitselikis, 2002: 459). Moreover, due to the persisting special relation between the Church of Greece and the State, the legal treatment of heterodox populations, i.e., Christian but non-Orthodox groups, presents important problems. Generally speaking, however, as mentioned above in relation to the issue of nationality, the institutional attitude adopted towards the phenomenon of minorities remains trapped within the dynamics of national ideology.

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<sup>47</sup> Official gazette (*ΦΕΚ*) A 139/28.6.1979

<sup>48</sup> Official gazette (*ΦΕΚ*) A 28/14.3.1984

### 2.5.3. Recent legislative action: the basic point of Law 3304/2005

In accordance with the EU Directives mentioned above, the purpose of the legislative act is stated from the very beginning: "...the enactment of the general regulatory framework against discrimination in employment and work based on race or national origin, religious or other beliefs, gender, disability, age or sexual orientation ...".

In article 2 the Principle of Equal Treatment is generally enacted, while in articles 3 and 4 (Chapter 2), the exact meaning of what constitutes direct or indirect discrimination due to "race or national origin" is defined, while the next articles define the implementation area and the limits of the law which are articulated around the work and social security sector. The Law also defines what constitutes positive discrimination without being a violation of the law's provisions (article 6). The same pattern (definition of meaning, of area and limits of implementation as well as definition of the concept of positive discrimination), is also followed in the 3<sup>rd</sup> Chapter of the law, which refers to "equal treatment regardless of religious or other beliefs, gender, disability, age or sexual orientation in the work and employment sector".

The provisions for granting protection (article 13 and consecutive articles) are also important as they stipulate that those offended, after a written agreement, have the right to be represented by legal bodies that "intend to safeguard the keeping of the principle of equal treatment in front of a court of law or any administrative authority or agency". This provision has satisfied a long-standing request, particularly on the part of NGOs and trade-unions, allowing them to play a decisive role in the more effective support of the people, for the rights of which they are fighting. What is more (article 14) provides that "when the offended alleges that the principle of equal treatment was not kept and proves in front of a court of law or a competent administrative authority facts from which direct or indirect discrimination can be inferred, the litigant has to prove to the court, or the administrative authority has to establish, that there were no circumstances constituting a violation of this principle". This provision only regards civil procedures.

Articles 16 and 17 provide for penal and administrative penalties for offenders, whereas articles 18 and 19 leave a quite wide field of action to organizations commissioned to run public dialogue and promote the principle of equal treatment. The Law in particular, entitles the European Economic and Social Committee (EESC) (*OKE, Law 2232/1994*<sup>49</sup>) which is an institution promoting Social Dialogue, to address reports to the Government on the implementation of the Law for Equal Treatment with particular reference to workplaces, and generally to "encourage the dialogue with representing organizations and NGOs in general" having the aforementioned objectives.

Finally, the Law charges four Independent Bodies with the promotion of the Principle of Equal Treatment:

- In cases of violations by civil services, the competent authority is the Ombudsman
- In cases of violations by natural or legal persons that are not part of the wider circle of civil services, the competent authority is the Committee for Equal Treatment established by article 21
- In the employment and work sector, the competent authority in cases of violations by natural or legal persons of the private sector is the Employment Supervision Body (*ΣΕΠΕ*).
- Finally, an Agency/Dept for Equal Treatment is established in the Ministry of Justice, to provide for the examination of indictments regarding violations of the principle of equal

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<sup>49</sup> Official gazette (*ΦΕΚ*) A 140/1994

treatment, the effecting of a reconciliation effort, as well as the editing and submission to the Committee for Equal Treatment of a conclusion in case the conciliatory effort fails.

The Ombudsman in particular has been extremely active since it has been founded, examining the complaints of migrant employees regarding the framework of their entry and residence in the country, as well as other issues related to discriminatory treatment.

In conclusion it should be pointed out, that, since Law 3304/2005, incorporating the previously mentioned Directives, is fairly recent, the effects of its implementation cannot be assessed yet. However, it would be reasonable to expect that the law will be of particular assistance to women migrants provided they have access to the Independent Authorities responsible. On the other hand, the decision to establish an Agency/Dept for Equal Treatment in the Ministry of Justice, is not considered as the best possible choice and in accordance with the Directive. Instead, the Greek State should have adopted the practice of other European countries which have incorporated the Directive by establishing a single Independent Authority - the only institution able to guarantee the effective safeguarding of the Principle for Equal Treatment.

## **2.6 Policies combating illegal migration**

In order to comprehend the present situation in Greece, one should take into account previous state policies that, especially during the '90s, have failed. During this period, internal and external controls were selected as the main instrument for migration management. By **Law 1975/2001** border controls were intensified, but the new dogma of a “protected” country led to situations beyond any control, as around half a million of “illegal” migrants entered the country.

The issues that the Greek State faces nowadays, in its effort to respond to the commitments of the European Council of Tampere in 1999, are the increasing social and political instability of the migrants' countries of origin, the growth and expansion of international networks of illegal migration, the high cost of internal and external controls, the employers' pressure for cheap (undeclared) migrant labour, and the pressure of NGOs and human rights' protection organizations.

### **2.6.1. The existing framework**

**Law 2800/2000** regarding the “**Restructuring of the Services of the Ministry of Public Order etc**”, regulated the establishment of a special corps of Border Police (border guards), the mission of which is to protect the borders from illegal entries. The members of this special corps, however, do not receive the full training of a security corps and are hired on a fixed-term basis (fixed-term contracts). What is more, they quite often expand their intervention zone to city centres, checking the permits of migrants. Border guards cannot meet the demands of their position and are unprepared and insufficiently trained to fulfil their duties (controlling illegal migration, handling asylum petitions and trafficking issues).

Border control is also significantly reinforced by the participation of Greece in the Schengen Information System (SIS), the new information exchange programme for entry visas (VIS, Visa Information System) and other European cooperation programmes. Furthermore the new Migration Law 3386/2005, defines the framework of border crossing control, that is, the points of entry and the temporary crossing points (articles 4 and 5), the documents which third country nationals must bear during their entry in Greek territory (article 6), and the cases in which denial of entry is due (article 8).



Regarding the administrative deportation process, the respective regulations are included in the 6th Chapter of Law 3386/2005: the prerequisites (in article 74), the possibility to appeal against the deportation decision (in article 77), the cases when deportation is repealed (in article 78) and the cases where deportation is prohibited (in article 79). Other important regulations regard the detainment places of the third-country nationals to be deported (article 81), the list of unwanted people that the Ministry of Public Order keeps and the prerequisites of being registered and/or crossed out of it (article 82). Finally, article 83 defines that illegal entry in the country constitutes a criminal offence and standardizes respective penalties and punishments, also providing for re-forwarding processes to the country of arrival or origin.

Apart from the above regulations the law provides for bipartite re-admission agreements between EU Member States and third countries and the signing of related Protocols when people are arrested at the border zone. Greece has signed such Protocols with Turkey.

Even though political refugees are not one of the target groups of this report, special reference should be made to them since refugee issues are related to illegal migration. There is no provision for the legal entry of individuals belonging to this category, and no provision for the issuance of a “humanitarian visa”. Thus, refugees can only opt for the illegal route of entry in order to seek protection, something which necessarily involves them in illegal human trafficking networks. In Greece, there are huge problems with both the institutional and administrative framework regarding the reception of refugees, which have repeatedly been recorded by national and international organizations. According to the Asylum Statistics published regularly by the High Commission of the U.N., Greece holds one of the last places among E.U. member states in terms of the recognition of refugee status and the granting of other forms of international protection.

In evaluating the institutional framework, it should be noted that the penal treatment of illegal migration and the imprisonment of illegal migrants does not confront the issue in its essence and does not provide for rehabilitation on a social level. What is more, the fines provided by the law are meaningless as they regard indigent people. Instead, offering the potential to choose between being deported or being re-forwarded could be a solution. On the other hand though, the social infrastructure provided for the temporary residence of migrants and refugees is anything but convincing in terms of respect for human rights. This extremely serious issue has been marked out by the competent authorities and humanitarian organizations (see for example the Annual Report of Immigrants’ Ombudsman 2005<sup>50</sup>). What is more, law provisions prohibiting deportation in specific cases (e.g. the prohibition to deport a pregnant woman or a mother until the infant is six months old, included in article 79) are rarely implemented. The problem is that existing legislation does not offer gradual reorientation passages to legality, and functions only repressively not taking into consideration the different types of illegal residence, as well as different needs of the socially vulnerable groups who resort to “illegal migration”.

A significant problem arising in recent years has been the non-renewal – on the basis of totally unjustified administrative acts – of residence permits which have been issued on humanitarian grounds. Most of the cases concern families whose children have been attending Greek schools and residing in Greece for more than ten years. However, authorities proceeded to expulsions to countries such as Iraq (Miggiro, 2005: 104). One of the consequences resulting from the non-renewal of residence permits, in cases unaccompanied by expulsion orders, was the decline of migrants and their families into a state of illegal residence, without the possibility of access to work and health care.

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<sup>50</sup> <http://www.synigoros.gr/allodapoi/>

## 2.7 Policies against human trafficking

Before 2001, when the Human Trafficking Task Force was set up after an initiative of the Ministry of Public Order in order to study the rise in human trafficking, the Greek government did not have suitable legislation or infrastructure to combat human trafficking. The significant increase of trafficking in Greece is due to the fact that the country is both a hub and a destination for women, men and children trafficked into sexual exploitation and forced labour, mainly from eastern Europe and the former Soviet Union countries such as Bulgaria, Romania, Albania, Ukraine, Russia and Moldova. Prior to 2001, the phenomenon was dealt with by applying an arsenal of legal provisions made in the Penal Code (PC). The Penal Code was inadequate in that it did not define human trafficking as a crime in its own right, but penalized it by means of specific provisions such as those on pimping (PC 349), exploitation of a prostitute (PC 350), and slave-trading (PC 351). However, even this legal framework was minimally implemented in the past, with penalties being light and frequently convertible into fines. Moreover, there are widely held suspicions about the involvement of members of the prosecuting authorities (and recently the judicial authorities) in trafficking networks. The severest shortcoming, however, was the absence of any law for the protection of victims, mostly female foreign nationals without residence permits, who are held following arrest in unacceptable circumstances and without any form of legal, psychological, medical or material support.

### 2.7.1. The new institutional framework

In 2002, deliberations involving the Human Trafficking Task Force as a key player, and above all international pressures to Greece, led to the passing of **Law 3064/2002 “Combating trafficking in human beings, crimes against sexual freedom, child pornography and more generally on economic exploitation of sexual life and assistance to the victims thereof”**. This law punishes the trafficking of persons for the purpose of sexual exploitation and forced labour with penalties corresponding to those for rape, namely imprisonment up to ten years and a fine from €10.000 to €50.000 (art. 1). The law effectively amends and completes the relevant provisions of the Penal Code while adding a special chapter regulating matters pertaining to the assistance of victims (art. 12). Concerning assistance, **Presidential Decree P.D. 233/2003**<sup>51</sup> was signed on 26th August 2003 regarding **“Protection and assistance to the victims of crimes provided for in articles 323A, 349, 351 and 351A of the Penal Code, in conformity with article 12 of Law 3064/2002”**. This decree confirms the government’s obligation to assist victims of illicit trafficking. Its main points are: a) determination of the concept of a victim to whom assistance is granted (art. 1 par. 2); b) definition of state agencies, institutions of public law, regional and local administrative units, and bodies of the wider public sector which can provide protection and assistance as “Agencies or Units for the Provision of Protection and Assistance” (art. 1 par. 2); c) determination of the duration of assistance (art. 2 par. 2); d) co-operation with institutions of public and private law, and with relevant NGOs, in the area of protection (art. 3); e) facilitation for victims to access the National Vocational Education and Training System (art. 5,6); f) provision of immediate and free medical care to victims by the National Health System (*ΕΣΥ*) and the potential to be offered legal aid (art. 7,8).

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<sup>51</sup> Official gazette (*ΦΕΚ*) Α 204/28-8-2003

Simultaneously, Chapter H, art. 46 ff. of the new migration bill (L. 3386/2005) makes provision for the granting and renewal of residence permits for victims of human trafficking. The relevant permit is issued by an act of the competent Public Prosecutor of the Court of First Instance on the request of the victim, without charge. Issuance of the permit is preceded by a period of up to one month, defined as a “period of reflection” (art. 48), during which the victim is allowed time to recover, escape from the influence of perpetrators, and decide whether or not to co-operate with the prosecuting authorities. During this period victims are not deported and have the right to health care, legal aid (as provided for by the aforementioned P.D. 233/2003) and are kept in “adequate housing conditions if they do not dispose of sufficient resources” (art. 49 of L. 3386/2005). Issuance of the permit also guarantees access to work for the duration of the permit’s validity (art. 50, 51).

According to statistics provided by the Police for the first period of application of the new legal framework, from 15/10/2002, when the law came into force, until 31/10/2003 the Police “applied the law in 475 cases”<sup>52</sup>. More specifically, 703 individuals were accused under the provisions of the law and 592 were arrested [362 Greek male nationals and 61 Greek female nationals, 101 foreign male nationals and 68 foreign female nationals]. According to the statistics, 195 foreign female nationals were recognized as victims, victims co-operated in 12 cases, and support was given to 21 victims from relevant bodies and NGOs. As court decisions have not been issued yet for the cases for which briefs were submitted to the judicial authorities, the following observations can be made:

The main criticisms focus on the framework presently in place for the assistance to victims, on the resources and infrastructure available, on the determination of minority or majority of victims, and on the question of the prosecution of “clients”.

Concerning the first matter, the government initially made available approximately US\$1.4 million to Greek and foreign NGOs for protection programmes. (Officially, the co-ordination of action against human trafficking was the competence of the Ministry for Health, but in fact, co-ordination was effected by the Ministry of Foreign Affairs through an inter-ministerial task force). However, for administrative reasons this programme did not lead to the granting of residence permits to victims residing illegally in Greece - a factor which reduced the capacity of the NGOs to function in the way envisaged in P.D. 233/2003. A consequence of this was that the Police played a “filtering” role using its own assessment to refer only the legally resident victims to the appropriate agencies and authorities. Moreover, the fact that the financial sources for assistance are not stipulated in the present legal framework impedes the co-operation of the State with the developing network of NGOs and other supporting organizations.

As regards the age of victims, the one-sided focus on under-aged victims is problematic and limits the scope of assistance to female victims (and the scale of resources allocated to them).

As regards the final point, it is worth noting here that for the first time there have been criminal prosecutions of “clients”, without participation of whom it would not be possible for networks of forced prostitution to operate. However, the sentences in cases concerning adult victims are judged to be light (six month imprisonment or a fine), and do not have more severe consequences in practice.

The provision for a “period of reflection” with a view to co-operation with the prosecuting authorities is also judged problematic, inasmuch as it introduces a grey area of dubious efficacy or usefulness for protection, and represents a perception of the problem which is proper to the police authorities and incompatible with the immediate requirements of

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<sup>52</sup> The statistics are from a document from the Directorate of Public Security (Greek Police Headquarters), no. 3007/38/90- λζ', 1/11/2003, to the ministry of Justice and the ministry of Health and Social Security.

any substantial support for the victims. Moreover, the “period of reflection” gives no guarantee of effectiveness for cases brought to court, as there is no provision for any framework to effectively protect witnesses during the prosecution of cases brought under Law 3064 and no provision to encourage victims and third parties to denounce perpetrators.

In consideration with the provisions made by Law 3386/2005 for residence permits for victims, there are serious implementation impediments since in practice, delaying tactics on behalf of the authorities can amount to cancellation of the entitlement<sup>53</sup>.

Finally, Police Authorities themselves have identified problems in the application of the new institutional framework. The document from the Directorate of Public Security previously mentioned (see footnote 51) asks what procedure is to be followed in cases in which victims, before they are characterized as “victims” by the Public Prosecutor, are in immediate need of support, psychological aid, health care, etc<sup>54</sup>. What is also pointed out is that in many cases, judicial and prosecuting authorities have not been informed about the new institutional framework in time, whereas the procedure required in order to issue the decision to expel victims is time-consuming, resulting in victims’ being held in police custody for a lengthy period. Finally, the document points out the inability to support organizations which provide the support foreseen in the Presidential Decree 233/2003.

### **3. Institutions designing migration and migrants’ integration policies**

Until recently the only competent public institution responsible for migration in Greece was the Ministry of Interior. After a decade during which Greece has become an important migrant receiving country, and after a series of legislative regulative attempts new problems surfaced, such as various aspects of migrants’ integration on every level of social and economic life. Therefore the Ministry of Interior decided to establish a specific institution for the study of relevant questions and the contribution of specific proposals in view of the design of effective policies.

The Migration Policy Institute (I.ME.PO.) is an institution of private law supervised by the Minister of Interior, Public Administration and Decentralisation.

I.ME.PO. was founded by the Presidential Decree 188/2002 and began its operations in May 2003. IMEPO's mission is to research and understand the phenomenon of migration and conduct studies, which contribute to the design and implementation of a viable and realistic migration policy within the European Union framework. In addition, it acts as the advisor of the Greek Government on migration policy issues.

To achieve its mission, IMEPO aims to:

- Conduct scientific research
- Prepare and assign specialised studies
- Participate in research programs in Greece and abroad
- Design, supervise and implement operational programs in the context of migration policy
- Organise public discussions, lectures, conferences and seminars
- Build and maintain a relevant library
- Support and maintain a database on migration issues
- Publish relevant books and magazines as well as scientific studies
- Design and implement a communication policy focused on sensitising the society on migration issues
- Maintain contacts and cooperate with International Organisations and with governmental bodies of the EU, U.S.A. and Canada active in the field of migration

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<sup>53</sup> See relevant Greek Helsinki Monitor Report of 19<sup>th</sup> August, 2004.

<sup>54</sup> Circular No 3007/38/90-κδ \_Directorate of Public Security (Greek Police Headquarters)

- Cooperate with NGOs and Migrants Organisations

The activity of the Greek Ombudsman is also important, as it intervenes constantly and often successfully in problems of law implementation. The Greek Ombudsman is a constitutionally sanctioned Independent Authority, founded in October 1998 and operating under the provisions of Law 3094/2003. It provides its services to the public free of charge, and has received more than 41.865 complaints during its five first years of operation (from 1st October 1998 to 31st December 2002). It investigates individual administrative actions or omissions or material actions taken by government departments or public services that infringe upon personal rights or violate the legal interests of individuals or legal bodies. The Greek Ombudsman has recently created an internet site in many languages, with useful information regarding migration and naturalization policies.

#### **4. Bottom up activities**

A wide range of organizations and collective bodies of the civil society – still under development in Greece – counsel and support migrants. An attempt to present them exhaustively in the framework of the present report would entail the danger of significant omissions, therefore, there will be an attempt to present the most representative cases of each type of NGO, i.e. trade unions, women’s associations and feminist organisations, migrants’ organisations and communities.

##### **4.1. Non Governmental Organizations**

In recent years there is an increasing number of NGOs focusing the voluntary work of their members on a multifaceted support of migrants. Thus, a number of organizations as for example the Network for the Social Support of Refugees and Migrants, Athens Voluntary Work, the Greek Council for Refugees, the Greek Red Cross, the International Organization for Migration (IOM – Athens), Caritas Greece, the Lyceum of Greek Women (*Λύκειο Ελληνίδων*), etc. offer free Greek language courses: What is more, a number of organisations such as Medecins Sans Frontières and Medecins du Monde, who have set up a special multi-purpose infirmary, the Greek Red Cross, the Greek Centre for Multicultural Psychiatric Care, etc, provide free medical services to migrants.

A series of NGOs such as the Greek Council for Refugees, the Network for the Social Support of Refugees and Migrants, Athens Voluntary Work, the *Pyxis* Multicultural Centre in Athens, the Office for the Information and Reception of Migrants, Medecins Sans Frontières, the Centre for Research on Women Issues “*Diotima*”, ARSIS etc also offer free assistance and information on matters relating to work, social insurance, residence, etc.

There is also a series of NGOs operating mainly as observers, recording developments in policies on migration and conducting surveys, and thus participating in public dialogue. Examples of such organizations are the Hellenic League for the Human Rights, the Research Centre for Minority Groups (*KEMO*), Antigone – EUMC, the National Focal Point, the Greek Helsinki Observatory, the Maragokopoulou Foundation, the Greek section of International Amnesty, the Centre for Research on Women’s issues “*Diotima*”, IOM –Athens etc.

Generally speaking both Greek NGOs and international NGOs active in Greece constitute a wide network which completes the locally underdeveloped social protection institutions, concentrating valuable human resources. The latter can however at best be maintained on a semi-voluntary basis due to the lack of own funding, since the main form of funding for NGOs comes from European funds and sources managed by Greek authorities. In recent years, although the role of the NGOs is publicly recognized, organizations are seeking

legal recognition through their participation in *institutions of intervention*, which have not yet been developed in the Greek system of government.

#### **4.2. Trade Unions**

In recent years, despite the decline of union participation in the private sector, the union movement, developed intense activity in support of migrants' rights, as migration into the country increased. A significant contribution in this direction is the surveying and research activity of the Labour Institute of the General Confederation of Greek Workers (*INE ΓΣΕΕ*), which conducts systematic surveys on the legal status of migrants, their contribution to the national economy, impacts on social security system, etc. At the level of the Confederation as well as of the local trade unions, significant support activity has also been developed. The unions' main position is to encourage migrants to enrol in unions for the collective defence of their labour rights (e.g. see above, 2.4.1). Apart from this however, support and information structures have been established and function within the framework of both the General Confederation of Greek Workers (e.g. the Centre for Information of Workers and the Unemployed, which has a special section for migrants) and of branch unions and labour centres (e.g. the Athens Labour Centre, the Construction Workers Union, the Hotel Employee Union, the Union of Metalworkers of Athens and Piraeus, the Print and Paper Union, etc).

#### **4.3. Women's associations and Feminist organizations**

Greek women's and feminist organizations were quick to incorporate the specific needs of female migrants into their claims and activities. They actively support the migrant women's movement, participating in support and solidarity activities, and submit their proposals at each opportunity when amendments are made to the migration legislation. Examples of such organisations are: the Association of Greek Women Jurists, the Movement of Democratic Women, the Association of Businesswomen and Women Professionals, the Union of Women's Associations of the district of Fthiotida, the Thessaloniki Women's Group, the World Women's March, the Athens Feminist Centre, the Feminist Initiative Against the Enforced Prostitution of Foreign Women, The Greek European Network of Women, the Centre for Research on Women's issues "*Diotima*", etc.

#### **4.4. Migrants' Organizations**

Despite the largely xenophobic reactions of a fairly important proportion of the Greek public, which insists on identifying migrants with a rise in criminality (Miloni, 2006: 429-466), the previously mentioned network of NGOs, organizations, trade unions and women's groups has contributed immensely to the creation of a favourable environment of security for organizing settled migrants into communities and associations. These collective bodies play a significant role as mechanisms providing and exchanging information and supporting newcomers. On the other hand, though in practice the Greek State recognizes migrants' communities and is in dialogue with them, it has not proceeded to an institutional recognition of migrants' communities or taken their positions into account when drawing up and designing relevant policies. Official and/or institutional recognition of migrants' communities would be a substantial step towards social integration of migrants.

There is a multiplicity of associations and communities depending on country of origin, and recently, an interesting tendency to confederate. Examples of migrants' organisations are: the Migrants' Forum, the Albanian Migrant's Forum, the Co-ordinating Committee of Migrants' Associations, Communities and Unions of Greece. An interesting

recent development is the initiative forward by female migrants who have founded a separate agency within the framework of the Migrants' Forum with aim to represent women from different migrant communities.

These organizations, in co-operation with the NGOs mentioned above and in particular with the Refugee and Migrant Support Network, have been organizing the Anti-Racist Festival in Athens for the past 11 years. What is more, the Anti-Racist Festival is an initiative which has gradually spread to other large cities where there is a strong concentration of migrant populations. Institutions such as the Anti-Racist Festival contribute immensely to changing attitudes and perceptions about migrants, whereas for migrants themselves they constitute both a forum where one can exchange experiences and an opportunity to confirm affiliation with collective entities supporting migrants.

## 5. Summary/Discussion

The aim of this report was to provide a picture that would be as concise as possible about currently implemented policies regarding migrants and detect their direct or indirect consequences on female migrants. A first general remark would be the lack of synergism<sup>55</sup> between general policies and policies specifically targeting migrants. Policies regulating residence and work, in particular, as well as policies aiming at social integration are still of a defensive character, which, far from facilitating access to the Greek labour market, where serious reforms with decisive effects on employment have been taking place, holds them in dependence from a bureaucratic system leading them to a constantly expanding informal sector. Moreover, due to the above situation, female migration remains associated to the economic household of the country of origin and is still considered complementary or secondary to male migration. As a result, female migrants are absorbed more easily in illicit forms of work and they often face the risk of losing their legal status and of involving themselves in illegal networks of human trafficking. Therefore, *mainstreaming* in national policies to combat social exclusion should specifically address migrant population as well as female migrants.

An important factor which will determine future developments in the examined field, is the general attitude of the Greek state: whether it is inclined or not to accept the arrival of male and female newcomers and whether it intends to confront the problem of their long term residence. Regarding the Greek case, it seems that this attitude would be defined by policies serving demographic and economic purposes, and of course by the adoption of security policies imposed today on European level. All in all, policies and attitudes towards migrants are finally determined by the dominant perception of the idea of National State.

At a time when migration policies in the EU integrate perspectives of social inclusion as well as perspectives of assimilation according to the migration model each member state has adopted, the Greek state is still struggling to rationalize legalization procedures for both male and female migrants already residing for some time in the country or having arrived for the first time. On the other hand, delayed and incomplete transposition in national law of the Community Directives for long term residents, for equal treatment and family reunification clearly indicate that the Greek state, for the time being at least, is incapable to come to grips with "the feminization of migration" (about the Greek case, Psimmenos, 2001: 102-103). Moreover, many researchers agree that the tendency to prolong residence for work purposes is accompanied by specific demographic changes and mass entry of female migrants with their families in destination countries (Green, 2004: 122).

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<sup>55</sup> That is, interaction of discrete agencies, agents or conditions such that the total effect is greater than the sum of the individual effects.

Though demand in Greek labour market facilitates job hunting for female migrants, the obstacles created by the very structure of this labour market, as well as by institutional barriers obstructing the process of renewing their residence permit, leads female migrants and their families unavoidably towards a marginal zone of semi-legal activities.

In conclusion, the present report emphasizes the following points for discussion:

Migration legislation, including the latest migration law, does not provide for real access to the labour market despite its administrative improvements, the main reason being that migration policies in Greece are more oriented towards security and assimilation than towards developing the labour force of the country as a whole.

Integration policies addressing female migrants once again remain in suspension as the New Migration Law relegates relevant issues to future regulations, whereas no serious measures are taken for the establishment of the necessary infrastructure. What is more due to rigid legislation regarding access to citizenship, Greece is still not ready to take the institutional steps leading even to the concession of restricted, on a local level, political rights to migrants. There are therefore strong indications that the dominant model that migration policies follow in Greece is that of **“uneven legalization”** which allows to the host state to preserve insecurity among migrant population and in this way to secure its effective control.

The lack of necessary infrastructure and resources as well as the weaknesses of the institutional framework also undermine policies against trafficking, which are also dominated by a “police logic”, regardless of recent amendments.

Finally, the lack of essential institutions of intervention for the development of migration policies is equally important, as the concerned collective bodies have not yet acquired all the competences which are provided by Law. On the other hand, the development of a Support, Solidarity and Study Network with the increasing participation of migrants themselves is an important step.



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