

Draft Anti-Trafficking Act

1/3/2002

(excerpts)

Article 9 [amending article 351 of the Criminal Code on Trafficking in Human Beings]:

1. Any person who by force, by threat or by other coercive means or by imposing or abusing authority hires, transports within or outside the country, harbors, hands over to somebody in exchange for something or nothing or receives from somebody a person with the aim of sexually exploiting that person himself or somebody else is punished by imprisonment of up to ten years;
2. The sentence of the above paragraph is imposed on the perpetrator if, with the same aim, he procures the consent of a person in need by making promises, giving presents, providing payment or other benefits or by the use of fraudulent means.
3. A prison sentence of at least ten years and a fine of fifty to one hundred thousand Euros is imposed on the perpetrator according to the previous paragraphs, if the deed
 - a. was committed against a person younger than 18 years old;
 - b. was committed by one of the people in paragraph 2c of article 349;
 - c. is related to the illegal entry, residence or exit of the victim from the country;
 - d. is practiced as a profession.
4. If any of the deeds of the previous paragraphs resulted in a grave physical injury of the victim an imprisonment of at least ten years is imposed and if it resulted in the victim's death, life imprisonment is imposed.
5. Sexual exploitation as understood in the previous paragraphs consists of any licentious act for profit or the use for profit of the body, voice, or image of a person for such real or simulated acts or for the provision of labor or services which aim at sexual arousal.

Article 351(5) Sexual exploitation as understood in the previous paragraphs consists of any licentious act for profit or the use for profit of the body, voice, or image of a person for such real or simulated acts or for the provision of labor or services which aim at sexual arousal.

[Article 349. Pandering]

1. Any person who in order to serve the debauchery of others procures or corrupts minors or facilitates the prostitution or corruption of minors is punished by imprisonment of up to ten years and is fined with the amount of ten to fifty thousand Euros, should a reason for a more severe punishment not arise.
2. The sentence is extended to at least ten years of imprisonment and a fine of fifty to one hundred thousand Euros if the offense was committed: a) against a person younger than 16 years old; b) with deceitful means; c) by an ascending relation by blood or affinity or foster parent, spouse, or other person who is raising, educating, or caring for the minor, even temporarily.

Article 13. Aid to Victims

1. If in direct danger, the victims of the crimes described in articles 349, 351, and 351A are provided with protection, especially that is of their life, physical integrity and their personal and sexual freedom. Aid is also provided for their shelter, nutrition, medical care, and psychological support. Care is also taken in order to guarantee legal counsel and a translator should this be required during their relationship with the Greek authorities. Minors are placed into educational and vocational programs. The details for the application of this provision are established by a presidential decree.
2. Regarding the victims of the above mentioned acts in paragraph one who are aliens and are in the country illegally and with the qualifications regarding their repatriation in the following article, it is possible to suspend deportation following the order of the magistrate court's district attorney and the approval of the court of appeal's district attorney until a final ruling is reached in the penal prosecution of the perpetrator.
3. The details regarding the execution of the deportation decisions according to the previous paragraph are regulated by paragraph 8 of article 44 S, 2910/2001.

Article 14. Repatriation

1. Aliens who are in the country illegally and who are victims of the crimes of articles 349, 351, and 351A of the penal code are safely repatriated without offending the victim's bodily integrity:
 - a. by their own will which is put into writing before a public authority;
 - b. if the victim does not wish to be repatriated and the reasons for this are considered well-founded, then the district general secretary can allow for the victim's temporary stay in the country until the reasons for which the repatriation was not possible have been resolved.
 - c. if the victim is a minor then a report is filed by the commissioner of minors and the agreement of the minors' district attorney is required for the minor's repatriation.

1. The procedure, manner, expenditures and every other detail relating to the repatriation of alien victims according to paragraph 1 are regulated by a presidential decree issued with a motion of the ministers of public administration, justice, and public order.

Article 13(2): Regarding the victims of the above mentioned deeds in paragraph 1 who are aliens and are in the country illegally, and with the qualifications regarding their repatriation of the following article, it is possible to suspend deportation...until a final ruling is reached in the penal prosecution of the perpetrator.

Article 14(1)(b): if the victim does not wish to be repatriated and the reasons for this are considered well-founded, then the district general secretary can allow for the victim's temporary stay in the country until the reasons for which the repatriation was not possible have been resolved.