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LANZAROTE CONVENTION

Council of Europe Convention on the protection of children
against sexual exploitation and sexual abuse

Replies to the general overview questionnaire

GREECE

Replies registered by the Secretariat on 11 September 2014

General Framework

Question 1: Definition of “child”

- a. There is no other specific definition of the child under the national (civil) law but the one provided for by the national law ratifying the Convention for the Rights of the Child in 1992 (Law 2101/92). Nevertheless, in the Civil Code there is a definition of who is legally capable (has full legal rights) and that is the person above 18 years of age, who is considered to be an adult (art. 127). Drawing on this article and given that Greece has ratified the Convention on the Rights of the Child without any reservations, a child should be considered every person under the age of 18. Moreover, in all criminal offences related to sexual abuse and sexual exploitation the child is regarded as every person under the age of 18.
- b. Although it is provided by law that the uncertainty over the child victim’s real age shall not hinder the prosecution (Laws 3625/2007 and 3727/2008), there is no provision regarding the uncertainty of the child’s age and his/her right to be afforded assistance.
- c. The age of legal sexual activities in Greece is 15. This is deduced from the fact that any sexual activity concerning a person under the age of 15 is penalized (Penal Code, art. 339).

Question 2: Non-discrimination

Discrimination on the grounds such as the ones mentioned in the indicative list in art.2 of the Convention is prohibited by law in the context of employment. Law 3304/2005 concerns in general the application of the principle of equal treatment regardless of racial or national origin, religious or other belief, disability, age or sexual orientation in the workplace. However, by the adoption of the 2nd Optional Protocol on the Convention on the Rights of the Child (law 3625/2007) it was provided that discrimination is also harassment that aims at or results in insulting the human dignity and creating a terrifying, hostile, humiliating or aggressive environment (7th article amending art. 2 par. 2 law 3304/2005). Yet, there is no explicit reference to the protection of children under the Convention. Similar provisos for non-discrimination apply in other particular contexts such as education etc.

Question 3: Overview of the implementation

- a. The main measures to protect children from sexual abuse or exploitation are legal and concern the criminalisation of certain forms of sexual abuse or exploitation against children. In case a relevant crime is reported, there are (general) legal provisions for the victim to ask for assistance. Apart from that a number of initiatives have been undertaken to promote awareness at national and local level by various governmental or non-governmental agencies and organizations. Referring to all the multiplicity of local or national such initiatives exceeds the scope of the current response. However, one could mention the national implementation of the “One in Five” campaign executed by the Parliamentary representatives of Greece in Council of Europe’s Parliamentary Assembly which has covered decades of cities and towns (practically nation-wide) to raise awareness and provide respectful information on the subject matter to the general public. At the same time, at local level many municipalities have launched the “Underwear Rule” campaign in collaboration with Council of Europe’s network of regional authorities. At a

local level, also, for instance, in the town of Rethymnon, in which the most extensive case of paedophilia in Greece had been disclosed in 2011, the Institute of Child Health, Department of Mental Health under the overall framework of the a project funded by EU's National Strategic Framework Program (MIS 375809) conducts awareness workshops with children, parents or caregivers, and professionals working with children as well as awareness raising activities for the general public. Other agencies also conduct similar intervention programs that had incorporated awareness raising components in regards to the protection of children from sexual victimization.

- b. Greece at the time being has not a comprehensive particular strategic document consolidating all relevant actions. Almost a decade ago a comprehensive Action Plan for Child's Health and well-being has been released by the Ministry of Health and Social Solidarity including certain provisos for the protection of children from sexual victimization and the prevention of the phenomenon; however it was enacted only partially insofar. At the time being with the coordinative role of Ministry of Justice, General Secretariat of Human Rights and Transparency, an Action Plan for Safeguarding the Rights of the Child is being developed, which is anticipated to contain more particular provisos for the protection of children from sexual violence. Among others this comes to also complementarily fit in with the Hellenic Children's Ombudsman initiative a couple of years ago to develop a national Action Plan for the Rights of the Child in which also preventing and combating abuse against children is an essential part. However, all these initiatives are currently still under development.
- c. Specific guidelines to ensure a child-friendly implementation of laws or strategies are only partially in place. Quite recently within 2014 the implementation of the EU's Directive on Children-friendly Justice was introduced to the Hellenic Parliament. Moreover, under Law 3727/2008 there was clear proviso for introducing children-friendly procedures for under-aged victims or witnesses to be treated by a Presidential Decree, which is still pending.

Question 4: Child participation

- a. Insofar, children's participation in the development or the implementation of state policies or other initiatives against sexual abuse or exploitation have suffered from fragmentation and is of rather more paradigmatic character. Notably, the Hellenic Children's Ombudsman has been undertaking several such efforts throughout the recent years in getting children and adolescents to be involved in procedures of public discussion on relevant issues.
- b. Insofar, children-victims' contribution with their own experiences in preparing and adopting national strategies and laws has been restricted. However, in general legal provisos as well as administrative other measures are regularly taken on the basis of the consideration of the children-victims' perspective which is usually be taken into account, however not always successfully.

Question 5: Specialized bodies/mechanisms

- a. The Greek Ombudsman is a constitutionally established Independent Authority. It was founded in October 1998 and operates under the provisions of Law 3094/2003. The Ombudsman provides its services to the public free of charge. The Ombudsman is concerned with the protection and promotion of children's rights. This mission has been undertaken since 2003 by the Department of Children's Rights. The department operates

in correspondence to the internationally acknowledged institution of the Ombudsman for Children.

In the context of its mission, the Department:

- Mediates in specific cases in which a child's right has been violated, following a complaint filed by a citizen, aiming at the protection of the child and at the restitution of his/her rights. If necessary, in cases of serious violations, the Ombudsman acts on its own initiative.
- Undertakes initiatives in order to monitor and promote the implementation of international conventions and national legislation on children's rights, to inform the public, to exchange views with representatives of other institutions and to elaborate and submit proposals to the government.

There is a special provision in the State Budget for the Greek Ombudsman (as for other independent authorities as well).

- b. No legislative measures have been taken insofar to set up robust mechanisms for data collection for the purpose of observing and evaluating the phenomenon of sexual exploitation and sexual abuse of children. However, there are important initiatives that are currently ongoing that are anticipated to fill in the gap and treat this issues comprehensively. At the time being there are different relevant records been kept by various agencies such as the Police, the District Attorney's offices, Hospitals, local Mental Health Centers, Social Services of regional authorities such as the Centers for Social Welfare of Prefectures operating under the auspices of General Secretariat of Welfare, Ministry of Labor as well as the national-scope welfare organization "EKKA" (National Center of Social Solidarity) but also child protection NGO's that run child abuse telephone helpline ("the Smile of the Child") or provide care for children victims (Like i.e. "SOS Villages-Greece", ARSIS etc.). It should be underlined thought that all aforementioned records or databases are by an large local and aiming at particular targets in respect to the particular agency's orientation and scope (for instance police and Prosecutors' records are rather focusing on perpetrators, social and mental health services' records refer to children and/or families and so forth). Given this, the Institute of Child Health has taken the initiative under the overall framework of the a project funded by EU's National Strategic Framework Program (MIS 372071) to develop a national database (national registry for child abuse and neglect cases), where all professionals and related services from the sectors of health, education, social welfare, justice, law enforcement will be able to enter data concerning child abuse and neglect in a unified database. Moreover, within the EU's National Strategic Framework Program, "EKKA" is currently developing a more wide-scope project ("e-pronoia") in which all social welfare related cases are to be registered and thus is anticipated to include also child sexual victimization cases among others. As soon as these initiatives conclude successfully, the issue of registration and storage of comprehensive data records at national level is anticipated to be substantially improved and treated.
- c. In Law 3727/2008 (adoption of the Lanzarote Convention) it was explicitly provided that with regard to felonies of sexual exploitation or abuse against children the DNA of convicted perpetrators would be stored (modifying article 200A, Code of Criminal Procedure). Yet, Law 3783/2009 again modified article 200A of the Code of Criminal Procedure and established that whenever there are reasonable grounds for suspecting a person of having committed a crime punishable by imprisonment for at least 3 months, his/her DNA is collected. This happens in order to ascertain the perpetrator's identity. If the sample's result is positive, the DNA sample is destroyed, but his/her genetic-print (genetic profile) is stored.

Question 6: National or local coordination, cooperation and partnerships

- a. Though it is provided by Law 3727/2008 that a Presidential Decree shall be issued for the purpose of defining all aspects of coordination among the different agencies managing sexual abuse or exploitation against children, the Decree is still pending. Nevertheless, in practice after a report is filed, one agency, usually depending on the particular subject matter or issue at stake, is undertaking an informal coordinating role. For instance, if the major challenge is placement, it is usually the case that social services undertake the most active role in coordination of efforts by various organizations involved in order to successfully fulfil the job. In any case, the District Attorney qua legal authority is the one formally mostly entitled for coordinating all agencies in order to ensure that the child is safe and the perpetrator is arrested.
- b. Cooperation at local level is indeed encouraged but has also absolutely been necessary for achieving a positive outcome of simultaneous efforts of various sectors' organizations. However, thus far, cooperation between the competent state authorities, civil societies and the private sector has not been standardized or officially established in a mandatory or formal way in order to better prevent and combat sexual exploitation and sexual abuse of children.
- c. In accordance to the reply in paragraph (b) above, at the time being there are not formal provisos or mandates to form a partnership or a particular scheme of cooperation with regard to persons subjected to criminal proceedings or convicted for crimes related to child sexual abuse or exploitation, despite the fact that in practice such cooperatives are rather the rule than the exception.

Question 7: International cooperation

Greece has not yet integrated the prevention and fight against sexual abuse and exploitation of children in assistance programmes for development for the benefit of third states given the fact that currently such operational programs (from Greece to third states) are relatively limited.

Prevention of Sexual Exploitation and Sexual Abuse

Question 8: Education, awareness raising and training

- a. There is a clear provision in Law 3727/2008 that there will be awareness programmes for children with regard to the risks, as well as the means, to protect themselves from sexual abuse or sexual exploitation; however the required Ministerial Decision to define these programmes is still pending. The introduction of sexual education within the contexts of which certain topics of children's awareness raising are included has been adopted by the Ministry of Education; appropriate and age-specific educational material has been produced and despite some considerable delays in the implementation of the entire project it is anticipated that such a training course will eventually be introduced in the syllabus in due course. However, it should be noted that certain initiatives at local or national level have already applied such modules in training programs to schools. For instance in the town of Rethymnon, in which the most extensive case of paedophilia in Greece had been disclosed in 2011, the Institute of Child Health, Department of Mental Health under the overall framework of the a project funded by EU's National Strategic

Framework Program (MIS 375809) conducts the most extensive training program for awareness raising on the subject matter, a project in which insofar more than 5.000 students have participated. Additionally, the Children's Ombudsman conducts on a regular basis nation-wide training activities in regards to children's awareness of their own rights focusing mostly on adolescents' grades at schools; a part and parcel of these activities were also their training for acknowledging their rights to be protected from sexual victimization. In a similar manner within years 2012-2013 two major national NGOs, namely "the Smile of the Child" and "EPSYPE" have conducted at national level projects for raising awareness of school-aged children for school violence and bullying (within the framework of EU's "DAPHNE" and National Strategic Framework Program respectfully); again, one of the training modules was referring to sexual violence among peers. Last but not least, it should be mentioned that many more such initiatives have been carried out at local level by governmental or non-governmental agencies from the sectors of mental health and social welfare.

Despite the fact that no formal legislative measures have been taken to encourage awareness of the protection and rights of children among persons who have regular contact with children or to ensure that professionals in contact with children have adequate knowledge of sexual exploitation and sexual abuse of children, a series of training courses for sensitizing and upgrading capacities of such professionals have been undertaken especially in regards to personnel of educational services. For instance all the aforementioned initiatives by ICH, "the Smile of the Child" and "EPSYPE" had also training activities for school teachers. Moreover, the Education Centre of National Trade Unions' Confederation ("KANEP-GSEE") within 2013 and 2014 has organized training activities inside schools in all regions (within the framework of EU's National Strategic Framework Program) on the issue of protection of children from violence and recognition of early signs of potential exposure of school children to violence including sexual victimization. The Children's Ombudsman also conducts awareness workshops on children's rights with several professionals working with children (e.g. school teachers, the personnel of residential care settings) on regular basis. Lastly, the Institute of Child Health under the overall framework of the a project funded by EU's National Strategic Framework Program (MIS 372071) is developing a manual for professionals of different sectors in order to be able to identify all types of child abuse and to inform them of the reporting procedures and prosecution process, which could also be adopted and made use of by all relevant ministries.

- b. Apart from initiatives mentioned in point (a) above, some of which have had national-scope and character, the Council of Europe's "One in Five" campaign had been implemented by the Representative in the CoE's Parliamentary Assembly in decades of cities and towns. Materials had been translated into Greek and communicated to thousands of people including spots and leaflets ("the underwear rule" etc). Similarly CoE's campaign had been actualized by a number of regional authorities (probably most actively in Heraklion, Crete where a series of seminars and conferences had been organized since 2010 by the local Municipality) in collaboration with the Council's network of regional authorities.
- c. The Sub-Department of Electronic Crime [Service of Fiscal Police and E-crime] has a special department for addressing crimes against children committed through internet and digital technologies (tracking any suspicious material). At the same time, possessing, obtaining or distributing material that involves sexual abuse or exploitation of children is a crime. Moreover, with regard to websites with a sexual abuse or exploitation of children content, as soon as the case is filed, the websites are shut down. As a matter of fact, the number of "circuits" of such character that had been revealed within the last decade had been constantly growing in numbers being a result of the systematic surveillance by the particular Sub-Department as well as its cooperation with other

national and international law enforcement authorities. Given also the fact that provisos of recently adopted Law 4267/2014 facilitate even further the prosecution of grooming and other cyber-crimes related to sexual violence against children, the outcomes in that perspective are anticipated to be sustainable and even more positive.

Question 9: Recruitment and screening

- a. In case a person is convicted for a crime related to sexual abuse or sexual exploitation of children, he/she can additionally be sentenced to restrictions in employment options, whenever they involve contact with children. They can be excluded for up to five years from employment options that involve having contact with children (Penal Code, art. 67 par. 1, as modified). This is also provided in Law 4267/2014; however exact procedures and conditions for the implementation of those provisos are to be clarified by further legal actions. In those provisos there is no specific profession mentioned. If a person is convicted for the second time for an offence relating to sexual abuse or sexual exploitation against children, court mandatorily imposes a permanent prohibition of exercising a profession that involves regular contact with children.
- b. Insofar screening of candidates does not apply to volunteer activities. However, it should be noted that civil society had employed such screening procedures in certain cases of professionals or volunteers working with very young or very vulnerable children. Nevertheless, these screening processes are still informal and not comprehensive insofar.

Question 10: Preventive intervention programmes or measures

- a. For the time being, there is no comprehensive framework of referral for persons who fear that they might commit offences related to sexual abuse or exploitation of children and would like to participate in intervention programmes. Still, such individuals can always seek assistance from mental health services and units of psychosocial intervention operated by the Hellenic National Health Service (“ESY”) or other public sector relevant services.
- b. Persons subject to criminal proceedings, or convicted for offences related to sexual abuse or sexual exploitation of children or recidivists may attend a treatment programme, as long as they consent to their participation. This does not affect their defence or the presumption of innocence (Penal Code, article 352A par.2). It may take place along with the main sentence imposed or irrespectively. There is no similar explicit provision for young offenders having committed a relevant crime (child sexual abuse or exploitation), though there are several non-custodial measures determined therein (Penal Code, article 122).

Question 11: Participation of the private sector, the media and civil society

- a. The private sector has not yet participated in the elaboration or implementation of policies, programmes or other initiatives to prevent sexual exploitation and sexual abuse of children.
- b. As a part of Council of Europe’s “One in Five” campaign implemented by the Hellenic Representative in the CoE’s Parliamentary Assembly, video spots of the “Underwear Rule” had been transmitted by TV channels. Moreover, two other TV spots developed by

the Institute of Child Health in collaboration with General Secretariat of Youth had also been broadcasted within the time zone of “social responsibility” of national TV channels.

- c. Criteria for financing of programmes relevant to prevention of child abuse or sexual crimes against minors are standardized and intergraded within the framework programs of respectful funding schemes (i.e. EU’s National Strategic Framework Program). There is no proviso for making use of proceeds of relevant crimes for financing programs such as the aforementioned ones.

Question 12: Effectiveness of preventive measures and programmes

- a. No regular assessment of the effectiveness of any kind of measure or initiative takes place.
- b. Probably the distinctive preventive project in Greece during the current period has been implemented as a response to the disclosure of the biggest paedophilia case in Greece in the town of Rethymnon (approximately 20.000 inhabitants) on December 2011. In that case an extended number of boys had been engaged in a network of sexual victimization by a coach of a local basketball team. As a response, under the overall framework of the a project funded by EU’s National Strategic Framework Program (MIS 375809) implemented by the Institute of Child Health the most extensive training program for awareness raising on the rights of the child to be protected from sexual victimization was conducted with insofar more than 5.000 students, as well as hundreds of parents and school-teachers participating. That secondary prevention project included also undifferentiated mental health and social welfare clinical services’ provision for the local community (not discriminating “victims” and “not victims” for avoiding stigmatization in which within 2013-2014 more than 400 children had benefited and also an extended program of public awareness raising events, training for local professionals, supervision group work with teachers, gymnasts, clergy and other key professions. As a result, it is anticipated that the impact of such an extensive case of paedophilia could be contained somehow, without inducing in due course the potential threatening implications in terms of mental health future problems, social deterioration and trans-generational transmission of paedophilic practices it might inflict otherwise given the large number of victims in such a small town. Another such example is the practically nation-wide implementation of Council of Europe’s campaign “One in Five” that had been carried out by the Hellenic Representative in CoE’s Parliamentary Assembly.

Protection and Promotion of the Rights of Children Victims of Sexual Exploitation and Sexual Abuse

Question 13: Reporting suspicion of sexual exploitation or sexual abuse

- a. Professionals working with children are often bound by confidentiality rules. These are usually doctors, psychologists, social workers, psychiatrists and others working in the health sector. Under Law 3727/2008 any professional bounded by confidentiality rules, who has reasonable grounds to believe that a child is a victim of sexual abuse or exploitation, is allowed to report it and waive confidentiality.
- b. In the Code of Criminal Procedure it is stated that any person who realises that a crime has been committed, then he/she has to report it to the District Attorney or the Police (art. 40). The crime has to fall into the category of the ones being reported by all people,

and not merely the victim. All crimes related to any type of child abuse belong to this category. Moreover, it is a crime itself to intentionally omit to report a felony if there was reliable information that this is planned to happen or has started to happen (Penal Code, article 232).

Question 14: Helplines

There are several helplines available for adults and children as well. At first, there are currently two operational helplines working 24x7 basis. These are the following:

- The National Centre for Social Solidarity (Greek abbreviation “EKKA”) offers two helplines that work 24/7, i) “197” and, ii) “1107” offers urgent advisory services and psychological support to children and youth.
- The NGO “the Smile of the Child” offers advice 24/7 at “1056”.

Moreover, other relevant helplines for children’s issues include:

- The Children’s Ombudsman offers advice for adults at “213 1306744” / “213 1306710” / “213 1306703” from Monday to Friday (09:00-16:00), and especially for children at “800 11 32 000” (without charge) from Monday to Friday (09:00 – 16:00).
- The NGO “Association for the Psychosocial Health of Children and Adolescents” (Greek abbreviation “ΕΨΥΠΕ”) maintains the helpline “801 801 1177” from Monday to Friday (09:30 – 20:30) and also telephone line 116111 for adolescents.
- The NGO “Together for the child” offers advice at “11525” from Monday to Friday (09:00 – 21:00).
- The Institute of Child Health can assist adults or professionals at “210 7715791” from Monday to Friday (09:00 – 17:00).

Of course, there are more local services, also providing telephone assistance to potential beneficiaries. It should also be added that telephone helplines operated by the NGO “the Smile of the Child” as well by the Hellenic Children’s Ombudsman can accommodate receiving also anonymous reports along with identified ones.

Question 15: Assistance to victims

- a. Assistance is provided to child victims of sexual abuse or sexual exploitation under Law 3064/2002 (as amended by the newly passed law on the fight against sexual abuse and sexual exploitation of children) and Presidential Decree 233/2003. Such assistance concerns the protection of the child victim in cases where his/her life or well-being is being threatened. A secure place of residence for child victims is generally provided for in order for them to be taken care of. Moreover, access to education, free medical treatment and free legal advice during that time is granted.
- There is no specific legislated plan on how to adapt the assistance to the victim’s age and maturity, but professionals working with children in such structures are aware of the child’s needs.

- There is a provision in Law 3727/2008 for victim's close relatives and persons responsible for their care to be afforded psychological support (Chapter A, art. 2, par. 2).

Accordingly, such care is provided for children-victims but at a case-basis. Recently under the overall framework of the a project funded by EU's National Strategic Framework Program implemented by NGO "the Smile of the Child" a specialized Day Centre is under development specialized in providing acute and in term curative clinical services for children victims of abuse or neglect. Moreover, in the under development legislative framework for the administrative structure of the governmental Centres for Social Welfare that function at regional level there is the proviso for intermediate structures for temporary residential care (until permanent placement is decided and enacted such as institutional or foster care, etc.) for children in need.

- In the Penal Code it is defined that whenever it is necessary for the protection of the child victim of sexual abuse and sexual exploitation, the perpetrator shall be removed from victim's environment or the victim shall be transferred temporarily to a safe environment (art. 352A par. 4). At the same time, all communication between them shall be prohibited. This is for the District Attorney or Investigator or Judge to decide (depending on the case's stage). Additionally Law 3500/2006 concerning combating domestic violence contains also specific provisos for removing alleged perpetrator and safeguarding the rights of the victims not to be re-victimized by implications of their disclosure.
 - Also apart from this measure, in the Civil Code it is stated that whenever parents are not capable of fulfilling their duties, here maltreatment included, and the well-being of the child is imminently in danger, the District Attorney can order the removal of the alleged perpetrator or the child victim (art. 1532 par. 3).
- Such removal is always decided for the child's best interests.

There are multidisciplinary structures to offer the necessary support to child victims, though they are not all state-funded, but mostly charity-funded instead. There are structures to provide psychological support for the people close to the victim as well, but not specifically for this purpose.

- In the Penal Code it is provided that certain crimes committed in another country are punishable in Greece as well, and that Greek penal laws apply to all people located in Greece. Sexual abuse and sexual exploitation of children fall into the categorization of such crimes (art. 8). Therefore, people residing in Greece may make a complaint before the competent authorities for a crime that has taken place elsewhere.

Prosecution of perpetrators of sexual exploitation and sexual abuse of children

Question 16: Criminal law offences

- All conducts described in articles 18, 19, 20, 21, 22, 23 and 24 of the Lanzarote Convention constitute crimes under Greek Penal Code.
- Criminalised conducts under internal law do not differ from the ones mentioned in the Convention, rather they are more detailed.

- c. Under the Greek Penal Code sex tourism and sex trafficking constitute crimes. With regard to sex tourism (art. 323B), organising, funding, supervising, advertising or somehow getting involved or participating in journeys that aim at engaging in sexual activities with children is punished. Sex trafficking is defined as the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of the abuse of power, for the purpose of sexual exploitation (art. 351). If the victim is a child, the sentence is more severe.
- d. For several crimes the child's age plays a role in determining the gravity of the offence. Sanctions are more severe the younger the child is.

Question 17: Corporate liability

In Law 3625/2007 (art. Fourth, as amended) it is stated that if any crime related to sexual abuse or exploitation of children is conducted via or for the benefit of or on behalf of a legal person or association, by a natural person, who has the power to act for that legal person, then the legal person is punished. The sanctions are administrative and are imposed independently of the civil or criminal liability of the natural persons. Sanctions vary according to the gravity of misconduct, the degree of culpability, the legal person's financial strength and recidivism. The legal person is held liable even in cases, where misconducts were able to take place because of lack of supervision or control over the natural person-perpetrator.

Question 18: Sanctions and measures

- a. With regard to natural persons the sanctions imposed for the specific offences are of criminal nature. These are: imprisonment, fines and exclusion from work (the last two complementary). On the other hand, sanctions for legal persons are administrative. These are: fine, revocation of permit, exclusion from public provisions and funding options.
- b. No measures have been taken to provide for the possibility of taking into account final sentences passed by another Party.

Question 19: Jurisdiction

Greek penal laws apply for all conducts that have taken place on Greek territory, even when the perpetrator is not a Greek citizen. Greek ships and airplanes are considered Greek territory, unless international law provides differently (Penal Code, art.5). Moreover, Greek penal laws apply to non-Greek citizens as well, if that person committed a felony in another country against a Greek citizen and the misconduct is punishable in that country as well (Penal Code, art. 7). Finally, as mentioned above, certain crimes committed in another country are punishable in Greece as well, and that Greek penal laws apply to all people located in Greece. Sexual abuse and sexual exploitation of children belong to these crimes (Penal Code, art. 8).

Question 20: Aggravating Circumstances

All circumstances mentioned in art. 28 of the Convention are considered aggravating, if not constituent elements of the offence.

Question 21: Measures of protection for the child victim

- a. In the Code of Criminal Procedure it is stated that child victims of sexual abuse or exploitation have the right to access the case file (art. 101, 108A) and to be informed by the District Attorney about the temporary or definite release of the perpetrator and his/her day releases. Apart from that, there are no measures defining how the victim is informed about their rights and the services at their disposal.
- b. The child victim will be called to testify in a child-friendly place with the presence of a psychologist or psychiatrist and a person close to him/her if that is necessary (Code of Criminal Procedure, art. 226A). First, the mental health professional will have a session with the child to examine his/her mental and psychological state in order to verify its capacity for understanding dependent on its maturational level (including its capacity to distinguish truth from lie as well as other main concepts within the prosecutor's inquiry). This does not necessarily imply that the child will not be called to testify in court again. There are no other measures to enable the child victim to be heard or choose the way of expressing his/her views.
- c. Support to victims comprises of legal advice and psychological support. The Institute of Child Health also operates since 1979 a specific program of providing specialized legal aid to victims of child-victims and their carers that cannot afford it.
- d. It is regarded as a crime to reveal elements of a relevant case (sexual abuse or sexual exploitation of children) at any time that could lead to the identity of the child victim until the court issues its decision (Penal Code, art. 352B). Moreover, the Hellenic Independent Authority for the Protection of Sensitive Personal Data is also mandated to safeguard anonymity as well as jurisdiction along with common law courts and the Radio-Tele-broadcasting Council (Independent Authority as well) to prosecute persons or entities that either disclose or communicate such sensitive personal data. Furthermore, the court may order a trial closed to the public (Code of Penal Procedure, art. 330) which in fact is a rather common practice in Hellenic courts at such cases' trials.
- e. According to Law 3727/2009 (Chapter A, art. 8) witnesses and people close to the child victim can be protected under the provisions of Law 2928/2001 (art. 9 par. 2 and 3). The measures of protection described therein are: being guarded by police officers; recording the testimony instead of appearing in court; in the testimony report not including data, such as name, address, profession, date of birth; changing the data of the witness identity card; if the person is a public servant, then transfer of the employee. During the hearing procedure in court, the witness, whose identity is concealed, may be called by the assumed name that is written on the testimony report. Additionally, according to provisos of Law 3500/2006 for combating domestic violence school-teachers and principals that are mandated to report to legal authorities any hint, suspicion or disclosure that falls into their attention are inhibited from testifying in interrogation or court and their identity is not revealed if the offense against the child can be proven in court by means of other corroborating evidence.

As far as the victim is concerned, when his/her life or well-being is being threatened assistance is provided. There is a place for the child victims to stay and be taken care of. If it is necessary, the Police will contribute to make sure that the victim is safe (Presidential Decree 233/2003).

- f. The victim and his/her family have the right to be informed about the perpetrator's temporal or definite release. The information is delivered by the pertinent District Attorney (Code of Criminal Procedure, art. 108A). However, the exact details of the process of this are not fully provided or clarified.

- g. There is no specific provision to prohibit contact between victims and perpetrators within court and law enforcement agencies, although sometimes court can decide on the grounds of securing the best interests of the child on that issue.
- h. Law 3875/2010 amending art. 1 and 3 of Law 3226/2004 provides that child victims of sexual abuse or sexual exploitation are afforded free legal aid.

Question 22: Investigations and criminal measures to protect the child victim

- a. Under art. 226A of Code of Criminal Procedure a child psychologist or child psychiatrist meets with the child victim before he/she testifies and prepares him/her for the meeting with the investigator. At the same time, the expert has to estimate the child victim's mental and psychological state including its capacity for understanding and participating in the inquiry as well as distinguishing truth from lie and other relevant concepts, in order to inform the investigator and consult with him/her on how to better approach the child. The expert is present during the child's testimony. The child may be accompanied by his/her legal guardian unless that is contrary to his/her best interests. The interview takes place as soon as possible without unjustified delay and on suitable premises for this purpose. The number of interviews must be as limited as possible. Under the same article there is the provision to videotape the interview with the child for use as evidence during the criminal proceedings, but the Presidential Decree defining all the details is still pending. Therefore, it has not yet been possible to substitute the physical presence of the child in court.
- b. All crimes related to sexual abuse or sexual exploitation against children are prosecuted even if the victim does not report the incident or withdraws his/her statement. Though it is provided by the Penal Code that in general a *victim of rape* (also applied in minors as well) may ask for the prosecution to stop claiming that such a procedure will cause him/her immense psychological trauma (Penal Code, art. 344), the District Attorney is the one who decides. It is recorded that with regard to children victims, no District Attorney has stopped the prosecution.
- c. The statute of limitation for initiating proceedings with regard to sexual abuse or exploitation of children offences commences after the victim reaches the age of majority (Penal Code, art. 113 par. 6). Especially for felonies the time begins after the child reaches the age of twenty one, and for the rest, after the child reaches the age of nineteen.
- d. Under art. 1517 of the Civil Code, whenever there is a conflict of interest between the parents and the child, a special representative is assigned to the child. His/her task is solely to defend the child's interests in judicial proceedings.
- e. There is no provision in internal law for groups, foundations, associations or governmental or non-governmental organisations assisting and/or supporting victims to participate in legal proceedings apart from cases in which during the legal process the custody of the child had been temporarily (until regular trial occurs) been removed from previous carers (i.e. in virtue of themselves been accused of committing a crime against their child) and assigned to an NGO or an institution that also provides residential care to the child-victim.
- f. Under art. 253A of Code of Criminal Procedure (as amended by the newly passed law on the fight against sexual abuse and sexual exploitation of children) covert operations are permitted specifically for the investigation of the relevant offences. This shall happen

if there is considerable evidence that such a misconduct has actually taken place and/or if there is no other way to solve the case.

- g. The Police department that is responsible for the repression of electronic crimes, the Sub-direction of Electronic Crime (Service of Fiscal Police and E-crime), has a special department for addressing crimes against children committed through the internet and other electronic or digital means of communication or storage. The department is highly qualified in terms of staff and techniques applied.

Question 23: Child friendly interviewing and proceedings

- a. Interviews with child victims take place without unjustified delay after the facts have been reported to the Police (Minor's Department) or District Attorney; on premises adapted for this purpose, when possible; carried out by professional not always trained on matters of sexual abuse or sexual exploitation of children or children's rights; usually if possible augmented with the assistance of a child psychologist or child psychiatrist; not all interviews with the child are conducted by the same person; the number of interviews is as limited as possible and strictly necessary for the purpose of proceedings. However, situation differs in terms of geographical availability of aforementioned resources. For instance in Attica usually interviews take place in the premises of Hellenic Police's headquarters in which Minors' Department is placed by police officers also professionally trained psychologists. In some other areas of the county police psychologists are also available. The child may be accompanied by his/her legal representative, unless a reasoned decision has been made to the contrary in respect to that person by the Inspector.
- b. Though there is a provision for videotaping the child's interview (Code of Criminal Procedure, art. 226A par. 3) with the view to be used as evidence in the court proceedings and to replace the physical presence of the child there, the necessary Presidential Decree that would provide for its exact application procedures has not yet been issued. In terms of common practice, videotaping is sometimes used by Prosecutors as a part of the inquiry's overall documentation but this is not covered by a systematic mandate describing comprehensive details of such practice.
- c. The judge can order either part of or the entire hearing procedure to take place without the presence of the public for cases of sexual abuse or exploitation of children, whenever the case's publicity may cause immense emotional suffering or his/her private life is being threatened (Code of Criminal Procedure, art. 330).