



27th CONFERENCE OF EUROPEAN MINISTERS OF JUSTICE

Yerevan (12-13 October 2006)

**VICTIMS:
PLACE, RIGHTS AND ASSISTANCE**

*Address by Mr. Anastasis PAPALIGOURAS,
Minister of Justice of Greece*

www.coe.int/minjust

First of all, I would like to thank our colleague, the Minister of Justice of the Republic of Armenia and President of this Conference, Mr. Harutyunyan, as well as the Director General of Legal Affairs of the Council of Europe, Mr. De Vel and the General Secretariat of the Council of Europe for the efficient preparation of this meeting and for the important documents and draft resolution which were brought to our attention for enhancing our debate.

I welcome the choice of the main topic of the conference: “Victims: place, rights and assistance”, a sensitive issue for all of us, because crime does not make any discrimination. Indeed, and any of us, any of the citizens of our countries, any of our dearest persons, could, at any time, become a victim and might need legal protection, psychological and social support, and the feeling of security deriving from an adequate law framework.

The legal systems and the organized states have the duty to protect their citizens from constantly appearing new forms of criminality, which have no boundaries. Criminal action is expanding to all activities, and thus the need for protection of victims is constantly increasing.

I consider, though, that the discussion of all cases can not be exhausted in a Conference. For this reason, I would like to concentrate on the victims of a modern-day plague, that of trafficking in human beings and of the vulnerable violence victims within the family and other forms of living together.

Trafficking in human beings is an international, organized, criminal phenomenon that has taken immense dimensions during the last decades. The traditional slave trade has been transformed into a modern business of economic exploitation, especially of forced persons’ labour and of sexual exploitation. This phenomenon is considered to be the third largest “criminal venture” after the illegal trafficking of drugs and arms.

Human trafficking, apart from its repulsive character, causes wide and often heavy psychological and physical damages to its victims, especially to those whose social situation is vulnerable, i.e. minors, women and immigrants.

Trafficking of pornographic material, which concerns minors as well, is often, if not necessarily, connected with human trafficking. It is a phenomenon which during recent years has had a wide spread. The internet and other modern communication means, which have expanded enormously in recent years, have contributed to the explosive dimensions of this crime. This is why the coordination of our actions against child pornography is now more imperative than ever.

The need for a holistic counter-response to all forms of human trafficking and child pornography, as well as the provision of concrete measures to assist the victims, is deriving from many international conventions.

Greece, recently introduced legislation, to combat all forms of human trafficking and the exploitation of sexual life of vulnerable groups of population, such as women, immigrants and minors. At the same time, several administrative and practical measures were taken to protect and assist the victims of these crimes.

Law 3064/2002 enhanced the severity of punishing crimes of human trafficking (including trafficking of human organs, labour exploitation and exploitation of victims’ sexual life - the crime

of solicitation to prostitution), of procuring, of indecent assault and of exploitation of the disadvantageous position of the potential victim.

In the same law, provisions for the protection of victims of these crimes have been included. These measures specifically refer to the protection of the fundamental legal rights of the victims, especially their right to life, physical integrity and personal and sexual freedom. Social support of the victims with the provision of housing, pecuniary support, medical assistance, psychological support, legal aid for the victims and provision for interpreter have been introduced.

In addition, Presidential Decree 233/2003 established the authorities, the measures and the means for implementation of the above- mentioned provisions.

More specifically, it includes the provision of gratis assistance concerning the housing, medical assistance, psychological support by psychologists and social workers, especially for minors, under the age of 18 by the Services and Units of Assistance and Protection. This legislation also provides for their integration in the education system and professional training programmes.

Law 3386/2005 covering the “entrance, residence and social integration of third-countries’ nationals in the Greek territory”, clearly defines trafficking victims. Such is the person who has been victim to the following crimes as described in the Penal Code: of slave trade, trafficking in human beings, procuring, solicitation to prostitution and gross indecency with a minor for pay, regardless whether this person has entered the country legally or illegally.

In the framework of this law, protection and assistance to the trafficking victims are regulated according to the EU Directive, of 29 April 2004.

It is also provided that for citizens of a third country who are characterised as trafficking victims, the Prosecutor to the First Instance Court will issue residence permit without any obligation of payment.

Specific provisions are included in the same law for unaccompanied minor victims and the measures that the police and judicial authorities should take for defining their identity and citizenship.

For the first time, a period of reflection is being established by decision of the competent prosecutor communicated to the trafficking victim, in order for the victim to recover and be removed of the influence of the traffickers, and then decide whether he/she will collaborate with the competent police and judicial authorities. During this period, measures for the assistance of the victim are provided (such as medical assistance, legal aid, etc).

At the political level, the Ministry of Justice took the initiative to form a special interministerial Committee, comprised of the Secretaries General of all competent Ministries, with the purpose to coordinate the implementation of all legal provisions against human trafficking and to submit further legislative proposals or other relative measures.

This Committee covers the whole range of actions regarding illegal trafficking, and especially the definition of the victim, the protection and the legal assistance to the victim, training of judges, prosecutors and the police, informing the public, cooperation with NGOs, etc.

I would also like to mention that Greece signed on 17 November 2005 the Council of Europe Convention on Action Against Trafficking in Human Beings and has already begun the process of elaboration for parliamentary ratification.

Furthermore, the Council of Europe Convention on the Prevention of Terrorism is in the process of elaboration for parliamentary ratification.

A new Law has been very recently enacted by the Greek Parliament for the fight against domestic violence on the basis of the principles of freedom, self-determination and integrity of individuals, in order to enhance the harmonic coexistence of persons within the family. In this way, apart from women, other wider groups of persons, such as children, invalid people, etc. are protected.

With this new Law, specific behaviours within the family -- which affect the physical integrity and health, personal and sexual freedom and sexual integrity of the members of the family-- are considered as punishable. In this law, minors are dealt with as victims of domestic violence, in specific circumstances.

Furthermore, this Law inserted into the penal system of our country the institution of penal mediation. At the same time, measures are provided for the prevention of so called "second victimization" in the courts and the often thereof deriving social vilification of these victims.

Regarding victims' rights, in general, the Greek law provides for civil action of the victim and his/her participation, as civil plaintiff in the criminal procedure.

In addition, I would like to add, that the Ministry of Justice of the Hellenic Republic is currently preparing a draft law "for the compensation of victims of intentional crimes of violence". This draft law, among other provisions, foresees the establishment of a Greek Authority for compensation of such victims, which will decide on the applications for compensation. The Authority will cooperate with the corresponding authorities of the other states and will have the ability to compensate victims by the Greek state, when the perpetrator of the crime does not have the requested sources or it is not possible to define one's identity or to prosecute him/her. In addition, the possibility of the right to apply for compensation by victims of international crimes of violence which are committed in the territory of another state is under discussion.

Finally, the Greek state has enacted the legislative and the administrative framework for the facilitation of the access of vulnerable persons to all services. Within this framework, the Ministry of Justice has issued regulations and other practical measures to accommodate the access of persons to judicial and administrative services within its responsibilities.

Once again, I would like to express my appreciation to the Chair and the Council of Europe for giving me the opportunity to describe the Greek legislative framework for protection and assistance to harassed groups in our society and to express the wish that it may continue its successful work on the protection of fundamental human rights and freedoms in the future.