

The following are provisions of Greek legislation and other relevant information on the questions raised:

par. 3: «Criminalisation of sexual abuse of children of all ages by persons in a recognised position of trust, authority or influence»

Article 342 of the Greek Penal Code (PC) – Abuse of Minors

1. An adult who engages in sexual acts with a minor whom he/she has been entrusted to supervise or guard, even temporarily, shall be punished as follows:

- (a) if the victim is under the age of fourteen (14), the punishment shall be imprisonment for at least ten (10) years and a fine,
- (b) if the victim has reached the age of fourteen (14) years, the punishment shall be imprisonment and a fine.

The offense under paragraph 1 is considered aggravated if it is committed:

- a) by a relative, b) by a person cohabiting with the minor or maintaining a friendly relationship with the minor's relatives, c) by an teacher, instructor, coach, or any person providing lessons to the minor, d) by a person receiving services from the minor, e) by a cleric with whom the minor has a spiritual relationship, f) by a psychologist, doctor, nurse, or specialist providing services to the minor, g) by a person exploiting the minor's mental or physical disability.

2. An adult who addresses gestures, suggestions or narrates or depicts or presents acts of sexual nature to a minor who has been entrusted to his/her care or custody, even temporarily, shall be punished by imprisonment for at least six (6) months.

Article 349 of the Greek Penal Code – Pimping

1. Whoever, in order to serve the debauchery of others, promotes or induces a minor into prostitution or incites or coerces or facilitates or participates in the prostitution of minors, shall be punished by imprisonment up to ten (10) years and a fine.

2. The offender shall be punished by imprisonment and a fine if the offense is committed:

... c) by an ascending relative by blood or affinity, or by a foster parent, spouse, guardian, or any other person to whom the care, upbringing, education, supervision, or custody of the minor has been entrusted, even temporarily.

par. 34: Criminalisation of sexual activities other than sexual intercourse or equivalent actions

par. 44: Criminalisation of sexual activities not involving physical contact

Article 337 of the Greek Penal Code – Offense Against Sexual Dignity

1. Whoever, through gestures of sexual nature, proposals related to sexual acts, sexual acts performed in the presence of another or the display of their genitalia, grossly insults the dignity of another, shall be punished by imprisonment up to one (1) year or a fine. Criminal prosecution requires a complaint, unless the victim is a minor.

2. The act described in the previous paragraph shall be punishable by imprisonment of up to two (2) years or a fine if the victim is under the age of twelve (12) years.

3. An adult who, via the internet or other information or communication technologies, establishes contact with a person under the age of fifteen (15) years and through gestures or proposals, insults the minor's dignity in the field of his/her sexuality, shall be punished by imprisonment for at least two (2) years. If a subsequent encounter occurs, the adult shall be punished by imprisonment for at least three (3) years.

Article 339 par.3 of the Greek Penal Code – Sexual Acts with Minors or in their presence

3. Whoever incites or entices a minor under the age of fifteen (15) to watch through the use of information and communication technologies or to be present at a sexual act between others - without participating in it - shall be punished by imprisonment for at least two (2) years and a fine, if the minor is under the age of fourteen (14) and by imprisonment for up to three (3) years, or a fine, if the minor has reached the age of fourteen (14) years.

Article 348b of the Greek Penal Code - Luring of Children for Sexual Purposes

Whoever, with intent - via information systems - proposes to a minor under the age of fifteen(15), to meet him/her or a third party, with the purpose of committing the offenses specified in Articles 339, par.1 and 2, or 348A, where such proposal is followed by further acts leading to such a meeting, shall be punished by imprisonment for at least two (2) years and a fine.

Article 353 of the Greek Penal Code - Offense Against Sexual Decency

1. Whoever, knowingly, grossly offends the sexual decency of another by performing an act of a sexual nature in their presence, shall be punished by a fine or the imposition of community service. If the act is committed in the presence of a person under fifteen (15) years of age, it shall be punished by imprisonment for up to three (3) years or a fine.
2. The prosecution of the act under the first sentence of par. 1 requires a complaint by the victim.

par. 37 - 38: Criminalisation of sexual activities involving penetration

par. 39 - 40: Criminalisation of sexual activities without penetration but involving some physical contact

Greek criminal law provides for severe penalties for the commission of sexual acts against minors. The concept of sexual acts includes both sexual intercourse and acts of equal gravity to it, in terms of violation of the legal right of sexual freedom. The relevant provisions are set out below:

Article 336 of the Greek Penal Code - Rape

1. Whoever by physical force or by threatening serious and imminent danger to life or physical integrity forces another person to commit or tolerate a sexual act, shall be punished by imprisonment for at least ten (10) years
2. A sexual act is sexual intercourse and acts of equivalent gravity.

3. If the act described in paragraph 1 is committed by two or more offenders acting jointly, or results in the death of the victim, or if the victim is a minor, life imprisonment shall be imposed.

4. Whoever, apart from the case described in paragraph 1, commits a sexual act without the victim's consent, shall be punished by imprisonment for up to ten (10) years.

Article 351A of the Greek Penal Code - Sexual Acts with a Minor in Exchange for Payment

1. A sexual act with a minor committed by an adult in exchange for payment or other material benefits, or a sexual act between minors induced by an adult in the same manner and performed in the presence of the adult or another adult, shall be punished:

(a) if the victim has not completed the age of twelve (12), by imprisonment for at least ten (10) years and a fine;

(b) if the victim has completed the age of twelve (12) but not fifteen (15), by imprisonment and a fine; and

(c) if the victim has completed the age of fifteen (15), by imprisonment for at least three (3) years and a fine.

If the act described in paragraph 1 results in the death of the victim, life imprisonment shall be imposed.

Article 349 of the Greek Penal Code - Pimping

1. Whoever, in order to serve the debauchery of others, promotes or induces a minor into prostitution or incites or coerces or facilitates or participates in the prostitution of minors, shall be punished by imprisonment for up to ten (10) years and a fine.

2. The offender shall be punished by imprisonment and a fine if the crime is committed:

a) against a person under fifteen (15) years of age.

par. 57: Exploratory interviews concerning possible sexual abuse in the family

In Greece, the investigative hearings of minors in cases of possible sexual abuse, especially when the alleged perpetrator belongs to the family environment, are regulated with particular care in order to ensure the protection of the child and the validity of the procedure.

Specifically, the Greek legislation provides for:

Law 3500/2006 on domestic violence: It explicitly recognizes sexual abuse as a form of domestic violence. According to Article 19 of this law on the examination of witnesses, in cases of domestic violence, family members are examined as witnesses without oath. Minors shall not be called as witnesses in the hearing of the cases referred to in the preceding paragraph, but their testimony, if any, shall be read out, unless their examination is deemed necessary by the court. Article 227 of the Code of Criminal Procedure applies specifically to minor victims of domestic violence (see reply to paragraph 276 below).

The **Code of Criminal Procedure** emphasizes the protection of the child during the trial, with the possibility of closed doors, optional presence of the child, and examination by videoconference.

In particular, according to Article 330: If the publicity of the hearing is harmful to public morals or there are special reasons to protect the private or family life of the parties, in particular if the publicity in a trial of crimes against sexual freedom and the economic exploitation of sexual life results in the particular mental suffering or disgrace of the victim and even of a minor, the court shall order the trial or part of it to be conducted without publicity.

According to Greek law, special emphasis is placed on the protection of minors during the investigation of cases of sexual abuse within the family. The investigative hearing process is carried out using scientifically documented methods, ensuring that the child is

not subjected to secondary victimization and at the same time that his or her testimony is used in criminal proceedings.

par. 67: Removal of the suspected perpetrator and the child victim from the family home

In Greece, the removal of the perpetrator in cases of sexual or domestic abuse is explicitly provided for by law, in order to protect the minor immediately and prevent further traumatic experiences.

Law 3500/2006 - For the treatment of domestic violence: Article 18: The court may order the removal of the perpetrator from the family home if there are serious indications that he or she has committed an act of domestic violence, especially if the victim is a minor. Removal may be accompanied by a prohibition to contact or approach the victim. This measure shall be temporary and may be ordered in the context of injunctions or during criminal proceedings.

Par. 71: Removal of the child victim

In Greece, the removal of the child victim from his or her environment, when there is a risk to his or her physical or mental integrity due to abuse (sexual, physical, psychological, etc.), is a critical protection measure, which is provided for by law.

Legal Framework for Child Victim Removal:

Law 3500/2006 - For the treatment of domestic violence: Article 18: The judge or prosecutor may order the removal of the child from the environment where the abuse is committed, if he/she considers that the child's stay at home may cause further harm to the victim. This decision may be taken immediately and may include placing the child in a safe place, such as a hostel or institution. These measures are temporary and can be reviewed again based on the development of the case.

Criminal Procedure Code

The juvenile prosecutor may order the temporary removal of the child from his/her home in cases of abuse or danger. The removal of the child may take place during the criminal proceedings, but also by means of precautionary measures. Often the child is temporarily placed in child protection structures (social structures).

The removal of the child victim from his or her environment is a paramount protection measure in Greece and includes procedures that allow juvenile prosecutors and judges to take immediate measures for the child's safety. When it is judged that the child is in immediate danger, he or she may be transferred to protective shelters or accommodation structures until the case has been fully examined. This measure aims to immediately protect the child from further harm and to prevent the continuation of abuse, while ensuring the judicial procedures that will lead to the administration of justice.

In particular, Child Protection and Care Units (CPCUs) are structures that provide protection to children who are temporarily or permanently deprived of a family environment or who, for their own benefit, cannot remain in it.

The scope of the CPCUs is the restoration of children in a family environment, either through their reconnection with their biological family, or through the institutions of foster care and adoption, or otherwise through the preparation of children for independent living. In any case the best interest of the child is always taken into account.

CPSUs shall provide the children with the best possible care for the duration of their stay in the Unit, such as full hospitality, psychosocial support, medical and pharmaceutical care, access to education, skills development, encouragement to participate in activities and preparation for smooth integration into the community and the labor market.

The Child Protection Unit (CPU) that undertakes the protection of the child is responsible for drafting, finalizing, registering in the Special Register of Minors and updating the child's Individual Family Rehabilitation Plan (IFRP) within the time period specified by law.

The CPU, immediately after the child's placement, is obliged to inform the social service of the child's municipality of residence within 15 days in order to immediately initiate the process of supporting and restoring his/her family.

<p>Par. 78: 2.3. Access to personal information by agencies involved in response to cases of child sexual abuse</p>
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In Greece, access to personal data in the management of child sexual abuse cases is regulated by a set of legal provisions (in particular Regulation 2016/679 - GDPR 4624/2016) that combine the protection of the privacy of the individual with the need to ensure justice and the protection of children. Access to the child's data by bodies managing cases of abuse (e.g. judicial authorities, social services, psychologists, doctors) and the transmission of such data between competent agencies is allowed to the extent necessary for the performance of their role and under conditions of confidentiality, provided either by law (e.g. Art. 3500/2006 on the duty of confidentiality of police authorities in cases of domestic violence crime), or by Ethical and Professional Codes of Conduct (e.g. for Health and Mental Health Professionals) which provide that the child's information may be used for purposes of protection of the child and never for purposes that violate the confidentiality or integrity of the victim.

In addition, according to Law 4837/2021 (art. 9 - : National system for recording and monitoring reports of incidents of abuse of minors) the national system for recording and monitoring reports of incidents of abuse of minors is the coordination mechanism for reporting incidents of child abuse submitted by child protection agencies and any other agency that provides services to minors.

The national system is not yet in full force but according to the planning all the bodies involved (child protection agencies, prosecutors, social services etc) will have access in the system and therefore in the personal data of the children. The access is necessary as each case needs to be handled by different bodies according to the procedures and the competences.

par. 86: Withdrawal and suspension of parental rights and authority

According to Article 1532 of the Greek Civil Code, as misuse of parental responsibility is considered, inter alia, the conviction of the parent, by a final court decision, for domestic violence or crimes against sexual freedom or crimes of economic exploitation of sexual life. In such cases, the court may deprive the parent responsible of parental responsibility or custody, in whole or in part, and entrust it exclusively to the other parent, and order any appropriate measures to safeguard the child's best interests. If both parents are in these circumstances, the court may entrust the actual care or even the custody of the child, in whole or in part, to a third party or appoint a guardian. In cases of extreme urgency, where there is an imminent danger to the child's physical or mental health, the public prosecutor shall order all appropriate measures for the child's protection until the court's decision, which must be taken within ninety (90) days, with the possibility of extending this period by a further ninety (90) days for good cause.

In addition, concerning par. 2, art.27 of the Convention, according to Law 4837/2021 – (art. 11 Sanctions), there are provisions that introduce sanctions to Child protection agencies for various deficiencies concerning the staff employed, the legal representative of child protection agency etc.

For instance art. 11 par. 2 d:

If it is established that a member of the existing staff is being prosecuted or has been convicted of the offenses of paragraph 1 of article 7 and the body does not proceed with the actions of the first paragraph and the body fails to take the actions of the first

paragraph of paragraph 6 of article 7, by decision of the competent body of the Ministry of Labor and Social Affairs or the Coordinator of the relevant Decentralized Administration, for Child Protection Bodies established and operated by municipalities or their legal entities, a fine of ten thousand (10,000) euros shall be imposed on the Child Protection Body.*

(*art. 7, par. 1: It is prohibited to hire or commence employment in Child Protection Agencies, whether public or private, of a person who has been irrevocably convicted of:

(a) crimes provided for in Chapter 19 of the Special Part of the Criminal Code and crimes related to the family of Articles 360 and 360A of the Criminal Code (Law 4619/2019, A' 95), (b) crimes of Law 3500/2006 (Government Gazette 232) on the fight against domestic violence, (c) human trafficking according to Article 323A of the Criminal Code and Law 4251/2014 (Government Gazette 80), (d) drug trafficking in accordance with Law 4139/2013 (A' 74), (e) the crimes of articles 187, 187A, 187B, 299, 306, 308 to 312 and 324 of the Criminal Code.

More specific provisions already in force remain in force. The prohibition of the first paragraph also extends to cases where, at the time of recruitment or commencement of employment, criminal prosecution is pending or a final or conclusive conviction is in force, which has not become irrevocable).

par 101, 102 and 103: Guardian ad litem
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Article 69 par. 7 of law 4478/2017: When the victim is a minor and the beneficiaries of his/her parental care are excluded from representing him/her, due to a conflict of interests between them and the minor or in case the minor victim is unaccompanied or lives separately from his/her family, the competent prosecution or judicial authority, depending on the stage of the criminal proceedings where the case is pending, appoints a Juvenile Probation Officer as a special representative of the minor victim.

When the minor victim is entitled to an advocate, according to the provisions of Law no. 3226/2004 (legal aid), he or she is entitled to legal advice and a legal representative, who

acts on his or her behalf, in proceedings where there is or could be a conflict of interest between the minor victim and the beneficiaries of parental responsibility.

par. 122: Children below the age of criminal responsibility

par. 133: Children above the age of criminal responsibility

Article 126 of Greek Penal Code - Criminal treatment of minors

1. The criminal act committed by a minor of twelve to fifteen years of age shall not be imputed to him. The court may impose rehabilitation or therapeutic measures on him.

2. A juvenile who has committed a criminal offence and has reached the age of fifteen shall also be subjected to rehabilitation or therapeutic measures, unless it is deemed necessary to impose confinement in a special youth detention facility.

339 par. 2 of the Penal Code: Sexual acts between minors under fifteen (15) years of age shall not be punished, unless the age difference between them is more than three (3) years, in which case only rehabilitative or therapeutic measures may be imposed.

par. 160: 4.2 Initiating investigations and prosecutions: Reporting in good faith

In Greece, crimes against the sexual freedom of minors are prosecuted ex officio. No complaint is required from the victim or his or her parents; the Public Prosecutor's Office initiates criminal proceedings ex officio as soon as the complaint or suspicion comes to the attention of a competent authority.

Professionals (teachers, doctors, social workers, etc.) who become aware of or suspect child abuse are obliged to report the incident to the competent authorities, in accordance with Law 3500/2006 (article 23). Such persons who report a crime of domestic violence are not subject to dismissal, prosecution, disciplinary action, dismissal or any other kind of sanction or adverse treatment for the incident reported in the performance of their duties, unless they knowingly made an untrue report.

Complaints, even anonymous ones, can also be made through the Police Departments, the Public Prosecutor's Office or through support lines (e.g. National child protection telephone line 1107, "The Smile of the Child", ELSA, telephone line 1056,).

Furthermore, according to Law 4837/2021:

(a). art. 4 Obligation to report incidents of child abuse

Child Protection Agencies are obliged to ensure the timely response to incidents of abuse of minors under their protection, which are either reported or come to the attention of those employed by them. In case the report of an incident of abuse comes from a child with a disability, alternative communication methods are applied, whenever deemed necessary, and the child's reactions or any change in their behavior are recognized and evaluated accordingly.

(b). art. 5 Appointment of a Minor Protection Officer (Responsible for the protection of the child)

A Child Protection Officer is appointed in each unit of the Child Protection Agency. The Child Protection Agency is required to post the name, contact details and communication channels with the Child Protection Officer in a visible place in the common areas of the unit.

(c). art. 6 Legal protection of the Child Protection Officer

The Child Protection Officer, as well as other personnel of Child Protection Agencies who report an incident of abuse, are not called upon, they are not sued, not disciplined, not dismissed, nor are they subject to any other type of sanctions or adverse treatment, for the incident they reported during the exercise of their duties, unless they knowingly made an untrue report.

footnote 95: Support for child victims in the investigation phase

In Greece, the support of child victims during the investigation stage of sexual or other forms of abuse is mainly regulated by the provisions of Law no. 4478/2017, by which Directive (EU) 2012/29 was incorporated into the Greek legal order and with the institution of the "House of the Child" as a basic implementation tool. The aim is to protect the child from further victimization, to reduce the psychological burden and to ensure the correct legal procedure.

Support measures provided:

- Ensuring a uniform and friendly examination procedure: The examination is conducted by qualified personnel (psychologists, psychiatrists) in appropriately designed, child-friendly spaces to avoid psychological burden. The child's statement is made once, videotaped and admitted to the subsequent stages of the criminal proceedings (interrogation, trial), as stipulated in Article 227 of the Code of Criminal Procedure, in order to avoid repetition and revival of the trauma.
- Provision of psychological and social support: Provided by the services of the "House of the Child" and by Social Services, or through referrals to specialised agencies
- Informing the child and his/her guardians: The competent authorities must provide clear information, appropriate to the age and maturity of the child, on the child's rights, the procedure and the possibility of protection.
- Specialised investigators and judicial officers: Wherever possible, the child shall only be examined by persons who have received special training in the management of child victims.
- Accompaniment and special representation: The child may be represented by a special power of attorney or representative, particularly where there is a conflict of interest with the parents

If necessary, ensure that an accompanying person (e.g. a social worker or psychologist is present) during the examination.

- Full privacy protection: All child data is considered sensitive personal data and is only accessed by the professionals absolutely involved, with respect to personal data legislation.

par. 224: Use of video recording

In Greece, the use of video recording and other means to facilitate the collection of evidence in cases of child sexual abuse is provided for and regulated by national legislation in order to protect the child victim, avoid secondary victimisation and ensure the evidentiary process. The main provisions governing these procedures are those set out in Article 227 of the Code of Criminal Procedure.

In particular, the following apply:

1. Video recording of the statement of the juvenile victim:

o The child's first statement (investigative-type interview) is taken in a special place (such as the "House of the Child") by a specially trained psychologist or child psychologist, and videotaped.

o The video is legal evidence and can be used in the audience instead of the child's physical presence to avoid repetition of the testimony.

2. Technological means to avoid direct contact with the perpetrator:

o The child may be examined via closed circuit television (CCTV) or other audio-visual means, when necessary for his/her protection, without making eye contact with the accused.

o The video recording must ensure: a. the accuracy of the proceedings, b. the safety of the minor, c. adequate technical quality and d. the legal safeguarding of the rights of the accused, as he must be able to exercise his procedural safeguards (such as the possibility to ask questions through the examiner).

3. Other means of collecting evidence:

o The use of audio recordings, drawing or written evidence is permitted, depending on the age and ability of the child to express himself/herself.

o The contribution of scientific assessment tools (tests, observations, psychological assessment) may also provide supporting evidence.

4. Limited access and protection of personal data:

o Audiovisual material is safeguarded with strict protection measures.

o Access is allowed only to authorized persons directly involved in the investigation and adjudication of the case, in accordance with the principle of proportionality and data protection legislation

Greek legislation obliges the authorities to make use of video surveillance and other technological means to ensure a friendly and protected procedure for the child victim. These practices are mainly implemented through the structures of "House of the Child", and the purpose is both to safeguard the child's mental health and to ensure reliable and legally admissible evidence.

par. 236: Avoiding contact between victims and perpetrators during investigations and criminal proceedings

According to Article 65 of Law 4478/2017 (Articles 18 and 19 of Directive 2012/29/EU), the victim may request in writing that measures be taken to prevent contact between him/her and, if necessary, his/her family members and the offender at the premises of the criminal proceedings. The above application shall be decided upon by the Trial Chamber of the Plenary Court of the place where the criminal proceedings are taking place, at whatever stage they are at, by means of an ex officio procedure.

Especially when the victims are minors or vulnerable, the following are noted:

1. Separation of the physical presence of the victim and the perpetrator:

When the victim is a minor or vulnerable, the investigation and trial process is organized in such a way as to avoid the physical presence of the accused (perpetrator) during the victim's testimony.

2. Use of special procedures and premises:

In Greece, the "House of the Child" provides a protected and appropriately designed space for the safe testimony of victims, where children can testify without the presence of the perpetrator and with the assistance of trained professionals.

3. Judicial protection of the victim:

In criminal proceedings, the judge has the power to decide on the examination procedure and to organize the trial in a way that ensures the protection of the victim.

This may include removing the victim from the courtroom during the victim's examination or using other means, such as testifying by closed-circuit television.

Par. 267: Provision of therapeutic assistance to persons close to the victim

1. Psychological support and counselling:

o People close to victims, such as parents, relatives or caregivers, can receive psychological support and treatment. This includes counselling, psychological support or even treatment from specialist psychologists and psychiatrists.

o In the case of minor victims, support may be offered to parents or caregivers so that they can help their child cope with the consequences of the abuse and manage their own psychological needs and emotional burden.

2. Social assistance procedures and services:

o Social welfare services provide support to victims' families through social workers. Social workers are responsible for providing counselling, support at the level of daily living and linking with other treatment or support services.

o In addition, organisations working to support victims of abuse also provide psychological support and family strengthening services, focusing on empowering parents and the family structure to assist the victim in their recovery.

3. Public and private partnership for support:

o There are ongoing collaborations between public and private agencies to provide treatment services. These programs include organizations such as non-governmental organizations that work with social services and judicial agencies to provide comprehensive support to victims of abuse and their families.

par. 276: Preventing secondary victimisation

According to Article 68(3) of Law No. 4478/2017, the minor victim needs special protection due to the particular risk of suffering secondary and repeated victimization, intimidation and retaliation and for this purpose is subject to an individual assessment by the Independent Offices for the Protection of Minor Victims "House of the Child" of the Ministry of Justice and where there are none, by the Independent Juvenile Probation and Social Assistance Offices, in cooperation with a specialist child psychologist or child psychiatrist from the mental health facilities and, in their absence, a psychologist or psychiatrist.

With regard to the examination of a minor witness - victim of personal and sexual freedom, Article 227 of the Code of Criminal Procedure provides that a specially trained child psychologist or child psychiatrist shall be appointed and present as an expert witness, in particular, and in their absence, a psychologist or psychiatrist working at the Independent Offices for the Protection of Juvenile Victims or, where these do not exist, at the competent General Regional Police Directorate, or who is on the list of experts. The examination as a witness of the juvenile victim shall be conducted at the Independent Offices for the Protection of Juvenile Victims of the Appeal District or, where these do not operate, in premises specially designed and adapted for this purpose, without undue delay and with as limited a number of interviews as possible.

The child psychologist or child psychiatrist shall prepare the juvenile for the examination, cooperating to this end with the pre-trial officers and judicial officers, as well as with any technical advisers appointed for the accused. For this purpose, he/she shall use appropriate diagnostic methods, make a judgment on the perceptual capacity and mental state of the minor and formulate his findings in a written report which shall form an integral part of the case file. The examination of the juvenile shall be carried out

by the pre-trial investigation officers and the judicial officers through the child psychologist or child psychiatrist present.

During the examination, the minor may be accompanied by his or her legal representative, unless the investigating judge, by reasoned decision, prohibits the presence of that person for important reasons, in particular in the event of a conflict of interests or the involvement of that person in the act under investigation.

Counsel for the parties to the proceedings shall have the right to request that the juvenile be asked questions by the interrogator, which they have previously put in writing, unless, in the opinion of the child psychologist or psychiatrist, such questions are likely to affect the mental state of the juvenile.

The statement of the minor shall be made in writing and shall also be recorded on an electronic audiovisual medium. Electronic viewing of the minor's statement replaces the physical presence of the minor at subsequent stages of the procedure.

If it is not possible to view the minor's statement by electronic means, the written statement of the minor shall be read out at the hearing. If the minor has reached the age of eighteen at the time of the hearing, he or she may appear in person if it is strictly necessary.

After the case has been brought before the court, the prosecutor or the parties may request the President of the court to examine the minor if he or she has not been examined at the hearing or if he or she needs to be examined further. If the request is granted, the juvenile shall be examined on the basis of questions which have been clearly set out, without the presence of the parties, in the place where the juvenile is present, by an investigating magistrate.

Par. 302: 7.2 Sharing data on offenders convicted of child sexual abuse with other countries

Criminal record information is exchanged between EU Member States through the European Criminal Records Information System (ECRIS). The European Criminal Records Information System for Third Country Nationals (ECRIS - TCN) is also about to be implemented.

Par. 290 In Greece, some professionals must provide evidence of absence of a criminal conviction in order to work with children but there is no a comprehensive ban in place. Whilst this screening of professionals and volunteers is an important safeguard, it is not sufficient in and of itself as a monitoring mechanism for convicted persons

Article 14 of Law 4995/2022 provided that the criminal record records shall also record any criminal prosecution that is being carried out, as well as its procedural stage, for crimes, among others, against sexual freedom and economic exploitation, as well as crimes of domestic violence, when the above mentioned crimes are committed against a minor, until the final adjudication of the case. This regulation constitutes an essential tool for preventing and ensuring the protection of minors from individuals who have already been convicted and who are being prosecuted for serious offenses against minors.

- (a) In addition, Law 4837/2021 establishes a series of measures aimed at preventing and addressing the phenomenon of child abuse. In particular, according to art. 5 there is provision for the appointment of a Minor Protection Officer (Responsible for the protection of the child) in each unit of each Child Protection Agency. Before assuming her/his duties, the Minor Protection Officer shall submit a copy of the criminal record, as well as the solemn declaration of article 7 (there is already relevant reference for the content of the article) . In the cases of public law Child Protection Bodies, this copy is requested ex officio.
- (b) According to the Joint Decision setting the *Conditions for the establishment and the operation of Child Protection and Care units (CPCU) by private non-profit legal entities*" (GG B' 2302/2022 as amended and in force), there are provisions both for the legal representative of the CPA and the staff employed for the CPCUs. In particular in order to get the license for the operation of the CPCU, the person concerned has to submit a copy of the criminal record, in whose name the establishment and operation license will be issued, and of the members of the Board of Directors of the legal entity, stating that he/she has not been irrevocably convicted for the crimes referred to in paragraph 1 of article 7 of Law 4837/2021 (GG A 178). Furthermore, according to article 13 – staff

cannot have been irrevocably convicted for the crimes referred to in paragraph 1 of article 7 of Law 4837/2021 while they are obliged to submit a copy of criminal record and a statement, in accordance with the provisions of Law 4837/2021, which are updated every year. The same provisions apply to the volunteers too.

- (c) According to the Joint Decision setting the provisions for the semi- independent living of minors (who live in CPCUs) aged 15 years old and over in apartments (GG B 4763/2024), art. 6 Employed staff - , Article 7 of Law 4837/2021 applies to employees in semi-autonomous living apartments. A prerequisite for their employment is the submission of a copy of the criminal record and a statement stating that at the time of submission there is no criminal prosecution pending against them and that there is no final or conclusive conviction in force for offenses referred to in paragraph 1 of article 7 of Law 4837/2021 which has not become irrevocable. The documents are accessible by persons who are obliged to maintain confidentiality and are kept for as long as the employment in the semi-autonomous living apartments lasts or are destroyed within six months of the rejection of the application or the termination of employment.
- (d) Law 4960/2022 (GG A 145) concerns the National Guardianship System and Framework for the Accommodation of Unaccompanied Minors. With regard to guardianship, the persons appointed as guardians (recruited by the Agency which has undertaken the responsibility for the provision of guardianship to the unaccompanied minors) are registered in the Registry of Members of Non-Governmental Organizations (Ministry of Migration and Asylum). In the case of the trusteeship agent used by a public sector agency or an international organization, article 7 of law 4837/2021 shall apply accordingly on the impediment of employment of personnel in Child Protection Agencies and article 8 of the Code of Status of Public Civil Servants and Public Legal Entities [Law 3528/2007 (A' 26)], on the incapacity for appointment to public servant positions. Every guardianship officer, whether in the public or private sector, is required to re-submit a copy of the criminal record for judicial or general use within the last two months of each year and the hiring body monitors compliance with this obligation. In case of

non-compliance, the sanctions of paragraphs 5 and 6 of article 1. 7 of Law 4837/2021 shall apply accordingly.

- (e) According to the Joint Decision setting the provisions for the semi- independent living of unaccompanied minors aged 16 years old and over in apartments (GG B1615/2023)- art.10 the agency that operates the apartments keeps staff files which include a criminal record extract and a relevant statement. The same applies to the volunteers.

- (f) According to the Joint Decision setting the standard operational procedures for the accommodation centres for unaccompanied minors (GG B 2125/2023), art. 15 keeps staff files which include a criminal record extract and a relevant statement. The same applies to the volunteers.

Regarding **Recommendations 5, 6 and 11**, we bring to your attention article **345 of the Greek Penal Code**, concerning sexual acts between relatives: Sexual acts between relatives by blood or adoption, in the ascending and descending lines and between half-siblings or half-siblings is punishable: a) in the ascendants by imprisonment of up to ten (10) years, b) in the descendants by imprisonment and c) between siblings by imprisonment of up to two (2) years. Relatives in the descending line or brothers may be exempted from any penalty if at the time of the act they had not reached the age of eighteen (18).

According to **339 par. 2 of the Greek Penal Code**: Sexual acts between minors under fifteen (15) years of age shall not be punished, unless the age difference between them is more than three (3) years, in which case only rehabilitative or therapeutic measures may be imposed.

Also, according to Article 9 of Law no. **3500/2006**, for the intra-family violation of sexual dignity: 1. A family member who insults the dignity of another family member by a particularly humiliating speech or act that is related to his/her sexual life shall be punished with imprisonment of up to two (2) years. 2. An act under par. 1, if the offender is a minor or the act is committed in his or her presence.

Appendix 1: Intervention measures for children under criminal age of responsibility

State Party	Criminal age of responsibility ¹	Intervention measures for children under the criminal age of responsibility who display harmful sexual behaviours					
		Multi-disciplinary risk assessment	Education / training	Social welfare intervention and other safeguarding measures (family counselling or therapy and support measures, potential referral to special schools or institutions)	Health / medical intervention or therapy	Police intervention ²	Supervision measures overseen by youth offending service / probation/ correctional unit (non-criminal measures)
Greece	15	✓	✓	✓	✓	✓	✓

1. The age of criminal responsibility is not the same as the age at which a juvenile can be prosecuted
2. In principle, in cases of domestic violence

Appendix 2: Intervention measures for children over criminal age of responsibility

State Party	Criminal age of responsibility	Intervention measures for children over the criminal age of responsibility who display harmful sexual behaviours or sexually offend							
		No sanction (if criminal conviction considered punishment enough)	Intervention of child welfare services	Treatment order (medical / psychological)	Educational measures (non-criminal)	Disciplinary measures (non-criminal)	Criminal sanctions specific to children	Reduced criminal sanctions foreseen for adult offenders	Victim / young offender mediation in cases of sexual offences
Greece	15		✓	✓	✓	✓	✓	✓	✓

Appendix 3. Special representatives

Country	Special representatives or guardians <i>ad litem</i> are appointed when there is a conflict of interest between the holders of parental authority and a child.	The national legal framework ensure that special representatives and guardians <i>ad litem</i> who are appointed to avoid a conflict of interest between the holders of parental authority and the child victim:		
		receive appropriate training and legal knowledge.	avoid combining the functions of a lawyer and guardian <i>ad litem</i> in one person.	are provided free of charge for the child victim.
Greece	✓			✓