



Support VoC

Greek National Report

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Table of Contents

Table of Contents	3
Introduction and Research Questions	4
Methodology – Research Tools	5
Findings	6
A) Victim’s procedural rights	6
B) The legal framework on special victim categories	9
B.1) DOMESTIC VIOLENCE CASES	9
B.2) THE CASE OF HUMAN TRAFFICKING	10
B.3) STATE COMPENSATION FOR THE VICTIMS OF VIOLENT INTENTIONAL CRIMES	14
B.4) THE CASE OF CHILDREN	15
C) Restorative justice practices	16
C.1) VICTIM-OFFENDER MEDIATION IN THE JUVENILE JUSTICE SYSTEM	16
C.2) MEDIATION OF THE PUBLIC PROSECUTOR IN DOMESTIC VIOLENCE CASES	16
D) Victim support agencies	17
E) The transposition of the EU Directive in the national legal order	19
E.1) CONCERNS THAT AROSE DURING THE LAW-MAKING PROCESS	19
E.2) THE MEANING OF THE VICTIM	20
E.3) PROCEDURAL RIGHTS	20
E.4) VICTIM SUPPORT PROVISIONS	21
E.5) THE MANDATES FOR THE APPLICATION OF RESTORATIVE JUSTICE PRACTICES	21
F) Special challenges for the implementation of the Directive into the Greek reality	22
Future directions	23
References	25

Introduction and Research Questions

Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime (in the following: “The Directive”) was adopted on 25 October 2012 and entered into force on 15 November 2012, with the EU Member States having to implement the provisions into their national laws by 16 November 2015. Compared to earlier relevant legal texts, this Directive is of particular importance, because it both adopts a broad definition of the term “victim” and it is not merely limited to certain types of criminal offences. From that aspect, it includes the whole range of victimization forms, regardless of whether a prosecution has been previously duly initiated, and it also provides for the family members, who are indirect victims of the crime (APAV, 2016).

More analytically, the Directive seeks to ensure that the victims of crime receive appropriate information, support and protection during the criminal justice process. In that respect, it calls on member states to ensure that victims are recognized and treated in a respectful, sensitive, tailored, and professional manner, in all contacts with victim support or restorative justice services or a competent authority, operating within the context of criminal proceedings. It should be also underlined that the rights set out in the Directive shall apply to victims in a non-discriminatory manner. Furthermore, the Directive recognizes victims, and their family members, as holders of an autonomous right to receive support and care services; as required by article 8, member states shall ensure that victims, in accordance with their needs, have access to confidential victim support services, free of charge, acting in the interests of the victims before, during and for an appropriate time after criminal proceedings. In accordance with these provisions, the referral of victims to victim support services shall be facilitated, by the competent authority that received the complaint and by other relevant entities.

The Directive was transposed into Greek law by Act 4478/2017. The transmission contributed greatly to promoting the advancement of the status of victims in criminal proceedings, while also, once that entitlement is legally recognized, the victims have the right to receive specialist support services provided by government agencies and public and private support organisations. It is common ground that the long way between the “law in books” and the “law in action” remains a key challenge in the field of the modern crime policies. In that regard, the same challenge is met in the application of the respective victim assistance laws (Artinopoulou, 2012, p. 234). This issue should be a major concern for the Greek State, closely linked to the very essence of the rule of law and social justice. In this perspective, the legislative amendments, which are related to the transmission of the Directive, and the prospects of its effective implementation, should be seriously considered.

Considering the above, the current study aims at the following goals:

- To review and analyze the national legal framework in Greece regarding the rights and protection of victims (“law on books”);
- To review and analyze the implementation of the legal framework in practice (“law in action”);
- To address the legal changes introduced by the harmonization of the national law with the Directive 2012/29/EU;

- To suggest proposals on the effective implementation of Directive 2012/29/EU into the Greek legal order and criminal justice system.

The present report was prepared in the framework of the project entitled “SupportVoC – Development of a Generic Support Services Model to enhance the Rights of Victims of Crime”. The SupportVoC project is funded by the Justice Programme (2014-2020) of the European Union and it is implemented by a Consortium of six partners consisting of University of Barcelona (UB) – Spain, leader of the project, Family and Childcare Centre (KMOP) – Greece, National Centre for Social Solidarity (EKKA) – Greece, Animus Association Foundation (AAF) – Bulgaria, “Hope For Children” CRC Policy Center (HFC) – Cyprus, and CESIE – Italy. This project seeks to contribute to the promotion and protection of rights of victims in Spain, Greece, Italy, Bulgaria and Cyprus. Through an analysis of the European and national legal frameworks regarding the rights and protection of victims, as well as an analysis of the Spanish Generic Support System, the project will develop a model and Standard Operational Procedures (SOPs) for GVSS, adaptable to different national contexts. In particular, the current report was prepared in the framework of the Work Package No 2, which goals are to review and analyze the national legal frameworks regarding the rights and protection of victims and the implementation of the aforementioned legal framework in practice.

Methodology – Research Tools

The implementation of an exploratory study was adopted, based on primary as well as on secondary data (desk review and interviews) [Spinellis, 2014, pp. 155 et seq.]. In this regard, the data collection process included both the review of the relevant legislative texts (‘law in books’) and the review of the respective literature concerning their application in practice (‘law in action’). Therefore, apart from the Legal Acts, the Explanatory Reports of the relevant Laws have been also identified, along with court decisions, scientific papers published in legal journals and reports by public or non-governmental organisations, activated in the field of victim protection and support services. Additionally, in order to complement and crosscheck the data selected through the abovementioned review, the conduct of interviews with twenty professional stakeholders, directly involved in the research field, was deemed necessary as a complementary research tool.

Specifically, in the light of the research goals, the data collection was focused on:

- gathering information regarding the development of the legislative policy on victim protection;
- gaining a deeper knowledge on how the relevant legal framework is implemented, based on the experience of the research participants;
- identifying the challenges concerning the effective implementation of the Directive under consideration.

In view of the above, the interviewees were selected among professional stakeholders in the field of the criminal justice system (namely, policemen, judges, prosecutors, investigating magistrates, lawyers) and in the field of victim support services, including both governmental

and non- governmental agencies (i.e. sociologists, mental health scientists and social workers). Moreover, professionals by the broader public sector were also selected; the latter take part in the law-making procedure and undertake the monitoring of the implementation of the relevant legal framework.

Following on from that, several professionals were invited to participate in the research through a detailed letter, which described and explained the aim of the Project “Support Victims of Crime” and the particular research themes (as included in the second work package of the Project). Based on their positive replies and their availability, meetings were scheduled with twenty professionals on their work premises. The interviews took place from the beginning of February until the beginning of April 2018. It is noted that the participation required the prior written informed consent of each interviewee (by signing a relevant form, which described their rights and obligations during the research procedure).

In particular, the current empirical research included the participation of six (6) professionals by the criminal justice system (judges, police officers and juvenile probation officers) and ten (10) professionals employed by public and non-governmental agencies that provide - inter alia - services to victims of crime. The latter category includes psychologists, social workers, and lawyers. Additionally, four (4) more participants by public sector agencies contributed to the research, who are, directly or indirectly, involved in the field of planning and implementation of social policy measures (including the implementation of the Directive under consideration and other respective victim-focused legal texts in general).

Given the exploratory nature of this research, the research tool of the semi-structured interview was selected. Thus, the interviews were not confined to prearranged questions or subjects. During the data analysis, all data referring to personal views or approaches of the participants were excluded and emphasis was placed on those that provided information in relation to the research questions (with the main focus on the implementation of the Greek legal framework regarding victims on the basis of the participants’ professional experience).

This report is primarily focused on the elaboration of the research findings, based both on the desk review and on the conducted interviews, rather than on the detailed presentation of the specific data derived from the interviews.

Findings

A) Victim’s procedural rights

The criminal justice system in Greece has been based on the continental legal tradition. The main criminal justice agencies include police, prosecutors, judges, and probation officers. The Code of Criminal Procedure defines the duties of criminal justice agencies and the different stages of the criminal justice process (including criminal investigation, prosecution or the process of pressing charges, and the imposition of penalties by the court). The latter stages mainly include the preliminary examination of any case, the prosecution of the offender, the public hearing (trial) and the implementation of court decision. Public Prosecutors supervise the implementation of the imposed penalties by the penal courts. The decisions of the courts

must underlie to the Greek Constitution, the national criminal law and the rule of law principle. The Greek Penal Code also provides for special ‘penalties’ against juvenile offenders (the so-called ‘reformative measures’). It should be also noted that the presumption of innocence constitutes a fundamental principle in the context of the Greek criminal justice system (Artinopoulou, 2013, pp. 1-2).

It is notable that there is no specific definition of “victim” in the Greek Penal Law or the Code of Criminal Procedure. In legal terms, victim should be considered as “a person against whom an illegal and liable action took place and that has suffered damage (personal injury or harm to/loss of property) as a result of an incident that constitutes a crime under national law” (Centre for European Constitutional Law, 2017, p. 7). Generally speaking, the victim of every criminal offense becomes the main witness at any stage of the Greek criminal procedure. More specifically, the decision whether to report or not its victimization to the competent authorities is the determining factor for the prosecution of the offender(s). Being the witness in the framework of the crime investigation, the victim plays a vital part regarding the discovery of the perpetrator’s identity and the facts of the case. Subsequently, the victim becomes the main witness during the hearing that he/she is obliged to attend. His/her significance is given, compared to the other witnesses, especially if we take under consideration that the final result, as well as the progress of the criminal proceeding (e.g. in crimes that require a prior complaint), are in direct correlation with his/her choices. For instance, according to art. 344 par. 1 subpar. b of the Penal Code, prosecution, in rape cases is possible to be permanently suspended, if the victim states that the continuation of the process can cause serious mental trauma to him/her (Alexiadis, 2004, pp. 257-8; Alexiadis, 2006, p. 351; Zhsiadis, 2014, pp. 149 et seq.).

Moreover, according to the provision of art. 329 of the Criminal Procedure Code “*the hearing as well as the announcement of the judgement take place in open court in all criminal trials and everybody is allowed to follow the hearing unobstructed*”. In this way, the constitutional principle of the public nature of the hearing in criminal courts has been established in criminal procedural law (art. 93 par. 2, 3 subpar. a) with the aim to shield the rights of the defendant and the proper administration of justice. However, the second subparagraph of the above article introduces an exemption of the principle under examination and specifically provides that, at the discretion of the one chairing the hearing, the presence in the courtroom of persons under seventeen years of age can be prohibited. The art. 330 of the Criminal Procedure Code is also noteworthy, which states that if the public nature of the hearing is harmful to morality or there are special grounds for protection of the private or family life of the parties, the court orders that the whole trial or a part of it, takes place behind closed doors (Papadamakis, 2006, pp. 396 et seq.)¹.

As it is commonplace, the victim is placed at a disadvantage compared to the defendant in the field of the criminal justice procedure (Artinopoulou, 1996, p. 63; Grammatikoudis, 1991, p. 136; Zarafonitou, 2008, p. 70; Poulou, 2010, p. 19). It is noteworthy that the article 6 par. 3 of the European Convention of Human Rights and in art. 2 of its 7th Protocol provides that the

¹ For an analytical presentation of victim’s procedural rights in Greek law consider Centre for European Constitutional Law (2017, pp. 7 et seq.).

rights of the accused are defined regarding his/her information about the nature of the accusation, his/her defence and the review of his/her case by a higher tribunal; however, the same does not apply regarding the rights of the victim (Grammatikoudis, 1991, p. 135-6; Poulou, 2010, p. 19; Apostolidis, 2010, p. 136-7). Victims have the right to raise before the competent criminal court the so called “civil claim” in order to proceed with their civil claims about the harm done to them but also to demand the conviction of the defendant according to the provisions of art. 63 of the Criminal Procedure Code (Apostolidis, 2010; Papadamakis, 2006, p. 156 et seq; Psarouda-Benaki, 1982). Therefore, the victim actively participates in the criminal justice procedure (Lampropoulou, 1999, p. 352). However, only the breach of some rights of the defence (e.g. the right to be present at the trial, the right to a hearing etc.) leads to procedural consequences (e.g. absolute nullity of the hearing); the breach of the same rights of the civil claimant does not cause the same legal result (Grammatikoudis, 1991, p. 137 et seq.; Androulakis, 2000, p. 76 et seq.). Furthermore, to fulfill the above claims is often impossible basically because the offender cannot afford to provide compensation (Alexiadis, 1991, pp. 116-7; Alexiadis, 1996, p. 176)².

The thesis that the victim is placed at a disadvantage compared to the alleged offender in the field of the criminal procedure has been the subject of a former empirical study with the participation of judges, prosecutors and police officers in Greece (Vlahou, 2000, p. 187 et seq.). One of the main hypothesis addressed by the researcher was the following: “*The procedural position of the victim in the framework of the criminal procedure is worse compared to the position of the defendant, and this is proved by his/her particular rights in the above procedure*”. 48% of the judges argued that this fact is caused by the defendant’s position in criminal justice system, while only 14% stated that a relevant amendment of the law is necessary (Vlachou, 2000, p. 187 et seq.). It is, therefore, determined that the disadvantageous position of the victim in the field of criminal procedure is deeply rooted among the Greek judicial institutions; its preservation is deemed necessary for reasons concerning the position of the defendant in general opposite to the organised and powerful state mechanism.

Nonetheless, the Greek legislation was not unaffected by the activities of the victims’ rights movement and the victim-focused guidelines and recommendations of the United Nations and the Council of Europe. This fact resulted in the introduction of innovative regulations in the Greek legal order, which addresses the needs of the victims of specific criminal offences (Lampropoulou, 2010, p. 137). This includes the legal framework on domestic violence, human trafficking and the compensation for the victims of violent crimes. The same applies for the introduction of restorative justice practices, which can result in an enhanced position of the victim in the criminal justice system (Alexiadis, 1996, pp. 195 et seq.; Artinopoulou, 2010a).

² This finding answers to the Explanatory Report of Law 3811/2009. This Act, entitled “*Compensation for victims of violent intentional crimes (Harmonization of Greek legislation with the Directive 2004/80/EC of the Council of 29th April 2004) and other provisions*”, defined the possibility for the victims of specific crimes to receive compensation from the Greek state.

B) The legal framework on special victim categories

B.1) DOMESTIC VIOLENCE CASES

At the end of 2004, female Members of the Greek Parliament from all political parties requested from the Minister of Justice specific legislation about the phenomenon of domestic violence against women (Stefanidou, 2010, pp. 3, 7-8). Finally, the Act 3500/2006 was adopted where it is explicitly stated that the use of violence between the members of the same family is prohibited (art. 2). Thereafter (art. 3 and 4), the commission of violent crimes is considered as evidence for the deterioration of the marriage (a fact that allows for the dissolution of the marriage) and as grounds for termination of the parental responsibility (art. 1532 of Greek Civil Code). The main innovation of Law 3500/2006 is that it tightens the possible penalties for the crimes of domestic violence, illegal violence, threats, and of some specific attacks upon the honor in case they are committed among members of the same family (art. 6, 7 and 9). After the adoption of the latter Law, marital rape became also an offence (art. 336 Greek Penal Code). A groundbreaking regulation was introduced with art. 17 of the Law under examination: the ex officio prosecution of offenses, which until that time were only prosecuted after a criminal complaint by the victim (e.g. light personal injury or attack upon the honor). In the statement of reasons for the Law it is pointed out that this last provision aims at the input of domestic violence cases into the “system” of criminal justice even when the victim, who is affected by the perpetrator or its relatives, does not wish to (Symeonidou-Kastanidou, 2011, p. 221 et seq.).

Special care was given by the Greek legislator regarding the support of the victims of domestic violence. In order to protect the physical and mental health of the victim, art. 18 allows the Prosecutor, the Judicial Council or the Court to order the removal of the offender from the house where s/he lives with his/her family. Furthermore, the above authorities may order its relocation or the prohibition on approaching the victims in any way. Next, in art. 21 it is acknowledged that the latter have the right to moral support and to receive material help from legal entities governed by public law or legal entities governed by private law that operate under the monitoring of the Ministry of Health as well as from the social services of the local authorities. On filing the relevant criminal complaint, the victims are not obliged to pay the respective fee. According to the provisions of art. 22, the victims of domestic violence, who request interim measures in order to temporarily regulate the situation that was caused by the use of domestic violence, have the possibility to ask for the benefit of poverty in case they cannot afford to pay the required fee (Symeonidou-Kastanidou, 2008, p. 715 et seq.; Symeonidou-Kastanidou, 2011, p. 215 et seq.). Finally, the Law 3500/2006 introduced the possibility for the Public prosecutor to act as mediator in cases of commission of domestic minor offences (see in detail below). Recently the Greek legislator endorsed the Convention of the Council of Europe on preventing and combating violence against women and domestic violence (Law 4531/2018).

Based on empirical data, cases have been reported regarding the direct or indirect discouragement of the victim to file a criminal complaint by the police authorities. This is done by asking for payment of the fee (which is not required for domestic violence offences) and/or by giving the warning that similar criminal complaint may be filed by the offender on false

accusation. The de facto annulment of the ex officio prosecution for domestic violence offenses has been also recorded. Even though police officers either they witness incidents or they receive an oral complaint, they act as if the offences are prosecuted only after prior written complaint and they report in their Event Bulletins they found out that it was “a dispute of civil nature among spouses” or “financial disputes caused by unemployment”. Another practice that contributes to a secondary victimization of the victim is letting them wait for long hours in the police precinct until they can testify or file a complaint. In addition, a systemic special treatment of foreign victims has been observed through showing “tolerance” to the reported violence, which is advocated by their different cultural background (Zeis, Karpathaki and Serafim, 2016, p. 8 et seq.).

What is more, no special courts have been established in Greece in order to judge on domestic violence cases, or on family cases (“Family Courts”). In addition to this, the existing court’s departments are not adequately staffed and aided by supporting advisory Services; as a result, it is rather difficult for a judge to adequately cope with the special expectations of a case of family law. Cases have been recorded, of doubting the victim’s credibility by the magistrates under the pretense of lack of previous complaints or criminal proceedings while the victim claimed a long-lasting and systematic abuse. Nevertheless, the mental state of a victim of domestic violence can explain the absence of legal actions against the abuser husband or spouse, since the long-lasting and systematic abuse confirms his/her tolerance and indecision to approach the authorities (Zeis, Karpathaki, and Seraphim, 2016, p. 18, 20).

B.2) THE CASE OF HUMAN TRAFFICKING

B.2.1) The legal framework

The bulk of the provisions addressing human trafficking in the Greek legislation are included in ten Acts voted by the Greek Parliament from 2002 to 2018. More specifically, by means of Law 3064/2002, art. 323 A entitled “*Human Trafficking*” was added to the Greek Criminal Code (Sykiotou, 2003). This particular offence is committed by whoever with the use of violence, threat or with any other means, power and abuse of power or by kidnapping, hires, transfers, promotes in the country or outside the country, detains, harbours, delivers with or without compensation or takes from another person a person in order to remove cells³, tissue or take organs from his body, or to exploit his labour himself or another or make him a beggar and is punished with incarceration up to ten years and pecuniary fine of 10,000 to 50,000 euros. Aggravating circumstances are also defined, which act accumulatively on the imposed penalty (Symeonidou-Kastanidou, 2008; Panagos, 2010, p. 75 et seq.; Panagos, 2014, p. 311 et seq.). By means of the recent Law 4531/2018, human trafficking in order to conduct forced marriage was also added to art. 323A of the Criminal Code. The recruitment of human beings in order to force them to commit offences remains to be added as a form of human trafficking in Greek penal law.

³ Law 3984/2011 added the removal of cells of the human body as a form of human trafficking; this is a significant regulation in order to address the phenomenon of extracting ova from foreign women and channel them in the illegal trade of medically assisted reproduction (www.astynomia.gr).

Law 3064/2002 also amended art. 351 of the Criminal Code, which already existed and addresses the so-called “sex trafficking” (trafficking in human beings in order to exploit them sexually). As it is in the case of art. 323A of the Criminal Code, the text of this article does not standardise sexual exploitation but refers to it as the purpose for committing the crime. In order to match the constituent elements of the offence the perpetrator must, with the use of certain means, hire, transfer, promote in the country or outside the country, detain, harbour, deliver with or without compensation or take from another person a person. The penalty provided for sexual slavery is the same as that of human trafficking, while for those who, knowingly, use the services of the victims, the penalty of incarceration for at least six months was enacted for the first time by the Law 3064/2002 (regulation that is widely known as the “criminalization of the customer’s behavior”) [Symeonidou-Kastanidou, 2008].

Among the basic regulations of the Greek penal framework on human trafficking is the introduction of the liability of legal persons or entities involved in human trafficking. Particularly, in cases that the trafficking was conducted through or for the benefit or on behalf of a legal person from a natural person acting either individually or as part of an organ of the legal person with the authority to represent it or power of attorney to decide on its behalf or exercise control on it, following sanctions are imposed on it by decision of the Minister of Justice, Transparency and Human Rights, where applicable, cumulatively or alternatively: a) administrative fine from 15,000 and up to 150,000 euros, b) withdrawal or suspension of its operating licence for a period up to 6 months or prohibition of conducting business activities for the same time period, c) exclusion from entitlement to public benefits, aid, subsidies, projects and service assignments, notices, advertisements and competitions of the State or legal entities in the public sector for the same time period. It was, thus, intended to create strong disincentives to the development of the phenomenon inasmuch as human trafficking and the rest of its forms are classified, on international level, among the activities of the organised crime with huge financial gains for the perpetrators involved (Sykiotou, 2008, p. 207 et seq.).

B.2.2) The examination and the support of the victim

In Attika and Thessaloniki, special Trafficking of Human Beings Police Departments have been established. The victim can come, directly, in contact with the above department in order to report his/her victimization. In practice, this is less probable. They contact mainly other police departments or diplomatic authorities or non-governmental organisations. Art. 226 B of the Criminal procedure Code (*“Victims of human trafficking and white slavery as witnesses”*) defines the correct way to examine the victims as witnesses: for the examination a psychologist or a psychiatrist is designated by the court as an expert and participates. The latter prepares the victim for the interview / examination, in collaboration with the investigators and the magistrates. For this purpose, he/she uses the appropriate diagnostic methods, decides on the perceptive capability and the mental state of the victim and reports his findings in a written document, which forms an essential part of the case file. During the interview process the psychologist or the psychiatrist is present; the victim can be accompanied by his/her legal representative, unless the investigating magistrate prohibits the presence of that person in a

reasoned decision on justified grounds (especially in case of conflict of interests or of that person's involvement in the offence under investigation). The victim's testimony is recorded in writing and also on a digital audiovisual device, when this is possible. The digital projection of the victim's testimony replaces his/her physical presence in the following stages of the criminal procedure (Triantafyllou, 2014, p. 265-8).

As for the rest, by Law 3064/2002, the responsibility of the state was established to provide protection and support to the victims, who have been officially identified as such by the competent Public Prosecutor (Sykiotou, 2006, p. 684 et seq.). Then followed the Presidential Decree No 233/2003 where the carriers, the measures and the way of providing protection to the latter were defined. Such protection includes housing, healthcare services, psychological and social support, legal help and education as well as vocational training (in case of victims who are minors). Then, Law 3386/2005 established the possibility of a waiting period of one month (art. 48) for the victims (two months in the case of minors), in order to declare if they are willing to cooperate with the authorities in the prosecution of the perpetrators. During this specific time period the alleged victims receive the same protection as the identified ones (apart from residence and work permit). Additionally, the above Law regulates the issue and renewal of a residence permit to victims identified, who wish to cooperate with the authorities in the prosecution of the traffickers. The residence permit is issued without having to pay the relevant fee (Papathanasopoulos, 2007, p. 403 et seq.; Papathanasopoulos, 2006: 1428 et seq.). It is noteworthy that, according to Law 3536/2007, for the first time identified victims of human trafficking are not expelled and an eventual expulsion decision is not executed.

Moreover, according to art. 1 of Law 4251/2014 (Migration and Social Inclusion Code) the designation "victim of human trafficking" is applied by an Act of the Prosecutor, either right after pressing charges for the crime or before any prosecution is set for any offence. For the latter, a written opinion is mandatory, prepared by two scientists specialising in psychiatry, psychology or social working, who serve in the specific carriers provided exclusively in the article. The designation Act is issued regardless of the victim's cooperation with the law enforcement Authorities, in every case the above Prosecutor determines, with the favourable opinion of the Attorney General, that the conditions in art. 1 par. 2 of the PD 233/2003 have been met or when the victim does not cooperate because of the threats towards members of his family who are in Greece or in his country of origin or anywhere else and, if not protected or left the country, the above persons will face an immediate danger. The above procedure also applies in the case of a victim identified as victim of illegal trafficking of immigrants.

Furthermore, victims of human trafficking, who have their residence or usual residence in Greece or in another Member State of the European Union are entitled to receive, after filing a petition, a fair and appropriate compensation from the Greek State. The Office of the National Rapporteur was also established in the Central Administration of the Ministry of Foreign Affairs in order to develop, coordinate and implement a national strategy to combat trafficking in human beings at the levels of prevention and prosecution of the perpetrators as well as protection of the victims, which answers directly to the Minister of Foreign Affairs. In addition, two more assisting mechanisms ("tools") were established in support of the work provided by the Office of the National Rapporteur: the National Database and the National Referral Mechanism (which is under development). According to the Explanatory Report of Law

4198/2013, the objective of the first is the collection of reliable statistical data about human trafficking, while the objective of the second is the organisation of a system to help the human trafficking victims based on good practices for detection, identification and transfer of the victims to certified hostels and their humane repatriation through the International Organisation for Migration.

The figure of trafficking victims identified for the years 2015-2016 amounted to 96 persons. They were mostly young women who were victimized with the purpose of sexual exploitation and minors who were forced to beg. However, it is estimated that the victims identified from the competent Prosecutor are far less compared to those who could have been identified (the possibility of the victim's cooperation with the social scientists of the public carrier does not seem to have been utilized in practice). During the same time period, the figure for the not identified victims amounts to four hundred persons. In this framework, other forms of victimization can be observed such as forced marriage. Such victims came in contact with the competent authorities in order to receive services but refused to cooperate with the law enforcement authorities for the prosecution of the offenders.

It is rather remarkable that it was not just the traffickers who were prosecuted but also the women who provided sexual services in the human trafficking industry under the charges of illegal prostitution, illegal entry in the Greek territory and the use of false documents (Papasiopi-Pasia, 2009, p. 409; Paraskevopoulos and Fytrakis, 2012, p. 489; Varadinis, 2009, p. 13 et seq.). Nevertheless, these offences are committed in the framework of victim exploitation and so it can be reasonably assessed that the latter did not intentionally contravene the relevant legal provisions. This way, offences facilitating the commission of the human trafficking are attributed to the victims. For this reason, it was recommended that the Prosecutor should abstain from prosecuting the victim for said crimes when he is prosecuting on the charge of human trafficking the offenders based on his complaint (Zeis, Karpathaki and Seraphim, 2016, p. 27).

Those victims who come in contact with the specialized department of the Hellenic Policy in Athens may receive a victim-based treatment, due to its staffing by specially trained policemen. It is doubtful if the same applies for those that come in first contact with non-specialized authorities (such as the port authorities' officers). As for the rest, victims must endure a long criminal procedure. The hearings take place in the Mixed Jury Courts. Nevertheless, it is doubted whether the jury are capable to understand the life experience, the mental state and the specific characteristics of human trafficking victims. The defendants, being usually financially sound, try to portray the victim as a perpetrator who imagined things in order to harm them. In practice, cases have also been recorded, in which the criminal procedure ended with the acquittal of the accused, because the main witness, the victim, relocated to an address unknown to the Prosecution, and so she could not be summoned to appear and testify before the court. In the meanwhile, these women were renewing their residence permits in the Ministry of the Interior but did not have legal aid in order to monitor the course of the criminal case (Zeis, Karpathaki and Seraphim, 2016, p. 26).

Finally, regarding the compensation provided, up to date no human trafficking victim has claimed this right; this fact must undergo a special and independent research. It may be precluded that the requirements of the law cannot be met by a human trafficking victim.

B.3) STATE COMPENSATION FOR THE VICTIMS OF VIOLENT INTENTIONAL CRIMES

Law 3811 was introduced in 1999 into the Greek legal order with the purpose to harmonize national legislation with the Directive 2004/80/EC of 29th April 2004 on compensation for the victims of violent intentional crimes (Magganas, 2011, p. 176 et seq.). As stated in the relevant Explanatory Report, in many cases the victims cannot be compensated from the perpetrator of their victimization because the latter lacks the necessary financial means or his identity remains unverified. Moreover, it cannot be precluded that s/he was not prosecuted or no sanction was imposed upon him. When the above conditions apply, there are grounds based on the principles of social justice, cohesion and solidarity, which suggest a state intervention through the provision of compensation to the victims by the State.

More precisely, in the third article of the Law it is provided that victims of violent intentional crimes⁴ committed at home, which have their residence or usual residence in Greece or in another Member State of the European Union are entitled to receive, after filing the relevant petition, a fair and adequate compensation from the Greek State. Said claim arises: a) if the perpetrator lacks the necessary financial means to provide compensation after the issue of the final conviction, b) if the identity of the offender remains unverified after the case-file is archived in the Archive of unidentified perpetrators and c) if the offender cannot be charged or a sanction cannot be imposed.

The decision regarding the compensation is issued by the Hellenic Compensation Authority, which operates within the Ministry of Justice, Transparency and Human Rights. The compensation covers the medical expenses and hospitalization costs, the loss of income for a reasonable period and the funeral expenses⁵. For the determination of the level of the compensation any medical expenses covered by the Greek State as well as any amount already received by the victim from the perpetrator or social insurance or any other source, will also be added. According to Law 4531/2018 the compensation covers medical expenses and hospitalization, specialized mental and psychological support for the victim where there is no public infrastructure for mental and psychological support in the victim's place of residence, the loss of income for a reasonable period, the expenses for the change of environment and residence, especially moving expenses and purchase cost for necessary consumer goods needed for the relocation in a safe environment. For the determination of the compensation the members of the above Authority also take into consideration any contributory negligence of the victim.

⁴ A crime of violence is defined as: a) any offence committed by the use of physical violence or threat thereof resulting in the death or grievous bodily or mental harm of the victim and b) any punishable intentional act committed by the use of physical violence or threat thereof and is punished with imprisonment.

⁵ On the contrary, it does not cover any ransom payment made by the victim, his relatives or a third party to the perpetrators of the offenses of abduction (art. 322 of the Criminal Code) and kidnapping (art. 324 of the Criminal Code).

B.4) THE CASE OF CHILDREN

First and foremost, art. 19 of the Law 3500/2006 provides that especially minors are not to be summoned to appear in court as witnesses in domestic violence cases. Their testimony (if there is one) given at the pre-trial stage, is read out instead. This way the Greek legislator advocates the protection of the minors. According to the Explanatory Report of the above Law, this provision aims at the protection of the minors from secondary victimization (Dhmopoulos, 2012, p. 178; Stefanidou, 2010: 57, 74). However, the cases are excluded when their appearance in person is deemed by the court as necessary in order to establish the guilt of the alleged perpetrator and for the safe investigation of the case in general.

At a broader level, Law 3625/2007⁶ introduced art. 226 A into the Criminal Procedure Code, which provides for a groundbreaking, by Greek standards, way of testifying for a minor who is a victim of serious offences (sexual crimes included). In particular, this article provides that during the witness examination of the child is present and designated by the court as an expert, a child psychologist or a child psychiatrist and in case of lack thereof a psychologist or a psychiatrist. The child psychologist or child psychiatrist prepares the minor for the interview, in collaboration with the investigators and the magistrates. To this end, he uses the appropriate diagnostic methods, decides on the perceptive capability and the mental state of the minor and reports his findings in a written document, which forms an essential part of the case file. During the hearing the child psychologist or the child psychiatrist is present and the minor can be accompanied by his legal representative, unless the investigating magistrate prohibits the presence of that person in a reasoned decision on justified grounds, especially in case of conflict of interests or of that person's involvement in the act under investigation. The victim's testimony is recorded in writing and also on a digital audiovisual device, when this is possible. The digital projection of the minor's testimony replaces his physical presence in the following stages of the procedure (Panagos, 2015, p. 101 et seq; Papadimitrakis, 2009, p. 1007 et seq.).

However, the available empirical data suggest that the above way of testifying was only applied as a pilot in a specialized department for the protection of minors in the General Police Department in Athens (Poulou, 2010, p. 10 et seq.). It is also common place in the Greek legal scholarship that the measures that protect children and other vulnerable witnesses do not guarantee the principle of fair trial based on the 6th article of the European Convention on Human Rights and procedural rights of the defendant in general (Charalabakis, 2007, p. 829 et seq.; Triantafyllou, 2014, p. 245 et seq.). In practice, the minors who are involved in the criminal justice process are called upon to recount their traumatic experience more than ten times to people unknown to them (the professionals of criminal justice system). Their grave position is burdened by the mistrust shown by the magistrates of the criminal justice system regarding their testimony (Themeli, 2014). During the hearing the defence lawyers often pose many questions to the juvenile witnesses "in an exhaustive way, which can be very long or

⁶ With this specific law the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography was ratified by the Greek Legislator.

hypothetical or misleading trying either to extract from him the answer they desire or to weaken the credibility of their testimony” (Konstantinidis, 1992, p. 146).

C) Restorative justice practices

C.1) VICTIM-OFFENDER MEDIATION IN THE JUVENILE JUSTICE SYSTEM

According to the Directive 29/2012/EU, restorative justice includes processes through which the victim and the offender can, if they freely consent, participate actively in resolving the problems occur from the offence with the help of an impartial third party. The Greek law already provides for such practices in the field of the juvenile justice and domestic violence (Artinopoulou, 2010a; Alexiadis, 1992, pp. 302 et seq.). In particular, victim-offender mediation with the purpose to express forgiveness and to settle, in general, the consequences of the offence extra judicially was introduced by Law 3189/2003 in the reformatory measures for juvenile offenders (art. 122 Criminal Code). The juvenile probation officers play the role of the mediators (Courakis, 2012; Pitsela, 2013; Pitsela, 2006, p. 171 et seq.). This way, and for the first time, the needs of the victim came to the forefront in the juvenile justice system (Pitsela, 2011, p. 508) and a “restorative” dimension was given to the official social control of juvenile delinquency in general (Artinopoulou et al., 2012, p. 5 et seq.).

However, the available empirical data suggest that the measure of victim-offender mediation was not sufficiently applied until today. The probation officers did not undergo any special training in the principles and aims of the mediation, while no procedural framework was developed, which would define the individual stages of the procedure as well as the rights and the obligations of the parties. From a victimological perspective, it should be taken into account that juvenile probation officers undertake social research about the offenders and file a report, containing proposals to the Court about the most adequate penal treatment of the juvenile. Probation officers also monitor the implementation of the imposed reformatory measures. Therefore, due to the nature of their work, they come in contact mainly with the offender and his/her relatives. The contact and the communication between the juvenile probation officers and the victims are minimal. In other words, their general task is mainly ‘offender-focused’. On this basis, the general duties of the juvenile probation officers may conflict with the principle of impartiality and neutrality, which every mediator has to possess (Panagos, 2017a, p. 1685 et seq.; Panagos, 2017b, p. 723 et seq.).

C.2) MEDIATION OF THE PUBLIC PROSECUTOR IN DOMESTIC VIOLENCE CASES

In order to comply with the Framework Decision of the European Council about the position of the victims in criminal procedures (15/3/2001), the Greek legislator introduced by Law 3500/2006 the criminal mediation in cases of domestic violence (art. 11, 12 and 13). The role of the mediator bears the prosecutor and is applicable only in cases of forms of violence on the misdemeanour level (Artinopoulou, 2010b, p. 177 et seq.). The prerequisite for the start of the procedure of the criminal mediation is the making of an unreserved statement on behalf of the alleged perpetrator that he is willing, cumulatively, to: a) promise that he will not commit in the future any act of domestic violence (word of honour) and that, in the case of cohabitation,

he is willing to move out of the family residence for a reasonable period of time if the victim demands it, b) follow a special consultative - therapeutic programme on domestic violence from a public body, in any place and for as long as is deemed necessary from the competent healers, c) to remedy or restore, if possible, immediately the consequences caused by his action and to pay a reasonable financial compensation to the victim.

If the victim's answer is positive, then the prosecutor issues an order to archive the case-file in a special archive of the prosecution office. This order cannot be appealed against. The prosecutor's order, which is issued after a criminal mediation, is recorded in a special section of the criminal record and is kept for a time period equal to the time needed for the particular offence to be time-barred. If the person interested complies with the terms of the criminal mediation for three years, the relevant procedure is concluded and the criminal claim of the state for the relevant crime is terminated. The wrongful non-completion of the criminal mediation, once determined by the prosecutor, suspends the procedure and causes the retroactive deletion of the actual results. In this case, the prosecutor retrieves the case file from the archive and the criminal procedure carries on according to the provisions of the Criminal Procedure Code, while the filing of a new application for mediation is not allowed. For the duration of the criminal mediation procedure the offence in question is still pending. The limitation period of the offence is suspended until the completion of the criminal mediation procedure. The refusal of any of the parties to accept the mediation or the failure to complete it, do not burden them with any negative substantial or procedural consequence in the following criminal trial.

The therapeutic programme has been carried out at the National Centre for Social Solidarity (EKKA) in Athens as well as in Thessaloniki. The programme includes certain sessions for the offender with specialised mental health professionals. In some cases, and if it is deemed beneficial for the progress of the procedure, the victim may also participate in these sessions. As soon as the programme is completed, the relevant certificate is sent to the competent Prosecutor's Office. Regarding the application of restorative justice in the field of domestic violence, the following points are worth mentioning: the fact that the offender's participation in the programme is forced by an order from the Prosecutor and with the purpose to avoid his prosecution significantly falsifies the offender's motive to attend the therapeutic sessions. This fact obstructs the work of the competent healers given that the offender does not attend the therapeutic procedure in his own will. In this manner, EKKA becomes a part of the criminal system. The work of the healers is also obstructed when the offender faces multileveled problems (e.g. alcohol addiction), which cannot be addressed through this particular programme. Finally, in practice, a significant time delay is observed from the commission of the offence to his transfer to EKKA (due to the slow pace of the criminal justice system). This fact does not provide the possibility of an acute therapeutic intervention.

D) Victim support agencies

There are no public or non-governmental agencies offering support to victims in general in Greece until today. However, as Zarafonitou (2014, p. 130) has put it, "the establishment of mechanisms to assist crime victims may contribute to a balance in the attribution of criminal

justice. The establishment of such support agencies also seems that it can alleviate the victims' vulnerability, at least on a psychological level, and boost confidence in the penal system [...]. All the above, combined with other measures to enhance confidence of citizens in criminal justice, can lead to a more rational criminal policy". The existent state or non-governmental organisations provide support services to certain categories of crime victims, such as women and children who have suffered domestic violence and have been human trafficking victims (Artinopoulou, 2012; Papantoleon, 2014, p. 6).

The National Centre for Social Solidarity (EKKA) is a legal entity under public law and operates under the surveillance and control of the Ministry of Health and Social Solidarity. Its institutional mission includes, among others, providing services of urgent psychological and social support to children, adolescents, adults, families and vulnerable groups, who fall into emergency situations of social need and crisis. The above objectives are achieved, among others, through the operation of telephonic helplines to submit complaints and to provide support and through the provision of secure housing for women-victims of gender-based violence. In this context, health services are also provided to the victims as well as short-term consultation/healing in order to empower the women. Furthermore, the General Secretariat for Gender Equality (GSGE) is a governmental agency, which is responsible for planning, implementation and monitoring of the implementation of the policies for gender equality in all sectors. The General Secretariat operates counseling Centres for the violence against women. Within this context, psychosocial support and legal counseling are provided for free, in order to give women the possibility to choose and decide by themselves what is best for their future, according to their personality and the way they wish to live (<http://www.isotita.gr/>).

Furthermore, Non-Governmental-Organisations (e.g. "Klimaka", "DIOTIMA", "PRAXIS") have adopted a holistic intervention model for people who are part of vulnerable social groups adopting non-discrimination as their main principle. In this framework, they provide support to the victims of criminal offences by offering them temporary shelters. The staff also cares about their psychological, social and legal support. At the same time, they operate helplines for the submission of complaints by anyone regarding incidents of abuse. Specifically, with regard to minor victims "The Smile of the Child" ("To Hamogelo tou Paidiou") has established the "The House of the Child" ("To spiti tou paidiou"). The latter is a day centre for the provision of specialised mental health services to children and adolescents who are victims of abuse, neglect, domestic violence, victimised children, involved in incidents of bullying and generally to children who have been exposed recently or earlier to intense psychotraumatic experiences and therefore face mental health, adaptation and behavioural problems. The "The house of the Child" is staffed with a specialised therapeutic team, which undertakes a comprehensive diagnostic approach and therapeutic treatment of the complicated disorders encountered by children victims (<https://www.hamogelo.gr/gr/el/houses/to-spiti-tou-paidiou-kentro-imeras/>).

The above agencies have signed cooperation protocols in specific fields, without falling under a common monitoring agency, which would guarantee coordination among them. An effort to coordinate the agencies operating in the specialised field of children's victimisation was undertaken by a public agency entitled "The Central Scientific Council for the Prevention of and Response to Juvenile Victimization and Juvenile Criminality" (KESATHEA). By the

Ministerial Decree 49540/2011, issued by the Ministry of Health and Social Solidarity in collaboration with the Ministry of Justice, Transparency and Human Rights the following was decided: a) the establishment of Minor Support Groups in every municipality staffed by social workers with the purpose to coordinate and cooperate in child protection and to prevent and address victimisation and delinquency of minors, b) the establishment of a network titled “ORESTIS”, where the agencies of the above Ministries providing social care, support, solidarity and protection to minors in danger, will be integrated and interconnected. In the same network private agencies are integrated as well. According to the same Ministerial Decree, EKKA was assigned the task to promote the coordination of care actions at national level and to develop a system of electronic interconnection and interactivity of the welfare services (Symeonidou-Kastanidou, 2012, pp. 9-12).

As regards the victims’ legal counselling, the Piraeus Bar Association has signed a cooperation agreement with the General Secretariat for Life-long Learning and Younger Generation of the Ministry of Education, Research and Religion, for the implementation of the programme “Legal Aid for Youth”. The programme is funded solely by national resources and specifically by the Public Investment Programme of the Ministry of Education. Young lawyers up to 35 years of age handle the cases of the persons eligible to the programme. In addition, the same Bar has signed a cooperation protocol with the General Secretariat for Gender Equality to provide legal services and legal aid to women-victims of gender-based violence. It mainly concerns women, who are in financial difficulty and have low or no income, by giving them the possibility to defend themselves and claim their rights whether out of the Court or before the Court. A legal aid programme for women-victims is also being implemented by the Centre for Research on Women's Issues “Diotima”. The aim is to provide support to financially vulnerable women who cannot, because of their financial situation, defend themselves and claim their rights before the judicial system. The project is mainly addressed towards women (indigenous and immigrants) victims of domestic violence or trafficking, who are in financial hardship and have urgent needs to settle legal and administrative matters, while they are facing multiple and multileveled difficulties. The objective is to be supported and legally represented, to acquire knowledge and skills to manage their legal rights (legal literacy) and to be released from the aftermath of the offence (<http://www.diotima.org.gr/>).

E) The transposition of the EU Directive in the national legal order

E.1) CONCERNS THAT AROSE DURING THE LAW-MAKING PROCESS

The transposal committee for the Directive was established by the 1366/8.2.2013 decision of the Minister of Justice, Transparency and Human Rights. The work of this committee was extended by the 1366/8.2.2013 Decision of the competent Minister. Magistrates, representatives of the police force, representatives of the ministries involved with the development of social policy and specialised professionals from agencies that provide services to victims (such as EKKA) participated in the legislative process. One of the basic concerns that arose during the legislative process was the question whether the law should include a detailed description about the operating mode of the services for the victims. From one point of view, that would require the subsequent issue of a special Presidential Decree. On the opposite side

were the ones who claimed that this must take place in the text of the national law, so that the establishment of such agencies is ensured with certainty and without any further delay. However, the main concern was about which public agency could undertake the project (for the whole spectrum of victimisation). The draft was put to public consultation on 9-2-2017 and finally the Directive was transposed in the Greek legal order by Law 4478/2017.

E.2) THE MEANING OF THE VICTIM

The law's objectives are addressed in ar. 54. The latter provides that the victims of punishable acts -with no discrimination- must be properly informed, supported and protected in order to take part in the criminal procedure. In the case of minors, the primary consideration is about the best interest of the minor victim, which is assessed on an individual basis. The national legislator also preserved the same broad definition of victim, as it is stated in the Directive. In this way, it covers the whole spectrum of victimisation. Moreover, the scope of the Directive includes the relatives of a person whose death directly resulted from an offence and who have a claim for compensation for mental anguish or were directly dependent financially on him.

E.3) PROCEDURAL RIGHTS

In the second chapter, individual rights for the victim are being established, which include the right to be informed and supported. In this context, the right of the victims is enacted to understand -with the help of the police and any other competent authority- the progress of the criminal procedure and to be understood by the carriers of the criminal system. In the next article (art. 57), the right of the victim to receive information -without unjustifiable delay- about the matters described in art.4 of the Directive (e.g. for the process and the requirements to receive legal aid and the requirements to claim compensation) is established. According to the art. 58, the right of the victim to receive -upon request- a copy of the filed criminal complaint to the competent authority is established, while special provisions are introduced for foreigners. Art. 59 explicitly stipulates that the victims are entitled to receive information about the criminal procedure set in motion after their submission of a criminal complaint about a punishable act (this right is not awarded to the whole spectrum of victims but only to those who have triggered the mechanism of criminal justice through the submission of a relevant criminal complaint).

Art. 60 provides that at any stage of the criminal procedure, when a victim is called upon to testify but does not speak or sufficiently understand the Greek language, he must be provided without delay with a translator free of charge. If it is necessary, a translator is also used for the victim, who is a civil claimant, in order to communicate with his lawyer at all stages of the criminal procedure. The right to a translator includes the adequate aid to persons with hearing or speech impairment. If the translation is otherwise impossible, a translation of the translation can take place through a third language.

E.4) VICTIM SUPPORT PROVISIONS

With art. 61 of the Law, art. 8 of the Directive transposed in the Greek legal order. It was thus established that the victim is entitled to have access into free and confidential services of support and care by public agencies and NGO, before, during and, for a reasonable period of time, after the completion of the criminal procedure. This right can be extended to the relatives of the victim depending on their needs and the severity of the harm they suffered. The police or another competent authority in which the criminal complaint of the victim was filed is obliged to inform and refer the victim (upon request) to support and care services. The access to these services is not dependent upon the lawfully or not submission of the criminal complaint of the punishable act.

The legislative instrument does not establish separate services of victim support in the general meaning of the term. According to the Impact Assessment Report of the regulations of the Law under examination, for the interconnection of the existing services a specialised Presidential Decree is expected to follow in the immediate future. The legislator merely points out that said services are provided by the police and any competent authority and public agencies as well as by legal persons governed by private law and associations of persons organised on a professional or voluntary basis. Nevertheless, concerning minor victims, the establishment of individual Offices under the title “The House of the Child” is provided within the Juvenile Probation and Social Care Services in Athens, Thessaloniki, Piraeus, Patras and Heraklion. Professionals who are expected to staff said Offices will have -among others- the following responsibilities: a) individual assessment of minor victims to determine special protection needs, b) aid to pre-investigative, investigative, prosecution and judicial authorities in the adequate hearing of victims, c) evaluation of the perceptive capability and the mental state of the victim, d) creation of the appropriate conditions and spaces for the examination of the minor from the pre-investigative, investigative, prosecution and judicial authorities as well as purchase and installation of appropriate equipment in order to record the minor’s testimony by electronic audiovisual means. It is interesting to note that with the law under examination the obligatory recording of the minor’s testimony by electronic audiovisual means was established (until then it was only provided as a possibility).

E.5) THE MANDATES FOR THE APPLICATION OF RESTORATIVE JUSTICE PRACTICES

In the third chapter, a series of requirements is addressed for the application of restorative justice practices stipulated in specific provisions of the national legislation. It is not clarified in the wording of the law which of the already existing provisions of the national legislation refers to restorative justice practices (Panagos, 2017, p. 724). As already mentioned above, as such can only be seen the mediation of minor perpetrator and victim, as well as the prosecutor’s mediation in cases of domestic violence (Artinopoulou, 2013). According to the law, the establishment of said requirements aims at the protection of the victim against secondary and repeated victimisation and intimidation. In particular, the following are provided:

- The restorative justice procedures are only applicable if they are in the victim’s interests and the measures aim at repairing the harm done to the victim from the

commission of the offence and avoiding further harm. The offender must have acknowledged the main facts of the case,

- The restorative justice measures are applied by personnel trained in recognising the impact variables of the offer to the victim and assessing his particular needs,
- The victim must be informed about the place where he can have access to independent support and counseling. The victim decides whether to accept or decline the offer after the expiration of at least three weeks from the proposal of the offer, so as to ensure his free and in full knowledge consent, which can be revoked at any time. The victim receives full and objective information about the procedure and its likely outcome as well as about the control procedures of the implementation of the possible agreement and its outcome. The victim receives support before, during and after his participation in any application procedure of restorative justice measures. During the restorative justice procedure the victim or the offender can have more than one session, upon request, so that the procedure becomes fully understood as well as its outcome. During the restorative justice procedure both parties can attend with counsel or in person,
- For the victim who does not wish to meet with the offender, there is the choice of an indirect mediation. In any case, the possible lawyer of the offender can pose questions to the victim through the mediator,
- The talks in the restorative justice procedure, which are not conducted in public, are confidential and cannot be published subsequently, unless the involved parties agree otherwise or if it is imposed by overriding reasons in the public interest according the judgement of the competent judicial authority or the prosecution,
- The victim that took part in the restorative justice procedure shall be informed about the offender's possibility to meet the terms of the agreement.

F) Special challenges for the implementation of the Directive into the Greek reality

Up until the transposal of the Directive in the Greek legal order, the Greek victim-based legislation had only an occasional and partial appearance. The background for this legislation was the obligation to transfer certain European directives into the internal legal order (Artinopoulou, 2010c, pp. 71 et seq.). At a general level, the overall slow pace of administration of justice still remains a basic problem. This fact contributes to the secondary victimisation of the victims. Agencies and infrastructure providing support services to victims focus on specific categories (mainly vulnerable groups and women who have suffered gender-based violence). On the contrary, no services have been created with the aim of addressing a broader spectrum of victims (Artinopoulou, 2012, p. 243; Papantoleon, 2014). A long lasting problem from which the competent agencies suffer is understaffing, which was enhanced during the last years due to the financial crisis and the subsequent reduction in State expenditures in the field of social policy. Besides the problems of underfunding, which reasonably affect the quality and the range of the provided support services, it is a fact that said agencies mainly operate in urban centers. Therefore, the problem of access arises for those who live in the province (Artinopoulou, 2010c, p. 71 et seq.).

As for the help that the victims of gender-based violence receive, the Greek State provides for the minimum of the services needed. The establishment of more specialised services based on the existent infrastructure (e.g. infrastructure exclusively for children - THB victims) poses therefore a challenge. In any case, it is common understanding that the needs of the victims are multileveled. The existing structures can contribute to the victims' empowerment for a specific time frame. However, they are not capable to address basic issues that concern the victims (such as the lack of financial independence of the women-victims of gender-based violence). In the meantime, the enhanced flow of immigrants into the Greek territory composes a new landscape that the competent agencies are called upon to manage. This fact alone draws attention to the multicultural dimension of victimisation. On this basis, it is observed an inadequate number of cultural mediators and mediators specialised in translation, who could be able to aid the work of professionals of the criminal system and the social welfare system, in general.

Future directions

In view of the above and in order to achieve a satisfying application of the Directive in the Greek reality, it is deemed necessary that the following are implemented:

- 1) Establishment of a generic support system to persons that fall under the whole spectrum of victimisation, irrespective of whether they have chosen to file a criminal complaint to the competent authorities and of the progress of the criminal procedure,
- 2) Establishment of victim support services in police departments and Public Prosecution offices, which will be staffed with specialised professionals of different specialties and who will be able to aid the victims themselves or/and refer the latter to more specialised agencies based on their needs,
- 3) Reinforcement with personnel and coordination of the existing state and non-governmental organisations through the enactment of an obligatory cooperation between themselves in specific sectors and by submitting them to a common monitoring agent,
- 4) Taking up legislative initiatives to speed up the administration of criminal justice and to dramatically reduce the number of the hearings in person of the witnesses - victims (such as minors – victims of sexual violence and human trafficking victims),
- 5) Providing financial support for vulnerable social groups – victims of criminal offences, in order to face the consequences of victimisation,
- 6) Maintaining common databases for the agencies involved in the confrontation with the victimisation with the purpose to share the data more efficiently in relation with the incidents and the systematic exchange of experiences among the professionals,
- 7) Establishment of guidelines (procedural framework) about the application of the reformative measure of the mediation minor offender-victim, which will include the rights and obligations of the parties with a view to educate the minor but also everything that is provided in the national legislation about the protection of the victim,
- 8) Establishment of Family Courts and improvement of the way criminal mediation is applied in cases of domestic violence,

- 9) Systematic training of the professionals of the criminal system (policemen, prosecutors, judges) about the provisions of the Directive and the appropriate practices of addressing the victims in a broad sense. The training is necessary to include self-care practices in order to prevent and address burn-out of the professionals due to their daily occupation with unpleasant sides of reality,
- 10) Providing training to professionals that come daily in contact with possible (mainly vulnerable) victims, in order to familiarise them with the detection of abuse and the appropriate way to manage it,
- 11) Assessment of the services provided from the victims through conducting empirical research in order to find the strong points of the service system (which must be maintained and enhanced) and to solve the existing problems,
- 12) Taking up more initiatives in the field of social welfare, which could result in the prevention of crime and in reversing the social perceptions and stereotypes that favour the secondary victimisation of victims.



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