

NATIONAL REPORT



**Victims of Crime
Implementation Analysis
of Rights in Europe**



VOCIARE
Victims of Crime
Implementation Analysis
of Rights in Europe

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DISCLAIMER

All views expressed in the present report are those of the authors and not of the European Commission.

Most findings of the report are based on the research conducted by national researchers, between June 2018 and March 2019, and any inaccuracies in the interpretation of national results lays with the authors of the present report only. Additional support research, in particular regarding international experiences, was conducted by the authors of the present report.

The findings compiled in the present report represent, to the best of authors' abilities, the current situation of the practical implementation of the EU Victims' Rights Directive. Given its scope and ambition, authors are aware that some elements may be inaccurate or out of date. However, it was still important to offer the first overall picture, even if incomplete, of the practical implementation of the Directive, to inform future work of Victim Support Europe, its members and the policy initiatives at the EU and national level. Future efforts will be plan to improve the findings and provide a more detailed analysis of key rights defined in the Directive.

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EXECUTIVE SUMMARY

The present national report consists in an attempt to assess the practical implementation of the Victims' Directive in Greece. The report was produced in the context of the 2-year EU-funded project 'VOCIARE - Victims of Crime Implementation Analysis of Rights in Europe'. The research methodology included qualitative and quantitative methods and steps, among which the legislation analysis, the mapping of competent authorities/organisations, a desk research, an online survey, and interviews.

The Greek justice system is based on the Continental tradition and the principle of public prosecution. The criminal proceedings in Greece are divided into the pre-trial stage and the trial. The victims' role is rather important but is mostly referred to as 'witnesses or litigants'. Nevertheless, in Greece all victims have the right to participate in the criminal proceedings, either under the legal requirement to participate as witnesses after reporting an offence to the Police or the Prosecution Service, or as litigant parties in case that they wish so.

The protection of victims has been addressed by Greek Law, as Greece is often called upon to incorporate relevant European binding documents into national legislation. Indeed, victims' rights have been further strengthened in Greece since the enactment and publication of the Law 4478/2017 (Part 4) establishing the minimum standards on rights, support, and protection of victims of crime which was adopted on 23 June 2017, harmonising the national legal system to the Directive 2012/29/EU (hereinafter the Victims' Directive). The Law 4478/2017 encompasses almost all the provisions of the Victims' Directive following the same thematics of the Directive. Yet, there is no official evidence of the extent of the Law's implementation. Due to the short time since the Law's enactment, its implementation is still in a very premature level as a series of presidential decrees and service orders are expected to be issued to guide the practical implementation of the legal provisions.

Nevertheless, the national Law sets the basis for a holistic support and protection of victims' rights in Greece, while it applies to all victims in a non-discriminatory manner. Great emphasis is given on the protection and support of child victims, taking into account the best interests of the child.

Regarding the provisions of information and support, the victims' rights to understand and be understood, to receive information from their first contact with the competent authority and information about their case, are safeguarded since the enactment of Law 4478/2017. Moreover, the victims have the right to receive, upon request, a written acknowledgment of their formal complaint (Article 58 of Law 4478/2017). In case that the victim does not understand or speak the Greek language or has hearing or vision impairments, interpretation or translation and

linguistic assistance is to be provided throughout the criminal procedures either orally or written. Communications' technology (e.g. teleconference, telephone, or internet) can also be used.

The victims' (and their families) right to access and receive support from victim support services was also transposed into the Greek Law 4478/2017. The victims, and their close ones, have access to confidential victim support services, free of charge and in accordance to their needs, before, during, and after the end of criminal proceedings. Access to victim support services should be offered regardless to whether the victims have submitted a complaint of the criminal offence. General and specialised victim support services may be provided by the Police and any other competent authority and public agencies. Special attention is given to the children of women victims of sexual abuse, exploitation, domestic violence, trafficking, and racism.

Victim support services in Greece are offered both by the State and by NGOs. Thus far there is no generic victim support organisation, service, or mechanism in Greece, while victim support services are limited in number and offer services only to specific groups of victims, which implies that a considerable number of victims may eventually not receive the support needed. The support services which are available for victims in Greece include helplines, online support services, shelters, medical aid, social/practical support, legal aid, psychosocial support, vocational support services, day centers, information services, etc. A significant challenge regarding the victims' access to support services in Greece constitutes the lack of an effective information system for making referral of the victims to such services.

In regard to the victims' rights to participation in criminal proceedings, these are safeguarded only to some extent. Articles 10, 11, 13, 14, 15, and 16 were not transposed into the national Law 4478/2017. Yet, the national legal framework allows the victims to have a legal status as a litigant party (art. 82 Greek Code of Penal Procedures- GCPP) in the criminal proceedings. This legal action allows the victims to participate in legal proceedings, present evidence, appoint an attorney, have access records of their case, appoint an expert, and to claim compensation. Moreover, the victims are always requested to participate in criminal proceedings as witnesses.

In the event of a decision not to prosecute, the victim has the right to appeal only if he/she had filed a complaint (art. 48 GCPP). Legal aid is granted to any person of low income who is a victim of serious crime, despite of his/her nationality (Law 3226/2004). In practice, legal aid may be offered both by the State as well as victim support services. Article 64 of Law 4478/2017 transposed Article 17 of the Victims' Directive, safeguarding victims' rights for victims who are residents of another Member State.

Witnesses (therefore also victims) are entitled to reimbursement of their expenses related to traveling and accommodation as a result of their participation in criminal proceedings under Article 228 par. 1 of the GCPP. Moreover, if the accused is found guilty, he/she is also ordered to pay

the costs of proceedings; allowing, therefore, the victim to be compensated for the costs of his/her participation in the criminal proceedings. Indeed, the victim may submit a civil action (art. 66 & 68 GCPP) and ask for symbolic compensation. In addition, the victim can claim civil damages (compensation) at a Civil Court (art. 582 GCPP). In this case, the compensation will be paid by the offender (art. 77 & 78 GPC).

The implementation of restorative justice (RJ) practices in Greece has been achieved through the application of RJ measures as complementary or alternative procedures within the limits of the traditional Greek Justice System, – the Criminal law and the Civil and Commercial Law. Article 63 of the Law 4478/2017 consists on the first legal provision in Greece which safeguards the victims' rights during the application of restorative practices provided within the criminal justice system. The current state of practice still meets a range of obstacles, while a gap between the theory and practice of restorative practices in Greece remains to some extent.

The rights on the protection of victims and the recognition of victims with specific protection needs are safeguarded through measures put in place depending on the type of crime and the victim's role in the criminal procedure. Special attention is given to vulnerable victims. Privacy protective measures may be applied for all victims, but special attention seems to be given to victims of trafficking, domestic violence and sexual abuse, victims of terrorism, and especially child victims.

The law enforcement, prosecution and judicial authorities inform victims about their right to individual assessment of their protection needs and refer victims, upon their request, to the Services of Juvenile Probation and Social Assistance Guardians of the Ministry of Justice which undertake the responsibility to conduct timely individual assessment of the victim to identify any specific protection needs. Yet it remains unknown how this right will be put in force in practical terms. Following the assessment, if deemed necessary, protection measures may be put in force for the protection of victims. However, there are several gaps in regard to the practical implementation of protection measures, since it seems that they are not widely applied in any case of a victim with special protection needs. Geographical differences in the implementation of protection measures is apparent between Athens/ Thessaloniki and the province.

Law 4478/2017 includes special provisions for the protection of child victims during criminal proceedings in line with Article 24 of the Victims' Directive. Yet there seems to be important gaps in practice. Currently, the establishment of the Independent Child Victims Protection Offices – "Children's House" is in progress and has been long-awaited and very promising. These offices will be established at the Juvenile Probation and Social Assistance Guardians offices, covering large cities of Greece. The "Children's House" will undertake in cooperation with the investigating, prosecuting and judicial authorities, the individual assessment of child victims, the provision of general support services to child victims, the evaluation of the perceptual ability and mental state of the child victims.

In reference to the training of professionals and the development of cooperation and coordination of services, Law 4478/2017 specifies that specialist training on the protection of victims should be provided in cooperation with all competent Ministries for the education of all professionals in competent authorities. Several trainings and seminars have already taken place. However, these trainings are limited in number and take place occasionally. A systematic training of professionals who come in contact with victims of crime seems to be non-existent, while stakeholders themselves believe that professionals receive rather insufficient training regarding the needs of victims. Cooperation and coordination of services is evolving gradually. Promoting cooperation among competent authorities and victim services is of great importance for the coordinated provision of services to victims, and the coordination of actions required for the protection of victims.

During the development of this report, a variety of challenges and gaps were identified in regard to the practical implementation of the Victims' Directive in Greece. Many of the provisions of Law 4478/2017 envisage new procedures which are to be implemented within existing agencies, increasing therefore the duties and tasks of practitioners. The financial austerity and the lack of financial resources may also prove to be a great challenge for the development, sustainability, and efficacy of the implementation of the Victims' Directive in Greece. The lack of appropriate structures (e.g. generic victim support services) with qualified staff to provide support services to victims of crime, the limited geographical coverage of these services (mainly provided in large cities), the lack of personnel, the long waiting list, and the work- and case- overload of existing services, hinder the efficient implementation of the provisions on the victims' rights to access and receive support from victim support services.

Nevertheless, several good practices were identified during the development of the national report, which may facilitate the practical implementation of the Victims' Directive in Greece. Such paradigms of good practices may be transferable among other Member States within the framework of mutual exchanging knowledge and information. A victim-led criminal justice system is a promising development, but it should not exclude the respect of the rights of the offenders, and thus a balanced approach regarding the rights of victims and offenders should be promoted (Artinopoulou & Michael 2014, 2015). The latest trainings of police officers, juvenile probation officers and the judiciary were conducted taking into consideration this approach. The cultural shift is yet to come, but improvements have already begun to occur by giving room to the implementation of measures that highlight and safeguard the role, protection and support of victims in criminal proceedings.

INTRODUCTION

A victim-led criminal justice system (CJS) aims to give voice to the victims to express their needs and feelings during the procedures, and receive the necessary support to recover physically, emotionally, and mentally from the harms of the crime that they have suffered (Artinopoulou & Michael, 2014, 2015). The interaction and communication of the victims with professionals of the CJS and other victim support professionals seems to play an important role during the criminal procedures and constitutes an essential element of victims' satisfaction (Artinopoulou & Michael, 2014, 2015).

The protection of victims has been addressed by Greek Law, while Greece is often called upon to incorporate relevant European binding documents into national legislation (see also Lambropoulou, 2005; Artinopoulou, 2010a). On academic and scientific levels, the writings of Greek criminologists in the field of victims' right and victimisation are relatively rich, which reflects their long involvement in the field of victimology since the '70s, covering a wide range of themes regarding victims of crime (Artinopoulou & Michael, 2014, 2015).

The victims' rights have been further strengthened in Greece since the enactment and publication of the Law 4478/2017 (Part 4) establishing the minimum standards on rights, support, and protection of victims of crime which was adopted on 23 June 2017, harmonising the national legal system with the Directive 2012/29/EU (hereinafter the Victims' Directive). The present national report consists in an attempt to assess the practical implementation of the Victims' Directive in Greece. The report was produced in the context of the 2-year EU-funded project 'VOCIARE - Victims of Crime Implementation Analysis of Rights in Europe'.

The project's research methodology was designed by the project's coordination team (VSE and APAV) and was used in order to provide a detailed overview of the situation in Greece regarding the practical implementation of the Victims' Directive. The research methodology included qualitative and quantitative methods and steps. More specifically, the national research was initiated with two preparatory steps, i.e. the legislation analysis and the mapping of competent authorities and organisations involved in victim identification, support, and protection.

Additionally, three research tools were developed to assist the researchers in obtaining adequate and detailed information, i.e. a desk research, an online survey, and interviews. The desk research included the collection of legal and policy documents, literature and existing studies, and other sources regarding safeguarding victims' rights in Greece. The online survey consisted of closed-ended questions directed at stakeholders who encounter victims (e.g. police, prosecutors, judges, policy makers and victim support organisations). In Greece, over 100 stakeholders

and organisations were invited to participate in the national online survey; yet the number of participants was low, which may be due to the work overload of professionals in the field of victim support and protection. The third research tool was the interviews, which mainly served as an addition to desk research and the online survey, aiming at obtaining more detailed information from key-stakeholders on specific issues on which previously collected findings were inconclusive. An interview guide was created and used for this purpose. In Greece, seven interviews were conducted with police officers, a lawyer, and a psychologist-researcher.

The first section of the report provides a basic overview of the legal framework, describing the CJS in Greece, the role of the victim in criminal proceedings and the transposing of the Victims' Directive in the national legislation. The second section of the report presents an evaluation of the practical implementation of the Victims' Directive by describing how each article of the Victims' Directive has been transposed into the Greek legal framework and to what extent they have been implemented in practice. The two final chapters present good practices which were identified in Greece, as well as the gaps and challenges that were reported, providing recommendations which may enable a more effective and efficient implementation of the provisions of the Victims' Directive in Greece.

BASIC OVERVIEW OF THE LEGAL FRAMEWORK

The Greek justice system is based on the Continental tradition and the principle of public prosecution, having been influenced by the German and French penal law (Tasopoulos, 2008; Brienen & Hoegen, 2000). Unfortunately, the state of the justice system in Greece as presented in the 2018 EU Justice Scoreboard (European Commission, 2018) seems to be rather not satisfactory, but shows signs of improvement, while the public opinion on the perception of the independence of courts and judges rates as 'fairly good' (Lawspot, 2018). According to the EU Justice Scoreboard, Greece has one of the highest duration in processing cases, even though the money spent on courts are more than the EU average and the number of judges and lawyers per capita is medium to high. Moreover, Greece is placed low on the ratings regarding the use of electronic court services for the communication with lawyers and citizens. Online information concerning the justice system is, in many cases, not available, while the citizens have low online access to court decisions.

Since 1950, the Greek Penal Code (GPC) and the Greek Code of Penal Procedure (GCPP) constitute the main texts for the administration of criminal justice (Spinellis & Tsitsoura, 2018). Overall the **criminal proceedings in Greece are divided into the pre-trial stage and the trial** (Anagnostopoulos & Zapanti, 2016; E-justice portal). The pre-trial stage includes procedures (preliminary inquiry, main investigation of offences, and process of formal accusation) which have an inquisitorial character, i.e. they are written, non-public and non-adversarial (Art. 241 of Greek Code of Criminal Procedure). The aim of the preliminary inquiry and of the investigation is to **examine the circumstances of the case, collect evidence, and to decide whether to institute criminal proceedings**. The Prosecutor initiates criminal proceedings usually after a person (e.g. the victim) fills a criminal complaint, or *ex officio* when he/she receives information for any criminal offence by any other means (e.g. public authorities, the press etc.). Private prosecution is no longer available in the current criminal law in Greece (Brienen & Hoegen, 2000, p. 406). The investigation is carried out by the police and the judiciary (the Prosecutor and/or the investigating Judge). The Prosecutor supervises the whole process and the actions of the authorities, acting as an independent judicial authority. The Prosecutor conducts the preliminary investigation and the penal prosecution (GCCP Art. 31), and he/she forwards the case to the court along with his/her proposal on how to proceed with the case.

The second stage of the criminal proceedings starts when the court opens a trial or closes the case after reviewing the case file and the prosecutor's proposal. In Greece, the courts with jurisdiction to try criminal cases are classified with respect to the seriousness of the offence (GCCP Art. 1; Tassopoulos, 2008) into: (a) the petty-violation courts which judge petty-violations; (b) the misdemeanour courts constituted by one or three members, depending on the seriousness of the offence; (c) the juvenile courts which tries cases of young adults who have committed an offence before the age of 18; (d) the assize courts constituted by a mixed court composition both of judges and jurors, where felonies are tried; (e) the courts of appeal composed by three members and, at second instance, five members; and (f) the Supreme Court (named 'Areios Pagos') which has the authority to review the decisions of lower criminal courts and act for annulment.

During the trial, all the collected evidence is presented to the court which decides on the guilt of the defendant. If the defendant is found guilty, the court imposes a penalty. If the defendant is found not guilty, the court exonerates him/her. Several delays in the judicial system do not allow for a fast trail; in fact, it has been noted that it may take 7-10 year for the criminal proceedings to be completed (Papapantoleon, 2014).

The victims' role is rather important since the victim is perceived as the main witness of a case offering valuable information and evidence, as many interviewees stated. However, it has been observed that the word 'victim' is rarely used in the GCCP, and instead is mostly referred to as 'witness' or litigant; something which lies on "a strong legal tradition that emphasizes on the rights of the defendant rather than the victim's" (Papapantoleon, 2014). In fact, it has been written that "the victim has little to gain from going to the criminal courts" in Greece (p. 392). Nevertheless, in Greece all **victims have the right to participate in the criminal proceedings**, either under the legal requirement to participate **as witnesses** after reporting an offence to the Police or the Prosecution Service, **or as litigant parties** in case they wish so. Moreover, a victim may request public prosecution of a crime by submitting a complaint to the public prosecutor, called criminal complaint (*eghissis*) (art. 46 GCCP), especially in cases that no public action (prosecution of a crime) can take place unless the victim make a formal complaint.

All **victims are under a legal requirement to participate as witnesses**; in fact, as an interviewee mentioned, the witness will receive the penalty for the offence of defaulting witness in the case that he/she has pressed charges but denies to participate or does not appear in court to testify. The victims' role becomes more active when the victim chooses to participate as a litigant party (art. 82 GCCP), since he/she will be represented by a lawyer, have access to files of their case, the right to appoint an expert, and to claim compensation.

In any case, the victims have the rights to participate in criminal proceedings, to exercise their rights as litigants, to file a penal and civil action, to claim compensation, and to benefit from special protection measures (Papapantoleon, 2014). The victims' rights have been further strengthened

in Greece since the enactment and publication of the **Law 4478/2017 (Part 4) establishing the minimum standards on rights, support, and protection of victims of crime** which was adopted on 23 June 2017, harmonising the national legal system to the Victims' Directive by passing a single law. The Law 4478/2017 encompasses almost all the provisions of the Victims' Directive following the same thematics of the Directive, i.e. contains articles on General Provisions, Provisions of Information and Support, Participation in Criminal Proceedings, Protection of Victims and Recognition of Victims with Specific Protection Needs, and Other Provisions. Further adjustments to the Greek CJS are noted based on procedural rules and in relation to the determination of the involved bodies in the proceedings.

The objective of Law 4478/2017, as specified in art. 54, is to ensure that victims of crime receive appropriate information, support, and protection to participate in the criminal proceedings. The rights set out in the law apply to all victims in a non-discriminatory manner, regardless of their nationality or citizenship and their residence status. Victims should be recognised and treated in a respectful, sensitive, tailored, professional and non-discriminatory manner, in all contacts with victim support or restorative justice services or a competent authority operating within the context of criminal proceedings. Great emphasis is given on the protection and support of child victims, taking into account the best interests of the child as this is assessed on an individual basis with due regard to the child's age, maturity, views, needs and concerns of the child.

There is no official evidence of the extent of the Law's implementation yet. Due to the short time since the Law's enactment, its implementation is still in a very premature level as a series of presidential decrees and service orders are expected to be issued to guide the practical implementation of the law's articles. Overall, the Department of Transparency and Human Rights of the Greek Ministry of Justice is designated as the competent authority for the data collection and monitoring of the implementation of the provisions of Law 4478/2017 (art. 73), as well as ensuring the cooperation of all the competent authorities and services, preparing informative material on the victims' rights, and the submitting recommendations for the training and capacity building of the key-professionals.

Additionally, no financial provision or other reference are mentioned for the support of the implementation of the Law. According to older data, there seems to be no specific budget designated for the support and protection of victims of crime, except for the state funding of the helpline for domestic violence, trafficking, rape, sexual harassment, and the funding of some victim support services, i.e. the National Solidarity Center, Counselling Centres of General Secretariat of Gender Equality, and the Association of Minor's Protection (Papapantoleon, 2014). No other available statistics or data were found.

Previous laws had foreseen some rights for the protection and support of vulnerable groups of victims. These laws, such as the **Law 3500/2006 on combating of domestic violence** and the **Law 4267/2014 on combating the sexual abuse and sexual exploitation of children and child pornography** and other provisions, transposed other EU Directives. More recently, Greece ratified the Istanbul Convention (Council of Europe Convention on preventing and combating violence against women and domestic violence) with Law 4531/2018. The **Law 4531/2018** contains important provisions for the **prevention and combating of violence against women** in Greece, such as provisions on strengthening the national legislation to combating crimes against women (e.g. genital mutilation, stalking, “honour crimes”), on the amendment of Law 3500/2006 in an effort to a wider and more effective implementation of the law, on the amendment of the Law 2168/1993 on arms’ possession, on the protection of foreigners who are victims of domestic violence and come to the competent authorities to submit the complaint, and many more. The Law has yet to be fully applied, but it has been highly anticipated to strengthen the support and protection of women and girls victims of violence, as well as victims of domestic violence. Both Law 4531/2018 and Law 4478/2017 empower victims’ rights in Greece and it is much expected to lead to a range of positive changes in protecting and supporting victims of crime on a national level.

EVALUATION OF PRACTICAL IMPLEMENTATION

ARTICLE 2 - DEFINITIONS

For the purposes of the Directive a ‘victim’ is a natural person who has suffered harm, including physical, mental or emotional harm or economic loss which was directly caused by a criminal offence or a family members (the spouse, the person who is living with the victim in a committed intimate relationship, in a joint household and on a stable and continuous basis, the relatives in direct line, the siblings and the dependants of the victim) of a person whose death was directly caused by a criminal offence and who have suffered harm as a result of that person's death.

Before the enactment of Law 4478/2017, no definition of the “victim” was included in the Greek legislation; victim was considered “the person against whom an illegal and liable action took place” (IVOR fact sheet for Greece, 2016). The definition of victim, as defined in Article 2 of the Victims’ Directive, was introduced in the Greek legislation under the Article 55 of Law 4478/2017.

According to Article 55 of Law 4478/2017, **victim is any natural person who has suffered damage (including physical or health damage, honour or moral injury or economic loss or deprivation of liberty) which was caused directly by an offense, as well as the close relatives of a person whose death was immediately caused by a criminal offense** and who are entitled to financial compensation for mental anguish according to the Civil Code or were in direct physical/material interdependence with the deceased. Thus far, immigrants and minorities are treated under the same legal acts and provisions as any other resident and civilian in Greece (Institute of Preventive Medicine Environmental & Occupational Health, 2013, p. 8). Legal persons are not included in the definition of the victim under Law 4478/2017.

According to article 55, close relatives are considered “the spouse, the person living with the victim in a close, constant, and continuous relationship of heterosexual or homosexual commitment, the fiancé/-ee, relative by blood and marriage in straight line, the foster parents and the adopted children, the siblings, and the spouses and fiancé/-ee of the siblings, and the victim-dependent persons other than their dependent children.” Moreover, article 55 includes the definition of the ‘child’ who is any person below 18 years of age; the definition of ‘restorative justice’ as the procedures which are expressly provided for in law provision whereby the victim and the offender are enabled, when they freely consent before the competent judicial or prosecutorial authorities, to participate actively in the resolution of matters or claims arising from the criminal offence; as well as a definition of the ‘victim support services’ which are considered the public services, as well as non-governmental organizations, providing general or specific support and care services.

Article 55 par. 2 notes that all the abovementioned definitions do not affect nor modify in any way the rights and conditions of lawful representation of the plaintiff before the Criminal Courts as defined in the GCPP. As mentioned in the previous section of this report, the victim may choose to submit penal action and participate as a litigant party (art. 82 GCPP) in the criminal procedures, whereby he/she will be able to appoint an attorney, have access to files of their case, the right to appoint an expert, and to claim compensation. Yet, it is uncertain to what extent the rights addressed in Law 4478/2017 will be applied to all victims since no reference is made in the Law that a person will “be considered to be a victim regardless of whether an offender is identified, apprehended, prosecuted or convicted and regardless of the familial relationship between them” (rec. 19 of the Victims’ Directive).

ARTICLE 3 - RIGHT TO UNDERSTAND AND BE UNDERSTOOD

Member States shall take appropriate measures to assist victims to understand and to be understood from the first contact and during any further necessary interaction they have with a competent authority in the context of criminal proceedings. Communications with victims should be provided in simple and accessible language, orally or in writing. Such communications shall take into account the personal characteristics of the victim, including (but not limited to) any disability. Victims should, in principle, be allowed to be accompanied by a person of their choice in the first contact.

Victims’ right to understand and be understood is safeguarded during criminal proceedings under the Article 56 of Law 4478/2017 which transposed art. 3 of the Victims’ Directive. As this right is considered of great significance, since it provides ‘communication safeguards’ and initiates the personalised approach from the first and any further contact of the victim with the competent authorities (European Commission, DG Justice, 2013), which permeates the Victims’ Directive, it is important to study whether there are procedures, practices and measures which enable the practical implementation of this right.

Based on art. 56 of Law 4478/2017, during the victims’ first contact with the Police or other competent authority, the officers will use a simple and understandable language in communication, verbally or in writing, and will take into account the victims’ personal characteristics, in particular, age, maturity, mental and intellectual abilities, educational level, linguistic competence, hearing or vision impairments, as well as a possible, intense emotional distress that may affect the victims’ ability to understand or be comprehended. For this purpose, the article mentions that a **rights guide will be available in the most commonly spoken languages, as well as Braille**. Moreover, in case of hearing or speech impairments, the victim has the right to receive appropriate assistance with an interpreter (art. 233 par. 1 GCPP). According to the Law and as specified in art. 3 par. 3 of the Victims Directive, the **victims have the right to be accompanied by a person of their choice** in the first contact with the Police or other competent authority where, due to the impact of the crime, the victim requires assistance to understand or be understood; unless this is contrary to the

interests of the victim or unless the course of proceedings would be prejudiced. Overall, the Police or other competent authority are expected to respond appropriately to assist victims to understand and to be understood from the first contact and throughout any further necessary interaction with a competent authority during the criminal proceedings (art. 56 par. 1 Law 4478/2017).

In practice, there seems to be **major shortcomings** about victims' access to this right. The victims' feeling of shame, their fear to disclose all the events and/or the perpetrator, their lack of knowledge regarding the role of the investigating authorities and their lack of familiarization with legal terms and procedures were mentioned by some participants as the main difficulties encountered when they come in contact with victims of crime. Even though the authorities use, to some extent, language that is easy to understand in their communication with victims, the majority of the professionals considers that there are rather **insufficient measures** taken to help practitioners involved **to recognize the individual communication needs** of the victims; there are no regular inquiries to ensure that victims have understood the information they are provided with; while information is often adapted to be understood by children but rarely by other groups of victims (i.e. victims with intellectual disabilities, hearing or vision impairments, illiterate, speaking other language)¹. As most of the interviewees stated there are no specific communication needs assessment tools, while as an interviewee mentioned, this depends to a large extent on the professional background and work personality of the practitioner to assess and respond to the communication needs of the victims. There are also some circulars of the Hellenic Police Headquarters on the behaviour of police officers towards specific groups of victims.

In fact, some interviewees mentioned that a guide on victims' rights has been distributed to police departments and police officers to be taken into account when contacting a victim of crime, while this guide may also be given to the victims. An informal communication needs assessment seems to take place during the initial communication with the victim and, when considered necessary, qualified personnel is called to conduct a specialised assessment. Especially in cases of victims of trafficking and child victims, a psychiatrist or a psychologist, a child psychologist or child psychiatrist is appointed as an expert and uses appropriate methods and tools to assess the perceptual capacity and the psychological state of the victim, while writing his/her conclusions in a written report (art. 226A, 226B of the GCPP).

In the case that the victim does not speak nor understand the Greek language, any examination or interview should always be carried out in the presence of an interpreter, which is designated in accordance with art. 233-238 of the GCPP. However, some interviewees noted that there are no interpreters in the Police Departments, nor the interpreters who are called when needed have received any specific training on legal terminology, while there is lack of interpreters in less-spoken languages. An interviewee mentioned that sometimes a victim may be accompanied

¹ VOCIARE online survey results.

by an interpreter who works at an NGO which offer interpretation services (e.g. Praxis, Diotima, METAdrasi), but the issue of the interpreter's objectivity is raised in this case. In case that the victim is given an official document (e.g. a written call to be present in court as a witness), the Greek is used as the official language. It is up to the victim if he/she wishes to translate the documents he/she receives, e.g. official translation by the translation service of the Ministry of Foreign Affairs or translation by interpreters working at NGOs.

Regarding the victims **right to be accompanied by a person of their choice, victims are allowed to exercise their right** and do exercise it often². Particularly in the case of child victims, parental accompaniment is mandatory. When accompaniment for victims is refused, this is due to the risk that the course of proceedings would be prejudiced or because it may be contrary to the interests of the victims (e.g. risk of intimidation; in cases of child victims, the parent is reported to be the perpetrator; due to the nature of the relationship with the perpetrator in cases of domestic violence).

Overall, victims' right to understand and be understood seems to be exercised but with some difficulties which involve the lack of communication needs assessment tools or measures during the first contact of the victims with the competent authorities and the lack of interpreters. Practitioners seem to be aware of the existing practical gaps and seem willing to help victims understand and be understood.

² VOCIARE online survey results.

ARTICLE 4 - RIGHT TO RECEIVE INFORMATION FROM THE FIRST CONTACT WITH THE COMPETENT AUTHORITY

Member States shall ensure that victims are offered, without unnecessary delay, from their first contact with a competent authority, information about the type of support the victims can obtain and from whom; the procedures for making a formal complaint; how and under what conditions they can obtain protection, access legal advice and legal aid; access to compensation; entitlement to interpretation and translation; special measures if they are resident in another Member State; contact details for communications about their case; available restorative justice services; how and under what conditions expenses incurred as a result of their participation in the criminal proceedings can be reimbursed.

Article 4 of the Victims' Directive consists in one of the most important rights of the victims in practical terms, as it ensures that victims receive sufficient information from the first contact with competent authorities in order to understand their involvement and their rights in criminal proceedings, as well as receive the support to cope with the impact of the crime and their participation in criminal proceedings. This means that not only law enforcement professionals, but also practitioners working at other competent authorities (e.g. victim support services), should be aware of the victims' rights on national level and be able to provide such information to the victims in an effective manner (European Commission, DG Justice, 2013, p. 13-14). At this point, it is considered important for the professionals to acknowledge that such information should be given to the victims whether or not he/she chooses to report a crime.

In Greece, this article was transposed in its entirety into the national legislation under Article 57 of Law 4478/2017. From their first contact with the Police or other competent authority, victims are offered information on the victims' support, the procedure for making a complaint and submit a legal action as litigants, the procedures to obtain protection measures, to access legal aid and compensation, to be entitled to interpretation and translation, the procedures if they resident in another Member State, the procedures for making complaints where their rights are not respected, the contact details to receive information about their case, the available

restorative justice services, the procedure of expenses' reimbursement.

Before the enactment of Law 4478/2017, the right to receive information about victim support services was safeguarded only for victims of domestic violence under Art. 21 of Law 3500/2006 (Papapantoleon, 2014). Moreover, the right of "access to information for children" has been safeguarded in article 17 of Law 2101/1992 (under which Greece ratified the International Convention on Children's Rights); while Law 3875/2010 includes similar obligations for the authorities to inform victims of trafficking.

Current practice reveals that **not all victims receive sufficient information** from their first contact with a competent authority, while this usually depends on the victim's role in the proceedings. As an interviewee stated "this article is currently applied on a case-by-case basis to specific groups of victims, such as victims of trafficking, and under specific circumstances, i.e. if they make a complaint at the General Police Directorate of Attica. For example, if a victim of trafficking visits the General Police Directorate of Attica where is the special Police Department for Combating Trafficking in Human Beings, they will be provided with all the necessary information. But in any other Police Department, this rarely happens."

Yet, when victims receive information upon their first contact with a competent authority, they are provided with most of the information, either orally (in site or via telephone) or sometimes through leaflets, or by informing their lawyer³. The guide on victims' rights which has been distributed to police departments can be a useful tool in this case. The extent and detail of the information to be provided depends on various factors, such as the type of the crime and its impact on the victim, the intellectual and mental capacities of the victim at the current time, the victim's maturity and educational level, his/her linguistic competence, his/her level of vulnerability and level of emotional distress. Such factors are usually ascertained by the Investigative Officer during the first contact with the victims, while specialised professionals may be called, if needed.

Indeed, as some interviewees described, factors such as the level of the victims' emotional distress, their cultural and social background, their lack of knowledge of legal concepts and procedures may affect the extent of the victim's understanding of the information provided upon their first contact with the Police. Moreover, the interviewees noted that the lack of interpreters when the victim does not speak nor understands Greek consists in an important obstacle for the victims' access to their right to receive such information; while the lack of inadequate training of the professionals, especially at regional police departments, constitute a major factor that affects the accuracy of information which is provided to victims. Such comments seem to agree with previous evidence suggesting that the Police usually advises the victims to get a lawyer, while they avoid referring victims to services either because they are unaware of their existence or because such services are few and in long distance (Brienen & Hoegen, 2000, p. 408).

³ VOCIARE online survey results.

No information was found regarding the impact of the implementation of this article on victims' perception of the provided information and their further involvement in criminal proceedings. However, a previous study (Artinopoulou & Michael, 2014, 2015) on victims' needs, views, and expectations from their involvement in criminal proceedings in Greece showed that victims wish to receive (more) information about their rights and the following criminal justice procedures, while this affects their level of satisfaction from the CJS.

It seems that training the professionals on the victims' rights and informing them on the full details that should be given to the victims upon their first contact with competent authorities will improve the practical implementation of this article. Moreover, the development of a structured approach through protocols and other internal, interdepartmental, and cross-sector procedures may also enable the broader implementation and safeguarding of the victims' right to receive information from their first contact with the competent authorities. The use of even more means, such as online and electronic means (e.g. informative videos, relevant website on victims' rights in Greece, or updating competent authorities' webpages to include useful information for victims), to raise awareness on the victims' right and provide information directly and indirectly to victims may also prove useful in the future.

ARTICLE 5 - RIGHTS OF VICTIM WHEN MAKING A COMPLAINT

Member States shall ensure that victims receive written acknowledgement of their formal complaint. Where they do not understand or speak the language of the competent authority, they should be enabled to make the complaint in a language that they understand or by receiving the necessary linguistic assistance. The acknowledgement should be translated free of charge where the victim doesn't speak the language.

In Greece, Article 5 of the Victims' Directive is transposed in Article 58 of Law 4478/2017. According to the Law, the victims receive, upon request, a written acknowledgment of their formal complaint in Greek, or translation, free of charge, of the written acknowledgement in a language that they can understand in case that they do not understand nor speak Greek. Victims who do not understand nor speak Greek may also make their complaint in a language that they can understand and be provided with linguistic assistance based on provisions specified in the GCPP. For this purpose, the competent officer who receives the complaint is obliged to inform the victims about their right to receive a written acknowledgement of their complaint. If the victim is a minor (under 18), the crime may be reported by their legal representative (parent or guardian); while if the victim is older than 12, he/she may be accompanied by a legal representative to report the crime (art. 118 par. 2 GPC)

However, so far **this right is rarely enforced in practice**. In fact, an interviewee mentioned that a relevant circular was only recently disseminated in police stations and police officers have just started to inform victims about their right and provide them with a written acknowledgment of their complaint if the victims request it. As previously mentioned, an interpreter will be called in the case that the victim does not speak nor understand the Greek language. The lack of interpreters, especially in less-spoken languages, remains the main obstacle both for the proper implementation of the victim' right to receive the written acknowledgment of their complaint in a language that they can understand, as well as for the caseload in police stations, which becomes time-consuming, especially in regional police stations or the province.

ARTICLE 6 - RIGHT TO RECEIVE INFORMATION ABOUT THEIR CASE

Member States shall ensure that victims are notified without unnecessary delay of their right to receive information related to criminal proceedings: any decision not to proceed with or to end an investigation or not to prosecute the offender; the time and place of the trial, and the nature of the charges against the offender; of any final judgement in a trial and of information about the state of the criminal proceedings, in accordance with their role in the criminal justice system; about the reason which led to the above mentioned decisions; notification in case the person remanded in custody, prosecuted or sentenced concerning the victim is released from or has escaped detention.

Article 59 of Law 4478/2017 transposed Article 6 of the Victims' Directive, safeguarding victims' right to receive information about their case. According to article 59, the victims shall be informed about their right to receive information, upon his/her request, regarding the criminal proceedings which have been initiated after they have reported the criminal offence. More specifically, the victim may request to receive information about any decision, and its reasons, not to proceed with or to end an investigation or not to prosecute the offender; the time and place of the trial, and the nature of the charges presented against the offender; of information about the state of the criminal proceedings and of any final judgement in accordance with their role in the criminal proceedings as litigants; notification, upon the approval of the Public Prosecutor's Office, in case of removal or replacement of provisional detention, or in case of release or escape of the perpetrator. The victim may be informed via e-mail, in person or through the appointed attorney-at-law if a civil action has been filed. The victim may at any time revoke his/her application in respect of the exercise of all or part of the rights provided for in this Article, apart from the right to information arising his/her role as civil plaintiff.

In practice, following the report of the crime, the latter will receive an identification number, the "lawsuit file number" (ABM), which may be used to track the progress of the case based on the records kept at the prosecution office or the competent law enforcement department, while the victim (being litigant) may also request a certificate on the progress of the case (E-justice portal

– Greece). When the case is on trial, the victim's attorney may also monitor the progress of the case through the Athens Bar Association website (for cases which are tried by the first instance court of Athens). However, it should be noted that the pre-trial proceedings are governed by the secrecy principle, which means that if the victims wish to obtain information about their cases, they should refer to the public prosecutor who handles their case (Brienen & Hoegen, 2000, p. 408). Moreover, the public prosecutor informs the civil plaintiff of the final decision of the pre-trial investigation, as well as of the date, place, and time of the trial (Brienen & Hoegen, 2000, p. 408-409).

Overall, it seems that only when the victim has taken legal action as a civil plaintiff, he/she has full access to this right. In practical terms, the victims are sometimes informed of their right to receive information about their case and often receive the requested information. While they are **rarely notified about the release or escape of the offender**, they are usually informed if they request it⁴. Generally, the victims sometimes find the reasons provided for any decision as sufficient. As a professional noted, if there is a threat to the victim, known to the Police, then the Police may inform the victim about the release or escape of the offender; otherwise the authorities take into consideration and respect the rights of the accused or the released offender⁵.

Within this framework, it seems that in practical terms victims are not fully protected from repeated victimization, intimidation, and retaliation during criminal proceedings⁶. In fact, no criteria were found that assess the risk of repeated victimization, intimidation and retaliation after the release or escape of the offender.

4 VOCIARE online survey results

5 Interview no. 1.

6 Interview no.1.

ARTICLE 7 – RIGHT TO INTERPRETATION AND TRANSLATION

Member States shall ensure that victims who do not understand or speak the language of the criminal proceedings are provided, upon request, with interpretation at least during any interviews or questioning and with translation of information essential to the exercise of their rights in criminal proceedings in accordance with their role. Victims may challenge a decision not to provide interpretation or translation.

In Greece, all competent authorities are obliged to inform the victims of their right to interpretation and provide interpretation when the victim does not speak nor understand Greek (Art. 233 par. 1 GCPP). Article 7 of the Victims' Directive was transposed in its entirety in Article 60 of Law 4478/2017. If the victim does not understand nor speak the Greek language, he/she can submit his/her formal report of the crime in a language that he/she can understand or get the necessary linguistic assistance. Moreover, interpretation and linguistic assistance, including for people with hearing or vision impairments, is to be offered in any stage of the criminal proceedings, as well as to be also made available for the communication between the victim and his/her attorney, where necessary. If necessary, communications' technology (e.g. teleconference, telephone, or internet) can be used. Moreover, victims who do not understand nor speak Greek, shall be provided with information about their rights translated in a language that they can understand; as well as translated version of any document or information requested by the victim related to receiving information about their case, and of any necessary documents which the victim may need as a civil plaintiff. If providing written translation is not available at that time, oral interpretation may be provided.

In practice, there seems to be **many obstacles** which prevent the efficient implementation of the right to interpretation and translation. Even though interpretation services are available more or less in all the stages of the criminal proceedings and free of charge, there is **lack of interpreters**, **poor quality of interpretation**, while interpreting services may be provided in a language other than the victim's own language (usually in less-spoken languages) and there is the **risk of false assumption that the victims understand the language of the proceedings** well enough⁷.

⁷ VOciare online survey results.

Moreover, some challenges are raised in regard to addressing the victims' vulnerability, as for example not being gender sensitive (e.g. the interpreter not being the same sex as the victim), as well as the interpreter being biased (e.g. due to cultural beliefs). Regarding the translation of documents, the translation is free of charge, but similar problems and challenges are raised. It was reported that oral interpretation and translation is more often used than a written one. Surprisingly, there are cases where the Police refused victims the right to file a complaint due to a linguistic issue, avoiding to inform the victim about their right and finding a translator, and instead asking them to return at a later time being accompanied by someone who can translate the discussions⁸. Moreover, it is important to note that no training or awareness-raising seminar is provided to police officers in regards to the communication particularities of the interpretation.

It seems that the victims' right to translation and interpretation is not well safeguarded in Greece. Efforts are made by NGOs to provide translation services to victims, yet the lack of translators and of competent training seems to reduce the quality of the services provided.

⁸ Interview no. 2

ARTICLE 8 - RIGHT TO ACCESS VICTIM SUPPORT SERVICES

Member States shall ensure that victims have access to confidential victim support services, free of charge, before, during and for an appropriate time after criminal proceedings. Member States shall facilitate the referral of victims, by the competent authority that received the complaint to victim support services. Member States shall take measures to establish specialist support services in addition to, or as an integrated part of, general victim support services. Member States shall ensure that access to any victim support service is not dependent on a victim making a formal complaint with regard to a criminal offence to a competent authority.

As noted in the DG Justice Guidance document (European Commission, DG Justice, 2013, p. 24), “the right to support is one of the core rights in the Directive”. Article 8 along with Article 9 of the Victims’ Directive safeguards the victims’ (and their families) right to access and receive support from victim support services. Article 55 of Law 4478/2017 defines victim support services as the public services, as well as non-governmental organizations providing general or specific support and care services. The victims’ right to access victim support services is safeguarded in Article 61 of Law 4478/2017, transposing Article 8 of the Victims’ Directive into national legislation.

According to Article 61, the victims, and their close ones, in accordance with their needs, have access to confidential victim support services, free of charge, before, during, and after the end of criminal proceedings. The Police or any other competent authority shall inform and refer victims, upon their request, to victim support services. Access to victim support services should be offered regardless to whether the victims have submitted a complaint of the criminal offence. General and special victim support services may be provided by the Police and any other competent authority and public agencies, such as local authorities, mental health services, community centers, counselling centers operated by the General Secretariat for Gender Equality, services offered by the National Center of Social Solidarity, the Independent Child Victims’ Protection Offices of the Juvenile Probation and Probation Services of the Ministry of Justice, and other (voluntary) organisations. Special attention is given to the children of women victims of sexual abuse, exploitation, domestic violence, trafficking, and racism.

Thus far, **there is no generic victim support organisation**, service, or mechanism in Greece, while no attempt has been made by now to establish such service (Papapantoleon, 2014). Existing support services offer services usually to certain types of (vulnerable) victims, such as victims of domestic violence, sexual abuse, trafficking, and child victims (IVOR fact sheet for Greece, 2016). For example, the General Secretariat of Gender Equality operates a helpline and counselling centres for women victims of domestic violence and trafficking, in collaboration with municipalities and the National Center for Social Solidarity. Victims may also be referred to other organisations (usually NGOs) who provide emotional and psychological support, shelter, and information services.

However, **victim support services in Greece are limited in number** and **offer services only to specific groups of victims**, which implies that a considerable number of victims may eventually not receive the support needed. The competent authorities refer victims to victim support services only sometimes, where the victim support services meet the victims’ needs only on an average level⁹. For example, it was mentioned by some interviewees¹⁰ that the interpreters may not be available to provide their services throughout the victims’ referral and meeting at the support services. Moreover, some of the programs offering support services to victims operate only for a limited period of time depending on the available funding which is usually provided through EU-funded projects, raising serious challenges as to the sustainability of the services as well as the quality of them, while it creates uncertainty to the police staff as to provide proper referrals to the victims (Protasis project, 2017b). To this end, factors such as increase funding, improvement of legislation and policies, broadening geographical coverage of the services provided, and increase the number of professionals may contribute to the improvement of the victim support services in Greece. As a response to the abovementioned challenges, the European Public Law Organization (2017), within the framework of the EU-funded Protasis project, developed a guide which includes indicative victim support services provided all over Greece.

Victim support services in Greece is offered both by the State and by NGOs. The General Secretariat for Gender Equality (GSGE) is the authorized State organization for Gender Issues, which developed the National Action Plan on Gender Equality 2016-2020, including initiatives on combating violence against women. Moreover, the GSGE has established the Helpline 15900 which offers information and counselling services to victims of gender-based violence. Several counselling centers for women victims of violence operate all over Greece under the supervision of the GSGE and in many cases in cooperation with the Municipalities. Another state agencies which provides support services to victims is the National Center for Social Solidarity, which operates the SOS hot line 197 offering social support services, as well as shelters for abused women. Additionally, the Social Welfare Services in Greece provide free welfare services.

⁹ VOciare online survey results.

¹⁰ Interviews 4 and 6.

Several NGOs provide support services to a range of victims, such as victims of domestic violence, trafficking, migrant victims, child victims, etc. For example: The Smile of the Child is one of the main NGOs offering services to child victims; the Doctors of the World and Doctors Without Frontiers offer free medical care; the Hellenic Red Cross offers social and humanitarian support to members of marginalized and vulnerable groups; the Vavel Day Center providing mental health services to immigrants; and many more.

Overall, victim support services exist in Greece, most of which address only specific groups of vulnerable victims; hence offering specialised support services. Yet there are significant challenges which prevent the adequate access to these services for all the victims which request to receive support. No information was found regarding the quality of the services.

ARTICLE 9 - SUPPORT FROM VICTIM SUPPORT SERVICES

Victim support services shall, as a minimum, provide: a) information, advice and support relevant to the rights of victims; b) information about or direct referral to any relevant specialist support services in place; c) emotional and psychological support; d) advice relating to financial and practical issues arising from the crimes; e) advice relating to the risk and prevention of secondary and repeat victimisation, of intimidation and of retaliation. Specialist support services shall develop and provide: a) shelters or any other appropriate interim accommodation for victims; b) targeted and integrated support for victims with specific needs such as victims of sexual violence, victims of gender-based violence and victims of violence in close relationships.

Following article 61, Article 62 of Law 4478/2017 transposed Article 9 of the Victims' Directive, indicating the range of support services which should be available for victims of crime. More specifically, it includes the provision of: information, advice, and support regarding exercising the victims' rights; information and referral to specialist support services; emotional and psychological support; advice on financial and practical issues related to the crime; advice relating to the risk and prevention of secondary and repeat victimisation, intimidation, and retaliation. Victim support services are obliged to access the special needs of a victim who has suffered significant harm due to the seriousness of the crime. Furthermore, par. 3 of Article 62 specifies the services which specialist support services should provide in addition to the services mentioned in the previous paragraphs, i.e. shelters or other appropriate and safe short accommodation for victims in danger of secondary and repeat victimisation, intimidation and retaliation, as well as targeted and integrated support (including post-trauma support and counselling) to victims with special needs, such as victim of sexual abuse, racist violence, gender-based violence, violence in intimate relationships.

In practical terms, the Protasis project catalogue of victim support services (European Public Law Organisation, 2017) identified and recorded a range of support services which operate on a regular basis in Greece. The services include: helplines, online support services, shelters, medical

aid, social/practical support, legal aid, psychosocial support, vocational support services, day centers, information services, etc. However, it should be noted that not all services are provided for free, such as the national Helpline 15900 for victims of gender-based violence. Moreover, unfortunately Greece does not meet the minimum standards in terms of number of beds per capita (WAVE, 2018). Overall, **not all victims receive victim support services**, especially advice on financial and practical issues, as well as advice relating to the risk and prevention of secondary and repeat victimisation, intimidation, and retaliation¹¹.

¹¹ VOCIARE online survey results

ARTICLE 10 - RIGHT TO BE HEARD

Member States shall ensure that victims may be heard during criminal proceedings and may provide evidence. Where a child victim is to be heard, due account shall be taken of the child's age and maturity.

In Greece, this article was not transposed into national law. Yet as already mentioned, the national legal framework allows the victims to have a legal status as a litigant party (art. 82 GCPP) in the criminal proceedings. This legal action allows the victims to participate in legal proceedings, present evidence, appoint an attorney, have access records of their case, to appoint an expert, and to claim compensation (art. 108, 108A, 326, 327, 351, 352, 369 GCPP).

The **victims are always requested to participate in criminal proceedings as witnesses**, while any witness can refuse to testify if he/she is a relative of the alleged offender (art. 222 GCPP). In some cases of crimes against sexual freedom the prosecutor's actions are dependent, to a great extent, on the victims' will. For example, cases of insults of sexual dignity (art. 337 and 341 GPC) are prosecuted only upon the victim's complaint, while in cases of rape (art. 336 GPC), the prosecutor can discontinue prosecution if the victim claims that the publicity from criminal proceedings may cause serious emotional trauma (art. 344 GPC). Moreover, victims of sexual abuse have the right to request to hold the hearing behind closed doors if the publicity of the hearing is considered to be harmful for the morals or will cause emotional distress or the denigration of the victim, especially if the victim is a minor (art. 330 GCPP). In the case of child victims, the testimony of minors (under 18) is given only before the investigator while a psychologist is also present; if possible, the testimony is video-recorded (art. 226A GCPP). The testimony is later read out or projected in court, without any requirement for the minor to be physically present in court.

In practical terms, victims are often heard in Court and during the criminal proceedings. When the victim is heard or provides evidence, these may indeed influence to a great extent the Court's decision, especially when the victim participates as a litigant party. In cases of child victims, the child's age and maturity is always taken into account, even though it is uncertain whether there are sufficient measures to assess a child victim's age and maturity, as no evidence or information were found regarding the tools or measures used for the assessment.

ARTICLE 11 - RIGHTS IN THE EVENT OF A DECISION NOT TO PROSECUTE

Member States shall ensure that victims, in accordance with their role in the relevant criminal justice system, have the right to review of a decision not to prosecute. Where the role of the victim will be established only after a decision to prosecute the offender has been taken, Member States shall ensure that at least the victims of serious crimes have the right to a review of a decision not to prosecute. Member States also need to ensure that victims are notified of their right to receive, and that they receive sufficient information to decide whether to request a review.

In Greece, this article was also not transposed into national law. According to the current legal framework, “the Prosecutor is obliged to prosecute ex officio when there is sufficient evidence to support a prosecution” (Papapantoleon, 2014). In the event of a decision not to prosecute, the victim has the right to appeal only if he/she had filed a complaint (art. 48 GCPP). The review of the decision is undertaken by the Prosecutor of the Court of Appeals and his/her decision is not subject to any remedy.

While the principles of procedural autonomy and judicial discretion should be preserved, the non-inclusion of this article in the Greek national law seems to limit to some extent the victim’s involvement during the early stages of criminal proceedings.

ARTICLE 12 - RIGHT TO SAFEGUARDS IN THE CONTEXT OF RESTORATIVE JUSTICE SERVICES

Member States shall take measures to safeguard the victim from secondary and repeat victimisation, from intimidation and from retaliation, to be applied when providing any restorative justice services. Member States shall facilitate the referral of cases, as appropriate to restorative justice services.

The implementation of restorative justice (RJ) practices in Greece has been achieved through the application of RJ measures as complementary or alternative procedures within the limits of the traditional Greek Justice System, – the Criminal law and the Civil and Commercial Law. Article 63 of the Law 4478/2017 consists on the first legal provision in Greece, which safeguards the victims’ rights during the restorative practices provided within the CJS. In brief, the Article largely agrees with Article 12 of the Victims’ Directive and provides that restorative practices are implemented only if they are in the interest of the victims, while there is the option of indirect mediation; the victims receive all necessary information before making a decision whether to accept to participate in a restorative practice, while that decision should be announced after at least three (3) weeks to ensure his/her free and informed consent; the victims receive support before and throughout the restorative process; all restorative measures are provided by specially trained professionals; the offender will have to acknowledge the basic facts of the case. The discussions in restorative justice processes remain confidential, unless agreed otherwise by the parties or as required by national law due to an overriding public interest.

The current state of practice still meets a range of obstacles, while a gap between the theory and practice of restorative practices in Greece remains to some extent (Artinopoulou & Michael, 2015, 2014). Restorative practices were introduced in Greece as result of European directives or in an effort to improve and speed up the administration of justice, but without the further developed of the RJ philosophy (Artinopoulou & Michael, 2015, 2014). The practices of mediation and reconciliation have been the main RJ measures implemented in legal settings. These provisions are mainly observed at the stage of prosecution. However, they can be observed more or less in all stages of criminal proceedings throughout formal and semi-formal practices (Lambropoulou, 2010; Artinopoulou 2010b) and are applied to petty offences, misdemeanours, and felonies, as well as in civil and commercial matters.

The introduction of **criminal mediation in domestic violence cases** (Law 3500/2006) was the result of an effort of harmonization of Greek legislation with EU directive on the application of mediation in criminal matters (Council of Europe, Committee of Ministers, 1999, R (99) 19). The option for the offender and the victim to resort to mediation is given under conditions that have to do with the offender's willingness and his/her promise that he/she will not commit any act of domestic violence in the future, he/she will accept to reside elsewhere beside the family residence for a reasonable period (if the victim suggests it), he/she will attend a therapeutic counselling programme provided by a public health institution, and he/she will restore any harm or damage caused by his acts and provide fair compensation to the victim. The process of penal mediation takes place only if both the victim and the offender agree to participate. If the parties reach a final agreement and the offender complied with the terms of that agreement for three years, then the case is closed. Otherwise, the prosecutor may open the case and proceed with criminal proceedings.

In practice, the cases of mediation in domestic violence misdemeanours are referred to the National Centre for Social Solidarity (E.K.K.A. 2012). The Penal Mediation Programme of E.K.K.A. is implemented only in Athens and Thessaloniki in cooperation with the Prosecutorial offices of Athens, Piraeus, and Thessaloniki. Even though the introduction of mediation in domestic violence cases has been widely accepted, it has been criticized as to its suitability in this type of crimes, raising issues of transgender inequality and imbalance of forces, while the lack of appropriate structures and sufficient training of the authorities in order to conduct the mediation process are also mentioned (Artinopoulou 2010a: 112-113; Artinopoulou 2010b: 182-184.).

Penal conciliation (article 308B of the GCPP) was introduced **for certain felonies against property** (Law 3904/2010). Furthermore, articles of the Greek Penal Code proposes the discharge of the accused from any penalty for crimes against property (Art. 375-374, 375-377, 381, 382, 386-406 Penal Code), arson, explosions, etc., as long as the offender with his/her own fully restores the harms or damages caused to the victim and/or reduces the risk caused by his/her acts, within the deadlines specified by the law (e.g. up to the beginning or the end of the evidence procedure) and depending on the severity of the crime - misdemeanour or felony (e.g. before the examination in any way by the authorities in felony case).

Especially in the case of juvenile offenders, **conciliation between the juvenile offender and the victim** has been included in the educational measures for juvenile delinquents in order for them to express apology, manage the consequences of their acts and settle the case out of court. Such measures were introduced with the Law 3189/2003 on the Reform of penal legislation for juveniles and other provisions, which was later reformed by Law 3860/2010 on Improvements on penal legislation for juvenile offenders, prevention and treatment of juvenile victimization and delinquency, which increased the limits of penal nonage at the age of 15 years old and set the imposition of custodial sentences only when it is proved thoroughly that the educational or

therapeutic measures are not sufficient in each case. The scheme of conciliation between the juvenile offender and the victim is conducted under the supervision of the Juvenile Probation Services, where juvenile probation officers undertake the role of the mediator.

In all the above legal provisions, each law specifies certain preconditions in order for the parties to resort to the RJ measures or practices and other provisions regarding the procedural steps of carrying out the RJ practices, all of which concern mainly the integration of the RJ processes in the current procedural and substantive law rather than the development of the RJ principles and the essential development of guidelines for providing RJ in the interest of the victim and the offender and for improving victims' safeguards in RJ services.

Overall, a top-down approach in implementing mediation seems to have been more offender-focused than victim-led, since there were lack of provisions on safeguarding victims, while the laws refer mainly to the offender (Artinopoulou & Michael, 2015, 2014). Moreover, there is lack of provisions regarding the actual RJ process in each case. The national report for Greece produced as part of the IVOR project (2016) concludes that there are no provisions nor guarantees in none of the applications of RJ practices that the victim actually gives free consent, while these laws include no safeguards for the prevention of secondary victimization or other consequences during the implementation of RJ practices. Such conclusions were also confirmed by the responses of almost all the participants in the online VOCIARE survey. Article 63 of the Law 4478/2017 is the first attempt to provide safeguards to the victims who participate in RJ processes yet challenges still exist in practice, as it is soon to study changes in how restorative services are provided.

ARTICLE 13 - RIGHT TO LEGAL AID

Member States shall ensure that victims have access to legal aid, where they have the status of parties to criminal proceedings.

This article of the Victims' Directive was not included in Law 4478/2017 which harmonised the national legal system to the Victims' Directive. Yet, according to Law 3226/2004, **legal aid is granted to any person of low income who is a victim of serious crime, despite of his/her nationality**; yet who resides legally in Greece. Free legal advice and representation is available in any case for victims of torture, sexual or economic exploitation, discrimination, domestic violence, crimes that are punished with at least 6 months imprisonment.

In practice legal aid may be offered both by the state as well as victim support services, such as Bar Associations, Women's Counselling Centers of the General Secretariat for Gender Equality, and other NGOs, e.g. Centre for Research on Women's Issues- DIOTIMA, "Greek Council for Refugees", Actionaid, PRAKSIS, The Smile of the Child, ARSIS (European Public Law Organization, 2017)

Yet, according to an interview¹², **free legal aid to victims is usually limited to legal advice**; while free legal representation is rarely offered, even though it is provided to the defendants. Any application forms or other documents for legal aid use the official national language (i.e. Greek); however, there might be some NGOs which may translate the application into other languages. The main condition for the victim to receive legal aid is his/her financial state which is calculated based on his/her annual resources that should be less than the 2/3 of the lowest annual income according to the General Collective Labour Agreement. An interviewee mentioned that some other preconditions are taken into account when legal aid is offered by NGOs, e.g. that the victim is member of a vulnerable group (e.g. victims of trafficking, victims of domestic violence), or the victim's gender (e.g. the Athens Bar Association or the NGO DIOTIMA offer free legal aid only to female victims).

¹² Interview no. 1.

ARTICLE 14 - RIGHT TO REIMBURSEMENT OF EXPENSES

Member States shall afford victims who participate in criminal proceedings, the possibility of reimbursement of expenses incurred as a result of their active participation in criminal proceedings, in accordance with their role in the relevant criminal justice system.

Even though this article was not transposed in the national Greek law, Article 228 par. 1 of the GCPP states that witnesses (therefore also victims) are entitled to reimbursement of their expenses related to traveling and accommodation as a result of their participation in criminal proceedings. This provision, however, was found reported as been in disuse (Papapantoleon, 2014). Victims who do not understand nor speak Greek are entitled to an interpretation, free of charge (art. 233 and 237 GCPP). Victims of low income (as specified in Law 3226/2004), victims of trafficking and racist violence are exempted from court fees (Papapantoleon, 2014). Moreover, if the accused is found guilty, he/she is also ordered to pay the costs of proceedings; allowing, therefore, the victim to be compensated for the costs of his/her participation in the criminal proceedings. In addition, the victim can claim civil damages (compensation) at a Civil Court (art. 582 GCPP). It is unknown how long it may take until the reimbursement is made. Unfortunately, no other information was found regarding the practical implementation of this article; something that may be due to the economic austerity prevailing in Greece the past years.

ARTICLE 15 - RIGHT TO THE RETURN OF PROPERTY

Member States shall ensure that recoverable property which is seized in the course of criminal proceedings is returned to victims without delay, unless required for the purposes of criminal proceedings.

Article 15 was not transposed in the Greek national legal framework (Law 4478/2017); nor was much information found about it, except those collected from the VOciare interviews with stakeholders. Generally, victims reserve their right to the return of their property if this was stolen and found later by the law enforcement authorities. The return of property which may have been seized in the course of criminal proceedings is under the discretion of the Court or the Prosecutor as defined by the law and the GCPP. The seized evidence is recorded in preliminary reports, which inform the judicial authorities about the reasons of confiscation and their full description. Laboratory tests or safekeeping of the property may be ordered, while copies of the evidence may be kept for future use in the court proceedings. If the return of the property is ordered by the Judicial Authorities, this is done in prompt time by the Service responsible for the safekeeping of the confiscated property.

ARTICLE 16 - RIGHT TO DECISION ON COMPENSATION FROM THE OFFENDER IN THE COURSE OF CRIMINAL PROCEEDINGS

Member States shall ensure that, in the course of criminal proceedings, victims are entitled to obtain a decision on compensation by the offender, within a reasonable time, except where national law provides for such a decision to be made in other legal proceedings.

Article 16 of the Victims' Directives was not transposed in the national legislation in Greece. Yet in practice, the victim may submit a civil action (art. 66 & 68 GCPP) and ask for symbolic compensation. Every victim reserves his/her right to compensation, yet third country nationals with irregular status lack legal documents which usually prevent them from submitting such a claim due to the risk to be arrested and deported (IVOR fact sheet for Greece, 2016).

In this case the compensation will be paid by the offender (art. 77 & 78 GPC). In case that the offender has no financial resources, the State will advance payment of the compensation. Depending on the seriousness of the crime (misdemeanour or felony), the time limit within claims for compensation can be made ranges from 5 years to 15 or 20 years (art. 111 GPC). No national statistics were found on this subject.

ARTICLE 17 – RIGHTS OF VICTIMS RESIDENT IN ANOTHER MEMBER STATE

Member States shall ensure that authorities can take appropriate measures to minimise the difficulties faced where the victim is a resident of a Member State other than that where the criminal offence was committed. The authorities of the Member State where the criminal offence was committed shall be in a position: a) to take a statement immediately after the complaint is made to the competent authority; b) to have recourse to video conferencing and telephone conference calls for the purpose of hearing victims who are resident abroad.

Member States shall ensure that victims of a criminal offence committed in Member States other than that where they reside may make a complaint to the competent authorities of the Member State of residence, if they are unable to do so in the Member State where the criminal offence was committed or, in the event of a serious offence, as determined by national law of that Member State, if they do not wish to do so.

Member States shall ensure that the competent authority to which the victim makes a complaint transmits it without delay to the competent authority of the Member State in which the criminal offence was committed, if the competence to institute the proceedings has not been exercised by the Member State in which the complaint was made.

In Greece, article 64 of Law 4478/2017 transposed Article 17 of the Victims' Directive, safeguarding victims' rights for victims who are residents of another Member State. More specifically, Article 64 specifies that in case of a victim resident in another Member State, the victim is invited to testify as soon as possible after the report of the offence, while the use of communication technology (e.g. videoconferencing, internet, telephone) is possible taking into consideration article 233 of

the GCPP. The victims' initial complaint may also be made to the competent authority of his/her country. The Greek embassies or consulates may take the statements (IVOR fact sheet for Greece, 2016). Moreover, cross-border communication of the judicial authorities for the purposes of providing information and strengthening mutual legal assistance is promoted in par. 3 of Law 4478/2017. Free interpretation is provided to victims during the criminal proceedings (see subsection on Article 7 above).

Several challenges are raised by the postponements of trials, which consequently may violate the victims' rights. Communication technology is currently not available for this purpose¹³. Moreover, statements are only sometimes taken immediately after the victim makes a complaint, while victims who resident in another Member State seem to be treated differently from national victims¹⁴.

Regarding the victim's referral to victim support services in the state of residence, there seems to be no formal system or mechanism of cross-border referral (Papantoleon, 2014). However, it should be noted that the Hellenic Police has tourism police units, which offer information and help to tourists and manage incidents reported by visitors or refer them to the competent police service. There are about 30 tourism police units across Greece, consisting of especially trained police officers who speak foreign languages.

¹³ VOCIARE online survey results; Interviews no. 4 and 6.

¹⁴ VOCIARE online survey results.

ARTICLE 18 - RIGHT TO PROTECTION

Member States shall ensure that measures are available to protect victims and their family members from secondary and repeat victimisation, from intimidation and from retaliation, including against the risk of emotional or psychological harm, and to protect the dignity of victims during questioning and when testifying. When necessary, such measures shall also include procedures established under national law for the physical protection of victims and their family members.

Article 18 of the Victims' Directive constitutes a general provision on the right to protection of victims and their family members from secondary and repeat victimisation, intimidation, and retaliation during the criminal proceedings. This might be the reason this article was not transposed in Law 4478/2017, since more detailed provisions are included in the following articles. Yet, **measures are put in place for the protection of victims depending on the type of the crime and victim's role in the criminal procedure** (E-justice portal – Greece).

Special attention is given to vulnerable victims. For example, victims of organised crime or terrorism may be provided with protection measures, such as videorecorded interview, police protection, maintaining anonymity, identity alterations or relocation to other countries (art. 9 of Law 2928/2001). In cases of domestic violence, competent police authorities are obliged to secure confidentiality and not to disclose in any way information about the victim's identity, residence, or other information which may lead to the identification of the victims or the defendant (art. 20 of Law 3500/2006). Moreover, women victims may be referred to shelters or interim measures may be imposed for the protection of the victim as these are described in the Code of Civil Procedures¹⁵. Finally, in the case of child victims, conducting a video recorded interview is one protection measure that is applied, yet on a pilot level¹⁶. Other legal provisions may include the pre-trial provisional detention of the accused (in felony cases), security measures imposed to the offender (e.g. restrictions on visiting certain places), offender's mandatory presence at a police station on a weekly or monthly basis (art. 282 GCCP), and police protection (Brienen & Hoegen, 2000, p. 423).

¹⁵ Interview no.1.

¹⁶ Interview no. 1 and 2.

In practice, **victims and their families rarely receive adequate protection** from intimidation and retaliation, and against the risk of emotional or psychological harm, even though they are often treated by the authorities in a respectful manner and with dignity¹⁷. Especially in case of vulnerable victims (e.g. victims of trafficking), the Police applies all necessary measures to inform all competent authorities regarding the victim's country of origin in order to provide protection to the victims' families, upon victim's request¹⁸. The victims' fear of retaliation consists a major obstacle in the implementation of this article, while on the other hand there might cases (e.g. domestic violence) where the victim recants as he/she may wish to reunite with the perpetrator, or cases where the victim may have developed a relationship of high interdependence or intimidation with the offender (e.g. victims of trafficking being intimidated for their families safety)¹⁹.

Providing training to professionals on methods to communicate with victims and establish rapport will benefit the practical implementation of these provisions and ensure that victims are treated with respect. Moreover, it is upon the judicial and prosecution discretion to apply protection measures on a more regular and personalised basis after assessing the risks of secondary and repeat victimisation, intimidation, and retaliation of victims. The individual assessment of victims' needs (Art. 22 of Victims' Directive) may facilitate the decision-making process on this issue.

¹⁷ VOciare online survey results.

¹⁸ Interviews no. 4 and 6.

¹⁹ Interviews no. 1, 3, 4 and 6.

ARTICLE 19 - RIGHT TO AVOID CONTACT BETWEEN VICTIM AND OFFENDER

(1) Member States shall establish the necessary conditions to enable avoidance of contact between victims and their family members, where necessary, and the offender within premises where criminal proceedings are conducted, unless the criminal proceedings require such contact.

(2) Member States shall ensure that new court premises have separate waiting areas for victims.

In Greece, Article 19 of the Victims' Directive was transposed under Article 65 of Law 4478/2017. According to par. 1 of art. 65, the victim may request in writing that measures are taken to avoid contact between him/her and, if necessary, his/her family members and the offender where the criminal proceedings take place. The Three-Member Misdemeanour Court decides irrevocably on the place of the criminal proceedings, at any stage of the proceedings. Moreover, par. 2 of art. 65 states that separate waiting areas for victims shall be in new court buildings.

Overall, there are no measures to enforce this right. The current court infrastructures are rather poor; while special seat is reserved only for the defendant (Papapantoleon, 2014). Stakeholders noted that **separate entrances do not exist within any of the premises at the Police or in Court buildings**, neither from outside the buildings, nor are toilet facilities in distance to one another²⁰. Moreover, **separate waiting areas are also absent in court buildings, but there might be available in Police Stations**. Yet appointments at different times are made for victims both at the Police and in Court buildings.

As an interviewee commented, currently the presence of police officers in court buildings may be considered to contributing in the implementation of this right, while the victims are usually just advised to avoid looking at the defendant. Considering the situation and the impact of economic austerity in Greece, there seems to be financial difficulties which prohibit the implementation of these kind of measures (e.g. create different entrances for victims, etc.).

²⁰ VOIARE online survey results.

ARTICLE 20 - RIGHT TO PROTECTION OF VICTIMS DURING CRIMINAL INVESTIGATIONS

Member States shall ensure that during criminal investigations: a) interviews of victims are conducted without unjustified delay; b) the number of interviews of victims is kept to a minimum and interviews are carried out only where strictly necessary for the purposes of the criminal investigation; c) victims may be accompanied by their legal representative and a person of their choice; d) medical examinations are kept to a minimum and are carried out only where strictly necessary for the purposes of the criminal proceedings.

Article 66 of Law 4478/2017 is in full line with Article 20 of the Victims Directive, including all four main points that ensure the victims' rights to protection during criminal investigations. The Greek investigative, prosecuting, and judicial authorities shall ensure that, to the extent that the effectiveness of the process is not compromised, the interviews and medical examinations of victims are conducted without unjustified delay and when necessary, keeping them to the minimum; the victims may be accompanied by their lawyer, or their legal representative or a person of their choice. Special attention is given to child victims, since par. (d) of article 66 states that the officer who interviews a minor, records verbatim in the report the questions addressed to the victim. In cases of vulnerable victims, such as victims of trafficking or child victims, a psychiatrist or a psychologist will assist with the preparation of the victim for the procedures that follow, and in cooperation with the preliminary investigation officer and the judicial officers, will assess the victim's perceptual capacity and mental state, using appropriate diagnostic methods (E-justice portal – Greece). A psychologist or a psychiatrist may also be present during the interview or examination.

Police officers usually take all necessary measures to ensure that the victims, especially vulnerable victims (e.g. victims of trafficking), are interviewed without delay and that that interviews are kept to the minimum depending on the course of the case²¹. In most cases, an introductory and exploratory discussion with the victim initiates the victim's examination, while later interviews are kept to the minimum using appropriate questioning techniques which allow the investigators

²¹ Interviews no. 4,5 and 6.

to obtain a great amount of information²². This information was also confirmed by the VOCIARE survey results, which reported that interviews and medical examinations with victims, especially victims of violent crimes are often conducted without unjustified delay and are kept to the minimum; while victims are always able to be accompanied by a person of their choice; except when this may cause conflict of interest for the victim or prejudice the course of the procedure or when that person is directly involved in the case.

When there are unjustified delays, the main reasons for this are the police work overload, prioritization of cases, procedural requirements, or delays in collaboration between authorities. Moreover, the lack of interpreters and the time required to find one, especially when the complaint is filed at regional Police Department in a rural area, as well as the vulnerable (mental) state of the victims may also cause delays and the need to conduct more interviews²³. Some practitioners²⁴ noted that there might be some cases of domestic violence incidents or women abuse where the police officer may discourage the victims to make a complaint to either avoid opening a new case, due to personal beliefs or because they consider the incident as less serious. In conclusion, it seems that while efforts are made to preserve victims' rights to protection during criminal investigation, there is a range of mainly operational obstacles which may prohibit the effective implementation of such measures. Raising awareness of the professionals on the impact of secondary victimization as a result of the victims' involvement in criminal proceedings and the possible maltreatment by the investigative, prosecuting, or judicial authorities seems to be of a great importance in order to effectively safeguard victims' rights.

²² Interview no- 4 and 6.

²³ Interviews no. 4 and 5.

²⁴ VOCIARE survey results and Interviews no. 3, 4 and 5.

ARTICLE 21 - RIGHT TO PROTECTION OF PRIVACY

Member States shall ensure that competent authorities may take during the criminal proceedings appropriate measures to protect the privacy of the victim. Furthermore, Member States shall ensure that competent authorities may take all lawful measures to prevent public dissemination of any information that could lead to the identification of a child victim.

In Greece, Article 21 of the Victims' Directive was transposed in its entirety in Article 67 of Law 4478/2017, while further details referring to the implementation of this article on a national level are also included. For example, par. 2 of art. 67 is in line with art. 330 of the GCPP and states that the Court may order the trial, or part of it, to be conducted without publicity (behind closed doors) if the publicity of the session is considered detrimental to morality or there are special reasons for protecting the privacy of the family life of the parties, in particular if the publicity of a trial for crimes against sexual freedom and economic exploitation of sexual life results in particular psychological discomfort of the victim, especially of a minor. Par. 3 of art. 67 specifies that the privacy and the identity of the victim must be protected by any service involved and the processing of his/her personal data must always be in accordance with the provisions of Law 2472/1997²⁵. Broadcasting from television or radio, as well as the filming of the trial or the victims appearing before the Prosecutor or the Police is prohibited. Moreover, there are rules of conduct for television presentation of crimes²⁶.

Yet, the stakeholders' opinion on the implementation of this right is rather disappointing. According to their opinion the competent authorities take appropriate and lawful measures to ensure protection of victims' privacy only sometimes, while such measures are considered as neither efficient nor inefficient²⁷. However, privacy protective measures may be applied for all victims, but special attention seems to be given to victims of trafficking in human beings, domestic violence and sexual abuse, victims of terrorism and, especially, child victims. Moreover, practitioners noted that the media are not encouraged to adopt self-regulatory measures to ensure the victim's privacy.

²⁵ i.e. Law 2472/1997 on the Protection of Individuals with regard to the Processing of Personal Data, and as this law is amended or replaced from time to time.

²⁶ Interview no. 1.

²⁷ VOCIARE online survey results.

On the other hand, the Police seems to make efforts to protect the victims' privacy and identity, since the preliminary investigation is carried out in secrecy and the personal data of the victims is never published²⁸. Some practitioners stated that the prohibition of television broadcasting and photographing of victims who appear before the Prosecutor, the Police and other authorities is respected by the Police which is in close cooperation with the judicial authorities to ensure the privacy of the victims²⁹.

Nevertheless, the media in Greece seem to implement low level of safeguards to ensure the victims' privacy. Even though there are specific articles in the code of conduct for journalists (Journalists' Union of Athens Daily Newspapers, 1998) explicitly protecting victims of crime, information about the victim's life are sometimes publicized, while victims may be stigmatized indirectly, e.g. by the overpublicitation of a story, the overexposure of people and surroundings connected to the victims, or the publication of information about the perpetrator who might be a relative or in a close relationship with the victim³⁰; as the Greek media have been characterized as 'crime maniacs' which cover stories in a disrespectful manner (Brienen & Hoegen, 2000, p. 422).

Following the enactment of the EU General Data Protection Regulation and the upcoming transposition of victims' right to privacy, Greece should pay particular attention in safeguarding victims' right to privacy.

²⁸ Interview no. 4, 5 and 6.

²⁹ Interview no. 4 and 6.

³⁰ Interview no. 1 and 2.

ARTICLE 22 - INDIVIDUAL ASSESSMENT OF VICTIMS TO IDENTIFY SPECIFIC PROTECTION NEEDS

Member States shall ensure that victims receive a timely and individual assessment to identify specific protection needs due to their particular vulnerability to secondary and repeat victimisation, to intimidation and to retaliation.

Prior the Victims' Directive, there was no provision in the national legislation foreseeing the individual assessment of victims to identify their specific protection needs. Currently, articles 68 and 75 of Law 4478/2017 transposed Article 22 of the Victims Directive safeguarding the victims' right to individual assessment of their protection needs.

According to article 68, the law enforcement, prosecution and judicial authorities must inform victims about their right to individual assessment and refer them, upon their request, to the **Services of Juvenile Probation and Social Assistance Guardians of the Ministry of Justice** which undertake the **responsibility to conduct timely individual assessment of the victim to identify any specific protection needs**. Following the assessment, if deemed necessary, protection measures may be put in force for the protection of victims as specified in article 69 of Law 4478/2017.

During the individual assessment, factors such as the **personal characteristics** of the victims (e.g. religion, nationality, sexual orientation, state of residence in Greece, communication needs, and previous victimisation), the **level of harm suffered**, the **type of crime** and its impact are taken under consideration. Particular attention is given to victims of terrorism, organised crime, trafficking in human beings, racist violence, domestic violence, sexual abuse and hate crime. **Child victims are by definition considered to require special protection**. To this end, Independent Victims Protection Offices – "Children's House" – will be established within the Agencies of Juvenile and Adult Probation Offices (Services of Juvenile Probation Officers and Social Assistance Guardians) of Athens, Thessaloniki, Piraeus, Patras, and Heraklion (article 75 of Law 4478/2017).

No official data is available for the implementation of this article. Indeed, the VOCIARE online survey results indicated that individual assessment is rarely provided. The design and establishment of the Children's House is currently under process³¹, yet it remains unknown how this right will

³¹ Interview no. 2.

be put in force in practical terms. Nonetheless, an individual assessment regarding victims of trafficking and domestic violence and child victims of sexual abuse is available, in order to provide them with support services (IVOR fact sheet for Greece, 2016), even though the quality of the assessment and to what extent these are implemented in practice are unknown. In the case of the assessment of victims of domestic violence, a Police Manual on handling domestic violence, which was published in 2005, includes a risk assessment screening method (Hellenic Police Headquarters, 2005).

ARTICLE 23 - RIGHT TO PROTECTION OF VICTIMS WITH SPECIFIC PROTECTION NEEDS DURING CRIMINAL PROCEEDINGS

(1) Member States shall ensure that victims with specific protection needs may benefit from the measures. A special measure envisaged following the individual assessment shall not be made available if operational or practical constraints make this impossible, or where there is an urgent need to interview the victim and failure to do so could harm the victim or another person or could prejudice the course of the proceedings.

(2) During criminal investigations, Member States shall ensure that victims with specific protection needs who benefit from special measures identified as a result of an individual assessment, may benefit from the following measures: a) interviews with the victim being carried out in premises designed or adapted for that purpose; b) interviews with the victim being carried out by or through professionals trained for that purpose; c) all interviews with the victim being conducted by the same persons; d) all interviews with victims of sexual violence, gender-based violence or violence in close relationships being conducted by a person of the same sex as the victim, if the victim so wishes.

(3) During court proceedings, victims with special protection needs shall also have the following measures available: a) measures to avoid visual contact between victims and offenders; b) measures to ensure that the victim may be heard in the courtroom without being present; c) measures to avoid unnecessary questioning concerning the victim's private life not related to the criminal offence; d) measures allowing a hearing to take place without the presence of the public.

Victims' rights to protection when specific protection needs are identified is safeguarded under article 69 of Law 4478/2017, transposing in its entirety Article 23 of the Victims' Directive. Moreover, Article 69 par. 4 notes that, in cases of victims of trafficking of human beings and offence against personal freedom, a psychologist or psychiatric is appointment as an expert in order to prepare the victim for the examination and interviewing. A special provision (par. 5 article 69 Law 4478/2017) is also available for when the victim is deaf or mute (including the case where the deaf or mute cannot read or write), prescribing the appointment of interpreters. The use of electronic audio-visual means is also permitted in any case of victims with specific protection needs.

Furthermore, there is a Department of Witness Protection in the Hellenic Police, which is mainly concerned with victims of criminal offenses committed by criminal or terrorist organizations³². However, the provision of any information and communication with the victims is encouraged in any case, in order to prevent any safety risk. During the court procedures, the President of the Court controls the criminal proceedings, while the victim's attorney may appeal when unnecessary questions are presented to the victim³³. The Code of Lawyers (Law 4194/2013) also includes provisions regarding the lawyers' behaviour³⁴.

However, there are **several gaps** in regard to the practical implementation of protection measures, since it seems that they are not widely applied in any case of a victim with special protection needs³⁵. **Geographical differences** in the implementation of protection measures is also apparent between Athens/ Thessaloniki and the province³⁶.

32 Interviews no. 4 and 6.

33 Interview no. 1.

34 Interview no. 1.

35 VOCIARE online survey results.

36 Interview no. 1.

ARTICLE 24 - RIGHT TO PROTECTION OF CHILD VICTIMS DURING CRIMINAL PROCEEDINGS

Member States shall ensure that where the victim is a child: a) in criminal investigations, all interviews with the child victim may be audio visually recorded; b) in criminal investigations, and proceedings, competent authorities appoint a special representative for child victims where the holders of parental responsibility are precluded from representing the child victim as a result of a conflict of interest between them and the child victim, or where the child victim is unaccompanied or separated from the family; c) where the child victim has the right to a lawyer, he or she has the right to legal advice and representation, in his or her own name, in proceedings where there is, or there could be, a conflict of interest between the child victim and the holders of parental responsibility.

Article 69 of Law 4478/2017 includes special provisions for the protection of child victims during criminal proceedings in line with Article 24 of the Victims' Directive. More specifically, par. 3 of Article 69 specifies that when a child victim is interviewed, a psychologist or a psychiatrist is appointed as an expert, in order to prepare and evaluate the child victim and his/her perceptual ability and mental state. The child victims' interviews should always be conducted at the Independent Child Victims Protection Offices or, where not available, at special designed areas, avoiding unjustified delays and retaining a minimum number of interviews, while electronic audio-visual means may also be used to avoid later physical presence in the next stages of the criminal procedure. During the interviewing, the child victim may be accompanied by his/her legal representative unless there is a conflict of interest. Moreover, Article 69 par. 8 specifies that when the victim's age is uncertain, it is presumed that the victim is a minor.

The Independent Child Victims Protection Offices – "Children's House" –are organised based on the provisions of Article 74 of Law 4478/2017. These offices will be established at the Juvenile Probation and Social Assistance Guardians offices in Athens, Thessaloniki, Piraeus, Patras, and Heraklion, covering large cities of Greece. **The "Children's House"** will undertake, in cooperation with the investigating, prosecuting and judicial authorities, the individual assessment of child victims, the provision of general support services to child victims, the evaluation of the perceptual

ability and mental state of the child victims. As mentioned above, the Independent Child Victims Protection Offices – “Children’s House” are still under development.

In practical terms, it seems that only child victims of trafficking in human beings, pimping and sex trafficking enjoy special protection measures and assistance (under Presidential Decree 233/2003) (Kardara, 2018). Geographical differences are also apparent in the case of the implementation of protection measures for child victims³⁷. Additionally, there are concerns as to the quality of expert psychologists and psychiatrists who may not be skilled or experienced to prepare the child victim, ending up drafting a report which is rather not helpful for the investigators, while in many cases the professionals do not have the required time to establish rapport with the child victim (Kardara, 2018).

The Hellenic Society of Forensic Medicine (2018) reported that there no medical examiners in paediatric hospitals in Greece, which hinders the timely provision of forensic services and intensifies the inconvenience of the child’s victims. However, it worth noting that recently the NGO ELIZA Society for the Prevention of Cruelty to Children, in cooperation with the 2nd Paediatric Clinic of the University of Athens, developed and operated the Child Care Safety Unit - “Sofi Varvitsiotes” at the Children’s Hospital “P. & A. Kyriakou”, - the first hospital unit for abused children based on the child-friendly approach (Helpis, 2018). The Child Care Safety Unit - “Sofi Varvitsiotes” objectives are to ensure the identification of infants and children at risk for all forms of abuse/neglect and provide efficient care in cooperation with professionals of different specialties, both within and outside the hospital.

Moreover, the interviews with child victims are only sometimes recorded audio visually³⁸, while in some cases the minors themselves or their legal representatives reject this provision³⁹. Some concerns are raised in regard to the destruction procedure and the prevention of leakage of audiovisual material after its submission to the Court⁴⁰. Also, it is uncertain to what extend the child is appointed a special representative by the competent authorities and is granted the right to legal advice and representation, where there may be a conflict of interest and/or the holders of parental responsibility are precluded from representing a child victim⁴¹.

37 Interview no. 1.

38 VOCIARE online survey results; Interview no. 2

39 Interviews no. 4 and 6.

40 Interviews no. 4 and 6.

41 VOCIARE online survey results

In conclusion, there seems to be important gaps in regard to the protection of child victims during criminal proceedings. The establishment of the Independent Child Victims Protection Offices – “Children’s House” is long-awaited and very promising. However, this may face significant challenges due to its assignment to the Juvenile Probation and Social Assistance Guardians offices where the professionals are already in charge of implementing social measures for the reform of minors and adult offenders respectively. Without the recruitment of new staff and a clear division of duties, the professionals may face even more workload and may be unable to respond to their threefold role as probation officers, mediators, and officers at the “Children’s House”.

ARTICLE 25 - TRAINING OF PRACTITIONERS

Member States shall ensure that officials likely to come into contact with victims, such as police officers and court staff, receive both general and specialist training to a level appropriate to enable them to deal with victims in an impartial, respectful and professional manner.

Member States shall request that those responsible for the training of lawyers, judges and prosecutors involved in criminal proceedings make available both general and specialist training to increase awareness of the needs of victims.

Member States shall encourage initiatives enabling those providing victim support and restorative justice to receive adequate training and observe quality standards to ensure such services are provided in an impartial, respectful, and non-discriminatory manner.

Training shall aim to enable the practitioners to recognise victims and to treat them in a respectful, professional and non-discriminatory manner.

Training shall aim to enable the practitioners to recognise victims and to treat them in a respectful, professional and non-discriminatory manner.

Article 70 of Law 4478/2017 transposed partially article 25 of the Victims' Directive. According to Article 70, specialist training on the protection of victims should be provided in cooperation with all competent Ministries for the education of judicial and prosecution authorities, the psychologists/psychiatrists, and social workers who staff the Independent Victims Protection Offices or appointed as experts in Court, as well as of the juvenile probation officers and the social assistance guardians who work at victim support services and restorative justice services. The Bar Associations are invited to enhance the training and awareness of their member lawyers on the principles of victim protection contained in law 4478/2017. Special attention should be given to victims with special protection needs.

In addition, Article 70 refers to the training of police officers who take on the duties of investigation or pre-investigation procedures; which seems rather limited considering their vital role as the victims' first contact with the CSJ and in providing information and referring victims to support

services. Yet at the basic level, police officers attending the Police Officers and Police Constable Schools receive relevant education on the protection of victims of crime during several courses (e.g. criminology, substantive and procedural criminal law, constitutional law, etc.) as well as in lectures presented by qualified university professors and specialized scientific staff⁴². Additionally, police officers attend training courses, seminars, webinars, and lectures on human rights which are held both in Greece and abroad⁴³. The seminars which are held in Greece, are organised in cooperation with several competent Ministries, government agencies, NGOs etc.

A general training on the Victims' Directive and the national Law, as well as capacity building for strengthening the police officers' communication skills for when they come in contact with victims of crime might prove useful. Indeed, such a pilot training program for police officers was carried out under the EU funded PROTASIS project in an effort to facilitate the implementation of Law 4478/2017 (Protasis project, 2018). The training aimed at providing police officers with general knowledge on the impact of victimisation, the Victims' Directive and Law 4478/2017, the special needs of victims of gender-based violence and child victims, as well as capacity building on communication skills in order to contact victims in a respectful and non-discriminatory manner, considering a personalized approach in meeting the victims' special needs and making appropriate referral to victim support services. Following the pilot trainings, the PROTASIS training manual will soon be released.

Other training seminars regarding victims of trafficking and of domestic violence are organised by the Ministry for Citizen's Protection and Public Order and by the Police Academy (IVOR fact sheet for Greece, 2016; Papapantoleon, 2014). However, these trainings are limited in number and take place occasionally. Moreover, similar seminars on the protection of victims of trafficking, domestic violence and child abuse are also organised occasionally by the Ministry of Justice, Transparency and Human Rights at the National School of Judges, as well as by the General Secretariat of Gender Equality and the National Centre of Public Administration, addressed to judges, prosecutors, police officers, nurses and other public servants respectively (IVOR fact sheet for Greece, 2016; Papapantoleon, 2014). No trainings or provision on the training of court staff was found (Papapantoleon, 2014). Similarly, lawyers do not receive specialized training, nor do they have the necessary skills for when they come in contact with victims, besides some seminars which are organised as part of European programs⁴⁴.

In regard to restorative practices, three training seminars on Restorative Justice and Reconciliation for juvenile probation officers were conducted during September – November 2017. The trainings were organised by the National Centre for Public Administration and Local Government (EKDDA) in cooperation with the Juvenile Probation Officers' Association (SEDA) and the "Restorative Justice

⁴² Interviews no.2 and 7.

⁴³ Interview no. 7.

⁴⁴ Interview no. 1.

and Mediation” Lab of Panteion University of Social and Political Sciences. The training aimed at raising awareness of the juvenile probation officers in the implementation of reconciliation schemes and restorative practices, taking under consideration the provisions of the Victims’ Directive. Following the capacity building of all the juvenile probation officers in Greece, a 2-day awareness-raising seminar for the judiciary took place in April 2018. The seminar was organised, again, by the National Centre for Public Administration and Local Government (EKDDA) in cooperation with the Juvenile Probation Officers’ Association (SEDA) and the “Restorative Justice and Mediation” Lab of Panteion University, as well as the Prosecution of the Supreme Court ‘Areios Pagos’, aiming in informing the judicial authorities on the practical implementation of mediation and reconciliation as part of alternative correctional measures for juvenile delinquents, taking into consideration the provisions of the Victims’ Directive.

Prior to the enactment of Law 4478/2017, five training seminars were conducted in 2014 as part of the EU funded project “Restorative Justice in Europe: Safeguarding Victims & Empowering Professionals (RJE)” (Artinopoulou & Michael, 2014). Almost 783 professionals, such as stakeholders, police officers, lawyers, criminologists, professionals in the field of social care and health, probation officers, representatives of the Ministry of Justice etc. participated in these trainings. The trainings included thematics on the victims’ rights and the Victims’ Directive, a victim’s assessment guide and toolkit, and restorative justice and practices.

In sum, a systematic training of professionals who come in contact with victims of crime seems to be non-existent. Instead, occasional trainings, educational seminars or meetings take place. Stakeholders themselves believe that professionals receive rather insufficient training regarding the needs of victims⁴⁵. It seems that more efforts should be made to provide adequate training of practitioners.

⁴⁵ VOCIARE online survey results.

ARTICLE 26 - COOPERATION AND COORDINATION OF SERVICES

Member States shall take appropriate action to facilitate cooperation between Member States to improve victims’ access to the rights set in the Directive and such cooperation shall at least aim at: a) exchange of best practices; b) consultation in individual cases; c) assistance to European networks working on matters directly relevant to victims’ rights.

Member States shall take appropriate action aimed at raising awareness of the rights set out in the directive, reducing the risk of victimisation, and minimizing the negative impact of crime and the risk of secondary and repeat victimisation, of intimidation and retaliation, in particular targeting groups at risk such as children, victims of gender-based violence and violence in close relationships.

Article 71 of Law 4478/2017 transposed in its entirety Article 26 of the Victims’ Directive into national legislation. However, in practice there is no wide cooperation among the competent services providers in Greece. No protocol, or interdepartmental manual was found to be in use. In fact, most professionals were not aware whether the Greek government has initiated, sponsored, or otherwise ensured awareness-raising campaigns regarding the Victims’ Directive and victims’ rights⁴⁶. The competent authorities may cooperate with some NGOs which provide victim support services and refer victims there, but this is usually done on an informal basis (IVOR fact sheet for Greece, 2016). However, in cases of child abuse, the Prosecutor may order the admission of the minor victim to one of the safe houses of the NGO ‘The Smile of the Child’.

Moreover, most professionals noted that the government has not initiated, sponsored, or otherwise supported or ensured research and education programmes related to the Victims’ Directive or victims’ rights. Yet, many organisations participate in EU-funded projects. Also, it seems that there is no framework for exchanging data for the protection of victims, while only the Police keeps statistics; the judicial authorities do not collect data or statistics concerning victims.

⁴⁶ VOCIARE online survey results

Promoting cooperation among competent authorities and victim services is of great importance for the coordinated provision of services to victims, and the coordination of actions required for the protection of victims. Exchanging knowledge and best practices with other member states and European networks will benefit the integrated and effective implementation of the Victims' Directive in Greece. For example, a bilateral agreement has been signed between Greece and Albania (which in a process of accession in the EU) on the protection of minor victims of trafficking (Law 3692/2008). Additionally, Greek organisations have joined the WAVE (Women Against Violence Europe) network. Bilateral and multilateral agreements, as well as joining European networks, usually facilitate such initiatives of exchanging knowledge and create a unified European framework of cooperation among member states.

GOOD PRACTICES

During the development of the national report, several good practices were identified which facilitate the practical implementation of the Victims' Directive in Greece. Such paradigms of good practices may be transferable among other Member States within the framework of mutual exchanging knowledge and information.

Gender issues and gender-based violence

In Greece, the **General Secretariat for Gender Equality** (GSGE) is the governmental agency in charge of safeguarding and promoting equality between women and men. Moreover, the GSGE drafts policies and acts for the protection of victims of gender-based violence, especially women victims of domestic violence, trafficking, and sexual abuse. Within this framework, the GSGE (2017) has developed and released the National Action Plan on Gender Equality 2016-2020, which includes concrete objectives, horizontal interventions, and vertical specialized policies for six policy areas on gender equality of both adults and minors within the public and private spectrum:

- social inclusion and equal treatment of women facing multiple discrimination
- combating violence against women
- labour market, work-family reconciliation
- education, training, media, culture, sports
- health
- equal participation of women in decision-making.

The **National Action Plan on Gender Equality 2016-2020** promotes the development of synergies with competent stakeholders, while it has been included as a good practice in the 2017 Report on Equality between Women and Men in the European Union (European Commission, 2017, pp. 51-52).

Additionally, the GSGE has set up an "Observatory on Gender Equality". Moreover, the GSGE is the first public agency to set up and operate a network of 61 structures to prevent and tackle all forms of violence against women (domestic violence, rape, trafficking, sexual harassment),

among which Counselling Centers and the 24h Helpline 15900 for Violence against Women.

Protection and support of child victims

- ***Child Care Safety Unit - "Sofi Varvitsiotes"***

The NGO ELIZA Society for the Prevention of Cruelty to Children in cooperation with the 2nd Paediatric Clinic of the University of Athens developed and recently operated the Child Care Safety Unit - "Sofi Varvitsiotes" at the Children's Hospital "P. & A. Kyriako", - the first hospital unit for abused children based on the child-friendly approach (Helpis, 2018). The Child Care Safety Unit - "Sofi Varvitsiotes" objectives are to ensure the identification of infants and children at risk for all forms of abuse/neglect and provide efficient care in cooperation with professionals of different specialties, both within and outside the hospital.

- ***Protocol on the investigation, identification, and handling of abused/neglected children***

The Protocol was developed by the Institute for Child's Health, Department of Mental Health and Social Welfare, Center for the Study and Prevention of Child Abuse and Neglect, as part of the project 'Integrated Approach for the Investigation, Identification and Handling of Child Abuse and Neglect Incidents', within the framework of the Operational Program "Human Resources Development" 2007-2013, co-funded by the European Social Fund and by National Resources. The protocol concerns incidents of all forms of violence against children where the perpetrator is an adult, a family member or not, and was designed in an effort to promote a unified and interdisciplinary approach, and practical guidelines to professionals who come in contact with children or, handle child victimization or domestic violence. Its main objective is to minimize secondary trauma/victimization, and to establish a process that will ensure the protection and well-being of children. Moreover, a ***Guide for professionals on the Implementation of the Protocol on the investigation, identification, and handling of abused – neglected children*** was also developed within the same framework (Institute for Child's Health, n.d.). The tools are available and downloadable online.

Victim Support Services

- ***PROTASIS Victim Support Services catalogue***

The European Public Law Organization (2017) developed the Protasis project catalogue of victim

support services in Greece which includes indicative victim support services that operate on a regular basis all over the Greek territory. The guide was produced within the framework of the EU-funded Protasis project. The guide includes services such as: helplines, online support services, shelters, medical aid, social/practical support, legal aid, psychosocial support, vocational support services, day centers, information services, etc. The guide is available online, free of charge; while it has already been disseminated to a number of high-level police officers working in police stations across the country, as well as in social media.

Training of Practitioners

- ***PROTASIS training curriculum for police officers***

Three pilot 20-hours long trainings for police officers was carried out under the EU funded PROTASIS project in an effort to facilitate the implementation of Law 4478/2017, during 15 to 24 January 2018 (Protasis project, 2018). The training was organized by the European Public Law Organization (EPLo) in cooperation with the Hellenic Police Headquarters – Administrative Support and Human Resources Branch, Training and Human Resources Development Division. The training aimed at informing police officers on the Victims' Directive and the national Law, as well as provide capacity building for strengthening the police officers' communication skills for when they come in contact with victims of crime. More specifically, the training curriculum provided police officers with general knowledge on the impact of victimisation, the Victims' Directive and national Law 4478/2017, the special needs of victims of gender-based violence and child victims, as well as capacity building on communication skills in order to contact victims in a respectful and non-discriminatory manner, taking into account a personalised approach in meeting the victims' special needs and making appropriate referral to victim support services. Following the pilot trainings, the PROTASIS training manual will soon be released.

- ***Developing synergies among training providers, experts, and practitioners***

This good practice emerged through the three training seminars on Restorative Justice and Reconciliation for juvenile probation officers which were organised by the National Centre for Public Administration and Local Government (EKDDA) in cooperation with the Juvenile Probation Officers' Association (SEDA) and the "Restorative Justice and Mediation" Lab of Panteion University of Social and Political Sciences. The training aimed in raising awareness of the juvenile probation officers in the implementation of reconciliation schemes and restorative practices taking under consideration the provisions of the Victims' Directive. Following the capacity building of all juvenile probation officers in Greece, a 2-day awareness-raising seminar for the judiciary was organised by the same three entities, as well as the Prosecution of the Supreme Court 'Areios Pagos'. The seminar aimed at informing the judicial authorities on the practical implementation of mediation and reconciliation as part of alternative correctional measures for juvenile delinquents which are under the responsibility of the Juvenile Probation Offices. Through

these training activities all competent authorities, i.e. the judiciary and the juvenile probation officers, received a common basic level of knowledge and skills, corresponding to their role in the implementation of restorative justice measures for juvenile offenders acknowledging the victims' needs and role.

GAPS, CHALLENGES, AND RECOMMENDATIONS

During the development of this report, a variety of challenges and gaps were identified in regard to the practical implementation of the Victims' Directive in Greece. The application of Law 4478/2017 is a challenge itself in the case of Greece, not because of any lack of efforts or willingness on behalf of the competent authorities and the practitioners; but mainly due to operational, organizational and financial obstacles that may hinder the upcoming progress of the relevant actions and activities.

As it has already been reported (Protasis project, 2017a), many of the provisions of Law 4478/2017 envisage new procedures which are to be implemented within existing agencies, **increasing therefore the duties and tasks of practitioners**. For example, "the assignment of individual assessment of victims' protection needs, as well as the creation of Independent Victims Protection Offices in the Services of Juvenile Probation Officers and Social Assistance Guardians is a major challenge, since the role of the professionals in these services has been limited until recently to the support and supervision of the imposition of sentences and other measures to offenders" (Protasis project, 2017a). As it was noted above (see Article 24), the recruitment of new staff and a clear division of duties might prove essential, otherwise the professionals may face even more workload and may be unable to respond to their threefold role as probation officers, mediators, and officers at the "Children's House".

Another major challenge for the implementation of Law 4478/2017 is the **police officers' training** which is **only guaranteed for those who undertake investigation and pre-investigative tasks**. Yet police officers retain a key role as they consist the first contact of the victims with the competent authorities, and thus a vital point of providing information to victims and potential victims of crime, as well as make referrals to victim support services.

In addition, the **financial austerity and the lack of financial resources** may also prove to be a great challenge for the development, sustainability, and efficacy of the implementation of the

Victims' Directive in Greece. As an expert affirmed⁴⁷, "if there are no resources and a support system for the implementation of the Directive, there is a risk that it will remain on paper."

Moreover, it was observed that there is **lack of protocols and guidelines** for the establishment and implementation of a range of procedures, e.g. restorative practices. No pilot programs have been carried out before the implementation of the legal provisions, while none official training has been offered yet to the key stakeholders, besides the training and awareness-raising seminar on restorative practices for the juvenile probation officers and the judiciary.

The **lack of appropriate structures** (e.g. generic victim support services) with qualified staff to provide support services to victims of crime, the **limited geographical coverage** of these services (mainly provided in large cities), the **lack of personnel**, the **long waiting list**, and the **work- and case- overload of existing services**, hinder the efficient implementation of the provisions on the victims' rights to access and receive support from victim support services. An independent victim support service is needed indeed.

47 Interview no. 1.

RECOMMENDATIONS

Taking into consideration the above-mentioned gaps and challenges in implementing Law 4478/2017, and thus the Victims' Directive in Greece, several recommendations can be made regarding the practical implementation of the envisaged legal provisions:

- Educational materials, guides, protocols, and brochures for professionals and victims, where all practitioners and victims will be able to find information on the rights of victims of crime, the course of criminal proceedings and restorative practices, as well as information on victim support services.
- More trainings and awareness raising seminars for police officers, the judiciary and other professionals who staff the competent authorities in an effort to sensitize them on the victims' rights and offer them skills and tools for better identification, support, and protection of victims of crime.
- Research on the victims' and professionals' needs, the deficiencies in existing services and gaps in policies, aiming at providing evidence for the improvement of the existing services and the integrated development of improved procedures and measures for the victims' support and protection.
- Institutional cooperation and interdepartmental coordination of services. For example, through the organization of national programmes in collaboration with relevant NGOs, state institutions, academia and other scientific agencies aiming in harmonising the undertaken actions and integrating a culture of collaboration among all relevant public and private bodies.
- Establishment of a central (governmental, or semi-governmental) entity, e.g. observatory or committee, for the development, coordination, supervision, promotion/dissemination, and assessment of the implementation of the victims' rights and the Victims' Directive in Greece.

CONCLUSION

The present national report was drafted as part of the EU-funded project VOciare, offering one of the first assessments of the practical implementation of the Victims' Directive in Greece. The information and data collected using the material from the desk research, the online survey results, and the information from the interviews, provided a sufficient study of the current legal framework and its practical implementation regarding the safeguarding of the victims' rights on a national level, the identification of some good practices, as well as a brief reporting on the gaps and challenges from the implementation of the Victims' Directive.

Law 4478/2017, transposing the Victims' Directive into Greek legislation, sets the basis for a holistic support and protection of victims' rights in Greece. The Law encompasses almost all the provisions of the Victims' Directive, while the rights set out in the law apply to all victims in a non-discriminatory manner, regardless of their nationality or citizenship and their residence status. Great emphasis is given on the protection and support of child victims, taking into account the best interests of the child as these are assessed on an individual basis with due regard to the child's age, maturity, views, needs and concerns. However, there is no official evidence regarding the extent of the implementation of Law 4478/2017. Due to the short time since the Law's enactment, its implementation is still in a very premature level as a series of presidential decrees and service orders are expected to be issued to guide the practical implementation of law's provisions.

Nevertheless, a gap between theory and practice is observed in the case of Greece. The work- and case- overload in all competent authorities, the lack of personnel, the lack of financial resources, the lack of generic and specialist victim support services, as well as the insufficient training of practitioners and the lack of manuals and protocols for the integrated coordination of services, make it challenging for a sufficient implementation of the Victims' Directive in Greece.

Yet, competent authorities and professionals seem to make great efforts to improve the current procedures for the protection and support of the victims' rights. Several actions and activities have taken place since the enactment of the Law. The Independent Child Victims Protection Offices – "Children's House" are under development. Upon their establishment, the "Children's House" will undertake in cooperation with the investigating, prosecuting and judicial authorities, the individual assessment, and the provision of general support services to child victims. Moreover, the Child Care Safety Unit – "Sofi Varvitsiotes" has been operating at the Children's Hospital "P. & A. Kyriakou" and constitutes the first hospital unit for abused children in Greece based on the child-friendly approach. Moreover, an encouraging effort for the training of practitioners has been made the last 12 months.

Overall, it was observed that generally the criminal proceedings in Greece are more focused on the offender. A need for ideological change/approach or a change in the culture of the professionals to a more victim-led approach in criminal procedures is considered of paramount importance. A victim-led criminal justice system is a promising development, but it should not exclude the respect of the rights of the offenders, and thus a balanced approach regarding the rights of victims and offenders should be promoted (Artinopoulou & Michael 2014, 2015). The latest trainings of police officers, juvenile probation officers and the judiciary were conducted taking into consideration this approach. The cultural shift is yet to come, but improvements have already begun to occur by giving room to the implementation of measures that highlight and safeguard the role, protection and support of victims in criminal proceedings.

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General Secretariat for Gender Equality: <http://www.isotita.gr/en/home/>

Greek Code of Penal Procedure: <http://www.ministryofjustice.gr/site/odikes/%CE%95%CF%85%CF%81%CE%B5%CF%84%CE%AE%CF%81%CE%B9%CE%BF/%CE%9A%CE%A9%CE%94%CE%99%CE%9A%CE%91%CE%A3%CE%A0%CE%9F%CE%99%CE%9D%CE%99%CE%9A%CE%97%CE%A3%CE%94%CE%99%CE%9A%CE%9F%CE%9D%CE%9F%CE%9C%CE%99%CE%91%CE%A3/tabid/345/language/el-GR/Default.aspx>

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APPENDIX 1 – CONTACT LIST OF INTERVIEWED PROFESSIONALS

#	Name	Institution	E-mail	Phone #
1	-	Lawyer, Private		
2	-	Clinical Psychologist, researcher		
3	-	Police officer, Hellenic Police		
4	-	Police officer, Hellenic Police		
5	-	Police officer, Hellenic Police		
6	-	Police officer, Hellenic Police		
7	-	Police officer, Hellenic Police		



VOCIARE
Victims of Crime
Implementation Analysis
of Rights in Europe



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