



Reshaping treatment approaches towards victims of sexual violence within criminal proceedings.



EXECUTIVE REPORT

GREECE

PROTECTION OF VICTIMS OF SEXUAL CRIMES IN GREECE MAIN CONCLUSIONS

- *The Greek Criminal Justice System consists of **several tools** to ensure the protection of victims of sexual crimes, in accordance with the European standards in the field;*
- *In practical terms, the **procedural framework, the lack of awareness, and the limited staff and infrastructure** constitute obstacles for their application;*
- *During the criminal proceedings, all the aforementioned shortcomings contribute to **neglecting the interests of the victims, violating their rights, and causing secondary victimization by the Criminal Justice System**;*
- *In general, there was an agreement between the professionals of the Criminal Justice System, the mental health professionals and the victims themselves regarding the **lack of protection of the interests of the victims of sexual crimes**;*
- *Justice procedures should be modified and show **flexibility and sensitivity towards victims**, taking into account their interests and personal characteristics, applying - if possible - **individualized interventions**;*
- *The **recommendations** resulting from the present research focus on legislative amendments, specialization of professionals, increase of resources and implementation of restorative justice mechanisms.*



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SEXUAL VIOLENCE

According to the existing bibliography and research, the prevalence of sexual violence, although underreported, is quite high at a global level. In Greece, data from the General Secretariat for Family Policy and Gender Equality (GSFPGE), for the year 2019, reveal that 10% of the calls to the National Helpline SOS (15900) and 4% of women victims that turned to the Municipalities' Network of Supporting Structures for Women referred to sexual crimes^{1,2}.

The United Nations, the European Union and the Council of Europe have issued guidelines on the situation and its management on the one hand, and the protection of victims of sexual crimes, on the other. These guidelines also include the prevention and treatment of secondary victimization.

CRIMINAL JUSTICE SYSTEMS VS SEXUAL CRIMES IN GREECE

The European Directive 2012/29/EU entails the introduction and inclusion of provisions aimed at maximizing the protection of victims of violence of any age and form of abuse; taking into

account the interests of victims. According to the Directive, the Criminal Justice System (CJS) must take into account the personal characteristics of the victims, as well as the circumstances and the characteristics of the crime; and show flexibility and sensitivity towards the victims, and applying - when possible - individualized interventions. At the same time, recommendations from the Council of Europe, as well as the European Parliament, call on Member States to develop actions aiming at maximizing the rights and protection of victims of violence, and in particular, at developing strategies to address the reduced rate of complaints (underreporting) and social stigma.

METHODOLOGY

The researchers of the Union of Women Associations of Heraklion Prefecture, in order to describe the prevalence and the situation regarding sexual crimes in Greece; have investigated European and Greek research, literature, and databases (e.g. EIGE, FRA, GSFPGE).

At the same time, to outline the treatment of victims of sexual crimes by the CJS, the legal database "Law" was researched, studying the decisions of rape cases that were referred to the Supreme Court, over a period of six years (2014-2020).

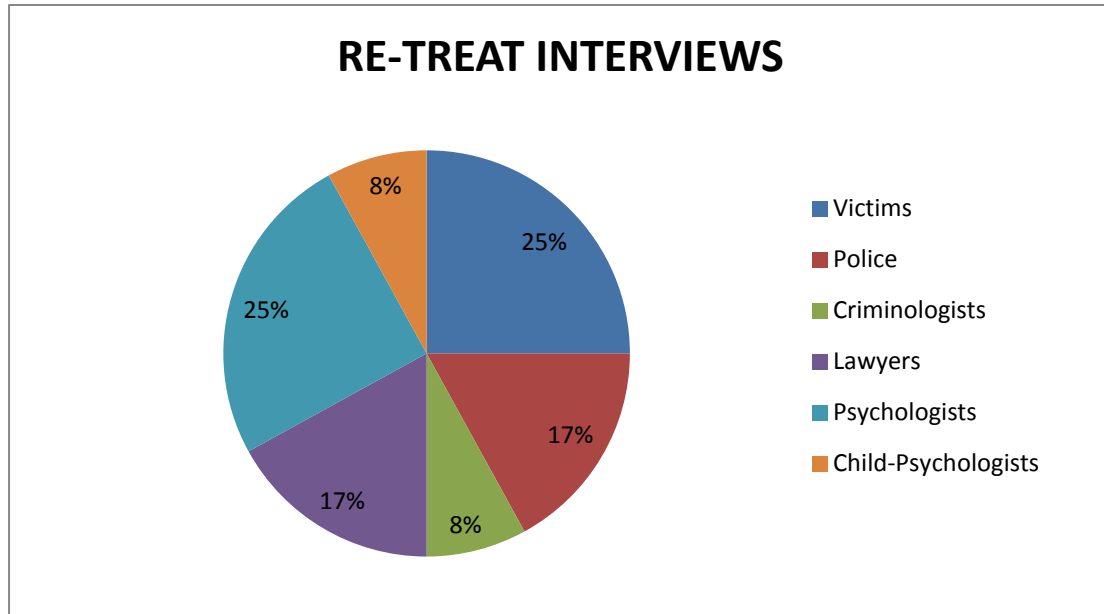
Moreover, interviews were conducted with professionals of the CJS working on sexual crimes, as well as with victims of sexual crimes that have experienced sexual violence (rape or child abuse) as minors or as adults (see Graph nr.1).

¹ Γενική Γραμματεία Οικογενειακής Πολιτικής και Ισότητας των Φύλων, 2019. Δίκτυο Υποστηρικτικών Δομών Γυναικών ΓΓΠΦ – Δήμων: Στοιχεία Εξυληρευτούμενων Γυναικών. http://paratiritirio.isotita.gr/genqua_portal/?fbclid=IwAR2FyMdgAhH4ALUX9REnY9RThBtemJQeebZdBL6sQqbxwsvC7uEN5ODuD5s

² Γενική Γραμματεία Οικογενειακής Πολιτικής και Ισότητας των Φύλων, 2019b. Στατιστικά Στοιχεία Τηλεφωνικής Γραμμής SOS 15900. <https://www.isotita.gr/wp-content/uploads/2020/01/%CE%A3%CF%84%CE%B1%CF%B9%CF%87%CE%B5%CE%AF%CE%B1-%CE%93%CF%81%CE%B1%CE%BC%CE%BC%CE%AE%CF%82-SOS-01-01-2019-%CE%AD%CF%89%CF%82-31-12-2019.pdf>



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Graph 1: RE-TREAT Interviews

PUNISHMENT & GENERAL SITUATION OF CRIMINAL JUSTICE SYSTEM IN GREECE

The 19th chapter of the special part of the Greek Penal Code (PC) classifies all crimes related to sexual freedom and life (articles 336, 337, 338, 338, 339, 342, 343, 345, 348, 348^A, 349, 351, 353 and 323^A PC). The recent Law 4637/2019 is expected to bring forward essential changes to forthcoming legislation and consequently the situation, as it defines, inter alia, sexual crime and rape within marital relationship.

According to the fundamental principle of criminal law, crimes are prosecuted either *ex officio* (by the Prosecutor, i.e. the state itself) or based on a *complaint* (filed by the victim). The victim can report the crime to the Police or the Prosecutor's Office of the place of their location. The Police commence the preliminary examination aiming at gathering sufficient evidence in order to substantiate the criminal offence, so that the Prosecutor can afterwards prosecute the offender.

The Hellenic Police has, in recent years, created specialized services/units to deal with domestic violence and human trafficking; while a wide range of public services and NGOs (e.g. GSFPGE, EKKA, Klimaka, Arsis, Diotima, UWAH, etc.) provide psychological support to victims of sexual crimes.

According to Eurostat, for the decade 2009-2018, 840 incidents of sexual violence, rape and sexual assaults, were recorded in Greece³. According to GSFPGE and data from 63 Public Prosecutor's Offices of first instance in Greece⁴, in

³ Eurostat, 2019. *Recorded offences by offence category – police data*
https://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=crim_off_cat&lang=en

⁴ Παρατηρητήριο Γενικής Γραμματείας Οικογενειακής Πολιτικής και Ισότητας των Φύλων, 2019. *23^ο Ενημερωτικό Σημείωμα*.

<http://www.isotita.gr/%CF%84%CE%BF-23%CE%BF-%CE%B5%CE%BD%CE%B7%CE%BC%CE%B5%CF%81%CF%89%CF%84%CE%B9%CE%BA%CF%8C-%CF%83%CE%B7%CE%BC%CE%B5%CE%AF%CF%89%CE%BC%CE%B1-%CF%84%CE%BF%CF%85->



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2018, regarding crimes of rape, there were 13 criminal prosecutions against men, 8 convictions, and two sentences for reformatory measures. Regarding abuse of person incompetent to resist to sexual act, there were 9 criminal prosecutions and 1 sentencing in penitentiaries. Finally, regarding domestic insults of sexual dignity, there were 187 criminal prosecutions against men, 29 convictions, and 1 sentence for reformatory measures.

Research on Supreme Court Cassation Decisions revealed 30 rape cases since 2014. The collected data show that the majority of victims are between 11-16 years old (61.8%), while adult victims represent 26.5%. Out of minor victims, girls represent 71.5%, while all adult victims were women. 13.3% of victims were persons with disability (3 adult and 1 minor victims). The offender was known to the victim in 88% of the cases. In 56% of the cases, the violence (rape) occurred repeatedly (from one month up to 6 years), while in 40% of the cases it occurred only once. Finally, with regards to criminal proceedings, in at least 26.6% of cases the victims testified in court; from those victims, 62.5% were adolescents.

VICTIMS' TREATMENT: OBSTACLES FACED BY THE VICTIMS DURING THE DIFFERENT PHASES OF THE CRIMINAL PROCEEDINGS

REPORTING THE FACTS TO AUTHORITIES

Among the 3 victims participating in the current research, 2 have been sexually

abused as minors. The victims disclosed the crime to a close contact; a reaction that, according to the existing bibliography, is not common⁵. All 3 victims reported the crime to the Police. However, only in the case of the adult victim, the offender was prosecuted; as in the other 2 cases justice was not restored due to "lack" of incriminating evidence and the age of the victims. During the criminal proceeding, the adult victim was requested to testify several times, including testifying in front of the offender. Disclosing to close contacts, as well as reporting and testifying to the Police, were experienced as "stressful" and "traumatic" experiences by the victims that were characterized by feelings of fear, shame and guilt. More specifically, in relation to the interests of the victims, namely information, being accompanied, heard, believed, supported, and treated with respect, involved in decision-making, as well as offender accountability; victims were not at all satisfied to somewhat satisfied with the procedures of the CJS.

The majority of CJS and mental health professionals mentioned that the victims rarely proceed with criminal proceedings. However, when they do, the experience is traumatic, as victims interests are not taken into account, which often leads to secondary victimization. In detail, there is no suitable infrastructure and technological equipment (especially regarding minor victims); while there are several bureaucratic and institutional

⁵ Alaggia, R., Collin-Vézina, D., & Lateef, R. (2019). Facilitators and barriers to child sexual abuse (CSA) disclosures: A research update (2000–2016). *Trauma, Violence, & Abuse, 20*(2), 260-283.

Lanthier, S., Du Mont, J., & Mason, R. (2018). Responding to delayed disclosure of sexual assault in health settings: a systematic review. *Trauma, Violence, & Abuse, 19*(3), 251-265.

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obstacles (for example lack of police psychologists or limited working hours of public social services), and lack of staff specialised in managing sexual crimes (especially in the Police). In addition, victims need to testify several times (4-5 times in average) – often in front of the offender-, the criminal proceedings are very lengthy, there is limited information provided to the victims as well as limited participation in decision making on issues of their direct interest.

LEGAL ASSISTANCE

In Greece, the provision of free of charge legal aid is foreseen by the law in cases that the victim does not have the financial means to hire a lawyer. The provision of legal aid by public services and victim support NGOs is not sufficiently widespread, and even in cases where there is information, it is considered incomplete.

The lawyers participating in the current research were not specialized in sexual crimes, while they mentioned that they have undertaken about 10 cases of sexual crimes during their careers (2-5 years).

VICTIM SUPPORT SERVICES

Victim support services for victims of violence are widespread in Greece. However, there are no specialized services for victims of sexual crimes. The victims participating in the RE-TREAT research stated that they were satisfied with the received services. Equally, the professionals of the CJS mentioned that they often refer victims to public victim support services as well as to NGOs, and private practice psychologists and child psychologists. The cooperation between the CJS professionals and victim support services was perceived as satisfying from

both sides, although the **lack of an institutionalized multi-agency protocol for the collaboration of services and professionals was evident.**

The mental health professionals that engage with sexual violence incidents have received relevant education and training. However, it is noteworthy that the capacity building of such professionals is related to their personal interests, motives and ethics; and is not provided by the victim support entity/service they work for.

PENAL PROCEEDING

If the crime reported by the victim has a legal basis, it is obviously well-founded, and there is sufficient evidence against the offender, the Prosecutor prosecutes the offender and orders an investigation. After the investigation the offender is referred to trial. In cases where the offence is a felony, the accused may be remanded in custody (or subject to restrictive conditions) until the trial is adjourned, in order to avoid execution of new offences.

In offences against minors, the parent or the guardian, who also represents them in court, is responsible for filing a report. It is noteworthy that trials on sexual offences against minors are conducted with “closed-doors” in order to protect the privacy of the victims and do not require them to appear in court in person. Instead, the victims testify, provided that they have the required mental maturity, before the investigator, always in the presence of a child psychologist.

PRECAUTIONARY & PROTECTIVE MEASURES

With regards to precautionary and protective measures and more specifically



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with the protection of their mental health, privacy and security; the sexual violence victims participating in the current research mentioned that they were somewhat satisfied. At the same line, the professionals stated that the security, privacy, and mental health of the victims are not sufficiently shielded by the CJS.

ORAL HEARING

The criminal proceedings of sexual crimes, from the beginning to the final sentence, were characterized by the participants in the present study as very time consuming, with an average duration of 4 years. The medical examinations/reports, as well as expert reports by a (child) psychiatrist and/or (child) psychologist, constitute the most significant evidence, according to the conducted research, but also the Supreme Court Cassation decisions. It is important to highlight that in the current research, the opinions regarding the credibility of the testimonies of minors were divided. In many cases, the minor victims were treated as unreliable and "second class" witnesses, based on their age and vulnerability to susceptibility. However, there were also cases where the testimonies of minor victims were considered reliable; especially when they were detailed, analytical and time-coherent.

TERMINATION OF THE PROCEEDING

Concerning the 30 cases referred to the Supreme Court Cassation, the average penalty was 13,9 years of imprisonment (minimum 6 years and maximum 25 years).

RESTORATIVE JUSTICE

Restorative Justice and Compensation mechanisms are not sufficiently applied in the Greek CJS. Regarding Compensation from the Offender, there was only one case that has been awarded 70.000 euro compensation for non-pecuniary damages (Supreme Court Decision nr. 801/2016). As far as State Compensation is concerned, although foreseen, as to date no such compensation has been adjudicated⁶. The observed gap can be attributed to lack of information and interest of the involved professionals, but also to the denial of victims. For their part, both the victims and the majority of professionals reported that they were not at all satisfied with the Restorative Justice and Compensation mechanisms.

⁶ FAIRCOM, 2020. *Contributing to improve an efficient and effective model for fair and appropriate compensation to victims of sexual crimes in the EU.* <https://sexualviolencejustice.eu/>.



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Financed by
The European Union
Justice Program (2014-2020)

The present publication is co-funded by the European Union Justice Programme (2014-2020).

The contents of this publication are the sole responsibility of the Union of the Women Associations of Heraklion Prefecture for the RETREAT project, and do not necessarily reflect the opinion of the European Union.



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November 2020

