



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

NATIONAL REPORT

GREECE



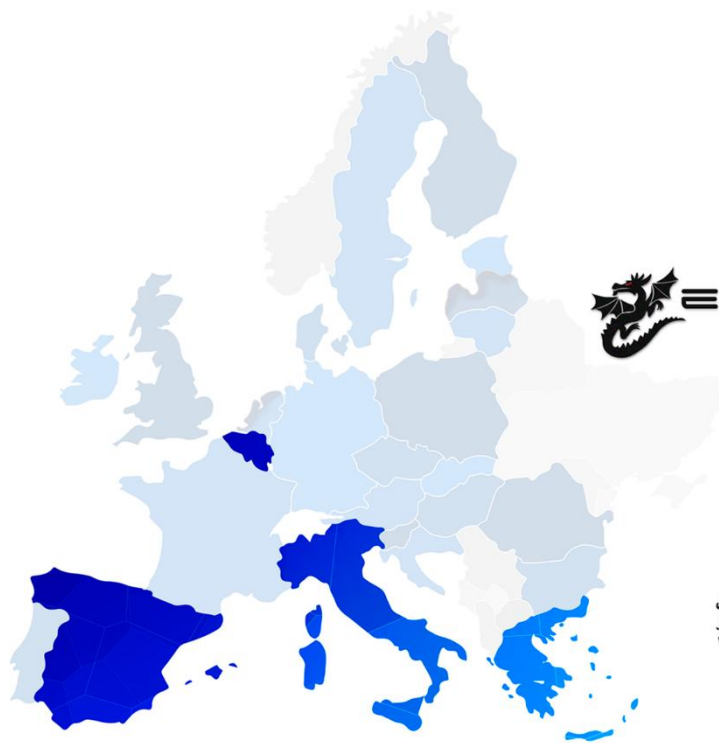
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**RETREAT – Reshaping treatment approaches towards victims of sexual violence
within criminal proceedings**

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WP2 – National Report Greece

Union of Women Associations of Heraklion Prefecture



Authors: Sophia Thanasoula, Ariadni Spanaki, Maria Daskalaki, Nicholas Spetsidis

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1. INTRODUCTION

1.1. LEGAL STANDARDS: EUROPEAN AND INTERNATIONAL PROTECTION OF VICTIMS OF SEXUAL CRIMES

The transposition of the European Directive 2012/29/EU in the legislative framework of the EU Member States includes the introduction and integration of provisions aiming at maximizing the protection of victims of violence independently of their age or form of abuse they experienced. At the same time, directives and recommendations from the Council of Europe, as well as the European Parliament, call Member States to develop actions aimed at maximizing the rights and protection of victims of violence, and in particular, to design strategies to address the issues of underreporting and social stigma; while proposing the creation of independent experts groups that will investigate the course of policies adopted by the Member States. The European Parliament, since 2014, has repeatedly called the European Commission to promote a comprehensive EU strategy and submit a Directive proposal for combating all forms of gender based violence, including sexual harassment and sexual violence against women and girls.

The UN High Commissioner for Human Rights and UN High Commissioner for Refugees have established a 3-year strategy (2020-2022) for the promotion of fair and effective access to mechanisms that aim at preventing and combating gender based sexual violence and the extension of prospects for the safe integration of asylum seekers, refugees and other persons in risky situations, under the mandate of the High Commissioner.

In 2019, the Office of the United Nations High Commissioner for Human Rights (OHCHR) published a report regarding the Protection of victims of sexual violence (OHCHR, 2019). According to this report, the initiatives aiming at supporting the design and establishment of protection measures and mechanisms for victims of sexual violence have not consistently applied a victim-centred approach and suffer mainly from fragmentation. As a result, the treatment of victims by all corresponding actors must adopt a more victim-centred character. At the same time, special attention should be paid to the tackling of stigmatisation at community and society level; and to the enhancing of the protection of sexual violence victims before, during and after judicial proceedings. Moreover, efforts should be directed towards the insurance of a holistic approach for the protection of victims of sexual violence. According to OHCHR, the empowerment of the victims should be done through interventions that address victims' needs regarding psycho-social support, risk of reprisals and stigmatisation, including the role of NGO's that play a crucial role at the empowerment and support of victims. The implementation of such intervention would help to address the under-reporting of sexual crimes (OHCHR, 2019). In addition, OHCHR claims that sexual violence against men is often neglected; and there is need for specific interventions that take into account the differentiated and individual needs of men and boys, in all aspects of protection programmes. Last but not least, at this report, emphasis is given to the need of dissemination and sharing of the already existing good practices and lessons learned.

The overall goal of the strategy is to reduce the risks and mitigate the effects of sexual violence and gender-based violence against women, men, boys and girls, through a coordinated response mechanism based on a multi-sectoral approach that focuses on the survivor of violence and the provision of fair, non-discriminatory access to services available to citizens.

The European Commission released, in June 2020, guidelines regarding a new strategic that aims at the empowerment of victims (European Commission, 2020). In particular, it is the first



strategy of EC regarding victims' rights and that ensures victims' rights, no matter where in the EU the crimes took place. This strategy sets a number of actions, for a 5-year period, focusing in two objectives: firstly, the empowerment of victims in order to be able to report the crimes; to claim compensation and have the chance to recover by the consequences of the crime; Secondly, to be able to cooperate with all corresponding actors. These actions are centred around five key priorities: firstly, effective communicating with victims and providing for safe environment for victims to report crime; secondly, improving protection and support for the most vulnerable victims; thirdly, facilitating victims' access to compensation; fourthly, strengthening cooperation and coordination among actors on victims' rights and fifthly, strengthening the international dimension of victims' rights.

The analysis of the mechanisms for the *fair and effective implementation* of the legal procedures provided for the application of the European strategic framework by the National Legislation of the Member States, is of particular importance. The analysis of procedures, as well as the evaluation of results per country; offer significant input in the assessment of the effectiveness of the procedures that are being followed.

The effective application of legal tools for the benefit of victims of sexual violence of any age, constitutes an important factor that contributes positively to achieving the "fair and effective access to protection mechanisms"; while the effectiveness of the system contributes positively to tackling inadequate reporting, but also addressing social stigma.

The factors and guidelines for the application of the legislation play a fundamental role, as the results of the implementation of the law are considered essential for the amelioration of the system. Simplifying procedures as well as ensuring transparency during reporting, investigation and award of justice are multiplier aspects with regards to the final result.

1.2. THE VICTIM'S PERSPECTIVE

Victims of sexual crimes face a number of difficulties both in disclosing and reporting sexual offences, as well as in criminal proceedings that follow. These difficulties make sexual crimes particularly under-recorded and under-reported (Paterson, 2011; Spohn & Tellis, 2012; WHO, 2012). More specifically, according to Tjaden & Thoennes (2006), only 19.1% of women who have been raped, since the age of 18, have reported the incident. A similar study found that only 6% of sexual assaults are reported to the police (DuMont, Miller, & Myhr, 2003). The reasons for this are varied and are mainly related to the procedures of the Criminal Justice System (CJS). More specifically, victims fear that they will be "blamed", and their sincerity and credibility will be questioned (Dumont et al., 2003; Felson & Paré, 2007), a fact that seems to occur especially in cases of intra-partner sexual violence (Paterson, 2011). For this reason, victims tend to report sexual crimes to the police more often when the offender is unknown and there are obvious signs of abuse proving the use of a weapon or physical violence (Dumont et al., 2003; Felson & Paré, 2007). Therefore, they are less likely to report sexual offences in which they knew the offender or when they used alcohol or other psychotropic substances during the event (Dumont et al., 2003; Felson & Paré, 2007). Additional preventive factors for victims in reporting sexual crimes to the police include: the belief that the police will not deal with the crime, the fear that they will not be believed, the failure of the CJS to protect them from retaliation by the offender, and emotions of shame (Felson & Paré, 2007). Even in cases where victims report the incident; it is not uncommon for them to subsequently refuse to cooperate with the police or to become further involved in criminal proceedings,

withdrawing their charges without appearing for additional testimony, or requesting to halt the criminal prosecution (Spohn & Tellis, 2012). Despite the lack of relevant research, the percentage of victims withdrawing from the process is estimated at 36%; which is increased to 42.7% for victims who report criminal sexual assault (Spohn, Rodriguez, & Koss, 2008).

As the needs and interests of the victims of sexual crimes are not taken into account, almost half of the victims - especially rape victims - experience secondary victimization by the CJS (Monroe et al., 2005). A study by Paterson (2011) showed that victims whose case did not go to trial bore characteristics that were perceived by police as unreliable; while victims in these cases claimed police involvement in their secondary victimization. The same study also showed a correlation between secondary victimization and the final legal outcome.

It is evident from all the above, that there is a pressing need to take the needs and interests of victims seriously during CJS procedures. The CJS must, in accordance with the European Directive 2012/29/EU, take into account the personal characteristics of the victims, the circumstances and the qualities of the crime, by showing flexibility and sensitivity towards them, and implementing - if feasible - individualized interventions.

1.2.1. VICTIMIZATION IN SEXUAL CRIMES

According to the European Union Agency for Fundamental Rights European survey (FRA, 2014), 3.7 million women in the EU have experienced sexual violence in the last 12 months, before the survey. Also, 1 in 3 (33%) women have experienced physical and sexual violence since the age of 15. 8% of women have experienced physical and / or sexual violence in the last 12 months before the survey. Of all women who have a (current or former) partner, 22% have experienced physical and / or sexual violence from their partner since the age of 15.

Overall, 11% of women have experienced some form of sexual violence since the age of 15, either by a partner or another person (FRA, 2014). 1 in 20 women (5%) has been raped since the age of 15. Of the women who reported being sexually assaulted by a non-partner, about 1 in 10 reported that more than one offender was involved in the incident.

According to the same research, physical and sexual violence, by partners or not, is more common in the age group 18-29 years, which is characterized as particularly vulnerable to sexual violence and abuse (FRA, 2014). An exception is intimate partner violence - including sexual violence - from the age of 15, which is slightly higher for those aged 30-59. Intimate partner violence, in the last 12 months before the survey, seems to decrease with age, as the lowest rates are found in the age group over 60 years.

In Greece, 4% of women victims that turned to the Municipalities' Network of Supporting Structures for Women of the General Secretariat for Family Policy & Gender Equality (GSFPGE) in 2019, have been victims of sexual crimes, and more specifically rape (2%) and sexual harassment (2%) (General Secretariat for Family Policy & Gender Equality, 2019a). The respective percentage for women victims of sexual crimes, who contacted the SOS National Hotline for 2019, amounted to 3%, and more specifically 1% for incidents of rape and 2% for sexual harassment (General Secretariat of Family Policy & Gender Equality, 2019b).

In Greece, there are no official statistics focused on women victims of sexual crimes, regarding their gender, age, educational level, citizenship, nationality and other characteristics. The only data available are those of the GSFPGE concerning women victims of violence that include sexual violence.

According to data from the Municipalities' Network of Supporting Structures for Women of the General Secretariat for Family Policy & Gender Equality (GSFPGE), for 2019, the age groups of women victims of violence are - in descending order - 36-45 years (29%), 26-35 and 46-55 years (20%), under 25 years (8%), over 60 years (7%) and, finally, 56-60 years (5%) (General Secretariat for Family Policy & Gender Equality, 2019a). According to data from the SOS National Support Hotline, for 2019, the age groups of women victims of violence are - in descending order - 40-54 years (26%), 25-39 (25%), 55-64 (7%), under 24 (5%) and, finally, over 65 (4%) (General Secretariat for Family Policy & Gender Equality, 2019b).

Regarding the citizenship of women victims of violence who consulted the Municipalities' Network of Supporting Structures for Women of the General Secretariat for Family Policy & Gender Equality (GSFPGE), for 2019, the vast majority of them (73%) were Greek citizens, followed by non-EU citizens (16%) and, finally, EU citizens (3%) (General Secretariat for Family Policy & Gender Equality, 2019a). Regarding the citizenship of women victims of violence who contacted the SOS National Hotline, for 2019, the vast majority of them (76%) were Greek citizens, followed by Albanian citizens (2%), Bulgarian citizens (1%), and Russian citizens (1%) (General Secretariat for Family Policy & Gender Equality, 2019b).

1.2.2. INTERESTS VERSUS NEEDS

Research and literature on the disclosure of sexual crimes - and especially rape - to formal bodies, such as the police and mental health services, show that it occurs at a later stage or never takes place, especially when a long time has passed or it is related to factors that affect the credibility of the victim (Bicanic et al., 2015; Paterson, 2011; Spohn & Tellis, 2012). The majority of victims (2 in 3) prefer to expose sexual crimes to informal networks such as family, friends or partners (Fisher, Daigle, Cullen, & Turner, 2003).

Delay in disclosure and/or in reporting sexual crimes also appears to be related to factors such as age (young adults are more likely to disclose the abuse than adolescents and children); the nature of the crime (rape victims disclose and/or report less often than victims of sexual assault); its special features, such as for example the use of threats; as well as the victim-offender relationship (more frequent disclosure and/or reporting when the offender is unknown (Bicanic et al., 2015).

In Greece, according to the present study for the RETREAT European project, the procedures of the CJS constitute a preventive factor for the disclosure and/or reporting of sexual crimes. More specifically, the police stations are considered "cold and inhospitable", while they do not meet the necessary standards (lack of specialized staff, lack of space, etc.). Similarly, regarding courts, the prevalent belief is that "only bad persons go there". The procedures of the Criminal Justice System are not familiar to the victims, who, from their point of view, believe that their involvement with them will be the beginning of a time-consuming process, which may harm them mentally. Victims fear exposure and stigma, as they do not feel that their privacy, dignity and safety are adequately protected by the CJS. There is also the fear of not being believed and not being listened to, causing additional trauma and stigma. At the same time, it is believed that victims do not have the opportunity to take an active part in the proceedings of the CJS.

The information they receive regarding the procedures of the CJS and their development is insufficient, while the provision of support is not institutionalized; but rather relies on the personal decisions and support networks of the victim. To summarize, the procedures of the

CJS do not contribute to minimising the negative effects on the mental health of victims of sexual crimes; but sometimes they rather act as a means of aggregation, leading to secondary victimization of victims by the CJS, as they do not take into account their special needs and interests. Nevertheless, besides the CJS, the wider society also sometimes exposes and stigmatizes the victims of sexual crimes; while it is not uncommon that their identities are published in the media, leading to further stigmatization and victimization. It is worth noting, however, that according to all participants in the current study, there has been rapid progress in the services involved in the protection of the rights and the well-being of victims of sexual crimes in Greece, in the recent years.

1.3. METHODOLOGY

For the RETREAT European project, the research was conducted at two levels. At the first level, bibliographic and statistical data regarding sexual crimes in Greece were collected. In this framework data were obtained from sources such as the General Secretariat for Family Policy and Gender Equality, but also from European Organizations, such as FRA, Eurostat and EIGE, that collect statistics from the police. In addition, an attempt was made to outline the situation of sexual crimes based on the decisions of the Supreme Court, drawing on data from the legal database "Nomos" (Law).

At the second level, semi-structured interviews were conducted with victims of sexual violence, as well as with professionals who come into contact with victims of sexual crimes. More specifically, a total of 12 interviews were conducted: 3 victims of sexual crimes; 2 lawyers; 2 police officers; 1 specialised criminologist who conducts forensic interviews with minor victims of sexual abuse; 1 child psychologist dealing with minor, adolescent and young adult victims of sexual abuse; and 3 mental health professionals working in support services for women victims of violence. Due to the restrictive measures imposed by the COVID-19 pandemic, most interviews took place either via Skype or by telephone. The interviews lasted an average of about 1 hour. The participants in the research received the Informed Consent Form prior to the interview. All data in the research have been anonymized and analyzed based on the thematic analysis.

2. CRIMES AGAINST SEXUAL FREEDOM

2.1. LEGAL FRAMEWORK

In the 19th chapter of the special part of Greek Penal Code (P.C.), there is classification of all crimes related to sexual- freedom and life, (articles 336-353 P.C.) whereas for the needs of the present study we also need to include article 323 A' "*trafficking in human beings*". Changes that have been recently adopted in Greek P.C. by Law 4637/2019 are important and Greek jurisprudence has - not as yet - commenced to adjust to new legal terms.

To start with a wide range of provisions have been abolished; provisions that did not contain any serious offence against a legally protected right and had been considered as crimes due to the ideology of law makers of that time for certain life choices. As well as this, provisions that corresponded to previous (century) needs and had no reason to exist in contemporary societies have been abolished, such as¹: (a) Crime of fraudulent intercourse (ex-article 341 P.C.); (b) Crime of sodomy among male (ex-a. 347 P.C.); (c) Crime of facilitating the intercourse of others (ex-a. 348 par.1 P.C.); (d) Crime of prostitute's exploitation (ex-a. 350 P.C.); (e) Crime of causing scandal by indecent acts (ex-a. 353 par 1 P.C.).

Under the revised part of (P.C.) serious offences in personal freedom and in the area of sexual life are regulated, as well as offences against childhood and acts of financial abuse of sexual life. The regulation of such offences has taken place according to contemporary beliefs, as reflected in daily life and behaviour of the society. Finally, special attention is given to safeguarding childhood and healthy sexual development of the child/victim, therefore, the age of the minor is of crucial role to the penal treatment of the offenders. For the needs of the present study all articles of said chapter are mentioned and the most basic ones are described briefly, whereas their definitions are given in **Annex 1**.

2.1.1. RAPE (ARTICLE 336 P.C.)

The provisions of said article aim to protect sexual freedom of every woman or man, that is the freedom to decide themselves, without any coercion and within the limits of law, "if, when and with whom" they may wish to have a sexual relationship of any kind. The crime of rape apart from turning against sexual freedom, directly and in a traumatic manner, it affects also other constitutional rights, such is: the right to life (in lethal rape), in human dignity, in personality, in health and in childhood (when against minors). In order for rape to be established, there should be coercion to conduct or to bear a sexual act as a result of practicing physical violence against the victim or to pose a threat of a serious and direct danger². The offender may be a

¹Explanatory Memorandum in Draft Law «Ratification of Penal Code» <https://www.hellenicparliament.gr/UserFiles/2f026f42-950c-4efc-b950-340c4fb76a24/k-poinkod-eis-NEO.pdf> (in Greek)

² Under the term "*physical violence*" the legislator means the use of physical force in order to overcome resistance that has either been manifested or is expected to manifest. The decisive element is the physical effect and not the material nature of the force, which will normally exist but is not necessary for the formation of the concept of physical violence. Physical violence can be exercised not only through action but also through omission. Finally, the second way of committing the crime of rape is the threat of great and immediate danger, not necessarily the ultimate. A threat is the material or moral damage that will occur to the person under force, in case they do not give in to the demands of the offender. It is not necessary that the threatening persons wished to fulfill the threat; it is enough that they had the intention of threatening and that the threatened person believed that they had both the intention and the possibility of threatening.

woman or a man, likewise the victim. The victim may have different or same sex with the offender. Rape may also be conducted within marriage. Before the (P.C.) amendment by L. 4367/2019 rape could also be conducted against a married person, though not by the spouse, particularly in form of intercourse, since article 336 P.C. used to cover just the coercion into extramarital intercourse³.

2.1.2. ASSAULT OF SEXUAL DIGNITY (ARTICLE 337 P.C.)

Protected legal right here is not morals but rather personal dignity and freedom that can be referred under the term “sexual freedom”. What differentiates this provision from the other ones is the way of assault. In particular, the assault herein is made with lewd gestures or wordings that are of a less gravity and importance and are in no case similar to intercourse⁴. It is also worth mentioning that under the recent amendment, paragraphs 3 and 4 were added, and a more serious penalty has been established when the crime takes place through the internet or other technological means, as well as in the workplace.

2.1.3. ABUSE OF PERSON INCOMPETENT TO RESIST TO SEXUAL ACT (ARTICLE 338 P.C.)

After the amendment of (P.C) the criminal abuse term to sexual assault; it is punished not only against minors but also against adults. Said provision protects sexual freedom from sexual actions conducted by the abuse of mental or physical incompetence of the victim; in this case victims are unable to shape a true and a conscious will in the field of sexual life or they are unable to resist the sexual appetite of the offender. Said inability to resist may be due to any cause, such as: spiritual morbidity, intoxication, faint, full exhaustion due to fatigue.

2.1.4. SEXUAL ACTIONS WITH MINORS OR IN FRONT OF THEM (ARTICLE 339 P.C.)

In order to establish the crime of *children-seduction*, as said penal offence was named, law requires any sexual action that offends (in an objective manner) the common sense of shame and of morals and at the same time (in a subjective manner) is directed towards the satisfaction or the stimulation of the sexual impetus and desire of the offender. Law herein aims to protect in particular the purity of childhood and youngsters (less than 15 y.o). It is

³ See Jurisprudence indicatively: 5/2020 ΜΟΔ ΒΟΛ (768557), 1310/2019 ΑΠ (ΠΟΙΝ) (765968), 1495/2017 ΑΠ (ΠΟΙΝ) (758023) and 1337/2017 ΑΠ (ΠΟΙΝ) (716923) and 18/2020 ΜΟΔ ΑΘ (772195). In the last decision it had been allowed to change the accusation (charges) from the crime of rape to the crime of article 338 P.C. (Abuse of a Person incompetent to resist to sexual act)

⁴ See Jurisprudence indicatively 604/2019 ΕΦ ΘΕΣΣΑΛ (ΠΟΙΝ) (761573) , 922/2013 ΑΠ (ΠΟΙΝ) (617118) and 95/2013 ΕΦ ΚΕΡΚΥΡ (ΠΟΙΝ) (611965) «Concept of "lewd actions" in the crime of children- seduction and " lewd gestures" or "offers concerning lewd actions" of crime 337 P.C.".

In the first case erotic manifestations with intense sexual and hedonistic character are included, which aim at arousing or satisfying the sexual desire of the offender; while in the second, the lighter sexual acts that do not reach the point of indecent act, but are nevertheless performed in physical contact, such as tweedle or touching the breast, the thighs, the momentary embrace and kiss, etc.. "Offers" can be made explicitly or with gestures that must be related to the performance of indecent acts and do not require physical contact.

worth mentioning that par.3 of the article has been abolished, according to which no charges are pressed or not continued, if marriage takes place among the offender and the victim. There is plenty of jurisprudence and courts are often called to distinguish among this crime and the less serious crime of article 337 P.C.⁵

2.1.5. MALPRACTICE OF MINORS (ARTICLE 342 P.C.)

With this provision, the primary purpose of the legislator is to protect the sexual freedom of minors, who due to their special relationship with the offender are more exposed to sexual insults, since they develop a relationship of trust. Contrary to previous legislation, the definition of the offender is left unclear and no persons of trust are indicated. It should also be noted that the offender is punished even if the minor freely consented or had the initiative to commit the indecent act or even if a serious emotional bond had been developed among them, even if it pre-existed the relationship of trust.

2.1.6. MALPRACTICE INTO SEXUAL ACT (ARTICLE 343 P.C.)

Said crime is based upon the type of authoritarian relationship between the offender and the victim. The main concern of the criminal legislator is to preserve certain employment affairs, relationships of service or other types of dependency free from sexual aspirations. It aims to protect both the sexual freedom of dependent persons and the unadulterated operation of those relationships from sexual interventions that substantially traumatize their social significance.

2.1.7. SEXUAL ACT AMONG RELATIVES (ARTICLE 345 P.C.)

The purpose of the legislator is to protect the morals of family and the harmonious social coexistence, especially among those connected with a close biological bond. This tight family circle, that needs to be protected, includes the relatives by blood or by adoption, (not relatives by marriage) of ascending and descending line and siblings from same (at least one) parent and the circle can in no way be extended.

2.1.8. FACILITATION TO OFFEND CHILDHOOD (ARTICLE 348 P.C.)

⁵ See indicatively: 560/2010 ΑΠ (ΠΟΙΝ) (525336) and 762/2013 ΑΠ (ΠΟΙΝ) (615405), "Differentiation of the above crime from the insult of sexual dignity. In this case, the accused committed the crime of seducing children, and not of insulting sexual dignity, after committing indecent acts that seriously violated the purity of children and which tended to satisfy the sexual desire of the offender and were not only indecent gestures, of minor importance». Similarly, 931/2012 ΑΠ (ΠΟΙΝ) (580861) and 1244/2011 ΑΠ (ΠΟΙΝ) (563904) and 560/2010 ΑΠ (ΠΟΙΝ) (525336). See also 11/2014 ΕΦ ΔΩΔ (ΠΟΙΝ) (660870)«Seductive Act means not only intercourse but also any other action that goes back to the sexual sphere and although it objectively offends the common sense of vulva and morals, it is subjectively directed at the satisfaction or stimulation of the offender's sexual desire. Correct interpretation and application by the Judicial Council of the Seduction of a. 339 PK and not a. 337 of the Penal Code, because the kissing in the mouth of the minor daughter by her father in a state of erection constitute indecent acts in the sense of a. 339 P.C.»

In this provision the involvement of third persons in crimes of sexual violence against minors is criminalized. We notice that the offence of the facilitation is widening its scope, since the recitation of ways to facilitate is only indicative.

2.1.9. PORNOGRAPHY OF MINORS (ARTICLE 348 A' P.C.)

It is a crime related to the economic exploitation of sexual life and its protective action concerns the legally protected right of "childhood", that is, minors living in their real age. In par. 1 and 2, the production, possession, purchase, trafficking and in general any act by which the circulation of pornographic material takes place, is punished. "Possession" means that the offender has the physical power over it and can therefore verify anytime its existence and make it further available to others, even if the material is intended for personal use. In par. 3 the term "pornographic material" is clarified and par. 4 provides for aggravating cases and in particular those in which pornographic material is the result of perpetration by profession, by exploitation of mental and physical weakness, by abuse of a relationship of trust, by violence, etc.⁶

2.1.10. TRAFFICKING (ARTICLE 323A P.C.)

In the crime of trafficking in human beings, (where previous crime of "white slavery" has been incorporated) the purpose is the "exploitation" of the victim, which is further clarified in par. 5. The aim is to get an unlawful property gain by the four ways provided by the law, i.e. by exploiting another person's body. Changes have also been adopted in the description of the criminal behaviour. The means of committing a crime that do not necessarily involve forced coercion, when committed by deceptive means or by exploiting the vulnerable position of the victim; are also described in detail.

Finally, the following crimes that are included in the 19th Chapter of Greek (P.C.) are listed as follows: **11. Attracting Minors for Sexual grounds** (Article 348 B' P.C.); **12. Pornographic Shows of Minors** (Article 348 C' P.C.); **13 Pimping** (article 349 P.C.); **14. Sexual intercourse with a minor against remuneration** (article 351A P.C.); and **15. Infringement of sexual decency** (article 353 P.C.).

2.1.11. PENAL PROCEDURE

According to the fundamental principle of criminal law, crimes are prosecuted either *ex officio* (by the Prosecutor, i.e. the state itself) or on *a complaint* (filed by the victim). The Law explicitly defines the cases of crimes prosecuted *on complaint* (article 344 of the Penal Code). In more serious crimes, such as e.g. in the case of rape or sexual abuse by a prison or police officer, educator, etc., the criminal prosecution is carried out *ex officio*; but if the victims declare that they do not wish prosecution, the prosecutor may withdraw from the criminal

⁶ See for example 602/2019 ΑΠ (ΠΟΙΝ) (765296) and 1519/2017 ΑΠ (ΠΟΙΝ) (749134) "...it suffice the simple possession, purchase, transfer of child pornography and there is no need to exist a purpose of speculation anymore".

prosecution or, if charges are already pressed, the prosecutor may refer the case to the competent judicial council to decide, which may permanently discontinue the criminal prosecution.

In general, according to the criminal proceedings in Greek law, victims report to the Police or to the Prosecutor's Office of the place of their location. In both cases, Police commence the preliminary examination with the aim of gathering sufficient evidence in order to substantiate the criminal offence, so that the Prosecutor can afterwards prosecute the offender. If the complaint is legally based and is obviously well-founded, charges are pressed against the offender and it is ordered that the misdemeanours/ felonies are investigated and after that referred to trial. If the offence is a felony the defendant may be remanded in custody (or be subjected to restrictive conditions) until trial is adjourned, in order to avoid the commission of new offences. In recent years, the Hellenic Police has created specialized services/units to deal with domestic violence and human trafficking (Hellenic Police, 2020).

In offences, especially against minors, their parents or their guardians are competent to file a complaint and they also represent them in Court. It is noteworthy that sexual offences against minors are held with closed doors, in order to protect their private life and do not require them to appear in person in court. Minors may testify, provided that they have the required mental maturity, before the investigator always in the presence of a child psychologist. Equally important for the protection of the minor's personality are the provisions of articles 352B⁷ (on non-disclosure of minor's identity) and 352A⁸ (on special examination and treatment of the victims as well as their removal from the offender).

Assistants in the work of the judicial or the prosecuting authorities are the public social services that assist either in the work of substantiating the complaints or mainly in the work of victims' protection; Social services of the municipal or regional authorities (welfare services), Courts' social services, hospitals (especially their forensic, psychiatric and social services departments) and Non-Governmental Organizations/ other civil society groups.

2.1.12. VICTIMS SERVICES

Regarding victims' services, the coordinating role of the General Secretariat for Family Policy and Gender Equality (GSFPGE) operating under the auspices of the Ministry of Labour and Social Affairs is of crucial importance, since it is the first public institution to establish and operate, among other tasks, Counselling Centres for the Violence against Women. Those Counselling Centres (Research Centres for Equality Issues -("KETHI")) are staffed by specialized scientific personnel and counsellors (psychologists, social workers and lawyers) specialized in gender perspective that provide free of charge information and counselling services to women, in the context of integrated psycho-social support actions. (GSFPGE) Consulting Centres are

⁷ «Whoever, from the denunciation of an act subject to crimes against sexual freedom and economic exploitation of sexual life until the issuance of an irrevocable decision, publishes in any way incidents that could lead to the disclosure of the identity of the minor-victim is punishable by up to two years ".

⁸ "The juvenile victim of crimes against sexual freedom and financial exploitation of sexual life undergoes a special examination of their mental and physical condition, in order to be decided whether they need treatment. The treatment of the minor/ victim is ordered during the pre-trial by the competent prosecutor or, if a regular interrogation is carried out, by the competent investigator and during the main procedure by the court. Also, if deemed necessary for the protection of the minor victim, the prosecutor, the investigator or the court orders the removal of the culprit from the victim's environment or the removal of the victim and their temporary residence in a protected environment, as well as the prohibition of communication between culprit and victim".

already operating in 14 cities in the country. Also, (GSFPGE) Network run telephone line 15900, operating 24h / 7, as well as 20 shelters for women-victims of violence and / or any other discrimination, and their children⁹.

Indicatively, regarding Non-Governmental Organizations at national level, the most well-known in the field are:

KLIMAKA¹⁰: With the support of the International Development Cooperation Service of the Ministry of Foreign Affairs, since 2004 the organization has been implementing a program to support foreign women victims of violence and human trafficking by running a shelter; at "Chloe" shelter, women that are victims of trafficking, systematic abuse, domestic violence, torture and victims of war may find shelter with their children.

ARSIS¹¹: Arsis has been active since 1992 in supporting children and young people and defending their rights. ARSIS works mainly with young people aged 15 to 21, and in some cases with younger children or older ones that experience aggravating living conditions, in relation to their normal personal development and in accessing social rights. Conditions such as inadequate family support, neglect, abuse, exploitation, rejection from the education system, immigration, refugee, homelessness, unemployment, conflict with the law, living in institutions or penitentiary establishments, etc. In Arsis they also run Temporary shelters for Children and Adolescents at risk as well as Accommodation Structures for unaccompanied minors.

DIOTIMA¹²: Diotima Centre for Women Studies and Research provides, among other tasks and activities, professional counselling, psycho-social support services, empowerment actions and trainings that upgrade skills and promote (self) -employment as well as legal aid, for all women and in particular women facing social exclusion, such are the unemployed, single parents, victims of gender-based violence, immigrants / refugees, etc.

UWAH¹³: The Union of Women Associations of Heraklion (UWAH) is an NGO established in 2001, in Heraklion, Crete, Greece. It is a Voluntary Non for Profit, Non Governmental Organization promoting women and children's rights, as well as culture and strong awareness towards gender equality and against violence in the family. It operates a Counselling centre certified with ISO 9001:2008 for its counselling services towards victims of violence. It operates a 24/7 emergency telephone help line and a Shelter for women victims of domestic violence, as well as a Homeless Unit, so as to provide an array of services to vulnerable groups in the region. UWAH is working **in close collaboration** with like-minded organisations in Greece and Europe (Cyprus, Italy, Lithuania, Italy, Iceland, Estonia, UK, Iceland) and participates in national and international networks for the protections and promotion of Human Rights, namely **EUROCHILD**, **Women Against Violence Europe** (WAVE Network), and **Work With Offenders European Network** (WWP EN). Moreover, it is cooperating closely with local institutions (Authorities, Police, Universities), as well as governmental institutions. UWAH is a member of the **Regional Council for Gender Equality** in the Region of Crete and is a dialogue partner of the **General Secretariat for Gender Equality**.

⁹ <https://www.kethi.gr/symboyleytika-kentra>

¹⁰ <https://www.klimaka.org.gr/>

¹¹ <http://arsis.gr/>

¹² <https://diotima.org.gr/>

¹³ <https://kakopoiisi.gr/>

2.2. STATE OF ART - SEXUAL CRIMES IN GREECE

The Istanbul Convention was signed by the Hellenic Government in 2011 and was ratified in 2018, incorporating a significant number of articles at the Hellenic Legislation. The 4531/2018 Act incorporated a significant number of guidelines and measures towards Domestic violence in the order of victims' rights and welfare maximization, including the protection of the secondary victimization by the Criminal Justice System.

Since 2019, the Hellenic Government is gradually putting in action the articles and guidelines of Istanbul Convention at various levels of legislation. According to the practical implementation of the Istanbul Convention, Greece is obligated to harmonize its statistical data referring to victims of violence - and especially gender violence - at European Union level, in order to make data comparable (General Secretariat for Family Policy and Gender Equality, GSFPGE, 2019)¹. This is also one of the main goals of the European Institute for Gender Equality (General Secretariat of Family Policy and Gender Equality, 2019). However, organized data collection on sexual crimes conducted by all corresponding authorities is scarce. Only by 2019 this scheme has been in place and is active. Difficulties in data collection derive from gaps at the existing legislation and shortcomings at the recording system of the police and the justice system. However, in the last few years, the situation regarding data collection has slightly changed, especially through the establishment of Departments of Domestic Violence in every police department (2019); the operation still faces many drawbacks. Up until now, these departments do not deal with the treatment of sexual crimes; while, so far data are collected to a very low extent. Moreover, since the Police and Justice Departments have not as yet established a sustainable communication on data exchange; data appear to be fragmented and not in chronological order. Only in 2019 and 2020 an effort has been carried out to unify the data available by Police and Justice Entities.

According to the General Secretariat of Family Policy and Gender Equality (2019)¹ data collection from the justice sector in Greece constitutes a complex and time consuming process as the data recording information system is not complete. This means that in order for prosecutors' employees to respond to the provision of statistics in relation to court decisions; they need to refer to the physical file of cases. Among all data, especially data regarding the profile of the offender, the profile of the victim, and the relationship between these two, are very difficult to find and gain access to; as verified also by the General Secretariat of Family Policy and Gender Equality (2019).

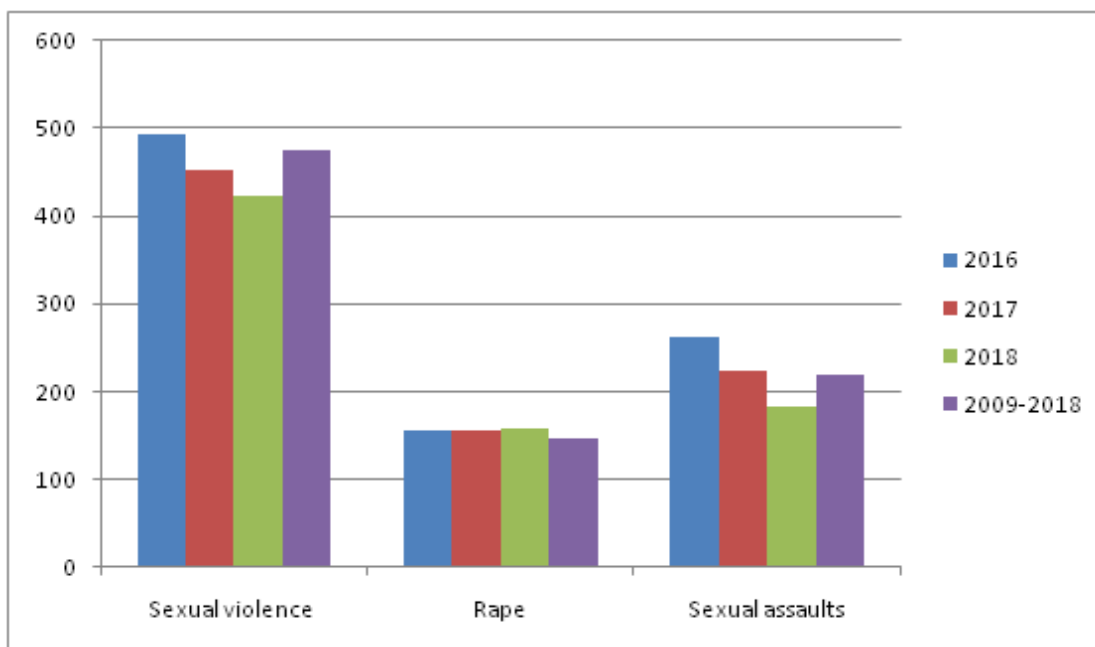
Despite that fact, alternative sources of data aiming to map the situation of sexual crimes could also be relevant. Court Decisions, especially the ones published on legal databases, such as "Nomos" or "Isokratis"; as well as info from the General Secretariat of Family Policy and Gender Equality and from European Organizations, such as Eurostat and European Institute for Gender Equality (EIGE) that collect statistics from the police.

2.2.1. DESCRIPTION OF SITUATION

2.2.1.1. SEXUAL CRIMES

Eurostat (2019) collected and processed data from the Hellenic police stations regarding sexual crimes, during a ten-year period, (2009 - 2018), when sex crimes were divided into three offence categories: (i) sexual violence, (ii) rape, and (iii) sexual assault. The average number of

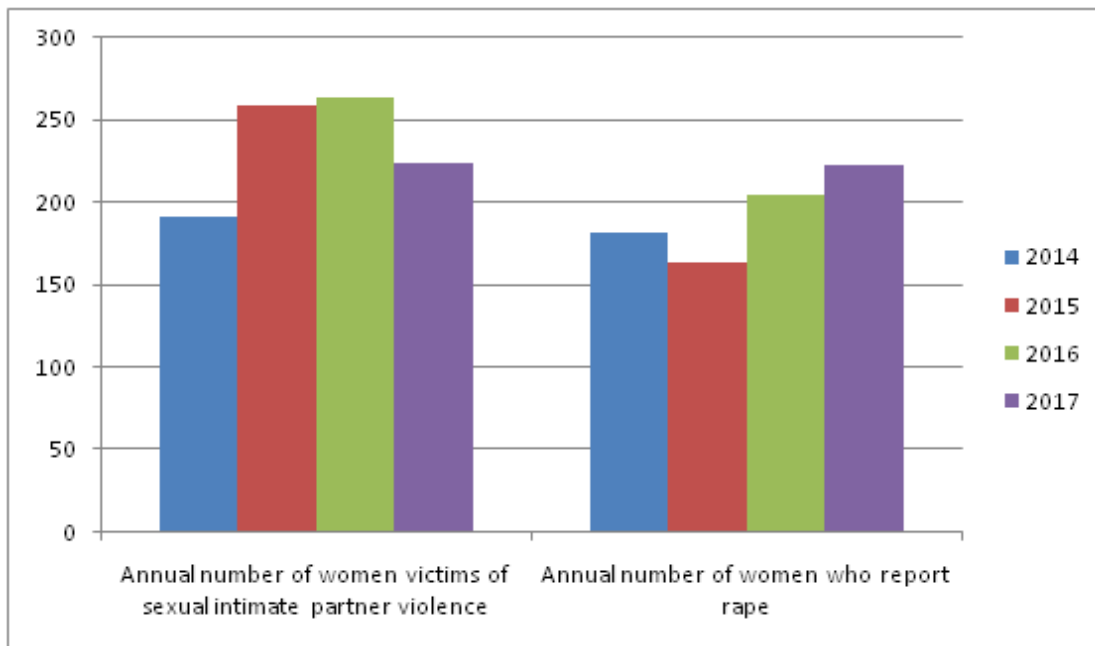
reported sexual violence in Greece for this ten-year period is 476, with a decreasing trend in the last 3 years of the period under consideration; namely from 493 sexual violence assaults in 2016 to 423 in 2018. At the same time, the average number of reported rapes in Greece for this ten-year period is 146, demonstrating a stable trend for the last three-year period under consideration; namely 155 rapes in 2016 and 157 in 2018. The average number of reported sexual assaults in Greece for this ten-year period is 218, demonstrating a decreasing trend in the last 3 years of the period considered; namely from 263 sexual assaults in 2016 to 182 in 2018. Eurostat also collected data on sexual violence, namely attempts to commit a sexual act without consent, or with consent as a result of intimidation, force, fraud, coercion, threat, deception, use of drugs or alcohol, or abuse of power or of a position of vulnerability, practically merging rape and sexual assault. Based on that, sexual violence, decreased from 924 in 2009 to 423 in 2018, rapes decreased from 213 in 2009 to 157 in 2018, and sexual assaults decreased from 711 in 2009 to 182 in 2018. So, it is worth mentioning that since 2009 all the documented sexual crimes in Greece have been decreased.



Graph 1: Eurostat, 2019: Sexual crimes in Greece (2009-2018)

According to the Hellenic General Secretariat of Family Policy and Gender Equality (GSFPG, 2019) and to the Municipalities' Network of Supporting Structures for Women (2019), from January to December 2019, only 71 women have reported incidents and asked for help for sexual harassment, 13 for trafficking, 74 for rape, and 1 for prostitution.

According to the GSFPG, and in line with EIGE's Index 6, the "Annual number of women (over 18 years old) victims of sexual intimate partner violence with men offenders (older than 18 years old)" was 191 in 2014, 259 in 2015, 263 in 2016 and 224 in 2017. Regarding the "Annual number of women (older than 18 years old) who report rape" there were 264 cases in 2010, 220 in 2011, 245 in 2012, 216 in 2013, 182 in 2014, 163 in 2015, 205 in 2016 and 223 in 2017.



Graph 2: General Secretariat of Family Policy & Gender Equality, 2019. Annual number of women victims of sexual intimate partner violence & Annual number of women who report rape in Greece (2014-2017).

At the same time, on the 23rd Information Note of the GSFPGE’s observatory, data from **63 Public Prosecutor’s Offices of first instance in Greece**, for the years 2016 - 2018 were presented, based on the law on domestic violence (*v. 3500/2006*) (Observatory of GSFPGE, 2019).

The data referring to sexual crimes describe the following:

- **2016**

Regarding crimes of Rape¹⁴ (art. 336 Penal Code), 24 criminal charges have been pressed against men and none against women, whereas there seem to be zero convictions for said crimes, and zero sentences for reformatory measures. Regarding Abuse of persons incompetent to resist to sexual act¹⁵ (338 P.C), 16 criminal prosecutions took place against men and 2 against women, zero convictions, and zero sentences for reformatory measures. Regarding domestic insults of sexual dignity there were 150 criminal prosecutions against men and 14 against women, 23 convictions for men, 3 for women and zero for reformatory measures.

- **2017**

Regarding crimes of rape 27 charges have been pressed against men and 3 against women, 8 convictions for men and zero for women, and one sentence for reformatory measures for men and none for women. Regarding the abuse of person incompetent to resist to sexual act 4 criminal prosecutions took place against men and zero against women, one conviction for men and zero for women, and zero sentencing in penitentiaries. Regarding domestic insults of sexual dignity, there were 147 criminal

¹⁴ Anyone who, by physical violence or by threat of serious and imminent danger to life or to physical integrity, forces another person to undertake or tolerate a sexual act is punished with at least ten years of imprisonment

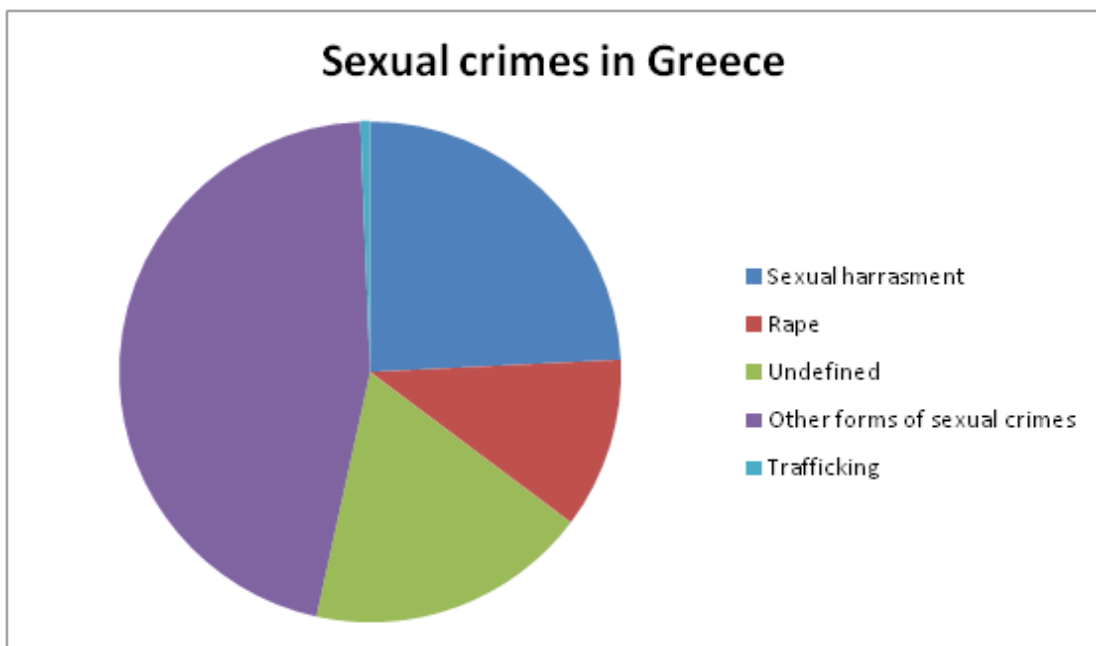
¹⁵ Whoever abuses the mental or physical disability of a person or by any other reason their inability to resist and acts with them a sexual act shall be punished by imprisonment for up to ten years.

prosecutions against men and 19 against women, 42 convictions for men and 3 for women and one for reformatory measures for men and none for women.

- **2018**

Regarding crimes of rape, there were 13 criminal prosecutions against men and zero against women, 8 convictions for men and zero for women, and two sentences for reformatory measures for men and none for women. Regarding abuse of person incompetent to resist to sexual act, there were 9 criminal prosecutions against men and 1 against women, zero convictions for men and 2 for women, and one sentencing in penitentiaries for men and none for women. Regarding domestic insults of sexual dignity, there were 187 criminal prosecutions against men and 22 against women, 29 convictions for men and 3 for women, and 1 sentence for reformatory measures for men and none for women.

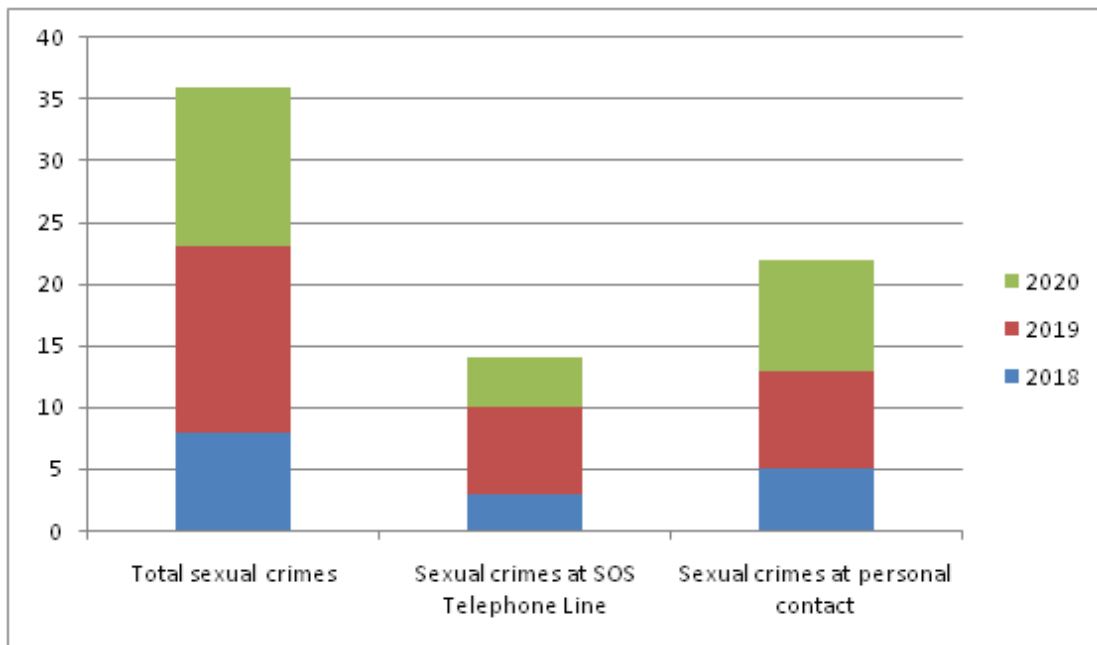
According to the General Secretariat of Family Policy and Gender Equality (2019b) and data deriving from the calls to the National Support Telephone Line SOS (15900) for 2019; 2% of the 3.147 calls pertained to sexual harassment (77 calls), 1% to rape (35 calls), 2% undefined (58 calls), 5% to other forms of sexual crimes (146 calls), while 2 calls pertained to trafficking and no calls pertained to prostitution. Data from the same Telephone Line, during the COVID-19 pandemic and the imposed lockdown, show that in March 2020 calls about sexual harassment constituted the 2% of the total calls, while in April 2020 the percentage fell to 1%.



Graph 3: General Secretariat of Family Policy and Gender Equality, 2019. Data from the calls to the National Support Telephone Line SOS (15900), for 2019, in Greece.

It is worth mentioning that, according to the General Secretariat of Family Policy and Gender Equality and the calls at the National Support Telephone Line SOS (2019), 57% of the gender violence crimes took place at the two biggest Municipalities of Greece, Municipality Athens (46%) and Municipality of Thessaloniki (11%), while the rest 43% of the gender violence crimes took place at other regions.

Last but not least, data from the Union of Women Associations of Heraklion Prefecture (UWAH), show that, for the last three years, the percentage of cases of sexual crimes that contacted the organization either via telephone or personal contact, was 4.4% for the year 2018 (8 out of 180 cases), 6% for the year 2019 (15 out of the 248 cases) and 5.3% for the year 2020, from 01/01/2020 until 31/05/2020 (13 out of 244 cases). More analytically, the calls at the SOS Telephone Line of UWAH regarding sexual crimes, represented 2.9% of the total calls for the year 2018 (3 out of 102 calls), the 5.2% of the total calls for the year 2019 (7 out of 134 calls) and the 3.4% of the total calls for the year 2020 (4 out of 117 calls). Regarding women victims that were addressed by UWAH through personal contact, sexual crimes represented 6.4% of the cases for the year 2018 (5 out of 78 cases), the 7% of the cases for the year 2019 (8 out of 114 cases) and the 7% of the cases for the year 2020 (9 out of 127 cases). For the 3-year-period, the referrals made to the police by UWAH, concerning sexual crimes, amounted on average 8.36% (7.8% for the year 2018, namely 3 out of 38 referrals; 9.2% for the year 2019, namely 5 out of 54 referrals; and 8.1% for the year 2020, namely 6 out of 74 referrals).



Graph 4: Union of Women Associations of Heraklion Prefecture, 2020. Data about sexual crimes.

2.2.1.2. TREATMENT OF VICTIMS OF SEXUAL VIOLENCE

In Greece there are no official data about the treatment of victims of violence –and especially victims of sexual violence - by the Criminal Justice System. The only corresponding study was conducted in 2014 by the European Union Agency for Fundamental Rights (FRA, 2014). According to this study, the percentage of women victims of violence in Greece is 25%, while only 14% of them reported the incident to the police, a trend that is similar to European standards. From the women that chose not to report the incident of gender violence, 55% stated that they preferred to deal with it alone or with a friend. From the women who chose to report the incident to the police, 44% were satisfied by the treatment they received. According to the FRA rates, Greece was 25th out of the 28; regarding satisfaction from the treatment they received by the criminal justice system.

The situation regarding the treatment of minor victims of abuse – including sexual abuse - is similar to those of adults - especially women –, if not even worse. More specifically, the Hellenic Ombudsman investigated the issue of the delayed operation of the institution “Independent Offices for the Protection of Minor Victims – Child Home” (Case code 274200/2020) and released an audit finding (Hellenic Ombudsman, 2020). In particular, this finding denounces that, in Greece, the treatment towards minor victims by the Criminal Justice System remains anachronistic, with the main problem being the absence of a procedure where the minor would testify only once, without requiring his/ her presence and repetition of testimony to different services and authorities. In particular, as soon as minor victims report or reveal the abuse, they are encouraged to describe the violation they suffered in long houred testifying, to different services, at different stages of the process (preliminary investigation, forensic examination, main interrogation, expertise, hearing procedure, etc.), in inappropriate locations/rooms and conditions, and to professionals who do not have sufficient knowledge and training to conduct the examination correctly and treat the victims properly. In addition, the absence of one system which would ensure the protection of victims’ personal data in court proceedings, systematically allows the disclosure of their personal data and details regarding the abuse they suffered, by the media, making them recognizable, with further burden on their psychological state. This extremely painful and stressful process which, as it is known, can last for many years, is equivalent to secondary victimization of minors by the system itself whose mission is to protect them (Hellenic Ombudsman, 2020, pg. 3).

2.2.1.3. PROTECTION ORDERS

The European Project “ARTEMIS” (2020) investigated the perception of the citizens and the engaged professionals towards the provision of Protection Order, and especially the European Protection Order in Greece. The main findings of this survey showed that there is low level of awareness about rights and choices, when people experience gender based violence or crime. Moreover, findings underlined that Greek citizen’s trust more the judicial system at its wider perspective (i.e. Police and court), while the option of using supporting services and social services remains a second choice; depending on their available resources. At the same time, the use of Protection Orders under the new legislative context (incorporating the principles of the Istanbul Convention) seems a more preferred choice by the legal professionals; while the public is not fully aware of the choices available and their effectiveness. Data from this survey also showed that the penal mediation still remains at an embryonic state in Greece and the engaged stakeholders (judges, lawyers and engaged stakeholders) need to pursue on taking advantage of its benefits.

2.2.2. PROFILE OF VICTIMS

According to Eurostat (2019b) data regarding the victims’ and offenders’ profile; the majority of the victims of rape in Greece for the years 2013 - 2018, were women. The most recent available data show that 78% of victims of rape in 2018 and 85% in 2017 were women, with a parallel increasing trend of men victims (from 1% in 2013 to 21% in 2018).

EIGE’s Gender Statistic Database (2019a) presents the number of women victims, reporting rape in Greece, committed by intimate partners (from aged 18 and over), during a five-year

period (2014-2018). The average number for this period is 196 women victims (182 women in 2014, 163 in 2015, 205 in 2016, 223 in 2017, and 204 in 2018).

The Hellenic General Secretariat for Family Policy and Gender Equality and the Municipalities' Network of Supporting Structures for Women (2019), outlined the profile of victims of gender violence – including victims of sexual crimes- for 2019. According to data published, among 2.417 cases of women victims that were addressed by the Supporting Structures of the General Secretariat; 8% of the women victims were single-mothers (172), 70% of them were unemployed (1.862), 11% were refugees (261), 3% were immigrants (62), 2% were women with special needs (25) and 1% were Roma (16).

Data by the General Secretariat of Family Policy and Gender Equality (2019) and data derived from the calls at the National helpline SOS (15900) for 2019, demonstrate the age, nationality, family status, education, working condition, economic condition and other characteristics of the women victims of sexual crimes in Greece. More specifically, out of 3.103 calls, 2.356 of women victims were from Greece, 73 from Albania, 24 from Russia, 23 from Bulgaria, 11 from Ukraine, 10 from Romania, 7 from the United Kingdom, 6 from France, 5 from Afghanistan, 4 from the USA, 4 from Moldavia, 3 from Georgia, 3 from Morocco, 2 from Armenia, 2 from Iran, 2 from Serbia, 1 from Germany, 1 from Iraq, 1 from Nigeria, 1 from Palestine and 1 from North Macedonia.

The most prevalent age group of the victims was 40-54 years old (26%), followed by 25-39 years old (25%), 55-64 (7%), 18-24 years old (5%) and, finally, over 65 years old (4%). Most of the women victims were married (52%), followed by unmarried (13%), divorced (8%), in cohabitation (7%), separated (7%) and widowed (2%). Amongst them, 63% had children and 17% did not. 40% of those who had children had 2 children, 35% one child, 13% three children, 4% four children, 1% at least five children and 1% of them were pregnant. 98% of the women victims were married only once; while 2% had been married two or three times.

Regarding the employment status of the women victims, 32% were employed, 19% unemployed and 11% were occupationally inactive. As for their education level, 2% had completed primary or lower secondary education (47), 4% higher secondary education (110), 2% post-secondary education - non higher education (66), 10% had a University or technical educational institution's degree (323), 2% had a Master degree (57), and 8 had a PhD, 1% didn't answer (22) and 4 women were typically illiterate, while for 79% there are no data (2.466). As for their economic status 1% report it as "very good" (19), 4% as "good" (117), 12% as "moderate" (372), 13% as "bad" (417), 2% as "very bad" (72), while 3 women didn't answer and for the 68% there are no data (2.103). The 93% of women victims had no health problems (2.878), while 7% were facing health problems (225).

Worth mentioning is the fact that 9% of the women victims were immigrants (270 out of the 3.103). Amongst them, 9% were legal due to family merger (25), 8% were economic immigrants with documents (21), 3% were undocumented economic immigrants (7), 9% were legal due to family reunification (25), 1% were refugees (3), and none were asylum seekers. For the rest 79% there is no data (214).

Last but not least, regarding the most vulnerable groups of victims, out of the 3.103 cases recorded in 2019, 15 victims were persons with special needs, 2 Roma, 2 Muslim, 1 member of minority, 2 persons were victimized due to their sexual orientation, and 1 person was victimized due to gender issues (trans gender person); while for 3.080 there is no available data.

2.2.3. PROFILE OF OFFENDERS

According to the following data, the majority of sexual crimes offenders are men. In particular, Eurostat (2019b) recorded data about suspected, prosecuted and convicted persons, from 2009 to 2018, regarding the crimes of rape and sexual assault. Unfortunately, the only available data are about suspected persons for rape, as there are no available data about prosecuted and convicted offenders of rape and suspected, prosecuted and convicted offenders for sexual assault. Regarding suspected offenders of rape, in 2016, out of 235 suspected offenders, 232 were men and 3 were women; in 2017, out of 246 suspected offenders, 244 were men and 2 were women, and in 2018, out of 254 suspected offenders, 219 were men and 5 were women. Regarding prisoners convicted for rape, in 2017, 302 of the prisoners were men and 5 were women and in 2018, 270 of the prisoners were men and 11 were women. Regarding prisoners for sexual assault, in 2017, 273 of the prisoners were men and none women; in 2018, 206 prisoners were men and none women (Eurostat, 2019c).

Data by the General Secretariat of Family Policy and Gender Equality (2019), deriving from the calls at the National helpline SOS (15900) for 2019, demonstrate that 43% of the offenders of sexual crimes were living in the biggest prefecture of Greece, Attica. Regarding the nationality of the offenders of sexual crimes, the vast majority of them, namely the 79%, were Greeks (1.818), followed by Albanians (51), Egyptians (4), Afghans (3), Pakistanis (3), Polish (3), Romanians (3), Russians (3), Bulgarians (2), British (2), Armenian (1), Georgian (1), from the USA (1), Iraqi (1), Indian (1), Palestinian (1), Moroccan (1) and Syrian (1). In addition, most of the offenders, i.e. 24% were between 40 and 54 years old, 19% were between 25 and 39 years old, 8% were between 55 and 64 years old, 7% were older than 65 years old and 3% were between 18 and 24 years old. Regarding their working status, 43% were employed, 9% were unemployed and 8% occupationally inactive. Out of the 198 offenders that were unemployed, 17% were unemployed for a long time. 4% of the offenders were dealing with health problems, while 96% had a good health condition. 7% of the offenders were dealing with mental health problems and 21% did not have any mental health problems, and for 71% there is no available data. 16% of the offenders had addiction problems, 19% did not have any addiction problems, and for 65% there is no available data. From those addicted, 61% were addicted to alcohol, 36% were addicted to drugs, 8% were addicted to gambling and 2% were addicted to the internet.

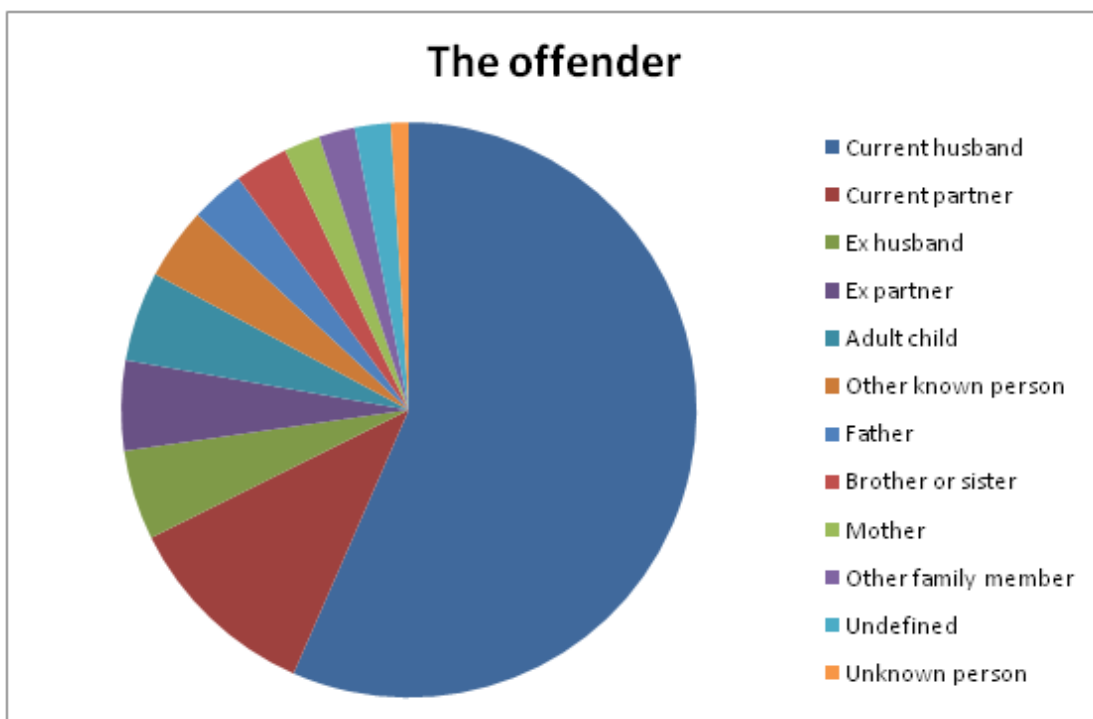
2.2.4. THE RELATIONSHIP BETWEEN VICTIMS AND OFFENDERS

EIGE (2019b), based on the EU FRA survey of 2014, compiled a report on the “Prevalence of rape by intimate partners since the age of 15 and during the 12 months prior to the interview by the age, education, and main activity of the victim and relationship between the victim and the offender”. Regarding whether the offender of rape was the previous or the current partner, for all the age groups (namely 18-29, 30-39, 40-49 and over 60 years old), except from the age group 50-59 years old, the majority of the offenders of rape during the victim’s lifetime, were the previous partners; while for the age group 50-59 years old the main offenders were the current partners. Regarding whether the offender of rape was the previous or the current partner, for rapes during the last year prior the interview, the main offenders of rape were the previous partners for the age groups 18-29, 40-49 and over 60 years old and the current partners for the age groups 30-39 and 50-59 years old.

Regarding whether the offender of sexual assault - except from rape - was the previous or the current partner, for all the age groups (namely 18-29, 30-39, 40-49, 50-59 and over 60 years old), the majority of the offenders of sexual assault during the victim's lifetime, were the previous partners. Regarding whether the offender of sexual assault - except from rape - was the previous or the current partner, for sexual assaults during the last year prior the interview, the main offenders of sexual assaults were the previous partners for the age groups 40-49 and over 60 years old and the current partners for the age groups 18-29, 30-39 and 50-59 years old.

According to the Hellenic General Secretariat for Family Policy and Gender Equality and the data deriving from the Municipalities' Network of Supporting Structures for Women (2019), from January until December 2019, in 2492 out of the 4317 cases treated by these structures, the offender was the husband (ex or current), in 547 cases was the partner (ex or current), in 429 cases was a family member, and in 335 was somebody else (though, it is not defined whether in these 335 the offender was known or unknown to the victim). It is worth mentioning that cases of Domestic Violence are also included in the above mentioned and following cases, however, they can provide us with a draft picture of the situation.

Data by the General Secretariat for Family Policy and Gender Equality (2019), deriving from the calls at the National Support Telephone Line SOS (15900) for 2019, distinguish between ex and current partner and husband and show that the most prevalent kind of offender is the current husband (56%), followed by the current partner (11%), the ex husband (5%), the ex partner (5%), the adult child (5%), third known person (4%), the father (3%), the brother or the sister (3%), the mother (2%), other family member (2%), undefined (2%) and an unknown person (1%).



Graph 5: General Secretariat for Family Policy and Gender Equality (2019). Data from the calls at the National Support Telephone Line SOS (15900), for 2019, in Greece, regarding the profile of the offender.

2.2.5. DATA FROM SUPREME COURT CASSATION DECISIONS

In order to gather sufficient data for the RETREAT project, we conducted research on the legal database “Nomos”, regarding the sexual crimes that were referred to the Supreme Court Cassation of Greece during the last six years (2014-2020). This research revealed 30 cases of sexual crimes (rapes) since 2014. For two cases, a European arrest warrant was pending. 4 out of 30 cases refer to group rapes, 3 out of 30 cases also include domestic violence, and 2 out of 30 also include physical harm.

The total number of victims in these 30 cases is 34, as in 4 cases there were 2 victims, and the total number of the offenders is 31, as in one case there were two offenders. According to our research, the victims are among 11-16 years old in the majority of the cases, namely 61.8% (21) minor victims and 26.5% adult victims (9 adult victims). Out of the minor victims the girls are 71.5%. As for the adult victims, all of them were women. Victims with special needs include 3 adults and 1 juvenile victim, namely 13.3%. As a conclusion, the victims were typically girls/women. For 4 cases (11.7%) there is no data.

As for the relationship between victim and offender; the offender was known to the victim in 88% of the cases, and unknown to the victim in 12% of the cases. More specifically, 43% of the rapes was conducted by a family member, ex-partner or current partner, 28.6% was conducted by a relative and 14.3% by a partner or ex-partner. For the 19.4% of the cases there is no available data for the offenders.

In the majority of cases (17 out of 30) the duration of the sexual abuse (rape) was on average 4 years and 9 months (from a period of 1 month to 6 years and 2 months); in 12 cases there was one incidence of abuse, and in 5 cases there was no available data.

As for the legal process, in at least 8 out of the 30 cases (26.6%), the victims had to testify in court; and from those victims, 62.5% were minors. At this point it should be highlighted that in these 8 cases it was explicitly mentioned that the victims testified in front of the court; while for the other 22 cases there was no mention about court testimonies. Therefore, the percentage of testifying in court might be higher.

Regarding the penalty posed by court, the average penalty for the 30 cases is 13.9 years imprisonment (from a minimum of 6 to a maximum of 25 years). For 13 out of the 30 cases, there is no data available about the penalty. Regarding cases of co-occurring domestic violence; a penalty of 6 extra months for every act was established in 1 case, and in another case the offender was acquitted for the domestic violence. As for the compensation, it seems that is not implemented sufficiently in Greece; there was only one case that has been awarded a compensation of 70.000 euro by the offender for non-pecuniary damages (Supreme Court Decision nr. 801/2016). It is worth noting that, in Greece, although it is provided, no one involved is initiating state compensation proceedings for the victims, as to date no such compensation has been adjudicated (FAIRCOM, 2020).

For 3 out of the 30 cases, a discontinuance of penalty administration was reported. More specifically, in one case the victim retreated because the publicity related to the penalty administration would cause severe mental/ psychological trauma; the second case was time-barred, and in the last one the victim withdrew because the offender had an intellectual disability and needed psychiatric surveillance. Moreover, research on the field has shown that regarding juvenile offenders, there were 2 cases of reformation measures. More specifically, in one case the judge ordered 5 years on probation with 200 hours of community service; in another case, the judge ordered reporting presence to police station/department, prohibition

of contact with the victims and surveillance by a social worker. There were also 3 cases of acquittal; among which the 2 due to false allegations; and the other one due to the prosecutor challenging the acquittal resolution of the court.

Evidence that was used during the legal procedure was mainly collected from medical examinations/ reports, expert reports by a child psychiatrist and/ or psychologist, testimonies from teachers, social workers and the family of the victim, minor victims' letters and diaries and data from cell phones (calls, messages, etc.).

Regarding secondary victimization of victims, there were 3 cases in which the victim was blamed. In the first case, the woman was blamed for her sexual life (i.e. flirting with the offender and other men), she was presented as immoral due to extreme libertarian ethics and mentality, based on her nationality. In the second case, the defence of the offender asked for additional social research for the minor male victim, regarding his hygiene, ethics and mental condition, previous life, family conditions and the environment of the victim in general. However, the Supreme Court did not accept this request. In the third case, the lifestyle of the victim was blamed. Additionally, in this case, there were gaps in the story-telling of the victim regarding the incidence of abuse. Questions were raised about the stance of the victim, as he did not disclose the abuse for three years and continued the social relationship with the offender, but also because he did not provide specific information about the place, time and frequency of abuse. However, it is worth mentioning that in another case, the court did not take into account the minor victim's narrative gaps, arguing that credibility is not quashed by memory gaps.

Furthermore, in 2 cases the assessment of the child psychiatrist was perceived as a simple document that asserts the perception capacity and the mental condition of the minor victim and was not used as evidence of the abuse. Last but not least, in one case videotaping of the minor victim's testimony was requested, but unfortunately that was not possible due to lack of technological equipment and the non operation of the Office for the Protection of Minor Victims. At the same case, the defence of the offender required additional testimony from the medical examiner and the gynaecologist, other witnesses and the minor victim; as well as additional social examination of the life of the victim. These requests were turned down as they would not add value to finding the truth and also due to potential risk of secondary victimization of the minor victim.

Despite the secondary victimization of victims of sexual crimes by the Criminal Justice System, during the research, good practices had also been identified. In particular, in two cases, requests for additional testimony were denied; in the first case because the minor victim did not fall in inconsistencies and as a result the testimony was reliable; and in the second case in order to prevent additional victimization. In general, much attention seems to be paid on the report of child psychiatrists and on minor victims' testimonies, especially when they are detailed, analytical and time-coherent that implies that they are not product of suggestibility. Additionally, in one case, it is mentioned that it was a close-door trial; while in another case reference has been made to the Istanbul Convention for the prevention and combat of violence against women.

3. TREATMENT OF VICTIMS: DRAWBACKS FACED BY THE VICTIM OF SEXUAL CRIME AT EACH STAGE OF THE CRIMINAL PROCEEDING

3.1. GENERAL DESCRIPTION OF NATIONAL LEGAL CRIMINAL PROCEDURES FROM THE REPORT TO RESOLUTION EXECUTION

In sexual crimes, such as rape or sexual abuse by a penitentiary officer, police officer, educator, etc., the criminal prosecution is exercised ex officio. However, if the victim declares that they do wish a criminal prosecution; the prosecutor may permanently refrain from the criminal prosecution or, if it has been executed, to refer the case to the competent judicial council, which may permanently terminate it. In general, according to the criminal procedure in force, under the Greek law, the victim may report a crime/incident to the Police or to the Prosecutor's Office that corresponds to the victim's location. In both cases, the Police start the preliminary interrogation process aiming at collecting sufficient evidence to substantiate the criminal offence, so that the Prosecutor can then prosecute the offender. If the accusation has a legal basis and is obviously well-founded, the offender is prosecuted. Misdemeanours are ordered to be investigated; while felonies are to be investigated and then referred to a first 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. Equally important for the protection of the minor's personality are the provisions of articles 352B (on non-disclosure of the identity of the minor victim) and 352A (on special examination and treatment of the victim as well as removal from the offender).

In this context, it is important to mention that in the last few years, the Hellenic Police has established specialised services/ units to address domestic violence as well as trafficking of human beings (Hellenic Police, 2020).

3.1.1. ANALYSIS OF INTERVIEWS WITH VICTIMS OF SEXUAL VIOLENCE

During the research phase of the RETREAT European Project, 3 interviews with victims of sexual violence were conducted. The victims were women, 32 – 40 years old, of Greek nationality, who have been sexually abused at a younger age.

The first woman was a 40-year old Greek citizen. She has completed mandatory education as well as graduated from Technical University. She is not married, but she lives with her current partner in an urban setting. Regarding the abuse she has experienced; she was raped by her ex partner – while they were in a relationship – for a period of 6-9 months, when she was around 20 years old. At the same time, she experienced psychological and physical abuse from the same partner. The woman disclosed the sexual abuse after a few days to her mother as well as to one of her friends. The reason that led her to disclose the abuse was the fact that "she could not take it anymore", "she felt like a mess" and "she could not accept the blackmailing"; while at the same time "she was afraid that this [the abuse] would last forever". The initial reaction

of her mother and her friend was characterized by shock, fear and silence; and at a later stage, they behaved “as if nothing had happened” and as if they wanted to “silence” the incident. The woman, after this reaction, felt fear, lack of understanding and loneliness.

Subsequently, the woman reported the incident to the police. The testimony to the police lasted for about one hour, while additional testimonies, to the prosecutor and during court, took place. The questions posed concerned mainly the incidents of abuse, as well as her relationship with the offender. However, the process made her feel uncomfortable, she felt “her stomach tight”, and while she was “happy to report the abuse, but she was not happy with the process or the persons” that engaged with her incident. It is important to mention that during the trial, she was invited to testify in front of the offender, but not in juxtaposition to him. Her testimony was not video-recorded, and she is not aware of the reason why video-recording was not in order. As well as this, no forensic examination was conducted, as there has been a long period has passed since the rape. Her family and friends were invited to testify as witnesses.

The trial was carried out 2 years after reporting the incident and the suspected offender was found guilty and was sentenced with jail time. During the trial she felt fear, disgust and guilt. She did not like at all the procedure, the only positive being the feeling of “gaining a little strength”. The court and the persons involved were “ice cold”, and as she mentioned “bad people go to court”. The court ruling made her feel relieved but not “so much”. If she could change something in the penal procedure, it would be to give more guidelines to the victims and to refer them to a support organisation, as the victim – and she per se – felt lost not only before the trial but also during and after the trial.

The second woman is a 33 year old Greek citizen. She holds a Master Degree and lives in a village with her husband and her two kids. She was sexually abused (minor abuse/ indecency with a child) at the age of 8 years, from a family friend. The incident took place at the house of her, also 8 years old, best friend, who was playing in the next room, while her grandfather abused the minor victim. After the abusive incident, he hugged her and he told her that he was sick and asked her to visit him in the hospital. After that, he left her alone to get dressed, and as she was leaving the house, he said “if you liked it, come back”.

The abuse took place once, and the minor victim immediately disclosed the incident to her grandmother, who was taking care of her during that period. The reason for disclosing the incident was the feeling of fear and “knowing that something bad has happened”. Her grandmother reacted to the disclosure with fear; she looked at the genitals of the child to check if the offender had “put something in her” and threw away the clothes the child was wearing during the incident. As well as this, she requested from the minor victim to not reveal anything to anyone, for fear of retaliation against the offender by the victim's family (“if you say something your father and grandfather will kill him and will go to jail”); but also for fear of social stigma towards the victim in the small community they were living in (“the village will discuss you”). Moreover, the grandmother said that they would reveal the abuse only to her uncle, so that he reports the incident to the police. The victim reported that initially, she felt fear, anxiety, shame and guilt for disclosing the incident, but at the same time she felt secure and relieved as “a burden was taken from her”. The incident was indeed reported to the police by the uncle of the minor victim. The police officers informed the uncle of the victim that it is not possible to prosecute the offender as – due to indecency and age of the victim - there is insufficient incriminating evidence. In addition, they informed the uncle that there was another report for sexual violence for the same person, and that “the third time they will put him to jail”. As the incident took place in a village, there were rumours that the offender

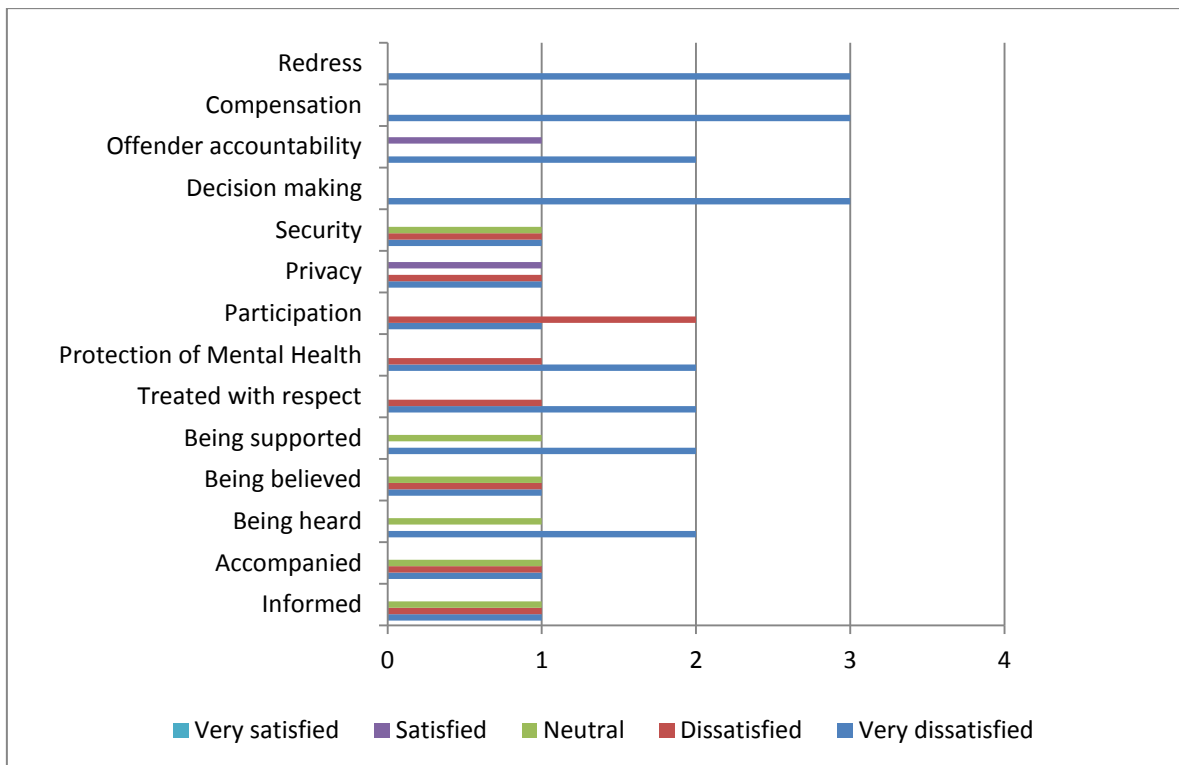
sexually abused his children as well; and that was the reason why his wife committed a suicide attempt, although she has never tried to divorce him.

The victim and the grandmother revealed at a later stage the incident to her parents, and then turned to a private child psychologist. After the incident, the families of the victim cut all ties with the family of the offender. Up until today, as their houses are only 20 meters apart, the victim meets the offender on the street. Regarding the criminal prosecution against the offender, the victim has mentioned that “sometimes I wish I had prosecuted him so as to receive justice, to put him in jail, to not see him and to not allow him to do to other kids what he did to me. Some other times, I believe it was a right choice not to prosecute him, as it would be a very hard process. In a way, after many years of therapy, I have overcome the incident. If I had prosecuted him, I do not know what else I would need to overcome”.

The third woman is also a Greek citizen, 32 years old. She also holds a Master Degree. She is single, living with her parents in the main town of the prefecture. She was sexually abused (minor abuse/ indecency with a child) at the age of 9, by a family friend. She was also physically and psychologically abused later as an adult by her partners, when she was 19 years old and 23-26 years old. She also disclosed immediately the sexual abuse to a family member, who reacted with fear and anger. The minor victim, due to the reaction by the adults, also felt fearful. One day later, the incident was reported to the police. The testimony lasted for about half an hour, but the victim did not testify because of her age. Due to insufficient evidence, the offender was not prosecuted. The victim mentions that she wanted to prosecute the offender “all she is left with now, is anger. Anger towards the offender, but also towards the Criminal Justice system (CJS), that did not prosecute the offender”.

In conclusion, two out of the three women victims of sexual violence that participated in the current research, have also been victims of psychological and physical violence. Concerning sexual abuse, in all three cases, the offender was someone known to the victim (partner or family friend). One case concerned rape of an adult victim, while the other two cases concerned minor abuse (indecency with a child). All three victims, mainly driven by fear, disclosed the abuse immediately to a close contact; a reaction that is not common according to the existing bibliography (Alaggia, Collin-Vézina & Rusan Lateef, 2019; Lanthier, Du Mont & Mason, 2018). The reactions of their family and friends intensified their fear and guilt and could be characterized as “traumatic”. Equally traumatic was the response of the Criminal Justice system, as in two cases, justice was not restored due to “lack” of incriminating evidence and the age of the victims. Moreover, in the other case, the adult victim was requested to testify several times, including testifying in front of the offender.

Regarding the interests of victims, and more specifically regarding receipt of information; escort / support; whether they were listened to, believed, supported, treated with respect; whether their mental health was protected; whether they participated in decision-making; whether their privacy and security was protected; whether the offender was held accountable; and whether there was compensation or redress, the victims were completely dissatisfied to somewhat satisfied with the procedures of the CJS, as shown in the graph below.



Graph 6: Satisfaction with CJS procedures (victims)

3.1.2. ANALYSIS OF INTERVIEWS WITH PROFESSIONALS

3.1.2.1. STATISTICS, PROFESSIONAL EXPERIENCE & SPECIALISATION

During the research phase of the RETREAT European Project, 9 interviews with professionals in the field of sexual crimes were conducted. More specifically, 2 lawyers, 1 criminologist specialised in child abuse and forensic interview, 1 child psychologist specialised in minors, teenagers and young adult victims of sexual abuse, 3 mental health professionals working in victim support services (2 psychologists and 1 social worker/ mental health counsellor), and 2 police officers, participated in the interviews. Among the 9 participants, 8 were female and 1 was male (lawyer). The 2 participating lawyers work in the private sector and have engaged with several cases of sexual abuse. The criminologist works in the public sector as a University Professor. The two police officers work in the public sector, and more specifically, they are Heads of the Domestic Violence Units of the Hellenic Police in two different Greek provincial prefectures. The child psychologist works in the private sector and has undertaken cases of child abuse individually, as well as an external collaborator of the police and the prosecution services of Crete, for example in the well known “Siragakis case” where a basketball coach has sexually abused 36 boys in December 2011¹⁶. The mental health professionals work in a victim support NGO.

¹⁶ This case received a lot of publicity, shocking the public, due to both the number of victims and the special nature of the crime and the job and of the perpetrator with the boys and their parents (<http://www.pelop.gr/?page=article&DocID=575391>). The perpetrator was sentenced to 401 years (maximum prison term for this crime in Greece with a maximum extensible sentence the 25 years) for pedophilia against 36 minor boys, while he was released after 8 years and five months, to be re-imprisoned a little later following the

All the participants hold many years of experience in addressing abuse, and specifically sexual abuse, with an average of 13 years professional experience. In detail, one lawyer has 10 years of experience, and the other lawyer 5-10 years of experience. The criminologist has more than 10 years of experience. The police officers have 27 and 15 years of experience, respectively. The child psychologist has 23 years of experience. Finally, the one mental health professional has 17 years of experience, while the other two have 2-5 years of experience.

All the participants have managed cases with victims of sexual crimes, with an average of 1-10 cases throughout their professional experience. More specifically, the lawyers have undertaken 1-10 cases. The criminologist has undertaken more than 20 cases with child victims of sexual crimes. The one police officer has addressed 1-10 cases, while the other police officer, 11-20 cases. It is noteworthy that the first police officer does not receive reports on sexual crimes, rather than reports on cases of sexual crimes that are considered to have not been treated appropriately by the police (e.g. not pay significant attention to the report, refusal to consider the report). The child psychologist has undertaken more than 30 cases of child victims of sexual crimes. Lastly, the 3 mental health professionals have managed 1-10, 11-20 and 1-10 cases respectively. The majority of the participants (8 out of 9) noted that their service is called to manage 1-10 cases of sexual crimes on an annual basis. The other participant is the police officer that mentioned that their service manages 11-20 relevant cases per year, from which the majority does not gain any publicity.

Regarding the profile of the victims and the offenders of sexual crimes that have come into contact with the professionals interviewed in RETREAT; the first lawyer mentioned that most victims are Greek women, around 40 years old or children 10-12 years old. In cases of child abuse or revenge pornography, the offenders are usually someone known to the victim. In other cases, but also in cases of circulating pornographic content, the offenders are strangers. The offenders are usually men, Greek citizens, about 40 years old. The second lawyer noted that victims are usually children and immigrant/foreign or Roma women, around 35 years old. In cases of rape the offenders are usually strangers; however in cases of child abuse the offenders are usually someone from the close environment (family, friends and partner). The criminologist reported that girls 7-12 years old, regardless of their nationality, are mainly the victims of child abuse. She also noted that the situation is even more complex for immigrant/foreign children, as the different cultural context, the different mother tongue and the lack of supportive system act as barriers for reporting incidents, which result in inadequate data for this population group. The offenders, as she mentioned, are adult men of different nationalities and are "always someone known" (for example a relative or friend of the family). The child psychologist mentioned that the child victims of sexual crimes are boys and girls; while the "Siragakis case" has increased the percentage of boy victims by a lot (for Greece). The age of the victims starts from 3.5 years and are majorly Greek citizens. With regards to their relation to the offender, for very young children, e.g. 3.5 years old, end especially for boys, the offender is usually the father; while for the other age groups, the offender is usually a neighbour, a family friend or a relative (for example the uncle). From time to time, mothers also sexually abuse their children and especially boys. The first mental health professional noted that the victims of sexual crimes, that mainly address their service, are Greek and

decision of the Board of Appeals of Western Macedonia according to which the reasons for his conditional dismissal are not met, annulling the previous order of the Council of Criminal Procedure of Grevena (https://www.efsyn.gr/efkriti/koinonia/251431_xana-sti-fylaki-o-n-seiragakis). It is worth noting that the Prosecutor of the headquarters stated characteristically: "There is a legal-political deficit in our country. The crime of pedophilia should have been punishable by life imprisonment", (<https://kotzabasakis.com/?p=149>).

Albanian women, 15-25 years old, and they usually know the offender. The offenders are men, of Greek or Albanian citizenship, aged 25 to 35. The second mental health professional mentioned that the victims are mainly Greek women, 35-45 years old, and the offenders are known to the victim, and more specifically, they are persons from the close environment, like their partner or their father. Moreover, the offenders are Greek men, aged 30 to 35 years. The third mental health professional mentioned that women around 30 years old as well as children, regardless of their gender, are mainly the victims of sexual crimes. Victims are either Greeks or foreigners. In fact, as she reported, the disclosures and reports for sexual crimes against foreign children are more usual, as there is no further social stigmatization. The offenders are almost always someone known; for women victims it is usually the current or ex partner, while for children, a relative, such as their father, grandfather, an uncle or a family friend. Last but not least, the first police officer mentioned that victims are mainly women under 40 years old, either Greek or foreigners (mostly foreigners married or in a relationship with Greeks, for example, UK citizens). The offenders are usually Greek men, under 50 years old, and are the spouses, partners or relatives of the victim. The second police officer declared that as far as adult victims are concerned, these are mainly women over 18 year old, Greek or foreigners (tourists or guides, but not immigrants). In these cases, the offenders are mainly strangers; and specifically in the cases that she has been involved, all the offenders were foreigners (mainly Pakistani), aged 20 to 30. As far as minor victims are concerned, the police officer mentioned that the victims are majorly Greek boys under 10-12 years old. The offenders are mainly their close relatives (for example their cousin or uncle), with the exception of the well known “Siragakis case” where the offender was a basketball coach.

3.1.2.2. TREATMENT OF VICTIMS OF SEXUAL CRIMES

With regards to the services provided to victims of sexual crimes, the lawyers offer services of legal nature (legal counselling and legal representation). The criminologist conducts the forensic interview with child victims of sexual crimes. The two police officers are Heads of the Domestic Violence Units of the Hellenic Police in each of the prefectures they are assigned. The first police officer’s work is focused on receiving complaints from citizens regarding the services provided by the police to victims of domestic violence; while the second one performs mainly interrogation services. However, at the same time, as she mentioned, out of necessity, she offers counselling and psychological support services. The child psychologist provides psychological support and trauma therapy services to victims of sexual crimes (minors or adults that have been abused when they were children), as well as counselling to the parents of the victims. The mental health professionals offer psychological counselling and psychotherapy, housing services in shelters for abused women, and referral services for examination purposes (psychiatric or forensic), while they also undertake contact with other services (hospital, bar associations, etc.)

The majority of participants (6 out of 9) mentioned that in their organisation/ entity, there is no established special treatment process for victims of sexual violence. The criminologist noted that although this is foreseen in the legislation (Ministry of Justice, Transparency and Human Rights, 2019), practically, there is no application of the law. More specifically, in 2019, a ministerial decision ordered the establishment of Independent Protection Units for Child victims and defined standards for conducting forensic interviews with child victims of sexual abuse. However, according to the Greek Ombudsman (2019), the ministerial decision has not

been implemented at all until today. The participants that answered affirmatively to the question on established procedures are the child psychologist and the police officers. The child psychologist follows the principles of the selected therapeutic model and trauma therapy. The police officers mentioned that, according to law 3500/2006, and in accordance with the Istanbul Convention, police are required to treat victims of domestic violence, including sexual violence, with respect, to protect their safety, to promote their rights, to protect them from the offender and to not misuse their power. In addition, a database to systematically record incidents of domestic violence has been created very recently in the Hellenic Police, in order to collect more comprehensive data but also to achieve better collaboration and communication in the Criminal Justice System.

Regarding receiving specialized training on the management of victims of sexual crimes, the majority of participants (5 out of 9) replied negatively. Even the participants that have replied in an affirmative way reported that the training was not established by the entity/organization they work for; but rather was dependent on the individual interests and abilities. More precisely, the criminologist holds a PhD on sexual abuse, while the child psychologist holds a Master Degree on the same topic. 2 out of 3 mental health professionals have participated in training seminars, conferences, workshops and study groups; and one of them has prepared their thesis on the topic of child sexual abuse. Finally, one police officer has been trained on the implementation of the Istanbul Convention.

Apart from the lack of specialized training, the current research has revealed that there is also lack of specialized professionals for the treatment of victims of sexual crimes, as the majority of interviewees (6 out of 9) have provided a negative answer to the respective question. One mental health professional has mentioned that, although there are psychologists, they are not specialized in sexual abuse; while the other two mental health professionals reported that there is a specific team which is supervised 1-2 per month. One police officer noted that although the protocol does not define it, the officers are collaborating with the police psychologist (only one psychologist assigned for the whole Crete region) as well as with the psychiatric clinic of the neighbouring prefecture. Moreover, especially when the victims are minors, specific police officers are called to manage the case, usually female officers, who hold experience with similar cases. In such cases, male officers are usually engaged with the collection of evidence and identifying the offender.

3.1.2.3. CONTACT WITH CRIMINAL JUSTICE SYSTEM & OTHER RELEVANT ENTITIES

As far as the involvement of victims of sexual abuse in penal procedures is concerned; the answers received by the participants entail a large variation. More specifically, while one lawyer mentioned that most victims that she represents are involved in the penal procedures; the other lawyer reported that only half of the victims that he represents are involved in the penal procedures, due to embarrassment or false accusations. The criminologist noted that only some of the victims that disclose sexual abuse are engaged in penal procedures; and the child psychologist mentioned that only very few victims engage in penal procedures. At the same time, while one police officer stated that victims of sexual violence are the ones most engaged in legal procedures, as the majority of those that report the crime to the police are determined; the other police officer noted that it is very few victims that would go to court as they see the police as “deus ex machina” that substitutes the Criminal Justice System (CJS).

This police officer also mentioned that the difficult, time-consuming procedures of the CJS, constitute barriers for citizens. As well as this, many times, police officers exaggerate on the complexity procedures that need to be followed, discouraging victims even more from engaging in them. The mental health professionals mentioned that the victims of sexual crimes engaged in penal procedures are very few.

Regarding the most common crimes, the first lawyer mentioned the crimes of revenge pornography, seduction of minors, rape and incest. Especially in specific population groups, as for example the Roma population, who during their discussion with the lawyer may refer to marriages, and consequently incest, between relatives, sometimes also including minors; however, due to their cultural context they do not report incest crimes but rather other types of violence, such as domestic violence or sexual crimes by a different offender. The other lawyer noted - again in descending order - the crimes of rape, indecency with a child, the illegal possession or trafficking of pornographic material, and sexual harassment. The criminologist reported indecency with a child as the most common crime against minor victims; while the child psychologist stated that she encounters all types of sexual crimes, e.g. rape, incest, indecency with a child, seduction of minors, coercion in sexual acts, pornographic material, etc. Both police officers mentioned that the most common crimes they confront are rape, indecency and incest. The first mental health professional claimed that the most common crimes - in descending order - are rape, seduction, indecency and indecency in an incestual relationship. The second mental health professional mentioned that the most common crimes - in descending order - are rape, indecency, coercion in sexual acts, and revenge pornography. Finally, the third mental health professional noted that the crimes most commonly met are - in descending order - indecency, coercion in sexual acts, seduction of minors, revenge pornography, rape and incest especially concerning minor victims.

According to the participants in the current research, the victims of sexual crimes that contact authorities (police, lawyers) are looking for legal guidance as well as judicial representation. The interviewees (7 out of 9) also mentioned that in the majority of cases, victims contact services, such as the police, NGOs and private lawyers and psychologists themselves. Exceptions constitute the minor victims, where children are accompanied by their parents - usually by their mother, or less often by their grandmother -, as well as young women (19-25 years old), who are usually accompanied by a female friend.

Special attention is paid in cases where the victim belongs in a vulnerable group (e.g. person with disability, minority group, refugee, immigrant, etc.). The lawyers stated that they are more engaged, they approach the victims in a specific way so as to avoid re-traumatising them, affecting their personality or implicating culpability of the victim. At the same time, they prompt them to report the crime as well as to reach out for psychological support. The criminologist reported that there are specific protocols for children with disabilities, foreign/immigrant children, very young children (toddlers), which unfortunately are not put into practice. The police officers mentioned that victims from vulnerable groups are specially treated, in collaboration with relevant entities and institutions. The child psychologist noted that her behaviour is adjusted to the needs of the vulnerable group, based on existing protocols and the training that she has received. Similarly, the mental health professionals mentioned that, although there is no specific protocol, they follow an approach based on empathy, increased attention and alertness, in order to avoid re-traumatisation. They adapt the language and the style of the questions, in order to meet the special needs of the victim; they try different ways to discover the victim's personal truth; and they look for further knowledge and information so as to address the incident in a more effective way.

With regards to the acts undertaken for preserving the dignity of victims of sexual crimes, the majority of participants responded in an affirmative way (8 out of 9 regarding dignity and 7 out of 9 regarding mental health protection). More specifically, concerning these two factors, the lawyers reported that they encourage the victims to seek for help and psychological support, and refer them either to a psychologist or/and a psychiatrist, or to the victim support helpline. In fact, as one lawyer noted, such assistance, of course, is not mandatory, but mainly relies on the lawyer. The police officers, for their part, cited the existence and assurance of confidentiality (breaching confidentiality leads to disciplinary control); the protection of the victim from the offender; and the removal of the victim away from the offender and the family of the offender (especially in Crete where vendetta incidents are still a risk factor), as means for preserving the dignity of the victim and the protection of their mental health. In addition, it is possible for the victim to call a trusted person in the police station so as to receive support. The mental health professionals also mentioned acting in accordance with confidentiality principles, respecting the needs of the victims (the flow of the counselling session is set by the victim), preventing secondary victimisation, applying trauma therapy models, securing meetings, and ensuring that victims do not come into any kind of contact with men (even eye contact) during the service received in the organisation (e.g. male staff of the organisation).

Except for one lawyer and one police officer, the rest of the participants believe that supporting victims of sexual crimes falls under their responsibilities. It is important to highlight that both the lawyer and the police officer, although they do not believe that victim support is their responsibility, they do support the victims, without having, however, the appropriate knowledge or training. According to the lawyers and the criminologist, the most common way to support victims is referrals to competent entities, institutions and victims support services. The child psychologist and the mental health professionals support victims by providing therapy, counselling sessions and psychological support, but also through co-management of cases with relevant entities, referring victims when necessary. Finally, one police officer mentioned that the police force is not specialised in providing support, however, a significant effort is taking place, at least at the level of securing the rights of the victim and advising the victims on their rights. She stated that police officers in Greece are very productive, and although there is a lack of facilities, the level of the human resources is of excellent quality.

The time devoted to victims of sexual crimes by the different professionals varies and is strongly connected to the provided services. In detail, the lawyers dedicate about 2 hours to victims. The criminologist dedicates more than 5 hours. The first police officer claimed that it depends on the case, it can be one hour or 5-6 hours; while the second police officer mentioned that she dedicates 5-10 hours, and sometimes even more. In addition, according to the child psychologist, young children stay in therapy for 2-3 months, adolescents for 2-5 years; while parents of the children and adolescents for many years. All three mental health professionals mentioned that they devote more than 10 hours to victims.

Besides the 2 mental health professionals, all the other participants mentioned that they undertake cases with minor victims of sexual crimes. Aspects of managing minor victims as well as confidentiality and privacy issues vary, based on the nature of the provided service. Thus, the first lawyer reported that conversations with minor victims take place in the presence of their parents; while the second lawyer claimed that, although minor victims are accompanied by their parents, she speaks in private with them. The first police stated that, as far as confidentiality is concerned, the rules are the same for adult and minor victims. More, according to the police officer, the parents already know about the incident(s) as they are the ones bringing the child to the police to report the crime. The second police officer mentioned

that in minor victims' cases, it is the responsibility of the police to inform the parents, regardless of privacy issues. In cases that the offender is one of the parents, the police inform the other parent and the interrogation process begins. The child psychologist mentioned that parents are informed; while in cases that one parent is the offender, the other parent is contacted. She encourages the adolescents to disclose the abuse to their parents themselves, or along with her. Sometimes, as she reported, adolescents have not realised that they have been abused at a younger age, and they perceive sexual abuse as a game - especially between peers or in power relations (e.g. Siragakis case) - and her intervention is needed in order to process the incident.

In Greece, the procedures before engaging with the CJS are as follows: the victim refers to a lawyer, an NGO or the police. The lawyers mentioned that with the assistance of a special psychological support team - that the victim wishes to address themselves - they primarily aim at protecting the physical integrity and privacy of the victim. In addition, they refer to the police or judicial authorities, and occasionally, they escort the victim to the police or the prosecutor. For their part, the mental health professionals mentioned that they inform the victim about the potential engagement of the police and the responsibility of the organisation to inform the police, especially in cases of domestic violence (as the legal framework regarding sexual crimes is unclear with regards to the responsibility of mental health professionals to report the incident); but also provide information on the next steps the victim can take and the procedures involved. In many cases, with the consent of the victim, the case is referred to the police or judicial authorities. Subsequently, at therapeutic level, they aim at empowering the victim in order to address the incident and also to prepare for the following judicial procedures.

During the engagement of victims with CJS, as a starting point, the victim reports the incident to the police or the prosecutor and testifies, initiating, thus, the interrogation process. The lawyers and the police collect evidence. If necessary, the victim is asked to testify again. If it is a criminal act, the case is referred to the investigator. The offender is arrested and testifies, and it is decided whether he will be remanded in custody or not. Then the case is addressed at the court; the hearing procedure with additional testimonies follows - if deemed necessary - and finally, the court decision is issued. Lawyers and mental health professionals "accompany" the victims throughout their experience with the CJS, if the victims wish so. According to the one police officer, although the officer on duty is the one responsible to receive the report, in cases of minor victims of sexual abuse, specific officer are called in, even if their shift is over. The woman or child victim is guarded by a female officer, if this is possible. In cases where the victim is psychologically tense, a psychologist is brought in. It is noteworthy, according to the police officer, that the Law defines the presence of a psychologist during the testimony of the victim as necessary, especially in cases of minor victims. However, this is not always feasible, both because in most police stations there are no psychologist officers and because public service psychologists work only during morning hours. Given the fact that most reports - especially about rapes - take place during the evening or night hours, the application of Law is practically almost impossible. In addition, they try to create a trusting relationship with the victim, to calm them down, to show them that they are on their side, and to explain to them their rights; by trying also to gain information on the incident and initiate the investigation process and collection of evidence. In rape cases, the police contact the Criminological Investigation Unit or the forensic medical examiner, or the victim is transferred to the hospital to obtain a DNA sample. Lastly, if needed, the required documents are sent to the social

service, and the police take measures for the security of the victim and identifying the offender.

The views of the participants, on the level of cooperation between the engaged entities/ services (e.g. police, courts, NGOs, counselling services/ psychological support, hospitals, etc.) in cases of sexual crimes, vary. More specifically, one lawyer described the cooperation as “mediocre”, while the other lawyer as “very good”, especially in cases of minor abuse. He also stated that in terms of collaboration on sexual crimes in Greece, a significant progress has been achieved in the last years. The criminologist claimed that collaboration between agencies in cases of minor abuse is “little and of bad quality”, and the child psychologist stated that it is “very good, but it requires a lot of time to be achieved”. The police officers also expressed different opinions, one claimed that collaboration is “mediocre”, and the other that it is “very good, but there are obstacles due to non-matching working hours”. The 3 mental health professionals mentioned that the collaboration is “bad”, “mediocre” and “very good”, respectively.

Usually, in each entity - especially in the ones not run by the state - there is one person assigned as a reference person that the victims can address. As far as lawyers are concerned, each lawyer acts as the reference person; while during the CJS, the existence of a reference person is dependent on the stage of the criminal proceedings. The criminologist, the child psychologist, and the 3 mental health professionals mentioned that there is a reference person, who is usually the one that conducts the initial discussion with the victim. The police officers expressed different opinions, with one officer claiming that there is no reference person assigned, and the other stating that there is. It is important to note though, that in cases that there is a reference person assigned from the police, it is not an institutionalised process, but depends on the empathy and the practical experience of the engaged officers. In the CJS, the reference person, - when there is one -, is usually the Social Assistance Commissary or in cases of minor abuse, the juvenile prosecutor. In addition, at the same time, minor victims are referred to public mental health services, such as the Mental Health Centres that are engaged mainly with the therapeutic part, without collaborating with the CJS, except in cases where an official assessment is required.

The majority of participants (7 out of 9) expressed the opinion that disclosure of sexual crimes is not done immediately. The child psychologist stated that “it depends” and one police officer said “yes and no”. The main reason for delaying the disclosure is fear. The lawyer stated that the main preventive factor of immediate disclosure is fear, especially when the offender is known to the victim, but also when the offender is a recognizable and prominent member of the society; while the other lawyer claimed that various factors are significant, such as the fear of social outcry, the fear of retaliation by the offender, the fear for one’s life, as well as racism and social stereotypes created by the lack of information. The police officers also perceived fear of stigmatisation and social outcry as deterrent factors. The mental health professionals set a psychological basis for the issue, claiming that the intense psychological trauma, the feelings of fear and humiliation, embarrassment, silence (“the conspiracy of silence”), blackmailing by the side of the offender, lack of access to services, and non-fulfilment of court decisions, are all factors for non-disclosure. As far as minor victims of sexual crimes are concerned, the criminologist claimed that preventive factors for children to disclose immediately the abuse are fear for lacking evidence (especially in cases of indecency with a child), fear of the offender, fear that parents will not believe them, as well as fear that they are also guilty for the crime. According to the child psychologist, the disclosure is immediate in cases of divorce; however, in such cases the accusations are many times false, aiming at the

acquisition of child custody. In the rest of the cases, children reveal the abuse usually to their mothers and in 1 out of 6 cases to the grandmothers. It is not uncommon that the father is not aware of the incident, as there are fears for possible violent reaction towards the offender. Sometimes, abuse is disclosed by the older siblings, who occasionally are also the offenders and are “proud of their achievements”.

After the disclosure, the majority of participants (7 out of 9), stated that the victims do not report the incident. Only one lawyer and one police officer disagreed with this statement. The police officer, based on her experience, believes that victims that go to the police are determined to report the sexual crime.

Regarding the procedures of CJS and their duration, most participants (6 out of 9) reported that the time interval between the commitment of the sexual crime and the reporting is very long (at least 6 months), and depends on a number of factors. According to the participants, the factors that prevent the reporting of a sexual crime are similar to those that prevent disclosure, with fear and shame being more widespread; while the financial costs associated with involvement in criminal proceedings are added, as well as the beliefs that these are time consuming, that they cause additional suffering and trauma and that in the end the justice is not served. According to the child psychologist, it is remarkable that those who wish to proceed with reporting an incident usually do not address a private psychologist but rather a public entity. This finding is important as it showcases that research on sexual crimes should also include private psychologists and other professionals, as they may give access to invisible population groups.

Discussing “invisible groups”, almost all participants (8 out of 9) believe that there are categories of sexual crime victims that do not disclose the abuse. These categories are mainly related with vulnerability such as the age of the victim, special needs (e.g. disability), low socioeconomic status, professional status of the offender (e.g. doctor, lawyer, politician, etc.) or power relationship (e.g. spouse, boss, etc.); as well as with the cultural context (e.g. Roma populations). Focusing on the factors of age (minors) and status or power of the offender, one of the police officers mentioned that “the Siragakis case was revealed by “coincidence”, when a “smart” mother brought the case out after collecting evidence”. Finally, an equally important factor, according to the majority of participants (6 out of 9) is the cases of incest, where, on the one hand, the child finds it difficult to reveal the incident and the offender, and on the other hand the family itself finds it difficult to report a member.

The majority of participants (7 out of 9) also claimed that victims of sexual crimes are either little or not at all informed about their rights under the CJS. Depending on their profession and place of work, the participants, and mainly the lawyers and the mental health professionals, stated that they inform the victims to a great extent about the procedures of the CJS; while the police officers inform them but also refer them to a lawyer for further update. Regarding the possibility of compensation of the victims of sexual crimes - mainly by the offender -, the information provided to the victims is minimal and again depends on the position of the participants; although, once again the opinions differ. More specifically, the first lawyer stated that he rarely informs the victims about the possibility of compensation as “they are not interested at all or have little interest, in relation to what they went through”, while the second lawyer stated that she informs them very often. Mental health professionals reported that they provide “little”, or “moderate” information, but also that “it does not fall within their duties”. Information from the police is either “neither”, or is provided only “sometimes”, as “this concerns mainly the lawyers”. Same applies for the possibility of penal mediation. The first lawyer mentioned that he rarely informs the victims on this institution as it is “not

implemented in Greece", while the other lawyer stated that she informs them very often. The answers of the police officers are equally different, with one police officer mentioning that she does not inform the victims at all on penal mediation, and the other that she informs them very often, as it is a measure taken by prosecutors more and more often. Finally, one of the mental health professionals mentioned that she sometimes informs the victims on penal mediation, while the other 2 claimed that this does not fall under their duties.

The occupation of the participants also seems to influence the perception of the victims of sexual crimes about them. The first lawyer stated that the view of the victims for the lawyers is good and positive and that they are considered collaborators and assistants: "more like a person close to them rather than a professional". The second lawyer stated that when lawyers defend victims, they are treated as "quasi-liberators who safeguard their legitimate interests", while when defending offenders, they are considered "enemies". The child psychologist said that both the minor victims and their parents form a good image regarding her occupation. More specifically, parents believe that she will provide information on what has happened in a safe way, and will offer help to the child but also to themselves; while for their part, the minor victims treat her as a person of trust to whom they can reveal their secrets, holding a mediating role between them and the police, as they are often ask "what does the police want to know?". The perception about the criminologist and the mental health professionals is also positive, as they are considered "allies", companions", "someone who believes in them, supports them and does not criticize", "a channel of communication, a bridge through the whole - criminal - process", "a reference person who, if the work is well executed, helps and empowers them for the next step". The police officers expressed different opinions regarding the victims' perception about their occupation. the first police officer claimed that police are perceived as a "deus ex machina, that will solve everything", as their "last hope" and "ultimate solution"; while the second one reported that "there is not trust towards the police, as, historically in Greece, police were "against" citizens (e.g. dictatorship period), and although a big change has been performed, citizens are not friendly".

The information recorded about the case and the victim concerns, according to the lawyers, all aspects of the case and the persons involved: the nature of the crime, the profile of the victim (for whom a considerable amount of information is collected) and the profile of the offender. In addition, they emphasize on the flow of the victim's speech, their contact with reality around them, the veracity of their words, as well as any contradictions, in order, as they claimed, "to build a correct and effective line of defence."

Police collect evidence on the one hand in order to structure the criminal prosecution (e.g. form of violence, relationship between victim and offender, if the offender is known, if there are witnesses, and if not, where the incident took place so as the police can identify witnesses and other evidence), and on the other hand, evidence for the victim and the offender: their marital status, their place of residence, their nationality as well as special characteristics, mainly of the offender, such as tattoos, tics, peculiarities in voice or appearance, criminal records, substance use, etc. If the offender is unknown to the victim, a full description is requested. The mental health professionals, the criminologist and the child psychologist reported that they look for information on the location and timing of the incident, if substance use was involved, if there was a pre-existing relationship and what kind, if another person or service has been informed, if medical examinations (mainly in rape cases) for Sexually Transmitted Diseases or pregnancy have been performed, as well as personal information about the victim's history (previous victimization, etc.). It is worth noting that all the aforementioned mental health professionals show due respect and let the victim control the

flow of the conversation, as well as the amount and type of information revealed. At the same time, they explore the victim's feelings, their views about dealing with the situation, their individual perception of their contribution to the abuse ("guilty or not guilty"), their perception on the incident and whether they identify it as abuse, as well as their opinions for abuse in general.

All the participants in this research, except for the lawyers, noted that they do not set specific questions related to delays on disclosure, honesty and trust. The reason for this, according to the police officers, is to avoid secondary victimisation and to prevent the victim from "shutting off", which subsequently can "block the evidence procedure". Mental health professionals also cited the risk of secondary victimization, in particular the fact that "victims have a different degree of preparedness", that "they should not feel accused", that "existing guilt should not be increased", that "this is not desired", as well as the fact that delays in disclosure, is almost an integral part of the process. In addition, they added that any corresponding responses are received indirectly and that their role is to understand the reasons why the disclosure was delayed. Similarly, the child psychologist, referring to minor victims, claimed that answers come out naturally and this is part of her training. The lawyers that answered that they do set questions related to delays on disclosure, honesty and trust, mentioned that the main reasons for these questions include the effective structuring of the defence process and proper preparation for the court hearing, as well as the revelation of the truth; as - especially in cases of false accusations - "the acquittal is not heard. The damage is serious when the offender is innocent"¹⁷.

The context in which the first encounter with the victim of a sexual crime takes place (e.g. waiting area, privacy, layout and decoration, bystanders, noise, etc.) largely depends on whether it is a public or private service. As it appears in the present research the latter are superior to the former. More specifically, with regards to the premises of the CJS system, they do not comply with the standards set for these procedures. The criminologist described the above mentioned premises - despite the corresponding provisions and ministerial decisions - as "completely inappropriate" for minor victims of sexual crimes. The police officers reported that the police stations, where the first testimony of the victim usually takes place, "do not follow specific standards" and are not "friendly at all". As they stated the testimony is taken at the office of the officer on duty, without any privacy (open door), at several people waiting in line, with telephones ringing, and officers going in and out. It is the same office, where someone would go to report trespassing for example. In addition they claimed that "the building reminds developing countries, it is neglected and not welcoming. There is no room for victims to spend the night. Where could they spend the night? In detention rooms? And what about the children? At the police station? At the hospital? There is not even a toilet for victims to use. They cannot use the toilet in detention rooms; if they need a toilet, the officers take them to the cafe next to the station". One of the lawyers makes a distinction between premises and human resources, by highlighting that "officers are appropriate and doing a good job, however the premises are not necessarily appropriate. There is care about the psychological state of the victims; there is emphasis on psychological support. As long as it has to do with human interaction all is well; when procedures and state support are involved, things do not go well". One mental health professional noted that "It is a mess, very unwelcoming, almost traumatising". With regards to the premises of NGOs, the mental health

¹⁷ In this phrase the lawyer aims to address the fact that the acquittal of the accused person is not as powerful as the accusations, ultimately failing to eliminate the stigma they bring.

professionals mentioned that the environment is safe, quiet, comfortable, relaxing, familiar and friendly.

The general feelings of the victims of sexual crimes, as well as their feelings towards the offender, are mainly governed by fear, according to the lawyers. In addition, victims feel disgust and hatred towards the offender. According to the police, the feelings of the victims towards the offender are usually mixed - especially in cases where it is a person known to them. More specifically, they feel indignation, concern, anger, while many times they make references to his psycho-synthesis: "he was not like that, he changed", "he is sick", "he is dangerous". They are presented as confused and await their arrest and imprisonment. Mental health professionals report that victims are confused and experience conflicting emotions (anger, rage, resentment, love, interest, frustration, sadness), while at the same time they feel guilt as well as remorse towards themselves, the offender and their extended family.

Due to these feelings, and, sometimes, the coexistence of Post Traumatic Stress Disorder, especially in the beginning, there is ambiguity in the description of the events. Regarding juvenile victims of sexual crimes, the prevailing emotions, according to the criminologist, are mainly negative; while they often range between love and hate, which depends on the status and the relationship with the offender. According to the child psychologist, very young children experience anger, fear, and sometimes even extreme hatred. On the other hand, adolescents and young adults experience rejection, complaint, frustration, not so much for the offender, as for the parent who did not protect them, "because there is no one left to love them, and to protect them." An additional reason directing the accusations at parents and not at the offender, is because the offender is considered "sick". In fact, they often feel guilty if they get angry with the offender, precisely because he is considered "sick". One police officer added that the feelings of the minor victims are more indistinct, as they cannot distinguish good from bad. In cases where the offender is a family member, the situation, according to all participants, is much worse and much more difficult. In fact, 2 of the participants reported that the existence of kinship, delays or completely prevents the disclosure and creates an ambivalent feelings to the victim; as the prevalent beliefs and social construction, e.g. of the father, are not consistent with the incident of sexual abuse.

Regarding whether victims of sexual crimes feel heard and believed during criminal proceedings; most participants (5 out of 9) believe that this is not the case. Instead they believe that victims feel heard and believed by lawyers and NGOs, as they receive care and attention and are approached with sensitivity. The main reason that pushes victims not to feel heard or credible, is the structure of the system that is not respectful towards their needs. One police officer did not take a clear position, but claimed that "This is what we want to believe. This is what we are trying to do. In the first phase, we always believe in the victim, there is no mistrust". In fact, as she stated: "Once a very drunk tourist came in. She reported rape but remembered nothing about either the offender or the setting. I was trying to help her remember. We crossed the whole beachfront of the city. Even when she did not remember anything, I gave her the impression that we would investigate it, even though we had no evidence." Regarding minor victims, the child psychologist mentioned that the children do not have this need: "They perceive the CJS procedure as a formality. For them to be there (to the psychologist), someone has already believed them. For example, they do not feel that they are being asked because they are not considered reliable; because they have prepared for this process". Contrary to this view, the criminologist claimed that children do not feel heard and believed, as they are treated as unreliable witnesses, who have no structured thinking, cannot distinguish the imaginary from the real, and are vulnerable to suggestibility.

Regarding the parameters influencing the secondary victimization of victims of sexual crimes, the participants expressed similar views on the fact that the victims are called to repeat their story several many times - at least 4-5 times -, during the procedures of the CJS. More specifically, the victims firstly testify to the police and may need to submit a second, additional statement when they are in a calmer state or if further information about the crime is needed. They testify again to the interrogator during the preliminary examination, and then at the trial, as many times as it is repeated. At the same time, they repeat their story to the lawyer but also to the mental health professionals, in case support is provided by a relevant service or a private psychologist. As far as the "Siragakis case" is concerned, the children first discussed with the child psychologist and afterwards they met with the interrogator in the presence of the child psychologist and the secretary who was typing the testimony. The children did not testify in front of the court; while some testimonies took place at the child psychologist's office, in the presence of the interrogator. It is also important to note, that this good practice (testifying in the presence of child psychologist, as well as testifying in the office of a child psychologist), is an exception in the Greek penal justice reality and has been applied so as to make the minor victims feel safe. However, the questions were set by the interrogator; the child psychologist was there to support the child, and based on the trusting relationship that has been built, the child would be able to express the feeling of uncomfort.

According to the participants in the present study, the factors that prevent the victims from testifying in the trial are many and varied; with the main ones being fear in general and social outcry, as well as the consequent stigma. The victim's re-traumatisation, a face-to-face encounter with the offender, shame, guilt, lack of faith and support, and loneliness during the CJS procedures are additional factors. The repeated testifying, adjournments, the Court of Appeals, and the conduct of the trial in another city for reasons of objectivity are also mentioned as deterrents. In fact, one police officer noted "The police officers need to testify as witnesses in cases from over 10 years ago. If it's torturous for us, imagine how it feels for the victims". Finally, according to the child psychologist, additional deterring factors include the victim's visibility and exposure, the culture ("especially in Crete"), and the fact that they are going to accuse in court a person close to them; especially in cases that the offender is a relative, or much worse, the parent. In detail, all 9 participants mentioned fear as a preventive factor; 7 out of 9 the influence from the family; 5 participants the influence from the social context; 5 participants the lack of knowledge; 4 participants the partner or spouse; 3 participants the friends and 2 participants the mass media.

Most participants did not know how often the victim was called to testify in the presence of the offender (4 out of 9), 2 participants answered that "this happens often", 2 that "it happens sometimes" and 1 participant that "this never happens". Similarly, regarding the victim's and offender's cross-examination, 5 participants answered that they "do not know", 2 that it happens "sometimes", 1 that it happens "rarely" and 1 that it happens "often".

The testimony of victims of sexual crimes, according to all participants, is not videotaped. Most of the participants could not state the reason why it is not videotaped; but attributed it to the protection of personal data, the mental and legal protection of the victims, the inadequacy of the system, the lack of appropriate infrastructure and technological equipment, while one of the participants stated that "This is forbidden to adult victims."

Victims' experience with the CJS is described by the participants in the present study, as "very bad", "tragic", "re-victimizing" (due to failure to involve the victims) and "almost Kafkaesque". On the contrary, the experience of victims by institutions/services is characterized as "good" and "very good".

One police officer stated that although the victims have no complaints towards the police as "the victims come back and ask for the specific police officer who has served them; it is very valuable in our work", nevertheless, they are dissatisfied with the CJS in general, as "the process is too slow and too torturous; again and again and again, one testimony is not enough?".

The counselling/psychological support or treatment provided to victims of sexual crimes by non state entities (e.g. NGOs, private psychologists) was generally described by 2 participants as "very good", by 1 participant as "good" and by 1 participant as "moderate". Lawyers, due to their professional position, stated that they do not have the necessary knowledge to express an opinion on the issue. With regards to the counselling/psychological support or treatment provided by the state to the victims of sexual crimes; it was characterized by 2 participants as "indifferent", by 1 participant as "formal", by 1 participant as "bad" and by 1 participating as "very inadequate, incomplete and non-existent". In fact, it was mentioned that the care that the victims receive, as it is not institutionalised, depends on the sensitivity and values of the respective professionals.

The process of informing the victims on the development of their case in the CJS, is equally not established. According to the participants, the victims are informed only through their lawyers. As an exception, the professionals of the CJS contact the victims in order to summon them at the trial. Also, one police officer mentioned that the victims are informed by the police only on the arrest of the offender.

Existing measures to protect the privacy, personal life and security of victims of sexual crimes in the justice procedures, were described by the majority of survey participants (4 out of 9 - 2 do not know) in a negative light. More specifically, 2 participants described them as "insufficient", 1 as "bad" ("victims become prey for the media, especially if it sells; details of the victim, his family, testimony and trial are made public"), 1 as "indifferent" and one as "moderate". However, there were 2 cases where they characterized them as "good" and as "very good".

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. More specifically, especially if an appeal is lodged, the average duration is at least 4 years.

Professionals' knowledge on the principles and rights described in the European Victims' Rights Directive 29/2012 is, on average, below average. Out of 9 participants, 4 stated that "they do not know it at all", 2 that "they know a few things about it", 1 "moderately"; while 2 participants stated that they know it "very well" (a lawyer and the criminologist). In addition, most of the participants (5 out of 9) did not know the degree of implementation of this Directive.

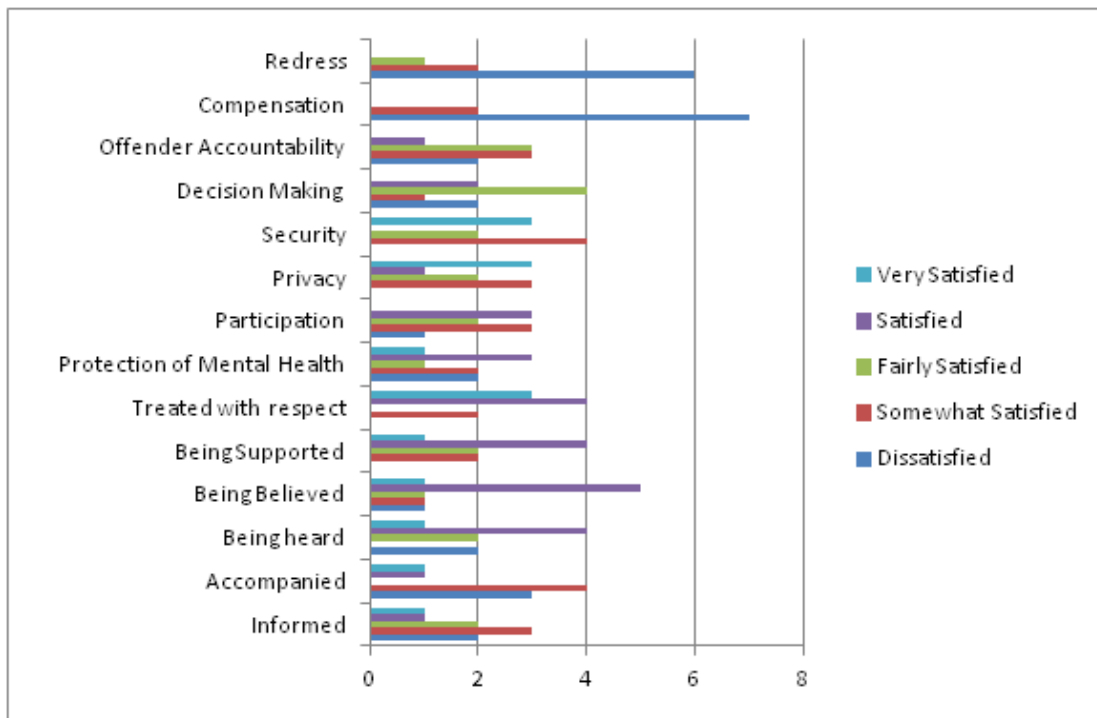
Regarding Restorative Justice, one lawyer noted that it applies "rarely" and the other that it applies "very often", usually at the request of the victim. In addition, the first lawyer stated that there are no protocols and instructions regarding the application of criminal justice; while the second lawyer stated that there are.

The participants also mentioned the necessary changes in the CJS concerning victims of sexual crimes. More specifically, the lawyers highlighted the need for faster procedures in delivering justice; for greater confidentiality towards the victim; for mobilization of the competent bodies, e.g. judicial authorities and NGOs for more effective rehabilitation of victims; for the institutionalization of state care (e.g. free counselling and support services for victims); and for provision of free legal assistance to overcome any financial barriers. The police officers

reported the need for establishing separate units for sexual crimes in police stations; as the newly established Domestic Violence Offices have mainly a coordinating and bureaucratic role, acting at staff level and dealing primarily with case registration, statistical data compilation and police training. They also mentioned the need to create hostels and temporary shelters for victims within the police departments, but also the need for psychologists in each police station. Mental health professionals claimed that the needs of victims should be taken into account to a greater extent by the CJS; more sensitivity should be shown due to the special nature of sexual crimes and special protocols for treating victims of sexual crimes should be established. For her part, the criminologist mentioned the need for the application of the Law on the Forensic Interview Protocol and the protection of minor victims. Finally, an urgent need according to the child psychologist, is the creation of a separate unit in police departments (in a substantial way but also spatial-wise) for minor victims as well as the faster delivery of justice. She also added that the police should be autonomous by having their own psychologists. In conclusion, she claimed that "Above all, the culture of the people must change. Nothing changes as long as there are people who are afraid to report the crime. The family in Greece has a complex structure, there are no limits - this is where the change should start".

Finally, regarding the interests of victims of sexual crimes, and more specifically receipt of information; escort/ support; whether they were listened to, believed, supported, treated with respect; whether their mental health was protected; whether they participated in decision-making; whether they received responses; whether their privacy and security were protected; whether the offender was held accountable; and whether there was compensation or redress, participants' responses vary based on their job and experience.

More specifically, regarding receipt of information, the majority of the participants (5 out of 9) claimed that victims are more or less satisfied. Regarding escort and support, the majority (5 out of 9) believed that the victims show little to no satisfaction. With regards to being listened to, believed, supported and treated with respect, the majority (7 out of 9) stated that victims are fairly to very satisfied. The opinions were divided concerning the protection of the mental health of the victim with 2 participants stating that victims are not satisfied at all, 2 that victims are somewhat satisfied, 1 that victims are fairly satisfied, 3 that victims are satisfied and 1 that they are very satisfied. Similarly, concerning participation in the CJS procedures, 1 participant believed that victims are not satisfied at all, 3 that they are somewhat satisfied, 2 that they are fairly satisfied and 3 that they are satisfied. Regarding the protection of privacy and the protection of personal data, 3 participants stated that the victims are somewhat satisfied, 2 that they are fairly satisfied, 1 that they are satisfied and 3 that they are very satisfied. Regarding safety, most participants (6 out of 9) believed that the victims are from somewhat to fairly satisfied, while the remaining 3 believe that they are very satisfied. With regards to holding the offender accountable, 2 participants believed that the victims are not at all satisfied, 3 participants that victims are somewhat satisfied, 3 that they are fairly satisfied and 1 that they are satisfied. Regarding compensation and redress, the majority of participants claimed that victims are not satisfied at all (7 out of 9 and 6 out of 9, respectively), while the rest of the participants believed that victims are somewhat satisfied.



Graph 7: Satisfaction with CJS procedures (professionals)

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ANNEX 1 – DEFINITIONS OF PENAL OFFENCES

1. RAPE (article 336 P.C.)

1. Anyone who, by physical violence or by threat of serious and imminent danger to life or to physical integrity, forces another person to undertake or tolerate a sexual act is punished with at least ten years of imprisonment.
2. Genital act is the Sexual intercourse as well as acts of equal weight.
3. If the act referred to in paragraph 1 was committed by two or more offenders acting jointly or resulting in the death of the victim, imprisonment or temporary imprisonment of at least ten years shall be imposed.
4. Whoever, except in the case of paragraph 1, commits a sexual act without the consent of the victim shall be punished by imprisonment of up to ten years.

2. ASSAULT OF SEXUAL DIGNITY (article 337 P.C.)

1. Whoever, by gestures of a sexual nature, by proposals concerning sexual acts, by sexual acts performed in front of another or by the display of his genitals, brutally insults the honor of another, shall be punished by imprisonment of up to one year or a monetary sentence. Prosecution requires a complaint.
2. The act of the previous paragraph is punished with imprisonment of up to two years or a monetary sentence, if the victim is younger than twelve years old.
3. An adult who, through the internet or other media or information technologies, gets in contact with a person below the age of fifteen and with gestures or suggestions, insults the honor of a minor in the field of his sexual life shall be punished by imprisonment of at least two years. If this was followed by an encounter, the adult is punished with imprisonment of at least three years.
4. Whoever makes sexual gestures or makes proposals for sexual intercourse to a person who is dependent on him for work or taking advantage of a person's need to work, shall be punished by imprisonment of up to three years or a monetary sentence. Prosecution is upon complaint.

3. ABUSE OF PERSON INCOMPETENT TO RESIST TO SEXUAL ACT (article 338 P.C.)

1. Whoever abuses the mental or physical disability of a person or by any other reason their inability to resist and acts with them a sexual act shall be punished by imprisonment for up to ten years.
2. If the act of the previous paragraph was committed by two or more persons acting jointly, imprisonment shall be imposed.

4. SEXUAL ACTIONS WITH MINORS OR IN FRONT OF THEM (article 339 P.C.)

1. Whoever commits a sexual act with a person under the age of fifteen or misleads them so that they commit or are subjected to the commitment of such an act shall be punished, if not punished more severely under Article 351a, as follows: a) if the victim has not reached the age of twelve, with imprisonment; b) if the victim has attained the age of twelve but not fourteen, with imprisonment of up to ten years; and c) if victim has attained the age of fourteen, with imprisonment of at least two years.

2. Sexual intercourse between minors under the age of fifteen is not punishable unless the age difference is greater than three years; in that case only remedial or therapeutic measures may be imposed.

3. Whoever expels or abducts a minor who has not reached the age of fifteen, to participate in a sexual act among other people without participating in it, shall be punished by imprisonment of at least two years and a monetary sentence, if the minor is under fourteen years of age and by imprisonment of up to three years or a monetary sentence if they have reached the age of fourteen.

5. MALPRACTICE OF MINORS (article 342 P.C.)

1. An adult having a sexual intercourse with a minor, who has been entrusted to supervise or guard them, even temporarily, shall be punished as follows: (a) if the victim has not reached the age of twelve, with imprisonment of at least ten years; b) if the victim has reached the age of twelve but not fourteen, with imprisonment; c) if the victim has reached the age of fourteen, with imprisonment of up to ten years.

2. An adult who makes gestures, suggestions or narrates or depicts or presents sexual acts to a minor, who has been entrusted to supervise or guard him, even temporarily, shall be punished by imprisonment of at least six months.

6. MALPRACTICE INTO SEXUAL ACT (article 343 P.C.)

Imprisonment of at least two years and a monetary sentence shall be imposed: a) whoever obliges another to undertake or tolerate a sexual act, by abusing an employment relationship of any kind; b) whoever obliges another to undertake or tolerate a sexual act, taking advantage of his immediate need to work (c) appointed or employed persons in prisons or other detention facilities, police services, schools, pedagogical institutions, hospitals, clinics or any other type of treatment facility or other institution intended to care for persons in need of assistance if, by abusing their position oblige a person who has been admitted to these institutions to have sex.

7. SEXUAL ACT AMONG RELATIVES (article 345 P.C.)

1. Sexual intercourse between blood relatives or relatives by adoption, ascending and descending line and between siblings or half-siblings is punished: a) in the case of relatives in the ascending line with imprisonment of at least three years, b) in the case of relatives in the

descending line with imprisonment of up to two years or monetary sentence and c) between siblings with imprisonment of up to two years or a fine.

8. FACILITATION TO OFFEND CHILDHOOD (article 348 P.C.)

1. Whoever, by profession or for the sake of speculation, attempts to facilitate, albeit covertly, by posting an advertisement or an image or a telephone number or by transmitting e-mails or by any other means the sexual act with a minor, shall be punished by imprisonment of at least three years and a monetary sentence.

2. Whoever organizes, finances, directs, supervises, advertises or mediates in any way or means in carrying out trips for the purpose of the participants performing sexual acts against a minor, shall be punished by imprisonment of up to ten years. Whoever for the above purpose participates in trips of the previous paragraph shall be punished by imprisonment of at least one year, regardless of their responsibility for the commission of other criminal acts.

9. MINORS' PORNOGRAPHY (article 348 A' P.C.)

1. Whoever intentionally produces, distributes, publishes, displays, imports - or exports from the country, transfers, offers, sells or otherwise disposes, purchases, supplies, acquires or possesses child pornography material or disseminates or transmits information about committing the above acts, shall be punished with imprisonment of at least a year and a monetary sentence.

2. Whoever intentionally produces, offers, sells or in any way possesses, distributes, transmits, buys, supplies or possesses child pornography material or disseminates information on the commission of the above acts, through information systems, shall be punished by imprisonment of at least two years and a monetary sentence.

3. Child pornography material within the meaning of preceding paragraphs is the representation or actual or virtual imprint on an electronic or other material of the genitals or the body of the minor in general, in a manner that is manifestly causing sexual arousal, as well as the real or fictitious sexual act performed by or with a minor.

4. The acts of paragraphs 1 and 2 shall be punished by imprisonment of up to ten years and a monetary sentence:

a. if performed by profession,

b. if the production of child pornography material is linked to the exploitation of the need, of mental or spiritual illness or physical disability due to an organic illness of the minor or (is linked to) the exercise or threat of using violence against the minor or (is linked to) the use of a minor that has not completed their fifteenth year of age or if the production of child pornography material has exposed the life of a minor into serious danger, and

c. if the offender of the production of child pornography material is a person to whom the minor has been entrusted for supervision or guarding, even temporarily.

5. If the production of child pornography material is linked to the use of minor that has not completed the twelfth year of age, imprisonment of at least ten years and a monetary sentence shall be imposed. The same penalty shall be imposed if the act of cases b` and c` of

the previous paragraph resulted in the grievous bodily harm of the victim, and if this resulted in death, imprisonment or temporary imprisonment of at least ten years and a monetary sentence is imposed.

6. Anyone who knowingly gets access to child pornography through information systems shall be punished by imprisonment for a term not exceeding three years or by a monetary sentence.

10. HUMAN TRAFFICKING (article 323^A P.C.)

1. Whoever, by the use of force, threat of force or any other coercive means or by the imposition or abuse of power, recruits, abducts, transports, illegally detains, panders, delivers or receives another person for the purpose of his/her exploitation, shall be punished by imprisonment of up to ten years and a monetary sentence.

2. The culpable shall be punished with the same punishment also if in order to achieve the same purpose, they commit the acts of the previous paragraph by extracting the consent of another by using deceptive means or by luring him taking advantage of the vulnerable position in which they (victims) finds themselves.

3. The act of the previous paragraphs shall be punished by imprisonment and a monetary sentence, if: a) performed by profession, b) performed by an employee who, in the exercise of their service or by benefiting from their services, commits or participates in any way in the act, c) related to the illegal entry, stay or exit of the victim from the country or d) resulted in the serious bodily injury of the victim. Imprisonment of at least ten years shall be imposed if the act resulted in death.

4 With the penalties of the previous paragraph shall be punished the act of paragraphs 1 and 2 when directed against a minor, even if committed without the use of means mentioned there. Whoever, by means of paragraphs 1 and 2, recruits a minor for the purpose of use in armed operations shall be punished with the same penalties.

5. The concept of "exploitation" in the preceding paragraphs includes getting illicit benefit from: (a) the inclusion of the victim in slavery or in similar practices; (b) the incarceration of the victim, c) the work of the victim or their begging (labor exploitation), d) the victim when committing criminal acts, e) removing cells, tissues or organs of the victim's body, f) committing sexual acts, actual or pretending, or providing work or services that have as their sole purpose the sexual arousal (sexual exploitation) or g) the compulsion (of the victim) to perform a marriage.

6. Any person who knowingly, without using the means of paragraphs 1 and 2, hires a person, who is a victim of trafficking, accepts the services of that person, performs sexual intercourse with them or accepts the income from their exploitation, shall be punished with imprisonment of at least three years and a monetary sentence.

7. Whoever, without using the means of paragraphs 1 and 2, is forcing minors to begging, in order to exploit their income, shall be punished by imprisonment and a monetary sentence.

8. For persons that report criminal acts committed against them by the culpable of the previous paragraphs, the public prosecutor may, if the complaint is considered valid, upon the approval of the appellate prosecutor, temporarily refrain from criminal proceedings for criminal offenses regarding aliens' law and prostitution law, as well as for infringements due to



participation into criminal activities, if this participation was a direct consequence of the fact that they were victims of previous paragraphs' offenses, until an irrevocable decision is issued for the reported acts. If the complaint proves to be well-founded, the abstention from criminal prosecution becomes final.

