

# State Violence in Greece

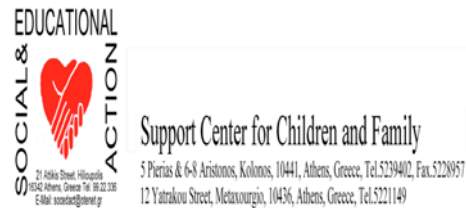
## An Alternative Report to the United Nations Committee Against Torture

### EXECUTIVE SUMMARY

33<sup>rd</sup> Session



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## PART I : STATE VIOLENCE IN GREECE

Despite the practice of denial by the Greek government human rights violations occur on its territory, most especially state violence, arbitrary arrest, ill treatment and torture. Those violations occur frequently against specific minority and ethnic groups. Thus, the prevailing climate of denial of human rights abuses, coupled with the often deliberately ineffective mechanisms of investigating human rights violations, leads to widespread impunity for those public officials involved, and to the consequent absence of a deterrent for other public officials to commit such violations.

### 1. Outline of the Greek legal and administrative framework concerning investigation into human rights abuses

Firstly, the **Greek institutional and legal system is well equipped** to deal with human rights violations. But, this legislation has no value if it is not adhered to by **an effective application**, which continues to be the problem encountered by Greece.

Furthermore, regarding Disciplinary Proceedings and the Administrative Inquiries, the procedures instilled therein **protect the rights of the officer** which are alleged to have violated the law, rather than protecting the rights of the complainants or of the complainant's family. Finally, the complainant is only informed of the outcome of the inquiry, without any reference of the penalty imposed on the officer.

Finally, concerns about the **impartiality and objectivity** of Administrative Inquiries can be expressed. Indeed, NGO monitoring has demonstrated that the **inherent weaknesses of SAIs** often lead either to the dropping of disciplinary charges against police officers or to the imposition of light penalties, thus there is an absence of any real deterring consequences for the officers of any real deterrent effect. Moreover, there is a **"closed" or internal police procedure**, to which the complainant does not effectively participate, and police officers conducting the SAIs are not relieved from their daily duties.

### 2. Norms and Practices in relation to the judicial process

Firstly, with regards to **Criminal proceedings into allegations of torture / ill-treatment**, the importance of **the role of the prosecutors** cannot be overemphasized. Also, within Greece there are **deficiencies of criminal investigations** into allegations of torture / ill-treatment which have been observed. Indeed, the impossibility for prosecutors, given their limited numbers, to attend all interrogations is alarming, as well as the fact that in several instances, the prosecutor's office refrained from authorizing forensic examinations.

Moreover, it can be noted that **prosecutors are often unwilling to institute criminal proceedings** under Art 137A of the Greek Criminal Code, which is the *lex specialis*, penalising acts of torture and other offences against human dignity.

Lastly, it should not be forgotten that **prosecutors are members of the public** and consequently may be influenced by widespread conceptions of the alleged "tendency to criminality" of a certain minority.

Three cases clearly illustrate the arguments outlined in this report. In the Argostoli, the Okeke and the Arnest Nesto cases **discrepancies in the testimonies of police officers, as well as, pressure to retract legal action, racial profiling, attempts to cover up the ill-treatments by state authorities, denial of a medical examinations and the use of electro shock weapons during interrogations and detentions** are highlighted within.

### **3. Detention Conditions**

Although improvements have been made, **general detention conditions fall below international human rights standards**. Unfortunately, NGO-based information concerning the detention conditions is rather limited, as Greek authorities do not allow **NGOs to access** such facilities.

The annual problem of **overcrowding** is also highlighted. Indeed, on June 18, 2004, the prison population exceeded 10,000, while the capacity remained stable at 5,000 inmates. As for the **living conditions** within the prisons, they often "offend modern perception concerning individual and social rights."

### **4. Refoulement**

**Refoulement** raises concerns over the situation in Greece. In this regard, the signing, on January 20, 2001, between Turkey and Greece, of the Agreement on Combating Crime, especially Terrorism, Organized Crime, Illicit drug-trafficking and illegal migration is troublesome. Indeed, the Greece – Turkey re-admission Protocol may affect persons in need of international protection and may have direct consequences for the rights of those who wish to enter Greek territory in order to **seek asylum**. Moreover, the problem is accentuated as immigrants are detained before being forwarded to Turkey, Greek authorities refuse to accept their asylum application or inform them of their rights, or even refuse to allow NGOs and human rights activists to visit them in order to file asylum applications on their behalf.

Also, there have been cases of individuals being **deported from Greece**, despite the fact that there was clear and unambiguous **evidence that they risked being subjected to torture / ill-treatment or even death**.

### **5. Patterns of Discrimination**

Within the country **certain ethnic or national groups are more likely to suffer human rights abuses**, including torture and / or ill – treatment, than any other groups. Indeed, there have been many reports that Roma/Gypsies, Albanians and other immigrants were frequently victims of ill-treatment on the part of the police in Greece.

Moreover, statistical evidence corroborates the belief that **certain groups are over-represented in the criminal justice system**. Thus, 3,907 or 46% of the 8,507 inmates in 2002 were foreigners, which is disproportionate to the total population of foreigners is estimated to number approximately 1,000,000 or 10% of the total population.

### **6. The Role of the lawyers**

Certain deficiencies of the judicial procedure concerning the investigation of allegations of torture / ill-treatment could be addressed by a vigorous attitude on the part of the **legal counsel** for the complainant. However, many lawyers unfortunately tend to refrain from challenging improper practices.

In addition to Roma and immigrants, it appears that **other categories of individuals** also encounter difficulties in securing access to effective legal representation.

## **PART II: STATE VIOLENCE AGAINST WOMEN IN GREECE**

### **General information on the character of Greek society and women's place in it**

The rights of women and children were continually violated in 2003. A situation most evident in the trafficking in persons for forced prostitution. In these instances, the judicial systems failed the victims, both in Greece and in the countries of origin. Moreover, domestic violence<sup>1</sup> is still considered an issue that belongs to the “private sphere”, which is mostly due to the lack of legal provisions, the inefficiency of police forces and the unwillingness of courts to move further than imposing light sentences on perpetrators.<sup>2</sup> The cause for (the high rate) violence against women is represented in the culture of the Greek society, which does not recognize substantial equality between men and women in every day life. Also contributing to the problem are The patriarchal structures, which are still very strong in the Greek society.

## 1. Legal and institutional framework – a step from violence

Greece ratified the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in 1983, entering no reservations, and the Convention’s Optional Protocol in January 2002. Law 1342/1983 implements the Convention into Greek law, containing a full translation of the Convention into Greek. It should be noted that this law, however, has never been directly invoked by a Greek court.

Since the revision of the Greek Criminal Code in 1984, **rape** is included in the category of “*crimes against sexual freedom and economic exploitation of sexual life.*” in Article 336.

**Marital rape** is not considered a crime under the Greek Criminal Code, as rape is only punishable if extra-matrimonial.

Under Greek law, there is no specific legislation addressing **sexual harassment** either, which is punishable only under general provisions of Civil and Criminal Law. Judicial proceedings are not gender-sensitive, making sexual harassment very difficult to prove as an “insult to personality” (civil law violation), or an “insult to sexual dignity”, or “abusive behavior” (criminal law violations). The crime of “indecent abuse of power”, which is probably closer to the notion of sexual harassment, is punishable only for employees in the public sector.

In Greece, **prostitution**, as defined in Law 2734/99, is legal from the age of 18 and prostitutes must register at the local prefecture and carry a medical card that is updated every 2 weeks.

Law 3064/2002 (15 October 2002), entitled “Combating trafficking in human beings, crimes against sexual freedom, child pornography and more generally on economic exploitation of sexual life and assistance to the victims thereof” is the one that covers **trafficking** issues in Greece. It intended to criminalize and punish traffickers, by imposing heavy prison sentences under article 323a – sentences of up to 10 years for forcing an individual into prostitution through violence, threats or false promises – as well as to develop victim support. Moreover, article 351 par. 3 imposes imprisonment of at least 6 months to clients – estimated 1,000,000 men (30% of Greece’s sexually active population).<sup>3</sup> However, there have been no cases of prosecution of clients, due to social conditions and fears of breaking up families;<sup>4</sup> Hellenic Police is moreover not known to have instructions to arrest clients.

Presidential Decree 233/2003 was signed on 26 August 2003 and implements the victim assistance mechanisms of 3064/2002<sup>5</sup> “Protection and assistance to the victims of crimes provided for in articles 323A, 349, 351 and 351A of the Criminal Code, in conformity with article 12 of Law 3064/2002. Although the presidential decree provides significant improvement in

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<sup>1</sup> For further information on domestic violence, see Annex: Part 2 on domestic violence to this report.

<sup>2</sup> Amnesty International (AI), Annual Report 2004, at <http://www.amnesty.org/ailib/aireport/index.html>

<sup>3</sup> See also Art. 351, paras. 1-2 of the Criminal Code.

<sup>4</sup> <http://www.helleniccomserve.com/archivedgreeknews33.html> and <http://www.helleniccomserve.com/archivedgreeknews33.html>

<sup>5</sup> Presidential Decree (P.D.) 233/2003, official gazette issue A 204/2003

Greece's anti-trafficking victim protection and support, little has been done to provide victims with effective legal alternatives to deportation to countries where they may face retribution or hardship, ensure safe repatriation of victims, or ensure that they are not penalized for offences resulting from their having been trafficked. Therefore, the Aliens Act being still in force, women without travel documents are often treated by police as criminals and detained and deported, despite evidence indicating they were victims of trafficking.<sup>6</sup> Through mid-October 2004, indeed, only two recognized by the prosecutor trafficking victims were granted residence permits, and one of them was granted a working permit, even though some other victims had made applications for that status since September 2003. The introduction of professional training on human trafficking issues to Hellenic Police (EL.AS.) officers has been a positive development.<sup>7</sup> No such training has been done for prosecutors and judges.

## 2. Rape and court attitudes

The two cases further described in the report indicate why very few rape cases reach the courts and are effectively prosecuted, as the law itself offers a “way out”, which implicitly encourages the blackmailing of the victims. This is even more so, if the victims are in a vulnerable position, being migrants – who may not afford a lawyer as well. The crime of rape is prosecuted *ex officio*. However, there is an exception laid down in article 344 of the Greek Criminal Code that reads: *“In the cases of article 336 [about rape], criminal prosecution is carried out ex officio. However, the prosecutor may exceptionally, with a justified ruling approved by the appeals’ prosecutor, abstain from criminal prosecution or, if he has already ordered the criminal prosecution, introduce the case to the relevant misdemeanors’ judicial council; the latter can drop the criminal charges, considering the victim’s statement – or of the persons described under article 118 – that the publicity following the criminal prosecution will result in a grave psychological injury of the victim.”* This particularity in the prosecution of the crime of rape has been severely criticized by NGOs, because it allows for practices such as blackmails, corruption, bribery and defamation to take place behind the scenes. Moreover, in rape trials, no one usually examines the past of the perpetrator however the past of the victim is painstakingly scrutinized, and seems to be the object of trial.

## 3. Trafficking: a state routine

Greece is a country of transit and destination for women, men, and children trafficked for the purposes of sexual exploitation and forced labour. Many activists have also alleged that police often accepted bribes from traffickers or were involved in trafficking rings,<sup>8</sup> something confirmed by the Pan-Hellenic Confederation of Police Officers and the Ministry of Public Order.<sup>9</sup> Thus, while the anti-corruption unit of the Hellenic Police stated that the problem was decreasing, human rights and anti-trafficking groups said that anti-corruption efforts needed to be a higher government priority.<sup>10</sup> – **Case of Gina M. and Olga B.**

## 4. Discrimination targets

Women belonging to vulnerable groups, like the Roma community or the immigrants are exposed to a higher possibility of being ‘neglected’ by the state, as the authorities may deal with their cases in a way that is far from being objective. Because there is a widespread discrimination against Roma people, the additional gender discrimination / vulnerability a Roma woman faces is underplayed. The **case of Yannoula Tsakiri** is an indicative example.

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<sup>6</sup> Prevention and Fight Against Trafficking: Institutional Developments in Europe – Greece Report, May 2003, at <http://www.state.gov/g/tip/rls/rpt/25017.htm>

<sup>7</sup> See [www.mfa.gr/english/the\\_ministry/temp/traffick1\\_en.html](http://www.mfa.gr/english/the_ministry/temp/traffick1_en.html)

<sup>8</sup> U.S. State Department, Greece: Country Report on Human Rights Practices, 2003

<sup>9</sup> Hötzel, Andrea, “Prevention and Fight Against Trafficking: Institutional Developments in Europe – Greece Report”, Berlin Institute For Comparative Social Research (BIVS), May 2003, at [http://www.emz-berlin.de/projekte\\_e/pj37\\_1pdf/Greece.pdf](http://www.emz-berlin.de/projekte_e/pj37_1pdf/Greece.pdf)

<sup>10</sup> US State Department, Greece: Country Report on Human Rights Practices, 2003.

## 5. Detention Conditions

Both IGOs and NGOs have repeatedly observed that detention conditions in both detention centres as well as prisons fell below international human rights standards. In mid-2004, the Greek National Commission for Human Rights published a Korydallos Women's Prison visit report of which the main excerpt follow: *“Unfortunately, detention conditions in the main women's prison cannot be said to be satisfactory. General conclusion: this prison also suffers from overcrowding as well as from unbalanced allocation of inmates into cells. It accommodates about 480-500 female inmates while it was built for 80-100. As a building, it has been built according to specifications that would, ordinarily, ensure civilized and safe living conditions, more so than the men's prison. Overcrowding however leads to serious malfunctions and there is an immediate need for improvement. Moreover, it should be stressed that there are no doctors or even a specialized nurse in the women's prison on a permanent basis (doctors of all specializations visit the prisons twice a week). The female prison's medical staff consists of a female medical orderly – graduate of a Technical Educational Institution, as well as two medical orderlies doing their apprenticeship. The grave dangers stemming from this lack [of specialized medical personnel] are apparent. “*

### PART III : STATE VIOLENCE AGAINST CHILDREN IN GREECE

#### 1. Introduction: children and torture in Greece

##### 1.1. Definition of the child

In Greece a child is a person who has not reached the age of 18 for penal and civil matters. The minimum age for admission to employment as well as the legal age of sexual consent is 15 years old. Education is compulsory from 6 to 16 years old.

##### 1.2. The child in the Greek legislation on torture

On March 1993, Greece ratified<sup>11</sup> the Convention on the Rights of the Child (CRC).

The Greek Constitution (article 7 (2)) and the Criminal Code (article 137 A) both prohibit torture perpetrated by a state agent and punish it but not specifically when it is perpetrated towards a child.

The Criminal Code prohibits some sexual offences when perpetrated against children.

#### 2. Children's rights and police

The Greek Law properly protects arrested children from potential violence by police officers.

Nevertheless, the Greek state appears to have been aware that police officers tended at time to use “strong arm” tactics while arresting minors. The number of allegations of police brutality against minors is increasing and police officers continue to enjoy impunity.

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<sup>11</sup> Law 2102/1992.

Another serious concern is the excessive number of illegal proceedings against often unaccompanied alien minors asylum-seekers including arbitrary arrests and detention with adults, illegal deportation orders and slow procedures for family reunification.

### **3. Juvenile justice system**

#### **3.1. Description of the juvenile justice system in Greece**

Article 121 of the Criminal Code defines delinquent minors as persons who commit a criminal offence while being eight to eighteen years old.<sup>12</sup> Before 13 years old, minors are not held responsible for the criminal acts which they commit.

The measures that may deprive child freedom are the following (in addition to pre-trial and pending trial detention in certain cases):

- imprisonment or confinement to a special juvenile detention centre or to a psychiatric institution (from 6 months to 20 years),
- reformatory measures in a state/private/municipal/community correctional facility,

therapeutic measures in a therapeutic institution.

Only reformatory and therapeutic measures may be applied to minors between 8 and 13. Minors between 13 and 18, who commit criminal acts are subjected to reformatory or therapeutic measures or penal correction, or to reduced terms of imprisonment if the case comes to trial after the adolescent has reached the age of 18.

#### **3.2. Deficiencies of the Greek juvenile justice system**

- unsuited resolution in the case where the parents/custodians have “encouraged”, sometimes by using physical or mental abuse, the minor to commit an offence,
- the lack of juvenile probation officers,
- the abusive recourse to pre-trial detention and its extended duration,
- the juvenile detention centres are preparatory schools for criminals.

### **4. State institutions**

#### **4.1. Corporal punishment in schools**

The Greek law explicitly forbids corporal punishment in primary schools, but not in secondary schools.

#### **4.2. Corporal punishment in state institutions and forms of care**

##### **4.2.a. *Legal framework***

The law does not explicitly forbid corporal punishment in all kinds of institutions and forms of care welcoming children.

##### **4.2.c. *The “Agia Varvara” children’s institution***

This case concerns the disappearance of hundreds of street children that had been accommodated in the “Agia Varvara” institution between November 1998 and October 2001.<sup>13</sup> Despite the gravity of these allegations, the competent authorities, except the Greek Ombudsman, did not undertake any investigation into the circumstances of this event. In its report, the Ombudsman implicitly noted that this case raised concerns about the Greece’s conformity with the Convention on the Rights of the Child.

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<sup>12</sup> Before its amendment, Art 121 CC provided that minors are those aged between seven and seventeen years old.

<sup>13</sup> See Terre des Hommes report (in Greek), *Children Trafficking from Albania to Greece*, January 2003, p 27.



## **5. Specific issues**

### **5.1. Trafficking**

Under criminal law, child trafficking and child trafficking for sexual purposes are punishable by a prison sentence of at least 10 years.

In practice, it is very difficult to obtain reliable data on the number of children who are trafficked or involved in prostitution because of the enormous profits and powerful criminal organizations involved, as well as the social taboo of sexual exploitation. In recent years, there has been a dramatic rise in the number of women and children who are trafficked into Greece for the purposes of forced prostitution, mostly from the Balkans and Eastern Europe, through organized criminal networks.

### **5.2. Street children**

Street children are often “employed” by criminal gangs (sometimes with the express consent of their parents) for begging, performing various tasks (e.g. selling handkerchiefs to passers by or cleaning car windows in traffic lights) or even being prostituted. The problem of the “street children” reached considerable proportions in the 1990’s with the migration of many Albanians, including children, to Greece. The issue of begging children is particularly worrying.

### **5.3. Discrimination against non-Greek origin juvenile offenders**

In Greece there has been an increase in juvenile delinquency since 1998. Statistical data particularly reveal the high ratio of Albanian nationals and Roma involved in the Greek juvenile justice system but also show that non-Greek nationals and non-ethnic Greek minors are disproportionately represented in the juvenile penal system, giving a clear sign of probable discrimination.

There are numerous cases of discrimination against non-Greek origin juvenile offenders where the proceedings are not fully respected. There are also serious concerns by the excessive number of illegal proceedings against often unaccompanied alien minors asylum-seekers including arbitrary arrests and detention, detention with adults, illegal deportation orders and slow procedures for family reunification. Border incidents, particularly against Albanian minors, also happen. Cases of ill treatment, injuries or death of Albanians trying to cross either legally or illegally the Albanian Greek borders have been reported in the past, but most of them have not at all or very inadequately been investigated and the perpetrators have as a result never been punished.

## RECOMMENDATIONS:

### GENERAL RECOMMENDATIONS:

The coalition of NGOs recommends that:

1. The State authorities ensure the implementation of the recommendations already adopted by international and regional human rights treaty bodies.

### Need for information and training:

2. The State should provide adequate professional training of an on-going and mandatory nature at all levels of the law enforcement agencies' hierarchy on how to implement national as well as international human rights standards especially regarding situations involving arrest and questioning of suspects.<sup>14</sup> In the course of training, particular stress should be placed upon the principle that the prohibition of torture is absolute and non-derogable.
3. Training programs should focus on measures to combat racist or xenophobic attitudes amongst law enforcement agents, in order to prevent any discriminatory practices against vulnerable groups, in particular foreigners and ethnic and national minorities.

### Rights of the detainees

4. Steps should be taken to ensure that all detainees (especially immigrant detainees and detainees from minority groups) are systematically provided with a document explaining the procedure applicable to them and setting out their rights; this document should be available in the languages most commonly spoken by those concerned as well as posted in police stations, gendarmeries and prison. A prompt and regular access to lawyers and doctors as well as the right to notify their families should be guaranteed to detainees. Information about complainants procedure should be provided and detainees should be informed that free legal aid is available for those who cannot afford a counsel. Greek authorities should also rigorously implement their pledge to provide NGOs with *"the right of unhindered access to detention facilities, in consultation with the competent services."*

### Judicial system and incrimination of torture

5. Audio and video recordings should be made of interrogations as well as of the time the interrogations began and ended. The names of the officials participating and the other persons present should be recorded.
6. With regard of the Sworn Administrative Inquiry (SAI) procedure, the rights of the complainants and his family should be improved in the relevant legislation. SAI should be conducted by the independent and effective Internal Affairs Division of the Hellenic Police. The procedure should provide to the complainants the results of the inquiry as well as the disciplinary measures taken against the administrative agent. Moreover provisions should be made for the complainant to have access to the hearings, and to be involved more directly during the Disciplinary Board Proceedings. All SAI related documents should be made available to the complainants at the end of the procedure.

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<sup>14</sup> See also : Report to the Government of Greece on the visit to Greece carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 23 September to 5 October 2001

7. All allegations of torture, ill-treatment or the unlawful use of firearms by law enforcement officials should be subject to prompt, thorough, independent and impartial investigation by the relevant authorities;<sup>15</sup> When a detainee or relative or lawyer lodges a torture complaint, an inquiry should always take place and, unless the allegation is manifestly ill-founded, the public officials involved should be suspended from their duties pending the outcome of the investigation and any subsequent legal or disciplinary proceedings. The Greek Ombudsman should take a more active role in effectively overseeing the conformity of the administrative investigations with Greek law and international standards and act promptly on relevant complaints.
8. Appropriate steps should be taken to ensure that persons who may have been victims of ill-treatment by law enforcement officials are not dissuaded from lodging a formal complaint but instead are encouraged to do it. On the contrary, prosecuting authorities should ensure fair and swift investigation of the allegations and punishment of the perpetrators. The state should reopen cases which led to impunity despite abundant incriminating evidence as well as amend article 137A to insure that all cases of torture and other forms of ill-treatment are considered grave enough so as to preclude suspension or conversion to fines, as with the crime of “resisting authority”.
9. Whenever criminal suspects who are brought before a prosecutor or judge allege ill-treatment by law enforcement officials, the prosecutor/judge should record the allegations in writing, order immediately a medical examination and take the necessary steps to ensure that the allegations are properly investigated; Such an approach should be followed whether or not the person concerned bears visible external injuries; and even in the absence of an express allegation of ill-treatment, the prosecutor/judge should request a forensic medical examination whenever there are other grounds to believe that a person brought before the prosecutor/judge could have been the victim of ill-treatment.<sup>16</sup>
10. National legislation and practice should reflect the principle enunciated in article 3 of the Convention against Torture, namely the prohibition on the return (refoulement), expulsion or extradition of a person to another State “where there are substantial grounds for believing that he would be in danger of being subjected to torture”. The principle of non-refoulement must be upheld in all circumstances irrespective of whether the individual concerned has committed crimes and the seriousness and nature of those crimes. Asylum determination procedures should pay particular attention to avoiding the retraumatization of applicants.<sup>17</sup>

### **Need for a better monitoring of the conditions of detention**

11. Urgent measures should be taken to improve conditions of detention in police stations and prisons. Moreover undocumented migrants and/or asylum-seekers who have not been convicted of a criminal offence should not be held administratively for long periods in such institutions. Immediate steps should be taken to avoid the holding persons, in particular immigration detainees, for prolonged periods in ordinary law enforcement agency detention facilities.
12. The State should establish a system of regular visits to detention facilities by an independent authority to effectively monitor detention conditions. Free access to prison should be effectively practiced and authorized so as to enable NGO and other human rights monitoring services to evaluate detention conditions.

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<sup>15</sup> See also : Report to the Government of Greece on the visit to Greece carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 23 September to 5 October 2001

<sup>16</sup> Ibid

<sup>17</sup> General Recommendations of the Special Rapporteur on torture E/CN.4/2003/68, par. 26.

## RECOMMENDATIONS WITH REGARD TO WOMEN

1. Law enforcement personnel in Greece are generally ill-equipped to handle complaints from women and girls alleging that they are victims of rape and other forms of sexual violence. The victim's sexual history is often scrutinized making the victim feel as if she herself is being put on trial. The Greek government should see that all law enforcement personnel are given appropriate gender-sensitive training in responding to cases of rape and other forms of sexual violence against women. Moreover, during the trial, the focus should be on the perpetrator and not on the history of the victim. The law should be revised in such a manner that victims of rape and other forms of sexual violence can not be put under pressure to stop the prosecution of the case.
2. The Greek government must ensure that women victims of violence have access to adequate reparation and remedies.
3. Regarding the issue of trafficking in women and girls into and through Greece, predominantly for the purposes of sexual exploitation, despite the fact that the government has taken some legislative and policy measures to address this issue, a lack of adequate implementation can be observed. The Greek government should see that prosecutors, judges and other law enforcement personnel in Greece should be given training on trafficking in women and girls. The Greek government should also implement adequately and effectively Presidential Decree 233/2003 which implements the victim assistance mechanisms of 3064/2002<sup>18</sup> "*Protection and assistance to the victims of crimes provided for in articles 323A, 349, 351 and 351A of the Criminal Code, in conformity with article 12 of Law 3064/2002.*", in order to insure adequate protection of, effective remedies and compensation to victims, as well as their presence in subsequent trials. For this, the Greek government should make available adequate financial support to the victims and the NGOs defending their rights. The Greek government should also actively combat complicity by the police and other law enforcement officials in the trafficking. The Greek government should finally ratify the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and children, supplementing the United Nations Convention against Transnational Organized Crime
4. Regarding reports of violence against women by state officials, particularly in the case of vulnerable groups, the Greek government should take steps to ensure that all allegations of torture and ill-treatment are promptly, thoroughly and impartially investigated. Those responsible should be identified, brought before a competent and impartial tribunal and the sanction provided for by the law should be applied.
5. The Greek government should furthermore take steps to improve prisons conditions, as there is concern at prison conditions for women in Greece.

## RECOMMENDATIONS WITH REGARD TO CHILDREN

The coalition of NGOs recommends that:

### **Children in conflict with the law**

1. The government should ensure that special proceedings set up to protect the child when s/he is arrested are properly implemented by police officers, including when dealing with foreign and asylum-seeker minors. To do so, the authorities should particularly train

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<sup>18</sup> Presidential Decree (P.D.) 233/2003, official gazette issue A 204/2003

police officers dealing with children by making them aware of children's rights. It should also facilitate effective and independent monitoring mechanisms in police station.

2. Moreover, in order to end impunity, the government should systematically undertake adequate action against state agents who are suspected to have committed violence towards children in breach of their duties.
3. The government should decriminalize begging when it is carried out by children.

### **Juvenile justice system**

4. The government should appoint prosecutors and judges trained and specialized in child issues in all areas of the country. It should also appoint juvenile probation officers according to the needs.
5. The government should ensure that any person who commits an offence before the age of 18 will be judged as a minor according to specific proceedings even if her/his trial takes place when s/he is older than 18 years old.
6. The authorities should ensure the effective legal assistance for children in conflict with the law from the arrest.
7. The authorities should guarantee that minors who have committed an offence when encouraged by their parents or custodians are not then taken back to them without investigation into the situation of the child offender's family.

### **Deprivation of liberty**

8. The Greek authorities should ensure that child deprivation of liberty, including pre-trial and pending-trial detention, is used only as a measure of last resort and for reasonable grounds and according to the best interest of the child.
9. The government should ensure education of the minors in detention by trained and specialised teachers and social workers as well as psychological follow-up.

### **Corporal punishment in state institutions**

10. The Greek state should globally prohibit corporal punishment in all schools and all institutions welcoming children and provide effective implementation of the legal prohibition.
11. The government should provide adequate investigations into the events happened in the "Agia Varvara" children's institution.

### **Trafficking**

12. The government should fight against child trafficking not only through legislative and judicial efforts, but also through population's sensitization campaigns of the sexual exploitation, the trafficking of children and their abuses in Greece.

### **Discrimination**

13. The government should end discrimination against juvenile offenders of non-Greek origin.