



Convention on the Rights of the Child

Distr.: General
2 May 2012

English Only

Committee on the Rights of the Child

Sixtieth session

29 May – 15 June 2012

Optional Protocol on the sale of children, child prostitution and child pornography

List of issues concerning additional and updated information related to the consideration of the initial report of Greece (CRC/C/OPSC/GRC/1)

Addendum

Written replies of Greece*

Reply to the issues raised in paragraph 1 of the list of issues (CRC/C/OPSC/GRC/Q/1)

1. Statistical data on reports of sale of children, child prostitution, child pornography and child sex tourism are provided by the Hellenic Police, while data on prosecutions and convictions for the same offences are listed from the available data provided by the Courts and the Public Prosecutors' Offices.

PC 323A and 351- Sale of children

2009

Number of Victims	Nationality
2	Albania
5	Bulgaria
1	Greece
5	Romania

(Total:) 13

* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

2010					
Offence	Number of cases	Child victims			Nationality
		Males	Females	Total	
PC 323a ¹	7	4	1	5	Bulgaria
		5	3	8	Romania
			1	1	Albania
PC 351a	6	0	3	3	Bulgaria
		0	2	2	Romania
		0	1	1	Albania

2011					
Offence	Number of cases	Child victims			Nationality
		Males	Females	Total	
PC 323a	4	5	3	8	Romania
		1	0	1	Bulgaria
PC 351a	4	0	1	1	Hungary
		0	1	1	Romania
		0	1	1	Bulgaria
		0	1	1	Greece

PC 349 – Child Prostitution

Year	Number of cases	Child victims			Nationality
		Males	Females	Total	
2010	8	0	4	4	Romania
		0	2	2	Bulgaria
		0	1	1	Albania
		0	1	1	Greece
2011	4	0	2	2	Bulgaria
		0	2	2	Greece

PC 348 A - Child Pornography

Year	Number of cases	Nationality		Total number of child victims
		Greek	Other	
2009	36	54	5	59
2010	45	43	2	45
2011	37	29	8	37

2. It has to be noted that data kept by the Public Security Division of the Hellenic Police Headquarters do not report any cases related to child sex tourism (P.C. 323B).

3. There are two more cases reported by the Hellenic Coast Guard, as follows:

¹ PC 323A, paras. 4a and 6: "Trafficking in human beings", PC 323A, para. 5: "Trafficking in children aimed at using the children in armed conflict", PC 323B: "Conducting trips whose purpose is for participants to engage in intercourse or other indecent acts against children (sex tourism)", PC 348, para. 3: "Facilitating indecent acts with children by publishing ads, images, telephone numbers etc.", PC 348A: "child pornography", PC 348B: "recruitment of children for sexual purposes", PC 349, para. 1, 2: "Procuring (with children-victims)", PC 351, para. 4^a: "Trafficking for exploitation purposes (with children-victims)", PC 351^A: "Indecent acts with a child against remuneration", PC 352B: "Protection of the private life of the child-victim"

Offence	Year	Victim			Penalties for arrested persons
		Nationality	Sex	Age	
1 Art. 337 PC	2011	Greek	Female	11	Two arrested persons – released – trial was set
		Greek	Female	13	
2 Art. 348A PC	2010	Greek	Female	8	One person was arrested and acquitted

Prosecutions - Convictions

PC 323A	PC 323A	PC 323A	PC 323B	PC 348	PC 348A	PC 348B	PC 349	PC 349	PC 351	PC 351A	PC 352B
para. 4a	para. 6	para. 5		para. 3			para. 1	para. 2c	para. 4a		
P	C		P	C	P	C	P	C	P	C	P
20	2	2		7	10	278	38		21	26	13
									8	25	19
										31	37

P= Prosecutions

C= Convictions (Including irrevocable judgments after the Lodging of an appeal)

4. As regards compensation of child victims of the relevant offences, according to the data provided by the competent courts, no case of such compensation was reported.

5. Regarding child victims provided with recovery assistance see the reply to the issues raised in paragraph 4 of the list of issues.

Reply to the issues raised in paragraph 2 of the list of issues

6. In the ratifying Law 3625/2007 there is no specific provision for an institutionalized coordinating authority regarding the implementation of the Optional Protocol. Every competent service or authority has, thus, the supervision of their own actions and measures, including the awareness-raising activities.

7. Nevertheless, in particular as regards sale of children, in May 2004, under the initiative of the Ministry of Justice and the chairmanship of the Secretary General of the Ministry of Justice, a Special Committee was established regarding the coordination of action of the competent Ministries at the level of Secretary Generals (Ministries of Economy and Finance, Interior, Foreign Affairs, Education and Religious Affairs, Employment and Social Protection, Health and Social Solidarity and the General Secretariat) with the participation of NGOs, for combating trafficking in human beings according to the provisions of Law 3064/2002, “Fight against trafficking in persons, crimes against sexual freedom, child pornography and generally the financial exploitation of sexual life and the support of these acts”. On 13/11/2006 the Chairman and the members of this Committee presented their updated action plan, entitled “National Action Plan against Trafficking in Human Beings”, which was published –in Greek and in English- as a special handbook and included the assessment of the Committee’s previous activities. Since July 2008 an informal, inter-ministerial working group was established, aiming at supporting political decision-making and facilitating the implementation of counter-THB legislation in accordance with international legal instruments and obligations. This working group, based at the Ministry of Foreign Affairs, functions as a National Coordination Mechanism and represents Greece in all international bodies and initiatives. It consists of contact points in

various ministries and cooperates closely with the Parliamentary Committee on THB, the IOM and competent NGOs.

8. Moreover, with respect to the coordination of actions aiming at the implementation of the Optional Protocol, the Central Scientific Council Addressing Victimization and Juvenile Delinquency (K.E.S.A.T.H.E.A.) as well as the Network "ORESTIS" were established by Law 3860/2010 (O.G.G. 111/ A/ 12-7-2010) and J.M.D. 49540/4-5-2011 (O.G.G. 877/ B/ 17-5-2011) respectively. K.E.S.A.T.H.E.A.'s mission is the creation of a national network for the protection of minors in danger, mainly via the introduction of proposals to the Minister of Justice, Transparency and Human Rights on matters of prevention of and fight against victimization of minors and juvenile delinquency, the formulation and coordination of mechanisms of detection of children's maltreatment, as well as through keeping statistical data and organizing voluntarism as regards minors' support. Network "ORESTIS", under the auspices of K.E.S.A.T.H.E.A., consists of all the competent services of the Ministries of Justice, Transparency and Human Rights and Health and Social Solidarity, which are entrusted with the provision of social services to juvenile delinquents and minors in danger. Regional and municipal authorities are entitled to participate in the Network. Moreover, the Network can develop the essential cooperation with other international and national networks with similar purposes. The members of the Network are involved in the following activities: (a) formulation of common proposals for the promotion of European or Greek programmes (b) development of common actions raising public awareness (c) organizing training seminars for the personnel of the network d. processing of statistics and conduct of researches and studies.

9. Additionally, the National Center for Social Solidarity (EKKA), because of its role to keep all the specified registers as regards children in danger and child protection, is ultimately responsible for the Coordination of Child Protection Actions. EKKA initiated in January 2011 the National Helpline for Child Protection "1107". The Helpline is addressed to children in danger (abuse, neglect, abandonment, bullying, trafficking or any kind of exploitation, living under difficult conditions etc.) and parents, adults or professionals who are involved with minors.

10. Trafficking victims and unaccompanied minors can either contact EKKA directly through the Helpline "197" for Emergency Social Aid, the National Helpline for Child Protection "1107" and its Social Support Units or they can be referred from other State organizations or NGOs. EKKA has to brief the Anti-Trafficking Police Department for every case handled, as well as the Public Prosecutor's Office. However, it is usually the police who come first in contact with the victims, and they, in turn, refer them to EKKA.

11. EKKA coordinates a wide network of Child Protection Services consisting of Child Protection Teams, found in every municipality and administrative region, staffed with Social Workers specializing in child protection. EKKA also plans and implements additional education and training for professionals working in child protection, as well as raising awareness activities, reaching out to the general public.

Reply to the issues raised in paragraph 3 of the list of issues

12. With regard to the current budgetary constraints imposed by the fiscal problems of the Greek State and their particular impact on children rights and benefits, there is a series of governmental measures concerning policies and specific actions taken by the competent Ministries:

Ministry of Justice, Transparency and Human Rights

13. In the framework of the Operational Programme "Public Administration Reform" of the National Strategic Reference Framework 2007-2013, Ministry of Justice, Transparency

and Human Rights proceeded to a notice for an open tender concerning an action called "Improvement of policies for preventing and addressing victimization of children and juvenile delinquency" of the project "Development of policies and measures for the improvement of the quality of life of minors". The budget of the action amounts to 505.530,00 € and will be co-funded by the European Social Fund and by National Sources. Object of the aforementioned action is the development of research and development services and related consultancy services.

14. In particular, the action is related with the structural and functional reorganization of (a) K.E.S.A.T.H.E.A., (b) the Special Service for Minors' Protection, (c) the Companies of Minors' Protection, (d) the Services of Minors' Guardians of the Minors' courts and (e) the Special Detention Premises for Young Persons, through a series of subprojects aiming at the development of an organizational and functional model of reorganizing the administrative functions and procedures and developing human resources. Main purpose of the action is to improve the services provided to minors, who (a) are at risk of becoming offenders or victims of criminal acts due to inappropriate or inexistent family environment or other unfavourable social circumstances and causes, (b) have committed a criminal act, (c) make use of drugs, and, thus, to safeguard the fundamental rights of children according to the provisions of the Convention on the Rights of the Child.

15. A legislative measure concerning legal aid has also to be mentioned. More specifically articles 1 and 3 Law 3226/2004 concerning legal aid to low income citizens were amended by Law 3875/2010, in order to include also victims of sex tourism as beneficiaries of legal aid and of the ex officio appointment of lawyer respectively (para. 181 (c) of the initial report).

Ministry of Education, Lifelong Learning and Religious Affairs

16. The measures that the Ministry of Education, Lifelong Learning and Religious Affairs has already taken and intends to take with the purpose of dealing with the current economic crisis aim at both ensuring access to education as well as providing quality education in the given circumstances, so as to protect children from becoming victims of the aforementioned offences, providing individualized education with respect to the specific needs of particular social groups of children.

17. In an effort to rationalize the financial management and operation of the educational system and make the best use of the available resources the Ministry of Education took concrete steps for the merging of school units, which had a considerably small amount of students or were in close proximity, as well as for the establishment of new ones. Nevertheless, schools in remote areas and on border islands were maintained regardless of the number of pupils and the operating costs. The new school units are definitely bigger, better equipped and offer more optional courses such as ICT, foreign languages, etc.

18. The "New School" constitutes the main current strategic reform, which serves certain educational strategic objectives such as the promotion of lifelong learning, the quality improvement of education, the promotion of social cohesion and active citizenship, the enhancement of innovation, the creativity and entrepreneurship. It aims at 'public, free and high level quality education for all' and makes practice of the motto 'PUPILS FIRST' as it places pupils at the center of policy initiatives. In the New School, teaching is individualized depending on each pupil's needs, while active participation in learning activities is promoted instead of passive attendance.

19. New technologies constitute a basic tool in serving the New School aims. Further legislative initiatives are undertaken in support of teachers who constitute the key to the educational process, such as teacher training and the establishment of the Educational Training Certification.

20. The plan for exclusively all-day primary education schools forms part of the policy for the New School. Gradually, all primary education schools will be converted to all day schools with a single educational programme. Pupils attend foreign language courses in these schools leading to certification; they do sports and get familiar with arts or other creative activities. In the first grades, study (group or individual) is carried out within the school timetable.

21. Another measure that was introduced by the Ministry of Education in 2010, and is expected to contribute positively in combating segregation and its consequent effects in certain schools, refers to the Educational Priority Zones (ZEP). The general aim behind the implementation of ZEP is to shape and test under real classroom conditions, alternative and flexible educational approaches of differentiated teaching so as to ensure the equitable educational integration of students from areas with low education and socioeconomic indicators, and possibly remove the social and economic barriers to students' progress.

22. The Educational Priority Zones are implemented in geographical regions where the basic school integration indicators are low mainly through the support of specialized staff (psychologists, social workers) that is intended to monitor special cases and resolve potential problematic situations.

23. In the current academic year, 377 ZEP Reception Classes operate in primary state schools throughout Greece whereas in secondary education 76 ZEP Reception Classes run in state schools.

24. With the aim of reinforcing social cohesion in the current economic conditions, the Ministry of Education is currently studying the possibility of providing light lunches for students in the framework of the ZEP school actions. The light lunches will be offered with free vouchers to all students of the schools selected in order to avoid social stigmatization.

25. Additionally, families with low income can benefit from an annual allowance of 300 Euros for every child enrolled in public school of compulsory education, which is granted at the end of each school year, upon submission of a certificate issued by the Headmaster, that the child has regularly attended classes throughout the school year.

Ministry of Health and Social Solidarity

26. For the years 2009 – 2011 as regards public subsidies to Social Care Units, the Ministry of Health and Social Solidarity made every possible effort to cover the total amount of their expenses (namely for the year 2009 5.500.000,00 €, for the year 2010 4.628.000.00 €, for the year 2011 5.248.730,00 €). Moreover special expenses were covered by the revenues of the State Lottery and by other resources (namely for the year 2009 838.000,00 € and 716.196,00 € by other resources, for the year 2010, 1.749.498,59 € and for the year 2011, 1.314.390,00 €).

Reply to the issues raised in paragraph 4 of the list of issues

27. The Ministry of Health and Social Solidarity protects children irrespective of their citizenship, who grow up in inappropriate social and family environment affecting their physical and mental health (orphans, abused children, children whose parents have problems of physical or mental health, children in crisis' situations, unprotected and abandoned children, children in street situations) through a series of social and welfare measures and mainly through 12 Child Care Centers and their regional facilities, where children from 5 to 16 years old are hosted. The "Mitera" Child Care Center, the "Agios Andreas Children City" of Kalamaki, the "Penteli Infirmary" and the municipal nursery of Thessaloniki "Agios Stilianos" take care of unprotected infants.

28. The number of hosted children in the aforementioned Child Care Centres in the years 2009-2011 is listed in the table below:

	Child care center	Number of hosted children			Sex	Age (from 0 to 16 years)	Foreigners		
		2009	2010	2011					
1	C.C.C. of Dodekanisos	27	25	25	F	5-16	1		
2	C.C.C. of Attiki "Mitera"								
	A. "Mitera" Nursery	88	85	85	A. M+F	0-6	21	23	23
	B. Penteli Infirmary	33	38	38	B. M+F	0-6	11	12	12
	C. "Agia Varvara" Children City	18	29	29	C. F	6-16	11	11	11
	D. "Agios Andreas" Children City	34	34	34	D. M+F	0-6	8	8	8
3	C.C.C. of Florina								
	A. Males' Child Care Center of Florina	33	36	34	A. M	5-16	1	1	1
	B. "Agia Olga" Children City	29	28	28	B. F	5-16	4	1	-
4	"Papafeio" Males' Child Care Center	55	47	47	M	5-16	8	4	8
5	C.C.C. OF Kavala Καβάλας	17	29	29	F	5-16	4	8	8
6	C.C.C. of Drama	53	53	53	M	5-16	3	4	4
7	C.C.C. of Fthiotida	22	22	22	M	5-16	4	1	1
8	"Skagiopoulio" C.C.C. of Achaia								
	"Skagiopoulio" Males' Child Care Center of Patras	20	22	24	M	5-16	1	-	-
	Females' Child Care Center of Patras	20	26	23	F	5-16	0	4	3
9	C.C.C. of Ioannina								
	"Females' Child Care Center of Ioannina	50	43	35	F	5-16	29	20	20
	Males' Child Care Center of Konitsa	51	59	267	M	5-16	49	53	261
	Males' Child Care Center of Pagoniani	41	31	31	M		41	31	31
10	C.C.C. of Thesprotia	56	49	49	M	5-16	37	30	30
11	C.C.C. of Lasithi	27	26	26	M	5-16	10	6	6
12	C.C.C. of Heraclion	26	27	27	F	5-16	3	5	5
	Total	700	709	906			246	222	432

2009: Boys 435, girls 265

2010: Boys 423, girls 268

2011: Boys 631, girls 275

29. In cases where children with disabilities, either physical or mental, become victims of prostitution, pornography or trafficking, they can be hospitalized in units of social care for children with disabilities. On these specific units additional care is provided to these children aiming at physical and psychological support as well.

30. Furthermore, the Ministry of Citizen Protection follows closely the treatment/handling of minor refugees, which constitutes a serious social problem. The Hellenic Police Services, in the context of their mission and their social role, deal with the aforementioned issue with special care, concern and sensibility with the view of rendering the needed protection to this vulnerable group as to the age.

31. Every case related to a foreign national's and to an unaccompanied minor's illegal entry into the Country, is made known to the competent authorities and is immediately referred by the Hellenic Police Services to the competent Public Prosecutor, in conformity with the legal provisions (Law 3386/2005 – article 83, Law 3875/2010 – article 48 and Presidential Decree 220/2007 – article 19).

32. The Hellenic Legislation does not allow the deportation of minors, when:

- The custody of a minor has been entrusted, by the decision of a Greek Court or a foreign Court recognized by the Hellenic Authorities, to Greek families or to families of third country nationals residing legally in the Country or an adoption procedure is pending before the Greek Courts,
- When the minors stay in boarding-houses being in operation under the supervision of the competent Ministries,
- When penitentiary measures have been imposed by a juvenile Court.

33. In the event of unaccompanied minors or human trafficking victims who are nationals of third countries, the competent Public Prosecutor or Police Authorities take the necessary measures to establish their identity and their nationality and verify the fact that they are not accompanied. In addition, they make every possible effort for the tracking down of their families the soonest possible and they immediately take the necessary measures to secure their legal representation and, if needed, their representation in the context of penal procedure.

34. The aforementioned procedure is always observed, even when the unaccompanied minor does not apply for political asylum, in conformity with P.D. 220/2007 – article 19. The Public Prosecutor for Juveniles or the local competent Court of the First Instance Public Prosecutor acts as a Special Temporary Guardian of the minor with the view of securing his/her necessary representation.

Unaccompanied minors who do not apply for asylum

35. When, in spite of thorough searches, the parents of the minor or the persons entrusted by the competent Foreign Nationals' Service with his custody cannot be tracked down in our country, INTERPOL is accordingly informed, with the view of trying to track them down in their country.

36. After the aforementioned procedure a deportation decision or a return decision following detention is issued against them. They are always detained in places specially tailored for them and they are never detained with other adults, on the basis of the special hospitality and protection regime.

37. Further to that, the nationals of neighboring countries are turned over to their Countries' Police Authorities and a relevant document for their turning over and for their taking over must be filled in and signed accordingly.

38. As regards minors who are Albanian nationals, the Greek and the Albanian governments have signed an Agreement on their protection. The repatriation, rehabilitation and medical care of Albanian children, who have fallen victims of human trafficking in Greece, are important parameters of the aforementioned Agreement. (see also below the reply to the issues raised in paragraph 11 of the list of issues)

39. The other minors are deported by plane and before that their Country's INTERPOL Office is informed accordingly. In case the deportation of unaccompanied minors is unfeasible because there are no flights to their country or because of other problems, those minors are released upon restrictive terms in virtue of Law 3386/2005 – article 78, after the Juvenile Public Prosecutor is accordingly informed and in collaboration with the Ministry of Health and NGOs they are accommodated in Special Hospitality Centers.

40. Taking always into account the children's best interest, the repatriation of unaccompanied minors is carried out if their return to their origin and reception countries is secured. The prerequisite for the repatriation is that the minor does not face any dangers in his origin country and his social / family environment is able to assure his smooth re-integration, his mental and physical rehabilitation and the safeguarding of his rights related to his young age.

41. Persons or/and Bodies qualified to provide care and to safeguard the rights of the minor according to his/her needs, age and maturity, are responsible to take care of the procedure regarding the repatriation of unaccompanied minors. The competent Juvenile Court Public Prosecutor has to consent for the repatriation and the collaboration with the competent authorities and public and non-governmental bodies is required.

Unaccompanied minors who apply for asylum

42. Both the national legislation (Presidential Decree 114/201) and the circular order of the Hellenic Police Chief (5401/1 – 498001, dated 3 January 2011) clearly set out the rights of minors and mainly those of unaccompanied minors and secure their safeguarding for the child's best interest. Moreover, the Hellenic Police Services, as regards the implementation of the Dublin Regulation, fully respecting the principle of the preservation of family unity, try to bring together unaccompanied minors residing in Greece with members of their families residing in EU Member – States. For this reason, they collaborate with Office of the United Nations High Commissioner for Human Rights and with NGOs in order to document the relevant requests and enable the sending of minors to their families, ensuring, at the same time, their security.

43. In collaboration with the competent Services of the Ministry of Health and Social Solidarity, minors applying for asylum are transported to existing proper facilities for them to stay there (Centers for the Reception of Minors Applying for Asylum) and all necessary actions are carried out for the appointment of a Guardian by the competent Public Prosecution Authorities that will assist the minor during all the asylum procedure.

44. As regards the dealing with/the handling of minors, the Hellenic Police competent Services, in addition to the Juvenile Justice Judicial Authorities, collaborate closely with the Services of the Ministry of Health and Social Solidarity and with the other public and private Bodies. Moreover, there is cooperation with the Police Authorities of neighboring countries at a bilateral level and with the help of the United Nations, while the issue of the exploitation of minors is also dealt with in the context of the European Union competent organs in which our Country participates as well.

45. In collaboration with the co-competent Ministries, the Ministry of Citizen Protection tries for the creation of more facilities for the accommodation of unaccompanied minors. The Hellenic Police Services seek the participation and the cooperation of NGOs, so as to

make every effort for the more efficient protection of unaccompanied alien minors who find refuge in our Country.

46. Moreover, following a recent meeting held at the Ministry of Citizen Protection, there is a clear intention of the Ministry to conclude a Memorandum of Cooperation with the International Committee of the Red Cross, as regards the rendering of care to unaccompanied alien minors entering Greece, in a context of mutual understanding and assistance.

47. In this context a number of actions taken by the Ministry of Foreign Affairs in order to combat exploitation and trafficking of unaccompanied children have also to be mentioned:

- Through the programme Transnational Action against Child Trafficking (T.A.C.T) co-funded by the Greek Ministry of Foreign Affairs, as well as through additional projects funded by Hellenic AID, a transnational children protection network has been set up, in order to assist children who are THB victims, and children who live in Greece under precarious conditions.
- The bilateral agreement between Albania and Greece was ratified by the Greek Parliament in August 2008 and provides for a series of actions to be taken by the Greek authorities.
- The Southeast European Centre for Missing and Exploited Children (SEEC): The Foreign Affairs Minister inaugurated (11 Oct. 2010) an exceptional international initiative, the “Southeast European Centre for Missing and Exploited Children”. SEEC is operated by the NGO “Smile of the Child”, in collaboration with the “International Centre for Missing & Exploited Children”. The ambitious intent of SEEC is to look at issues of missing and exploited children affecting the SE Europe region. Of particular interest is defining the scope of the problem, highlighting current efforts underway to combat the problem, and examining the need for increased collaboration and cooperation across borders. SEEC is a network organization and provides partners of the network the opportunity to exchange and share information, experiences and best practices.
- Bulgaria – Greece: two bilateral meetings in Thessaloniki and Sofia on the protection of children – victims of THB: The ‘Mario project’ is a bilateral initiative of Greek and Bulgarian civil society and state agencies, aiming to establish practical steps for the protection of children trafficked from Bulgaria to Greece and ensuring care for them after their repatriation from abroad. The project established personal working contacts between representatives of different actors involved in child protection. Goodwill interaction is a basis for further development of cooperation on governmental level. It also established a working platform for bilateral discussions between law enforcement officials, with a view to enhance children protection against trafficking and exploitation. A summary of the final results of the exchange of opinions is currently prepared with a view to draft a protocol based on the proposals and a possible memorandum of understanding or agreement between Bulgaria and Greece.
- On 3 April, the MFA THB Coordination Mechanism, under the auspices of the President of the Republic, and in cooperation with the Ministries of Education and Health, UNICEF and IOM, hosted an anti-slavery awareness raising all-Star Basketball Game in the indoor Olympic stadium. Retired members of the Greek National Team, hand in hand with an All-star team of international players and celebrities, headed by three NBA superstars as anti THB envoys, brought together a crowd of 8,500 high school students and raised awareness of modern day slavery.

Reply to the issues raised in paragraph 5 of the list of issues

48. By Article 1 of Law 3064/2002 “Combat against trafficking in human beings, crimes against sexual freedom, child pornography and economic exploitation of the sexual life in general and assistance to victims of such offences” (O.G.G. 238/ A’) article 323 A entitled “Trafficking in Human Beings” was introduced in the Penal Code. According to paragraph 1 of the aforementioned article any person who uses violence, threats or other means of coercion or uses or abuses power to retain, transport or forward within or outside the country, withhold, foster, deliver with or without consideration to another person or receives from another person with the purpose of removing body cellules, tissues or organs or exploit for himself or for another person the employment of a person shall be punished by incarceration for up to ten years and a monetary fine ranging from 10,000 to 50,000 Euros, while pursuant to paragraph 4 when this act is committed against a child, the offender shall be punished by incarceration for at least 10 years and a monetary fine ranging from 50,000 to 100,000 Euros. If the act resulted in death, the offender shall be punished by incarceration for life. The legal definition of sales of children is included, thus, within the provisions for trafficking in human beings in general, which refers to adult as well as to minor victims (as an aggravating circumstance). As regards the sale of children for sexual exploitation purposes, such acts are punished by article 351, paragraph 4a of the Penal Code (trafficking for exploitation purposes).

49. As reported in detail in the initial report (see chapter V “Prohibition and Related Matters”) the offence of sale of children is fully covered by the provisions of the Penal Code and the specific legislation on adoption. The Criminal Code punishes all the offences described in article 3, paragraph 1 (a) of the Optional Protocol, namely the act of offering, delivering or accepting a child, by whatever means, for the purpose of sexual exploitation of the child, transfer of organs of the child for profit and the engagement of the child in forced labour (para. 103 of the initial report). Additionally, illegal adoptions are also penalized in the specific legislation on adoption (Civil Code, Law 2447/96, P.D. 226/99), including the offence of improperly inducing consent as an intermediary for the adoption of a child in violation of the applicable international legal instruments on adoption (see article 10, paragraph 2,3 Law 2447/96 and paragraphs. 115-126 of the initial report).

Reply to the issues raised in paragraph 6 of the list of issues

50. As regards the sentence imposed for the offence of child pornography when the child is above 15 years old, according to paragraphs. 1 and 2 of article 348 A PC, the offender is punished by a sentence of imprisonment from one to five years and a monetary fine from 10.000 to 100.000 €, if the act is committed without use of a computer system or internet, and by a sentence of imprisonment from two to five years and a monetary fine ranging from 50.000 to 300.000 €, if the act is committed by a computer system or using the internet. Additionally, if one of the aggravating circumstances referred to in paragraph 4 occurs, namely (a) if the acts constituting the offence of pornography were committed by profession or habit or (b) if the production of child pornography material is associated with the exploitation of the need, mental disease or physical disability due to organic disease of a child or with the use or threat of use of violence against a child, a sentence of incarceration for up to ten years (5 to 10 years) and a monetary fine ranging from 50,000 to 100,000 € shall be imposed. Furthermore, if the offence referred to in (b) resulted in grave physical injuries of the victim, an incarceration of at least ten years (10 to 20 years) and a monetary fine ranging from 100,000 to 500,000 € shall be imposed; if such act resulted in death, life imprisonment shall be imposed.

51. Concerning the offence of “indecent acts with a child against remuneration”, if the victim is more than 15 years old, article 351A of Penal Code provides for a sentence of at least one year imprisonment (from one to five years) and a monetary fine ranging from

10.000 to 50.000 €. In the draft of the new Penal Code, elaborated by a special law drafting committee of the Ministry of Justice, Transparency and Human Rights, which will be put soon into public consultation, the offence of “indecent acts with a child against remuneration”, when the child is above 14 years, is punished as provided for in article 256 “Sexual acts with a minor against remuneration”, namely by imprisonment from 5 to 10 years and a monetary fine of at least 160 units².

Reply to the issues raised in paragraph 7 of the list of issues

52. According to article 352 B PC, "Protection of the private life of the child victim", any person who, from the time of reporting of the act comprised in the offences against sexual freedom and economic exploitation of sexual life until the delivery of a final judgment, reveals in any manner facts that could lead to the disclosure of the identity of the child victim, shall be punished by imprisonment for up to two years.

53. Apart of providing for penal sanctions, the Greek legislative framework focus in general on the most effective protection of the child’s best interests and takes special care for the child not to be psychologically tired and hurt during the criminal proceedings. In this context, article 226 A CPP aims at ensuring the scientific psychological support of the child victim during his/her examination as a witness. Moreover, article 226 A CPP provides for the child’s deposition to be made in writing and recorded on an audiovisual medium, in order to avoid the child’s presence in the next steps of the proceedings (see in detail paragraphs 149-151 of the initial report).

54. In case that the child’s presence during the hearing is considered to be necessary, article 330 CPP provides for the possibility of the Court to decide for a hearing in camera, if the publicity of the hearing regarding offences against sexual freedom and financial exploitation of sexual life can psychologically hurt the child victim or result to the insult of his/her dignity.

Reply to the issues raised in paragraph 8 of the list of issues

55. The fourth article of the ratifying Law 3625/2007 provides for the liability of legal entities, when an offence relevant with sales of children, child prostitution and child pornography (and more specifically the offences provided for in articles 323A, paragraph, 4a, 324, 336, 338, 339, 342, 343, 345, 346, 347, 348A, 349, 351 AND 351 A PC) is committed by a natural person, who has a leading position within the legal entity, on behalf of the legal entity. The liability of legal entities, as provided for in this law, consists of administrative sanctions such as the deprivation of the operation licence of the enterprise or the prohibition of the continuation of the activities of the enterprise, the exclusion from public financing and public competitions and the administrative fines. Such legal entities can be considered enterprises, which can be involved in sexual crimes, due to the type of their activities, e.g. tourist agencies, organizing trips for sexual purposes, or information systems’ companies, used for offences of child pornography. Also non-profit institutions related with children could be involved in the aforementioned offences, committed by their directors or by employees, with negligence of surveillance of the management.

Reply to the issues raised in paragraph 9 of the list of issues

56. According to article 5, paragraph 2 of the ratifying Law 3625/2007 the provisions of the Optional Protocol regarding extradition can be invoked and applied directly as a legal

² The monetary fine is calculated in daily units. The value of every unit cannot exceed 5.000 € and cannot be less than 1 €

basis to request extradition for crimes under the Optional Protocol, “if a State Party that makes extradition conditional on the existence of a treaty receives a request for extradition from another State Party, with which it has no extradition treaty”. “Extradition shall be subject to the conditions provided by the law of the requested State.”

57. Turning to extraterritorial jurisdiction of the Greek Courts, articles 6-8 of the Greek Penal Code provide for the territorial jurisdiction of the Greek Courts:

58. More specifically, according to article 6 PC the Greek penal laws are also implemented on criminal acts that are characterized by these laws as felony or misdemeanour offences and have been committed in a foreign state by a national, if this act constitutes an offence according to the laws of the country where it was committed or if it was committed in a non constitutionally organized country.

59. Furthermore, article 7 provides for the territorial jurisdiction of the Greek Courts and the implementation of the Greek penal legislation when the victim of the act is a national, even if the offender is a non-national, provided that this act constitutes an offence according to the laws of the country where it was committed or if it was committed in a non constitutionally organized country.

60. Article 8 provides for offences, where the Greek legislation is always applicable, irrespective of the citizenship of the offender and the legislation of the place where the act was committed. According to the aforementioned article, among others, by the Greek laws are punished the offences of slave trade, trafficking in human beings and trafficking for exploitation purposes, indecent acts with a child against remuneration, conducting trips with the purpose to engage in intercourse or other indecent acts with children (sex tourism) and child pornography.

Reply to the issues raised in paragraph 10 of the list of issues

61. Article 46 of Law 3386/2005 provides for a “reflection period” for victims of trafficking in human beings or illegal trafficking of immigrants, afforded by act of the prosecution authority, which was extended by the recent Law 3875/2010 from one to three months. Especially for children, it may be extended for two more months pursuant to the child's best interests. During the aforementioned reflection period the victim shall get over from the influence of the perpetrators and recover, in order to decide for his/her cooperation with the competent prosecution authorities or not.

62. Furthermore, following a recent amendment of Law 3386/2005 by Law 3907/2011 “Establishment of Asylum and First Reception Service, adaptation of Greek legislation on Directive 2008/115/EC on common standards and procedures in Member States for returning illegally staying third country nationals and other provisions”, victims of trafficking who do not cooperate with the authorities are also entitled to a residence permit on humanitarian grounds, if they are recognized, by act of the competent prosecutor's office, as victims of trafficking in human beings. Special care is provided for minor victims of trafficking in human beings or illegal trafficking of immigrants who are unaccompanied minors. Thus the competent authorities should take the necessary measures in order to establish their identity and nationality and the fact that they are unaccompanied. They also make every effort to locate their families as quickly as possible and take the necessary steps immediately to ensure their legal representation including representation in criminal proceedings. Third country nationals, recognized as victims of trafficking or victims of illegal trafficking of migrants, are granted a residence permit upon decision of the Minister of Interior, Decentralization and E-Government without any obligation to pay the fee. This permit is of one year duration and renewable until the issuing of a court decision. Victims of trafficking who do not cooperate with the authorities are granted a residence permit for humanitarian reasons also renewable. The above residence permit assigns the right to health

care and access to the labour market, only for the period of its duration, according to the law. It is here worth mentioning, that the above-mentioned residence permit may be renewed for one of the grounds of the migration law by decision of the General Secretariat of the relevant Region.

63. As regards compensation under article 3 of Law 3811/2009 “on compensation to violent intentional crime victims”, the right to a “reasonable and commensurate compensation by the Hellenic State” is only provided for victims, whose permanent and ordinary place of residence is in Greece or in another European Union Member State. Compensation is also provided, according to the provisions of article 14 of the same law, in cases, when the crime is committed within another Member- State of the European Union, with the same prerequisite of permanent or habitual residence in Greece.

Reply to the issues raised in paragraph 11 of the list of issues

64. According to article 7 of the Bilateral Agreement, the Responsible Authority for the implementation of the Agreement as regards the Greek side is the National Center of Social Solidarity (EKKA). The procedures followed by EKKA for the accomplishment of the purposes set in the Agreement focus on the effective protection of the child’s best interests.

65. From 2009 to 2011, EKKA has been involved in 7 individual cases of unaccompanied minors of Albanian nationality. Protection, support and repatriation actions were taken for five of them, whereas for another two, who at this moment are hosted in the “Arsis” Shelter in Thessaloniki, repatriation was not possible, since, although EKKA has contacted the Albanian authorities, no suitable safe environment was found for the minors in Albania. So measures were taken for them to remain in Greece.

66. With the aim of protecting the child’s best interests repatriation is pursued when the Albanian authorities establish the existence of a safe family environment and/or a suitable alternative environment for the minor to live in. If such an environment cannot be established by the Albanian authorities, repatriation is not pursued. After repatriation, the Greek authorities are no longer involved and follow-up responsibilities lie with the Albanian-authorities.
