



PERMANENT MISSION OF GREECE
GENEVA

Ref.: F 6232/23/ AS 1881

The Permanent Mission of Greece to the United Nations Office and other International Organisations in Geneva presents its compliments to the Office of the High Commissioner for Human Rights and, with reference to the letter of the Special Rapporteur on Violence Against Women Ms. Yakin Ertürk Ref. G/SO 214 (89-9) (GVA 1831) dated 16 August 2005, has the honour to attach herewith the response of the Ministry of Justice and to kindly request the Office of the High Commissioner to forward it to its addressee.

The Permanent Mission of Greece to the United Nations Office and other International Organisations in Geneva avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurances of its highest consideration.

Geneva, 26 October 2005



Enclosure: - ment.

To the Office of the High Commissioner
For Human Rights
Palais Wilson
Rue des Pâquis 52
1201 Geneva

OHCHR REGISTRY

28 OCT. 2005

Recipients :.....*SPB*.....
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**HELLENIC REPUBLIC
MINISTRY OF JUSTICE**

In response to the Special Rapporteur's on violence against women request, the following information is provided:

The Minister of Justice established, by resolution, a special committee to draft legislation concerning the problem of intrafamily violence and particular physical violence against minors.

This committee is in the process of completing its work and will shortly submit the draft law to the Minister of Justice. The draft law provides, *inter alia*, for the following:

- All forms of violence among family members are strictly prohibited.
- Violence against minors by their parents as a form of punishment may result in the parents' loss of parental care in total or in part, with such care assigned to a third party or to an appointment of special guardian.
- Severe sanctions are provided for in certain cases of intrafamily violence (e.g. incarceration of 5 to 20 years if the physical, injury resulted in major physical or mental disability of the victim or constituted a planned infliction of severe physical pain or physical exhaustion that could induce grave mental damage, especially when the victim was isolated for a long time or is a minor). In addition, the penalty applies to violence against pregnant women or against another family member in the presence of a minor member. The committee took into consideration the particularly serious psychological damage caused to minors when they witness incidents between their parents or other family members.
- Criminal sanctions are also provided for in case of illegal intrafamily violence and threat and in case of assault on sexual dignity, as well as in cases when the offender threatens the witnesses or members of their family or uses violence against them or bribes them in order to force them or convince them to conceal the truth or alter the facts.
- When the victims are minors, the period of prescription of crimes of

intrafamily violence shall begin when the victims come of age. Thus, the lapse of time is in favour of the interests of the victim, given that victims often are not in a position to react due to their age and hesitation to act. Moreover, criminal proceedings for these crimes shall be initiated *ex officio* and not on the basis of a complaint by the victims.

- To protect the physical and mental health of the victims of intrafamily violence, the court that shall try the case may impose restrictions upon the offender, such as prohibition to approach the place of residence, abode, work and education of the victim. Moreover, to prevent further hardship, minors shall not be summoned as witnesses in court, unless their presence is absolutely necessary, while police authorities that investigate cases of crimes of intrafamily violence are prohibited from releasing the name of the victim and the defendant, their home address and any other information that could lead to the disclosure of their identity. These persons are thus protected against becoming the subjects of negative social commentary.
 - From a social aspect, victims of intrafamily violence shall receive full moral and necessary material assistance from public or private entities that operate for these purposes under the supervision of the Ministry of Health and Social Solidarity. Police authorities that undertake cases of intrafamily violence are obliged to inform both the victims and the above social bodies.
 - Victims of intrafamily violence receive the benefit of indigence in order to be able to cover the necessary costs and proceed to immediate judicial actions for the defence of their interests, and
 - Primary and secondary school teachers who, in the performance of their duties, are informed of or discover that an intrafamily violence crime has been committed against a pupil, are obliged to notify immediately their superior authority and the competent judicial or police authorities.
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