



Convention on the Rights of the Child

Distr.: General
26 January 2012

Original: English

Committee on the Rights of the Child

Consideration of reports submitted by States parties under article 12, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography

Initial reports of States parties due in 2010

Greece* **

[6 December 2011]

* 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.

** Annexes can be consulted in the files of the Secretariat.

Contents

	<i>Paragraphs</i>	<i>Page</i>
Introduction	1–3	3
I. General guidelines	4	3
II. Data	5–25	3
III. General measures of implementation	26–62	6
IV. Prevention	63–102	17
V. Prohibition and related matters	103–147	24
VI. Protection of the rights of victims	148–184	34
VII. International assistance and cooperation	185–193	44
VIII. Other legal provisions	194–201	46

Introduction

1. Greece signed the Optional Protocol to the Convention on the Rights of the Child CRC on the sale of children, child prostitution and child pornography (hereinafter referred to as “the Protocol”) on 7 September 2000 and ratified it by virtue of Law 3625/2007 (GG 290/A).
2. In this initial report, Greece presents to the Committee on the Rights of the Child the measures it has taken to give effect to the provisions of the Protocol as at December 2010. This report has been prepared in the light of the guidelines regarding initial reports to be submitted by States parties in accordance with article 12, paragraph 1, of the Protocol. Any further information with respect to the implementation of the Protocol will be included in the periodic reports that must be submitted every five years pursuant to article 12, paragraph 2, of the Protocol.
3. The present report is based on contributions by the Ministries of Justice Transparency and Human Rights, Interior, Decentralization and Electronic Governance, Citizen Protection, Labor and Social Security, Health and Social Solidarity, Education, Lifelong Learning and Religious Affairs, Culture and Tourism and Foreign Affairs. The National Commission for Human Rights made recommendations, several of which were incorporated in the text of the report.

I. General guidelines

4. The Protocol was ratified by Law 3625/2007 (GG 290/A). The above action was effected on 22/02/2008 and the Protocol entered into force for Greece on 22/03/2008. According to the provisions of article 28§1 of the Greek Constitution of 1975/1986/2001/2008, as of the time that they are ratified by law and enter into force pursuant to their terms, international conventions form an integral part of Greek legislation and prevail over any contrary provision of the law. Law 3625/2007 also comprises provisions to adapt Greek legislation to the provisions of the Protocol. Therefore, national jurisdictional bodies implement the Protocol both directly and through the said adapting provisions.

II. Data

5. In 2007, there were four child victims of Trafficking in Human Beings (1 Lithuanian, 1 Nigerian and 2 Romanian citizens). In 2008, there were seven child victims of Trafficking in Human Beings (1 Albanian and 6 Romanian citizens). In 2009, there were nine child victims of Trafficking in Human Beings (1 Albanian, 2 Bulgarian and 6 Romanian citizens).
6. See annex for the total number of criminal proceedings and convictions in 2008-2009
7. At present (data as of May 2010), there are no residence permits in force that were issued to third-country nationals who are unaccompanied children characterized as victims of trafficking in human beings (either the previous residence permits are expired and the holders did not apply for renewal or the persons to whom they were issued have either changed residence status or have become adults).
8. Greece has ratified the following International Labour Office Conventions:
 - No. 29 on forced or compulsory labour (Law 2079/1952, GG 108/A/25 April 1952);

- No. 138 on the minimum age for admission to employment (Law 1182/1981, GG 193/A/24 July 1981);
- No. 182 on the prohibition of the worst forms of child labour and immediate action to eliminate them (Law 2918/2001, GG 119/A/15 June 2001).

The worst forms of child labour include work which is likely to harm the health, safety or morals of children, and any form of exploitation and use of children. In addition, article 22§4 of the Greek Constitution stipulates that any form of forced labour is prohibited.

9. Underage persons¹ (children and adolescents) are a sensitive group as regards work, since they face special risks relating to their vulnerable nature (physical, mental, moral and social), the features of transition from childhood to adulthood, the uncompleted development of their personality, the lack of experience and awareness of dangerous situations, the natural curiosity of children and their eagerness to play, their inability to resist the will of adults and, certainly, the need for unhindered school attendance. For these reasons, Greek legislation comprises special rules concerning details relating to the provision of work by children, where allowed, with the purpose of protecting them.

Arrangements for child labour

10. The main provisions governing the protection of children at work are included in Law 1837/1989 on "the protection of children at work and other provisions" (GG 85/A/23 March 1989) and Presidential Decree 62/98 on "measures for the protection of young persons at work, in compliance with Directive 94/33/EC (GG 67/A/26 March 1998).

11. Article 4 of the said Presidential Decree and article 2§1 of the said Law stipulate that children younger than 15 years of age are prohibited from working in any employment.

12. By way of exception from the above restrictions, article 5 of the said Presidential Decree and article 3 of the said law, with the permission of the competent Labour Inspectorate, allow for the employment of children over 3 years of age in cultural and similar activities, provided that (a) their health (physical and mental) and their physical, mental, moral or social development is not prejudiced, and (b) they do not interfere with their regular attendance of vocational guidance or vocational training programmes approved by the competent authority or their ability to benefit from the education provided, and for a period of three months at the maximum.

13. As regards the working time of children, children workers are entitled to daily rest of at least twelve consecutive hours, which must include the period from 22.00 to 06.00. Therefore, adolescents (i.e. young persons aged at least 15 years but less than 18 years, who have ceased to be subject to compulsory school attendance according to applicable provisions) are prohibited from working from 22.00 to 06.00 (article 5§2 of Law 1837/1989, article 8 and 9§1 of Presidential Decree 62/1998). Moreover, adolescents are entitled to a minimum weekly rest of two (2) consecutive days, of which one must be Sunday (article 9§2 of Presidential Decree 62/98).

14. When the daily period of work exceeds 4.5 hours, young persons (children) must have a break of at least thirty consecutive minutes (article 10 of Presidential Decree 62/98).

15. The working time of adolescents cannot exceed 8 hours per day and 40 hours per week, but the working time of adolescents younger than 16 years of age and of adolescents attending junior high schools, high schools of any type, public or private technical or

¹ Clarification of the definition: "**child**" or "**young person**" (according to Community Directive 94/33/EC) or "**child**" (according to ILO convention No. 182) is any person under 18 years of age.

vocational schools recognized by the State cannot exceed 6 hours per day and 30 hours per week. The time spent by adolescents when working in an enterprise, in the context of a system of alternate theoretical and/or practical training or practicum or apprenticeship shall be taken into account as working time. When adolescents work for more than one employer, the days and hours of work shall be summed up. The daily work of young persons attending junior high schools, high schools of any type, public or private technical or vocational schools recognized by the State shall start or end at least two hours after the end or before the commencement of classes, respectively. It is prohibited to employ young persons in overtime work (article 3 of Presidential Decree 62/1998, article 5 of Law 1837/1989). Moreover, article 8 of Presidential Decree 62/1998 and article 5§2 of the said Law prohibit night work of children, while article 33 of Law 2956/2001 also prohibits night work of children in family farming, forest and animal-breeding work.

16. Annual rest shall be given during summer school vacations in consecutive days. Half of the annual rest shall also be given in other periods, if so requested by the child (art. 7 paragraph 1 of Law 1837/1989). Working pupils, students or attendants of education units of any time and any grade of the State or units supervised by the State in any manner, who are less than 28 years age shall be entitled, for their participation in examinations, to apply for an additional two-day rest, consecutive or not, for each day of examinations and a total of 30 days per year (art. 7 of national collective labour contract for 1996-1997).

17. Children workers shall be remunerated on the basis of at least the minimum wages of unskilled workers, as provided for the national collective labour contract, according to their hours of work. More favourable working conditions and higher pay are arranged by collective contracts (art. 6 of Law 1837/89).

18. Children cannot work if they do not have a work booklet, for the particular work or group of work (article 8§1 of the Law). To have such a booklet issued, the child must be over 15 years. Work booklets for children are issued by the Labour Inspectorate in order for them to be lawfully employed (ministerial decision 1390/1989 on work booklets for children; GG 766/B/9 Oct 1989), while the identity particulars of children are entered in a special child work book (register of children). Thus, pursuant to Law 1837/1989, 2,775 child booklets were issued in 2008 following health examinations by IKA physicians, while 1,752 booklets were issued in 2009.

19. The interest of the Ministry of Labour and Social Security in the issue of protection of children is also evident in article 4 (Protection of working children) of Law 3144/2003, which expresses the intention of the State to take, by joint ministerial decision of the Minister of Labour and Social Security and other competent ministers, special measures with a view to develop systematic and coordinated actions and suitable cooperation and mechanisms to protect children and eliminate the worst forms of child labour. The purposes of the action programmes must comply with the provisions of ILO convention No. 182. Ministerial decision 130621/2003 on "Jobs, works and activities in which children are prohibited from working" describes activities prohibited to children, either because they are considered likely to cause special risks to the safety and health of children, or because they are considered to have harmful effects on the morality of children, their mental, emotional and social health and the free development of their personality. This ministerial decision lays down 149 prohibited activities, classified in four units:

- (a) Unhealthy environment (dangerous substances, factors and procedures, temperature, noise and vibrations harmful to health);
- (b) Long working hours, night work and work where children are exposed to risks of physical, psychological or sexual abuse or exploitation;
- (c) Work using dangerous equipment, machinery and tools or work comprising manual transportation of heavy loads;

(d) Work under the surface of the ground or water, in dangerous altitudes or in confined premises.

Supervision of implementation of the legislation

20. The supervision of implementation of the legislation is entrusted to the Labour Inspection Body (SEPE), which prohibits the continuation of work of young persons, when employed in violation of the provisions and, more generally, when employed in conditions that do not ensure their physical or mental health (article 17 of Law 1837/89, article 13 of Presidential Decree 62/98), and penal and administrative sanctions are provided against offenders.

21. Specifically, pursuant to article 7 of Law 2639/1998, SEPE is responsible, inter alia, "to conduct any necessary examination, control or inquiry in order to verify compliance with labour laws on the special terms and conditions of employment of vulnerable groups of workers (such as young persons, pregnant women or women who just gave birth, persons with special needs), take immediate administrative measures, impose the prescribed administrative sanctions or resort to justice to impose penal sanctions or, in its discretion, afford a reasonable period for compliance with prescribed provisions" and "to take immediate measures, pursuant to applicable provisions, in cases of illegal employment".

22. In particular, when its inspectors (social, technical and health labour inspectors) establish infringements, SEPE can initiate the procedure for imposing penal and administrative sanctions both against employers and against person who have custody of the children (parent, guardian etc.), pursuant to article 18 of Law 1837/89 (penal sanctions), article 17 of Law 2639/98 (penal sanctions for infringements of health and safety provisions) and article 16 of Law 2639/98 (administrative sanctions).

23. Inspections of work premises to ascertain the illegal employment of children are one of the main actions of Labour Inspectors since, as mentioned above, children are one of the vulnerable and special categories of workers, who are very prejudiced by the non-implementation of labour law.

24. On the basis of SEPE statistics, SEPE inspectors lodged 15 lawsuits for illegal employment of children and imposed 31 monetary fines in 2008, while 17 monetary sanctions were imposed for illegal employment of children in 2009.

25. However, it should be noted that the number of verified infringements is not directly related to the size of the problem, since the verification of illegal employment of children is a very hard task to document, in order for competent agencies to impose sanctions.

III. General measures of implementation

26. As regards the applicable legislative framework for the implementation of the Protocol, it should be first noted that its basic provisions were formed by three consecutive legislative texts. More specifically the following:

27. As aforesaid, the Optional Protocol to the Convention on the Rights of the Child was ratified by Law 3625/2007, which amended the Penal Code (PC), the Code of Penal Procedure (CPP), the Code of Civil Procedure (CCP) and Law 3226/2004 ("Provision of legal aid to low-income citizens and other provisions").

28. However, before the adoption of Law 3625/2007, Law 3064/2002 (GG 238 A), "Combat against human trafficking, crimes against sexual freedom, child pornography and economic exploitation of the sexual life in general and assistance to victims of such

offences”, characterized as criminal offences most of the offences that Member States are called to prohibit pursuant to the provisions of the Protocol.²

29. Finally, further amendments to the said legislative framework were brought about by Law 3727/2008 (GG 257 A), which ratified the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse. The Law refers in more specific matters in relation to Law 3625/2007, as regards sexual exploitation and abuse of children. In addition to ratifying the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, this law adapts Greek legislation to the content of the Convention, aiming to address more effectively the pathological phenomenon of sexual exploitation and abuse. The main points of the law refer to (a) measures for the prevention of such crimes, training the public and involved professional groups and public awareness; (b) short- and long-term assistance to victims; (c) amendment to provisions of the relevant Chapter of the Penal Code, mainly making them stricter (these amendments also changed and supplemented provisions already amended by Law 3625/2007); (d) amendment to provisions of the Code of Penal Procedure, aiming at better protecting the interests of children victims.

30. Below are examples of extracts and summaries of court judgments relating to crimes falling within the prohibition scope of the Protocol:

(a) Supreme Court judgment 20/2008 in Council, Seducement of a child younger than 15 years of age.

- (Provisions: PC 337, 339§1a, 351A). “...2. Pursuant to the provision of article 339§1 PC, as amended by article 56§2 of Law 3160/2003, ‘any person who takes indecent action against a person younger than 15 years or misleads such person to take or suffer such action shall be punished, on condition that no heavier sentence can be imposed for the crime referred to in article 351A, as follows: (a) if the victim is less than 10 years old, by incarceration for at least ten years’. This provision, which aims at protecting the purity of young age, shows that the establishment of the crime of child seducement requires any sexually indecent action against a person younger than 10 years etc., which objectively prejudices the common feeling of decency and morality and is subjectively directed to satisfying or arousing the offender’s sexual impulse and desire. Therefore, this crime is constituted not only by intercourse or similar unnatural action, but also by any other indecent action, such as feeling and caressing genitals and other intimate parts of the body, embracing and kissing the child’s face or mouth, etc., as long as such actions aim at arousing or satisfying sexual desire. In this case, the offender must be aware that such person is aged less than 10 years, etc. As to this point, probable intention is sufficient, which is present when the offender has doubts about the age of the victim...”.

(b) Mixed Jury Court of Halkida 84/2008, Crimes against the sexual freedom of children – Psychodiagnostic testing of the defendant.

² Law 3064/2002 (GG 248 A) is the first effort, after Law 1419/1984, to streamline the legislative framework regarding offences against sexual dignity, economic exploitation of sexual life and protection of children. Specifically, this law brought about the following basic reforms: (a) human trafficking and aggravating circumstances of human trafficking affecting children, as well as recruitment of children in armed conflicts are penalized and punished as felonies; (b) facilitation of indecent acts with children is punished, on condition that it is carried out by profession or for profit; (c) pornography for profit is introduced as a crime; (d) the crime of white slavery is reformed and an aggravating circumstance of the crime is prescribed, when committed against children; (e) indecent acts by adults against children on remuneration or other material consideration is introduced for the first time as a crime; (f) arrangements are made for assistance (protection of basic legal values, social support and legal aid) and repatriation of victims.

- (Provisions: CPP, articles 352§3, 352A). The hearing of the case was postponed and the court ordered the defendant to undergo psychodiagnostic testing, because for crimes against the sexual freedom and economic exploitation of the sexual life whose victims are children, this testing is mandatory in order to identify instances of pathogenic sexual perversion or pedophilia before the delivery of judgment on the defendant's guilt.
- "... Pursuant to article 352§3 CPP, if the court finds that new evidence is required, it may postpone the hearing of the case. Pursuant to article 352A PC, as enacted by Law 3625/14 Dec 2007, when the victim is a child, the suspect or defendant for crimes against sexual freedom and economic exploitation of sexual life referred to in Chapter 19 PC shall undergo a diagnostic testing of their psychosexual state. This test shall be ordered only with the consent of the suspect or defendant, during the preliminary proceedings by the competent Prosecutor or, where regular investigations are conducted, by the competent investigating judge and, during main proceedings, by the court. The said test is mandatory and aims at identifying on time the defendant's pathogenic sexual perversion or pedophilia, before the delivery of the judgment of the defendant's guilt. Therefore, the court must, to this end, postpone the hearing of the case and order that psychodiagnostic testing is conducted.

(c) Supreme Court judgment 1141/2008 in Council, Possession and distribution of child pornography material for profit.

- (Provisions: PC 26, 27, 348A§1,2,3). The appellant was rightly referred to trial for the offence of possession and distribution of child pornography material for profit, since he stored in Internet files and distributed on the Internet photographs showing children's bodies, aiming at sexually arousal, as well as effective indecent actions by or with children aged 3-12 years, by diverting the calls of the visitors of such websites to an Internet provider abroad, thereby charging their accounts with huge sums.

(d) Supreme Court judgment 810/2007 in Council, Felony child pornography.

- (Provisions: PC 348A, Law 5060/1931, art.29§1a, 30). Pursuant to the introductory report (of Law 3064/2002), the new article 348A PC penalizes child pornography and does not put limits on the age of the persons whose body is depicted on the pornographic material. Within the meaning of the said provision, it is not sufficient for the material to be pornographic in the general sense; it must relate to the body of a child, i.e. a person less than 18 years of age, irrespective of sex. Production of pornographic material means the creation thereof, and circulation of pornographic material in any manner means the delivery thereof to the public. Possession means the physical power of the offender to willfully verify the existence of the material and effectively distribute such material, even if it is intended for the offender's personal use, while transport means the transit of such material from place to place in any manner. The aggravating instance of article 348A PC concerns pornographic material relating to the exploitation of the need, mental inability, deafness or inexperience of a child or to physical violence against such child. Furthermore, according to the provision of article 29§1.a of Law 5060/31, which continues in force pursuant to the sole article of Law 2243/1994, the prescribed sentences are imposed to "any person who, for the purpose of trade or distribution or public exposure, produces, acquires, possesses, transports, imports into the State or exports or circulates in any manner documents, printed material, writings, drawings, images, pictures, emblems, photographs, films or other indecent items of any kind, and any person who utilizes any medium of publicity to facilitate the circulation or trade of such indecent items...". According to article 30§a of the same Law, as replaced and

continues in force pursuant to the sole article of Law 2243/1994, “according to the preceding article, indecent are manuscripts, printed material, images and other items when, pursuant to common sense, affront public decency”. These provisions show that, if the act set out in article 29§1 of Law 5060/1931 relates to child pornography material, then there is a concurrence between the provisions of article 348A PC on child pornography and the provision of article 29§1 of Law 5060/1931 on indecent publications, stemming from the principle of specificity. In this case, pursuant to the said principle, the provision of article 348A PC on child pornography is applicable and prevailing as specific and the provision of article 29§1 of Law 5060/1931 on indecent publications is rebutted as more general in comparison thereto...”

(e) Supreme Court 917/2008, Repeated human trafficking against children – repeated commission by profession against children.

- (Provisions: articles 13§f, 74§1, 323A§2, 4a, b PC). The appellant was rightly convicted for human trafficking against children, committed repeatedly and by profession. In particular, aiming at using to his benefit the work of children from Albania and taking advantage of the vulnerable position of such children and their parents because of their bad financial state, he elicited their consent for such children to come to Greece and work under his supervision. He managed to elicit their consent by using deceitful means, namely promises for provision of financial gain to the parents and the children, good living conditions and decent work for the children, etc. He then took the children to various areas of Athens to sell paper tissues. The children gave the money to the appellant, who spent part of such money for their food, sent a small part to their parents and kept the largest part for himself; this was the main source of his income to meet the living needs of him and his family. The appellant committed such acts repeatedly and by profession, since his intention to gain revenue is proved by the repeated commission thereof and the infrastructure he had created. For affirmation of the offence referred to in article 323A§2 PC: obtaining the consent of the parent is effectively tantamount to obtaining the consent of the victim. The same is true in relation to the requirement of “vulnerable position” of the victim. Furthermore, the offence provided for by article 323A§2 PC may be committed not only when the offender obtained the consent of a person by taking advantage of the “vulnerable position” thereof using deceitful means in order to achieve the purpose referred to in paragraph 1, but also when the offender misleads such person with promises, gifts, payments or the provision of other benefits. In the present case, the appellant has cumulatively committed the offence set out in article 323A§2 PC in both ways (in the aggravating form referred to in paragraph 4a, b).

(f) Mixed Jury Court of Katerini 19/2009, Possession of child pornography material.

- The defendant was convicted for the possession of child pornographic material repeatedly and by the use of a computer, since he had stored in the hard disk of his computer photographs showing children’s bodies, aiming at sexual arousal, as well as effective indecent actions with children. These acts violated article 348A§2,3,4 of the Greek Penal Code, as it was amended by the law 3625/2007. The defendant was found not guilty for the same acts (possession of child pornographic material) which were committed before the entry into force of the law 3625/2007 (23/12/2007). The previous legal regime penalized the possession of child pornographic material only if it was aiming at the gain of profit.

(g) Court for minor offences of Rodos 133/2009, Possession of child pornography material.

- The court rejected the defendant's appeal against the temporary detention order which was imposed on him for the violation of the article 348A of the Penal Code, since he produced, published, acquired, possessed child pornographic material by the use of a computer. Given the fact that the defendant was committing the same crime repeatedly and by profession as he possessed a large number of movies with a hard core child pornographic content, the court decided that he should not be released in order not to repeat the same acts.

31. The contribution of the Ministry of Justice, Transparency and Human Rights to the implementation of the Protocol has the following two aspects:

32. Firstly, the Ministry is primarily responsible for the enactment of the proper legislative framework for the country's compliance with its international commitments. It takes all necessary initiatives to address problems encountered during the implementation of applicable provisions by means of legislative interventions. In this case, the Optional Protocol to the Convention on the Rights of the Child was introduced into Greek legal order on the basis of a draft law processed by a special law-drafting committee established within the Ministry of Justice, while, as was said before, a subsequent law (3727/2008) further amended the provisions of the Penal Code and the Code of Penal Procedure.

33. The national jurisdictional bodies – prosecuting authorities and courts – are then mainly responsible for the implementation of the legislative provisions on specific cases by conducting preliminary investigations, initiating criminal proceedings against offenders and hearing the cases introduced to court.

34. As regards education and training provided to judicial officers on matters relating to children-victims of the offences referred to in the Protocol, the National Judicial Officers Academy, in the context of its training activities, has organized training meetings on general matters relating to the recognition of the rights of the child and to the protection of their dignity and personality as independent human beings, since such matters have become imperative in modern societies. In the past few years, the following projects were implemented:

(a) In 2003: 8th Training programme on "Jurisdiction problems of civil, penal and administrative courts":

- (i) Lecture on "Human beings, the object of research and hope in the face of modern law problems";
- (ii) Lecture on "International jurisdiction, recognition and enforcement of judgments in matters of parental responsibility pursuant to Regulation 1347/2000 (on jurisdiction and the recognition and enforcement of judgments in matrimonial matters and in matters of parental responsibility for children of both spouses) and proposal for a regulation COM/2002/0222";

(b) In 2005: Training programme on "Family relations in modern legal order, problems of custody, abduction and juvenile delinquency":

- (i) Lecture on "Family relations in modern times":
 - General legislative framework and the response of the case-law to the principle of child protection;
 - Dynamics of the legal position of children (from their "interests" to their rights);
 - General problems caused by spousal separation and its effects on the development of children;
 - The solution of foster family, theory and practice;

- (ii) Lecture on "Specific problems of child custody and access thereto":
 - Procedural aspects in child custody and access hearings;
 - Settlement of custody, selection criteria for suitable parent and exploration of the child's best interests;
 - Settlement of access, cases of exclusion or restriction of the right;
 - Unsuitable parents for children;
- (iii) Lecture on "Child custody under international rules":
 - Convention on the Rights of the Child;
 - Hague Convention on the Civil Aspects of International Child Abduction - successes, failures and prospects;
 - International adoption;
 - Child abduction-related services: Hague Abduction Convention – observations and opinions;
- (iv) Lecture on "The opinion and the interests of the child as elements of the content of the concept of public order in the recognition and enforcement in Greece of judgments delivered by foreign courts":
 - Parental responsibility cases in Regulation 2201/2003 (international jurisdiction and the recognition and enforcement of judgments);
- (v) Lecture on "Juvenile delinquency";
 - Dealing with children;
 - Juvenility as a protected good in penal law;
 - Dealing with a juvenile delinquent by the judicial system;
- (vi) Lecture on "Special issues of juvenile delinquency";
 - Dealing with family violence by the Prosecutor for children;
 - Applied penitentiary policy: The role of judicial officers in special detention facilities;
 - Psychodiagnostic evaluation and treatment of child abuse;
- (c) In 2006: Training programme on "Children and modern legal order":
 - (i) Lecture on "Parental responsibility, the principle of protection of the child's interests and the response of case law":
 - International adoption;
 - Adoption from the judge's point of view;
 - (ii) Lecture on "The Hague Abduction Convention - successes, failures and perspectives":
 - Child abuse – abduction;
 - Juvenile delinquency, judicial and social control;
- (d) In 2007: Training programme on "Children and modern legal order":
 - (i) Children and civil law, modern legislative arrangements;
 - (ii) Civil matters in international child abduction;

- (iii) Community arrangements for child abduction;
- (iv) Recognition and enforcement of intra-Community judgments in parental responsibility disputes according to Regulation 2201/2003;
- (v) Child abuse – abduction;
- (vi) Children-victims, witnesses of abuse;
- (vii) Child pornography;
- (viii) Dealing with juvenile delinquency according to our law system;
- (e) In 2007: 17th Training programme on "Civil law today: means of protection or measure of freedom":
 - (i) Lecture on "Personal Assaults":
 - Penal handling of human trafficking as a form of organized crime;
 - Domestic violence: from traditional suppression to criminal mediation;
 - International child abduction: means of prevention and remedy;
 - Human trafficking, sexual exploitation of children;
 - Domestic violence: new arrangements in the field of domestic violence and sexual exploitation;
 - Organ trafficking;
 - Penal cooperation: from the classical extradition to mutual judicial assistance;
 - Common search groups: a new tool for dealing with organized crime in the EU.

35. Since the matter of the education of the police staff is considered as extremely important, the Police Officers School has already included in the curriculum, in all levels of training (Police Officers Schools, as well as training schools of the police staff), the topic of trafficking in human beings (fight against trafficking – identification of victims, providing assistance and protection to the victims).

36. Hellenic Police personnel also participate in training seminars and conferences organized by competent state agencies and non-governmental organizations on related topics.

37. In September 2002, police anti-trafficking groups were created for a more effective facing with the phenomenon of trafficking in human beings and have been operating at central and operational- regional level. Centrally, this matter is handled by the anti-trafficking group of the Public Security Division, of the Hellenic Police Headquarters. The group's task is to deal with special matters of trafficking in human beings and to provide guidance to the operational Services.

38. On regional level special anti-trafficking groups have been operating, since 1/11/2003, with the appropriate personnel and equipment within the Attica and Thessalonica Security Division Vice Sections. In some cases the operational groups assist other Police Units out of their jurisdiction with investigation which need specialist on THB issues. After the evaluation of the action of these groups the Chief of the Hellenic Police decided to establish and operate similar groups in another 12 Police Divisions of Greece: Police Divisions of Arcadia, Achaia, Heraklio, Ioannina, Corfu, Serres, Kozani, Cyclades, Larissa, Lesvos, Rhodopi, and Fthiotida since 2001-2006.

39. In March 2006, Sections to Combat Trafficking in Human Beings were established in the Security Divisions of Athens and Thessaloniki, which constitute the 3rd Section in the Sub-Division of Countering Organised Crime.
40. By the provisions of Presidential Decree 9/2011, which was put into action very recently, a new service called the “Economic Police and Suppression of Cyber Crime” was established. In the framework of the same decree the Suppression of Cyber Crime was upgraded and re-structured, whose structure, mission and role were reorganized, amended and specialized. Its mission is the prevention, the investigation and the combating of crimes or anti-social behaviors that are committed through the Internet or other means of electronic communication. Among its Sections, the “Section for Juvenile Protection” handles with crimes committed against minors via the Internet and other means of electronic or digital communication and storage.
41. There is also close cooperation with other co-competent bodies (Public Prosecutor’s offices, telephone helpline representatives etc.), in order to achieve a common goal, which is none other than combating child pornography. In parallel, through the mass media, instructions and advice is regularly given to parents and minors, so measures that aim at protecting children and creating a safer Internet, can be implemented.
42. Hellenic Police services have been notified that Law 3625/24-12-2007 on ratification, and implementation of the Optional Protocol, amends the Penal Code chapter that is related to crimes that impinge on sexual freedom and the exploitation of sexual life, article 323A “Trafficking in Human Beings”, 348A “Child Pornography”, etc.
43. Hellenic Police services were briefed that on 25/8/2008, an Agreement signed between Greece and Albania in 2004, providing for the repatriation of minors, was ratified by virtue of Law 3692/2008 “Ratification of the Agreement between the Government of the Hellenic Republic and the Council of Ministers of the Republic of Albania for the protection and assistance to victims of trafficking of minors”, (GG 173A/25-8-2008).
44. The Agreement attests to the will of the two countries to work together, so as to implement the rights and obligations that emanate from the applicable international treaties on the protection of the rights of minors in a joint effort to fight the trafficking of minors and all other forms of child exploitation.
45. In order to assure the effective implementation of the Agreement, the National Centre for Social Solidarity of the Ministry of Health and Social Solidarity has been assigned to be “the competent authority”, which cooperates with co-competent authorities, including the Hellenic Police, when and where needed.
46. The Hellenic Ministry of Education, Lifelong Learning and Religious Affairs, with regard to the prevention and promotion of students’ health, has been carrying out different Health Education programmes at schools, focusing, inter alia, on the core theme of “Interpersonal Relations – Mental Health”. This pillar is focused on the processing of psychosocial factors that shape the behavior, and is being analyzed to three sub-pillars: “Myself, my relationship with others, my relation with the environment”. In particular, the programmes implemented deal with issues such as violence prevention, conflict management, racism, interpersonal relations (with teachers, parents, peer groups), gender equality, gender relations, “relations” with unknown people – “learning to say no”, sexual harassment, sexual abuse, physical abuse, Internet violence, children exploitation and domestic violence.
47. The purpose of the Health Education programmes is to protect, improve and promote the students’ physical and social health, by developing their personal and social skills on one part and by upgrading their social and natural environment on the other.

48. For these issues, educational material has been produced by the Ministry of Education, Lifelong Learning and Religious Affairs, under the titles “Mental health – Interpersonal relations”, “I stand on my own feet”, “Promoting mental and emotional health” and “Health Education and Promotion Guide”, that have been approved by the Pedagogical Institute as a supporting tool for teachers and students who participate in prevention programmes.

49. The Ministry of Education, Lifelong Learning and Religious Affairs, on the basis of the applicable legislation, has developed a national educational network for Health Education, which consists of those officials who are responsible for the Health Education on each Directorate of Primary and Secondary Education and the teachers who carry out Health Education programmes at schools, which is framed by the Advisory Stations for Young People, in order to essentially contribute to the prevention and the treatment of the problems which brake out within school settings, as well as the early diagnosis of bullying incidents to underage children.

50. Article 2 of Law 1894/GG 110/A’/27-08-90 forecasts the foundation of an Advisory Station for Young People to each Secondary Education Directorate or Office.

51. The establishment and staffing of these Stations is being implemented with the collaboration of the Ministry of Health and Welfare and it is forecasted that in each Station there should be two psychologists, two social workers and one physician, selected in accordance with the provisions of the applicable legislation, namely Presidential Decree P.D. 140/G.G.119/A’/19-05-03, amendment of P.D. 390/G.G.270/A’/1998 and P.D. 445/1993 (G.G.185/A’).

52. The Advisory Stations for Young People fall under the administrative authority of the respective Secondary Education Directorates and provide their services to students of both Primary and Secondary Education.

53. Their tasks, according to Ministerial Decision M.D. C2/806/GG134/ B’/05.03.1993, include:

(a) Implementation, support and follow up of Health Education programmes for students, the production and distribution of educational material, the ongoing briefing and training of teachers, especially of those who implement the relative programmes, as well as the regular evaluation of the results arising from the implementation of these programmes both at school and regional level.

(b) Advisory Stations for Young People can identify, diagnose and provide short-term psychological intervention and consultation to those students who need special psychological treatment, because of their parents’ attitude, that cruelly entrenches upon their rights. Under this frame, they also provide Parental Advisory. In parallel, they make proactive interventions under the frame of family support and motivation of other social stakeholders through school networks.

(c) Awareness-raising of the wider community on Health Education issues. The Advisory Stations for Young People can contribute to the sensitization of the Community, by organizing and coordinating lectures, discussions, activities and by distributing reading and other materials.

54. In addition, for the Health Education programmes implementation, the Advisory Stations for Young People may develop partnerships with competent and jointly competent public and private bodies, with Universities and Technological Educational Institutes, the local Government, and especially the Health Primary Services, associations, public benefit foundations, parent’s associations etc.

55. According to the above-mentioned applicable legislation and the Joint Ministerial Decisions C2/806/GG134/B’/1993, C2/1869/GG287/B’/10-04-1997 and C7/104492/

GG1556/B'24-10-2006, 60 Advisory Stations for Young People have been founded to date, one in each Secondary Education Directorate; two in the 1st Directorate of Athens, and one within Sivitanidios Public School.

56. Pursuant to the “Stockholm Programme – An open and secure Europe serving and protecting the citizen”, which is the current multi-annual programme for the development of Community policy, inter alia, in the areas of migration, asylum and borders for 2010-2014, the following issues are addressed:

- The rights of the child, so that the principle of the child’s best interests (right to life, survival and development, non-discriminatory treatment etc.) would be implemented through all EU policies;
- Protection of children from sexual exploitation and child pornography;
- Unaccompanied children, aiming at developing an EU-wide policy that combines measures of prevention, protection and assisted return, also taking into consideration the child’s best interests;

57. The Hellenic Ministry of Foreign Affairs through the General Directorate of Development Cooperation (Hellenic Aid) and the MFA-based National Coordination Mechanism to Monitor and Combat Trafficking in Human Beings (TBT), is strongly engaged in combating and preventing child trafficking or any other form of child exploitation.

58. Hellenic AID is co-funding NGO projects designed, on the one hand, to provide immediate and social and family reintegration support to the children victims of trafficking and on the other hand to conduct awareness-raising campaigns on this crucial issue. Therefore, Hellenic AID co-funded eight NGO projects on child trafficking. In addition Hellenic Aid funded two major initiatives undertaken by the Hellenic National Committee for UNICEF, amounting overall to € 1,079,784.25 over the period 2007–2010.

59. A significant number of Greek NGOs (ARSIS, Greek Council for Refugees, Human Rights Defence Centre, and others) are particularly active in the field of combating trafficking in persons, including trafficking in children. The following indicative list of projects, co-funded by Hellenic Aid, demonstrates the latter’s commitment to assist in the fight against trafficking:

(a) In 2007, the Greek NGO “Klimaka” implemented a project, amounting to € 75,000, in Greece and Ukraine, focusing on THB prevention and Protection to THB victims. The actions in Greece included the operation of a shelter on a 24-hour basis, which provided the trafficked women and children with temporary accommodation, medical care, counselling support, Greek language lessons and vocational training for entering the Greek job market. Moreover, an extensive public awareness campaign was launched through the organization of conferences and meetings with the participation of all competent state and civil society agencies, as well as through newsletters for the general public and the media. Concerning now the actions implemented in Ukraine, a one-day conference was organized by the Greek NGO in collaboration with the international NGO “La Strada”, resulting in the production of a trilingual material on THB (English, Greek and Russian).

(b) From 2007 to 2008, the Greek NGO “ARSIS – Social Organisation for Youth Support” implemented a project in Greece, Albania and FYROM, entitled, “Cross-border actions for the protection of children and women, facing exploitation risk”. This project amounted to € 80,000 and outlined seven actions, of which three were carried out in Greece, two were conducted in Albania, and another two actions were implemented in FYROM. Furthermore, special effort was given to identify and assist children victims from Albania in order to offer them psychological counselling, and legal/administrative support during their temporary stay at Athens and Thessaloniki Directorates of Foreign Nationals

run by the Greek Police. Regarding the actions implemented in Albania, a series of professional training seminars for young Albanians, coming from deprived backgrounds, was delivered in four towns. Further to that, ARSIS established the community centre “Life and Hope” in Gjirokaster. The same NGO in association with the NGO “Semper”, a member of the National Mechanism for Combating Human Trafficking in FYROM, undertook street work to identify cases of children exploitation and trafficking in Bitola. The findings of this empirical research were presented in the form of an informative booklet, distributed to state agencies and to the general public of the neighbouring country. The aforementioned projects in Albania have been implemented in the context of the Transnational Action Against Child Trafficking (TACT) implemented by the Swiss NGO “Terre des Hommes” in Central and Southern Albania and funded by USAID, UNICEF, the OAK Foundation and the governments of Austria and Norway.

(c) During 2007–2008, the Greek branch of the international NGO “International Police Association” implemented a human security training project focusing on human trafficking and particularly on establishing the appropriate mechanism for police officers in Serbia for repatriating safely young victims of human trafficking. This project was co-funded at the amount of € 74,000 by Hellenic Aid and included a twofold action plan. The first action intended to put in operation a mechanism of humanitarian repatriation through setting up an effective communication channel of exchanging experiences and practices between the Greek Police and the Serbian Police. The second one aimed at making the public opinion and the Serbian police officers understand the real dimensions of THB and especially the social and psychological impact of this illegal activity on children.

(d) In 2007, the Greek NGO “Human Rights Defense Center” took on a project to cement NGO cooperation, the so called “Ariadni Network”. This network brought together specialized anti-THB NGOs across the region of South Eastern Europe. The execution of this project, amounting to € 45,000, helped reinforcing the regional cooperation against women and children trafficking amongst the NGOs members of “Ariadni Network. The project also included a workshop in Athens, which assessed the participation of additional NGOs to this network. A second workshop in Kiev, explored the participating NGOs’ competence to assume joint actions. A new web portal was also constructed and significantly contributed to the dissemination of this network’s work.

(e) In 2007, a € 50,000 project on the creation of a data basis for preventing child trafficking and exploitation in Tbilisi orphanages was launched in Georgia and Greece by the Greek NGO “Research and Support Centre for Victims of Abuse and Social Exclusion”. A primary priority of this project that encompassed three actions was to ensure the protection of children living under precarious circumstances in eight orphanages in Tbilisi. In order to meet this goal, the Greek NGO provided a group of social workers, lawyers and IT specialists from Georgia with a 25-hour training on the methodology of recording children data and tracing children back when it is needed. Having received this useful training, this group of Georgian professionals returned to Tbilisi orphanages and started to systematically create individual files for each child, recording information about their birth date, their origin, tracing possible living relatives, conditions that led them in Tbilisi orphanages and finally assessing whether or not children can be reunited back to their family. Finally, this group shared the aforementioned experience with all the competent agencies in Tbilisi and suggested measures towards the simplification of administrative procedures on alternative forms of child protection such as adoption, fostering or financial support to the children’s families.

(f) In 2008, the Greek NGO “ARSIS – Social Organisation for Youth Support” launched a project in Albania and Greece, entitled “Nathalie III” (€ 140,000). This project resumed the NGO’s ongoing cross-border actions for the protection of children and women, facing exploitation risk. In particular, this project included a twofold action plan: first, establishing a shelter for women and children victims of trafficking in Thessaloniki and

operating a day centre for children in Tirana. Second they launched an awareness raising campaign for the Greek public on the social, economic and psychological implications of human trafficking. This project, as well as the previously mentioned project by ARSIS was implemented under the umbrella of the Transnational Action against Child Trafficking (TACT) coordinated by the Swiss NGO "Terre de Hommes" in Central and Southern Albania.

(g) From mid-2008 to mid-2010, an € 80,000 project on cross-border cooperation for the protection of children and women at risk, was implemented by the Greek NGO ARSIS – Social Organisation for Youth Support". Through this project, ARSIS covered the urgent expenses of two youth centres in Athens and Thessaloniki and supported the existing day centre for children in Tirana. Activities also included the identification of THB victims and women and children at risk through extensive street work. Victims were assisted and hosted in the Gjirokaster Community Centre. Parallel with these interventions, this NGO launched a public awareness campaign in Albania and Greece through the release of informative booklets and training workshops with the participation of Greek and British social scientists. As stressed earlier, this project operated within the general framework of the Transnational Action against Child Trafficking (TACT) that took place in Albania.

60. It is worth mentioning that, due to the budgetary constraints imposed by the current difficulties in public finances in Greece, in 2010 and 2011, Hellenic Aid has not issued an annual call for proposals addressed to Greek NGOs for anti-trafficking or other projects.

61. An important institution in the fight against child exploitation in Greece is the Children's Ombudsman. The mission of the Children's Ombudsman is the defence and promotion of children's rights. The definition of "child" includes all persons who have not yet reached the age of 18. In the context of its mission, the Children's Ombudsman: (i) mediates in specific cases in which a child's rights are being violated, usually following a complaint filed by a citizen, aiming at the protection of the child and at the restitution of his/her rights. If necessary, in cases of serious violations, the Ombudsman acts on its own initiative; (ii) undertakes initiatives in order to monitor and promote the implementation of international conventions and of the national legislation on children's rights, to inform the public, to exchange views with representatives of other institutions and to elaborate and submit proposals to the government.

62. Last but not least, the National Commission for Human Rights also contributes significantly to the implementation of the Protocol through its recommendations and actions. Indicatively, the NCHR: (i) drafts studies and submits reports for legislative, administrative, and other measures to enhance the protection of children's rights; (ii) undertakes initiatives to raise awareness in the public opinion and the media on issues relevant to the respect of children's rights.

IV. Prevention

63. Children for whom there is evidence that they are unprotected and deprived of family care, and children in crisis situations are admitted to Social Care Units (Child Care Centres and Children Cities – legal persons of public law). These institutions admit children aged 5 and a half to 16 years, with the exception of the Girls' Child Care Centre of Rhodes and "Aghios Andreas" Children City of Kalamaki, which also admit children of pre-school age. Children admitted in these Units must be physically and mentally healthy and able-bodied; it is prohibited to admit children suffering from chronic or contagious diseases.

64. Children are removed from these institutions when they become 18 years or earlier, when the reasons for the admission are no longer valid. Children who study remain at the Institution until they complete their studies.

65. The capacity of Child Care Centres and Children Cities is 996 children, while 695 children are presently accommodated. Child Care Centres and Children Cities that are under our competency amount to 19 for the whole of Greece.

66. Unprotected infants are admitted to the "MITERA" Infant Centre at the Penteli Infirmary, as well as the Municipal Nursery of Thessaloniki "Aghios Stylianos" (legal person of public law).

67. Children are admitted in both institutions free of charge, provided they are found to be in need of protection after a social investigation is conducted. This investigation is conducted by the Social Counselors of the competent Administrative Region. The most common reasons of admission of children in the above units are: family breakup, death of parents, abandonment, child abuse, parents' mental or physical health problems, poverty, especially in families with many children, child refugees and immigrants, as well as street children. Children are admitted at the said units by application of parents or guardians or by Prosecutor's order. The involved agencies are the Welfare Agencies of the Prefectural Authorities, Regions and the National Centre for Social Solidarity.

68. Along with caring for and protecting unprotected children and children in crisis, alternative social care methods are implemented, such as adoption and foster family.

Academic attendance review

69. The attendance of students is monitored by the teacher of the class; daily absences are recorded and school and family inform each other with respect to the issue. The teacher of the class waits for the submission by the parents of the particulars requested by the Principal of the school regarding excuses for absences (Presidential Decree 201, Official Gazette of the Hellenic Republic, 161A' (13.07.1998), article 11, paragraph 2 (a) and (b)).

70. When a student is absent without excuse and the parents or the custodian guardian have not contacted the school, against all notifications, the family of the student is sought through the municipal or police authority. In the event that the search does not incur any results the disruption of the attendance is referred to the competent school authorities, to whom are also adduced the documents regarding the search. The Head of the Directorate of the Office of the Primary Education makes inquiries about the student in all schools of the County. If this action is fruitless, the Head submits the corresponding report to the Directorate of Studies of Primary Education of the Ministry of Education, Lifelong Learning and Religious Affairs which is attached to the report that refers all the particulars of the conducted inquiry. The inquiry in all the schools of the country is exercised by the Directorate of Studies of the Primary Education of the Ministry of Education.

Registrations of alien students

71. For the registration of alien students, the provisions of article 3 of the Presidential Decree 182/1984 (60A) determine that the above children can be registered at any time within the academic year. Moreover, according to article 72 of the Law 3386/2005 (GG 212 A') minor children of citizens of third countries may be registered even if their legal stay in the country has not been regularized yet.

72. The supporting documents regarding their registration are stipulated in article 10 of the Presidential Decree 104/1979 (GG 23A') and in the circular under the ref. No. 91109/Γ2/10.07.2008 of the Ministry of Education, Lifelong Learning and Religious Affairs. The said supporting documents must be officially translated as this is referred in the circular under the Ref. No. Γ2/7268/02.10.1995. In the event that the students do not submit the supporting documents in due time, the procedure described in the circulars Γ2/7268/02.10.1995 and 48946/Γ2/18.05.2005 applies. The students may be registered

upon incomplete supporting documents in the circumstances stipulated in article 72 of the Law 3386/2005 (212 A)

Safety of students

73. The entrance/exit doors of the school area remain closed during the operation of the school under the responsibility of the Principals of the school units of the Primary Education pursuant to the Circular No. 2368/Γ2/9.1.2007 of the Ministry of Education, Lifelong Learning and Religious Affairs. In this manner, the safety of the students is secured and pupils' entry to and exit from the schoolyard is controlled, as well as the entry of persons who have no duty or relation to the operation of the school.

Safe Internet surfing

74. Among other actions, there have been special provisions by the Ministry of Education for safe Internet surfing. Under the Memorandum of Cooperation between the Ministry of Education and the Adolescent Health Unit of the 2nd Dept. of Pediatrics, University of Athens - Member of the Greek Safer Internet Awareness Center, under the auspices and support of the European Commission, within the framework of the Safer Internet programme, school units were informed of the bodies that children, teenagers, parents and teachers could contact both for educational reasons and for urgent issues accruing from any difficult situations encountered by students online.

75. The site of the Greek Safer Internet Awareness Centre (Saferinternet.gr) aims to foster awareness and educate parents, teachers and the broad public about the ways they can protect children from the potential dangers lying in the improper use of online technologies, like the Internet and mobile phones.

76. The Adolescent Health Unit (A.H.U., 2nd Dept. of Pediatrics, University of Athens "P&A Kyriakou" Children's Hospital) operates the Helpline "YpoSTIRIZO" 800 11 800 15 of the Greek Safer Internet Centre. The helpline targets adolescents and their families, providing support on issues related to Internet use, mobile phone use and video games (abuse, addiction, harmful content, gambling, pornography, pedophilia, etc.). "YpoSTIRIZO" is free of charge for calls inside the Greek territory. The staff of the Helpline consists of child psychologists specialized in Internet addiction related issues.

77. Finally, the hotline Safeline.gr can be used by users to report material they come across on the Internet that appears to be illegal or objectionable.

Prevention and health promotion programmes

78. For the successful implementation of Prevention and Health Promotion programmes relating to child abuse, child pornography, sale of children, etc., Division B of the Directorate of Career Counseling & Education Activities of the Ministry of Education cooperates with specialized scientific bodies such as the Ministry of Health and Social Solidarity, Prevention Centres Network of OKANA (Organization Against Drugs), specialized university departments, the competent Police Department, the Children's Ombudsman, etc.

79. The number of Health Education programmes implemented each school year and funded by the European Social Fund, comes up to 5,500, of which 30% are on issues of child abuse.

Unaccompanied children, victims of trafficking

80. As regards the measures taken for the protection of unaccompanied children characterized as victims of trafficking in human beings, it should be noted that they are issued with a residence permit on the basis of the said provisions of Law 3386/05.

Specifically, competent prosecuting or police authorities take the necessary measures to determine their identity and nationality and establish the fact that they are not accompanied. Moreover, they make every possible effort to locate their family as soon as possible and immediately take all necessary measures to ensure their legal representation and, if need be, their representation in criminal proceedings (Law 3386/05, article 47§2). In particular, victims of trafficking are given a reflection period of one month which, in case of unaccompanied children, may be extended for one more month by decision of the competent prosecuting authority on the basis of their interests. During the reflection period, these persons have access to care and provisions.

81. The State does not only issue residence permits, but also procures their protection. Specifically, article 44§1(c) and (d) of law 3386/2005 provides for the issuance of residence permits to persons (children or adults) accommodated in institutions and charity legal persons. This arrangement was enacted so that unaccompanied children – who are not eligible to perform legal transactions anyway – can have appropriate accommodation, be protected from the influence of various groups that exploit them, have effective access to health and education services and receive adequate information about their rights. This residence permit may be renewed for employment, studies or other reasons justifying the issuance of residence permits.

82. The right of access to care is also afforded to children who cannot prove their legitimate entry and residence in the country since, pursuant to article 84§1 of Law 3386/05, hospitals, infirmaries and clinics are obliged to provide their services thereto. The State does not only issue residence permits to unaccompanied children, but also procures their protection. Finally, the access of children third-country nationals residing in Greece to education is a fundamental right in the context of migration, since they attend compulsory schooling like Greek nationals and have unrestricted access to activities of the school or educational community (article 72 of Law 3386/05).

Greek Roma

83. With regard to the protection of children belonging to vulnerable population groups, Roma in particular, prior to the ratification of the optional protocol, social evaluation criteria were adopted by virtue of joint ministerial decision 33165/23.06.2006 (GG 780/B/2006) on the provision of 9.000 housing loans for Greek Roma families. In effect, the above mentioned provisions foresee, inter alia, priority housing for Greek Roma families with children and other dependant members such as adult students.

84. The relevant data show that 91.31% of beneficiary families in 2006-2009 (period of implementation of the revised institutional framework) responded to the criterion of “large families”, with some 6.726 children. Among them, 61% of the children are found in families headed by women and 39% in families headed by men. Further analysis of the family type of the beneficiaries indicated that 47% of the beneficiaries are single-parent families (regardless of reason) with some 42% of the total number of children benefited. In the vast majority, these families are headed by a woman (868 families out of a total of 985 single-parent families, with 2,848 children out of a total of 6,726). It is worth noting, however, that single-parent families include equally traditional Roma families.

85. In any case, although the above-mentioned provision provides a clear framework for child protection within this particularly vulnerable population group, still it does not constitute per se a special provision for the implementation of the Optional Protocol, which is nevertheless essentially promoted. Finally, it should be noted that it is not feasible to draw comparative data in relation to the first period of programme implementation (2003-2005), due to the absence of relevant assessment criteria.

Awareness-raising activities

86. The Hellenic Police participate, with its representatives, in all activities and meetings where its presence is requested, that aim at providing essential information to the public on prevention and response to Trafficking in Human Beings and Child Pornography, but also at offering victim assistance and protection.

87. Public awareness-raising is channeled through mass media outlets, newspapers and journals. Hellenic Police officers frequently make statements and give interviews to TV channels and radio stations or write articles that are published in newspapers and magazines.

88. Every possible effort is made by the Hellenic Police, so that, these actions can help inform citizens on the dimensions of Trafficking in Human Beings and Child Pornography in our country, and thus become sensitive, alert and feel safer as a result of the strong presence of the Hellenic Police.

89. The Attica Security Division's Anti-Trafficking Department cooperated with a TV producer which led to a documentary that aired on ALPHA TV station in December 2008, with the aim of raising public opinion awareness on trafficking matters and encouraging victims to cooperate and trust law enforcement authorities, so as to disengage themselves from human trafficking criminal rings.

90. Furthermore, Internet users have access to the Hellenic Police website (www.astynomia.gr), in order to get detailed information on human trafficking matters. In particular, information is available on the applicable human trafficking legal framework in our country, on Anti-Trafficking police services, as well as useful information on how this phenomenon can be combated. This information was recently supplemented with instructions and advice addressed to trafficking victims.

Regarding the media

Legislation

91. The new Directive on Audiovisual Services (2007/65/EC), now a part of Greek legal system via Presidential Decree 109/2010, strengthens the provisions aiming to protect the physical, mental and moral development of minors as well as human dignity in all audiovisual media services, including audiovisual commercial communications. The Decree expands provisions to on-demand audiovisual media services in order to ensure that on-demand audiovisual media services, (provided by media service providers under the jurisdiction of the Member States), which might seriously impair the physical, mental or moral development of minors, are only made available in such a way that ensures that minors will not normally hear or see such on-demand audiovisual media services.

92. Presidential Decree 100/2000 for the incorporation of EC Directive on "Television Without Frontiers" provides (article 5 paragraph 10) that TV advertising should not injure minors morally or physically and therefore it should abide with the criteria set for their protection. The criteria follow the guidelines set by the Directive 97/36 EEC on "Television Without Frontiers" as amended by the Directive 2007/65/EC of the European Parliament and of the Council. Following the decree, Ministerial Decision no 6138/E/17.03.2000 sets the rules for the classification of TV programmes in five categories, according to their level of eligibility for child viewing, using a set of special symbols that have to precede every such programme.

Self regulation

93. The Code of advertising-communication, elaborated by the Association of Advertising-Communication Companies (EDEE) and the Hellenic Advertisers Association

(SDE), as well as the licensed radio and television stations, especially in Article 3, stipulates that advertisements should not make use of peoples' superstitions, should not contain elements that could, directly or indirectly, lead to acts of violence, exploit religious faiths. As far as the protection of children is concerned, we indicatively mention the prohibition of advertising fatty foods on TV. This code is not statutory, but constitutes a binding text for the members of the associations that issued them.

Hellenic National Council for Radio and Television (NCRTV)

94. The NCRTV (Hellenic National Council for Radio and Television) is Greece's main supervisory body on mass media. As regards the protection of children and youth the NCRTV has issued several Directives towards the radio and TV stations aiming to protect the minors and has imposed different types of sanctions, including recommendations, fees, temporary interruption of programmes, definitive shut downs. Specifically the NCRTV has addressed a lot of cases and imposed sanctions on:

- violent scenes, inappropriate for minors;
- harmful content of TV advertising addressed to children;
- photos or personal data that lead to recognizing children as victims or suspects of crimes;
- programmes in which the participation of children may be considered harmful.

95. During 2009 the NCRTV has dealt with 13 cases where fines were imposed, on several TV channels, for issues related to the protection of minors.

Conferences-exhibitions on the protection of children

96. The Media Literacy Database for Children, Young People and the Media launched by the Hellenic Audiovisual Institute (IOM) (18/6/2008). The Hellenic Audiovisual Institute is the national organization for applied research in audiovisual communication in Greece and was established in 1994. As a legal entity of Private Law, supervised by the General Secretariat of Communication, IOM is thoroughly engaged in carrying out systematic research-projects concerning, mainly, the audiovisual media: Radio, Television, Cinema, Multimedia and New Technologies.

97. The Media Literacy Database for Children, Young People and the Media is a project developed and managed by the Hellenic Audiovisual Institute (IOM) within the framework of media literacy initiatives, with the aim to contemplate on the lack of an information centre for issues related to education on mass media. The project functions as an open digital platform for social and scientific networking, with the aim to develop into an up-to-date, well informed, on-line library, offering multiple data on the organizations and experts involved in media literacy and focusing on the actions and research conducted in this field. In the long term, the database aims to create a pan-Hellenic, participatory community for the media literacy field.

Broadcasters

98. ERT, Greece's public broadcaster, adopting the Corporate Social Responsibility guidelines and based on the Protocol to the Convention on the Rights of the Child, has given much emphasis to the fight against child pornography in the Internet. As a member of the action Saferinternet.gr of the Greek Safer Internet Awareness Centre, it takes part in the awareness-raising campaign that has been running since 2004. This action constitutes the main representation of Greece at the European network Insafe, that includes 27 members from across Europe. The action Saferinternet.gr is one of the three actions run by the Greek Safer Internet Awareness Centre, along with two helplines.

99. The contribution of ERT consists of the following:

(a) Radio

- Special Broadcast “The minute of safer Internet” by the Second Programme 103.7 FM and 1386 AM, with a special aim on the protection from child pornography;
- Six radio spots of 30 sec each by NET 105.8, ERA SPORT, ERA 5 stations, and all the local stations of ERT. These spots are also broadcasted by FILIA 107 FM, translated in 12 languages;
- Three one-hour broadcasts on the work of Safer Internet in NET 105.8, ERA SPORT, ERA 5, and all the local stations of ERT.

(b) Television

- Creation of spots and boards on safer Internet, aired at the channels ET1, NET and ERT World;
- Special sections in high-rating broadcasts devoted to safer Internet;
- Special references in morning shows on the Day of Safer Internet, on 9 February 2008, 2009 and 2010;
- News coverage: Continuous and responsible coverage of news stories concerning child abuse, especially of a sexual nature, through child pornography or prostitution. Full application of self regulation rules in TV and radio news bulletins;
- Special broadcasts: “Asko ta dikaiomata mou stin Evropi tou avrio” [Exercising my rights in tomorrow’s Europe] with Periklis Vassilopoulos (Fridays from 15:00 to 16:00 on NET 105.8), with Mr. G. Moschos as a guest (Children Ombudsman, Greek Ombudsman Office).

(c) Other actions

- Cooperation with the Greek Ombudsman and exchange of views;
- Cooperation with the relevant NGOs (UNICEF, WWF, Hamogelo tou Paidiou, Kivotos tou Kosmou, etc). Special importance must be placed at the annual Unicef marathon of ERT TV and Radio channels, that have become something like an institution in public opinion, offering around 1.5 million euros every year;
- Cooperation with relevant NGOs, under the aegis of the European programme “Fundamental Rights”, in promoting the initiative for a ‘Radio for the Young’, aiming at empowering the young through spreading awareness, as a shield against exploitation.

100. The initiatives on combating child trafficking undertaken by the Hellenic National Committee for UNICEF in cooperation with the Hellenic Ministry of Foreign Affairs, included two stages, the first one was launched in 2008, and the second one in 2009.

101. The 2008 project amounted to € 145,000, and included the following activities:

(a) An anti-Trafficking in Persons (TIP) handbook for parliamentarians and opinion leaders entitled “Combating child trafficking;”

(b) A special event in the Ministry of Foreign Affairs for the presentation of the handbook;

(c) A press conference held at the Museum of Cycladic Art for the launching of the campaign (16 April 2008);

(d) Seven true stories of children victims of trafficking narrated by popular TV newscasters of the major TV stations in the country (broadcasted during the news bulletin programmes of the 16th and 17th of April in all major public and private TV channels:);

(e) A one-day radio marathon with the participation of all radio stations in the country, organized by UNICEF under the auspices of the Ministry of Foreign Affairs (Thursday 17 April 2008);

(f) Outdoor advertising campaign at 120 bus stop points (12-25 April 2008);

(g) TV spot “NO” – “OXI”, one of a three TV spot series. It was broadcasted from 12 May until 12 June 2008 in all central, regional and local TV channels;

(h) A radio spot that was broadcasted from 12 May until 12 June 2008 in all Greek radio stations;

(i) Special feature in Hellenic National Committee’s Newsletter;

(j) Direct mail of anti-TIP material sent to 20,000 recipients: local authorities (municipalities, communities), social workers, police-officers, doctors, educators, prosecutors.

102. The 2009 project, amounted to € 110,784.25, and included the following activities in the context of a public awareness campaign entitled “International Economic Crisis, Child Trade and Trafficking Worldwide”:

(a) Presentation of the foregoing mentioned campaign on the websites of Hellenic Ministry of Foreign Affairs and the Hellenic National Committee for UNICEF;

(b) Planning and creating a TV and radio spot on child trafficking;

(c) Promotion of a relevant cartoon message to all the national TV channels in collaboration with the National Council of Radio and Television (NCRTV). This message was aired from 20 June to 20 August 2009 by all national TV channels;

(d) Promotion of a radio spot to all the national radio stations in collaboration with the National Council of Radio and Television (ESR). This message was aired from 20 June to 20 August 2009 by all national radio stations;

(e) Creation of a TV spot, targeting on international audience (international version) in order to be used as it is in other countries too;

(f) Carrying out an empirical study on child trade and trafficking.

V. Prohibition and related matters

103. The actions and activities listed in article 3§1 of the Protocol are criminalized in the Greek penal legislation in the following articles of the Penal Code (paragraphs a, b and c):

(a) Article 323A§4.a and 6 PC, in conjunction with paragraph 1 of the same article "Trafficking in human beings", pursuant to the provisions of which 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 organs or exploit for himself or for another person the employment of a

person shall be punished by incarceration for up to ten years (i.e. from 5 to 10 years on the basis of article 52§3 PC³) and a monetary fine ranging from 10,000 to 50,000 euros. When this act is committed against a child, the offender shall be punished by incarceration for at least ten years (i.e. incarceration from 10 to 20 years on the basis of article 52§3 PC) 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;

(b) Article 323A§5 PC "Trafficking in children aimed at using the children in armed conflict", according to which any person who utilizes the means referred to in paragraph 1 and 2 relating to trafficking in human beings to recruit children with the purpose of using them in armed conflicts shall be punished by incarceration for at least ten years (i.e. incarceration from 10 to 20 years on the basis of article 52§3 PC) and a monetary fine ranging from 50,000 to 100,000 euros;

(c) Article 323B "Conducting trips whose purpose is for participants to engage in intercourse or other indecent acts against children (sex tourism)", according to which any person who organizes, finances, directs, supervises, advertises or intermediates in any manner or means in the holding of trips whose purpose is for participants to engage in intercourse or other indecent acts against children shall be punished by incarceration for up to ten years (i.e. incarceration from 5 to 10 years on the basis of article 52§3 PC). Any person who participates in the trips referred to in the preceding sentence with the said purpose shall be punished by imprisonment for at least one year (i.e. imprisonment from 1 to 5 years on the basis of article 53§4 PC⁴), irrespective of their liability for the commission of other acts;

(d) Article 339 of PC, "child enticement", in paragraph 4 provides that 'anyone who incites or entices a minor, who has not completed 15 years, to attend a lewd act, even if not participating in it, is punished with imprisonment of at least two years' (this paragraph was added by article 3 par. 6 of Law 3727/2008 -G.G. A' 257 - 18/12/2008, - which ratified the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse);

(e) Article 348§3 PC, "Facilitating indecent acts with children by publishing ads, images, telephone numbers etc.", according to which any person who, by profession or for profit, attempts to facilitate, even in a covert manner by publishing ads, images, telephone numbers or transmitting electronic messages or in any other manner, indecent acts with children shall be punished by imprisonment (i.e. imprisonment from 10 days to 5 years on the basis of article 53 PC) and a monetary fine ranging from 10,000 to 100,000 euros;

(f) Article 348A PC "child pornography", according to which any person who intentionally produces, distributes, publishes, displays, imports in or exports from the country, transports, offers, sells or makes otherwise available, purchases, procures or possesses child pornography material or transmits or spreads information concerning the commission of the above offences shall be punished by imprisonment of at least one year (i.e. imprisonment from 1 to 5 years on the basis of article 53 PC) and a monetary fine ranging from 10,000 to 100,000 euros. According to paragraph 2, any person who intentionally produces, offers, sells or makes otherwise available, distributes, forwards, purchases, procures or possesses child pornography material or spreads information concerning the commission of the above offences by a computer system or by using the Internet shall be punished by imprisonment of at least two years and a monetary fine ranging from 50,000 to 300,000 euros. Child pornography material, within the meaning of the preceding paragraphs, includes any representation or real or virtual impression, in

³ PC 52§3: The length of incarceration cannot be more than twenty years nor less than five years.

⁴ PC 53: The length of incarceration cannot be more than five years nor less than ten days.

electronic or other media, of the body or part of the body of a child, in a manner clearly causing sexual arousal, as well as real or virtual indecent acts by or with children. A sentence of incarceration for up to ten years and a monetary fine ranging from 50,000 to 100,000 euros shall be imposed for the above acts, as aggravating circumstances of the said offences, (a) if they were committed by profession or habit; (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 or with the use of a child less than 15 years of age. Furthermore, if the offence referred to in (b) resulted in grave physical injuries of the victim, an incarceration of at least ten years and a monetary fine ranging from 100,000 to 500,000 euros shall be imposed; if such act resulted in death, life imprisonment shall be imposed;

(g) Article 348 B PC "recruitment of children for sexual purposes", according to which any person who intentionally uses the information and communication technology to propose to an adult to meet a child less than 15 years of age with the purpose of committing the offences referred to in paragraphs 1 and 2 of articles 339 and 348A, namely the offences of child seduction and child pornography, when such proposal is followed by further acts leading to the commission of such offences, shall be punished by imprisonment for at least two years (i.e. from 2 to 5 years) and a monetary fine ranging from 50,000 to 200,000 euros;⁵

(h) Article 349§1-2 PC "Procuring (with children-victims)": Any person who, with the purpose of serving the debauchery of other persons, promotes or pushes children to prostitution or fosters or forces or facilitates or participates in child prostitution, shall be punished by incarceration for up to ten years (i.e. incarceration from 5 to 10 years) and a monetary fine ranging from 10,000 to 50,000 euros. The instances referred to in paragraph 2 constitute aggravating circumstances and, pursuant thereto, the offender shall be punished by incarceration (i.e. 5-20 years) and a monetary fine ranging from 50,000 to 100,000 if the offence was committed (a) against a person younger than 15 years; (b) by deceitful means; (c) by an ascending relative in blood or affinity or by an adopted parent, spouse, guardian or other person entrusted with the child's upbringing, teaching, supervision or guarding, even temporarily; (d) by an officer who, during the performance of his/her service or taking advantage of such capacity, commits or participates in the commission in any manner; (e) by using electronic communication media; (f) by offering or promising money or any other consideration;⁶

(i) Article 351§4.a PC "Trafficking for exploitation purposes (with children-victims)". Paragraph 4(a) is an aggravating circumstance of the offence of white slavery referred to in paragraphs 1 and 2, and of the instance of paragraph 3 of the same article. Pursuant to paragraph 4(a), a sentence of incarceration for at least ten years (i.e. 10-20 years) and a monetary fine ranging from 50,000 to 100,000 euros shall be imposed to any person who (a) using violence, threats or other means of coercion or imposing or abusing power, retains, transports or promotes within or outside the state, withholds, fosters, delivers with or without consideration to another person or receives from another person a child with the purpose of sexual exploitation of the child by him or another person; (b) in order to attain the same purpose, elicits the consent of a child using deceitful means or misleads the child by taking advantage of his/her vulnerable position by promises, gifts, payments or the provision of other benefits; (c) intentionally takes indecent action with a child in the circumstances described above;

⁵ The provision under article 348B was added by article 4 of Law 3727/2008.

⁶ Article 349, paragraph 2 (e) and (f) were added by article 5 of Law 3727/2008.

(j) Article 351A PC "Indecent acts with a child against remuneration", according to which indecent acts with children, committed by adults against remuneration or other material consideration, or indecent acts among children, provoked by adults in the same manner and committed before such adult or other adults, shall be punished as follows: (a) if the victim is less than 10 years old, by incarceration for at least ten years (i.e. 10-20 years) and a monetary fine ranging from 100,000 to 500,000 euros; (b) if the victim is more than 10 but less than 15 years old, by incarceration for up to ten years (i.e. 5-10 years) and a monetary fine ranging from 50,000 to 100,000 euros; and (c) if the victim is more than 15 years old, by incarceration for at least one year and a monetary fine ranging from 10,000 to 50,000 euros. If the adult commits such act by habit pursuant to the preceding paragraph, this shall constitute aggravating circumstances. An aggravating circumstance shall also be the case where the commission of the offence referred to in the first paragraph led to the death of the victim, in which case life imprisonment is imposed;

(k) Article 352B PC "Protection of the private life of the child-victim", according to which 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 (i.e. 2-5 years).

104. It should be noted that the offences referred to in articles 323A (trafficking in human beings), 348A (child pornography), 351 (trafficking for exploitation purposes) and 351A PC (indecent acts with a child against remuneration) fall within the scope of article 187 PC "criminal organization", according to which a sentence of incarceration for up to ten years (i.e. 5-10 years) shall be imposed to any person who forms or joins as a member in a structured group of three or more persons with continuous activity (organization) and seeks to commit more than one of the said felonies.

105. As regards distinctions between sanctions imposed on adults convicted for the offences referred to in article 3 of the Protocol, as described above, and the children who committed them (guideline 16.b relating to the corresponding observation of the annex), article 126 PC "Criminally non-liable children", states that:

(a) The offence committed by a child aged 8 to 13 years shall not be imputed against him/her.

(b) Only reforming or remedy measures shall be imposed against children who have committed offences and are less than 15 years old.

(c) Reforming or remedy measures shall be imposed against children who have committed offences and are more than 15 years old, where there is no case of subjecting the child to penal correction pursuant to the ensuing article". In this case, there is a change in the age limit up to which a child is not held criminally liable for an offence, the purpose of the legislator being to treat such children more favourably.

It should be noted that the two last paragraphs were replaced by paragraph 1, article 2, of Law 3860/2010, which was published on 12 July 2010 (GG A 111).

106. Article 127 PC (Criminally liable children) stipulates that:

- Paragraph 1. "Confinement in special child detention facility shall be imposed only to children older than 15 years, provided that their offence, if committed by an adult, would be a felony and comprised elements of violence, turned against the life or physical integrity or was committed by profession or repeatedly. The judgment must comprise a special and detailed justification, showing the reason why correction or remedy measures are not sufficient in the case at hand, taking into account the special circumstances under which the offence was committed and the personality of

the child" (as replaced by paragraph 2, article 2 of Law 3860/2010, which was published on 12 July 2010 (GG A 111).

- Paragraph 2. "The judgement of the court shall specify the period of confinement of the child in such facility, pursuant to article 54 PC".

107. Moreover, article 54 PC, relating to confinement in special child detention facilities, provides: "The length of confinement in special child detention facilities shall not be more than five years nor less than six months, if for the offence committed, the law threatens incarceration for up to ten years. If the threatened sentence is life imprisonment or longer than the one referred to in the preceding sentence, the length of confinement in special child detention facilities shall not be more than ten years nor less than two years. In exceptional cases of extremely serious crimes threatened by life imprisonment or incarceration for at least ten years, the court may impose confinement for up to fifteen years" (as replaced by article 1 of Law 3860/2010, which was published on 12 July 2010 (GG A 111).

108. As regards the statute-barring of the said offences (guideline 16d), the general provisions of articles 111 et seq. PC apply. According to paragraph 2 of article 111 PC, felonies are statute-barrred after twenty years if the law provides for life imprisonment and after fifteen years in any other event, while misdemeanours are statute-barrred after five years. The period of statute-barring, pursuant to article 112 PC, commences from the date when the offence was committed.

109. Article 2, paragraph 2, of Law 3625/2007 added paragraph 6 to article 113 PC. According to such paragraph, the period of statute-barring of the crimes provided for in articles 323A, 324, 336, 338, 339, 342, 343, 345, 346, 347, 348, 348A, 349, 351, 351A,⁷ when relating to children, is suspended until the victims come of age and for one year after (for misdemeanours) or three years after (for felonies).

110. For attempt of and participation in the offences referred to above (guideline 16f), the general provisions of PC on attempt and participation apply (articles 42 et seq. and 45 et seq., respectively). Therefore, the attempted commission of the said offences is punished by a reduced sentence pursuant to the provisions of article 83 PC,⁸ unless the court finds that the reduced sentence is not sufficient to prevent the offender from committing further offences, in which case it may impose the same sentence as that provided for by law for the completed offence. As regards participation, sentences vary according to the form of participation. For accomplices, moral instigators and direct accessories, the sentence of the perpetrator is prescribed, while the simple accomplice is punished by reduced sentence, pursuant to the provisions of article 83 PC.

111. Article 4 of Law 3625/2007 establishes the liability of legal persons and, specifically, provides for a series of administrative sanctions in the event that any of the offences of affront to the personal or sexual freedom was committed "on behalf of a legal

⁷ These refer to trafficking in human beings, child abduction, rape, abuse for indecent acts, child seducement, child abuse for indecent acts, indecent acts by abuse of power, incest, indecent acts between children, unnatural indecent acts, facilitation of debauchery of others, child pornography, procuring, white slavery, indecent acts with children against remuneration.

⁸ Article 83 PC: Where the general part provides for a reduced sentence without further determination, the sentence to be imposed shall be calculated as follows: (a) Instead of death sentence or life imprisonment, incarceration for at least ten years shall be imposed; (b) instead of incarceration for more than ten years, incarceration for up to twelve years or imprisonment for at least one two years shall be imposed; (c) instead of incarceration for up to ten years, incarceration for up to six years or imprisonment for at least one year shall be imposed; (d) in any other case, the judge shall reduce the sentence freely, up to the minimum length for this type of sentence; (e) if the law provides cumulatively for a custodial sentence and a monetary fine, only the latter may be imposed.

person of private law” under the liability of any natural person acting either individually or as part of an organ of the legal person, who has a leading position within the legal person. Moreover, lesser sanctions are provided in the event that any of such offences was committed on behalf of a legal person by a lower-ranking officer, due to the negligence of a managerial officer as to supervision or control of such lower-ranking officer.

112. Providing for the liability of legal persons in penal laws is a widely spread institution in the Greek penal law as well, mainly dictated by international conventions or framework decisions of the European Union. This institution eliminated the principle of “societas delinquere non potest” (in force since Roman law), which was based on the strictly personal character of the sanction which, for this reason, could only be imposed on natural persons. This of course does not mean that modern penal law may impose (custodial) sentences to legal persons. However, a series of provisions in many recent laws either establishes an objective penal liability for corporate officers whose activity causes criminal results, or imposes administrative sanctions to legal persons on behalf of whom a criminal activity occurred. The said arrangement of article 4 of Law 3625/2007 falls under the latter group of cases.

113. Finally, in relation to the joint ministerial decision referred to in paragraph 5 of the said article (procedure to be followed for the imposition of the sanctions prescribed), in order to enable its implementation, the Ministry of Justice, Transparency and Human Rights is in contact with the competent Ministry of Interior, Decentralisation and E-Governance with the purpose of establishing a competent committee to process and draft such joint ministerial decision.

114. As regards the institution of adoption, Greece has signed the Council of Europe Convention on the Adoption of Children of 24 April 1967, which was ratified by Law 1049/1980 (GG 114 A) and the Hague Convention on the Protection of Children and Co-operation in Respect of Intercountry Adoption, ratified by Law 3765/2009 (GG 101 A).

115. The institution of adoption in Greece is mainly governed by the provisions of the civil code (articles 23 and 1542-1588), comprised in Law 2447/96 (GG 278/A/30 Dec 1996) on "ratification as a Code of the draft law on adoption, guardianship and child fostering, judicial assistance etc.", where a series of articles determines the terms and conditions for adoption, as well as the provisions of Presidential Decree 226/99 (GG 190/A/20 Sep 1999). Adoption is primarily a legal act, conducted and concluded by court judgment.

116. The provisions of paragraphs 2 and 3 of article 10 of Law 2447/1996 apply to the prevention of illegal adoptions (paras. a and b of guideline 19). Pursuant to paragraph 2, a sentence of imprisonment for at least one year and a monetary fine up to one million drachmas (2.934.7 €) are imposed to persons who give their children up for adoption and to the intermediaries, when they gain illegal profit from such adoption for themselves or other persons. Pursuant to paragraph 3, persons who commit the said offence by profession and with the purpose of gaining profit shall be punished by incarceration for up to ten years and a monetary fine of up to five (5) million drachmas (14673.71 €).

117. The general provisions of PC on forgery apply to the false registration of births (para. d of guideline 19). Specifically, pursuant to the provisions of article 216 PC, persons who prepare false documents or alter documents with the purpose of using them to mislead other persons in relation to a fact that may have legal consequences shall be punished by imprisonment for at least three months. The use of the document is considered as aggravating circumstances. The same sentence is imposed to persons who intentionally use forged or altered documents for the said purpose.

118. If offenders intended to gain profit for themselves or other persons by prejudicing a third party or intended to prejudice another party, they shall be punished by incarceration

for up to ten years, if the total benefit or total loss exceeds 73,000 euros. The same sentence is imposed to offenders who commit forgery by profession or habit, where the total benefit or total loss exceeds 15,000 euros.

119. Furthermore, pursuant to the provisions of article 217 PC on forgery of certificates, persons who intend to facilitate the direct subsistence, movement or social progress of themselves or other persons and prepare a false certificate or alter a certificate or evidence or other document that may normally be used for such purposes or intentionally use such forged or altered document shall be punished by imprisonment for up to one year or a monetary fine. The same sentence is imposed to persons who, for the same purpose, use such a document which is genuine, but was issued for another person.

120. Moreover, the removal of young children constitutes the offence referred to in article 324 PC (removal of child), according to the provisions of which any person who removes a child from his/her parents, guardians or other people entitled to take care of him/her or any person who supports the voluntary escape of a child from the power of the said persons shall be punished by imprisonment. If, due to the deprivation of custody, the life or physical health of the child was put at grave risk, the offender shall be punished by imprisonment for at least one year. If the child was younger than fourteen, the sentence shall be incarceration for up to ten years, unless the offence was committed by an ascending relative, in which case the preceding paragraph shall apply. In the event that the offender committed the offence for profit or with the purpose of using the child for indecent employment or change the family order of the child, they shall be punished by incarceration for up to ten years.

121. As regards the consent of the parent, no elimination procedure is prescribed and it is never binding; the court decides on the adoption, on the basis of the best interests of the child. Finally, the provision of article 1551 CC aims at ensuring the free consent of the parent, since it stipulates that the parents can only consent to the adoption of the child three months after the birth of the child.

122. The Ministry of Health and Social Solidarity is responsible for providing consulting instructions to public agencies (Social Welfare Directorates of Prefectural Authorities) and to legal persons of public law (NPDD) that implement the institution of adoption for children under their protection, after conducting social inquiries stipulated in Law 2447/96 and provided that there is no legal or judicial impediment.

123. The institutions that carry out adoptions are the "Penteli Infirmary", "Aghios Andreas of Kalamaki", the MITERA Infant Centre, the Municipal Nursery of Thessaloniki "Aghios Stylianos", as well as the Social Care Units, as defined in article 29 of Law 3402/2005, which operate as legal persons of public law. Charity and private institutions are not authorised for adoptions.

124. The said social inquiry and the relevant report prepared by competent Social Agencies assist the competent court to deliver a judgment on adoption, taking the adopted child's best interests into account.

125. Difficulties in the adoption procedure – which make it very time-consuming – as regards adoption of children through institutions relate to the fact that the number of children legally available for adoption is small, while the number of candidate adopted parents is large.

126. As a consequence, a number of interested persons resort to private adoption or adoption from abroad (interstate adoption). As regards illegal adoptions, the Greek legislation is very strict on this matter. It provides for monetary fines and custodial sentences for offenders.

127. Fostering is mainly governed by the provisions of articles 1655-1665 of the Civil Code, which were comprised in the fifteenth chapter, "Child fostering", of article 12 of Law

2447/1996 (GG 278/A/ 1996), Ratification as a Code of the draft law on "adoption, guardianship and child fostering, judicial assistance etc.", as well as Presidential Decree 337/93.

128. Pursuant to article 1655 CC, a child is placed in a foster family either by judgment of the court or by decision of the natural parent or guardian of the child, provided that they have the parental responsibility.

129. On the basis of the existing legal framework, welfare agencies for child protection may place protected children only when they have ensured their custody by court judgment or with the written consent of the persons who have parental responsibility.

130. In addition, pursuant to article 29 of Law 3402/05 (GG 258 A), when the said Social Care units do not have a suitably staffed Social Agency that would conduct the social inquiry laid down in Law 2447/96, such inquiry must be conducted by competent social agencies of the Welfare directorates or departments of the relevant Prefectural Authorities.

131. Presidential Decree 86/09 (GG 114/09 A) was also issued, which lays down the details relating to the institution of child fostering.

132. Finally, by coordinating the network of Social Care Agencies by the National Social Solidarity Centre and updating the Welfare Map, all means available for the social protection of children will be utilized.

133. Pursuant to available data from various courts of the country, no problems have been reported to date suggesting that the applicable legislation is ineffective.

134. The general provisions of the Penal Code are applied in principle to establish the jurisdiction of Greek courts over the offences referred to in article 3 of the Protocol.

135. Thus, pursuant to article 5 PC (offences committed in Greece): "1. Greek penal laws shall apply to all offences committed on Greek territory, even by non-nationals; 2. Greek ships or aircrafts are considered to be Greek territory irrespective of their location, unless they are subject to foreign laws pursuant to international law".

136. Furthermore, as regards the allocation of the subject-matter competence of Greek courts, pursuant to the provisions of the fifth article of Law 3625/2007, as amended by article 7 of Chapter A of Law 3727/2008 (GG 257 A) and supplemented by article 29§2 of Law 3772/2009 (GG 112 A), the Three-member Felony Court of Appeal (first instance) is competent to try felonies relating to the offences referred to in article 3 of the Protocol (i.e. offences referred to in articles 323A§4, 348A§4, 349§1-2, 351§4a). Pursuant to the general provisions of articles 112 and 114 CPP, the misdemeanours referred to in articles 323B (item b, participation in sex tourism trips against children), 348A§1-2 and 348B are tried by the Three-member Magistrate Court. The felony referred to in item (a) of article 323B (organization of sex tourism trips against children), the case is heard by the Mixed Jury Court (pursuant to the general provisions, since it is not included in the fifth article of Law 3625/2007, as amended by Law 3772/2009). Finally, the offences referred to in articles 348§3 and 352B PC are tried by the One-member Magistrate Court.

137. Pursuant to the provisions of the second article of Law 3625/2007, item (h) of article 8 PC (offences committed abroad that are always punished according to Greek laws) is replaced and in force as follows: "Greek penal laws shall apply to nationals and non-nationals, irrespective of the laws prevailing at the place of commission, for the following offences committed abroad: ... (h) slave trade, trafficking in human beings, trafficking for exploitation purposes or indecent acts with children against remuneration, trips with the purpose of intercourse or other indecent acts against children or child pornography".

138. In addition, pursuant to article 6 PC (offences committed by nationals abroad): "1. Greek penal laws shall also apply to offences characterized thereby as felony or

misdemeanour, committed abroad by a national, provided that such offence is also punished according to the laws of the country in which it was committed or was committed in a politically unconstituted country; 2. Criminal proceedings are also initiated against non-nationals who were nationals when the offence was committed. They shall also be initiated against a person who obtained Greek nationality after the commission of the offence; 3. In the case of misdemeanours, an action lodged by the victim or a request by the government when the misdemeanour was committed shall be required to implement the provisions of paragraphs 1 and 2; 4. Offences committed abroad shall be punished only when the law makes specific provision". Article 7 PC stipulates: "1. Greek penal laws shall also apply against non-nationals for offences committed abroad and characterized thereby as felony or misdemeanour, provided that such offence was committed against a Greek national and is punished by the laws of the country where it was committed or was committed in a politically unconstituted country...".

139. As regards the extradition of purported offenders and persons convicted for the offences referred to in article 3 of the Protocol, specifically the applicable law and practice followed by competent authorities, when there is a convention with the foreign state, the extradition is governed by the convention, irrespective of whether it is multilateral (e.g. the European Convention on Extradition, ratified by Greece by Law 4165/1961) or bilateral (Convention between Greece and the United States of America, ratified by Law 5554/1932). If there is no extradition convention, the general provisions of the Code of Penal Procedure on extradition (articles 436 et seq.) shall apply. Such provisions also apply when there is a convention but certain matters are not settled thereby or are contrary thereto. A necessary condition for the application of the general provisions of CPP is reciprocity between Greece and the State interested in the extradition.

140. More specifically, for the arrest and surrender of a person located on the territory of another EU Member State, Law 3251/2004 (European Arrest Warrant) applies under the specific conditions mentioned below. Pursuant to article 1 of the said law, "The European arrest warrant is a decision or order by a judicial authority of an EU Member State, issued with the view to the arrest and surrender a person located on the territory of another EU Member State, provided that such person is requested by the competent authorities of the State that issued the warrant in the context of criminal proceedings: (a) to initiate criminal proceedings against a person imputed with the offence, or (b) to execute a custodial penalty or detention order". According to paragraph 2(a) of the said article, "the implementation of the provisions of this law cannot result in the prejudice of the fundamental rights and principles formulated in the applicable Constitution and article 6 of the Treaty establishing the European Union". Article 2 of the said law determines the content and form of the European Arrest Warrant. Moreover, pursuant to article 5, "the European Arrest Warrant shall be issued for acts punishable by Greek penal laws by a custodial sentence or a detention order for a maximum period of at least 12 months or, where a sentence has been passed or a detention order has been made, for sentences of at least four months". Pursuant to article 10§1a of the said law, "subject to the provisions of articles 11-13 hereof, the European Arrest Warrant shall be executed on condition that the punishable act for which it was issued constitutes a crime under Greek penal laws, irrespective of legal classification, punished pursuant to the law of the State that issued the warrant by a custodial sentence or a detention order for a maximum period of at least 12 months". It shall also be executed, pursuant to article 10§1b, on condition that "The courts of the State that issued the warrant have sentenced the requested person to a custodial sentence or detention order for a period of at least four months for an offence also classified by Greek laws as misdemeanour or felony". Pursuant to paragraph 2 of the said article 10, the execution of the European Arrest Warrant is permitted, without verification of double criminality, for acts referred to in such paragraph (2), as defined by the law of the issuing Member State, if they are punishable by a custodial sentence or a detention order for a maximum period of at least three years, including illicit trafficking in narcotics (item e).

141. It should also be underlined that, pursuant to article 5§4 of the Protocol, paragraph 1 of the second article of Law 3625/2007 laid down a provision extending the competence of Greek courts according to article 8 PC (article 8, item h, PC), in order to enable the prosecution and punishment of persons who have committed indecent acts with children against remuneration, trips with the purpose of having intercourse or other indecent acts against children and child pornography beyond Greek territory and to establish international cooperation for this purpose.

142. The grammatical interpretation of the foregoing shows that, after the ratification of the said Protocol by Greece, its provisions may be considered as the legal basis for extradition relating to the said offences, which are considered extraditable in any existing extradition treaty between Member States and shall be included as such in any future extradition treaty signed after the entry of the Protocol into force.

143. The data forwarded by the Prosecutor's Offices for the Courts of Appeal show that, for the offences referred to in article 3 of the Protocol, there were two instances of surrender by Romania, in execution of the European Arrest Warrant issued by Greek authorities. As regards judicial assistance in the interrogation process for the offences referred to in article 3 of the Protocol, when there is a treaty (multilateral, such as the European Convention on Mutual Assistance in Criminal Matters, ratified by legislative decree 4218/1961, or bilateral), its provisions apply in conjunction with the general provisions of articles 457 et seq. CPP.

144. Moreover, the data from the Prosecutor's Offices for the Courts of Appeal show two requests for mutual assistance by Greece for child pornography (348A PC) and one request for mutual assistance by Romania to Greek prosecuting authorities, relating to trafficking in human beings (323A PC), white slavery against a child (351§4a PC) and child pornography (348A PC). Agencies that have not received any requests based on the said article respond that, if so requested in implementation of the said article, they shall immediately assist in criminal proceedings or extradition processes.

145. As regards the confiscation and seizure of materials and proceeds and the closing of premises used for the commission of such offences, the Constitution and Greek laws provide as follows:

(a) Pursuant to article 14§3d of the Constitution, it is prohibited to confiscate newspapers and other printed material, either before or after circulation. By way of exception, they can be confiscated after circulation by order of the Prosecutor for indecent publications that clearly insult public decency, where the law so provides. Article 269 CPP on the confiscation of printed material, specifically stipulates that the relevant provisions of the Constitution and the law on the press apply to the confiscation of newspapers and other printed material.

(b) On the basis of article 76 PC on seizure, "...Items that are proceeds of a intentional felony or misdemeanour, their price and anything acquired thereby, as well as items used or intended for the commission of such an act may be seized, on condition that they belong to the perpetrator or an accomplice. For other offences, this measure may be taken only when so stipulated by law. ...If the said items may endanger public order, their seizure from the hands of the possessor shall be mandatory, even without convicting a person for the act committed. Seizure shall also be enforced against heirs, if the decision became irrevocable during the lifetime of the person against whom seizure was announced. If no person was convicted or no prosecution could take place, seizure shall be ordered either by the court that tried the case or by the magistrate court on recommendation of the Prosecutor. ...In all instances of seizure, the court shall decide whether the seized items must be destroyed or not".

(c) In general, the confiscation and seizure of material, assets and/or other possessions used for the commission or facilitation of any of the offences laid down in the Protocol, as well as the proceeds from the commission of such offences are governed by the general provisions of articles 260 et seq. and 373§b CPP and article 76 PC, respectively. The provisions of Law 3691/2008 on the prevention and suppression of money laundering shall apply to all other matters; such provisions also lay down the procedure followed in such cases. Specifically, article 3 of the said law stipulates that criminal activities include the commission of one or more of the following offences, hereinafter referred to as “predicate offences”: trafficking in human beings (article 323A PC), white slavery (article 351 PC), any other offence punished by a custodial sentence with a minimum length of over six months and resulting in gain.

(d) Pursuant to article 11§6 of Law 3064/2002, the closing of premises due to commission of the relevant offences is regulated as follows: ...The delivery of an irrevocable sentencing judgment for any of the acts referred to in articles 348A, 349 and 351 PC committed at a shop or business shall be notified by the competent prosecuting authority to the General Secretary of the Region within one month of publication thereof. The latter must, within one month of the notification of the judgment, remove the authorisation of the shop or business where the offence was committed for a period of one to three years or, also taking other circumstances into account, irrevocably remove the authorisation or, if such authorisation is not provided for by law, prohibit the shop or business from taking business activity. Until the delivery of the irrevocable judgment, the prohibition of operation may temporarily be imposed, under the said conditions and following the same procedure, immediately after the initiation of criminal proceedings.

146. As regards the issues examined above, confiscation and seizure of possessions resulting from illegal activities described in the Protocol, as well as the discontinuation of operation of the business related to the said offences, the data forwarded to our department by the country’s judicial authorities do not mention any relevant requests by or to Greek authorities.

147. Law 3875/2010 on “ratification and implementation of the United Nations Convention against Transnational Organized Crime and the three Protocols thereto, and relevant provisions (Palermo Convention),” which was published in the Government Gazette on 30.9.2010, explicitly provides for the confiscation of the proceeds for the crimes falling under the scope of article 187 PC. Furthermore, according to this law, the removal of tissue from the victim's body and the exploitation of the victim's beggary are added to the objective substance of the offence of trafficking in human beings in article 323A (trafficking in human beings). It also provides for a sentence of imprisonment for least six months (i.e. 6 months to 5 years) for persons who intentionally accept the proceeds of beggary of a person under the circumstances referred to in paragraph 1 of article 323A PC.

VI. Protection of the rights of victims

148. The combined legislative arrangements relating to the offences of trafficking in children, child prostitution and child pornography, as detailed above, clearly show – albeit it is not expressly mentioned – that the best interests of the children victims of the above offences are primarily taken into account and that they were the main axis of adapting provisions enacted by the legislator after the ratification of the Protocol. Specifically, the arrangements laid down below show that the rights and interests of children victims are recognised and protected in all stages of criminal proceedings.

149. Pursuant to article 226A of the Code of Penal Procedure, added by paragraph 4 of the third article of Law 3625/2007 and amended by paragraph 4 of article 6 of Law 3727/2008 relating to the witness statements of children victims of affronts to the personal

and sexual freedom, during the examination as witnesses of children victims of the acts referred to in articles 323A§4, 324, 336, 338, 339, 342, 343, 345, 346, 347, 348, 348A, 349, 351 and 351A PC, a child psychologist or child psychiatrist and, in the event of lack thereof, a psychologist or psychiatrist is appointed as expert.⁹ The child psychologist or child psychiatrist prepares the child for the examination and cooperates to this end with preliminary investigation officers and judicial officers. For this purpose, they make use of suitable diagnostic methods, rule on the perceptive ability and mental state of the child and express their findings in a written report, which forms an integral part of the case file. The child psychiatrist or child psychologist attends the examination and the child may be accompanied by his/her legal representative, unless the investigating judge prohibits the presence of such person by a reasoned decision on important grounds, especially in the event of conflict of interests or involvement of such person in the investigated act.

150. The deposition of the child shall be made in writing and shall be recorded on an audiovisual medium, when possible. The electronic reproduction of the child's deposition shall replace his/her physical presence in the next stages of the proceedings. The written deposition of the child shall always be read in court. If the child turned 18 years during the hearing, he/she may attend in person.

151. After the introduction in court of a case relating to acts referred to in paragraph 1, the Prosecutor or the parties may ask the President of the court to examine the child, if he/she was not examined during the investigation or must give a supplementary deposition. If such request is admitted, the child shall be examined on the basis of questions made in a clear manner, without the presence of the parties, at the location of the child, by an interrogating officer nominated by the judge who ordered the examination.

152. Moreover, the third article, paragraph 3, of Law 3625/2007 replaced paragraph 2 of article 226 CPP as follows: "...If the witness is less than eighteen years old, the interrogating officer shall also record verbatim all the questions addressed thereto".

153. Article 6§1 of Law 3727/2008 amended article 108A CPP, which had been added by paragraph 1 of the third article of Law 3625/2007, and provides that children victims of the offences described above shall be entitled to take knowledge of the documents of the preliminary and main investigations and take copies of such documents, even if they are not the civil claimants; in other words, an exception is introduced in favour of children victims and against the defendant. Moreover, item (b) of the same article stipulates that children victims shall be entitled to be informed by the Prosecutor who is competent for the enforcement of sentences about the provisional or definitive release of the offenders and their leaves of absence from the detention facility.

154. In addition, article 7 of Law 3727/2008 amended the fifth article of Law 3625/2007 as follows: "In cases of children victims of the acts referred to in articles 323A§4, 324, 336, 337§3-4, 338, 339, 342, 343, 345, 346, 347, 348, 348A, 349, 351, 351A and 353 PC, investigations are conducted as a matter of absolute priority and, for felonies and relevant misdemeanours, they shall be concluded pursuant to articles 20 and 21 of Law 663/1977. The hearing date shall be set, at first instance, six months after the referral of the case to court at the latest and, at second instance, within four months of the lodging of the appeal. Any uncertainty as to the real age of the victim shall not prevent the commencement of the criminal proceedings".

⁹ Article 6, paragraph 2, of Law 3727/2008 added a sentence to article 185 CPP, according to which the list of experts prepared each year by the Magistrate Council comprises child psychiatrists and, in the event of lack thereof, psychiatrists or psychologists specializing in sexual exploitation and abuse of children.

155. Paragraph 11 of the second article of Law 3625/2007 added article 352A after article 352 PC; such article stipulates that suspects or defendants of offences against sexual freedom and economic exploitation of the sexual life of children shall be subject, with their consent, to a diagnostic testing of their psychosexual condition. Similarly, persons convicted of such offences may attend psychosexual treatment programmes during the serving of their sentence. The court may also order psychodiagnostic testing of the child victim, removal of the offender from the victim's environment or removal of the victim and interim stay in a protected environment. Paragraph 5 of article 352A stipulates that the details of the diagnostic test and treatment of the victim and the suspect or defendant shall be determined by Presidential Decree, on recommendation of the Ministers of Justice and of Health and Social Solidarity. A committee has already been established within the Ministry of Justice, Transparency and Human Rights to process and prepare such Presidential Decree and has recently delivered its proposals to the political leadership of the Ministry.

156. Article 352B PC (see para. 16 above) applies to the protection of the child's interests. Such article punishes the publication, in any manner, of events that could lead to the disclosure of the identity of the child victim.

157. Pursuant to article 12 of Law 3064/2002, as supplemented by Presidential Decree 233/2003, (amended by Law 3875/2010 which ratified the United Nations Palermo Convention) the victims of the offences referred to in articles 323, 323A, 349, 351 and 351A PC receive protection for their life, physical integrity and personal and sexual freedom, where there is a grave danger to such values. They also receive, for as long as necessary, assistance for accommodation, sustenance, living conditions, care and psychological support.

158. Moreover, if the victims are non-nationals, a legal counsel and an interpreter are ensured. During the protection period, the non-nationals victims are not extradited and any issued decision for extradition is not executed. Moreover, children attend education and vocational training programmes. When victims are non-nationals, a procedure is also stipulated for repatriation, with the consent of the Prosecutor for children and following a report by the Commissioner for children. Presidential Decree 233/2003 determines the bodies, the means and the method of providing such protection, assistance and care to the victims of the said offences.

159. The sixth article of Law 3625/2007 added paragraph 3 to article 1 of Law 3226/2004, according to which "the beneficiaries of legal aid are the children victims of the offences provided for in articles 323A§4, 324, 336, 338, 339, 342, 343, 345, 346, 347, 348, 348A, 349, 351 and 351A PC as to their penal and civil claims, if any". Moreover, paragraph 5 is added to article 3 of the said law, pursuant to which for the said offences, the Prosecutor, the investigating judge (by order), the council and the court (by judgment) may, as the case may be, appoint a lawyer ex officio, from the special list referred to in article 3 of Law 3226/2004. Pursuant to the foregoing, children victims may receive legal aid and have a lawyer appointed ex officio, irrespective of their capacity as parties to a trial.

160. According to the data received by our department from the country's investigating authorities, the implementation of the above provisions that protect the rights of children is outlined as follows:

(a) As regards the provisions of article 226A CPP, they are implemented in practice by the vast majority of investigating authorities. (However, a few judicial authorities of the country reported practical difficulties during the investigating process for cases with children victims, as determined in article 226A CPP, concerning the appointment of expert or child psychiatrist due to the lack of such specialities in the list of experts and the ulterior effects of such lack on the rapid conclusion of the investigating process. It should also be noted that, to the extent possible, children victims are followed-up

by the commissioners for children of the First Instance Court, who procure the placement of children victims deprived of family in suitable institutions). Certain investigating authorities also report that, in order to enable the implementation of article 226A CPP and due to the lack of the speciality of child psychiatrist in the list of experts of the relevant First Instance Court, child psychiatrists serving at hospitals of the region of the First Instance Court were appointed for relevant cases;

(b) It is also reported that, in certain cases, both parents attended the examination of the child victim while, in other cases, only the mother attended, because the victim's father was the purported defendant;

(c) A problem reported repeatedly is the lack of relevant infrastructure in electronic audiovisual media. As a result, the child's testimony was taken in writing;

(d) In cases of child pornography through the Internet, there were instances where the child victim could not testify and the provisions of article 226A CPP could not be implemented, either because the children victims were unknown or because the offender was unknown;

(e) If the perpetrators of the offences of child pornography and child prostitution are convicted and serve their sentence, children victims are notified by the Prosecutor who is competent for enforcement of sentences about the provisional or definitive release of the offenders and their leaves of absence from the detention facility. Similarly, children victims of trafficking in human beings enjoy the protective treatment referred to in article 12 of Law 3064/2002 (see above);

(f) As regards children victims whose parents are unknown or unsuitable to exercise parental responsibility, in whole or in part, take care of their children or have custody thereof, the data forwarded to our department by the competent prosecuting authorities show that the protective provisions of articles 1532 et seq. CC are implemented. Specifically, if there are no relatives who are suitable to undertake the custody of the child, the competent Prosecutor for Children issues a special order, pursuant to the last sentence of article 1532 CC, finding the parents of the child victim unsuitable to have custody of the child. In implementation of this article, the Prosecutor issues an order of admission to children hospitals, child accommodation institutions, etc. More generally, the main responsibility of the Prosecutor for Children is to fully remove the victim from any environment that could endanger and upset the victim. For this reason, the location of the child is often not disclosed, not even to their relatives and all contact with them is prohibited if there are valid suspicions that the child may be at risk. Within thirty days of the issuance of the order, the Prosecutor must submit a relevant petition to the competent One-member First Instance Court (uncontested jurisdiction procedure) and the court delivers a judgment that sanctions or not the removal of custody from the parents and its assignment to a child accommodation body. Such bodies include Welfare Institutions belonging to or supervised by the Ministry of Health and Social Solidarity which, in addition to accommodation, provide psychological support to children by social workers or, on an external basis, by units of Mental Health Centres. The Prosecutor's Office for the First Instance Court of Piraeus reports such a case, where the care of the children was assigned to a special accommodation unit, EPAP – "Kalos Poimin". Moreover, according to data forwarded by the Prosecutor's Office for the First Instance Court of Athens, the Athens Prosecutor's Office for Children cooperates with both state and private bodies, such as the Children Protection Society (EPA), the Piraeus Children Protection Society (EPAP) "Kalos Poimin", the Children's Town "Aghia Varvara", the "Aghios Andreas" Institution (state bodies), as well as "Hamogelo tou Paidiou" and private-initiative institutions "Hatzikonsta", "Amalieio", "Christoudoleio", "Aghios Alexandros" and "Aghia Anna". It also reports that such provision was made in only one Protocol-related case recently. If competent prosecutors think that custody or parental responsibility may be assigned to a

third party, they try to contact the child's relatives in order to petition for placement of child under guardianship;

(g) Generally, the information provided by competent investigating authorities shows that the competent judges make personal contact with and examine children victims without the presence of the parties, in order to explore their views. When necessary, judges are assisted by competent social workers, while special weight is given to the views of children for their best interests in the context of the Optional Protocol. Children victims receive objective information about criminal investigations and procedures relating to the offences, as well as about their rights.

161. As regards victims whose true age is uncertain but there are reasons to believe that they are children, the last sentence of the fifth article of Law 3625/2007, as replaced by article 7 of Law 3727/2008, stipulates that "any uncertainty as to the real age of the victim shall not prevent the commencement of the criminal proceedings". Moreover, article 11 of Chapter IV of the Convention on the protection of children against sexual exploitation and sexual abuse, ratified by Law 3727/2008, stipulates that "Each Party shall take the necessary legislative or other measures to ensure that when the age of the victim is uncertain and there are reasons to believe that the victim is a child, the protection and assistance measures provided for children shall be accorded to him or her pending verification of his or her age".

162. Law 3727/2008 provides for the protection of witnesses or the child's family from potential reprisal or intimidation. Pursuant to article 8 of the said Law on Witness Protection, "In criminal proceedings for sexual exploitation and sexual abuse of children, measures may be taken for the effective protection from potential reprisal or intimidation of witnesses or the child's family, as stipulated in paragraphs 2 and 3 of article 9 of Law 2928/2001 (GG 141 A)". Pursuant to paragraph 2 of the said article, "protection measures shall include guarding by trained police personnel, deposition by audiovisual or audio media, no record on the examination report of the name, place of birth, residence and work, occupation and age, ordered by a reasoned decree of the competent Prosecutor for the magistrate court, any change in identity particulars, as well as the transfer or reassignment or posting for unfixed periods of time (with possibility of revocation) of civil servants decided, in deviation from applicable provisions, by the competent Ministers on recommendation of the competent Prosecutor for the magistrate court. The ministerial decision may provide for its non-publication in the Government Gazette, as well as for other methods to ensure secrecy. Protection measures are taken with the consent of the witnesses, do not restrict their personal freedom beyond what is necessary for their safety and are discontinued if the witness so requests in writing or does not cooperate for their success". Paragraph 4 stipulates that "during the hearing in open court, witnesses whose identity was not disclosed shall be called by the name mentioned in the examination report, unless the Prosecutor or a party to the trial requests the disclosure of the real name, in which case the court shall order such disclosure. The court may also order disclosure ex officio. In any event, the court may make the orders laid down in article 354 of the Code of Penal Procedure".

163. The arrangements of Laws 3625/2007 and 3727/2008, which amended the penal legislation on the protection of children from sexual exploitation and sexual abuse, do not abrogate any of the fundamental rights of defendants, as defined in articles 96 et seq. CPP, nor do they introduce any specific arrangement concerning such rights.

164. However, it has been underlined that the possibility of children to make electronic depositions in lieu of their physical presence in the following stages of the procedure, as provided for in article 226A§3 CPP, may infringe the right of defendants to a fair trial, since it deprives them of the possibility of confronting the victim face-to-face. A legislative proposal is being discussed on this matter, processed by the special law-drafting committee

chaired by University of Athens Professor Kotsalis on “Ensuring the interests of victims before, during and after criminal proceedings” (pursuant to the EU Council’s framework decision of 15 March 2001 – 2001/220/JHA). Specifically, in paragraph 4 and 5 of article 14 of the draft law, the committee recommended the following arrangements: “Article 351A CPP is added after article 351 CPP (witnesses) as follows: If the court is convinced that the presence of the defendant would impede the sincere deposition of the victim or would expose the victim to serious psychological pressure, the victim may testify by video conference from different premises” and “The conditions and procedure of video conference media provided for in the preceding paragraph shall be arranged by Presidential Decree, issued on recommendation of the Ministers ...”.

165. On the basis of Law 3838/2010 (GG 49/4/24 March 2010), “Modern provisions on Greek nationality and the participation of ethnic Greeks and legally residing immigrants and other arrangements”, the following new methods of obtaining the Greek nationality are stipulated for the first time:

- (a) The Greek nationality may be obtained by non-national children born in Greece by a non-national parent also born in Greece (3rd generation immigrants);
- (b) The Greek nationality may be obtained by children born in Greece by parents legally residing in the country for at least 5 consecutive years before or after the birth of the child;
- (c) The Greek nationality may be obtained by children who have successfully attended at least 6 grades of Greek school in Greece.

166. The ulterior goal of these arrangements, apart from resolving practical problems by awarding the Greek nationality, is mainly to ensure the smooth development of these children, so that they may become decent citizens pursuant to article 16§2 of the Constitution and prevent any possible future gaps in the social cohesion of the country’s population. Phenomena of marginalisation under the label of “foreigner”, lack of contact with their Greek national peers and inability to access opportunities through scholarships, awards, group activities etc. were up to now an obstacle to the development of the above children’s common social and political culture and to their healthy psychosocial development. The new arrangements:

- (a) Strengthen the ties with the country and reinforce the feeling of justice and confidence in the country;
- (b) Encourage such children to remain within the school environment;
- (c) Enable Greek schools to freely educate them, just like any other Greek child, making them recipients of a common socio-political culture;
- (d) Reinforce family reunification through the requirement that both parents legitimately reside for five years in the country.

167. Relevant issues concerning the conditions and procedure for issuing and renewing residence permits (articles 46-50 of Law 3386/05; GG 212 A) to third-country nationals, characterized as victims of trafficking in human beings, are addressed in article 1(j) of the said law. Victims who are unaccompanied children are also governed by the same law: “Unaccompanied child shall mean a third-country national or stateless person below the age of 18, who either enters on Greek territory unaccompanied by an adult responsible for him whether by law or custom, and for as long as he is not effectively taken into the care of such a person or a minor who is left unaccompanied after he has entered the country”.

168. With reference to family reunification, Presidential Decree 131/2006 (GG 143 A), which transposes into Greek legislation Directive 2003/86/EC with special emphasis on the protection of children, lays down in article 6 that “When the application for family

reunification is reviewed, the best interests of children are taken into particular consideration”.

169. As regards victims who are not Greek nationals, the provisions of Law 3386/2005 (entry, residence and social integration of third-country nationals on Greek territory) should also be mentioned. Specifically, article 1.j stipulates that "Human trafficking victim shall mean an individual who became victim of the crimes provided for in articles 323, 323A, 349, 351 and 351A of the Penal Code, irrespective of whether they have entered the country legally or illegally”.

170. Furthermore, third-country nationals characterized as victims of trafficking in human beings by act of the competent Prosecutor at the First Instance Court are afforded a reflection period, not exceeding one month (during which such non-nationals shall not be extradited) allowing them to recover and escape the influence of the perpetrators of the offences so that they can take an informed decision as to whether to cooperate with the prosecuting authorities. This period may be extended for one more month in case of children”.

171. An agreement on the protection of and assistance to victims of trafficking in children has been signed between the Government of the Hellenic Republic and the Cabinet of Ministers of the Republic of Albania, which was ratified by Law 3692/2008 (GG 173 A).

172. This Agreement determines the procedure for the safe repatriation of children victims in article 14, which stipulates that children shall be returned by a voluntary, legally assisted and well-prepared procedure, according to the child’s best interests. Throughout repatriation, the responsible authority may cooperate with international organizations and non-governmental organizations involved in child protection. The responsible authority of the home country of the child shall implement special programmes for the reintegration of the child, covering protection, medical and psychological support, reintegration in the education system etc., as well as any other form of assistance dictated by the home country’s laws on the protection of children. It shall also evaluate the welfare of the child victim and follow-up his/her life after reunification of the family or placement under alternative care in the home country. It may verify the situation by onsite visits, after notification of the responsible authority of the home country. If a risk to the child is ascertained, a relevant report shall be prepared and both sides shall hold consultations to resolve the issue. If the child has problems with his/her parents or guardians after his/her return, the responsible authority of the home country shall:

(a) Ensure the child’s best interests until he/she attains the age of 18, his/her rights and various services available thereto, pursuant to the right to receive information;

(b) Ensure that the child receives care as regards accommodation, meals, medical and psychological support, legal representation and education in a language he/she understands. This care cannot be less than what is afforded to children who are nationals of the parties (principle of non-discrimination);

(c) Attend the child’s interviews with police authorities and guarantee that the interviews are conducted pursuant to this agreement and the principles of national and international law;

(d) Guarantee the access of the child to adequate legal representation according to his/her best interests;

(e) Consult with the child and shall take his/her views into consideration, according to his/her age and degree of maturity, pursuant to the principle of respect to the views of children;

(f) Play an active role in finding the best possible solution that guarantees the child’s best interests.

173. As regards children who are stateless either because their parents, although they have the nationality of a country, cannot give it to their child for reasons relating to the domestic law of such country or because they are children of unknown nationality (e.g. abandoned infants or children whose parents are of unknown nationality), there are established arrangements in the Greek nationality law for them. The long-standing intention of the Greek state to make such children Greek nationals is totally consistent with the spirit of protecting the rights of the child and preventing children from becoming victims of any type of exploitation.

174. The general provisions of articles 914 et seq. CC on malfeasance apply to compensation to children victims by legally liable persons.

175. Specifically, article 914 CC stipulates that “Any person who unlawfully and through his fault causes prejudice to another person shall be obliged to compensate such other person”. Pursuant to the general principles of civil law, the right of the child to compensation does not depend on the prior establishment of criminal liability of the persons responsible for his/her exploitation. Moreover, even if the person who caused the damage cannot be held responsible due to lack of imputability the court may nevertheless award reasonable compensation having evaluated the situation of the parties, if the damage cannot be covered otherwise (liability due to clemency), pursuant to article 918 CC.

176. In the context of lodging civil claims for compensation, no special procedure is stipulated for voluntary settlement of disputes when the illegal act of the offender relates to the sale of children, child prostitution and child pornography; the general provisions of the Code of Civil Procedure (CCP) on extrajudicial settlement of disputes apply. Thus, according to article 214A CCP, “...Actions relating to disputes in private law, which are subject to the competence of the multimember first instance court¹⁰ in regular procedure and for which settlement is permitted under substantive law, cannot be heard unless an attempt of extrajudicial settlement is made, pursuant to the provisions of the ensuing paragraphs... The action may only be heard (a) if the joint minutes or statement... show that the attempt of extrajudicial settlement of the dispute failed in total or in part, and (b) if a party refused to participate in the attempt or did not attend...”.

177. Moreover, the offences against children examined here may, under the specific conditions specified by law, be subject to the protective scope of Law 3811/2009, “Compensation to intentional crime victims (transposition into Greek legislation of EU Council Directive 2004/80/EC of 29 April 2004) and other provisions” (GG A 231/17 Dec 2009) and children victims of such crimes may submit applications for compensation to the “Greek Compensation Authority”, established by such law. Specifically, article 3 of Law 3811/2009 (“Responsibility for paying compensation”) stipulates that “1. Victims of intentional violent crimes committed in Greece, whose domicile or habitual residence is located in Greece or on the territory of another EU Member State, shall be entitled to apply for and receive reasonable and due compensation from the Greek State. 2. A claim for compensation shall have effect: (a) when the offender does not have the required funds, as from the delivery of an irrevocable sentencing judgment, (b) when the identity of the offender cannot be established, as from the placing of the case file in the records of unknown offenders, and (c) when the offender cannot be criminally prosecuted or sentenced, as from the archiving of the case file by act of the competent Prosecutor or the delivery of an irrevocable releasing decree or the delivery of an irrevocable exonerative judgment or the final conclusion of the case otherwise. 3. In cases (a) and (c) of the preceding paragraph, a necessary condition for the submission of application for

¹⁰ Pursuant to article 18§1 CCP, in conjunction with articles 14 and 16 CPP, the competence of multimember first instance courts shall include disputes that may be valued in money, whose value exceeds eighty thousand (80,000) euros.

compensation shall be the inability of the victim to satisfy in any manner the claim for compensation against the offender, determined by irrevocable court judgment. 4. A violent crime, within the meaning hereof, shall mean: (a) any intentional act committed by using physical violence or threatened physical violence and results in the death or grave physical or mental injury of the victim, and (b) any intentional act committed by using physical violence or threatened physical violence and is punished by incarceration”.

178. The procedures for appointment of guardian or representation of the child, in case there is a possible or real conflict of interest between the child and his/her parents or when the child victim is unaccompanied, i.e. when the parents of the child cannot be located, are stipulated in Chapter 14 CC (articles 1589-1654). Specifically, pursuant to the said articles, which were replaced by article 12 of Law 2447/1996 and determine matters of child guardianship, the child’s guardian is appointed by judgment of the Court (uncontested jurisdiction) among the natural persons provided for in article 1592 CC. In the event of failure thereof, the guardianship is assigned to an institution or union established for this purpose and property staffed; otherwise, it is assigned to the competent social service.¹¹ Pursuant to article 1601, if such guardian was not appointed for any reason or if the appointed guardian is prevented from discharging his/her duties, renounces his/her appointment or resigns, the head of the social service shall, in case of emergency, take ex officio all appropriate measures to protect the child and his/her property.

179. Articles 49-52 of the said law provided for the establishment of a Social Service within every First Instance Court, which will operate as an independent and decentralised agency under the supervision of the Ministers of Justice and of Health and Social Solidarity. The main task of such services shall be to assist the courts, by exercising deciding or consulting powers in matters of family law, especially as regards children. A special body of officers, “Commission Officers Body for Children”, was established to staff the Departments of Children established by law within every Social Service.

180. Finally, pursuant to article 53 of the said law, the entry into force of articles 49-52 on Social Services would be determined by Presidential decree, on recommendation of the Ministers of Justice, of Health and Welfare and of Finance. Until this decree is issued and Social Services begin their operation, their tasks are performed by Child Protection Societies that are already in operation within local First Instance Courts, through their social services, and, in any event, with the assistance of criminal Child Commissioners under Law 378/1976, the Social Workers of the Ministry of Justice and other competent scientists (mainly psychologists, psychiatrists or child psychiatrists) of the competent agencies of the Ministry of Health and Social Solidarity and Prefectural Authorities, as well as social organizations supervised thereby.

181. The law on "ratification and implementation of the United Nations Convention against Transnational Organized Crime and the three Protocols thereto, and relevant provisions (Palermo Convention)" provides for the following:

(a) Assistance afforded to victims pursuant to article 12 of Law 3064/2002, in conjunction with Presidential Decree 233/2003 (pp.31-32 of the report) is extended to the victims of the offences referred to in articles 323B (sex tourism) and 348A (child pornography), while the prescribed protection and assistance are afforded irrespective of

¹¹ It should be noted that, pursuant to article 12 of the Law mentioned in footnotes 18 and 19 hereof, in relation to improvements to penal legislation for juvenile delinquents, “a nine-member Board shall be established within the Ministry of Justice, Transparency and Human Rights”, entitled “Central Scientific Board for the prevention and handling of child victimization and delinquency” (KESATHEA). To discharge its duties, the Board: (a) shall monitor the activities of the Child Protection Societies throughout Greece...”.

whether the victim cooperates with prosecuting authorities or not. In addition, non-national victims shall not be extradited while protection or assistance is afforded. It is also stipulated that, when there is uncertainty as to the age of the victims but there are reasons to believe that they are younger than 18 years, they are considered to be children and special protection measures are afforded until their true age is verified (also see p. 35 of the report, para. 28).

(b) In the event of offences such as illegal entry in the country, possession and use of false travel documents, illegal work and prostitution etc. purported to be victims of the offences referred to in articles 323, 323A, 323B, 348A, 349, 351 and 351A PC, as well as articles 87§5-6 and 88 of Law 3386/2005, the Prosecutor for the magistrate court shall issue an act postponing any further action against the victim until the conclusion of the criminal proceedings for the offence committed against him/her, with the consent of the Prosecutor for the court of appeal. Following the irrevocable hearing of any of the above offences committed against the victim, if the decision is convicting, no criminal proceedings are initiated against the latter for the said acts.

(c) Arrangements in place for the victims of articles 323, 323A, 348 and 348A PC are extended to children victims of the offence referred to in article 323B PC (sex tourism). They are the rights referred to in article 108A CPP (p. 30 of the report) on the right of provision of information to the child victim, the examination of the child as witness during the procedure of article 226A CPP (p. 29 and pp. 32 et seq. of the report), the advance payment of the civil costs under article 173§5 CCP and the recognition of the victim as beneficiary of legal aid and the ex officio appointment of lawyer under Law 3226/2004 (p.32 of the report).

(d) Relocation to another country is provided for as a measure of witness protection pursuant to article 9 of Law 2928/2001 (p. 35 of the report), while as regards the disclosure of the witness' identity in open court, pursuant to article 9§4 of the said law (p. 36 of the report), the court takes a reasoned judgment on disclosure or not. It is also stipulated that, in the criminal proceedings for the offences of trafficking in human beings under articles 323, 323A, 323B and 351 PC and for the offences of illegal trafficking in immigrants under articles 87§5-6 and 88 of Law 3386/2005 (GG A 212), measures may be taken pursuant to the said paragraphs for the effective protection from possible reprisal or intimidation of the victim, the victim's family or substantial witnesses, even if any of the above acts has not been committed in the context of organized crime, pursuant to article 187§1 PC.

(e) The law specifies the definition of unaccompanied children, victims of trafficking in human beings and victims of illegal trafficking of immigrants, as well as the procedure for characterizing a person as victim by act of the Prosecutor for the first instance court, following the opinion of special scientists (psychiatrist, psychologist or social worker). The characterization act is also issued, in special cases (threats against family members) and on certain conditions, when the victim does not cooperate with prosecuting authorities.

(f) The inter-ministerial committee on the coordination of the migration policy in Greece, operating pursuant to article 3§2 of Law 3386/2005, is assigned with taking initiatives on the training of the staff of competent agencies in methods to prevent illegal trafficking in immigrants by criminal organizations and in humanitarian treatment and safeguard of the rights of immigrants who were victims of illegal trafficking by criminal organizations and the development of programmes for raising public awareness on the phenomenon of illegal trafficking of immigrants.

(g) The issuance of residence permits for humanitarian reasons is stipulated on certain conditions for third-party nationals who were victims of trafficking in human beings

and illegal trafficking of immigrants who do not cooperate with prosecuting authorities. The permit is issued or renewed by joint ministerial decision without the payment of fees.

(h) The reflection period for victims of trafficking in human beings or illegal trafficking of immigrants afforded by act of the prosecution authority is extended from one to three months and, especially for children, it may be extended for two more months pursuant to the child's best interests. During the reflection period, the persons referred to in the preceding paragraphs are not deported.

(i) As regards information to victims and special care for children, it is stipulated that, in case of third-country nationals who were victims of trafficking in human beings or illegal trafficking of immigrants and are unaccompanied children, the competent prosecution authority shall proceed to any action necessary to determine the identity and nationality of the child and establish the fact that he/she is not accompanied, shall make every effort to find his/her family as soon as possible and shall immediately take all necessary measures to ensure legal representation and, if need be, representation in the context of criminal proceedings. If the family cannot be found or if repatriation does not serve the interests of the child, the competent Prosecutor for Children or, where no such prosecutor is available, the competent Prosecutor for the first instance court may order any appropriate measure to protect the child until a judgment is delivered by the court, which must be addressed by the Prosecutor within thirty days, on the appointment of guardian pursuant to articles 1532, 1534 and 1592 CC.

(j) Non-nationals characterized as victims of trafficking in human beings or illegal trafficking of immigrants may be removed from the list of unwanted non-nationals, if they were entered in such list because they were convicted for any of the offences of illegal entry in the country, possession and use of false travel documents or identities etc., illegal work and prostitution, committed during illegal trafficking.

182. The former Ministry of Public Order and the Hellenic Police Headquarters considered that it was necessary to implement an operational action, named ILAEIRA, aiming at the suppression and combating of women and child trafficking for the purposes of exploiting sexual life.

183. ILAEIRA plan is developed at two levels, National and International-Transnational and involves four implementation phases. The plan, acting at preventive and suppressive level, is developed on the basis of two parameters:

- The 1st parameter concerns the operational (police-judicial) action for the combating of organized networks with international character and for victims' release;
- The 2nd parameter concerns the provision of assistance and protection to victims, as a result of the action that will be developed under the first parameter.

184. Apart from Greece, 21 other European countries participate in ILAEIRA action, both EU member States and third countries (Portugal, Turkey, Italy, Albania, Cyprus, Bosnia-Herzegovina, Hungary, Moldova, FYROM, Austria, Serbia, Germany, Slovenia, Russia, Ukraine, France, Croatia, Montenegro, Finland, Bulgaria and Romania) and four international organizations (Europol, Interpol, Eurojust, Frontex, SECI).

VII. International assistance and cooperation

185. At the multilateral level, the recent Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (CETS No. 201), which ensures a high degree of protection of children against sexual exploitation and sexual abuse, was ratified and by Law 3727/2008.

186. In the context of the European Union, the following legal tools have been adopted:

(a) Member States cooperate in the prevention, identification, investigation, prosecution and punishment of persons who have committed any of the offences referred to in this Protocol on the basis of the EU framework decision on Eurojust, which was transposed into Greek legislation by Law 3663/08 (GG 99 A). Specifically, in order to intensify cooperation in combating crime, the EU established Eurojust by Decision 2002/187/JHA. Eurojust is responsible for investigations and prosecutions relating to any serious crime affecting at least two Member States. Its role is to promote coordination between the competent authorities of the Member States and facilitate judicial cooperation between them;

(b) Decision 2000/375/JHA of 29 May 2000 to combat child pornography on the Internet established certain initiatives that would partially address some of the problems also relating to sexual crimes against children;

(c) EU Council Framework Decision 2002/584/JHA, which was transposed into Greek legislation by Law 3251/2004, enacted the European Arrest Warrant and regulated the procedures of surrender between EU Member States (see response to guideline 24, pp. 30 et seq. hereof);

(d) With Framework Decision 2004/68/JHA of 22 December 2003 on combating the sexual exploitation of children and child pornography, the EU recognised that it must complement the significant work of international organizations by establishing an integrated approach to serious criminal acts relating to child pornography. The Decision stipulated a minimum degree of approximation of Member States' legislations as to the penalisation of the most serious forms of sexual abuse and exploitation of children, the extent of jurisdiction of national courts and the provision of minimum necessary assistance to victims.

187. Pursuant to the explanatory report to Law 3625/2007, the new provisions of this law are in line with Framework Decision 2004/68/JHA, which is now under abrogation, since a proposal for a Directive of the European Parliament and of the Council to combat the sexual abuse and sexual exploitation of children and child pornography is being processed by a working group. Specifically, the new Directive will penalise new forms of abuse on the Internet, will recognise special investigation techniques and will prohibit participation in certain activities and the exchange of information, in order to ensure its implementation across the EU. All these issues were examined on the basis of the right of respect for private and family life and protection of personal data (article 8 ECHR, articles 7-8 of the Charter of Fundamental Rights of the European Union).

188. The provisions of the new directive relating to the reinforcement of legislation on publication and dissemination of pornographic material, the promotion of child pornography or encouragement of sexual abuse of children, as well as the provisions relating to mechanisms blocking access to Internet sites containing pornographic material, are being examined in conjunction with freedom of expression (article 10 ECHR, article 11 of the Charter of Fundamental Rights of the European Union).

189. The Ministry of Citizen's Protection participates in several meetings and seminars organized within the framework of the EU, United Nations, EUROPOL, INTERPOL, SECI, Adriatic and Ionian Sea Initiative, Black Sea Initiative, etc. In order to fight against the organized crime and any form of crime, the Ministry exchanges information, at the international level, with EUROPOL, INTERPOL, SECI as well as via bilateral links, concluding police co-operation agreements with E.U. member states, third countries, as well as via appointment of police liaison officers.

190. In order to combat trans-border crime, the Ministry organizes, at a bilateral level with neighbouring countries (Albania, FYROM, and Bulgaria), meetings of the Border

Regional Police Authorities, by turns at the border points of the two countries, regularly when the two sides consider it as necessary.

191. In August 2008, Law no 3692 (GG 173/25 August 2008), ratifying the bilateral agreement on child trafficking between Greece and Albania that was signed in February 2006, entered into force, focusing on the protection of children victims of human trafficking. The Agreement provides the legal underpinning of a wider cooperation on child trafficking that has recently been developed by both countries.

192. In particular, the Agreement aims at forming joint means of response to child trafficking by imposing, on the one hand, stricter penalties upon those who commit, assist or even attempt to participate in the child trafficking industry and by strengthening, on the other hand, the cooperation among the Greek and Albanian police, administrative and prosecuting authorities. Regarding the latter, the said Agreement includes provisions on stricter border controls, adequate training for the border police officers and creation of data bases at border check points, guaranteeing, however, the protection of personal data at the same time.

193. Furthermore, the Agreement entails detailed provisions on the safe repatriation of children, taking into account the well-being of each child and assessing each case individually as well as on the integration of affected children to the recipient country through adoption or fostering procedures. Special emphasis is also placed on raising the public awareness on the implications of child trafficking, including unaccompanied minors, in both countries and enabling all the involving public and private agencies to intensify their endeavours towards the eradication of this phenomenon.

VIII. Other legal provisions

194. Law 3727/2008, which ratified the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, brought about further amendments and improvements to Law 3625/2007, which generally relate to the more severe punishment of the offences provided for in Laws 3064/2002 and 3625/2007 and, in this context, they are interpreted as a more favourable framework for the protection of the rights of the child.

195. In the context of the 28th Conference of European Ministers of Justice, the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention) was signed on 25 October 2007. The goal of this new Convention was to adopt a stricter and more effective framework of measures and policies for preventing and combating sexual exploitation and sexual abuse of children, providing protection and assistance to children victims of sexual abuse and promoting international cooperation in this field.

196. The preamble of the Lanzarote Convention lays down the main goals pursued thereby, including protecting children against sexual exploitation and sexual abuse, providing assistance to victims and reinforcing the fight against such crimes and child pornography, crimes that are increasing with the use of the Internet, because of the modern means offered by modern technology.

197. At the national level, Greece ratified the above Convention by Law 3727/2008, which harmonized the provisions of national legislation with the contents of the Convention, aiming at addressing more effectively and strictly the pathological phenomenon of sexual exploitation and sexual abuse of children, following the unsettling dimensions it has taken up in the past few years.

198. To ensure harmonization, account was also taken of existing provisions of laws on similar matters, such as those concerning trafficking in children, child prostitution and child pornography. By ratifying the Council of Europe Convention, Greece strengthened its criminal arsenal by providing for long incarcerations, penalized child grooming on the Internet or through mobile phones, provided for express trials and witness protection and for the entry into a special police database of the DNA profiling data of persons irrevocably sentenced for such crimes.

199. Law 3727/2008 paved the way for the implementation of programmes aiming at raising awareness and training on these issues, by establishing programmes for providing information and protection to children, implemented in schools. At the same time, a series of professionals bound by professional secrecy (such as doctors, psychiatrists, lawyers) was allowed to file reports to competent authorities in case of suspected sexual exploitation or sexual abuse of children. In addition, persons sentenced or prosecuted for such acts are prohibited from practicing any occupation that brings them into contact with children, while criminal agencies will retain identity and DNA profiling data for all irrevocably sentenced persons.

200. The law stipulated that the victim's family had to be notified in the event that the offender was released or uses leave of absence from prison. The first-instance trial will take place within 6 months from the referral of defendants at the latest, while the second-instance trial within 4 months from the lodging of the appeal at the latest. The protection measures and the provision of assistance to victims included telephone and Internet help-lines etc., as well as assistance for the physical and psychosocial rehabilitation of children victims and psychological support to their relatives. This new criminal arsenal provided for a sentence of imprisonment for 2-5 years for any adult who initiates on the Internet (or in any other communication medium) contact with a child younger than 15 years and, using gestures or indecent proposals, insults the child's dignity as regards his/her sexual life. A sentence of incarceration for 10-20 years is imposed to persons who commit abuse for indecent acts when the victim is a child.

201. For the offence of pornography, the age limit of the victim was raised from 10 to 15 years, when a more severe sentence is imposed, in order to prevent the commission of the offence and protect a wider range of ages. Sexual seducement of children using modern technology (internet, mobile phones that are widely used by children) was penalized for the first time and sentences of imprisonment and monetary fines ranging from 50,000 to 200,000 euros were provided for. A sentence of imprisonment for 2-5 years is imposed to persons who impel children younger than 15 years to attend an indecent act between other persons, while it was stipulated that indecent acts between children younger than 15 years would not be punished, unless the age difference between them is higher than 9 years, in which case correction or remedy measures are taken.
