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INICIATIVAS PARA LA ECONOMÍA SOCIAL Y SOLIDARIA



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**JUSTICE FOR WOMEN – Towards a more effective rights protection and access to judicial procedures for victims of crimes**

**JOINT LEGAL EXPERTS MEETING**

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EUROPEAN  
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THEMISTOKLES AND DIMITRIS TSATSOS FOUNDATION

The Centre aims to contribute to the development of democratic institutions and the welfare state under the rule of law; to deepen European integration and to strengthen international cooperation with respect for the cultural identity of each state

[www.cecl.gr](http://www.cecl.gr)

# Who we are

- Public benefit foundation and research institute, founded in 1995
- Implemented projects in more than 25 countries
- National focal point for the European Network of Fundamental Rights (FRANET) of the FRA - Collects data on fundamental rights & conducts field research
- Special consultative status to Economic and Social Council of the United Nations
- Participates in the activities of international organisations with Observer Status: observer at the UN CRPD & CEDAW
- Mandated body for Twinning Projects
- Coordinates the “Constitution-Making and Constitutional Change Research Group” of the International Association of Constitutional Law - operates the blog <http://constitutional-change.com/>
- ISO 9001 certified (project management, capacity building)

# Violence against women in Greece\*

According to the Gender Equality Index 2017 (EIGE), Greece's score for the domain of violence, which measures and analyses women's experiences in violence, is 27.4, which is in line with the EU average of 27.5.

- 25 % of women have experienced physical and/or sexual violence at least once since the age of 15. In the EU-28 the average is 33 %;
- 21 % of women who have experienced physical and/or sexual violence by any perpetrator in the past 12 months have not told anyone. This rate is 8% higher than the EU average of 13 %;
- 33% of women have experienced psychological violence by a current or former partner. In the EU-28 the average is 43%;
- 43% of women have experienced sexual harassment by any perpetrator. In the EU-28 the average is 55%;
- 12% women have experienced stalking by any perpetrator. In the EU-28 the average is 18%;
- 0.9% (rate per 100.000 female population) of women and girls are registered victims of human trafficking by Greece - (in the EU the same rate equals 2.3%).

# Violence against women in Greece

The SOS Helpline 15900 operated by the General Secretariat for Gender Equality in Greece has received **37.482** calls since 2011 and 5.088 calls in 2018 :

- 2.864 calls were reports by the abused women themselves and 1.252 calls were reports by third parties;
- 87% (2.519 calls) cases of domestic violence;
- 4% (110 calls) cases of sexual harassment;
- 1% (28 calls) cases of rape;
- 0.07% (2 calls) cases of trafficking;
- 4% (108 calls) related to other types of violence

# Violence against women – Support structures in Greece

61 institutional vehicles for combating and preventing all forms of violence against women, including:

- 21 shelters for women and their children; 26 advisory centers for gender related violence
- Police line “100”
- 24 hour hotline against violence/for women “15900”
- Social solidarity line “197”

# Violence against women - Legal framework in Greece

Istanbul Convention – ratified April 2018

All relevant EU law is applicable

Domestic Violence: law 3500/2006 «On domestic violence. Criminal acts - Obligations and Actions of Police - Provision of Aid to Victims»  
- *criminalized all acts of domestic violence against women as well as rape in marriage*

Societal violence - Rape: Criminal Code: Article 336 on Rape, Article 337 on Infringement of sexual dignity, Article 338 – Abuse and harassment

# Violence against women - Legal framework in Greece

Law 3064/2002 on Trafficking. Article 8 criminalizes trafficking

Ministerial Decree 233/2003 sets out rules for legal and social aid to victims of trafficking

Law 3386/2005 «Entry, residence and social integration of third-country nationals in the Greek territory». Article 46 foresees the granting of a residence permit to victims of trafficking

Sexual harassment: Law 3869/2010 on «Application of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation»

Trafficking: Law 4216/2013\_ «Entry, residence and social integration of third-country nationals in the Greek territory»

# Legal framework for the financial compensation of women victims of violence

## **Code of Criminal Procedure and Civil Code**

- all victims of crime have the option to pursue restitution of material and ‘moral’ damages, either within the framework of the criminal proceedings, as civil parties, or in an independent procedure before the civil courts
- the victim has the same options in the event that a third party is civilly liable to provide compensation
- in criminal courts: the victim must pay a court fee of 40 Euros in order to become a civil party in the criminal proceedings
- in civil courts: the court fees in civil courts vary in accordance with the amount of compensation sought and the specific type of proceedings



# Legal framework for the financial compensation of women victims of violence

## Code of Criminal Procedure and Civil Code

- if the compensation sought is for moral damages, it may be requested verbally before the criminal court without the need to file a claim in writing
- compensation is awarded on the basis of Civil Code provisions, which stipulate that (a) any person who causes damages to another illegally and willfully is liable to compensate them; (b) if the damage is inflicted to the victim's body or their health (including mental health) the compensation provided must include loss of revenue and future expenses due to the damage; (c) moral damages may be sought in particular when the victim's health, honour and 'purity' have been violated



# Legal framework for the financial compensation of women victims of violence

## **Code of Criminal Procedure and Civil Code**

- compensation is usually paid in monthly installments, unless there are serious reasons to pay it in a lump sum; if the defendant has posted bail, then the compensation may be deducted from the bail amount
- the victim may appeal a conviction that concerns the rejection, wholly or partly, of their claims for damages



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# Compensation of victims of violence by the State

has ratified the Istanbul Convention

has transposed Directive 2004/80/EC relating to compensation of crime victims (as well as Directive 2012/29/EU on the procedural rights of victims of crime).

National authority for the compensation of victims of violence - instituted in 2010 - within the Ministry of Justice



# Domestic violence

- compensation for moral damages of victims of domestic violence may not be less than 1.000 Euros, unless the victim requested it
- prior compensation to the victim of domestic violence is a condition for settling out of court
- pronounced lack of data
- *critical analysis of respective law*: law does not adopt a clear gender dimension, i.e. it does not specifically mention women as a vulnerable category of victims of domestic violence and does not include specific safeguards for their protection, despite the fact that they are statistically more likely to become victims of this type of violence

# Societal violence - Sexual harassment at work

- the victim is entitled to full compensation of damages, both material and moral; this is a civil procedure
- pronounced lack of data - only one scientifically based research conducted in 2003, sample of 1.200 adult working women in Athens and Thessaloniki
- Greek law is generally geared towards the protection of victims
- burden of proof is on the offender
- very few women report these crimes in comparison to the EU average
- an even smaller number of cases end up in court
- the Greek Police does not maintain a special registry for sexual harassment cases, hence there is no accurate record of their specific number



# Societal violence - trafficking

- ratified the Council of Europe Convention on Action against Trafficking in Human Beings
- transposed Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims
- in accordance with the above:
  - victims of trafficking are able to pursue financial compensation by the offender,
  - fund for the compensation of victims of trafficking is in place

# Policy perspectives – violence against women

- Istanbul convention ratified
- Criminal offenses – Criminal Code applies
- Burden of proof lies with accused
- Non disclosure is guaranteed
- Equal access to justice – Legal Aid forthcoming and easily accessible
- Pronounced lack of data – police no data at all for sexual harassment
- Under reporting – reporting rates below EU average
- Very few cases go to court
- Lack of effective communication between agencies and competent bodies
- Remedial provisions only vs preventive actions
- Sharia law applicable to Greek Muslim minority in Thrace:
  - mandatory application until 2018
  - discretionary appeal to the Moufti

# Policy perspectives - compensation of victims of violence

- No reliable data on the compensation of women victims of violence
- Compensation pursued in courts is subject to the general pathologies of the Greek justice system – delays in the administration of justice, in particular as regards civil procedures,
- Regarding compensation by the State, applications to the competent authority must be made in the Greek language, using a standardized form, and are subject to an application fee of 100 Euros, which must be paid in advance for the application to be considered admissible

THANK YOU  
GRACIAS

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