



© Tdh - Kosovo

Restorative Justice in Cases involving Child Victims

in Greece

December 2020

Prepared by
Effie PAPAIOANNOU, Martha CHATZOPOULOU,
Dimitra MOUSTAKA and Cecilia POPA



i-RESTORE
Better Protecting Child Victims
Rights through Restorative Justice



Terre des hommes
Helping children worldwide.

rin  restorativejustice.nl

 **EUROPEAN
FORUM FOR
RESTORATIVE
JUSTICE**



NURTURING A SAFE ENVIRONMENT FOR CHILDREN



i-RESTORE is co-funded by the European Union's Justice Programme (2014-2020).

Disclaimer

The content of this report represents the views of the author only and is his/her sole responsibility. The European Commission does not accept any responsibility for use that may be made of the information it contains.



Table of contents

Acronyms	4
Acknowledgements	5
Executive summary	6
1. The landscape of restorative justice in Greece	8
2. Overview of Greek juvenile criminal law	11
3. Restorative justice legislative and policy frameworks for child victims	13
A. The role of juvenile probation officers	15
B. Restorative justice for adults	16
C. Restorative justice in education	17
D. The police and informal reconciliation measures	18
4. Policy framework	19
5. Other legislation on the protection of child victims	20
6. Research and training on child victims and restorative justice	23
7. Research	25
A. Methodology	25
B. Research findings	26
Policymakers	26
Practitioners	30
Children	34
Conclusions and recommendations	37
Recommendations	38
References	41
Annex 1	44
List of interviewees	44

Acronyms

CAB

Child Advisory Board

EKKA

National Centre for Social Solidarity

EPAA

Athens Association for the Protection of Minors

KESATHEA

Central Scientific Council for the Prevention of and Response to Juvenile Victimization and Juvenile Criminality

KES

Central Scientific Council for Prisons

KMOP

Social Action and Innovation Centre

RJ

Restorative Justice

Acknowledgements

The present study is a result of the combined efforts of a number of researchers who have been involved at different stages of the process: Effie Papaioannou, Martha Chatzopoulou, Dimitra Moustaka and Cecilia Popa. A big thank you to Lina Nicolli who has shaped the report into its current form. Special thanks to Emanuela Biffi from the European Forum for Restorative Justice and Annemieke Wolthuis and Malini Laxminarayan from Restorative Justice Netherlands for their helpful input throughout the drafting stages of this report. Many thanks as well to Amanda Taylor for her outstanding edition and proofreading of this report. Last but not least, a big thank you to each and every participant in this report for having contributed their time and valuable expertise.

Executive summary

This study is part of the project “i-RESTORE – Protecting Child Victims through Restorative Justice” and aims to identify gaps and synergies in the application of restorative justice in cases involving child victims.

The first part of the report provides an overview of juvenile justice in Greece, including juvenile penal legislation; the policy framework for child victims; research, projects and training in restorative justice and children’s rights; and the current state of restorative justice and mediation in law and practice.

The second part of this report is based on an empirical study that draws on 24 consultations with 22 professionals and children. Analysis of the findings of these consultations are set out in six main areas: restorative work with child victims, the challenges in working with children, best practices in working with children, the existence and the frequency of training in restorative justice and juvenile justice, differences in working with children and the children’s opinions about restorative justice.

When referring to child victims, it is important to remember that young offenders have often been victimised themselves and so they have been included in the context of child victims for this study.

There are four main contexts in which children can be involved in restorative processes in Greece:

- Criminal proceedings based on the provisions of the Greek Penal Code for juvenile offenders: Conciliation between a juvenile offender and the victim, whether an adult or a minor, can be ordered by a court as a reform measure. These are the situations in which children are most often involved in mediation procedures in the justice system and conciliation is facilitated by juvenile probation officers. This means that, by default, the process is a more offender-oriented one.
- Penal mediation as an alternative resolution in cases of domestic violence: **Law 3500/2006** details the preconditions necessary and the processes to be used in such cases, with special

reference to mediation in cases where the victim is a minor. It states that the child can participate in the process through representation by both the Public Prosecutor for Minors and their guardian and that children over the age of 14 can be present at the proceedings if they wish.

- In civil and commercial cases: **Law 3898/2010** provides that in such cases, children can be indirectly involved, for example, in family or custody disputes. However, no special provisions are in place for their involvement. Mediation is conducted by mediators registered in the Registry of Mediators of the Ministry of Justice.
- In the school system: Children participate in mediation through programmes of peer-to-peer mediation between school students. The process is always supervised by schoolteachers, who train the students after being trained themselves in mediation. These practices are not institutionalised and are not part of a consistent national programme promoting school mediation. As a result, they may take different forms when implemented.

In the criminal justice system, juvenile probation officers prepare and submit a social report on the juvenile offender, describing their personal profile, home background, current and past social circumstances and the circumstances of the crime. This report concludes with a recommendation on what measures should be taken and used by the Public Prosecutor for Minors in determining diversion from prosecution and by the courts in determining appropriate sentencing. In cases involving misdemeanour crimes, conciliation is one of the measures that can be implemented.

According to the law, the Public Prosecutors can act as mediators, but this is not a common practice. Police can also deliver informal mediation, but there is no framework or policy to support this. Neither prosecutors nor police officers receive systematic training on mediation, and this includes training on the basic principles of restorative justice so that they are able

to refer potential cases for restorative resolution. Probation officers, who are, in the main, the officials who implement mediation in cases involving juvenile offenders, do receive training. However, this is not part of a consistent training programme at national level and any additional training they undertake is on their own initiative.

In 2017, parliament passed a law (**4478/2017**) that establishes Independent Offices for Juvenile Victims (known as “Houses of the Child”) where child victims of sexual abuse can give their testimonies and where they can be provided with holistic and specialised services (such as social work services, psychological counselling, legal assistance etc.) and so avoid any further re-victimisation and meet their needs in the best way possible. While the Houses of the Child are an innovative development, they have yet to become operational.

Mediation in school is not institutionalised and is not practised in all schools in Greece. The form of mediation which is used is peer-to-peer mediation for which teachers receive training, from a variety of bodies, and in turn train children as mediators whom they then supervise. However, such mediation initiatives are voluntary and depend on teachers’ time and willingness. They can also only be implemented with the approval of the Teachers’ Association.

Officially, mediators are those who are registered in the Registry of Mediators of the Ministry of Justice. One needs to follow specific training of 80 hours and pass a Ministry of Justice exam to be registered. The training focuses on the principles and processes of mediation and the skills and capacities necessary for a mediator. Trainees learn the theoretical approach upon which mediation is based and the practical and hands-on background necessary in order to pass the exams. Once registered, a mediator can undertake commercial and civil cases dealing with specific matters, as well as cases of domestic violence, under the process set out in **Law 4640/2019**.

In general, restorative justice seems to be more readily accepted by children than adults. This is the reason why new methods of restorative practices are being pioneered with children.



1. The landscape of restorative justice in Greece

1.1 The growth of restorative justice and mediation: general and historical overview

Restorative Justice (RJ) is not a new feature of the legal system in Greece. It is reflected, for example, in the writings of Aristotle (“epanorthotikon dikaion”^[1] / “restorative law”^[2]) and in a dispute resolution process used on Crete since the 12th century B.C. to address disagreements between families.^[3] Today, Greek criminal, civil and juvenile law all contain provisions that promote conciliation and mediation processes between offenders and victims:^[4] for example **Law 3500/2006 (OG 232/A/24.10.2006) on domestic violence**, **Law 3898/2010 (OG A 211/16.12.2010) on mediation in civil and commercial disputes** and **Law 3189/2003 (OG A 243/21.10.2003) on reform of juvenile justice**. RJ is also practiced at the community level, for example peer mediation in school settings.

However, RJ in Greece has received increased attention in recent decades in light of the country’s regional and international commitments to promote mediation in criminal cases and alternatives to litigation.^[5]

In 2017 legislation was introduced into domestic law incorporating Directive 2012/29/EU of the European Parliament and Council (Victims’ Directive) into Greek law (**Law 4478/2017, OG A 91/23-6-2017, (Part 4)**). This established minimum standards on the rights and protection of victims of crime and set out a holistic approach to providing victims with support, with a view to encouraging them to become more involved in the criminal justice process.^[6] However, the absence of adequate structures to support the law has hampered implementation of its provisions. Article 55 of **Law 4478/2017** sets out, for the first time, a definition of victim in Greek law. This reflects the definition in the Victims’ Directive (Article 2)^[7]

^[1] The “epanorthotikon dikaion” can only be understood as part of the wider views and ideas of Aristotle on justice and law. It is a term that concerns the relations between people that may become unequal after a damage or harm has been caused. The restorative law of Aristotle focuses, then, on assessing the exact character of the harm caused so as to render the two parties equal again, to restore equality.

^[2] K. Panagos (2017a). On being a mediator in victim-offender mediation: The case of the Greek juvenile justice system, In: C. Spinellis et al., eds., *Europe in crisis: Crime, criminal justice, and the way forward – Essays in honour of Nestor Courakis*, Athens-Komotini: Ant. N. Sakkoulas Publications, pp. 1685 et seq., available at: <http://crime-in-crisis.com> [in English]. See also, V. Artinopoulou (2013), *Restorative Justice in Greece – Final national report*, The 3E Model for a Restorative Justice Strategy in Europe (JUST/2010/JPEN/AG/1534), available at: http://3e-rj-model.web.auth.gr/files/national_reports/Greece.pdf [in English].

^[3] The conciliators of Crete Island, article in Kathimerini, 22.06.2014, <https://www.kathimerini.gr/772656/gallery/epikairothta/ereynes/oi-symfiliwtes-ths-ventetas-sthn-krhth>

The process was called *sasmos*, whose approximate translation into English is “fixing” and entailed an assisted and confidential negotiation between families, in order to prevent or settle vendettas (crimes committed to defend family honor, in accordance with ancient local customs).

and states that a victim is any natural person who has suffered damage (including physical harm, damage to health, loss of honour, moral injury, economic loss or deprivation of liberty) as a direct result of a crime. The law also defines as victims close relatives of a person whose death is the direct result of a crime, on account of the mental anguish inflicted, or because they were directly physically/materially dependent on the deceased.^[8] Article 55(c) contains a **special mention to minors, defined as any natural person under the age of 18.**

Article 55(e) expressly provides for a process of RJ by stating that the victim and the perpetrator, providing they freely consent to do so, may be actively involved in the resolution of the conflict or in addressing the consequences of a crime.

Article 63 of **Law 4478/2017** safeguards victims' rights during the application of restorative practices under the criminal justice system, providing protection from secondary and repeated victimisation and intimidation. This provision is largely in line with Article 12 of the Victims' Directive and states that restorative practices may only be implemented if they are in the interests of the victim. It also refers to the option of indirect mediation, but this is not defined further.

Under Article 63, RJ processes are offered by professionals trained to recognise the varying impact on the victim and to assess the victim's particular needs, but no further details on the background and training of these professionals is included. In order to ensure victims' free and informed consent to engage in a restorative practice, they must receive all the necessary information before making a decision about whether to participate or not and have at least three weeks to make their decision from the date of the offer. They may also rescind their decision at any time. The Article also stipulates that the offender must

acknowledge the basic facts of the case. Discussions in RJ processes remain confidential, unless agreed otherwise by the parties or required by national law due to an overriding public interest.^[9]

Article 63(1b) of Law 4478/2017 includes an additional condition to those set out in the Victims' Directive (Article 12(1)), namely that "restorative justice procedures are applied only if they **are in the victim's interest and the measures are designed to remedy the harm suffered by the victim** by the crime committed against them and in order **to avoid causing further harm**" (emphasis added). This provision is particularly important in relation to minors as the education of a juvenile offender cannot override the protection of the victim. On the contrary, RJ processes must aim to satisfy the needs of both the victim and offender.^[10]

Another law relevant to the implementation of RJ was introduced in June 2019, **Law 4619/2019**, which ratified provisions of the **Penal Code**. Article 104B(2) of the **Penal Code** allows for the mandatory release by the courts of prisoners convicted of a misdemeanour where the RJ process has been successfully completed between the offender and the victim. The Law's Explanatory Note does not provide a description of what constitutes a relevant RJ process (mediation, conciliation etc.) so the provision can be applied regardless of the form that RJ practices take when introduced into the Greek penal system.

Finally, it is perhaps useful to clarify some terms used in Greek criminal and civil legislation to refer to a variety of RJ processes and the differences between them:^[11]

- Victim-offender conciliation is a term used in the **Penal Code** and specifically in the provisions concerning juvenile offenders where conciliation is a measure aimed at reforming the young offender.

^[4] V. Artinopoulou (2013), op. cit.

^[5] E. Lambropoulou (2010). Alternative dispute resolution and restorative justice schemes for juvenile offenders in Greece – Potentials and open questions, In: *Essays in Honor of Professor C.D Spinellis, Interdisciplinary Criminological Pathways*, Sakkoulas Ed. Athens -Komotini p.907-927. [in English].

^[6] *Racist Violence Recording Network Annual Report 2017*, http://rvrn.org/wp-content/uploads/2018/03/Report_2017eng.pdf

^[7] I. Michael, EPLO (2019), *Vociare National Report Greece - Project "VOCIARE: Victims of Crime Implementation Analysis of Rights in Europe"*, https://victimsupport.eu/activeapp/wp-content/uploads/2019/08/VOCIARE_National_Report_Greece_interactive.pdf

^[8] *Ibid* I. Michael, EPLO (2019).

^[9] *Ibid* I. Michael, EPLO (2019).

^[10] K. Panagos (2017b), *Victim-offender mediation in juvenile justice system: The necessity for procedural guidelines*, Poiniki Dikaiosi, 8-9, pp. 723 et seq. [in Greek].

^[11] V. Artinopoulou (2013), op. cit.

- Penal conciliation is used in the **Penal Code** and the **Code of Criminal Procedure** and deals with the restitution of damage and possible discharge of the accused under specific circumstances in relation to specific crimes.
- Mediation is provided for in civil and commercial law; it is also an alternative dispute resolution procedure used in a variety of different fields (in the community, in the workspace, as cultural mediation, school mediation etc.).
- Penal mediation is also provided for in the **Code of Criminal Procedure** and **Law 3500/2010** for cases of domestic violence.

Even though the term mediation reflects the more voluntary and free spirit under which the parties get involved in the process in comparison to conciliation, the first term is often used in all the above described cases. In terms of implementing the processes, both entail direct or indirect dialogue between people affected by the conflict/ offence with the help of a designated facilitator.



2. Overview of Greek juvenile criminal law

Under the Greek Constitution, juvenile offenders must be tried by juvenile courts which are exempted from the requirement to issue judgments in public (Article 96(3)).^[12] There is one juvenile court in each First Instance Court District backed up by a Juvenile Probation Service. Juvenile court judges and public prosecutors serve a three-year term and do not work exclusively on juvenile cases during that time (except for the Athens Prosecutor, where heavier judicial caseload demands they work exclusively on juvenile cases). The Juvenile Probation Service is composed of professionals from different academic backgrounds with specialised knowledge in child psychology and other behavioural sciences.^[13]

There is no specific Juvenile Justice Act in Greece – provisions for juveniles are contained in general criminal law. Articles 121-133 of the **Penal Code** include special provisions for juveniles that are intended to promote assistance, re-education and therapy to young offenders.

The **Penal Code** (Article 121(i) and (ii)) sets out different approaches to different age groups of offenders. A minor aged between twelve and 15 is not considered criminally liable and only reform or therapeutic measures may be imposed by the court, where deemed absolutely necessary. Minors aged between 15 and 18 are criminally liable and subject to reform or therapeutic measures, except where deprivation of liberty is deemed necessary.^[14]

The current legal framework for juvenile offenders integrates the so-called “justice model” and the “welfare model.” Depriving juvenile offenders of their liberty in special correctional institutions is a penal measure of last resort (Law 4322/2015).^[15] **Importantly, Law 4322/2015 (OG A 42/27.04.2015) establishes that depriving juvenile offenders of their liberty is an exceptional measure that may be imposed only for the most serious crimes and where no other measure is deemed to be effective.**^[16]

^[12] Ibid V. Artinopoulou (2013).

^[13] http://www.oijj.org/sites/default/files/baaf_greece1.pdf

^[14] S. Giovanoglou & A. Păroşanu (2015) ‘Greece’, In: F. Dünkel, A. Parosanu & P. Horsfield (eds.) *Research and Selection of the Most Effective Juvenile Restorative Justice Practices in Europe: Snapshots from 28 EU member states I*, Brussels: International Juvenile Justice Observatory, pp. 81/85 < <https://www.oijj.org/en/documentation-centre/docs/publications/research-and-selection-most-effective-juvenile-restorative> >. [in English]

^[15] K. Panagos (2017a), op.cit.

^[16] K. Kosmatos (2017). According to statistics of the Ministry of Justice that are reported in the article, the numbers of juvenile inmates were formed from

In 2003, the juvenile justice system underwent significant changes. The impetus for these changes was the desire to harmonise the criminal law provisions with those of the UN Convention on the Rights of the Child. **Law 3189/2003 (OG A, 243/21.10.2003) on the reform of penal legislation for juveniles and other provisions** reflected the new international trends in juvenile justice systems.

In addition, **Law 3860/2010 (OG A, 111 / 12.7.2010) on improvements on penal legislation for juvenile offenders, prevention and treatment of juvenile victimisation and delinquency**, upgraded the role of the juvenile courts and the rights of juvenile defendants by making the appointment of a defence lawyer for juveniles accused of a felony mandatory. **Law 3860/2010 also explicitly states that minors may not be tried for a criminal offence *in flagrante delicto* ("caught in the act") proceedings and that only ordinary proceedings before a juvenile court may be applied.**

Subsequently, **Law 3904/2010 (OG A, 218 /23.12.2010) on rationalisation and improvement of the administration of criminal justice and other provisions** established the right to appeal against decisions imposing reform measures.

Law 4356/2015 (OG A 181/24.12.2015, Covenant of Cohabitation, Exercise of Rights, Criminal and Other Provisions) establishes that only juvenile courts prosecute offences committed by minors and can impose remedial measures as defined in the **Penal Code** (Article 113). It also stipulates that offences committed by a juvenile that would carry a life sentence if committed by an adult, as well as those prescribed in Article 336 of the **Penal Code** (rape) committed against a person under the age of 15, should be heard by a three-person juvenile court. All other offences are heard by a single-member juvenile court. Appeals against the decisions of both one and three-member juvenile courts are heard by the Juvenile Court of Appeals.^[17]

1 January of each year since 01.01.2003 to 01.01.2017 as such (year/no. of inmates): 2003/449, 2004/543, 2005/445, 2006/420, 2007/376, 2008/446, 2009/520, 2010/510, 2011, 568, 2012/587, 2013/600, 2014/452, 2015/358, 2016/245, 2017/250.

^[17] X. Dimitriou (2019), "General principles of minor law, international and Greek legislation on minor offenders and specialized professionals", EPANODOS, Essays of the 2nd Annual Conference on "Social reintegration of minors and juvenile offenders", Ed. Dionicos, Athens, 2019 p. 21 et seq [in Greek].



© Tth - Ukraine

3. Restorative justice legislative and policy frameworks for child victims

Reiterating the provisions of the Victims' Directive (2012/29/EU), a recent recommendation of the Committee of Ministers of the Council of Europe to Member States refers to RJ in criminal matters as "any process which enables those harmed by crime, and those responsible for that harm, if they freely consent, to participate actively in the resolution of matters arising from the offence, through the help of a trained and impartial third party"^[18]

The adoption of victim-juvenile offender conciliation was part of Greece's wider efforts to comply with European recommendations^[19] and to follow successful international policies on juvenile justice. The Explanatory Note to **Law 3189/2003** states that victim-offender conciliation was being introduced as a way to approach the problem of young offenders modelled on the legislation in many other countries.^[20] **As a result,**

and for the first time, the needs of the victim were brought to the forefront in the juvenile justice system and official efforts to address juvenile offending acquired a "restorative" dimension.^[21]

Greek law provides for such practices in the field of juvenile justice and domestic violence.^[22] In particular, **Law 3189/2003 on the reform of the penal legislation for juveniles and other provisions** is considered a major breakthrough in the treatment of juvenile offenders^[23] and amended Articles of the **Penal Code** (Article 122 (1)e-f) and the **Code of Criminal Procedure** (Article 46) and introduced victim-juvenile offender conciliation, restitution and community service.

According to the Greek **Penal Code**, the measures and corrections applicable to juvenile offenders are: a) reform measures, which can be imposed on all minors

^[18] Recommendation CM/Rec(2018)8 of the Committee of Ministers to member States concerning restorative justice in criminal matters, Appendix: II (3), https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016808e35f3

^[19] Recommendation No. R(87)20 on social reactions to juvenile delinquency, No. R(2003)20 concerning new ways of dealing with juvenile delinquency and the role of juvenile justice, No. R(87)18 on simplifying criminal justice and No. R(86)12 on the measures for the prevention and decrease of the excessive case load dealt with by the courts.

^[20] P. Papadopoulou (2006) 'Victim-offender mediation for minors in Greece', Newsletter of the European Forum for Restorative Justice 7(1): 1-3, <https://www.euforumrj.org/en> >

^[21] K. Panagos (2018), op. cit.

^[22] K. Panagos (2018), op. cit.

^[23] V. Artinopoulou (2013), op.cit.

aged 8-18, and include among others conciliation, restitution and community service (Article 122); b) therapeutic measures, which can be applied to all juveniles in need of special treatment (Article 123); and c) detention in special youth institutions, which can be imposed on juveniles aged between 15 and 18 (Article 12).^[24]

i) Victim-juvenile offender conciliation (Article 122 (1e))

According to the Explanatory Note to **Law 3189/2003**, victim-juvenile offender conciliation was introduced as a process to bring the juvenile offender closer to the victim, make the offender take responsibility for their actions and provide restitution in order to have a positive impact on the juvenile.^[25] As a reform measure, it aims to educate the offender through direct contact with the consequences of victimisation. In a circular published in 2019 (07/2019), the Supreme Court Public Prosecutor stated that by apologising, the offender acknowledges their responsibility for what they did and for the consequences of their actions, recognises the harm caused, takes the initiative in reparation for the injury and sincerely promises not to repeat the same actions in the future. As well as the expression of regret, the law also provides for an “out-of-court settlement of the consequences of the act,” which means that the procedure is not confined to the court but is carried out by a competent mediator before and after the hearing.^[26] Implementation of victim-juvenile offender conciliation is carried out through the intervention of juvenile probation officers who act as mediators.^[27]

Generally, the courts impose victim-juvenile offender conciliation measures in cases of property offences and less severe forms of physical violence.^[28] Other common criminal behaviours which can be dealt with by RJ processes are cases of bullying at school; peer group violence and aggression; and racist and hate

crimes against minorities, asylum-seekers, migrants and victims of human trafficking.^[29] During the first judicial year after the introduction of mediation in criminal law for juveniles (2003-2004), the measure was imposed in only six cases by the Juvenile Probation Services of Athens, while in the judicial year 2005/2006 mediation and compensation were not imposed at all. Statistics on the implementation of mediation as a reform measure at the national level reveal that in 2009 and 2010, it was imposed in very few cases (73 in total). Most of them (54 out of the 73) were in Thessaloniki and in the town of Serres (10 out of 73 cases). In all other Juvenile Probation Services, mediation was applied only once or twice in these two years.^[30]

ii) Restitution (Article 122 (1f))

Compensation can take the form of the return of stolen goods to the victim, payment to the victim for the harm caused or reparation of the material damage by other means and can be combined with other measures, especially mediation or community service.^[31]

iii) Community service (Article 122 (1j))

The aim of community service is to increase a juvenile offender’s sense of responsibility and support their integration into society. The specifics of implementing community service as a reform measure for minors were set out in a joint Ministerial Decision issued in 2017 (**73461/2017 (OG 3647/B/16-10-2017)**). This clarifies that it is a measure of last resort before the incarceration of a minor. It is usually preferred that local bodies in the offender’s home community carry out the measure, but the Juvenile Probation Service is ultimately responsible for implementation and monitoring the process.^[32]

These restorative measures may be imposed either by a prosecutor’s order, in order to abstain from

^[24] K. Kosmatos (2018), The enforcement of reformatory measures in Greek penal legislation, *Poiniki Dikaiosyni* 2/2018, pp. 133 et seq. [in Greek].

^[25] E. Lambropoulou (2010), op.cit.

^[26] Supreme Court Public Prosecutor’s Circular no. 7/2019.

^[27] P. Papadopoulou, P. Panagiotopoulos, (2008): Paper prepared for the case of Greece In: Final report of AGIS Project JLS/2006/AGIS/147, *Restorative Justice: An Agenda for Europe Supporting the Implementation of Restorative Justice in the South of Europe*, European Forum for Restorative Justice, Leuven, 2008, https://www.euforumrj.org/sites/default/files/2019-11/going_south_report.pdf

^[28] K. Panagos (2017b), op.cit.

^[29] The GRUNDTVIG LLP Program “Together against Juvenile delinquency”, partner search form, http://www.ua.gov.tr/docs/grundtvig-%C3%B6%C4%9Frenme-ortakl%C4%B1klar%C4%B1-projeleri/44_partnersearchgrundtviglmediate.pdf?sfvrsn=0

^[30] S. Giovanoglou & A. Părosanu (2015), op.cit.

^[31] E. Lambropoulou (2010), op. cit.

^[32] *Ibid* E. Lambropoulou (2010).

prosecution (diversion), or as a form of restriction or reform imposed by a court after trial.^[33]

As regards **diversion** from prosecution at the pre-trial stage, according to Article 46 of the **Greek Code of Criminal Procedure**, the Public Prosecutor may refrain from criminal prosecution and impose one or more of the restorative measures provided for in the **Penal Code**, such as victim-offender conciliation. This provision can be applied where the juvenile has committed a petty offence or misdemeanour (such as theft, assault or vandalism) and where the Public Prosecutor decides, given the circumstances in which the crime was committed and the offender's profile, that prosecution is not necessary to deter them from committing further offences. In order for the prosecutor to decide to refrain from prosecution, a prior social report must be submitted by a juvenile probation officer.

The measures that can be imposed in these circumstances **include among others the application of victim-juvenile offender conciliation, restitution and community service. The law makes no mention of the consent of the parties, since it is a decision of the Public Prosecutor, but consent is always sought.** Article 122(1) also provides for a deadline for compliance to be set. **If the minor fails to comply with the measures and obligations imposed on them, the Public Prosecutor can then initiate criminal proceedings, in accordance with Article 43(1) of the Code of Criminal Procedure.**

The procedure outlined above is also applicable in cases of domestic violence. In particular, Article 11(5) of **Law 3500/2006** provides for Article 46 of the **Code of Criminal Procedure** to be applied in cases of alleged domestic violence at the level of a misdemeanour. Therefore, in such cases involving a juvenile offender, the Public Prosecutor may also refrain from criminal prosecution in favour of victim-juvenile offender conciliation.

Regarding the measures that can be imposed, **Law 4322/2015** abolished a provision of the **Code of Criminal Procedure** allowing the Public Prosecutor to order

the payment of a fine up to €1,000 to a not-for-profit or public organisation as an alternative to trial. The Explanatory Note to the Law regarding this states: "In a difficult economic situation for the country, the imposition of a measure of a financial nature is only addressed at an extremely limited group of juveniles while its educational function appears limited since the fine will be often paid by those who have the custody of the juveniles."

These measures can be imposed by the Public Prosecutor also as a **restrictive condition** in order to avoid pre-trial detention if the juvenile offender is aged 15 or older.^[34] For example, conciliation can be imposed by the Public Prosecutor as an alternative to pre-trial detention in cases where the penalty for the offence committed is of more than 10 years' confinement in a correctional facility.^[35] Article 283 (1)b of the **Criminal Code** allows for one or more such measures to be imposed as restrictive conditions for juveniles.

If a juvenile offender's case comes to **trial**, the juvenile court can order the same reform measures as are applicable at the pre-trial stage. Under the **Criminal Code**, if a juvenile court sentences an offender to detention in a young offenders' institution, the sentence should be mitigated if the young offender has shown genuine (sincere) remorse and has attempted to alleviate or mitigate the negative consequences of the offence.^[36]

A. The role of juvenile probation officers

Juvenile probation officers play a pivotal role in the application of victim-juvenile offender reform measures, whether used to divert juveniles from prosecution, as a pre-trial restrictive order or as an educative sanction. The Juvenile Probation Service is an integral partner in the juvenile legal system and has traditionally had an orientation towards rehabilitation and welfare. It is also an integral partner in juvenile court procedures,^[37] mediating between the court and the young offender, providing counselling services to young offenders and their families,

^[33] K. Panagos (2017b), op. cit.

^[34] S. Giovanoglou & A. Păroşanu (2015), op. cit.

^[35] K. Panagos (2017a), op. cit.

^[36] K. Panagos (2017b), op. cit.

preparing social reports (before, during and after trial) with recommendations for the juvenile courts and supervising young offenders under juvenile court orders (reform measures).

Juvenile probation officers prepare and submit a social report on the juvenile offender, describing their personal profile, home background, current and past social circumstances and the circumstances of the crime. This report concludes with a recommendation on what measures should be taken^[38] and is used by the Public Prosecutor for Minors in determining diversion from prosecution and by the courts in determining appropriate sentencing. Court hearings may be postponed if no pre-sentencing report is available.^[39]

Juvenile probation officers also monitor and guide the enforcement of community measures, including restorative orders; support juveniles and their families or guardians; and facilitate direct contact between the offender and the victim, promoting reconciliation, compensation and reparation.

Formally, juvenile probation officers are only involved in so far as they support the Public Prosecutor or the judge.^[40] However, in practice, they, rather than expert mediators, carry out the role of the mediator in victim-offender mediation for juveniles.^[41] Research conducted in 2011 by the Juvenile Probation Service in Thessaloniki found that there was a clear need for further education of the juvenile probation officers as well as for other qualified professionals or trained volunteers to take up the role of the mediator, rather than this being an additional task imposed on the officers over and above their other duties.^[42] In 2014, further research examined, *inter alia*, the role of the juvenile probation officer in the Juvenile Probation Services of Attika and Thessaloniki.^[43] This also highlighted the need for systematic training and specialisation in mediation for juvenile probation officers and for the

development of a regulatory framework governing the mediation process. At the time of writing, no steps had been taken to act on these findings.

B. Restorative justice for adults

Greece incorporated a mediation process into its domestic violence legislation in an effort to harmonise its national penal system with Council Framework Decision 2001/220/JHA, which asked Member States to examine and improve the status of victims of crime and promote a mediation approach by 2006.^[44] **Law 3500/2006**, which was recently amended by **Law 4531/2018**, introduced penal mediation (Articles 11 to 14) for cases of misdemeanour domestic violence, allowing the prosecutor to suggest to parties that they engage in mediation prior to criminal prosecution or before trial.^[45] Penal mediation is used as part of the criminal process rather than as an alternative.^[46]

In the mediation process, the Public Prosecutor brings the victim and the offender together to try to resolve the problem of violence and acts as mediator. The decision to engage in mediation depends on the Prosecutor's evaluation of the case and on the victim's consent. However, penal mediation only takes place if both the victim and the offender agree to participate. The offender may also request mediation. In that case, the Prosecutor relays the request to the victim who has up to three days to respond.

Whether a mediation process is initiated depends on several preconditions that concern the commitment of the offender to the process. The offender must "promise" to refrain from any future act of violence; agree to stay out of the family residence for a reasonable period of time, if the victim requests this; attend a special advisory and/or therapeutic programme that addresses domestic violence; and pay reasonable

^[37] N. Koulouris, W. Aloskofis., S. Vidali, D. Koros, S. Spyreas, (2015) *European Prison Observatory Alternatives to Prison in Europe: Greece*, Antigone Edizioni Rome, October 2015, <http://www.prisonobservatory.org/alternatives/ALTERNATIVES%20TO%20PRISON%20IN%20EUROPE.%20GREECE.pdf>

^[38] The GRUNDTVIG LLP Program, op. cit.

^[39] N. Koulouris et al (2015), op.cit.

^[40] E. Lambropoulou (2010), op. cit.

^[41] V. Artinopoulou (2013), op. cit.

^[42] K. Panagos (2011), op. cit.

^[43] A. Mallouchou (2014), *Restorative justice: An alternative approach to treatment of juvenile offenders; mediation and the special preventive role of Juvenile Probation Officers*, (dissertation), School of Social Sciences, Department of social and educational policy, University of Peloponnese.

^[44] G. Wasileski (2017), Prosecutors and Use of Restorative Justice in Courts: Greek Case. *Journal of Interpersonal Violence*, 32(13), 1943–1966.

compensation to the victim for the immediate consequences of the violence (**Law 3500/2006**, Chapter D, Article 11 part 2 a, b, c). If the offender complies with these terms for a period of three years, criminal charges against them are dropped.^[47] Otherwise, the Public Prosecutor may reopen the case and initiate criminal proceedings.

Penal mediation may take place when the victim of domestic violence is a minor, but in that case the minor is represented by the Public Prosecutor for Minors and their guardian, provided the latter was not the person who inflicted the violence (Law 3005/2006, Article 11(3)).^[48]

Conciliation is also referred to in Articles 301 and 302 of the **Code of Criminal Procedure** for certain felonies against property (**Law 3904/2010**). However, these mainly deal with restitution of the damage caused rather than conciliation between the victim and offender.

The **Penal Code** also contains provision for discharging the accused of any penalty for crimes against property, provided the offender fully restores the harm of damage caused to the victim and/or reduces the risk caused by their actions, of their own free will and within the deadlines specified by the law (**Penal Code**, Article 406 concerning the offences set out in Articles 386, 386A, 386B, 387, 389, 390, 394, 397 and 404).^[49]

Finally, although it does not fall directly within the scope of RJ, **Law 4640/2019** provides for civil mediation for those who have a stake in a specific dispute to collectively identify and address harms, needs and obligations with the aim of reaching an agreement. This law made initial mediation sessions mandatory for specific categories of cases. In addition, Greece also introduced judicial mediation in 2012 by adding a new article to its **Code of Civil Procedure** (Article 214B) that enables courts to appoint judges to serve

as full or part-time mediators for a term of two years. In July 2015, a further Article was added to the **Code of Civil Procedure** that specifically addressed civil and commercial mediation (Article 214C).^[50]

C. Restorative justice in education

The philosophy and principles of RJ are promoted at the social level through school-based mediation and conflict resolution programmes. In Greece, many peer-to-peer mediation trainings and programmes have been implemented in recent years. School mediation is supported by the Children's Ombudswoman, it is promoted by the Ministry of Education and recognised in the findings of the National Dialogue on Education.

In the Greek educational system, school mediation programmes have been implemented in secondary education settings over the past decade as annual extracurricular health education programmes. The purpose of health education is to defend, improve and promote the psychological, physical and social health of students by developing their skills and critical thinking and by improving their social and natural environment.^[51] The Ministry of Education has supported mediation through its 2014 circular (4077/28-04-2014) on the development and organisation of a network against school violence and bullying. However, mediation has yet to be included as an integrated, structured process in school curriculums.

Of particular importance to the protection of child victims, is the special obligation of teachers to inform the authorities without delay if, while they are carrying out their educational duties, they discover or are informed of domestic violence against a student (Article 23 of **Law 3500/2006**). If a teacher has reason to believe there is any kind of abuse of a minor, they also have a general obligation to report it to the Public Prosecutor or any investigating officer (Article 40 of the **Code of Criminal Procedure**).

^[45] V. Artinopoulou (2013), op. cit.

^[46] P. Papadopoulou (2008), op. cit.

^[47] G. Wasileski (2017), op. cit.

^[48] V. Artinopoulou (2013), op. cit.

^[49] I. Michail, EPLO (2019), op. cit.

^[50] ADRcenter website: <http://www.adrcenter.gr/mediation/> accessed on 21 January 2020.

^[51] K. Karakiozis, & E. C. Papakitsos (2018), Attitudes of Teachers Who Implement School Mediation Programmes: A Case Study, *International Educational Research*, 1(2), 16-25, <https://doi.org/10.30560/ier.v1n2p16> [in English].

D) The police and informal reconciliation measures

Restorative measures in a wider sense also form a complementary part of traditional Greek criminal justice procedures.

For example, police officers informally apply reconciliation schemes to avoid referring micro-conflicts to the already overloaded justice system.^[52]

In cases of offences where an official complaint has been lodged, police officers may attempt to bring together the accused and the victim to reach an extrajudicial settlement and so avoid sending the case to the Prosecutor.^[53] Police may apply restorative

approaches but their practices do not fall under RJ. An apology from the offender works in less serious cases where both parties wish to avoid the case going to court. Police when operating informally often do not realise that they make use of restorative approaches because they are operating in a pragmatic way and have not been trained in these measures.^[54]

The police are also involved in juvenile justice in that the Hellenic Police Head Quarters operates the Minors' Protection Unit. This Unit is responsible for preventing and prosecuting crimes committed by or against minors, the study of the social causes of crimes committed by juveniles and inter-agency cooperation on these issues (Presidential Decree 14/2017).

^[52] V. Artinopoulou (2013), op. cit.

^[53] P. Papadopoulou (2008), op. cit.

^[54] V. Artinopoulou (2013), op. cit.



4. Policy framework

At the Government level, the General Secretariat for Justice, Transparency and Human Rights, developed the National Action Plan on the Rights of the Child 2015-2020 which aims to improve the quality of life of children in Greece and to defend their rights effectively. The Action Plan covers a wide range of government policies and its priorities are:

1. Combating child poverty and the impact of the financial crisis on children.
2. Protecting children in the context of refugee and migratory flows.
3. Ensuring children's right to health.
4. Ensuring children's right to education.
5. Child protection in the community (de-institutionalisation).
6. Ensuring child-friendly justice.

Important policies under the child-friendly justice agenda include the establishment of a family court with judges specialised in family law to deal exclusively with family disputes, in order to minimise the psychological pain of children. A precondition for family disputes to be referred to this special court is attempting dispute resolution through family mediation. Under the Action Plan, emphasis should be given to RJ when alternative sentencing measures are implemented for juveniles (Articles 122-123 of the **Penal Code**).^[55]

At the judicial level, a circular issued by the Public

Prosecutor's Office of the Supreme Court (no. 07/25-06-2019) provides guidance on promoting the implementation of measures to reform juvenile offenders and victim-juvenile offender conciliation (in line with Article 122 of the **Penal Code**). According to the then Public Prosecutor of the Supreme Court, the circular reflects the commitment of the Prosecutor's Office to juvenile justice and its principles, as well as its desire to modernise its judicial practices. The circular was accompanied by three guiding tools for the implementation of victim-juvenile offender conciliation that have been distributed to the Juvenile Probation Offices in Athens and Piraeus where they are operational.

Academics have also played an important role in promoting RJ. The involvement of Greek criminologists in the field of RJ is relatively limited but rapidly evolving. In addition, the subject is also studied in Greek universities.^[56] The establishment of the University "Restorative Justice and Mediation" Laboratory in 2015 at the Panteion University, for example, is an important initiative.^[57] Founded by Professor Dr Vasiliki Artinopoulou, the Lab aims to promote research and public policies in RJ, criminology, victims' rights, human rights and the criminal justice system. Its main activities are focused on developing research projects, training activities for stakeholders and professionals in the criminal justice system and raising awareness of RJ, victims' rights, the rule of law and the criminal justice system.^[58]

^[55] Ministry of Justice General Secretariat for Transparency and Human Rights ACTION PLAN FOR CHILDREN'S RIGHTS 2015 -2020 (Draft), Athens 2014, <http://www.opengov.gr/ministryofjustice/wp-content/uploads/downloads/2014/11/DIAKAIODYNHSPAIDI.pdf>

^[56] Courses are provided in the Sociology Department of the Panteion University of Social and Political Sciences, the Law School of the Aristotle University of Thessaloniki and the Law Department of the National and Kapodistrian University of Athens.

^[57] V. Artinopoulou, S. Vidali, S. Georgoulas, O. Themeli, N. K. Koulouris, G. Papanikolaou, (eds.) (2018). Powers, scientific neutrality and criminological reason. 50 Years Howard Becker "Whose side are we on?" Contributions to the first conference of the Hellenic Society for the Study of Crime and Social Control, Athens 24-27 May 2016, Athens, p. 723 et seq.

5. Other legislation on the protection of child victims

The UN Convention on the Rights of the Child, which has been incorporated into Greek law (**2101/1992**), states that children “should be fully prepared to live an individual life in society, and to be brought up in the spirit...of peace, dignity, tolerance, freedom, equality and solidarity” (preamble). Article 3 of the Convention states that: “In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.”

Regarding minors seeking international protection, Article 21 of **Law 4540/2018** complies with Article 23 of Directive 2013/33/EU of the European Parliament and Council, which states that: “The best interests of the child shall be a primary consideration for Member States when implementing the provisions” of the Directive. The authorities have a responsibility to ensure that minors have an adequate standard of living and to guarantee their physical, mental, intellectual, moral and social development. Assessment of a minor’s best interests must take into account in particular the possibilities for family reunification; the quality of life and social development of the minor; and security and protection issues, especially if there is a risk that the minor may be the victim of trafficking. Due account must also be taken of the views of the minor, in accordance with their age and maturity. Where appropriate, the competent authorities must ensure that minors who are victims of any form of abuse, neglect, exploitation, armed conflict or torture

or cruel, inhuman or degrading treatment have access to rehabilitation services, as well as appropriate psychological care and treatment.

Law 4478/2017 establishes that victims and those close to them are entitled to have access to the confidential victim support services they need, before, during and for a reasonable period after the end of criminal proceedings and free of charge (Article 61). General and special victim support services may be provided by the police (that is, by the special police unit for the protection of minors) and any other competent authority as well as public agencies (Article 61(4)). For child victims these include, in addition to those established by local authorities, mental health services, the services offered by the National Centre for Social Solidarity (EKKA), the Independent Child Victims’ Protection Offices of the Juvenile Probation Service of the Ministry of Justice, as well as other (voluntary) organisations. The Law also makes special provision for the children of women victims of sexual abuse, exploitation, domestic violence, trafficking and racism who are also entitled to the support and care measures set out (Article 61(5)a).

Law 4478/2017 also stipulates that when applying this law in cases of child victims of crime, the best interests of the child should be the primary consideration and these should be assessed on an individual basis. Every child victim should be approached sensitively, with due regard for their age, degree of maturity, views, needs and concerns, without prejudice to their

parents or legal representatives. Minors and their parent, legal guardian or any other legal representative must be informed about any relevant measures or rights (Article 54(2)).

Various Articles of Law **4478/2017** reiterate or incorporate the Victims' Directive. For example, the Law refers to the right to privacy and, in particular, provides for the court to have the power to order the trial, or part of it, to be conducted behind closed doors, if a public hearing is considered to be detrimental to the child victim (Article 67(2)).

The law also requires individual assessment of child victims to identify their protection needs (Article 68). Therefore, law enforcement, prosecution and judicial authorities must inform and refer juvenile victims to the Juvenile Probation Services and Social Assistance Guardians of the Ministry of Justice so that they can undertake a timely individual assessment of the victim and identify any specific protection needs. Because minors are at particular risk of being subjected to secondary and repeated victimisation, intimidation and retaliation, the law requires that they be individually assessed by the Independent Victim Protection Offices of the Child Protection Services, or in their absence, by juvenile probation officers, in collaboration with a child psychologist or psychiatrist.

Law 4478/2017 also sets out the right of juveniles to request that the prosecution or judicial authorities appoint a Juvenile Probation Officer to act as legal guardian and to represent them at any stage of the criminal proceedings if their parents are unable to act as their legal guardians or if they are unaccompanied minors, or are separated from their family (Article 69(7)).^[59]

The law also provides for the establishment of Independent Juvenile Protection Offices, also known as "Houses of the Child." Five new Houses of the Child in Greece's larger cities (Athens, Piraeus, Thessaloniki,

Patras and Heraklion) are under development. In these institutions, juvenile victims receive specialist assistance from the time they report the criminal act to the completion of the criminal proceedings, with a focus on their protection and reparation for the harm caused by the crime. In particular, Houses of the Child provide specialised services for examining child witnesses and victims of sexual crimes.^[60] Houses of the Child are tasked with carrying out individual needs assessments under specific conditions (set out in **Law 4478/2017** (Article 74(1) c, d and e) and providing general support services for child victims (Article 62).^[61] This process of individual needs assessment was set out in 2007 in Article 226a of the **Code of Criminal Procedure. A Ministerial Decree (7320/2019, Government Gazette 2238 / B / 10-6-2019)** regulates the operation of Houses of the Child.

More generally, Greek legislation sets out numerous special rights for juveniles during criminal proceedings. For instance, the **Code of Criminal Procedure** states that, if a minor is a victim of an infringement of their personal or sexual freedom, human trafficking, sex tourism, abduction, kidnapping or a sex crime, they have the right to access trial records, even if they have not filed a complaint, and obtain information on whether the offender has been released (Article 108). It also requires that a juvenile victim's testimony be recorded verbatim, including the questions addressed to them, so that it can be used during further criminal proceedings and where possible, the testimony is video recorded. It stipulates that minors can have the assistance of a psychologist or child psychiatrist when they are examined as a witness (Articles 227 and 228) and that juvenile victims of sexual abuse do not appear in court and their testimony is read out during the hearing (Article 227). **Law 3500/2006** states that the testimony of minors should also be read out in domestic violence cases, rather than requiring them to be summonsed as witnesses at the hearing, unless the court deems it necessary (Article 19(2)). The privacy and the identity of juvenile victims must also be

^[58] <https://sociology.panteion.gr/index.php/en/research/institutes-labs>

^[59] Greece – My rights as a victim available at European Justice Website: https://e-justice.europa.eu/content_rights_of_victims_of_crime_in_criminal_proceedings-171-EL-maximizeMS-en.do?clang=en&idSubpage=5&member=1

^[60] Δράσεις της Γενικής Γραμματείας Ανθρωπίνων Δικαιωμάτων για τα παιδιά, τους πιο ευάλωτους πολίτες (Actions of the General Secretariat for Human Rights for Children, the most vulnerable citizens) content created on 30/11/201.

^[61] E-Protect (2019) ENHANCING THE PROTECTION OF CHILDREN – VICTIMS OF CRIME, South-East European Research Centre (SEERC) - Policy Guidelines for Greece available at <http://childprotect.eu/#/en/resources>

protected by any service involved and the processing of their personal data must always be in accordance with the provisions of **Law 4624/2019**, which incorporated into national law Directive 2016/680/EU of the European Parliament and Council.

In addition, the Associations for the Protection of Minors (Article 18 of **Law 2298/1995**) are a public entity supervised by the Ministry of Justice whose main purpose is to help prevent the victimisation of minors and juvenile offending by providing shelter, health and psychological support to minors. In 2019, the Ministry of Justice presented a draft law for them to be gradually merged into an Athens-based legal entity, overseen by the Ministry of Justice, the Greek Association for the Protection of Minors.^[62]

There are also a number of special agencies and schemes for the protection of child victims. For example, there is a special department of the Greek Ombudsman's Office for the protection of child rights, the Children's Ombudsman (**Law 3094/2003**). This is responsible for mediating between citizens and public services, local authorities and private and public organisations, with a view to protecting citizens' rights, combating misadministration, ensuring respect for the law and "defending and promoting children's rights."

The Central Scientific Council for the Prevention of and Response to Juvenile Victimisation and Juvenile Criminality (KESATHEA) is the public body responsible for coordinating the agencies providing specialised services to juvenile victims. **Ministerial Decree 49540/2011**,^[63] issued by the Ministry of Health and Social Solidarity in collaboration with the Ministry of Justice, Transparency and Human Rights, calls for:

- a) the establishment of Juvenile Support Groups in every municipality, staffed by social workers, to coordinate and cooperate in child protection and to prevent and address juvenile victimisation and delinquency; and
- b) the establishment of a network entitled ORESTIS which integrates and interconnects agencies of the above Ministries that provide social care, support,

solidarity and protection to minors in danger. The network also includes private agencies, such as "Hamogelo tou Paidiou" ("Smile of the Child") which provides shelter and other psycho-social services to juvenile victims of domestic violence or sexual abuse.

^[64] According to **Ministerial Decree 49540/2011**, EKKA was assigned the task of promoting the coordination of care at the national level and developing a system for connecting welfare services.^[65]

Legal aid is available to those who are: victims of serious crime, of Greek nationality or nationals of the European Union (EU) or other country and residing legally in Greece, and have annual resources of less than two thirds of the lowest annual income according to the General Collective Labour Agreement (**Law 3226/2004**). Child victims of crimes against sexual freedom benefit from full access to legal aid during both civil and criminal proceedings, irrespective of the other criteria required in the general provisions of this law.^[66]

Twenty-seven Bar Associations cooperate with the General Secretariat for Life-long Learning and Younger Generation of the Ministry of Education, Research and Religion in implementing the Legal Aid for Youth programme. The programme is funded by national funds and is complementary to the general legal aid system. Young lawyers under 35 years of age handle the cases of those eligible under the programme who are minors or young people aged between 18 and 30; in certain cases, the age limit extends up to those aged 35. Legal aid according to this programme is also provided for out-of-court actions. Bar Associations are encouraged to enhance the training and awareness of their members regarding the principles of victim protection, with special attention to victims with special protection needs (**Law 4478/2017**, Article 70 (2 and 3)). Lastly, legal aid may also be offered by victim support services and organisations. For example, legal aid (advice and representation) is available to victims of gender-based violence from the Centre for Research on Women's Issues (DIOTIMA) and to victims of trafficking from the non-governmental organisation (NGO) the Greek Council for Refugees.

^[62] Ministry of Justice, Draft Law about Youth Care Units and other Provisions, <http://www.opengov.gr/ministryofjustice/?p=10478>

^[63] Ministerial Decree no. 49540/2011 <https://www.hellenicparliament.gr/UserFiles/67715b2c-ec81-4f0c-ad6a-476a34d732bd/7430233.pdf>

^[64] FRANET (2014) Victim Support Services in the EU: An overview and assessment of victims' rights in practice Greece, https://fra.europa.eu/sites/default/files/fra_uploads/country-study-victim-support-services-el.pdf

^[65] K. Panagos (2018), op. cit.

^[66] E-protect (2019) Country report on the transposition of Victims' Directive in Greece, <http://api.childprotect.eu/media/5c6a60307b292.pdf>



6. Research and training on child victims and restorative justice

This chapter describes some of the recent research projects undertaken with a particular focus on child victims and RJ. Several of the projects also included training initiatives for professionals involved in child protection.

E-PROTECT AND E-PROTECT II (2019-2022)

The E-PROTECT project^[67] is implemented by five organisations from five EU Member States (Austria, Bulgaria, Greece, Italy and Romania) and coordinated by the Law and Internet Foundation.^[68] One of the main project objectives is enhancing overall awareness of children's rights and promoting cooperation among the large variety of professionals who deal with child victims of crime and are often their first point of contact.^[69] Other aspects of the project include, developing a needs assessment methodology tailored to individual child victims of crime and creating an online platform to provide detailed information about the practical application of the Victims' Directive and its incorporation into national norms on children's rights. The platform also hosts targeted online events.

E-PROTECT II was launched in March 2020 and is designed to build on and expand the results of E-PROTECT. This project will provide further capacity building for child protection professionals and improve

the cooperation between competent authorities dealing with child victims, focusing on the practical implementation of the individual and multidisciplinary assessment in their daily work with child victims.

PROTASIS (2018)

The PROTASIS project is implemented by a consortium of six organisations, led by the European Public Law Organization (EPLA) and supported by three associate partners. The main objective of the project is to contribute to the development of a victim-friendly environment during victims' interaction with the police. It seeks to ensure victims are treated in a respectful and sensitive manner by improving and strengthening police officers' communication skills and knowledge on how to interact with victims.^[70] The training was organised by the EPLA in cooperation with the Hellenic Police Headquarters. Five training seminars were delivered as part of the project: one for judges and prosecutors, another for the juvenile probation officers and three for police officers.^[71]

The aim of the first two seminars was to raise awareness and inform the participants regarding the implementation of restorative practices as a reform measure for juvenile offenders.^[72] The aim of seminars for police officers was to provide specialised training

^[67] The project was implemented with the support of the Justice Programme of the European Commission under Grant Agreement No 760270.

^[68] <https://www.seerc.org/new/component/entities/?view=project&layout=details&id=67>

^[69] E-Protect Project, <http://childprotect.eu/#/en/dp/11/project>

^[70] E-Protect Project Description, <https://protasis-project.eu/project-description/>

on the needs of victims of violence, in particular women and child victims of domestic and sexual violence.^[73]

RESTORATIVE JUSTICE IN CASES OF DOMESTIC VIOLENCE (2015)

The project Restorative Justice in Cases of Domestic Violence, Best practice examples between increasing mutual understanding and awareness of specific protection needs (JUST/2013/JPEN/AG/5487), was financed by the European Commission and coordinated by the Verwey Jonker Institute. Austria, Denmark, Greece, Finland, the Netherlands and the UK (England & Wales) were the partner countries in this project with the cooperation of the European Forum for Restorative Justice (EFRJ). The project focused on how to use RJ in cases of domestic violence or intimate partner violence; the aim was to identify existing knowledge and research gaps but also highlight the risks and potential of using RJ (in particular Victim Offender Mediation) in cases of domestic violence. Within the framework of the project two comparative reports and a guide for practitioners^[74] were developed and published, while the role of children as victims or involved parties in cases of domestic violence was also explored.

RESTORATIVE JUSTICE IN EUROPE (2012)

This transnational two-year project sought to facilitate the implementation of the parts of the Victims' Directive relating to RJ. The project was delivered in five participating countries through a partnership of five organisations. In Greece, the project was delivered by the EPLO.^[75] The Restorative Justice in Europe project created an evidence base that was used to:

1) develop, pilot and implement protocols and guidelines for providing RJ in the interest of the victim and the offender with the aim of improving safeguards for victims in RJ services and ensuring the consistent implementation of minimum standards throughout Europe;

2) develop, pilot and implement training materials and programmes for victims and professionals (for example, prison and probation staff, police, prosecutors and victim support workers) with the aim of improving their skills and knowledge about how to treat and interact with victims; and

3) develop, pilot and implement best practice guidance that will enhance multi-agency, cross-sector cooperation among RJ/victim services and national agencies, with the aim of minimising the risks of secondary and repeat victimisation when interacting with victims.

AGIS 3 (2006)

The AGIS 3 project was launched in 2006 and was implemented with the financial support from the AGIS Programme European Commission – Directorate-General Justice, Freedom and Security. Coordinated by the European Forum on Restorative Justice, the project focused on the implementation of restorative approaches in Turkey, Spain, Portugal, Malta, Italy, Greece, France and Belgium with the participation of experts from these countries. The general objective of this project was to ensure the effective support for the development of RJ in the south of Europe and to carry out research into the potential role of the EU in the further development of RJ in the whole of the EU.^[76]

^[71] The seminars were conducted by the National Centre of Public and Local Administration (EKDDA) as part of the Cooperation Agreement between EKDDA, the Probation Officers' Association of Juvenile Courts in Greece and the Restorative Justice & Mediation Lab of the Panteion University of Social and Political Sciences.

^[72] <https://protasis-project.eu/protasis-judicial-authorities-greece/>

^[73] <https://protasis-project.eu/training-greece/>

^[74] First comparative report available at: https://www.verwey-jonker.nl/doc/2015/7388_restorative%20justice%20in%20cases%20of%20domestic%20violence.pdf, second comparative report available at: https://www.verwey-jonker.nl/wp-content/uploads/2020/07/7388_Restorative_Justice_Comparative_report_II_final-1.pdf & the guide for Practitioners available at: https://www.verwey-jonker.nl/doc/2016/Restorative%20Justice%20and%20Domestic%20Violence_7388_def.pdf

^[75] <http://www.iars.org.uk/online/restorative-justice-in-europe-safeguarding-victims-empowering-professionals/>

^[76] <https://www.euforumrj.org/en/agis-3-restorative-justice-agenda-europe-2006-2008>



© Toth / Jean-Luc Marchina - Egypt

7. Research

A. Methodology

The objective of this study was to understand best practices and current gaps on matters of RJ with children, with a focus both on victims and young offenders, in Greece.

The research used a qualitative methodology with semi-structured interviews. 22 consultations were held with professionals and additionally two with the Child Advisory Board (CAB) set up in the framework of i-RESTORE.^[77] The CAB consists of eight children aged between 14 and 17 from various cultural backgrounds and with a strong interest in child justice.

The following interview tools were developed:

- Policymakers interview tool: this focused on initiatives/policies on RJ/child victims, challenges in using RJ, best practices and training opportunities;

- Practitioners interview tool: this focused on activities adopted regarding RJ/child victims, challenges in using RJ, best practices and training opportunities;
- Tool used with high-school students analysing *The Wolf Within video*: this focused on knowledge about RJ, the needs of the parties in conflict and the benefits and challenges of RJ; and
- Case study interview tool used with CAB: this focused on the needs of the parties in conflict and the benefits and challenges of RJ.

The data was gathered between the end of February 2020 and the end of April 2020 from 13 practitioners, nine policymakers and a group of children (see Annex

^[77] The Child Advisory Board (CAB) is a group of eight children aged between 14 to 17 which was set up in the framework of i-RESTORE, by Terre des hommes Hellas. Its main role is to contribute ideas and advise the implementing partners on the development of all activities and tools. The CAB will be participating in trainings and workshops as part of the project and will be developing child-led awareness raising and advocacy material for children, young people and the general public.

Six meetings took place in person and the other interviews took place via Skype (seven), over the phone (nine) or via email (one). The interviews were conducted by three different researchers.

Other consultations had been planned, but had to be abandoned for various reasons, including the COVID-19 pandemic and the measures adopted to respond to it by the Greek Government. Three policymakers interviewed as practitioners were included in the category of policymakers following analysis of the nature and focus of their work. Most of the policymakers interviewed were academics because in the current situation it was not possible to include various stakeholders from the public domain, such as Public Prosecutors for Minors, Legal Aid for Youth, the Children's Health Centre and representatives from the Ministry of Justice, including those who had previously agreed to take part.

Similar issues were encountered when trying to set up a focus group with child victims. While trying to organise the meetings, a lockdown^[78] was imposed in Greece and it became obvious that it would not be possible to move forward with the plan. Online meetings with children were considered but rejected on ethical grounds.

The data analysis was broken down into five areas for each policymaker and practitioner: working with child victims/elements of RJ; challenges when working with children; best practices in working with children; training; and differences in working with children. Data collected from children was analysed under a single category: children's opinions about RJ, including different aspects such as knowledge of RJ and the benefits and risks of RJ.

The study was designed to take place within 28 days and so is neither a detailed examination nor an exhaustive description of restorative practices in cases of child victims. It does, however, highlight a significant overview of current work with children and the elements of restorative practices used.

B. Research findings

1. Policymakers

1.1. Working with children/elements of restorative justice

The policymakers who work mostly on schools, focus efforts on alternative ways to address bullying and school violence with a restorative approach. For example, the President^[79] of the NGO Social Action and Innovation Centre (KMOP)^[80] referred to two projects she was working on. One, implemented in collaboration with the Ministry of Education, is Live Without Bullying, a mobile application that allows children aged between 13 and 18, teachers and parents to receive counselling. The second, My Class Without Bullying, enables teachers to acquire knowledge on best practices in the classroom. In addition, an expert from the School Network for School Mediation^[81] has established a network of school mediation to address school violence.

The KMOP expert^[82] stressed that when drafting policies, it is important to highlight that children have different needs in specific regions of Greece. As she pointed out, "children and teenagers in Aspropurgos have different needs compared to children and teenagers living in Marousi."

The Ombudswoman's interventions cover the whole spectrum of the Convention on the Rights of the Child, such as drafting reports on issues related to parental responsibility, juvenile offending and school violence. The information in the reports is either collected from various sources in the field or provided by organisations in the field. The Children's Ombudswoman also works in schools, promoting groups of adolescent counsellors to support children's rights.

Two of the experts from NGOs working with children^[83] carry out work relating to refugees and child abuse and neglect. One^[84] has taken part in educational programmes in closed detention centres (Volos and

^[78] In relation to the COVID-19 pandemic.

^[79] Antonia Torrens, President of KMOP.

^[80] <https://www.kmop.gr/>

^[81] Theodoros Thanos, Associate Professor to the Department of Early Childhood Education, School Network for School Mediation.

^[82] Antonia Torrens, President of KMOP.

Avlwnas), while the other^[85] has worked with police and municipal social services on addressing child abuse and neglect. However, none of the interventions they are involved in are part of a clearly defined RJ approach.

The Athens Association for the Protection of Minors, EPAA, does intervene in the prevention of juvenile offending when requested to do so by the Public Prosecutor for Minors or the juvenile courts and also cooperates with children who face problems within their families and need to be distanced from them. However, such interventions are mostly related to providing adequate services for children, such as social work and psychological counselling, and do not have a RJ component.

Universities in Greece have a significant influence regarding restorative practices in child-related cases. The founder and Director of the Restorative Justice and Mediation Lab of Panteion University^[86] has worked on policy and practice in RJ for the past ten years. The University's Lab has trained 90 probation officers in RJ, with an emphasis on child victim-offender mediation. The Lab has also trained judges and prosecutors for minors on this topic. The Lab is scheduled to deliver a new series of training sessions for professionals working with child victims during criminal trials. The Professor highlighted that RJ has been on the agenda of different ministries since 2012, for example the Ministry of Education's Central Scientific Committee on Prevention and Response to Bullying.

Another expert^[87] from Panteion University is responsible of the *School Violence & Bullying Incident Management Guide* and, alongside Professor Vasiliki Artinopoulou, edited the *European guide of good practices against bullying*. Both of these guides include elements of mediation as a form of dealing with violence in schools and bullying.

Another academic from the University of Crete^[88] has been involved in KESATHEA and the Central Scientific Council for Prisons (KES). These centres are primarily responsible for developing policies and recommendations to address both juvenile delinquency and victimisation and operate within the Ministry of Justice.

1.2. Working with children: the challenges

When referring to the school system, one challenge raised by the KMOP expert^[89] is that children are not aware of their rights. In addition, school mediation is not applied in a systematic way, as stated by an expert from the School Network for School Mediation,^[90] and when implementing mediation, teachers **do not keep records of this process**. He noted that it is important to evaluate the entirety of the mediation, not just the meeting itself. Mediation should also involve the community, which at the moment, it does not. Another challenge raised by the expert is that **teachers**, even after being trained in mediation, **did not feel confident** about discussing applying the training with headteachers. In addition, since mediation delivered in schools is mostly peer-to-peer mediation, many teachers seemed to **believe that pupils are not able to resolve conflicts on the own**.

Another challenge refers to **systemic and practical concerns**; the Ombudswoman for Children^[91] noted that the peer-to-peer mediation currently implemented in the Greek school system needs to have the support of trained adults and be widely promoted in order to avoid problems (such as the abuse of power by juvenile mediators or revictimisation). Other systemic issues that raised concern are the rise in the number of children in detention; the long waiting lists at mental health centres, making it difficult for children to access treatment; the lack of specialists at the community level that children can turn to for help; and the difficulties that probation officers face in their work with child offenders.

[83] Efthimia Doussi, Attorney-at-Law, HIAS Greece, and Child Psychologist, Member of the RJ & Mediation Lab.

[84] Efthimia Doussi, Attorney-at-Law, HIAS Greece.

[85] Child Psychologist, Member of the Restorative Justice & Mediation Lab.

[86] Vasiliki Artinopoulou, Professor in Criminology, Panteion University and Founder and Director of the University's Restorative Justice and Mediation Lab.

[87] Iro Michail, Psychologist, Criminologist, Accredited Mediator, PhD Candidate, Panteion University.

[88] Olga Themeli, Associate Professor in Forensic Psychology, University of Crete.

[89] Antonia Torrens, President of KMOP.

[90] Theodoros Thanos, Associate Professor to the Department of Early Childhood Education, School Network for School Mediation.

[91] Theoni Koufonikolakou, Greek Deputy Ombudswoman for children's rights.

An important difficulty to which she also referred was **the lack of protocols** for municipal social workers that would enable them to use appropriate approaches when dealing with cases involving children, noting, for example, that in some cases social workers do not think it necessary to make contact with a child and discuss the situation with them as part of the assessment process. This concern was also highlighted by other professionals interviewed. The **need to protect families at an institutional level** before any RJ or mediation intervention is attempted, was also stressed. For instance, economically vulnerable families face the biggest issues in terms of coming into contact with the justice system.

On the issue of lack of protocols, one expert^[92] added that there is a **lack of coordination between different agencies** when working with children. For example, no government agency or institution coordinates services and collects data in cases of child abuse and neglect. The law on domestic violence includes RJ processes, but this cannot be implemented because adequate services are not in place. There is currently no service that liaises between perpetrators and abusers and, as a result, aspects of the law dealing with RJ and therapy for the perpetrators are not implemented. The expert also highlighted divorce as a major issue; children can be indirect victims in a conflict where their rights are violated and needs neglected. However, mediation is not promoted in such cases. He also raised as a major issue the **punitive institutional approach** taken regarding parental abuse of children. No effort is made to address what has happened and the abused child is usually removed from their environment without any preparation, causing confusion and a sense of guilt because they believe that if they are removed from their home, they must have done something bad.

The legal adviser from the NGO HIAS^[93] noted that various child victims are **treated differently**. For example, refugee child victims are overlooked by the judicial system and children with mental health issues do not receive specialised treatment. She also remarked that both judges and prosecutors do not know how to work appropriately with children.

The Head of EPAA Social Services also raised the **difficulty of coordinating with schools**.^[94] She remarked that schools do not seem to be able to integrate children who exhibit anti-social behaviour. There is an expectation that the issue of behaviours is addressed by parents and there is no provision in schools where this is not the case, resulting in expulsions. She stated that she believes schools are not specialised in the field of juvenile offending or child abuse and do not know how to provide adequate support for these children or coordinate with social services.

Another issue stressed by the EPAA expert was that there is no functioning social structure in Greece to recognise in a timely manner that a child may be at risk and intervene promptly. She stated that the application of restorative measures should be limited in relation to repeat juvenile offenders as their behaviour shows they are unable to take responsibility for their actions, which in turn puts the victim at risk once again.

The experts also raised the issue of **children's voices not being heard** and noted that while many professionals have been trained to work with children, this is not enough and that ongoing training on matters of RJ and children's rights is needed. They also remarked on the lack of effective collaboration between stakeholders and the shortfall in terms of the implementation of the provisions in the Victims' Directive, including child victims' rights.

Some of the experts expressed **reservations about applying RJ** in cases of sexual abuse because of the imbalance of power. They also stressed that there is resistance among some professionals, such as social workers and psychologists, to training in alternative methods of working with children as they are already trained in interpersonal skills and do not see how mediation would be beneficial in their daily work.

In addition, police officers, who in practice implement informal mediation efforts, are not systematically and adequately trained in RJ. One of the experts^[95] stressed, that while in general RJ is used by juvenile probation officers, the professionals who use such practices have not objectively studied the subject in

^[92] Child Psychologist, Member of the RJ & Mediation Lab, Panteion University.

^[93] Efthimia Doussi, Attorney-at-Law, HIAS Greece.

^[94] Andromachi Alamanou, Head of EPAA Social Services, Athens.

depth. Another expert^[96] also mentioned resistance among some judges who underestimate other professionals, like mental health practitioners. She went on to say that the criminal justice system has been created by adults for adults and what most professionals fail to understand is that each case is different and individual, in the sense that each child is different and is impacted differently by the system.

1.3. Best practices when working with children

One expert^[97] highlighted that 80 to 90% of pupils who have been part of the peer-to-peer mediation reported that after mediation they did not come into conflict with their peers again. The president of KMOP^[98] also mentioned that within their organisation they allocate specific people to do advocacy work on issues related to children's rights and that Greece was making progress in working with children.

Although some policymakers noted that some judges and prosecutors do not know how to work with children, the Children's Ombudswoman^[99] observed that this was not the case for the new generation of judges and public prosecutors, amongst whom there was greater awareness of the needs of children. She also noted that juvenile probation officers tend to have a positive impact on children, not only because of the use of mediation, but also because they usually become a person of reference for children in conflict with the law.

An NGO representative echoed the views of the Ombudswoman and highlighted the case of a judge who conducted the court process in a way that was appropriate and understandable for child suspects and explained to juvenile offenders in a detailed and

child-friendly way the precise rationale for their decision when passing sentence. She has also raised the issue that an out-of-court intervention would allow a child to be approached with respect, which is not always the case when intervening in court.

The Head of EPAA Social Services^[100] also suggested that children would listen to a professional if they had confidence in the process and RJ is a process that is easier to have trust in because it allows children to be listened to. She also suggested that RJ should focus more on educating children on how to become responsible citizens.

Another academic^[101] emphasised that RJ is indeed a practice that gives a voice to children. She also referred to the Youth Parliament, an initiative by the Children's Ombudswoman, which allows children to be consulted on different issues that concern them. Several experts stated that the implementation of RJ seems to be more easily accepted by children than adults,^[102] while another academic^[103] stressed that it is better suited to crimes between peers.

1.4. Training on restorative justice and/or child protection

Two experts^[104] had delivered training in mediation, approved by the Ministry of Education, for both pupils and teachers. KMOP has also recently completed a training on this practice with parents.

One expert^[105] noted that through the project My Class Without Bullying, teachers can be trained while at home and, after the training, which is delivered by the School Network, supervision of the implementation of school mediation is also provided.

^[95] Vasiliki Artinopoulou, Professor in Criminology and Founder and Director of the University's Restorative Justice and Mediation Lab, Panteion University.

^[96] Olga Themeli, Associate Professor in Forensic Psychology, University of Crete.

^[97] Theodoros Thanos, Associate Professor to the Department of Early Childhood Education, School Network for School Mediation.

^[98] Antonia Torrens, President of KMOP.

^[99] Theoni Koufonikolou, Greek Deputy Ombudswoman for children's rights.

^[100] Andromachi Alamanou, Head of EPAA Social Services, Athens.

^[101] Vasiliki Artinopoulou, Professor in Criminology and Founder and Director of the University's Restorative Justice and Mediation Lab, Panteion University.

^[102] Vasiliki Artinopoulou, Professor in Criminology, Panteion University; and Iro Michail, Psychologist, Criminologist, Accredited Mediator, PhD Candidate, Panteion University.

^[103] Olga Themeli, Associate Professor in Forensic Psychology, University of Crete.

^[104] Antonia Torrens, President of KMOP, and Theodoros Thanos, Associate Professor to the Department of Early Childhood Education, School Network for School Mediation.

^[105] Antonia Torrens, President of KMOP.

After the Ombudsman's Office made a series of recommendations concerning school mediation in a 2011 circular, more training of pupils and teachers on these practices in the school system followed.

Both the legal adviser and the psychologist interviewed highlighted the lack of training for professionals in the child protection law and systems. One of the experts^[106] noted that not all lawyers who work on child cases have training in dealing with trauma or know how to approach child victims. Another expert^[107] pointed out that specialists who enter the child protection services do not receive additional training. The Head of EPAA Social Services^[108] added that it is the responsibility of each social worker to undertake a specific number of trainings each year and educate themselves on children's rights and new ways of working with children, presumably at their own expense.

The Restorative and Justice Mediation Lab in the Panteion University has trained more than 1,500 professionals on the rights of child victim since 2017. An academic^[109] from the University also stressed that, at the policymaking level, they are currently focusing on including a module on child victims in the curriculum of the National School for Judges. Another academic^[110] added that it is important to deliver training not only in mediation and RJ, but also in counselling skills for working with children.

1.5. Differences when working with children

Policymakers highlighted significant gender differences between young offenders.^[111] The Head of EPAA Social Services stated that while a far smaller percentage of girls exhibit offending behaviour than boys, those that do show more serious and continuous offending behaviour, which poses particular challenges. She added that she considers it to be more difficult to advise and consult a girl who is far angrier, and in the majority of cases may also be a victim of

sexual abuse, and there is therefore a need for specialised support and aid. The Children's Ombudswoman explained that, despite existing legislation, awareness of and an inclusive and in-depth educational approach in issues of gender roles is still lacking and this affects all aspects of cooperating with children.

There are also differences in how best to work with different age groups. For children up to 13 or 15 years of age, it is better to showcase a different way of behaving through RJ. The EPAA expert noted that with children over 15, professionals need to be stricter as there is the risk that the children may not take the process seriously. As one of the academics explained, this is because for the different age groups, verbal communication, perception, memory, achievements and mental and developmental mechanisms are all very different.^[112] She also stressed that in addition to gender and age, differences associated with culture or health are also important. For example, intervention with a Roma child requires cultural issues to be taken into account, whilst a child with autism would require a specialised intervention.

2. Practitioners

2.1. Working with children/elements of restorative justice

The work of juvenile probation officers appears to be organised into two pillars. First, they work on cases of young offenders who are being prosecuted. As one practitioner^[113] pointed out, they are in touch with the child and their family months before the court trial and they continue to work with them during the implementation of reform measures imposed by the court. Second, juvenile probation officers work on prevention with children who face difficulties and are at risk of offending and who are referred to them by teachers or parents. Cases may also be referred by a prosecutor to juvenile probation officers as part of efforts to

^[106] Efthimia Doussi, Attorney-at-Law, HIAS Greece.

^[107] Child Psychologist, Member of the RJ & Mediation Lab.

^[108] Andromachi Alamanou, Head of Social Services of EPAA, Athens.

^[109] Vasiliki Artinopoulou, Professor in Criminology, Panteion University - Founder and Director of the University's Restorative Justice and Mediation Lab.

^[110] Olga Themeli, Associate Professor in Forensic Psychology, University of Crete.

^[111] Andromachi Alamanou, Head EPAA of Social Services of EPAA, Athens.

^[112] Olga Themeli, Associate Professor in Forensic Psychology, University of Crete.

^[113] Margarita Fylaktou, Social Anthropologist, Juvenile Probation Officer.

avoid taking the case to trial.^[114] According to another juvenile probation officer,^[115] they may also assist and work with young offenders who are referred to a mental health service, in which case they also work closely with the professionals in such institutions.

Once a case has been referred to them, a juvenile probation officer looks into the case and drafts a psycho-social report, which includes an intervention plan and the officer's recommendations to the court. In cases of misdemeanour crimes, the recommendation may include offender-victim mediation. One of the practitioners noted that mediation can only be pursued if it is included in a court decision or a prosecutor's order.^[116]

The expert^[117] from the Minors' Police Department working on cases of sexual exploitation and abuse of children stated that he believes little can be done to repair the harm in such cases. The best they can do is to serve the best interest of the child, which is to remove the child from the environment where the crime happened. Another police officer stated that, according to the law, a child can only be interviewed by a psychologist.^[118] Their assessment is usually read out during the trial and the police investigator on the case can also act as a witness in court for the child.

Most of the lawyers interviewed for this research are accredited mediators with the Ministry of Justice and practice mediation in commercial and civil cases, including family disputes and divorce. They also volunteer in initiatives such as school mediation. One of the practitioners^[119] is a project coordinator with the EU Prison of Peace organisation through which she provides education in restorative practices and mediation with prison staff and inmates. She also stated that she does not believe RJ can be used in cases of

serious crimes that involve child victims, such as systematic child sexual abuse, because there is a major imbalance of power.

Another practitioner^[120] spoke about her involvement in the Observatory for School Violence and Bullying in 2013, before it became the Network against School Violence and Bullying. This Ministry of Education agency supervises activities in schools, collects data and plans policies on school violence and bullying. Another expert^[121] mentioned her involvement in mediation in schools since 2011. She helps educate students to become mediators through an educational training of 20 to 25 hours. In the school in which she works, a mediation meeting can happen over multiple sessions if the case requires this, preferably with no more than a week between sessions. She also added that in 90% of cases, the information on incidents in school comes from other children, either in person or via a small box placed in the school, or directly from the children in conflict. The expert stated that for mediation to work both parties must want to be involved and to resolve the conflict.

2.2. Working with children: the challenges

All the juvenile probation officers interviewed agreed that the system seems **to prioritise child offenders** over child victims. Their direct focus is on child offenders and they are also the first to be offered mediation. As one of the juvenile probation officers^[122] stressed, sometimes they cannot communicate with the child victim before the court hearing in order to discuss the benefits of mediation. And when the court hearing takes place, it is usually very tense and they cannot establish a proper connection with the child victim. She also added that victims might feel that, because the juvenile probation officers are delegated to assist the child offender, they are biased.

^[114] Chara Galanou, Legal Criminologist, Accredited Mediator, Juvenile Probation Officer.

^[115] Christina Moutsopoulou, Psychologist, Juvenile Probation Officer.

^[116] Myrsini Pykni, Sociologist, Juvenile Probation Officer.

^[117] Minors' Police Department.

^[118] Psychologist, Minors' Police Department.

^[119] Dimitra Gavriil, Attorney-at-Law, Mediator, Prison of Peace Director of European Programs.

^[120] School Psychologist, Professor at the University of Ioannina.

^[121] Vilma Meniki, Secondary Education Teacher, MA in Special Education, Trainer and Coordinator in the Network for School Mediation, Certified Adult Educator EOPPEP, Gender Activist and Researcher.

^[122] Margarita Fylaktou, Social Anthropologist, Juvenile Probation Officer.

^[123] Afroditi Mallouchou, Social Worker, Accredited Mediator, Juvenile Probation Officer.

Another juvenile probation officer^[123] pointed out that sometimes she is not certain that RJ is effective. She described how, on many occasions, judges with a good intention sought to help the child offender by asking them to apologise to the victim, but that this is not RJ. Another juvenile probation officer noted that judges in general are **not trained** in RJ and so do not understand or trust the process.^[124] The practitioner stressed that lawyers are also not supportive of the restorative process and that if mediation happens in their presence, the process takes on a punitive aspect, which, again, is not in line with RJ principles.^[125]



Because juvenile probation officers also intervene in schools, their general view is that mediation should be implemented earlier by schools to resolve conflicts that emerge there. However, schools seem to instead apply **punitive measures**.^[126] She was also not confident that this process works in cases of bullying because the offence is more consistent and repetitive in nature, which makes it less likely that the offender will be truly sorry for their actions.

Both police officers interviewed for this study were **not fully aware of restorative measures**, nor were

they confident that it would be good to implement such measures in cases of sexual abuse. In addition, as one of the police officers^[127] stressed, the police cannot play the role of a mediator because they are the ones investigating the case and they have very clear responsibilities. The most they could do is work with other professionals in offering assistance to child victims. One of the significant issues they mentioned is that child victims may go through endless assessments by different professionals, which puts pressure on children and can have the effect of re-victimising them.

All lawyers and mediators interviewed said that **child victims** do not have a high profile in the criminal justice system, nor is there **any supportive structure** to promote applying alternative measures such as RJ. One of the experts stated that it seemed as if juvenile probation officers were tasked with mediation with a focus on child offenders, while other professionals were left out.^[128] Almost all of them declared that the biggest issues of concern with child victims are domestic violence and sexual abuse and the dysfunctional imbalance of power that exists in these contexts.

Echoing the juvenile probation officers, one practitioner^[129] agreed that mediation is not advisable in cases of **bullying** and she distinguished between bullying and school violence, where mediation can be effective. Another practitioner^[130] stressed that some teachers were **resistant** to new or different approaches and that where teachers did want to introduce mediation in schools there were no available rooms for such processes to take place and, in some cases, the move was opposed by the Teachers' Association.

2.3. Best practices when working with children

Juvenile probation officers noted that there have been improvements in the way professionals work with child

^[124] Christina Moutsopoulou, Psychologist, Juvenile Probation Officer.

^[125] Myrsini Pykni, Sociologist, Juvenile Probation Officer.

^[126] Afroditi Mallouchou, Social Worker, Accredited Mediator, Juvenile Probation Officer.

^[127] Psychologist, Minors' Police Department.

^[128] Attorney-at-Law, Accredited Mediator, Restorative Justice Researcher.

^[129] School psychologist, Professor at the University of Ioannina.

^[130] Vilma Meniki, Secondary Education Teacher, MA in Special Education, Trainer and Coordinator in the Network for School Mediation, Certified Adult Educator EOPPEP, Gender Activist and Researcher

^[131] Afroditi Mallouchou, Social Worker, Accredited Mediator, Juvenile Probation Officer.

victims. One^[131] mentioned that for the past five years juvenile probation officers have been suggesting RJ measures more frequently and as a result judges are using them more. Also, in the past few years more training has taken place for the juvenile probation officers and for some judges on restorative intervention. Parents are also encouraged to participate in the restorative meetings as long as they are beneficial to the process. And most importantly, in 2017 Parliament passed a law for the establishment of Independent Offices for Juvenile Victims (known as Houses of the Child) to work with child victims, creating a more child-friendly environment and approach in the investigation of crimes against children.

Police work with police psychologists to interview children and use child-friendly methods to take testimony at police premises to avoid child victims having to testify in court. However, sometimes children are called to give their testimony again either to the investigator or to the court, which, as one of the police officers^[132] stated, should be avoided. Another police officer^[133] also mentioned that when it comes to children, the police rely on a network of support from different professionals who work with children in specialised fields. Another expert^[134] also mentioned that she always works alongside other experts in order to find the most appropriate solution when working on a case.

In the field of peer-to-peer mediation in schools, one practitioner^[135] highlighted that this is based on a ministerial decision which gives weight to this form of intervention, although mediation is not organised by the Ministry of Education. She commented that more teachers are interested in this method, but it needs good will to implement mediation, since it is a voluntary initiative. She also noted that in nine out of ten cases mediation in schools is successful.

The teacher^[136] interviewed for this study agreed that 95% of mediation in schools is successful because

children themselves are bound by it. Children are the ones who propose and agree to peer-to-peer mediation and, in most cases, they want to see if they can achieve what they promised to do. She also added that the resolution of disputes is not the only important aspect of the mediation process; there are additional educational and behavioural benefits for all the children who participate. She noted that children learn how to resolve conflicts, in general, with their peers, with their parents and also with their teachers. They also develop a sense of self-confidence and are more eager to participate in school.

2.4. Trainings on restorative justice and/or child protection

All the juvenile probation officers interviewed received training in RJ at one of the following: the School of Public Administration, the Restorative Justice and Mediation Laboratory of Panteion University, the National Centre for Public Administration and Local Governance (EKDA) or foreign institutions such as Neustart from Austria.

Police on the other hand did not receive training in RJ. They are trained in interrogation techniques or on matters related to investigation, but in general, as one of the police officers^[137] stressed, the focus is not so much on courses, but on the fact that there is daily communication and cooperation with relevant authorities and bodies who provide expert advice when needed and assist them in the investigation of cases. However, another police officer^[138] said he would be interested in attending specialised training on how to conduct restorative processes, the steps to follow and the necessary skills to develop. He does, however, take part in different specialised trainings but on his own initiative and at his own expense. He would also like to benefit from supervision in his work, given the nature and number of the cases they are handling, but this is not currently provided within the police.

^[132] Psychologist, Minors' Police Department

^[133] Minors' Police Department.

^[134] Maria-Louiza Andriakopoulou, Attorney at Law, Accredited Mediator, Trainer on School Mediation.

^[135] Eugenia Saridou, Attorney at Law, Accredited Mediator, Trainer on School Mediation.

^[136] Vilma Meniki, Secondary Education Teacher, MA in Special Education, Trainer and Coordinator in the Network for School Mediation, Certified Adult Educator EOPPEP, Gender Activist and Researcher.

^[137] Minors' Police Department.

^[138] Psychologist, Minors' Police Department.

The mediators who took the mediators' course stated that this training lasts for 80 hours and prepares you for the Ministry of Justice exam. One of the practitioners^[139] stated that the training in mediation in Greece mainly concerns civil and commercial law cases or family mediation and that in none of these is the participation of children included in the process.

School mediation training takes place outside of school hours^[140] and one teacher interviewed said she was required to inform and get approval from the Association of Teachers to implement mediation processes and allocates one to two days a week to training students. Teachers must also be trained in mediation beforehand and mediation in schools is conducted on a voluntary basis and on the initiative of individual teachers. The teacher interviewed mentioned that during the first years of implementing the programme at her school, up to 80 children were trained to become mediators.

2.5. Differences when working with children

Juvenile probation officers in general work with children over the age of twelve, so it was difficult to make a comparison between adolescents and younger children. One of the juvenile probation officers commented that for younger children, legal counsel generally speaks on behalf of the child, but older children are able to speak for themselves.^[141] Another juvenile probation officer^[142] stressed that it also depends on the case, as sometimes a 20-year-old might need things explained more simply than a 15-year-old who is more mature. In general, as one juvenile probation officer^[143] pointed out, children are more open, need more time and ask more questions and it is particularly important for them to be heard.

Police officers noted that age is an extremely important factor and one stated^[144] that they believed children understand non-verbal communication much better and it is important to take this into consideration both in children's interactions with professionals and in the details they provide about perpetrators.

Most of the mediators said they would feel more comfortable working alongside a psychologist or social worker when working with children.

The school psychologist^[145] interviewed stated that younger children are more cautious than older children in terms of direct communication with the other party and so respond less openly to mediation.

3. Children

3.1. Children's opinions about restorative justice

Two consultations with schoolchildren^[146] were held as research for this report. One was a discussion based on a video.^[147] The second^[148] was based on a case study (Annex 1).

After watching the **video** *The Woolf Within*,^[149] children commented that "the video shows that if you explain to someone how you feel, then they can change." One of the children said that the burglar committed the crime perhaps because "something happened in his childhood," while another added that he "was lucky that he had that chance" of being part of RJ.

One of the children already knew about RJ and mentioned that in the country she came from, those who implement it do not apply it correctly. She described processes in her country in which the victim and the

^[139] Attorney-at-Law, Accredited Mediator, Restorative Justice Researcher.

^[140] Vilma Meniki, Secondary Education Teacher, MA in Special Education, Trainer and Coordinator in the Network for School Mediation, Certified Adult Educator EOPPEP, Gender Activist and Researcher.

^[141] Christina Moutsopoulou, Psychologist, Juvenile Probation Officer.

^[142] Margarita Fylaktou, Social Anthropologist, Juvenile Probation Officer.

^[143] Christina Moutsopoulou, Psychologist, Juvenile Probation Officer.

^[144] Psychologist, Minors' Police Department

^[145] School psychologist, professor at the University of Ioannina.

^[146] The children who participated in the consultations were members of the Child Advisory Board of Terre des hommes.

^[147] Focus group with six high school students, part of the Child Advisory Board of Terre des hommes.

^[148] Focus group with four high school students, part of the Child Advisory Board of Terre des hommes.

^[149] <https://restorativejustice.org.uk/resources/woolf-within-peter-wills-story>

offender can meet outside court under the supervision of community representatives and discuss remedies. She then explained that the process does not focus on restoring justice or making things right and those who supervise the process may have a specific outcome in mind from the start.

Most of the children said they believed RJ **can involve children**, as long as this practice is optional and both of the parties want to participate.

One of the children said that RJ “could actually be liberating” because it helps you to understand why the perpetrator did what they did. The children stated that if a child victim is traumatised, then an indirect form of intervention could be used, such as a letter. One added that professionals should allow “the victim time” and wait until the victim has recovered from the shock.

The children also stressed that in this process it is important to have parents with them or some form of support. They also stressed that it could be **dangerous** when the victim is a child and the perpetrator is an adult as it could bring flashbacks and damage the victim even more.

They also stressed that it is essential to make sure that children are not **manipulated** in this process and to ensure that children really want to be part of this process. They also added that there should be a neutral person in the room during the meeting to provide support, even psychological **support**, someone who could take care of them and make sure they were not traumatised.

When asked if they would be part of such a practice, several said that they would **give it a chance**, especially if they were the offender, as they would like to have “a second chance,” and if they were the victim: “I would like to know why.” But as another one added, “now I say yes, but if I were in that position, I don’t know if I would be strong enough to face the other person.” They also stressed that they would agree to participate in RJ, but it would **depend on the crime**. As one child noted: “if it was theft and assault it would be easier to forgive someone, but if it was something like murder or rape, then it would be more difficult to forgive someone.”

When asked if RJ would work better when the parties know each other, one child stated: “definitely,

especially in cases when parents are involved.” However, another commented that if the parent is the offender, perhaps the child would not want to meet them.

The **case study** is a three-part story, from the perspective of the offender, the victim and the RJ meeting and the parties’ supporters. The discussions centred on children’s opinions based on this case study, which was distributed first with limited information and, eventually, revealing the full picture.

Right from the beginning, one of the children observed the lack of information regarding the victim. All the children seemed to find justifications for the offender’s behaviour. They referred to the offender’s actions as “not intentional” due to the fact that “he was intoxicated” or “drunk” or that “he was not aware” and “not sure what had happened.”

While one of the children thought that the community work is the hardest punishment the offender received “because it takes something away from his time,” another considered that having his driving licence suspended was the biggest punishment because “it will make him feel repressed.”

At the start of the case analysis and with the limited information, they said the most beneficial thing for the offender was the course for alcoholics he had to attend, because the offender would meet other people on the course who have gone through the same addiction and it would make him realise what this can do. The children also thought that the community work would help because the offender “will become less selfish and will start thinking about others.”

Even before presenting the option in the case study for the parties to meet, the children thought that the possibility of meeting would be beneficial as they could “get to know each other.” Meeting the victim, they felt, would make the offender “understand his actions on a larger scale.”

During the discussions on the case study, one of the children revised their view of the punishment the offender received and said that in fact it “was not a lot of punishment” because “the surgeries that the victim went through took place within a period of three months and in three months the offender took back his driving licence.”

When addressing what the victim felt, the children thought that “the worst thing was the health issue that caused him not to be able to work and go back to school” and the damage was not just physical and financial but also emotional because “he will not feel free.” They also added that while the victim might be angry at the beginning, this feeling would wear off and the remaining feeling would be of disappointment and unhappiness. And they thought it would make the victim feel better, and less angry, if he knew about the offender’s background because “otherwise maybe he would think he did it on purpose.”

When discussing reparation for the damage, one of the children said that “it would be difficult” but if the offender “is passionate about it” it could happen. All the children thought of various ways in which the offender could make amends. They said that the offender could raise money to pay for the victim’s health care or maybe the offender could do “something nice for the family, something that they need,” like running errands or “maybe replace him at work and give him the money.”

Regarding the RJ meeting, one of the children referred to it as a chance for “a better understanding” as the victim would see the negative influence of the offender’s father and would have a better understanding of why the offending behaviour happened. Another said that the restorative meeting would allow them to “sort the issue in a more civilised manner and make sure that they are at peace with each other...it would take the weight off their shoulders.”

One of the children said: “Imagine you are a person who has been hurt for life, you would like to see who caused that.”

When asked if they thought a RJ meeting was helpful, they all agreed that it was because the parties “will feel more relieved and they will be able to put the situation behind them.” The children said that if the boys had never met, the offender would have felt guilty for the rest of his life and would have not been able to make amends and the victim would not have dealt with his trauma in a more effective way and, perhaps, would not have received financial help.

They also considered that the meeting “humanises them more” and taught the offender that “reckless decisions affect others.” They also stressed that it would be more effective if “concrete help is offered” to the victim, but even “if reimbursement is not offered, the fact that he [the victim] knows what type of person caused the offence, it is beneficial.” They also said that the fact that someone listens to the victim’s side of the story and he is not ignored is still helpful.

All the children said that they would like to take part in the restorative meeting if they were in the shoes of the people in the scenario and that they would like to have their parents’ or a relative’s support in the meeting, in case things got dangerous or heated.



© Tgh / Marion Guénard - Afghanistan

Conclusions and recommendations

Restorative justice has not thus far been introduced in a systematic manner in Greece and restorative schemes have encountered challenges as regards implementation and unfavourable attitudes. With regard to juveniles, the application of restorative justice measures has been quite limited and legal professionals have shown a considerable reluctance to engage in victim-juvenile offender conciliation. This may be due to the lack of information about the restorative justice approach in general.^[150]

One of the issues highlighted by both policymakers and practitioners was the lack of protocols, as no government, agency or institution coordinates and collects data on issues related to children's rights and alternative methods of working with children, such as restorative justice.

There is a lack of clarity in the law as to whether the victim-juvenile offender conciliation process can include third parties, for example, people indirectly affected by a crime. Similarly, Article 104B(2) of the **Penal Code** refers to restorative justice processes without further elaboration.

Article 63 of **Law 4478/2017** sets out a series of requirements that need to be fulfilled for restorative justice processes to be implemented, but does not specify which of the existing provisions of the national legislation are covered by this.^[151] In Greece, to date, only victim-juvenile offender conciliation and penal mediation in cases of domestic violence are clearly defined as restorative justice processes.^[152]

Recent developments in civil and commercial mediation, especially after the enactment of **Law 4640/2019**, have shifted the focus towards training and educational programmes on civil, commercial, family and medical mediation for legal practitioners. In contrast, there remains a scarcity of restorative justice practitioners specialised and trained in criminal justice matters and especially in cases that involve children.

Overall, the slow pace of the administration of justice contributes to a possible secondary victimisation of the juvenile victims. Understaffing is also a long-term problem in the relevant agencies, especially in recent years due to the financial crisis, and access to services has been confined to larger cities.^[153]

^[150] *Ibid* P. Papadopoulou (2008).

^[151] *Ibid* K. Panagos (2017b).

^[152] *Ibid* V. Artinopoulou (2013).

^[153] *Ibid* K. Panagos (2018).

At the institutional level, a recent Public Prosecutor of the Supreme Court circular (07/2019) shed some light on the aims and objectives of the victim-juvenile offender conciliation scheme and provided guidelines for juvenile probation officers on implementation. However, there is considerable concern among probation officers about their role as mediators, which can run counter to their role of advising and supporting young offenders.

While juvenile probation officers cannot act as mediators for cases involving offenders that they are supervising in order to maintain neutrality, the main focus of their work remains juvenile offenders.^[154] As a result, although the criminal law provides for victim-juvenile offender conciliation, it seems that in practice this has focused more on offenders and giving them a chance to acknowledge the offence and make amends for the harm caused rather than on the victims, who tend to be mostly considered as contributing to offenders' rehabilitation. A more balanced approach to the needs of both parties is currently lacking. A similar issue was raised by the police who do not consider that it is appropriate for them to implement restorative justice since they are primarily representing the interests of the child victim of a crime. There is a clear need for more and specialist training for the juvenile probation officers and formal guidelines on how to carry out mediation.^[155]

Agencies providing support services to victims focus on specific categories (mainly vulnerable groups and women who have experienced gender-based violence). In practice, EKKΑ is the only agency that provides penal mediation in cases of domestic violence (for adult and child victims). However, there are concerns regarding the lack of appropriate structures and training for those responsible for undertaking mediation.

As one of the respondents stressed, the penal justice system has been created by adults for adults, and there is a lack understanding among professionals that each case is different, and each child has an individual profile and specific circumstances and needs. Further, the criminal justice system appears to prioritise juvenile offenders over child victims and in some cases repeated child assessments by professionals result in unintentional re-victimisation.

While some respondents stressed that some judges and prosecutors still maintain a punitive approach when working on cases with children, it seems that the new generation of judges and public prosecutors are much more sensitised to the needs of children. Professionals in general were very aware of the need to address children differently from adults, taking into account factors such as culture, age group, sex or health.

However, with the exception of juvenile probation officers, professionals in general are not trained in restorative justice or in children's rights and child-friendly approaches. This can lead to judges and lawyers not feeling confident in opting for restorative justice measures. Some professionals expressed reservations about the use of restorative justice in cases of violent crime, such as sexual abuse, where there is an imbalance of power between the parties, and in cases of bullying because the offence is more consistent and repetitive in nature. Nevertheless, there was a general view that restorative justice should be used more in domestic violence cases that include children as indirect victims, which does not happen at present.

At the school level, teachers need permission from the Teachers' Association to implement peer-to-peer mediation, which sometimes can be an issue. Even when they do receive permission, some are not confident to discuss this with their headteachers. In addition, teachers encounter other issues such as a lack of appropriate rooms for such meetings, unsupportive parents, or lack of time since the process is implemented on a voluntary basis. Nonetheless, respondents pointed to positive outcomes when peer-to-peer mediation does take place; one professional noted that 80 to 90% of pupils reported that after mediation they did not come into conflict with their peers.

In general, the implementation of restorative justice seems to be more readily accepted by children than adults and the establishment of Houses of the Child (Independent Offices for Juvenile Victims) should facilitate work with child victims and new child-friendly interventions.

^[154] *Ibid* K. Panagos (2017).

^[155] *Ibid* V. Artinopoulou et al (2018).

Children responded positively to restorative justice because it provides offenders with a chance to understand the consequences of their actions and make amends and enables victims to understand why the offence happened. They noted that this practice would work especially well for children because they are more open to change. A flexible approach including other forms of restorative practices, such as family

group conferencing or sentencing circles, could be useful in this context.

It is essential that the development of restorative justice with children goes hand in hand with the development of policies for child victims and greater awareness of children's rights among the relevant authorities, professionals and the public.

Recommendations

The following recommendations aim to ensure and promote a coherent and balanced application of restorative justice for children.

Support of professionals

- Establish more and specific training of the juvenile criminal justice professionals (including judges, prosecutors, police officers, probation officers, lawyers and mental health professionals) who are involved in existing formal restorative practices. This should aim to raise awareness of restorative justice involving children and improve implementation with respect to child victims' rights. The trainings should focus on the meaning and values of restorative justice, how the needs of both child victims and offenders can be met in the process and provide them with skills and tools to improve implementation of the existing restorative justice schemes.
- Self-care practices should be included in order to prevent and address the risk of burn-out among professionals dealing daily with challenging emotions and situations.
- In order to ensure that restorative justice is implemented in a way that addresses the needs of all parties affected by a crime/conflict there should be 1) impartial third parties, as set out in the Victims Directive and 2) information/communication provided about restorative justice that takes into account the needs of all parties (for example, inviting the victim to participate to support the young offender's rehabilitation would not be restorative justice).

Provide necessary structures and guarantees

- Training centres, associations or other entities should be established that can provide training on restorative justice practices and that are familiar with the special needs of young offenders and victims.
- Guides, protocols and leaflets should be developed for professionals, child victims and their guardians about the juvenile justice system, victim-offender mediation, rights and obligations in the mediation process, as well as information on child victim support services.
- Networking and cooperation among different key actors (researchers, policy makers, legal practitioners, teachers and NGOs) should be encouraged in order to engage them fully in the implementation of restorative justice with children. Children themselves should be involved.
- As a priority, the need for funding at the State level for restorative justice intervention and policy development needs to be addressed in order to ensure that existing laws are properly implemented.

Expand restorative approaches to justice

- Research and assessment of existing restorative justice schemes should be undertaken with a focus on the needs of both child victims and professionals, in order to map existing problems and improve the services.

- Restorative services should be developed outside court practice by other social agencies and NGOs.
- Consideration should be given to involving Mediation Centres in more restorative justice practices, such as restorative conferences or sentencing or restorative circles, rather than solely for mediation.
- Campaigns and events at the local level should be organised to raise public awareness about the concepts of mediation and restorative justice.
- In-depth studies and discussions among scientific and professional bodies should be promoted about how to adapt restorative justice to address special issues related to young offenders and victims. This should include examining examples and good practices in other countries where restorative justice schemes for child victims have been applied with positive outcomes.

Focus on the children:

- Attention should be given to children's needs and sense of what is just. In most cases, children seem more sensitive and mature when approaching restorative processes. Safe spaces and quality services should be provided both to child victims and child offenders to support their participation in restorative justice processes.
- **Emphasis should be given to the empowerment of children and their active participation on all issues that concern them should be guaranteed within the criminal justice system and within schools, in addition to their rights to protection and support.**



References

- Artinopoulou, V. (2013), *Restorative Justice in Greece – Final national report*, The 3E Model for a Restorative Justice Strategy in Europe (JUST/2010/JPEN/AG/1534), http://3e-rj-model.web.auth.gr/files/national_reports/Greece.pdf [in English]
- Artinopoulou, V., Vidal, S., Georgoulas, S., Themeli, O., Koulouris, N. K., Papanikolaou, G. (eds) (2018), Powers, scientific neutrality and criminological reason. 50 Years Howard Becker "Whose side are we on?" Contributions to the first conference of the Hellenic Society for the Study of Crime and Social Control. Athens 24-27 May 2016. Athens, p. 723 et seq.
- Dimitriou X. (2019). "General principles of minor law, international and Greek legislation on minor offenders and specialized professionals", EPANODOS, Essays of the 2nd Annual Conference on "Social reintegration of minors and juvenile offenders", Ed. Dionicos, Athens, 2019 p. 21 et seq [in Greek]
- E-Protect (2019) ENHANCING THE PROTECTION OF CHILDREN – VICTIMS OF CRIME, **South-East European Research Centre (SEERC)** - Policy Guidelines for Greece, <http://childprotect.eu/#/en/resources>
- E-protect (2019) Country report on the transposition of Victims' Directive in Greece, <http://api.childprotect.eu/media/5c6a60307b292.pdf>
- FRANET (2014) Victim Support Services in the EU: An overview and assessment of victims' rights in practice Greece, https://fra.europa.eu/sites/default/files/fra_uploads/country-study-victim-support-services-el.pdf
- Giovanoglou S. & Păroșanu A. (2015) 'Greece', In: F. Dünkler, A. Parosanu & P. Horsfield (eds), *Research and Selection of the Most Effective Juvenile Restorative Justice Practices in Europe: Snapshots from 28 EU member states I*, Brussels: International Juvenile Justice Observatory, pp. 81-85, <https://www.oijj.org/sites/default/files/documentos/snapshots.pdf> [in English]

- Karakiozis, K., & Papakitsos, E. C. (2018), Attitudes of Teachers Who Implement School Mediation Programmes: A Case Study. *International Educational Research*, 1(2), 16-25, <https://doi.org/10.30560/ier.v1n2p16>
- Kosmatos K (2018), The enforcement of reformatory measures in Greek penal legislation, *Poiniki Dikaiosyni* 2/2018, pp. 133 et seq. [in Greek]
- Koulouris N., Aloskofis W., Vidali S., Koros D, Spyrea S. (2015), European Prison Observatory Alternatives to Prison in Europe. Greece, Antigone Edizioni Rome, October 2015, <http://www.prisonobservatory.org/alternatives/ALTERNATIVES%20TO%20PRISON%20IN%20EUROPE.%20GREECE.pdf>
- Lambropoulou, E. (2010), Alternative dispute resolution and restorative justice schemes for juvenile offenders in Greece – Potentials and open questions, in *Essays in Honour of Professor C.D Spinellis, Interdisciplinary Criminological Pathways*, Sakkoulas Ed. Athens -Komotini p.907-927 [in English]
- Mallouchou Afroditi (2014), Restorative justice: An alternative approach to treatment of juvenile offenders; mediation and the special preventive role of Juvenile Probation Officers, (dissertation), School of Social Sciences, Department of social and educational policy, University of Peloponnese
- Michael I., EPLO (2019), Vociare National Report Greece - Project “VOCIARE: Victims of Crime Implementation Analysis of Rights in Europe”, https://victimsupport.eu/activeapp/wp-content/uploads/2019/08/VOCIARE_National_Report_Greece_interactive.pdf
- Ministerial Decree n. 49540/2011 <https://www.hellenicparliament.gr/UserFiles/67715b2c-ec81-4f0c-ad6a-476a34d732bd/7430233.pdf>
- Ministry of Justice General Secretariat for Transparency and Human Rights ACTION PLAN FOR CHILDREN'S RIGHTS 2015 -2020 (Draft), Athens 2014, <http://www.opengov.gr/ministryofjustice/wp-content/uploads/downloads/2014/11/DIAKAIODYNHSPAIDI.pdf>
- Ministry of Justice, Draft Law about Youth Care Units and other Provisions <http://www.opengov.gr/ministryofjustice/?p=10478>
- Panagos K. (2017a), On being a mediator in victim-offender mediation: The case of the Greek juvenile justice system, in C. Spinellis et al, eds, *Europe in crisis: Crime, criminal justice, and the way forward – Essays in honour of Nestor Courakis*, Athens-Komotini: Ant. N. Sakkoulas Publications, pp. 1685 et seq., <http://crime-in-crisis.com> [in English]
- Panagos K. (2017b), Victim-offender mediation in juvenile justice system: The necessity for procedural guidelines, *Poiniki Dikaiosyni* 8-9, pp. 723 et seq. [in Greek]
- Panagos K. (2018), Greek National Report In order to contribute to the effective implementation of the Directive 2012/29/EU - Support Voc30 Family & Childcare Centre – KMOP National Centre for Social Solidarity – EKKA, April 2018
- Papadopoulou P. (2006), ‘Victim–offender mediation for minors in Greece’, *Newsletter of the European Forum for Restorative Justice* 7(1): 1- 3 < <https://www.euforumrj.org/en/newsletter-archive>>.
- Papadopoulou, P., Panagiotopoulos, P. (2008), Paper prepared for the case of Greece In: Final report of AGIS Project JLS/2006/AGIS/147, Restorative Justice: An Agenda for Europe Supporting the Implementation of Restorative Justice in the South of Europe. European Forum for Restorative Justice, Leuven, 2008 Available

at https://www.euforumrj.org/sites/default/files/2019-11/going_south_report.pdf

- RACIST VIOLENCE RECORDING NETWORK ANNUAL REPORT 2017, http://rvrn.org/wp-content/uploads/2018/03/Report_2017eng.pdf
- Wasileski, G. (2017), Prosecutors and Use of Restorative Justice in Courts: Greek Case, *Journal of Interpersonal Violence*, 32(13), 1943–1966, <https://doi.org/10.1177/0886260515590127>

Internet sources

- ADRcenter website, <http://www.adrcenter.gr/mediation/> accessed on 21/01/2020
- E-Protect Project, <http://childprotect.eu/#/en/dp/11/project>
- E-Protect Project Description, <https://protasis-project.eu/project-description/>
- European Forum for Restorative Justice, <https://www.euforumrj.org/en/agis-3-restorative-justice-agenda-europe-2006-2008>
- Greece – My rights as a victim available at European Justice, https://e-justice.europa.eu/content_rights_of_victims_of_crime_in_criminal_proceedings-171-el-en.do?member=1
- IARS International Institute, <http://www.iars.org.uk/online/restorative-justice-in-europe-safeguarding-victims-empowering-professionals/>
- Mediation in Greece written by Meidanis Seremetakis & Associates Law Office, <http://www.greeklawdigest.gr/topics/alternative-dispute-resolution-mediation/item/306-mediation-in-greece>
- Official Page for Mediation by the Ministry of Justice – Historical roots of mediation in Greece, <http://www.diamesolavisi.gov.gr/selida/oi-istorikes-rizes-tis-diamesolavisis-stin-ellada>
- Restorative Justice in Cases of Domestic Violence 1, <https://www.verwey-jonker.nl/publicatie/restorative-justice-in-cases-of-domestic-violence-1/>
- Restorative Justice in Cases of Domestic Violence 2, <https://www.verwey-jonker.nl/publicatie/restorative-justice-in-cases-of-domestic-violence-2/>
- Restorative Justice in Cases of Domestic Violence – A Guide for Practitioners, https://www.verwey-jonker.nl/wp-content/uploads/2020/07/Restorative-Justice-and-Domestic-Violence_7388_def-2.pdf
- The conciliators of Crete Island, article in Kathimerini, 22.06.2014, <https://www.kathimerini.gr/investigations/772656/oi-symfiliotes-tis-ventetas-stin-kriti/>
- The GRUNDTVIG LLP Program, “Together against Juvenile delinquency”, partner search form, http://www.ua.gov.tr/docs/grundtvig-%C3%B6%C4%9Frenme-ortakl%C4%B1klar%C4%B1-projeleri/44_partnersearchgrundtviglpmediate.pdf?sfvrsn=0
- Weinstein International Foundation, <https://weinsteininternational.org/greece/>



Annex 1

List of interviewees

Practitioners & Policymakers

1. Dimitra Gavriil, Attorney-at-Law, Mediator, Prison of Peace Director of European Programs
2. Antonia Torrens, President of NGO KMOP
3. Maria-Louiza Andriakopoulou, Attorney at Law, Accredited Mediator, Trainer on School Mediation, DIALOGOS Association <https://dialogosdiamesolavisi.gr/>
4. Efthimia Doussi, Attorney-at-Law, HIAS Greece
5. Theodoros Thanos, Associate Professor to the Department of Early Childhood Education, School Network for School Mediation
6. Afroditi Mallouchou, Social Worker, Accredited Mediator, Juvenile Probation Officer
7. Eugenia Saridou, Attorney at Law, Accredited Mediator, Trainer on School Mediation, DIALOGOS Association <https://dialogosdiamesolavisi.gr/>
8. Andromachi Alamanou, Head of Social Services of EPAA, Athens Organization for the protection of Minors
9. Vasiliki Artinopoulou, Professor in Criminology, Panteion University- Founder and Director of the University's Restorative Justice and Mediation Lab
10. Iro Michail, Psychologist (BA), Criminologist (MA), Registered Mediator (Cyprus), Phd Candidate-Panteion University
11. Theoni Koufonikolakou, Greek Deputy Ombudswoman for children's rights
12. Olga Themeli, Associate Professor in Forensic Psychology, University of Crete
13. Margarita Fylaktou, Social Anthropologist (MSc), Juvenile Probation Officer
14. Christina Moutsopoulou, Psychologist, Juvenile Probation Officer
15. Chara Galanou, Legal Criminologist, Accredited Mediator (AKKED Prometheus), Athens Juvenile Probation Officer
16. Vilma Meniki, Secondary Education Teacher, MA in Special Education, Trainer and Coordinator in the

Network for School Mediation (www.kede.org), Certified Adult Educator EOPPEP, Gender Activist and Researcher, Email: vilmaart@yahoo.gr

17. Myrsini Pykni, Sociologist (MSc), Juvenile Probation Officer, Head of the Piraeus Department of Juvenile Probation Officers, piknimirsini@yahoo.gr

18. Name enclosed, Minors' Police Department

19. Name enclosed, Minors' Police Department, Psychologist

20. Name enclosed, Attorney-at-Law, Accredited Mediator, Restorative Justice Researcher

21. Name enclosed, Child Psychologist, Member of the RJ & Mediation Lab, Panteion University

22. Name enclosed, School Psychologist, Professor at the University of Ioannina

Child Advisory Board meetings

1. 24 March 2020 – Establishment of the Child Advisory Board in Greece with eight children

2. 4 April 2020 – Research consultation with six children from the CAB

3. 11 April 2020 – Research consultation with four children from the CAB

About us

Terre des hommes

Terre des hommes (Tdh) is the leading Swiss organisation for children's aid. Each year, we provide assistance to over four million children and members of their communities in around 40 countries through our health, protection and emergency relief programmes.

In Greece, Tdh aims to protect refugee and asylum-seeking children and families and to ensure equal access to their rights. We strengthen the child protection system for both migrant and Greek children and we promote child-friendly restorative justice approaches for children in contact with the law.

 www.tdh.ch | tdh-europe.org | childhub.org

 www.facebook.com/TdhEurope
www.facebook.com/tdh.ch

 twitter.com/TdhEurope | twitter.com/tdh_ch

 www.linkedin.com/company/terre-des-hommes-foundation

 www.instagram.com/tdh_ch

European Forum for Restorative Justice

The European Forum for Restorative Justice (EFRJ) is the largest European professional network on restorative justice. It counts almost 500 members, including 80 organizations, working on restorative justice practices, research and policy in Europe and beyond.

 www.euforumrj.org

 www.facebook.com/euforumrj

 twitter.com/EuForumRJ

 www.linkedin.com/company/efrj

Restorative Justice Nederland

The foundation Restorative Justice Nederland is the innovation and knowledge institute for restorative justice and restorative practice in the Netherlands. Its main focus is on criminal law and other areas in which restorative work can be useful, such as in schools, neighbourhoods etc.

 www.restorativejustice.nl

 twitter.com/Rest_Justice_NL



Every child in the world
has the right to a childhood.
It's that simple.

Learn more: www.tdh.ch | tdh-europe.org



Terre des hommes
Helping children worldwide.

rijn  **restorativejustice.nl**

 **EUROPEAN
FORUM FOR
RESTORATIVE
JUSTICE**

