

**Convention on the Rights of the Child**

**Second and Third Periodic Report of Greece**

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## INTRODUCTION

1. Greece signed the Convention on the Rights of the Child, adopted by the General Assembly of the United Nations on 20 November 1989, on 26 January 1990 and ratified it on 11 May 1993. In 2001, it submitted a very detailed initial report on follow-up to the Convention, which was considered by the Committee on the Rights of the Child a year later, on 1 February 2002. By its Verbal Note, dated 19 February 2002, the Committee agreed to the consolidation of the second and third report by the Greek authorities.

2. The concluding observations of the Committee on the Rights of the Child (CRC/C/15/Add.170) provide a key point of reference for the report. The Committee identified positive factors, but also “principle subjects of concern”, as well as formulating “proposals and recommendations”. It is of further relevance to understanding the present report that the report’s contents, form and structure are based closely on the “General guidelines regarding the form and contents of periodic reports to be submitted by States parties under article 44, paragraph 1(b), of the Convention”.

3. This report brings together contributions from the ministries concerned with the application of the Convention. Apart from the Ministry of Foreign Affairs that conducted the overall coordination of the Ministries involved and the editing of the report, the report comprises contributions from the following Ministries: Ministry of National Education and Religious Affairs, Ministry of Health and Social Solidarity, Ministry of Justice, Ministry of National Defence, Ministry of Transport and Communications, Ministry of Employment and Social Protection, Ministry of Interior and the Secretariat General of Communication and Information. The Government has also taken account of observations from the National Commission for Human Rights.

### I. General measures of implementation

#### 1. Implementation and coordination

##### **Establishment of a coordinating body (para. 14a)\***

4. **The National Observatory for the Rights of Children (NORC).** NORC was legislated into existence in 2001 (LD. 2909/2001). Its purpose, structure and functions have been described in the previous national report (CRC/C/28/ADD. 17). One of its functions, apart from monitoring and designing policy measures for the protection of children’s rights, in particular in rural areas and in islands, is the “coordination of the relevant actions of public and private organizations (Article 4, paragraph 1b). However, during the three-year period since its conception (2001-2004), NORC remained on paper. In 2004 the Minister of Education proceeded to the setting up of the five-member National Committee, after a proposal made by the General Secretariat for Youth, which is part of the Ministry of Education (Decision 3710/7.9.2005); the Committee is composed of a renowned child psychiatrist, as president, and 4 members (a pedagogue, a regional elementary education director, an attorney and a journalist). The Minister of Education is committed to proceeding

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\* Reference to the paras of the Concluding Observations.

with the employment of two “special scientists” provided for in the law, in order to support the work of the Committee.

## **2. Measures to reduce disparities in the Convention’s implementation**

### **(para. 14b)**

5. The access of children and their families to the health services of our country is free and without restrictions. A great number of Hospitals (132 belong to the National Health System, ESY), Health Centers (212) and Regional Medical Clinics (1506) are equally distributed, per geographical area, in the entire territory. Amongst these 132 Hospitals, only 99 have Pediatrics Departments with various specializations (for example Neonatal Departments, Children’s Psychiatric, Cardiology, Orthopedic-Surgical, Children’s Cardio-Surgical Departments, Intensive Care Units for Minors and Infants, Departments of Hemodynamics, Children’s endocrinology, Mediterranean Anemia, Children’s neurology, Neonatology and Children’s Cardiology etc.).

6. Apart from health services offered to children who are in need by the social welfare bodies and agencies, social assistance and consultative support, regardless of sex, origin, educational level, convictions, insurance regime etc., is offered by the Social Welfare Services. All programs concerning children’s protection, specifically financial supports, are applied, without any distinction, also to the children of foreigners, provided their parents permanently and legally reside in Greece and meet the requirements, which also apply to Greek nationals.

7. Within the framework of psychiatric reform and the national program titled “PSYCHARGO”, 30 out of 52 prefectures of the country run psychiatric community services for children (Socio-Medical Centers, Mobile Units). The enlargement of the social services network led to significant progress, both in terms of ensuring access to services for children and adolescents with mental health problems and also in terms of decentralization of services; this reduces the need for patients to visit the two biggest urban centers (Athens and Thessaloniki) and allows a timely intervention in dealing with mental disorders. Psychiatric Services for children aim to treat mental disorders and to facilitate a smooth psychosocial development and maintenance of children’s mental health.

8. Specifically, the following mental health units for children and adolescents are currently operative in the field of primary and secondary care:

#### 1. Primary Care units:

A) Mental Health Centers, that also provide psychiatric services for children, 20 in total. Further, the Hellenic Center for Mental Health & Research has departments in the whole of Greece, with services for children and adolescents.

B) Socio-Medical Centers specialized for children and adolescents (10 in total).

C) Mobile Units in isolated regions providing mental health services for children, adolescents and their families by specialized personnel.

D) Day Centers aiming to prevent social isolation and marginalization of children and adolescents with mental disorders, and also to improve their skills and abilities that allow their social integration. There are currently 13 Day Centers for autistic children and children with development disorders as well 1 for children and adolescents with mental disorders.

## 2. Secondary Care field:

Psychiatric Departments for children, eight in total, operate in the General Hospitals. Also another four Psychiatric Departments for children are going to operate, after their relocation from the Psychiatric Hospital for children of Attika (this was the only hospital for children and adolescents that offered institutional care and, apart from the Emergency Unit, it has now completed the closing down of its asylum facilities) to other General Hospitals.

3. In the Tertiary Care field a number of guesthouses for children and adolescents with severe mental disorders and psychosocial problems are being developed.

9. The departmentalization of Mental Health Services for Children and Adolescents (apart from Athens and Thessaloniki) will be completed during the D' Program Period, in which the following services are planned to be operative: 15 Mental Health Centers with Medical and Counseling services, 14 Socio-Medical Centers, 18 Mobile Units, 21 Programs for home nursing – care.

## **3. Strengthening of the Convention's overall implementation throughout the country (para. 16a)**

10. **(1) Student population statistics.** The student population is characterized by relative stability at the Kindergarten and Primary School levels during the last two school years (**See Table 2**), with some minor increase on the elementary school level, which might be due to migration influx. There were general declines on the secondary school levels especially in technical education. The easier accessibility to higher education from general rather than technical education, following the 1997/98 reforms, is said to have been responsible for the general decline in technical education. Under way is a restructuring of secondary general and technical education that would upgrade technical education.

**(2) Distribution of School Units and Teaching Personnel.** While the number of teaching personnel remained stable during the last two school years, with the exception of personnel in technical schools, there was an overall decline in the number of school units, especially in general secondary education (both lower and upper levels) (**See Table 3**). School units have been on a long-term decline due to problems of low population growth; however, immigration, is expected, at least temporarily, to counterbalance the declining student trends and the school closings.

**(3). Children of migrant workers and repatriated Greeks.** These two categories of students constituted in 2002/2003 about 9% of the student population in Greece, at all school levels, while children of migrants alone constituted about 7% of the student population (**See Table 4**). In some geographical regions (**See Table 5**), as in Central Macedonia, the Ionian Islands and Attica, the two categories of students constituted more than 9% of the student population. In addition, the two most populous regions (Central Macedonia/Thessaloniki and Attica/Athens) hosted 63,37% of the children of migrants and repatriated Greeks. The overwhelming majority of foreign children are concentrated in Grade School; however, their enrolments in secondary education have increased, following two regularizations and as their integration in Greek society proceeds.

**(4). Children on the Muslim minority in minority(private and public) and public schools.** On the elementary school level, the number of minority schools exceeds the number of public schools, in the three prefectures of W. Thrace, while on the secondary level, there is an overwhelming prevalence of public relative to minority schools (**See Table 6**). During the last years there is increasing attendance

of Muslim students both in public and in minority schools of the Secondary Education. While during the school year 2001-02, 1159 students attended the minority schools of Secondary Education, during the school year 2005-2006, 1292 attended the same schools. The percentage increase is 11.5% approximately. The corresponding percentage in the Public Schools of Secondary Education amounts to 25.8%. The highest percentage increase, reaching a rate of 150% during the last 5 years, has been observed in Muslim students attending public schools of Primary Education.

**(5). The Roma children in the Greek educational system--statistics.** There has been no exact estimation of the Roma population in Greece. Settlement and Housing Programs for the Roma of the Ministry of the Interior, Public Administration and Decentralization have estimated the target/beneficiary population at between 120.000 and 150.000, while social scientists who have done ethnographic studies in Roma communities believe that the above may be an underestimate; they estimate that the Roma population of Greece may fluctuate between 200.000 and 250.000. The uncertainties relating to the general Roma population complicate things when attempting to make conclusions with regard to the population of Roma children in Greek schools, and whether their attendance is commensurate to the population in general. The most systematic census of Roma children in Greek schools was carried out by the University of Ioannina, with the funding of the European Union Third Community Framework Support Program (**See Table 8**). The study recorded about 9.000 Roma children in Greek elementary schools, with the numbers declining as one progresses through the grades—suggesting that dropout rates commence early in the school career of Roma children. There are no statistics on Roma in secondary education, which agrees with the very low rates of secondary school graduates observed in ethnographic studies of the adult Roma population. Data on Roma populations, compiled by the Special Secretariat for the Education of Greeks living abroad and Intercultural Education have been sent to school regional services while further efforts to mobilize the competent Directors of Education have been made.

11. The Ministry of Health and Social Solidarity has enacted a series of measures and has set up the terms and conditions concerning the access procedures to the fields of Health and Welfare for all persons that permanently and legally reside in our country. The national policy of health and social welfare covers the entire Greek territory including remote areas without distinction for the rural population or other sensitive groups. The number of health professional for children is gradually but constantly being increased.

12. As far as the Mental Health services are concerned:

-with regard to remote rural areas, during the period 2002-2008, Mobile Units providing services have been developed in 14 Prefectures. The mission of the Mobile Units is to provide preventative services and home nursing in areas with specific access problems of the mental health services. These structures, in combination with the pre-existing Mobile Units in two prefectures, constitute a satisfactory service network for rural and remote areas.

- in island areas the following services have been operating during the period 2002-08:

In the Northern Aegean: 1 Mobile Unit and 1 Mental Health Centre;

In Crete: 2 Mobile Units and 1 Socio-Medical Center;

In the Ionian islands: 1 Mobile Unit in the Kefallonia and Zakynthos Prefecture and 1 Mobile Unit in the Kerkyra and Lefkada Prefectures.



Cyclades: 3 Mobile Units

Sporades: 1 Mobile Unit.

Moreover, since 7 November 2007, a Telephone Help Line-Link, staffed with 7 scientists, is operative to promote prevention in mental health issues concerning children – adolescents. After evaluation of the needs that will come up during the operation of this service, a possible extension of this program will be examined.

#### **4. The Roma Children (para. 16a)**

13. Roma in Greece are an integral part of the Greek population; they are Greek citizens and subject to the Constitution and the Laws of the State. On this basis they enjoy, inside Greek territory, all those individual and political rights guaranteed by the Constitution to all Greek citizens. The Roma are registered in the general population census with the same criteria as the rest of the Greek population. Further, taking into consideration their specific conditions of living, they are recognized by the State as a socially vulnerable population group, and there is a series of measures and actions taken for their benefit.

14. The Ministry of Health and Social Solidarity, through its competent Directorates, designs programs, implemented by the Welfare Departments of the Prefectural Administrative Authorities of the country, which target all citizens who fulfill the requirements mentioned in Law 57/73: *“On the adoption of measures of social protection for the economically weak and repealing provisions on indigence”*. According to Joint Ministerial Decision Nr. 139491/30-11-2006, the economically weak and uninsured citizens are able to acquire an Uninsured Booklet for free medical and pharmaceutical care and free hospitalization. These regulations are also addressed to the Roma. In the field of welfare, Roma are entitled to receive benefits of parents with many children, disability, child protection benefits etc, just as all Greek citizens.

15. Furthermore, in the framework of the Integrated Action Plan for the social integration of Greek Roma the Ministry of Health and Social Solidarity has established Socio-Medical Centers in the Roma’s permanent settlements and visits their temporary settlements through its Mobile Units.

16. The **Socio-Medical Centers (SMC)** are part of the actions for combating the exclusion of socially vulnerable groups of the population. Their establishment and operation has been approved in the framework of the Regional Operational Programs of the Third Community Support Framework and are co-funded by the European Community Fund. The institutional framework governing the operation of these Centers was set up by a Joint Ministerial Decision (2006) of the Ministries of Health and Social Solidarity, Employment and Social Insurance, Economy and Finance, Interior- Public Administration and Decentralization.

17. The objective of the Socio-Medical Center is to promote primary health care and social protection of the Greek Roma with the aim to enable their social integration. This objective is achieved by the utilization of the services provided by the National Health and Social Care System and by familiarization of the target group with the public services of the state. The Ministry of Health and Social Solidarity is responsible for the operation and competence of these Centers. They are under the control and surveillance of the Regional Health Departments, the Center

for Disease Prevention of the Ministry of Health and Social Solidarity, which is responsible for the scientific surveillance of Public Health issues.

18. The Socio-Medical Centers are mainly housed in places offered by the Municipalities inside the borders of the settlements. The staff consists of a Doctor, a Social Worker, a Health Visitor, a Gymnastics or Special Teacher and a Mediator from the target group.

19. The main actions of the SMCs concerning this population are related to the fields of registration, identification documents, health, occupation, education, collective representation of the residents and also housing.

20. Another main objective of the Centers is to establish cooperation with organizations, whether local or not, so as to make the above activities widely known and also to establish networks between the Center and other services.

21. The SMCs also organize conferences for the sensitization of the Roma on issues of health and family planning, as well as for raising the awareness of the local society and public and social institutions (schools, churches, cultural centers, etc.). The Centers are also able to link to each other through the Internet forum, <http://www.esfhellas.gr/forum/default.asp>.

22. In the framework of the measures on “Local Employment Initiatives” and “Integrated Interventions for Urban Development”, 37 Municipalities have submitted Proposals for the establishment of Socio-Medical Centers. Currently, 30 of them are operative.

23. The Program “Protection, Promotion and Psychosocial Support of the Greek Roma” has been operating since April 2004; in this framework, **Mobile Units** visit the settlements of itinerant Greek Roma and offer clinical examinations and vaccinations for children. This Program is implemented by the Ministry of Health and Social Solidarity with the participation of the Health Departments of the Prefectures, the Regional Health Departments, the Center for Disease Prevention, the National Center for Social Solidarity and several NGOs. The aim of these interventions, according to the relevant Ministerial Decision, is to provide clinical examinations and vaccination to children, to deal with social problems and to record vaccinations. The vaccinations used are those recommended by the Directorate of Public Health of the Ministry of Health and Social Solidarity, according to the National Vaccination Program. Until today vaccinations are done in most of the settlements. Revaccinations are usually organized by local authorities (Health Centers, Prefecture, etc.) in cooperation with the Directorate of Social Perspective and Welfare of the Ministry of Health, which is the program’s coordinator. During interventions the children’s health booklets are updated or new booklets are opened for newly born children or children who lost their booklets. Records are also kept by the Prefectures and the Center for Disease Prevention.

Until now the following have taken place:

| <i>vaccinations</i> | <i>2007</i> | <i>2008 (a' semester)</i> |
|---------------------|-------------|---------------------------|
| Sabin               | 150         |                           |
| Tetrava             | 2161        | 943                       |
| Polio IPV           | 1644        | 943                       |

**5. Children of Poor - Uninsured – Refugees – Foreigners – Asylum Seekers and Unaccompanied Children (para. 16a)**

24. According to Greek legislation, poor and uninsured persons are entitled to acquire an Insurance Booklet for Uninsured persons for free medical and pharmaceutical care and free hospitalization. In terms of welfare, they are entitled to receive the benefits for parents with many children, disability, child protection benefits, etc., as all Greek citizens do.

25. The above Programs have been established by the Ministry of Health and Social Solidarity and implemented through the Prefectural Authorities of the country.

26. Greek legislation stipulates that “Foreigners with a residence permit for humanitarian reasons”, according to the provisions of Law 3386/2005 “*Entry, residence and social integration of third country citizens in Greek territory*”, are entitled to free hospital, medical and pharmaceutical care. Also entitled to the same right to free hospital, medical and pharmaceutical care are:

- Foreign citizens of Greek origin who have a document that certifies that they have submitted an application for a Special Identity Document or for acquiring the Greek nationality.
- Citizens of States Parties to the European Social Charter.
- Non-Greek spouses of Greek citizens or foreign citizens of Greek origin or citizens of Member States of the European Union and their children.
- Persons who have been recognized as political refugees.
- Foreigners who have submitted an asylum request, which is being examined by the Ministry of Interior.
- Persons with a residence permit for humanitarian reasons or who have received a deadline to leave the country which is not yet expired are also entitled to free hospital, medical and pharmaceutical care upon showing the National Health System services their refugee or asylum-seeker card or the special permit of residence for humanitarian reasons, respectively.
- “Foreigners who are victims of crimes that relate to art. 323, 323A, 349, 351 and 351A of the Criminal Code (according to Pres. Decree 233/2003) (victims of human trafficking with the aim of sexual and financial exploitation) who are uninsured, are entitled to immediate and free hospital, medical and pharmaceutical care provided by the National Health System services for as long as the measures of protection and support are applicable, upon showing the relevant documentation from the authorized Police Department, in which the period of protection and support is clearly stated, directly to the N.H.S. services”.

27. Foreigners who are victims of landmines are entitled to hospitalization, medical care and limb replacement. Also foreigners who have lost limbs for other reasons during their illegal entry into the country are entitled, for humanitarian reasons, to an equal treatment as victims of landmines.

28. It is to be clarified that foreign children have access to medical care services irrespective of their legal status.

29. Minors enjoy full access to the national health system, in accordance with article 84 of Law 3386/2005.

#### **6. Decentralization of health and social services (para. 16b)**

30. All Health and Social Welfare Services are spread throughout the country. For example the primary health care is provided to children, within the framework of the National Health System, from 212 Health Centers, 1506 Regional Clinics and Multi-dynamic Regional Clinics in the rural areas as well as from the Outpatient Clinics of Hospitals. It is a network of services, which offers significant assistance and facilitates the access in the said clinics of a great number of children who live in the area. The health services of the National Health System are offered, without distinction, to all categories of population (including sensitive groups and children) in case they are in need. Special care is also taken, specifically through the action of mobile units, for the approach to organized settlements and camps and for the medical and psychosocial problems of Roma children. Emphasis will be given from now on to the increase of the number of intensive care units for “newborns” and children as well as the beginning of the operation of urban health centers.

#### **7. Role of monitoring bodies (para. 18a)**

31. According to the GNCHR, the definition of roles of the National Observatory on the Rights of Children, the Ombudsman’s Children’s Rights Department and the GNCHR, is sufficiently provided by the relevant laws establishing each one of the aforementioned bodies (namely, Law 2909/2002 art.4, establishing the National Observatory on the Rights of Children; Law 3094/2003, expanding the mandate of the Ombudsman in the area of the Rights of the Child, including the area of promotion of the Rights of minors; and Law 2667/1998, establishing the GNCHR). No overlapping of roles and/or activities seems to exist within the framework of the three institutions.

32. GNCHR performs its duties as an advisory body to the Prime Minister and the Greek State authorities in general, on issues pertaining to the overall protection and promotion of human rights, including those of children.

33. The Department of Children’s Rights of the Office of the Ombudsman was established by Law 3094/2003. In fulfillment of its mission, the Department mediates in specific cases in which a child's rights are being violated, following a complaint filed by a citizen, aiming at the protection of the child and at the restitution of his/her rights. If necessary, in cases of serious violations, the Ombudsman acts on his/her own initiative. Moreover, the Department undertakes initiatives in order to monitor and promote the implementation of international conventions and of the national legislation on children's rights, to inform the public, to exchange views with representatives of other institutions and to elaborate and submit proposals to the government

34. According to the Law establishing the National Observatory-which operates within the framework of the General Secretariat for Youth of the Ministry of Education-, the latter’s mandate is to monitor and promote the implementation of the Convention on the Rights of the Child in Greece. Furthermore, the Minister of Education sets up a Scientific Committee composed of five members, responsible for

the fulfillment of the mission of the Observatory. The members of the abovementioned Committee are selected amongst University Professors, experts on issues related to the Rights of Children, and specialized NGO representatives. In addition, representatives of other relevant public or private institutions may attend the sessions of the Committee, by invitation of its President.

### **8. Work of the National Observatory on the Rights of Children (para. 18b)**

35. Efforts to implement the law on the National Observatory for the Rights of Children began in spring 2005. The constitution of the five-member committee charged with the implementation of the goals of the NORC was published in the Official Gazette in the fall of the same year (7.9.2005) (See above for composition).

### **9. Development of a comprehensive children's rights policy and plan of action (para. 20)**

36. The development and implementation of a comprehensive children's rights policy and plan of action falls, according to Law 2909/2001, within the competence of the National Observatory for the Rights of Children (Article 3, Paragraph 1h).

37. The Ministry of Health and Social Solidarity develops integrated actions for the protection of children's rights in the following areas:

- 1) dealing with phenomena of social exclusion (in co-operation with the competent Ministries),
- 2) financial support and maternity benefits, family and unprotected children,
- 3) the care of preschool-aged children (services, social care, such as public Nurseries and kindergartens),
- 4) the operation of centers for the creative recreation of children and children's summer camps.
- 5) the social care of unprotected children (Centers of Child's Care, Institutions founded by the Church or by Private Agencies, Children's towns e.t.c.)
- 6) the protection and care of street children (Protection Center i.e. Philoxenia).
- 7) alternative care of children (adoption and foster family, semi-independent living apartments/semi-dependant houses, etc).
- 8) Within the framework of Measure 3.1 of the Operational Program "Health – Welfare" of 3<sup>rd</sup> Community Support Framework (2000-2006) / CSF actions for the support of children are provided for with the establishment of Social Service Network in approximately 150 Municipalities of the entire country, within the framework of which, services of supportive character are offered aiming at ensuring social coherence through the combating of poverty and social exclusion.

38. In this context, 93 already operating Offices of Social Supportive Services, offer primary social care services to each child that faces similar problems and is not covered by the existing welfare services. Indicatively, beneficiaries fall into the following categories:

- children with disabilities
- children of one-parent families
- children of abused women
- Roma children
- children of immigrants
- children of asylum-seekers and refugees



|      | & General Expenditures |            |            | & General Expenditures |           |           |            |
|------|------------------------|------------|------------|------------------------|-----------|-----------|------------|
| 2001 | 12.914.882             | 7.127.513  | 20.042.395 | 2.984.593              | 3.531.029 | 6.515.622 | 26.558.917 |
| 2002 | 14232.818              | 8.418.710  | 22.651.528 | 3.163.610              | 3.650.683 | 6.814.293 | 29.465.821 |
| 2003 | 15.634.462             | 9.781.475  | 25.415.937 | 3.441.000              | 3.904.791 | 7.345.791 | 32.761.728 |
| 2004 | 17.568.631             | 11.602.280 | 29.170.911 | 3.640.000              | 4.226.943 | 7.866.943 | 37.037.854 |

Social budget expenditures for the fiscal year 2004 per protection sector are broken down as follows: Health 9,47%, Welfare 1,94%, Social Insurance 88,59%.

Source:

1. Social Budget 2004/ Ministry of Employment & Social Solidarity
2. Publication of "Health in Greece", Ministry of Health and Welfare
3. National Statistics Service

### **11. Data collection (para. 24c)**

43. There are three sources of educational data accessible to policy makers. The **first** of these includes the National Statistical Service of Greece (NSSG) that has decentralized divisions in all ministries including the Ministry of Education. Apart from the decennial data, the NSSG also conducts an annual survey of all school units at the beginning of the school year, the data of which are available at the end of the school year. However, these data cover general statistics (student population, teaching personnel, school units), not necessarily the special-category populations which constitute the object of the CRC Reports.

44. The **second source** of statistical data comes from the Center for Educational Research (CER), a research institution which was legislated into existence in 1995 (Law 2327/1995). Despite some initial problems in operation, the CER has managed to conduct some significant research pertaining to school infrastructures.

45. The **third source** of educational data is the research carried out by the various secretariats, directorates and institutes of the Ministry of Education, the university research institutes, the national research centers and non-governmental organizations. Much of the research, especially that on special category populations, has been funded by the EU.

46. Finally, statistical data on pupils (integrated, even to a minimum, in the educational system) belonging to target-groups of specific programs, disaggregated by grade for each school unit are collected by the competent offices for primary and secondary education of the Ministry of National Education and Religious Affairs, as well as the IPODE (Institute for the Education of Greeks living abroad and Intercultural Education).

47. The Ministry of Health and Social Solidarity has been elaborating a project entitled "Health and Social Welfare Map" aiming at the collection of data regarding the organization, operation and activities, both with respect to health agencies and the welfare of children. These data are used for the laying down, assessment and support of policies and programs which concern the most effective implementation and attendance, inter alia, of the present Convention. More specifically, in the area of

welfare, besides the effort of recording the exact number of children with disabilities per age, efforts are also carried out to record and certify the bodies of social care of the private sector with non-profit character and the voluntary non-governmental organizations.

## **12. Cooperation and coordination with NGOs (para. 26)**

48. There is a provision for cooperation and participation of NGOs regarding the National Observatory for the Rights of Children. Thus, an important aim of NORC (L. 2909/2001, Article 4, par. 1b) is the “development of cooperation with state agencies, international organizations, such as the UNICEF and UNESCO, and NGOs, for the purpose of exchanging information and coordinating their activities.” In addition, Law 2909/2001 also provides for the participation of NGO representatives in the five- member Scientific Council of NORC.

49. Finally, there are provisions regarding participation in educational institutions of NGOs dealing with children with disabilities (Law 2817/2000, Article 2, paragraph 20 ). Thus, two representatives, one from the Panhellenic Federation of Parents and Guardians of Children with Special Needs and the other from the National Confederation of Individuals with Special Needs, participate in the Pedagogical Institute’s Department of Special Education as regular members, with the right to vote. As the Pedagogical Institute is the main consultative organ of the Ministry of Education and Religious Affairs, participation of the NGOs gives them the opportunity to participate in the formulation of school policies regarding children with special needs (e.g. the adjustment of school textbooks to the needs of children with disabilities).

50. Consultation of parents, especially via the institution of “Schools for Parents” (**Scholes Goneon**), has also been attained, in the context of EU Community Framework Support Programs in education, in the case of parents belonging to the Muslim minority and Roma children, as well as with the parents of migrant children,<sup>1</sup> although this has remained on a pilot and ad hoc basis and has not yet been generalized.

51. It is to be noted that the Municipality of Athens, as well as other municipalities of the country, have initiated a series of courses in order for the parents of pupils to learn Greek (e.g. "mother learns Greek" program).

52. The co-operation of Health and Social Welfare Services of the country with NGOs is extensive and multi-faceted. Indicatively, we mention forms of smooth co-operation in the areas of:

1. Traffic accidents with the NGO “National Support Company of Children being Victims of Traffic Accidents”
2. Promotion of actions for the support of parents with children of preschool age of the National Center of Direct Social Assistance with the NGO “Home Star” /Thessaloniki
3. Protection and social support of refugees’ children with the following NGOs:

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<sup>1</sup> Anna Fragoudaki and Thalia Dragona, The Education of Greek Moslem Children, Activities Report of the Project for the Period July 2002-June 2004, University of Athens, Ministry of Education and Religious Affairs, Athens, June 2004



- Greek Institute of Welfare and Co-operation (Hospitality Center, provision of food and social-economic accession of children of asylum seekers in Aspropyrgos, Attica/medical-pharmaceutical and psycho-social support, creative engagement of children of school and preschool age, programs of Greek language learning),
  - Greek Council for Refugees in co-operation with UNHCR (legal assistance and provision of initial orientation to children of asylum-seekers),
  - Social Work Foundation/Program of reception and accession of asylum –seekers’ children with the creation of organized and supervised accommodation by taking on the form of rented apartments
  - Center of Social Solidarity of Thessaloniki (improvement of children’s reception and hospitality conditions, consultative and psycho-social support as well as career orientation)
  - Greek Council for Refugees (in co-operation with the European Refugee Fund)
4. Protection of socially excluded, neglected and abused children (placing in special areas, mobile units on a 24-hour basis) with NGOs: The Child’s Smile (To Hamogelo Tou Pediou)
5. Protection of Roma street children in cooperation with the NGO “Save the Children” (Improvement of the living conditions of children who grow up in hard conditions, promotion of their rights and fighting phenomena of racism and social exclusion).

53. Furthermore, the Ministry of Education cooperates with NGOs in seeking proposals for actions that will promote combating school dropouts and raising of social awareness. Moreover, NGOs operate mobile units for vaccinations, hygiene, ophthalmologic and dental examinations.

54. Since 1998, the Ministry of Health and Social Solidarity has established the certification of organizations providing social care and has set up the “Registry of Certified Organizations”. The certification and registration in the Registry are requirements necessary for any kind of public funding. So far, 102 certified organizations are active in the field of Long Term care and another 400 organizations active in this field expect to be certified.

55. The Institute for Social Protection and Welfare, after changing its form, takes up the certification of NGOs that provide social care services, by checking their quality. For the development of social volunteering in the framework of the promotion of cooperation between the public sector and the NGOs, the organization “*Society of Volunteers*” aims to support NGOs concerning their development and more active participation in dealing with social needs, so as to utilize the organized voluntary contribution for the provision of quality social care services.

### **13. Training and information of professionals (para. 28)**

56. The Pedagogical Institute (P.I.), either on its own or in cooperation with other services and institutions, has designed and implemented a series of initiatives for the protection of children’s rights, within the framework of the protection of human rights, in the sector of public education. Among others, by Act Nr. 6/08/02/2001 of its Coordinating Council, the Pedagogical Institute has set up a “Committee for Human Rights”; the aim of this Committee is to design and propose measures for the implementation of human rights, and in particular children’s rights, in the educational

system. The work of the Committee will be implemented on the basis of the following axes:

- Education on human rights (teachers' training, development of programs for all levels, promotion of the values of the rights in the Analytical Programs)
- Guaranteeing the implementation of the children's rights within the educational system (raising awareness of the staff, setting up of counseling mechanisms, introduction of intercultural – pluralistic – non sexist standards).

57. The actions of the Pedagogical Institute concern the following three sectors: curriculum programs, education material, training programs. More specifically:

58. With regard to curriculum programs and education material,

-The Pedagogical Institute has amended the curriculum programs for Primary and Secondary Education (Government Gazette 303 and 304/ 13-3-2003), giving special emphasis to children's rights, with subjects promoting a peaceful, just and multicultural world.

-It has created for each subject separately teaching packages and educational material upholding children's rights, through the promotion of universally accepted and humanitarian values, the protection of "otherness" (religious, racial, cultural and individual) and through the emphasis given to training students on how to become democratic and informed citizens, able to protect institutions and values.

-On every occasion (at conferences, leaflets and teaching material) it stresses the role of international and European organizations and NGOs for the promotion and guarantee of children's rights and the importance of cooperation of Greek schools with the abovementioned institutions and stakeholders.

-It actively participates in European educational programs which present "otherness" as a value, promoting and strengthening the smooth and unimpeded cooperation between persons and social groups.

-Through special educational programs, whether included in the curriculum or not (Health Education Programs, Active Consumer Program, Program for the promotion of multiculturalism, etc.), areas which make students aware of the "right to be different" (from a physical, intellectual, racial, religious, etc. point of view).

-Related issues (combating stereotypes, prejudice, etc) are examined in all relevant subjects, in particular Social Sciences. More specifically, courses on "Social and Civic Education" (1<sup>st</sup> and 6<sup>th</sup> classes of Primary and 3<sup>rd</sup> class of Secondary School) and on "Introduction to Law and Political Institutions" (2<sup>nd</sup> class of Senior High School) emphasize human rights through chapters promoting democratic, interpersonal, intercultural and social relations.

-It has specifically promoted curriculum programs and educational material for persons with special needs and proposed ways of integrating these persons (where possible) into regular classes of Primary and Secondary Education.

-It has suggested the optional participation in Orthodox Religion lessons at all levels of public education, in order to respect religious difference, a basic aspect of human rights; the above proposal has been implemented following a relevant decision of the Ministry of Education and Religious Affairs.

59. With regard to training programs

-In cooperation with other institutions, such as the Regional Training Centers (PEK), the School Counselors, etc., it organizes refresher training courses on areas such as management of individual differences, development of multicultural consciousness, respect for difference, etc.

-It often sends associates to European conferences and forums that are related with the training for the promotion and protection of human rights.

-It has formulated several times written recommendations on the way to organize a school and a class, as well as on modern approaches to teaching and evaluation of students, with the aim to protect and safeguard individual differences, cultural differences and the individual speed of learning of each student.

60. Moreover, the P.I., with the aim to support teachers pedagogically and scientifically, organizes and implements training programs either on its own or in cooperation with other institutions. Several programs also take place at regional level and, whenever possible, in remote areas and small communities, so as to limit the sense of exclusion. This is the reason why many schools of primary and secondary education with a small number of students are still operational in spite of the high costs involved.

61. The Pedagogical Institute also organizes and implements special training programs, which include issues concerning human rights and, in particular children's rights for newly appointed teachers, teachers serving at minority schools, teachers serving at schools with a high percentage of Roma children, teachers serving at schools with a high percentage of repatriated Greek children, teachers serving at intercultural schools.

62. Moreover, several Universities, in particular their Pedagogical Departments, include lessons on Intercultural education, both at the graduate and the post-graduate level.

63. A number of services of the Ministry of Education and Religion as well as other institutions cooperate with the P.I. on the protection of children's rights and other relevant issues of mutual interest, including the following:

-the Special Secretariat for the Education of Greeks living abroad and Intercultural Education (whose official scientific, advisory body, the Institute for the Education of Greeks living abroad and Intercultural Education (IPODE), advises on and supervises the education of students with specific language and cultural particularities),

-the Intercultural Library (a program, supervised by the Special Secretariat of the Ministry of Education and Religious Affairs, on training teachers and students, raising the awareness of local societies and producing educational material, in view of the development of a rich intercultural library, which will promote universal, intercultural values in the Greek society; up until now this intercultural library includes books and CD-ROMs concerning the teaching of the Greek language as a second and foreign language as well as material on history and civilization)

-the Department of Studies for Primary and Secondary Education of the Ministry of Education and Religion, which, in collaboration with the Pedagogical Institute and Greek Universities, has promoted and organized the teaching of various languages at the level of Secondary School education, thus promoting multilingualism,

-the National Observatory for the Rights of Children (NORC- see concluding observation 14a above),

-the State Scholarships Foundation, which, through mobility and hosting programs, sets the conditions for raising the awareness of students and teachers on issues of cultural and educational differences, as an element of social cohesion and development of skills,

- the Special Education School Units (addressed to children with special needs – see concluding observation 59(f) hereunder),
- the special classes for reception and support in public schools, where specialized teachers teach the Greek language to foreign-speaking students and offer assistance to students with learning difficulties, with the aim to ensure equal opportunities in education for all students attending Greek public schools,
- UNICEF, in cooperation with the Ministry of Education and Religious Affairs and the Pedagogical Institute, frequently organizes educational programs, such as the program “children learn their rights” for the school year 2008-2009, which are implemented at the level of public primary schools, mainly in remote regions as well as regions with a special historical and cultural past or in areas with a population of a multicultural character.

64. The Pedagogical Institute also cooperates with national human rights institutions (National Commission for Human Rights, Office of the Ombudsman-in particular the Department for Children’s Rights).

65. It is also to be noted that, for several years now, the Ministry of Education, in collaboration with the P.I., has taken up initiatives for the support of the education of special groups, which have language and cultural particularities. In cooperation with Universities (National and Capodistrian University of Athens, University of Thessaloniki, University of Patras, University of Ioannina, University of Thessaly), and with the financing of the European Union, it has designed modern curriculum programs and educational material for the education of children of the Muslim minority in Thrace (Program of the University of Athens), for the education of Roma children (Program of the University of Thessaly) and the education of repatriated Greeks and the children of migrants (Program of the School of Philosophy of the University of Athens). More details will be given in relevant parts of this report. Relevant programs are scheduled to continue under the Fourth Community Support Framework. The overall assessment and the scientific processing of the methods and results will determine the future policies of the Ministry of Education and Religious Affairs towards target groups (e.g. evaluation in cooperation with the Operational Program for Education and Initial Vocational Training (EPEAEK) and selection of manuals for all school units). Moreover, the University of Crete, which has designed programs for the education of repatriated Greeks, and the University of the Aegean, and other universities, have included courses on the teaching of migrant students or students with special needs in their curricula.

66. **Students and teachers as targets of information for children’s rights:** Although the universality/commonality of children’s needs is stressed from kindergarten to the 6<sup>th</sup> grade in all the school texts, a more detailed presentation of the UN’s Convention on the Rights of the Child is done in the 5<sup>th</sup> and 6<sup>th</sup> grade civic education courses. This was true for the past curriculum program as well as for the new cross-curriculum program adopted in 2002 (See Official Gazette 303/304/2003). In the new cross-curricular program, both human and children’s rights are covered in the unit on the “individual and the international community”. Aside from the in-class exercises and projects (e.g. constructing relevant posters for the rights of children), the compulsory 5<sup>th</sup> and 6<sup>th</sup> grade program for civic education is also accompanied by a project on the rights of children, which is implemented in the context of the “Flexible Zone” period, which for elementary school lasts from two to four hours per week. The coverage for human rights continues in the third grade of Junior High

School in the Civic Education course, under the same unit, “the individual and the international community” In addition, the third-grade program provides for the implementation of class projects (e.g. organization of exhibits) on humanitarian law and the violation of children’s rights in times of war and conflict. The student’s textbook is also accompanied by a teacher’s book to facilitate course implementation. Finally, the new civic education course of Senior High School (Second Grade) also contains sections and units on Human Rights and Humanitarian Law.

67. Besides the specific references to human and children’s rights in the civic education courses of elementary and secondary education texts, respect for diversity (personality, culture, civilization, language, physical status etc.) is diffused throughout the school text books on all levels. In addition, a number of social science courses, some of which are compulsory (Civic Education in the third grade of Junior High School and Sociology in the third grade of Senior High School) and others elective (Psychology in the first grade of Senior High School), contain units on the consequences and the social, psychological and economic causes of stereotypes and prejudice.

68. **Teachers as targets of information in the Convention and its principles.** Aside from the teacher materials produced for all student populations in the context of regular social science courses and the “Flexible Zone”, the new in-service training program (2004-2005) for new teachers also contains lectures, seminars and workshops on the need for teachers to become sensitized regarding the management of diversity of the student populations, in terms of culture and learning abilities. Furthermore, teacher materials and in-service training programs, with the funding of the EU Third Community Framework Support Program (2002-2004), have been prepared and organized for teachers in primary and secondary education who teach in schools where are concentrated the children from diverse ethnic, religious and cultural backgrounds: members of the Muslim minority, the Roma and the migrant communities.

#### **14. In-Service training program for teachers serving in minority schools**

##### **(para. 28)**

69. In-Service training program were planned and implemented (2003-2006) by the School Advisors, in cooperation with the Regional Director of East Macedonia and Thrace , the Co-ordinator of the Minority Schools, the Education Officials who are competent for the minority schools (Heads and School Advisors) on the Responsibility of the Head of Scientific and Pedagogic Guidance of East Macedonia and Thrace. These programs were designed both for the teachers of the Greek-language and the Turkish-language curriculum.

70. The training of the teachers of the Greek-language curriculum was about teaching Greek as a second language and teaching specific subjects to students who are not Greek-speaking.

71. Training for the teachers of the Turkish-language curriculum was about teaching Turkish and teaching specific subjects, such as mathematics and sciences. During the same period, in addition to the training programs implemented by the Schools Advisors, training programs, in cooperation with the Special Pedagogic Academy were also implemented from the beginning until the end of each school

year with know-how labs and sampling teaching for the subjects of the Turkish-language curriculum.

72. The evaluation of the training interventions was particularly significant and effective:

1. They covered all the teachers working in the minority schools (teachers of the Turkish-language and the Greek-language curriculum).
2. Their object was the contemporary and compatible with the new teaching material approach to teaching such as cross-curricularly approach, Project Planning, teaching Greek to students who are not Greek-speaking and subjects of the Turkish-language curriculum.
3. According to the analysis of the replies given by the teachers in an evaluation questionnaire which was distributed to them, the satisfaction of their educational needs was covered to a considerable extent.

73. At the same time, in-service training programs 1997-2000, 2002-2004 and 2005-2007 were designed by the Muslim Children Education Program for the Primary and Secondary Education, their subject-matter being teaching Greek as a second language and teaching specific subjects such as history, literature, mathematics and science to students coming from different cultural environments. Participation in these programs was voluntary. There was no massive participation of the teachers (see Muslim Children Education: Activities Report, pages 35-42).

74. The difficulties concerning the application of voluntary training programs, according to the officials who are responsible for the “Muslim Children Education”, are due to transportation problems and to increased resistance regarding the acceptance of new teaching approaches, mainly by older teachers. They reflect a more general reality that is observed in all educational systems and refers to the difficulties that the new approaches and changes face in education. A matter present also in public education in connection with novelties and changes (Flexible Zone, new Teaching Manuals).

75. The difficulties and resistance, as well as the overall attitude of teachers who work in minority schools to the changes and novelties do not present any particular difference in connection with the teachers of public schools.

### **15. In-service training for teachers in schools with large concentrations of ROMA children (para. 28)**

76. In the context of the 2<sup>nd</sup> EU Community Support Framework Program (2002-2004), which was under the aegis of the University of Ioannina, a total of 2.746 teachers (176 in Pre-School, 1.754 in Elementary and 816 in Secondary Education) were the recipients of in-service training on such topics as intercultural education, illiteracy, low-academic performance, bilingualism, school failure and Roma history and culture. Under the same program, 160 school counselors and 568 school administrators also participated in the relevant in-service training. Intramural seminars on “internal educational policies regarding the integration and the pedagogical support of children of Roma background” were held in 31 schools in areas where Roma children concentrate. Finally, the in-service training is supplemented by a webpage ([www.uoi.gr/roma/](http://www.uoi.gr/roma/)) which contains the materials

produced by the program, results of relevant studies and the organization of two scientific conferences during the period May 2003-June 2004.

#### **16. Teacher Training for Teachers in intercultural schools and schools with large concentrations of foreign and Greek repatriated children (para. 28)**

77. Several types of in-service training were organized by the EU Community Support Framework Program, under the aegis of the University of Athens Center for Intercultural Education during the periods 1997-2000(2<sup>nd</sup>) and 2002-2004 (3<sup>rd</sup>). Among these are included teacher-training seminars, publication of teacher manuals, and the organization of a webpage ([www.keda.gr](http://www.keda.gr)). Over 263 teacher-training seminars were organized for teachers, in reception classes, in preparatory courses and in language support classes, from the kindergarten to the Junior High School level; the beneficiaries of these seminars were 7.880 teachers and 774 school counselors and principals from 1.068 schools from large Greek cities. Parallel with the seminars, the program also published several teaching guides and manuals on the “issues of intercultural education”, “the intercultural kindergarten: theory and practice”, “the teaching of Greek as a second language”, “problems encountered by Russian- and Albanian- speaking students in the learning of the Greek language”, “levels of fluency in Greek as a second language,” “the changing of attitudes in regard to the cultural others”, and many other guides on the use of the project and experiential/communication method in concept learning (e.g. the street market, the olive tree, the family, the sea, technology, our teeth, leisure time, etc.). Incidentally, the publication, “the intercultural kindergarten..” contains texts on human rights. Finally, many of the above materials, as well as studies on intercultural education, can also be found in the program’s webpage ([www.keda.gr](http://www.keda.gr)).

78. Besides the in-service training courses, intercultural education is also incorporated in the university training of future teachers, primarily in the pedagogical departments for pre-school and primary education<sup>2</sup>.

#### **17. Parents as targets of information (para. 28)**

79. The EU Community Support Framework Programs (2002-2004), have created certain infrastructures that facilitate consultation with the parents of the Muslim minority, the repatriated and foreign migrants children. In addition, they have produced materials that inform these parents of their educational and other rights. Specifically:

(1)The **program for the Muslim minority** has set up “Centers for the Support of the Program on Muslim Education”, one in Komotini and the other in Xanthi, areas with heavy Muslim concentrations. The composition of these centers also included 5 Turkish-speaking members, who can communicate with the parents in the Turkish language. In the context of these centers, the parents were apprised with regard to the projects and the courses taught to the students, as well as consulted on the promotion of their children’s mental health in schools.

(2) In the context of **the EU program for the Roma children**, 56 “Centers for the Pedagogical Support of School Integration” of Roma Children had been established up to June 2004 in municipalities with large concentrations of Roma population. Besides students and teachers, these centers were also accessible to parents. The

<sup>2</sup> : Athan Gotovos, “The Education of Immigrant and Refugee Children in Greece, Survey of the Directorate General for Education & Culture, EURYDICE, Brussels, 2004.

Roma program has also used the institution of “Parent Schools” in order to sensitize parents on social exclusion, health education, the development and education of children; 1.316 parents from 16 cities throughout Greece participated in these programs (See P. Papaconstantinou written report, May 2005).

(3)The **University of Athens EU program for children of foreign workers and repatriated Greeks**, reports 37 meetings with parents and 654 parents participating (2002-2004 period), a number comparatively small in view of the size of immigrant population.<sup>3</sup> In addition, reference is made to two other programs: in the first of these, “connecting school with the family”, school participation increased from 27 schools during the 2<sup>nd</sup> EU Community Support Framework Program (1997-2000) to 190 schools during the 3<sup>rd</sup> EU Community Program (2002-2004) and in the second, “psychosocial support” school participation increased from 17 to 257 schools in the two corresponding periods. Finally, the University of Athens program also published a guide for parents (“The School in the Heart of Society”) in three languages (Greek, Albanian and Russian); the guide contains practical information regarding the educational system of Greece and the services granted to migrants and repatriated Greeks, but also **contains excerpts from human rights Conventions, including the CRC**, as well as information (address and telephone numbers) of local human rights organizations.

#### **18. Translated versions of the Convention on the Rights of the Child (para. 28)**

80. Aside from the translations mentioned above for the Albanian- and Russian-speaking migrant parents, in the context of the EU 2<sup>nd</sup> Framework Program, the Office of the Ombudsman has also translated the general information brochure that also refers to the Department of Children’s Rights, and the complaint form, in eight languages (English, French, Albanian, Turkish, Russian, Polish, Romanian, and Serbocroatian). In the framework of the “Flexible Zone”, UNICEF’s publication “Convention on the Rights of the Child”, which describes in detail the provisions of the CRC in a children-friendly manner and comprehensible language, as well as the actions of UNICEF for the protection of children’s rights, will be distributed.

#### **19. Health and welfare professionals (para. 28)**

81. Among the actions which have been implemented by the Ministry of Health and Social Solidarity, in the area of health and social welfare, professional training for the care of children as well as the information of population and the sensitive groups we can also incorporate the following:

1. Within the framework of Operational Program “Health-Welfare” 2000-2006, over forty (40) programs covering approximately 700 health professionals were implemented, such as neonatal and infant care, early intervention techniques for families and children, rehabilitation in developmental pediatrics, domestic violence and abuse, training of social workers on foster care and adoption issues, trafficking, counseling and much more.
2. Also, within the framework of the Operational Program entitled “Health – Welfare” 2000-2006 various programs were implemented for training and awareness on issues related to violence such as domestic abuse, psychosocial support of children who are victims of violence, intervention techniques, victim support and much more. The above programs involved over 200 health

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<sup>3</sup> Low participation, no doubt, is due to the language problems and the occupational priorities of foreign parents—problems characteristic of early stages of migration.



professionals from a wide spectrum of fields. Within the framework of the Program, the following subject-matter units were specifically developed:

“Abuse of women, abuse of children, abuse of elderly people”

“Intervention in crisis, support of victims”

“Family Law”

3. “Promotion of health and future quality of life: Health education and health training for the control and prevention of child abuse and neglect”, program aiming at providing specialized training to Professionals, as well as to organize Health Promotion actions for unemployed citizens belonging to social groups vulnerable to social exclusion.

## **II. Definition of the Child**

### **1. Age of majority with particular regard to penal law (para. 30(a))**

82. See infra, under chapter VIII, 7 (juvenile justice).

### **2. Minimum age of conscription into the armed forces (para. 32)**

83. According to the Greek Civil (art. 127) and Criminal (art. 121) Law, since Law 1329/1983 came into force, the age of majority is eighteen years. Furthermore, according to a declaration made by Greece pursuant to Article 3 (2) of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, “the minimum age at which voluntary recruitment in the Greek armed forces is permitted by national law, is 18 years. In no case whatsoever can this voluntary recruitment be enforced upon the person, given his coming of age and his capacity to enter into juridical acts that results from his declaration of will”. Greek civil law has not been amended as regards the age of majority since 1983 (Law 1329/1983).

84. In accordance with the provisions of article 1 (1) of Law 3421/2005, the calling up to the Army either in peacetime, mobilization or state of war, is only legal after 1<sup>st</sup> January of the year in which Greek citizens reach the age of 19.

85. Issues regarding the conditions for military service on a voluntary basis are regulated by Article 29 of law 3421/2005. More specifically: Those who wish to join the Armed Forces to do their military service before they are called up, may enroll only if they have reached the age of 18, that is, when they have come of age, as provided for by the Civil Code.

86. Coming of age is also a condition for voluntary conscription. The voluntary conscription of Greek citizens or individuals of Greek descent is authorized in general mobilization or war time.

## **III. General principles**

### **1. Best interests of the child (para. 32)**

87. As detailed in our 1<sup>st</sup> National Report, in Greek law, protection of the best interests of the child constitutes a principle of utmost importance. Article 1511 of the

Civil Code, in particular, defines the protection of the best interests of the child as the fundamental principle on which any decision related to children, taken by parents and courts, should be based. The taking into consideration of the child's best interests child during the judicial investigation of matters involving the same, as established by the provision of article 1511 of the Civil Code, has already stood as an established case law for a long time, as confirmed by the recent judgments 564/2008, by the Thessaly Court of Appeals, 17116/2008 by the Thessaly Court of First Instance and 2130/2007 of the Supreme Court.

## **2. Non-discrimination (para. 34)**

88. Greek civil law makes no discrimination against minors (article 4 of the Constitution and article 4 of the Civil Code).

89. In 2004, two EU anti-discrimination directives (2000/43/EC dated 29 June 2000, and 2000/78/EC dated 27 November 2000) were incorporated in our legal order concerning, respectively, the implementation of the principle of equal treatment between persons irrespective of racial or ethnic origin and the establishment of a general framework for equal treatment in employment and occupation. The relevant Law No 3304/2004 aims at implementing the principle of equal treatment regardless of racial or ethnic origin, religious or other convictions, disability, age or sexual orientation in a wide variety of fields. The new law regulates relations in the public and private domain that affect (a) access to work, (b) access to vocational orientation, training, re-orientation, (c) the conditions for work and employment, (d) membership in employee or employer organizations, (d) social protection, including social insurance and treatment, (e) education and (f) access to goods and services distributed to the public. The law also assigns the promotion of the principle of equal treatment to the Office of the Ombudsman in the case of violations by public agencies, to the new Committee for Equal Treatment of the Ministry of Justice in the case of violations by legal or natural persons beyond those in the jurisdiction of the Ombudsman and to the Labor Inspectorate Body in the case of employment violations beyond those in the jurisdiction of the Ombudsman. Finally, the law provides for the establishment of the Committee for Equal Treatment in the Ministry of Justice and a corresponding Department to examine allegations of violation and to provide logistical and scientific support to the Committee for Equal Treatment.

90. This new legislative framework will provide a fresh impetus to the ongoing effort of Greece to ensure strict compliance with the principle of non – discrimination, in accordance with her constitutional provisions and international obligations.

91. The Ministry of Employment and Social Protection took a series of actions to inform everyone about the existence of the new legislation against discrimination. More specifically, within the framework of the Community Program against discrimination 2000-2006, the Ministry organized one-day meetings and information campaigns and published relevant leaflets aiming to raising awareness of and informing both the general public and the bodies involved in issues of discrimination in the field of labor and employment (public services, social partners, etc). More specifically:

a) On the 16th and 17th of April 2007, the opening conference of the European Year of Equal Opportunities for All (2007) took place in Athens, with the participation of

the Ministry of Employment and Social Protection and the Ministry of the Interior, as well as of representatives of the social partners (G.S.E.E – General Confederation of Greek Workers, S.E.V - Federation of Enterprises and Industries, etc.), the local self-government agencies and non-governmental organizations.

b) On the 5th of September 2007, a one-day seminar to furnish Labor Inspectors of Northern Greece with information about issues of interpretation and application of Act 3304/2005 was held in Thessaloniki. Labor Inspectors, representatives of the local bodies, representatives of the Greek Ombudsman, the social partners, the academics and of non-governmental organizations attended the seminar.

c) On the 15th and 16th of October 2007, a two-day information campaign took place in Athens regarding discrimination. More specifically, 5 info kiosks were set up in central locations of the city where relevant printed material was distributed.

92. Moreover, within the framework of designating, by the E.U., the year 2007 as European Year of Equal Opportunities for All, the Ministry of Employment and Social Protection was appointed Executive Body, competent to carry out a series of actions in our country that are related to the above mentioned initiative of the European Commission. Within the framework of the above, the Social Protection Directorate of the Ministry of Employment proceeded to the programming of the abovementioned actions which were carried out by non-governmental organizations, public bodies and Local Self-Government Agencies. These actions included conferences, seminars, TV spots, publishing and distribution of leaflets, drawing up of studies at local, regional and/or national levels. All the abovementioned actions were co financed by the E.U. and completed by 31/12/2007

93. Measures have been taken for the general student population, for the student population with special needs (See also chapter VI, 3), as well as for children of the Muslim minority, the Greek Roma children and the children of foreign migrants and repatriated Greeks, in order to improve their chances of access, integration and progress in the school system. These measures include legislative changes, as well as intensification of remedial forms of education for the more disadvantaged groups. The increasingly multicultural character of the Greek society requires a coordinated effort of all competent bodies to promote social integration of all persons living in the country, irrespective of origin, religion or specific cultural identity, into the Greek society. The active integration into the educational system is a prerequisite for future social integration. Taking the above points into serious consideration, the diffusion of cross-cultural education to all school units is considered necessary.

### **3. Measures for the general student population (para. 34)**

94. First, the reduction of the number of secondary education courses in which candidates for higher education are examined for entrance to higher education, from 9 to 6, is calculated to reduce economic pressures on parents and children for parallel education and likely to increase access to higher education. However, the raising of the average grade for entrance to higher education (to at least 10 in a grade scale of 20), while it may improve the quality of students who enter the higher education institutions, may also exclude some students from disadvantaged backgrounds who might have otherwise gained access to higher education institutions, especially the Technological Educational Institutes (TEI).

95. Encouraging are the statistics with regard to the participation of Greek Junior and Senior High School students in **remedial education** courses organized by the public education system (in contrast to the parallel private system) during the school years 2000/01-2004/05 (see **Table 12**). They show substantial increases in school and student participation in state-organized remedial education courses. Enrolment statistics on remedial education in Senior High school (**Table 13**), show a general increase during the period 1998/99-2004/05, both in terms of number of schools and number of students, with the exception of the last school-year where they show a decline. In addition (see **table footnote, Table 13**), there was observed a decline in the participation of students, from the first to the third grade of Senior High School, as the entrance exams to the university approach (administered at the end of the 3<sup>rd</sup> grade), due to the enrolment of more and more students in the parallel private educational system to improve their chances of success.

96. The improvement of infrastructure, the discontinuation of double-shift schools (morning and afternoon by rotation) and specifically the general implementation of the “morning”/“all-day school” is calculated to improve the quality of education, meeting also the needs of working parents (**Table 14**). A very high percentage (94%) of the school units are now morning schools, especially the Kindergarten and the Elementary Schools which are responsible for the more sensitive ages. The percentages decrease with the secondary schools, where afternoon and evening schedules increase in frequency due to the employment by some of these students. Regionally, the average rates of “only morning/all-day” schools for 11 of the 13 regions are above the national average (93,5%) and for two of the regions, “Central Macedonia” and “Attica-Piraeus”, which include the two largest urban centers of Greece, the average rate is below the national average (86,7% and 89,4% respectively).

#### **4. Measures for Muslim minority Schools and Students (para. 34)**

97. The measures targeting the Muslim minority of Thrace during the 2001-2004 period included strengthening of school infrastructure and continuation/intensification of educational programs for the minority schools with EU funding. With regard to **infrastructural measures**, the state has taken substantial steps toward (1) the maintenance and repair of minority school buildings (8 million Euros spent during the last years), (2) the replacement of old buildings of the minority and public schools where enroll exclusively or predominantly Muslim children with prefabricated structures (3) the building of a modern Minority Junior/Senior High School in Komotini, Thrace (the school is in operation) (4) the furnishing of the schools with photocopy machines and computers with access to internet in the context of the EU program, “Society of Information” (almost all minority schools have computers), (5) the legislation of grants to minority schools for their operational expenses and the transportation of minority school children (N. 3194/2003) (6) the establishment of Greek language public kindergarten schools on an optional basis if the minority parents request them, in order to compensate for language deficiencies and increase their chances for equal participation in the national educational system (See also chapter VII, 2) .

98. With regard to **access to Higher Education**, on the basis of the affirmative action measure (N.2341/1995) that provides for a 0,5% enrolment of students of the Muslim minority, either from minority or public schools, in the Greek higher

education institutions, information from the Directorate of Organization & Entrance Examinations indicated that since 1996, when the law first entered into force, 1.246 Muslim minority students have taken advantage of the said positive measure (See **Table 15**).

99. As far as the average grade is concerned, that students must accomplish in order to be admitted to the tertiary education, the Muslims of Thrace have been exempted from the lowest grade of 10.

100. An unspecified number of the students have graduated from Pedagogical, Philosophy, Polytechnic and Medical Schools and are already working, some of them in the educational sector.

101. From 1993 until 1997, classes of Intercultural Support had been operating for children of the Muslim minority in order to support them on a daily basis, as well as for children attending summer classes in order to prepare them for referral examinations. Said classes were also intended to prepare graduates of minority elementary schools, for the purpose of attending 1<sup>st</sup> Grade of high-school.

102. From 1997 until 2000 and for three school years, the Program entitled “Intercultural Education Support” had been operating under the responsibility of the National Youth Foundation, financed by community funds.

103. The enhanced teaching program had been operating during the school years 2001-2006, financed by the Ministry of Interior and supervised by the Coordination Office for Minority Education in Thrace.

104. During the last years there has been a continuing increase of attendance of children of the Muslim minority both in public secondary education and in the enhanced teaching classes that cover the needs of 25% of the Muslim students who attend public schools of secondary education.

105. During the school year 2005-2006, there were sixteen (16) classes with 223 students in Xanthi, three (3) classes with 62 students in Kentini, three (3) classes with 45 students in Glafki and three (3) classes with 47 students in Kentavros.

106. In the 2<sup>nd</sup> of Xanthi, in the preparation and referral classes of August – September, 61 referred students attended the lessons, a percentage of 12%, out of the 475 who attended the enhanced teaching classes during the school year 2005-2006, with a success percentage in the September examinations of 96%, and 251 students who did not attend the enhanced teaching classes with a success percentage of 80.47%.

107. In Kentini, the preparation and referral classes of August-September were attended by 62 referred students with a success percentage of 87%, in Glafki 45 referred students attended with a success percentage of 90% and in Kentavros 47 referred students attended with a success percentage of 91.4%.

108. In the Prefecture of Rhodopi during the school year 2005-2006, eleven (11) classes of enhanced teaching were operating, attended by 216 students. The August-September preparation and referral classes were attended by 117 students.

109. Eleven (11) enhanced teaching classes operate in three nodal geographical points of the northeastern district of the Prefecture of Rhodopi and cover the educational needs of Muslim children from 21 remote settlements.

110. In Arriana , there are five (5) classes with 119 students, in the Municipality of Filyra there are three (3) classes with 52 students and in Passos there are four (4) classes with 45 students.

111. 57 students and 45 referred students attended the preparatory and referral classes at Arriana, out of which 20 had not attended the enhanced teaching classes during the school year, with a success percentage of 84%; for the students who had attended the enhanced teaching classes during the school year, the success percentage was 99%. 32 students and 18 referred students attended the classes at Filyra with a success percentage of 98%; 27 students and 12 referred students attended classes at Passos with a success percentage of 100%.

112. Reference needs to be made to the second phase (2002-2004) of the EU Program for the Education of Muslim Children, which was implemented under the aegis of the University of Athens. The second phase targeted 6.800 students in the elementary minority schools and 3.000 students who were enrolled in the minority and public secondary schools. One of the important by-products of the second phase of the EU Program was the establishment of two Centers for the Support of the Program for the Education of Muslim Children in Komotini and Xanthi. In the context of these two Centers—which had an interreligious composition--courses were organized for (a) the learning of Greek as a second language using the new school textbooks produced during phase one of the program (1997-1999), the cross-curriculum approach, the project method and CD-ROM (b) the teaching of mathematics and computer science in the Greek language and (c) the use of a loan library for children. About 420 students took advantage of these courses. Another type of program that was also organized in the context of the Centers was the establishment of two “Creative Laboratories for Young People”, one in Komotini and the other in Xanthi, whose purpose was the stimulation of “co-operative creativity” among mixed groups of young people (10-20 years old) from the minority and majority groups. The Creative Laboratories use the project method, with the students participating in the conception, design, implementation and evaluation of the project, as well as facilitators from both the minority and the majority group. A total of 120 young people from the two cities participated in the Creative Laboratories. The second phase of the program also produced supplementary teaching materials (print or CD-ROM) for both the Elementary and Junior High School levels (e.g. teaching of Greek as a second language, bilingual and trilingual dictionaries for the learning of scientific terminology, literature, mathematics, physics, technology, geography, diagnostic Greek language tests, etc) most of which were approved by the Pedagogical Institute for use in the minority schools on an experimental basis. Finally, some of the above materials as well as others were used in an experimental Extended Schedule School Program (following the regular school program) for the teaching of Greek as a second language, Mathematics and the Physical Sciences, in which 835 and 1.020 Junior High School minority students for the two school years 2002/03 and 2003/05 took part respectively.

113. During the last ten years, there has been a 3.5% increase of attendance of Muslim children in minority schools of secondary education, and the respective increase, i.e. the increase of attendance of Muslim children in public schools is almost six (6) times higher in comparison with the number of attending Muslim children in 1990.

114. Despite the interventions of the Special Secretariat for the Education of the Greeks Abroad and Intercultural Education of the Ministry of National Education and Religious Affairs with various projects, which improved the situation, part of the Muslim children, due to inherent problems of the primary education of the minority schools (schools with few classes, and therefore limited time for teaching the Greek-language curriculum) face difficulties in the secondary compulsory education and need additional support.

115. During the school year 2002-2003, 52.43% in Rhodopi and 73.1% in Xanthi of the liable graduates of the minority schools for the school year 1999-2000 attended the 3<sup>rd</sup> Grade of High-School. The numbers reveal, without referring to the school failure rate, that 2/3 of the Muslim children remain within secondary education, in the school environment and complete secondary education.

116. Today, it is particularly encouraging in comparison with public education, as the results from a research by the Pedagogic Institute which measured the dropout rate at national level in 1994 show that the students who registered into the 1<sup>st</sup> Grade of High-School in 1987-1988, 1989-1990 and 1991-1992, dropped out of school at an average percentage of 12.60%, 11.60% and 9.60% respectively<sup>4</sup>.

### **5. Measures for Greek Roma children (para. 34)**

117. For the Roma children, the Ministry of Education & Religious Affairs has taken in the past a number of measures to expedite the enrolment of Roma children in schools, taking into account the mobility demands of this vulnerable social group. Among these measures were the “Enrolment Card for Roma Children” (established in 1998), the enrolment even with insufficient documents, the creation of transitional preparatory courses in areas with concentrations of Roma, and the establishment of new teacher positions for these new institutions.<sup>5</sup> In September 2001, the Ministry sent a circular<sup>6</sup> to School Counselors, Regional Directors and School Directors, on the need to combat exclusion and school failure, to enforce the

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<sup>4</sup> Almost half of the students' leakage in high-school is about students who did not present at all in 1<sup>st</sup> Grade. The rest of the leakage is about drop out students in 1<sup>st</sup> and 2<sup>nd</sup> Grade. The drop out rate in the 3<sup>rd</sup> Grade is minimal. Boys display a bigger leakage percentage (11% in boys and 8% in girls (batch of students in 1991/92). However the above mentioned percentages are no different from those of the average drop out rates in the countries of the European Union and are not discouraging if compared to the respective rates of a research which was conducted in the beginning of the '80s, when the drop out rate was approximately 20%. Source : research of the Pedagogic Institute (Stamatis Palaiokrassas, Panagiotis Rousseas, Vasileia Vrettakou, Iris Panagiotopoulou), Athens 1997.

<sup>5</sup> Information (14 June 2005) from the Directorate of Minority and Foreign Schools indicated that in the school year 2002/2003 there were 17 schools and 118 preparatory courses exclusively attended by Roma children, while in the following year the schools and the preparatory courses declined to 13 and 115 respectively. In addition, 120 new teachers posts were created for the education of Roma children. The decline in schools and courses is expected since the ultimate goal is integration into the mainstream school system.

<sup>6</sup> “Upgrading the Role of the School by the Implementation of Special Programs for the Combating of Educational and Social Exclusion”.

law on compulsory school attendance and the need to adopt an aggressive policy with regard to the enrolment, from kindergarten onwards, of children from sensitive social categories like Roma and foreign migrants, reminding them simultaneously that the enrolment in the preparatory courses should be transitional and not a permanent measure since integration was the final goal of education. While no central statistics are available from the Ministry of Education, the data collected by the EU program (**See Table 8**) suggest that there was a positive impact. It is also noteworthy that the main thrust of the EU program, as was indicated above, was an objective assessment of the situation and the increase of enrolments for Roma children, which is a chronic social problem. In the context of the program, besides the materials and the activities for the teachers and parents (See also chapter I, 13), the EU Program also operated on an experimental basis the “Musicolinguistic Laboratories” in 12 regions of Greece taking advantage of the special cultural capital of Roma to make school enrolment more attractive, it contributed to the organization of remedial education courses (preparatory) in four schools with Roma concentrations, and also produced some text materials for the students and the teachers, on “Byzantine Years” (history), “Health Education” and the Greek language.

118. Furthermore, a circular was sent by the Ministry of Education in September 2008 in order to facilitate the enrolment and school attendance of Roma children. Preparatory courses for the integration of Roma pupils have been characterized as informal; the educational support of Roma pupils is being promoted through the special regime of reception courses and tutorials. It has also been recommended that schools with a high number of pupils belonging to target groups of intercultural education programs operate as all-day schools as from the next school year.

#### **6. Measures for children of Migrant Workers & Repatriated Greeks (para. 34)**

119. The positive legal framework for the enrolment of the migrant worker and Greek repatriated children (e.g. exemption from the grading on modern and ancient language for the first year of attendance) in primary and secondary education (See Presidential Decrees 182/1984 and 201/1998) exists for many years. Also pre-existent were measures, such as preparatory sections, reception classes (Types I and Type II)<sup>7</sup>, and intercultural schools<sup>8</sup>, which contributed to the linguistic skills of the students and facilitated their integration in the Greek educational system (**See Tables 16 & 17**). Nonetheless, the legal frameworks do not guarantee integration, as there are further prerequisites in terms of teaching materials and the preparation/in-service training of teachers and the mentalities of the incoming and receiving populations. Significant steps toward these directions were made by the EU-Funded program. Reference has already been made to the relevant materials and activities targeting the teachers and the parents (See also chapter I, 13). The program also produced educational materials for Kindergarten, Elementary School and Junior High School, especially for the learning of Greek as a second language, in order to supplement the regular course materials. Some of these materials in Junior High School (e.g. for Chemistry, Biology, Physics, Geography, History of the earth, the Odyssey etc.) were also produced in a bilingual format in some of the languages of the migrants (e.g.

<sup>7</sup> Type I is meant for beginners and is more intensive, while type II is less intensive and is done in the context of the student’s regular classes.

<sup>8</sup> While the in 2003-2004 there were 26 intercultural schools in operation, a year later one of these schools closed down for lack of students.



Russian and Albanian). Among the materials produced were also materials intended to improve intergroup relations, including a poster (“Intercultural Calendar 2004”) that presents the holidays of different cultures, an “Anti-Racist Alphabetarian” presenting in alphabetical order the relevant terminology and providing children (10 years +) opportunities for exercises and usage of language exempt from stereotypes, and a book on “Religions and Artworks” addressed to children and adults (See also chapter III, 2).

120. Pursuant to article 72 of Law 3386/2005, minor aliens (third country nationals) who live on Greek territory, are subject to minimum compulsory schooling under the same conditions as Greek nationals. Minor aliens studying at all educational levels have, without any restriction, unlimited access to the activities of the school or educational community.

121. For the enrolment of minor aliens at public schools, the same supporting documents, as those prescribed for Greek nationals, are required. By way of exception, children of foreign nationals belonging to the following categories may register with public schools even if they lack complete documentation:

- a. children of aliens protected by the Greek state as refugees or enjoying protection by the UNHCR;
- b. children of aliens who come from areas experiencing troubles;
- c. children of asylum seekers; and
- d. children of aliens who live in Greece although their legal residence status in the country is still pending.

122. With regard to students, who are third country nationals, a decision of the Minister of National Education and Religious Affairs may determine the terms and conditions for the recognition of qualifications of primary and secondary education acquired in their country of origin and the conditions for the enrolment in the appropriate level of the Greek educational system as well as for their enrolment in public schools. Upon a similar decision, issues of optional teaching of their mother tongue and culture, where there are enough students interested in this, within the framework of supporting actions of the Ministry of National Education and Religion, may be arranged; the labor relation and the skills of the teachers who are going to teach minors their mother tongue and the elements of the culture of their country of origin may be further determined.

123. Aliens who have graduated from secondary education in Greece have access to university education, under the same terms and conditions as Greek nationals.

124. Law 2413/1996 provides for the possibility of establishing intercultural schools, which have significantly contributed to the integration of minor aliens into Greek society.

125. Finally, as regards access to university education, a special selection procedure is provided for candidates of special categories, in order for them to be admitted in Greek Universities. Refugees are also included in the abovementioned categories.

126. Presidential Decree 189/1998 regulates the conditions and procedure for the granting of work permits or any other assistance for the professional rehabilitation of

persons who have been recognised by the State as refugees, asylum seekers and provisional residents on humanitarian grounds.

### **7. Non-discrimination on the ground of disability (para. 34b)**

127. The announcing by the European Union (Decision 2001/903/EK of the Council) of 2003 as year devoted to persons with disabilities, including children, contributed, at national level, to:

- the expansion of the participation of children with disabilities or their representatives in the centers of decision-making (Centers of Children's Social Support with Special Needs, National Committee for the Employment, National Committee for the Social Protection, National Council of Social Care /ESKYF, etc) .
- the promotion of policies for the children with disabilities (i.e. incorporation of Directives 2000/43/EC and 2000/78/EC to our national legislation, institution of the National Observation Station for the Child). Specifically, the competent Ministries proceeded to the transposition of the above European Community directives, which also cover the equal treatment of children with special needs prohibiting discrimination in most of the areas of the daily life in which unequal treatment may exist directly or indirectly). Moreover, the relevant legislation legally prescribes the lifting of any discriminatory treatment and defines the possibility of practice and independent support and guidance of children-victims of discrimination with the assistance of the Economic and Social Committee and the Office of the Ombudsman.
- the reform of allowance policy
- awareness-raising of the society.

### **8. Public awareness and sensitivity campaigns (para. 34d)**

128. A more recent national survey of 1.600 young people (ages 15-29) which gauged the youth's opinion regarding the "most significant problem confronting the country", revealed that the priority problem was "unemployment" (49,4%) while only a very small percentage (2,1%) indicated that the problem was the "economic migrants".<sup>9</sup> In a study commissioned by the UNICEF Committee in Greece and carried out by KAPA RESEARCH during the Spring of 2001, on samples of parents, teachers from all levels of education and students from the last three grades of elementary school, Junior High School and Senior High School in the Athens and Thessaloniki regions where are concentrated most of the immigrants, showed more negative attitudes on the part of the parents, intermediate attitudes on the part of the students and more progressive attitudes on the part of the teachers (**See Table 18**).

129. The Ministry of Education can sensitize public opinion through several ways. First, through the development of curriculum course materials which are sensitive to multicultural societies since these materials are also accessible to parents, through the process of "reversed socialization." The materials produced by the Pedagogical Institute of the Ministry of Education in the last decade have this characteristic. Second, it has been done through the outreach programs (e.g. the support centers, the publications for parents in the migrants languages, the bicultural cooperation, the

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<sup>9</sup> *The Greek Youth Today: the Final Report*, General Secretariat for Youth, Athens, May 2005. The study was out by the University of Athens Department of Communication and Mass Media and was funded from the EU Program on Youth.

smart mottos<sup>10</sup> etc.) organized with EU funding, for migrant, Roma and Muslim minority children during the second phase of these programs(2002-2004). Third, it has been done (either by circulars to schools or interventions in the media) through the consistent stand taken by the Ministers of Education. Fourth, it has been done, though not in a systematic manner, through the organization of extracurricular cultural activities, which are also accessible to the community. These interventions notwithstanding, there is still room for a more systematic campaign for public awareness via the educational system.

130. On the occasion of the exhibition titled “Across the riverbank”, which was held in the framework of the Cultural Olympiad in 2004, with works of mentally ill artists, the Greek Program against Stigmatization of Mental Disorders of the Research University Institute for Mental Health started the pilot implementation of an information program in schools. This program aims to research the students’ (Secondary School at first) knowledge and attitudes on issues relating with mental diseases and specifically schizophrenia, and also to provide relevant information to the student population. All students who visited the exhibition received from the Greek Program against Stigmatization of Mental Disorders some specially prepared information material (in electronic form), in which the life of the artists is described along with modern therapeutic approaches. Some of the classes visiting the exhibition were selected (randomly) for the pilot implementation of the information program in schools, which is formulated by the Greek Program against Stigmatization of Mental Disorders. In these schools, through a two-hour presentation, the students had the opportunity to receive information about schizophrenia and also to express their views and concerns about this sensitive issue.

131. In the years following 2004 the European Federation of Associations of Families of People with Mental Illness (EUFAMI) organized a European campaign for the information and sensitization of special population groups, with the central message “Zerostigma”. In our country the targeted population group were the students, with the aim to provide relevant information about mental illness and the social stigma attached thereto. In Greece, the organizations which implemented the intervention were the Union of Families for Mental Health under the scientific supervision of the Program against Stigmatization of Mental Disorders of the University Research Institute for Mental Health.

132. Good practices for combating stigma within the framework of the Third Community Support Framework were the activities organized by the organization “Prometheus” Persons with Special Needs, which were addressed to the student population (C’ Class of the 7<sup>th</sup> Secondary School in Acharnai) in 2005.

133. Within the framework of the National Action Plan against depression, which was established by the Ministry of Health and Social Solidarity and was given for public consultation in 2008, constituting the organized and methodical strategy of the Ministry for effectively dealing with the problem of depression, the following actions are planned:

1. Action: Combating prejudice and stigmatization

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<sup>10</sup> The motto, “Addition, not subtraction, multiplication not division” , that was adopted by the EU Program for the Education of the Muslim Minority Children and which was also imprinted on t-shirts became very popular and had a very positive impact on students and the community (See

Activities for children – adolescents: Information Campaigns in schools

2. Action: Protecting the young from depression

Activities for children – adolescents:

- Setting up a Network for Mental Health Education for the prevention of depression amongst young people
- Introducing the Preventative Psychiatric lesson in the A' class of High Schools with the aim to increase psychological tolerances to environmental risk factors for the setting in of depression
- Linking the program of health education in schools entitled “Life is colorful” with the program of health education for the prevention of depression
- Encouraging initiatives and activities for the prevention of depression inside the school environment.

134. The broadcast of one (1) television and one (1) radio message concerning mental health (change of the negative attitude and prejudice towards mental disorders) by stations both with a national and a regional range. The radio message specifically addressed the child ages (2003).

135. The issues relating with the World Health Day “Creating a healthy and safe family and social environment for the development of children” (07-04-2003) and the World Health Day “Commitment to provide the best possible health care for mothers and children” (07-04-2005) were widely publicized.

136. In 2007, the Ministry of Health and Social Solidarity started a campaign to inform and sensitize the public, entitled “Life is colorful; this is a coordinated project to inform young people and their families about crucial health issues, such as food, exercise, smoking, alcohol, drugs, sexual education, addiction to electronic games and school intimidation. It also aims to mobilize all stakeholders who can facilitate the start of a relevant health education program in schools, through the development of targeted educational and scientific material. The Ministry of Health and Social Solidarity attempts to pass across the message that Health is a life-style.

### **9. Prevention of road accidents (para. 37a)**

137. In order to tackle the phenomenon of road accidents (Greece presents a number of deaths 3,4% above the European Community average, 50% of which, at a Europe-wide level, concerns children), the Ministry of Transport and Communication is implementing a National Program of Road Safety with the activation of the National Committee of Road Safety targeted at: the laying down and promotion of road safety policy, exploitation of national and international know-how, development of cooperation and volunteer work, promotion of traffic training, improvement of vehicle safety, sensitization, briefing and promotion of the subject, improvement of training and examination of drivers, cooperation with NGO Greek Company of Road Accident Victim’s Support .

138. Within the framework of the target set by the European Union, regarding the reduction of traffic accident fatalities in 2010 by 50% as compared to 2000, the Greek Ministry of Transport and Communications has adopted specific measures with a view to improving road safety.

139. Law 3542/2007 on “Amendments to the Road Traffic Code” established a modern framework with the aim to prevent offences, in particular those who pose a risk to human lives. Special care is given to vulnerable road users, in particular children. Article 12 (5) of the above Law stipulates that the use of seat belts is compulsory for drivers and passengers alike. In case children are transported, the accompanying passenger shall be responsible thereof. In such cases, the use of special protection and restraint means, such as seats, safety belts, etc. is compulsory. Upon decision of the Minister of Transport and Communications, the specifications for such special protection and restraint means shall be determined, along with some exceptions therefrom.

140. The abovementioned target is implemented through specialized measures aiming at promoting road safety, in particular:

- legislative measures aiming at the safe transport of children into vehicles (Joint Ministerial Decision of 14.9.2006 on “Compliance with the provisions of Directive 2003/20/EC of the European Parliament and the Council of 8 April 2003 on the compulsory use of seat belts and restraint systems in vehicles”
- development of partnerships (with Universities and private entities)
- promotion of volunteerism (e.g. school traffic safety team, as provided for in article 45 of the Road Traffic Code, an institution which has been successfully launched)
- use of know-how at the national and international level (participation in road safety events, e.g. within the framework of the European Day of Road Safety and the World Week of Road Safety, information and awareness-raising events for citizens on safe driving, the risks related to alcohol consumption by drivers, the need to wear seat belts and helmets, etc.)
- promotion of traffic education.

141. This last activity related to educating young people on road safety issues is in the core of the entire effort, for the introduction of a Traffic Education course in schools, in order to create a more aware generation of citizens, for whom traffic education is a way of life.

142. For primary education pupils, an integrated education program has already been initiated in Traffic Education Parks (TEP). 100 TEPs are currently operating in Greece and another 30 are about to be launched. In cooperation with the Ministry of Education, a related manual has been produced, entitled “Training Guide for Traffic Education” addressed to TEP trainers. Furthermore, 90 new trainers have been trained throughout the country. TEP trainers come from a broad social-professional spectrum (school teachers, driving teachers, former police officers etc., under the condition that they hold a driving license).

143. In cooperation with the Aristotelian University of Thessaloniki, the activities of municipalities in which TEPs operate are being assessed. TEPs operate as places where good road behavior is taught and the relevant courses are put into practice. The Ministry of Transport and Communication aims at using TEPs as lecturing and awareness-raising points for pupils, children and parents on road safety issues.

## **10. Efforts to ensure that children’s views are heard and taken into consideration (para. 39a)**

144. As detailed in our 1<sup>st</sup> National Report, in the field of family law provisions concerning minors, children’s views are requested and taken into consideration, depending on the minors’ maturity (art. 1511 of the Civil Code and article 681 C, para. 2 of the Code of Civil Procedure).

145. Greek case-law regarding this matter is strict and consistent and the rules governing respect to children’s views are consistently applied without unjustified exceptions. See for instance the Greek Supreme Court (Areios Pagos) judgement No.1785/2002 published in the legal review “Nomiko Vima” 51/2003 p. 1233.

146. More recent legal regulations regarding children, provide for special and individualized protection to children when they are called to testify as a witness whilst being the victim of trafficking, attack of personal and sexual freedom or family violence.

147. Specifically:

a) article 226A of the Penal Code, as amended by the provisions of Law Nr. 3625/2007 and 3727/2008, regulates:

- the preparation of the child by a child psychologist or a child psychiatrist, who is present during the testimony;
- the usage of technical means to record the testimony, in order to avoid the physical presence of the child during the hearing procedure.

b) the fifth article of Law No. 3625/2007 regulates the precipitated adjudication of relevant cases,

c) article 108A of the Code of Penal Procedure regulates that specific information should be provided to the child victim, both concerning information of the case file and about the execution of the violator’s sentence, even when the child is not participating as a plaintiff in the relevant penal case,

d) article 20 of Law No. 3500/2006 introduces the rule that, in cases of family violence, minors are not being examined during hearings, but their testimony is simply being read out.

## **11. The Youth Parliament (para. 39b)**

148. “The ‘Youth Parliament’ is an educational program that activates the interests of our youth regarding the common affairs and contributes to the symbolic initiation to the ideals and values of democracy and to the practices of parliamentary life”<sup>11</sup>. Sociologically, the Youth Parliament, that has become a very popular institution in Greece, besides being an instrument for gauging the concerns of youth in modern Greek society and the modern world, can also be considered an important institution of anticipatory socialization to future parliamentary roles. To become a “Teen Parliamentarian,” candidates enrolled in Senior High School (Upper Secondary Education) have to submit a written project in the Greek language on a “topic from their closer or broader social environment that has occupied them or they have lived as a serious problem”. These projects are in turn evaluated by secondary school teachers under the supervision of a parliamentary “Committee for the Youth

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<sup>11</sup> Excerpt from the prologue of the President of the Greek Parliament to the proceedings of the 8<sup>th</sup> congress of the Youth Parliament, Athens 2004, p. 9

Parliament Program” consisting of university professors, writers, journalists, and school counselors. Members of the Youth Parliament are selected through objective procedures, all regions of the country being represented, without exclusion. Participation in the program is not compulsory. Any adolescent who wishes to, may freely and equally participate.

149. The Youth Parliament consists of 350 regular parliamentarians with their substitutes, 300 from mainland Greece, 25 from Cyprus and 25 from the Greek Diaspora. The 300 student parliamentarian (which is the number of the Greek parliamentarians) are distributed regionally according to the distribution of the adult parliamentarians. For the 8<sup>th</sup> Synod of the Youth Parliament, which took place on 13-17 September 2003, 24.300 young people took part in the contest. Analyzing the composition of the 300 regular youth parliamentarians of the 8<sup>th</sup> Congress, the following can be noted<sup>12</sup>: In terms of type of secondary education, 253 (84%) originated from general secondary schools, 41 (14%) from technical schools and 6 (2%) from music schools. Compared to the respective student population for the 2002/03 school year (**See Table 2**) there is an over-representation of the general education schools, which no doubt may reflect differences in preparation of written projects and also interests in parliament. In terms of gender, 219 (73%) of the youth parliamentarians were females and 81 (27%) were males. Compared to the respective student populations in secondary, general and technical schools, there is definitely an over-representation of girls—this in contrast to the adult parliament— which, however, may be a compensatory factor for the future parliamentary compositions. In terms of religious/ethnic/and cultural groups, there is no statistical information available, though an analysis of the names revealed about 11 foreign-sounding names. The differential participation on the part of students of various categories (type of school, gender, nationality etc) depends also on differential abilities with respect to the written project and interests of the various categories of students.

#### **IV. Civil rights and freedoms**

##### **1. Children’s name and nationality (para. 41)**

150. Children’s name giving is governed by arts. 20, 21, 22 of Law 344/1976. However, in practice, the birth certificate submitted by parents does not include the child’s name, but only its surname and parents’ details. For Christian Orthodox children, the first name is related to their baptism. Of course, if the child’s name is declared by his/her parents to the Registrar it has to be accepted.

151. The issue of the child’s last name is regulated by the provisions of articles 1505 and 1506 of the Civil Code. According to article 1505, parents are obliged to declare the last name of their children by their common irrevocable statement which is signed before their wedding either at a notary or in the presence of the official who performs the wedding ceremony. Article 1506 defines the issue of the last name of children whose parents are not married. In this case the child takes the mother’s last

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<sup>12</sup> Proceedings of the Committees and the Plenary of the Youth Parliament, Youth Parliament: The Empowerment of Imagination, Educational Program of the Youth Parliament in Cooperation with the Ministries of Education of Greece and Cyprus, Athens, 2004, pp. 153-166.

name. When both the child and the mother consent, it is possible to sign a notary act that grants the child his/her father's last name or also his/her father's last name. If the parents marry thereafter, then the provision of article 1505 applies.

152. Usually, Orthodox Greeks living in Greece do not declare their child's name until the issuing of the christening certificate which is submitted to the Registrar. For children of other religions, such an exception is not applied by Registry offices. Further, such an exception is not applied when children are registered in Greek consulates abroad.

153. In addition to what is mentioned in our 1<sup>st</sup> National Report, p. 25, as regards civil law and minors' family status, the following is to be noted:

- Following the amendment of the Civil Code by art. 2 of Law 3089/2003, kinship of persons is governed by article 1461 (blood relatives in lineal relationship), art. 1462 (alliance through marriage), art. 1463 (establishment of relationship), art. 1464 (establishment of relationship in case of medically assisted reproduction of a surrogate mother), art. 1465 (2) (relationship by postmortem fertilization).
- Persons are between themselves blood relatives in lineal relationship where one is issued from the other (relationship between ascendants and descendants). Persons are blood relatives in collateral relationship if such persons without being lineal relatives are issued from one and the same ascendant. Blood relatives of one of the spouses are allies through marriage in the same line and degree of the other spouse.
- In case that the child is born after medically assisted reproduction of a surrogate mother, under the conditions of article 1458, it is presumed that the mother is the one who has obtained the Court permission. This presumption can be reversed by a legal action contesting the maternity, within six months from the birth of the child. The maternity can be contested by legal action either by the presumed mother or by the surrogate mother, provided that evidence is produced that the child is issued biologically by the latter. The contesting must be proceeded with by the woman entitled to do so personally or by her specially authorized attorney or by the Court permission by her lawful representative. Following the irrevocable Court decision that admits the legal action, the mother of the child is considered to be the surrogate mother with retroactive effect as from the fact of its birth.
- The Greek Civil Code establishes the presumption that a child born after post-mortem fertilization has been born during the marriage of this father and mother, provided that the Court authorization (required under article 1457 of the Civil Code has been issued.
- Act 3098/2003 has also amended art. 1471 (2) (2) of the Civil Code, as follows: "Paternity may not be contested: 1... 2 by any of the persons entitled to contest the paternity, mentioned in article 1469, given that the husband has consented to the medically assisted reproduction of his spouse".

154. Issues related to citizenship are governed by the Code of Greek Citizenship, which was enacted by virtue of Law 3284/2004. Based on this legislation, Greek citizenship may be obtained by:

1. the child of a Greek father or mother, as from the time of his/her birth



2. a person born on Greek territory, provided that this person does not acquire by birth a foreign nationality or that he/she is of unknown nationality
3. An alien born out of wedlock and duly legitimated as the child of a Greek, becomes Greek as from the date of legitimation, if at that time he/she has not attained the 18<sup>th</sup> year of age.
4. An alien who was adopted by a Greek national before attaining the age of 18, as from the time of his/her adoption.

155. Acquisition of Greek citizenship by naturalization is possible only if an alien has attained his/her 18<sup>th</sup> year of age and fulfills the requirements set forth in the Code of Greek Citizenship. The children of a naturalized Greek become Greek citizens if they are unmarried or under the age of 18 at the time of the naturalization of their parent.

156. As regards stateless persons, Law 3284/2004 states that “any person born on Greek territory acquires the Greek nationality by birth, as long as he/she does not acquire a foreign nationality by birth or he/she is of unknown nationality”.

## **2. Prohibition of violence against children, including corporal punishment**

### **(para. 43a)**

157. In the Units of Social Care any form of physical punishment is forbidden by law. Furthermore, the Ministry of Health and Social Solidarity has forwarded to Regional Health Administrations (DYPE) and the Prefectures of the entire country a relevant circular in order to inform all interest parties that any form of punishment towards children is forbidden.

158. The Institute of Child Health (supervised by the Ministry of Health and Social Solidarity) along with the Deputy Ombudsman for Children’s Rights, the Institute of Social Protection and Solidarity (supervised by the Ministry of Health), the Ministries of Health and Education, the General Secretariat of Youth, the Hellenic Department of UNICEF and the Hellenic Association of Pediatricians have established the “Network for the Abolishment of Corporal Punishment” since 2005. This Network gradually has included various public, private bodies or non-governmental organizations by means of implementing actions of dissemination, health promotion and training of professionals and the general public. Such actions included the operation of a related information website, the organization of conferences and hearings as well as the reproduction of TV spots in nation-wide channels concerning the implications of corporal punishment and the promotion of alternative means of discipline for raising children.

159. The Center of Children’s Accident Research and Prevention (KEPPA) which was founded at the initiative of the Ministry of Health and Social Welfare in 1991 and has its registered office in the Laboratory of Hygiene and Epidemiology of the Medical School of Athens University, has as a primary goal the reduction of accidents which lead to death and as a long-term objective the promotion of a healthy way of life as well as the creation of a safe environment. It participates in European and international Programs. It conducts epidemiological research in matters such as: safety of children’s playgrounds, road accidents, accidents of infants and children with special needs, children at home, injuries due to eatable object swallowing, burnings, accidents in the metro, due to fireworks etc. Even though the data of 2004

which concern various accidents have not been analyzed as yet, 5260 poisonings have been recorded up to the present day between 1997-2003, upon visitations, of children aged 0-14 to the outpatient clinics of hospitals. The number of deaths due to accidents may be reduced according to KEPPA with constant effort, briefing of the public, programs and strategic actions and whenever the implementation of legislation is required.

160. Article 21 (1) of Law No. 3328/2005, published in the Official Gazette on the 1<sup>st</sup> of April 2005, explicitly prohibits any form of corporal punishment of students in secondary schools

161. Law 3500/2006 (Official Gazette A' 232) "regarding domestic violence and other provisions" protects, apart from women, a wider range of persons (such as children, elderly persons, persons with disabilities etc.), without intervening in the private life of family members or contradicting the morals, values and principles of Greek society. Simultaneously, it recognizes that domestic violence is no longer a private matter but rather a serious social problem violating personal freedom, especially that of women, who are often widely abused.

162. The provisions of the Law consider as punishable acts behaviors that develop in the domestic sphere and offend the physical integrity and health (art.6), personal freedom (art.7), sexual freedom (art.8 in combination with art.1 par.1) and sexual dignity (art.9).

163. In cases where physical violence against minors is used as a measure of punishment, the new Law provides for the punishment of the parents as custodians (art.4) by application of art. 1532 of the Greek Civil Code.

164. An important and pioneering provision of the aforementioned Law is the one contained in art.1 paras 2,3 regarding minors as victims of domestic violence, not only when the relevant acts affect them directly but even when the violent behavior takes place in their presence (art.1 paras 2,3). Article 6 para 3 provides for the special protection of victims of domestic violence, incapable of resisting to domestic violence crimes committed against them.

165. This new Law introduces to the Greek system of criminal Law the institution of penal mediation (art.11-14). This form of mediation is used only in cases where the domestic violence crime is considered a misdemeanor.

166. The new institution creates a user-friendly system of criminal justice for this particular category of victims by motivating them to report such cases and by giving them the opportunity to participate in a procedure aiming to bridge differences and to find solutions for the family with the help of a third unbiased party.

167. The Three-year Program of the Greek Police on Public Order and Security Policy provides for a series of actions against domestic violence, aiming at enforcing the relevant legislation, ensuring victim's protection and safety, respecting the victim's right of self-determination and choice and implementing the relevant rules of criminal procedure if criminal offences are reported or ascertained. Police services are under the obligation to respond immediately and to ensure the safety of the

victim, acting always with objectivity, confidentiality and respect for human rights, in accordance with the relevant instructions issued by the Greek Police Headquarters.

168. Within this framework, the Greek Police, taking also into account the need for a constructive cooperation with other bodies, has sent the following orders and instructions to all services of the country:

- A concise note regarding the operation of the National Social Solidarity Centre (EKKA), in order to inform the Operational Services thereof and, if need be, to make use of the services provided by EKKA to the benefit of the victim;
- A handbook entitled "Combating domestic violence", published by the Greek Police Headquarters with the purpose of protecting human rights, in particular the rights of women and children within the family, providing information and raising the awareness of police officers and ensuring the handling of cases of domestic violence in a more systematic and comprehensive manner through the provision of instructions to police officers involved;
- An information manual of the Ministry of Health and Social Solidarity, which lists and promotes children's villages and childcare centers in Greece;
- An information manual of the Task Force for Anti-Criminal Policy Planning (ODESAP), which provides a detailed analysis of the obligations and possible actions to be undertaken by police officers handling domestic violence cases;
- Two information guides on social/welfare bodies of the Ministry of Health and Social Solidarity;
- A circular order of the Chief of the Greek Police regarding Law 3500/2006, aiming at informing police officers on the provisions of the said law, so as to ensure the latter's full implementation;
- An order of the General Policing Directorate of the Greek Police Headquarters, which underlines the imperative need for the competent services to take preventive measures regarding the delinquency of persons of special categories, aiming at protecting and consolidating the citizens' feeling of security.

169. The training of police officers in handling cases of domestic violence is carried out by the Police Academy in all stages of education, police officer academies and refresher training courses. Every year, the police staff of Special Services take part in seminars in order to be updated on modern technologies, current trends in combating crime, etc. Police staff also take part in international training programs aiming at raising their awareness of the specificities of child victims and promoting appropriate methods of handling cases of domestic violence, based on the protection of the best interests of child victims. Police officers also participate in meetings organized in the context of the EU, the UN, EUROPOL, INTERPOL, SECI, the Ionian-Adriatic Initiative, the Black Sea Initiative etc. to exchange information and know-how.

170. The Pedagogical Institute conducted a relevant research (by N.Petropoulos – A.Papastylianou, "Forms of aggressiveness, Violence and Protest at School, Causing Factors and Consequences", P.I. Athens 2001). Within the framework of the UNESCO Program (2001-2010) for "a culture of peace and non-violence for the children of the world" it has published three leaflets (for students, teachers and parents) on the causes of violence and the use of alternative non-violent forms for the resolution of conflicts. The P.I. frequently cooperates with the Ombudsman (Children's Rights Department) on the prevention and elimination of corporal punishment within the family, and has established the prohibition of corporal

punishment at school. Moreover, through the curriculum programs and the writing of schoolbooks, and through various educational programs, the “education” on the prohibition of violence is ongoing.

### **3. Education and awareness campaigns about the harm of violence (para. 43b)**

171. With regard to the statistics of violence in schools, a national stratified survey of about 3000 students at various levels (309 from the 6<sup>th</sup> grade of the elementary, 767 of the 3<sup>rd</sup> grade of the Junior High School and 1850 of all grades of Senior High School), done by Pedagogical Institute<sup>13</sup> during the 1999 Spring Quarter and using self-report questionnaires, revealed low rates of victimization (physical, sexual, verbal, prejudice/discrimination and theft) and aggressive violence (school deviance, vandalism and violence against persons). On a scale from zero (never) to 4 (very frequently), the averages for all types of victimization/aggression and levels of schooling were below 1,0. However, rates depend upon methodology and other studies have reported somewhat higher rates depending upon operational definitions, population sampling, and conditions of questionnaire administration.

172. At this point, it is important to note that the Pedagogical Study reported above was different both in scope and methodology from the survey of mothers on the use of corporal punishment reported in the previous State party report. The percentage of Greek parents having used at least one form of corporal punishment (65%), in the survey, comes from data based on a study of 591 mothers of elementary school children in the Metropolitan area of Athens<sup>14</sup>. It was not a national survey and thus it could not represent the whole of the Greek population. Moreover, it is important to note that in that survey, the overwhelming majority of the mothers (90%) reported that the corporal punishment was not effective and that 78% felt that it should be prohibited by law.

173. With regard to the State party measures in this field, there have been several interventions directed at various targets. First, the alternative to violence is taught to students, in the regular curriculum and in their civic education courses of the elementary and secondary schools (junior and senior) through the stress on the role of international organizations such as the United Nations, the Council of Europe and NGOs. Second, the new sociology curriculum (mandatory in Senior High School) and the corresponding texts contain chapters on intercultural, intersocietal relations—which also include units on war and terrorism and their root causes. Third, besides the regular curriculum, at all levels (the elementary, the lower and the upper secondary levels), the Greek educational system provides for health education that presupposes the “psycho-social model” and has as a primary aim the building of “social skills”; among other things, the health education program also contains units on interpersonal conflicts, its causes and the non-violent ways to resolve them. These programs can be organized by all teachers, with the assistance of trained colleagues designated as “Heads for Health Education” who are deployed in about

<sup>13</sup> N. Petropoulos and A. Papastylianou, *Types of Aggression, Violence and Protest in School : Causative Factors and Impacts*, Pedagogical Institute, Ministry of Education and Religious Affairs, (In Greek) Athens 2001 pp. 78-79, 94.

<sup>14</sup> Irene Fereti & Metaxia Stavrianaki, “The Use of Physical Punishment in the Greek Family: Selected Socio-demographic Aspects”, *International Journal of Child and Family Welfare*, 97/3, 1997, pp. 206-216 and Irene Fereti, “The Use of Physical Violence in the Socialisation of Children: Research Data and Ramifications” (In Greek), In Iro Daskalaki et al (Eds.), *Crimes and Victims at the Threshold of the 21st Century*, National Center of Social Research, Athens 2000, pp. 543-552.

120 educational districts. Fourth, the study conducted and published by the Pedagogical Institute concluded with a series of recommendations for preventive measures on all levels of social organization (the state, the school, the family, the community and the student). In addition, and in the context of UNESCO's decade (2001-2010) for a "culture of peace and non-violence for all the world's children", three pamphlets were published by the Pedagogical Institute, one for the teachers, one for the parents and one for the students, on the causes of violence and the use of alternatives non-violent forms of conflict resolution.<sup>15</sup> These publications, written by psychologists and pedagogues and subsidized by EU Funds (Second Community Framework Support Program), for use on a pilot basis, were distributed to Pedagogical Departments of Universities, to Heads for Health and Environmental Education throughout Greece, and to the school libraries at all levels. Following the positive impacts of the pamphlets in the pilot project, efforts are being made for republication and a broader distribution of the pamphlets to teachers, parents and students.

174. In addition to all this, the Institute of Child Health (supervised by the Ministry of Health), took over the responsibility to elaborate educational material for professionals participating in a series of seminars organized by the Institute of Social Protection and Solidarity (supervised by the Ministry of Health) on corporal punishment of children with the collaboration of the Deputy Ombudsman for Children's Rights. The textbook includes six thematic units relevant to the subject matter of this educational material, which cover globally and comprehensively the issue of corporal punishment of children, the purposes and causes of the elimination of this upbringing and educational method. This Textbook has been published in November 2007 (ISBN: 978-960-98029-0-1) and, subsequently, has been used as a training material for various seminars for schoolteachers and other professionals that have regular contact with parents or caregivers, as well as widely disseminated all over the Hellenic territory.

175. The Ministry of Health and Social Solidarity proceeded also in a wide distribution of posters, about "the Decalogue against Corporal Punishment of Children" (2007).

#### **4. Children's religious affiliation and respect for children's rights (para. 45)**

176. The right of non-orthodox children not to partake of the morning prayers and to be exempt from the religion course has been guaranteed and referred to in the previous State party report.

177. With regard to non-discrimination on the basis of religious affiliation of the student, the school graduate certificate does actually contain a data category on religious affiliation. The relevant circular (Γ2/5821/31.10.2001), sent to schools in the fall of 2001 by the Special Secretary for Education, contains the following instructions to the Regional Directors of Education: (1) the statistics of the students which are entered in the school books or forms (Student Records, Graduation

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<sup>15</sup> Froso Motti-Stefanidi and Nikos Tsergas, "When things in school.. get out of hand" (for students), 24 pp.; Katerina Kedraka & Manolis Tsagarakis, "Parents: when things are not going well" (for parents), 54pp ; and, Panagiotis Chinas & Kostas Chrisafidis, "Aggression in school: proposals for prevention and management", 40 pp., Pedagogical Institute, Ministry of Education and Religious Affairs, Athens, 2000.

Certificate etc.) are taken from the students ID card and when an ID Card is not available then from his/her certificate of birth which is submitted during the initial registration; (2) in cases when statistics which are included in the school forms are not included either in the ID card or the certificate of birth in these spaces a hyphen (-) can be placed; (3) the parents or the guardians have the right, upon a joint request (N. 1599/86), to report the missing individual statistics (e.g. religion, citizenship, mother's name etc.) in order to be entered in the school records and forms.

178. For Greece, the new ID cards, following the recommendations of the "Hellenic Authority for Data Protection", do not provide a space for religious affiliation with the rationale that this could constitute a basis for discrimination in the labor market or in dealings with public services. There is no provision even for a voluntary declaration of religious affiliation, since the non-declaration of some could also constitute a basis for discrimination. The abolition of religious affiliation on identity cards was based on Law 2472/1997 for the processing of personal data and took effect in 2001, following a series of plenary judgments of the Council of State (279, 281 and 285/2001). The issuance of ID cards is compulsory, when the child reaches 15 years old. This means that most, if not all, of the young people who are now in upper secondary education, have the new ID cards without the category of religious affiliation. In their cases, the school graduation certificate can include their religious affiliation upon a joint request of both parents.

179. Following a relevant submission of a question to the Hellenic Authority for Data Protection by interested parties who objected to the procedures for the registration of religion, the Authority (Decision 77A/2002) concluded that the procedures for exemption from the religion course and the recording of religion on the graduation certificate (even following a joint declaration by parents, etc.) was a violation of Law 2472/1997 and recommended to the Ministry of Education to proceed to an amendment so that religion does not exist as a data category on the certificates and the parents do not have to make a formal declaration for exemption from the religion course. In its decision, the Authority used the same rationale as it had in the case of the ID: that is, its potential impact in the future career of students.

### **5. Access to essential information (para. 47a)**

180. First and as has been indicated above (see chapter I-1, I-13 and III-2), this has been done through the Department of Children's Rights of the Ombudsman, though there is a need to also publish the pamphlet addressed to children in other languages, including in formats accessible to children with special needs. Second, it has been done through the EU programs (migrants' children, children of the Muslim minority and Greek Roma children) some of which even produced materials for parents in a limited number of migrant languages (e.g. Albanian and Russian). These programs besides producing educational materials have also raised the expectations and levels of integration of the various groups in the Greek educational system. Third, it has been done on a large scale and effectively, for all children, through the civic education and social science courses, which, more and more, adopt an intercultural perspective. The greater enrollment of migrant children in schools, even without documents, increases their accessibility to these text materials that cover the rights of children. Finally, the International Migration Organization, the National Radio Station Interprogram (with broadcasts in Arabic, German, Russian, Spanish, Turkish, Serbocroatian, Bulgarian, Romanian, Albanian, French, Polish and English), the

General Confederation of Greek Workers with a special information network for migrants, the NGOs (e.g Greek Council for Refugees, Voluntary Work of Athens, the Hellenic Red Cross, human rights organizations and foundations, and women's rights organizations etc) and the migrants' own organizations (Network of Social Support for Immigrants and Refugees, the ethnic organizations, the annual Antiracist Festival) also contribute to the information of different linguistic groups and their families regarding their rights and the rights of their children.

#### **6. Development and accessibility of information (para. 47bc)**

181. As regards combating racist speech in radio and television, the Greek National Council for Radio and Television (NCRTV) has a significant contribution, since it is the organization responsible for monitoring the content of radio and TV shows, according to article 15 of the Constitution. An independent authority protecting public interest, the NCRTV intervenes decisively on matters of racism and xenophobia.

182. Already since 1998, in approaching the issue, the NCRTV has issued Recommendation-Directive no.5/1998, which stipulates that “radio and television stations must limit themselves within the boundaries of providing objective information, as imposed by the Constitution, and not only avoid any provocation, but also condemn any form of xenophobia and hatred against any specific minority or social group”.

183. As regards the protection of children and youth the NCRTV, has issued several Directives towards the radio and TV stations aiming to protect the minors and has imposed different types of sanctions, as well as, including recommendations, fees, temporary interruption of programs, definitive shut downs.

Specifically the NCRTV has addressed a lot of cases and imposed sanctions on:

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

184. For its part, the General Secretariat for Communication – General Secretariat for Information has issued circular no. 21979/13.10.2003 and has sent it to all Media professionals' associations, calling upon them to be duly sensitive on issues of racism and xenophobia, and to comply with the relevant regulatory framework set forth in the relevant legislation and self-regulation codes.

185. Finally, a multi-dimensional legislative framework that protects cultural pluralism and forbids unfavorable discrimination on account of race, nationality, language, religion, and does not permit intolerant and racist expressions governs mass media, which are constitutionally safeguarded in article 15 of the Constitution. The relevant legislative provisions are dictated by the constitutional provision for “an objective and on equal terms transmission of information and news”, the “social mission of radio and television”, “respect of every human being's dignity”, “freedom of expression”, and become more specific by the need to inform the public on issues pertaining to general social interest and strengthening of social solidarity amongst the

country's citizens. Presidential Decree 100/2000 for the incorporation of EC Directive on "Television Without Frontiers" (article 8 para.2,4 para.1- on the preventive broadcast ban, 5 para 6bb – on advertising), is merely an example.

186. Regarding the protection of minors, in the above Presidential Decree 100/2000 for the incorporation of EC Directive on "Television without Frontiers" is provided by the article 5 para 10, that the TV advertising must not injure morally or physically the minors and therefore abide to the criteria set for their protection. The criteria follow the guidelines set by the Directive 97/36 EEC on "Television without Frontiers" which will be amended by Directive 2007/65/EC of the European Parliament and of the Council of 11 December 2007 amending Council Directive 89/552/EEC on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities. The new Directive strengthens the provisions aiming to protect the physical, mental and moral development of minors as well as human dignity in all audiovisual media services, including audiovisual commercial communications. The new Directive expands its provisions to on-demand audiovisual media services in order to ensure that on-demand audiovisual media services, (provided by media service providers under the jurisdiction of the Member States), which might seriously impair the physical, mental or moral development of minors, are only made available in such a way that ensures that minors will not normally hear or see such on-demand audiovisual media services.

187. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 19 December 2009 at the latest.

188. Greece, taking into account the sensitive matter of weighing between the freedom of expression and the non-discrimination principle in mass media, the focus of the efforts has now been turned to preventing racist and intolerant expressions, by educating and establishing the perception of the principles of equality, non-discrimination on account of race, religion or other factors, human dignity and respect of other peoples' particularities, throughout the population.

189. The following **codes of ethics** that contain special detailed provisions on the prevention and suppression of practices that encourage discrimination and the development of racist, xenophobic and intolerant expressions also enrich the Greek regulatory framework. Such codes contain important rules that promote freedom of expression and at the same time ensure political and individual rights.

A) the Code of Ethics of the NCRTV on news, journalistic and political programs is a statutory regulation (P.D.77/2003), that includes rules referring to the major issue of protecting human rights, and contrary to the above codes, is regulatory and binding. Any violation of this code could result in sanctions imposed on state and private television. In particular the provisions of article 4 para 1 of the Code prohibit "the showing of persons that, under certain conditions, could encourage humiliation, social exclusion or unfavorable discrimination against them by a segment of the public, on account of gender, race, nationality, language, religion, ideology, age, disease or disability, sexual orientation or profession". The provisions of para 2 of the same article stipulate that "the broadcast of demeaning, racist, xenophobic or sexist messages and expressions, as well as intolerant views is not allowed, and in general, no harm can be brought upon



ethnic or religious minorities or other vulnerable or powerless population groups”.

- B) the Code of Professional Ethics and Social Responsibility of the journalists-members of ESIEA, the Journalists’ Union of the Athens Daily Newspapers, which is in line with the principles of the declaration of the International Journalists Association. According to article 1 para D, a journalist must “report information and news unbiased from personal political, social, religious, race and cultural views or beliefs”, while article 2 para a, repeats the journalist’s obligation to “address all citizens equally, without any discrimination on account of ethnic origin, gender, religion, political convictions, financial condition and social status”.
- C) the Code of Journalistic Ethics of the Athens Daily Newspaper Publishers Association has a similar content and spirit, and has also been endorsed by publishers’ associations of regional daily newspapers. Article 7, para 1 states that “the Press must not adopt positions that constitute a direct and profound infringement of fundamental rights, or constitute flagrant discrimination against groups of people, on account of gender, nationality, race, religious, political and ideological beliefs or sexual choices of the persons within the group”.
- D) Finally, Article 3 of the Code of advertising –communication, elaborated by the Association of Advertising-Communication Companies (EDEE) and the Hellenic Advertisers Association (SDE), as well as the licensed radio and television stations stipulates that advertisements must not make use of peoples’ superstitions, must not contain elements that could, directly or indirectly, lead to acts of violence, exploit religious faiths, etc. As far as it concerns the protection of children, we indicatively mention the prohibition of advertising fatty foods on TV etc.

190. The last three self-regulating codes are not statutory, but binding texts for the members of the associations that issued them.

191. The Program of Audiovisual Education for Children and Youth is about bringing the young generation closer to media technology, namely that of radio and television. It employs the use of a van equipped with the latest technology, touring youth camps and schools all over the country. The people running the program are experienced media professionals, using broadcast simulators to pass their knowledge.

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

193. The Media Literacy Database for Children, Young People and the Media is a project developed and managed by the Hellenic Audiovisual Institute (IOM) within the framework of media literacy initiatives, with a view to compensate for the lack of a complete information centre for issues concerning education on mass media. Media Literacy Database for Children, Young People and the Media functions as an open digital platform for social and scientific networking, with the aim to develop

into an up-to-date, well informed, on-line library, offering multiple data on the organizations and scientists involved in media literacy and focusing on the actions and research conducted in the same field. On a long term perspective, the database aims to create a pan-Hellenic, participatory community for the media literacy field.

194. The Secretariat General of Communication/ Secretariat General for Information has introduced the Prize Awards for audiovisual works addressed to children aged 6 to 12. This initiative aims at improving the audiovisual environment for minors in Greece and giving the stimulus to productions focused on protection of children's rights and respect of their dignity.

195. An one-day conference on the subject of "Children and Mass Media: protection of minors in audiovisual and information services", organized by the Secretariat General of Communication – Secretariat General of Information, was held on Monday, 14th April, 2008. The event took place following the initiative of the then Minister of State and Government Spokesman, with the aim to open a wide-range public debate on the problems associated with the protection of minors in audiovisual and information services. Journalists, academics, advertisers, officials, community representatives and other stakeholders took part in the conference.

196. In addition, in May 2009 the General Secretariat for Communication- General Secretariat for Information has launched a forum which is part of a wide-range public consultation on the protection of minors from harmful content in audiovisual media services.

197. According to the "Decision No. 1351 of 16 December 2008 of the European Parliament and of the Council adopting a multi-annual Community Programme on protecting children using the Internet and other communication technologies", in order to ensure public awareness and fighting against illegal content and harmful conduct on line, Greece participates in the above Programme as a member- state of the E.U. and is represented by a national expert in the Safer Internet Management Committee, which will assist the Commission in implementing the Programme.

198. The General Secretariat of Consumer of the Hellenic Ministry of Development, has instituted under the Law 3587/2007, an Independent Committee on the Protection of the Rights of the Minors, with the participation of academic organizations such as the Institute of Child Health (research Institute supervised by Ministry of Health) and the University of Athens' Medical School (Department of Infant and Adolescent Psychiatry), defenders of children's rights such as the Deputy Ombudsman for Children's Rights, NGOs focusing on consumers' rights as well as representatives of the relevant industry. The scope of such Committee is the protection of children's rights from the harmful influence of commercial products such as toys, PC games, internet software etc. The Committee began operating in June 2008 and began setting goals for the processing of a standard procedure for the examination of such issues including internet commercial content.

199. In the same time the Institute of Child Health has organized the reproduction of a series of 8 TV spots for violence against children (2 for physical abuse, 2 for sexual abuse, 2 for verbal abuse and 2 for corporal punishment). These spots have been produced along with the Observatory for Children's Rights and the General

Secretariat of Youth and have been broadcasted from various national TV channels such as ERA, ANT1, Macedonia TV etc.

200. In 2007, the Ministry of Health and Social Solidarity initiated an information and awareness-raising campaign, entitled “Life is colorful”. This is a coordinated project to inform young people and their families about crucial health issues, such as food, exercise, smoking, alcohol, drugs, sexual education, addiction to electronic games and school intimidation. In order for the campaign to become more accessible to the young public, certain known actors and well-known personalities from the arts and sports world were used.

## **V. Family environment and alternative care**

### **1. Family, maternity, social security allowances (para. 49)**

201. The allowance policy of the Ministry of Health and Social Solidarity concerning the Family and Child, which aims at the relief and financial support of poor children and parents, includes:

#### Maternity Allowances

The maternity benefit is granted to all working mothers who are unable to demand these benefits from their insurance fund or who are not insured. This benefit is implemented according to the regulations of article 4 (5) of Law 1302/1982, which ratified the International Labor Convention Nr. 103/52 concerning “maternity protection”. Maternity benefits are also granted to all foreign citizens, providing they fulfill the above mentioned requirements (legal residence in the country and not receiving any from their insurance fund).

#### Unprotected Children

Within the Financial Support for Unprotected Children Program (Law 4051/1960), all those who are entitled, regardless of race, religion or religious belief, receive this benefit. The only requirement is their legal residence in Greece.

#### Family Allowances

The allowance for the third child is paid to the mother who gives birth to a third child until the child reaches the age of 16. Approximately 41.000 people are subsidized per month for this purpose.

#### Sickness Allowances for persons with disabilities

The Ministry of Health and Social Solidarity runs 12 programs of financial (allowance) support for persons with disabilities according to the nature, category or percentage of disability.

202. The applicable law in Greece entails adequate pension allowance protection for the minors or disabled children of its insured parties and pensioners.

203. More specifically, as dependent children are deemed those who have not reached their 18<sup>th</sup> year of age, provided they are not married, or their 24<sup>th</sup> year of age, if they attend technological or higher educational institutions or if they have lost both their parents. The right to receive the pension of the deceased parent covers legitimate and legitimized children, recognized and adopted children. It has to be noted that pension protection extends beyond the above mentioned age limits and is valid for life in the case of children who are incapable of any work and their inability to work was established prior to their 18<sup>th</sup> year of age.

204. By virtue of the provisions of par. 5, art. 5 of Law 3232/2004, it was established the transfer of the entire amount of the pension of a deceased pensioner or in the case of death of an insured party, of the entire amount that he would be entitled to, to the protected children with severe disabilities who do not work and do not receive their own pension from their own work. The beneficiaries are orphans from both parents, who, according to the decision of the Health Services, are more than 80% disabled due to the following conditions: Mental retardation or autism, or multiple severe diseases or chronic mental disorders.

205. Members of a family (consequently children as well) of parties insured by the social security agencies within the competence of the Ministry of Employment and Social Protection who suffer from paraplegia – quadriplegia or other severe diseases with a percentage of medical disability 67% and above, are entitled to a specific allowance.

206. Special care for the protection of children with severe disabilities, within the framework of the constitutionally established protection of the disabled, has been taken for the mother or the father of a disabled child. More specifically, the mother or the father of a child with disability percentage of 67% entitles to an old age pension after the completion of 7,500 insurance days or 25 insurance years, regardless of any age limit.

207. Regarding the rights of Roma children as family members, provided that their parents are insured and meet the requirements provided by the insurance law, they are entitled to the same mentioned benefits by the insurance agencies.

208. Regarding article 26 of CRC by virtue of the presidential decree 383/2002 (Gov. Gazette A, 332) the following were specified:

A. A special hospitalization fee for the therapy-rehabilitation centers of closed and daily care. More specifically:

a. At the closed therapy-rehabilitation centers, the daily special fee includes accommodation, board, medical services, pharmaceutical and any other services required for the patient for therapy-rehabilitation purposes.

b. At the daily therapy-rehabilitation centers, the daily hospitalization fee includes clinical examination, evaluation of incompetence, physical therapy evaluation at the beginning and the end of the program, physical therapy, hydrotherapy and psychological support, speech therapy, occupational therapy, biofeedback etc. Patients suffering from specific severe conditions, such as myopathy, myasthenia, paraplegia, quadriplegia, brain damages etc. are referred directly to these centers.

B. Fee for Daily Care Centers for Persons with Special Needs. These centers provide services that contribute to the activation and mobilization of persons with special needs for creative work aiming at their successful socialization and covering their psychological needs for entertainment and other activities such as occupational therapy, that assist their professional rehabilitation.

## **2. Sexual abuse and neglect of children (para. 51)**

209. Amendments have been introduced to the provisions of the Penal Code protecting minor victims of sexual maltreatment and exploitation by virtue of Law 3064/15-10-2002.

210. According to article 3, Law 3064/15-02-2002 and article 340 of the Penal Code, as the same has been amended, persons found guilty of rape, seduction or abuse in order to perform indecent acts shall be punishable by life imprisonment, if such acts resulted in the victim's death.

211. According to article 4 of the above Law, article 344 of the Penal Code has been amended to the effect that crimes involving seduction of a minor, abuse of a minor in order to perform indecent acts and indecent acts following abuse of power are prosecuted ex officio.

212. According to article 5, Law 3064/15-02-2002, a third paragraph is added in Article 348, Penal Code mentioning the following: "Whoever attempts, as a profession or for a material benefit, to facilitate, even covertly, through publication of advertisements, pictures, telephone number or transmission of electronic messages or otherwise, indecent acts with minors shall be punishable by imprisonment and a fine ranging from 10,000 to 100,000€".

213. According to article 7, article 349 of the Penal Code on "pimping" has been replaced and the offender is now punished with imprisonment of up to 10 years and a fine from 10,000 to 50,000€, if someone, in order to assist and facilitate the debauchery of others, promotes or induces a minor to engage in prostitution or abets/facilitates prostitution of a minor. The sentence can be raised to more than ten years imprisonment, and the fine to more than 50.000 euros, up to 100.000 euros, if the crime a) has been committed against a minor of less than 15 years of age or b) by fraudulent means or c) by parents or step parents, relatives and in-laws, spouses, guardians, custodians or by other person to whom the minor is entrusted for rearing, education, supervision or custody or d) by a public servant who, while on duty or benefiting from his or her position, commits or takes part by any means in the perpetration of the abovementioned acts.

214. According to article 8, article 351 of the Penal Code on 'human trafficking' has been replaced and the offender is now punished with imprisonment of at least 10 years and a fine ranging from 10,000 to 50,000€ a) if he or she, by means of force or threat of force or other forms of coercion, imposition or abuse of power, hires, transports or promotes inside or outside the country, detains, harbors, surrenders with or without payment to another person or receives from another person a minor with the purpose of sexually exploiting the minor for oneself or for another person, b) if he or she, in order to achieve the same purpose, forces the consent of the minor by using deceptive means or misleads a minor taking advantage of his/her vulnerability, using promises, gifts, payment or other benefits and c) if he or she, knowingly performs lewd acts with a person who falls under the conditions mentioned in points (a) and (b) above. If such acts result in the minor victim's death, the offender is punishable with life imprisonment.

215. Sexual exploitation, within the meaning of the abovementioned paragraphs, comprises the perpetration of any lewd act for a material benefit, or the use of the body, the voice or the picture of a person for the real or feigned perpetration of such an act, or the provision of labor or services which aim at sexual arousal.

216. According to article 6, article 348 of the Penal Code has been complemented with article 348A, concerning child pornography, providing for the following:

-Whoever, for a material benefit, produces, possesses, obtains, buys, transports, circulates, supplies, sells or by any means disseminates pornographic material is punished with imprisonment of at least one year and a fine of 10,000 to 100,000 euros. As 'pornographic material' under the previous paragraph is considered any description, real or artificial depiction of sexual acts in any material format of the minor's body aiming at sexual arousal, and the recording or depicting in any material format of a real or feigned or virtual lewd act involving a minor.

217. If the acts described in paragraph 1 of the same article constitute pornographic material related to the exploitation of need, mental incapacity or inexperience of a minor or to the use of force against the minor, incarceration of up to ten years is imposed as well as a fine of 50,000 to 100,000 euros. If the act had as a result the serious physical injury of the victim, incarceration of at least 10 years and a fine of 100,000 to 500,000 euros is imposed.

218. According to article 9, article 351 of the Penal Code, as the same has been complemented by article 351A regarding lewd acts with a minor for a material benefit, stipulates the following:

Adults who perpetrate lewd acts with minors against payment or for other material benefits or adults who cause lewd acts to occur between minors in front of them or in front of others, are punished as follows:

(a) if the victim is under ten years of age, with incarceration of at least ten years and a fine of 100.000 to 500.000 euros.

(b) if the victim is older than ten years, but is under fifteen years of age, with incarceration of up to ten years and a fine of 50.000 to 100.000 euros and,

(c) if the victim is over fifteen years of age, with imprisonment of one year at least and a fine from 10.000 to 50.000 euros.

219. The perpetration of the abovementioned act as a habit is an aggravating circumstance.

220. Life sentence is imposed if the act of the first paragraph caused the death of the victim.

221. According to article 10, para. 2, article 353 of the Penal Code has been replaced to the effect that whoever abuses the decency of a minor under 15 years of age through an indecent act that is committed in his or her presence is punished with an imprisonment term of up to five years. For the criminal prosecution of the above acts the lodging of a complaint is required.

222. Article 11, par. 6, Law 3064/15-02-2002 defines the following:

The issuing of a definitive judgment condemning the perpetrators of acts mentioned in articles 348A, 349 and 351, Penal Code, which have been committed inside an establishment or business premises, is communicated, by the competent Public

Prosecutor's Office, to the Secretary General of the Region, within one month from its publication. The latter is obliged, within one month from such communication, to withdraw the operating license of the establishments or business premises where the crime was committed, for a period of up to 3 years. Taking also into account any other circumstances, the Secretary General may impose the definitive withdrawal of license; if such license is not provided for by law, the Secretary General may prohibit the conduct of business activities in the above establishments or premises. Until the issuing of a definitive judgment, a prohibition to conduct business activities may be provisionally imposed under the said preconditions, following the same procedure, upon the initiation of prosecution.

223. Article 12 of the same Law provides for the protection and assistance to the victims of the crimes of slavery and human trafficking and the crimes against sexual freedom. This protection refers to life, physical integrity, personal and sexual freedom, if a serious threat is posed to the aforementioned rights. Assistance in terms of shelter, food, living conditions, medical care, psychological support and legal aid, including interpretation, are provided to the victims of these crimes for as long as it may be deemed necessary. Minors victims are registered in educational and professional training programs. With regard to foreign victims who stay illegally in our country, their deportation may be suspended, upon an order of the Office of the Public Prosecutor for Juveniles, approved by the Public Prosecutor of the Court of Appeals, until an irrevocable judgment in the relevant criminal trial has been reached.

224. Finally, article 13 of the same Law provides for the safe repatriation of foreigners who stay illegally in our country and are victims of the crimes mentioned in article 349, 351 and 351A, Penal Code, conducted in a manner that does not offend their dignity. If the victim is a minor, then the Juvenile's Prosecutor must consent to his/her repatriation, following a report prepared by a probation officer.

225. Besides protection and assistance provided for in article 12, Law 3064/2002, Presidential Decree No. 233/28-8-2003 grants protection to victims (both nationals and non-nationals) of the crimes mentioned in articles 323, 323A, 349, 351, 351A, Penal Code (concerning, as already mentioned, crimes of servitude and human trafficking and crimes against sexual freedom), if such victims have suffered any direct injury or violation of their physical integrity or personal / sexual freedom or if a relevant threat is posed. Such protection and assistance is granted by State services, legal entities of public law, local authorities and the wider public sector, considered as services and units for the protection and assistance to victims, regardless of whether a complaint has been filed. Protection is provided as long as there is still risk of life, physical integrity, personal and sexual freedom, whereas the provision of assistance continues for as long as it is deemed indispensable by the Agencies and Units for the Provision of Protection and Assistance (articles 1 and 2 of the said P.D.). i.e.:

- According to article 4, P.D. 233/28-8-2003, the said services and units of protection and assistance take all necessary measures to ensure the safety of the victims and of the premises where they stay. While adopting such measures, they may request assistance from the competent police authorities. In case the victim has to move out of the unit where he/she is hosted and there is a serious risk against his/her life or physical integrity or personal / sexual freedom, the Greek Police provides assistance for the victim's transfer, according to the provisions of articles 159 & 161, P.D. 141/1991.

- Victims who are under 18 years of age have access to those public schools that host special reception classes or sections or are implementing cross-cultural education programs.
- Article 6 provides for victims, who are under 23 years of age and hold the required qualifications, the possibility to be enrolled in Technical and vocational training and A' & B' stage Manpower Employment Organization (OAED) training programs, even when the total number of admissions foreseen for those programs has been covered. Vocational Training (article 9, Law 2956/01) takes care of the establishment of special training programs, depending on the ascertained needs for victims who have attained 15 years of age.
- Article 7 provides for the immediate and free medical care by the services of the National Health System to those victims who are not covered by any insurance, for as long as the protection and assistance measures last.
- According to Article 8, the services and units for the protection and assistance take the appropriate measures to secure legal assistance for the victims; they also see to it that interpretation service is provided when the victims do not speak Greek.
- Article 9 provides for the operation within the Ministry of Health and Welfare of a Standing Committee, subject to the General Secretariat of Welfare, aiming at the coordination of victims' protection and assistance, the issuance of circulars regarding matters arising from the application of the said Presidential Decree, the gathering of statistical data and the proposal of measures to improve the victims' protection and assistance.
- Article 3 provides for cooperation with competent ministries, legal entities of public law and local authorities and the conclusion of contracts with NGOs engaging in similar activities, for the provision of protection and assistance to victims. The above contracts specify duties and obligations of contracting parties, application term and any related issue.

226. Regarding the victims of family violence it is noted that according to the provisions of Law No. 3500/2006 the following measures are taken among others:

- Criminal prosecution is exercised ex officio; this fact allows any sensible member of the society who becomes aware of the abuse of a minor to inform the prosecution authorities, so that they can intervene (article 18).
- The statute of limitation (time-bar) for the relevant offenses is suspended until the victim comes of age (article 16).
- Moral and physical support to the victim provided by social services and competent organizations is regulated (articles 21).
- Teachers are obliged to inform the prosecution authorities about any case of family violence they become aware of.

227. On top of the above measures the following more recent regulations, which have been introduced by the provisions of Law No. 3727/2008, should be added:

Specifically:

- Article 1 regulates, inter alia, that institutions of the public and private sector, public services, and social institutions can carry out programmes:
  - a) that aim to increase awareness on issues relating with the protection of the children's rights, persons who have regular contact with children in the sectors of education, health, social protection, Justice and law enforcement, as well as other sectors that relate with sport, cultural and recreational activities,
  - b) that aim to inform, educate and train those people mentioned in case a), regarding the sexual exploitation and sexual abuse of children, how to



identify it and the procedures for the reporting of relevant suspicions to the competent authorities,

- c) that aim to evaluate and prevent the risk of crimes concerning sexual exploitation or sexual abuse of children being committed by persons who are worried that they may well commit such crimes themselves,
- d) that aim to increase public awareness, in the context of information campaigns about the problem of sexual exploitation and sexual abuse of children and about relevant preventative measures to be taken.

228. During the formulation of such programmes efforts are made to take into account the views of children, the Civil Society, the Media and the private sector.

229. Article 2 regulates that:

- Programmes informing children about the risks of sexual exploitation and sexual abuse and, in cooperation with the children's parents, the proposed protection measures shall be included in the curriculum of primary and secondary education, according to the children's level of development and where such programmes could be beneficial. A decision issued by the Minister of Education shall determine the details for the implementation of this provision.

- Short-term and long-term support will be provided to the victims of sexual exploitation and sexual abuse for their physical and socio-psychological rehabilitation. Psychological support will also be provided to the persons close to the victim.

- Those who are bound by professional secrecy and come during their work in contact with children are permitted to report to the competent authorities, by derogation from the above principle (professional secrecy), any situation where they have a reasonable cause to suspect that a child is a victim of sexual exploitation or sexual abuse.

230. On the 27<sup>th</sup> of February 2006, a bilateral agreement between Greece and Albania was signed. The Agreement addresses trafficking in children and unaccompanied minors, their humanitarian repatriation and social integration; it has already been ratified by the Parliaments of both countries.

231. Hellenic AID, USAID, UNICEF are cooperating in a project titled: (Transactional Action) Against Child Trafficking. The project has a three-year duration and involves the cooperation of Greek and Albanian authorities as well as several Greek and Albanian NGOs.

232. Cooperation between Hellenic AID, the NGO Smile of the Child and the International Federation for missing children resulted in a common project to establish a Clearinghouse for Missing Children in SE Europe.

### **3. Data collection (para. 51a)**

233. The phenomena of abuse-neglect of children (physical, mental, sexual) constitutes a social problem which also affects our country specifically during the last years.

234. There are no reliable statistic data regarding the percentage of cases of abuse-neglect of child in the Greek family, since there exists no national report system and

data which may be included in the relevant studies (i.e. Institute of Child's Health in a restricted clinic sample of 197 abused and neglected children in co-operation with the outpatient departments of the Children's Hospital "AGIA SOFIA" as well as other hospitals of the Prefecture of Attica), may not be representative.

#### **4. Reporting of cases of child abuse – co-operation with NGOs and other bodies**

##### **(para. 51bcd, 55c)**

235. The Ministry of Health and Social Solidarity acknowledges children's abuse – neglect as a social phenomenon, and has thus established a services network for the protection and care of minors who are victims of abuse – neglect.

236. For children of Greek citizens and immigrants who are proven to be unprotected, lack family care and are in a crisis situation – amongst them are abused children – there are the Child Care Centers, Children's Towns, the Infant Centre "Mother", and the Penteli Recovery Centre. These institutions accept children aged 5 ½ - 16 years old, but the Child Care Centre for Girls in Rhodes and the Children's Town "Agios Andreas" in Kalamaki accept also pre-school children. Unprotected infants are admitted into the Infant Centre "Mother", the Penteli Recovery Centre and the Municipal Infant Centre in Thessaloniki, where they are hosted until their social re-integration, by means of guardianship, adoption or reunion with their family environment. The children are unsubscribed from the institutions after the completion of their 18<sup>th</sup> year or earlier in case the reasons of their admittance have ceased to exist. Children who continue with studies can remain in the institution until they complete their studies and find a job.

237. Similar services are provided by several church and charitable foundations, which host school age children, apart from the Children's Villages SOS Hellas, the Children's Village in N. Greece and the Pre-school age Boarding School in Kallithea, which also admit younger children.

238. According to article 6 of Law 3106/2003, the Ministry of Health and Social Solidarity founded a Legal Entity of Private Law, called National Center for Emergency Social Help. According to article 20 of Law 3402/2005, this organization was renamed into National Center for Social Solidarity (E.K.K.A.); it currently acts as the main, state coordinating organization of the network that provides social support services and information on welfare issues.

239. The aim of E.K.K.A. is to coordinate the network that provides social support services to persons, families and population groups that go through an intense emotional crisis or are in an emergency state of need.

The services provided include:

- Counseling and information on welfare issues,
- Psychological support to persons, families and groups,
- Temporary reception in shelters for people that go through a crisis or are in an emergency state of need,
- Coordination and mediation for access to social support services offered by other organizations, non-profit organizations and NGOs.

240. The persons and population groups addressed and targeted by the E.K.K.A.'s services network are:

- Children and adolescents victims of abuse,
- Children and adolescents that are neglected or wander around,
- Adolescents who leave home,
- Abused women, victims of domestic violence,
- Adults and elderly who need immediate social help,
- Persons going through a crisis with intense emotional loading, etc.,
- Victims of human trafficking with the aim of sexual exploitation.

241. The network of services offered by E.K.K.A. includes:

**1. Telephone Line for Emergency Social Help 197**

The Telephone Line for Emergency Social Help is the central reference point for the entire system that provides immediate social help services. This line operates 24 hours a day, seven days a week, and provides counseling and psychological support and information; it activates the mechanisms of emergency social intervention and refers to the rest of the E.K.K.A. services network, and to other social services and organizations for further help. Also the webpage page called "197" is under construction, which will provide guidelines about counselling and information for children and adolescents.

**2. Social Support Centers**

The Social Support Centers are the regional entry gates to the system of emergency social care. They are staffed by social workers, psychologists and sociologists and function five days per week. The S.S.C. receive and evaluate incidents, provide psychological support and information, refer incidents to the short-term shelters, intervene at home and on site where the problem arises to provide instant social service and give information on all issues concerning Welfare and Social Support. The S.S.C. are located in the Attika and Thessaloniki Prefectures as well as in various Municipalities.

**3. Crisis Management Service**

The Crisis Management Service intervenes in cases of natural disasters and accidents involving large numbers of people, in order to provide social and psychological support to the people who were affected or to the victims' relatives. It is staffed by specialized personnel and runs a Mobile Unit which functions as a central operational center.

**4. Emergency Social Intervention Service**

The Emergency Social Intervention Service includes three Units:

- i. The On-site Intervention Service, which intervenes instantly at the location where an incident is reported, by car and a crew of specialized personnel.
- ii. The Reception Service – Guesthouse for Immediate Reception, where those directly or indirectly concerned can address themselves for dealing with the problems that have led them to a crisis situation and are in need of social or psychological support.
- iii. The Intake Guesthouse, which receives serious and emergency incidents.

**5. Short-Term Guesthouses**

The Short-Term Guesthouses offer temporary reception (accommodation and care) to vulnerable population groups, such as adolescents, women who are victims of domestic violence – with or without children – , women who are victims of violence in general, victims of trafficking in human beings with the aim of sexual exploitation, and generally adults who are in an emergency situation. Apart from accommodation,

such Guesthouses also provide counseling and psychological support offered by specialized personnel. The Guesthouses are in close cooperation with the S.S.C. of their region and other public or private organizations. Currently, four (4) Guesthouses for temporary reception are operative (three in Athens and one in Thessaloniki) for abused women and children and also for women who are victims of human trafficking with the aim of sexual exploitation, and one Guesthouse for adults. There is also the pilot operation of a special Guesthouse in the Attika region that provides accommodation to relatives, from the province, of patients who are hospitalized in Attika hospitals and are unable to cope with their accommodation expenses in Athens.

242. The main state organization for the assistance of human trafficking victims is the National Centre for Social Support (E.K.K.A.). Specifically:

- According to a Joint Ministerial Decision taken by the Deputy Ministers of Economy and Finance, Foreign Affairs and Health & Welfare, E.K.K.A. is responsible for the operation of “*Guesthouses of Temporary reception for human trafficking victims*” (one in Athens and one in Thessaloniki). The Short-Term Guesthouses provide temporary reception (housing, food, psychological support, health care) to victims of human trafficking.
- Also the Telephone Help Line for Emergency Social Help operates 24 hours a day, seven days a week, and receives complaints concerning illicit human trafficking, it provides counseling and psychological support and refers to the rest of E.K.K.A. services network, and to other social services and organizations for further help.
- The Service for Reception, Temporary Accommodation and On-site Intervention of E.K.K.A. (operates on a 24/7 basis) particularly provides hosting facilities to crisis situations until completion of the procedures that deal with the problem, such as the collection of personal data, medical examinations, etc.

243. A car staffed with specialized personnel intervenes on-site at the location mentioned in the complaint.

244. Apart from the above, E.K.K.A. also cooperates with all stakeholders involved, such as the Police Authorities and various NGOs, with which it has entered into agreements for the setting up of Temporary Accommodation Guesthouses (“Hamogelo tou Paidiou” – “Smile of the Child”), D.E.S.O. (International Cooperation for the Support of Families).

245. The victims of human trafficking reach E.K.K.A. either through the Help Line or the Social Support Centers, or they are referred by the Police (Anti-Trafficking Department), Prosecuting Authorities or NGO’s.

246. During 2006 and 2007, the following services were provided to human trafficking victims:

- \* **2006:** E.K.K.A. provided psychosocial support in 14 cases, which were all referred to police authorities by the organization. By majority they were women, aged between 16 and 30, who came from previous Soviet Union countries, 5 of whom were hosted in Guesthouses of the Organization.
- Also the Help Line Service, 197, dealt with 5 calls; the cases were offered psychological support, information and were referred to other E.K.K.A. services and to the Anti-Trafficking Department of the Police.

- E.K.K.A. and the Guesthouses hosted 21 incidents. They were women, aged between 16 and 30, who came from Romania. During the same period, the Help Line Service, 197, dealt with 5 incidents of human trafficking. The dealing with and support of the above incidents was realized by E.K.K.A. in close cooperation with the Anti-Trafficking Department of the Police, with Non Governmental Organizations, with the relevant Embassies and also other structures that provide psychosocial care services.

247. Lastly, E.K.K.A. is the organization nominated by the Greek State as the Responsible Authority in the framework of the “Agreement between Greece and Albania to protect and assist minors who are victims of trafficking”.

248. The Special Committee at the level of General Secretaries of Ministries involved (Ministries of Justice, Interior, Economy & Finance, Foreign Affairs, Education & Religious Affairs, Health & Welfare), which was established in 2004 upon an initiative of the Minister of Justice (in cooperation with experts, senior executives of the Greek Police and prosecutors), has prepared an integrated action plan at national level against illegal trafficking in human beings. So far, the main pillars of this program define the action framework of the National Action Plan.

249. Furthermore, articles 46-52 of Law 3386/2005 concerning “Entry, residence and social integration of third country nationals in Greek territory” clearly define the concept of “victim of human trafficking” and fully regulate the issue of protection of and assistance to victims of human trafficking. In May 2006, the Special Committee at the level of General Secretaries was further strengthened by the Minister of Justice and after ratification by a Special Standing Committee its competences were expanded, to be able to also submit legal proposals or other measures for combating human trafficking.

250. In addition, the Institute of Child Health (ICH) has been established, which is a governmental agency supervised and funded by the Ministry of Health and Social Solidarity. ICH, since its foundation by S. Doxiadis and according to its founding legislation Presidential Decree 867/1979, has been an innovative structure based on the principles of multidisciplinary cooperation, combining clinical practice, research and epidemiology. Currently, the ICH is under scientific re-structuring, initiated by the changes made in its legal status (L. 3370/11.07.05), and its subsequent transformation into a Research Institute supervised by the Ministry of Health and Social Solidarity and the Ministry of Development according to the Law 1514.

251. Since 1977, the Department of Mental Health and Social Solidarity (former, Department of Family Relations) has been carrying out research and action research, and offers continuing education programs for professionals and specialized services to families and institutions. The Department’s main aim is the study of domestic violence against children, as well as the prevention of children’s victimization. Due to its specialization, the Department since 1988 functions as Centre for the Study and Prevention of Child Abuse and Neglect according to the decision of the Deputy Minister of Health and Social Solidarity (protocol number 2350/14-11-88). Particularly, the urgent social-political demand to eliminate domestic violence against children has led the specific Department to conduct quantitative and qualitative research, focusing on primary, secondary and tertiary prevention such as primary, secondary and tertiary prevention programs, education and sensitization of

professionals encountering child abuse and neglect in their everyday practice, sensitization of the public and modification of relevant social attitudes and behaviors, bringing together research data and social policy through cooperation with the Ministries of Health and Social Solidarity, Justice and Internal Affairs so that legislation/institutional measures are adopted, and collaboration with European Institutions on carrying out international research projects on the violations of children's rights.

252. Concurrently, action research is carried out on the effects of child's abuse, and on the general function of the family, while identification and treatment services are also offered. Research on children's protection services in Greece is also conducted, while empirical data stemmed by this kind of research have already been used as a basis for the construction of intervention programs in relevant institutions, as well as for the creation of innovative structures. In addition, innovative "education-action" programs are developed such as the support-through-counseling program for professionals aiming at preparing the professionals to encounter difficult cases of domestic violence against children.

253. ICH, following the international appeal for the protection of children's rights, and based on the CRC and the Greek Law (L 2101, Official Gazette 192/02-12-1992), has developed special interest in this field. Our Department has developed a frame program for the promotion of children's rights in Greece and Europe, which includes various actions all over Greece, in cooperation with primary school teachers. We also collaborate with various European institutions concerning the mobilization through political lobbying aiming at empowering children's position as a distinct social category in the European Union's conventions. The educational initiatives of this Department of the ICH include also publishing relevant scientific material, organizing scientific conferences and seminars, producing audiovisual material, and participating in continuing education programs of other institutions. Moreover, the Department functions as Information Centre for international and national bodies working with issues related to child abuse and neglect and child protection. Finally, the Department runs a specialized library, which remains open to professionals and university students.

254. Thus, the Department of Mental Health and Social Welfare has established membership to various international Organizations and scientific institutions, such as the International Society for the Prevention of Child Abuse and Neglect (ISPCAN, Chicago, USA), The European Children's Network (EURONET, Brussels), Bureau International Catholique de l' Enfant (BICE, Brussels), European association for the Scientific Study of Residential Care and Fostering (EUSARF, Leuven), The Bridge Child Care Development Service (London), Global Initiative to End Physical Punishment, (London) etc in order to disseminate current evidence-based scientific knowledge and practices in Greece.

255. In this context, the Department of Mental Health and Social Welfare, through its multidisciplinary constitution, treats this issue from different scientific viewpoints (Psychiatry, Social Work, Clinical Psychology, Sociology, Criminology, Psychodynamic theories, Public Health and Social Anthropology). Particularly, the interests of our Department include study and promotion of healthy family relations and children's rights, study of the Greek families in psycho-social crisis related to children's victimization, development of methodologies for the identification of

parental dangerous behavior, epidemiological and clinical approach of child abuse and neglect as a public health issue, development of community-based prevention programs, promotion of health and children's rights in the family, school and community. Therefore, up to today, this Department of ICH carries out research on child abuse and neglect, domestic and sexual violence, incest, use of physical punishment in children's education, dystrophy of non-organic causes, prediction of the level of risk of families' predisposed to violence (Bridge ALERT), identification of predictive factors for child abuse and neglect, attitudes and intervention practices carried out by health professionals, and on the effects of institutionalization on children, as well as identification and treatment of all types of child abuse and neglect, including providing free specialized legal aid to victims of child abuse and their families.

256. With the funding of Hellenic Ministry of Health and Social Solidarity, the ICH has produced and disseminated widely two brochures concerning foster care including legal framework and frequently asked questions by the public. Such an action has been prioritized since, on one hand, the legal framework in Greece has changed positively towards facilitating foster care, while, on the other, up to now only around 650 foster care incidents have been recorded. Therefore, further promotion of the institution of foster care has been evaluated as the most appropriate action to be taken, given that more or less, relevant amendments in the legal framework are already in place.

257. Additionally, with the funding of O.P. "Health-Welfare" of E.U.'s 3<sup>rd</sup> Support Framework, "Hellenic SOS Villages" along with professionals in the field of child protection have established the ELIZA Shelters for victims of child abuse and neglect.

### **5. Child custody (para. 53)**

258. There are no recent legislative regulations. In pursuance of case-law pertaining to article 1510 of the Civil Code, we make reference to Supreme Court (Areios Pagos) judgement No 425/1990 published in the legal review "Greek Justice" vol. 31/1990 p. 996.

259. Additionally, the Greek Civil Code provides for the institution of guardian (art. 1589-1654) and the institution of foster family (arts. 1655-1665) as means of alternative care. Adoption (arts. 1542-1588) is considered as a substitute of natural family.

260. Regarding parental care, it is important to mention that in the Greek Civil Code, as amended by Law no 1329/1983, there is no distinction between mother and father in this respect. According to art. 1513 of the Civil Code, parental care, irrespective of the age of the child, is entrusted to the most appropriate of the parents, after the child's interest and views have been considered. Among the relevant case-law, see for instance Supreme Court (Areios Pagos) judgement No 728/1190 published in the legal review "Greek Justice" vol. 32/1991 p. 1233.

261. It should also be added that article 681 C of the Code of Penal Procedure clearly provides that the court, before rendering their decision concerning the

awarding of the custody of a minor, should hear the minor and take his/her view into consideration, depending on his/her maturity. The same provision regulates as a compulsory procedure the investigation of the minor's living conditions by organs of the competent social service and the reporting of their findings to the court.

262. It is further noted that to inflict violence on a minor constitutes a clear violation of the custody duties, and the measures applied are provided for in article 1352 of the Civil Code. For this reason, article 4 of Law No. 3500/2006 regulates the application of article 1352 also on violence inflicted because of disobedience, which might be considered mistakenly, as being part of the duties of custody.

263. Article 1 paragraph 3 of Law No. 3189/2003 amends the provision of article 122, to create a wide legal framework that allows the taking of a series of alternative measures for minors who violate the penal code, in order to prevent them from being locked up in institutions.

264. These measures include:

a) reprimand of the minor, b) awarding custody responsibility of the minor to their parents or supervisors, c) awarding custody responsibility of the minor to a foster family, d) awarding custody responsibility of the minor to protecting companies or minors' institutions or minors' supervisors, e) contact between the minor offender and the victim to express apologies and generally to aim for an out-of-court solution of their case, f) compensation to the victim or reduction of the consequences of the act committed by the minor offender in other ways, g) taking up of social work by the minor, h) participation in social and psychological programmes in state, municipal, public or private institutions by the minor, i) studying in schools of vocational training or other education or training by the minor, k) participation in special traffic education programmes by the minor, l) awarding intensive custody and supervision of the minor to protecting companies or minors' supervisors, m) placement of the minor in a suitable state, municipal, public or private institution for education.

265. In any case, an additional reform measure that can be imposed is further obligations regarding the life style or the education of the minor offender. In exceptional cases, it is possible to impose two or more of the measures mentioned in the above a) to m). It is obvious that we are constantly trying to improve quality and effectiveness of the measures taken.

## **6. Alternative care (para. 55)**

266. With the decentralization of the National System of Social Care, the Ministry of Health and Social Solidarity aims at the creation of a complete and effective network of social care according to the current demands and needs with the gradual reduction in the number of Centers of Children Care and the application of modern forms of social care, so that the institutional form of children's protection and support, where the children are deprived of a family environment, to be overcome. Within the said framework, an extended program of deinstitutionalization for the unprotected children prescribes the application of alternative methods of protection, such as the adoption and institution of foster family. Wherever this is not feasible, the creation of small protected apartments of semi-independent living is put forward in



order for the children to have equal participation in the social and financial life. A pilot program of semi-independent living is already running in certain institutions.

267. More specifically, the structures of the Ministry of Health and Social Solidarity in the area of support/alternative care of children which are victims of sexual abuse or other forms of exploitation, in co-operation with NGOs, include:

- The National Center of Social Solidarity (EKKA) for dealing with social problems of citizens on a 24-hour basis, with a direct phone line “197”, which is also competent for the operation of hostels in Athens and Thessaloniki for the provision of temporary shelter to single-parent families, abused women and children, who for various reasons have to be removed from their family environment, as well as the operation of 4 Shelters (3 in Athens and 1 in Thessaloniki) with specialized personnel.
- Non-profit institutions, for example, the private company Philoxenia in Thessaloniki for socially excluded/neglected children, etc.
- NGOs, such as “To Hamogelo Tou Pediou (The Child’s Smile)” based on the Memorandum of Understanding for the initiation of a Program for dealing with cases of children which are in danger (phone line of social assistance “1056”, mobile units on 24-hour basis, special houses, specialized personnel)
- Children’s psychiatric Departments in General Hospitals (1 in 2002, 3 in 2003 and 2 in 2004-2006). In September 2007, we have shut down the Child-psychiatric Hospital of Attica in the framework of the implementation of the second phase of “Psychargo” Program and in the framework of de-institutionalization of children and adolescent with mental disorders.
- Mental Health Centers (16 in 2002, 7 in 2003 and 15 in 2004-2006, total number in 2008 34).
- Centers for children with autistic-type disorders (5 in 2002 and 11 in 2004-2006, total number in 2008 18).
- Housing structures aiming at providing protective living, psychosocial rehabilitation and promotion of the social integration of children and adolescents with serious mental disorders:
  - 2 Shelters and 1 Boarding house for autistic children – adolescents in Attica, Larissa and Zitsa in the Prefecture of Ioannina.
  - 3 Shelters for children – adolescents with mental disorders in Athens.
  - Shelters for adolescents with adversative behavior in Athens
  - Shelters for children having parents with mental disorders.
  - Cooperation with International Organizations i.e. the International Organization for Migration based on the program “Assisted Voluntary Repatriation” for children victims of trafficking. During the period from November 2003- January 2005, 16 repatriations in total were implemented.
  - Reception Centers for children who are victims of trafficking (Center for Rehabilitation of Tortures and other forms of Abuse).
  - A hostel for children who are victims of international trafficking in Ioannina (Center of Research and Support of Abused and Socially Excluded Victims).

## **VI. Basic health and welfare**

### **1. Health care of Roma children (para. 57c)**

268. Actions of Mobile Units (medical and social intervention): Since April 2002 and within the framework of the program entitled “Protection –Promotion of Health and Social Integration of Greek Roma”, the Ministry of Health and Social Welfare, in cooperation initially with the Center of Special Infection Control, the Children’s Hospital “Aglaia Kyriakou”, and the Greek Pediatric Society have implemented the following program: Medical intervention: Up to the present day, clinic tests have been performed to 3.936 children. 16.580 multiple vaccinations have taken place. 63 children were committed to Hospitals, whereas blood tests were performed to 109 cases. Due to the special living conditions of Roma, state vaccinations for ENZERIX Hepatitis and HIBERIX or ACT-NIB Hemophiles were conducted. Since October 2003 a Mobile Unit (which belongs to the Hospital of Filiata) visits areas of the country for gynecological check-ups.

269. Within the framework of Improvement of Roma Children Life, social interventions have taken place, such as commitments of individuals and families to the Social Services and the General Offices of Welfare, Prefectural Self-administrations, as well as OAED (Greek Manpower Employment Organization) for finding work. Admittance of abandoned Roma children has taken place in institutions of disabled children in Rehabilitation Centers. Services for Family Programming were set up and other Social Actions were developed. Finally, within the framework of Measure 3.1.relating to Operational Program “Health-Welfare” of the Third Community Support Framework ( 2000-2006), social scientists in the 93 Operating Centers of the Social Service Network were engaged by the Municipalities for rendering supportive services of socio-economic integration to individuals threatened or suffering from phenomena, such as poverty and social exclusion, Roma children included.

270. Up to the present day, within the framework of the health protection and support Program, as well as the psycho-social support of Greek Roma, 160 visits took place, both to Roma settlements, as well as to encampments of moving Greek Roma in various Prefectures, where vaccinations of children and medical tests were conducted.

271. The relevant social work relating to the other prefectures of the country is provided by social workers belonging to Social Services of the Prefectural Self-Administrations.

### **2. Steps to lower the number of children who smoke cigarettes and use alcohol** **(para. 57b)**

272. In the framework of the anti-smoking program the Ministry of Health and Social Solidarity, aiming to protect Public Health, issued Health Regulations on the prohibition of smoking in public areas, health care units, means of transportation and private workplaces. The current legal framework to prohibit smoking at national level allows the possibility to create special smokers’ places (prohibition with exceptions).

273. Greece ratified the Framework Convention of the World Health Organization on tobacco control by Law 3420. Article 8 of the above Convention mentions: “Each Contracting Party shall adopt and implement effective legislative, administrative and/

or other measures, which regulate the protection from exposure to tobacco smoke inside work places, public transportation means, inside public buildings, and if necessary in other public places, in current national jurisdiction sectors, defined by national law, and shall actively promote to other jurisdiction levels the adoption and implementation of these measures”.

274. In the framework of harmonization of our national legislation with Community law, a Joint Ministerial Decision was issued in 2005 concerning advertising and sponsorship of tobacco products, in compliance with EU Directive 33/2003, which prohibits advertisement and promotion of tobacco products in the press and the printed media, on the radio, in the information society services and through tobacco related sponsorships with cross-border effects, including free distribution of tobacco products.

275. With the aim to inform and increase awareness of the general public on the consequences of smoking on health and protecting public health, the publication of anti-smoking messages in the Media was supported, thus contributing to the anti-smoking campaign of the Ministry of Health and Social Solidarity.

276. For the implementation of an integrated program for tobacco control (in compliance with Article 16 of the Framework Convention of the W.H.O., with the aim of creating a smoke-free environment and to protect public health) the Greek Parliament has ratified the Law 3730/2008 “*Protection of minors from smoke, alcoholic beverages and other regulations*”, which prohibits the sale of tobacco and alcohol products to minors, in order to protect them from these substances, which are detrimental to their health.

277. Law No. **3730/2008** explicitly prohibits the sale of tobacco and alcohol products to / from minors. Thus, Greece is no longer among the last EU member states that had not yet passed any statutes for such prohibition. The major points of such law are as follows:

- ✓ Prohibition of the sale of tobacco and alcohol products to / from minors (art. 2, par. a, Law 3730/2008, hereinafter: ‘the Law’).
- ✓ Prohibition of the manufacture, promotion, trade and sale of items that look like tobacco products and that could therefore easily addict children to the idea of smoking (art. 2, par. (c) of the Law).
- ✓ Prohibition of smoking and sale of tobacco products into internet stores and artificial intelligence game shops, the more clients of which are children (art. 2, par. 1(e) of the Law).
- ✓ Prohibition of smoking into indoor sport premises, where children use to hung up (art. 2, par. 1(f) of the Law).
- ✓ Prohibition of the placement of tobacco products on shop displays, in a manner that could facilitate children’s familiarization with tobacco products and smoking (art. 2, par. 1(b) of the Law).
- ✓ Prohibition of the advertizing and sale of tobacco products at the private and public educational institutes of all levels and at all hospitals (art. 2, par. 1(d) of the Law).
- ✓ Prohibition of the distribution of tobacco products for free, an activity that could facilitate children’s access to tobacco products and smoking (art. 2, par. 4 of the Law).

- ✓ Prohibition of the sale of tobacco products by auto-selling machines and in packages of less than 20 pieces, which could be easily bought by minors as they are cheaper (art. 2, par. 3 of the Law).
  - ✓ Prohibition of any labeling referring to limited and/or inexistent health effects, coming from the consumption of such tobacco products or the electronic cigarette, unless such claim is evidenced in clinical research (art. 2, of the Law).
  - ✓ Obligation to post up on a clearly visible spot within the premises where tobacco products are sold, that their sale is prohibited to minors (art. 2, par. 5 of the Law).
  - ✓ Prohibition of the entrance, sitting in, employment of and alcohol consumption by minors in all entertainment clubs and bars; elevation of the age limit for such prohibition from 17 to 18 (art. 4 of the Law).
  - ✓ Prohibition of smoking inside all workplaces in the public and the private sector, in all public transportation means and the waiting rooms thereof, inside taxis and restaurants; an additional provision for the access prohibition of minors – i.e. teenagers of up to 18 years old (art. 1, par. 2(b) of the Law) in any smoking areas that may be established inside the said premises (art. 3 of the Law).
  - ✓ Any failure to observe these prohibitions shall entail fines and administrative sanctions of up to 20,000€, plus the provisional and/or permanent revocation of the license to sell tobacco or alcohol products and/or even the operation license of the defaulting enterprise (art. 6 of the Law).
  - ✓ The competent authority for the enforcement of law and the promotion of anti-smoking policy is the Special Office for the Protection of Minors from Tobacco and Alcohol, established under the Ministry of Health and Social Solidarity (art. 5 of the Law), as well as the Inspectors of Health & Welfare which act in cooperation with the police, port authorities, the municipal police and the public health supervisors who work under the prefectures of the country, in monitoring violations and imposing sanctions to offenders (art. 5, par. 3 and art. 6 of the Law).
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278. The Ministry of Health and Social Solidarity has distributed information material concerning smoking and alcohol prevention, addressed mainly to adolescents and young people (during the whole period 2002-2008).

279. Smoking and addictive substances were also the target of a widespread campaign to inform and sensitize the public, entitled “*Life is colorful*”, prepared by the Ministry of Health and Social Solidarity. This Campaign is a coordinated project to inform young people and their families about crucial health issues, such as nutrition, exercise, smoking, alcohol, drugs, sexual education, addiction to electronic games and school intimidation. It also aims to mobilize all stakeholders who can facilitate the start of a relevant health education program in schools, through the development of targeted educational and scientific material. The Ministry of Health and Social Solidarity attempts to pass across the message *Health is a life-style*.

280. According to a epidemiological research, 16% of students make use of alcohol more than 10 times per month, whereas the percentage for girls is 8.6%. Even though consumption of alcohol among young people in Greece is gradually increasing, the trend is insignificant in comparison to western European countries. Even though changes appear to be seriously dangerous, it can't be ruled out that in

the future, they may lead to the increase of diseases which are related to alcohol consumption. To this end, apart from information campaigns in schools, 6 Centers dealing with the detoxification of young alcoholics have been set up.

### **3. Children with disabilities (para. 59)**

281. During the two-year period (2002-2004) and with the help of EU funds, several programs were implemented for the children with special educational needs.

282. **Census of students with special educational needs.** A census was carried out by the Pedagogical Institute of the children with special needs and the structures supporting them. According to this census, there were 15.850 students with special educational needs in various types of educational structures of Kindergarten, Elementary and Secondary School in Greece. With regard to the **diagnostic profile** of these students (**See Table 22**), the overwhelming majority were children with learning difficulties (56,15%), followed by children with mental retardation (14,89%) and by children with “neurological and other difficulties” (including mobility problems) (7,41%) and children with “composite cognitive, emotional and social problems” (7,16%).

283. **Children with Special Educational Needs with a Mother Language other than Greek.** Among the children with special educational needs, 1.189 are children with a mother language other than Greek (**See Table 23**) The study does not specify if this language is a language spoken by the Muslim minority, a Roma language or the language of migrant students in Greek schools. Among these children with a language other than Greek, the overwhelming majority (81,24%) is children with “learning difficulties”. In the general population of students with special educational needs (**See Table 22**), this proportion is 56,15%. Possibly, language difficulties become learning difficulties and may exaggerate the proportion of these children in the “learning difficulties” which means there is a need for more effective diagnostic tools to separate the students in the two categories.

284. With regard to the **sex and age distribution** (**See Table 24**), the large majority of students with special needs are boys (62,12%) and the overwhelming majority (70,85%) are between 6 and 12 years old—which means most of them are in Elementary Schools. The number of boys exceeds the number of girls in all the diagnostic categories (**See Table 25**), especially for autism where the excess of males has been scientifically documented.

285. With respect to the geographic **distribution**, 53,68% of the students with disabilities are concentrated in the regions encompassing the two most populous cities of Greece (Athens and Thessaloniki) (**See Table 26**); the distribution of children with special educational needs seems to follow the distribution of the general population in these areas, with some small deviations.

286. **Development of new curriculum programs.** Curriculum programs were developed by the Pedagogical Institute for all the diagnostic categories. These programs stress the importance of learning daily living skills, especially by children with mental retardation, and will constitute the basis for the production of new materials for students and teachers.

287. **Adjustment of general curriculum and materials to the children with special educational needs.** The Department of Special Education of the Pedagogical Institute decided (Act 2/2004) to approve the promotion of all the general education textbooks for elementary and secondary education to the Organization for Publication of School Textbooks for the adjustment and conversion of these books to Braille. These proposals presuppose extra expenditures and a corresponding budgetary provision.

288. **Publications of CD-ROM and Poster for the EURO.** With funding from the European Union and the Ministry of National Economy, the Pedagogical Institute produced a poster and a CD-ROM (“From the Drachma to the Euro”) for children with special educational needs by adapting materials produced for the higher grades of Elementary School. The CD contained both audio materials for persons with deficient vision and video clips with a person translating in the sign language for deaf persons. These materials were produced and distributed to Special Schools of deaf, hard of hearing and persons with deficient vision, as well as to the School Counselors for Special Education, during the period Sept. 2001 – May 2002.

289. **Parallel support. During the period Sept. 2004-Feb. 2005,** the Directorate of Special Education of the Ministry of Education and Religious Affairs designated 90 children from Primary (77) and Secondary Education (13) for parallel support in school and 190 for parallel support in the home. The children targeted for parallel support in schools included children with mental retardation; children with problems of vision, hearing and speech; children with neurological and motor problems; children with cognitive, emotional and social difficulties; children with autism; children with the syndrome Turner, Down, Williams, Asperger and Kabuki; and children with multiple handicaps. The modal category were children with autism (N=20). There was no breakdown with respect to the diagnostic categories receiving parallel support in their homes or with regard to the nature of the personnel who participated in parallel support either at the school or at home. Generally, parallel support is offered to children with special needs on a one-to-one student/teacher basis.

290. **Programs organized by the Special Education School Units (SESU) themselves.** During the school-year 2002/2003, the SESU themselves (253 of 1.192) organized 269 programs (See Table 27), 124 of which were national, 43 European and 102 local, with regard to funding. About one half of these (120 of 269) were organized in the two most populous regions (Attica and Central Macedonia). Most of these programs focused on health education, environmental education, learning difficulties and Olympics education.

291. **Services rendered at the Special Education School Units.** On both levels of education, the most frequent types of services included “social” and “psychological support”, while less frequent were occupational therapy, physical therapy, rehabilitation and vocational training (See Table 28). Nonetheless, the percentage of Schools offering these social services are relatively low, while the overwhelming majority (69,38%) offered no such services.

292. **Consultation of children.** As in schools of general secondary education, students in special education school units (special schools and integrated sections)

have the right to organize class and school councils. Nonetheless, no information is available regarding the actual organization of these student communities in the 71 special school units on the secondary level (**See Table 34**). Communication with teachers in a special Junior High School indicated that student councils do exist in these special schools; however, like the councils in general education schools, they are occupied only with the organization of excursions. Children with special educational needs, as already mentioned, are **indirectly** consulted through the participation of representatives of the National Confederation of Persons with Special Needs and the Panhellenic Federation of Associations of Parents and Guardians of Children with Special Needs in the Department of Special Education of the Pedagogical Institute of the Ministry of Education and Religious Affairs (L. 2817/2000). The two representatives participate consistently in the department meetings since the establishment of the department.

293. Moreover, there are actions aiming at protecting and promoting the rights of children with disabilities, such as:

1. Eleven programs of economic support for children with disabilities, i.e. a program relating to cerebral palsy which is applied to children from 0-18 years old, depending on the category, nature of disability, insurance regime etc.
2. Structures of open and closed care in the uniform decentralized national system of social care from services which are integrated in the Regional Health and Social Welfare System as decentralized and independent units.
3. Centers of Day Recreation and Social Integration of Children run by welfare bodies of private law (i.e. associations of parents and charity unions).
4. Within the framework of the Second Community Support Framework, a national network of 24 Centers of Social Support and Training of People with Disabilities (KEKYKAMEA), including the children with disabilities, was set up and is running in the competent prefectures of the country.
5. Within the framework of the Third Community Support Framework, 16 Support Centers of People with Disabilities were planned, including the children with disabilities, in the areas where there were not any KEKYKAMEA. We have already begun the procedures for the construction of 9 Support Centers. The same Community Support Framework provides for the operation of new structures for children with disabilities/Nurseries of Integrated Care (departments for children with disabilities and Centers for Creative Recreation for children and young people with disabilities) with municipalities and Municipal Enterprises constituting the operation agencies.
6. The Ministry of Health and Social Solidarity has already begun and is gradually proceeding to the modernization of the welfare services already provided to children with disabilities, through the reform of the administrative and operation Organizations of the supervised bodies and through the creation of new technical structures aiming at ameliorating their living conditions.

#### **4. Data collection on children with disabilities (para. 59b)**

294. Decennial census data that record the individuals with special needs are not available. Plans to include such relevant questions in the 2001 Census were abandoned following reactions based on the sensitivity of the personal data. Whatever relevant data are available in the National Statistical Service of Greece website ([www.statistics.gr](http://www.statistics.gr))—the number of “special school units” and of the personnel teaching in these separate special schools—originates from the periodic

censuses of schools done by the Ministry of Education and Religious Affairs. During the school year 2000/2001, there were 252 such schools recorded, 1.574 teachers (56,8% of which were women) and 7.135 students (of which 40% were girls). However, there were gaps in these data, since they did not include data pertaining to the sections of special students integrated in general education. To compensate for these gaps and taking advantage of the available EU funds (Third Community Support Framework Program, 2002-2004), the Department of Special Education of the Pedagogical Institute of the Ministry of Education and Religious Affairs commissioned the conducting of a census of all the “Special Education School Units” (the separate schools at all levels as well as the integrated sections of special education students at all levels of primary and secondary education). The census was conducted during the period of summer 2003-winter 2004 and recorded data on the student population, the structures of special education, the teaching-working force in these school units, the organizations and agencies working in the area of special education, and the relevant legislation. According to census organizers, the response rate of 1.192 Special Education School Units represented a 90% response rate. The results of the census have been published in the website of the Pedagogical Institute.

295. Unfortunately the Ministry of Health and Social Solidarity notes that there are not collective data concerning the total number of children with disabilities in our country, nevertheless according to data kept at the Ministry’s record for the year 2007 all Social Care Units treat about 143 children with disabilities.

#### **5. Information campaigns concerning children with disabilities (para. 59c)**

296. The most effective kind of information campaign that will contribute in the long run to combating discrimination against children with disabilities is the non-stereotypic imaging of individuals with special needs in the curriculum programs and school textbooks. The textbooks that are produced by the Pedagogical Institute and the Ministry of Education demonstrate this sensitivity toward children with special needs at all levels of education.

297. The second is through the Centers and Offices for Counseling and Educational-Vocational Orientation. At the end of 2004, 70 Regional Centers and 200 Offices at local schools were operating throughout the country. During the period 1999-2001, the **Office of Educational and Vocational Orientation for the Handicapped and Socially Excluded Individuals** of the Pedagogical Institute (established in 1999) produced several auxiliary materials for the teachers of Educational/Vocational Orientation in primary and secondary schools(e.g. “the vocational preparation of individual with special needs”), as well as an “Employer’s Guide for Individuals with Special Needs” intended to apprise the employers about the benefits of hiring persons with special needs. In addition, the regional Centers and Offices come into contact with parents, employers, local governments etc. and in the process contribute to the integration of students with special needs in the labor market.

298. The third is through the extra-curricular activities and projects (e.g. health education, environmental education, career education, cultural education etc.) that are organized upon the initiatives of teachers and students. The career education programs make specific reference to such topics as “work and individuals with special needs”. Also, a number of schools have organized programs on “racism and



individuals with special needs” within the context of cultural education programs. However, these are voluntary programs and there is no systematic study to determine quantitative dimensions and whether or not they are effective in modifying stereotypes and treatment of persons with special needs.

299. Finally, it needs to be mentioned that the organization of the “Special Olympics” in Athens during 2004, constituted the best propaganda (in a good sense) for recognizing the talents of individuals with special needs and in raising awareness with regard to the infrastructural gaps in the mobility of persons with special needs.

300. Indicative measures of sensitization against discrimination at a European and national level during the European year for persons with disabilities are the following:

1. European course for Children with Disabilities: With Greece as a starting point, in January 2003, the bus of the European year for Children with Disabilities, traveled throughout Europe, crossing not only the national borders, but also fighting prejudice towards children with disabilities. 211 demonstrations were performed, in 105 European cities, in which 80000 individuals participated.
2. Mobilization of NGOs and Public Authorities and Forum creation for Children with Disabilities: Various events were staged which addressed schools, young people, politicians, the media and organizations of children with disabilities aiming at the greatest sensitization regarding their rights.
3. Staging of events in central squares, European cities (Luxemburg, Brussels, London, Paris, Piraeus, Heraklion, Thessaloniki).
4. Information Campaign for the European year of children with disabilities, which was widely covered by the media. Special attention should be given to a special event that was organized during the Greek Presidency of the European Union by the European Commission and the Organizations of Persons with Disabilities, the crowning-piece of which was the “European declaration on Media” in June 2003.
5. Financing by the European Committee and national Bodies of a large number of cross-border and national plans whose aim is the promotion of the best possible integration of children with disabilities and the overcoming of obstacles they face.

#### **6. Educational support to children with disabilities (para. 59e)**

301. Of interest are the professional qualifications of two categories of personnel. The first category includes the teachers who do the teaching in the 1.192 Special Education School Units, both in Special Schools and in the Integrated Sections of the general education system. The second includes the professional qualifications of the staff serving in the 58 Diagnosis, Evaluation and Support Centers (DESC); these are new support structures that came into existence in 2000 (Law 2817/2000 for the Education of Children with Special Educational Needs) but whose staffing started during the last two years and is still in progress. The 58 DESCs are located in the capital seats of the 54 prefectures, while more than one of them is established in the two most populous centers (Prefectures of Athens and Thessaloniki). It should be noted that the DESCs staff includes specialists (e.g. psychologists, psychiatrists, social workers and therapists etc.) as well as teachers who are required by law to have degrees and experience in Special Education.

302. **Tenure status of teachers.** The statistical data pertaining to the teaching personnel serving in the Special Education School Units during the 2002/2003

school-year indicates that the overwhelming majority (81,60%) of the teachers are permanent (either with organic posts and secondment), while the rest occupy non-permanent and contractual posts (**See Table 29**). With regard to the sex distribution, the large majority (57,74%) are women, which is the converse of the distribution of students with disabilities..

303. **Post-graduate studies of teachers.** Among the 2.842 teachers, 1934 (68,05%) have some sort of education, either in general or in special education, beyond their basic training. Most of these (1.146 or 59,25%) have post-graduate work in special education (**See Table 30**), while the rest (41,75%) have done post-graduate work in general education. Generally, higher proportions of women teachers have done post-graduate work in special education than men while there is a better balance between the sexes regarding post graduate work in general education (**See Tables 30 and 31**).

304. **Geographic distribution of teachers with graduate studies.** The analysis indicates a concentration of the teachers with post-graduate studies in the regions of Attica (37,23%), Central Macedonia (19,96%), Crete (7,91%) and Thessaly (6,26%) (**See Table 32**). However, the distribution of teachers with more qualifications generally corresponds with the distribution of the student population with disabilities, with the exception of Thessaly where there is an over-representation and West Macedonia and Central Greece where there is an under-representation of qualified teachers.

305. **Staffing of the Diagnostic, Evaluation, Support Centers.** **Table 33** shows the progress made in staffing the Diagnosis, Evaluation and Support Centers for special education. Posts that are characterized by a high percentage of staffing are the Psychologists, followed by the Social Workers and the Physical Therapists. Intermediate percentages characterize the posts for Speech Therapists, the Specialists for the blind and the deaf, and the Elementary School teachers. On the other hand there has been a low rate of staffing for the posts of the Child Psychiatrists, the Kindergarten and Secondary School Teachers. The staffing of the DESCs is expected to alleviate the cumulated problems surrounding the long queue lines for diagnosis and evaluation reported to the Office of the Ombudsman.

### **7. Children with disabilities in the education system (para. 59g)**

306. The overwhelming majority (91,5%) of the 1.192 Special Education School Units operating during the 2003/204 school year can be classified in primary education, while only 6,8% are in secondary education (general & technical) and 1,7% were unclassifiable, according to the Pedagogical Institute census of SESU units and students with disabilities. Moreover, the overwhelming percentage (74,66%) of the Special Education School Units involve school units integrated in the general education system (**See Table 34**). The rest (24,34%) involve separate and independent special schools on various levels of general and technical education. No statistical information is available with regard to the number and the distribution of students with disabilities in the integrated sections of general education and in separate special schools. Thus, in terms of the integration/segregation issue, the majority of the children with disability learn in an integrated environment; however, with regard to the quality of integration and infrastructure, there is still room for improvement.

### **8. Access of children with disabilities to public buildings (para. 59h)**

307. Within the framework of promoting access of children with **disabilities**:
1. The Ministry of Health and Social Solidarity has drawn up and has been implementing during the last ten years, a Regulation for removing obstacles in the buildings of health and social welfare institutions in order to facilitate their use by children with disabilities and individuals of reduced mobility. All the new structures built or in the process of being built, under the control of Ministry of Health, fully comply with the rules regarding access of children and, by and large, of persons with special needs.
  2. It also participates in special interministerial committees of the Ministry of Interior for the purpose of coordinating and monitoring similar actions.
  3. Within the framework of the Second Community Support Framework and the Operational Program “Combating discriminations in the Labor Market”, it implemented a program entitled “Ergonomic Arrangements in areas which accommodate Public and Private Services, through which, 13 Prefectures, as well as 5 Local Authority Bodies were financed with an amount of 1.600.000 Euros for the implementation of interventions in buildings falling within their competence.
  4. Within the same framework, a Guide was issued in a printed and electronic form (through the General Office of Health Education and Information of the Ministry of Health) along with the necessary specifications which a public building must fulfill so as to be accessible and friendly for children and all citizens. Its contents constituted the theme of two events staged in Athens and Thessaloniki and were loaded in the relevant website of the Ministry.

### **9. Training in daily living skills for children with cognitive disabilities** **(para. 59i)**

308. Both the curriculum programs and the school books demonstrate a special awareness about children with disabilities. Moreover, in the context of various training programs and educational meetings the sensitivity and attention of teachers to this issue is emphasized. The Department of Special Education of Pedagogical Institute has developed curriculum programs for the following categories of children with special educational needs:

- Students with problems of hearing in Elementary School
- Students with problems of hearing in Secondary School
- Student with motor/mobility problems
- Students with composite problems of blindness and hearing
- Students with moderate and light mental retardation
- Students with heavy mental retardation
- Students in Primary and Secondary Schools of technical education

309. All the above programs, but especially those for children with mental retardation, have as an educational goal the development and reinforcement of daily living skills of children with special educational needs. The next step in the planning of the Pedagogical Institute is the production of materials for the students and the teachers in accordance with the new curriculum programs. It is underlined that the development of the curriculum for the children with special educational needs is an innovation, for in the past the teaching and cultivation of these skills were based on general guidelines. These new programs will soon be downloaded –those in Greek—

on the webpage of the Pedagogical Institute ([www.pi-schools.gr/special\\_education/index.php](http://www.pi-schools.gr/special_education/index.php)). Without doubt the implementation of these new programs presupposes improvements in the supportive infrastructure (e.g. buildings, services, in-service training etc.).

#### **10. Adolescent health-Provision of relevant health information (para. 61a)**

310. Health education in the Greek educational system does not constitute a separate subject. It is taught to students, starting from Kindergarten, through two approaches. The first of these is **cross-curricularly**, by diffusion in the various subjects. Thus, safety and personal hygiene constitute important units in most of the texts of primary education. Issues like family planning and birth control are covered in courses on “home economics” and “biology.” Specifically, health education units are included in the “home economics” curriculum of both the first and second grades of Junior High School, which are on the level of compulsory education. Issues, like mental health, are covered in psychology courses. However, some courses, like psychology, are elective and not compulsory, so that not all students have access to them. The second approach is the teaching of health topics in the **context of school activities**, which again are not compulsory. Nonetheless, a systematic curriculum program has been developed for health education as a school activity for all levels of education, following a spiral psychosocial model, whose aim is not the transmission of knowledge but the building of social skills utilizing an experiential approach.

311. The program includes one horizontal core unit (“interpersonal relations-psychical health) with three dimensions (The self, my relationships with others and my relationships with the environment) and 8 subunits (prevention of drug dependence, consumption and health, sex education and gender relations, physical exercise and health, traffic safety and accidents, environment and health, volunteerism and response to mass emergencies). Educational materials, text and CDs, have been produced for all the units, including sex education. Specifically with regard to sex education-gender relations, materials were produced on two age levels, for children 11-14 and 15-18 years of age, and were sent to schools in 2002.

312. According to circulars from the Ministry of Education, these programs can be implemented by teachers, irrespective of area of specialization, but in cooperation with the “teachers in charge of health education” situated in the regional, (primary and secondary), education directorates (there are 116 such “teachers in charge of health education”). The “teachers in charge of health education” do not necessarily have special university education in health, but have intensive in-service training before they assume their post. They also act as multipliers, organizing brief in-service training sessions for teachers organizing health education programs.

313. No systematic research has been done during the last five year on the types of health education programs organized and the impact of these programs on students’ health related behavior. However, some more systematic data are available on the number of health education programs organized during the last three school years throughout Greece and the beneficiaries, organizers and participants in these programs (**See Table 35**). With a few exceptions, there was an increase in the number of schools organizing as well as in the number of students and teachers participating from 2002/03 to 2004/05. In addition, on the elementary level, there was generally greater participation of boys, and on the secondary level, there was

more participation of girls. Nonetheless, the number of participants is small in relation to the population of schools on both levels (See **Table 3**).

314. The Hellenic Center for Disease Control and Prevention (HCDCP) constitutes, according to its founding law (art. 6 of Law 2071/1992, and article 20 of Law 3370/2005), the competent agency for implementing information activities related to Sexually Transmitted Diseases and AIDS.

315. According to data reported to HCDCP, 35 new cases of HIV infections were reported in Greece from 01-01-2007 to 31-10-2007 for the age group 0-24 years old.

316. The numbers of HIV infection in children (age < 13 years old at the date of the report) remain low in Greece (77 cases), out of them 48 (62.3%) were boys and 28 (36.4%) were girls. By transmission group, 70.1 % of HIV positive children have been infected through mother – to- child transmission and 15.6% were hemophiliacs. The Cumulative AIDS cases by age group at diagnosis and gender reported in Greece by 31-10-2007 are as follows:

0-12 years old 36 (23 boys and 13 girls)

13-14 years old 8 (5 boys and 3 girls)

15-19 years old 24 (18 men and 6 women).

317. Additionally, HCDCP has participated as partner in the European Inter-state Program entitled “Mediterranean Network for Children facing HIV Infection” which was funded by the E.U. with the co-ordination of Sida Info Service ( France). (1<sup>st</sup> phase: October 1999-March 2001- 2<sup>nd</sup> phase: October 2001- October 2002). 5 Mediterranean countries participated in the Program aimed at developing a network focused on the circumstances of children regarding HIV infection and other Sexually Transmissible Diseases in the countries of south Europe as well as optimizing and coordinating services offered in the fields of information, prevention, as well as medical and psychosocial intervention.

318. Co-operation at European level has allowed for the exchange of know-how, juxtaposition of needs and circumstances in every country and the fulfillment of comparative research. At a national level the network, disseminating the relevant experience of the competent scientific personnel, has provided the opportunity for a systematic approach of issues, concerning the children’s population within the framework of HIV infection.

319. In January 2008, following relevant opinions given by the National Vaccination Committee, the National Vaccination Program underwent some changes; vaccination against human papillomavirus (HPV) was introduced, which insurance companies give for free and is compulsory for all young boys and girls.

320. Sexual education at school was the subject of many campaigns to inform and sensitize school population, and one of these was the Program “Life is colorful”, in which a popular actor passes on advice to young people concerning sexual education issues.

### **11. Family planning (para. 61b)**

321. The objective set by the Ministry of Health and Social Solidarity, in the aftermath of the official acceptance of the Institution of Family Orientation on the part of the State by Law 1036/80, and further, through its incorporation into the National Health System by Law 1397/83, art.22, regarding the development of a network of services in the Greek territory, follows a positive course despite any organizational operational weaknesses including the relevant personnel.

322. The Health Bodies, which offer services or consultation in matters of family orientation by trained health officials, in order to inform, update and sensitize the citizens of the wider area of their influence zone as well as immigrant workers cooperate also with other bodies, such as local self-administration, education, associations, women organizations etc. The information and the raising of awareness of citizens is accomplished by trained health personnel, who may shape their own targets of approaching the community, according to the local needs by organizing outings, lectures, speeches, distribution of printed material, display of slides, publishing of relevant articles in the local press etc.

323. It must be noted that the aforementioned trained personnel is always at the disposal of schools of all grades for information purposes wherever needed; however it is addressed, on its own initiative, to schools, following cooperation with the competent officials in charge of health education.

324. The gathering of data regarding the number of abortions is not an easy case to the extent that, despite the lifting of the criminally punishable character of the act by virtue of Law 1609/86, women who are submitted to abortion continue to seek the application of medical confidentiality even in the state obstetric clinics. Therefore, the number of abortions given is hypothetical and is related to the great inflow of immigrants during the last years in our country.

325. Moreover, the impression that there exist a high percentage of abortions concerning adolescent women appears not to correspond to reality, given that relevant data is not indicative.

326. Adolescent Gynecology which has been developed during the last years in our country greatly contributes in the area under consideration.

327. Regarding the disposal of contraceptives by the insurance funds, no legislative regulation has been enacted. The trading of contraceptives by the private sector has considerably complicated the data collection in our country.

328. As far as Medically Assisted Reproduction is concerned, Laws No 3089/2002 and 3305/2005 regulate legal, moral, deontological, financial and procedural issues, etc, especially related to the terms under which the above mentioned technique may be used, the avoidance of transmission to the fetus of a serious disease, the preconditions for the operation of medically assisted reproduction units, etc.

329. Moreover, several amendments have been introduced to Civil Code articles on Family Law, related to the Medically Assisted Reproduction.

330. In the framework of the promotion of breastfeeding, the Ministry of Health and Social Solidarity undertook the following initiatives:

- Established a National Breastfeeding Committee, chaired by the Director of the Pediatrics Clinic of the Athens University Hospital “AGIA SOFIA”.
- Issued a circular on “Breastfeeding as an indispensable right of every newborn baby”, which was sent to all Public and Private Hospitals. The above circular includes the obligation for the authorized departments of state and private hospitals to implement a written policy concerning breastfeeding and for the administration of each hospital to appoint a person, pediatrician or midwife, as a contact point for matters relating with breastfeeding.
- Organized an educational seminar, in cooperation with the Breastfeeding Department – milk bank of the General Hospital – Maternity Hospital in Athens, “Elena Venizelou”, with the objective to produce trainers for breastfeeding education.
- The Child Health Institute prepared an epidemiology study to evaluate the frequency and main determining factors concerning breastfeeding in Greece.
- The Hellenic Center for Infectious Diseases Control (“KEELPNO”) (an organization supervised by the Ministry of Health and Social Solidarity) prepared a program called Baby-Friendly Hospital Initiative. A conference was organized in the framework of this program with the participation of officials responsible for breastfeeding in the hospitals of the country.
- Participates in the Network that coordinates the Baby-Friendly hospitals of the World Health Organization.

## **12. Social Care Services/Units (para. 63a)**

331. The National Welfare Organization, as the competent authority for children’s protection, has ceased to exist given the fact that it was abolished by the provisions of Law 3160/2003 and that its activities and programs are successfully applied by the Units of Social Care of the Regional Health Directorates and the local government. The above mentioned Units concern social services which operate as decentralized and independent units with administrative and financial independence in each Regional Health Directorates (Law 3329/2005) and in the offices of the Prefectures all over the country, aiming at the decentralization of services of social care and their institutional and substantial connection with the health services, as well as at the co-operation and co-ordination of all bodies which are involved in combating social exclusion.

## **13. Information on social security and welfare benefits to children, including the Roma (para. 63d)**

332. Information about individual Roma or their representatives (Pan-Hellenic Federation of Greek ROMA/ Municipal Network ROM) regarding their benefits is provided by the competent Services of the Ministry of Health and Social Solidarity and, more specifically, by the following Directorates:

- Directorate of Family and Child Protection
- Directorate of Social Welfare and Solidarity
- Directorate for the Protection of People with Disabilities
- Directorate of Health and Social Solidarity of Prefectures
- Other decentralized Services of Social Solidarity.

#### **14. Integrated Action Plan on the Social Integration of the Greek Roma**

##### **(para. 65b)**

333. In order to combat all forms of discrimination and to promote equality among citizens, focusing in particular on socially vulnerable groups of the population, an Integrated Action Plan (IAP) for the social integration of Greek Gypsies was launched in 2002. The IAP was established within the National Action Plan for the social inclusion (NAPincl.) of socially vulnerable groups of the population. The IAP is coordinated by the Alternate Minister of Interior on the basis of an Inter-Ministerial Committee engaging all co-responsible Ministries with affiliated actions to the Program.

334. Regarding positive measures concerning the protection of Roma children's rights, the following developments have taken place in the fields of housing and development of infrastructures, within the framework of the implementation of the I.A.P. The overall aim is Roma children's and their families' access to adequate living conditions in the context of the overall Roma housing rehabilitation policy:

335. **Granting of 9.000 mortgage loans of 60.000€each**, to Greek Gypsies living in shacks, tents or any other construction that do not meet minimum requirements on permanent habitation. As explicitly provided in the relevant law (L.2946/2001, art.19), the funding of the program, held exclusively upon national budget, is **guaranteed by the State Budget**. Regarding the payment of the loans, these are granted upon **favorable terms**: beneficiaries are subsidized by the State on 80% of the loan's interest, and may conclude with the payment in a period of 22 years, whereas 100% of the loan and of its interests is guaranteed too by the State Budget (for the banks participating at the program).

336. The loans are strictly provided for **main residence purposes**, whether this involves purchasing; building; completing of building or even engagement in organized town building held by the local authorities. This last option of engaging in projects of integrated settlements constructed by the competent local authorities request **beneficiaries' definite consent**, assignment of state property (municipal or public) and application of minimum technical standards (i.e. legal obligation for the construction of houses of at least 85m<sup>2</sup> net space each).

337. Ever since its launch in 2002 (L.2946/2001, art.19, Joint Ministerial Decision 18830/02-05-02), the program has been permanently and thoroughly reviewed and amended in order to adjust to transforming conditions and needs. Along with all necessary legal amendments towards the strengthening of the efforts made and the acceleration of the results in progress, effective implementation engages constant cooperation among all parties in charge - the Ministry, the local authorities and the banks involved. **The most recent thorough amendment of the legal framework** in force was completed in June 2006, in conformity with the Concluding Observations of the Committee on Economic, Social and Cultural Rights of the ICESCR and its General Comment no.7 and other international documents such as the Concluding Observations of the Human Rights Committee of the ICCPR, Resolution CM REC 2005(4) of the Council of Europe on improving housing conditions for Roma & Travelers in Europe and others, **in order to**:



- ✓ Establish **social assessment criteria**, taking into consideration Gypsies' particular living conditions and lifestyle (e.g. **one-parent families, families with many children**, dependant children and minors, people with disabilities, people of low income etc). The priority given to families with children, *inter alia*, has led to the further orientation of the program towards protecting and safeguarding the rights of children and contributed, in parallel, to maximizing the immediate effects of the housing program in favor of the children. Furthermore, the abovementioned criteria have functioned as an incitement for the recognition of children by their natural fathers and to the effective address of civic status issues (birth certificates, registration with the municipal rolls etc);
- ✓ Establish **evaluation committees at local level** with the participation of Gypsies' representatives and social workers with respect to Gypsies' particular needs;
- ✓ Guarantee **allocation** of loans with respect to existing housing needs throughout the Greek territory;
- ✓ Promote the **local authorities' active engagement** by giving priority to housing projects carried out by the local authorities and supported by Gypsies too;
- ✓ Promote further the program's **effectiveness** by **updating files** in terms of existing families needs;
- ✓ **Simplify the application procedure** through the establishment of direct communication among all authorities in charge;
- ✓ Establish **new, stronger monitoring terms** on the disbursement and use of the loans.

338. Additionally, towards the effective implementation of the program, a new database has been developed since 2005, for the management of the applications submitted and of any other existing information-data regarding the assessment and the qualification of successful applicants.

339. Following the update of the applications data, based on the modified assessment procedure and the allocation of the necessary funds for the granting of a total of 9.000 loans, the Ministry of Interior has **allocated 8.785 housing loans** to an equal number of families all over Greece. Up to date<sup>16</sup>, **7.241 families have been successfully nominated**, whereas (out of 7.241) a total of **5.772 beneficiaries** have already **disbursed** their loans (80% increasing) from the banks engaged in the program.

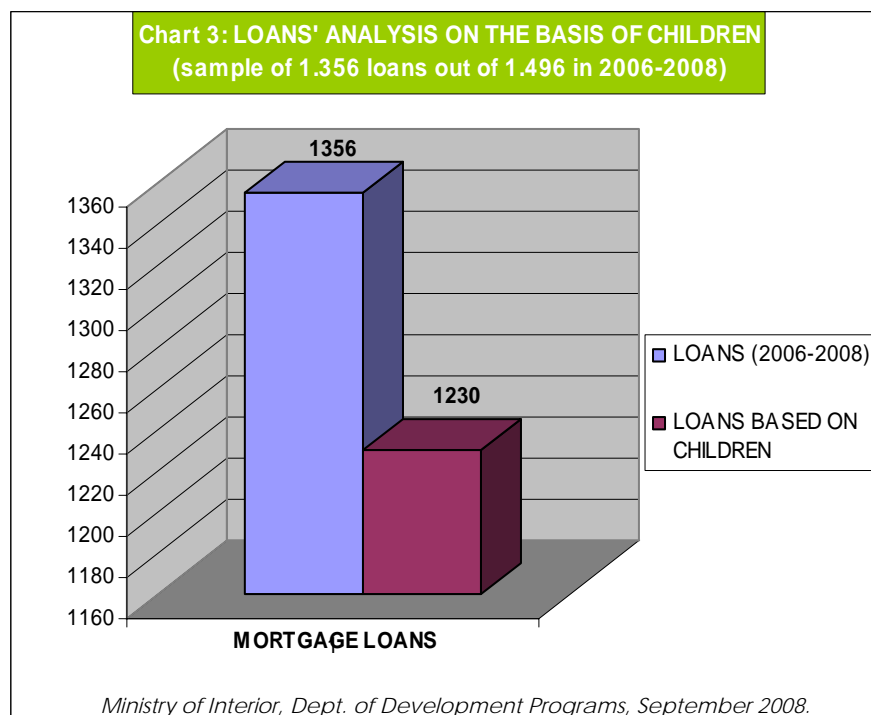
340. With regard to promoting **equal gender participation** and mainly promoting women's strengthening and participation in social life (e.g. application of one parent family criteria) the following data have been revealed from the completion of the application procedure in 2005: Among 15.665 applicants, a total of 6.117 were women, whereas among 5.747 successful applicants 2.114 were women.

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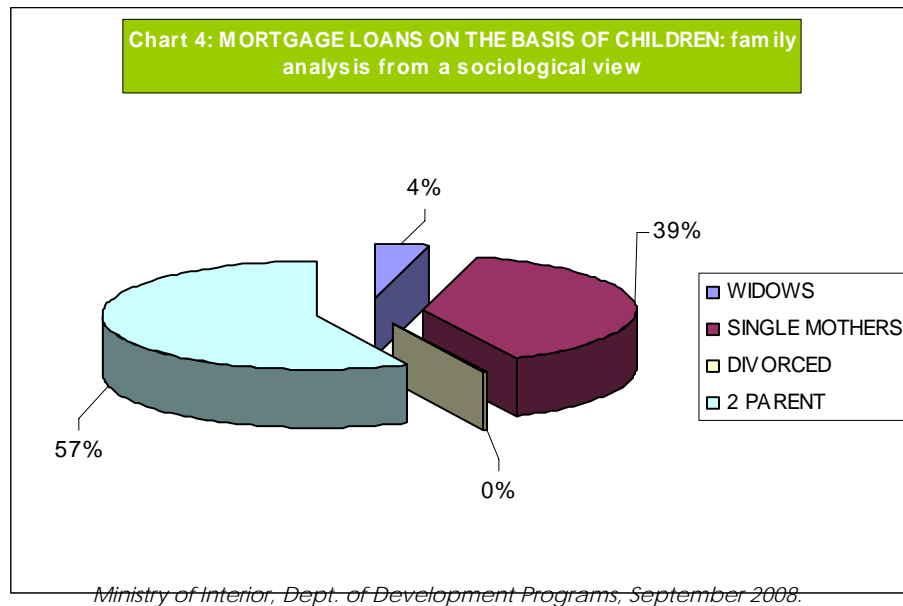
<sup>16</sup> It should be stressed that nomination of successful applicants requires effective completion of applications' assessment held at local level.

341. Similar data on gender participation will be further available upon completion of the modified application procedure, in force since mid 2006. Further on, another statistical analysis of the documentation submitted proves that the housing loans program offered a strong motivation for **registering** and obtaining **identification documents**. In that view it has managed in an indirect way the effective settlement of the civic status of the Gypsy population as well as awareness-raising, from a social point of view, regarding the existence of the necessary services and the necessity of making use of them.

342. On the same time, based on the certificates submitted on the grounds of the reviewed application procedure (September 2006), by means of family protection by giving priority to children, statistical analysis of 1.356 successful applications (out of 1.496 for the period 2006, 2<sup>nd</sup> semester – 2008, 2<sup>nd</sup> semester) proves that 1.230 beneficiary families had at the time of application 1-8 children.



343. A more detailed analysis of these families from a sociological point of view is presented in the next chart (4), whereas full analytical data should be available upon successful completion of the assessment procedure for the total of the applications submitted throughout the Municipalities of Greece.



344. It is also worth mentioning that the program provides for the **beneficiaries' free choice of settlement** in accordance with their own family bonds, their personal and professional needs etc. Overall, the housing loans program is deemed to serve as a **good practice**, still a close monitoring of the implementation process reveals that it has been rather **innovative and ambitious** in the sense that it provides for a **rapid transition to different and still demanding housing conditions**. Likely, the ultimate financing from state resources, in the sense of positive measures, may offer for the establishment of **dependence feelings** contrary to the scope of socially oriented programs and benefits. In light of these, it is necessary that **all stakeholders** and notably the Gypsy representatives and associations **serve as an important mediator with concrete and uniform perceptions**, between the State and the Gypsy community.

345. **Construction of integrated settlements or/and purchase of tracts of land for organized town building held by local government organizations-** The provision lies within the law on State assignment of public, municipal or communal property to Greek Gypsies who are engaged in State housing programs. Any project undertaken under this segment is of permanent nature and presupposes the consent of the inhabitants. In particular, it is pursued through:

- Qualification of local town-plans on the grounds of emergency housing rehabilitation programs for vulnerable groups of the society (L.3448/2006 and L.2790/2000, art.6§2). The law was amended in 2006 in order to include the Gypsy population too.

- Free assignment by the local authorities of municipal and communal property to their citizens of Gypsy origin. The procedure established (Ministerial Decision no.21261/2004) has adopted social assessment criteria (single parent families, families of many members etc as above) respecting the Gypsy lifestyle and living conditions, in accordance with the obligations arising for Greece from the International Conventions in force. Following the amended Municipal and Communal Code (Law 3463/2006, art.75,I.e.3), the measure has been further introduced in local authorities' primary responsibilities. For instance, the Municipality of Aegiros made over 45 estates for the housing rehabilitation of an equal number of Gypsy families.

- Application of minimum technical requirements for the construction of houses by the local authorities establishing further the requirement of a minimum of 85 sq.m. (net space) for each house (Joint Ministerial Decision no.28807/2004).
- Purchase of plots of land by local government organizations (upon the Ministry's budget) for the relocation of existing settlements or the development of living conditions in areas of mass population concentration. Since 2002, the Ministry of Interior has approved the purchase of tracts of land for 17 Municipalities of a total amount of 5,16 million euro. The procedure has been already finalized for some municipalities.
- Construction of development infrastructures and amenities in new settlements (water supply; sewerage; electricity-lighting; road construction, playgrounds etc).
- Construction of permanent settlements: In order to deal with Gypsies' housing conditions, especially in areas with mass population concentration, the program has funded the construction of permanent housing. Settlements have been established at several municipalities of Greece. More works are in progress in other municipalities too, whereas more housing has been constructed along with housing loans.

346. Housing rehabilitation projects of temporary nature for the improvement of living conditions in existing settlements, until the achievement of a viable, permanent housing solution. In this context, eligible interventions focus on the urgent address of poor living conditions, mainly in areas of mass Gypsy concentration. In further detail, eligible interventions are as follows:

- **Relocation of temporary settlements.**
- Construction of infrastructures for prefabricated houses for the establishment of temporary settlements. Since 2002, 557 prefabricated houses have been given for the establishment of organized settlements at a number of Municipalities, whereas more are under the way.
- Development infrastructures in existing or new settlements: water supply; sewerage; electricity-lighting; road construction, playgrounds etc. An average of 30 Municipalities is financed per year.
- Sanitary infrastructures: establishment of socio-medical centers (30 operating already) and 3 mobile medical units. The Ministry of Interior has financed the necessary infrastructures for the establishment of the above centers and in cooperation with the Ministry on Environment, Urban Planning & Public Works, has provided with 11 prefabricated units.
- Educational and cultural infrastructures – units: cultural workshops; entertainment and recreational centers in municipalities with mass Gypsy concentration all over Greece. Cultural infrastructures have been financed to 13 Municipalities for the establishment of cultural houses and recreational centers (26 so far)..

347. **All projects are financed exclusively by national resources.** An important precondition is the submission to the Ministry of Interior of comprehensive, technically mature and viable proposals by the competent local authorities, which are assessed for qualification by a Special Committee established to this end with the participation of representatives of central government, local government and the Gypsies (representatives from Collective Bodies and Gypsy experts). In that view, it

is important to note that according to the law in force (L.3463/2006, art.75,Ie3,5) any proposal or project aiming at the housing rehabilitation of citizens in need falls within the primary responsibility of the competent Local Government Organizations.

348. With regard to the proposals submitted by local government organizations, the Ministry of Interior has allocated from the national budget, since 2002, the amount of **80,0 million euro** on infrastructure works held by the local authorities, whereas **payments** amount at the time to **42,2 million euro** according to the works proceeded already.

349. For the effective implementation of the projects undertaken under the I.A.P., the Ministry of Interior co-operates regularly on the basis of participatory procedures, (Committee on the social integration, Inter-Ministerial Committee) with the Roma representatives, the Rom Inter-Municipal network, as well as with all competent authorities at the central and local level. The Ministry of Interior also keeps under review the I.A.P. in general, as well as the relevant legislative framework in force. Finally, as long as access to essential information is concerned (concluding observation 47a), it is worth noting that Roma have access to public services of central and local government (Ministry of Interior, Local Authorities, Citizen Service Centers) on a daily basis, in order to obtain necessary information on the programs; on the relevant legislation; and on the processing of their cases (tackling of any problems likely to arise). Finally, Roma citizens have now access to an electronic network of administrative guidance and support (lodging of queries, guidance on necessary documentation etc) via the webpage <http://www.ypes.gr/el/Ministry/Actions/Loans/> and the electronic address “info@ypes.gr” operating in the Ministry of Interior.

## **VII. Education, leisure and cultural activities**

### **1. Proportion of the state budget spent on public education (para. 67a)**

350. While there is an increase (7,4%) in the budget allocations from 2004 to 2005 of the Ministry of Education, the increase is lower than in many of the other selected ministries and also lower than the average increase for the Ministries. Moreover, the proportion of the Central budget for Education relative to the total budget decreases slightly from 7,6% in 2004 to 7,4% in 2005. The central budget (**See Table 36**), however, does not include the expenditures from the Public Investments Program, nor the expenditures made by families for the parallel education system.

### **2. Access to education-increasing the enrollment and reducing the drop-out rates (para. 67b)**

351. Research that has been done by the Transition Observatory of Educational & Employment Pathways of Secondary Education Students of the Pedagogical Institute on four cohorts of Junior High School students for the periods 1987/88, 1989/90, 1991/92 and 1997/98 revealed decreasing rates of dropouts: 12,60%, 11,60%, 9,60% and 6,98%.<sup>17</sup> For the Senior High School (general education), the dropout rate of the

<sup>17</sup> S. Paleocrassas, P. Rousseas and V. Vretakou, Research on Dropouts in Junior High School (Cohort of 1997/98), Transition Observatory, Pedagogical Institute, Athens 2001.

general student population during the cohort period 1998/2001 has been estimated to be 24% (90.913 students registered in the first grade in 1998/1999 and 69.504 registered in the 3rd grade in the school year 2000/2001), in accordance with the statistics of the Ministry of Education & Religious Affairs. For the Technological Vocational Schools, a new research project of the Transition Observatory revealed dropout rates of 20% for the first two year cycle that leads to the labor market and 30% for the second one-year cycle that also leads to higher education (the Technological Educational Institutes).<sup>18</sup> The rates for the second cycle are higher than even the Senior High School of general education because the rate also includes the graduates of the first cycle who abandon school to enter the labor market.

352. With regard to the other student groups—the children of migrants, children of the Muslim minority and the Greek Roma children-- there are no systematic national dropout data for all of these groups. The policy of “mainstreaming” the education of the migrant and repatriated Greek and Roma children (precluding parallel educational structures)<sup>19</sup> also complicates the collection of statistics. No national data are available for the children of migrants, though the enrollment data suggest that few proceed to secondary education because they enter the labor market. However, enrollments in secondary education continuously increase following the two legalizations of the migrants and the enrollment of migrant children in schools even if their parents are not documented. On the Elementary School level the enrollments of the children of migrants rose from 45.591 in 1999-2000 to 64.073 in 2002-2003 (41% increase) and on the secondary level from 16.462 to 34.168 (108% increase).<sup>20</sup> Relevant data are available for the dropout rates of children of the Muslim minority and Roma children before and after the interventions of the EU programs. First, with regard to **children of the Muslim minority**, the census study (N=4.250) of the minority Junior High Schools students in the public and minority schools of Thrace during the five-year period 1997/2002 revealed that only 44% managed to obtain a graduation certificate, while 56% interrupted their education for various reasons. However, according to the project directors, during the two study periods (1990/91 and 2003/04), the number of minority students attending Junior High School in the two provinces of Thrace (Xanthi and Komotini) increased both in number (750 to 3000) and in percentages (14% to 44%) relative to the Junior High School population. In addition, they noted the dropout rate at the end of the elementary school to decrease from 46% (1997/98) to 22% (2001/02) and the grades of students in Junior High School during the period 1997-2002 to undergo substantial improvements.<sup>21</sup> The improvements can be attributed not only to the impact of the program but also to the policy of the Greek government with respect to quota admissions in higher education, as well as to a consciousness on the part of the minority regarding the demands of an increasingly competitive European labor market.

<sup>18</sup> S. Paleocrassas, P. Rouseas and V. Vretakou, Research on Dropouts in Technological Vocational Schools (Cohort 2001/2002), Transition Observatory, Pedagogical Institute, Athens 2005

<sup>19</sup> Athan Gotovos, “The Education of Immigrant and Refugee Children in Greece,” Survey of the Directorate General for Education & Culture, EURYDICE, Brussels, 2004, p. 8-9.

<sup>20</sup> For 1999/2000 data, see N. Petropoulos, The OECD Observatory for Migration Movements 2000 Report, 6-8 2000, December Paris, pp. 24-25. For the 2002-2003 data see **Table 4** in the present report.

<sup>21</sup> Anna Fragoudaki and Thalia Dragona, The Education of Greek Moslem Children, Activities Report of the Project for the Period July 2002-June 2004, University of Athens, Ministry of Education and Religious Affairs, Athens, June 2004.

353. In regard to the **Roma students**, a study of 233 Roma households in 10 prefectures of Greece done in the context of the second phase of the EU program, revealed a high rate of organic illiteracy (69,7%), while 14,9% had done up to four grades of elementary school, 2,1% had completed Junior High School and only 0,9% had completed Senior High School<sup>22</sup>. However, a census study<sup>23</sup> done by the same research team of elementary school Roma children during the 2003/04 school-year revealed that of the 8.774 students enrolled, the 2.276 had dropped out from the various grades in June 2004 (41% dropped out during 1<sup>st</sup> grade, 16% in the 2<sup>nd</sup> grade, 9% in the 3<sup>rd</sup> grade, 9% in the 4<sup>th</sup> grade, 8% in the 5<sup>th</sup> grade and 11% in the 6<sup>th</sup> grade). No data were available for enrollments and dropout rates in secondary, general and technical, education probably because the attendance rate of students is not significant. According to the scientific directors, factors related to the high drop out rates include (1) those connected with the educational system, (2) those having to do with the way of life of the group and (3) those having to do with the attitudes of the majority (adults and students—the “gantze”) toward Roma children in integrated schools. It is expected that the third phase of the EU programs for Roma will take these factors into consideration to increase school enrollments and retention by Roma children while at the same time respecting their cultural particularities. Despite the bad record on illiteracy and low school enrollments, current research done by the University of Ioannina team and by the Greek UNICEF Committee indicated that Roma parents increasingly connect occupational progress with education<sup>24</sup>

354. The Pedagogical Institute has adopted a series of measures to reduce dropouts. These measures aim on the one hand to reduce the educational inequalities and on the other to develop the creative abilities and skills of all students, mainly of the so-called “weak” students. Some of these measures, inter alia, include: the improvement of curriculum programs and schoolbooks, the reduction of the volume of the subjects studied, the implementation of the “Flexible Zone” as well as of various programs of innovative activities, etc.

355. The Ministry of Education & Religious Affairs has established remedial education sections on all levels of education which are available not only to the general student population but also to all groups with cultural particularities (children

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<sup>22</sup> G. Papaconstantinou, M. Vasileiadou and M. Pavli-Korre, « The Economic, Social and Cultural Status of Roma in Greece: First (1998) and Second Phase (1999) of the Research» Ioannina 2004, See also [www.uoi.gr/ROMA/](http://www.uoi.gr/ROMA/). The statistical profile refers to members of the family as a whole and not to the heads of the household who were the informants in the field study.

<sup>23</sup> P. Papaconstantinou, Presentation of the Program: “Integration of Roma Children in School”, Operational Program of Education and Initial Vocational Training II, The European Union Framework Support Program, 2002-2004, University of Ioannina, May 2005. See also [www.uoi.gr/ROMA/](http://www.uoi.gr/ROMA/).

<sup>24</sup> G. Papaconstantinou, M. Vasileiadou and M. Pavli-Korre, « The Economic, Social and Cultural Status of Roma in Greece: First (1998) and Second Phase (1999) of the Research» Ioannina 2004. (See also [www.uoi.gr/ROMA/](http://www.uoi.gr/ROMA/)); KAPA RESEARCH, Research Results: Discrimination-Racism-Xenophobia and the Greek Educational System, UNICEF Committee of Greece, Athens-Salonica, 2001. To the question, “If you had more education, do you believe that you would have a better job”, the Papaconstantinou national scope study (p. 65) found that 85% of the sample of household heads said “Yes”, while 8,5% said “No” and another 8,5% said they had no opinion. In the study commissioned by UNICEF, that was done in two municipalities of Athens (N=211 households), 68,2% of the respondents (men or women, 18+) felt that the “school helps in combating poverty and in the progress of children”.

of migrants, the Roma children, Muslim minority children and the children with special needs). In addition, it has established special institutions (reception classes and preparatory courses) for the children of migrants and the repatriated Greeks, who have language problems, as well as indulgent grading of Greek language performance for a transitional period in order to reduce failure and facilitate integration. The existing intercultural schools also contribute to this aim. The operation of the institution of “Second Chance Schools”, offers the possibility of a return to education for those who left it too early. Finally, the Ministry of Education has developed the institution of “Educational and Vocational Orientation,” and as of June 2005 it had established 70 regional and 200 local offices and had programmed the operation of 7 new regional and 270 local offices. These local offices provide educational and vocational counseling on a decentralized basis and they often come into contact with parents, employers and local governments. In addition, between 1999 and 2001, the Pedagogical Institute established an Office of Educational and Vocational Orientation for Persons with Disabilities and Socially Excluded Individuals and produced several vocational orientation materials and teaching aids pertaining to students who are at risk of social exclusion (e.g. the children with disabilities, children of migrants, children of repatriated Greeks, former addicts, persons formerly released from prison, Roma children and children of the Muslim minority). Since the middle of the 1990s, the Pedagogical Institute has also been operating the “Observatory for Transition to Education and to the Labor Market for Students of Secondary Education”, which aims, inter alia, to research (collect and process data) students’ drop-out, and also to identify its basic causes in the schools of secondary education, where it mostly occurs. These researches continue to be carried out by the Pedagogical Institute at regular intervals, so as to ensure that the State initiatives for the prevention and tackling of this phenomenon are based on accurate and updated data.

356. With regard to income support to low-income families with children in compulsory education, a proposal was made to the Ministry of Finance and the competent directorates for the payment of the above benefit in two equal installments, in order to prevent the practice of school dropouts after payment of the benefit.

357. Finally, the General Secretariat for Youth is considering an action to prevent and combat school dropouts.

### **3. Enforcement of legislation with regard to compulsory education (para. 67c)**

358. Compulsory education for nine years (Elementary and Junior High School) is the law of the land. The law provides for sanctions in case of violations. However, rarely are there sanctions applied for violators of the law. The problem is especially acute for Roma children, because of culture and labor- market pressures but also for others (e.g. children living in tourist islands) because of economic pressures. The only way to offset it is through the provision of resources and educational/vocational orientation. In this direction, the State party has made several adaptations for groups and children at risk which facilitate their enrollments and their school progress (e.g. special Enrollment Card for Roma children, the registration of children of undocumented migrants, reception classes and preparatory courses for migrant and repatriated Greek children, indulgent grading in the Greek language for a temporary period, remedial education on all levels of education, EU-funded programs for target



groups, reinforcement of educational and vocational orientation mechanisms, quota admissions for children of the Muslim minority, in-service training of teachers for the multicultural environment. The data suggest that school dropouts have decreased and enrollments in secondary education structures increased. Nonetheless, there are still margins for improvement, and especially in the production of teaching materials, the training of teachers, the improvement of intergroup relations, the discovery of new incentives and the full exploitation of available EU funds for the benefit of high-risk students.

359. With regard to the special Enrollment Card for Roma children (in force since 1996), the creation of a pupils' registry, accessible by all school units, has been proposed.

#### **4. Increase in the numbers of children from different groups attending secondary school (para. 67d)**

360. The data suggest that dropout rates at the Elementary School level have decreased and the enrollments have increased for the general population and also the groups at risk following the implementation of educational programs. No doubt, the results may be due to the educational policies described above. However, one cannot underestimate the impact of the two regularizations on educational integration, as well as the realization on the part of high-risk groups themselves of the importance of education in the "age of information" and the more globalized and competitive European environment.

#### **5. Recruitment of teachers (para. 67e)**

361. The practice of second teachers for other languages has not been institutionalized in Greek educational practice. The laws provide for employment of regular (first) teachers speaking a language other than Greek in the case of the Muslim minority in Thrace. In this case, 449 Turkish-speaking teachers, of which 433 are Greek-born, serve on all levels of schooling in the minority schools. Law (1999) also provides for the preferential employment of teachers, either Greek or foreign, who can teach Greek as a second language and who also know the language of origin of the students, in the reception and preparatory courses of the general education schools. When these are not available within the educational system to teach in the reception and preparatory courses, there is a provision for temporary employment (on an hourly basis) of teachers with the above qualifications who have not yet been appointed or even of teachers from the private sector in order to teach the language and history of the country of origin. This framework has been used in the EU pilot projects for children of migrants (Albanian and Russian-speaking teachers living in Greece) in the context of reception classes and in the intercultural schools, but the measure has not been generalized yet..

#### **6. Space and facilities in schools (para. 67f)**

362. **Space and Facilities in General Education School Units:** The data from the Center for Educational Research study conducted during the 2003-2004 school-year indicates below average infrastructural levels with regard to **Kindergarten (See Table 37)** almost on all types of facilities, with the levels being comparatively higher for the storage room, the principal's office, the parent's waiting room, the kitchen and the multiple-use room. It must be noted that the multiple-purpose room often

compensates for inadequacies in other important functions involving recreation. With regard to the **other levels of school education (See Table 38)**, the percentages are relatively higher for the principal's and teacher's offices, the Chemistry and Physics laboratories, the computer lab, the multiple-purpose room, the volleyball and basketball courts, the canteen and the storage room. In some of these (e.g. principals and teacher's offices, the computer lab, the multiple-use room, the volley and basketball courts, the canteen) the percentages increase as one proceeds from the Elementary to the Secondary Education levels. Also, in some of the same indicators (e.g. Chemistry and Physics labs, computer labs, the multiple-use room and the volley/basketball courts) the percentages decrease as one proceeds from the general secondary education schools (Senior High School) to the Technological Vocational Schools; the lack of computer and especially physical science labs in the technical schools constitutes a comparative disadvantage. On the other hand, the percentages are quite low for the parent's waiting room; the secretary's office; the fine arts, theatre and music rooms; the amphitheater and gyms, although in some of these indicators (e.g. parent's waiting room) the percentages decrease as one climbs the ladder of education while in others (the secretary's office, the gymnasiums) the percentages increase as one proceeds from the elementary to the secondary levels of education. The shortages and inadequacies with regard to physical space facilities are associated with the fact that many schools continue to operate under the same roof; for the school year 2003/2004, 50% of the school units operated under the same room (50,0% for Kindergartens, 54,5% for Elementary Schools, 48,3 for Junior High Schools, 36,3% for the Senior High Schools and 29,0% for the Technological Vocational Schools).<sup>25</sup> Government policies, in combination with the EU Funded Programs on the "Society of Information" are expected to upgrade technical and vocational education not only with regard to access to higher education and to the labor market but also with regard to laboratories which impact on access both to the higher education and to the labor market.

**363. Space and facilities in Special Education School Units:** Housing problems still exist both for the Special Schools and the Integrated Sections in general education. In regard to the special schools, problems exist for the units integrated in general schools (N=114) most of which (70%) are constituted by one room as well as those which operate in institutions and hospitals for persons with special needs most of which (56% and 50% respectively) are also operating in one room. In regard to the Integrated Sections in general education schools, the majority of them (55%) operate in converted and less adequate rooms compared to the general education sections (**See Table 39**). The problems with space in general are inevitably connected with the problems of space allotted for specific functions (**See Table 40**). Thus, shortages are observed for most of the necessary functions in all types of school units, including, among others, the multi-purpose room, the psychological counseling room, the social skills and the autonomous living rooms, the parents/guardians room, the playground and the crafts room. It is expected that the new curriculum programs (**See response to concluding observation 59i**) for children with special educational needs, as well as a corresponding increase in funding, will provide the impetus for improvements in physical facilities.

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<sup>25</sup> Center for Educational Research, A Cross-section of the Educational System on the Level of the School Units, Ministry of Education and Religious Affairs, Athens 2003 (Vasilis Koulaidis: Scientific Director)

### **7. Training and information for teachers on multicultural concerns (para. 67g)**

364. The training and information for teachers on multicultural concerns has become increasingly a part of the curriculum for teacher training in many of the Greek universities. In addition, it is included in the initial in-service training of teachers. Finally, it has also been a central component of the EU-funded programs for the children of the Muslim minority, Greek Roma children and the children of migrants and repatriated Greeks.

### **8. Academic credit for school attendance (para. 67h)**

365. As was indicated above the underage children of migrants could register in public schools even when their parents are non-documented. The law that regulates the residence for foreign migrants in Greece (2910/2001, Article 40) makes this exception. However, this law refers to school education and another article in the same law prohibits public agencies from dealing with foreigners who do not have documentation for legal residence—except for medical services. As a consequence, a problem arose as to whether children of migrants who continue not to have documentation (who were perhaps no longer under age) could take part in the entrance examinations leading to admission to higher education institutions. A circular from the Ministry of Education sent to all the directorates of education (technical and general) (18.5.2005) says that foreign students who do not have legal graduation titles can participate in entrance and graduation exams but the results and the graduation titles will not be issued if they do not present legal titles.

### **9. Aims of education (para. 67i)**

366. The educational policies and interventions of the State party contained in the curriculum, the teaching materials, the in-service training of the teachers, the teaching of students with special needs, the educational and vocational orientation, and the infrastructure, have as a basic aim the full development of the personality of all students and their preparation for life without discrimination. In some cases, positive and compensatory measures have been taken on behalf of cultural and religious groups during a transition period to offset social disadvantages and to improve school integration and the life chances of these students. Nonetheless, there are economic and social constraints—sudden mass influx of immigrants, the high rates of unemployment and the more conservative social attitudes of the local communities—that have affected but not halted the rate of progress toward the achievement of the Convention's educational aims. It is expected that with the improvement of the economy, the stabilization of the migration situation and the application of more effective strategies of persuasion of local community stakeholders (e.g. demonstrating the social and economic benefits of multiculturalism in a global society etc), there will be an acceleration toward the fuller implementation of the Convention's aims in the educational sector.

## **VIII. Special protection measures**

### **1. Police action**

367. Greek Police deploy an ongoing effort to review and improve the action plans of its services for the protection of children.

368. Since 2007, a new approach concerning the elaboration and implementation of the Strategic and Operational Plan of Action of the Greek Police on Public Order and Security Policy, included in the relevant Three-year Program (2008-2010), has been followed, by means of a series of measures implemented by central and regional services, aiming at better responding to the protection of children. The following actions are comprised therein:

- Specific actions mainly aiming at protecting them from drugs, preventing their participation in criminal groups and protecting them from victimization.
- Regular inspections in nightclubs and other similar venues that serve alcoholic drinks, as regards the children's entry, stay and consumption of alcohol.
- Inspections carried out to monitor the posting in visible places of signs, regarding the prohibition of entry of children in nightclubs and the non-consumption of drinks, pursuant to presidential decree 36/1994, as amended by presidential decree 350/2003 (misdemeanor).
- Surveillance of areas frequented by children, such as schools, tuition centers, sports venues etc.; continued cooperation with competent Ministries and other bodies (school communities, associations etc.) in order to take the necessary measures to ensure safety and protection of students and schools.
- Inspections aiming at preventing beggary and the economic exploitation of children.
- Organization of events on drugs and other criminal activities, in association with local bodies (municipalities, schools, parents' associations etc.), aiming at providing information and raising the awareness of young people.
- Posting of the personal details of missing children in the Greek Police Headquarters' website, with the consent of their guardians,
- Development of contacts and cooperation with other public and private bodies and organizations responsible for children's issues.
- Information of the police personnel on the activation of the Amber Alert system, relating to early warning in case of missing children.

369. With the view to protecting children from risks to which they are exposed, Greek police:

- Provide all possible protection to children against risks to their physical, moral and mental health,
- Provide all possible assistance sought by juvenile judges for supervision of and compliance with reformatory measures, as well as all assistance sought by bodies or services responsible by law for the protection and education of children,
- Report to all those responsible for the protection of children (judges, children's guardians etc.) any antisocial behavior of children,
- Investigate cases of exploitation, neglect or abuse of children, promptly report such cases to the competent authorities and the bodies responsible for the protection of children and take all appropriate measures, provided for by the law, against those responsible,
- Ensure the implementation of applicable legislation on the prohibition of entry of children to improper venues
- Monitor, in cooperation with local labor inspectorates and offices, the implementation of laws against child labor
- Implement measures prescribed by law against persons exercising parental care or guardianship who fail to prevent children from committing offences or engaging in prostitution and inform thereof the competent bodies or services,

- Arrest, in accordance with the law, and bring before the competent court any children who beg or pursue activities which may result in criminal offences or a vagrant way of life;
- Make sure that children who are arrested are kept separately from adults and that no handcuffs are used during their transportation, unless they are dangerous or at risk of escaping,
- Provide, within the powers conferred to the Greek Police, all possible assistance sought by headmasters of primary and secondary schools,
- Refuse to provide third parties, with no legitimate interest, with pictures or information regarding the identity of children who committed offences.

370. In order to increase the effectiveness of police action, juvenile police services are operating in major cities, in close collaboration with other ministries and all relevant stakeholders, including NGOs, which play a very important role in this respect.

## **2. Refugee/asylum-seeking children (para. 69)**

371. According to article 44 (1) (c) and (d) of Law 3386/2005, a residence permit may be granted on humanitarian grounds to foreign nationals, including minors, hosted in charitable institutions and organizations, as well as to minor foreigners who are under the guardianship of Greek families or third country nationals' families who stay lawfully in the country or the adoption of whom is pending. Thereafter, the above children are entitled to renewal of their permit for one of the grounds set out in the Law. This provision allows unaccompanied foreign children to regularize their stay in the country, which renders them less vulnerable to exploitation.

372. The relevant Police Directorates make any possible effort to ensure that foreign children under detention are separated from adults. Such separation is made on the basis of the physical appearance of the persons concerned, although many of them state that they are 15-17 years old, despite the fact that their external features indicate that they are older.

373. It is to be noted that the separation of children from adults could be made in cooperation with members of NGOs (e.g. of the International NGO "Médecins sans frontières", members of which were allowed entry for three months, to provide medical services, primary care, mental health programs and improvement of living conditions).

374. Greek legislation prohibits the deportation of children whose parents or guardians lawfully reside in Greece, as well as in case reformatory measures have been imposed by the competent Juvenile Court.

375. With regard to third country nationals who are unaccompanied children or victims of trafficking, the competent Public Prosecutors or police authorities take the necessary measures to determine their identity and nationality and establish the fact that they are not accompanied. They also make all possible efforts to trace their family as soon as possible and immediately take the necessary measures to ensure their legal representation and, if need be, their representation in criminal proceedings.

376. This procedure is observed in all cases, even if the unaccompanied children do not apply for political asylum, by virtue of article 19 of presidential decree 220/2007. In all cases, the Juvenile Prosecutor or the competent Public Prosecutor at the First Instance Court assume the duties of the “special temporary guardian” of the children, in order to ensure the latter’s necessary representation.

377. When, despite a thorough investigation, the competent Aliens Service cannot trace the children’s parents or guardians in Greece, INTERPOL is requested to locate the abovementioned persons in their country of residence.

378. Following the above procedure, deportation orders combined with detention are issued. Children are always detained in special facilities, and separately from adults, on the basis of a special accommodation and protection status.

379. In order to ensure humane living conditions in the reception centers for undocumented migrants, a modern legislative framework on immigration policy (Laws 3386/2005 and 3536/2007) has been established, based on humanitarian ideals and European values, which illustrates the level of guarantees provided for, in order to ensure protection of human rights and respect for human dignity, as dictated by our traditions and culture. A constant objective of Greek Services is to create appropriate temporary detention conditions for people illegally entering the Greek territory.

380. In accordance with Article 81 of Law 3386/2005, a joint ministerial decision of the Ministers of Interior, Economy and Finance, Health and Social Solidarity is at the final stage of its elaboration, concerning the creation of special premises for the stay of foreigners under expulsion, especially in entry points of the country, which shall fulfill specific operational terms and conditions. The purpose of the creation of these premises is, among others, to ensure, as much as possible, better living conditions for foreigners under expulsion (appropriate sanitary conditions, accommodation for families and children, places of worship, recreation and sports). The said special premises will also be staffed with qualified medical personnel.

381. Since March 2004, efforts to improve the situation in this field have been stepped up, through the creation, in particular, of two model Reception Centers. The center of Kyprinos in the Prefecture of Evros is already operational, with a capacity of 378 persons, which can be raised up to 500 persons, ensuring very good living conditions. In the island of Samos, a new model Reception Center, with a capacity of 300 persons, was built and is now operational, with modern infrastructures, fulfilling the standards of the UNHCR. The above Center was inaugurated in December 2007.

382. The special children accommodation premises at Amygdaleza, Attica, have been operating since 16 April 2008, with a capacity of 40 persons (which can be raised to 54). Apart from accommodation and hygiene premises, the center also includes special child recreation premises (open and indoor sports premises, library, computer room), as well as an infirmary and recovery room. The Ministry of Health and Social Solidarity was asked, apart from the appropriate equipment, to staff the infirmary with qualified medical and nursing staff (physicians, psychiatrists), a social worker and a psychologist for the provision of primary healthcare and psycho-social support to foreign children.

383. Subsequently, nationals of neighboring countries are returned to the police authorities of their country of origin and a relevant certificate is signed. Specifically for Albanian children, the Greek and the Albanian governments have signed an agreement for their protection, including the repatriation, rehabilitation and care of Albanian children, victims of trafficking in Greece.

384. Other children are deported by airplane, after the INTERPOL branch of their country has been notified. When deportation is not possible due to the lack of air connection with their country (e.g. Afghanistan) or because of other problems (e.g. Iraq), the children are released under conditions, pursuant to article 78 of Law 3386/2005, after the competent Juvenile Public Prosecutor has been notified, and, in collaboration with the Ministry of Health and NGOs, they are accommodated in special premises.

385. Every case of illegal entry of non-nationals in the country, as well as of unaccompanied children, is notified and immediately referred by the competent police services to the Public Prosecutor (article 83 of Law 3386/2005 and article 19 of presidential decree 220/2007). In the holding premises of undocumented migrants, unaccompanied children are separated from other illegal immigrants until the conclusion of procedures relating to the determination of their age and origin, the conclusion of the asylum procedure and the relevant notifications to the judicial authorities.

386. Furthermore, the competent bodies (services of the Ministry of Health and Social Solidarity) ensure the accommodation of unaccompanied children and the creation of a favorable and safe environment, throughout the examination of their asylum request, including psychological support, full medical and pharmaceutical care, direct access to education etc.

387. When the competent services are called to examine an asylum request made by an unaccompanied child, they immediately contact the Aliens Directorate of the Greek Police Headquarters for his/her accommodation. The Ministry of Health and Social Solidarity looks for appropriate and available accommodation in one of the special accommodation centers for unaccompanied children and ensures the safe transportation of the child thereto. The competent police service of the place of the residence assigned to the child notifies the relevant Juvenile Public Prosecutor or, if there is no such officer, the competent Public Prosecutor at the First Instance Court, in order to act as temporary guardian.

388. Children are informed of their rights, such as the right to accommodation in special centers, access to education etc. In all instances, their cases are examined as a matter of priority with the assistance of an interpreter, in a language they understand and confidentially.

389. In order to have a better understanding of issues concerning children and deal with them in an appropriate manner, the staff of the asylum services have attended training seminars organized by the police services, as well as seminars organized by other specialized bodies.

390. Instructions have been given to all police services in order to facilitate the tasks of bodies and NGOs that provide legal aid and psycho-social support to children.

391. The same procedure is followed in case of children seeking asylum, who are returned to Greece in implementation of the Dublin Regulation.

392. The reception and accommodation centers for unaccompanied children seeking asylum include, but are not limited to, the following:

(a) Reception Centre for foreign children seeking asylum at Anogia, Rethymno, Crete. It is financed by the state budget and its capacity is 25 unaccompanied children. It is managed by the National Youth Foundation.

(b) Greek Solidarity and Cooperation Institute (ELINAS). Its capacity is 130 persons and it is located at Aspropyrgos, Attica. It is financed in the framework of the European Refugee Fund. It operates as an accommodation, catering and socio-economic integration centre for adult and unaccompanied children seeking asylum.

393. In addition, the Ministry of Health and Social Solidarity, within the framework of the European Refugee Fund, finances actions for the accommodation of unaccompanied children and women seeking asylum. The coordinator of the plan is the Non-Governmental Organization "ARSIS" and the partners involved include the "Greek Care of Volos" (Prefecture of Magnissia) and the "Association for the Care of Minors" (Athens).

394. This body, in collaboration with:

a) the "Greek Care of Volos", operates a guest house in Makrinitza, capable of annually accommodating 40 persons, unaccompanied children and women seeking asylum;

b) the "Association for the Care of Minors", operates a guest house in Athens (Exarchia), capable of annually accommodating 10 unaccompanied children seeking asylum.

### **3. Child labour (para. 71)**

395. Legislative measures have been taken by the Greek government to adjust and harmonize its law to the CRC in relation to child labor.

396. **By virtue of Presidential Decree No. 62/1998 (Official Gazette 67A/26-3-1998)** Greek legislation has been harmonized with the provisions of EU Directive 94/33/EC dated 22<sup>nd</sup> June 1994, on "the protection of young people at work".

#### **Specifically:**

1) Article 1 stipulates that the provisions of the above mentioned P.D. apply to any young person (minor) under the age of 18 who is employed under any form of contract of employment or working relationship or under fixed term work contract or under a contract for the provision of independent services or is self-employed except for those who are employed as seamen in the maritime and fishing sector to whom special provisions apply.

2) Article 2 defines as a "minor" any person under the age of 18, as a "child" any person who has not yet attained the age of 15 or who has not yet completed his/her compulsory education, and as an "adolescent" any person



of at least 15 years of age but less than 18 years old, who has completed his/her compulsory education.

- 3) Article 3 determines working time for adolescents at 8 hours a day and forty hours a week. Adolescents who have not yet attained the age of 16 and those who attend Senior & Junior High School, Technical – Vocational schools, may work up to 6 hours a day and thirty hours a week (article 3, par. 4).

Regarding minors who attend any type of Senior or Junior High School, Public or Private (acknowledged by the State) Technical Vocational schools, their job may commence or end at least two hours after completion or before commencement of classes, respectively. Furthermore, adolescents are prohibited from working overtime.

- 4) Article 4 prohibits children's (under the age of 15) labor, with the exception of work on cultural and similar activities.
- 5) Article 5 details such cultural and similar activities for which children's labor is allowed by way of exception. The said article mentions that:

Upon permission of the competent Labor Inspectorate, children who have attained the age of 13 may be employed or be engaged in theatrical shows, musical performances or other artistic events, commercials, fashion shows, radio or TV recordings, Video recordings, films, photographs. Furthermore, engagement of children as models is allowed under the following terms:

- their safety, health (physical and mental) as well as their physical, mental, moral or social development is not harmed; and
- their regular school attendance, participation in occupational guidance or vocational training schemes approved by competent authorities are not hindered.

Employment hours for children employed with cultural and similar activities may not exceed:

- two hours per day for children aged 3 – 6
- three hours per day for children aged 6 – 11
- four hours per day for children aged 11 – 15 years old.

The said hours of employment are not permitted to coincide with school hours, during school terms. The provisions of paragraphs 4,5 and 6 of article 3 also apply to children who fall under the provisions of this article.

- 6) Article 6 determines general employer obligations.
- 7) Article 7 mentions jobs that are prohibited to minors on the grounds of safety, health and development; details on prohibited jobs are included in article 11 (annexes).
- 8) Article 8 prohibits night employment for adolescents, from 22.00 to 06.00 hours.
- 9) Article 9 determines daily and weekly hours off for adolescents. 12 consecutive hours for each 24-hour period. 2 consecutive days a week, one of which should be Sunday.
- 10) Article 10 determines breaks of at least 30 consecutive minutes, if their employment exceeds 4.5 hours a day.
- 11) Article 12 mentions the sanctions imposed on employers, contractors, importers, suppliers, who violate the provisions of the said PD. The person having custody of the young person concerned is also punished by a fine.
- 12) The competent Services of the Labor Inspectorate are entrusted with the supervision and the application of the provisions of the present Decree on the protection of minors.

397. **Law 2918/2001 (Government Gazette 119A/15-6-2001)** ratified the ILO C-182 Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor.

- Article 2 mentions that the term “child” refers to persons under the age of 18. The worst forms of child labor are identified in article 3, in accordance with article 3 of the ILO Convention.
- It is to be noted that Decision No. 014130621/24-6-2003 issued by the Minister of Employment and Social Protection, by virtue of article 4, Law 3144/2003, determines the jobs and activities in which minors are prohibited to be employed, as they are likely to harm their health, safety or offend their morals.

Such jobs, projects and activities are classified into four wide categories:

- Unhealthy environment (hazardous substances, factors and processes, temperature, noise and vibrations harmful to health);
- Long work, night work and any work where minors are exposed to any risk of physical, psychological or sexual maltreatment or exploitation;
- Jobs in which dangerous equipment, machinery and tools are used or jobs including manual carriage or transportation of heavy loads; and
- Jobs carried out underground, under the water, in dangerous heights or restricted areas.

398. **According to article 4, para. 4, Law 3144/2003**, employers and persons who have custody of minors employed in any job or project or activity, in violation of the said Law, are punished with imprisonment of up to 2 years and a fine. Employers are further punished with administrative sanctions (article 16, Law 2639/1998).

399. Also, by virtue of Law 3385/2005 on “Regulations for the promotion of employment, the reinforcement of social cohesion and other provisions” (article 3, para2, Official Gazette 210/A/19-8-2005), every employer who violates the provisions of labor legislation regarding working terms and conditions, and, more specifically, working time limits or remuneration or the safety and health of workers, is punished with an imprisonment of at least six (6) months or with a fine of at least nine hundred (900) Euro or with both penalties. Special labor legislation provisions providing for more severe penal sanctions continue to apply. Moreover, in accordance with para. 3 of the above Law, regarding the administrative sanctions, the fine imposed by a reasoned act of the competent labor inspector and following his/her invitation for the provision of explanations, amounts to 1.000 Euro - 30.000 Euro per violation.

400. By virtue of Law 3144/08-05-03 and, namely, article 4, it is provided that under the relevant Joint Ministerial Decision, programs of action to protect minor employees are defined according to article 6 of Law 2918/2001 (ratification of ILO C-182 Convention ) Cooperation with other competent bodies, agencies and institutions is also provided for. Furthermore, under a Decision issued by the Minister of Employment and Social Protection, this article defines the Labor Inspectorate as responsible to develop targeted action to protect minors. The Labor Inspectorate is responsible for the issuing of employment booklets for minors so that any minor above 15 years old can be employed legally. Through these booklets the inspectors

can check if minors are being employed illegally, and in such cases, penal sanctions are being imposed on the employers (See Annex, tables 43, 44, 45).

401. Nevertheless, participation of young people is not fully prohibited for certain jobs but an upper minimum age limit of entry has been fixed by virtue of this Decision. These jobs are:

- Handling and driving of agricultural tractors - Minimum age limit of entry: 17 years completed.
- Pushing of loads in rails or by barrows - Minimum age limit of entry: 16 years completed for boys and 18 years completed for girls.
- Pushing load heavier than 300 kg or pushing, by two-wheel barrows, load heavier than 100 kg or pushing, by three-wheel or four-wheel barrows, load heavier than 50 kg or finally pushing, by one-wheel barrows, load heavier than 30 kg - Minimum age limit of entry: 18 years completed for boys.
- Handling and driving of fork lifting machinery - Minimum age limit of entry: 17 years completed (see table 46).

402. Concerning occupational accidents among young workers see table 47.

403. By virtue of article 33 of Law 2956/2001 (Official Gazette 258 A') night work of minors is no longer allowed, if they are occasionally employed in agricultural, forest and livestock short duration activities of a family type, as long as these jobs are carried out during the day.

404. The Labour Inspectorate established under Law 2639/1998 "Regulation of Working relations, establishment of the Labor Inspectorate and other provisions" (Government Gazette 205/A') is competent, inter alia, to supervise respect and application of employment law concerning working time limits in general (article 7, paragraph 1) and, therefore, the working hours of minor employees, apprentices or not.

405. As a consequence of the inspections performed by the Labor Inspectorate, the imposition of sanctions is provided for those violating the provisions respecting the time limits of the working hours of minors. These sanctions are defined in articles 16 and 17 (as amended) of Law 2639/98. They are divided into administrative sanctions (fine and temporal interruption of all or part of the enterprise's business) and criminal penalties (imprisonment or pecuniary penalty).

406. In article 6 of Presidential Decree 407/01 (Official Gazette 289 A'/24-12-01) on "Measures for the protection of young people being employed under maritime contracts in the maritime and fishing sector in compliance with the Directive 94/33/EC", it is defined that the time spent in training by a minor (theoretical or/and vocational training or in-service training or apprenticeship) is taken into account in his/her working time.

407. In Presidential Decree 407/2001, Official Gazette 289 A'/24-12-01, on "measures taken for the protection of young people that are employed in relation to naval employment in the maritime and fishing sector, in compliance with Directive 94/33/EC", and especially in article 3, it is defined that employment in relation to naval work in the maritime and fishing sector, is forbidden to everyone who is below 16 years old. In article 7, paragraph 1 of the same Presidential Decree, it is also

defined that young people (who are 16 years old, but not above 18, (paragraph 2 of the Presidential Decree) who are employed in naval work in the maritime and fishing sectors, are not allowed to work during the hours 22:00-07:00 or during the hours 23:00-08:00. Night work for young people is only allowed in the following cases:

- a) In training programs or practice for the acquisition of a naval competence certificate.
- b) If objective reasons relating to the normal function of the ship require it.

Any required compensatory time off is provided on both occasions.

408. In article 4 of the Presidential Decree in question, are designated the general obligations of the Ship-owner or the Captain and it is especially defined that : “ 1. The ship-owner or the captain must take necessary measures for the protection of the safety or health of young people, taking especially into account the specific hazards mentioned in article 5.

The ship-owner or the captain must apply the measures of paragraph 1, on the basis of the evaluation of the risks that exist and which are related to the work of young people...”.

The same article establishes the obligation of the ship-owner or the captain to inform young people on the potential hazards and all the measures taken for their safety and health.

409. In article 5 of the Presidential Decree, under the title: “vulnerable nature of young people”, it is defined that for the protection of young people from special hazards concerning their safety, their health and their development, which originate from the lack of awareness of the potential existing hazards, or because they have not reached full development, it is forbidden to be employed in specific jobs on board, which are described explicitly in the same article.

410. A regulation concerning the banning of night work of seamen under 18 is also included in Presidential Decree 152/03 “on the organization of the working time of seamen in compliance with directives 99/63/EC and 99/63/EC”(Official Gazette 124 A’/23-05-03). Specifically, in article 7 of the Presidential Decree in question, it is defined that seamen under 18 are not allowed to work at night. As ‘night’ is defined the period of time of at least 9 continuous hours, including the time from midnight until 05:00 am. This provision does not apply if a disturbance is caused to the training of the young seamen of 16-18 years of age in accordance with the established programs and schedules of training on board.

411. According to article 6 of Law 1837/89, minor employees are remunerated on the basis of at least the minimum wage of an unskilled worker, as this is defined each time by the National General Collective Labor Agreement in relation to the hours of their day work. Minor workers between 16 and 18 years old are entitled to the whole wage of the unskilled worker, if they are not eligible for a higher wage according to another provision of the Collective Labor Agreement, an Administrative Decision, etc., and as long as their full-time employment is legal.

412. The terms and conditions of the Collective Labor Agreements in the Maritime Work defining remunerations and benefits of seamen of any skill working in ships, apply irrespective of the seaman’s age. Moreover, legislation provides for the

remuneration, insurance and social protection of students in Merchant Navy Academies during their in-service training in merchant ships.

413. The apprentices' wages increase during the duration of their apprenticeship, from 50% of the minimum wage of the unskilled worker in the beginning of the period, to 100% at the end of the period.

414. In the National General Collective Labor Agreements after 1998 there is a relevant provision that "the above general minimum wages and salaries limits are applied respectively also for the blue collar and the white collar apprentices that have completed their 15<sup>th</sup> year of age depending on their time of employment". The earnings mentioned in the above regulations are always gross, since the percentage of deductions from Social Insurance Funds (namely IKA) or other public bodies does not constitute an object of the social partners' negotiations (Article 2 para 3 of Law 1876/90) (see table 48).

415. Finally, working minors, who are more than 15 years old, also receive unemployment benefit by the Manpower Employment Organization (OAED), provided that they fulfill the preconditions provided for in the Greek legislation on unemployment insurance (Act 1082/80, article 21).

416. Within the framework of the Operational Program "Employment and Vocational Training 2000-2006" of the Ministry of Employment and Social Protection, programs for the teaching of the Greek language to unemployed persons aged over 16 are carried out; more specifically, to unemployed persons that are repatriated, migrants and refugees, so that their social and vocational integration might be facilitated, as well as to unemployed persons with a poor knowledge of the Greek language. Within the new Operational Program "Development of the Human Resources 2007-2013" for the promotion of the smooth integration of migrants into the Greek society and into the labor market, programs for the learning of the Greek language will be carried out, whereas there will be a horizontal series of actions (for example, psychological and legal aid, social strengthening and preliminary actions) for persons who are refugees, asylum-seekers, trafficking victims, juvenile delinquents and for persons who belong to other vulnerable groups, so that they might acquire skills or improve the ones they have with a view to becoming socially and vocationally integrated.

#### **4. Street children (para. 73a)**

417. The Standing Interministerial Committee on trafficking in human beings which operated until 2006, has been upgraded, following an initiative of the Minister of Justice, to the level of Secretary-General of the competent ministries. The Special Law-drafting Committee has been established in order to coordinate, at the political level, the activities undertaken in order to combat trafficking in human beings and to introduce legislative or other measures. In the above Committee, all competent Ministries (Justice, Interior, Economy, Foreign Affairs, Education, Employment, Health) are represented. Contact points with secretarial support have been designated so as to ensure the Committee's smooth operation and uninterrupted monitoring of relevant developments and pending issues.

418. The Ministry of Health and Social Welfare is represented in the above Committee by the General Secretary of Social Welfare with the view to promoting:

- Protection of and assistance to victims of neglect, trafficking and exploitation;
- Supervision of the victims' welfare;
- Measures necessary for their protection;
- The issuance of circulars on matters arising from the implementation of the relevant laws;
- The gathering of statistical data and the introduction of measures for the improvement of protection of and assistance to victims.

Within the framework of the implementation of said targets, the Ministry of Health and Social Welfare, through the National Center of Social Welfare (NSWC), which constitutes the coordinating body of the network charged with the furnishing of social solidarity and information services with regard to welfare matters, has initiated the operation of two guest-houses (one in Athens and one in Thessaloniki) providing temporary accommodation to the victims of illegal trade and trafficking.

During 2005, 18 victims of illegal trafficking were put up in those guest-houses, while another 44 were admitted in NGO hostels or were repatriated.

Overall, the NSWC handled services in 72 cases in the period from 1/1/2005-30/6/2006.

419. A Memorandum of Understanding was signed in November 2005 for combating trafficking in human beings and assisting victims between the members of the Committee, twelve (12) NGOs and the IOM.

### **5. Substance abuse (para. 75a)**

420. The Ministry of Health and Social Solidarity develops programs of prevention, therapy and social re-integration of dependent individuals from drugs and alcohol. Moreover, it offers services to users who wish to be incorporated in the procedure of detoxification. All services are provided free of charge, whilst participation takes place on a voluntary basis.

421. The officially certified organizations that provide therapy to addicts are: O.KA.NA., KE.TH.E.A., the Psychiatric Hospital in Athens, the Psychiatric Hospital in Thessaloniki, the Psychiatric Clinic of the Athens University, Public General Hospitals, certain Local Government Organizations and the Mental Health Center.

422. KE.TH.E.A.: The **Center for the Therapy of Dependent Persons** addresses children and adolescents through its structures for counseling, early intervention, therapy, prevention and reintegration. In the period between 2002 and June 2008 its actions in these fields included:

423. *Services for adolescents, occasional or regular drug users and their families*  
The targets and content of KE.TH.E.A.'s programs that address this age group are being formulated according to the degree of involvement with drugs (occasional, experimental, regular, dependent) and the user's specific characteristics (family environment, educational level, involvement in law-breaking acts, etc.).

424. During the said period KE.TH.E.A. ran the following therapy programs:

**A.1. KE.TH.E.A. “STROFI”**

The KE.TH.E.A. STROFI, which operates in Athens, is an organized network of services for adolescent users of psychotropic substances (13- 21 years old) and their families and is the first service of this kind set up in Greece (in 1988).

**A.2. KE.TH.E.A. “PLEFSI”**

KE.TH.E.A. PLEFSI is the first early intervention program of KE.TH.E.A. and it operates in Athens since 1996. It addresses young people up to 21 years old who use psychotropic substances occasionally, experimentally, regularly, or are dependent, and also their families.

**A.3. NEW PROGRAMS FOR ADOLESCENT USERS AND THEIR FAMILIES**

During the period under consideration, KE.TH.E.A. set up new therapeutic programs for adolescent (and young adult) users of substances and their families in other regions of the country. Adolescent users of substances and their parents in Thessaloniki, Volos, Patras, Piraeus, Herakleio were, for the first time, given the opportunity of full counseling and therapeutic support near their home. Specifically:

**A.3.1. KE.TH.E.A. “EMERGENCE”**

The program KE.TH.E.A. EMERGENCE was set up in 2001 in Thessaloniki to deal with the need to support adolescents, occasional or regular users of psychotropic substances, and their families in Northern Greece.

**A.3.2. KE.TH.E.A. “EXANTAS”**

The program KE.TH.E.A. EXANTAS started to be operational in June 2003 and is based in Piraeus. It addresses adolescents (13-20 years old) who have any type of association with the usage of substances, and their families.

**A.3.3. KE.TH.E.A. “PILOTOS”**

The program KE.TH.E.A. PILOTOS has been operating in Volos since 2003. Its objective is to promote drug rehabilitation of young people, aged 15-25, and their disengagement from delinquent activities.

**A.3.4. KE.TH.E.A. “OXYGEN”**

The program KE.TH.E.A. OXYGEN is based in Patras and started operating in 2002 after a request from local government authorities.

**A.3.5. KE.TH.E.A. “ARIADNE”**

The drug rehabilitation program KE.TH.E.A. ARIADNE is based in Herakleio, Crete, and has been running an Adolescents Unit since 2003.

**A.4 INTERVENTIONS FOR DEPENDENT PARENTS AND THEIR CHILDREN -SPECIAL PROGRAM FOR DEPENDENT MOTHERS**

A rehabilitation program for dependent parents with children at pre-school and school ages and dependent pregnant women has been running in Thessaloniki since 2001. The program gives parents the opportunity to participate in a long-term rehabilitation therapy program, and also provides solutions with regard to their children’s keeping and care. The program provides extramural participation, thus parents are able to continue to work and live in their own home. For the hours that parents participate in the program or go to work there is the facility of a place specially prepared for the keeping and creative occupation of their children. One of the main aims of the program is the support of the parent-child relationship and the support of dependent persons in their parental role. It provides education in issues relating with nutrition, child development, family relations, child diseases, vaccinations, etc.

**A.5 INTERVENTIONS FOR ADOLESCENTS IN THE FRAMEWORK OF THE CRIMINAL JUSTICE SYSTEM**

### **COUNSELING STATION AT THE ATHENS JUVENILE COURT**

The Station is based at the Athens Juvenile Court and receives, after referral by the supervisor of minors, adolescent delinquents who use psychotropic substances. It falls under KE.TH.E.A. "STROFI" program (see table 1, number of beneficiaries).

### **COUNSELING PROGRAM IN YOUNG PEOPLE DETAINMENT CENTERS**

These programs aim to inform, mobilize and prepare for integration in a therapeutic structure outside prison (Laws 1729/87 and 2331/95), and also to diminish drug use and delinquency inside prison.

425. The prevention programs and activities organized by KE.TH.E.A. are addressed to the educational communities of all degrees, local societies, families and high risk groups.

426. During this period, the KE.TH.E.A. Prevention Sector has implemented the following:

#### **B.1. INTEGRATED PREVENTION PROGRAMS**

These are long-term programs that concern an entire school community and need the cooperation and participation of all its members, the students, parents, teachers and other workers in the school environment. In 2003, KE.TH.E.A. was awarded, amongst 150 nominees from 49 countries, the first prize for efficiency by the international prevention foundation MENTOR for its long-term integrated program of primary prevention, which it implemented in the school community of the 132<sup>nd</sup> Primary School in Athens during the years 2000-02.

#### **B.2. PARENTS INFORMATION AND EDUCATION**

The KE.TH.E.A. Prevention Sector implements information – sensitization and training for parents through lectures, short seminars and also long-term programs, organized either in the community or in cooperation with educational units and other organizations. During this period, these interventions mainly addressed groups of parents in the Attika region.

#### **B.3. SELECTIVE PREVENTION INTERVENTIONS**

The Prevention Unit IKAROS was set up in 2003 with the aim to plan and implement selective prevention interventions and programs to high risk groups for using substances

#### **B.4 COOPERATION WITH THE GREEK MANPOWER EMPLOYMENT ORGANIZATION**

KE.TH.E.A. has a long and multi-folded cooperation with the Greek Manpower Employment Organization (OAED) to promote prevention in its vocational schools.

#### **B.5. EDUCATION FOR TEACHERS AND MINISTRY OF EDUCATION OFFICIALS**

KE.TH.E.A. provides education and surveillance-counseling on health education and prevention issues to teachers of pre-school, primary and secondary school education in the country.

#### **B.6. PUBLICATIONS**

The KE.TH.E.A. Prevention Sector, with co-funding of the international foundation "Mentor", published the "Services Guide: a tool for teachers and schools in Athens".

427. Additionally, the Ministry of Health and Social Solidarity has created a multifaceted network of services which is addressed to various sensitive population groups, such as homeless, prostitutes, immigrants etc. Special services are offered as follows:

##### **a) Health and immigrants –refugee's children**



A state-funded Therapeutic Intercultural Program for East-Macedonia and Thrace entitled “KIVOTOS” has been launched on the initiative of the “Drug-Addicted Persons Treatment Center” (KE.THE.A). With relevant Units set up in the region of East-Macedonia (Kavala) and the region of Thrace (Alexandroupolis), KIVOTOS is the first intergrated network, providing services designed for the treatment of drug dependent children, which has been established in these regions.

Transitional Center for the Intergration of Special Social Groups (MOSAIC).

The center has its offices in Athens and provides services to special social groups, i.e. adolescents /children of repatriated Greeks, refugees and migrants facing a drug abuse problem.

**b) Health Education pertaining to dependence –causing substances at schools.**

The Addicted persons Treatment Center continues to offer its services through the Mobile Information Unit called “PEGASOS”, as well as through Intergrated Programs of primary prevention which are implemented, either within the educational premises or outside them, in cooperation with the Local Authorities.

The prevention programs address, for the most part, young people largely within the school community.

**c) Detoxification of women.**

The Center for the treatment of Addicted Persons has been operating in Thessaloniki, a Special program for Addicted Mothers since 2000. The program seeks to provide support and assistance to children who have been deprived of emotional security and care, through the benefits of a day-care center, pedagogical interventions relating to matters of development and socialization of relations, as well as by means of psycho-therapeutic counseling, either individually or jointly with the mother.

A similar program for dependent woman under pregnancy and dependent mothers compounded by subsequent care for their children has also been operating in Athens by the psychiatric Hospital of Attica.

**d) Custody of children (drug- dependent mothers)**

Therapeutic Program entitled “ITHAKI” pertaining to the Dependent Persons Treatment Center. The Therapeutic Community called “ITHAKI” is in possession of a specially laid out space, intended for the custody and creative engagement of children, that operates under the care of a baby-nurser and a child psychiatrist as well as an outdoor playground. This establishment seeks to keep children constructively active during the hours that they are not with their mothers. One of the basic goals of the program is to provide support to the mother-child relationship, as well as to strengthen mothers in their parental role.

428. **O.KA.NA. (Organization against Drugs):** O.KA.NA. initiated the operation of 74 Prevention Centers in 49 prefectures of the country, in cooperation with Local Government, which employ approximately 350 staff members. The Prevention Centers operate under O.KA.NA.’s scientific supervision, in cooperation with the municipal and prefectural authorities, and are co-funded by O.KA.NA., Local Government and the local organizations.

429. Activities of the Prevention Centers include:

- Short-term and long-term actions for teachers and pupils of Primary and Secondary Education.
- Short-term and long-term actions for adolescents and young people inside or outside school environment

- Short-term and long-term actions for parents.
- Interventions in the local society, addressed to the media, University students, health professionals, Police officers, etc.
- Other primary prevention programs, conferences and events.

430. O.KA.NA. provides services to adolescents and young people, who visit the relevant Units for Adolescents in 4 cities of the country.

431. The O.KA.NA. Units for Adolescents are therapeutic programs and address:

- adolescents and young people who use substances experimentally, occasionally or regularly
- families of adolescents who use substances and their social environment.

432. Parents of program members are supported during the course of the therapeutic procedure and are provided various services, depending on the phase of the program.

433. Also, parents whose children are not included in the programs but do have a substance use problem, are provided with counseling and support, to be informed, to change their attitude towards substance use and to be “trained” to encourage the dependent member of their family to seek help.

434. In January 2007, the Ministry of Health and Social Solidarity proposed for public debate the National Action Plan against Drugs 2008-2012. The National Action Plan against Drugs is the first integrated attempt in Greece to design a national, viable and targeted policy for dealing with drugs in our country.

435. The mission of the Action Plan is to build a multifaceted and integrated policy to create a unified, public and holistic system for prevention, therapy and social reintegration. The first concern of the National Action Plan is to clarify the role and competence of all partners involved and to develop a quality health and social network for the care that our fellow human beings who face the issue of dependency on drugs are due.

436. The axes of the Action Plan are prevention, therapy, reintegration, research, education, registration, certification, public dialogue and social participation.

437. The main reform actions proposed by the Action Plan are the development of a horizontal policy for combating dependencies, the clarification and setting up of a continuous therapy cycle, which also includes the organic connection of substitution programs with “dry programs”, the integration of substitution programs run by O.KA.NA. in the National Health System, the creation of a unified and national budget for drugs, which will overcome various bureaucratic contradictions, and the establishment of ongoing and targeted campaigns for prevention and information.

438. *Objectives of the National Action Plan*

- to fully ensure the right to therapy and to get rid of the waiting list for substitution therapies

- to connect the substitution programs with psychosocial support programs, to complete the substitution therapies based on a specific time table (a cycle of 2 years) and to allow the recipients to move on to a rehabilitation program
- to support therapeutic programs for psychological independence (“dry programs”), to create multiple benefits for the society from the social reintegration of users
- to provide easy access to services of prevention and information
- to ensure further financial resources for preventative policies, through organizational reform of the system
- to reduce the demand for addictive substances and specifically a targeted dealing with the demand by young people of our society
- to combat social stigmatization and to mobilize civil society in the fight against dependency
- to create a constant cooperation framework between all authorized partners and the labor market for the social reintegration of ex-users.

439. Article 5, Law 3189/2003 has replaced article 8, Law 1729/1987 to the effect that a person who violates articles 5,6,7 of Law 1729/1987 on ‘drugs’ is punished with life sentence and a fine of 29,412€ to 588,235€. The above articles punish drug import into and export from the territory, distribution, purchase, sale, possession, transport etc, if the offender intends to provoke drug usage by minors, or uses minors during the commission of such acts.

440. Furthermore, article 1, Law 3189/2003 amended article 129 of the Penal Code on the conditional release of minors; para. 9, article 1 provides that during their restriction in special detention premises for youth, on the grounds of any crime provided for by article 5, Law 1729/1987 or any crime alleged to have been committed for facilitating usage of drugs, the minors concerned may attend approved consultation programs. If attendance proves successful, the officer in charge of the program declares that the minor is eligible for the purpose of rehabilitation. Attending the program constitutes a serious reason calling for the minor’s conditional release, provided that the latter has served 1/3 of his sentence. People vested with the legal custody of the minor shall be obliged to inform Judicial authorities once every two months of the ongoing program attendance or the successful completion of such program or any unjustified discontinuance of attendance. In case of discontinuance, conditional release is revoked.

### **6. Trafficking of children (para. 77)**

441. Law 3064/15-2-2002 introduced article 323A in the Penal Code, which punishes with incarceration of at least 10 years and a fine of 50,000€ to 100,000€:

- a) whoever, by means of force, or threat of force or other forms of coercion or imposition or abuse of power, hires, transports or promotes inside or outside the country, detains, harbors, surrenders or receives from another person (with or without payment) a minor with the intention of removing his or her body parts/organs or exploiting the his or her work either on his own behalf or on behalf of any third party; or
- b) whoever, in order to achieve the same purpose, forces the consent of the minor by using deceptive means or misleads a minor taking advantage of his/her vulnerability, using promises, gifts, payment or other benefits or

c) whoever knowingly accepts employment of a minor who falls under the conditions detailed in points (a) and (b).

442. The enhancement and optimization of the legal framework concerning assistance to victims of trafficking in human beings has been achieved through the enactment of Law no. 3386/2005 on "Entry, residence and social inclusion of third country nationals in the Greek territory", as well as with other actions and initiatives, as described below.

443. Law 3386/2005 (Official Gazette A 212) on "Entry, residence and social inclusion of third country nationals in the Greek territory", clearly defines the victim of trafficking in human beings as the individual who has become victim of the offences described in articles 323, 323A (trafficking in human beings), 349 (pandering), 351 and 351A (procuration) of the Penal Code, regardless of their mode of entry (legal or illegal) into the country (article 1, case i).

444. The addition of chapter IX to the law aims at the integrated regulation of the protection of and assistance to victims of trafficking in human beings, in the context of combating the phenomenon and in accordance with the guidelines of directive 2004/81/EC of the Council of 29th April 2004 "On residence documents issued to third country nationals victims of trafficking in human beings or collaboration on illegal immigration, who cooperate with the competent authorities".

445. Under the provisions of article 46, any third country national who has been characterized as a victim of trafficking in human beings, by order of the Public Prosecutor at the First Instance Court, is granted a residence permit, without being obliged to pay stamp duties. The relative application for the issuing of the residence permit is either submitted by the interested third country national in person, or is forwarded by the competent Public Prosecutor to the Aliens and Immigration Department of the Ministry of the Interior.

446. Article 47 refers to the first stage of the process, which concerns information provided to victims about the possibility of issuing a residence permit and the respective requirements of issuance. There is particular provision for cases of unaccompanied minors-victims, regarding the necessary measures to be taken by the competent police or judicial authorities, for identification of the victims' identity and nationality, so as to obtain evidence of the fact that they are unaccompanied. In the context of the above provision, every possible effort is made to locate the minor's family and all appropriate measures are taken to ensure their legal representation and, if need be, their legal representation in the context of legal procedure.

447. Article 48 introduces the concept of a reflection period, which refers to an adequate time period allowed to victim, by order of the competent Prosecution authority, in order for him/her to recover and escape the influence of the perpetrators, so as to decide later if he/she will cooperate with the competent police and judicial authorities. In particular, a reflection period of thirty days is provided for, which is extended by thirty more days in the case of underage victims. This time period is considered adequate for the victims to contemplate the risk they are running and cooperate with the competent authorities. It is explicitly declared that the time allowed as reflection period does not establish the right of residence in the country. During the said time period, the victims cannot be deported and any existing decision

on deportation is revoked. The reflection period may end by order of the competent Prosecutor, if the victim is reconciled with the perpetrators of the trafficking network. Additionally, the State retains, throughout the procedure, the right to end the reflection period for reasons pertaining to public order and security.

448. Article 49 defines measures of medical treatment and assistance to victims of trafficking throughout the reflection period (medical and pharmaceutical treatment, legal assistance etc.). The provisions of article 50 define the specific conditions for the issuing and renewal of a residence permit to victims of trafficking in human beings. In particular, it is provided that after the expiration of the reflection period or before this period expires, the competent Public Prosecutor examines whether any one of the following conditions is fulfilled and prepares the relevant report:

- a. In case extension of the stay of the said individual in the Greek territory is deemed necessary to facilitate the investigation in progress or the penal procedure
- b. In case the said individual has displayed an explicit wish to cooperate and
- c. In case the above mentioned individual has broken off any relation with the alleged perpetrators of the relevant offences. It is also provided that in case the competent Public Prosecutor issues a positive opinion and with the proviso of reasons of public order and security, the relative application is given priority for consideration and the residence permit issued by the Minister of Interior has a twelve-month duration and can be renewed for a time period of equal length and under the same conditions as those of the initial issuing.

449. It is also provided that victims of trafficking who have been awarded the above mentioned residence permit have secured the right to access to the labor market, as well as to regular medical and pharmaceutical treatment, vocational training and education according to the provisions of article 6 of Presidential Decree no. 233/2003.

450. Article 51 states the conditions of non-renewal or revocation of the residence permit. In particular, the residence permit cannot be renewed or is revoked if any one of the following conditions is met:

- a. If the beneficiary reconciles actively and willingly with the alleged perpetrators of the offences the beneficiary has reported.
- b. If the competent authority judges that the cooperation or the report of the victim against the alleged perpetrators is fraudulent or improper.
- c. When the victims ceases cooperating
- d. If, by initiative of the competent prosecutorial or judicial authority, the relative procedure is interrupted
- e. When there has been an irrevocable court decision which also completes the relevant procedure

451. Finally, Article 52, sets the conditions under which the grounds for residence in the country may be changed. In particular, within a month from the issuing of an irrevocable court decision, the bearer of a residence permit, on account of being a victim of trafficking in human beings, may be issued a residence permit for any of the reasons and under the respective conditions stipulated by this law, by decision of the Secretary General of the local Region.

452. A law-drafting committee has already been set up in the Ministry of Justice, working on the ratification of the United Nations Convention against Transnational

Organized Crime and its three protocols. Greece, as well as the Council of Europe Convention on Action against Trafficking in Human Beings, signed on 17 November 2005.

453. In the Ministry of Justice, a drafting commission has prepared the draft law ratifying the Optional Protocol to the Convention on the Rights of the child on the sale of children, trafficking of children, child prostitution and child pornography and harmonizing national legislation with the above Protocol. The said Law (no 3625) was adopted in 2007 and included provisions related to the psycho-social treatment of offenders who sexually exploit minors, the ex officio appointment of a legal counsel for minor victims, the examination of minor victims, the compulsory gathering of statistics by competent Public Prosecutors regarding cases of sexual exploitation and trafficking in children, as well as other amendments to Law 3064/2002, in accordance with articles 34, 35, 39 of the CRC and taking into account the relevant recommendations of the Committee on the Rights of the Child.

454. It is also to be noted that Greece was the first State to ratify the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse. The relevant ratification Law (no 3727) was published in the Official Gazette in December 2008.

455. Apart from the ratification of the International Convention, the same Law (No. 3727/2008) puts in place the regulations which allow for the full implementation of the provisions of the Convention into the Greek legislation. Specifically, apart from the regulations mentioned above (chapter I, 3), the following should be mentioned:

456. The first paragraph of article 1 provides that persons who face prosecution or have been convicted for sexual exploitation or sexual abuse of children are prohibited from having a profession related with coming into contact with children.

457. Articles 3,4 and 5 introduce the necessary changes to the Penal Code provisions.

458. In order to protect minors from risks related with the usage of new technologies, without direct physical contact, two new paragraphs 3 and 4 are added in article 337 of the Penal Code. Specifically: Paragraph 3 regulates that any adult who, via the Internet or other means of communication, comes in contact with a person under the age of fifteen and violates their dignity, through gestures or sexual proposals, is punished with a two year imprisonment. Paragraph 4 regulates that any adult who comes in contact with a person who pretends to be under the age of fifteen, is punished with at least one year imprisonment, for similar acts as above.

459. The regulations of articles 337 and 338 of the Penal Code are amended to include more severe sanctions to the violators against sexual dignity and lechery when the victim is a minor.

460. Article 339 of the Penal Code concerning sanctions for seduction of minors is amended and provides for more severe sanctions.

461. A new paragraph 339 is added in the Penal Code regulating sanctions for those who force or lure a minor under fifteen years of age to be present during a sexual *inter alia* act, even though the minor may not take part in the act.

462. By the addition of a new case f. in paragraph 2 of article 342 of the Penal Code, it becomes an ‘aggravating circumstance’ in the violation of exploiting minors in lechery when the person takes advantage of the minor’s mental or physical disability.

463. A new article 348B is added to the Penal Code which introduces the offense of attracting children for sexual reasons. This new regulation was deemed necessary as it refers to attracting children for sexual reasons, internationally described by the term “grooming”, mainly through the usage of new technologies, such as the internet and mobile telephones, which are increasingly accessible to minors.

464. Paragraph 1 of article 349 of the Penal Code is amended so as to include in the offense of prostitution those cases where the offenders, in order to serve the rakishness of others, promote or force a minor into prostitution or compel or facilitate or participate in minors’ prostitution. It also provides for the usage of new technologies or the offering of monetary or other reward as an ‘aggravating circumstance’ which increases the sanctions imposed for prostitution.

465. It is also possible for persons who are prosecuted or have been convicted for sexual exploitation or sexual abuse of children to voluntarily participate in programmes for psycho-sexual therapy.

466. Articles 108A, 185, 200A and 226A are modified so that in cases of sexual exploitation or sexual abuse of children,

- a) the minor and their family have the right to receive information about the temporary or final release of the offender, and about the offender’s leaves from the detention centre;
- b) the list with experts called in penal cases includes child psychiatrists, and in their absence, psychiatrists and psychologists specialized in the sexual exploitation and sexual abuse of children;
- c) it is explicitly stated that for crimes concerning sexual exploitation or sexual abuse of children, identity related evidence and DNA data are taken and kept;
- d) during the examination, the child psychiatrist or child psychologist is present and the minor can be accompanied by his/her legal representative, with the exemption of conflict of interest or involvement of the legal representative in the investigated act.”

467. At the same time, refresher training of serving judges and public prosecutors and training of candidate judges has been under way, through the National School of Judges, on issues related to the sexual ill-treatment of minors, and the rights of minor victims. The Ministry of Justice further intends to ensure and implement in the near future the necessary training of public servants of the Ministry on the above subjects, through European programs.

468. According to article 8, Penal Code, Greek penal laws apply to Greek nationals and aliens, regardless of the place where the offence took place, regarding slave trade, human trafficking, trafficking in prostitution, indecent assault on minors

against payment, illegal drug trafficking, illegal circulation and trading in obscene publications.

469. Par.3, article 73, Penal Code, mentions that in case of a second or any other additional new conviction for any criminal act involving minors' pornography, procurement, human trafficking, indecent assault with a minor against payment, violation of legal provisions on drugs, the court imposes on the person convicted the obligation to declare his residential address before the local police station of his neighborhood, within 10 days from his sentence being served or release on any grounds; for a period of three years thereafter, the person convicted must inform the said police authority of any change of address. In case of violation of the probation measures that have been legally imposed as regards his freedom to reside and related obligations, he is punished with imprisonment of up to 6 months, according to article 182, Penal Code.

470. The three-year program (2008-2010) on Public Order and Security Policy makes the following provisions to combat electronic crime:

- Cooperation of the regional services with the competent electronic crime services so that, when computer crimes are identified, the appropriate method to ensure evidence and the further handling of the cases can be jointly implemented.

- Active participation in information campaigns aiming at informing the public on the safe use of the internet and the related risks.

- Officers of the Electronic Crime Sections of the Greek Police participate in conferences and lectures, organized by various bodies, which provide useful information and advice to the public, especially young people, on the safe use of the internet and prevention of fraud.

- Strengthening of cooperation with the Hellenic Bank Association, aiming at preventing and effectively dealing with cases of internet fraud that attack the country's financial system.

- Cooperation of the Electronic Crime Services with competent specialized services of the Greek Police (e.g. Narcotics, anti-trafficking, aliens directorates etc.) in order to identify criminal organizations involved in serious internet-assisted criminal activities.

471. Electronic Crime Sections are operating within the Directorates of Security of Athens and Thessaloniki, which are responsible, inter alia, for combating child pornography. The above sections have state-of-the-art technological equipment and well-trained, specialized police staff, who are participating, on a regular basis, in seminars organized in Greece and abroad on electronic crime.

472. At the same time, there is close cooperation with other competent bodies (public prosecutors, hotline representatives etc.) to achieve the common goal, i.e. to combat child pornography. Guidance and advice is also given regularly through the mass media to parents and children for measures to be taken for the protection of children and for the promotion of a safer internet.

473. An international seminar was held in Athens on 11-14 March 2008 on "Crimes against children using technology and combating child pornography via the internet", organized by the International Centre for Missing and Exploited Children, Interpol, FBI, Microsoft and the NGO "Smile of the Child". The seminar was



attended by police officers from security services throughout the country, officers from 10 European countries and Interpol.

474. Law No. 3625/24-12-2007 on the «Ratification and application of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography» certain amendments and additions have been introduced to the section of the Greek Penal Code which makes reference to the crimes against sexual freedom and the crimes of financial exploitation of sexual life, article 323A on «Trafficking in human beings», article 348A on «Child pornography» etc.

475. Such newly introduced regulations provide for:

- More severe penalties for the offenders (life incarceration, if the trafficking resulted in the death of humans);
- Suspension of the statutes of limitation until the victim attains the age of 18 (3 years for felonies and 1 year for misdemeanors);
- Non application of the restrictions of law on the protection of privacy, during the investigation and confirmation of the crimes against sexual freedom, the crimes of financial exploitation of sexual life, etc.

476. This new law has taken effect upon its publication in the Government Gazette of the Hellenic Republic and, as regards the Optional Protocol, since 24-1-2008.

477. On 27 and 28/4/2006, the f. Minister of Public Order presented «ILAEIRA» Anti-trafficking Initiative Plan during the session of the Justice and Interior Ministers' Council that was held in Luxembourg. Such plan is being held under the auspices of the Vice-President of the European Commission, Mr Franco FRATTINI.

478. The official onset of this action was held on 7/12/2006 in Athens, and was attended in person by the Vice-President of the European Commission.

479. «ILAEIRA» Plan is being developed at two (2) levels: National and International / Cross-border and comprises five (5) phases of implementation, functioning both as a preventive and a suppressive mechanism.

480. Two expert meetings have been held in Athens, on 7-8/12/2006 and 30-31/5/2007, attended by 21 European countries other than Greece (Portugal, Turkey, Italy, Albania, Cyprus, Bosnia-Herzegovina, Hungary, Moldavia, FYROM, Austria, Serbia, Germany, Slovenia, Russia, Ukraine, France, Croatia, Montenegro, Finland, Bulgaria and Romania) and 4 International Organizations (Europol, Interpol, Eurojust, Frontex), with the task to prepare a documents related to the procedures of cross-border cooperation of Police and Judicial Authorities, in order to attain uniform actions.

481. Within the context of this Action, the following documents have been prepared:

- '«ILAEIRA» Operational Action Plan at National level for the handling and combating of the financial exploitation of women's and children's sexual life'
- «Memorandum of Police Actions and Best Practices for the handling of cases of trafficking in human beings» (Only for police personnel)

- «ILAEIRA» Anti-trafficking Initiative: Regulations and Procedures for Cross-border Police Cooperation.

482. Such documents have been published as manuals and have been sent to services of the Hellenic Police for their information and implementation by police officers. The Cross-border Police Cooperation plan was sent to all Police Authorities of participating countries and to International Police Organizations. Finally, the National Operational Plan was sent to the jointly competent Ministries, agencies and NGOs for application purposes.

483. Under the framework of the decision for the realization of the annual meeting of the experts from «ILAEIRA» participating countries, it has been decided that the 3rd meeting shall be held in Greece, in the city of Chania, Crete on 17-18/9/2009.

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484. The National Action Plan (NAP) for combating trafficking in human beings covers the entire spectrum of the fight against human trafficking and aims at all vulnerable population groups (women, foreigners, children), including girls. To implement the relevant actions, competent state bodies develop both interministerial and interstate cooperation and cooperation with international organizations as well as Greek and international NGOs.

485. A representative of the General Secretariat for Equality (GSE) participates in the Task Force of the Greek Police Headquarters for the implementation of the Cross-Border and Interregional Cooperation and Operational Action Plan of Police Services of Southeastern European countries, code name "ILAEIRA".

486. In the context of information and awareness-raising campaigns on trafficking in human beings, the General Secretariat for Equality produced a relevant TV spot. It also published information leaflets on combating the scourge of trafficking and on victim support services in Greek, English, Russian and Albanian.

487. The General Secretariat for Equality, in cooperation with the Training Institute of the National Public Administration Centre, hold training and awareness-raising seminars for judges, public prosecutors, police officers and health and social care officials, aiming at dealing more effectively with cases of domestic violence and trafficking.

488. The Research Centre for Gender Equality (KETHI), which is supervised by the General Secretariat for Equality, in collaboration with the Ministry of National Education and Religious Affairs, is implementing a program, with a total budget of 25 million euros, aiming at raising the awareness of educators in matters of gender equality. The combat against trafficking in human beings is a primary theme of the program.

489. In the context of the participation in the Council of Europe campaign against trafficking in human beings, the proceedings of the conference organized jointly by the General Secretariat for Equality and the Council of Europe in Athens in December 2006 on "Action against trafficking in human beings – Prevention, protection, prosecution" were published in 2007.

490. The General Secretariat for Equality, in collaboration with KETHI and the General Directorate for International Development Cooperation of the Ministry of Foreign Affairs, implemented in 2007 the program "Training Greek agencies on combating transnational trafficking". The purpose of the program was to reinforce existing structures in Greece, focusing on combating trafficking in women and girls, through the creation of properly trained staff, who will be able to handle trafficking cases in an effective manner and in compliance with modern international rules and practices in this field. A seminar was held in 2008 to present the results of the program.

491. The Counseling Centers of the General Secretariat for Equality on violence against women offer psychosocial support and legal advice to women victims of trafficking, irrespective of their age.

492. The General Secretariat for Equality, in collaboration with KETHI and the Ministry of Foreign Affairs, is implementing a number of Development Aid and Cooperation programs in the countries of origin of economic migrants and trafficking victims. Specifically:

493. The General Secretariat for Equality, in collaboration with KETHI and the Greek Family Planning Association as partner, has implemented the development aid program "Education – social exclusion – prostitution – immigration" in Albania, Moldova, Ukraine and Georgia, with a total cost of 150,000 EUR. The aim of the program is to deal with the phenomenon of social exclusion of women in these countries, unemployment, sexual exploitation and immigration-related (forced) prostitution.

494. The GSE, in collaboration with KETHI, is also implementing the development aid program "Support to regional policies against trafficking in women" in Bosnia and Herzegovina and Serbia, with a total budget of 100,000 EUR. The program aims at dealing with the phenomenon of transnational trafficking by strengthening victims, raising public awareness and training competent bodies involved in assisting and protecting the victims.

495. Moreover, the GSE, in collaboration with KETHI, is implementing the development aid program "Prevention and Support Actions to Victims of Trafficking" in Albania, with a total budget of 220,000 EUR. The program aims at taking cohesive action to raise the awareness of young people, especially women, and support the victims of transnational trafficking. The overall aims of the program is to prevent the phenomenon of trafficking in women in Albania, mainly through educational actions in schools, as well as to provide psychosocial support to victims, through the reinforcement of existing structures in the region.

496. The General Secretariat for Equality and the UNHCR Office in Greece signed on 5 July 2005 a new, revised Memorandum of Understanding, aiming at jointly promoting the rights of women and girls who have been granted or applied for asylum or have been granted humanitarian status in Greece. The implementation of the Memorandum aims, inter alia, at ensuring procedures to identify the most vulnerable cases of asylum seeking women and girls, including victims of trafficking.

497. Furthermore, the General Secretariat for Equality cooperates with NGOs to counter the phenomenon of trafficking in human beings and finances relevant actions.

### **7. Juvenile justice (para. 79)**

498. According to article 127, Penal Code, as amended by article 8, Law 3189/2003, reformatory measures are imposed when there is a need for deterring a minor from re-offending. Such a measure is imposed following an investigation of the circumstances under which the offence was committed and an evaluation of the minor's personality as a whole. Detention of minors in special detention institutions is effected on pedagogical grounds and aims at the social reintegration of minors. The duration of the above detention is specifically set forth in the relevant court judgment.

499. Furthermore, following an increase in the age of criminal liability from 17 to 18 years (article 121, Penal Code), article 130 of the Penal Code has also been amended. More specifically, if a minor who has attained 13 years of age has committed a criminal act and is committed for trial after having attained the age of 18, the court may, instead of detention in a special detention institution, impose the sentence provided for the relevant offence, however reduced, according to the provisions of article 83, Penal Code. As a general rule, such persons are detained separately from other adult prisoners.

500. Article 131, Penal Code, refers to the execution of the above sentence after the completion of the 18<sup>th</sup> year of age: "If the person convicted to being confined in a special detention institution for young persons has attained the age of 18 before execution of the sentence, the trial court, if it considers that such confinement is not expedient, may replace the latter with a sanction provided for in the said article 130, Penal Code. If the person convicted has attained the age of 21, replacement of such restrictive measures is mandatory (article 131, para. 2). Paragraphs 2 and 3 of article 130, Penal Code, apply also in cases of article 131, Penal Code).

501. Article 129, Penal Code, provides for the minor's conditional release, upon completion of half of his detention sentence in a special detention institution.

502. Finally, according to article 133, of the Penal Code, persons who have attained the age of 18 but not the age of 21 are characterized as 'young adults'. They may be treated with clemency and their sentence may be reduced. They are detained separately from other adult prisoners.

503. According to article 18, Penal Code, an offence punished with detention in a special detention institution for young persons is considered as a misdemeanor; the above sanction is characterized as a penalty of deprivation of liberty according to art. 51, Penal Code. The duration of confinement in the said special detention institution may not exceed 20 years, according to article 54 of the Penal Code and may not be shorter than 5 years, if the law punishes the offence that has been committed with a penalty of deprivation of liberty of more than 10 years.

504. It should be noted, however, that on the grounds of clemency towards minors, Juvenile Courts impose sentences longer than 10 years to minor offenders very

rarely. Specifically, following a research in the records kept by the biggest juvenile court in Athens, from 1997 to 2004, there have been only 25 cases where sentences of over 10 years have been imposed. In cases such as the above, the institution of conditional release applies, under the conditions mentioned above (article 129, Penal Code). Therefore, even in cases of sentences exceeding 10 years, the minor has in fact the possibility to be released from the detention institution, in pursuance of article 129, Penal Code, sooner than the lapse of 10 years.

505. According to paragraphs 3, 5 and 11 of article 282 of the Code of Criminal Procedure, pre-trial detention may be imposed on a minor offender who has attained the age of 13, if the act that he is accused of, is punishable by law with imprisonment of at least 10 years.

506. Restrictive conditions may also be imposed on a minor who has attained the age of 13, throughout the pre-trial procedure, if there is evidence against him/her of being guilty of a felony or a misdemeanor punishable with imprisonment of at least 3 months, and if his/her restriction is considered to be absolutely necessary to ensure that the minor shall present himself/herself in interrogation or in court and that he/she shall be subject to judgment enforcement.

507. Restrictive conditions, if violated, may be replaced by detention, according to article 298, Code of Penal Procedure. Failure to put up bail may not by itself lead to provisional detention

508. According to article 35, Penitentiary Code (Law 2776/1999), training of young detained persons aims at giving the above persons the opportunity to acquire or complete education of all grades, as well as vocational training.

509. Provisions related to the education / training of minors who are confined in institutions are included in article 17, Law 2298/1995.

510. If they so wish, young detained persons attend educational units, operating both within detention premises (Primary, Secondary School, Vocational Training Institution) and out of detention premises, in institutions of Secondary or University Education or Vocational Training Institutions, making use of training leaves (article 58, Penitentiary Code). They may also be enrolled in the High School of the area where detention premises are situated; they present themselves as “individually taught” and participate in promotion and graduation exams for the awarding of the related title of attendance. They may also participate in educational programs, vocational training, creative occupation and psychological support programs.

511. On 17/10/2003, Law 3139/03 took effect on “the reform of juvenile penal legislation” whereby minor offenders’ penal treatment has been amended as detailed hereunder:

512. Firstly, the age of criminal responsibility has changed. The minimum age limit has been set to 8 years completed (instead of 7 years) and the maximum age limit has been set to 18 years (instead of 17 years). Furthermore, prior distinction of minors in children and adolescents has ceased, since the CRC considers “any human being younger than 18 years’ old” as a ‘child’. Where deemed necessary (articles

126, 127, Penal Code), the abovementioned distinction has been maintained, depending on age.

513. According to article 126 of the Penal Code, minors between 8 and 13 years are not considered criminally liable; if they commit any punishable act, they are only imposed educational or therapeutic measures. Finally, minors who have attained the age of 13, if they commit any punishable act, are imposed educational or therapeutic measures, unless the imposition of criminal sanctions is deemed necessary, in accordance with the abovementioned article 127, Penal Code.

514. Article 122, Penal Code, provides for the addition of scalable (progressive) reformatory measures, which are by order of priority as follows:

- reprimand;
- placing the minor under the responsible supervision (custody) of parents or guardians
- placing the minor under the responsible supervision of a foster family
- placing the minor under the responsible supervision of a society for the protection of minors, an institution for minors or minors' probation officers
- conciliation between a minor offender and the victim for pardoning purposes and extra-judicial settlement of the consequences of the act
- compensation of the victim or reparation of the damage
- community service by the minor
- participation of the minor in social and psychological programs in state, municipal, communal or private institutions
- professional or vocational training of the minor
- road-traffic education
- assignment of the minor's intensive custody and supervision to protection societies or probation officers and
- placement of the minor in an appropriate state, municipal, communal or private institution.

515. In exceptional cases, two or more of the abovementioned measures may be imposed; the court has to determine in its judgment the maximum duration of any reformatory measure (article 122, par. 3, Penal Code).

516. Article 123 of the Penal Code has also been amended and provides for therapeutic measures imposed if the minor's condition requires a particular treatment, especially if he/she suffers from a mental or pathological disease or any situation causing grave physical dysfunction or is addicted to drugs or alcohol or presents any abnormal retardation or difficulties in his mental and moral development. Such therapeutic measures include: a) placing the minor under the responsible custody of his/her parents or a foster family, b) placing the minor under the custody of societies for the protection of minors or probation officers, c) minor's attendance of a consultative therapeutic program and d) minor's referral to a therapeutic or other institution. Measures (a) and (b) may exceptionally be imposed in combination with measure (c). Such measures are ordered following diagnosis and opinion by a specialized group of physicians, psychologists and social workers, who are employed with a unit of the Ministry of Justice or health centers or state hospitals. As regards minors who are addicted to drugs and they can not shed this habit on their own, before imposing the above mentioned measures, the court orders a psychiatric

evaluation and lab tests. Therapeutic measures may be lifted or replaced after an opinion of a group of specialized scientists (article 124, par. 2), whereas reformatory measures may be replaced by therapeutic measures by the court (art. 124, par. 3).

517. The expediency of reformatory and therapeutic measures is reviewed within one year from their imposition by court, as they cannot be imposed indefinitely. Article 125 of the Penal Code, provides that reformatory measures cease ipso jure when the minor attains the age of 18; only, upon a reasoned court judgment they may be extended up to the age of 21 years. Therapeutic measures may be extended after the 18<sup>th</sup> year of age, following an opinion of the said group of specialized scientists up to the age of 21 years.

518. A novel provision (article 45A) has been added to the Code of Criminal Procedure, whereby a Public Prosecutor may abstain from prosecuting a minor on condition that

a) the minor has committed an act which would be characterized as ‘petty offence’ or ‘misdemeanor’ if committed by an adult and b) prosecution is not considered to be necessary for the said minor to refrain from committing new punishable acts. In such cases, the Public Prosecutor may impose one or more reformatory measures (article 122, Penal Code) and the payment of 1000€ to a non-profit or charity legal entity, determining a time limit for compliance to the said order. If the minor complies with such measures and obligations, the Public Prosecutor places the case on file and states to the Public Prosecutor at the Appeals Court the reasons that led him/her to abstain from prosecution. In any contrary case, the Public Prosecutor initiates prosecution.

519. Article 4 of Law 3189/2003 amended article 113 of the Code of Criminal Procedure on “Juvenile Courts”. Now juvenile courts rule on criminal acts committed by minors aged 13 to 18 years, as follows: A) the one-member Juvenile Court tries: a) acts committed by minors, save for any acts ruled by the three-member Juvenile Court, B) petty offences committed by minors within the jurisdiction of the First Instance Court and C) appeals against Juvenile Magistrate Court judgments. The one-member Juvenile Court rules on punishable acts committed by minors, for which confinement in a special detention institution for young persons that must be imposed is at least 5 years. The Juvenile Appeals Court rules on appeals against judgments rendered by one- member and three- member Juvenile Courts that operate within First Instance Courts .

520. Article 130, para. 3 of the Code of Penal Procedure has further amended a minor’s treatment by the court if he/she participated in a crime together with adults. For minors under the age of 16, prosecution is at all times separate and such minors are judged by Juvenile Courts. As a general rule, the same applies to minors aged 16 to 18. However, for such minors, if they have committed misdemeanor offences, their case may be ruled by the court which has jurisdiction over the participant who entails the strictest sentence. In this case, the Public Prosecutor must commit the minor to trial by direct referral and must render a reasoned decision mentioning the specific reasons that trial separation is not expedient, on grounds related to the interests of justice. In all instances, a special juvenile judge participates if possible. However, the court may order separation of this case as well (minors from aged 16 to 18). According to article 18, para. 4 of Law 1729/87 on drugs, in any case of a minor’s participation in the criminal acts mentioned in the said law or in any case of

relevance between any criminal act committed by a minor with punishable acts mentioned in the said law committed by adults, the case is always separated for the minor.

521. Finally, article 489, par. 1, 2 of the Code of Criminal Procedure was amended by article 4, Law 3189/2003. An appeal may be filed against a judgment rendered by the one- or three- member Juvenile Court, whereby the minor was convicted to being confined in a special detention institution for young persons, regardless of the duration of the sentence. Any minor who, when committing a punishable act, had attained the age of 13 but was put to trial after having attained the age 18, has the right to lodge an appeal if he/she had been convicted, according to article 130, Code of Penal Procedure, to a sentence of deprivation of liberty of more than 60 days, if the judgment was rendered by the one- member Juvenile Court, or more than 4 months, if a judgment was rendered by the three- member Juvenile Court, or if he/she had been convicted to any sentence depriving him/her of his/her civil rights or incurring his/her forfeiture from any public, municipal or communal service or rendering him/her unable to be appointed to such service or any sentence entailing serving longer than 4 months, that may be suspended or entailing said deprivations or incapacitations).

522. The number of Juvenile Probation officers who serve in courts all over the country has been increased from 86 in 1998 to 94 as of 31/12/2004.

523. No training programs have been implemented with regard to juvenile justice and children's right to personnel employed by Ministry of Justice or engaged with the administration system of juvenile penal justice. However, the Ministry of Justice intends to implement training of such personnel in the near future, through European programs.

524. Candidate judges who attend the National School of Judges are currently trained in issues of juvenile justice and minors' rights. Seminars have been planned to be staged for court officials who serve with Courts and Public Prosecution Offices all over the country.

525. Begging has not yet been decriminalized as an offence pertaining to minors

### **IX. Ratification of the Optional Protocols**

526. Greece has ratified both Optional Protocols to the CRC. The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts was signed on 7 September 2000 and ratified by virtue of Law 3080/2002. The Optional Protocol on the sale of children, child prostitution and child pornography was signed on 7 September 2000 and ratified by virtue of Law 3625/2007.

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