



ALTERNATIVES TO CUSTODY FOR YOUNG OFFENDERS

NATIONAL REPORT ON JUVENILE JUSTICE TRENDS

Greece



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A. Informational Overview of the Greek Institutional Framework

Combined with improvements introduced by recent legislation in 2010 (Act 3860/2010 and Act 3904/2010), juvenile penal justice reform in Greece in 2003 (Act 3189/2003) absolutely aligned penal treatment of juveniles with main Conventions (the UN Convention on the Rights of the Child, Act 2101/1992 and others), frame-work decisions and Recommendations of the European Union, the Council of Europe and the United Nations and the world-wide tendency for diversion and de-institutionalization of juvenile delinquents between 8 and 18 years of age.

Contemporary juvenile justice in Greece revolves around the merging of the welfare and justice models, at the same time promoting the protection and education of the minor as well as procedural safeguards and rights in the course of the legal process.³

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3 More information about the Greek Juvenile Justice System in *Spinellis, C.D. / Tsitsoura, A.*, "The Emerging Juvenile Justice System in Greece", *International Handbook of Juvenile Justice*, p.p. 309-324, 2006, Springer, 2006, *Spinellis, C.D.*, "The Juvenile Justice System in Greece", *Centro di Studio e di Ricerca sulla Giustizia Minorile, Università degli Studi di Macerata, 1st Volume*, Giuffrè Editore, 2007, *Kourakis, N.*, "Juvenile delinquents and society. A study of the fundamental values, institutions and juvenile delinquency in Greece", *European Studies in Law*, Athens: A.N.Sakkoulas., 1999, *Katsigaraki E.* Ministero della Giustizia, Greece, *Pelliccia M.T.*, Ministero della Giustizia, Italy, *Baliktsioglou C.* [ARIS Greece]...etc., European programme "JUST" JLS/2008/ISEC/AG/097, "MANUAL FOR TRAINERS Development of child rights based methods of intervention to prevent juvenile crime and promote reintegration of young offenders in Italy, Greece & Romania". PUBLISHED BY SAVE THE CHILDREN ITALIA - SEPTEMBER 2011

Specifically

According to the new rules, juveniles of 8 – 13 years of age are not penally liable. Those of over 13 years to 18 years are penally liable in exceptional cases. According to these amendments (a) children of less than 8 years of age who violate the penal law are now under the jurisdiction of welfare services, and (b) youngsters above 17 and below 18 are under the jurisdiction of the Juvenile Court and are neither referred to the Criminal Courts nor are they sentenced to adult penal sanctions. This is in accordance with modern views concerning penal treatment of young adults.

There is one Juvenile (or Youth) Court in each First Instance Court District backed up by a Juvenile/Youth Probation Service. Juvenile judges and public prosecutors serve a three-year term on a non-exclusive basis (with the exception of the Athens Court due to its heavier judicial caseload). This service, however, is assigned to professionals with specialised knowledge in child psychology and other behavioral sciences.

In Greece there are three types of juvenile courts: the One – Member Juvenile Court, the Three – Member Juvenile Court and the Juvenile Court of Appeals. The Court's jurisdiction is based on the characterization of the offence in the PC (Penal Code) as a felony, misdemeanour or infringement.

Juvenile/Youth Probation Services are an established institution with permanent staff members, i.e., highly qualified supervisors of minors (or Juvenile/Youth Probation Officers), originating from the field of social sciences (sociologists, social workers), psychology, law and criminology.⁴ The staff assume uniform duties such as: (a) on a pre-trial level, the carrying out of a social study for the understanding of the personal, family and the social status of the juvenile and the determination of the juvenile's needs (so that the appropriate rehabilitative treatment be applied) including direct intervention as well as (b) on a post-trial level, the application of a non-custodial educative treatment, i.e., the supervision of the implementation of all educative measures and especially that of probationary supervision, frequently until adulthood.

Act 3189/2003 introduced the following reformatory / educative measures as alternatives to detention for young offenders (art.122 PC).

01. Reprimand or Warning.
02. Probationary supervision / Intensive custody by an institution or a Juvenile Probation Officer.

⁴ *Katsigaraki E.* :“The Profile Of Juvenile Offenders That Went To The Juvenile Courts Of The Country During The Judicial Year 2009-2010” 12th Annual Conference Of The European Society Of Criminology “Criminology In The 21st Century: A Necessary Balance Between Freedom And Security”. Bilbao 12- 15.09.2012.

03. Placement under parental supervision/custody or under the supervision of a guardian.
04. Responsible supervision of foster family.
05. Participation of the minor in a social or psychological (mental health or substance rehabilitation) or educational program offered by public, municipal or private services, usually in the form of supplementary conditions combined with probationary supervision.
06. Professional or other training.
07. Special traffic training programs.
08. Mediation between the minor and his/her victim(s) as well as payment/compensation to the victim(s), usually in the form of supplementary condition combined with probationary supervision.⁵
09. Community service.⁶
10. Placement of juvenile in a special educational public institution.

There are also provided therapeutic measures such as participation in an open or day – care therapeutic program and placement in a therapeutic or other adequate closed institution.⁷ This kind of measure is only ordered after a professional diagnosis and advice by a specialised team consisting of a psychiatrist, a psychologist and a social worker.

Furthermore, the above mentioned new legislation allows the Prosecutor for Minors to refrain from penal prosecution of a minor for petty offenses or misdemeanours of low moral or social gravity and to impose if deemed necessary, educative measures, with the contribution of the Juvenile/Youth Probation Service (art. 45A CPP, [Code of Penal Procedure]). For example, if a child commits domestic violence offences, the public prosecutor can decide not to institute criminal proceeding. Before making such decision, the child must be allowed to express his/her views. In this case the prosecutor may also decide to impose upon the child one or more of the restorative measures provided in the CP and the payment of 1000 Euros to a non – profit organization. The prosecutor sets the period within these measures will have to be complied with.

5 This measure falls within a restorative justice framework.

6 This measure falls within a restorative justice framework.

7 *Katsigaraki E.*: “The Profile of Juvenile Incarcerated Drug User in Greece”, 2011-2012 European Society for Social Drug Research. Athens, 4 – 6 October 2012.

According to the Greek Juvenile Penal System there is provision for detention and in particular:

- Placement in a Special Detention Institution for Youngsters (art.122 PC) as an educational measure.
- Placement in a Penal Educational Institution (art.127 PC) as a special sanction.

There is also an option to convert a deprivation of liberty measure into a monetary fine, which may concern young adults who have committed an offence before the age of 18 but tried after their 18th birthday (art.130 PC).

Presently, the educative rehabilitative treatment constitutes the main choice for the Youth Court as since 2010 the deprivation of liberty as a special penal sanction has solely been restricted to violent offenses, crimes against life or physical integrity, offenses performed on a professional basis or habitual offenses, provided that the offender is over 15 years of age (art. 126, 127 PC).

Additionally, minors may file an appeal against a decision dictating rehabilitative measures and penal incarceration (art. 489 CPP) while for criminal offenses, the appointment of legal counsel is mandatory (art. 340 CPP).

Diversion and restorative justice, new in the Greek legislation concerning children 8-18 years of age, have been developed in most countries in the last decades. The dubious success of penal measures; the stigmatisation of the convicted person; the need to diminish the burden on the criminal justice system are among the factors which led theoreticians and practitioners of the penal and criminological fields to seek solutions to the conflict created by the offence through dialogue and conciliation between the offender and victim.⁸

Although non-custodial measures already existed in the Greek Penal Code of 1950,⁹ new ones such as mediation, and placing the minor in a foster family or community service, have been introduced.

In practice, victim-offender-mediation (VOM) takes place in offences prosecuted upon complaint of the victim and the probation officer plays a crucial role. Under Greek law, VOM is provided in two additional instances, by initiation of the judiciary: (a) when the prosecutor in the case of certain minor offences suspends prosecution, or (b) when the juvenile court judge imposes VOM as an educative measure, instead of probationary supervision, community service etc.

8 *Tsitsoura A.*, "Mediation en matiere penale, Nouvelles perspectives de politique criminelle", In: volume to honour Prof.Dr.Dionysios Spinellis, Athens/Komotini, 2001, 1145 et seq.

9 *Tsitsoura A.*, "Community Sanctions and Measures". In: H.-J.Albrecht/A.Kalmhout , Community Sanctions and Measures in Europe and North America, 2002, 271 et seq.

This kind of mediation presents two considerable advantages. Firstly, it provides safeguards for the fair treatment for the juvenile offenders within the formal justice system. And secondly, this legal structure does not require the pre-existence of mediation societies or individual mediators. The juvenile probation officers who work in each juvenile court of the country undertake this task. Ideally, however, this solution should be seen as a transitional stage, because probation officers are not trained to play that role. In Greece most of them did not even go through a special training course before or after the enforcement of the new legislation (Act 3189/2003). In addition, the juvenile probation service is already understaffed and overloaded. Nevertheless, it is important that penal mediation exists and now various professional associations and especially those of juvenile probation officers are creating pressure groups which aim to mobilise the Ministry of Justice to train penal mediators.¹⁰

In Greece, an important application example of foster care for young offenders is the Court Decision n. 3451/2009 which placed the care of a young male offender, aged 15, under the supervision of a foster mother¹¹. However the application of law on foster care for young offenders brings to light a number of problems related to this innovative institution.¹²

The issues which arise during the application of the measure are, amongst others, the fact that the young delinquent also remains in the care of his/her natural family, raising conflicts on supervision and guidance for the youth in question. Additionally, if the youth continues to live in an abusive and dysfunctional family, any intervention cannot be effective or sustainable as any impact is affected and harmed by the general family dysfunction.

Remand foster carers should be provided with adequate financial allowances that reflect the cost of caring for each young person, taking into account the complex tasks and the possible difficulties and damage caused by a young person inside and outside the home. Although fostering recommends a base line fee for foster carers / foster families for the work they do, according to their experience and training as well as an allowance to cover the expenses of looking after a child based on age and recognising the special needs of

10 *Spinellis, C.D.*, "The Juvenile Justice System in Greece", Centro di Studio e di Ricerca sulla Giustizia Minorile", Università degli Studi di Macerata, 1st Volume, Giuffrè Editore, 2007.

11 This particular young offender had shown repeated delinquent and violent behavior and he had a brother who presents the same behavior. Both children lived in an environment of intense domestic violence. Before the sentence of the court, meetings were held between the young defendant, the natural and the foster mother with the presence of the probation officer who has proposed the fostering. During these meetings the details of the foster care as non – custodial measure were explained, in order to obtain the consent of the young offender and facilitate the whole process. The foster mother was responsible for monitoring the educational progress of the minor and supporting him to participate voluntarily to in psychotherapeutic programs. The application of this fostering measure was supervised for a year, but the foster mother continues to support till today both the two brothers. This case could be considered a good practice to strengthen, into the Greek juvenile justice system, the institution of foster care as an alternative penal measure.

12 *Velentza – Karouzaki S.*, "The Institution of Foster Care in Greece - Legislation, Experiences and Reality. The work field of Roots Research Center", European Congress in Gmunden 2005, *Giannarou L.*, (2013), "Greek foster care failing children", http://www.ekathimerini.com/4dcgi/_w_articles_wsite6_1_24/11/2013_529051.

fostered children, there is no regulation or funding to ensure that this is the case.

On the other hand, the training of foster carers should be an integral part of the induction and development of individuals as carers. In addition to the basic training foster carers are required to complete, remand foster carers should be trained and skilled in a variety of issues that relate specifically to the supervision and care of young people involved in the criminal justice system. In addition, foster care cannot be properly applied if there is no training or resources allocated to professionals in charge of the institution.

Moreover, there are no significant national campaigns for public awareness on the issues of foster care and general information on the institution is confusing and scarce. But in order to successfully attract carers it is necessary to publicise the need for and effectiveness of local citizens as foster carers. Prospective applicants need to be provided with detailed information about what being a remand foster carer entails. There is also a need to emphasise the fact (proven by international research), that not only is remand foster care a cheaper option than custodial facilities, but more importantly, it has the potential to bridge the gap between the services of the child welfare system and the demands of the criminal justice process. The creation of a national register of foster families could facilitate the operation of this institution.

The order of community service is a fairly new concept in the criminal justice system in Greece. This order is a noncustodial punishment which acts as an alternative to the custodial measures.¹³ It is expected that inciting the minor to contribute to the welfare of the community may have an educative value. The consent of the minor or of his/her parents is not necessary (although efforts will be made by the Court to find a consensus, given that intense opposition of the minor will result in an ineffective measure).

Even though there are several existing legal provisions pertaining to community service in the Greek penal system (juvenile justice system included), their application is still ambiguous, particularly regarding how community service orders will be imposed and applied.¹⁴ A recent Ministerial Decision (n. 1080730ικ/12/2013) somewhat alleviated this problem by defining the civil, local and non-profit organizations where the young offenders could offer their work.

According to the above mentioned decision, community service orders there attempt to achieve proportionality between the seriousness of the offence, the type of the community service and the number of hours worked, with other factors taken into account, such as the personality, the age etc. of the young offender. In this way the community service program operates within a protective model as an alternative to institutionalization,

13 *Katsigaraki E.*: "Is the European Juvenile Justice in crisis? Increasing public safety, improving cost-benefit and juvenile justice outputs" The example of Greece"
3rd Meeting of the European Council for Juvenile Justice Investing in Children: ensuring effective and efficient youth justice systems in time of crises. London 7-9 November 2012.

14 *Anagnostaki, M.* (2011) "Community service in Greece: sentencing practices, the role of the prosecution service and local authorities", *European Journal of Criminology*, Vol.8(2):157-166.

which allows orders to be individualized with the best interests of the minor in mind.

There is also collaboration between the judicial authorities and the juvenile/youth probation officers, working closely with community organizations, in order to guarantee a successful supervision of the young offender. The Prosecutor of the Court undertakes to communicate with the organization where the young offender will offer his/her work as well as with the probation officer (responsible supervisor of the minor) and the Prosecutor of the region where the community service will be offered (responsible for the supervision of the good performance of the measure and in constant contact with the Ministry of Justice).

The Probation officers monitor offender job performance either through constant or periodic supervised visits. Probation officers may also serve offenders by helping them resolve on-the-job problems. They have to prepare a monthly report on the progress of the measure, which must be notified to the prosecutor responsible and to the Directorate of Prevention of Juvenile Delinquency and Correctional Treatment of Minors, Ministry of Justice of Greece.

It should also be noted that the young offender has to negotiate and sign an agreement (with his/her supervisor) where he / she completes a number of tasks during his or her probation period. This agreement has to be communicated to the Department of Juvenile Crime Prevention of the Greek Ministry of Justice. If the youth fails to meet the terms of the signed agreement, they will end up returning to court for a replacement of this measure and probably for a harsher sentencing.

It is true that the basic principles of community service, including its purpose, nature, appropriateness and effectiveness detailed in the above mentioned Ministerial Decision, support the culture to develop a scheme which will provide the Greek Juvenile Courts with a viable option for the treatment of young offenders.

B. Sentencing Patterns

The statistical part of the present analysis refers to sentencing issues of the judicial years 2009 – 2013 including some important notes about the judicial year 2012 - 2013. These statistics result from the collection and processing of data into statistical information by the Directorate of Prevention of Juvenile Delinquency and Correctional Treatment of Minors, Ministry of Justice of Greece. The approach to data collection involved questionnaires and the relative quantitative or qualitative informations provide a picture of the young delinquency and sentencing patterns in Greece through the following graphs.

First of all it is noteworthy that during the judicial years 2009 - 2013 there has been a gradual reduction in cases before the One-Member Court, whereas we observe an upward trend in the number of cases of the Three-Member Court (**Tab.1a, 1b**). The reduced number of cases before the single judge may be due to a combination of factors, such as reduced arrests of minors who commit light offenses or the increased enforcement of Diversion measures. On the other hand the increase in cases before the Three – Member Court probably indicates increased arrests of serious juvenile offenders and / or an increasing of serious juvenile delinquency.

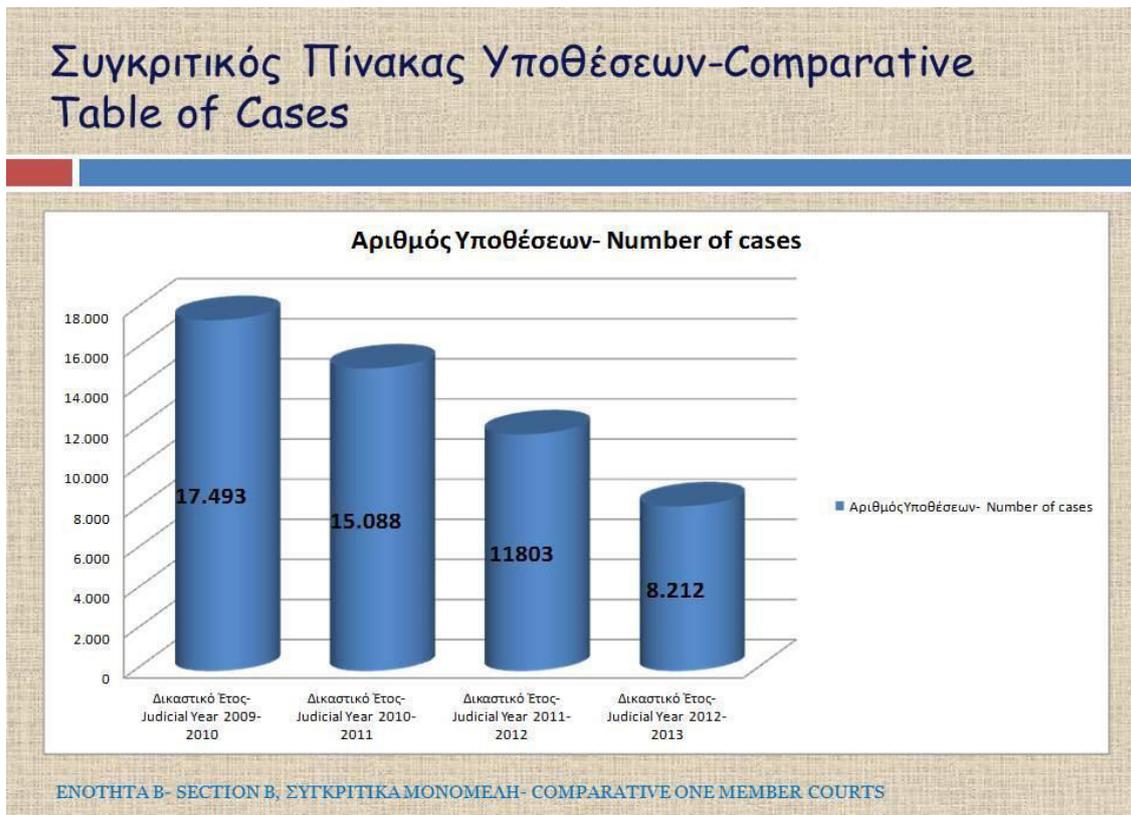


Table 1a: [Source: Directorate of Prevention of Juvenile Delinquency and Correctional Treatment of Minors, Ministry of Justice of Greece]

Συγκριτικός Πίνακας Υποθέσεων-Comparative Table of Cases

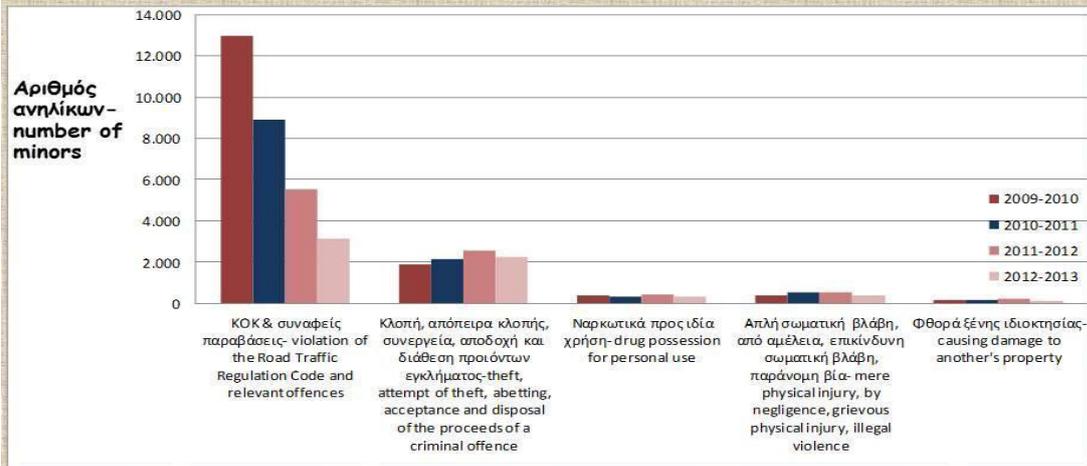


ΕΝΟΤΗΤΑ Β- SECTION B, ΣΥΓΚΡΙΤΙΚΑ ΤΡΙΜΕΛΗ- COMPARATIVE THREE - MEMBER COURTS

Table 1b: [Source: Directorate of Prevention of Juvenile Delinquency and Correctional Treatment of Minors, Ministry of Justice of Greece]

During the judicial years 2009 – 2013 the single-judge youth court has dealt with a wide range of cases, but the most common ones were: violation of the Road Traffic Regulation Code, theft, possession of drugs for personal use, physical injury and impairments of private property. Cases tried in the three-member bench mainly referred to crimes of theft and breaches of drugs law's provisions, physical injury and abuse of sexual dignity, road traffic violations (Tab.2a,2b, Tab.3a,3b).

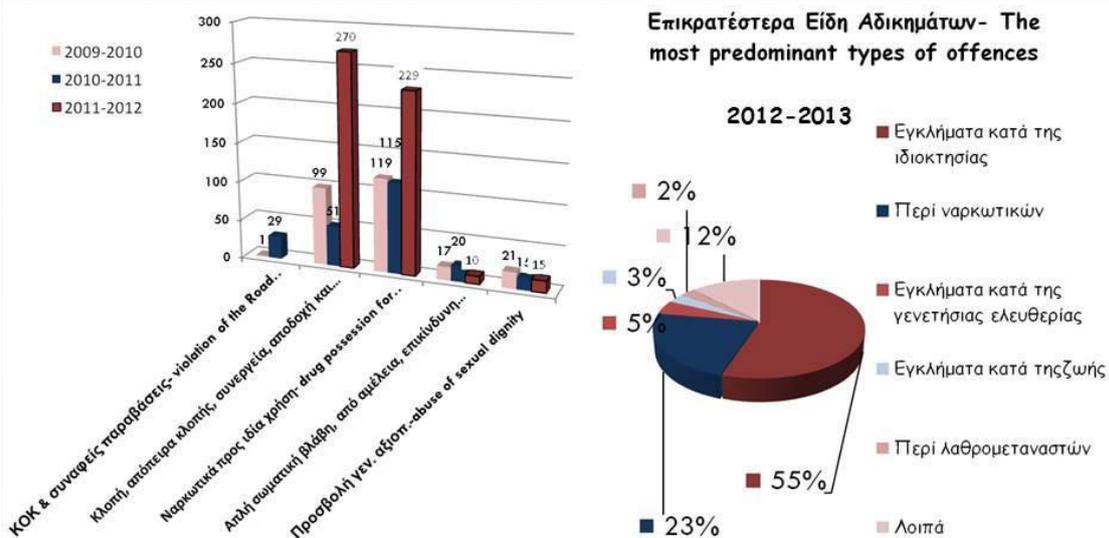
Συγκριτικός Πίνακας Αδικημάτων- Comparative Table of Type of Offences



ΕΝΟΤΗΤΑ Β- SECTION B, ΣΥΓΚΡΙΤΙΚΑ ΜΟΝΟΜΕΛΗ- COMPARATIVE ONE MEMBER COURTS

Table 2a [Source: Directorate of Prevention of Juvenile Delinquency and Correctional Treatment of Minors, Ministry of Justice of Greece]

Συγκριτικός Πίνακας Αδικημάτων- Comparative Table of Type of Offences

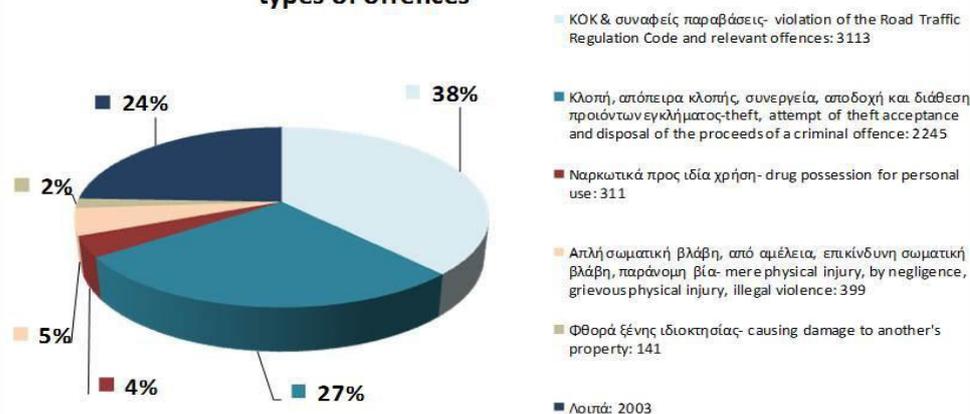


ΕΝΟΤΗΤΑ Β- SECTION B, ΣΥΓΚΡΙΤΙΚΑ ΤΡΙΜΕΛΗ- COMPARATIVE THREE - MEMBER COURTS

Table 2b [Source: Directorate of Prevention of Juvenile Delinquency and Correctional Treatment of Minors, Ministry of Justice of Greece]

ΜΟΝΟΜΕΛΕΣ ΔΙΚΑΣΤΗΡΙΟ-ONE MEMBER COURT
ΚΑΤΑΝΟΜΗ ΑΔΙΚΗΜΑΤΩΝ ΓΙΑ ΤΟ ΔΙΚ. ΕΤΟΣ 2012-2013- DISTRIBUTION
OF OFFENCES FOR JUDICIAL YEAR 2012-2013
N= 8.212

Επικρατέστερα Είδη Αδικημάτων- The most predominant types of offences

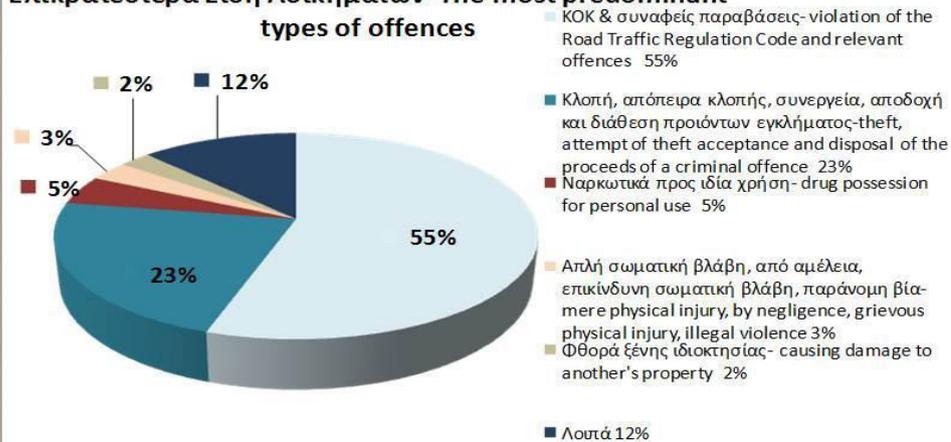


ΜΟΝΟΜΕΛΗ ΔΙΚΑΣΤΗΡΙΑ-ΕΝΟΤΗΤΑ Α, ONE MEMBER COURTS- SECTION A

Table 3a [Source: Directorate of Prevention of Juvenile Delinquency and Correctional Treatment of Minors, Ministry of Justice of Greece]

ΤΡΙΜΕΛΕΣ ΔΙΚΑΣΤΗΡΙΟ - THREE - MEMBER COURT
ΚΑΤΑΝΟΜΗ ΑΔΙΚΗΜΑΤΩΝ ΓΙΑ ΤΟ ΔΙΚ. ΕΤΟΣ 2012-2013- DISTRIBUTION
OF OFFENCES FOR JUDICIAL YEAR 2012-2013
N= 705

Επικρατέστερα Είδη Αδικημάτων- The most predominant types of offences

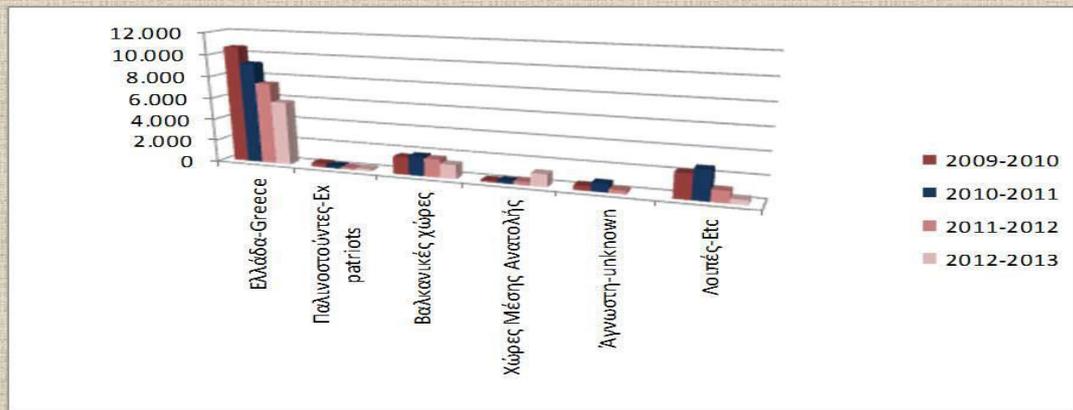


ΤΡΙΜΕΛΗ ΔΙΚΑΣΤΗΡΙΑ-ΕΝΟΤΗΤΑ Α, THREE - MEMBER COURTS- SECTION A

Table 3b [Source: Directorate of Prevention of Juvenile Delinquency and Correctional Treatment of Minors, Ministry of Justice of Greece]

The same as above mentioned period indictments considered by the single-judge court mainly referred to Greek defendants. Moreover and about a half of the cases brought before the three member bench Greeks were implicated as defendants (Tab.4a, 4b, Tab.5a,5b).

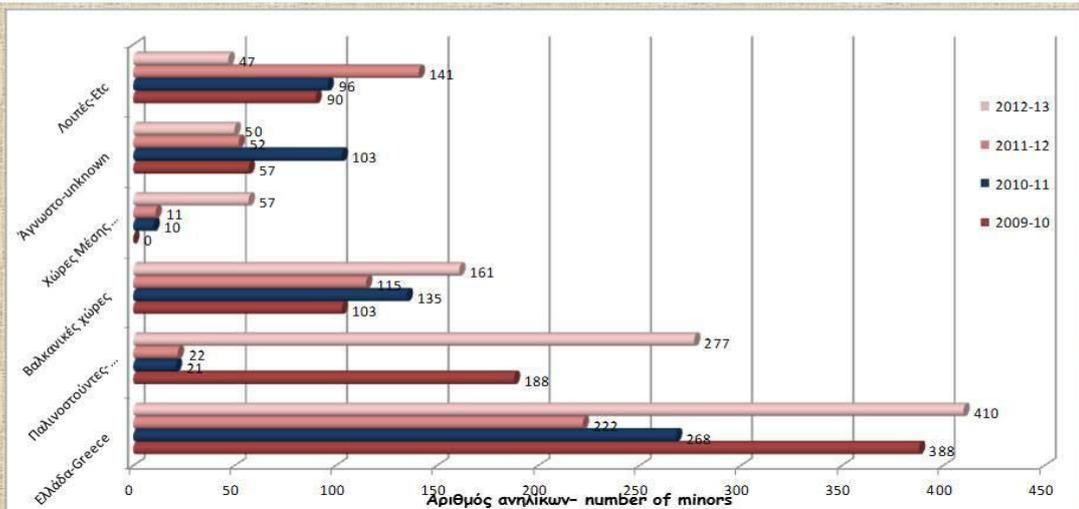
Συγκριτικός Πίνακας Χώρας Προέλευσης Ανηλίκων- Comperative table of country of origin



ΕΝΟΤΗΤΑ Β- SECTION B, ΣΥΓΚΡΙΤΙΚΑ ΜΟΝΟΜΕΛΗ- COMPARATIVE ONE MEMBER COURTS

Table 4a [Source: Directorate of Prevention of Juvenile Delinquency and Correctional Treatment of Minors, Ministry of Justice of Greece]

Συγκριτικός Πίνακας Χώρας Προέλευσης Ανηλίκων- Comperative table of country of origin



ΕΝΟΤΗΤΑ Β- SECTION B, ΣΥΓΚΡΙΤΙΚΑ ΤΡΙΜΕΛΗ- COMPARATIVE THREE - MEMBER COURTS

Table 4b [Source: Directorate of Prevention of Juvenile Delinquency and Correctional Treatment of Minors, Ministry of Justice of Greece]

**Χώρα προέλευσης-
country of origin**

•Ελλάδα- Greece: 5.805
(ROMA:1208)

•Βαλκανικές χώρες:
1.279

•Χώρες μέσης ανατολής:
1.156

•Υποσαχάρειες χώρες:
130

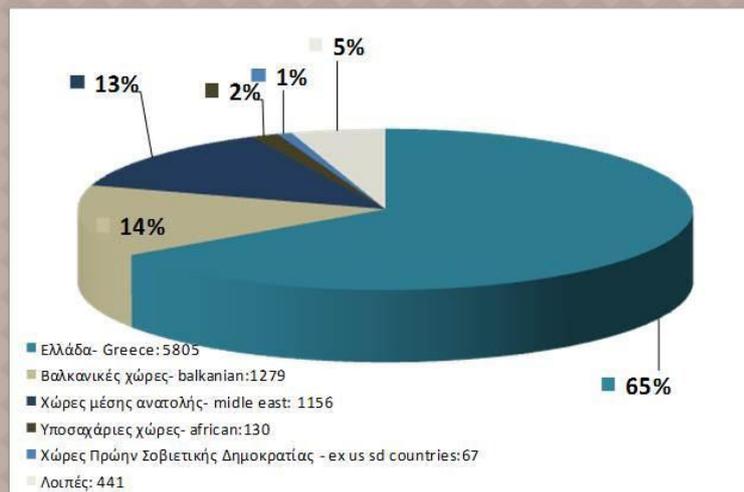
•Χώρες Πρώην
Σοβιετικής
Δημοκρατίας: 67

•Λοιπές:441

**ΜΟΝΟΜΕΛΕΣ ΔΙΚΑΣΤΗΡΙΟ- -ONE MEMBER COURT FOR JUVENILE
OFFENDERS**

ΚΑΤΑΝΟΜΗ ΧΩΡΑΣ ΠΡΟΕΛΕΥΣΗΣ ΠΡΟΣΑΧΘΕΝΤΩΝ ΓΙΑ ΤΟ ΔΙΚ. ΕΤΟΣ 2012-
2013- DISTRIBUTION OF COUNTRY OF ORIGIN FOR JUDICIAL YEAR 2012-2013

N= 8.878



ΜΟΝΟΜΕΛΗ ΔΙΚΑΣΤΗΡΙΑ-ΕΝΟΤΗΤΑ Α, ONE MEMBER COURTS- SECTION A

Table 5a [Source: Directorate of Prevention of Juvenile Delinquency and Correctional Treatment of Minors, Ministry of Justice of Greece]

**Χώρα προέλευσης-
country of origin**

•Ελλάδα- Greece: 410
(ROMA:133)

•Παλινοστούντες: 277
•Βαλκανικές χώρες:
161

•Χώρες μέσης
ανατολής: 57

•Υποσαχάρειες χώρες:
26

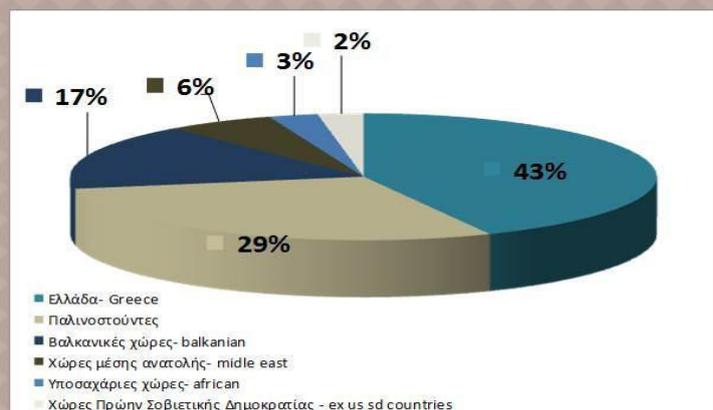
•Χώρες Πρώην
Σοβιετικής
Δημοκρατίας: 24

•Λοιπές:47

**ΤΡΙΜΕΛΕΣ ΔΙΚΑΣΤΗΡΙΟ- -THREE- MEMBER COURT FOR JUVENILE
OFFENDERS**

ΚΑΤΑΝΟΜΗ ΧΩΡΑΣ ΠΡΟΕΛΕΥΣΗΣ ΠΡΟΣΑΧΘΕΝΤΩΝ ΓΙΑ ΤΟ ΔΙΚ. ΕΤΟΣ
2012-2013- DISTRIBUTION OF COUNTRY OF ORIGIN FOR JUDICIAL YEAR
2012-2013

N=725



ΤΡΙΜΕΛΗ ΔΙΚΑΣΤΗΡΙΑ-ΕΝΟΤΗΤΑ Α, THREE - MEMBER COURTS- SECTION A

Table 5b [Source: Directorate of Prevention of Juvenile Delinquency and Correctional Treatment of Minors, Ministry of Justice of Greece]

According to the national statistical data of the judicial year 2012 - 2013 and as many other studies have suggested, the youth trial procedure remains strongly dominated by young people of low educational level, probably related with school dropping out (Tab.6a,6b).

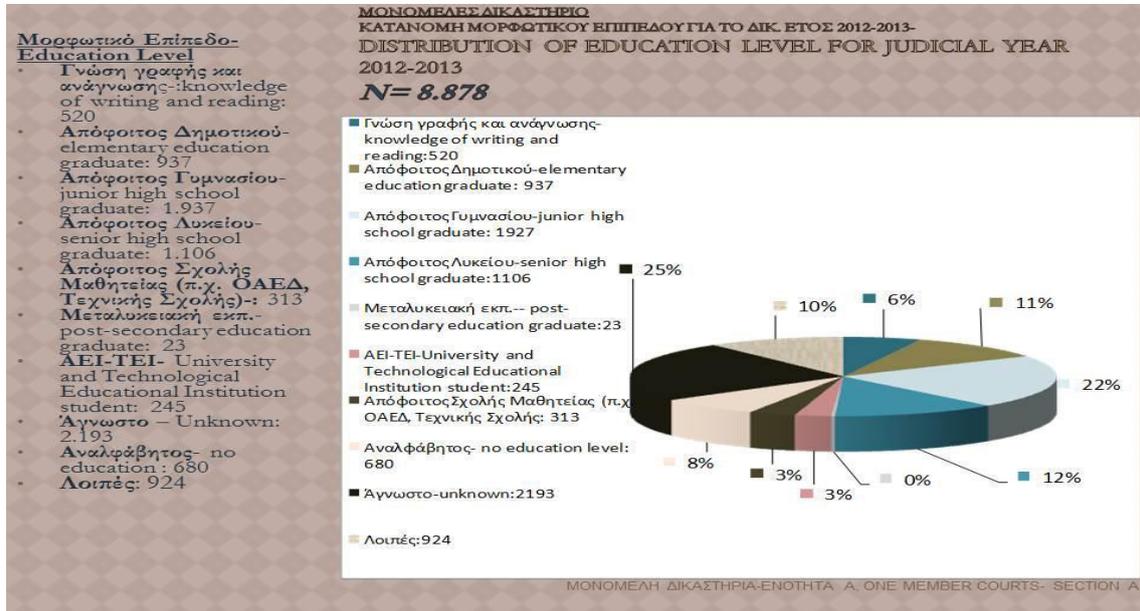


Table 6a [Source: Directorate of Prevention of Juvenile Delinquency and Correctional Treatment of Minors, Ministry of Justice of Greece]

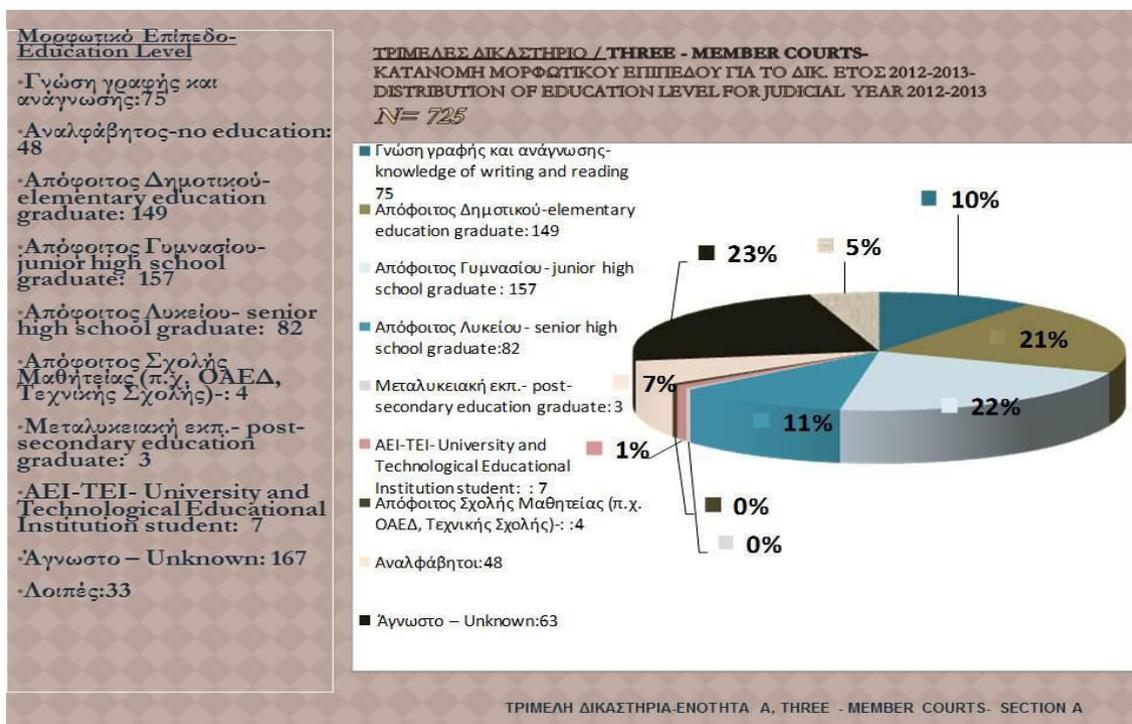


Table 6b [Source: Directorate of Prevention of Juvenile Delinquency and Correctional Treatment of Minors, Ministry of Justice of Greece]

At the judicial year 2012 – 2013 as far as cases tried in the one - member court were concerned, judgments mainly involved impositions of reprimands, reformatory measures of guardianship under the supervision of a parent/foster carer or the Juvenile Probation Officers, reformatory measures of probationary supervision alongside with the imposition of additional conditions, compulsory participation to psychological support programs and to special traffic training programs, restorative justice measures, introduction in penitentiary institutions and youth detention centers. Regarding sentences made by the three member bench, these led to the imposition of the measure of reprimands, guardianship under the supervision of the Juvenile Probation Officers, combined with other additional conditions or without them, guardianship under the supervision of a parent/foster carer and restorative justice measures, introduction to penitentiary institutions (Tab.7a,7b). It is clear that **non-custodial treatment became now the rule**. On the other hand it has to be noted that during the judicial year 2012 – 2013 a significant percentage of **29%** young defendants before one – member juvenile court and **42%** of the juvenile defendants tried in the three – member bench **experienced criminal recidivism (Tab.8a, 8b)**. This is indeed an alarming finding, which may be associated with a partial failure of the treatment type or a dysfunction during the practical application of the criminal measures.

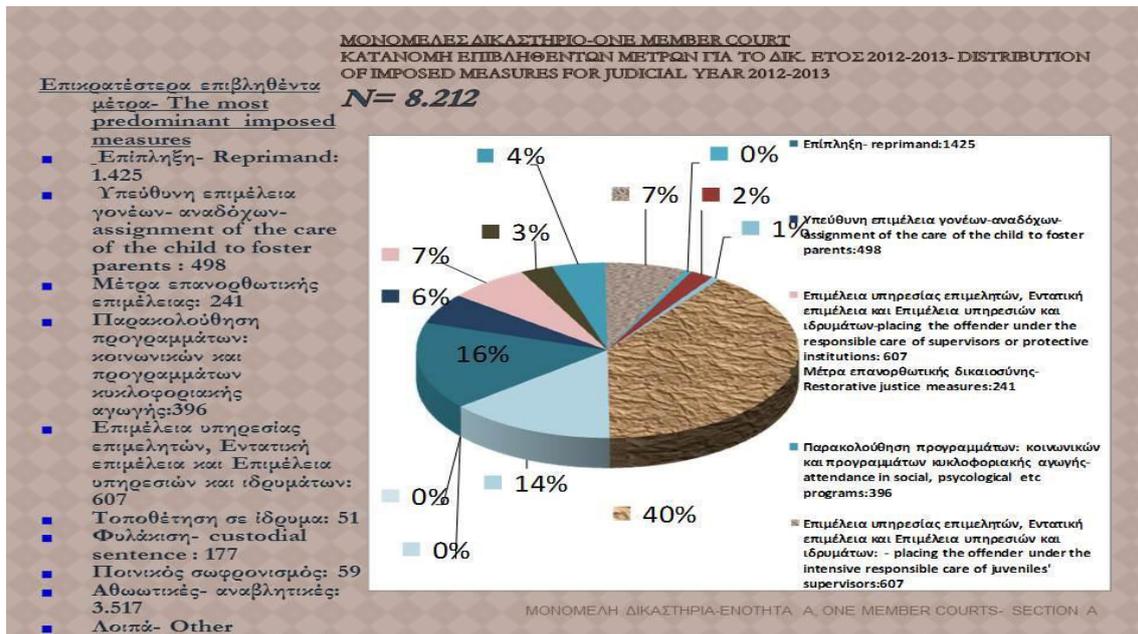
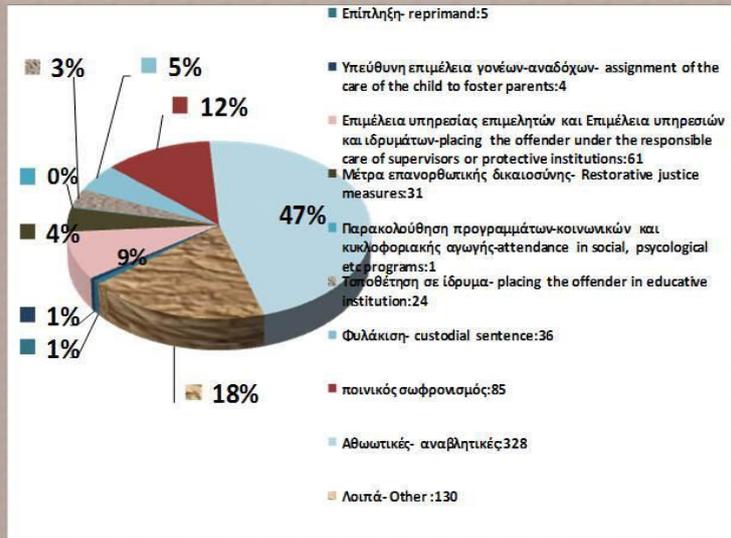


Table 7a [Source: Directorate of Prevention of Juvenile Delinquency and Correctional Treatment of Minors, Ministry of Justice of Greece]

Επιβαρύτερα επιβληθέντα μέτρα-
The most predominant imposed
measures

- Επίπληξη- Reprimand: 5
- Υπεύθυνη επιμέλεια γονέων-αναδόχων- assignment of the care of the child to foster parents : 4
- Μέτρα επανορθωτικής επιμέλειας: 31
- Παρακολούθηση προγραμμάτων κοινωνικών και προγραμμάτων κυκλοφοριακής αγωγής:1
- Επιμέλεια υπηρεσίας επιμελητών, Εντατική επιμέλεια και Επιμέλεια υπηρεσιών και ιδρυμάτων: 61
- Τοποθέτηση σε ίδρυμα: 24
- Φυλάκιση- custodial sentence : 36
- Ποινικός σωφρονισμός: 85
- Αθωωτικές- αναβλητικές: 328
- Λοιπά- Other (περιλαμβάνονται λοιπές ποινές- including acquittals, adjourning court decisions and other decisions): 130

ΤΡΙΜΕΛΕΣ ΔΙΚΑΣΤΗΡΙΟ- THREE - MEMBER COURT
ΚΑΤΑΝΟΜΗ ΕΠΙΒΑΡΥΘΕΝΤΩΝ ΜΕΤΡΩΝ ΓΙΑ ΤΟ ΔΙΚ. ΕΤΟΣ 2012-2013-
DISTRIBUTION OF IMPOSED MEASURES FOR JUDICIAL YEAR 2012-2013
N= 705



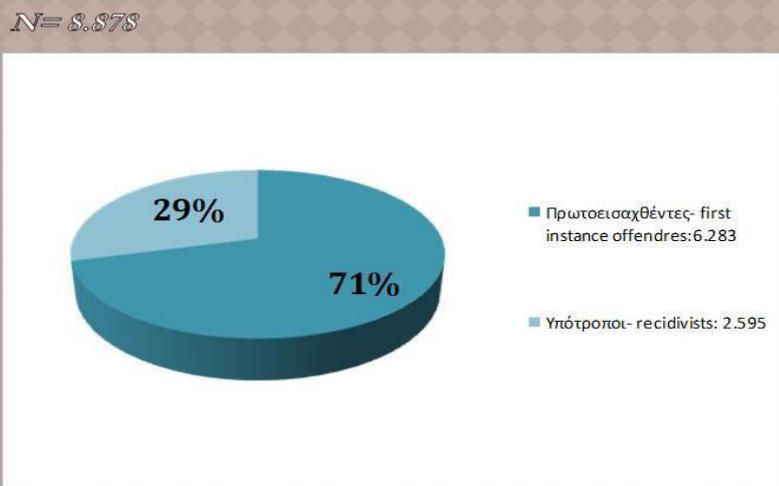
ΤΡΙΜΕΛΗ ΔΙΚΑΣΤΗΡΙΑ-ΕΝΟΤΗΤΑ Α, THREE - MEMBER COURTS- SECTION A

Table 7b [Source: Directorate of Prevention of Juvenile Delinquency and Correctional Treatment of Minors, Ministry of Justice of Greece]

Δικαστήρια με τη μεγαλύτερη
ζίνηση- Courts with the
biggest number of minors

- Αθήνα- Athens: 1.587
- Πάτρα- Patra: 1496
- Πειραιάς- Pireus : 803
- Θεσσαλονίκη- Thessaloniki: 603
- Ηράκλειο - Iraklio: 482
- Μυτιλήνη- Mitilini: 302

ΜΟΝΟΜΕΛΕΣ ΔΙΚΑΣΤΗΡΙΟ-ONE MEMBER COURT FOR
JUVENILE OFFENDERS
ΚΑΤΑΝΟΜΗ ΠΡΩΤΟΕΞΘΕΝΤΩΝ ΑΝΗΛΙΚΩΝ ΓΙΑ ΤΟ ΔΙΚ. ΕΤΟΣ
2012-2013- DISTRIBUTION OF FIRST INSTANCE MINORS FOR
JUDICIAL YEAR 2012-2013
N= 8.878



ΜΟΝΟΜΕΛΗ ΔΙΚΑΣΤΗΡΙΑ-ΕΝΟΤΗΤΑ Α, ONE MEMBER COURTS- SECTION A

Table 8a [Source: Directorate of Prevention of Juvenile Delinquency and Correctional Treatment of Minors, Ministry of Justice of Greece]

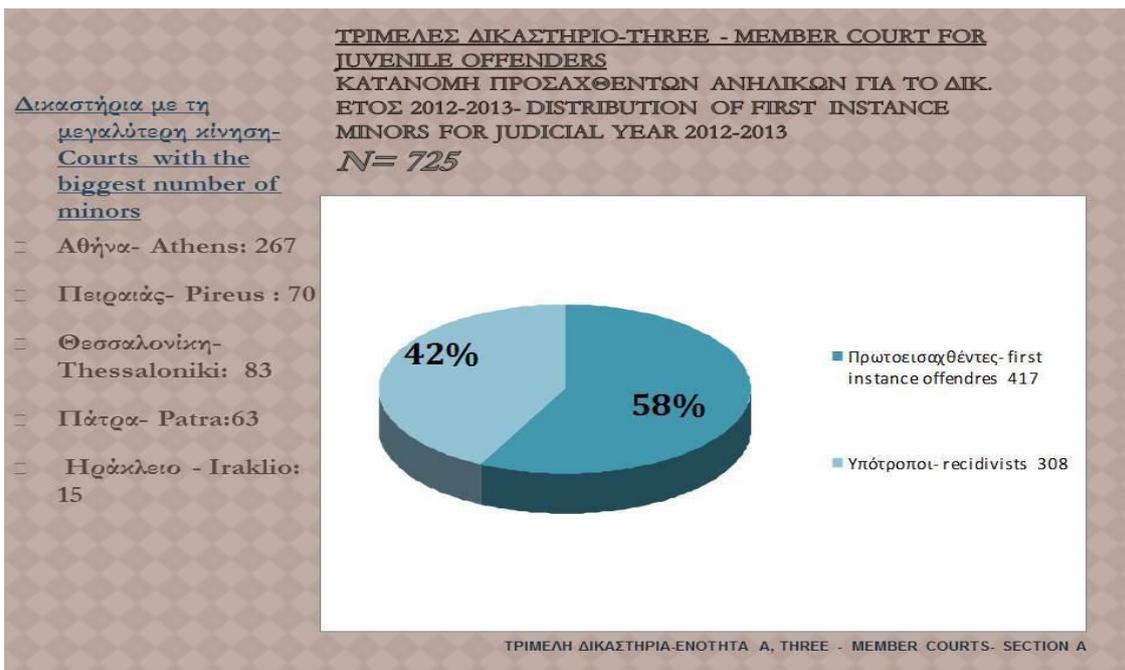


Table 8b [Source: Directorate of Prevention of Juvenile Delinquency and Correctional Treatment of Minors, Ministry of Justice of Greece]

The above presented statistical data indicate a better approach of the Greek juvenile justice system against young defendants, reflected not only in the institutional framework but also in judicial decisions which resulted in a significant reduction of custodial sentences and a frequency increase in non – custodial measures. Although they have to be replicated in future studies, they are a strong indicator of an **improvement of the sentencing** by means of adequate mainly non-custodial measures of assistance, education and treatment.

C. Concluding Remarks & Recommendations

The Greek juvenile justice system has made enormous progress in program development and system reforms over the past twenty years. Measures provided are mostly of non-institutional character; diversion and mediation have been introduced. Nonetheless, it continues to struggle with achieving a balance of community-based versus institutionally based care and managing the tension between its rehabilitative versus public safety functions.

In particular, the Greek juvenile justice systems, as in most European states, struggle with three challenges: (1) reducing reliance on incarceration, especially for minority youth; (2) building effective community-based programs for probation, re-entry, aftercare; (3) ensuring that effective programs are targeted to appropriate offenders in a way that will have optimal effects on recidivism. Meeting these challenges requires a clear view of the outcomes expected of the juvenile justice system, a well-developed plan for achieving them, and effective use of management tools for implementing that plan.

The Greek juvenile justice field has been living in an evidence-based and outcome-driven world for the past decade, but has been missing the operating platform that would bring the various evidence-based pieces together. Therefore a continued effort is necessary to help the Greek state improve outcomes for juvenile offenders by better translating knowledge on “what works” into everyday practice and policy; that is why the research should continue to follow experience and periodically assess the progress of the implementation of new legislation, the problems presented and the solutions found. Moreover, the production of relevant, objective and accurate statistics keeps politicians, judges and citizens well informed and assists in good policy and decision-making.

In addition, the socio-economic crisis demands more efficient use of resources. The cost per juvenile processed in the juvenile justice system is largely a function of the cost of the sanctions applied (incarceration being the most expensive), the cost of the services provided, and the cost of handling the juvenile again if he/she recidivates. It is expected that the non-custodial measures, such as restorative justice measures, community service and fostering will result in substantial cost savings in Greek juvenile jurisdiction. Particularly encouraging is also the operation of volunteer-based and community supported youth caring associations, like the Minors’ Hostels disposed by the Companies of Minor’s Protection¹⁵ and non-profit organizations in Athens but also in other Greek cities. Volunteering in juvenile justice system can be extremely challenging but, ultimately, rewarding as exerting a positive influence on previous youth offenders who have gone on to lead reformed and productive lives outside the world of crime.

¹⁵ <http://www.ministryofjustice.gr/site/en/PenitentiarybrSystem/PreventionandControlofCrime.aspx>

On the other hand efforts to implement rehabilitative strategies for youth often run into pressure from some members of the Greek public who advocate tough-on-crime policies. This is often associated with demands for use of incarceration and other forms of punitive sanctions, measures that run counter to a rehabilitation approach. The pressure is sometimes based on an exaggerated fear of crime and from a lack of understanding of the most effective ways of addressing youth crime. However, these fears are real and the only solution is to try to address the misapprehensions through education.

Although in Greece there are a number of practical barriers to implementing effective programmes, there is also a constant effort towards a better, non-custodial juvenile justice system. It is true that the range of options may be limited by economic and resource considerations. Another practical obstacle we encounter derives from the fragmented nature of the national human service systems. Young people often exhibit special needs in many areas and may have contacts outside the juvenile justice system, including special services in the schools, treatment in the mental health system, and services from child protection and other such service agencies. All of these systems must work together to effectively address the needs of the youth, but in some cases barriers exist to that co-operation.

The National Action Plan for Human Rights (2013 – 2017),¹⁶ a roadmap for the realisation of all internationally recognised human rights is an attempt to overcome some of the above mentioned obstacles. It has been developed by a Drafting Group from across the public sector (the Directorate of Prevention of Juvenile Delinquency and Correctional Treatment of Minors, Ministry of Justice of Greece has also participated in this effort) and other actors. It is a transformative programme of action including agreed outcomes, priorities and a process for working together to progressively realise the potential of human rights in all areas of life, the youth included (e.g. coordination and support actions for the protection of trafficked and/or unaccompanied minors entering illegally the Greek borders).

A number of important cooperative programs between various actors of Greece, especially the Directorate of Prevention of Juvenile Delinquency and Correctional Treatment of Minors, Ministry of Justice of Greece and other European countries is also a key step towards achieving a new vision of Greek juvenile justice system:

A. “COSMI” (Social Communication and Foreign Minors in the Juvenile Justice System in Europe), a project funded by the Italian Department of Juvenile Justice that explores the impact of prejudice and discrimination on foreign minors, especially in relation to stereotypes linking them with crime, followed by an assessment of how social communication techniques are and can be used to increase awareness and reduce the level of prejudice and discrimination directed towards foreign minors. The focus on this topic is social communication applied also within the juvenile justice system to pre-

¹⁶ It will be available also in English by the end of March 2014.

vent and reduce discriminatory behaviour and actions, whether individual or structural, to help guarantee equal treatment and the safeguarding of the best interests of the child for all minors that come into contact with the juvenile justice system.

B. The Grundtvig LLP Project: “Together against juvenile delinquency”. The aim of the project is in line with the Hunedoara county police (Romania) to prevent crime or increase community awareness about juvenile delinquency (causes, modes of expression, effects) and identify those methods and effective tools of communication between policy makers (local authorities - teachers - parents - students) in combating juvenile delinquency. The project is transnational foreign partners as representatives of public institutions (the probation service, town hall) and NGOs in England, the Netherlands, Greece and Italy and is part of the European Commission program “Lifelong Learning Programme” axis Grundtvig Partnerships action.

C. “Victor Victims of Child Trafficking: our responsibility”. This EU program is implemented by the Greek non-profit organization *The Smile of the Child*” as the leader partner and in collaboration with a number of significant actors in trafficking. Bringing together a wide range of active and well established national and international organizations working in the field of child trafficking in Southeastern Europe, VICTOR project is expected to foster the transnational cooperation in the region and contribute to the fight against trafficking in children. Among the partners to this project are public authorities such as the Ministry of Public Order and Citizen Protection and the Ministry of Justice, Transparency and Human Rights of Greece, the National Commission Combating THB of Bulgaria, the National Agency against Trafficking in Persons of Romania and the Southeast European Law Enforcement Centre (SELEC). The participation of national and international NGOs from Bulgaria, Romania, Moldova, Slovenia, Ukraine, Serbia, Greece and Hungary enrich equally the dynamism of the project.

D. “Southeast Safe Net: Preventing child trafficking and protecting unaccompanied minors in Greek-Turkish Borders” implemented by the Greek Institute of Child Health in collaboration with the Directorate of Prevention of Juvenile Delinquency and Correctional Treatment of Minors, Ministry of Justice of Greece and Turkish actors. The main objectives of this project are to contribute in combating trafficking of minors by promoting & developing: i) coordination and cooperation among law enforcement, other state and private national authorities, and civil society, and ii) best practices for the protection of trafficked and/or unaccompanied minors entering illegally the Greek borders.

E. “M_TIPE Mentoring Teachers in Prison Education”. The aim of this project is to collect experiences and exchange methodologies in mentoring teachers in prison education. This project wants to focus on two major kinds of support which are considered necessary by researchers and practitioners: psychological support and instruction-related support. The project consortium comprises two adult education provider, Taxandria cvo Turnhout (Belgium) and UŞAK HALKEĞİTİM MERKEZİ VE AKŞAM SANATOKULU (Turkey), two Vet providers For Sas (Italy) and Tallinna Ehituskool (Estonia),

City Municipality of Bătonyterenye (Romania), the general secondary school Istituto Comprensivo Verona 15 -Borgo Venezia (Italy), the Greek Ministry of Justice-Treatment Center for Drug Prisoners and the research centres EPOKÉ (Italy).

F. The Directorate of Prevention of Juvenile Delinquency and Correctional Treatment of Minors of the Greek Ministry of Justice will participate also to another two important transnational programs which are now under approval: i) “**Projet d’appui en ligne multidisciplinaire pour l’aide a la redaction des enquetes sociaux**” (Interdisciplinary cooperation on juvenile victimization), ii) **Program JPEN “MedMe: Custodial Mental Health Diagnosis and Treatment in Juvenile Justice”**.

Last but not least, the Greek juvenile trial system should develop a stronger pedagogical perspective. However, one might say that it is less the legal ritual and more the idiosyncratic personality or/and the substandard training of the judge and the prosecutor that hinder an environment in which a meaningful pedagogical communication could take place between the young offender, the judge and the other actors who formulate part of the Greek juvenile court. Therefore, one must emphasise how vital the training of judges and prosecutors is in relation to particular issues of youth psychology and juvenile delinquency. The level of knowledge of the peculiarities of juvenile delinquency directly affects the adjudication and the sentencing. The professional skills and the qualities of the judge’s and prosecutor’s personality determine their perception of the young offender¹⁷.

The following recommendations may help the Greek jurisdiction to improve outcomes for juvenile offenders through a process of research-based decision-making, better targeting of risk and needs in service provision, improved risk reduction, program improvement though the implementation of evidence-based practices and more cost-effective use of scarce resources:¹⁸

- A **forward-looking** administrative model has to be strengthened. That means a system organized around risk management that supports the development of individualized disposition plans for young offenders. The legislation of **codified criteria** must be continued in order to ensure that only evidence-based and research-based program services are implemented statewide.
- The **evaluation** of the impact of new legislation in the evolution of offences committed by persons aged 8-18 in Greece would also be necessary after some years of implementation (**crime proofing**). The improvement of crime statistics and the introduction of periodic Crime Surveys are cogently needed.

17 Fasoula E. / Papageorgiou A. / Zagoura P., “Evaluating the pedagogical orientation of the Greek juvenile system”, 12th Annual Conference of ESC, Bilbao, 2012.

18 Spinellis, C.D. / Tsitsoura, A., “The Emerging Juvenile Justice System in Greece”, International Handbook of Juvenile Justice, p.p. 309-324, 2006, Springer, 2006, Lipsey M. et al. , “Improving the Effectiveness of Juvenile Justice Programs”, 2010, Hoge R. “Advances in the assessment and treatment of juvenile offenders”, UNAFEI, 136th International Training Course.

- Together with the reorganization of services, a particular effort must be deployed to the information of the public, acceptance of, and its collaboration in the new **non- custodial measures** provided by the legislation. Many of these measures are not familiar to the Greek public and may be misinterpreted either as repressive or humiliating (e.g., community service) or as too lenient (e.g., diversion or in particular mediation). Thus intensive **information campaigns**, through mass media or other means (conferences, publications) is necessary for the success of such measures.

- Strengthen incentives for comprehensive and meaningful collaborations among state and local agencies, programs, and organisations (**cross – collaborations**) that serve children, including schools, mental health and substance abuse agencies, law enforcement and probation personnel, juvenile courts, departments of corrections, child welfare, other public health agencies, and institutes of higher education.

- **Identify vulnerable youth** with mental health and substance abuse disorders post adjudication through comprehensive screening and assessments in order to provide needed treatment, supports and services. In addition, policies should be developed and implemented to screen youth at intake or the point of detention, and to ensure that vulnerable youth with mental health and substance abuse disorders are protected from abuse, neglect, self-incrimination, or misuse of health information.

- **Decreased school dropout**, increased school attendance, increased stability of school placement and increased school performance among juvenile offenders is also a challenge. By providing more effective services, it is expected that the needs of the youth will be addressed, including their educational needs. Also, since it has been shown that a lack of attachment to school can be a risk factor for young delinquency, it is expected that an improvement in school related outcomes will contribute to the reduced recidivism rates. Additionally, since the penal system encourages sites to reserve institutionalization for higher risk youth, more services will be provided in the community, where youth can stay connected to their home school.

- Provide grants to **divert youth from detention and incarceration into home- and community-based care**, whenever appropriate, which are less expensive and more effective settings for meeting their needs than juvenile justice facilities.

- **Make training available** for law enforcement officers, juvenile court judges and prosecutors, probation officers, and other decision makers about the signs and symptoms of behavioral problems, the existence and purpose of screening and assessment, and the effectiveness of home- and community-based treatment and other supports and services as an appropriate means of reducing juvenile crime.

- Develop an **individualized discharge plan** for each youth upon admission to any juvenile justice facility, including detention centers, in order to link them to appropriate aftercare services, including behavioral health services and supports, when they are released back into the community.

- Provide incentives for Greek juvenile justice system to implement programs and services that **involve families**¹⁹ **and foster families** and have been proven through international research to reduce recidivism and improve outcomes for juvenile offenders.

The last decade in Greece has seen the introduction of a wide range of new juvenile non – custodial measures, cooperative European programs and diversionary policies. Many of them have been drawn from national and international research findings and recognise the transitory nature of juvenile crime and the positive effects of alternative to custody treatment of young offenders²⁰. In relation to the changes outlined, we are confident that these initiatives are striking an appropriate balance between the requirements for community protection, the requirements of the judicial process, the needs of the young offenders as well as the concerns of the community. Whilst the new strategies and programs do not claim to provide a panacea for the complex problems of youth crime, which remains a challenging field, we do believe that the successful community integration of young offenders is more likely to be realised through implementing alternative measures to detention.

19 *Katsigaraki E.*: “Contribution in exploring the mechanisms and association of juvenile delinquency in the family upbringing”, In *Crime and Criminology : From Individuals to Organization*, 10th Conference of the European Society of Criminology Liege Belgium 8-11 Sept. 2010, *Katsigaraki E.*: “Contribution to the Investigation of the Mechanisms that Link Juvenile Delinquency With the Family Upbringing Environment”, 5th International Symposium on Children At Risk and in Need of Protection November 1-3, 2013 Antalya, Turkey.

20 *Fasoula, E.*, “Rückfall nach Diversionentscheidungen im Jugendstrafrecht und im allgemeinen Strafrecht”, München, Herbert Utz Verlag, 2003.

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**European Project ‘Alternatives
to Custody for Young Offenders -
Developing Intensive and Remand
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JUST/2011-2012/DAP/AG/3054



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