



CHILD PARTICIPATION AS VICTIMS OR WITNESSES IN CRIMINAL CASES IN GREECE

National Report for AIMJF's Comparative and Collaborative Research.

La participación de niños como víctimas o testigos en causas penales en Grecia

Informe nacional para la investigación comparativa y colaborativa de la AIMJF

La participation des enfants en tant que victimes ou temoins dans des affaires penales en Grèce

Rapport national pour la recherche comparative et collaborative de l'AIMJF

Olga Themeli¹

Samantha Stratidaki²

Abstract: The paper is part of a collaborative research organized by the International Association of Youth and Family Judges and Magistrates (AIMJF/IAYFJM) on child participation as victims or witnesses in criminal cases. The article explains the legal, institutional and procedural aspects of child participation in the Justice System in Greece .

Resumen: El documento es parte de una investigación colaborativa organizada por la Asociación Internacional de Juventud y Familia (AIMJF) sobre la participación de niños, niñas y adolescentes como víctimas o testigos en causas penales. El artículo explica los aspectos legales, institucionales y procesales de la participación infantil en el sistema de justicia en Grecia

Résumé : Le document fait partie d'une recherche collaborative organisée par l'Association Internationale des Magistrats de la Jeunesse et de la Famille (AIMJF) sur la participation des enfants en tant que victimes ou témoins dans des affaires pénales. L'article explique des aspects légaux, institutionnels et procéduraux de la participation des enfants dans le système de justice en Grèce

Introduction

The International Association of Youth and Family Judges and Magistrates (IAYFJM or AIMJF, in the French and Spanish acronym) represents worldwide efforts to establish links between judges from different countries, promoting transnational

¹ Associate Professor in Criminological Psychology, Department of Psychology, University of Crete, Greece

² Senior Investigator, Office of the Greek Ombudsman

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judicial dialogue, in order to provide better conditions for a qualified attention to children based in a human rights approach.

To do so, AIMJF organizes research on international problems facing the operation of the courts and various laws relating to youth and family and training programs.

The aims of this research are to identify similarities and discrepancies among countries and to develop a cartography of how child participation as victims and witnesses in criminal cases is organized worldwide.

This national report is based on a questionnaire prepared by AIMJF.

Questionnaire

1. **Right to be heard**

1.1. Are children presumed to be capable witnesses (or presumed invalid/untrustworthy by reason of their age alone, or similar)?

In principle, children are not presumed to be untrustworthy witnesses by reason of their age alone; in practice, however, the validity and credibility of children's testimony is often questioned in court, by appeal to factors related to their age (such as children's function of memory, perception of time, suggestibility, possible external pressures or influences, etc.).

1.2. Are there any restrictions to the right to be heard (minimum age, or other criteria)?

There is no minimum age or other criteria specified in law with regard to the right to be heard, as such.



Child victims or witnesses of crimes do not appear in court in person, but their views are heard in court through their recorded statements.

According to the law, child victims, especially victims of sexual crimes, should be examined by specially trained professionals, capable of evaluating their statements. The child's statement is recorded in writing as well as by audio-visual means, and then evaluated by the prosecutor or the court (depending on the stage of the procedure).

1.2. Are children allowed to refuse to make a statement? If so, in which cases?

Children are not allowed to refuse to make a statement if the prosecutor conducting a preliminary investigation or the court (depending on the stage of the procedure) asks for them to be examined.

2. Broad perspective of the legal framework and procedure

2.1. Is there a specific legal framework that defines how to treat child victims/witnesses of crime (e.g. special norms in the criminal procedural code, special child code, special victims code, etc)?

The UN Convention on the Rights of the Child, ratified by Law 2101/1992, provides a broad legal framework for the treatment of children in all administrative and judicial procedures. The Council of Europe's Guidelines on child-friendly justice (soft law) also apply.

The Criminal Procedural Code (Law 4620/2019, art. 227) defines, specifically, the manner and method of examination, and the overall treatment of child witnesses as victims of "*crimes against their personal and genital freedom*" during the criminal procedure.

Article 227, par. 1 (as amended by Law 5040/2024, art. 80), stipulates that during the examination of a child victim of criminal acts (specified by reference to specific articles of the Penal Code), a specially trained psychologist or child psychiatrist is appointed and must be present, as an expert. It also provides that the child's examination should take place at specially organized services, namely "Child's

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Houses” (see below) or, in judicial districts in which these do not exist, at a space specially designed and adjusted for this purpose, and that it should be conducted without undue delay and with the minimum number of interviews possible. Various specific elements of the examination procedure are also determined in the following paragraphs of the article.

2.2. Is there any coordination between different role players (such as the police, education, social services, health system) to initiate legal proceedings and coordinate response (evidence collection and intervention), including avoiding multiple interviews of the child? Is there any flowchart in your country to coordinate these interventions? If so, could you please share it?

In Greece, there is an overall absence of an integrated child protection system and, therefore, lack of cooperation and coordination between different agencies and professionals working with children, especially between services that belong to different Ministries.

With regard to child protection issues as well as criminal issues involving children, action is coordinated by the Public Prosecutor in charge of the case. All professionals or agencies have a duty to report a crime, or alleged crime against a child that comes to their knowledge to the Prosecutor for Minors, or the Prosecutor Service of the Court of First Instance (in regions where there is no special department for minors within the Prosecutor’s Office). The prosecutor is responsible for taking any emergency measures required to ensure the child’s safety, as well as to conduct a preliminary investigation and coordinate the actors involved in the process. There is no official flowchart or protocol in place for this procedure. According to the Criminal Procedural Code and the provisions of Law 4478/2017 (see below) child victims of sexual crimes should be interviewed at appropriately organized “Child’s Houses” by specially trained professionals and their statements should be recorded, to avoid multiple interviews. However, this is often not implemented in practice.

2.3. Can you briefly explain what are the major steps of the legal procedure in criminal cases (felonies) with child victims or witnesses involved?



The law provides that any crime or alleged crime against a child should be reported to the Prosecutor's Office of the Court of First Instance by any agency or individual (professional or private citizen) that becomes aware of it.

In cases of intrafamilial abuse, the prosecutor in charge of the case – whose duties include taking emergency action for child protection purposes, in accordance with art. 1532 of the Civil Code - may issue an order for the child's removal from his/her family environment, or for the perpetrator's removal from the family residence. The prosecutor may also take any other emergency measures he/she considers appropriate to ensure the safety of the child.

During the preliminary investigation phase, the prosecutor may order an investigation by the police (including examination of witnesses), an investigation of the child's family environment by social services, as well as a medical examination, forensic interview or psychiatric evaluation of the child. All agencies involved report back to the prosecutor, who assesses the findings and makes a decision as to whether the alleged offender should be prosecuted or discharged, as well as about further emergency measures concerning the child.

In cases of prosecution, the main interrogation phase follows, leading to a decision as to whether the case will be dismissed or taken to court. Civil proceedings related to the child(ren) involved may run in parallel.

2.4. In which moment(s) can a child be heard in this procedure?

The child's views should be heard and taken into account during all stages of the procedure (in accordance with art. 12 of UNCRC), but this does not always happen in practice.

The child is heard as part of the procedure per se when he/she is expected to make a statement, during the preliminary investigation phase. The content of the child's interview – which should be conducted by or in the presence of a specially trained psychologist or child psychiatrist – should be recorded and used in all subsequent stages of the procedure, to avoid repeated interviews and re-traumatisation of the child. The child may be asked to make (a) complementary statements if it is judged

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that additional information or clarification is required, or in the light of new evidence. A specialized child-psychiatric evaluation may also take place, during which the child's views and claims are heard and assessed, depending on the nature of the case.

2.5. Does the child have the power to initiate, suspend or terminate the criminal procedure (such as giving consent for the complaint or the possibility to refuse consent or revoke consent)? If so in which cases?

The Penal Code (art.115) provides that a child over 13 years old can initiate a criminal procedure (i.e. file a law-suit/indictment), either directly or through a legal representative. The provision gives children over the above age limit the power to initiate a criminal procedure without the mediation of an adult representative.

Most crimes against children are prosecuted ex officio and, therefore, once an alleged crime is reported, the criminal procedure is initiated independently of the child's consent and cannot be suspended or terminated if the child revokes consent.

3. Preparation for the child participation

3.1. Is there in your country specific child-friendly information material for children as victims or witnesses (e.g. brochure, video etc)? If so can you please share them?

There is no specific child-friendly information material for children as victims or witnesses, or other material for preparing children for their participation in the criminal procedure.

3.2. How do children have access to these materials? (e.g. brochure available at police station/court; brochure sent to the child together with summon; witness preparation conducted in court with support of a video, or with support of a special professional; investigator/judge orally explaining in child-friendly language before interview/hearing, or any other?) How long before the interview/hearing does this happen?

N/A (see 3.1.)



3.3. Is there any assessment of the child conducted before a child is interviewed/heard? If so, what is assessed / for what purpose (e.g. background and circumstances of child; whether the child would be able to speak freely; capacity of child to express him/herself; capacity to participate, if uncertain; capacity to handle interview and possible effects; potential vulnerabilities and special needs, etc)? If so, what is the legal background of their professional conducting this assessment? To which institution does this professional belong? Is there any kind of report produced?

There is no prior assessment of the child related to the interview itself. However, an assessment of the child's circumstances is often part of the preliminary investigation conducted and coordinated by the prosecutor in charge of the case. The content of the assessment may vary according to the nature of the case and the prosecutor's judgement. As mentioned above, the prosecutor may issue an order for an investigation of the child's family environment and living conditions by a social service, especially in cases of intra-familial abuse or other evidence that raises child protection concerns. The child's ability to speak freely, without fear or pressure, may be examined by the police and/or social services or by a mental health professional, if there are relevant concerns. Most other factors, such as the child's mental state, capacity to express him/herself, capacity to participate, potential vulnerabilities, special needs, etc. are assessed during the interview.

As noted above, according to the law, the interview of a child victim of sexual crimes should be conducted by a specially trained professional (usually a psychologist) at a Child's House (specialist institution of the Ministry of Justice). This, however, does not always happen, as Child's Houses only operate in Athens, covering the wider area of Athens and Pireaus. The prosecutor may also order an evaluation of the child by a child psychiatrist (from a public mental health service or as an independent expert). Each professional/agency involved in the assessment process produces a report, which is sent to the prosecutor who conducts the investigation.

3.4. Is there any kind of contact or evaluation with the parents or legal guardians?



The parents or legal guardians participate in the legal procedures that involve the child as a victim or witness, and give testimony, as the child's representatives and as responsible for his/her welfare. There is no provision for a joint evaluation of child and parents within the criminal justice system. Parents may be investigated if they are considered or suspected to be responsible for a crime committed against their child (as perpetrators, or through neglect/exposure of the child to danger). In other cases, they may be evaluated in terms of the possibility of a conflict of interests with the child, or in relation to their ability and willingness to provide the care and support the child needs.

3.5. Is the child allowed/invited to visit the facilities where he or she will be heard prior to the interview/hearing?

There is no provision for the child to visit the facilities where he/she will be examined prior to the interview.

3.6. Does the child receive any kind of support prior to the interview/hearing (psychological, social, medical, legal)?

In most cases, there is no provision of psychological support or legal consultation to the child prior to the interview/hearing.

Once a crime is reported, the child concerned may receive medical care or be admitted to a hospital, if required, following an examination by a doctor.

In cases of intrafamilial abuse, if the child is removed from the family environment, social and psychological support should be provided by a social worker and/or psychologist at the hospital or the childcare facility in which the child is placed.

In cases the perpetrator leaves/is removed from the family residence and the child stays with a supporting parent or other carer, the parent/carer may approach a mental health service or professional on his/her own initiative, to seek support for the child. Equally, the child's parent(s) may seek psychological support for their child prior to the interview/hearing if the perpetrator is a third party. However, there are no official provisions.



4. Protection and Support

4.1. Is there any risk assessment conducted for the child victim/witness after a crime has been reported? If so, who conducts it? Is there any specific tool? If so, can you share it please?

Law 4478/2017 integrated into Greek national legislation the *Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA*, thus introducing a legal framework for the provision of protection and support to victims of crime, including children, which are considered as *victims with special protection needs during the criminal procedure*, in accordance with art. 23 & 24 of the Directive.

Art. 68 of the above-mentioned Law stipulates that this category of victims have a right to an individualized assessment - to avoid the risk of secondary/repeated victimization, intimidation or retaliation - which should include a risk assessment. There is no specific tool for risk assessment. After a crime has been reported, the prosecutor in charge of the case evaluates the risk based on the data available and his/her own judgement.

4.2. In case of identification of risks, what kind of protective measures are available in your country?

In case of identification of risks within the child's family environment, the prosecutor may issue an emergency order for the child's removal from it, or an order for the removal of the alleged perpetrator from the family residence. An injunction may also be issued forbidding the alleged perpetrator to approach the family home or have any contact with the child. Other child protection measures may also be taken.

With regard to the right of protection of victims - including children - during the criminal investigation, according to art. 66 of Law 4478/2017 (art. 20 of Directive 2012/29/EU), provided the effectiveness of the procedure is not compromised, the police and judicial authorities should ensure that: (a) the examination of the victims



takes place without undue delay following the reporting of a criminal act to the competent authorities, with the least possible number of interviews of the victim, (b) Victims that are not accompanied by an attorney of their own choice or appointed by the court may be accompanied by their legal representative or by another person of their choice, unless there is a reasoned decision to the contrary, (c) Medical examinations are restricted to the minimum necessary for the purposes of the criminal procedure and the investigation of the truth of what has been reported, and (d) especially if the victim is a child, the interviewer records in his/her report precisely the questions addressed to the child.

4.3. What kind of support measures are available for child victims / witnesses of crime (psychosocial, medical, legal) before, during, after the judicial process)

As noted in 3.6., following reporting of a crime, a child victim may receive medical care or be admitted to a hospital, if required, following an examination by a doctor. In cases of intrafamilial abuse, if the child is removed from the family environment, social and psychological support may be provided by a social worker and/or psychologist at the hospital or the childcare facility in which the child is placed. Legal representation and is also provided.

If the child remains with the family, or the perpetrator is a third party, the child's parent/guardian may seek psychological support for the child during any or all stages of the judicial process.

Apart from the supportive role during the child's interview of the psychologist or child psychiatrist that conducts the interview or is present in it, in most cases, no public mental health service or other agency is assigned to provide continued support to child victims or witnesses before, during or after the trial.

4.4. In case of intrafamilial violence, which measures can be / are usually adopted to grant the child's security? Is there any/which kind of support offered to the remaining members of the family? Are there any specific measures in case of child abduction or child kidnapping?



As noted in 4.2., in case of intrafamilial violence, depending on circumstances, the perpetrator may be removed for the family residence by an emergency order issued by the prosecutor or the court, or the child may be removed, if the family environment as a whole is considered unsafe or abusive. An injunction may also be issued forbidding the perpetrator to approach the child and the child's residence. Following removal from the family environment by an order of the prosecutor, children are usually admitted to a hospital for a short period of time and then placed either in the care of another family member - if possible - or in institutional care, which may be followed by placement in foster care, unless return to the family is possible. Contact with the violent/abusive parent(s) may be forbidden or, if allowed, it is supervised.

There is no provision of support to the remaining family members. Recent legislation on the operation of childcare institutions of private non-profit making organizations stipulates that the social services of childcare institutions should cooperate with the families of the children admitted to them, and with local municipal social services - which are supposed to cooperate with the children's families - to facilitate the children's return to their families, whenever possible. In practice, in the vast majority of cases, there is very little or no support provided to families. There are no specific measures or provisions with regard to cases of child abduction or kidnapping.

5. Environment

5.1. In which institution/what kind of environment is the child interviewed/heard in pre-trial/trial phase?

Law 4478/2017 provides for the operation of 5 specialist "Child's Houses" in 5 cities, under the Ministry of Justice, for the forensic interviewing of child victims of sexual crimes in the pre-trial phase. To date, out of the 5 above-mentioned "Child's Houses" only the ones for Athens and Pireaus - located in the same building, in Athens, separately from other services of the criminal justice system – are in operation.



5.2 Is there any specificity in this environment to adapt it for children? (e.g. separate ‘building’ specifically for children; non child- specific building, but separate entrance for children; separate interview/hearing room for children)

Only children are interviewed at a “Child’s House”. The 2 services operating at present in Athens, covering the wider area of Attica, occupy a floor each in a building, the rest of which is used for other purposes. There is no separate entrance in the building, but the alleged offender and adult witnesses are examined at a different location and have no access to it. The Child’s House has several rooms for various uses and is organized so as to provide a child-friendly environment, in accordance with international standards. The child reception area is colourful, decorated with paintings and equipped with special furniture for children, toys, painting materials etc. The interview room, in which there is a system for audio-visual recording (with 2 cameras), is also furnished and decorated in a child-friendly manner. Professionals of the Criminal Justice System may observe the child’s examination at the time it takes place from the room next to the interview room, via a close circuit television system.

5.3. Are there guidelines for the environment where the child is interviewed/heard? (architecture, setting)? If so can you please share it? Can you share a photo of this space?

Ministerial Decision (MD) 7320/2019 specified numerous issues related to the operation of Child’s Houses, including the environment. Article 7 provides specific guidelines for the organization of the premises in which the interview of the child victim takes place, to ensure that the environment is safe, accessible and child-friendly. Provisions include the availability of the necessary technical equipment (audio-visual means for recording the interview), non-verbal evaluation tools (painting materials, doll-houses, anatomic diagrams, etc.), as well as the furnishing and decoration of the interview room in a simple, child-friendly manner, to minimise diversions and facilitate the child’s concentration on the interview.

Athens Children's House interview room:



5.4. Is there a specific waiting area for the child?

The service is addressed specifically to children. There is a reception and waiting area.

Athens Children's House reception and waiting rooms





5.5. Are there protection measures to avoid direct contact (including visual) between the child and the alleged offender? if so what kind? (e.g. separate entrance, separate waiting area, separate interview/hearing rooms, use of video link, voice or image distortion etc)

As noted above, only children are interviewed at Child's Houses. The alleged offender and other witnesses are examined in separate premises. In cases when, for various reasons, the examination of the child takes place at a police station, police headquarters or court buildings, there are no special protection measures to prevent the possibility of direct contact between the child and the alleged offender

5.6. In case identification of the offender is needed, how is this conducted, and where?

Identification is usually conducted at the police station/headquarters via photos shown to the child.

5.7. If the child lives in a different city in relation to the city where the proceeding is tried, what are the specificities at stake?

The child's examination usually takes place in the city he/she lives. For children not living in Athens or the wider area of Attica, the interview may take place at a police station or the local police headquarters, or the prosecutor's office, usually in rooms that are not specially equipped and organized in a child-friendly manner. On rare occasions, the prosecutor may issue an order for the child to travel to Athens - if the proceeding is tried there - to be interviewed at the "Child's House" in accordance with the standards and procedures in place in it.

5.8. Is it possible in your country that the interview is conducted virtually (the child and the interviewer are in different places)? In which circumstances? Are any / which special security measures (are) adopted?

The law does not provide for the possibility of conducting the interview virtually.



5.9. Must a child appear in court to be interviewed or are recorded investigative interviews admitted as evidence in court? If the child has to appear in court, which circumstances are determinant?

Child victims or witnesses do not appear in court in person to be interviewed. The child's investigative interview is recorded in writing and read out during the court hearing. An audio-visual recording of the interview may also be presented in court as evidence and is supposed to replace the child's physical presence. In some cases, the judge may decide to have a private meeting/interview with the child prior to the hearing.

According to the Criminal Procedural Code (Law 4620/2019, art. 227), a child may appear in court in person if he/she reaches the age of 18 before the completion of the court hearing, and only if this is deemed to be absolutely necessary.

6. Specific legal guarantees for the child

6.1. Does the child have the right to legal assistance? for free? Is this assistance specialized? At what moment does this assistance come in (e.g. already advising whether or not to report a case / during the first interview / only in court / other)

Legal representation is provided to children in court, normally through their parents or guardians. Legal advice and assistance are rarely available during the reporting phase or before the first interview.

If the child's parents have low income, or the child's guardianship has been assigned to a state agency (in cases of unaccompanied children or intrafamilial abuse), an attorney is appointed to represent the child in court.

6.1.1 What is the role of the legal assistant (representing views of child or best interests of child; advising the child; talking on behalf of the child; ...)?

There is no provision for a special "legal assistant". The law only provides that the child's interview should be conducted by a specially trained psychologist or child psychiatrist. The views of the child are represented by his/her attorney, and his/her



best interests should be safeguarded by all professionals involved in the procedure (in accordance with art. 3 of UNCRC).

6.2 Does the child have the right to be accompanied by a support person? If so, what is the role of this person? What is this person entitled to do in support of the child?

The child has the right to be accompanied to the interview by a support person of his/her choice, but this person is not allowed to be present during the interview itself.

The forensic interviewer's or the allocated psychologist's role include ensuring that the interview is conducted in a pertinent, child-friendly manner, as well as providing support to the child. The interviewer has to follow the steps predicted in a structured forensic examination protocol for child victims (see 7.3.). In accordance with the protocol, he/she has to explain to the child the rules of the interview, as well as to inform the child about his/her rights during the interview. A break may be taken if the child asks for it or the interviewer/ psychologist thinks that this is needed or would be helpful for the child.

6.3. What is the role of parents/legal representative?

Parents are the child's legal representatives, unless parental rights have been removed. As such, they may appoint an attorney of their choice or seek free legal representation for the child (if eligible for it, due to low income).

Parents are examined as witnesses and, normally, they accompany and support their child during the procedure, but are not allowed to be present during the interview itself. They also make decisions about provision of psychological or any other support to their child.

6.3.1 When are parents/legal representative excluded (e.g. perpetrator, exploitative, intimidating/influencing, non-supportive, conflict of interests...)?

The parents/legal representatives of a child are excluded if they are or are suspected to be the perpetrators of a crime against the child. In such cases, the child is usually



removed from the family environment and there is a temporary suspension of parental rights, by an order of the prosecutor.

The same may occur if there is evidence that one or both parents are exploitative, intimidating, influencing or non-supportive, or that there is a conflict of interests between them and the child. Cases are examined on an individual basis and, during the initial phase, decisions are based on the judgement of the prosecutor in charge of the investigation.

6.3.2. If excluded, is there another legal representative appointed/ if so by whom?

According to art. 69 par. 7 of Law 4478/2017, if parents are exempt from representing the child due to a conflict of interests, or in case the child is unaccompanied or there is a temporary or permanent removal of custody/parental rights, the prosecutor or the court (depending on the stage of the criminal procedure) appoints a Juvenile Probation Officer as a special legal representative of the child victim.

Furthermore, when the child victim has the right to a counsel, he/she is entitled to receive legal advice and to have a legal representative in relation to procedures where there is or might be a conflict of interests between the child and the person(s) having his/her legal custody.

6.4. What kind of measures are adopted to grant the right to privacy / confidentiality (public excluded / in all cases / in which cases? press statements so that child can not be identified?)

According to art. 67 of Law 4478/2017, on the right to protection of privacy, the police and judicial authorities should take appropriate measures to protect the private life of victims and their families, and especially to prevent the publication of information that may lead to the identification of child victims.

The court may issue a reasoned decision to carry out the trial or part of the trial without any publicity, if it is deemed that publicity may be harmful or cause humiliation or mental distress especially to child victims.



The right to private life of victims is protected by legislation pertaining to personal data protection. Recording, videotaping and transmission of a criminal trial on radio or television, as well as the publication of photos or videos of victims before the police and judicial authorities are forbidden.

Despite the above provisions, in practice, there is often leak in the media of the statements of child victims and of information about them that leads to their identification. Therefore, child victims' right to privacy/confidentiality is not protected effectively.

6.5. Is the child allowed to plea for cautionary measures?

A plea can be made by the child's attorney/legal representative.

6.6. Does the child have the right to appeal any decision?

The child has the right to appeal against a decision via his/her attorney, like any other party in the legal procedure.

7. Interviewing structure and procedure

7.1 Who hears the child victim/witness in the pre-trial phase / who in the trial phase? How often is a child usually heard in total (pre-trial and trial)? Does the law limit the total number of interviews/hearings conducted?

In Attica (Athens and Piraeus) the child's forensic interview during the pre-trial phase takes place at "Child's Houses" and is conducted by a specially trained psychologist during. In areas where a Child's House does not exist, according to the law, the child should be interviewed by a psychologist or child psychiatrist, from a list of experts approved by the court.

The child does not testify in court in person. His/her testimony is recorded in writing and read out during the hearing. It should also be recorded by audio-visual means and presented in court, although this does not happen in all cases.



The law dictates that the child’s examination should be conducted without undue delay and with the least possible number of interviews (MD 7320/2017, art. 6). It does not therefore specify or set a limit to the number of interviews conducted, but stipulates that it should be the smallest possible, to protect the child from the risk of secondary victimization.

Unfortunately, in practice, very often, children are interviewed several times, by different professionals, in different and inappropriate settings, during the same or at different phases of the criminal procedure.

7.2. Is it mandatory that this professional has specific training for child interviews?

Law 4478/2017 (integrating Directive 2012/29/EU into Greek legislation) stipulates that the examination of the child victim should be conducted by specially trained judicial officials. MD 7320/2019, art. 5 also provides that the psychologist conducting the child’s forensic interview at the “Child’s House” should have specialist training in this particular area. However, often, the professionals involved do not have and are not offered any specialist training on interviewing child victims.

7.3. Is any kind of interview protocol adopted in your country (pre-trial and/or trial stage)? If so, which one? If so, could you please share it?

A Forensic Interview Protocol for the examination of child victims of sexual crimes was introduced in Greece in 2019 with MD 7320/2019, in an attempt to align the Greek legal framework with contemporary international practices, prior provisions of international and national legislation and the fundamental principles of child-friendly justice.

The Protocol - which is published in full as an Appendix of MD 7320/2019 - was designed on the basis of international good practices and the urgent need to protect child victims from the risk of secondary victimization. It is strictly structured, as it consists of 3 specific stages with sub-stages, and its use is mandatory. In brief, it consists of the following stages and sub-stages:



- 1) **Preparation/relationship building (acquaintance with the interviewer, establishment of a supportive atmosphere, explanation to the child of the rules of the interview, practice in free narrative)**
- 2) **Main part of the interview (transition to the main topic of the interview, free narrative, targeted questions to attain further information, to complement the information collected from the child's free narrative)**
- 3) **Closing of the interview (summing up of what has been mentioned by the child, provision of moral reward/thanking the child, provision of information about what is going to follow, seeking trusted persons, encouragement for one more contact or meeting, desensitization/emotional discharge)**

7.4. Who is allowed to participate in the interview/hearing? Who is sitting in the same room as the child / who is sitting in another room, if any?

In Child's Houses no one is allowed to be present in the interview, apart from the interviewer and the child. If the child is interviewed by the police or other official, a specially trained psychologist should be present to support the child.

Professionals of the criminal justice system (e.g. the prosecutor, experts, technical advisors, etc.) may observe the interview from the room next to the interview room, connected to it via a close circuit television system.

7.5. Who is addressing the child victim/witness: only the interviewer? cross examination allowed? if only the interviewer, how can other participants ask questions? How is the communication between those who follow the interview and the interviewer? What kind of communication tool is used?

Only the interviewer may address questions to the child during the interview. Other participants who observe the interview via the close circuit system may address a question to the interviewer through a special earphone he/she is wearing. The interviewer then asks the question to the child at the right time and in an appropriate manner. Cross examination is not allowed.



7.6. Is the interviewer allowed not to ask the questions raised by others? Is the interviewer allowed to rephrase the questions raised by others?

The interviewer is obliged to ask the questions raised by the participating parties. However, he/she has the right to rephrase the questions in an appropriate manner, considering especially the child’s developmental stage and emotional development. The aim is to ensure that the child understands fully the questions and that no additional fear or stress is caused by them; hence, that the child is protected from additional trauma.

7.7. Is the interviews audio and video recorded, if so for what purpose (accuracy of statement, use as evidence in court, use in other courts, other)?

Interviews conducted at the “Child’s House” are always audio/video recorded. Although the law states that audio/video recoding of the child’s interview is mandatory, it very rarely happens if the interview takes place in other settings.

The purpose of the recording is to safeguard the accuracy of the child’s statement, to ensure that all elements of the statement are included (e.g. body language, facial expressions, sounds expressing emotion, pauses/silence, etc.), to be used in court as evidence and, above all, to prevent multiple interviews and the severely negative effects of the practice of multiple interviews on the child’s psychology and on the credibility of his/her testimony.

7.7.1. In case the recording is admitted as evidence in court: what protection measures can be applied (e.g. image and voice distortion, child heard in a separate room etc)

There is no provision for application of any protection measures, as the child him/herself does not appear in court.

7.8. How is the quality of the recording? In case of failure in the recording, what are the measures adopted?

The quality of the recording, especially the sound, is not always good. This is more often the case with interviews that are not conducted at the “Child’s House”, which may be recorded without the appropriate audio/visual recording equipment (e.g. a

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mobile phone, a private amateur camera or other means). In these cases, there may also not be proper sound insulation of the room in which the interview takes place, and external noises may affect the quality of the recording. On rare occasions, a repetition of the procedure may be ordered by the prosecutor or the court.

7.9. If no audio/video recording: is the child allowed to review his or her statements and to correct them? Is the child/legal representative allowed to get a copy of written statement / recording?

The child has a right to review and correct his/her statement, but in practice children are rarely informed about this right. The child's legal representative may get a copy of the written statement or the recording.

7.10. If there is a special procedure for hearing child victims and witnesses, is it mandatory for the child to participate in such a way or has he/she the right to choose to be heard as any other victim or witness? Are there still adaptations in this case?

Following the integration into Greek legislation of Directive 2012/29/EU, with Law 4478/2017, it is mandatory for the child to participate in accordance with the procedure provided in it, as described above.

8. Offender's right during or after the interview

8.1. Is the alleged offender allowed to participate in the interview of the child witness? Is his/her defence attorney allowed to participate? Is participation of either of the two mandatory?

The alleged offender is not allowed to participate in the interview of the child witness. His/her attorney may be present in the room next door – from which professionals of the criminal justice system may observe the interview through an audio-visual short circuit system – only during the initial stage of the forensic interview (about 10'), in which the preparation of the child and relationship-building with the interviewer take place. A technical expert/consultant appointed by



the alleged offender/his attorney may observe the interview from this room and consequently prepare a report on the interview, to be used in court.

8.2. If the offender is not present during the interview, how can he or she make additional questions to the child? How can he or she contradict the child's statements?

The alleged offender and his/her defence attorney have access to the child's testimony as recorded in writing and by audio-visual means, and may raise questions or present evidence that contradicts the child's statement during the pre-trial phase or the court hearing.

According to the Criminal Procedural Code, art. 227, the alleged offender can also apply to the court for a complementary examination of the child. If the application is accepted, the child is examined on the basis of clearly phrased questions, in the area of his/her residence, by an interrogation officer appointed by the judge who ordered the examination. The questions are set by the court, after hearing the prosecutor and all interested parties, and then addressed to the child via the above-mentioned procedure. Objections may be raised in case, according to the judgement of the child psychologist/psychiatrist, the questions may have a negative impact on the child's psychological state.

9. Parallel proceedings – coordination

9.1. In case of parallel proceedings (such as in family or child protection procedures) based on the same facts, is it clear who has the priority to conduct the interview?

Priority in relation to conducting the interview is not defined in law.

Child protection procedures usually require an emergency order issued by the prosecutor, followed by a court order. Family proceedings often also include an emergency order (to determine immediate custody, visitation rights, etc.), followed by a court hearing for longer term arrangements. During emergency proceedings, the child may be interviewed by the police, a social worker or the public prosecutor him/ herself, or may not be interviewed at all (e.g. in case there is enough evidence for the prosecutor to issue an emergency order for removal of the child from the



family for child protection purposes). Criminal procedures normally take longer and include a formal interview of the child, as describe above.

9.2. Is there any coordination procedure between different courts/authorities? How is the coordination procedure?

There is no coordination procedure. Different courts/authorities dealing with different issues or different aspects of the same case usually act independently of one another.

9.3. If another court/authority has not participated in the interview and needs additional information, is this court/authority allowed to interview the child again? And/or can interviews be shared (who can share with whom)?

In principle, the child should only be interviewed once, as described above. The interview should cover all aspects of the issue(s) under investigation, to avoid multiple interviews. The child's recorded interview is then available to any court/authority that requires and has the right to have access to the information. In practice, if a court/competent authority judges that additional information is required (see also 8.2.), the child will be asked to make a new, complementary statement. Records of all interviews concerning the case are included in the same case file, and any party with a legal interest in the case has access to them.

10. Training

10.1. Are judges and magistrates trained to deal with child victims?

There is no mandatory, specialized training of judges and magistrates in dealing with child victims, apart from their general training in criminal law.

Legislation on family law introduced in 2021 (Law 4800/21, art.17) stipulates that cases related to the provisions of the law should be adjudicated by judges who have attended special seminars on the international legal framework, especially the UN Convention on the Rights of the Child and the Istanbul Convention, thus introducing some form of mandatory training. Such seminars are provided by the



National School of the Judiciary, as part of the continued, post-qualification training of judges and prosecutors. In practice, to present, no seminars have taken place on the specific topic of interviewing/dealing with child victims.

10.2. Is the content of the training interdisciplinary? Do other professionals also participate in the same training?

Most training programmes on child protection issues are addressed to professionals of the same or similar background and are related to the specific nature of their duties (i.e. training for front-line workers like teachers or nurses focuses on recognising signs of abuse, training for law enforcement officials is related to interviewing and treatment of children in judicial proceedings, etc.). Even in cases that professionals from different but related fields participate jointly in training courses, the training is usually theoretical and does not focus on how they can work together or in a complementary manner.

11. Reforms in progress

11.1. Are there reforms in progress in your country regarding child's victim rights, the procedure among others? What is the aim and the main subject of it?

There are no reforms currently in progress or planned for the near future regarding child victim rights in Greece.