



### ARTEMIS:

Promoting the right of protection of women through the application of the EC Directive 2011/99/EU and the European Protection Order



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ARTEMIS



## THE APPLICATION OF THE EC DIRECTIVE 2011/99/EU AND THE EUROPEAN PROTECTION ORDER

**Greece**

**Union of Women Association of Heraklion Prefecture**





## LEGAL NOTICE

*This report is the result of a research carried out by the Union of Women Associations for Heraklion Prefecture within the implementation of the project “ARTEMIS - Promoting the right of protection of women through the application of the EC Directive 2011/99/EU and the European Protection Order”.*

*All reasonable efforts have been made to ensure the accuracy of the data referred to in this report, including through data verification. We regret, however, any data errors that may remain.*

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## Introduction

### ***The Artemis project***

This study was carried out within the framework of the project *Artemis: Promoting the right of protection of women through the application of the EC Directive 2011/99/EU and the European Protection Order*.

The European Protection Order was introduced by EC Directive 2011/99/EU to allow judicial protection orders issued in criminal proceedings in one Member State to be applied in another Member State. As reported by the Special Eurobarometer 446 published on November 2016, one in three women in the EU have experienced physical and/or sexual violence since the age of 15, while one in ten has experienced sexual harassment or stalking via new technologies. The ARTEMIS project plans:

- To increase the knowledge on the application of the EC Directive 2011/99/EU, the use of the European Protection Order and on the level of awareness and knowledge among European citizens, lawyers and the personnel of NGOs and CSOs
- To improve the skills and the knowledge related to EC Directive 2011/99/EU and the European Protection Order of lawyers and the personnel of CSOs and NGOs that support women in cases of domestic violence, stalking and other forms of abuse
- To provide theoretical and practical information on the application of the EC Directive 2011/99/EU and on the European Protection Order to citizens, lawyers and the personnel of CSOs and NGOs
- To improve the knowledge and raise the awareness related to the EC Directive 2011/99/EU and the European Protection Order of EU citizens, lawyers and NGOs and CSOs personnel

Very limited research has been carried out to date to explore implementation of the EPO and to identify challenges and barriers to its effective application. According to a study carried out by the European Parliamentary Research Service to assess the implementation of Directive<sup>1</sup>, there has been very limited use of the EPO to date, with only 7 EPOs issued throughout the EU, despite an estimated 100 000 women residing in the EU benefiting from protection measures related to gender-based violence. The study also identified a general lack of awareness and training, both among legal practitioners likely to come into contact with victims, as well as among NGOs active in the field of victim support. As a consequence, protected persons do not have access to information on the right to an

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<sup>1</sup>European Parliamentary Research Service, European Protection Order Directive 2011/99/EU: European Implementation Assessment, September 2017  
[https://www.europarl.europa.eu/RegData/etudes/STUD/2017/603272/EPRS\\_STU\(2017\)603272\\_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2017/603272/EPRS_STU(2017)603272_EN.pdf)



EPO and the relevant procedures for the requesting one should (s)he expects to travel to another Member State.

The expected results of the project are:

- Increased knowledge on the application of the EC Directive 2011/99/EU, the use of the European Protection Order and on the level of awareness and knowledge among European citizens, lawyers and the personnel of NGOs and CSOs;
- Increased capabilities in supporting victims in the procedure for requesting an EPO of lawyers and of the personnel of CSOs and NGOs;
- Improved support to women and other victims to the European Protection Order;
- Increased number of EPO requested and issued among the people reached by the project activities and by the dissemination of the project outputs.

## ***Aim of the Report***

This Report is a part of the deliverables of the ARTEMIS Project, WP2 and it has been produced by the staff of the Union of Women Association of Heraklion Prefecture. The aim of this report is to describe the context of the provision of the principles and rules of the Protection Order for the cases of violence in family (Intimate Partner Violence – IPV), and the levels of the application of the European Protection Order at the cases of Violence in family in Greece.

Analytical description of the legislation is carried out, explaining in detail the context, procedures and implications of the order or the Protection Orders, while describing the levels of application of the European Protection Order in Greece. In addition, we describe in detail the findings of the survey carried out in Greece at citizens, professionals and legal practitioners. The aim of the survey is to describe the levels of awareness and use of the rules of the POs at any level.





## Overview of Protection Orders in Greece

The EPO is issued on the basis of pre-existing protection measures, previously adopted and in force in the issuing State, and established according to the internal national legislation of this State.

What follows is a general overview of the application of protection orders for victims of violence in Greece.

### ***Legal provisions***

The Protection orders (POs) are regulated and imposed at different forms of crimes and criminal actions, and are been described at the Hellenic Civil Law, Public Law and Criminal Law. Consecutive amendments on the legislation and the Hellenic Constitution have organized a more targeted more effective and more fair processes towards the imposition of protection orders, incorporating the commitments of the Hellenic State towards the international treaties ratified, and the integration of European Directives thereof.

Gender violence, is a topic in which the imposition of protection measures has recently been applicable (2006) and has expanded over the legislation amendments under the incorporation of the Istanbul Convention in order to maximize the safety of victims (2018). The introduction of restorative mediation is encompassed to the recent legislature amendments where the main aim is the provision of adequate safety of victims. The application of protection orders at the day to day judicial procedures (especially at Gender Violence) however provide temporary and partly form of protection towards persons in danger. Such protection orders, in the form of measures, are provided both in generic and in specific laws on forms of (interpersonal) violence; whereas both categories of forms seem to interact and complement each other, since they deal with same rights and freedoms under legal protection. Prior to the introduction of Domestic Violence Law (Law 3500/2006) protection orders could be imposed both pre-trial and post-trial, putting mainly forward the security and safety of the suspect. Threatened victims often had no alternative than to ask for police protection only. By the introduction of Domestic Violence Law, if victims meet certain criteria, they could request for protection measures that can be ordered by judicial institutions in penal procedures; (the prosecutor, the criminal court, the investigative judge or the judicial council). The Law also foresees the possibility to apply for interim security measures/ injunctions in civil courts in case of imminent danger<sup>2</sup>.

The areas at national legislation where provisions for protection orders are regulated are the following:

#### **A. The Hellenic Civil law (Code of Civil Procedure - CCP):**

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<sup>2</sup> van der Aa, S. (2011). "Protection orders in the European Member States: Where do we stand and where do we go from here?" European Journal of Criminal Policy and Research.





The Hellenic Civil Law under the Code of Civil Procedure, provide for right to request **security measures/ injunctions**<sup>3</sup> in order to protect any person whose rights are or could be violated, in urgent circumstances and/or in order to prevent an imminent danger (Art. 682 CCP). The court is entitled to order as an injunction any action, omission or tolerance of a certain act on behalf of the person against whom the application is filed (Art.731-732 CCP). Under this “*umbrella of options*” provision judges and civil courts have a great discretion to accept any protective and preventive measure suggested by solicitors and applicants that would most possibly safeguard the endangered right/ freedom of a person. Most importantly art 735 CCP in conjunction with the Domestic Violence law foresees specific interim measures that could be ordered for the regulation of family affairs (par.1) and for domestic violence (par.2).

## **B. The Hellenic Criminal law:**

- At the phase of interrogation (pre-trial) in the form of **Restrictive Conditions**<sup>4</sup> on the **suspect/perpetrator**, as alternatives to temporary detention, (imposed on persons against whom charges have been pressed), and in order to primarily protect the victim and prevent the alleged perpetrators from committing new criminal acts as well as ensure their appearance at Court (interrogation/trial) protective measures or restrictive conditions could be ordered. Restrictive conditions may be imposed if there are serious indications for the guilt of the accused for a felony or misdemeanor punishable by a penalty of at least three months imprisonment. Art 282 in the Code Criminal Procedure (CCP) explicitly, defines the purpose and general conditions for the imposition of a) a temporary detention, b) of a house arrest under electronic surveillance and c) of (any) restrictive conditions. Restrictive conditions are described (indicatively, not exhaustively) in Art. 283 CCP. For minors (-perpetrators) it is possible to order as restrictive conditions one or more of the rehabilitative measures provided in Art 122 of Penal Code.
- At the stage of a (post-) trial, either in the form of an **attendant penalty**<sup>5</sup>, as defined in Art. 59 of the Penal Code.

## **C. The Public Law, Hellenic Constitution**<sup>6</sup> states at Art.5 (4):

*«Individual administrative measures restrictive of the free movement or establishment in the country, and of the free exit and entrance therein of any Greek are prohibited. Restrictive measures of such content may only be imposed as an attendant penalty by a criminal court ruling, in exceptional cases of emergency and only in order to prevent the commitment of criminal acts, as specified by law.*

*Interpretative clause: Paragraph 4 does not preclude the prohibition of exit from the country for persons being prosecuted on criminal charges by act of the public prosecutor,*

<sup>3</sup> Greek term: Ασφαλιστικά μέτρα

<sup>4</sup> Greek term: Περιοριστικοί όροι

<sup>5</sup> Greek term: Παρεπόμενη ποινή

<sup>6</sup> <https://www.hellenicparliament.gr/Vouli-ton-Ellinon/To-Politevma/Syntagma/>







*or the imposition of measures necessary for the protection of public health or the health of sick persons, as specified by law»*

Taking into consideration this fundamental provision in Greek legal order, regarding freedom of movement, the legislators provide for restrictive measures only exceptionally, under specific circumstances and taking into account the basic principle of *proportionality*. One might find special protection measures in interim measures ordered by Greek administrative Courts in case fundamental freedoms and rights are limited or infringed by state/ public institutions and actors, suspending the legal consequences of the act, pending the final court decision. Although acts of violence may be conducted by state agents and not by the state itself; such protective measures are mostly relevant under this study for certain categories of administrative offenses, such as the provisions related to the legal status of aliens and cases of deprivation of certain forms of freedom by police actions. The Procedure is regulated by Greek public and administrative law and the Code of Administrative Procedures (Art. 200- 205) as well as the presidential decree 18/1989<sup>7</sup>.

Analyzing the specific laws under which protection orders are regulated, one needs to have a closer look at the provisions of **Domestic Violence Law** (Act 3500\2006)<sup>8</sup> in conjunction with the provision of the 4351/2018 Law; which is a landmark for the protection of a wider spectrum of persons in vulnerability besides women; such as children, the elderly and persons with disabilities and the provision of wider definitions in crimes, some of them have also been included into Greek Penal Code. According to the Law's Explanatory note (in Art. 15 and 18), the Law-makers fully acknowledge the arduous position of a Domestic Violence- "victim" and therefore provide for a variety of measures aiming to a more complete, effective and safer placement in terms of protection. It shall be noted, that these protective measures are indicative and the judicial institutions, i.e. prosecutors, (investigative) judges and the judicial council, have the discretion to impose any other protection measure that might be deemed necessary or proposed by the victims (by their solicitors). Additionally, provisions regarding the implementation of Penal mediation<sup>9</sup> that may be implemented under strict conditions provided by law are introduced into the Greek legal system for the first time (Art. 11 -14).

Due to European and International legal instruments, namely the EU Directives, the UN instruments and the Council of Europe Conventions; the Greek legislation has transposed and incorporated a wide range of provisions, bringing the legislation into contemporary developments regarding human rights' protection. According to the Hellenic Constitution (Art. 28 par.1), conventions and norms have a supra-legislative force and prevail in case of conflict to any other provision of the Greek domestic legislation.<sup>10</sup>

<sup>7</sup> Προεδρικό Διάταγμα 18/1989 - ΦΕΚ 8/9-1-1989

<sup>8</sup> <http://www.isotita.gr/wp-content/uploads/2017/04/N-3500-2006.pdf>

<sup>9</sup> Greek term: Ποινική Διαμεσολάβηση

<sup>10</sup> Art. 28; 1 the generally recognized rules of international law, as well as international conventions as of the time they are ratified by statute and become operative according to their respective conditions, shall be an integral part of domestic Greek law and shall prevail over any contrary provision of the law. (...)





The **Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention, 2011)** is the utmost comprehensive international treaty on violence against women. It recognizes that *violence against women is a violation of their human rights* and provides for measures applied, aiming at preventing violence, protecting victims and prosecuting perpetrators. The Istanbul Convention has been ratified by the Hellenic Parliament in 2018 and incorporated at the **Law 4531/2018**<sup>11</sup>. It has introduced a wide range of positive changes into the respective national legislation, by expanding and introducing new categories of crimes, such as: “Female genital mutilation, Stalking and Crimes committed in the name of so-called “honour crimes”<sup>12</sup>, whereas it modified L.3500/2006 by introducing a wider and most effective application of Domestic Violence Act. It explicitly describes (Art. 45) the adoption of measures towards perpetrators<sup>13</sup>. However, the Hellenic state has not as yet enacted any specific protective measures and has left monitoring or supervision of convicted perpetrators practically to the detriment of their victims. Perpetrators treatment (Perpetrators Programmes) either voluntarily or by the Prosecutor’s order, need to be implemented at a widespread scale, and be incorporated into the mainstream judicial processes in cases of Violence in Family of any form.

At the same line, **Law 4478/2017**<sup>14</sup> imposes the minimum standards on rights, support and protection of victims of crime, harmonizing the national legislation with the European Victims’ Directive<sup>15</sup>. This law is divided into five parts, containing Art. on General Provisions, Provisions of Information and Support, Participation in Criminal Proceedings, Protection of Victims and Recognition of Victims with Specific Protection Needs, and Other Provisions. As stated at the Preamble of the Directive<sup>16</sup>, special protection measures should be available to protect the safety and dignity of victims and their family members from secondary and repeat victimization, from intimidation and from retaliation, such as interim injunctions or protection or restraining orders whereas the exact nature of such measures should be determined through an individual assessment, taking into account the wish of the victim<sup>17</sup>. A wide range of persons considered as victims is adopted (from Gender-based violence to victims of terrorism) and particular emphasis is placed on the protection and support of child victims, with the law providing for the creation of Independent Victims Protection Offices – “Children’s House”, within the Agencies of

<sup>11</sup><http://www.isotita.gr/wp-content/uploads/2018/04/4531-2018.IstanbulConvention.pdf>

<sup>12</sup> See in particular revised Art. 333 in Penal Code.

<sup>13</sup> “Parties shall take the necessary legislative or other measures to ensure that the offences established in accordance with this Convention are punishable by effective, proportionate and dissuasive sanctions, taking into account their seriousness. These sanctions shall include, where appropriate, sentences involving the deprivation of liberty which can give rise to extradition. Parties may adopt other measures in relation to perpetrators, such as: a) monitoring or supervision of convicted persons; b) Withdrawal of parental rights, if the best interests of the child that may include the safety of the victim, cannot be guaranteed in any other way.”

<sup>14</sup><https://www.e-nomothesia.gr/kat-egklema-organomeno/nomos-4478-2017-fek-91a-23-6-2017.html>

<sup>15</sup> DIRECTIVE 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA

<sup>16</sup> DIRECTIVE 2012/29/EU, Preamble, par. 57-58

<sup>17</sup> DIRECTIVE 2012/29/EU, CHAPTER 4: PROTECTION OF VICTIMS AND RECOGNITION OF VICTIMS WITH SPECIFIC PROTECTION NEEDS; Right to protection, Right to avoid contact between victim and offender, Right to protection of victims during criminal investigations, Right to protection of privacy, Individual assessment of victims to identify specific protection needs, Right to protection of victims with specific protection needs during criminal proceedings and Right to protection of child victims during criminal proceedings.





Juvenile and Adult Probation Offices (Services of Juvenile Probation Officers and Social Assistance Guardians) of Athens, Thessaloniki, Piraeus, Patras and Heraklion (Art. 74-76).

Similarly, significant provisions have been incorporated into Hellenic Penal legislation under the provisions of EU Directives that entail the undertaking of special protection measures for special vulnerable categories of persons;

- **Directive 2011/36/EU of 5 April 2011 on preventing and combating trafficking** in human beings and protecting its victims, as transposed by L.4198/2013<sup>18</sup>, and
- **Directive 2011/93/EU** of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA as transposed by L. 4267/2019<sup>19</sup>.

## ***Types and prevalence of protection orders***

In the Hellenic legislation, there does not seem to exist one legal term standing for ‘*protection order*’. In this context, the instrument of a ‘barring order’ does not exist either. However, analyzing the substantial meaning of the term under the context of the EU Directives, law practitioners deem that it refers to both **restrictions orders**<sup>20</sup> and the interim **security measures/ injunctions**<sup>21</sup> as enshrined respectively in penal and civil law. For the needs of the present study, we will refer to above mentioned terms under the terminology **Protection Order (PO)** otherwise ‘**Barring order**’ - ‘**Restriction Order**’ (**BO-RO**)

**Within civil law**, protection orders could be found in the form of injunctions. The court may impose Temporary Orders and Injunction Orders in cases of emergency if someone’s personality is violated in order to avoid future risk or danger. Such a violation might arise from the substantive generic right to “personality” provided in Civil Code (art.57). In addition, there are specific provisions/ measures for the protection of victims of domestic violence and stalking, prohibiting the defendant to approximate certain places, to stay in the family home, to contact the victim or to come within a certain distance of the victim<sup>22</sup>.

Regarding the precautionary measures provided for in Art. 735 of the CCP, case law-related court decisions of last decade have been screened and four relevant decisions have been found; three of them dealing with domestic violence whereas one issued in the context of divorce proceedings, by which the plaintiff was awarded monetary

<sup>18</sup> [http://www.isotita.gr/wp-content/uploads/2017/04/N.4198.2013\\_TRAFFICKING.pdf](http://www.isotita.gr/wp-content/uploads/2017/04/N.4198.2013_TRAFFICKING.pdf)

<sup>19</sup> <https://www.e-nomothesia.gr/kat-anilikoi/n-4267-2014.html>

<sup>20</sup> Greek term: περιοριστικοί όροι

<sup>21</sup> Greek term: ασφαλιστικά μέτρα

<sup>22</sup> van der Aa, Niemi J., Sosa L., Ferreira A, Baldry A., S. “Mapping the legislation and assessing the impact of European Protection Orders in European Member States, Wolf Legal Publishers, 2015





compensation for moral damage suffered as a result of insulting her personality by the violent behavior of her husband<sup>23</sup>. The precautionary measures ordered by Greek Courts under Art. 735 of the CCP, (family affairs) consisted mainly of the removal of parental custody due to previous violent behavior, the relocation from family home and the regulation of communication with children<sup>24</sup>.

**Within criminal law**, protection orders could be found in the form of restriction orders, as alternatives **to detention** (art. 282, CPP).

According to a qualitative screening in recent case law, out of 76 judicial orders found under Art. 283 (restriction measures), it has been proven that: temporary imprisonment is opted as a measure of last resort since it is of subsidiary nature, (when restriction orders are not enough to guarantee that the defendants will not conduct a similar act and that they will appear in court). Restriction conditions most often imposed are the: a) prohibition to exit the country, b) the obligation to present to police station at the place of residence and c) the bail.

In the majority of cases two or more restriction orders are imposed<sup>25</sup>.

The kinds of restriction orders more often imposed on the person arrested under charges are provided in Art. 283 CPP the recitation in article is indicative and judges are entitled to impose any other restriction (also pro rata the ones provided in domestic violence law)

- The Bail (financial guarantee),
- The obligation to present in the judicial or other legal authority in certain time schedule/ periodically (e.g. every fifteen days),
- The Travel Ban (TBO); ban to travel or stay in a defined place or abroad.
- The prohibition to meet certain persons (BO).

Post-trial protection orders are limited and rare. In Hellenic Penal legislation, it is possible to impose an **attendant penalty**<sup>26</sup>, which might include<sup>27</sup>:

- deprivation from public office,

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<sup>23</sup> Other cases regarding violation of right to personality in relation to Domestic Violence, see:

359/2016 Athens Multimember court of first instance  
3045/2012 Athens Multimember court of first instance

<sup>24</sup> 33/2017 Gytheio single-member court of first instance (injunctions procedures)  
378/2016 Larissa single-member court of first instance (injunctions procedures)  
17246/2018 Thessaloniki single-member court of first instance (injunctions procedures)  
3045/2012 Athens Multimember court of first instance (injunctions procedures)

<sup>25</sup> This is also the case for the persons accused for serious crimes, such as: rape and incest among relatives (32/2013 Kozani Criminal Court), Rape and trafficking (72/1999 Xanthi Criminal Court). In another case, however, (Seduction of a minor less than 10 y.o) court decided to impose temporary imprisonment (96/2010 Rhodes Criminal Court).

For cases of Domestic Violence (where L.3800/2016 was cited), see indicatively follow decisions imposing restriction orders:

- 253/2019 Volos Criminal Court (Judicial Council)
- 81/2017 Kos Multimember court of first instance (Personal injury against pregnant resulting to the death of the fetus)
- 1125/2011 Thessaloniki Criminal Court

Or ordering the temporary imprisonment (or its continuation)

- 119/2018 Kozani Criminal Court (interpersonal violence from father towards minor child)

<sup>26</sup> Greek term: παρεπόμενες ποινές

<sup>27</sup> Art.59, 60, 65,66,67,68 Penal Code





- prohibition to practice a profession,
- revocation of a driving license or the use of a means of transportation
- publication of the condemning court decision and
- confiscation (of crime products).

Under the recent revision of the Hellenic Penal Code (1<sup>st</sup> July 2019) some of the so-called “security measures” have been abolished, such as the deprivation of political rights; the prohibition to stay in certain places for reasons of public order; the deportation of aliens and confinement on labour purposes. However, the existing laws and penalties as such penalties safeguard neither the protection of a victim nor the compliance and reformation of the perpetrator, and consequently the peaceful co-existence into society.

Talking about protection orders and protection measures in the light of the **2011/99/EU Directive on the European Protection Order**<sup>28</sup>, one needs to primarily have a closer look at the provisions of the Directive and in particular relevant articles: (2) Definitions<sup>29</sup> and (5) Existing protection measures:

In particular:

*“A European protection order may only be issued when a protection measure has been previously adopted in the issuing State, imposing on the person causing danger one or more of the following prohibitions or restrictions:*

- ***a prohibition from entering certain localities, places or defined areas where the protected person resides or visits;***
- ***a prohibition or regulation of contact, in any form, with the protected person, including by phone, electronic or ordinary mail, fax or any other means; or***
- ***a prohibition or regulation on approaching the protected person closer than a prescribed distance”***

The above-mentioned Directive provisions provide for specific protective measures against the perpetrator or the so-defined “*person causing danger*” that restrict their individual freedom in relation to the victim/ the so called “*protected person*” and **for the benefit of the latter**; in no case these supplementary by nature measures, constitute or replace the penalty prescribed by law and/or imposed to the perpetrator of a crime.

<sup>28</sup> Directive has been transposed into Greek law by L. 4360/ 29.01.2016

<sup>29</sup> Directive 2011/99/EU, Art. 2: Definitions

- a) *‘European protection order’ means a decision, taken by a judicial or equivalent authority of a Member State in relation to a protection measure, on the basis of which a judicial or equivalent authority of another Member State takes any appropriate measure or measures under its own national law with a view to continuing the protection of the protected person;*
- b) *‘protection measure’ means a decision in criminal matters adopted in the issuing State in accordance with its national law and procedures by which one or more of the prohibitions or restrictions referred to in Article 5 are imposed on a person causing danger in order to protect a protected person against a criminal act which may endanger his life, physical or psychological integrity, dignity, personal liberty or sexual integrity;*







As mentioned above, the Hellenic Generic Law indicates in a general way some indicative measures that both the “victim” and the competent judicial institutions might apply for, in case of an imminent danger. Such measures are also mentioned in specific laws, e.x. Art. 15 Law on Domestic Violence as incorporated into generic law (Art. 735 CCP) and most analytically Art.18.

**«In cases of domestic violence, the defendant may be ordered in particular to be removed from the family home, relocated, and prohibited from approaching the applicant's residence or work place, domiciles of close relatives, children's schools and shelters»**

Greek generic law provides for specific types of protection measures, *inter alia*: the relocation of a spouse, the determination of things entitled to take prior to relocation, of the way each spouse will use their property, (house, furniture and utensils), the designation of a parent who may temporarily exercise the parental care and regulation of the communication with the child.

Hellenic legislation provides also for an Interim order<sup>30</sup> that could be decided by a judge until the ruling on the merits of the security measures/ injunctions (Art. 781 CCP)<sup>31</sup>: Taking into account that such injunctions are to be discussed in court within, best scenario, a period of 3 months after the submission of the claim, (not to count any other delays due to an adjournment of the hearing) one can realize how closely and directly a “victim” may be confronted with an imminent danger, remaining also legally unprotected.

Protection orders (POs) are applied upon request and commence by the publication of the Court decision. POs are judicial orders of a temporary nature that do not affect the outcome of the main case. The duration of the POs or BOs-ROs goes along with the duration of the pre-trial procedure (Code of Criminal Procedure, Art. 282, par1). In case the procedure of penal mediation under domestic violence law is successfully completed, the file is dropped off and POs cease to apply. Given the aims of the POs in the procedure of security measures, there is no certain duration and they last until the final court decision when a more permanent settlement/ regulation of the case is reached. The same judicial authority that ordered the PO might also modify or revoke its content and type, while reconsidering the new facts of the case.

In Art 698 CCP there are specific provisions that foresee the cases POs cease to apply if:

- a final court decision comes against the person who claimed the BO PO,
- a final court decision comes and supports the claim of the BO-PO imposition,
- a reconciliation is achieved between the opposite parties,
- a 30 day-period expires after the end of the trial, and

<sup>30</sup> Greek term: Προσωπική Διαταγή

<sup>31</sup> The court hearing the application may, at any stage of the proceedings, upon request or on its own initiative, issue an interim injunction recorded in the minutes, ordering the necessary precautionary measures until the issuance of its decision, in order to secure or retain the right or regulate the situation. 2. the court shall revoke its interim order at any time, even on its own initiative.





- in case that BO-PO duration is exactly defined (Code of Civil Procedure, Art. 683 - 703).

In the law on Domestic Violence it is also stated among others (Art. 18) that the body responsible for the imposition, revocation, replacement or modification of restrictive conditions may consult psychiatrists, psychologists, social workers and other scientists with expertise in the field of domestic violence if these persons work in a public health institution, so that Judicial authorities may come to a more holistic and objective opinion- in terms of victims' protection.

There is no central database for reporting every judicial PO in Greece available electronically. Due to the organization of the judicial system in Greece, applications for POs are submitted to Courts of First Instance, and statistics on a yearly basis could be available. One could find an indicative part of case-law in electronic legal databases; i.e. NOMOS<sup>32</sup> and ISOKRATIS<sup>33</sup> that include apart from Hellenic National Law and European Union Law, some important case-law texts from court decisions. One could also find electronic bases and on line statistics on BO PO (mainly for injunction measures and short term barring orders) on a yearly basis the main courts of First Instance (Athens, Piraeus, Thessaloniki, etc). Only qualitative data based on relevant case law could be available upon careful screening of both civil and penal cases.

The types of BO-RO in penal proceedings often imposed are: the financial guarantee, the obligation of the accused to present in police or other authority on a regular basis and the travel band abroad.

The types of BO-RO in civil proceedings often imposed are: the relocation of a spouse, the prohibition to approach/ come closer to the person in danger, the prohibition to stay/ reside in a particular area/ place.

According to Art 3 of L.4360/2016 that transposed Directive 2011/99/EU into Greek legal order as competent authority for the recognition of the European protection order, **is the Prosecutor** of the Court of First Instance of the (when Greece is either the issuing or the executing state) whereas the Ministry of Justice, Transparency and Human Rights is designated as the Central Authority, to assist the competent judicial authorities in the administrative transmission and receipt of European protection orders and any other relevant official correspondence, as well as in the maintenance of statistics.

POs are generally imposed in DV, IPV, stalking, trafficking and in crimes against children and juveniles. They could possibly be imposed for any type of crime or offence that is seriously threatening or endangering a fundamental right/ freedom.

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<sup>32</sup> <https://lawdb.intrasoftnet.com/>

<sup>33</sup> <http://www.dsanet.gr/1024x768.htm>



### ***Procedures for applying for protection orders***

There are generic POs which apply to all victims, and dedicated POs designated to victims of IPV, DV, stalking and juvenile victims of human trafficking and sexual abuse only. According to the Greek legal order, gender violence is violence used by a man against a woman in the framework of an intimate partner relationship (with or without marriage), but only if there is cohabitation. So, the orders are available to victims of domestic violence and/ or human trafficking, but not to others. As a result, victims who are stalked by people other than their (former) partners cannot benefit from the orders. In Greece the beneficiaries of the protection measures include the spouse, the descendants, ascendants and other relatives<sup>34</sup>. However given the nature of the security measures as ‘umbrella provisions that regulate not only family affairs in general, one could possibly apply POs by analogy to a wider subset of victims in both civil and penal law

Police authorities, the Prosecutor, the investigator Magistrate, the Judicial Council and the relevant judge/court are the competent authorities for issuing relevant BO-PO and RO-PO. Law 2006 Art.18 defines that under certain circumstances and for the protection of the victim’s physical and mental health, specific POs are imposed to the accused by the court, or the competent investigating Magistrate, or the Judicial Council, which last as long as needed<sup>35</sup>:

1. Victims of domestic violence are entitled to moral support and the necessary material assistance from legal entities under public or private law, operating specifically for these purposes under the supervision of the Ministry of Health and Social Solidarity, and from social services of local authorities.
2. The police authorities dealing with cases of domestic violence within the framework of their responsibilities are obliged, if the victim so requests, to inform him / her and the above-mentioned bodies, so that the necessary assistance, as the case may be, is provided immediately (Art.21, L.3500/2006)

Formally, no ministry has the coordinating role for advancing victim protection in general. The Ministry of Social Policy operates as an “umbrella organization” responsible at a political level for the coordination of certain service providers. The Ministry of Justice has established the Authority for Compensation for victims of serious crimes of violence. Through the General Secretariat for Family Policy and Gender Equality, of the Ministry of Social Policy is responsible for gender based violence and equality measures and policies implementation. The Ministry of Foreign Affairs acts through the Hellenic Aid for trafficking programs.

<sup>34</sup> van der Aa, S. (2011). Protection orders in the European Member States: Where do we stand and where do we go from here? *European Journal of Criminal Policy and Research*.

<sup>35</sup> Freixes T. , Roman L. , “Protection of the Gender- Based Violence Victims in the European Union, Preliminary study of the Directive 2011/99/EU on the European protection order”, Publicacions Universitat Rovira i Virgili Publicacions Universitat Autònoma de Barcelona, 2014.



In Hellenic criminal Law, the criminal prosecution for the commission of a criminal act is exercised by the Prosecutor after the submission of a complaint or a lawsuit. In crimes prosecuted by a complaint (and are explicitly defined in the criminal law and in special laws, the criminal prosecution takes place only by the complaint of the victim (Art. 53, Criminal Code). Therefore, only the victim is entitled to file a complaint and not a third party. However, when no complaint or request is required, the criminal prosecution would proceed *ex officio*, following a report, lawsuit or other information to any third party that a criminal act has been committed, (Art. 37, Criminal Code). Apart from victims themselves, anyone else has the right to sue for acts they have been informed in any possible way. In the criminal offense of domestic violence, the criminal prosecution against the perpetrator is exercised *ex officio* and no complaint of the victim is required. This means that even if the victim declares that they do not want the prosecution of the perpetrator, the Prosecutor cannot refrain from prosecuting; on the contrary he is obliged to immediately initiate any mechanism of criminal proceedings in order to protect the victim.

Contrary to criminal law where the investigative system applies, in civil law applies the principle of disposition, which is provided in Art. 106 of the CCP, the court acts only at the request of a party and decides on the basis of factual arguments submitted by the parties and the applications submitted by them, unless otherwise provided by law. At the same time according to provisions of Art 686, par. 1 CCP, the court may order security measures only upon request. Therefore, application for precautionary measures against the perpetrator, e.g. Domestic violence, can be committed only by the victim and not by any third party.

### ***Monitoring and sanctions***

Protection orders are not actively monitored in Greece, rather it is generally left to the victim to report violations<sup>36</sup>. In case the accused persons are obliged to present themselves to police authorities on a regular basis, it is up to the police to monitor the compliance of the accused with the BO RO imposed. Police have no central registration database, except for TBO in the official control (entry-exit) points of the country.

Measures of electronic surveillance have recently been adopted (July 2019) for the person against whom charges have been pressed (Art. 283-4 CPP). According to Art. 282 it is considered as a measure alternate to pre-trial detention.

Under house arrest with electronic surveillance is considered to be the imposition on the person accused for a crime of the obligation not to exit a specific and specifically defined (in the BO-RO of the investigator) building which is proven to constitute his place of

<sup>36</sup>“Mapping the legislation and assessing the impact of Protection Orders in the European Member States (POEMS) National report Greece”, 2013, <http://poems-project.com/wp-content/uploads/2015/02/Greece-final.pdf>



residence. Person accused is supervised by any appropriate electronic means whereas a competent service will monitor and record through a geo-location system, only the geographical location of the accused and keep a record. It is imposed only when there is sufficient evidence for the guilt of the person accused for a felony and it is justified that no other measure will be sufficient enough to achieve the restrictive conditions of Art. 282, par. 2. It is also imposed when the accused has a known (to the authorities) residence in country and: a) has made preparatory actions to facilitate his escape or has been a fugitive or has been found guilty of escaping or of violating residence restrictions, or b) it is considered justified that if he is released it is very likely to commit other crimes.

It is also provided in Greek Criminal Code (Art. 105) the sentence of under house arrest as an alternative for a person convicted by imprisonment, for certain categories of persons in serious vulnerability, such are: the elderly (more than 70 y.o); mothers who have custody of minors (less than 8 y.o); and those suffering from serious health problems.

In the same article it is stated that "The Judicial Council may revoke the sentence of under house arrest if it is found that the conditions of paragraph 2 are not met." However, it is not stated under which activities and circumstances the Court will be informed about the compliance with protection orders.

After the recent revision of Penal Code (under Law 4619/2019) a new article has been added regulating a range of sanctions; Art. 169A: Violation of court decisions. It provides that:

- Anyone who has not complied with an interim order/injunction or a court's- or prosecutor's order regarding the regulation of the county or the occupation, the exercise of parental care, the communication with the child, the regulation of how to use family's domicile and the distribution of movables between spouses shall be punished by imprisonment of up to three years or by a fine.
- The accused shall be punished by imprisonment of up to three years, in case they violate the restrictive conditions regarding the freedom of movement and residence imposed on him by a court decision or by judicial council, after the completion of the respective maximum period of temporary detention.
- Whoever knowingly cancels the execution of a sentence or security measure imposed on another person shall be punished by imprisonment of up to three years or by a fine. The act goes unpunished if the perpetrator committed it in favour of someone related to him.

In penal law in general, the violation of a BO-RO under art 286, par. 1 CPP by the person accused might always have as a consequence that restrictions are replaced by temporary imprisonment under Art. 296 CPP.





## Assessing the implementation and impact of the European Protection Order in Greece

### *Legal framework*

The EC Directive 2011/99/EU has been transposed in the Hellenic national legislation through law 4360/ 29.1.2016.

According to Art. 5 par.2 L.4360/ 2016, an EPO can be requested by:

- 2. A judicial or equivalent authority of the issuing State may issue a European protection order only at the request of the protected person and after verifying that the protection measure meets the requirements set out in Art. 5 (of the Directive).
- 3. The protected person may submit a request for the issuing of a European protection order either to the competent authority of the issuing State or to the competent authority of the executing State. If such a request is submitted in the executing State, its competent authority shall transfer this request as soon as possible to the competent authority of the issuing State.

According to Art. 3par.3 L.4360/ 2016:

- “The Ministry of Justice, Transparency and Human Rights is designated as the Central Authority, in order to assist the competent judicial authorities in administering the transmission and receipt of EPOs and any other relevant formalities in correspondence, as well as for the maintenance of statistical data.

Unfortunately there is no data available yet on the number of EPOs issued or executed in Greece.

### *Procedures for applying for an EPO*

According to Art. 3 L.4360/ 2016:

- Competent authority for the recognition of an EPO protection order, when **Greece is the state of execution**, is the Prosecutor of the First Instance Court in the place of the residency or stay of the protected person.
- 2. Competent authority for the transmission of an EPO to the competent authority of the executing State, when **Greece is an issuing state**, it is the Prosecutor of the Court that imposed a protection measure or to which the investigating authority (that imposed it) belongs to.

According to Art. 4 L.4360/2016:





- The protected person may submit a request for the issuing of a European protection order, in person or through a representative, either to the competent authority of the issuing State or to the competent authority of the executing State. If such a request is submitted in the executing State, its competent authority shall transfer this request as soon as possible to the competent authority of the issuing State.
- A European protection order shall be translated into the official language or one of the official languages of the executing State.
- If the competent authority of the executing State is not known, the Public Prosecutor addresses to the central authority of the Ministry of Justice, Transparency and Human Rights, that shall make all the relevant enquiries, in order to obtain the necessary information from the executing State including, inter alia, via the contact points of the European Judicial Network or the National Member of Eurojust.
- The Public Prosecutor of the Court of First Instance at the place of residence or stay of the protected person recognizes without undue delay by a decision, the European protection order transmitted and takes a decision adopting any measure that would be available under the national law in a similar case in order to ensure the protection of the protected person.
- The national central authority shall, as soon as possible, inform the central authorities of the other Member States of any convictions handed down against the nationals of such other Member States within the Greek territory, as entered in the criminal record. If it is known that the convicted person is a national of several Member States, the relevant information shall be transmitted to each of these Member States, even if the convicted person is a Greek national.
- Information on subsequent alteration or deletion of information contained in the criminal record shall be immediately transmitted by the national central authority to the central authority of the Member State of the convicted person's nationality.
- Any Member State could communicate to the central authority of the Member State of the convicted person's nationality, on the latter's request in individual cases, a copy of the convictions as well as any other information relevant thereto in order to enable it to consider whether they necessitate any measure at national level. The national central authority requests the conviction from the competent court and transmits it to the requesting central authority of the Member State.
- The national central authority shall store all information of the criminal records of Greek nationals transmitted by other Member States in accordance with this law.





- Any alteration or deletion of information transmitted by other Member – States, shall entail identical alteration or deletion by the Member State of information stored in accordance with the previous paragraph.

The reasons for rejecting an EPO request are described in Art. 2 L.4360/ 2016:

- The Public Prosecutor of the Court of First Instance at the place of residence or stay of the protected person may refuse, justifiably, to recognize the European protection order in the following circumstances:
  - (a) the European protection order is not complete or has not been completed within the time limit set by the Public Prosecutor according to article 10 (2);
  - (b) the requirements set out in Article 4 have not been met;
  - (c) the protection measure relates to an act that does not constitute a criminal offence under the Greek law;
  - (d) there is amnesty conferred to the person causing danger and the adopted measure relates to an act or conduct which falls within the competence of the Greek courts;
  - (e) there is immunity conferred under the national law on the person causing danger;
  - (f) criminal prosecution, against the person causing danger, for the act or the conduct in relation to which the protection measure has been adopted is statute-barred under the national law, when the act or the conduct falls within the competence of the Greek courts;
  - (g) recognition of the European protection order would contravene the ne bis in idem principle;
  - (h) under the Greek penal law, the person causing danger cannot, because of that person's age, be held criminally responsible for the act or the conduct in relation to which the protection measure has been adopted, and;
  - (i) the protection measure relate to a criminal offence which is regarded as having been committed, wholly or for a major or essential part, within the territory of Greece, and is punished in accordance with the Greek legislation;
- 2. Where the Public Prosecutor refuses to recognize a European protection order shall inform the protected person, who is entitled to appeal before the Public Prosecutor of the Court of Appeal within ten (10) days after having been relatively informed. When the protected person is informed about the rejection order, is also informed in writing on the right to appeal.





- 3. Where the Public Prosecutor refuses to recognize a European protection order shall, without undue delay, inform the competent authority of the issuing State and, if necessary, the protected person about the possibility of requesting the adoption of a protection measure in accordance with its national law. In case that the requirements for the issue of a European protection order are not met, the Public Prosecutor rejects, by his decision, the petition of the protected person and by the same decision informs the protected person of any applicable legal remedies against the order.

In addition, the possibility of simultaneously issuing an EPO to different States when the victim expresses the intention to stay in all of them is available under the principles of the application of the respective legislative rules.

Last but not least, there is no evidence or information or provision regarding free legal aid to victims eligible for the provision of an EPO; as well as no relevant concrete data or information on the timeframe or the duration of EPO recognition in Greece.

### ***Level of protection and monitoring mechanisms***

The provisions of Greek law transposing the Directive (Art. 1 to 18) regulate: (a) the recognition in Greece of a EPO issued in another EU Member State and ordering a Protective measure towards a person from the criminal activity of another, which may put at risk their life or their physical and mental integrity and dignity or their personal freedom or sexual integrity, for the continuation of their protection in Greece and b) the application for recognition and execution of an order correspondingly addressed by Greece to another EU -member state.

According to Art. 9 par.2 and 3 L.4360/2016:

- 2. The measure adopted by the competent authority of the executing State in accordance with paragraph 1, as well as any other measure taken on the basis of a subsequent decision as referred to in Article 11, shall, to the highest degree possible, correspond to the protection measure adopted in the issuing State.
- 3. The competent authority of the executing State shall inform the person causing danger, the competent authority of the issuing State and the protected person of any measures adopted in accordance with paragraph 1, as well as of the possible legal consequence of a breach of such measure provided for under national law and in accordance with Article 11(2). The address or other contact details of the protected person shall not be disclosed to the person causing danger unless such details are necessary in view of the enforcement of the measure adopted in accordance with paragraph 1.







Regarding monitoring mechanisms in Greece, provisions follow the rules as described at the Hellenic legislation and there are no specific separate monitoring mechanisms on the application/violations of EPOs.

The sanctions foreseen for breaching an EPO are described in Art. 13 L.4360/2016:

- Any person who breaches the European protection order is punished with imprisonment up to two years.
- Where the Public prosecutor of the Court of First Instance situated at the place of residence or stay of the protected person verifies breach of the European protection order is competent to: a) act according to Art. 43 of the Penal Procedure Code and b) take any urgent measure in order to put an end to the breach, pending, where appropriate, a subsequent decision by the issuing State.
- The Public Prosecutor shall notify the competent authority of the issuing State of any breach of the European protection order.

Finally, the protection measures adopted following the recognition of an EPO can be terminated/ discontinued according to Art. 15 L.4360/2016:

- The Public Prosecutor of the Court of First Instance at the place of residence or stay of the protected person may discontinue the measures taken in execution of a European protection order:
  - (a) where there is clear indication that the protected person does not reside or stay in the Greek territory, or has definitively left that territory;
  - (b) where, according to its national law, the maximum term of duration of the measures adopted in execution of the European protection order has expired;
  - (c) where a judgment or a decision on supervision measures within the meaning of Articles 24 and 42 of L. 4307/2014 correspondingly, is transferred to Greece, after the recognition of the European protection order.
- Before discontinuing measures the Public Prosecutor may invite the competent authority of the issuing State to provide information as to whether the protection provided for by the European protection order is still needed in the circumstances of the case in question.



## ARTEMIS Online Survey

### *Methodology*

The survey in Greece, is a part of a wider survey implemented at 5 EU countries (Italy, Czech Republic, Croatia, Greece, Cyprus) and available online throughout the EU (through the ARTEMIS Project website). The survey forecasted for a wide sample of 5000 responses, by EU Citizens, Legal Professionals at any level, and professionals working at organisations dealing with Gender Based Violence at any level of engagement.

The target groups of the ARTEMIS Online survey were adult (>18 years old) EU citizens or EU residents, legal professionals and professionals working at the supporting organisations. The purpose of the online survey was to explore the level of awareness and the levels of the application of protection mechanisms available for victims of gender-based violence against women in Greece, as well as on European Protection Order. This information will be used to design training and awareness raising activities for legal professionals and NGOs working in the field of gender-based violence against women.

The online survey aimed to reach as many respondents as possible without purposive monitoring of sample characteristics such as region, age, and gender. The relatively small sample does not allow any statistical validation or generalization of the results. Therefore, the survey is intended to provide an indication of the level of awareness of protection measures.

The survey was comprised by 3 parts: 1) the survey for EU citizens 2) the survey for Legal professionals and 3) the survey for professionals dealing with Gender Based Violence of any form.

The survey was run in Greece by the Union of Women Associations of Heraklion Prefecture from 09/06/2020 to 09/09/2020 (60 days). Channels used for the dissemination of the online survey in Greece included:

- Social media channels (Facebook, LinkedIn, Messenger);
- Electronic dissemination to organisation contacts database.
- In person filling of questionnaires at physical meetings of the Union of Women Association of Heraklion.

The overall response rate was at 17% given of the fact that it has been carried out at a limited amount of time and by electronic means.

The survey was completed by a total of **732 respondents in Greece**.



## Survey for EU Citizens

The survey questionnaire was completed by 604 EU Citizens in Greece.

### ***Demographic Characteristics of respondents***

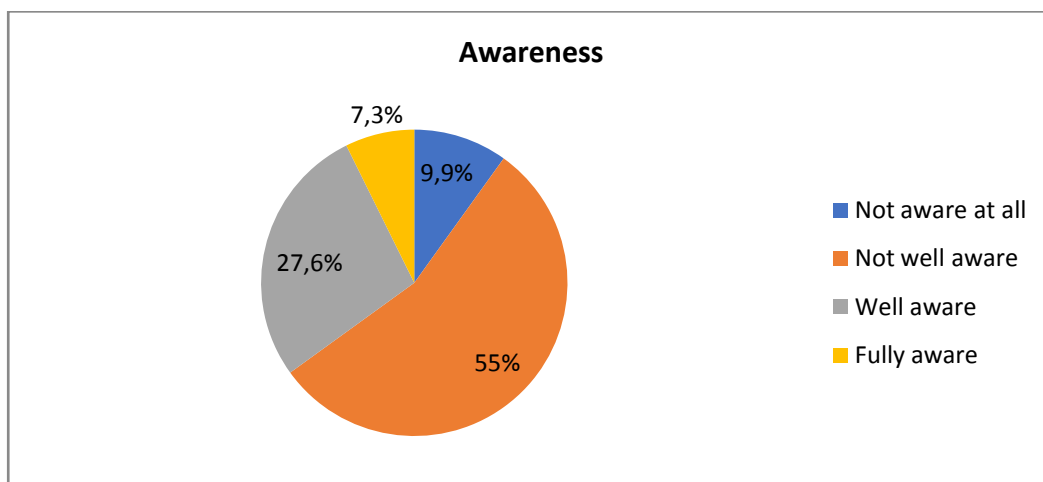
The respondents were **adult citizens, residing in Greece**. 14,6% are 18-24 years old; 22,2% are 25-34 years old; 27,8% are 35-44 years old; 21,7% are 45-54 years old; and finally, 13,7% are 55 years or older. The 98,3% of respondents (594 respondents) are EU citizens and only 1,7% of respondents are not EU citizens, but are residing in Greece permanently.

The majority of **respondents** are women (479 women, 79,6%); from whom 65 women are 18-24 years, 105 are 25-34 years old; 135 are 35-44 years old; 106 are 45-54 years old; and 67 are 55 years or older. Men represent the 19,4% (117 men) of respondents; from whom 21 men are 18-24 years old; 26 are 25-34 years old; 32 are 35-44 years old; 23 are 45-54 years old; and 15 are 55 years or older. The rest of the respondents (1%, 6 respondents) preferred not to mention their gender.

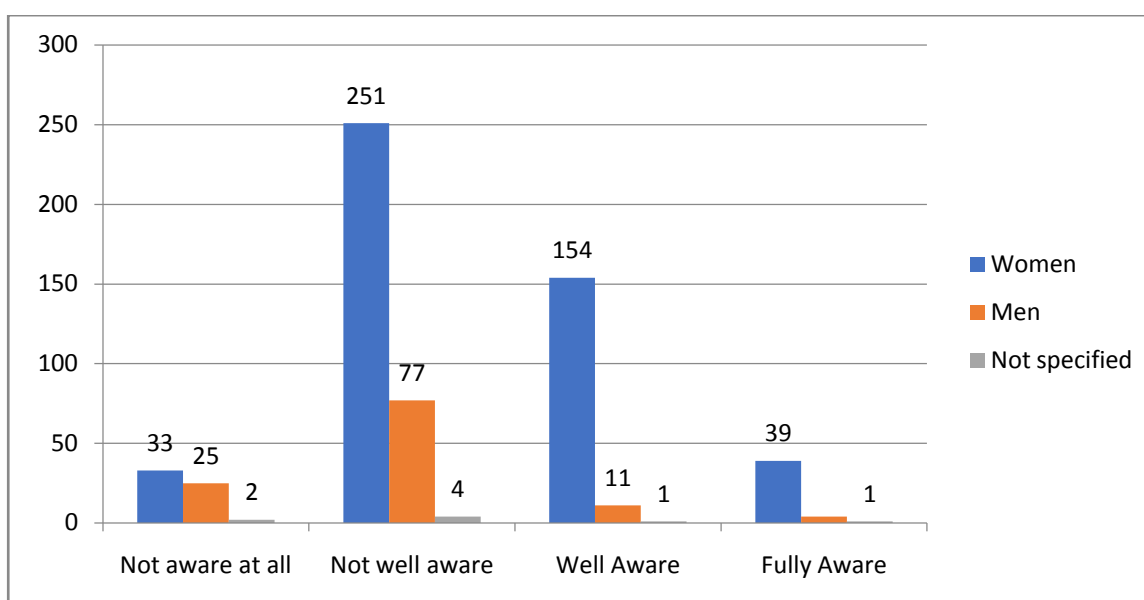
Regarding the **education level** among survey respondents, 41,2% hold a University degree; the 21,9% hold a Master Degree from a University. 34,4% have completed secondary education and the rest 2,5% have not completed secondary education.

### ***Awareness of rights and services available to victims of violence***

Regarding **awareness of means of providing support, assistance and/ or information to victims of violence**, the majority of citizens, namely 251 women, 77 men and 4 non-specified gender respondents, or the 55%, *responded that they are not very well aware of such means*. 33 women, 25 men and 2 non-specified gender respondents, or 10%, responded that *they are not aware at all*. On the other hand, 155 women, 11 men and 1 non-specified gender respondents, or the 27,6% perceived themselves as well aware, and only 39 women, 4 men and 1 non-specified gender respondents, corresponding to 7,3% perceived themselves as fully aware of means. The awareness of respondents can be depicted as follows:



Graph 1: Awareness on victim support in your country (EU Citizens, Greece), % percentage.

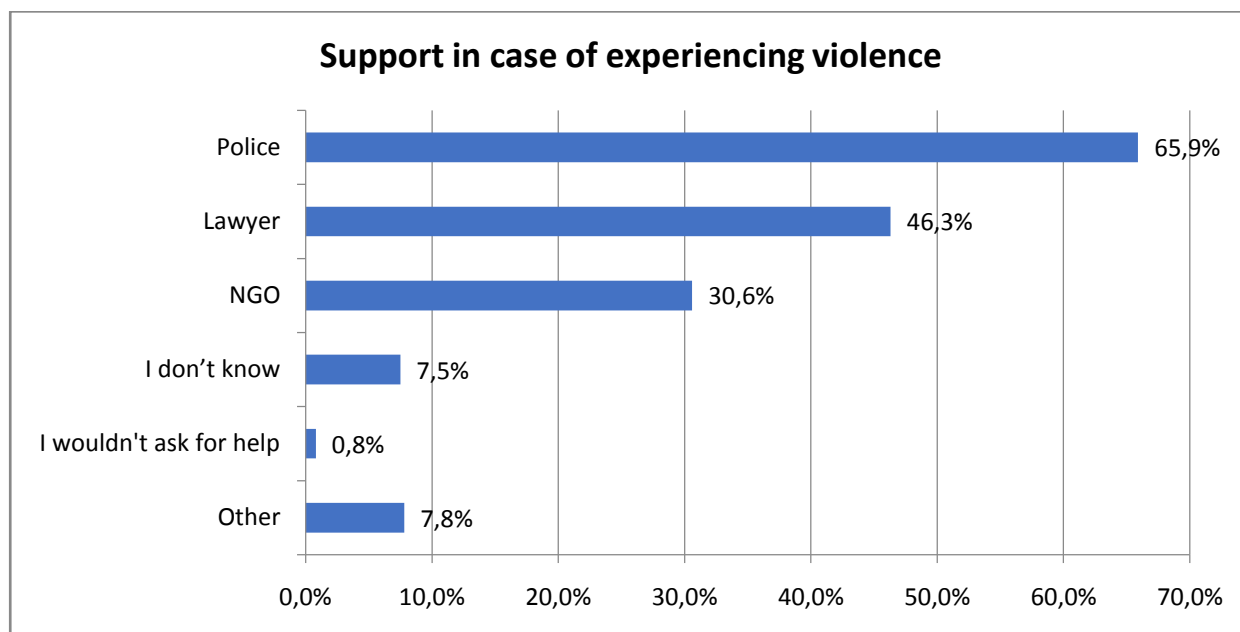


Graph 2: Awareness on victim support in your country (EU Citizens, Greece), responses by gender.

Regarding **finding support in case of experiencing violence**, the majority of respondents, namely 397 respondents corresponding to 65,9%, claimed that they would turn to the Police in order to find help in case of experiencing violence; while 279 respondents or 46,3% would ask help from a Lawyer; and 184 respondents or 30,6% from an Non Governmental Organisation (NGO). In this context, 42 respondents or 7,8% claimed they would ask for assistance from Other sources, such as friends, family, national Helpline, feminist and other activist groups or a psychologist. Last but not least, 45 citizens

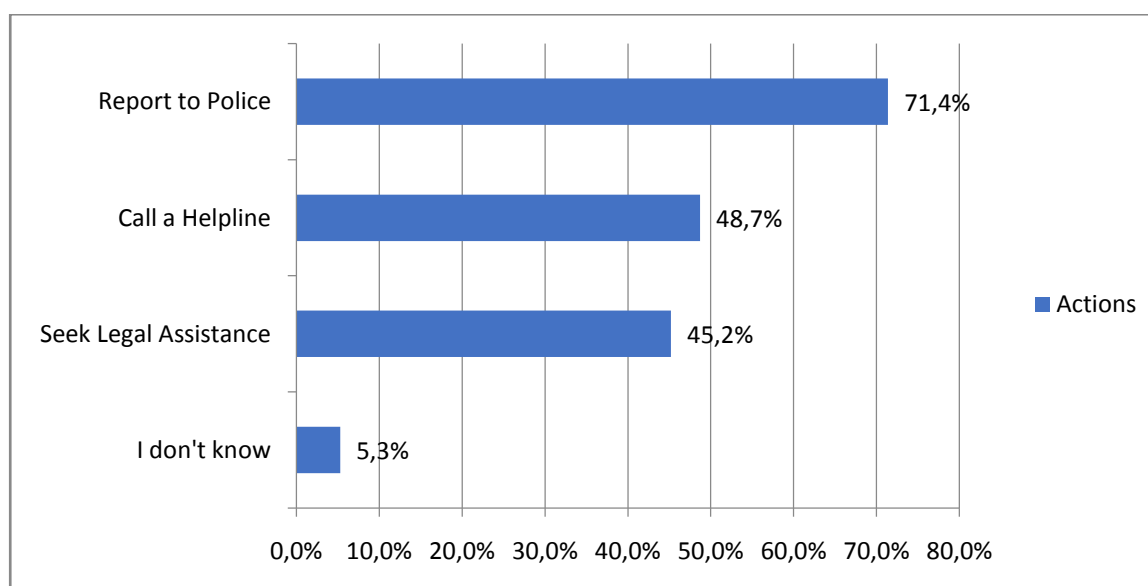


(7,5%) answered that they would not know where to ask for help; and 5 citizens (0,8%) answered that they would not ask for help at all<sup>37</sup>.



Graph 3: Finding support in case of experiencing violence (EU Citizens, Greece), % percentage.

Regarding **direct actions the respondents would take in case of experiencing violence**, 71,4% or 431 respondents, claimed that they would report the violence incident to the Police; while 294 citizens or 48,7% answered that they would contact a Helpline; and 273 respondents or 45,2% would ask for Legal assistance. 32 citizens or 5,3% answered that they do not know what they would do<sup>38</sup>.



<sup>37</sup>Choosing multiple answers was possible for this question.

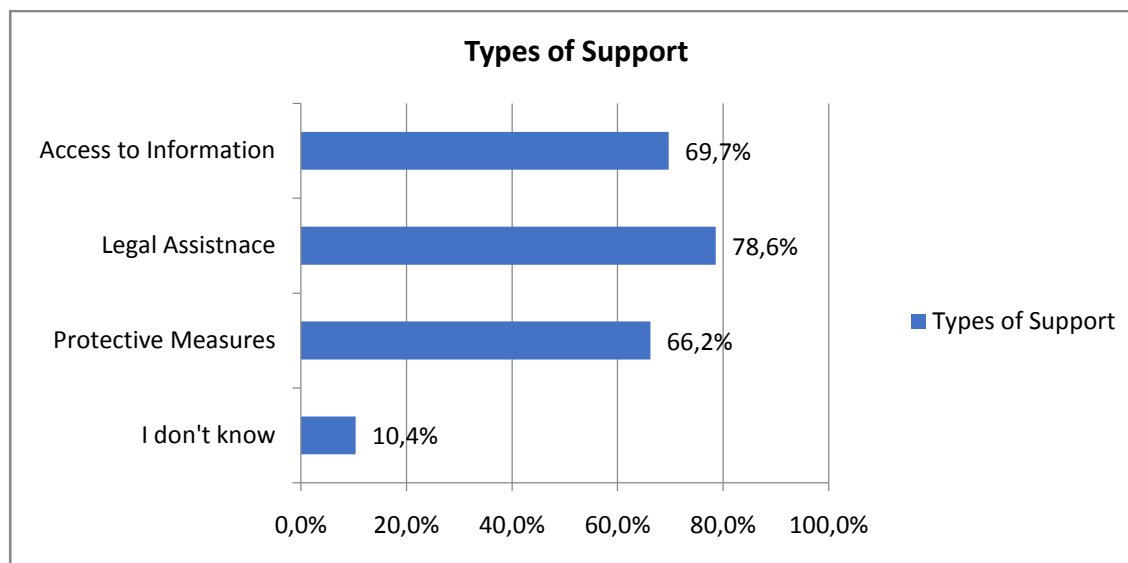
<sup>38</sup>Choosing multiple answers was possible for this question.





Graph 4: Direct Actions in case of experiencing violence (EU Citizens, Greece), % percentage.

Responding to the **types of support that a victim is entitled to**, 474 citizens or 78,6% answered that the victim of violence is entitled to legal assistance; 420 citizens or 69,7% responded access to information; and 399 citizens or 66,2% responded protective measures. 63 citizens or 10,4% of respondents did not know what type or support the victim is entitled to<sup>39</sup>.



Graph 5: Types of Support a victim is entitled to (EU Citizens, Greece), % percentage.

Finally, regarding **knowledge on the national legislation about the European Protection Order (EPO)**, 88,4% (534 citizens) of respondents have no relevant knowledge; while 11,6% (70 citizens) of respondents claimed to have relevant knowledge.

One basic finding by the above set of responds, shows a significant level on lack of awareness with regards to the support mechanisms in cases of Gender Based Violence (64% of sample); whereas respondents feel that if they would had any similar experience, the most trustful source of support is Police, Respondents at their vast majority believe that the victim *should have at his/her disposal any means of assistance*. Respondents show their need for comprehensive support and information about the Gender violence, and they deem that the “safest” choice in the case of Violence in family is the police.

## **Experiences of violence & protective measures**

Regarding **experiences of violence/ abuse**, the majority of respondents, namely 432 respondents or 71,5% answered that they have not personally experienced violence or abuse. 122 citizens or 20,2% have experienced some form of violence; while 50

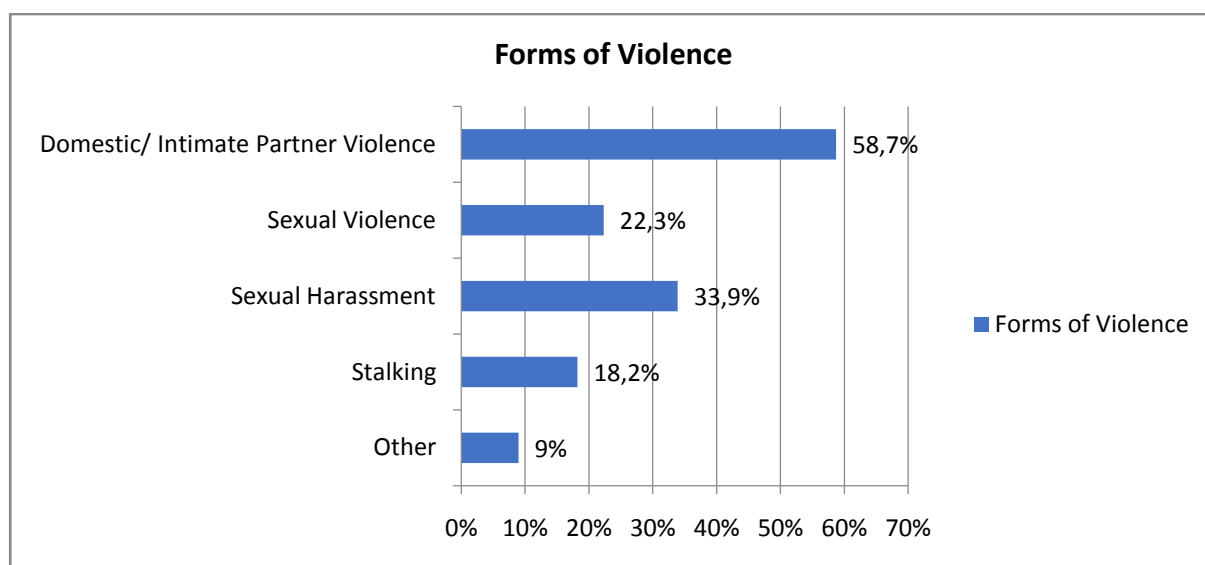
<sup>39</sup>Choosing multiple answers was possible for this question.





respondents or 8,3% preferred not to say if they have personally experienced violence or abuse. Among the 122 citizens (20,2%) that have experienced some form of violence, there were 107 women (87,7%), 10 men and 5 non-specified gender respondents.

The **forms of violence experienced** by the survey participants were Domestic/Intimate Partner Violence by 58,7% (71 respondents); Sexual Violence by 22,3% (27 respondents); Sexual Harassment by 33,9% (41 respondents); Stalking by 18,2% (22 respondents); while 9% (11 respondents) have experienced some Other form of Violence, including psychological violence and bullying.<sup>40</sup>

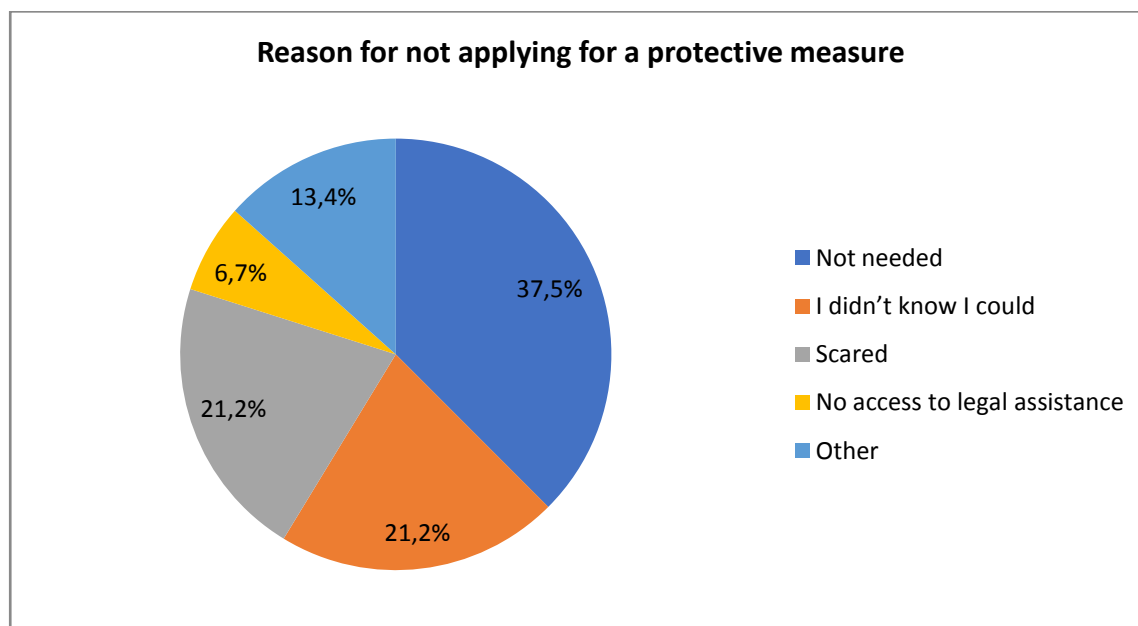


Graph 6: Forms of violence experienced by participants (EU Citizens, Greece), % percentage.

Regarding **application for a protective measure**, among the 122 survey participants that have experienced some form of violence, only 15 respondents, namely the 12,3% have applied; while 107 respondents or 87,7% have never applied for a protective measure (e.g. protection order). When asked to mention **the main reason for not applying for a protective measure**, 39 respondents or 37,5% claimed that they did not consider that they needed protective measures; 22 respondents or 21,2% did not know they could apply for such a measure; 22 respondents or 21,2% were scared; 7 respondents or 6,7% did not have access to legal assistance; and finally, 14 respondents or 13,4% for other reasons, including that the victim was a minor at the time of the incident.

<sup>40</sup>Choosing multiple answers was possible for this question.





Graph 7: Reasons for not applying for a protective measure (EU Citizens, Greece), % percentage.

Regarding procedures of protective measures, the 15 respondents that have applied for a protective measure, answered that mainly the Lawyer (60%) or the Police (40%) has **initiated the application** for the protective measure. For 11 respondents (73,3%) the application for the protective measure was successful; while for the rest 4 respondents (26,7%) the request was not successful. The **types of protective measures** applied were Removal Orders (4 responses or 36,4%), Restraining Orders (5 responses or 45,5%), Temporary Restraining Orders (4 responses or 36,4%), and Warnings (1 response or 9,1%). Concerning the **duration of the protective measure**, the measures were valid for more 6 months in 4 cases (36,4%); for 4-6 months in 1 case (9,1%); 21 days – 3 months in 2 cases (18,2%); and in 4 cases (36,4%) the respondents did not know the duration of the measures. Regarding the **effectiveness of the protective measures**, the respondents found the measures effective in 9 cases (81,8%), not effective in 1 case (9,1%) and did not know in 1 case (9,1%). During the application of protective measures, only 1 respondent wished to travel in another EU country, but they were not informed about their right to European Protection Order.

The basic finding from this set of question is that 1 out of 3 respondents claimed that is a victim of GBV, a figure which is close to the EU median percentage (FRA 2015). Only the 12% of the people who responded that they were victims of violence claimed for POs while the 22% of them who didn't claimed for a PO stated that they "*were afraid of the perpetrator*". This element validates the argument of low levels of awareness, as to the extent that any person who files a report about GBV has wide arsenal of legal instruments at her/his disposal to protect him/her self from the perpetrator, while the legal system acts for the maximization of the safety of the victim(s). There is also lack of comprehensive





information about the protection orders mechanism, safeguarding the rights of the victim to the public; therefore, is up to the legal professional to build a set of effective activities towards the safety maximization of the victim. Last but not least one needs to highlight the effectiveness of the protection measures when applied at the proper order.





## Survey for Legal Professionals

The survey questionnaire was completed by 75 legal professionals in Greece. Among the respondents there were 61 lawyers (81,3%); 10 legal counsellors (13,3%), and the rest were public prosecutors and judges.

### ***Experiences with gender-based violence against women & protective measures***

The majority of the respondents offer **services** of legal representation by 70,7% (53 respondents) and legal aid by 65,3% (49 respondents); while only one third of respondents (25 respondents or 33,3%) participate in the national programme for legal aid.

59 of the respondents (78,7%) offer legal assistance services for victim of violence according to the national legislation. In addition, 58 out of 75 respondents or 77,3% has **requested a type of protective measure/order** from the court during a civil or penal case, according to the national legislation. The **main reasons for applying for a protective measure/order for a client** include Divorce at 60% (45 responses); Domestic violence at 69,3% (52 cases); and child/minor abuse at 22,7% (17 responses)<sup>41</sup>.

Moreover, regarding the respondents' opinion on whether the available **protection measures for victims in Greece are effective**, the legal professionals were divided with 44% (33 respondents) claiming that protection measures are effective; while 42,7% (32 respondents) claimed that they are not; 10,7% (8 respondents) did not know and 2,6% (2 respondents) answered that they are somewhat effective.

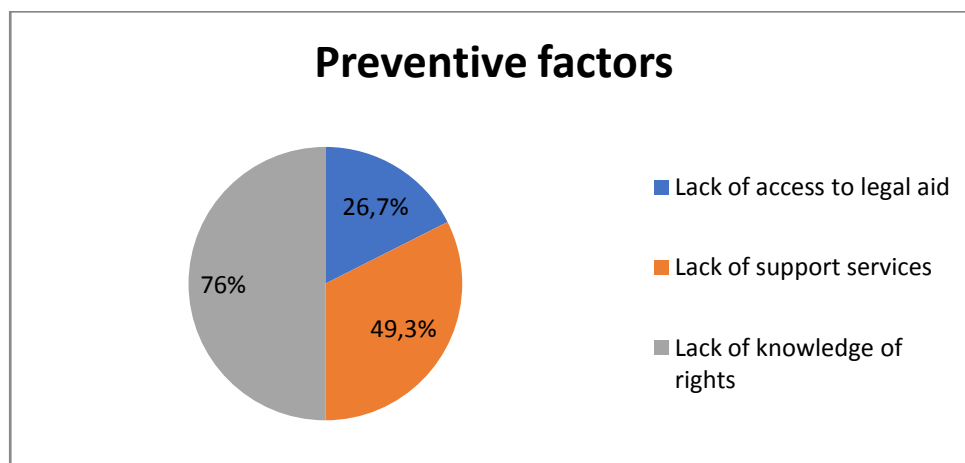
The main **factors that prevent victims from obtaining a protection order** are lack of knowledge of their rights at 76% (57 responses); lack of support services for victims at 49.3% (37 responses); lack of access to legal aid/assistance at 26,7% (20 responses)<sup>42</sup>.

<sup>41</sup>Choosing multiple answers was possible for this question.

<sup>42</sup>Choosing multiple answers was possible for this question.







Graph 8: Factors preventing victims to apply for protective measures (Legal Professionals, Greece), % percentage.

Finally, in the context of providing services to victims of violence, **legal professionals reported their cooperation** with other services/entities and more specifically with the Courts by 85,7% (36 responses); the Police by 83,3% (35 responses); Social services by 54,8% (23 responses); NGOs by 33,3% (14 responses); while 9,5% (4 responses) reported that they do not cooperate with other services<sup>43</sup>.

In overall, this field of the survey highlights that the vast majority of legal professionals have been dealt with cases of Domestic Violence, where the main use of POs was directed into the protection of victim of Violence either a woman or child. The legal professionals at their majority validate the “lack of awareness” argument (see section 3.1) claiming that “the victims are unaware of their rights (76%)” in cases of Domestic Violence. The majority of legal professionals (85,7% - 83%) prefer to collaborate mainly with Police or the courts, while only the 54% collaborates or collaborated with social services and with support organisations. Therefore, their first option is to work closely with the court or police and at a second level with support services and support organisations. This attitude, reflects the perception of “prioritisation” of the legal actions towards the case of IPV.

## ***Awareness level and experiences with the EU Directive on the European Protection Order***

Regarding **knowledge on the European Protection Order (EPO)**, 42 respondents or 56% claimed to be familiar, while 33 respondents or 44% were not familiar with the provisions of the EU Directive. Moreover, among the respondents that are familiar with the provisions of the EU Directive, 27 respondents or 64,3% claimed that they are **providing**

<sup>43</sup>Choosing multiple answers was possible for this question.





**information to their clients/victims regarding their right to the EPO** when travelling to another EU country; while 8 respondents or 19% reported to have **already offered legal aid/assistance to a client/victims from another EU country that was a bearer of an EPO**.

In addition, out of 42 respondents familiar with the EU Directive, 10 respondents (23,8%) reported to **have requested an EPO for a client/victim** with a valid protection order; concerning crimes of domestic violence, sexual violence and child/minor abuse. 4 out of 10 respondents reported to have their **request for an EPO for a client/victim accepted**. However, in the absence of data at national level, it is not possible to substantiate these findings.

### ***Training needs on the EU Directive on the European Protection Order***

Among the 42 legal professionals that reported being familiar with the provisions of the EU Directive on the EPO, 5 respondents (11,9%) documented to have **participated in a specialised training**; while 37 respondents (88,1%) have not participated in any kind of training related to the EPO. Among all legal professionals that participated in the survey; 98,7% (74 respondents out of 75) expressed the view that a **specialised training on the EPO would be useful**.

The outcome of the analysis on EPO reflects that the EPO is partially known and familiar among the legal professionals, and it is related to the lack of any awareness activity among the legal staff, and the lack of focused training on the use and effectiveness of the EPO in Greece. The legal professionals and their clients respectively appear to trust more the National POs (as being more effective, and easy to get in) whereas the EPO appears to be more complex, mainly because of the lack of experience on the use of it at any level.





## Survey for NGO/Victim Support Professionals

The survey questionnaire was completed by 53 NGO/victim support professionals in Greece.

### ***Provision of services for victims of gender based violence***

**Professionals in NGOs/ victim support** that participated in the survey, reported to provide services to victims of gender based violence or other forms of violence by 88,7% (47 respondents); while 11,3% (6 respondents) do not provide services to victims of gender based violence or other forms of violence.

The **services provided by the agency/entity** that professionals represent include Psychological Counselling by 77,4% (41 responses); Provision of Information by 64,2% (34 responses); Legal aid/counselling by 50,9% (27 responses); Shelter by 43,4% (23 responses); and Social Assistance (housing, social care, financial assistance, etc.) by 41,5% (22 responses).<sup>44</sup> Regarding **other services provided by the agency/entity** that professionals represent, those include Awareness raising by 92,3% (48 responses); Training of Professionals by 53,8% (28 responses); and Advocacy by 36,5% (19 responses)<sup>45</sup>.

The **beneficiaries of the services** include victims of Domestic/ Intimate Partner Violence by 90,4% (47 responses); Sexual Violence by 67,3% (35 responses); Sexual Harassment by 59,6% (31 responses); Stalking by 42,3% (22 responses); Human Trafficking by 42,3% (22 responses)<sup>46</sup>. **Cooperation with other agencies**, and more specifically the Police was reported by 47 respondents or 88,7%; with Social Services by 40 respondents or 75,5%; with the Courts by 38 respondents or 71,7%; with NGOs by 27 respondents or 50,9%. Only 4 respondents or 7,5% reported that they do not cooperate with other services<sup>47</sup>.

### ***Service provision on Protective measures & Legal Aid***

According to the survey results, the 77,4% (41 respondents) provide **information/assistance to clients/victims regarding the available protective measures based on the national legislation**; while the rest 22,6% (12 respondents) do not provide information/ assistance. Moreover, regarding the respondents' opinion on whether the **protection measures for victims of violence in Greece are sufficiently**

<sup>44</sup> Choosing multiple answers was possible for this question.

<sup>45</sup> Choosing multiple answers was possible for this question.

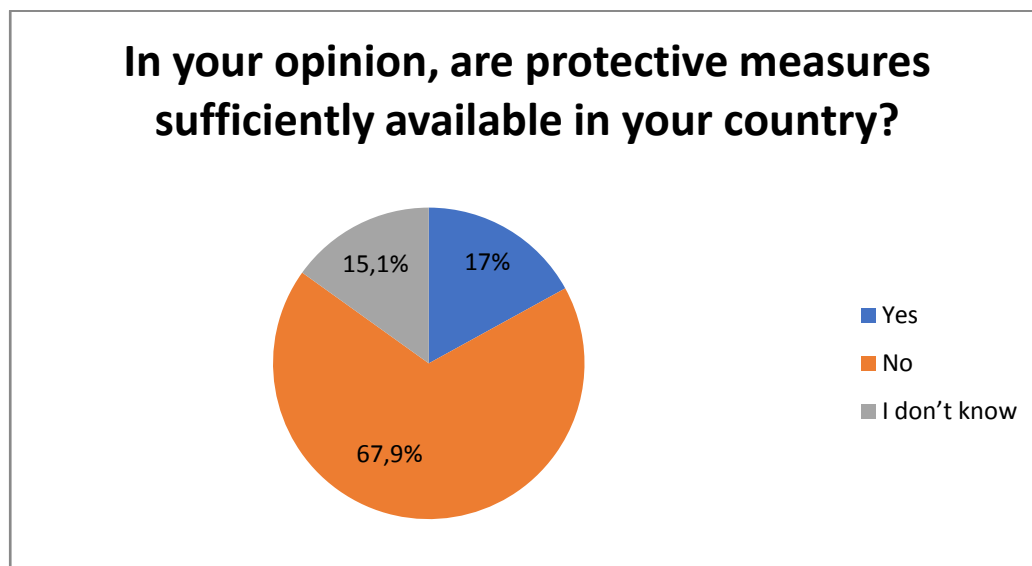
<sup>46</sup> Choosing multiple answers was possible for this question.

<sup>47</sup> Choosing multiple answers was possible for this question.



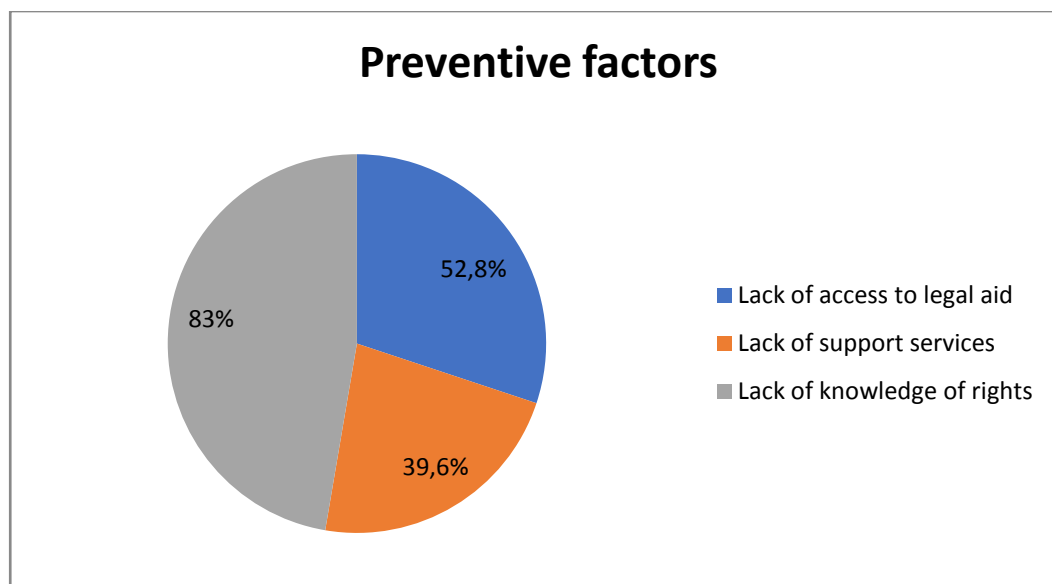


**available**, the professionals expressed that the protection measures are not sufficiently available by 67,9% (36 responses); 17% (9 responses) expressed that that the protection measures are sufficiently available; and 15,1% (8 responses) did not know.



Graph 9: Sufficient availability of protective measures (Victim Support Professionals, Greece), % percentage.

The main **factors that prevent victims from obtaining a protection order** are lack of knowledge of their rights at 83% (44 responses); lack of access to legal aid/assistance at 52,8% (28 responses); and lack of support services for victims at 39,6% (21 responses);<sup>48</sup>.



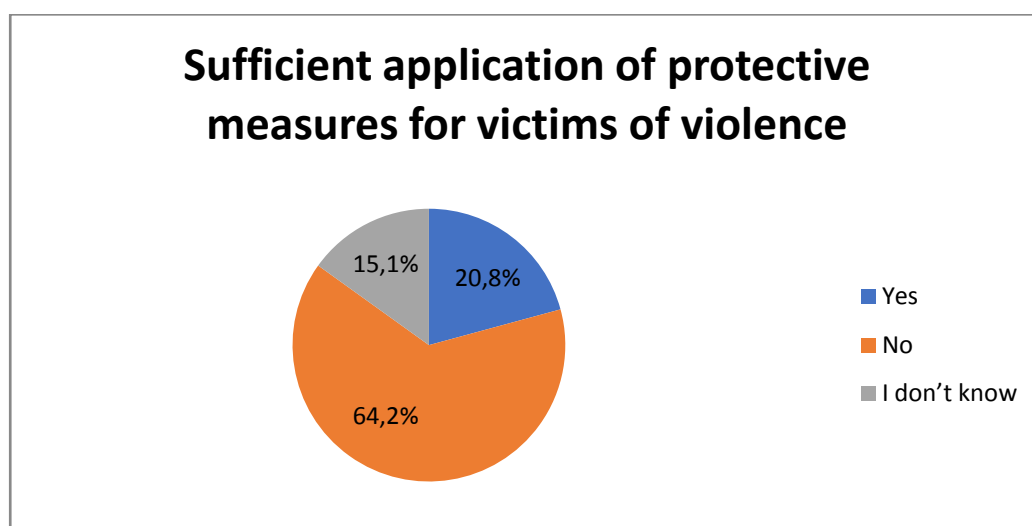
Graph 10: Factors preventing victims to apply for protective measures (Victim Support Professionals, Greece), % percentage.

<sup>48</sup>Choosing multiple answers was possible for this question.





Furthermore, according to 50,9% (27 respondents) of professionals, **information of protective measures are not easily accessible in Greece**; while 35,8% (19 respondents) believe the opposite namely that information is easily accessible, and the rest 13,2% (7 respondents) did not know how easily accessible information is. Regarding respondents' view on whether their clients/victims have **sufficient access to legal aid provided by the state**, the professionals were divided, with 47,2% (25 respondents) claiming that victims do not have sufficient access; while 45,3% (24 respondents) claimed that they have, and 7,5% (4 respondents) did not know. Last but not least, only 11 respondents or 20,8% answered that the **protective measures for victims of violence are sufficiently applied in Greece**; while 34 respondents or 64,2% answered that they are not, and 8 respondents or 15,1% did not know.



Graph 11: Sufficient application of protective measures (Victim Support Professionals, Greece), % percentage.

## ***Awareness level and training needs with the EU Directive on the European Protection Order***

Among the NGO/ victim support professionals that participated in the survey, 50,9% (27 respondents) are not **familiar with the EU Directive on the European Protection Order (EPO)**; while 49,1% (26 respondents) reported to be familiar with the aforementioned Directive. From those familiar with the Directive, 50% (13 respondents) reported that they provide **information to clients/victims regarding their right to request an EPO** in case they wish to travel to another EU country. However, among these professionals the 69,2% (18 respondents) expressed the view that **information about requesting an EPO** are not easily accessible.





Regarding existence of information and awareness raising campaigns aiming at victims on their right to an EPO; professionals claimed at 84,6% (22 respondents) that they do not know of such campaigns.

As far as training activities and training needs are concerned; among all NGO/ victim support professionals that participated in the survey, the majority of professionals reported to not have **access to courses, training or awareness activities on the EPO** (60,4% or 32 professionals). 24,5% (13 respondents) claimed to have access to such activities, and 15,1% (8 respondents) did not know. As well as this, the vast majority has never received any form of **specialised training regarding the EPO** (84,9% or 45 respondents); and only 8 participants (15,1%) claimed to have participated in such a training. Finally, the 81,1% (43 respondents out of 53) expressed the view that a **specialised training on the EPO would be beneficial**.

In overall and towards the responses of the staff of support services, it also validates the “*lack of awareness of the victims’ rights*”. In addition, staff of supporting services argue about the lack of awareness on the POs by the victim’s side, and of the low efficiency of the POs imposed. At the latter, it would be a case for further investigation on the levels of low effectiveness of the POs. The professionals of supporting services, argue about their need on training on the applicability of EPO and POs in general.



## Summary of findings & Recommendations

The survey took part in Greece (no geographical focus) at an electronic form of filling under the authority and responsibility of the Union of Women Association of Heraklion Prefect during the period of 06.06.2020 – 06.09.2020 at the context of the project ARTEMIS as an integral part of a wider survey taking place at the same period at 6 EU countries. The majority of respondents were citizens of EU (Greece) followed by legal professionals and professionals working at supporting organizations. Under this survey an attempt was carried out so to describe the perception of the citizens and the engaged professionals towards the provision of Protection Order, and especially the European Protection Order in Greece.

One of the main findings of the survey is the low levels of awareness about rights and choices, when people experience issues of violence in family. 1 out of 3 have experienced of violence in family a percentage quite close to the European level, while the vast majority claim about their low awareness about the issue at any level on how to deal with. This highlights the urgent need to boost and organize impactful continuous and effective awareness campaigns at any level (local – regional) with regards to Violence in family or IPV. Organizations need to be more impactful, extrovert, and effective at their awareness campaigns so to consolidate the social dialogue at local level towards the multiple levels of the phenomenon.

Greek citizens trust more the judicial system at its wider perspective (i.e. Police and court), while the trend of using supporting services and social services prevails as a second choice thereof. Similarly, the legal professionals respond to this trend, working closer with courts or police. The use of Protection Orders seems to be as a “popular” choice, mainly because of the fact that legal professionals are more used to the use and effectiveness of it, so they recommend its application for their client’s welfare maximization. At the opposite lies the use of the EPO; the low – none experience of legal professionals to the demand, use and exploitation of the EPO leads to the minimal – no use for their client. This fact leads us to the argument that the lack of use of the EPO, makes it less preferable, while the “judicial procedures” of application have not be tested and / or refined.

The use of POs under the new legislative context (incorporating the principles of the Istanbul Convention) seems a more preferred choice by the legal professionals, while the public is not fully aware of the choices available and their effectiveness. The context of the provision of P.Os either at national (PO / PO-BO etc) or European level (EPO) is not fully known to the public, as the “arsenal of choices” towards the safety – welfare maximization of the victim of IPV.

The first choice of citizens facing the experience of violence in family (at any level or form) is to ask for help by the police and by their lawyer. The choice of asking support by



supporting organizations and/or social services prevails as a second or third choice depending on the resources available by the person (victim).

The Hellenic legislation provides an array of choices available to the victims, incorporated policies for the maximization of safety of victims, however, many activities need to be done at the legislative level; the recognition of femicide as an explicit gender based crime, the maximization of unaccompanied minors – victims or witnesses of violence in family, the reduction of the duration of judicial procedures, the simplification and digitalization of procedures are still challenges ahead.

While the penal mediation still remains at its embryonic state in Greece, engaged stakeholders (judges, lawyers and engaged stakeholders) need to pursue on taking advantage of its benefits. Perpetrators programmes need to be implemented so to alleviate the mission and aims of the penal mediation procedures.







## Bibliography

- Freixes T. , Roman L. , “Protection of the Gender- Based Violence Victims in the European Union, Preliminary study of the Directive 2011/99/EU on the European protection order”, Publicacions Universitat Rovira i Virgili Publicacions Universitat Autònoma de Barcelona, 2014.
- “Mapping the legislation and assessing the impact of Protection Orders in the European Member States (POEMS) National report Greece”, 2013, <http://poems-project.com/wp-content/uploads/2015/02/Greece-final.pdf>
- Protasis Project, “The Victim’s Directive finally transposed into Greek law, 21\09\2017, <https://protasis-project.eu/victims-directive-transposed-into-greek-law/>
- van der Aa, Niemi J., Sosa L., Ferreira A, Baldry A., S. “Mapping the legislation and assessing the impact of protection orders in the European Member States”, Wolf Legal Publishers, 2015
- van der Aa, S. (2011). “Protection orders in the European Member States: Where do we stand and where do we go from here?” European Journal of Criminal Policy and Research.





ARTEMIS

