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## **Training Lawyers on Violence Against Women (TRAVAW)**



**KYRIAKIDES GEORGOPOULOS**  
Law Firm



**National Legal Framework and case-law on  
VAWG particularly forced marriage, honour  
based abuse and FMG in Greece**

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# **Legislation in Greece on Violence Against Women**

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## Introduction

According to Kofi Anan, violence against women is the most flagrant violation of human rights. It knows no cultural, economic or social boundaries and, as long as it continues, we cannot claim to be making substantial progress on achieving development and peace.

The definition of violence against women was first adopted in 1995 by the United Nations Fourth World Conference on Women and it is mentioned in paragraphs 113 and 118 of the Beijing Platform for Action.



## Beijing Platform for Actions / Articles 113 - 118


According to Article 113, the term “violence against women” means any act of gender-based violence that results in physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life.

As it is stated in Article 118: “violence against women is a manifestation of the historically unequal power relations between men and women, which have led to **domination over** and **discrimination against** women by men and to prevention of women’s full advancement.



## According to the World Bank:

- Nearly one billion of women will experience intimate partner violence or no-partner sexual violence in their lifetime.
- Globally, as many as 38% of murders of women are committed by an intimate partner.
- One in five women will become a victim of rape or attempted rape during her lifetime.
- 125 million women have experienced female genital mutilation, whilst two million girls are in danger of being subjected to genital mutilation.



# National Legal Framework

## Law 3500/2006 / Art. 1 § 2a –criminalizes domestic violence

- Family as Affinity (up to the fourth degree) - stricto sensu definition.
- Family as Cohabitation.
- Family as Special relationships (permanent partners their children and minors that live with the family).



## National Legal Framework Law 3500/2006 / Art. 1 § 3

*Victims of domestic violence:*

- Mainly women
- Minors disabled persons, seniors





## National Legal Framework

### Law 3500/2006 / Art. 1 § 3

The Law 3500/2006: Introduced provisions that standardized more special crimes divided into **misdemeanors** and **felonies**:

**Misdemeanors** include:

- Domestic personal injury (Art. 6 par. 1), and dangerous domestic personal injury (Art.6 par. 2).
- Domestic personal injury against pregnant women (Art. 6 par. 3).
- Domestic unlawful threat and violence (Article 7).



## National Legal Framework Law 3500/2006 / Art. 1 § 3

- The special crime of insult of sexual dignity of a family member with particularly humiliating words (Article 9 par. 1).
- Obstructing the course of justice by intimidating or bribing witnesses that are examined within the course of civil or penal domestic violence hearings (Article 10).



## National Legal Framework Law 3500/2006 / Art. 1 § 3

### Felonies include:

- Domestic grievous bodily harm (article 6 par. 2 b). In this case if the perpetrator was aiming at or was aware of the result of his act, his behavior constitutes an aggravating circumstance (article 6 par. 2 c).
- Torture that takes place within the family, with an aggravating circumstance if the victim is a minor.



## National Legal Framework

### Law 3500/2006 / Art. 1 § 3

The law provides the ex officio prosecution of crimes of domestic violence, procedural regulations of articles 19 (examination of witnesses) and 20 (confidentiality obligations) constitute a move towards the right direction. The first one foresees the unsworn examination of family members in cases where one of the crimes provided by the law has been committed. And the second one aims at the confidentiality of the personal details both of the victim (and the defendant) which helps in the avoidance of further traumatization of the victims of the aforementioned crimes.



## National Legal Framework Law 3500/2006 / Art. 1 § 3

They both contribute to addressing the so-called “secondary victimization”. The provision of Article 16, also constitutes a positive development as regards the suspension of the limitation period of crimes of articles 6, 7 and 9 of law 3500/2006 when the underage victim enters into adulthood.



## Novelties introduced by Law 3500/2006

- Introduces variations of already existing crimes (e.g. “domestic personal injury, dangerous domestic personal injury, domestic grievous bodily harm, torture).
- Introduces reconciliation procedure - Conditions:
  - i. pledge by the defendant (parole)
  - ii. attendance of a therapy program
  - iii. restitution of damages and payment of fair compensation



## Other laws on Gender Based Violence

- Article 81 A of the GCC - offences committed based on one's race, including sexual orientation, gender identity and sex characteristics.
- Articles 322 et seq. - Crimes against Sexual Freedom and Economic Exploitation of Sexual Life.
- Penalization of sexual harassment – Article 337 of the GCC.
- Article 312 prohibits ongoing harsh treatment.
- No specific national provision prohibiting FGM, but this practice falls within the ambit of Article 310 of the Greek Criminal Code.



## Post-violence care

- The “National Center of Social Solidarity” provides care for individuals families, who are victims of domestic violence. It provides:
  - i. short-term counselling services
  - ii. information campaigns
  - iii. food, housing and clothing
  - iv. on-site interventions.
- Helpline women-sos under the auspices of the General Secretariat for Gender Equality (GSGE) – operates 24 hours a day.





## Challenges faced by women-victims of GBV

- Reluctance to file official complaints against the perpetrator of GBV.
- Case where the Juvenile Prosecutor deprived mother of custody rights because she did not take any legal action against the perpetrator (punishing attitude).
- Victims of foreign origin: lack of supporting network, language barrier and uncertain legal status.



## Greek case law on Gender Based Violence

1. A number of judgments on Law 3500/2006 are mentioned and are the following: 182/2014, 1213/2015, 1095/2015, 769/2015 and 508/2015 of the Supreme Court of Greece.
2. Judgement 268/2014 of the Supreme Court of Greece rendered that: a distinct variant of the domestic violence is introduced when the crime scene takes place in front of the minor victim.
3. Judgement 1196/2016 of the Supreme Court: the words hurled by the father against his minor daughter were laced upon her with scorn and contempt”.



## Patterns of Gender Based Violence

- I. A common pattern is that of the murder of the **tyrannical husband**, a crime triggered by the long-term, systematic and abusive behavior of the husband over a period from 2 to 20 years.
  
- II. A **major stumbling block** for the defense lawyer in those cases is the absence of the condition of the “imminent, otherwise unavoidable risk” prescribed in Article 25 of the Greek Criminal Code, since it is obvious that there is to a certain extent the possibility for women to seek shelter.



## Patterns of Gender Based Violence

The notion of honor:

Greece being one of the various areas, where honor was considered as an organizational principle.

Despite the fact that honour killing crimes have been declining in Greece, the punishment of a woman's body either when occurring under the extreme form of bodily partition (see cases Frantzis and Valbona) has not ceased to exist.



## Case Law on FGM

### Landmark ruling by the Athens Administrative Court of Appeals (2014)

- Temporary hold on the deportation of a Kenyan woman in danger of facing **FGM** if returned
- For the first time in Greece it was found that **FGM may constitute grounds of asylum.**



## Case Law on FGM

- Prosecutor of Greece's Supreme Court ordered an urgent investigation into claims of **FGM** in juvenile refugee and migrant girls in the country's reception centers.
- In a press release issued by the Supreme Court, the prosecutor stresses that **FGM** is “a barbarity that cannot be tolerated” by the Greek State.



## International Treaties transposed into National Law

- CEDAW (The Convention on the Elimination of all forms of Discrimination against Women).
- The Council of Europe Convention on Preventing and Combating Violence against Women (**Istanbul Convention**), **signed but not ratified.**



## European Legal Framework

- ✓ Directive 2012/29 of the European Parliament and Council establishing minimum standards on the rights, support and protection of victims of crime and replacing Council Framework Decision 2001/220/JHA.
- ✓ Regulation 235/2014 of the European Parliament of the Council establishing a financing instrument for democracy and human rights worldwide.





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