

# GREECE

## Child-friendly justice

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## **1. The child's legal capacity**

### **1.1 Minimum age at which a plaintiff can bring a case to court in their own right**

In Greece the minimum age of criminal responsibility is 15. A child that is aged between 12 and 15 and has committed an offence has the right (in parallel with his or her legal representative) to file a complaint against an administrative decision; once he or she turns 17 this right is enjoyed exclusively by the child.

The minimum age at which a plaintiff can bring a case to court in their own right is

- 15 for employment
- 18 for asylum, migration, administrative sanctions and health
- For family matters: 12 in termination of adoption cases, 16 in non-contentious proceedings and 18 in all other cases, unless the child is recognized as having limited procedural capacity.

## **2. Access to adapted proceedings**

### **2.1 Specialised institutions and competent authorities**

#### **2.1.1 Criminal justice**

In Greece there exists a Criminal Judge of Minors, an Investigative Judge of Minors and a Public Prosecutor for Minors in every Court of First Instance and every Court of Appeal, who specialise in criminal cases involving minors. The Juvenile Court, composed by Criminal Judges of Minors, hears cases of minors offenders.

Furthermore, minors are protected by "Societies for the Protection of Minors" which are set up in every Court of First Instance and are staffed by Judges, Prosecutors, Sociologists, Teachers etc.

#### **2.1.2 Civil justice**

There are specialised Chambers of family law Judges in every Court of First Instance and some Courts of Appeals. These Judges specialise in family law in the sense that, when seating as Civil Law Judges, they only hear family law cases. These duties are assigned for a period between 2 and 4 years.

#### **2.1.3 Administrative justice**

In administrative justice there are no special provisions or institutions for family law and minors.

### **2.2. Legal and policy measures in place to avoid undue delay in the handling of cases involving children**

Since crimes committed by minors are tried by a special Court (the Juvenile Court), there is special attention that these cases are handled as quickly as possible. Sentences for minors differ a lot from those imposed to adults and are more of a pedagogical nature.

#### **2.2.1 Civil justice**

In civil proceedings, family law cases are heard by specialised Judges who hear these kinds of cases in the most expeditious way. For urgent cases, provisional measures can be taken to tackle needs of children without undue delay.

## **2.3. Child-specific support mechanisms and procedures and ways of ensuring the voice of the child is heard**

### **2.3.1 Criminal justice**

In criminal proceedings, cases involving children (ie those under 18 years of age) are handled by a Criminal Judge of Minors, an Investigative Judge of Minors and a Public Prosecutor for Minors as mentioned above. They are supported by professionals (psychologists, social workers) who examine the sociological aspect of the case and may be requested to draft a report to help the Judge deciding the case. These proceedings are strictly confidential. If convicted to detention, there are special Detention Centres for Minors.

In civil proceedings, the Judge deciding on custody or the right to communicate with a parent or child abduction cases has a discrepancy to hear the child before deciding according to his/her maturity. This is not linked with a concrete age limit but it is up to the Judge to decide whether to hear the child or not depending to his/her maturity.

## **3. Multidisciplinary aspects**

### **3.1. Coordination of their activities by relevant organisations**

Social service and family courts are in close cooperation between themselves at any stage. Reports for Judges are prepared and sessions with psychologists are held, so that a case reaches the Judge at a mature stage. If needed, the Judge may always request the child or/and his/her parents to be put under a special examination by a professional (e.g. a child-psychologist) so that living conditions and family environment are thoroughly examined.

## **4. Training of professionals**

### **4.1. Training requirements for professionals who are in contact with the child during the proceedings?**

Basic judicial qualification training does not include family law separately as to other areas of law. However, family law forms part of continuous training organised by bodies such as the National School of Judges, the Ministry of Justice, the Bar Associations, Academics etc. Judges and Public Prosecutors who specialise in this area are encouraged to take part in these awareness raising activities.

### **4.2 Cooperation with other MS on training**

Cross-border training is ensured via the regular channels, ie EJTN, ERA or other bodies or institutions who deal with judicial training at a european level.

## **5. Best interests of the child**

### **5.1. Measures in place to ensure that the child's best interests are a primary or paramount consideration**

All measures to be taken and all actions adopted by state bodies or entities, as well as courts, have to comply with the principle of serving the best interests of the child. In court, it is up to the Judge to concretise this notion on a case by case basis.

## **6. Access to remedies**

As with adults, children are given all rights (including that of a lawyer) and are briefed of all procedures that they can be put into when they are involved in a criminal or civil case. Especially in criminal proceedings, the Public Prosecutor may “freeze” a criminal procedure after hearing the child, if this could avoid causing irreparable damage to his/her personality.

## **7. Family life**

### **7.1 Procedure for adoption, including international adoption.**

Under Greek law, interested people in adopting a particular child have to apply to the First Instance Court of the residence of the child for the adoption to be legally pronounced. The biological parents have to give their consent for the adoption of their child by the applicants before a Judge in his/her chamber. The child to be adopted who has reached the age of twelve years has also to give his/her consent. A witness has to testify in the court hearing that the applicants are in a capacity to take care and raise the particular child bearing in mind among other things their education and their financial resources. The same applies to international adoptions. This procedure is set out in articles 1542 et seq of the Greek Civil Code and article 800 of the Greek Code of Civil Procedure.

### **7.2 Are there different types of adoption?**

There exists the adoption of minors (children) and the adoption of adults (the latter only in special circumstances). Adoption of adults is exceptional and concerns only relatives up to the fourth degree (ie cousins) (articles 1579 of the Greek Civil Code). In addition, married adults can only be adopted with the consent of their spouse (article 1583 of the Greek Civil Code).

### **7.3 What measures are in place to ensure that the child's best interests are taken as the paramount consideration**

The whole procedure before and during the judicial proceedings has to serve the child’s best interests according to Greek law. Privacy of the proceedings as well as the drafting of a compulsory report of the Social Service on the suitability of the applicants to adopt a child are some of the safeguards to that end (articles 800 of the Code of Civil Procedure and 1557 of the Civil Code respectively).

### **7.4 What measures are in place to respect the child's right to be heard in adoption cases? Specify if there are any age limits on the hearing of the child.**

Irrespective of the need for consent for every child who has reached the age of twelve years, as described above, the opinion of the child is heard by the Court according to his/her maturity. No age limit is fixed; maturity is considered *in concreto* by the Court (article 1555 of the Civil Code). In practice, all children older than 5-6 years are usually heard, as this is to their benefit as regards this procedure.

### **7.5 Which are the competent authorities for adoption (national/international)?**

The Multimember First Instance Court of the place of residence of the child is competent for national and international judicial proceedings of adoption (article 800 of the Code of Civil Procedure). Especially for international adoption, there also exists the Central Authority of Intercountry Adoptions, which falls under the competence of the Greek Ministry of Labour (article 19 of Law 3868/2010).

Nowadays, there is an ongoing discussion for the need and the effectiveness of a specialised Family Court. The legislator is currently under consideration of such an institution, which would be totally new to the Greek legal order, as for the moment there are no specialised family law career judges. Usually, career civil judges who serve in big Courts (eg Athens, Thessaloniki) rotate in different areas of civil law for a period of 2-4 years. In smaller civil courts there is no specialisation due to the small amount of cases in comparison to the backlog in bigger Courts.