

Global Alliance against Child Sexual Abuse Online

Greece

Policy target No. 2: Enhancing efforts to investigate cases of child sexual abuse online and to identify and prosecute offenders

Operational Goal:	Establish the necessary framework for the criminalization of child sexual abuse online and the effective prosecution of offenders, with the objective of enhancing efforts to investigate and prosecute offenders
Actions ALREADY UNDERTAKEN	
<u>Description of the actions already undertaken</u> - <u>Child Sexual Abuse Legal Framework under Greek Law</u>	<p>Domestic Law:</p> <ul style="list-style-type: none"> • The Greek Criminal Code (CC) includes several provisions to combat the phenomenon of sexual abuse of children. In specific: Article 342 (sexual exploitation with abuse of power on minors), Article 343 (b) (sexual exploitation with abuse of power in educational institutions), Article 345 (issues of incest), Article 346 (sexual intercourse between relatives), Article 347 par.1 (b) (unnatural sexual intercourse of an adult on a minor by seduction), Article 348 par. 3 (facilitating debauchery alia), Article 348A (child pornography), Article 349 par. 1 § 2 (solicitation to prostitution of minors), Article 351 par. 4 (child trafficking) Article 351A (indecent assault with a minor for pay), Article 353 par. 2 (b) (provoking a scandal through licentious acts on a minor) and Article 360 (neglecting child surveillance). • In specific, according to <u>Article 348A par. 2</u> (child pornography), as amended by Law 3625/2007 (see right below) and Law 3727/2008, <u>the intentional production, the supply by any means of child pornography and dissemination of information relating to the commission of such acts by means of a computer system or by using the internet is punishable by imprisonment of at least two years and a fine of 50.000 up to 300.000 euros</u>. It is also noted that, according to <u>par. 4</u> of the aforementioned article, these acts are <u>punishable by imprisonment of up to ten years and a fine of 50,000 up to 100,000 euros</u>, if committed by profession or by habit, or if the production of child pornography material is linked to the exploitation of need, mental illness, mental or physical disability of a minor, use or threat to use violence on a minor or by using a minor who has not reached the age of 15. • Furthermore, <u>Law 3500/2006</u> (on domestic violence) is an

additional legal tool against child abuse and violence and provides for more severe penalties for perpetrators.

- Finally, it should be noted that since 2003, one of the key priorities of the “Children’s Ombudsman” is the protection and promotion of children’s rights, as expressed in the UN Convention on the Rights of the Child.

EU Legislation:

- Decision 2000/375/JHA of the Council of 29/5/2000 on the fight against child pornography on the internet
- Framework Decision 2002/584/JHA of the Council of 13.06.2002 on the European Arrest Warrant: incorporated into national legislation by Law 3251/2004
- Framework Decision 2004/68/JHA of 22/12/2003 of the E.U. to combat sexual exploitation of children and child pornography: incorporated into national legislation by Law 3625/2007 (see also below, under “Actions to be undertaken”)
- Framework Decision 2005/222/JHA of the Council of 24.02.2005 on attacks against information systems which will be replaced by a new Proposal for a Directive on attacks against information systems: its provisions are incorporated in the draft law that has been drafted for the transposition of the Council of Europe (CoE) Convention on Cybercrime into national law (see also below, under “Actions to be undertaken”)

International Conventions ratified under Greek Law:

- By Law 2101/1992, our country has ratified the United Nations (UN) Convention on the Rights of the Child, which provides that States Parties shall take all appropriate measures to prevent sexual exploitation of children as concerns the production of pornographic material.
- By Law 3625/2007, our country has ratified the "Optional Protocol to the UN Convention on the Rights of the Child on child trafficking, child prostitution and child pornography and other provisions". It is noted that with the above mentioned law, Framework Decision 2004/68/JHA of 22/12/2003 of the E.U. to combat sexual exploitation of children and child pornography was incorporated into our national legislation.
- Further, as mentioned above, by this Law, article 348A CC (criminalization of child pornography including by means of a computer system or by the use of internet) was amended .

	<ul style="list-style-type: none"> • By Law 3727/2008 on the "Ratification and implementation of the Council of Europe Convention on the protection of children against sexual exploitation and abuse, measures for the improvement of the living conditions and decongestion of prisons and other provisions" par. 3 and 4 were added to Article 337 CC (sexual abuse), according to which, an adult, who, by the use of the internet or other means of communication, gets in contact with a person who has not reached fifteen years of age or appears to be a minor under fifteen years old and through gestures or indecent proposals offends the dignity of the minor within the scope of its sexual life, shall be punished by imprisonment of at least two years or one year respectively, and, furthermore, by imprisonment of at least three years, in case such act is committed by habit or a subsequent meeting has taken place
Actions that WILL BE UNDERTAKEN	
<p><i>Description of the actions that <u>will be undertaken</u> and timeframe</i></p>	<ul style="list-style-type: none"> • As concerns Directive 2011/93/EU of the European Parliament and the Council of 13.12.2011 on sexual abuse, sexual exploitation of children and child pornography and the replacement of Framework Decision 2004/68/JHA of the Council: the establishment of a Special Legislative Committee for its transposition into national law is under process • As concerns Directive 2011/36 of the European Parliament and the Council on the prevention and fight against human trafficking and victims' protection and the replacement of Framework Decision 2002/629/JHA of the Council: the establishment of a Special Legislative Committee for its transposition into national law is under process • As concerns Fr-Decision on attacks against information systems (2005/222/JHA) which will be replaced by a new Directive on attacks against information systems soon to be adopted at EU level: in view of the replacement of Framework-Decision Directive 2005/222, the relevant provisions that are incorporated in the draft law that has already been drafted by a Special Legislative Committee for the transposition of the CoE Cybercrime Convention into national law, should be re-examined and re-drafted under the light of the provisions of the new Directive. • As concerns Council of Europe Cybercrime Convention: Greece has signed the Cybercrime Convention on 23.11.2001 in Budapest. A draft law has already been drafted by a Special Legislative Committee for its transposition into national legislation

Operational Goal:	Improve the joint efforts of law enforcement authorities across Global Alliance countries to investigate and prosecute child sexual abuse online
Actions that WILL BE UNDERTAKEN	
<i>Description of the actions that will be undertaken and timeframe</i>	<ul style="list-style-type: none"> • Ratification and promotion of the Council of Europe Cybercrime Convention: as mentioned above (under “Policy Target No. 1- Acts to be undertaken-“), our Ministry will enhance its efforts towards the incorporation of Cybercrime Convention into national legislation and finally its ratification by the Parliament. <p>The ratification of CoE Cybercrime Convention will strengthen the investigation and prosecution of cases of child sexual abuse and child pornography through the internet and enhance mutual legal assistance (MLA) procedure between Greece and other countries which currently operates under: (a) the European Convention on Mutual Legal Assistance 1959 (Legislative Decree 4218/1961) as concerns MLA process with countries which are contracting parties under this Convention, (b) the Convention for Judicial Assistance executed between Greece and the United States of America 1999 (Law 2804/03.03.2000), in combination with Protocol to the Convention for “Mutual legal assistance in criminal matters” between Greece and U.S.A (Law 3771/2009), as concerns MLA process with the USA and (c) under the principle of reciprocity as concerns MLA process with third countries (d) other bilateral agreements.</p>