



Specific Programme Criminal Justice
European Commission
Directorate-General Justice – Directorate B: Criminal Justice



Key-Practitioners' Report of GREECE_ATHENS

3E-RJ-MODEL

The 3E Model for a Restorative Justice Strategy in Europe.
Greece, United Kingdom, Bulgaria, Finland, Hungary, Poland, Spain
(including research also in Turkey, the Netherlands, Denmark, Germany)
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The 3E-RJ- Model
for a Restorative Justice Strategy in Europe
Concerning Act_10 & 11 of the EU "3E-RJ-MODEL" PROJECT

I. Introduction

The 3E-RJ-Model Greek national team conducted 8 interviews with key-practitioners in Greece (3 in Athens and 5 in Thessaloniki). The interviewers were Ms. Iro Michael and Ms. Christina Kalavri (in Athens), and Ms. Athanasia Antonopoulou and Mr. Charalampos Karagiannidis (in Thessaloniki), while the progress of the interviews was supervised by Prof. Vasso Artinopoulou (in Athens) and Prof. Angelika Pitsela and Prof. Elisavet Symeonidou-Kastanidou (in Thessaloniki). The key-practitioners who participated were a Juvenile Probation Officer, a Chairman of First Instance Courts (Judge), a Prosecutor of Juveniles, a Police officer, a Defence Lawyer, an employee at the National Centre for Social Solidary (EKKA, to which domestic violence cases referred to mediation by the prosecutor), the Director of the Crime Prevention and Correctional Treatment for Juveniles Unit of the Ministry of Justice, Transparency and Human Rights, a representative of an NGO (Hellenic Social Mediation Center). There were 4 women (Prosecutor of Juveniles, employee at EKKA, Head of the Crime Prevention and Correctional Treatment for Juveniles Unit of the Ministry of Justice, Transparency and Human Rights, NGO representative) and 4 men (Juvenile Probation Officer, Chairman of First Instance Courts, Defence Lawyer, Police officer). All the interviewees have some direct (practice RJ) or indirect (work in institutions/organizations that implement or are responsible to apply or refer a case to RJ) experience in the field of RJ. More information on the professional characteristics of the key-practitioners can be found in the "Annex about Key-practitioners' characteristics" further below in the report. The names of the interviewees are not revealed.

II. Report on the "Key-Practitioners' Questionnaire"

1. A General Approach of Restorative Justice

1.1. On Restorative Justice within the Criminal Justice System

Key-practitioners' opinion about the way that Restorative Justice (RJ) is implemented in Greece is more or less coherent. Generally they believe that there has been a worthwhile effort to introduce RJ in the Greek Criminal Justice System (GCJS), however, they notice that the country is still at an early stage of implementing the RJ practices. Some benefits of Restorative Justice were mentioned in the answers of all respondents (i.e. fewer cases in court, victims' voice, cost-effective reform). At the same time, all participants recognized and emphasized the deficiencies encountered by their experience (e.g. lack of infrastructure, lack of skilled staff in Restorative Justice, etc.).

1.2. On the objectives of Restorative Justice

The majority of participants think that RJ can produce positive results and be supportive at all levels (victim, offender, community), and even reduce recidivism. The director of the Crime Prevention and Correctional Treatment for Juveniles Unit of the Ministry of Justice expressed a small reservation, stating that the positive results of RJ may not occur to the same extent as it is observed in the countries from where the model originated, - the Nordic countries, due to different culture and temperament of the Mediterranean countries. Thus, she concluded, the application of RJ should be adapted to the specific characteristics of Greece. Furthermore, participants reported some additional limitations of RJ to achieve its objectives and argued that it would not have the same positive results in all categories of crimes. It is noteworthy that the EKKA employee stressed that it is important to have follow-up assessments to evaluate the results and their duration.

2. Restorative Justice Frame of Implementation

Note: The director of the Crime Prevention and Correctional Treatment for Juveniles Unit of the Ministry of Justice chose to focus her interview in the case of juveniles, since she has more sufficient knowledge of the application of RJ in this field, and therefore she is not included in questions 2.1. and 2.2. below. Also, the NGO's representative answered based on her experience in the application of RJ outside the GCJS.

2.1. On levels and forms of implementation

a) on *police level*;

b) on *prosecution level*;

The EKKA employee was particularly pessimistic about the practical implementation of mediation in cases of domestic violence, as resulted by her own experience and the application of mediation in EKKA generally. As she mentioned, it is very difficult to practice mediation in domestic violence cases in the manner prescribed by law, because the nature of the crime of domestic violence is often result of psychopathology and contains highly levels of violence and deep trauma for the victim (e.g. physically and emotionally). Also, she noted that, at least in the case of EKKA, mediation is not separated from family psychotherapy.

The EKKA employee had no knowledge of the application of RJ in other stages of GCJS, but believes that along with the development of RJ and the proper training of specialists, RJ is worth to be extended to other stages of GCJS` however, RJ should be developed cautiously in order not to operate boomerang to the RJ theory and not to be used as a tool to avoid penalty.

c) on *court level*;

d) on *correctional level*;

e) *NGO*:

The NGO's representative said that the implementation of RJ within the GCJS as it is applied today in Greece meets many gaps and many obstacles that rather falsify the restorative nature of RJ practices. From her experience through the application of RJ outside of GCJS (schools, NGOs, community, etc.), she considers that RJ is applied more easily and becoming more widely accepted but encounters difficulties that reflect other problems such as lack of financial support and cooperative attitude of bodies. As she said, RJ outside the GCJS can operate as a preventive tool so less caseloads ends in court, but also believes that RJ can operate within GCJS giving very positive results in all stages of the GCJS if its implementation is based on the RJ principles and does not alter the RJ aims and objectives.

All key-practitioners' opinions agreed that the victim – offender mediation/conciliation is the only RJ practice implemented in Greece, that diligent efforts are made to implement this practice, but it is still at an early stage. It was made clear from the responses that the victim – offender mediation/conciliation schemes are still not widely applied. The EKKA employee repeated that in the case of domestic violence, mediation as practices at EKKA is not separated from family psychotherapy, while acknowledged the efforts made outside the GCJS as positive.

2.2. On categories of crimes

The key-practitioners' opinions were not so coherent regarding the categories of crimes that RJ is implemented or should/ shouldn't implemented in Greece. The key-practitioners from the Ministry of Justice, the EKKA and the NGO were not aware of such information. The EKKA employee said that in the case of domestic violence cases, to her knowledge, prosecutors will evaluate what cases will be referred to mediation depending on the severity and seriousness of each case. The NGO's representative said that RJ outside GCJS is so far implemented in school environments to resolve disputes/conflicts between students, while she mentioned a pilot, - the Mediation Centre of the Municipality of Korydallos, where the cases which were resolved through mediation were disputes and conflicts between citizens, which would otherwise end up in the courts.

2.3. On Children and Young Offenders

The key-practitioners' responses show that RJ is in practice among the choices of diversion measures for juveniles, but is not applicable to a large extent. The lacks of training and appropriate means were mentioned as barriers to the wider application of the measure. The NGO's representative said that some data of the implementation of school mediation, though fragmentary and without any common base evaluation are very positive.

Furthermore, although the majority of participants' opinions agreed that RJ can be extended to all stages of the GCJS, were generally cautious in their responses mainly citing the lack of infrastructure/special services, noting that the legislative framework, although very important, is not completed when the implementation's infrastructure is absent.

In addition, key-practitioners' opinions agreed that the victim – offender mediation/conciliation is the only RJ practice applied in Greece. Everyone was positive in the application of this scheme in the case of juveniles in a broader scale (compared with adults), but again subject to certain crimes (mainly felonies), leaning on case evaluation. The Director from the Ministry of Justice mentioned the difficulties that may be faced by the Juvenile Probation Officers maintain a neutral attitude as mediators.

2.3 On victims and offenders

According to the experience of the key-practitioners, RJ is in a very early stage in Greece and therefore could not answer these questions in detail. All participants agreed that there is no diffusion of information; there is a lack of information and raising awareness in RJ, and lack of training and therefore unsatisfactory information to victims and offenders concerning RJ. However, apposite the director from the Ministry of Justice commented that information and dissemination of information will be useless and disappointing in this phase since there is absence of infrastructure for RJ. The EKKA employee stressed the generally unequal access to services for residents of the province, and the lack of guarantees for victims generally in the GCJS.

2.4 On Restorative Justice Process and Services.

All participants answered that these principles do not receive satisfactory implementation in Greece. Factors such as the severity of each case, language and other cultural factors that may affect the progress of the case were reported that should be taken into account. The Director from the Ministry of Justice said that it would otherwise have to avoid discrimination based on individual characteristics. The training, clear objectives and guarantee of the principles of RJ reported as key factors in the successful implementation of RJ. In addition, all responses of the participants agreed to monitoring and evaluating the effects of RJ. Also, all key-practitioners agreed that there is not still sufficient programs and seminars on RJ in Greece, nor is there a sufficient number of trained personnel in the services, nor sufficient RJ services, neither even sufficient cooperation and networking between private, public and third sector RJ services in Greece.

3. On Restorative Justice Obstacles and Good Practices

3.1 Which factors would you consider as obstacles for the diffusion and the further implementation of Restorative Justice in your country? Are they any of the ones mentioned indicatively bellow, according to some internationally indicated examples.

The factors identified as obstacles for the further the diffusion and implementation of RJ in Greece were reported the lack of human and financial resources, lack of public awareness, lack of training of experts, the lack of awareness of relevant services (police, prosecutors, judges, etc.) in order to promote RJ, gaps in the legislative framework, and the lack of infrastructure. Both the NGO's representative and the director from the Ministry of Justice reported the lack of cooperation of legislators with experts (e.g. in RJ) and other professionals in designing the legislative framework. Particularly the NGO's representative commented that the exclusive practice of mediation by law only by lawyers might be to a point a satisfaction of the Bar's interests that in fact oppose to RJ theory and philosophy.

3.2 Please identify the most crucial factors that affect you negatively as a practitioner during the implementation of a Restorative Justice process.

The obstacles mentioned in the previous question were perceived as factors that negatively affect the key-practitioners in the implementation of RJ.

3.3 Can you name the most important components for Restorative Justice good practices in the field of your experience? Are there any networks for exchanging information and good practices on Restorative Justice in your country?

Participants agreed that there is insufficient networking among professionals to exchange information and good practices on RJ in Greece.

III. Conclusions, comments and suggestions by the researcher

There is a general agreement in the responses of RJ key-practitioners that RJ is still at an early stage in Greece and that lot needs to be done for the promotion and implementation of RJ practices. The limited application of RJ and the small number of cases and the lack of aggregate data seemed to hold back professionals to provide clear answers to all questions, and depending on the field which each one was representing, he/she struggled or did not know to answer some questions. This is exactly what was mentioned as obstacles to the implementation of RJ, particularly the lack of information, education and networking. Based on the responses of professionals, there seems to be necessary to raise-awareness of decision-makers, the special education on RJ, diffusion of information and public awareness, and further networking.

IV. Annex about Key-practitioners' characteristics

Head of the Crime Prevention and Correctional Treatment for Juveniles Unit of the Ministry of Justice: 22 years of work experience, does not make direct application of the RJ measures; involved in the strategy, implementation of certain strategies or strengthening the institution. She has not received any training in RJ issues; she has only read relevant articles and studies. She believes that special training is necessary and she would take part in seminars etc. for the improvement of her knowledge in RJ. As she mentioned, there are some statistical data that were collected for official purposes in order to describe the context of juvenile delinquency, in which there was some data refer to victim-offender reconciliation and alternative measures of sentence. Finally she said that she has excellent cooperation with professional/practitioners of social/welfare system and criminal justice system.

Employee at the National Centre for Social Solidary (EKKA): social worker and psychologist at EKKA, in charge of one of the shelters for abused women, operational coordinator for child protection. Her work experience starts since 1994, but she works at EKKA since 2002. She reported that on averaged 2-3 cases are referred to EKKA for mediation per month, but few employees are involved in this process and there is a long waiting list. Regarding the RJ practices, she applies only mediation. From her position, she is involved more with victims. She has not received any training in RJ issues. She believes that practitioners of her profession need special

training in RJ issues, and she would take part in seminars/conferences etc. to improve her knowledge/expertise in RJ issues. As she mentioned, there are some statistical data that were collected for the internal review and evaluation of the work of EKKA, but which are not delivered to any statistical service, and in which is reflected the implementation of mediation in domestic violence cases for the areas of Athens and Piraeus. Finally, she reported that there is no networking between individuals and departments of the various professionals.

NGO representative: psychologist - criminologist, has been involved in the field of RJ for the past 5 years. She is consultant and speaker in mediation trainings. She has come up with mediation cases primarily through her experience in school mediation programs and community mediation involving low-intensity conflicts and disagreements, but she has not come up with any case of mediation within the GCJS. She practices victim and offender mediation and conciliation. He has received special training in the practice of mediation, while RJ is the subject of her PhD thesis which is in progress. She believes that special training in RJ issues is necessary for practitioners of her profession, and she would take part in seminars/conferences etc. to improve her knowledge/expertise in RJ. The NGO with which she cooperates does not maintain statistical data as RJ has not yet been applied widely in the community context in order to handle cases. Finally, she said that she has good cooperation with professional/practitioners of social/welfare system, and that has not happened to have any cooperation with professionals of the criminal justice system.