



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



Key-Practitioners' Report of GREECE –THESSALONIKI

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)
JUST/2010/JPEN/AG/1534

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The 3E-RJ- Model
for a Restorative Justice Strategy in Europe
(Prepared by the AUTH working group)
Concerning Act_10 & 11 of the EU "3E-RJ-MODEL" PROJECT

III. Questions

Name of-key practitioner: Mrs NR (1), Mrs VM (2), Mrs LT (3), Mr GD (4), Mr GC (5).

Position: Juvenile Probation Officer (1), Judge (2), Public Prosecutor (3), Defence Lawyer (4), Police Officer (5).

Interviewers' name: Athanasia Antonopoulou and Charalampos Karagiannidis

Country: Greece (Thessaloniki)

1. A General Approach of Restorative Justice

1.1. On Restorative Justice within the Criminal Justice System

Juvenile Probation Officer (1): According to her opinion, on the field of RJ in Greece, only few hesitant steps have been made, as there is nor a RJ culture or awareness and education on it. RJ is something new for the country's CJS that slowly tries to find its position by completing and not replacing this System. RJ, though, could really work towards the decongestion of the System, and if it is used as an alternative to traditional measures, it could help to the general cost-reduction of it. According her experience, it can also offer a positive contribution towards the reduction of recidivism, although this is a more complicated issue, affected by many other factors.

Judge (2): According to her opinion, RJ is implemented in practice in a very limited way, as the time of the formal implementation of RJ institutions provided by the law is rather short. RJ institutions are not harmonized normally in the CJS of the country, more work is needed. But on her opinion RJ cannot actually help towards the reform of this system, rather the other way round. Of course only if in its ideal form, not in the way it is currently implemented in the country, could possibly provide an alternative, effective and cost-effective response to crime for both the state and also for the parties involved.

Public Prosecutor (3): According to her opinion, RJ is rather new in Greece, but it is a very positive and useful institution of CJS, especially for cases of domestic violence. She thinks that indeed RJ in the way it is implemented lines smoothly with the CJS and can help towards its reform. Especially for juveniles may it may provide an alternative, effective and cost-effective response to crime for both the state and also for the parties involved. It can help with the decongestion of the CJS especially with the implementation of diversion mechanisms.

Defence Lawyer (4): According to his opinion RJ is not actually compromise smoothly within the CJS of the country mainly because of the reluctant of lawyers and judges to accept it and implement it. He thinks that they are not yet familiar with it and even if they could help to its further diffusion they have not integrated it in their culture and they are more attached to the institutions of the traditional CJ. He is not sure then that the CJS can easily absorb the RJ potential. That is because of general problems of CJS of Greece that tend to implement new measures in a fragmentary way causing internal systematic conflicts of CJS that is in risk of collapsing. In order to avoid this risk, the investment of money is needed for the systematic implementation of new and effective institutions mainly concerning the penitentiary system.

Police Officer (5): He thinks that RJ is connected to custom law of Greece, it is a part of it concerning the implementation of RJ by the police. In that way RJ intervenes by regulating the impaired social chain and functions as a crucial factor of social balance. It helps towards the satisfaction of sense of justice among people. At the same time helps towards the decongestion of CJS and the more economical management of crime.

1.2. On the objectives of Restorative Justice

Juvenile Probation Officer (1): RJ can really contribute to community development through the conflict resolution of the citizens but it should be further and better implemented. More time for its better implementation and more training is needed. The support to the victim must be one of its objectives, but in the way it is implemented in Greece, there is a great gap between theory and practice that must be covered. More time for preparation of the RJ process in need and more work with the victim in order to get ahead from his/her fear. Within RJ process, time is need for the "maturation" of the relationships between the victim and the offender and for the

restoration of their relationships. But time is not available. Usually, there is only time for the preparation of the juvenile offender. The main purpose of this preparation is to understand the victim, to “get in his/her own shoes”. The interpersonal contact between the victim and the young offender does help the latter in his/her socialization. RJ, on the other hand, can contribute to the reduction of recidivism, but as already said above, other varieties adhere and influence the future recidivism or the rehabilitation of the offender.

Judge(2): According to her opinion, RJ could actually help towards the community development by changing the perceptions of both sides (offender and victim). But only in a potential way it could support the victims of crimes by encouraging them to express their needs and by enabling them to participate in the process, help the offenders of crimes by encouraging responsibility and contribute to the reduce of recidivism.

Public Prosecutor (3): According to her opinion, RJ could actually help towards the community development as some results of RJ are referred directly to the community (e.g. in some cases of implementation of 45A of Criminal Procedure Code, juveniles are called to pay a small amount of their own pocket money to charities and social institutions). It can also help the young offenders to avoid the stigmatizing character of the process before the court and at the some time encourage his/her responsibility towards community. In this way RJ processes could contribute to reducing recidivism. Also the victim can feel more satisfied as he/she is not ignored within CJS. Especially after restitution, victims’ attitudes seem to be more conciliatory towards the offenders. In case of juveniles, this also occurs even after the apology of the young offender; restitution is not always necessary.

Defence Lawyer (4): He thinks that RJ could function in a complementary way within the CJS concerning the support of victims. But also it could be used as a tool of other feasibilities. It could help towards the mentioned objectives but the authenticity of judges does not leaves of any allowances for a broad implementation.

Police Officer (5): As it was mentioned above, at police level, the implementation of RJ helps towards the satisfaction of sense of justice among people, and the defuse of anger.

2. Restorative Justice Frame of Implementation

2.1. On levels and forms of implementation

Juvenile Probation Officer (1): According to her experience on the field, she can only express her opinion about the way RJ is implemented on court level. Concerning the Juvenile Justice, RJ is implemented in a very extended way. She has no experience on the field of adults. (see below sub-questions 2.3).

Judge(2): On police level RJ cannot actually be implemented as police is not competent according to the law to implement RJ processes. She has no opinion on the way Rj is implemented on prosecution level, while on correctional level no ground for RJ implementation exists .On court level, yet, she believe that is very early to asses the RJ institutions that are still new in the CJS of Greece. RJ could be further expanded and implemented after the court decision. VOM is the only form of RJ that is implemented in Greece. Her personal opinion on this institution is positive. Mainly it is implemented for financial offences.

Public Prosecutor (3): On her experience, RJ is mainly implemented at prosecution level, both before and after penal prosecution. Public prosecutors are the main authority for the implementation of RJ in Greece. RJ could be further expanded at police level, after training of the police officers. But in that case, the supervision by the Public Prosecutor is indispensable. It could very useful though, if in policy station there were more officers with special training on psychology, especially for cases of juveniles. VOM is rather implemented in cases of domestic violence but also in financial offences. It is more difficult to be implemented in cases of interpersonal conflicts (insults, threats) because usually there are a lot of a hate and anger between the two parties (victim and offender).

Defence Lawyer (4):To prosecution and court level is rather limited. It could be more implemented at police level but judges are not very willing to assign part of their power to police officers. The main form of implementation is penal mediation on financial crimes and domestic violence.

Police Officer (5): At police level RJ implementation is mainly unofficial and empirical, but rather extended. Police officers function as "peace-makers". If all the cases referred to the police end up in courts then the CJS would have been collapsed. RJ at police level "unblocks" the system.

2.2. On categories of crimes

Juvenile Probation Officer (1): On the field of Juvenile Justice, the main categories of crimes for which RJ is mainly implemented are: crimes against property, physical injuries, bullying and insults. On the contrary, RJ is usually avoided in cases of homicide and sexual crimes. Of course in the latter, RJ cannot be excluded if it seems that victim could be helped by the process and he/she is willing to take part to such a process.

In cases where there are psychological disorders in either the victim or the offender or there intensive racist characteristics at the conflict that has led to crime, the RJ process is usually avoided since there is not a lot of time for preparation and the Juvenile Probation Officers has very little experience on it. Usually, the referral to RJ process is avoided when the victim is reluctant, especially in cases of sexual crimes.

Judge(2): The main categories of crimes for which RJ is mainly implemented are financial crimes and crimes against property. The existing legal frame is followed at the level of implementation, according to which no specific category of offenders or victims are excluded from RJ processes.

Public Prosecutor (3): As it is mentioned above, the main categories of crimes that RJ is implemented is domestic violence, financial offences and offences against property. There no specific categories of crimes that are usually avoided from the implementation of RJ. In some categories of more serious crimes, though, RJ measures are not the only ones that are imposed and RJ is used in a complementary way to the traditional CJS measures.

Defence Lawyer (4): RJ could be implemented in crimes where there is a communication between persons. It is more difficult in cases of physic violence. He considers as not successful the "experiment" of RJ in cases of domestic violence. The problem in Greece is that their in no acceptance of institutions of RJ . It is very difficult to pass form one institutional frame to an other one. There is a culture of "bargaining" in people's relationships but it is non-institutional. This dimension creates the so-called "Virtual Criminal Law" of the country.

Police Officer (5): Mainly it s implemented on domestic violence, insults, threats, peace disturbing, interpersonal conflicts. It should not be a limitation concerning the categories of crime. Usually, RJ at police level is necessary for the balanced function of a community.

2.3. On Children and Young Offenders

Juvenile Probation Officer (1): On the field of Juvenile Justice, RJ is mainly implemented at court level. There is a legal frame but there are no guidelines for the Probation Officers when they are called to implement it in practice. Such directions – not as restrictive details regulation but as general guiding directives – could help the further implementation of RJ. On the other hand, there are some problems as the way that the process is conducted. If the process of mediation is not successful, a report is composed by the Probation officer but the case is not referred back to the court. Another problem of implementation has to do with the fact that some times the RJ process is ordered by the Juvenile court without the consent of the juvenile offender. This also leaves the process without a substantive restorative result.

She has no experience on the way that RJ is implemented on prosecution level. Its implementation is mainly up to the discretion of the Juvenile Prosecutor. Neither she has any experience on the way RJ is implemented on police level.

On the forms of implementation, RJ within the Juvenile Justice System is implemented as victim- offender mediation and as community service. As already mentioned above, the main categories of crimes for which are more adequate are: crimes against property, physical injuries, bullying and insults (more on the categories of crimes, see above sub-question 2.2).

During the process, usually the parents are not getting involved. Often this cannot help the process, as juveniles are more honest when parents are not present. Social workers and psychologists do not take part at the process unless this is the profession of the Juvenile Probation Officer that conducts the RJ process. Their participation could some times be very helpful.

Judge (2): RJ frame of for children and young offenders is adequate but it should be enforced with more institutions and infrastructures. On court level, the implementation of RJ measures cannot yet be assessed, but it could be argued that the legal frame is adequate. On police level, RJ could be expanded under specific conditions, e.g. training of police officers involved. In general though, her opinion on the implementation of VOM for children and young offenders is positive. For children and young offenders, RJ is implemented for the same categories of crimes (financial crimes and crimes against property) as for adult offenders. Parents of children and young offenders are usually involved in the process before the court. Social workers and psychologists' s role could be positive.

Public Prosecutor (3): RJ is mainly implemented at prosecution level, both before and after penal prosecution. It could be more expanded at the stage before penal

prosecution, especially for juveniles. In this case, Public Prosecutors should work together the Juvenile Probation Services, but this is not provided by the law. The role of lawyers is also crucial for the implementation of RJ measures, as they can direct their clients towards this direction. Also police officer could be more active on informing the involved parties concerning their rights and the process of RJ.

Defence Lawyer (4): He believes that for the filed of Juvenile Justice RJ is absolutely positive but for its best implementation the investment of money is necessary and during this period Greece cannot afford for it. For Juveniles, crime and criminal justice is a much more complicated phenomenon. For example, in case of juveniles within RJ the contribution of psychiatrists and other experts would be a necessity.

Police Officer (5): For juveniles, the police role is more difficult. It depends on the category of the offences.

2.4 On victims and offenders

Juvenile Probation Officer (1): Theoretically, access to RJ services is equal for all, but sometimes cultural or national factors can create some imbalances (e.g. in cases of Roma or foreigners). Also, on the basis of geographical criteria, RJ is not always accessed as in some region Juvenile Probation Services are not adequately staffed. RJ can be further expanded to a broader number of cases if there are more public awareness in order to cultivate RJ main philosophy in the society.

Concerning the information provided to the offenders and victims, there is full information for the juvenile offender. For the victims, she does not think that information provided is enough. There is need for extra provisions for the juveniles victims.

As mentioned above, there is enough time for the preparation of the offender before the RJ process but this is not the same with the victim.

As far as it concerns the rights and safeguards of the victims and the offenders, there is a problem with the issue of the consent in participating to the RJ process. It is a complicated issue: usually the court does not ask the victim if he/she wishes to take part to a mediation process or not. As VOM is imposed as an educational measure by the court, it can imposed to a juvenile offender, even if he/she does not want to.

Judge (2): RJ is implemented without any discrimination and the access is equal for all. No problematic situations on accessing can be detected. RJ can be further

expanded if more infrastructures are created and if public awareness is expanded. Concerning the information provided to the offenders and victims, the information system could be ameliorated. There is enough time for the preparation for both the offender and the victim. The rights and safeguards of them (victim and offender) are protected, no specific problem can be detected. Especially victims have an opportunity to choose freely.

Public Prosecutor (3): According to her experience, there is an equal access to Restorative Justice for all and no any problematic situations on accessing Restorative Justice services are detected. In the majority of the case the willing of the victim to participate to a RJ process is crucial. The existing frame of RJ could be further expanded to a broader number of cases available for referring to the RJ process, if more work with the victims is done. The competent authorities could provide to victims and offenders more information on the possibility of a referral to RJ, and on this filed police could have a crucial role. There is not enough time for be informed and decide in cases of offences caught in cool blood for which a short procedure is implemented. In general, the rights and safeguards of both the victim and the offender are protected during the implementation of RJ. There is a questioning, though, according to her opinion on whether the victim is fully protected and not victimized once again during the implementation of RJ (e.g. in cases of serious financial offences, the victims may be blackmailed to accept an "RJ solution").

Defence Lawyer (4): According to his experience, penal mediation is mainly implemented after the initiation of the victims. In general, all the principles for the protections of rights of the offenders and victims are protected in practice. On the other hand, victims and offenders are only informed for the RJ processes by their lawyers and not by the authorities. For the further implementation of RJ, there are should be a raise of the prohibitions concerning the selective implementation of RJ in only some categories of crimes.

Police Officer (5): RJ is only implemented when both the offender and victim are willing to participate. There is no obligation.

2.5 On Restorative Justice Process and Services.

Juvenile Probation Officer (1): As it is mentioned above, the court does not always diagnoses the consent of the parties involved, so RJ is not a voluntary process. Neither the offender nor the victim can withdraw; on the other hand, even when the

process is failing, this is recorded but the case is not referred back to court, apart from cases of recidivisms.

In general, social and cultural factors are taken account in order to refer a case to RJ process. The different language of the parties involved is not a problem, unless there is no interpreter available. If community service or reparation/restitution is going to be decided by the court, then social and economic factors are taken more in account. The most crucial points for a RJ process to be completed are: a) information and awareness of the parties involved, b) a good mediation process, c) a capable facilitator.

The assessment of RJ process and outcomes is a problematic issue. There are no consequences if the RJ process is failed because of an unjustified comportment of the offender. The frame of assessment and supervision should be revised.

In Greece, there are not adequate programmes and seminars; there are absolutely necessary for the professionals on the field of RJ.

The number of staffed trained especially on the field of RJ is small. The competent staff is usually educated and trained but not especially on RJ.

RJ cases could be referred out of the Probation Service to NGOs or trained citizens, though according to her opinion it is better if the mediators/facilitators are professionals.

There are institutional issues in the services of RJ in Greece. They cannot cover of all the needs.

Between the private, public and civil society sector the cooperation is good on the field of community service, but there is not any other cooperation on the field of mediation.

Judge (2): It is rather early to estimate whether the basic principles are implemented or not in our country. General criteria and indications should be avoided regarding the implementation of RJ. The most crucial points for a RJ process to be completed successfully and to achieve its objectives is the willing of the victim and the offenders and the work of the facilitators and psychologists. Supervision and assessment of the outcomes arising out of a Restorative Justice process is useful but not necessary. Programmes and seminars for the training, the accreditation and feedback support of RJ practitioners are very rare. In the field of Juvenile Justice, there is adequate number of trained staff. Mediators and facilitators must be only representatives of the judicial authority, mainly public prosecutor. But the role of judges is also crucial as they often informally try to find solutions in the

general spirit of RJ even it is not strictly provided in legislation. There are not yet adequate RJ services in Greece and it is early to say whether cooperation between services of private, public and civil society services are harmonic or not.

Public Prosecutor (3): The basic principles of RJ are not implemented in Greece as such. The consent of the offender is not always prerequisite for the implementation of RJ measures. In case that a apology is the result of RJ process, then the process is usually with his/her consent. No specific social, cultural or other factors and indicators are taken into account in order to refer a case to a RJ process. The most crucial points for a RJ process to be completed successfully and to achieve its objectives is for the victims to be willing to take part. In Greece, there are no adequate programmes and seminars for the training, the accreditation and feedback support of RJ practitioners. Seminars on psychology could be very useful. There is adequate number of trained staff in the services involved in RJ frame especially for juveniles but there is not very good coordination and very often there is a big delay on cases.

Defence Lawyer (4): For the successful implementation of RJ, it is necessary that both the offenders and the victims are well informed about the possible problems and difficulties that they could face if they stay within the traditional processes. Substantial willing by all the parts involved is they key for the effective implementation of RJ process. The mediator should not be a judges, according to his opinion. Neither necessarily a lawyer but a person of mutual trust. In public services, staff is not yet educated on RJ issues.

Police Officer (5): The most crucial factors for the better implementation of RJ at police level is the mentality and the attitude of the police officer that is called to manage the case. Monitoring and evaluation could function as inhibitors for police officers who implement it by using their discretion. It is very important to enforce training for police officers on RJ, the staff involved is not well educated on this issue. The implementation is only empirical.

3. On Restorative Justice Obstacles and Good Practices

Juvenile Probation Officer (1):

There are not clear rules about the conduction of RJ process. Regulations and guidelines about the process are necessary. It is true that there is a limited experience in local communities and schools about RJ. - Human and financial

resources are very limited. This is a big obstacle. - There is lack of public awareness and of social acceptance towards Restorative Justice.

The most crucial factors that affect her negatively as a practitioner during the implementation of a RJ process are: a) the lack of knowledge on the technique of mediation, the lack of guidelines concerning the actual process, b) the lack of training on the field of RJ, c) the limited time for the preparation of RJ process, especially concerning the work with the victim.

The most important components for RJ good practices are: a) the very good cooperation between Judges and Probation Officers, b) the pedagogic philosophy of Juvenile Justice law. Between the Juvenile Probation Services of the country, there is an unofficial network for exchanging information on RJ (and other) issues concerning their work with juvenile offenders.

Judge (2): - The existing legislative frame is adequate. The future will show whether it is going to be effective or not - Human and financial resources are not enough, they are considered as a luxury - There is not lack of public awareness and of social acceptance towards RJ. On the contrary she believes that because of the socio-economic crisis of the country, victims will be more willing to accept RJ measures that include a financial restitution for them. She does not think that police, prosecutors and courts are rather sceptical towards the RJ, until now the victims are usually are. No specific negative factors affect her work on the field of RJ. RJ institutions are positive and can be used in a very effective way. One of the best practices in the implementation of RJ, within the CJS of Greece, is the role of judges that may use RJ practices in an informal way when they estimate that there is such potentiality.

Public Prosecutor (3): - The existing legislative frame is adequate. In general, the RJ culture is limited and the general attitude of people is rather negative. Of course in the area of Juvenile justice the field is more fertile. - Human and financial resources are not enough, more trained staff is needed - There is rather lack of public awareness and of social acceptance towards RJ. The main negative factors that affect her work on the field of RJ is the great quantity of cases that are assigned to public prosecutors. One of the best practices in the implementation of RJ in Greece, is the Juvenile Probation Service. It would be useful if there were a social service for juveniles integrated by the Juvenile Probation Service and the Public Prosecution Service.

Defence Lawyer (4): The existing legislative frame could be ameliorated. Greek society is not uneducated concerning conflict resolution. Especially, because of the economic crisis, It seems to get more conflictual and reactive. Human and financial resources are not enough. All the CJS is rather reluctant concerning RJ implementation. This is the reason that most affect him as practitioner in relation to the implementation of RJ.

Police Officer (5): He does not think that the existing legal frame is restrictive. The cooperation with the local community is well and the relations are positive. He does not believe that CJS is reluctant to RJ. Greek police practices are very positive and it should be better supported and enforced.

ANNEX TO THE REPORT ABOUT THE PROFESSIONAL CHARACTERISTICS OF KEY-PRACTITIONERS.

Juvenile Probation Officer (1): She has 10 years experience on her profession. She comes up with RJ cases very often (once a week), mainly at court level. The main forms is mediation, community service and restitution. Mediation can be also unofficial, even when it is not implemented as an educational measure imposed by the court. From her position, she is more involved with (juvenile and young) offenders, less with victims. She has not get a lot of training on RJ, she has attended a seminar in Lisbon on 2007; training is a common demand of Juvenile Probation Officers; they have applied to the Ministry of Justice, it is something absolutely necessary for them. In general, at their Service they keep statistical data for all cases, included the RJ referrals; the data are sent to the Ministry. The cooperation with CJS professionals is very good; with professionals/practitioners from the social/welfare system is good in general, though it is only restricted on the field on community service when imposed to juveniles by the court.

Judge (2): She is judge for 17 years. Before that she was lawyer for 10 years. Since 17-9-2012 she is a Juvenile Judge. One per month she judges about cases of juveniles. The RJ form that is usually comes up with is VOM as an educative measure for juveniles. From her position she is more involved with both the offenders and victims. She has a Master in Penal Law but she has no special training in RJ issues. She does not think that special RJ training for judges is necessary, although some seminars could be held through the School of Judges. She would be willing to participate to training. No statistical data are gathered by the court concerning RJ, although that would have been useful and interesting. Her experience with

professionals/practitioners from the social/welfare system is positive; they could really help to better administration of Juvenile Justice. Her cooperation with other CJS professionals is also satisfactory.

Public Prosecutor (3): She serves as a Public Prosecutor since 2003, and currently as Public Prosecutor for Juveniles. She comes up with RJ cases very frequently. At least 300 cases per month are part of her duties; a number of them is referred to RJ processes. The RJ form that is usually comes up with is VOM and in general process that include, as part or as a result/outcome the apology of the offender, community service or reparation/restitution. She has studied Law and School of Judges. From her position she is more involved with both the offenders and victims. She has no special training in RJ issues, but she thinks that special training mainly on judicial psychology could really help the public prosecutors in the implementation of RJ measures. No statistical data are kept on Public prosecution service concerning RJ. Her experience is positive concerning the cooperation with CJS professionals and with professionals/practitioners from the social/welfare system.

Defence Lawyer (4): He is a defence lawyer for 21 years. Cases that could be referred to RJ process are many but the actual referral is very limited. Mainly he come up with cases that could be referred to penal mediation. Mostly he come in touch with offenders. He is PhD lawyer. He support for training of lawyer on RJ.

Police Officer (5): He is a Police chief, directing the Department of Northern Greece of the Police Academy, with 29 years of experience as police officer. When he was at police station, we was coming up with numerous cases every day, dealing with both the offenders and the victims. The form of RJ that was implemented was mediation. He believes that training is necessary and he estimates as positive the experience with other professionals of CJS, mainly prosecutors.