



Convention on the Rights of the Child

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Committee on the Rights of the Child

Sixtieth session

29 May – 15 June 2012

Consideration of reports submitted by States parties under article 12, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography

Concluding observations: Greece

1. The Committee considered the initial report of Greece (CRC/C/OPSC/GRC/1) at its 1711th and 1712th meeting (see CRC/C/SR.1711 and 1712), held on 6 and 7 June 2012, and adopted, at its 1725th meeting (see CRC/C/SR.1725), held on 15 June 2012, the following concluding observations.

Introduction

2. The Committee notes the submission of the State party's initial report and the written replies to its list of issues (CRC/C/OPSC/GRC/Q/1/Add.1), however, it notes that the report was overdue. The Committee appreciates the constructive dialogue held with the multi-sectoral State party delegation.

3. The Committee reminds the State party that the present concluding observations should be read in conjunction with its concluding observations adopted on the combined second and third report of the State party under the Convention on the Rights of the Child (CRC/C/GRC/CO/2-3) and on the initial report under the Optional Protocol on the involvement of children in armed conflict (CRC/C/OPAC/GRC/CO/1).

I. General observations

Positive aspects

4. The Committee welcomes the various positive measures in areas relevant to the implementation of the Optional Protocol, in particular the adoption of:

- (a) Law 3811/2009, "Compensation to victims of violence international crime;

(b) Law 3692/2008, “Ratification of the Agreement between Government of the Hellenic Republic and the Council of Ministers of the Republic of Albania for the protection and assistance to victims of trafficking of minors” (GG 173A’/25-8-2008);

(c) Law 3064/2002, “Fight against trafficking in persons, crimes against sexual freedom, child pornography and the economic exploitation of sexual life in general and assistance to victims of these acts”.

5. The Committee also welcome the ratification of the following international human right instruments:

(a) The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (in 2004);

(b) The Convention against Transnational Organized Crime of 2000 (in 2011);

(c) The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United National Convention against Transnational Organized Crime of 2000 (in 2011);

(d) The Protocol against Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime of 2000 (in 2011);

(e) The Hague Convention on the Protection of Children and Cooperation in Respect of Inter-Country Adoption of 1993 (in 2009);

(f) The Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (in 2008);

(g) The International Labour Convention No.182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (2001).

6. The Committee further welcomes the progress achieved in the creation of institutions and adoptions of nationals plans and programs that facilitate the implementation of the Optional Protocol, including:

(a) The National Plan of Action for Migration Management in 2010;

(b) The National Action Plan against trafficking in human beings in 2006;

(c) The fact that the Standing Inter-ministerial Committee on trafficking in human beings which operated until 2006, has been upgraded, following an initiative of the Minister of Justice, to the level of Secretary-General of the competent ministries.

II. Data

7. While noting the collection of statistical data by the Hellenic Police, the Courts and the Public Prosecutor’s offices, the Committee is concerned about the lack of comprehensive data collection system to collect and follow-up all offences under the Optional Protocol.

8. **The Committee recommends the State party to set up a comprehensive and centralized data collection system to analyze and monitor policies and programmes to implement the Optional Protocol. The data collected should be disaggregated by age, sex, nationality and ethnic origin, geographic location and socio-economic background. The data collection must be coordinated with the Government’s central data collection system for the Convention, to cover all persons below the age of 18 and used to undertake qualitative and quantitative studies and analysis on the root causes**

and prevalence of all the offences under the Optional Protocol. The Committee further recommends that the State party strengthen its technical cooperation with, among others, UNICEF and the United Nations Development Programme in this regard.

III. General measures of implementation

Legislation

9. While welcoming efforts to integrate various provisions of the Optional Protocol in the legislation of the State party, the Committee is concerned that they have focused mostly on trafficking and not on the Optional Protocol.

10. **The Committee requests the State party to take all necessary measures to the full incorporation of the Optional Protocol in its domestic legal system. The Committee recommend to the State party to ensure that the definition of sale of children, which is similar to but not identical to trafficking in persons, is included in the national legislations in order to adequately implement the provision of sale contained in the Optional Protocol.**

National plan of action

11. The Committee welcomes the establishment of the Special Committee at the level of the General Secretaries of the ministries involved (Ministries of Justice, Interior, Economy and Finance, Foreign Affairs, Education and Religious Affairs, Health and Welfare), and the adoption of the Action Plan at national level against illegal trafficking in human beings. While noting the adoption of “ILAEIRA”, Anti-trafficking Initiative in 2006, the Committee, however, regrets, that its implementation has been delayed due to the political changes and the financial crisis. The Committee is nevertheless concerned at absence of specific measures on the prevention of offenses prohibited under the Optional Protocol, as well as at the lack of a comprehensive plan specifically addressing all issues covered under the Optional Protocol.

12. **The Committee recommends that the State party ensure that its comprehensive strategy and programme for the implementation of the Convention includes a separate comprehensive programme of action specifically targeting all issues covered under the Optional Protocol, provided with adequate human, technical and financial resources for its implementation. To this end, the State party should pay particular attention to the implementation of all provisions of the Optional Protocol, taking into account the Declaration and Agenda for Action and the Global Commitment adopted at the First, Second and Third World Congresses against Sexual Exploitation of Children, held in Stockholm in 1996, in Yokohama in 2001 and in Rio de Janeiro in 2008.**

Coordination and evaluation

13. The Committee notes with concern that the State party does not have a mechanism for the overall coordination, monitoring and implementation of the Optional Protocol. While appreciating that the State party has established a working group consisting of government agencies to combat human trafficking, the Committee remains concerned that this working group cannot be considered an effective mechanism for coordinating the overall implementation, as it is not mandated to address issues relating to the sale of

children, child prostitution and pornography under the Optional Protocol, and is not evaluated.

14. **With reference to its recommendations on the State party's coordination mechanism for the implementation of the Convention (CRC/C/GRC/CO/2-3, 2012, para. 11), the Committee recommends that the State party strengthen cooperation and coordination among its relevant ministries and government entities, as regards the implementation of the Optional Protocol. The State party is further recommended to ensure that these entities are provided with adequate human, technical and financial resources in order to enable them to fulfil their mandate in the implementation of the Optional Protocol, and to ensure the evaluation of these entities.**

Dissemination and awareness-raising

15. The Committee notes awareness raising activities carried out by the State party. However, the Committee is concerned that these awareness raising activities have been limited to prevention of trafficking and children's rights in general and that awareness of the Optional Protocol remains low, both among children as well as among professionals working with or for children.

16. **The Committee recommends that the State party strengthen its efforts to make the provisions of the Optional Protocol widely known in the public at large, including to the children in a child-friendly manner, their families and communities. The Committee urges the State party to:**

(a) **Systematically incorporate issues related to the Optional Protocol in the curricula of primary and secondary school;**

(b) **Develop, in close cooperation with the community and children, information and education programmes on preventive measures and the harmful effects of the sale of children, child prostitution and child pornography;**

(c) **Disseminate the Optional Protocol among all relevant professional groups, especially members of the police, judges, prosecutors, representatives of the media, social workers;**

(d) **Undertake in-depth studies in different regions and sociocultural groups to identify specific obstacles and opportunities for advocacy and awareness-raising regarding the offences stated in the Optional Protocol.**

Training

17. The Committee appreciates the numerous training activities, provided by the State party in collaboration with international, intergovernmental and non-governmental organizations, for instance, trainings for Hellenic Police personnel. The Committee is, however, concerned that efforts to provide adequate training to professionals working with and for children, in particular among judges, prosecutors, law enforcement officers, and social workers, are not systematic and do not include all areas covered by the Optional Protocol.

18. **The Committee recommends that the State party develop multidisciplinary training programmes through a participatory process involving communities and other stakeholders on all areas covered by the Optional Protocol. Such training should be provided to all relevant professional groups, ministries and institutions working with and for children. The Committee further urges the State party to ensure the**

systematic evaluation of all training programmes on the Optional Protocol with a view to enhancing their impact and relevance.

Allocation of resources

19. The Committee regrets the lack of clearly identifiable budget allocations assigned to activities designated to implement the Optional Protocol. The Committee is also concerned that, due to the budgetary constraints imposed by the current difficulties in public finances in Greece, in 2010 and 2011, Hellenic Aid has not issued an annual call for proposals addressed to Greek NGOs for anti-trafficking or other projects.

20. The Committee recommends that the State party take all possible measures to ensure that sufficient resources are allocated equitably throughout the country for the implementation of all areas covered by the Optional Protocol, by providing, in particular, the necessary human, technical and financial resources for the development and implementation of programmes aimed at the prevention, protection, physical and psychological recovery and social integration of victims, as well as the investigation and prosecution of the offences covered by the Optional Protocol.

IV. Prevention of the sale of children, child prostitution and child pornography (art. 9, paras. 1 and 2)

Measures adopted to prevent offences prohibited under the Optional Protocol

21. The Committee notes the efforts undertaken by the State party aimed at preventing offences under the Optional Protocol. However, the Committee is concerned that targeted preventive measures against the exploitation of children, as well as measures to identify the root causes and extent, remain limited. The Committee is further concerned that prevention measures are limited and that the social work centres may not be adequately equipped to carry out activities for prevention and identification as mandated. In this regard, the Committee is especially concerned about:

(a) The persistent discrimination against Roma children particularly in their access to education, health services and birth registration;

(b) The persistent discrimination against children belonging to Muslim community of Thrace, with regard to their access to education and health services, as well as the application of Sharia law regarding the practice of early marriages, which in many cases amounts to sale of children;

(c) The great number of migrant and asylum-seeking children, including unaccompanied children, arriving daily to the State party's borders, and the lack of reception facilities and the poor quality of the existing ones;

(d) The limited availability and accessibility of services for children in street situation, children with disabilities, and children victims of domestic violence;

(e) The growing availability of child pornography on the Internet and other evolving technologies and that a certain degree of impunity continues to exist for crimes covered by the Optional Protocol committed through the Internet, especially child pornography.

22. The Committee encourages the State party to undertake research on the extent and root causes of the exploitation of children, including prostitution and pornography, in order to identify children at risk and to assess the extent of the problem and recommends to the State party to:

(a) Take all the necessary measures to ensure that all children, including Roma children are registered at birth and have access to education and to essential services;

(b) Combat harmful practices that amount to the sale of children, particularly to groups of children who are in the most vulnerably situations, in particular, children belonging to the Muslim community of Thrace, and ensure that they have access to health, social services and quality education;

(c) Establish reception facilities and increase the capacity of the existing structures for unaccompanied minors, migrant, refugee and asylum-seeking children;

(d) Ensure that the children belonging to the most vulnerable groups, in particular, children in street situation, children victims of domestic violence and children with disabilities are provided with holistic reintegration programs;

(e) Undertake targeted preventive measures including in light of the changing nature of interactions over the Internet, and cooperate with international intergovernmental and non-governmental organizations concerning the implementation of awareness-raising campaigns in all areas covered by the Optional Protocol;

(f) Seek, for the purpose of more effective prevention in the areas covered by the Optional Protocol, technical assistance from inter alia, UNICEF and other international organizations and agencies.

23. The State party should, through relevant authorities, strengthen cooperation with the neighbouring countries, the tourism industry, NGOs and civil society in order to promote responsible tourism, through the Code of Conduct of the World Tourism Organisation on the protection of children from sexual exploitation in travel and tourism among all relevant partners.

Adoption

25. While welcoming the ratification by the State party in 2009 of the Hague Convention on the Protection of Children and Cooperation in Respect of Inter-Country Adoption of 1993, the Committee expresses its concern at the persistence of the practice of “private adoption”, due to the lengthy adoption procedures, which in many cases amounts to the sale of children.

26. The Committee urges the State party to develop and implement policies and legal provisions to guarantee that all cases of adoption are in full conformity with the Optional Protocol and with the principles and the provisions of the Hague Convention on the Protection of Children and Cooperation in Respect of Inter-Country Adoption of 1993, and monitor and follow up the adoptions in order to ensure that the rights of the child are respected and to prevent children from being exploited, and ensure that their rights are respected, and that the rules providing for adoption are reviewed.

V. Prohibition of the sale of children, child pornography and child prostitution and related matters (arts. 3; 4, paras. 2 and 3; 5; 6 and 7)

Existing criminal or penal laws and regulations

27. The Committee is concerned that the domestic legislation does not fully incorporate all offences under the Optional Protocol and is not harmonised as regards the prohibition and criminalization of these crimes. In particular, it is concerned that the offences are brought under the legal framework on anti-trafficking rather than defined and criminalized as specific offences as required by the Optional Protocol, in particular articles 2 and 3. The Committee is particularly concerned that the engagement of children in forced labour and improperly inducing consent, as an intermediary, for the adoption of a child are not explicitly prohibited and criminalized in the domestic legislation in accordance with articles 2 (a) and 3 (1) (a) (c) and (ii) of the Optional Protocol.

28. The Committee recommends that the State party revise its Criminal Code and bring it into full compliance with articles 2 and 3 of the Optional Protocol, and ensure that the law is enforced in practice, with commensurate sanctions being imposed on perpetrators, in order to prevent impunity. In particular, the State party should ensure that the following acts are criminalized:

(a) **The sale of children by offering, delivering or accepting, by whatever means, a child for the purpose of sexual exploitation, transfer of organs of the child for profit, or engagement of the child in forced labour or by improperly inducing consent, as an intermediary, for the adoption of a child in violation of the applicable legal instrument on adoption;**

(b) **Offering, obtaining, procuring or providing a child for child prostitution;**

(c) **Distributing, importing, exporting, offering, selling, possessing or knowingly accessing/viewing child pornography, including virtual child pornography, and suggestive representations of children which do not depict children engaged in explicit sexual activity (child erotica);**

(d) **The production and dissemination of material encouraging any of these acts.**

Liability of legal persons

29. The Committee regrets that the State party's legislation does not clearly establish the liability of legal persons for the offences established in the Optional Protocol.

30. In light of article 3, paragraph 4, of the Optional Protocol, the Committee recommends that the State party establish the liability of legal persons for all offences covered under the Optional Protocol.

Jurisdiction and extradition

31. The Committee regrets that the State party legislation does not explicitly allow extraterritorial jurisdiction for all the cases referred to in article 4, paragraph 2, of the Optional Protocol. The Committee also regrets that jurisdiction over offences under the Protocol necessitates double criminality. Furthermore, the Committee is concerned as to

the possibility of invoking the Optional Protocol as legal basis for extradition and that, under the State party's legislation, extradition is subject to the existence of a treaty between the State party and the requesting State.

32. The Committee recommends that the State party take steps to ensure that domestic legislation enables it to establish and exercise extraterritorial jurisdiction, including extraterritorial jurisdiction without the criterion of double criminality, over the crimes under the Optional Protocol. The Committee further recommends that the State party consider the Optional Protocol to constitute a legal basis for extradition without the condition of the existence of a bilateral treaty.

VI. Protection of the rights of child victims (arts. 8 and 9, paras. 3 and 4)

Measures adopted to protect the rights and interests of child victims of offences prohibited under the Optional Protocol

33. The Committee notes the adoption of the national legislation by the State party on compensation for the child victims, such as Law 3811/2009, "Compensation to intentional crime victims (transposition into Greek legislation of EU Council Directive 2004/80/EC of 29 April 2004) and other provisions" (GG A 231/17 Dec 2009) which allows children victims of such crimes to submit applications for compensation to the "Greek Compensation Authority", established by such law. The Committee further notes with appreciation the establishment of the Human Trafficking Victims Support Centre under the Ministry of Labour and Social Protection in 2009. The Committee, however, expresses its concern that:

(a) In the context of lodging civil claims for compensation, no special procedure is stipulated for voluntary settlement of disputes when the illegal act of the offender relates to the sale of children, child prostitution and child pornography; the general provisions of the Code of Civil Procedure (CCP) on extrajudicial settlement of disputes apply;

(b) Protection of privacy and safety of the child victims are not ensured and the media reveal the identity of either victims or perpetrators of such crimes;

(c) There is a lack of legal aid and support of child psychologists and social workers for children victims of offences prohibited under the Optional Protocol.

34. The Committee recommends that the State party strengthen measures to protect the rights, best interest and privacy of child victims of all offences under the Optional Protocol and, in particular:

(a) Ensure the establishment and operation of mechanisms for identifying and protecting victims of offences under the Optional Protocol and include into its national legislation provisions on the compensation procedure for children who are victims of sale, child prostitution and child pornography; and take measures to guarantee that all child victims have access to adequate procedures to seek, without discrimination, compensation for damages from those legally responsible, in accordance with article 9, paragraph 4, of the Optional Protocol, and establish a fund for compensation for victims, for those cases where they cannot obtain compensation from the perpetrator;

(b) Ensure the right of the child to have his/her privacy fully respected, and that no information is published that may lead to the identification of the child victims or the perpetrators; and

(d) Provide children victims of offences prohibited under the Optional Protocol, with adequate free legal aid, and psychological, medical and social support.

35. In accordance with its obligations under article 8 of the Optional Protocol, the Committee further recommends that the State party ensure, through adequate legal provisions and regulations, that all child victims and/or witnesses of crimes, for example, child victims of abuse, domestic violence, sexual and economic exploitation, abduction and trafficking, and witnesses of such crimes, are provided with the protection required by the Optional Protocol and that the State party take fully into account the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime (Economic and Social Council resolution 2005/20, annex).

Recovery and reintegration of victims

36. The Committee notes the State party's law 3727/2008 containing provisions related to assistance for the physical and psychosocial rehabilitation of children victims and psychological support to their relatives, and the establishment of a shelter in Thessaloniki for women and children victims of trafficking. Notwithstanding these efforts, the Committee is seriously concerned that the State party's recovery and reintegration measures are limited to victims of trafficking and victims of sexual exploitation, and do not adequately take into account the needs of victims of sale of children under the Optional Protocol. The Committee is further concerned at the inadequacy of State-run shelters for child victims and that not all identified child victims have access to appropriate care, assistance and remedies.

37. **The Committee urges the State party:**

(a) To establish a mechanism for providing recovery and rehabilitation support to child victims of all offences under the Optional Protocol;

(b) To take all necessary measures, including by considering the provision of training courses to medical professionals on recognizing and treating victims of offences under the Optional Protocol, to ensure that child victims of the offences under the Optional Protocol are provided with appropriate assistance, including specifically for their full social reintegration and physical and psychological recovery;

(c) To seek technical assistance from UNICEF and the International Organization for Migration in the implementation of these recommendations.

Helpline

38. While noting the existence of "YpoSTIRIZO" helpline, free of charge inside the State party, established by the Adolescent Health Unit, and targeting adolescents and their families, providing support on issues related to Internet use, mobile phone use and video games (abuse, addiction, harmful content, gambling, pornography, paedophilia, etc.), the Committee is concerned at the lack of information on the allocation of sufficient resources to ensure its quality and permanence. The Committee is further concerned at the lack of information on the establishment of the European hotline number for missing children "116 000".

39. **The Committee recommends that the State party allocate sufficient resources to ensure the quality of the existing helplines and ensure that these are fully accessible and known to all children throughout the country. The Committee further recommends that the State party conduct systematic training for persons operating the aforementioned helpline in order to effectively prevent and respond to cases of**

sale of children, child prostitution and child pornography. It also recommends that the helpline be complemented by a regular and effective monitoring mechanism to ensure the quality of the support and advice provided. The Committee further recommends that the State party take necessary measures for the expedient operationalization of the European hotline number for missing children “116 000” in its territory.

VII. International assistance and cooperation

40. In the light of article 10, paragraph 1, of the Optional Protocol, the Committee encourages the State party to continue to strengthen international cooperation through multilateral, regional and bilateral arrangements, especially with its neighbouring countries: the Former Yugoslav Republic of Macedonia, Bulgaria and Turkey, including by strengthening procedures and mechanisms to coordinate the implementation of such arrangements, with a view to improving prevention, detection, investigation, prosecution and punishment of those responsible for any of the offences covered under the Optional Protocol.

VIII. Follow-up and dissemination

Follow-up

41. The Committee recommends that the State party take all appropriate measures to ensure the full implementation of the present recommendations, inter alia, by transmitting them to the members of the Government, the Parliament, relevant ministries, and other relevant government entities at governorate and district levels, for appropriate consideration and further action.

Dissemination

42. The Committee recommends that the initial report and written replies submitted by the State party and related recommendations (concluding observations) adopted be made widely available, including (but not exclusively) through the Internet, to the public at large, civil society organizations, youth groups, professional groups, communities and children, in order to generate debate and awareness of the Optional Protocol, its implementation and monitoring.

Next report

43. In accordance with article 12, paragraph 2, the Committee requests the State party to include further information on the implementation of the Optional Protocol and the present concluding observations in its next periodic report under the Convention on the Rights of the Child, in accordance with article 44 of the Convention.
