



Exchange of good practices on gender equality

Measures to fight
violence against women
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Measures to fight violence against women in Greece

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1. Brief assessment of the policy context

1.1. General policy context surrounding gender equality

Greece is one among many countries that has a notable array of policies promoting gender equality, but nevertheless fails to transform these commitments into real equality in practice². Gender equality is a constitutionally protected right. The 1975 Greek Constitution specifically enshrines 'equality of the sexes' as an aspect of the general principle of equality (Article 4, paragraph 2) (Pantelidou Malouta et al., 2007). Further, the revision of the Greek constitution in 2001 provided Article 116, par. 2, which 'explicitly stipulates that the State is obliged to take specific positive measures for the elimination of discrimination mainly against women, aiming at the effective implementation of the gender equality' (Pantelidou Malouta et al., 2007: 4). Thus, a policy context of positive discrimination exists in Greece. These two constitutional provisions have given rise to a number of policies promoting gender equality but gaps still exist (Stratigaki, 2007). Such policy developments have stemmed both from active feminist campaigning within the country and also from the need to harmonise domestic legislation with both European and International Instruments of Equality. A number of National Plans for Equality have been developed and implemented in Greece. The latest National Action Plan for Substantive Equality (NAPSE) (2010–2013)³ attempts to comprehensively mainstream gender equality throughout relevant ministries. A number of new infrastructural changes have been planned. But despite these steps forward, serious gaps still exist in service provision.

The General Secretariat for Gender Equality (GSGE)⁴, a dedicated government gender unit, in consultation with women's organisations, has been actively developing, promoting, implementing, and monitoring policy measures for gender equality. GSGE is a Secretariat of the Ministry of Internal Affairs. Unfortunately, a government-proposed policy reform in 2013 aims to decrease the Secretariat's units

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² There are many indications that confirm this finding, such as the gender pay gap, the low representation levels of women in parliament, and the high unemployment rate of women in Greece. According to the UN gender inequality index, Greece ranks 24th in the world (UN, 2011). (For a number of other discriminatory practices, see CEDAW 2013). Due to the present austerity measures, women's conditions are further deteriorating in Greece.

³ Available at: http://www.isotita.gr/var/uploads/HOME%20PAGE/ETHNIKO%20PROGRAMMA_MAY-2011.pdf (accessed 2/3/2013). The NASPE is financially supported by the National Strategic Reference Framework (NASRF), which was funded by the EU. This structure would seem to indicate that the NASPE owes its origins to European funds.

⁴ See: <http://www.isotita.gr/en/> (accessed 6/3/2013).

by 80% and transform it into a directorate⁵. Thus, its current strategic planning role will be transformed into a mainly implementation-oriented role. This is an example of how the present socio-economic conditions of austerity have hampered the advocacy of gender equality by attempting to undermine the institutional role of the designated government body acting in this arena.

1.2. The policy context of gender violence

Gender violence policies had never represented a major social policy priority in Greece. The issue of violence against women started to be addressed by the state in 1988, when the first state-operated counselling centre for women experiencing partner violence opened. However, the first legislative policy to address the issue of gender violence was not enacted until 2006. This is despite the fact that an active women's movement has been campaigning in Greece since the 1970s⁶ (Pentaraki, 2009). Moreover, this is in conflict with the fact that Greece had ratified the Convention on the Elimination of All Forms of Discrimination Against Women in 1983, entering no reservations, and had acceded to the Convention's Optional Protocol in January 2002⁷. Yet, significantly, up until 2006, there were no specific domestic violence provisions in the penal code. Domestic violence was treated as any other offence against an individual.

In 2006, the 3500/2006 Family Violence Act (FAVA) was enacted. At the time, this legislation represented a significant advance in the realm of Greek civil law. The Act was a result of decades of feminist campaigning, coupled with the influence of Greece's Europeanisation⁸. Despite this, the law lacks a distinct gender component. Assessing the debate surrounding the enactment of the 3500/2006 Family Violence Act, as well as the explanatory report accompanying the law⁹, it becomes clear that the law was not enacted by the MPs to protect women victims of violence. The explanatory report states¹⁰ in its introduction:

This bill was designed to protect, in addition to women, a wider circle of persons (such as children, the elderly, the needy, etc.) without interfering in the private lives of family members and prejudice morals, values and principles, as reflected in Greek society. At the

⁵ See the proposed policy reforms at: http://www.minpress.gr/minpress/ypes_organogramma_metarrythmistikes_drasesis_gcr_01.03.2013.pdf (accessed 6/3/2013).

⁶ The progressive women's movement started campaigning after the collapse of the military dictatorship in 1974. Before that time, efforts were concentrated on ending the dictatorial rule. The first emergency help lines and counselling centres for women experiencing partner violence were self-funded initiatives of the women's movement and were run by activist volunteers (Pentaraki, 2009).

⁷ Another positive policy development is that Greece was one of the first signatories to the Istanbul Convention. Ratification is still pending. The commitment of ratification is available at: <http://www.isotita.gr/en/index.php/news/326> (accessed 2/3/2013).

⁸ Of course the influence of Europeanisation relates to the advances engineered by the European Women's Movement to European Union instruments, policies, and regulations.

⁹ The explanatory report accompanying the bill is available at: <http://www.hellenicparliament.gr/UserFiles/2f026f42-950c-4efc-b950-340c4fb76a24/g-oikovia-eis.pdf> [March 2013]

¹⁰ The original Greek text reads: "το νομοσχέδιο αυτό είχε σκοπό να προστατεύσει, πέραν των γυναικών, ευρύτερο κύκλο προσώπων (όπως τα παιδιά, τους υπερηλίκους, τους ανήμπορους, κ.α.) χωρίς να παρεμβαίνει στην ιδιωτική ζωή των μελών της οικογένειας και να θίγει ήθη, αξίες και αρχές, όπως αυτές διαμορφώνονται στην ελληνική κοινωνία. Ταυτόχρονα, όμως αναγνωρίζεται ότι η ενδοοικογενειακή βία δεν είναι ιδιωτική υπόθεση αλλά σοβαρή κοινωνική παθολογία, που παραβιάζει ατομικές ελευθερίες, κυρίως των γυναικών, οι οποίες και πλήττονται σε μεγάλο βαθμό από το φαινόμενο".

same time, however, recognised that domestic violence is not a private matter but a serious social pathology, which violates individual freedoms, particularly of women, which were hard hit by the phenomenon.

This statement clearly reflects the contested conceptualisation of violence against women in Greek society: a conceptualisation that reflects the power struggles in society as expressed on the one hand by women's equality groups, and on the other by conservative opponents to women's equality groups. The protection of women is cited as an important concern, and yet this protection is undermined by stating that the provided protection will not "interfere in the private lives of family members and prejudice morals, values, and principles, as reflected in Greek society". Whose values does the bill privilege in this statement? What kinds of choices are police officers, judges, and other professionals expected to make if they are informed by that statement and are influenced by that statement, since it leaves them room to adhere to male-dominated "morals, values, and sentiments"?

Additionally, during the debate it is interesting to note that less than a decade ago, back during the parliamentary debate for the enactment of the law, a number of MPs' statements contained gender stereotypical comments. For example, Mr Kosmidis stated that rape within marriage is not as severe as rape outside of marriage and thus it should not merit the same sentencing. More specifically, he stated: 'I note that rape within marriage is not to be equated with rape outside of marriage, as far as the criminal treatment is concerned. Of course, it is the judge who finally decides the sentence. But I think that rape behind the curtains of the family home is not that weighty an issue as rape committed by a lunatic hobo on a unsuspecting girl playing in the park.' Additionally, Mr Papaligouras, the then minister of Justice stated that when the policy of penal mediation was developed, care was taken to ensure that it would be neutral and neither of the two parties would benefit.

Thus, the text as well as the debate of the Act reflects deep contradictions between pressures to address violence against women and persistent stereotypes. This is evident in the fact that a number of new legal provisions, both positive (and negative), were enacted that have not been implemented in practice. Overall, the legislation has not influenced the prevention of domestic violence in any strategic way.

Among the positive legal provisions associated with the Act, one finds the following: (1) for the first time in Greece, marital rape has been recognised as a criminal prosecutable offence (though there have not been any recorded prosecutions of this nature to date); (2) there has been formal recognition of psychological forms of violence (though again, no such prosecutions have been made to date); (3) provision has been made for rehabilitation programmes for the perpetrators of violence (though this measure has not been implemented); (4) prosecution by force of law has been codified (and never implemented); (5) penalties for offences have been increased, ranging from two years to ten years; (6) the provision of restraining and protection orders has been codified as a law (through both penal and civil procedures); (7) provisions outlining financial support to victims have been made (though never implemented); and (8) the provision of free legal aid to victims has been mandated (but only minimally implemented).

According to the experiences of participants in Greece's women's movement, among them the authors of this paper, none of these positive legal provisions have

been applied substantially or regularly. For example, there have not been consistent prosecutions in this area. Another notable shortcoming of the Act, which was only recently rectified in 2012, concerns the fees that victims of domestic and sexual violence had to pay in order to initiate criminal proceedings, even though FAVA provides for prosecution by force of law. It is a sad truth that, in Greece as elsewhere, 'women generally do not benefit from adequate and fair access to justice, due to police fees and litigation costs, ignorance of their rights and ways of claiming them, and general lack of awareness of the Convention, its Optional Protocol and the Committee's General Recommendations and jurisprudence, by the judiciary and law enforcement officers among other obstacles' (CEDAW, 2013:3). Such severe policy limitations¹¹ as the above must be vigorously debated, addressed, and supplanted by appropriate measures to combat violence against women.

Additionally, the necessary provisions were not made in order to ensure that there is a coordinated response to issues of violence against women¹². Despite the obvious need to provide training to professionals (Pentaraki, 2004, 2010) no consistent training has been provided to the relevant groups. Training is provided in a very fragmented way, mostly by NGOs, and it targets a small group of professionals. Protocols of cooperation have not been developed or institutionalised, meaning that what the professionals involved actually do in cases of domestic violence is generally determined by their attitudes to the specific issue before them. Regrettably, a great number of professionals, such as those in the hospital-based professions, treat domestic violence as a private matter (Pentaraki, 2010).

In addition to the FAVA, Greece implemented for the first time a National Programme for prevention and combating of violence against women 2009-2013¹³. Funded by the EU's ESPA, the Programme addresses all major areas of intervention: legislation, support structures and services, prevention, training, documentation research, civil society, and the institutional framework for cooperation. When it was first announced, the Programme was heralded by the women's movement in Greece since it was developed in consultation with members of the movement and reflected the strong political commitment of the GSGE. Yet, as was true in the case of the FAVA, most of the proposed policy reforms included as part of the Programme have remained in the planning stages, that is, committees have been set up to examine the areas under discussion¹⁴ and propose changes to the existing legal framework. One of the stated objectives of the committee was to harmonise the Greek gender violence law with that of Spain, considered a best practice. Infrastructures that have since materialised and are operational include 10 counselling centres for women suffering from abuse and the implementation of a telephone support line and a Web page as part of a national campaign decrying violence against women. (For more information about the national campaign, see Petroulaki, 2012). As laudable as these achievements are, the needs of women with disabilities and women whose first language is not Greek have not been accounted for. Ten counselling centres for abused women have become operational, but

¹¹ Additionally, please refer to Section 2.

¹² This is despite the recognised need for such measures articulated by both the staff of the GSGE as well as members of the women's movement. The lack of available resources directly hampers the development of such a coordinated response.

¹³ Available at:

<http://www.isotita.gr/en/var/uploads/english/NATIONAL%20PROGRAMME%20ON%20PREVENTING%20AND%20COMBATING%20VIOLENCE%20AGAINST%20WOMEN%202009-2013.pdf> (accessed 2/3/2013).

¹⁴ The contributing author participated in the policy reform committee for the FAVA, but this body did not finalise its work and has not completed its mandate.

neither the needs of women living in rural and remote areas nor the women from Muslim, Pomakoi, Roma, or immigrant backgrounds are directly addressed, since they face greatly restricted resources such as limited public transportation, limited child care, and higher poverty rates, among other disadvantages.

2. Policy debates on gender violence

2.1. Issues related to FAVA

Since the enactment of the FAVA, there has been a debate related to some of its provisions that - according to feminist activists, lawyers, researchers, and academics - need to be changed. The main issues of debate related to the FAVA are: (1) the current provision of judicial mediation between the victim and the perpetrator that ignores power differences and can re-victimise the victim; (2) an emphasis on keeping the family unit together, rather than protecting female victims; (3) the lack of a gendered approach, in that the law does not account for the fact that domestic violence affects predominantly women abused by men and the term 'violence against women' is not used in the Greek penal code¹⁵; (4) a failure on the part of the FAVA to acknowledge that there are various other partner relationships within which violence can occur, such as LGTB relationships, adolescent relationships, dating relationships or even couples that might have a child together but have never cohabitated together; the law restricts the definition of 'relationship' to presently or formerly co-habituating couples; (5) poor knowledge of the law and its provisions on the part of law enforcement and resultant confusion when charges are sought by victims; (6) failure to mandate police officers to provide necessary information to victims of violence about existing services (the law stipulates that the police are mandated to provide information only if the victim asks); (7) a general lack of emphasis on implementation; (8) failure to institutionalise a multiagency response, and thus develop protocols of cooperation among agencies; (9) failure to address the need for specific courts and personnel dealing only with domestic violence cases; (10) failure to have a consistent documentation and monitoring system for all cases of gender violence.

It is easy to imagine how the above limitations of the FAVA play out in practice. Although the law instructs police officers to initiate criminal proceedings (according to the provision for prosecution by force of law), police officers who are not aware of this fact counsel abused women that they need to press charges for the prosecution process to begin; most of the time, the police discourage these women even from that course of action. Thus, a seemingly good legislative provision is not implemented. This, combined with the absence of family courts or even courts for violent crimes in Greece, puts all the pressure to initiate prosecution on women who experience abuse. In practice, a woman who is abused must singlehandedly pursue her perpetrator by making a complaint to a civil court to seek an injunction; she must then await the initiation of criminal proceedings. The civil court may issue a restraining order within a week, but it is not enforceable by the police in the same way that is the restraining order issued by the penal court. The penal court may offer greater protection to abused woman in question through the issuance of a restraining order. Unfortunately, this restraining order can take a year to be processed by the penal court, since all court cases from a one- time verbal insult

¹⁵ The World Organisation Against Torture (2011) recommended that the FAVA be changed in order to address violence against women.

between neighbours to an incidence of severe domestic violence are all treated the same way, with no priority given to violent crimes or crimes of greater severity. Additionally, restraining orders are extremely challenging to enforce.

2.2. Other issues

Other issues of concern relating to the reinforcement of gender violence are the abundance of stereotypical attitudes¹⁶ that are encountered throughout Greek society and the absence of any comprehensive programme to challenge them. According to an unpublished piece of research, Greek Orthodox priests have stereotypical attitudes holding that violence against women should be treated as a private matter (Pentaraki, et al unpublished research). Similar attitudes are encountered within the Greek Muslim community. As far as the Muslim community of Northern Greece goes, another important matter that needs to be addressed is the legality and standing of Sharia law for Thrace Muslims, which clearly undermines gender equality (Greek Helsinki Monitor, Minority Rights Group-Greece, coordinated Organisations and Communities for Roma Human Rights in Greece, 2013). Sharia law takes precedence over Greek legislation, especially in cases such as divorce and inheritance. This is in accordance with the Convention of Lausanne, ie., the Convention Concerning the Exchange of Greek and Turkish Populations, that Greece signed with Turkey in 1923, in which Greece pledged to 'take appropriate measures to ensure that the Muslim minority [would] govern the personal and family situation of the members in accordance with its own traditions.' (Article 45 of the Lausanne Treaty). This is despite the fact that Sharia law is not followed any longer in Turkey. Further, Sharia law is contrary not only to Article 12 of the European Convention on Human Rights, but also to Article 116, paragraph 2 of the Greek Constitution as amended by the latest revision: 'The state shall ensure the elimination of disparities in practice, especially against women'. Thus, there might be political and legal ways to avoid its application (Papadopoulou, 2010).

An additional area of extreme concern centres on incidents of femicide. Publicly available, official statistical records do not exist, and neither has any targeted intervention been undertaken in the name of prevention. According to content analysis of Greek newspapers occasionally¹⁷ conducted by women's groups, one to two women are killed per month¹⁸. Women activists have expressed concerns about the failure of the state to protect these women from being killed, noting the lack of coordinated services and strong protective enforcement mechanisms, among other things. Women activists note that even when a member of the police force is responding to the breach of a restraining order due to the absence of a coherent monitoring system, the police has no way to assess or be informed about the lethality potential in the case at hand. This, in combination with the service gaps that exist - along with the absence of a comprehensive system to protect women - can lead one to point the finger of blame directly to the State.

¹⁶ Despite these attitudes, a programme that had secured European funding to promote gender equality through cultural interventions got cancelled within the last year. Official government explanations justified the cancellation by claiming that culture is gender-neutral.

¹⁷ For example see Women's Group of Thessaloniki Press Release at: <http://www.femnetsalonica.gr/OKT2009/syzygoktonies2009.htm> (accessed 2/3/2013).

¹⁸ According to the 2011 census, Greece's population is around 11 million, more specifically is 10.815.197.

3. Transferability issues

3.1. General conditions for transferability

The presented practices are transferrable to Greece and can improve future service provision – provided a re-orientation of the austerity policy context, imposed in May 2010 by the ECB, EU, and the IMF through a Structural Adjustment Programme (SAP), is achieved in order to free needed resources. The SAP has decreased social spending and prioritised debt servicing, with detrimental effects to social conditions and to gender equality in particular (CEDAW, 2013). Evidence indicates that the spiralling of the public debt was not caused by social spending, thus social spending cuts are wrongly targeted. (Among the factors that contribute to the spiralling of the debt are Greece having one of the lowest corporate taxation rates in EU, high bank bailouts, and high military spending. For more analysis see Pentaraki, forthcoming). Unless resources become available, a reversal in gender equality gains will keep occurring. The effects are not purely at the state level. It is noted that women and young women currently experience a 31% and 65%, respectively, unemployment rate; financial strain may force unemployed women to remain in abusive relationships. Similar sentiments have been echoed by almost all the independent experts that participated in the exchange of good practices meeting in Madrid on April 16th and 17th, 2013 where they signed an anti-austerity declaration calling the national governments, the European Commission and the European Parliament to reverse austerity measures as an essential measure to fight gender violence and to promote gender equality.

Another general issue that needs to be addressed related to resources and infrastructure has to do with the responsibility of the state to earmark resources specifically towards promoting gender equality. Shelters that were running through government funding have closed. Athens, where almost half the population lives, as of March 11th, 2013, does not have any state-run emergency shelters for women and their children, and the majority of NGO emergency shelters have been closed according to the time limitations on their funding. Per Government announcements, a small number of shelters will become operational soon. Up until now, the majority of this type of infrastructure has been provided through European Union funding streams, which means that the long-term viability of this infrastructure is called into question if domestic financing cannot be secured. That danger applies to the shelters which are slotted to become operational.

The following section critically assumes that the resources have become available to ensure the transferability of each proposed practice. The practices are discussed in turn, and attention is given to possible constraints unrelated to economic resources.

3.2. Specific conditions for transferability that need to be met

3.2.1. Ireland's Good Practices: Domestic Violence Perpetrator Intervention Programmes

Ireland's Domestic Violence Perpetrator Intervention Programmes certainly and convincingly represent a good practice as part of a coordinated model. The main author has relevant experience, as she worked in Duluth, Minnesota, where similar programmes were among the first to be implemented as part of a coordinated approach to gender violence on a worldwide scale. In terms of transferability, under

the current policy context there are opportunities, but also major needs for reform. The Family Violence Act of 2006 provides the relevant policy context. For example, FAVA proposes the implementation of therapeutic programmes for perpetrators. Perpetrators can choose to attend these programmes as a way to make amends to the victims as a result of a mediation process related to redistributive justice. This provision has raised considerable concerns that the connection of the perpetrators programmes to the mediation procedure may result in the re-victimisation of women that have suffered violence.

There are a number of challenges and needs for policy reform beyond this matter. First, care needs to be taken as to the content of the programmes. The way they are currently described in the FAVA, emphasis is given to therapeutic goals without any mention of a gender-sensitive educational component. Additionally, the Greek institutional context does not include uniform protocols and procedures, even though FAVA makes provisions for them. The policy context of FAVA does not prescribe or outline a collaborative engagement between the perpetrators' and victims' programmes. In fact, at the present time there are but ten counselling centres for women who have experience abuse, and perpetrators' programmes do not exist; coordination among relevant actors certainly has not become institutionalised in this setting. Presently, there are not any state-provided emergency shelter services for victims. There are provisions to start in the direct future. And the majority of NGOs that were providing emergency shelter have lost their funding and as such closed their operations. There are provisions though in the National Action Plan to start emergency centres in major cities of Greece.

3.2.2. Spain's Good Practices related to the use of ICT in the fight against gender-based violence

As concerns phone services and Web resources,¹⁹ Greece has to learn a lot in terms of multilingual provisions and the provisions for women with disabilities,²⁰ these concerns simply are not addressed at present. A 24-hour phone service exists in Greece, but without the multilingual provisions (except English) and the provisions for women with disabilities of the kind that exist in Spain. The same observation relates to the existence of the Web resource. An added constraint for effective implementation in Greece is that IT skills are limited in Greece; this, along with decreases in average income in Greece that have provoked many to cancel Internet services, means that very few women could possibly benefit from that particular service. Also, only women who are persistent in searching can locate Web resources, since the target result does not come first in the search engine. Further advertisement and linking work is likely needed.

In terms of the telephone service for the care and protection of victims of gender-based violence proposed by Spain: it is an excellent, 24-hour, comprehensive service in the name of protection. One of the requirements is the participation of women to support such programmes. Greece is somewhat less developed in that counselling centres have only recently become operational, largely thanks to EU funding, and their futures are uncertain. Concerns are also raised about their geographical dispersion.

¹⁹ See: <http://www.womensos.gr/> (accessed 10/3/2013).

²⁰ Despite the fact that one out of 10 people living in Greece is originally from a foreign country, the only languages (apart from Greek) used in some of the fliers for the national campaign against violence against women were English, French, and Albanian (see the fliers at <http://www.isotita.gr/en/index.php/publication/c7/> (accessed 2/3/2013).

Now, as far the 'Telematics tracking system to monitor restraining orders in the field of gender based violence', presently there is not any available policy context in Greece. There is, however, a policy proposal to work towards that end. The policy proposal does not specifically target perpetrators of domestic violence, but could cover them. The policy context in Spain assigns increased powers of arrest to law enforcement which do not exist in Greece. This is an additional difficulty in the latter context, that is, the lack of power of police officers²¹ to arrest without a warrant issued by a judge except of cases of instant crimes. According to the Greek Code of Judicial procedures, the Judge is the guarantor of individual freedom. This is due to the brutal history of the military dictatorship in Greece that ended in 1974 that used police not only to arrest and imprison dissident citizens, but also to torture them. Thus, in order for police to be used in arrests we need a change in the Greek code of Judicial Procedures.

4. Way forward

The best practices presented by Spain and Ireland represent good ways to move ahead. The policy context in Greece offers opportunities for the practices to be implemented – but it is also in need of serious restructuring. Efforts need to be concentrated on developing a comprehensive coordinated approach to gender violence that is both well-funded and provided adequate infrastructure. The austerity context, along with the rise of extreme rightist ideologies, expressed electorally in the party of Golden Dawn, suggests that instead of moving forward, we move backward. Available infrastructure in Greece for victims of gender violence has been decimated through social spending cuts. Presently there is not any type of even temporary refuge specifically designated for gender violence victims in Athens, home to nearly half of Greece's population. In the rest of the country there are very few places, not readily accessible to those in isolated rural areas. Thus, if we are really serious about addressing gender violence, we need to change the austerity context and the extreme right-wing ideology that it breeds. It seems obvious to us that a struggle to address gender violence as well as gender equality has to entail an anti-austerity commitment.

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²¹ It has been noted though that some segments of the Greek police are becoming more repressive during anti-austerity demonstrations.

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