

The Emerging Juvenile Justice System in Greece

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INTRODUCTION: THE SOCIO-DEMOGRAPHIC AND LEGAL BACKGROUND

The aim of this chapter is to describe the juvenile justice system of modern Greece and examine the extent to which the legislative initiatives of the 21st century are in conformity with the relevant main conventions and recommendations of the European Union, the Council of Europe and the United Nations. In the first place an attempt is made to sketch the modern Greek state using some social and demographic data, and then to examine the legal background. Emphasis is put on the recent legislative enactments referring to juvenile offences and the state's reaction to them.

Greece is located in the south-eastern part of Europe and more specifically on the southern tip of the Balkan Peninsula and covers an area of 131,957 sq. km. The country has more than 14,880 km of coastline and approximately 1,400 islands – both an advantage because of the picturesque landscape – and a disadvantage because of the difficulty to control various criminal activities (Spinellis/Spinellis, 1999).

The Modern Greek State gained its independence from the Ottoman Empire in 1830 and in 1981 accessed to the European Community. The language – modern Greek – preserves many elements of its classical predecessor dating back 3,500 years. The Greek population is estimated by the National Statistical Service of Greece as of mid-2002: 10,987,559 (Table 12.1). However, earlier estimates (June 1999) of the US Department of State give a higher population size: 11.5 million (US Department of State, Greece, 1999). Most probably the latter estimation includes, non-registered, clandestine economic immigrants. The exact figure of illegal immigrants or the total number of non-natives is unknown. The Ministry of Labour gives an estimate of 500,000–600,000 (Davanelos, 1999). As of 1998 a legalization process of clandestine immigrants and granting of green cards was initiated. The most important nationalities represented among the non-natives, neo-immigrants are people coming from Russia – many of them of Greek origin – 300,000, Albania; 200,000, Egypt; 80,000, Poland; 65,000, Ukraine; 18,000, Palestine; 2,000, Philippines, Nigeria, etc. (*Kathimerini*, 1999).

Until the 1990s Greece was a homogeneous society: 99% of the population had Greek as mother tongue and 98% were of Greek orthodox religion, 1% Muslims

TABLE 12.1. Estimated population of Greece in mid of the year 2002

<i>Age brackets</i>	<i>Total</i>	<i>Males</i>	<i>Females</i>
Total	10,987,559	5,439,332	5,548,227
0–4	505,514	260,008	245,506
5–9	536,683	275,314	261,369
10–14	575,629	298,236	277,393
15–19	675,068	351,918	323,150
20–24	814,041	425,415	388,626
25–29	853,007	441,024	411,983
30–34	868,506	443,853	424,653
35–39	819,244	412,050	407,194
40–44	787,024	391,774	395,250
45–49	736,053	365,747	370,306
50–54	684,481	337,951	346,530
55–59	627,657	304,990	322,667
60–64	596,857	278,460	318,397
65–69	630,906	290,715	340,191
70–74	552,082	251,819	300,263
75–79	375,946	164,979	210,967
80–84	204,113	86,689	117,424
85 and above	144,748	58,390	86,358

Source: Statistical Service of Greece.

and 1% other (*Kathimerini*, 1999). This homogeneity made informal controls of family and neighbourhood effective and kept both adult criminality and juvenile delinquency at low levels.

Since 1950, the Penal Code and the Code of Penal Procedure have been the basic texts for the administration of Criminal Justice in Greece (Lambropoulou, 2004). These texts, drawn up after many years of preparatory work, were inspired by the prevailing criminal law and procedure in the country as well as the relevant German, Italian, and Swiss penal and criminological theories and practices. During the half-century of the implementation of these Codes, there have been various amendments, via new legislative Acts, when new situations or ideas rendered modification necessary.

The part of the Greek Penal Code (PC) (articles 121–133 PC) concerning juvenile justice included provisions meant to promote assistance to, and re-education and therapy for young offenders, aged 13–17 years. Children under 12 years were treated by educative or therapeutic measures only. For those of 13–17 years old the Penal Code abolished the (previously accepted) criterion of *discernment* and adopted the idea that the judge must consider, in the light of circumstances of the committed act and of the personality of the juvenile, if educative and therapeutic