

# **INSTITUTIONS IN THE GREEK LEGAL ORDER PROMOTING THE BEST INTEREST OF THE CHILD AND THE PRINCIPLE OF EDUCATION**

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## **Introduction**

Before starting analyzing our topic, we felt the need to write a few words about our acquaintance with Ms. Prof. Dr. Sokullu. We met Professor Sokullu during our participation in the International Juvenile Justice Observatory (IJJO) Conferences in Valencia, Spain (2008)<sup>1</sup> and in Brussels, Belgium (2009)<sup>2</sup> and in the Ernst Moritz Arndt University Conference in Greifswald, Germany (2010)<sup>3</sup> as well as in the Criminal Justice Conference in Thessaloniki, Greece (2011)<sup>4</sup>. We remember Professor Sokullu as a person of kindness, politeness and elegance. She is not only friendly and helpful to young people but furthermore she is a well-educated strong personality with deep democratic beliefs and values. We remember in the Greifswald Conference how she passionately expressed her views on the necessity to defend and promote the best interest of the child in all its aspects. On this ground, our first thought about our contribution to the Essays in Honour of Professor Sokullu was exactly to write a topic relevant to the theme “best interest of the child”. Our contribution to the book can be seen as a small token of our strong gratitude to Professor Sokullu. We both express our appreciation and thank her for all the inspiration she has given us!

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<sup>1</sup> The Conference was organized by the International Juvenile Justice Observatory (IJJO) and the County Council of Justice and Public Administration of the Generalitat Valenciana and was held on 21st and 22nd October 2008 at Ciutat de la Justícia, Valencia (Spain). The topic was: “Juvenile justice systems in Europe. Actual situation, trends in applicable models and good practices”.

<sup>2</sup> The European Juvenile Justice Council Academic Meeting was organized by the International Juvenile Justice Observatory on the 16th and 17th December 2009 in Parlement de la Communauté française de Belgique in Brussels (Belgium). The topic was: “Towards a European common academic approach in juvenile justice”.

<sup>3</sup> The Ernst Moritz Arndt University organized a Conference with the topic: “Juvenile Justice Systems in Europe - Reform developments and Good Practices Models” on the 14th and 15th October 2010 in Greifswald (Germany).

<sup>4</sup> This Conference was organized on the 31st October 2011 in Thessaloniki (Greece) in the framework of the Criminal Justice Program “The 3E Model for a Restorative Justice Strategy in Europe: The Geographic Distribution of Restorative Justice in 11 European Countries and the Configuration of an Effective, Economic and European Strategy Model for its further Diffusion”.

### Overview of Greek juvenile law

Juvenile law in Greece is characterized by the dualism of criminal law and welfare law. Juvenile criminal law deals with juveniles committing a criminal offence, whereas juvenile welfare law deals with cases of juveniles, who have difficulties of social adjustment or are at risk of becoming offenders. The Greek law on Juvenile Justice has traditionally emphasized the education, protection, support and reintegration of the minor as its principal objectives. Thus, rather a mixed form of the welfare and justice model predominates in order to ensure that the juvenile's social integration will be combined with the essential need to protect and safeguard their vital rights.

In Greece the juvenile justice system is recognized in the Constitution as a specialized form of administration of justice. Juvenile Courts in Greece were first established in 1940 by the Law no. 2135/1939 "On the Trying of Criminal Offences committed by Minors". However, an independent Juvenile Courts Law has not been created so far. The substantive criminal law provisions relevant to minors are contained in the eighth and final chapter of the General Part of the Penal Code, while the procedural rules are contained in the Code of Penal Procedure. A few penitentiary or correctional law provisions relevant to minors have been integrated into the Penitentiary or Correctional Code.

From the introduction of the Penal Code in 1951 until the beginning of the new century the regulations relevant to minors have remained almost unaltered. Only recently and due to the influence of international trends, socioeconomic changes and new scientific approaches juvenile criminal law was significantly reformed. The enactment of two laws, mainly Law no. 3189/2003 on the Reform of Juvenile Penal Legislation (21.10.2003)<sup>5</sup> and Law no. 3860/2010 on Improvements of Penal Legislation regarding Juvenile Offenders, Prevention of and Response to Victimization and Criminality of Juveniles (12.07.2010), reveals the legislator's will to harmonize Greek law and practice with the international juvenile justice standards. The new legislation

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<sup>5</sup> Courakis, N.E. (2005). *The New Legislation on Juvenile Offenders (Act 3189/2003). From Institutionalisation (Law in Books) to Implementation (Law in Action)*. In: *Essays in Honour of Professor Ioannis Manoledakis*. Vol. I, pp. 401 ff. (Greek). Spinellis, C.D., Tsitsoura, A. (2006). *The Emerging Juvenile Justice System in Greece*. In: J. Junger-Tas, S.H. Decker (Eds.), *International Handbook of Juvenile Justice*, pp. 309 ff. Pitsela, A. (2010). *Greece*. In: F. Dünkel et al. (Eds.), *Juvenile Justice Systems in Europe. Current Situation and Reform Developments*. Vol. 2, pp. 623 ff. Pitsela, A. (2010). *Zur neuesten Reform des Jugendkriminalrechts in Griechenland*. *Festschrift für Argyrios Karras*, pp. 1183 ff. *About the Law on Juvenile Justice which was in force before the reform by Law no. 3189/2003*, s. Pasiotopoulou-Pouleca, M. (1986). *Rechtsfolgen der Straftat eines Jugendlichen im griechischen materiellen Jugendstrafrecht*, *Jur. Diss. Chaidou, A.* (1986). *Freiheitsentziehende Maßnahmen gegenüber jugendlichen Delinquenten in Griechenland*, in: F. Dünkel, K. Meyer (Eds.), *Jugendstrafe und Jugendstrafvollzug*, pp. 999 ff. *Rupp-Diakojanni, Th.* (1990). *Die Schuldfähigkeit Jugendlicher innerhalb der jugendstrafrechtlichen Systematik. Ein Vergleich zwischen dem deutschen und dem griechischen Jugendstrafrecht*, *Jur. Diss. Pitsela, A.* (1997). *Griechenland*. In: F. Duenkel, A. van Kalmthout, H. Schueler-Springorum (Eds.), *Entwicklungstendenzen und Reformstrategien im Jugendstrafrecht im europäischen Vergleich*, pp. 155 ff. *Vorschläge für einen rationalen Umgang mit der Jugenddelinquenz*, in: C. Prittowitz, I. Manoledakis (Eds.), *Strafrechtsprobleme an der Jahrtausendwende, 2000*, pp. 131 ff. Chaidou, A. (2002). *Griechenland*, in: H.-J. Albrecht, M. Kilchling (Eds.), *Jugendstrafrecht in Europa*, pp. 191 ff. Pitsela, A. *Greece. Criminal Responsibility of Minors in the National and International Legal Orders*. *Revue Internationale de Droit Pénal* 75 (2004), pp. 355 ff. Pitsela, A., Sagel-Grande, I., *Jugendstrafrechtliche Sanktionen mit Freiheitsentzug in Griechenland und in den Niederlanden*. *ZfStrVo* 53 (2004), pp. 208 ff.

has introduced important amendments as regards to the juvenile criminal law as well as to the juvenile welfare law<sup>6</sup>.

Under the present criminal law provisions persons between the ages of 8 and 18 are minors (Art. 121 Penal Code, in the following: grPC). Persons below the age of 8 are subject to parental custody (Art. 1510 Civil Code). Persons between the ages of 8 and 15 are subject only to educational or therapeutic measures. Pursuant to law no. 3860/2010, detention in a young offenders' institution may be imposed only on minors over the age of 15 and in relation to the commission of serious offences (felonies) that contain elements of violence, which turn against life or bodily integrity or are committed by profession or persistently. The minimum duration of the sentence remains six months, whereas the maximum duration is being limited to ten years (exceptionally to 15 years, s. Art. 54 grPC).

Young adults (18-21) are regarded as being fully responsible at criminal law. It is solely in the discretion of the general court to decide whether to mitigate the punishment (Art. 133 and Art. 83 grPC). However, according to Art. 12 of the Correctional Code young adults are kept in young offenders' institutions along with the juveniles.

Diversion by the juvenile public prosecutor was first provided for in Law no. 3819/2003 and non-custodial educational measures of increasing seriousness may be imposed in connection with diversion. In practice diversion has been rarely applied in Greece.

Every provincial court has a juvenile court consisting of a juvenile court judge and a juvenile court consisting of three judges. These two juvenile divisions function as courts of first instance. Every higher provincial court has a juvenile court consisting of three judges and this court functions as an appeal court. The juvenile judges' professional position has been improved as, according to Law no. 3860/2010, the juvenile judge must now have the rank of the Presiding Judge of the Court of First Instance and shall have gained expert knowledge by participating in relevant training courses organized by the National School of Judges or they shall have obtained a doctoral or master degree in the specific law field.

Juvenile criminal proceedings are, in principle, governed by the provisions of the general criminal procedural law, which basically promotes the respecting and safeguarding of the procedural rights. Especially it is foreseen that a social inquiry report must be drawn up by the juvenile probation officer, the trial is held in camera and -as a matter of regular procedure- juveniles are tried separately from adults. Pursuant to law no. 3860/2010 the minor has explicitly the right to appear and be heard in various stages of the proceedings, the procedure for crimes in flagrante delicto is not applicable to minors, the appointment of a defense counsel in cases of a felony has become obligatory, educational measures may be imposed as restrictive measures (to avoid pre-trial detention) and the duration of pre-trial detention is limited for minors over the age of 15.

The Correctional Code contains provisions for young prisoners, who are persons between the ages of 15 and 21 (exceptionally 25). They live separately from adults in specially constructed institutions or sections of adult prisons. The basic education is obligatory. No obligation to work is prescribed. The young detainees who perform work or attend an education or training program,

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<sup>6</sup> Pitsela, A. (2011). Greece. In: F. Dünkler et al. (Eds.), *Juvenile Justice Systems in Europe. Current Situation and Reform Developments*. 2nd Ed. Vol. 2, pp. 623 ff.

however, can reduce their time spent in detention through a favorable counting of working/training days. Furthermore, correctional law makes provision for relatively generous leave arrangements. Despite the correctional law provisions, one of the major problems for the Greek Prison System is the absence of an adequate number of training and work places in overcrowded prisons.

The existing juvenile welfare law, Law no. 2298/1995, intervenes when a juvenile faces difficulties of social adjustment. The undefined legal term “difficulties in social adjustment” is put into definite terms: Minors may be sent to educational institutions if they live in a social environment of persons who commit criminal offences, whether habitually or by profession. Mention should be made to the fact that there are identical forms of response for different areas of law. Certain juvenile welfare law measures, such as placing the minors under the care of Youth Protection Associations or the Juvenile Probation Service and sending them to an educational institution (“*idryma agogis*”) may be also applied to minor alleged offenders as a restrictive measure (so as to avoid pre-trial detention in juvenile prisons) as well as to minor delinquents as an educational measure after trial.

Law no. 3860/2010 has introduced some important amendments. Youth welfare law is now applicable to the age group from 8 to 18. The process of placing the minor to an educational institution for preventive purposes has slightly changed. That means, an application form or the written consent of the person exercising parental custody -when the application is submitted by a third person- is still necessary, but the application is now submitted additionally to the Youth Protection Associations other than the public prosecutor or the police authorities. The written consent of the person exercising parental custody is not necessary when the application is submitted by the public prosecutor. It is still the juvenile judge who decides on the minor’s confinement in such institutions. The minor’s previous hearing before the judge is now obligatory. The juvenile judge decides after hearing the juvenile and after taking into account the social inquiry report from the juvenile probation officer. The juvenile judge has to explicitly define the accurate maximum duration of the confinement.

The Youth Protection Associations’ role has been improved. The Youth Protection Associations (*‘etairies prostasias anilikon*) are attached to every provincial court and are subject to the supervision of the Ministry of Justice. They were first established in 1943 by the Law no. 2724/1940 and by the Regulative Decree 3/31.7.1943. Their main duty is to provide care for preventive purposes, when minors are experiencing serious difficulties in social adjustment. However, according to Law no. 3860/2010 the financial and social aid and support as well as legal assistance may also be provided to juvenile delinquents, and ex-prisoners (aftercare). One should stress that one of their duties at the beginnings of their operation was to conduct the social inquiry reports for juvenile offenders. Nowadays the duties related to juvenile delinquency are mainly carried out by the juvenile probation officers.<sup>7</sup>

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<sup>7</sup> About an overview of the present legislation relating to minors in Greece as well as about the historical development of the law on minors, see: Pitsela, A. (2008). The penal response to juvenile delinquency, pp. 1 ff. (Greek). Pitsela, A. (2011). Youth Justice and Probation, In: L.K. Cheliotis and S. Xenakis (Eds.), *Crime and Punishment in Contemporary Greece, International Comparative Perspectives*, pp. 505 ff. Pitsela, A. (2011). Greece. In: F. Dünkel et al. (Eds.), *Juvenile Justice Systems in Europe, Current Situations and Reform Developments*, 2011, 2nd Ed., Vol. II, pp. 623 ff. Troianou-Loula, A. (1999). *The Juvenile Probation Service*, pp. 11 ff. (Greek).

### **Greek Institutions promoting the education principle and the best interest of the child**

The aim of the following chapter is to present and describe two institutions in the Greek legal system, which contribute to the promotion, strengthening and practicing of the principle of education and the best interest of juveniles at risk, juvenile offenders and juvenile victims. The first institution, the Juvenile Court Aid or Juvenile Probation Service, has a long history and is a respectable traditional institution in the Greek juvenile justice system. The second one, the Central Scientific Council for the Prevention of and Response to Victimization and Criminality of Juveniles (KESATHEA) is a recently established institution, thus its potential work in the Greek society is regarded to be very promising. At the end of the chapter the effort is made to evaluate the role of both institutions on the whole, to illustrate their perspectives and to find their connecting points.

#### **Juvenile Court Aid in Greece**

The Juvenile Court Aid or the Service of Supervision of Minors -hereafter mentioned as Juvenile Probation Service- in Greece constitutes a specialized service which plays a significant role in the implementation of the Law on Juvenile Justice<sup>8</sup>. It is authorized to provide assistance and support to the Juvenile Court as well as to the juvenile offender according to the Laws Nos. 2793/1954, 3811/1958, 378/1976, and Presidential Decree No. 49/1979. Due to this double role it has to play as a cooperating institution in the Court's mission on the one hand and as a supporting service to the juvenile offender on the other hand, the juvenile probation service has been characterized as a connecting link, a "bridge" between juvenile welfare law, social work and law on juvenile justice.<sup>9</sup> Apart from the duties related to juvenile delinquency, the juvenile probation service can be also active in the field of crime prevention.

The juvenile probation service was established in Greece in 1939 by Law no. 2135/1939 and during the first years of its operation many of its duties were performed by volunteers. Thus, the volunteers' role was very crucial for the establishment of the juvenile probation service in the Greek society.<sup>10</sup>

The juvenile probation service in Greece operates as a regional Department of the Ministry of Justice (Law No. 378/1976, Presidential Decrees Nos. 49/1979 and 36/2000). In particular, the diligence for the organization and the supervision of the service is one of the duties belonging to the Department of Crime Prevention and Correctional Treatment of Juveniles of the General Directorate of Prison Policy of the Ministry of Justice (Presidential Decree 36/2000). The juvenile probation service is supervised in each Juvenile Court by the relevant Juvenile Judge (Article 1 Section 2 of the Presidential

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<sup>8</sup> About the Juvenile Probation Service in Greece, see Pitsela, A. (2011). Youth Justice and Probation, In: L.K. Cheliotis and S. Xenakis (Eds.), *Crime and Punishment in Contemporary Greece: International Comparative Perspectives*, pp. 521 f. Pitsela, A. (1998). *Jugendgerichtsbarkeit und Jugenddelinquenz in Griechenland*. In: H.-J. Albrecht et al. (Ed.), *Internationale Perspektiven in Kriminologie und Strafrecht*. Festschrift für Günther Kaiser, pp. 1085 ff., 1097.

<sup>9</sup> This characterization was referred about the German juvenile probation service in: Laubenthal, K. (1993). *Jugendgerichtshilfe im Strafverfahren*, pp. 13 f. Müller, S. (2001). *Erziehen – Helfen – Strafen. Das Spannungsverhältnis von Hilfe - Kontrolle in der Sozialen Arbeit*, p. 93.

<sup>10</sup> About the historical development of the juvenile probation service in Greece, see: Troianou-Loula, A. (1999). *The Juvenile Probation Service*, pp. 11 ff. (Greek).

Decree 49/1979). The centralized organizational structure of the juvenile probation service is seen as a positive feature, which allows the maintenance of a satisfactory level in the performance of the supervisory duties and enables a unified stable conduct of the policy relating to the proper function and organization of the service. From another point of view, one could argue that there is also another organizing model, according to which the juvenile probation service could be under the supervision of the municipal authorities. This model prevails in Germany where the juvenile probation service belongs to the Youth Welfare Service of the Local (Municipal) Authorities. This organizational model could not be successful in Greece if someone takes into account the actual serious deficits in the organization and the function of the Municipalities. It has been also criticized in Germany as the problems and the disadvantages often seem to outweigh the benefits.<sup>11</sup> On the contrary, the widespread cooperation between public youth welfare services and private agencies in Germany is foreseen in the German law and is regarded to be a positive regulation, whose introduction can be also proposed in Greece. However, the adoption of such a proposal presupposes and requires the improvement of infrastructures and the network organization between the agencies as well as the change of outdated attitudes.<sup>12</sup>

The legal status of the juvenile probation service is not clearly defined because of the special nature of its duties. It has been characterized as an investigative body *sui generis* on the grounds that one of its main duties is to conduct research and prepare during the stage of the juvenile's interrogation a social inquiry report on the juvenile's personality and social living conditions. The juvenile probation officers are not purely investigative officials because contrary to the rest of the investigative officials they are not allowed to evidence before the judicial authorities on issues about the juvenile offenders or their families that they are aware of due to their professional position. It is important to stress that the juvenile probation officers neither are assistants of the police authorities or the juvenile prosecutor nor do they have the role of the juvenile's counsel or representative. Their role and position is unique and this uniqueness derives from the special educational character of the justice system for juveniles.

In order to comprehend the special role of the juvenile probation service, one should know firstly the duties and the responsibilities that the service undertakes. The juvenile probation officers have to perform the following duties, which are explicitly defined in Art. 7 of the Presidential Decree 49/1979:

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<sup>11</sup> This was criticised by the Working Group „Towards a European juvenile criminal law“ on the Conference of the German Association of Juvenile Courts and Juvenile Probation Services in Freiburg (Germany) in 2007. About this Conference, see: Pitsela, A. (2007). Recent developments in the ways of dealing with juvenile criminality, *Poinikos Logos* 7, *Journal* 4, p. 1161 (Greek). Deutsche Vereinigung für Jugendgerichte und Jugendgerichtshilfen. (2008). *Fördern, Fordern, Fallenlassen, aktuelle Entwicklungen im Umgang mit Jugenddelinquenz, Dokumentation des 27. Deutschen Jugendgerichtstages vom 15.-18. September 2007 in Freiburg.*

<sup>12</sup> About the organization of the juvenile probation service in Germany on the whole, see: Ostendorf, H. (2003). *JGG Kommentar*, § 38 Rn. 4, p. 392. Brunner, R./Dölling, D. (1996). *JGG Kommentar*, § 38 Rn. 2, p. 310. Diemer, H./Schoreit, A./Sonnen, B.-R. (1999). *JGG Kommentar*, § 38 Rn. 3, p. 392. Eisenberg, U. (2009). *JGG Kommentar*, § 38 Rn. 6, p. 370. Laubenthal, K. (1993). *Jugendgerichtshilfe im Strafverfahren*, p. 42. Wilhelm, J.E. (1992). *Die Stellung der Jugendgerichtshilfe in Verfahren*, Diss., p. 55.

- a. Submission to the court of a so-called social inquiry report for all minor offenders.
- b. Implementing the educational measure of placing the minor under the care of the Juvenile Probation Service.
- c. Implementing the educational measure of placing the minor under the intensive care of the Juvenile Probation Service.
- d. Implementing the therapeutic measure of placing the minor under the care of the Juvenile Probation Service (independently or in combination with the minor's participation in a therapeutic advisory program).
- e. Exercise of protective supervision on minors that are on a probe leave from the educational institutions.
- f. Supervision of the minors who have been released from the educational institutions.
- g. Exercise of protective supervision on minors who have been conditionally released from the correctional institutions (young offenders' institutions).
- h. Protective supervision of the minors on whom the educational measures of reprimand or of placing them under the responsible care of parents or guardians have been imposed.
- i. Performance of any duty which relates to the prevention and combating of juvenile criminality.

During the performance of the juvenile probation officers' duties, the emphasis is put on the conduct of a social inquiry and the submission of the social inquiry report to the court. The conduct of a social inquiry can be ordered by the Juvenile Judge or the Juvenile Prosecutor: either for the juveniles against whom a criminal prosecution is pending (field of combating crime) or for those juveniles who face difficulties of social adjustment and for whom the request for their sending to an educational institution has been submitted (field of crime prevention). Although it is not clearly foreseen in the text of law, the social inquiry report should also be submitted when the Juvenile Prosecutor has to decide on the refraining from prosecution (Diversion). The submission of such a report enables the Juvenile Prosecutors' work so that they can better conclude whether the prosecution is necessary or not for preventing the juvenile from the commission of further criminal acts. The juvenile probation officers have to collect information about the juveniles' way of living, the social and family conditions and their personality. For this purpose, they contact the juveniles' family members, relatives, teachers or employers. In practice the juveniles are often invited to an interview or they are asked to fill a printed individual sheet of standard "open" questions after the juvenile probation officer has collected all the relevant information. Furthermore, by writing the report the juvenile probation officers have to express their opinion and make a proposal about the proper measure which should be imposed. Although this proposal is not binding for the Juvenile Judge or for the Juvenile Prosecutor, it proves how important the juvenile probation officers' advisory role is and at the same time it reveals the strong dilemma that they face while being on the one hand a sui generis investigative body and on the other hand a consultant to the juvenile.<sup>13</sup> One should also

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<sup>13</sup> About the dilemma that the juvenile probation officers have to face, see: Pykni, M. (2010). The educational needs of the juvenile probation officers of the Ministry of Justice under the spectrum of J. Mezirow's theory of Transform Learning, In: A.G. Pitsela (Ed.), *Criminology: Searching for Answers, Essays in Honour of Professor Stergios Alexiadis*, pp. 915 ff. (Greek).

bear in mind that Juvenile Judges and Juvenile Prosecutors perform their duties only in a period of three years with the possibility of an extension to three more years, whereas juvenile probation officers as civil servants work all their life solely in the field of juvenile justice. The so-called social inquiry report is submitted to the Court and thus provides evidence of the physical, intellectual, emotional, moral and social development of the minor, their background, living conditions and the circumstances of the offence. In this way, the Court is enabled to impose the proper for each case measure which will best serve the education principle, the social integration and the avoidance of reoffending. That means that the juvenile probation officer becomes a direct and precious partner and assistant of the Juvenile Court and an essential actor contributing to the control of juvenile delinquency. The report is confidential and does not constitute part of the criminal file. Access is only granted to the judge and the minor's parents or guardians.<sup>14</sup> On the contrary, in Germany the report constitutes part of the criminal file and it must not be simply read out during the trial as this opposes to the immediacy and orality principle (§ 250 German Code of Criminal Procedure).<sup>15</sup>

The juvenile probation officers' compulsory presence and participation during the trial has not been foreseen by the Greek procedural law. The Juvenile Judge may decide whether the juvenile probation officer must be present or not. In practice they are present during the trial but they rarely take active part in the procedure. That is why, it is often said that the juvenile probation officer should be encouraged to play a more active part and not just be an onlooker.

In Greece the juvenile probation officers are not allowed to give evidence before the judicial authorities on issues about the juvenile offender or their family that they are aware of due to their professional position. So they have the right to refuse to give such evidence. If -despite the prohibition- the juvenile probation officer gives evidence, this will lead to an invalidity of the procedure and they will have committed a disciplinary offense as well as the criminal offense known as breach of professional confidence (Art. 371 § 1 grPC). The juvenile probation officers in Germany do not have the right to refuse to give such evidence because of the necessity to serve the thorough exploration of the truth.<sup>16</sup>

The juvenile probation officers have also to submit a report and express their opinion about the matter, whether minors who live in the social environment of persons committing criminal acts whether habitually or by profession, shall be sent to an educational institution or not (field of

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<sup>14</sup> About the duties, the role and the conduct of the social inquiry report by the juvenile probation officers see: Pitsela, A. (2011). *Youth Justice and Probation*, op. cit.

<sup>15</sup> Brunner/Dölling. (1996). JGG, § 38 Rn. 13, p. 323. Eisenberg. (2009). JGG, § 38 Rn. 49, p. 390/ § 50 Rn. 32, p. 497.

<sup>16</sup> Eisenberg. (2009). JGG, § 38 Rn. 30, pp. 379 f. Diemer/Schoreit/Sonnen. (1999). JGG, § 38 Rn. 26, p. 407. Brunner/Dölling. (1996). JGG, § 38 Rn. 14, pp. 324 f. Ostendorf. (2003). JGG, § 38 Rn. 10, pp. 398 f. Lühring, F. (1992). *Die Berichtspflicht des Jugendgerichtshelfers und ihre Grenzen*, Diss., p. 47. Schaffstein, F./Beulke, W. (2002). *Jugendstrafrecht. Eine systematische Darstellung*, p. 230. The German Federal Constitutional Court issued a very important decision, according to which the juvenile probation officer is to be regarded not only as "personal assistant and advisor" to the juvenile but also as a "representative of the society and the state". See, BVerfG, *Beschl. vom 19.7.1972- 2BvL 7/71*, NJW 49 (1972), pp. 2214 ff.



prevention). This report is not binding but it must be taken into account by the Juvenile Judge who decides on the matter.

The two innovative laws which have been enacted in Greece at the beginning of the new century, Law no. 3189/2003 on the Reform of Juvenile Penal Legislation and Law no. 3860/2010 on Improvements of Penal Legislation regarding Juvenile Offenders, Prevention of and Response to Victimization and Criminality of Juveniles, have introduced some important amendments affecting also positively the mission and role of the juvenile probation service.

According to Law no. 3189/2003 the catalogue of non-custodial educational measures has been enriched with new measures, such as the victim-offender mediation, the participation in special road safety training programs, the attendance at vocational schools etc. The juvenile probation officers have to play an active role by supervising the implementation of the new measures as well as by supporting and consulting the young offender. They ensure that a proper foster family for the minor is to be found. They undertake the responsibility to organize the victim-offender mediation process by bringing the minor offender into contact with the victim so that the offender can express their apologies and generally so that the consequence of the offender's criminal act can be settled out of court.

What is more, an innovation provided for by Law no. 3189/2003 is the introduction of diversion. When a minor commits a petty offence or a misdemeanor, the public prosecutor may decide to refrain from prosecution, he/she believes that a prosecution is not necessary in order to prevent the minor from committing further acts (Art. 45A Greek Penal Procedure Code). The public prosecutor may impose on the minor one or more of the non-custodial educational measures (e.g. victim-offender mediation) or the payment of a sum of money up to 1000 Euro in favor of a non-profit institution. He also decides the period of time within which the measures must be performed. It is clear that the juvenile probation officer's cooperation and contribution to the application of diversion can assure that diversion is successful and effective in the Greek legal order.<sup>17</sup>

Furthermore, the tendency to promote the implementation of non-custodial educational measures and to restrict the imposition of detention in a young offenders' institution is evident. According to the new law detention in young offenders' institutions may be imposed only on minors over the age of 15 and in relation to the commission of serious offences (felonies) that contain elements of violence, which turn against life or bodily integrity or are committed by profession or persistently. The minimum duration remains six months, whereas the maximum duration is being limited to ten years (exceptionally 15 years, Art. 54 grPC). In this way, the imposition of non-custodial educational measures shall be preferred and have a clear precedence, which means in other words that the juvenile probation officers have to ramp up their efforts by encouraging and supervising the implementation of these measures. Furthermore, the Law no. 3860/2010 contains provisions which regulate the better operation of the Youth Protection Associations (s. Art. 11) and foresee the establishment of a Central Scientific Council for the Prevention

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<sup>17</sup> Pitsela, A. (2007). The introduction of the institution of refraining from prosecution in juvenile criminal law, Memorial Faidona I. Kozyri, pp. 369 ff. (Greek). Giovanoglou, S., Restorative Justice Measures Related to Minors Within the Criminal Law. Poinika Chronika 58 (2008), pp. 28 ff. (Greek).

of and Response to Victimization and Criminality of Minors, KESATHEA (s. Art. 12). According to these law provisions, one juvenile probation officer has to participate in the composition of the Council of each Youth Protection Association as well as in the composition of KESATHEA. The juvenile probation officers may be also assigned to perform certain duties in order to support the work of the Youth Protection Associations when the Juvenile Judge approves of it. In a similar way, the juvenile probation service may offer help and cooperate with KESATHEA as the principle of interdisciplinary cooperation is better served.

In Greece the juvenile probation officers have to encounter many difficulties and deal with various problems which obstruct them in the accomplishment of their work. At the same time the new dynamics which are being developed in the Greek society lead to readjustment of their responsibilities and to reexamination of their role.<sup>18</sup>

First of all, there is an insufficient number of juvenile probation officers and most of them have a tremendous caseload. The lack of infrastructures often makes their work even harder. In 2003 in Greece only 92 juvenile probation officers were employed, although 195 positions for juvenile probation officers were foreseen by Law. That means that only 47% of the positions for juvenile probation officers as civil servants were occupied. On this ground, the Committee on the Rights of the Child, the executive and auditing body of the Convention on the Rights of the Child has pointed out in its concluding observations (CRC/C/15/Add.170, 2002) on the Greek government's initial report (CRC/C/28/Add.17, 2000) the urgent necessity to increase the number of trained juvenile probation officers and other relevant professionals. Unfortunately due to the financial crisis this is not achievable at the present time (2012) as the rest of the positions for juvenile probation officers (as civil servants), which were foreseen but were not occupied, should be abolished by law. What is more, the institution of volunteers supervisors of minors is no longer put into practice.

Secondly, deficiencies are to be seen in the implementation of the new educational measures introduced by the law no. 3189/2003. These new educational measures are rarely applied in the practice. This can be attributed to the lack of appropriate infrastructure and the lack of a specific implementation framework as well as to the insufficient training, knowledge and willingness of juvenile public prosecutors, juvenile judges and juvenile probation officers to apply the new regulations-institutions. In particular, one could mention that even when the victim-offender mediation takes place, the juvenile probation officer's role is limited to their acting actually as arbitrator and not purely as mediator while the conflict between the victim and the young offender is not really resolved and there is no reconciliation. In a similar way, the community service measure cannot be ordered to a great extent because of the lack of organization and of a stable cooperation with certain agencies so that a proper work for the juvenile is difficult to be found. The measure of placing the juvenile under the care and supervision of a foster family is also not implemented due to the lack of an organized foster care system in the field of Juvenile Justice System in Greece. Diversion without the imposition of any educational measures (true diversion) does not seem to have been applied so far. As regards to the diversion of the criminal procedure in combination with

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<sup>18</sup> These conclusions are based on a conversation with Ms. Romanidou, Nantia-Elpida, juvenile probation officer, about the difficulties and needs of the Juvenile Probation Service in Greece.

certain educational measures, this has not taken yet into great consideration. Diversion has been applied so far only in few cases in Athens and not at all in Thessaloniki due to similar reasons as the ones mentioned above.<sup>19</sup>

The juvenile probation service is staffed with civil servants that come from various scientific fields, such as lawyers, psychologists, social scientists and social workers. The matter of the juvenile probation officers' training causes also great concern. Although most of the juvenile probation officers are well-educated, the need for constant training remains intense so that they can successfully fulfill their role and correspond to the new demands.

According to all these, one can obviously conclude that a gap between the legislation (law in books) and the enforcement of the law (law in action) exists. What is more, the lack of services is an obstacle for the best interest of children.

Despite the problems and deficiencies, the Juvenile Probation Service is a well-established institution in the Greek juvenile justice system. This fact cannot and should not easily change. What seems to be changing is the perspective under which one should look at the role and the needs of the juvenile probation service. In a constantly developing social environment and after the enactment of the two progressive laws, the juvenile probation service in Greece shall promote the restorative justice model by focusing on the implementation of diversion and of the new non-custodial educational measures. In cases of custodial correctional treatment, the juvenile probation service shall ensure that the juvenile offenders are provided with the appropriate legal assistance, social support and education so that their social integration is possible. Furthermore, the juvenile probation service could also take action in the field of crime prevention and victim support.

For this purpose, committees of juvenile probation officers have been established to develop concrete proposals. Some of the proposals can be summarized as follows:

- Amendment of the anachronistic legislative framework regulating the operation of the service and the nature of its duties, for example creation of a code of conduct for juvenile probation officers

- Enabling the juvenile probation officers to be promptly informed and intervene before the issue or the execution of pre-trial detention (custody order) so that pre-trial detention can be avoided or reduced or replaced by other alternative measures (this regulation is provided for by the German law and it is regarded to be a very progressive one)<sup>20</sup>.

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<sup>19</sup> About the problems in the implementation of the new educational measures we discussed with Ms. Romanidou, Nantia-Elpida.

<sup>20</sup> About the German provision (§ 72a of the German Youth Court Law), see: Laubenthal, K. (1993). *Jugendgerichtshilfe im Strafverfahren*, pp. 149 ff. Diemer, H./Schoreit, A./Sonnen, B.-R. (2008). *JGG, § 72a Rn. 4 ff*, pp. 682 ff. The English interpretation of the German Youth Court Law is provided by Chris Pavis and Neil Mussett in: [www.gesetze-im-internet.de/englisch\\_jgg/index.html](http://www.gesetze-im-internet.de/englisch_jgg/index.html). The provision (§ 72a) is interpreted as follows: "The youth court assistance service shall be informed without delay of the enforcement of a custody order; it should be informed already when a custody order is issued. The youth court assistance service shall be informed when a youth is placed under temporary arrest if it can be expected from the investigations so far that the youth will be brought before the judge pursuant to section 128 of the Code of Criminal Procedure."

- Upgrading the role of the juvenile probation service by making their contribution to the criminal procedure essential (to ensure for example that the absence of a social inquiry report should lead to the postponement of a trial).

- Promotion of the cooperation between the juvenile probation service and other special agencies and bodies (for example the KESATHEA).

- Establishment of training programs for juvenile probation officers<sup>21</sup>.

It is true that it is not an easy task to fill the gap between theory and reality particularly if someone takes into account the current financial situation in Greece. However, the future perspective of the juvenile probation service in Greece lies in its European orientation. For instance, the European Organization for Probation (CEP) has been already established.<sup>22</sup> The creation of a similar European Organization for the Juvenile Probation Service could function as a means of promoting the cooperation in a European level, of exchanging ideas and knowledge, of spreading the good practices' models, of applying effectively the education and social integration principles and finally of improving the professional profile of the juvenile probation officers.

### **The Central Scientific Council for the Prevention of and Response to Victimization and Criminality of Juveniles (KESATHEA)**

One innovative amendment brought by the Law no. 3860/2010 on Improvements of Penal Legislation regarding Juvenile Offenders, Prevention of and Response to Victimization and Criminality of Juveniles is the establishment of the Central Scientific Council for the Prevention of and Response to Victimization and Criminality of Juveniles (KESATHEA). In general, the enactment of this law has been an important step towards the reform movement in the field of juvenile justice in Greece.

KESATHEA has been established by article 12 of the Law no. 3860/2010 and it is administratively subject to the Ministry of Justice, Transparency and Human Rights. The Council consists of twenty two members (eleven regular and eleven alternate members) as well as of one secretary (and one alternate secretary). Their participation in the Council is honorable and voluntary.

According to the law provisions, the Council consists of five members of the University Teaching and Scientific Staff, who are specialized on issues regarding the prevention of and response to victimization and delinquency of juveniles; one member shall be Juvenile Judge or Juvenile Prosecutor; one member shall be juvenile probation officer; one member shall be secondary school teacher; three members shall be personalities from the field of culture and art or media.

In accordance with the above provisions, the first constitution of KESATHEA has been appointed by the Minister of Justice with a relevant Ministerial Decision (No. 86756/25-8-2010). A number of academics of different disciplines (Criminology, Psychology, Sociology, Criminal Law and Private International Law), juvenile prosecutors, juvenile probation officers, secondary school teachers, one writer (emeritus Professor of Political Sociology), one jurist, two journalists, one music composer, and one actor have been appointed as members of the Council from all over the country and especially from Thessaloniki, where the Head Office of the Council is located. Finally, two

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<sup>21</sup> Regarding the reform proposals on the whole, see: Pitsela A., *Youth Justice and Probation*, op. cit.

<sup>22</sup> [www.cep-probation.org](http://www.cep-probation.org).

lawyers who have taken a doctoral degree in the field of law (Criminology) are the two secretaries.

The term of office of the Council's members lasts three years and can be renewed. The members of the Council shall meet when the President invites them to do so. The alternate members as well as the Head of the Administrative Authority of the Children's Ombudsman<sup>23</sup> may take part in the Council's meetings. Regarding the rest of the procedure, the Code of Administrative Procedure (Law no. 2690/1999) is applicable.

Furthermore, an active supportive network of Volunteers Advisors-Assistants to the Council's work has already been created all over the country, especially in Thessaloniki as well as in Athens. Many experts, such as lawyers, social workers, teachers, Professors of Law, PhD scientists, child psychiatrists, sociologists and economists participate as partners of the Council in the actions developed by the Council's separate Working Groups and thus contribute with their supportive work to the better and effective accomplishment of the Council's goals.

The members of the Council have to deal with juveniles as victims and as delinquents. They do not have a decision-making power, but they prepare and submit proposals to the Minister of Justice, Transparency and Human Rights regarding the policy on the prevention of and response to victimization and delinquency of juveniles as well as on the improvement of the living conditions in the educational institutions and the young offenders' institutions. They submit an annual report concerning their work to the Minister of Justice, Transparency and Human Rights. The Minister of Justice submits the report to the President of the Greek Parliament.

Additionally, the Special Service of Juveniles' Protection has been established by article 12 of the Law no. 3860/2010 in order to support the Council in an administrative and managerial way. It is administratively subject to the Ministry of Justice, Transparency and Human Rights and consists of two public servants for the time being (although the law provides for ten public servants).

It is also important to point out that the Council's seat or Head Office has been chosen to be located in the city of Thessaloniki in order to avoid bureaucracy and to create a decentralized, autonomous and special unit which will provide the minors with essential aid and support.

The mission of the Council is foreseen in Art. 12 of the Law No. 3860/2010 and can be described as follows:

- to supervise the Youth Protection Associations' work all over Greece
- to promote the cooperation on national and international level with agencies and services, institutions and non-governmental organizations, so that a uniform network for preventing and responding to juvenile delinquency can be put in place
- to establish a central agency where complaints concerning acts of child abuse or child abandonment can be lodged
- to conduct studies and prepare proposals for the prevention of and response to juvenile victimization and juvenile delinquency

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<sup>23</sup> It is worth mentioning that the independent administrative authority of the Children's Ombudsman whose regulatory mission is to defend and promote the minors' rights was established in Greece in 2003 and its work has been impressive so far. See: [www.0-18.gr](http://www.0-18.gr)

- to organize the implementation of the new therapeutic or educational measures, such as the institution of foster families, community service, and traffic education.

- to organize volunteering work aiming to support the minors and implement actions to raise awareness of the public.

- to create mechanisms which would allow the detection of child abuse through cooperation with schools and parents' and guardians' associations.

- to ensure that reliable statistics are kept on a national level.

Within this framework and having as their main goal to enable the Council's proper and effective functioning, eight Working Groups have been created so far. The Council's Working Groups are active in the following fields:

- The organization of a nationwide network of public, municipal and private bodies and other institutions for the juveniles' protection.

- The improvement of the functioning of juvenile offenders' institutions, educational institutions and other institutions, where juveniles at risk or juvenile offenders are kept.

- The conduction of studies on issues related to victimization and delinquency of juveniles for the submission of proposals on the prevention and confrontation of these problems and for organizing the application of new therapeutic or educational measures.

- The promotion of social integration and vocational training.

- The implementation of actions on raising awareness of the public, role of media, and organizing volunteering work.

- The coordination of mechanisms which would allow the prevention and confrontation of child abuse problems.

- The establishment of a national agency which would gather and process statistical data.

- The construction and organization of a relevant website.

All the activities of KESATHEA are enforced by a group of volunteers, other than the group of Volunteers Advisors-Assistants who are mainly experts and scientists. Any citizen of the society who is willing to participate and make a contribution to the Council's actions can be a member of this group of volunteers. At the moment there are about 200 activists/volunteers in many Greek towns, mainly in Thessaloniki and Athens.

During the first year of its operation the members of KESATHEA have taken action and managed to engage in the following activities:

#### **a. Establishment of the nationwide network "ORESTIS"**

The Pan-Hellenic Network for the Protection of Minors named after "Orestis" has been put in place and a considerable number of bodies and institutions from all over the country and the majority of the Municipalities are already members of this network. As it has been mentioned above, the main objective of this network is to coordinate all the activities of the institutions which work on the prevention and control of victimization and delinquency of juveniles. In this way, an efficient and effective action towards the common scope will be possible. For this purpose, a wide network of volunteers all over the country has been initiated. Due to their help, KESATHEA created a website, in which all the activities of the network "Orestis" can be updated and any in-

ternet user can be informed about the services which are provided for the juveniles all over Greece<sup>24</sup>.

**b. Organization of preventive actions against the abuse of juveniles by raising public awareness**

An effective means of preventing crimes against juveniles is raising public awareness and stressing social sensibility towards the matter. KESATHEA has already taken action on this field. A big public awareness concert was given in Thessaloniki on the 14th of December 2010 for the financial support of the Youth Protection Association in Thessaloniki. Furthermore, workshops, meetings and conferences were organized where the members of KESATHEA were given the opportunity to present the identity, the role and the goals of the Council. A positive response and cooperation with the local authorities in Athens, Volos, Irakleio, Thessaloniki, Kilkis, Kozani, Komotini, Xanthi, Rethimno and Chania was pursued and established in order to motivate the local communities for contributing to the supporting policy on juveniles. The role of media is crucial and on this ground KESATHEA agreed on a partnership with one of the public TV channels (ET3) for the promotion of an information spot about children trafficking and the abuse of juveniles in schools and families. On the whole, KESATHEA attempts to cooperate with the Media so as to present and make its objectives widely known to the public.

**c. Organization of actions for the detection of the abuse and victimization of juveniles**

Detecting criminal offences against juveniles is not an easy task within the society. The members of KESATHEA have to achieve a better organizational framework which would allow the prompt and effective response to this problem. On this account, the first National Telephone Line for the Juvenile Protection (telephone number 1107) has started to operate since 1.3.2012. Its establishment took place in cooperation with the National Center of Social Solidarity of the Greek Ministry of Health and Social Solidarity (EKKA), which is a Legal Entity of Public Law supervised by the Greek Ministry of Health and Social Solidarity and having its seat or Head Office in Athens. What is more, a network of social workers in 250 Municipalities all over the country has been created in cooperation with the Greek Ministry of Internal Affairs and EKKA. These social workers are the correspondent persons for the incidents that are mentioned in the telephone line.

**d. Organization of supportive actions for juveniles that need to be fended off their families and for juvenile offenders**

As regards to the actions taken for the support of juvenile offenders, KESATHEA -in cooperation with EKKA and the Greek Children's Ombudsman- has worked on an integrative legislative proposal about the reformation of the institution of foster families including juvenile justice and the public awareness on this issue. This legislative proposal has been submitted to the competent Ministries. Furthermore, the Council has firstly organized special training programs on traffic regulations for young offenders on a nationwide level in cooperation with the General Directorate of Traffic Police and the so called Societies for the Protection of Juveniles (Youth Protection Associations). This

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<sup>24</sup> [www.kesathea.org](http://www.kesathea.org)

action aims to enable the better implementation of the educational measure of the participation in special road safety training programs. Additionally, it has been working on the formation of another legislative proposal about the educational measure of community service for juvenile offenders. The purpose here is to promote and enhance in the practice the implementation of the community service.

The Law no. 3860/2010 is new and the Scientific Council is a relatively recent established institution in the Greek legal order. Thus, it is still too early to evaluate the Council's work. However, the Council's future perspectives are promising and positive results of its work are to be strongly anticipated in the long run.

The establishment of the Scientific Council can be seen as a positive strategy reflecting the prevailing tendency to improve the implementation of the Law on Juvenile Justice (including CRC). The main advantage is that a new innovative concept of preventing and combating youth crime and youth victimization is being introduced as the principle of interdisciplinary cooperation within the field of juvenile justice is expected to be served and promoted. This principle is in line with international regulations, such as Par. 1.3, 25.1 and 30 of the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules), Par. 2, 6, 9 and 60-66 of the United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines), Par. 5 and 42 of Guidelines for Action on Children in the Criminal Justice System, Par. 18 of Recommendation No. R (87) 20 on Social Reactions to Juvenile Delinquency, Preamble and Par. 21 of Recommendation (2003) 20 on New Ways of Dealing with Juvenile Delinquency and the Role of Juvenile Justice, Par. 15, 135-138 and 139-141 of Recommendation (2008) 11 on the European Rules for Juveniles Subject to Sanctions and Measures. The active participation of academics, scientists, teachers, people working in practice and the intense involvement of various institutions, the family, community services, volunteers and teachers enable a coordinated cooperation which can lead to a more substantiated, creative and constructive approach in the application of national policies relevant to minors.

The members of this Scientific Council have to face a great number of challenges in order to fully accomplish their mission, which means to promote and apply child friendly policies and ensure the respect of children's rights within the society. For this purpose, the financial, moral and organizational support by the state constitutes an important presupposition for the achievement of these goals. KESATHEA has been so far an original initiative of volunteer work within the public sector. However, despite the volunteers' good will and hard work, it is not possible to fill all the gaps and cover all the needs without the state's material and financial support.

In times of not only financial crisis the members of KESATHEA have to face many difficulties. The state authorities fail to support the Council's work in an effective way. For example, during the first session of the Council in autumn 2010 the Minister of Justice, Transparency and Human Rights mentioned the possibilities of an open contest for a special program of the National Strategic Reference Framework for the support of KESATHEA's actions. Indeed, the contest of this program was opened in spring 2011 and two offers-proposals have been submitted. Unfortunately both of them must have been recently rejected. This situation creates serious problems for the activities of the Council. The lack of financial means and material support has as a result that the Council cannot properly organize its activities. It is often difficult for the members of the Council to finance trips and seminars, to organize in-



ternet programs, even to keep up a correspondence. However, in February 2012 the program was launched again and the members of KESATHEA wish for a positive outcome.

Despite the problems and difficulties, the members of KESATHEA are willing to work hard. The future action plan of KESATHEA includes a series of activities, which should be implemented. The urgent activities can be described as follows:

- The adaption of a reasonable proposal about services offered for the support of juveniles at risk and juvenile offenders, especially of unaccompanied foreigner minors.
- The planning of a program for the organization of shelters for juveniles all over the country.
- The amelioration of the operation of the educational institutions for juveniles.
- The implementation of a program for the reconstruction of young offenders' detention institutions and the improvement of the living conditions of the young detainees.

At the beginning of the new century the establishment of KESATHEA in the Greek legal order should fill all the citizens and mostly all the juveniles with hope as the first step has been made so that the society shall start coping with the young generation's problems more consciously and more coordinately. Whether the next steps for the application of a stable and effective supporting policy on juveniles in the long run will take place, is an open question. The Council's work may lead to the reinforcement of the children's legal and social position in Greece provided that the state authorities as well as all the members of the society shall support and "embrace" its efforts and goals.

### **Concluding remarks**

As it has been said at the beginning of this chapter, the Juvenile Probation Service is a traditional well-established institution in Greece, whereas the Central Scientific Council for the Prevention of and Response to Victimization and Criminality of Juveniles is a new and promising one. Both of them have as their main goal the realization of the principle of education and the best interest of the child. Furthermore, these two institutions are significantly and interactively connected to each other. On the one hand, it is explicitly foreseen that a juvenile probation officer must participate in the composition of KESATHEA. Thus, a stable cooperation and an active involvement of the juvenile probation service in the work of KESATHEA are enabled. Juvenile probation officers as specialized scientists can contribute to KESATHEA's work by sharing their expert knowledge and experience and by offering advisory support and social sensibility. On the other hand, KESATHEA as an independent actor has the right and the obligation to make proposals and interventions on these action fields of the juvenile probation service where certain deficiencies are observed.

For instance, KESATHEA has already intervened in the following matters:

- Preparation of a draft law for the reform of the organization of a foster care system (including foster care system in the framework of juvenile justice system).

- Preparation of a draft law for the application of community service-Adaptation of a list of bodies and agencies all over Greece, where community service can be performed.

- Organization of road safety training programs by the Traffic Police in cooperation with the Youth Protection Associations.

- Forwarding briefing letters to the Public Prosecutor of the country's Supreme Court (Areios Pagos) so that the Public Prosecutors all over Greece shall start applying diversion and support in practice the operation of the National Telephone Line for the Juvenile Protection.

In conclusion, the first steps towards a better and effective child friendly policy have been made in Greece. Of course, more steps are required so as to obtain on the whole a well- operating juvenile justice system in Greece. It is a long way, but it is worth making every effort for the protection and support of the young generation. At the end, one should not forget the common fact that every support and assistance to the young generation is the best investment for a country's future.