

**ARISTOTLE UNIVERSITY OF THESSALONIKI
FACULTY OF LAW
SCHOOL OF LAW**

DEPARTMENT OF CRIMINAL LAW AND CRIMINOLOGY

**IA-CHILD PPROJECT
«PROCEDURAL SAFEGUARDS OF ACCUSED OR SUSPECTED CHILDREN: IMPROVING THE IMPLEMENTATION
OF THE RIGHT TO INDIVIDUAL ASSESMENT»**

Workshop, Zagreb, 5th December 2019

**«The implementation of individual assessment-challenges, international perspective and good-
practice examples»**

Presentation of the Greek team

**“The implementation of individual assessment in Greece from the juvenile probation officers’
perspective”**

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Description of the function and the role of the Juvenile Probation Service in Greece

by Ms. Nantia-Elpis Romanidou

FUNCTION OF THE SERVICE

- The Probation Service belongs to the Ministry of Justice.
- In 2014 the Adult Probation Service and the Juvenile Probation Service were merged into one due to financial reasons.
- The Juvenile Probation Officers are civil servants and come from various scientific fields. They are jurists, psychologists, social scientists, social workers.
- Their work includes: a) dealing with minors who are accused of having violated the criminal law and who were between the age of 12 and 18 at the time the alleged offence was committed and b) dealing, in the field of crime prevention, with juveniles who face the risk of offending because of difficulties of social adjustment.
- Their work is supervised by the Public Prosecutor in each Juvenile Court.



ROLE OF THE SERVICE

- ▶ **The duties of the Juvenile Probation Officers include:**

Carrying out a social research:

- ▶ **assessment of the personal, family and social situation and of the special needs of the child and the family,**
- ▶ **meetings and interviews with the minors and their families as well as contacts with other people who are related to them,**
- ▶ **request for an expert evaluation, for instance a psychiatric diagnosis,**
- ▶ **making immediate interventions and referrals to experts based on the best interest of the young person with his or her consent,**
- ▶ **submission of a confidential report to the Judicial Authorities which includes a proposal of the treatment that the Juvenile Probation Officers consider appropriate for each case**



Organization and supervision of the implementation of educational/reformatory measures:

- **Oversight and support of the young person in the re-integration process, when the Court orders the offender's placement under the supervision of a Juvenile Probation Officer**
 - **The Juvenile Probation Officers' goal is: the minors' personal and social progress, their self-esteem enhancement, the deterrence of their stigmatization, their socialization and also the development of their ability to undertake responsibilities for their actions**
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INDIVIDUAL ASSESSMENT

- ▶ It can be performed in different stages of criminal proceedings such as:
 - a) Before court, for any child accused, after the date of the hearing has been set,
 - b) Possibly during the main investigation, if there is an order by the Investigating Judge,
 - c) In cases of diversion of criminal procedure after an order issued by the Public Prosecutor,
 - d) When the social inquiry report needs to be updated, for instance after the adjournment of the hearing or during the implementation of educational/reformative measures after court, such as the placement of a minor under the supervision of a Juvenile Probation Officer

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- It often entails the involvement of various professionals and experts, apart from the juvenile probation officers so that it can be a synthesis of multiple assessments concerning different aspects of the child's status quo.
 - A special assessment instrument does not exist, not even a framework of regulations for approaching and assessing minors.
 - The needs which arise can be enumerated as follows:
 - a) development, improvement and evaluation of the individual assessment procedure,
 - b) exchange of information, experience and expertise,
 - c) adoption of specific guidelines, development and flexible use of a relevant tool



The conduct of a social inquiry as the sole type of assessment in Greece by Ms. Maria Eleftheriou

THE TYPE OF ASSESSMENT

An individual form sheet which includes:

- Filling in a number of questions on the child's identity, address, educational status or occupation at the front pages
- Mentioning: a) the crime he/she is suspected or accused of, b) the existence of any co-accused persons, c) the time and place at which the crime was committed, d) his/her description about the crime that he/she is suspected or accused of, and e) his/her statement on whether or not he/she has committed the offence
- Filling in demographic and socio-economic characteristics of the family, the educational and occupational status as well as health status
- Writing a text- report, which includes a description of the basic characteristics of the juvenile's personality, living and family conditions, relations among family members and future plans
- Submitting a conclusive non-binding proposal about the proper measure which should be imposed by the Judicial Authorities



The following topic of discussion arises:

- **The social inquiry report does not have a common specific individual form sheet and structure in all the Juvenile Probation Services, although at the back sheet they all write a descriptive text.**
- **In the individual sheet there are some questions which are regarded nowadays to be old-fashioned.**

On this ground, it is more necessary than ever to create a convenient, useful common tool for all professionals in Greece who carry out the social inquiry.



Specific interesting issues in relation to individual assessment in Greece by Ms. Konstantinia Petrou

THE FIRST POINT OF DISCUSSION

- ▶ There is a part of the social inquiry in which the Juvenile Probation Officer is called upon to explore how the minor feels regarding the offense or the offenses that he or she is accused of. This is a controversial issue, as both amongst the Juvenile Probation Officers and amongst a significant part of the Juvenile Judges and Juvenile Prosecutors there is a multitude of views regarding the aforementioned procedure.
- ▶ The arguments in favor of this issue are that in this way the minor-alleged perpetrator of the offense shall learn to undertake responsibility, his/her ability to relate with the victim of the offense shall be enhanced, his/her empathy shall be increased and with this process the minor is supported in the maturation of his/her personality and in the prevention of the commission of new offenses in the future.
- ▶ The arguments against this issue are that this way of conducting the social inquiry is outside the limits of the role of the Juvenile Probation Officer and that this matter should be assessed by the Juvenile Judge and Juvenile Public Prosecutor alone, as a part of the hearing procedure. As a result, this causes a confusion to the work of the Juvenile Probation Officers.



THE SECOND POINT OF DISCUSSION

- ▶ **Multitude of views have been developed regarding the level of confidentiality of the social report, namely if the report should be accessible to the Judges alone or if it should also be accessible to the minor himself/herself and to the parents or caretakers of the minor, as well as to the defense attorney of the minor. There is a lot of skepticism about how privacy is safeguarded.**



A summary of the main points on the implementation of individual assessment in Greece according to the results of the interviews with the Juvenile Probation Officers by Ms. Anastasia Giagkou

The basic principles of the Greek juvenile justice system are:

- **safeguarding the child's best interests and well-being,**
 - **promoting the child's education and social integration and**
 - **Ensuring the individualized treatment of young offenders which is the theoretical basis for the establishment of the juvenile offenders' right to individual assessment in the criminal proceedings**
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Following difficulties in effectively conducting the social inquiries arise:

- ▶ a lack of a single regulatory framework for how social inquiries are to be conducted as well as a lack of a certified objective assessment tool for the character and personality of minors and of the risk of repeat offences,
- ▶ the difficulties to trace the child and the family despite the assistance of other bodies, or even the parents' and children's unwillingness to cooperate with the Juvenile Probation Service,
- ▶ the poor working conditions in Thessaloniki at least, such as pressure and insufficient time, the presence of many juvenile probation officers in a single place that is not child-friendly, the absence of a secretary and the fact that juvenile probation officers take on secretarial duties,
- ▶ the existence of a confusing legal framework about how assessment is supervised (initially supervision was to be provided by the Juvenile Judge but now it is done by the head of the Court of First Instance Public Prosecutor's Office),
- ▶ the absence of a social policy on networking of agencies and structures to achieve better co-operation,
- ▶ a lack of a wide ranging intervention program designed to meet the needs of the assessment and
- ▶ a lack of interpreters in cases involving young refugees or the juvenile probation officers' insufficient training in cultural mediation despite the existence of an interpreter



Following challenges emerge:

- Adoption of a single set of guidelines, a regulatory framework and/or a tool for carrying out the assessment,
 - Need for parallel training and education of juvenile probation officers about the new framework or tool, especially in relation to timely social issues,
 - Conduct of a semi-structured interview based on themes to be explored (though not necessarily absolutely specific) which would follow common guidelines,
 - Induction training of newly appointed Juvenile Probation Officers and life-long learning older ones,
 - Enactment of the obligation to carry out individual assessments in law,
 - Placement of the supervision of cases under the guidance of experts, and specialist structures and services,
 - Enrichment of the network of collaborations with other bodies and improvement of the co-operation and
 - Exchange of knowledge about how best practices are being implemented, primarily via participation in European research programs
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Followings conclusions shall be made:

- **The legal framework and the practice of individual assessment in Greece shall be improved.**
 - **Important changes are expected to be introduced after the incorporation of the EU Directive 2016/800 in Greece.**
 - **The changes shall constitute a core step towards the direction of enhancing the importance of children's individualized treatment and of promoting their rights within the criminal justice system.**
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THANK YOU FOR YOUR ATTENTION!

