



# Domestic violence: Review of the history of actions as well as the evolution of legislation in Greece

I Boutas<sup>1</sup>, A Koumousidis<sup>1\*</sup>, E Kalampokas<sup>1</sup>, C Sofoudis<sup>1</sup>, C Anastasopoulos<sup>1</sup>, T Kalampokas<sup>1</sup>, E Deligeoroglou<sup>1</sup>, N Salakos<sup>1</sup>

## Abstract

### Introduction

The issue of violence against women within the family, or as it is widely known domestic violence, is appearing now firmly as much in European policies as in Greek legislation in order to tackle and prevent this phenomenon. Unfortunately, European and Greek laws do not fully cover this important subject and as the respective studies show, domestic violence rates are increased. In the present review we are going to refer, briefly, to the historical background of the actions and the Greek legislation on this topic.

### Materials and Methods

We investigated in libraries as well as on the web for “domestic violence”-related articles and Greek court decisions on the matter in question for the last two decades. Access to sensitive data was obtained by every governmental body involved in our study.

### Results

Before of the implementation of the proper legislation, no clear conceptual framework existed. We have to mention that the Greek law has become more specialized and socially-orientated, aiming mostly at the cure of the revealed cases, rather than the punishment itself.

### Conclusion

The issue of violence against women is very important and requires the participation of both the State, as well as the non-governmental non-profit organizations.

### Introduction

The term of domestic violence is defined as violence in any form, whether it regards physical abuse, sexual abuse, neglect, gendered violence, emotional abuse (verbal), economic exploitation and trafficking. The complex nature of domestic violence, the various different interpretations of the phenomenon, the lack of sufficient recognition of the severity and several other factors led to the formation of stereotypes and the perpetuation of them, and as a result confusion about the nature and characteristics of the abuse within or outside the family<sup>1,2</sup>.

The aim of this review was to discuss the history of actions as well as the evolution of legislation in Greece for domestic violence.

### Historical background

Domestic violence is a very old phenomenon regarding its origins, while on the contrary, very recent as far as its social identification concerns. Social recognition of the phenomenon, its accession into the European agenda, the role of non-governmental organizations as parts of the mechanism of influence and pressure and the feminist movement led to adoption of practices towards integration of the principle of equality in all EU policies.

In particular, within the United Nations, one may identify International Research and Training Institute for the Advancement of Women (INSTRAW), United Nations Entity for Gender Equality and the Empowerment of Women (UNIFEM), Convention on the Elimination of all forms of Discrimination against Women (CEDAW), which in collaboration with the Division for the

Advancement of Women (DAW) of the United Nations focus both on an effort to minimize the phenomenon and also to empower position of women in society<sup>3,4</sup>.

The first draft of the Declaration of Violence against Women was constructed in 1992 and ratified in 1993. According to the United Nations any form of violence and circumvention of human rights, especially against women is condemned. Specifically in the article 1, the term violence against women means any act of violence based on gender and the article 2 includes physical or sexual violence within the family, rape within marriage as well as physical, sexual or emotional violence perpetrated or overlooked by the State in general<sup>5</sup>. At the same year, the United Nations Committee on the Elimination of Discrimination against Women (CEDAW) in accordance with the recommendation 19, condemned violence against women as the General Assembly of the United Nations in Vienna adopted the Declaration regarding the Elimination of Violence against Women<sup>6</sup>.

In 1994, by decision of the Commission on Human Rights, specific measures to eliminate violence at national and international level were adopted through the causes and the consequences thereof, as well as the collection and analysis of data regarding to violence.

The signalling that violence is no longer a private matter was established by the institution of the Special Rapporteur of the Commission on Human Rights on Violence against Women. According to article 4 of the UN Convention, the submission of national reports on government actions regarding the implementation of gender equality is

\*Corresponding author  
Email: kumusidi@doctors.org.uk

<sup>1</sup> Family Planning Unit, 2nd Department of Obstetrics and Gynecology, University of Athens, Aretaieion Hospital, Greece.

required by the states participating. Article 6 in particular states that "Member States shall take all appropriate measures, including legislations, to suppress trafficking in women and exploitation of prostitution of women"<sup>5</sup>.

Moreover, during the 4<sup>th</sup> UN World Conference in Beijing (in 1995) the objectives of promoting the equality and development for all women were set as a target along with the validation of the results of all previous conferences and summits of the United Nations.

The main goal of the Beijing Conference was the development of policy-making at national and international level for the development of women, the economical and consultative contribution of networks, the implementation of action programs, data collection and the monitoring and evaluation of policies and programs of each country. Significant contribution to the eradication of the violence against women was the Daphne Initiative (1997-1999) which included the analysis of the measurements to be taken, the recognition of the role of the nongovernmental organizations as well as the campaigns and the recognition of innovating and emerging projects<sup>7</sup>. The European Conference in 2000 confirmed again the European Union's commitment to the "Platform of Action" and the use of international human rights instruments for the protection of women against violence. A further decision was the continuation of the "Daphne" program<sup>5,6,7,8</sup>.

The general contribution of the conferences and the programs led to the development of new legislative proposals and to increasing efforts of regulation and application of control policies at national level. It is also to be taken under consideration that the inclusion of violence against women in the context of human rights does not automatically ensure the protection in cases of cultural

relativism such as religion or tradition, often used as an alibi-inhibiting agent. Highly important is the role of the European Charter for Gender Equality in local communities, which according to the fundamental principles ensures gender equality, elimination of gender stereotypes, and equal participation in political and civil life for both genders<sup>9</sup>.

### Material and methods

We investigated in libraries as well as on the web for "domestic violence"-related articles and Greek court decisions on the matter in question for the last two decades. Access to sensitive data was obtained by every governmental body involved in our study.

We then tried to analyse the relevant Greek law system and its changes during the last decades. Useful results revealed to us the evolution of the legislation and further, the change to our perception on this sensitive matter.

### Results

The gender equality is a fundamental right, under article 4, paragraph 1 of the Greek Constitution, which declares that "All Greeks (men and women) have equal rights and obligations" and article 116, paragraph 2 which explicitly states that "None sex discrimination exists in order to address measures to promote equality between men and women. The State shall ensure the elimination of disparities conducted, particularly against women"<sup>10</sup>.

In the Greek Penal Code, article 336 states that "Whoever forces another with physical violence or threat of great and immediate danger to intercourse or to participate to other indecent acts or tolerate them is penalized by imprisonment"<sup>11</sup>. Also in article 735 of the Civil Code is stated that "In cases of domestic violence, especially the removal of the defendant from the family home or transplantation can be arranged, as well as the prohibition of approaching the places of residence or work of the

applicant, close relatives' houses, her children's schools and any shelter"<sup>12</sup>. Ground breaking in several articles is the law 3500/2006 (FEK 232/26.10.2006) for the confrontation of domestic violence and other provisions.

Before of the implementation of this law, no clear conceptual framework existed. According to this law, "domestic violence can be exerted not only by the husband but also by the partner", moreover the role of women in the jurisprudential approach is equated and rape within marriage can be reported. According to that law, "the victim is not only the one who undergoes the violence, but also the minor uninvolved spectator".

Furthermore the important role of the educator is defined, if in the exercise of his duties notices signs of abuse in children/students and denounces them<sup>13</sup>. Based on the annual report of the General Secretariat for Gender Equality on the profile of the abused women, the maltreatment of women in Greece crosses all the socioeconomic backgrounds and educational levels. Significantly important is the number of crimes which in many ways appears uncountable especially when it relates to matters of domestic violence, due to the fact that not all cases are recorded as official data<sup>9,14</sup>.

Similar to what is reported in the U.S., where among 100 rape-cases, only 15 offenders are identified and of these only 2 are convicted. It is also worth to mention the study of General Secretariat for Gender Equality, which reports that during 18 months (between 11/03/2011 and 09/11/2012) of existence of the SOS Phone line, (a nationwide line for immediate counselling of women-victims of violence), it received 7676 calls and 53 emails. Of all the calls made, 78% of the cases involved allegations of gender-based violence. Of these, 4436 (74%) were from the abused women themselves, while 1550 calls (26%) were complaints from third parties (mainly from friends (26%), parents (18%), siblings (12%), other



relatives (16%), neighbours (10%) and other individuals (15%). Of the 4436 calls made by the abused women themselves, 3510 calls (79%) were related to domestic violence, 59 calls (1%) to sexual harassment, 72 calls (2%) to cases of rape, 7 calls (0.2%) to prostitution, 2 calls to trafficking and 564 calls (13%) were related to complaints for other forms of violence. The requests of these calls were: 1917 calls (43%) for psychosocial support, 1481 calls (33%) for legal counselling, 599 calls (13.5%) for legal assistance, 355 calls (8%) for search of hospitality and 149 calls (3%) for search of work.

Of the 4436 women who called the line, 2750 (62%) are mothers. From the women victims of violence who answered the question about their employment situation it seems that: 30% are employed (of which 12% are self-employed and 18% in a depended employment relationship), 32% are unemployed (of which 15% long-term unemployed) and 12% are workless, those who are not interested in finding one. Regarding the marital status, 48% are married, 10% single, 8% separated, 5% divorced, 1% widows and 3% in symbiosis.

The age group with the largest proportion (27%) is women aged between 40 and 54 years, followed by the age group of 25-39 years old (25%). Furthermore 70% of these women are Greek and only 9% are immigrants.

Regarding to the economic status, the majority of the victims, who responded to the relevant question, 21% described themselves as poor, 18% as being in a moderate financial status and 12% as in a good. It is important mentioning that the services are completely confidential and covered by the privacy of counselling, while their quality is guaranteed by the Department of Psychology of the Aristotle University in Thessaloniki, for the continuous education of qualified personnel, staffing the "SOS Line"<sup>14</sup>.

### Discussion

The above stated information shows that nowadays even more cases of domestic violence are being recorded, comparing to the recent past, and the Greek law has become more specialized and socially-orientated, aiming mostly at the cure of the revealed cases rather than the punishment itself. The latter of course needs to become even more developed, as punishment-focused systems tend to cause more social fear, augmenting inevitably the difficulty in disclosing important information, which constitutes cases of domestic violence. Moreover, the social-friendly approach has already proved to have the best outcome and is without any doubt a "happy medium", scientifically founded in several theories, like "the game theory", in where the cooperation of all parts of a group in the decision making, has the best generalized (for the group) result and thus, it is indeed the best survival-wise form (for the group) of being and acting.

On the other hand, recording has been improved in Greece and this is a direct result of better perception and widening of the term of domestic violence, leading to more improved social information and intuition on the matter in question as well as to the foundation of more specialized services, something that reveals an augmented sensitivity on behalf of the state.

Of course, we need to train the staff more of the aforementioned services and sensitize the population more in reporting cases of violence. The latter is important to start from youths in secondary education, as part of their curriculum.

If we succeed in all the above, then we could select cases that indeed a stricter punishment, as an approach of increasing the specificity of our method, would have a positive impact (statistically wise) on the sensitivity of the applied programs; meaning that the false positive reported cases

(which represent the abuse of the method: when somebody pretends to be a "victim" of someone for some reason, while being actually the culprit of this specific case of violence) would be the minimal.

Finally, we have to mention that all the above should be applied within the spirit of globalization in the multidirectional sense of the word; we need to be taught by the practice of other nations and at the same time, to transmit our practices to others.

### Conclusion

The issue of violence against women is very important and requires the participation of both the State, as well as the nongovernmental non-profit organizations to fight it. Special assistance by professionals is also required, as well as proper protection to the victims, counselling (through Departments of Family Planning), and the informing all stakeholders including health professionals, police personnel, lawyers and judges.

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