

**XI. Victims of Crisis and Vulnerable Groups,
Human Trafficking, Children - Victims,
and Racism**

Domestic abuse and child neglect in the case files of the Athens Public Prosecutor's Office for Minors¹

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Negative "Social Capital", the "Vicious Cycle of Violence" and the Problem of Abuse and Neglect of Minors²

Abuse and neglect of minors are acknowledged as phenomena and problems that need inquiry, while they are subjects of heated debate within both the scientific community and competent agencies. However, control and management of the problem at the state and private agency levels have not been rigorously researched, while the literature on minors is mainly focused on delinquency and not on victimization

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² The United Nations Convention on the Rights of Children (1989/1992) uses the term "child abuse and neglect" and not "abuse and neglect of minors", which nevertheless seems to be the standard in cases of victimization. According also to N. E. Courakis, 2012, in everyday Greek parlance, "children" are not identical to "adolescents" who are also "minors" (p. 478). Since our study is centered on the Public Prosecutor's Office for Minors, we shall use in our study the term "minors" more frequently than "children".

(see Spinellis & Troianou, 1987; P. Zagoura [ed.], 2011; N.E. Courakis, 2012; Pitsela, 2013, etc.).³ This is so, despite the general assumption that the serious psychological and practical problems that a child faces when he/ she lives in a “destructured” familial environment (in tandem with a haphazard government response) deprive him/ her of the *social capital*⁴ necessary for his/ her personality’s coherent development in future. All the more so, family problems “capitalize” negativism, while the victimized child may develop into an adult offender through learning processes of violence. Additionally, the concept of the “cyclical hypothesis” or the “vicious cycle of violence” (the perpetrator as a former victim) and the assumption of generational “transference” and reproduction of abusive parental behavior in the adult life of their children have repeatedly stimulated research in various scientific fields and approaches (see E. Agathonos-Georgopoulou [ed.], 1998; N. E. Courakis, 2012; J. Wiig & J. A. Tuell, [2008] 2013; C. S. Widom & M. G. Maxfield, 2001, etc.).

³ This makes sense, since the literature in the penal sciences, and in particular, in substantive and procedural penal law, traditionally focuses on offenders and not on victims. However, according to Pitsela, 2013 (footnote 103) Manoledakis maintained the need for reduction of “minority” (pre-adulthood) to a legally protected right and its distinct protection to a separate chapter in the penal code in his study, with respect to the dialectical sense of legally protected rights as far back as 1973. Spinellis also suggests an “integrated” treatment of offender and victim on the argument of the legally protected right of “‘childhood’ [...] namely, a minor leading a life corresponding to his/her age and particularly enjoying [...] the rights to affection, care, preventative medicine, psychological security...” (C. D. Spinellis, 1992, pp. 155-60, specifically 158-9), which in any case are the rights primarily challenged by abuse and neglect.

⁴ With respect to the notion of “social capital”, see in recent Greek literature, C. D. Spinellis, 2014, p. 130 ff. where James Coleman’s definition is cited, *inter alia*, in ‘Social capital in the creation of human capital’, *American Journal of Sociology*, 94, 1988, p. 95 ff.). According to a definition which originates from political science, social capital “refers to features of social organization such as networks, norms, and social trust that facilitate coordination and cooperation for mutual benefit.” (R. D. Putnam, 1995, p. 65 ff., p. 67). The notion of social capital has multiple meanings and depth and has penetrated into social psychology, pediatric psychiatry, etc.

The connection among child abuse/neglect and delinquency of minors, as well as the perpetuation of the “vicious cycle of violence”, is demonstrated in many researches that have contributed to the improvement of programs for both families involved in child abuse and the system of enforcement of penalties and measures to youth offenders (S. Widom & M. G. Maxfield, 2001; C. A. Smith, T. O. Ireland & T. P. Thornberry, 2005, etc.). On the other hand, research has shown the multifactorial aspects of the phenomenon, since cultural and socioeconomic factors are equally significant in intrafamilial violence (for example, ideas of the superiority of the model of masculinity/ male power within the family, poverty, unemployment, etc.), including psychopathological factors and substance abuse (specifically, D. Balourdos & E. Fronimou, 2011, p.130).

This study, however, is focused on the (case-by-case) response by the state to intrafamilial abuse and neglect of minors primarily through public and private agencies, especially through the Public Prosecutor. The general questions that arise are: (a) the capability and the scope of the measures at the disposal of the state to control and manage problematic family situations that may be considered efficient and compatible with the optimal practices, and; (b) the possibility a certain social capital for minors and their families may be salvaged or, at least, the accumulation of negative experiences may be averted and the “vicious cycle” of abuse and violence be ruptured through state intervention. The answer to these questions presupposes direct monitoring and recording of domestic abuse of minors and the management of such behavior by official agencies.

Research: Aims, Designs and Working Definitions

The problematique set forth in the foregoing and the general questions that arose, were the cause for the study in such a field that direct access to intrafamilial incidents of abuse and neglect of minors was possible. These incidents are primarily considered part of the dark area of criminality, as it is also the case of child abuse incidents committed by persons who do not belong in the immediate family environment.

These latter cases did not fall into the scope of our research field.⁵ Therefore, we have focused on social *case files* kept by the Public Prosecutor because of complaints by individuals or agencies for minors' abuse or neglect by their parents. In these cases, as a rule, the Public Prosecutor intervenes through civil law, by virtue of Article 1532 of the Civil Code,⁶ the United Nations Convention for the Rights of Children (UNCRC)⁷ and Public Prosecutor regulation criteria promoting in all cases the "primary consideration" of the "*best interest of the child*" (Article 3 Section 1 UNCRC).

There were two additional reasons for which the focus of this research was set on all those case files initiated by complaints/reports for

⁵ Such incidents include abuse by a third party in cases in which the child is not under direct parental or caretakers' supervision, e.g. while in the surrounding area of his/ her school. Additionally, our study and research do not extend into delinquent minors, minors at risk, minors exhibiting antisocial behavior or minors with adjustment problems for whom there are no data or indications of abuse (see specifically 'Instrumental use of children in the commission of crimes', 'Juveniles at "social risk"', 'Children at risk in a mobile society and mobile children in a risk society' in C. D. Spinellis, 1997, p. 165 ff, 175 ff. and 185 ff., respectively). These cases need further inquiry.

⁶ Article 1532 of the Civil Code is focused on the management of poorly exercised parental care. The court may order any appropriate measure in cases in which the parents fail to carry out their duty to provide care, while both protective measures (in cases of emergency or prevention of imminent danger: Code of Civil Procedure Article 682 Section 1 and Article 735) and preliminary injunctions (applying measures of direct protection: Code of Civil Procedure Article 691 Sections 2 and 4) may be applicable. At the same time, if the situation is especially urgent and the child's physical and/or mental health is at direct danger, the Public Prosecutor may order any necessary temporary measure. This is how the relevant case file is composed, which is the source of our search.

⁷ The UNCRC articles relevant to this study are: Article 19 on the protection of children from violence, abandonment and exploitation; Article 34 concerning the protection of children from sexual exploitation and violence; Article 35 prohibiting abduction, sale and trafficking of children; Article 36 concerning the protection of children from any kind of exploitation, and; Article 39 concerning the re-integration of the child victim. (For interpretation and commentary on each article, see P. Naskos-Perrakis, K. Chrysogonos & Ch. Anthopoulos [eds.], 2002).

abuse or neglect of minors: First, it was the sheer majority of such cases as compared to all other case files that involved e.g. antisocial behavior of minors, parental disputes on communication and upbringing, etc. This majority gave us the opportunity to explore certain other quantitative data of the cases under study (see below). The main reason, though, was the need to record the processes and the structures that address child victimization incidents occurring within the family realm, subject to state intervention through criminal justice as a system.⁸ In this case, however, the Public Prosecutor's intervention does not fall in the narrow sense, in the Public Prosecutor's jurisdiction but rather, as mentioned above, constitutes an aspect of the civil protection of the child within the framework of exercise of custody. Therefore, this process affects the penal justice system but does not "*partake*" directly in it. Evidence brought to the attention of the Public Prosecutor on account of this process, may, of course, inaugurate a criminal case, provided that the commitment of the offence of child abuse/neglect is substantiated against the parent. Therefore, from the point of view of a systemic perspective, our study is of interest as far as the Public Prosecutor (sub)system is summoned to "converse" with the health care, social welfare and solidarity systems, within the framework of more specialized Public Prosecutor programs for children's support; our study though *does not focus* on a systemic approach.

For the above reasons, the main objectives of our field study were: on the one hand, the informed recording of abuse and neglect incidents brought to the attention of the Public Prosecutor authorities, and, on the other hand, the examination of the Public Prosecutors' actions and needs, in order to tackle effectively such cases, given their number and complexity. We have chosen the Athens Public Prosecutor's Office for

⁸ This is a conception of penal justice as an independent complex entity "consisting of interconnected and interacting parts, elements or subsystems to yield a certain result" (C. D. Spinellis, p. 59). Penal justice is distinguished from its (extra-systemic) environment (*ibidem*, footnote 122), while the Public Prosecutor's Office (as a recipient of numerous outside influences /citizen complaints) is one of the four subsystems that constitute the system.

Minors, due to its staffing from public prosecutors who are particularly appointed for handling cases of abuse against minors and also, due to the broad scope of the cases that the Office handles.

The control of the problem of abuse and neglect of minors is conceptualized as both official and unofficial or informal, matching the agencies handling the problem (state or private). The control exercised by the criminal justice agents was defined as official, while the unofficial control encompasses the informal reactions of citizens and the community to the emerging social problems, as well as the actions taken by non-governmental organizations (Spinellis, 2014, pp. 3-4 and 130).

As the basis for the inclusion of a file in the category “child abuse and neglect”, we have employed the definition of the World Health Organization during the worldwide WHO 2001 campaign for the recognition of the phenomenon of abuse and neglect as a public health problem. According to this definition, child abuse or maltreatment constitutes “all forms of physical and/or emotional ill-treatment, sexual abuse, neglect or negligent treatment or commercial or other exploitation, resulting in actual or potential harm to the child’s health, survival, development or dignity, in the context of a relationship of responsibility, trust or power”.⁹

Methods/Research Techniques and Description of the Cases Under Study

The research methods / techniques used in this study are the examination of documents and text files by narrative analysis with elements of content analysis. Content analysis is the objective, systematic quantitative study of a text by analyzing its content, the context of its themes

⁹ Report of the Consultation on Child Abuse Prevention, 29-31 March 1999. Geneva World Health Organization, 1999 (document WHO/HSC/PVI/99.1). Evidently, the use of this definition is only partial, since in this instance, the relation of responsibility, trust or power is limited to the relations between parents and children (see G. Nikolaidis in P. Zagoura [ed.], 2011, *op. cit.* p. 407).

and its general framework.¹⁰ Narrative analysis focuses on the way an account or narrative of a text is constructed, and identifies the basic story in this text and the meaning of it, as well as the intention of the teller and the nature of the audience.¹¹ A group was formed for the collection and processing of the data, consisting of four Athens University Law School undergraduates and the latter author of this study, who coordinated the research work and had access to the Public Prosecutor's case files in her capacity as a Juvenile Probation Officer. After drawing the research material from these files, she conducted an initial processing and then delivered this material, *fully anonymous from this point on*, to the other members of the research group.¹² After a second processing of the data, the results were handed to the first author of this study.

The research fieldwork started in March 2014 and the first phase was completed in June of the same year. During this phase, the group completed *the recording of the files of the first half of the preceding year* (2013), using as a criterion their "maturity"/completeness. This criterion enabled the monitoring, of the interventions of the Public Prosecutor and other agencies through these files. Out of a total of 414 files, we randomly selected one out of every three, yielding an initial sample of

¹⁰ For the examination of documents and text files as well as content analysis see Spinellis, 2014, *op. cit.* pp. 176-178). Initially we have used a broad definition of content analysis, applying standardized measurements to metrically defined units – not necessarily restricted to words or meanings – in order to characterize and compare the documents and their content (see P. Manning & B. Cullum-Swan, 'Narrative, content and semiotic analysis', in N. K. Deniz & Y. S. Lincoln, *Handbook of Quantitative Research*, Sage Publications, London, 1994, p. 464).

¹¹ J. Ritchie & J. Lewis (eds.), *Qualitative Research Practice. A Guide for Social Science Students and Researchers*, Sage Publications, London/Thousand Oaks, CA/New Delhi, 2003, p. 213 ff.

¹² According to the legal framework protecting personal data (see C. D. Spinellis & M. Kranidioti, 2009, p. 547 ff. and specifically pp. 565-7). Therefore, in addition to all identity data, all numbers of case files, as well as their exact dates were deleted. Some of the real incidents are described anonymously in the footnotes below.

138 files of which 120 were accessible.¹³ The 120-file sample represents 29% of the cases of the total population, and this is more than a sufficient amount for the study. The majority of these files (58.3%) involve domestic abuse and neglect of minors, resulting in a final sample of 70 case files (equal to 17% of the initial set). Each file contains the respective reports/ complaints for abuse-neglect of a minor (sexual, physical, psychological/ emotional abuse and neglect). The total number of minors involved in these cases is 136.

Table 1

Case files: 70 (100%)				
Abuse		%	Neglect	%
47		67.1	23	33
Physical	34/47 (72.3%)	48.6	—	—
Sexual	14/47 (29.8%)	20.0	—	—
Verbal	47/47 (100%)	100.0	—	—

According to Table 1 most complaints (67.1%) refer to cases in which the minors were allegedly victims of abuse, in the sense of exercise of active violence against them. Fewer are the complaints in which the minors were allegedly victims of neglect (33%), in the sense that the minors were not provided care by their guardians to such a degree that the health and development of the minors ran a serious risk. Specifically, the sexual abuse category amounts to 20% of the cases, while the physical abuse category without concomitant sexual abuse, is found in almost half of the cases under study. Moreover, the verbal abuse cate-

¹³ During the time of their review, the files were pending (in other words, they were “open”). We have no definite picture of the management of 20% of these files (e.g. evaluation of the incident is still pending by the Services, meaning that the Public Prosecutor may not initiate any action).

gory – not necessarily accompanied by sexual or physical abuse-, is detected in all examined cases.

The vast majority of all minors (abused and/or neglected) are toddlers (36%) and children up to twelve years of age (37%), while far fewer are the minors in their early teens (twelve to fifteen years) and even fewer those in their late teens (fifteen to eighteen years). Their distribution by gender is almost equal (58 boys and 54 girls).

An interesting aspect is the nationality of the minors and their parents, which could serve as an indicator of the degree of integration in the Greek society. We anticipated that most minors would be Greek nationals. However, the sizeable percentage of foreigners (26%) exceeds by far the percentage of foreigners in the overall population in this country, a finding that we have considered to be significant. However, the nationality could be determined in only 50 out of 70 files, therefore, one should be very cautious about any interpretation of findings related to it.

1. The families of the minors

The families of the minors were examined with respect to the number of members, family status, exercise of custody, parent employment and level of education.

TABLE 2

Case files: Total 70 (100%)		
Number of family members		%
Three members (nuclear)	39	56.0
Four members (two children)	17	24.3
Five members (three children)	8	11.4
Single parent	3	4.3
Many members – many children*	1	1.4
No data	2	3.0
Family status		%
Marriage	24	34.3
Co-habitation**	6	8.6
Separated	21	30.0
Divorced	11	16.0
<i>Children out of wedlock</i>	6	8.6
No data	2	2.9
Actual custody		%
Mother	24	34.3
Both parents	24	34.3
Third party/agency	6	8.6
Father	4	6
No data	12	17.1

* This is a family with more children from previous marriages.

** Frequently termed as engagement.

Most of the families are nuclear (56%), while fewer are the families with three children and even fewer those with four. Only three families are single parent families, one case involves a multimember, multiple-child family with other children from previous marriages, while in two files the family composition could not be determined with any accu-

racy. An interesting finding is that in most of the four-member families (eleven out of seventeen, or 64.7%) both children had been abused. Families with divorced or separated parents (46%) outnumber families with married parents (34.3%), while no marriage is noted in some families (17.2%). Six minors were born out of wedlock and only two of those were recognized. Custody is exercised in most instances (48%) either by the mother or by both parents, while fewer are the cases in which the father or another third person exercised custody. However, for a sizeable percentage of all cases (twelve files, that is, 17.1%) it is not clear who is exercising the custody.

With respect to the employment status of the parents, data is gathered only for 41 case files (out of a total of 70). In most cases (46.3%) only one parent had a job, in quite a few cases both parents worked (34.1%), while fewer are the cases with both parents unemployed (19.5%). The working person at an almost equal rate, was either the father or the mother, the father slightly outnumbering the mother (ten cases that is, 52.6% and nine cases or 46.3% respectively). Furthermore we have data for the kind of employment/ work for only 69 parents (out of a total of 140). Most of these parents were employed in menial work (60.9%) while the remaining employed parents rendered services (39%). No one exercised a liberal scientific profession. Menial workers were the majority in both sexes, the males slightly outnumbering the females. Finally, we have data for only 30 out of 140 parents as to their educational level, in which a considerable percentage (33.3%) had post-secondary level education (university or otherwise), although most had high school or lyceum diploma (36.7% and 30% respectively).

The (Human) Composition of the Files: Narrative Analysis

In the ensuing units we embark on a more specific data analysis, which shows prominent aspects of the phenomenon of domestic child abuse and neglect, as well as the actions' and relations' dynamics of the persons involved in such incidents. The minors, their parents and third persons, within and outside the broader family and its social environment, constitute the human composition of the file.

1. Data on abuse and neglect

Of the 47 complaints for abuse, three refer to abuse *by both parents*,¹⁴ while twelve (four of which were verified) involve abusive behavior by the mother. In some of those cases violence is anchored on the ideas of the mother about child upbringing in which corporal punishment or the exercise of stress are considered pedagogical means. In the majority though of the cases (the remaining 32), the abusive behavior originated *from the father*, mainly in the form of physical violence and/or sexual harassment, while in many cases, violence assumes many forms and is addressed to *other family members*, as well, regardless of gender or age.¹⁵ Specifically, in 17 cases, physical and verbal violence (mainly in the form of threats) is directed towards the mother in the presence of the children, while there is one case in which the father is at the receiving end of abuse and bursts of violence. Usually, the mother appears as a passive recipient-victim who does not react to the abuse, while it is characteristic that in six cases of severe abuse, the mother covered up silently or implicitly the father's behavior, exhibiting total dependence on him.¹⁶

¹⁴ File 5/2013: The complaint involved the systematic physical abuse of a minor by her parents and the continuous threat of beating, related to her school performance. Following an agreement with the school principal, the teacher gave her student excellent grades as well as after-school tutoring sessions in order to prevent further incidents of corporal punishment at home.

¹⁵ File 11/2013: On the basis of the oral testimony given by the daughter who ran away from the family abode at the age of 15, under the pretext of preparation for the university entrance exams, she was staying at her aunt's home on the father's side: the father was prostituting his wife, exercised verbal violence against the son, was especially violent and owned two guns with which he would threaten and intimidate everyone. Her aunt called him a "beast in humanlike guise", as he systematically raped her between the ages of twelve and seventeen, at which time she had abandoned her home. Usually in a drunken state, he perpetrated indecent acts against his daughter (rape between the ages of nine and fifteen).

¹⁶ File 11/2013: Sometimes the mother herself called her daughter to step into the room, where her father would wait for her. When the daughter managed to convince her mother to go to the police to file a complaint against sexual abuse, the

TABLE 3

Abuse	47	%
Father	32	68.0
Father + towards other members*	17	36.2
Mother	12	25.5
Mother (verified)*	4	8.5
Neglect	23	%
Confrontational separation/ divorce	13	56.5

* These categories are subsumed under the aforementioned categories ("father" and "mother" respectively), while the percentages are calculated on the basis of the sum total (47).

In ten out of 23 neglect complaints, the picture of the juveniles, the habits and the conditions of their living and their families' living, gives evidence of failure to exercise parental care. In many cases, there is absence of personal hygiene, malnutrition, lack of proper medical care and/or immunization of children, disruption of school or day-care center attendance and persistent absenteeism, as well as abandonment of juveniles for extended periods of time without adult supervision. In some cases, the children do not have access to clean water and food, or they are begging for food and spare change, or they are exposed to danger during the days and hours of communication with one of the parents.

Thirteen out of the 23 neglect complaints, were introduced on account of a *confrontational separation or divorce* of the parents. The complaint content made reference to the inappropriate premises of accommodation and overnight stay of the child in the home of the parent's exercising his/her right to communicate with the child. Frequently this practice sprang from the motive to extract privileges, property or otherwise, from the accused parent or had a merely vengeful character,

mother has revealed this to the father, who has threatened to kill them all and then commit suicide, even at the mere contemplation of going ahead with their complaint.

such as seeking deprivation or control of a parent's right to communication by the other.¹⁷ The case files yielded a picture of incessant atmosphere of tension between the two parents, unending fights and extreme behavior, failure to hold a basic conversation and understanding on matters pertaining to the upbringing and custody of the minors. A typical phenomenon in such kinds of environments was the fostering of insecurity and terror on the minor through their manipulation in favor or against a certain parent (emotional manipulation).

2. *Psychosocial status and health of minors and their families*

The data referring to the *psychosocial status* and *state of health of minors*, the family and other persons involved were drawn from: (a) the reports on living conditions, (b) the child psychiatric assessments and (c) any other documents (medical opinions, agency reports, etc.) produced by the parties involved. The reports and assessments in (a) and (b) are ordered by the Public Prosecutor. Taking into consideration the kind and the content of these documents, the cases of abuse in which members of the family suffer from *physical ailments* or *psychiatric disorders* are featured more than the rest.

¹⁷ File 4/2013: The female minor did not joyfully visit her mother. Whenever she did, she [the daughter] was unwilling to share her experiences from her life in school, accusing her [the mother] of not contributing for her upbringing as much as her father. She knew that her parents had divorced "because they argued much and agreed on nothing". Her father would tell her that she was a "bad mother". The child psychiatric assessment of the female minor specified that "she is in the middle of a confrontational relationship of her parents and tries to balance out her feelings with each parent separately..."

TABLE 4

Abuse/neglect	70	%
Substance abuse by parent	14	20.0
Minors with health problems	12	17.1
Parent's psychopathology	11	15.7
Assistance by older generation relative	9	12.9
Parent's physical ailments	4	5.7

Specifically, in eleven (15.7%) out of a total of 70 files, reference is made to psychopathology of the mother (mainly) while in four (5.7%) to severe physical ailments suffered by the parents, such as multiple sclerosis and cancer. In 14 files (20%) the incidents of child abuse and neglect co-exist with *systematic substance abuse of (sometimes even dependence on) drugs or alcohol by the parent(s)*. In the majority of these cases, substance abuse involves the father and only in three a substance-dependent mother. Regarding the minors, in twelve files (17.1%), there is a reasoned report on their health problems, e.g. heart syndrome, epilepsy, kidney failure, Asperger syndrome, mental retardation, etc. Learning disorders are frequently diagnosed and prescribed for special treatment. *The effects* child abuse are also documented in the files, in which reports about abrupt behavioral changes, diminished scholastic performance, "emotional outbreaks" etc. can be found.

In nine files (12.9%), a special role seemed to be played by the grandparents on both the father's and mother's side, who appeared to provide assistance to the parents in fulfilling their parental roles and child upbringing.¹⁸ The involvement of the scholastic environment and the educational personnel is shown to be of decisive significance, whenever the incidence of abuse and neglect is noticed.¹⁹ Finally, the

¹⁸ File 9/2013: The father's mother quit her job to devote herself exclusively to the care of her underage granddaughter.

¹⁹ File 1/2013: A school principal submitted a complaint to the Public Prosecutor's Office requesting an urgent intervention of the authorities due to the direct

potential and the equilibrium within the family is shown to be clearly affected by the presence of newly-appeared companion or spouse of the parent. In this juncture, the developing minor's relationship with such companion or spouse in most cases is documented to range between negative and indifferent, save for a few exceptions.²⁰

The Actions of the Public Prosecutor

Our study demonstrated the fact that cases of child abuse or neglect came to the attention of the Public Prosecutor's Office usually via four routes:

1. The in-person written complaint by one of the parents. This mainly involves cases of divorce or separation. The complaint was accompanied by an application to conduct an inspection of the living conditions in the other parent's environment where the child lives or in the place where the premise where the right to communicate is exercised by the parent not awarded with child custody. This was the case in 39 cases (55.7% of the total 70 cases). Twenty-one of these cases were filed by the mother and 18 cases were filed by the father (46.2% and 53.8% respectively).
2. The in-person written complaint filed by a third party, that is, a member of the extended family. Such complaints were accompanied by an application to conduct an inspection of the conditions of the living quarters of the child. This was the case in three cases (4.3%). Specifically in two of these cases, the applicant was a grandparent, while in the one remaining case the applicant was an adult sister.

risk of the young student to kill herself (she had confided such intimate thoughts on a worksheet in her Modern Greek course).

²⁰ File 10/2013: A female minor believed that her mother's companion was the "reason why her parents split up". See File 8/2013: A female minor developed a substantial and close relation with her mother's ex-husband who had truly fatherly feelings for her, as he was glad to let her sleep over at his house, during weekends and holidays.

3. Through the filing of a statement outlining the actual circumstances by another service, organization or NGO, who were notified in the course of performing their tasks (ten cases, that is, 14.3% of the total cases).
4. Through notification by an anonymous complaint to the Public Prosecutor's Office on an actual incident over a hotline handled by an NGO (18 cases, or 25.7%).

The Public Prosecutor's Office adopts a standardized route of inspection and management of such incidents, based exclusively on extrajudicial health and welfare structures (public hospitals and medical centers, local government agencies and NGOs)²¹ aided in its technical aspects by the Hellenic Police. We noticed three stages in this procedure: (a) the Public Prosecutor's order to conduct an inspection of living conditions and sometimes a child psychiatric assessment, (b) further monitoring by the agency conducting the assessment of the specific case, and (c) follow-up control of the case at hand.

²¹ The Public Prosecutor's Office has no social service of its own, since Law N. 2447/1996 (Article 49 ff.) has never been enforced, despite its provision of establishing social services in all First Instance Courts throughout Greece.

TABLE 5

Inspection of living conditions (49/70)		70%
Further inspection	12	24.5
Proposal to render services	17	34.7
Unconfirmed complaints	20	40.8
Child psychiatric assessment (27/70)		38.5%
Children's Hospital	12	44.5
Mental health center	12	44.5
Both	3	11.0
Further monitoring (70/70)		100%
Assessment agency	56	80.0
Other agency	14	20.0
Hospitality structure*	4	5.7
Follow-up control (7/70)		10%

* This category is subsumed under the foregoing category "Other agency". The percentage is calculated on the basis of the sum total (70 cases).

1. Stage A: Ordering the inspection on the living conditions

The *living conditions inspection* is usually ordered at the Municipal Social Service of the minor's place of residence. The methodology of the inspection includes on-site inquiry and interviews with all persons involved. As it arises from the data of our study (see Table 5) this inspection was ordered in 49 cases, resulting in either a proposal for further inquiry (12/49, or 24.5%) or in a proposal for the provision of services (counseling, e.g.) to the minors and their families (17/49, or 34.7%). No case of removal of the minor away from the home was recorded at this stage. In many cases the living conditions inspection came to nothing, that is, no actual incidents were verified and the file was closed or remained inactive (20/49, or 40.8%). Regarding anonymous telephone complaints (a) more than 50% were unconfirmed (10/18), and (b) at a percentage of 20% the severity of the incidents claimed in the complaint was never confirmed.

Moreover, the study verified that the time intervening between the ordering and receipt of the report, completed by the Public Prosecutor's Office ranged between a few days and four months, depending on the complexity of the case and the available resources of the Social Service, especially staffing, the average time, being two weeks.

ORDERING THE CHILD PSYCHIATRIC ASSESSMENT

In a significant number of cases regarding serious and urgent incidents (27 or 38.5%), the Public Prosecutor's Office ordered the carrying out of a child psychiatric assessment. The child psychiatric assessment was customarily ordered at the Children's Hospital or a mental health center (12/27 or 44.4%), while in three other cases, the child psychiatric assessment was ordered to be conducted at a mental health center and then at the Children's Hospital. Within the framework of our study it is characteristic that in all these cases either a relative or an agency (state agency, such as the police, a public hospital or a private agency, NGOs) filed an eponymous complaint. The proposals of the child psychiatric assessments were adjusted to the peculiarity of each separate case. Specifically, there were proposals for treatment program sessions for parents, children or both, (temporary) accommodation in shelters or protection structures, controlled communication with the parents, going as far as suspension of communication with the unfit or violent parent, (temporary) assignment of custody to one parent, etc. In all cases, further inquiry of the progress of the family was proposed. In general, when ordering a child psychiatric assessment, the response time of the competent authorities ranged between one day and two weeks, the average being seven days, thereby indicating the urgency of the case.

2. Stage B: Further monitoring of the case

In all cases (70/70) the Public Prosecutor's Office adopted the proposal of the person conducting the inspection or the assessment. The agency selected for further monitoring was usually (in 80% of the cases) the agency who conducted the assessment of the case or someone else recommended by the assessment agency (20%). In most cases

the criterion for the selection of the agency was the place of residence of the family and the nature of the problem that made imperative the rendering of specialized services regardless of the domicile criterion (e.g. cases of referral filed by a hospital or a hospitality structure). Removal of the minor from the family abode, was applied sparingly (4/70) with rather quick implementation, usually within a few days from the date of submission of the relevant opinion. In all four such cases the removal was directed towards a hospitality structure. The removal was ordered either due to sexual abuse of the child (three cases) or total inappropriateness of the living conditions or substance abuse by members of the family (one such case).

2. Stage 3: Follow-up control

Assessment of the actions and follow-up control were conducted in order to confirm possible changes in the terms and conditions requiring a corresponding adjustment in the manner of handling the case. Approximately 10% of the files required a second, or even a third, living condition inspection in order to ascertain the degree of response and the conformance of the persons involved to the recommendations made to them. Indeed, in all cases the Public Prosecutor's Office came back for a follow-up inspection of the case subject to a report or statement of the agency in charge, in close cooperation of the Prosecutor with the agency.

Interpretation of the Data and Conclusions

The incidents explored in this study are just a small part of the total number of cases of abuse and neglect occurring in the real world. However, due to the incidence of state/prosecutorial intervention, these are demonstrably by far the most serious cases. According to our data it is not possible to evaluate safely the extent of the phenomenon or to make generalizations with respect to the nature of the cases and the resulting problems, in spite of the fact that the Athens Public Prosecutor's Office for Minors handles in all probability the majority of such cases compared to any other Prosecutor Offices around the country. At any rate, it is certain that abuse and neglect cases not reported

to the Public Prosecutor's authority by far exceed those reported and may sometimes refer to much more serious incidents than those described in the case files²². This is true specifically for data regarding neglect and sexual abuse of minors. In our research the incidents of neglect and sexual abuse were fewer than those in which the offender had exercised overt active violence against a minor (see 3). We have assumed that the cases of child physical abuse, being the most obvious, were reported and ended up more frequently "within the scope of prosecutorial intervention" as compared with cases of neglect and sexual abuse.

The characteristics of the persons involved, according to the case files, seemed to approach the evaluations of other researchers. The distribution of minors across genders was almost equal, with the boys slightly outnumbering the girls (see 3.1.).²³ This, however, is not the case, if one were to set apart sexual abuse data. In our study all sexual abuse complaints (20% of the total; see 3.) referred to girls, a finding that was fully compatible with research data from other countries.²⁴

²² The dark area for all forms of child abuse and neglect in general is vast, while the estimates of the extent of the phenomenon are exceptionally difficult at an international level. Among the factors hampering the revelation of such incidents is the lack of a national monitoring system in many countries (D. Balourdos & E. Fronimou, *op. cit.*, p. 12).

²³ As it emerges from research data, corporal punishment is more frequent in boys than in girls and the index of child murders is higher for boys in certain areas in the world, especially in Africa. However, according to the World Health Organization, the gender – variation of victims of violence per year is very wide (E. Agathonos-Georgopoulou [ed.], *op. cit.*, p. 14 and D. Balourdos & E. Fronimou, *op. cit.*, pp. 14, 18).

²⁴ The indicated frequency of mixed sexual violation for female juvenile victims ranges from 7% in Finland, Ireland and France to 36% in Austria and 33% in the Netherlands, whereas for male juvenile victims it is lower in general, i.e. from 3% in Sweden and 15% in Spain to 19% in Austria (E. Agathonos & Georgopoulou, *op. cit.*, p. 26). Moreover, according to a recent study of the phenomenon of sexual abuse, the bibliographical references to juvenile male victims appear to be comparatively much fewer than to female victims and the intrafamilial abuse index

As for the age of minors, those over the age of twelve were by far fewer than those at a younger age,²⁵ while the percentage of foreign minors was significant (see 3.1.). This latter finding is indicative of the serious communication and social inclusion problems experienced by minors and their parents. This is shown in other data such as the low socio-economic level of these families (see 3.2.). Despite the sparse data on the educational level, it arises that certain parents reported as offenders had post-secondary and university level education, thus demonstrating that at first sight, their socio-economic level was rather higher than expected, judging exclusively by their education.²⁶ However, most of the parents held menial jobs, and there was no one employed as a liberal scientific professional, such as doctor or lawyer.²⁷ Additionally, the examination of the family's quantitative data showed that most parents were in a confrontational state or divorced, while the qualitative data presented tension, extreme behavior and failure of basic conversation and understanding between the parents on child upbringing and custody. The confrontational attitude of these parents obviously exhibited signs of parental alienation syndrome²⁸ as in some cases there was an implicit vengefulness and/or desire of the applicant

higher for girls (O. Themeli, 2014, p. 29, 47 ff.).

²⁵ Even fewer are the abused and neglected minors aged between 15 and 18 years (7.5%) than those aged between 12 and 15 (17%), since the frequency of abuse and neglect wanes in proportion to advancing age. The greater frequency of infants as compared to minors of older age is demonstrated in past local research into this phenomenon (see A. Peonidis, V. Tselemengou-Antoniadou and I. Tsikoulas, 1988, p. 334 ff.).

²⁶ Unconfirmed or aborted complaints usually involve this socio-economic group.

²⁷ As it appears from a review of past research, cases of families of a lower socio-economic status end up more often in the Public Prosecutor's Office, whereas cases of families of middle or higher strata end up there rarely. The latter group may have had sufficient legal assistance, thus ending up in out-of-court settlements (E. Agathonos-Georgopoulou, 1998, *op. cit.*, p. 35).

²⁸ So it seems e.g. in File 4/2013 (footnote 17 above). On this syndrome see R. A. Gardner, 2001, pp. 10-12.

filing the abuse complaint to draw from the other party property assets or other privileges (see 3.2. and 4.1.).

The abusive behavior showed a special dynamic, e.g. in most four-member family cases in which both children had been abused (see 3.2.). Customarily, the offender is the father while, in certain cases, the inappropriate behavior extends to other members of the family. Moreover, there were cases in which the mother puts up and covers up this inappropriate paternal behavior in silence (4.1.), while in certain other cases, involving violent incidents there were grounds to assume the presence of psychopathological problems, mainly of the mother (4.2.). This violent behavior pattern coexisted with mental disorders and/or physical illnesses, while at a rate of one out of five, child abuse and neglect coexisted with systematic substance or alcohol abuse or dependence of the parent (usually the father). In many other neglect cases, there was markedly poor personal hygiene, malnutrition and abandonment of the minors for a protracted period of time under no adult supervision. Finally, the case files revealed an association between abuse of minors and risk factors of victimization, such as learning disorders and other more serious problems, both mental and intellectual (see 4.1. and 4.2.).

A gleam of optimism is shone through this dismal situation by the finding that in some cases, the grandparents came forth to help the parents bring up their grandchildren. The involvement of education professionals at school played a significant role, sometimes in the form of informal actions of supporting the abused child.²⁹ In general, the habits and living conditions of minors and their parents were indicative of the failure on the part of the parents to sustain parental care (see 4.1.).

With respect to the inquiry and the management of abuse and neglect cases, the Prosecutor's Office operatives embarked on the necessary actions dictated by their duties, seeking to forge a coherent cooperation framework with the agencies assisting the Office in its tasks.

²⁹ See File 5/2013 (footnote 14 above).

The opinions and the proposals formulated by such agencies bore special gravity on the Prosecutor's Office, since the agency selected for further monitoring of the case, usually ended up being the same one that initially conducted the assessment. If it had to be another agency, it would be one recommended by the initial assessing agency (see 5.2). The follow-up examination was *in all cases* carried out subject to a report submitted by the agency in charge of the case (5.3.). Special attention centered on those cases notified to the Public Prosecutor's Office via an eponymous complaint by a relative or agency, since in such cases a child psychiatric assessment was ordered (see 5.1.1.). In other cases, the prosecutorial authorities did their best to intervene on time and effectively, implementing at times even emergency measures, including removal of the minor from the family abode. Such measures were taken as a last resort, only in severe cases, a practice in congruence with the optimal internationally recognized practices applied by agencies managing child abuse and neglect problems.³⁰ Thus, the removal of the child from the family was applied in very few severe cases (sexual abuse, complete inappropriateness of living conditions), while at the stage of ordering an inspection into the living conditions, no case of removal of the minor from the family was recorded (5.2).

However, the prosecutorial tasks were confronted by numerous difficulties, as it arises from e.g. the actual delay in processing the cases it managed, or the fact that the inspection into the living conditions led, in many cases, nowhere, or by the fact that a vast number of anonymous complaints went unconfirmed, while in some other cases, the actual events proved, after the examination, much less severe compared to the allegations of the complaints (5.1.). At any rate, in the examination of the cases and the decision-making process, the Public Prosecutor's Office conducted its tasks based *solely* on out-of-court health and

³⁰ The removal of the child from the family is included in one of the measures of third-degree prevention which aims at the treatment of the problem when abuse has already happened. The application of such removal is generally avoided, according to the practices of international organizations and programs (D. Balourdos & E. Fronimou, *op. cit.*, pp. 62-64).

welfare structures, since the applicable provisions of the law for the constitution of Social Services at the Greek First Instance Courts were never enforced (see 5). Therefore, the framework within which the prosecutorial tasks were realized was highly problematic and burdened by the insufficient funds to address all such problems.

The encompassing socio-economic and political context within which the prosecutorial tasks are carried out should also be stressed. The positive sense of the social capital includes three dimensions: (a) the moral obligations and the rules that bind society or a particular community together; (b) the social values, in particular the bolstering of trust within the citizenry, and (c) the presence of social networks (especially volunteer organizations).³¹ If one were to depart from the notion that the functional economic system and the high level of political integration (fulfillment of the citizens by government and political commitments) in a given territory or country, result in the efficient accumulation of social capital in that area, then one would easily be led to the acceptance of the fact that the Public Prosecutor's Office for Minors and in general, the entire penal legal system operates within a deficient socio-economic and political framework, especially now in the face of the economic crisis that enveloped Greece in the past few years. Certainly, the Public Prosecutor's Office is supported by agencies equipped with specialized know-how and professional experience in handling the abuse and neglect problem. The work by both state and private agencies supports the Prosecutor's Office and somehow covers the third dimension of the notion of social capital as described in the foregoing. However, the Public Prosecutor's Office has no service of its own to inquire into and manage such incidents. As a result, this social capital should be reinforced or at least whatever remains of it should

³¹ The positive sense of social capital as specified here, according to Putnam (1995, *op. cit.*, footnote 4), precedes the negative sense. However, in our study here, on account of the topic (child abuse and neglect), we gave priority to the problematic of its negative sense (see also T. H. Sander & R. D. Putnam 'Still bowling alone? The post-9/11 split', *Journal of Democracy*, 21(1), 2010, p. 9 ff. and M. Siisiäinen, 2000, p. 2).

be salvaged, e.g. through the assistance of education professionals in revealing and managing cases of abuse.

Additionally, what should be salvaged are the vestiges of family cohesion whenever possible, since we found cases, in our records, in which the older close relatives even in dysfunctional families may provide assistance to the upbringing of the children. If the preservation of family cohesion proves to be unfeasible and the Prosecutor's officials choose in the end to remove the child from the custody of the parent(s), the government should exercise due diligence to house and bring up the child, developing the appropriate institutions and infrastructure and facilitating the cooperation of the Public Prosecutor's Office with the agencies dealing with the problem.³² However, the Office itself should not assume the main burden to adjust the social and familial relations nor should it be treated as a substitute for the welfare state.

As a conclusion, we would like to mention that the data we have collected gave us a solid overview of both the nature of the incidents acknowledged by the Public Prosecutor's Office and the actions of the prosecutorial authorities. Our research, though, is subject to certain limitations. The main restrictions are: (a) lack of some significant data for our research plan, such as the educational level of the parents which we could only verify in 30 out of 140 parents (3.2.); (b) the fact that our study, from a methodological perspective, followed mainly the qualitative orientation and is therefore open to critique for such a course, and (c) the fact that the data we have processed were mainly secondary, since our study was focused on the material within the Pub-

³² In Greece there are agencies that focus on the support of families in crisis and children at risk, as well as of child-victims of abuse and neglect. One such agency is the structure named "SOS-Eliza Shelter", a close collaborator of the Athens Prosecutor's Office. This Shelter offers short-term stay to (abused) children (up to 18 months) and does not aim at long-term accommodation. New agencies could operate in Greece to manage problematic families and abuse/neglect according to the model functioning in other countries (for such agencies, see D. Balourdos & E. Fronimou, *op. cit.*, p. 70, 80 ff).

lic Prosecutor's Office regarding minors as victims, and we have tried to feature official social control procedure through this material.

The files, however, that we have studied were composed during the term of service of the same prosecutorial operators and therefore the criteria employed for the management of the phenomenon had coherence and consistency, thus making our analysis inherently coherent as well. At any rate, in this study we have ventured to formulate a first interpretation of the data, stressing certain important findings. A more thorough and deeper analysis of the data and a close reading of the entirety of our research material would elucidate probably other aspects of this problem and yield us the capability to formulate concrete proposals as to its treatment. Furthermore, delving into one particular category of files, such as the files involving the suspension of parental custody (which demonstrably involved the most serious and problematic cases of living conditions of minors), would stress significant aspects of the interaction of the agencies managing the problem. It would give us consequently, answers to questions, such as when, in which cases and under which conditions, the removal of a child from the family could or should be decided.

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