

## Accueil>Vos droits>Droits des mineurs dans les procédures judiciaires

### Rights of minors in court proceedings

Grèce

#### 1. The child's legal capacity

In Greece the minimum age of criminal responsibility is 15. A child that is aged between 12 and 15 and has committed an offence has the right to file a complaint against an administrative decision; once he or she turns 17 this right is enjoyed exclusively by the child.

The minimum age at which a plaintiff can bring a case to court in their own right is 15 for employment, 18 for asylum, migration, administrative sanctions and health, 12 in termination of adoption cases, 16 in non-contentious proceedings and 18 in all other cases, unless the child is recognized as having limited procedural capacity.

#### 2. Access to adapted proceedings

In Greece there exists a Criminal Judge of Minors, an Investigative Judge of Minors and a Public Prosecutor for Minors in every Court of First Instance and every Court of Appeal, who specialise in criminal cases involving minors. The Juvenile Court, composed by Criminal Judges of Minors, hears cases of minors offenders.

Furthermore, minors are protected by "Societies for the Protection of Minors" which are set up in every Court of First Instance and are staffed by Judges, Prosecutors, Sociologists, Teachers etc.

There are specialised Chambers of family law Judges in every Court of First Instance and some Courts of Appeals. These Judges specialise in family law in the sense that, when seating as Civil Law Judges, they only hear family law cases. These duties are assigned for a period between 2 and 4 years.

In administrative justice there are no special provisions or institutions for family law and minors.

#### 3. Multidisciplinary aspects

Social service and family courts are in close cooperation between themselves at any stage. Reports for Judges are prepared and sessions with psychologists are held, so that a case reaches the Judge at a mature stage. If needed, the Judge may always request the child or/and his/her parents to be put under a special examination by a professional so that living conditions and family environment are thoroughly examined.

#### 4. Training of professionals

Basic judicial qualification training does not include family law separately as to other areas of law. However, family law forms part of continuous training organised by bodies such as the National School of Judges, the Ministry of Justice, the Bar Associations, Academics, etc. Judges and Public Prosecutors who specialise in this area are encouraged to take part in these awareness raising activities.

Cross-border training is ensured via the regular channels, ie EJTN, ERA or other bodies or institutions who deal with judicial training at a european level.

#### 5. Best interests of the child

All measures to be taken and all actions adopted by state bodies or entities, as well as courts, have to comply with the principle of serving the best interests of the child. In court, it is up to the Judge to actualise this notion on a case by case basis.

#### 6. Access to remedies

As with adults, children are given all rights and are briefed of all procedures that they can be put into when they are involved in a criminal or civil case.

Especially in criminal proceedings, the Public Prosecutor may "freeze" a criminal procedure after hearing the child, if this could avoid causing irreparable damage to his/her personality.

#### 7. Family life

Under Greek law, interested people in adopting a particular child have to apply to the First Instance Court of the residence of the child for the adoption to be legally pronounced. The biological parents have to give their consent for the adoption of their child by the applicants before a Judge in his/her chamber. The child to be adopted who has reached the age of twelve years has also to give his/her consent. A witness has to testify in the court hearing that the applicants are in a capacity to take care and raise the particular child bearing in mind among other things their education and their financial resources. The same applies to international adoptions. This procedure is set out in articles 1542 et seq of the Greek Civil Code and article 800 of the Greek Code of Civil Procedure.

There exists the adoption of minors and the adoption of adults. Adoption of adults is exceptional and concerns only relatives up to the fourth degree (ie cousins) (articles 1579 of the Greek Civil Code). In addition, married adults can only be adopted with the consent of their spouse (article 1583 of the Greek Civil Code).

The Multimember First Instance Court of the place of residence of the child is competent for national and international judicial proceedings of adoption (article 800 of the Code of Civil Procedure). Especially for international adoption, there also exists the Central Authority of Intercountry Adoptions, which falls under the competence of the Greek Ministry of Labour (article 19 of Law 3868/2010).

[Child-friendly justice in Greece](#)  (326 Kb) 

Last update: 25/04/2023

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