

CYBERBULLYING IN GREECE

Criminalization of bullying

01 NATIONAL REGULATION

It is worth noting, that it was only in April 2015 that the Greek Parliament passed a bill introducing a specific provision on the criminalization of bullying. This new provision aims to fill a legal gap in a pre-existing provision, which only applied to victims of bullying under the age of 17, while referring generally to the infliction of health injuries, with no provision for mental health.

Finally, with the new provision on bullying, the act between minors remains with impunity, unless there is an age difference of more than three years. As noted in the explanatory memorandum of the law, such behavior between minors of the same age should be dealt with through educational measures and not through engagement with the criminal law.

Specifically, Article 312 of the Criminal Code is replaced as follows:

Causing harm by continuous cruel behavior:

1. In the absence of a more serious criminal offence, it shall be punishable by whoever, by continuous cruel conduct, causes bodily injury to a third person by injury or other damage to physical or mental health. If the act is committed between minors shall not be punished unless the difference in age between them is greater than three (3) years, in which case only rehabilitation or therapeutic measures shall be imposed.
2. If the victim has not yet reached the eighteenth (18th) year of age or is unable to defend himself/herself and the offender has custody of him/her; or belongs to the offender's household or has an employment relationship with the offender or service, or has been left in the custody of the person having custody of the child, or it has been entrusted to him or her for the purpose of bringing up, teaching, supervising or guarding it, even if on a temporary basis, unless a more serious criminal offence is involved, shall be imprisoned for not less than six (6) months. The same penalty shall be imposed whoever, by systematically neglecting his obligations to the persons referred to above is responsible for causing them to suffer bodily injury or damage of their physical or mental health.

Penal Code Article 370A: Violation of the confidentiality of telephone and oral communications

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1. Anyone who improperly traps or otherwise interferes with a device, connection or network for the provision of telephon services or a hardware or software system used for the provision of such services, with the purpose of obtaining or recording on a hardware carrier the content of a telephone conversation between third parties or the location and movement data of such communication, shall be punished by imprisonment for a term not exceeding ten years. The act referred to in the previous subparagraph shall be punishable by the same penalty if the perpetrator records on a material medium the content of a telephone conversation between himself and another person without the latter's express consent.
2. Whoever improperly intercepts by special technical means or records on a material medium an oral conversation between third parties or records on a material medium a non-public act of another person, shall be punished by imprisonment for a term not exceeding ten years. The act referred to in the previous subparagraph shall be punishable by the same penalty if the perpetrator records on a material medium the content of his conversation with another person without the latter's express consent.
3. Whoever makes use of the information or the material carrier on which it has been recorded in the ways provided for in paragraphs 1 and 2 of this Article shall be punished with imprisonment of up to ten years.
4. If the perpetrator of the acts referred to in paragraphs 1, 2 and 3 of this Article is a telecommunications service provider or its legal representative or a member of the management or a person responsible for ensuring confidentiality or an employee or partner of the provider or conducts private investigations or performs such acts on a professional or habitual basis or intended to obtain remuneration, imprisonment of up to ten years and a fine of between fifty-five thousand (55,000) and two hundred thousand (200,000) euros shall be imposed.
5. If the acts referred to in paragraphs 1 and 3 of this Article entail the violation of military or diplomatic secrecy or concern a secret relating to the security of the State or the security of public utility installations, they shall be punishable under Articles 146 and 147 of the Criminal Code.

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Consequences

In cases of online "bullying", articles 348A', 348B' and 348C' of the Penal Code are certainly applicable (pornography of minors, solicitation of children for sexual purposes and pornographic performances of minors, respectively), while, of course, Article 22 of Law no. 2472/1997, which punishes the offence of unlawful dissemination of personal data.

Which minors are punished and how

The International Convention on the Rights of the Child defines children as "all human beings below the age of eighteen years if they are minors under national law". According to the Greek Penal Code, "minors" are those who, at the time of committing the act, are between the age of 8 and 18 years of age (Article 121 of the Penal Code). Minors up to 8 years of age are criminally irresponsible, while minors between 8 and 15 years of age are considered unpunished because they are not charged with the wrongful act they have committed. However, a juvenile who has committed a criminal act without having reached the age of fifteen can only be subjected to rehabilitation or therapeutic measures (see Articles 126§2, 122 and 123 of the Penal Code). The same applies to minors over 15 years of age, for whom, however, criminal punishment is also provided for (in cases of serious felonies, etc.), through their confinement in a special youth detention centre (Articles 126§3 and 127 of the Penal Code).⁴ We recall that, exceptionally, in the case of application of the above-mentioned Article 312 of the Penal Code, it is expressly provided that when the act referred to in this article is committed between minors, it is not punishable unless the age difference between them is more than three (3) years.

Prosecution of parents/teachers for the misdemeanour offence of neglect of supervision of a minor

It should also be noted that the acts that make up the phenomenon of "bullying" can be either misdemeanours, thus punishable by a prison sentence of up to five years, or felonies, thus punishable by a prison sentence of up to twenty years and are prosecuted either on complaint or on their own initiative. But also, the parents of children who commit an offence in the context of bullying behaviour can be prosecuted for the misdemeanour offence of neglect of supervision of a minor (Article 360 of the Penal Code). Teachers or lecturers who were responsible for the supervision of underage pupils are similarly criminally liable and may even face disciplinary consequences for failure to perform their duties properly (Article 107 of the Civil Code).

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The foreseen civil consequences of school bullying (and school cyberbullying)

- A. Bullying, apart from the above-mentioned criminal responsibilities, also causes serious civil responsibilities, i.e. responsibilities for compensation of the victim for the material and moral damage suffered. The criterion for identifying the civilly liable persons is basically the place where the act that caused the damage took place, i.e. we examine whether it took place in the places of statutory responsibility and supervision of teachers (e.g. at school, on the school bus, on a field trip, etc.)⁵ or in other places (e.g. on the street, in the cafeteria, at home, and so on).
- B. In the first case, if the damage caused to the student is due to the lack of supervision and surveillance of the perpetrator by the teachers, then the Greek State is liable for compensation if the school is public (see Article 105 of the Introductory Act, CoE 1413/2006, 2528/2002), while if it is private, the owner of the school is liable, pursuant to Article 922 of the Civil Code (liability of the person who caused the damage). There is a right of recourse against the teachers by the above-mentioned obligors after the payment of compensation:
 - i) for the State only if they acted with fraud or gross negligence (Article 38 of the Civil Service Code)
 - ii) for the owner of the school under Article 927 of the Civil Code
- C. Since the damaging acts took place outside the teachers' area of responsibility and supervision, Article 923 CC will apply, which provides that whoever has the supervision of a minor is liable for the damage unlawfully caused to a third party, unless he or she proves that he or she exercised proper supervision or that the damage could not have been prevented. Thus, case law has consistently accepted that the parents of a minor are legally liable to supervise the minor in the context of exercising parental authority (Articles 1510, 1513, 1513, 1514, 1515 CC), who are jointly and severally liable (926 CC) in the case of joint parental authority, provided, however, that there is a causal link between the neglect of supervision and the detrimental behavior of the supervised minor and the subsequent damage to the victim.

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However, such a connection is presumed (but not conclusively) where the supervisee has caused unlawful harm to a third party.

- D. In order to seek the civil liability of the perpetrators of "bullying" themselves, we must refer to Articles 916, 917 and 918 of the Civil Code, which stipulate that "anyone who has not reached the age of ten is not liable for the damage caused" (916) and "anyone who has reached the age of ten, but not the age of fourteen, is liable for the damage caused, unless he acted without discrimination" (917). However, in application of Article 918 CC, it is possible for the court, assessing the situation of the parties, to order the minor who caused the damage, who is in principle irresponsible, to pay reasonable compensation to the injured party if the damage cannot be covered elsewhere. As regards, of course, the civil liability of a minor over 14 years of age, this is complete.
- E. As to the extent of compensatory liability, it is noted that the compensation payable covers both the material damage suffered by the victim and the moral damage due to the mental suffering or moral diminution suffered by the victim, while in the event of his death, his family is entitled to compensation for mental suffering, but also for any hospitalisation costs and related expenses incurred by the victim. Compensation for material damage includes the costs of restoring the victim's physical or mental health (hospital fees, doctors' and nurses' fees, etc.) and anything that the victim will be deprived of in the future or will spend more money due to the increase in his or her expenses (CC 929). Moreover, in the case of theft of money or theft, damage or destruction of personal property, the victim is entitled to claim compensation.
- F. In addition to the above judicial actions, the subject of the intimidation may, if the legal requirements are met, resort to the courts and seek protection of his/her personality and physical integrity by means of an injunction (Art. 731, 732 CCP), which will order the removal of any existing offence and will prevent certain persons from approaching the victim in the future and performing any act against him, with the threat of a fine and personal detention against the violator of the terms of the court order.

02 INSTITUTIONAL MECHANISMS

Cyber Crime Division

Website: <https://www.astynomia.gr/hellenic-police/special-services/cyber-crime-division/?lang=en>

The Presidential Decree 178/2014 includes the establishment and structure of the Cyber Crime Division, based in Athens and the foundation and structure of Cyber Crime Subdivision of Northern Greece in Thessaloniki.

The mission of the Cyber Crime Division includes the prevention, investigation and suppression of crime and antisocial behaviour, committed through the Internet or other electronic media. The Cyber Crime Division is an independent central service, which reports directly to the Chief of the Hellenic Police.

The Cyber Crime Division consists of five departments which cover the whole range of users' online protection and cyber security:

1. Unit of Administrative Support and Information Management,
2. Unit of Innovative Actions and Strategy,
3. Unit of Electronic and Telephone Communication Security and Protection of Software and Intellectual Property Rights
4. Unit of Minors Internet Protection and Digital Investigation
5. Unit of Special Cases and Internet Economic Crimes Prosecution

To find out more about safe Internet browsing at <https://www.cyberkid.gov.gr> and <https://cyberalert.gr>.

Helplines

Reporting cyberbullying Hellenic Police – CyberKid of the Cyber Crime Division

People can report instances of cyberbullying, hate speech online and any kind of crime online. For more information on its work and reporting structure see: <http://www.cyberkid.gov.gr/en/senddepartments-staff/>.

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Contact details:

- phone: 11188
- Fax: 210-6476462
- Website: <http://www.cyberkid.gov.gr/en/> and www.cyberkid.gr
- Email: ccu@cybercrimeunit.gov.gr
- Facebook: www.facebook.com/cyberkid.gov.gr
- Twitter: @cyberalertGR
- Through the application CYBERKID
- Postal address: 173, Alexandra ave., 11522, Athens

Greek Safer Internet Centre

The helpline of the Greek Safer Internet Centre, '210 6007686', operates on working days from 9:00 to 17:00. It offers support via telephone, email and chat, in cases of harmful content and conduct, such as excessive internet use, bullying or exposure to inappropriate online content. The helpline operation is part of the prevention centre of the Diagnostic Imaging and Prevention Centre. It primarily addresses minors, parents and educators, but can also be consulted by the general public, industry, government, and public services.

Contact details:

- Email: info@help-line.gr
- Website: <http://www.help-line.gr>
- Facebook: <https://www.facebook.com/help-line-gr-163983246830/timeline/>
- YouTube: https://www.youtube.com/channel/UC9SHxgyHaY7fIS_Ih1BUCA

Safeline.gr

Safeline.gr is the hotline for reporting illegal content and conduct on the internet. Safeline's primary concern is the elimination of child sexual abuse material (CSAM) from the internet, with the fight against illegal content on the internet being its priority. Safeline collaborates with internet service providers, the Greek Research and Technology Network, the Greek School Network, with research and cultural institutions, and with the Greek police in order to restrict the flow of illegal online content and have it removed. Statistics about how much the reporting mechanism been used and how many cases come through it each year <http://www.safeline.gr/en/reports/reportstatistics>

Contact details:

- Email: report@safeline.gr and for information contact@safeline.gr
- Website: <http://www.safeline.gr>
- Facebook: <https://www.facebook.com/pages/Safeline/161410338270>

03 LEGAL CASES

Cyberbullying case

Suicide - November 2017

In November 2017, a tragic incident occurred involving a 22-year-old student who jumped from the roof of the Aristotle University student residence hall. The circumstances surrounding her suicide have raised questions and concerns, particularly with her mother suggesting the possibility that she may have been thrown from the roof.

Subsequent investigations revealed the involvement of cyberbullying and blackmail, specifically through the use of explicit videos. The young girl found herself unable to cope with the intense shame she experienced, ultimately leading to her decision to end her life. According to the family's account, the girl initially fell victim to blackmail by an individual posing as a photographer, who promised to help her pursue a modeling career. However, it later became apparent that this person was not a legitimate photographer, but rather a student from Chania-Crete who deceived the 22-year-old by falsely claiming to possess the ability to make her a model.

During their interactions, this person took various pictures of the girl, some of which depicted her nude or partially unclothed. Unfortunately, without her consent, these photos were subsequently posted on her personal profile, and certain individuals obtained copies, using them as leverage to intimidate her. The family's testimonies suggest that the 22-year-old student was blackmailed by more than seven individuals who threatened to release additional photos unless she complied with their demands.

According to reports, a friend of the victim disclosed that she had been coerced into engaging in further acts with other individuals who had possession of explicit videos featuring the young girl. These videos served as a means of manipulation and control by those exerting influence over her.

It is important to address incidents of cyberbullying, blackmail, and non-consensual sharing of explicit material, as they can have severe consequences on the mental and emotional well-being of individuals involved. It highlights the need for increased awareness, education, and support to combat such harmful activities and protect vulnerable individuals from exploitation.

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Cyberbullying case

Personal story of cyberbullying - Part of an interview

Eleni, 16 years old, who has been cyber bullied, describes her story:

"At my school I'm quite popular, I know I'm liked. I'm thinking about going into modelling, because from the age of 14 I was already 1.73 and now I'm 1.78. I like myself, but not every day. There are days when I don't like anything about myself. My parents keep telling me that beauty doesn't say anything on its own and, in general, I want to pass the final exams. I've never been in the mirror all day, I'm more private. To think, I didn't even have a Facebook profile, not because they wouldn't let me, but because I wasn't into that stuff. One day a girl from another class comes to me and says: "cool your Facebook profile and what you write." I was shocked. I told her "I don't have a profile" and she says "but you do, with your first and last name!".

I'm mad to hear it, I log in from a friend's profile, and what do I see? Pictures of me-many pictures of me that I don't know where they had gotten them-and a fake profile of someone who thinks about sex all day and "longs for a big, black co..o", along with endless erotic innuendos. In a matter of days it was all over the place. I was forced to make another profile and asked Facebook to block the one who was messing with me. Eventually, that fake page was taken down. Not a few days go by and a friend of mine says "you're on the internet, naked, on a tumblr!" It was indeed me, but with a fake body of a naked woman. I was going crazy. I couldn't imagine who was doing it and why. I have much smaller breasts than the one in the photo and those who knew me understood that it was edited.

Once I calmed down and started to forget about it, another fake Facebook profile of me appeared, with the pseudonym kavla.k and my own photo. Again the same story. I felt lost and guilty, without having done anything wrong. I didn't feel like going out, I was afraid to even open my PC in case my parents saw anything and I didn't want to go to school. My mom realized something was going on, she pushed me to tell her and I did. With the help of the DEA we found out that it was all done by my best friend who was jealous of me, along with her boyfriend. My parents sued her, but eventually dropped the charges."

03 LEGAL CASES

More cases

1) A 13-year-old schoolgirl had online sex with a 14-year-old boy she knew from school. The girl was in love and did what the minor told her to do. He, however, recorded the scenes depicting the schoolgirl naked doing the so-called "cyber sex" and then uploaded the video online for their classmates to see. As a result, the 13-year-old girl suffered psychological shock. She even asked her parents to change her place of residence and school. According to reports, the girl is now living in a town in the province and has not yet got over what happened to her.

2) In a school in a big city in the district, a 16-year-old girl reported that a classmate took a photo of her on her social media profile page and after editing it, it showed her participating in a porn movie. The video was seen by the victim's friends and girlfriends, resulting in immense psychological pressure on the victim. The Hellenic Police undertook the solving of the case by finding the electronic traces of the 16-year-old perpetrator and downloading the offending material from the internet.

3) In a town in the Peloponnese, a 14-year-old hacked the camera that his underage girlfriend had on her laptop. Thus, he managed to secretly monitor all her movements and record them on video. He had kept the scenes of the schoolgirl naked in her room and made a video of them, which he threatened to upload to the internet. The girl told her parents about the threats and they in turn alerted the police.

BIBLIOGRAPHY

Greek-cited works

- Website – Greek laws: <https://www.lawspot.gr/nomika-nea/i-nomiki-diastasi-toy-sholikoy-ekfovismoy-bullying>
- Hellenic Police Website: <https://www.astynomia.gr/hellenic-police/special-services/cyber-crime-division/?lang=en>
- Council of Europe – Reporting in Greece: <https://rm.coe.int/greece-nationalreporting-en/pdf/16808a38d9>