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“Silence speaks volumes”

A feminist socio-legal analysis of femicide in Greece, in relation to the
Istanbul Convention

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ABSTRACT

Femicide is broadly defined as the killing of females by males because they are females.

Across the globe, 1 in 3 women is subjected to all kinds of violence by an intimate partner or other perpetrators. In order to combat violence against women, the EU created its first legally binding instrument, the Istanbul Convention. At a national level, in Greece, due to the #metoo movement awakening, the phenomena of GBV, domestic violence, intimate partner violence, and, thus, femicide gained visibility and provoked public interest.

Although developments have been made in terms of policies and legislation in the last two decades, women seem to continue suffering violence disproportionately, most likely in the hands of an intimate partner or other family members. Numerous feminists argue that combating this complex phenomenon requires first understanding the underlying dynamics of a world built by men for men and its' consequences, as in gendered roles and harmful heteronormative expectations that perpetuate violence.

This thesis examines femicide as the most extreme form of violence against women in Greece's socio-legal context in correspondence with the Istanbul Convention. The feminist socio-legal analysis I am employing aims to expose patriarchy as a deeply rooted system of gender oppression ruling in Greece's legal and social discourse, impeding women from realizing their human rights and even from staying alive.

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and

Finally.. Thanks to myself – and maybe a slight amount of stardust, I am submitting this thesis, still alive...

Ci vogliamo libere, e ci vogliamo vive

ABBREVIATIONS

CC	Civil Code
CEDAW	Convention on the Elimination of all forms of Discrimination against Women
CoE	Council of Europe
DV	Domestic Violence
EIGE	European Institute for Gender Equality
EKKE	National Center for Social Security
EL.AS	Hellenic Police
ELSTAT	Hellenic Statistical Authority
FRA	European Union Agency for Fundamental Rights
GBV	Gender-based Violence
GR	General Recommendation
GREVIO	Group of Experts on Action against Violence against Women and Domestic Violence
GSDFPGE	General Secretariat for Demography, Family Policy, and Gender Equality
HR	Human Rights
IC	Istanbul Convention
IL	International Law
IPV	Intimate Partner Violence
KETHI	Research Center for Gender Equality
MS	Member States
NGO	Non-Governmental Organization
PC	Penal Code
SP	State Parties
UN	United Nations
UNODC	United Nations Office on Drugs and Crimes
VAW	Violence Against Women
WAVE	Women Against Violence Europe
WHO	World Health Organization

CONTENTS

1. Introduction.....	1
1.1 Background	2
1.2 Problem Statement.....	4
1.3 Research Objectives and Methods.....	6
1.4 Method and Materials	6
1.5 Definitions.....	8
1.6 Limitations	10
2. Theoretical Background	12
2.1 Phallocracy and the aporia of how deeply embedded is patriarchy.....	12
2.2 Feminist Theory	14
2.3 Feminist Legal Theory.....	17
2.3.1 Radical feminism in legal theory	19
2.4 Rape culture	21
2.5 Gender; the concept of femininity and masculinity.....	23
2.6 Femicide; is it dangerous to be born female?.....	24
3. Combating VAW, nationally and internationally.....	28
3.1 Feminist analysis of Istanbul Convention.....	28
3.2 Introduction in Greece’s legal framework and implemented policies.	33
3.3 The case of Eleni Topaloudi	36
4. Phallocracy and the aporia of counting less women every year.....	38
4.1 Domestic Violence under Greek Law.....	38
4.1.1 Socio- legal implications and feminist analysis.....	40
4.2 Sexual Violence under Greek Law	43
4.2.1 Socio- legal implications and feminist analysis.....	45
5. Greek Femicide Law; what it that?	48
5.1 Femicide under Greek Law	48
5.2 Representation of femicide	50
5.3 Socio- legal implications and other case analysis	52
6. Observations and Recommendations	55
7. Conclusion	61

.. to all women, who survived..

..You are not alone..

1. Introduction

1.1 Background

Violence against Women (VAW) encloses all forms of gender-based violence and constitutes a violation of human rights (HR) that affects millions of women every year, regardless of their religion, ethnicity, or race. VAW is exemplified as a product of a patriarchal, sexist social order - as a phenomenon stemming from and maintaining the structural power imbalances between men and women, marked by male dominance and women's submission¹. Femicide or the gender-motivated killing of women can be considered the most extreme form of VAW.²

According to United Nations Office on Drugs and Crime (UNODC), in 2020, 47.000 women and girls were killed by their intimate partners or other family members.³ The Intimate Partner Violence (IPV) endemic – as a product of social constructs – combined with the Covid-19 Pandemic – as a product of a broader environmental crisis – worsened, even more, the cases of domestic violence worldwide. Eurostat statistics declared that the intimate partner homicide per million women rose from 3.9 in 2019 to 4.3 in 2020.⁴

The subordination of women is the oldest form of human subjugation. It is so old that it seems to us to be natural. Therefore, to combat VAW, in 2011, the Council of Europe (CoE) drew up a legally binding instrument, the Convention on preventing and combating violence against women and domestic violence, known as the Istanbul Convention (IC). The Convention aims combat VAW, and domestic violence (DV), as a means to protect women who are subjected to violence because they are women while recognizing that violence affects them disproportionately. Unfortunately, although this instrument tries to

¹Marway and Widdows, *Women and Violence: The agency of Victims and Perpetrators*, 130, 155.

² WHO and PAHO, *Understanding and Addressing Violence*, 1.

³ UNODC, *Killings of Women*, 3.

⁴ Values are calculated on responding countries that cover 75 %-82 % of the EU population. (Eurostat. “Crime statistics.”)

empower women and combat gender-based violence (GBV) against them by defining and criminalizing those acts, there is no explicit reference to the term femicide, leaving the gendered characteristics and motives of each crime undefined and unrecorded.

Member States that are signatories to IC need to act to guarantee women's human rights, ensure their realization, while simultaneously combat male violence against them. Subsequently, the government should work on bridging the gap between de jure and de facto equality – two interconnected concepts. As it will be argued in the conclusion, achieving substantive equality requires cooperation in multiple structural levels, in order to effectively eradicate persistent discrimination and inequalities.

Globally, according to World Health Organization (WHO), one in three women, around 736 million, are subjected to physical or sexual violence by an intimate partner or other perpetrators.⁵ The facts, as mentioned above, leave unquestioned the reality that women suffer constantly and disproportionately in the shadow of the private sphere at the hands of an intimate person. Therefore, besides new legal frameworks being implemented, the complex issue of VAW needs a multifaceted approach that goes beyond the legal reforms to achieve de facto equality.

Although recognizing that the number of women suffering violence disproportionately in the hands of an intimate partner globally is exceptionally high, this research paper will emphasize the situation in Greece. Greece became a signatory of IC in 2018 by Law 4531/2018.⁶ According to a collection and data analysis from January 2018 to March 2020, 41 femicides were perpetrated, twenty-five of which were perpetrated by a current or former intimate partner, while seven by other family members.⁷ These numbers highlight that the supposedly "safe" domestic sphere dissimulates the most significant

⁵ WHO, *Global, Regional, and National Prevalence*, ix.

⁶ LAW 4531/2018, FEK A' 62/A/05.04.2018.

⁷ Kontochristou, "A first comment on Femicide", 2.

risks. In 2020, 10 femicides were recorded according to Women Against Violence Europe (WAVE).⁸

Although VAW is addressed nationally and internationally, none of Greece's signed Treaties, the Penal Code, or the domestic violence (DV) specific legislation explicitly refer to and condemn femicide. Moreover, Greece has been suffering the pathogenic effects of a patriarchal and macho culture that oppresses and schedules women for a long time, making it very challenging to recognize the actual dimensions of the issue of VAW and its impact. The legal and institutional reforms made at the domestic level and the number of women affected disproportionately by different kinds of violence, combined with the lack of data concerning this phenomenon, leave space to question if Greece is fulfilling its obligations under IL.⁹

1.2 Problem Statement

In Greece's context, women are most likely to be killed by a current or former intimate partner.¹⁰ Nevertheless, despite Greece's ratification of the Istanbul Convention in 2018, and the positive developments it has brought to the already existing DV-specific legislation, access to justice and reparations remains an unfulfilled desire, both for victims of VAW, and their families. A persistent enemy is the lack of disaggregated data that does not allow for further research and comprehension of the issue's complexity so that the necessary steps can be taken, legal reforms can be made, the needed "safe spaces" can be created, and awareness can be raised on the ongoing plague of VAW.

When data exist, the numbers might be underrated since the Hellenic Police (EL.AS) assesses each case only through the lens of premeditated manslaughter¹¹, leaving the gendered characteristics of the crimes unchallenged and, in the vast majority of the cases,

⁸ "No official statistics on femicide. Data based on number of women victims of voluntary manslaughter in connection to the law on domestic violence 3500/2006." (WAVE, *WAVE Country Report*, 68.)

⁹ WAVE, *Country Report 2021*, 108.

¹⁰ *Ibid*, 68.

¹¹ Kontochristou, "A first comment on Femicide", 3.

unrecorded. Moreover, the fear of reporting by the victims due to the "threat" posed by relevant authorities stands as another obstacle, preventing the issue from gaining visibility and pushing the victim back into the shadow of the domestic sphere.

The importance of law is crucial to combat the issue of VAW and facilitate change. Unfortunately, Greece's legislation concerning domestic violence is limited to the respective Law 3500/2006 on DV, which significantly undermines the existing societal structures that continue to harm women and leaves a gap in women's rights protection. For instance, economic abuse is not considered a form of DV under the abovementioned law. A further addition was made with Law 4604/2019 on preventing and combating GBV against women. It primarily established the National Council for Gender Equality and put forth a comprehensive set of measures toward gender mainstreaming and the enhancement of the production of sex-disaggregated data.¹² However, Greece according to the Gender Equality Index formulated by the European Institute for Gender Equality (EIGE), holds one of the lowest positions.¹³ Interestingly, Greece is the only country, which widened the gap of gender equality in the last decade, instead of bridging it.¹⁴

The already existing domestic legislation combined with Greece's obligations under IC is said to fulfill their role in protecting and realizing women's rights. According to the report of 2017 produced by WAVE, the Feminist Network Promoting Human Rights of Women and Children, Greece was not meeting the IC standards for women's shelters and the provision of national women's helpline.¹⁵ The respective report published in 2021 depicts that although Greece added another helpline to its social service system, it closed two women's shelters simultaneously. Namely, in 2016, 55 percent of beds were missing¹⁶, while in 2020, this number rose to 58 percent, leaving even more women exposed to the plague of domestic and intimate partner violence.¹⁷ Another intriguing observation from both reports is the complete absence of data recording regarding the national helpline,

¹² LAW 4604/2019, FEK A' 50/26.03.2019.

¹³ EIGE. *Gender Equality Index 2021*, 34.

¹⁴ *Ibid*, 39.

¹⁵ WAVE, *Country Report 2018*, 62.

¹⁶ *Ibid*.

¹⁷ WAVE, *Country Report 2021*, 108.

which runs by the General Secretariat for Demography and for Family Policy and Gender Equality (GSDFPGE), and its funding comes from the State. Although Law 4604/2019 stipulates that legal entities and public services should collect gender-based statistics, the gap between the law's existence and its realization is persistent. Hence, there is much space to question Greece's compliance with international law (IL) and the fulfillment of its obligations.

1.3 Research Objectives and Methods

The main aim of this thesis is to investigate, from a feminist socio-legal perspective, how femicide, as the most extreme of VAW and an outcome of IPV and DV, has been addressed by Greece's domestic legislation and legal reforms through the years. The analysis is done regarding IC and aims to shed light on the ongoing plague of women's killings, always maintaining a feminist lens.

My first question investigates how femicide is placed in Greece's social-legal context.

Moreover, I will examine if Greece's legal framework is effective enough in protecting women from femicide, in relation to the Istanbul Convention.

Furthermore, jurisprudence from Greece's courts and already existing femicide-specific legislation are brought, where appropriate, to draw conclusions on how to implement more concrete frameworks, to effectively combat VAW.

Finally, this thesis aims to raise awareness of the importance of considering the heteronormative power relations affecting women's lives when there is policy-making, or legislation, especially in Greece's profoundly patriarchal society.

1.4 Method and Materials

Socio-legal research methods emerged from the need to highlight the underlying connections between people's experiences and actions, the production of law, and its impact on those experiences. Feminist socio-legal critiques highlighted the notion of the private and public sphere in these experiences, beginning by analyzing the power structures within the family context.¹⁸ Later, feminist legal scholars pointed out "the rather obvious point that nearly all public laws in the history of existing civilization were written by men."¹⁹ Society's and Law's interrelation constitutes an "endlessly generative subject."²⁰ Another critique in feminist legal theory reveals the importance of the gendered nature of 'socio' when creating legal and social policies to combat Laws' gender-blindness and the latent tendency of Law's objectivity to become men's subjectivity.²¹

Reaffirming the existing power relations that support those arguments while recognizing gender as a social construct led me to pursue a socio-legal analysis through a feminist lens concerning the IC, its enactment in Greece's domestic legislation, and its effectiveness in combating the ongoing killings of women. The scope is to examine VAW through law – internationally and, therefore, on a national level while acknowledging the 'socio' aspect of feminist socio-legal research.

This thesis is conducted using a multidisciplinary approach that combines desktop and library research with the use of both primary and secondary resources. First, international, and domestic legal instruments and relevant literature, i.e., the IC, the respective provisions of Greece's Penal Code (PC), and other legislative texts related to domestic violence, are analyzed to show how legal rules affect the social context and vice versa. Secondly, the secondary sources are represented by journals, experts' reports, recommendations, and concluding observations.

Therefore, this research is theory-driven, and extended use of case law, statutes, a collection of hard and soft law material, media representation of the cases, official data

¹⁸ Sprague, *Feminist Methodologies for Critical Researchers*, 11.

¹⁹ Levit and Verchick, *Feminist Legal Theory*, 12.

²⁰ Creutzfeldt, N., et al. *Routledge Handbook*, 4.

²¹ *Ibid.* 205-207.

from the national authorities and institutions, and other relevant resources, has been made. An overview of landmark case law is employed to address the issues the representation, the social and the legal implications of the main issue. In addition, IL has been utilized to draw lessons, i.e., the standards that have been created on identifying the criminal offense of femicide and define its' impact in the respective social context, as formed by various human rights experts and organizations. Moreover, feminist legal theories and feminist theories, in general, guided me throughout this thesis while always recognizing the existence of a westernized perspective. The gender perspective highlighted throughout the thesis seeks to expose the significance of gender in interpreting and applying laws meant to protect women.

Domestic violence, intimate partner violence, and VAW are to be perceived the nature 'socio' so that they can bring women's subjectivity into legal actions. Furthermore, it is proven that social science analysis in Law can highlight certain characteristics that tend to be overlooked by judges, thus allowing for more just and specialized outcomes.²² Moreover, recognizing the social context that encircles specific legislation allows for criticizing its applicability and effectiveness according to the individual case.²³ Finally, women's experiences are brought into the light, creating case law that recognizes the particular characteristics of a group, which in turn can be helpful in future judgments.²⁴

1.5 Definitions

In the present thesis, 'violence against women' is defined according to the General Recommendation (GR) No. 35²⁵ of the UN Committee on the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), which recognizes its' gender-based dimension. GR No. 35 uses the expression 'gender-based violence against women, as a more precise term that makes explicit the gendered causes and impacts of the violence perpetrated. This expression further reaffirms that GBV is more of a social

²² Ibid, p.210

²³ Ibid.

²⁴ Ibid, p.211

²⁵ GR No. 35 on GBV against women updated GR No. 19. CEDAW, *GR No. 35*, 14.

-rather than an individual problem, requiring comprehensive responses and policing beyond specific events, individual perpetrators, and victims/ survivors.

For the purpose of this thesis, the terms VAW and GBV against women are to be used interchangeably.

‘Gender-based violence against women “takes multiple forms, including acts or omissions intended or likely to cause or result in death, or physical, sexual, psychological, or economic harm or suffering of women, threats of such acts, harassment, coercion, and arbitrary deprivation of liberty,”²⁶ and consists of “a violation of human rights.”²⁷ Accordingly, Istanbul Convention explicitly affirms that ‘violence against women is a violation of human rights and a form of discrimination against women and “shall mean all acts of gender-based violence that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.”²⁸ Moreover, CEDAW GR No.35 looks at ‘gender-based violence against women as a reality that occurs in all spaces and spheres of human interaction, be it in the public or private sphere.

Furthermore, the IC defines ‘gender-based violence against women as “violence that is directed against a woman because she is a woman and that affects women disproportionately,” while GR No. 35 proposes that “one of the fundamental social, political and economic means by which the subordinate position of women with respect to men and their stereotyped roles are perpetuated.”²⁹

As stated in GR No 35, the thesis reaffirms that ‘gender-based violence’ against women, is “rooted in gender-related factors such as the ideology of men’s entitlement and privilege over women, social norms regarding masculinity, the need to assert male control

²⁶ Ibid, para 14.

²⁷ Ibid, para 4.

²⁸ Council of Europe, *IC*, 8.

²⁹ CEDAW, *GR No. 35*, para 10.

or power, enforce gender roles, or prevent, discourage or punish what is considered to be unacceptable female behavior.”³⁰

Moreover, according to the IC, ‘domestic violence’ is perceived as “all acts of physical, sexual, psychological or economic violence that occur within the family or domestic unit or between former or current spouses or partners, whether or not the perpetrator shares or has shared the same residence with the victim.”³¹

‘Gender’ shall mean all the socially constructed roles, behaviors, activities, and attributes that a given society considers appropriate for women and men. ‘Women’ includes girls under the age of 18. ‘Victim’ shall mean any natural person who is subjected to VAW and DV.

According to WHO, ‘intimate partner violence’ is one of the most common forms of violence against women and includes physical, sexual, and emotional abuse and controlling behaviors by an intimate partner.³²

In this dissertation, the terms of DV and IPV will be used interchangeably to reaffirm the similarities of those terms.

1.6 Limitations

Reaching the part of the limitations, we can identify that everything already said and everything that will be examined and written refers to the binary woman-man since IC does not explicitly refer to the concept of gender and the different identities and experiences a person might have with theirs. Unfortunately, in most cases, laws that protect women against GBV are not strong enough to protect other femininities or trans women.

³⁰ Ibid, para 19

³¹ CoE, IC, 8.

³² WHO, *Global, Regional, and National Prevalence*, 1.

The Istanbul Convention does not pay thorough attention to the problems of distinctive groups of women in vulnerable conditions, nor other genders but rather to women and men³³. Confirming those mentioned above, in Greece, women's services are provided only for women, with no regards to other characteristics they might bear; for instance, in women's shelters, only a specific category of women is allowed to enter, leaving other vulnerable groups unprotected.³⁴

While the author of this thesis reaffirms that gender does not start and finish on the binary woman- man, and although women and other femininities suffer from VAW, the research will emphasize women as defined under IC.

Admitting that the language that speaks women's oppression is not gender-neutral, there will be extended use of terms such as gender-based violence or the notion of 'violence' referring to violence experienced disproportionately by women. Although the psychological and emotional support deriving from the word 'survivor' is recognized, this paper will use the term 'victim' since the word determines a status that provides the person with rights under the law.

Another limitation is the lack of disaggregated data. For instance, a study on the issue of VAW, published by the European Parliament in 2016, highlights that data gathered from MS concerning the phenomenon are insufficient. Thus, it is rather challenging to analyze and compare them and therefore, determine the actual dimensions of the issue.³⁵

The conclusion of this thesis reveals the need for policing that is more sensitive to the diverse women's needs and dangers they might face and goes beyond legislation to effectively combat VAW and femicide as its' most extreme outcome.

³³ Niemi, *International law*, 14.

³⁴ For instance, trans women are not explicitly excluded from entering the shelters, nor they are explicitly included, as it happens with other groups of women who suffer intersectional discrimination. GSFFPGE, "Regulation", 22.

³⁵ Policy Department, "The issue of violence", 26.

2. Theoretical Background

Before a woman is born, she is preconditioned in a state of fear; she is growing taught to obey the victim mentality and seek men's approval all along, for instance, in the well-known fairytale of Sleeping Beauty, where the princess sleeps for many years until the appropriate man comes and kisses her. Her role is to stay submissive, to wait patiently until some prince takes her out of her misery.

This chapter introduces the main concepts and theories needed to explain the dynamics lying behind the intentional killings of women. In order to demonstrate my points, I will combine and use different theories needed for an interdisciplinary approach to the issue. In the following subchapters, I will briefly outline a distinction between the concepts of gender, the structure of patriarchy, rape culture as a means of subordination, phallocracy in Greece's patriarchal culture, and the definitions of masculinity and femininity.

2.1 Phallocracy and the aporia of how deeply embedded is patriarchy

As human beings, we have witnessed for thousands of years the use of rape as a demonstration of force and power. In Greek mythology, we have been early introduced to the concept of rape and victim-blaming in the story of Medusa.³⁶ In her article, *Medusa and the Female Gaze*, Susan Bowers analyzes the significance of Medusa's story from a feminist lens, lifting the veil on the patriarchal forces ruling that era.³⁷ Nowadays, it is

³⁶ According to Greek mythology, Medusa represented a powerful and wise woman whom Poseidon raped and provoked her punishment. The supposedly jealous Athena punished her by turning her hair into snakes which had the power to transform men that looked at her into stone.

I am using the term supposedly because this 'punishment' might mean different things from different perspectives. For instance, this punishment might result from internalized misogyny Athena was experiencing. Nonetheless, this punishment could be an action of sisterhood and protection since Athena knew Poseidon's hunger for Medusa and Medusa's disadvantaged position. Greece's National Archaeological Museum's description of Medusa's story does not refer to her rape; instead, it presents the heinous, misogynous act as a consensual 'coupling' between Poseidon and Medusa, highlighting only the alleged terrifying physical appearance she had. (Papaefthymiou, "The Fatal Look of Medusa.")

³⁷ Bowers, "Medusa and the Female Gaze."

noticeable that since 900 BC, an obscured normalization of the rapes perpetrated by Greek gods, such as Zeus, Hermes, and Poseidon, existed. The victim's consent was of no importance, while her abuse is often seen as a consequence of her acts, a punishment, or a pleasure for the contextual abuser. An interesting point to underline is how men created mythology and, during the years, continued acting it out.

Until the end of the "Age of Pericles," around 430 BC, Ancient Greece and lessons deriving from this era describe the existence of a harmful patriarchal legacy. Eva Keuls analyzing aspects of Athenian life through ancient illustrations and saved texts, describes how 'phallocracy' dominated the public and private sphere.³⁸ Her book focuses on the Periclean years and their direct outcome. She describes that, while men and their nude depictions were filling the Athenian domestic and public spaces, women were limited to expressing themselves based on male sexuality, images, and experiences.³⁹ It is somewhat accepted that Athenian women had no power and speech in the political sphere. Public speech was considered an attribute of maleness, while when outdoor speeches were given, only the male orators' names were written.⁴⁰

Furthermore, the suppression of women's political and sexual freedom due to misogynist and discriminating rulings was evident in the legal discourse. In the sixth century BC, Solon, a founder of Athens, established the first thorough Greek legal code. The strictest laws that Solon applied, known as "Draconian laws," were concerning the surveillance of unmarried women's 'chastity' and her protection in case she had lost that.⁴¹ An article by Craig Allison presents women's legal position as marginalized in Ancient Greece, supporting that it could be compared to the legal and social position of an enslaved person.⁴² He offers a criticism of the homonymous book of Raphael Sealy - Women and

³⁸ Eva Keuls states that when using the term phallocracy, she indicates the "power of the phallus," which further identifies as a cultural system symbolized by the image of the male reproductive organ in permanent erection, the phallus. These images were everywhere in the Athenian public sphere, from vases to statues and wall paintings. Keuls, *The Reign of the Phallus*, 2, 3.

³⁹ Ibid, 83-85.

⁴⁰ Ibid, 90.

⁴¹ Ibid, 100.

⁴² Craig, "Women and Law", 1611.

Law in Classical Greece, stating the almost non-existent women's legal rights⁴³ and highlighting the gap between Ancient Greece's legal code and the lack of legal experts to interpret and practice it.⁴⁴ According to Eva Keuls, these legal impairments in Ancient Greece are a product of the phallocracy that Athenian men built through the years. Ancient Greek concepts of masculinity are correlated -according to Keuls- with the reign of the phallus, depicting the male figure as a rummage of courage, rationality, political strength, and confidence.

An identifiable impact of this legal impairment in modern Greece's legal discourse, is reflected in the last decades' national judges.⁴⁵ Since 1959 and for 6 subsequent elections until 2021, the 6 elected judges were and are exclusively men. This pattern highlights a predominance of male figures in positions of power within the legal world, at least for the last 60 years.

2.2 Feminist Theory

“The public reality and institutional structures of domination make the private space for oppression and exploitation concrete real. That’s why I think it crucial to talk about the points where the public and the private meet, to connect the two.”

– Bell Hooks⁴⁶

Feminism is perceived in different ways by people in diverse contexts. Nonetheless, one thing is broadly accepted; that the fight has been going on for many years, from the first wave of feminism and the suffragettes that fought for their fight to vote, to the second wave of feminism and the 1st International tribunal on violence against women in Brussels in 1976, to the fights of women today to eradicate the societal, political, classist and racial existing inequities.

⁴³ According to Allison's article, Sealy, in his book, supports that, Athenian women had no property rights, no right to vote or own land, and their purpose was limited in childbearing. Moreover, according to Sealy, this was a way to protect women who generally lacked two essential abilities. Firstly, the ability to bear a gun, and secondly, their interest in their children's rightfulness, since maybe the mother does not seek the same.

⁴⁴ Ibid, 1615.

⁴⁵ ECtHR, “Press Country Profile”, 1.

⁴⁶ Hooks, *Talking Back*, 2.

A product of the second wave of feminism, but still in the very core of feminist theory, is that the personal is political and vice versa.⁴⁷ One of the reasons it developed this way is that a lot of the oppression, subordination, and violence women face, takes place in intimate circumstances.

In 1970, Kate Millett first published *Sexual Politics*, arguing that sex is a political category that often goes neglected.⁴⁸ Millett points out femininity as the primary vehicle of women's subordination and calls upon male-dominated institutions to take action in reconstructing a world that allows women to fully enjoy their rights and liberties while being able to formally and informally participate in the social, political, scientific, and economic spheres. She analyzes Lawrence's, Miller's, and Mailer's novels, and guides us through their male definition of being a woman. Those novels are believed to be an expression of a sexually liberal attitude against social norms that restrain sexuality's expression; yet, Millett characterizes them as counter-revolutionary. Furthermore, she draws attention to the roles of females and males in those novels, which are represented through the sexual phantasies of their male writers. For instance, in Lawrence's novel, *Lady Chatterley's Lover*, he argues that a woman's needs revolve around the male phallus- which is a synonym for pride and lordliness.⁴⁹ Moreover, Millett criticizes Lawrence's sexual representations of females and males, namely passive and active, submissive, and dominant, and his underlying aspiration that authentic female expression stems from the formulation of a woman through these sexual portrayals.⁵⁰

Furthermore, through a historical retrospection, she attempts to make a systematic overview of patriarchy as a political institution in Western society and literature. Patriarchy can be identified as a social system, which is male-centered and male-identified, and which values masculine characteristics over feminine ones. That said, under this system, women are required to suit the male needs. Millett characterizes the patriarchal rule of female-to-

⁴⁷ Russell and Radford, *Femicide: The Politics of Woman Killing*, 34.

⁴⁸ Millett, *Sexual Politics*, 24.

⁴⁹ *Ibid*, 237-240.

⁵⁰ *Ibid*, 244-245.

male submission as a process of ‘socialization’ that is predetermined and where females are socially conditioned to accept their inferiority and male superiority.⁵¹ Furthermore, philosophy and feminism have long ago revealed “the cultural association of mind with masculinity and body with femininity”⁵², exposing the inherent sexualization of femininity.

Feminism is a broad umbrella term that addresses social and political movements, all having diverse strengths and potential. Under this overall category, we can identify various types of feminism that share the thirst for social change, equality among all people, ending intersectional discrimination and VAW. Moreover, they share the recognition that society’s ruling institutions are male dominated while acknowledging that even this male model is rather exclusive and very specific. Namely, in positions of power, we tend to see white men, middle-aged and onwards, from privileged backgrounds, or elite groups, which shows that even not all men are equally represented- not even to get in a dialogue of women’s or other groups’ representation. Regarding the issue of equal representation in positions of power and decision-making, according to UN Women’s Facts and figures on Women’s leadership and political participation, “only 25% of all national parliamentarians are women” compared to 11% in 1995, highlighting that this progress rate implies that equal political representation and equal access to decision making positions will not be achieved by 2063.⁵³ In Greece, in 2021, women consisted of only 21.3% of the total parliamentarians.⁵⁴

Feminist activism, of all diverse forms and compositions, fought to guarantee women’s rights and eradicate gender inequalities. From the right to vote, the right to work, the right to abortion, and the right to self-determine, the women’s liberation movement won those fights. Unfortunately, although women’s rights are human rights, and human rights are inalienable, it seems that women’s rights can be taken away. A striking example of this confiscation is the 2022 overturn of the landmark case *Roe v Wade*, which from

⁵¹ Ibid, 26.

⁵² Butler, *Gender Trouble*, 17.

⁵³ UN Women. “Facts and Figures.”

⁵⁴European Commission. *2022 Report*, 30.

1973 was guaranteeing women's right to abortion. Now more than ever, the need for powerful and united feminist activism and advocacy are urging.

2.3 Feminist Legal Theory

Currently, there is more than one legal theory, with those theories differing in their political direction. Nevertheless, they all offer a critique of the foundational assumptions of the legal world, highlighting the distinct lived experiences of women globally in various socio-cultural contexts. Legal theory from a feminist perspective seeks women's inclusion through customized legal reforms while exposing the patriarchal underpinnings of the respective laws.

There are a lot of different perspectives by which we can analyze and explore feminist goals. Yet, Levit suggests two common principles underlying the legal feminist theories. The first point emphasizes that men have shaped history; as such, men are the ones to enjoy special privileges and powers. The second refers to achieving political, social, and economic equality.⁵⁵ Levit explores those points by analyzing the various existing feminist legal theories. Starting from the 'equal treatment theory' in the early 1960s, based on the sameness of men and women.⁵⁶ The theory supported equal access and opportunities in political and social life, arguing that women should not be protected by means of isolation⁵⁷, viz, not being able to join the military or police forces or have equal access to political participation and representation. However, the severe weakness of the theory was that it did not address equal access when it comes to different types of rights between the female and male binary, i.e., reproductive rights.

She continues with the 'difference theory,' pointing out the protection of these differences as an associate factor leading to substantive equality. Difference theorists urge for a legal framework that includes all those differences and protects all the afflicted

⁵⁵ Levit and Verchick, *Feminist Legal Theory*, 12.

⁵⁶ Ibid.

⁵⁷ Ibid, 13.

groups.⁵⁸ Moreover, the theory criticizes the male-centered view of the law that expects women to fit in positions of men and follow the laws made on male experiences. Levit draws a distinction between care ethics and justice ethics, underlying the preconditioned roles of females and males.⁵⁹ That is to say, a woman is stereotypically considered a caregiver, a provider of unconditional love and service for people around her, and a man is known stereotypically as a source of strength, power, and control over things.⁶⁰

As a critique to liberal feminism, emerged the ‘dominance theory’ known as radical feminism. One of the key proponents of this theory is Catharine MacKinnon, who persistently tried to expose and highlight the pervasiveness of male dominance maintained through VAW and the importance of the existing power relations and their impact on women’s lives. The theory exposes patriarchy as a system of social and cultural practices that is the source of women’s subordination and exploitation, even when it comes to legal practices. MacKinnon further suggests women’s liberation from defining themselves through male experiences.⁶¹ Critics question dominance theory for providing only the perspective of a cisgender white upper-class woman, leaving outside all of the characteristics women bear, i.e., class or ethnicity, that affect and build up their different experiences.⁶²

This white women-focused feminism is challenged by ‘critical race’ feminism, highlighting the intersectional discrimination women might suffer and go unnoticed. The multiple consciousnesses of a person are underlined by affirming the multiple identities that they can have.⁶³ Moreover, bringing theory into legal action, theorists highlight the importance of understanding oppression as the central issue affecting women.

⁵⁸ Ibid, 16.

⁵⁹ Ibid.

⁶⁰ Bringing the issue to a global statistics level, according to ILO (2019), women perform more than 75 per cent of unpaid care work; viz, they spend 3,2 times more time on domestic work. The unpaid work that women perform in the domestic sphere has a significant value for societies and their economies, which still goes unnoticed. At the same time, the harm perpetrated on women is depicted in the political sphere, restricting their equal enjoyment of rights, i.e., political and social participation, education, employment, and free time. (Charmes, *The Unpaid Care Work*, 3.)

⁶¹ Levit and Verchick, *Feminist legal theory*, 21.

⁶² Ibid, 23.

⁶³ Ibid, 38.

Pragmatic feminists support that truth changes as long as the world changes, to wit: law, justice, people and their experiences change. Therefore, instead of striving for universal laws protecting people, we should look at law more circumstantially, analyzing the social and environmental context in which the situation occurs. Although what is questioned in pragmatic feminism is the absence of a solid moral theory, it is accepted as a methodological framework that can help build concrete protective laws.

The work generated by feminist legal scholars challenged the existing male-dominant model of law. Although the theories mentioned above bear differences, there are core elements connecting them. Those elements point out that women's subjugation stems from the deeply rooted patriarchal norms, and what legal theorists tried to do is to improve the quality of jurisprudence concerning women's lives. Initiatives such as the various feminist judgment projects have flourished during the last years, working on reimagining existing judicial and doctrinal norms by showing possibilities for differentiated legal rulings and pointing out women's absence and unequal treatment under the law.⁶⁴

In Greece, little attention has been paid to feminist legal theory, its purpose, and outcomes concerning law adaptation and reforms. Rethymniotaki identifies that this absence stems from the pro-male balance of power within the legal community and the perception of the concept of gender as a secondary category problem for the majority of the legal body. Moreover, the dogmatic interpretation of the law does not consider other social sciences and their findings, compared to the legal culture of common law, within which the feminist critiques flourished.⁶⁵ Finally, feminist critiques on law tends to be considered as a product of other cultures⁶⁶ within Greece's legal discourse.

2.3.1 Radical Feminism in Legal Theory

⁶⁴ Loughnan, "Scottish Feminist Judgments."

⁶⁵ Rethymniotaki et al, *Feminism and Justice*", 13–15.

⁶⁶ *Ibid.*

Feminist figures such as Katharine MacKinnon and Andrea Dworkin made the concept of feminist jurisprudence a radical one. Radical feminists place women and their experiences at the center of legal reforms, agreeing that this theory is made “by and for women”⁶⁷ while seeking social change through reformulating the patriarchal governing structures. In her feminist stance, MacKinnon recognizes that the underlying social relations divide society into two sexes, women and men⁶⁸, while simultaneously calling for a radical reform of society in all economic and social contexts. She argues that law has embraced the male standard and applied it to women, while the enjoyment of legal protection comes only if women fulfill the criteria of the femininity construction.⁶⁹

Through radical feminism, it is argued that sexual inequalities are institutionalized, and equality through legal means is challenged. MacKinnon argues that “law sees and treats women the way men see and treat women”⁷⁰, pinpointing that laws deriving from a male standpoint and the language used in the law-making procedure can be the center of feminist legal analysis. Moreover, through her theorization of state power as being male, she contributed to understanding states and laws as an arbitrary expression of men’s interests while raising society’s consciousness of women’s needs and living oppressed experiences.

Another critical point she highlights is that the violence suffered by women is not random or individual but rather political and targeted.⁷¹ Furthermore, she underlines that the complicity of states and the governments’ tolerance aggravates the continuation of VAW⁷² and illustrates her point by referring to various examples, i.e., police not paying attention to domestic crimes. Finally, she recognizes that actions suffered disproportionately by women are considered and treated as mere casualties, when in fact, it is a socially situated subjugation of women.⁷³

⁶⁷ Rowland, and Klein. *Radical Feminism*, 10

⁶⁸ MacKinnon, *Feminism Unmodified*. 1988, 49.

⁶⁹ Ibid, 71.

⁷⁰ MacKinnon, “Feminism, Marxism, Method, and the State”, 644.

⁷¹ MacKinnon, *Are Women Human?*, 22.

⁷² Ibid, 25.

⁷³ “A socially situated account of a human practice is an account such that the participants are conceived not in abstraction from relations of social power (as they are in traditional epistemology, including most

Diana Russell supports that radical feminist theory exposed the political significance of femicide.⁷⁴ She further explains that radical feminists revealed preconditioned gender norms, as in authoritative male figures and passive female ones, as the product of a patriarchal order. Maintaining these heteronormative attitudes is a suppressive social mechanism rather than a mere sexual preference, which further fuels structural relations and inadequacies.⁷⁵ Hence, we observe a vicious circle that persistently undermines women and creates expectations around femininity, which are cultivated through social norms, upbringing, and experiences, and maintained through the heteronormative perception of the world. As we will later discuss, those expectations are likely to become lethal.

2.4 Rape culture

The term rape culture was introduced as a concept and created space for exploring the issue in 1975 by Margaret Lazarus. She examined the relationship between sexual fantasies, tolerance of rape, and how it is depicted in films, music, and other forms of expression and art. In the same years, the journalist and author Susan Brownmiller identified the critical role of rape from prehistoric times until now as an instrument to dominate and rule over women's bodies. In her book: *Against our will: Men, Women, and Rape*, she identifies rape as a process men perpetrate - consciously, to keep all women in trepidation.⁷⁶ A woman shares that same fear even today, when she is outside alone, when she travels, when she drinks or has fun, but at the exact moment holds the fear that someone might rape or harass her. Emilie Buchwald refers to rape as a complex system that indoctrinates male sexual aggression and applauds violence against women.⁷⁷ The conceptualization of rape in feminist theory, indicated the political significance of sexual violence as means to objectify women's bodies and support a system predominantly male.

social epistemology) but as operating as social types who stand in relations of power to one another” (Fricker, *Epistemic Injustice*, 3.)

⁷⁴ Russell and Radford, *Femicide*, 6.

⁷⁵ Ibid, 8-9.

⁷⁶ Brownmiller, *Against Our Will*, 15.

⁷⁷ Buchwald, et al., *Transforming a Rape Culture*, v.

In Greece, according to the Hellenic Police’s statistics for 2020, 220 cases of rape were registered. Men account for 217 of them, while women are responsible for 3 cases.⁷⁸ Accordingly, in 2021, a total of 364 rape cases were perpetrated, with men accounting for 352 of this number.⁷⁹ In 2019, according to an Information Note by the GSDFPGE, the index of the Eurobarometer measuring citizens’ trust in the police stood at 66%.⁸⁰ Moreover, the rapes that were denounced by the police between 2010 and 2017 fluctuated from 163 to 264. Simultaneously, attempting to compare allegations of rape to the police authorities in Sweden and Greece, two countries with similar population numbers, the author of the note concluded that Sweden had 14 times more rapes reported.⁸¹ Nonetheless, the fear of stigmatization or revictimization on the part of the victims leaves a plethora of cases go unreported, which in turn does not allow for observations and conclusions to be made on the real dimension of the issue of VAW in Greece.

The reality of rape is a manifestation of Greece’s harmful patriarchal remains. However, there is also a powerful symbolism underlying these atrocious acts. In January 2021, Sofia Bekatorou, a former Olympic champion, with her courage to publicly denounce being sexually assaulted by a Hellenic Sailing Federation executive member, who at the time was serving as her coach, gave rise to the Greek #metoo movement⁸². Most probably she was the 1 in 20 women, that according to European Union Agency for Fundamental Rights (FRA), will be raped before the age of 15⁸³, nonetheless her courageous action opened the Aeolus bag and other battered women found the strength to come forward and denounce their abusers. Sofia Bekatorou, alleged to have been abused before the 2000 Sydney games, that is to say 22 years ago. However, under the Greek Civil Code (CC) there is a general limitation period of 20 years, under which you cannot go to a court litigation.⁸⁴ Hence, in a judicial level her case did not proceed. Nonetheless, in the consciousness of the public, the issue of VAW perpetrated by men on power, gained

⁷⁸ *Hellenic Police*, 48.

⁷⁹ *Ibid.*

⁸⁰ GSDFPGE, “23rd Information note”, 2.

⁸¹ “The comparison is indicative of the different degree of denounces of similar incidents in the police, and not of their actual frequency.” (*Ibid.*, 7.)

⁸² Smith, “Rape Trial of Greek Sailing Coach.”

⁸³ FRA, “Violence against Women”, 9.

⁸⁴ Kelemenis and Papantoniou, “Dispute Resolution,” 129.

visibility and provoked general interest. The exercise of power and control seems to be a normalized pattern in Greek society, characterized by hegemonic figures who believe that women's bodies are their belongings.

Feminist assemblies and women's rights organizations, set up as a further assistance of the State's action, promoting the powerful message of standing in solidarity and cooperation to achieve the enjoyment of our rights.

2.5 Gender; the concept of femininity and masculinity

According to MacKinnon, gender is a question of "male dominance and female subordination."⁸⁵ In their book *Gender trouble*⁸⁶, Butler demonstrates that gender is performative, and as such, the identities of sex, gender, sexuality, and body are cultural products deriving from regimes of power. According to Butler, the harmful gender norms derive from the normative conception of gender and are presented as natural products of our societies. Moreover, they argue that gender has a performative nature where a body is made female or male through the performance of their acts, expressions, and gestures that are already attributed to a specific gender, based on a historical or cultural context.⁸⁷

Among scholars and researchers, it is widely accepted that power produced by males and targeted to subject females derives from the existing social constructs of femininity and masculinity. Butler argue that this normative understanding of only those two notions conforms to the hegemonic structures ruling our societies.⁸⁸

Butler consider their "theory of gender explicitly in terms of the questions of violence"⁸⁹, and by referring to 'violence' address the violence performed within the normative heterosexual discourse of male and female. They argue that specific acts or

⁸⁵ Mackinnon, *Feminism Unmodified*, 40.

⁸⁶ Judith Butler, as of 2020, said they prefer to be pronounced with 'they' pronouns.

⁸⁷ Butler, *Undoing Gender*, 10.

⁸⁸ *Ibid*, 43.

⁸⁹ *Ibid*, 207.

gestures of masculinity are not the result or expression of male identity; instead, those acts or gestures, through their performance, produce this identity. Moreover, this masculine performance derives from a set of gendered behavioral norms and is “successful” only through the normalization of the dominance of the masculine over the other already existing gender presumptions⁹⁰, in this case, masculine dominance over female submission. According to Millett, this gendered dominance is maintained through the perpetuation of patriarchal structures that subordinate women and the romanticize the arbitrary preassigned female and male roles.⁹¹ Diana Russell further confirms that male violence against women is a product of those heteronormative and oppressive constructs.⁹²

2.6 Femicide; is it dangerous being born female?

“From the burning of witches in the past to the most recent widespread custom of female infanticide, to the honor-killings we realize that femicides have been going on for a lot of time.”
- Diana Russel⁹³

Firstly, the term femicide was introduced by the foremost expert on VAW, Diana Russel, at the 1st International Tribunal of Crimes against Women in 1976.⁹⁴ Simone de Beauvoir described this first feminist tribunal as "the beginning of the radical decolonization of women." Diana Russel and Jill Radford's given definition has been cited repeatedly through the years, establishing femicide as "the misogynous killing of females by males because they are females."⁹⁵ By itself the definition, exposes the sexist and misogynist nature of the crimes. In their book 'Femicide: The politics of woman killing', Russell analyzes various femicide cases and research devised through the years and links femicide to various motives. Firstly, she identifies men's tendency to see women as their property and recognizes patriarchy and male dominance as primary socio-cultural factors

⁹⁰ Butler, *Gender Trouble*, 44.

⁹¹ Millett, *Sexual Politics*, 158,224.

⁹² Russell and Radford, *Femicide*, 34.

⁹³ Russell, "Origin of Femicide."

⁹⁴ Russel and Radford, *Femicide*, 133.

⁹⁵ *Ibid*, 3.

affecting the killings of women.⁹⁶ Simultaneously, she admits femicide to be one of the patriarchal orders that are fundamental to maintain a masculinist state.⁹⁷

The practice of femicide does not explicitly refer to domestic or intimate partner femicide. Diana Russell further identifies that it can range from murders of females for so-called honor and rape-murders to deaths as a result of female genital mutilation, trafficked females and prostituted females murdered by traffickers and pimps, and mercy-killings of older women⁹⁸ - a phenomenon interconnected with the defeminization of older women and the fact that they seem less important to the society. Her definition of femicide also includes forms of institutionalized violence, such as patriarchal governments and religious structures that forbid women's rights to self-determination, i.e., limiting access to means of contraception and banning abortions. Consequently, millions of pregnant women are expected to die every year from illegal, dangerous attempts to abort their fetuses, with the poor and marginalized suffering even more from this limitation of their constitutional liberty. That said, the necessity to accept the term femicide comes as a possible solution to combat these underlying neglected lethal forms of violence against women and girls. Femicide can be understood as a product of misogyny and patriarchy, which can be further confirmed by the older and current history and the atrocities executed mainly by men, showcasing the structural power and its' flaws.

Inspired by the work of Diana Russell, the feminist scholar Marcela Lagarde translated the term femicide to 'feminicidio' – also known as feminicide.⁹⁹ Latin American feminists used the word 'feminicidio' to describe the experience in the region. The term claims its diversity based on its encompassing character, namely, besides accepting all types of femicide as earlier discussed, further indicates institutional violence as an inextricable part of the phenomenon.¹⁰⁰ 'Feminicide' seeks to expose the political aspects

⁹⁶ We should consider that her analysis is done in the 1980's social context and based on her findings on how femicide is affected by patriarchy, we can delve deeper into her translation in the present social context.

⁹⁷ Ibid, 204-205.

⁹⁸ Ibid.

⁹⁹ Lagarde, "Del femicidio al feminicidio.", 217.

¹⁰⁰ Ibid, 223.

of the term femicide and hold the State and the judicial system responsible for not guaranteeing and protecting women's rights.

WHO provides an understanding of the term by defining it as the intentional murder of women because they are women.¹⁰¹ Between the aggravating factors that increase the possibilities of femicide for the perpetrator we identify unemployment, immoderate use of alcohol or drugs and forced sexual intercourse in an individual level. In a societal level, the gap between genders and their representation is underlined, as well the inadequate policing from the various governments.¹⁰² Although understanding the underlying dynamics of this complex phenomenon is still limited, it is widely accepted that a large proportion of femicides occur within the domestic unit by a former or current partner.¹⁰³

In 1983, Dobash and Dobash analyzed statistical data of homicides in England, Europe, and the US, and the information given on the contextual framework of those homicides, exposed that women are killed disproportionately, in the domestic sphere, by a close relative or family member or intimate partner.¹⁰⁴ Likewise, a woman's noncompliance with the predetermined gender requirements in the domestic sphere leads to assaults and violence against them - which in turn might lead to another femicide.¹⁰⁵ Lastly, they illustrate how male dominance and female subordination are significant causes of domestic violence.

In 1999, the Special Rapporteur on Violence Against Women in the family reported that disobedience to the traditional gender roles is one of the major causes of femicides.¹⁰⁶ However, she did not refer to femicide per se, instead used the phrase gender-based hate crimes.

¹⁰¹ WHO and PAHO, *Understanding and Addressing Violence*, 1.

¹⁰² *Ibid.*, 4.

¹⁰³ *Ibid.*

¹⁰⁴ Dobash and Dobash. *Violence against Wives*, 15-17.

¹⁰⁵ *Ibid.* 24.

¹⁰⁶ UN Economic and Social Council, *Violence against Women*, 5.

In 2012, the Vienna Declaration on Femicide was signed, acknowledging the increase in femicide rates and the impunity of the perpetrators. Moreover, it provided a precise analysis of the various forms femicide can take, indicating between them “the torture and misogynist slaying of women, the targeted killing of women and girls in the context of armed conflict and the killing of women and girls because of their sexual orientation and gender identity.”¹⁰⁷ Although, IL and international treaties have been signed to guarantee de facto equality, prevent, and protect against women violence, the protection of women in practice, highlight that the “patriarchal nature of society still allows for impunity.”¹⁰⁸ In 2013, the General Assembly adopted Resolution 68/191, which urged Member States (MS) to act with due diligence, adopt and implement legislative measures to hold accountable the perpetrators, and strengthen their national legislation and criminal justice responses to all those heinous acts of VAW.¹⁰⁹

In 2015, the former UN Special Rapporteur on Violence Against Women, Dubravka Šimonović, suggested the establishment of a 'Femicide Watch' that would record and publish the number of gender-related killings of women yearly, as well as the victims' relationship with the perpetrators.¹¹⁰ In 2016, she presented her report to the General Assembly, urging the States to establish regional data collection mechanisms on femicides that can be comparable, analyze all cases of gender-motivated killing of women from a HR perspective and establish measures to prevent this ongoing endemic.¹¹¹ The report stated that the terms 'femicide' and 'gender-related killing of women' are to be used interchangeably.

A literature review generated by EIGE aiming to identify and define the various types of femicide formulated until today further demonstrates some indicators to record the crime and establish data collection frameworks. According to the report, to define femicide and consequently create indicators to identify it “needs to take social and economic conditions

¹⁰⁷ UN Economic and Social Council, *Statement submitted by Academic Council*, 2.

¹⁰⁸ “Femicide Volume VIII”, 13.

¹⁰⁹ UN General Assembly, *Taking action against GBV*, 3,4.

¹¹⁰ “UN Rights Expert Calls All States to Establish a Femicide Watch”, para. 1.

¹¹¹ Weil, *Femicide across Europe*, 81–83.

into account” so as to reveal the specific characteristics that the crimes bear and thus be able to compare them.¹¹² The given indicators divide femicide in intimate-partner femicide, sexual murder/femicide, femicide of women aged 65+, femicide-suicide, teenage femicide, and other types of femicide, analyzing their various distinguishable characteristics simultaneously.¹¹³ Moreover, the report provides descriptive variables to assist the data extraction and therefore, collection, after the crime is identified.¹¹⁴

Arriving in 2021, the new report of the UN Special Rapporteur on VAW, submitted to the GA, suggested that although the terminology used is up to each State to decide, however, it is crucial that States gather data based on at least three broad categories, namely, "intimate-partner femicide, family-related femicide, . . . , and other femicides, according to the local context."¹¹⁵ According to the conclusions and recommendations of the report, this step entails the analysis of those data for legislative purposes and policy reforms to combat VAW and prevent its escalation to femicide.

3. Combating VAW, nationally and internationally

In this chapter, I will introduce Greece’s legal and institutional framework concerning domestic and sexual violence and the Istanbul Convention through a feminist lens. Moreover, I attempt to introduce how femicide is perceived in Greece’s social discourse and what implications it carries for women and their families, which will further be used as a vehicle to present the legal discourse.

3.1 Feminist analysis of Istanbul Convention

The drafting procedure of the Istanbul Convention started in 2009 with the cooperation of an Ad Hoc Committee set up by the CoE, a group composed of 47 MS

¹¹² EIGE. “Defining and Identifying Femicide,” 9.

¹¹³ Ibid, 15,16.

¹¹⁴ Ibid, 25,26.

¹¹⁵ UN General Assembly, *Violence Against Women*, 47.

representatives and various representatives of NGOs, HRIs, or UN entities, all working together to draw up on combating VAW. It opened for signatures in 2011 and entered into force in 2014 after its 10th signature by Andorra.¹¹⁶ Therefore, it became the first legally binding document that the European Union (EU) created to combat VAW explicitly. The treaty aims to establish a legal framework for European countries, so as to combat violence in both the public and private sphere by providing guidelines and standards to the MS that have ratified it. Furthermore, to protect and assist the victims, it recognizes VAW as a structural phenomenon of gender inequality, reaffirming its "manifestation of the historically unequal power relations between women and men."¹¹⁷

According to Art. 1.c, the Convention implicitly recognizes that in order to achieve its scope, cooperation of legislative measures, policies, and comprehensive frameworks, is crucial. Moreover, through Art 2.1, the Convention urges the States to take action in eradicating all harmful cultural patterns and ideas based on the superiority of men while placing the reforms in the context of gender inequality. Furthermore, it details the appropriate steps that States need to take – legislative or not- concerning the prosecution of the perpetrators, establishing a data gathering network, and monitoring the treaty's implementation. Under Art. 66, a body of independent experts, representatives of State Parties (SP), was composed, namely the Group of Experts on Action against Violence against Women and Domestic Violence- GREVIO. Its' scope is to monitor the effective implementation of the treaty through a state report mechanism that leaves room for recommendations to the State Parties (SP).¹¹⁸

Although the Convention addresses a host of criminal offenses such as sexual violence and harassment, marital rape, female genital mutilation, and honor killings, there is no explicit reference to the term femicide.

¹¹⁶ Niemi, *International Law*, 6.

¹¹⁷ Coe, IC, p.5

¹¹⁸ Ibid.

Undertaking a feminist socio-legal analysis implies that law is analyzed through its social context¹¹⁹. Criminal law is crucial to protect the victims and effectively prosecute the perpetrators. Hence, a legal analysis of the Istanbul Convention's provisions regarding DV, IPV, and, therefore, femicide will be attempted.

According to Art 3.b, DV is defined as "all acts of physical, sexual, psychological or economic violence that occur within the family or domestic unit or between former or current spouses or partners, whether or not the perpetrator shares or has shared the same residence with the victim." ¹²⁰

Article 15 states, "Parties shall provide or strengthen appropriate training for the relevant professionals dealing with victims or perpetrators of all acts of violence covered by the scope of this Convention, on the prevention and detection of such violence, equality between women and men, the need and rights of victims, as well as on how to prevent secondary victimization."¹²¹

Article 23 asks State Parties to "take the necessary legislative or other measures to provide for the setting-up of appropriate, easily accessible shelters in sufficient numbers to provide safe accommodation for and to reach out pro-actively to victims, especially women and their children."¹²²

Article 36.1 requires that "the following intentional conducts are criminalized:

1. Engaging in non-consensual vaginal, anal, or oral penetration of sexual nature of the body of another person with any bodily part or object;
2. Engaging in other non-consensual acts of a sexual nature with a person;
3. Causing another person to engage in non-consensual acts of sexual nature with a third person."¹²³

¹¹⁹ Schiff, "Socio-legal theory", 287.

¹²⁰ CoE, IC, 8.

¹²¹ Ibid, 12.

¹²² Ibid, 15.

¹²³ Ibid, 17.

Concerning data collection, MS should take under consideration, Art. 11.1, which states that, "For the purpose of the implementation of this Convention, Parties shall undertake to:

- a. Collect disaggregated relevant statistical data at regular intervals on cases of all forms of violence covered by the scope of this Convention.
- b. Support research in the field of all forms of violence covered by the scope of this Convention in order to study its root causes and effects, incidences and conviction rates, as well as the efficacy of measures taken to implement this Convention.”¹²⁴

It is noticeable that under Art. 36 all forms of sexual violence are condemned, including rape. However, it is worth saying that the Convention does not clearly define what rape should be.¹²⁵ Although consent is vaguely described as a product of free will that someone should give voluntarily, there is no further elaboration. The fact mentioned above leaves room to question the meaning of consent when it comes to the legal analysis of a sexual offense.

Furthermore, the Explanatory Report of the IC, under paragraph 193, demands that SP present evidence on the lack of consent without further specifying the exact wording that should be used, leaving it up to the national legislators.¹²⁶ Moreover, the situation of attempting to perpetrate such conduct is not further defined or analyzed either throughout the Convention nor its Explanatory Report.¹²⁷ Hence, the strict framework needed to protect women from violence seems a bit loose, leaving it up to each State to decide on its definition without strictly binding them.

Moreover, the gender-neutrality of the language used has been criticized, and interestingly, before its adoption, suggestions for a gender-asymmetric treaty “in line with

¹²⁴ Ibid, 10.

¹²⁵ Niemi, *International Law*, 137-140.

¹²⁶ Ibid.

¹²⁷ Ibid.

the CEDAW Convention and the Inter- American Convention on the Prevention, Punishment, and Eradication of Violence Against Women (Convention of Belem do Para)”¹²⁸, were made. Much attention has been paid to the absence of references to gender identity and sexual orientation as aggravating circumstances both from the Convention and its Explanatory Report, which leaves unprotected the lesbian or trans women who might suffer domestic violence disproportionately.¹²⁹ Besides Art 4, the non-discrimination clause, the Convention revolves around the binary of woman and man, thus using it to replace the sex of a woman or a man.¹³⁰ Apart from migrant women, no other explanation is given on the frameworks that should be adopted to protect other vulnerable groups¹³¹, i.e. trans women, who are proved to suffer from intersectional and multiple types of violence. Although the Explanatory Report recognizes preexisting traditional gender norms that perpetuate stereotypes on accepting VAW, the importance of explicitly exposing those norms rooted in the legal and social systems is underlined.¹³²

Since femicide is the most extreme form of VAW and IC is arguably the most comprehensive legally binding document to combat VAW, it is argued that all of its provisions regarding definitions and policymaking should apply to combat femicide explicitly.¹³³ Furthermore, the inclusion of femicide should be portrayed in a coordinated approach of legal and social reforms that will apply to all aspects of the Convention, from definitions, to policies and their monitoring and to programs that prevent and raise awareness of the phenomenon.¹³⁴ In addition, data collection on femicides is meaningful so that the phenomenon is understood as a matter of utmost severity and a product of gender inequality in a patriarchally driven society.¹³⁵

Moreover, the IC has been criticized for providing only a Europe-centered perspective, which goes back to the core question that argues that human rights are a

¹²⁸ Šimonović, “Global and Regional Standards”, 603.

¹²⁹ Niemi, *International Law*, 32.

¹³⁰ *Ibid*, 82.

¹³¹ *Ibid*, 86.

¹³² *Ibid*, 83.

¹³³ Weil, et al. *Femicide across Europe*. 26.

¹³⁴ *Ibid*, 27.

¹³⁵ *Ibid*, 28-29.

Western concept. However, the main point of activists and feminist movements is to facilitate change rather than perpetuate further discrimination. For instance, feminist movements in Latin America, which are some of the most potent movements, are fighting to free women's lives from stereotypes and harmful traditions and laws and deconstruct the heteronormative power dynamics underlying national and international affairs.

3.2 Introduction in Greece's legal framework and implemented policies.

It was only in 1974 that the Greek Constitution recognized equality between women and men, and in 1976, Greece ratified the UN Convention on the Elimination of All Forms of Discrimination Against Women.¹³⁶ At that period, one of the significant steps came with the Family Code reform in 1983. The previous family law was composed of three core elements as provided by Anastasios Marcos, “a) the man is in charge of the family, b) the wife should be responsible for the management of the marital household, and the husband should be in charge of matrimonial responsibility, and c) women should bear their husband's surname.”¹³⁷ Those elements were replaced by the following: “a) both spouses should make decision about family matters, b) there will be mutual responsibility in marriage and the family household, and c) the woman may retain her own surname.”¹³⁸ Interestingly, until this reform, the law was placing men in the position of power and dominance, in contrast to women who needed to oblige those legal rules, reaffirming the feminist legal theories that expose male superiority in legal discourses and recognize that females are conditioned to be oppressed by various power structures.

In 1985, Law 1558/1985 established the General Secretariat for Equality as a competent public service to promote formal and substantive equality between men and women¹³⁹. In 2020, under article 7.3 of the Presidential Decree 84/2019, it changed its name to the current; General Secretariat of Demographic and Family Policy and Gender

¹³⁶ The Convention on the Elimination on All forms of Discrimination Against Women was ratified under Law 46/1975. (Anagnostou, “Gender Constitutional Reform”, 138.)

¹³⁷ Marcos, “Hellenic (Greek) Gender Attitudes.”, 23.

¹³⁸ Ibid.

¹³⁹ LAW 1558/1885, FEK 137/A/26.07.1985.

Equality.¹⁴⁰ This change came right after Greece ratified IC and created a perception that Greece did not take the already made commitments on combating VAW seriously. Identifying gender equality policies as equivalent to demographic and family policies somehow undermines what is at stake, viz the women's rights. Interestingly, this step alludes to the stereotypical notion that womanhood is interconnected to motherhood as the most meaningful purpose in a woman's life and ostensibly perpetuates the already rooted patriarchal gender norms. Fourteen feminist collectives, centers, and organizations working on women's rights, through an extra-judicial document, demonstrated their disagreement with this decision.¹⁴¹

Moreover, the GSDFPGE, under article 4 of Law 4531/2018¹⁴², is the designated body to coordinate, implement, and monitor the measures and policies that Greece needs to take to fulfill its obligations under IC.¹⁴³ The GSDFPGE starting from 2020 and for two subsequent years, presented annual reports on VAW for the first time in the Greek state's existence. In their second report, they devoted a chapter to femicides, making references both internationally and domestically. However, it is somewhat disappointing that in the chapter on national planning and actions on femicides, only a few words were devoted since little action was taken.¹⁴⁴

On a quarterly basis, the Hellenic Statistical Authority (ELSTAT) publishes statistical data to provide an up-to-date socio-economic picture of Greece. Noticeably, although Greece has been a signatory part of IC since 2018 and, under its international obligations, should gather disaggregated data on VAW, in the consequent 15 quarterly publications, no reference, and no data were presented on the gender-related components. Another point to underline is that all of them refer to nuclear family statistics and marriage statistics, in an heteronormative way of existing; however, none of them refer to the violence women experience disproportionately and its' statistics.¹⁴⁵ Even though ELSTAT

¹⁴⁰ PD 84/2019, FEK A' 123/A/17.07.2019.

¹⁴¹ Fourteen Feminist Organizations, "Protest against the downgrading."

¹⁴² The same law under which Greece ratified the IC.

¹⁴³ Department of Domestic Violence, "Annual Report", 11.

¹⁴⁴ GSDFPGE, "Second Annual Report," 39.

¹⁴⁵ ELSTAT. "Greece in Figures."

does not provide segregated data, the second national report on VAW did provide those data, for the first time, in 2022.¹⁴⁶ Moreover, EL.AS together with GSDFPGE, are the designated bodies to collect and analyze data for the family-related femicides¹⁴⁷, hence the numbers presented, while data deriving from other actors, as in NGO's or HRI's are not included in this procedure.

Concerning DV, in 2006, considering the international and European developments in the field of protection of human rights, Law 3500/2006 was adopted to combat domestic violence¹⁴⁸. However, the law was heavily criticized for not referring to VAW explicitly, instead through the phrase 'violence against family members.'¹⁴⁹ In 2018, as stated earlier, Greece adopted IC by Law 4531/2018.¹⁵⁰ The latter law recognized GBV as a human rights violation and made changes to the existing legislative framework, in particular, to the provisions of the CC, by criminalizing offenses such as stalking or forced marriage.¹⁵¹

Changes applied to Law 3500/2006 concerned the addition of types of relation between victim-perpetrator, the expansion of the concept of family, the possibility of issuing restrictions to protect the victim, and the protection of foreign victims of domestic violence who live in the country without legal documents.¹⁵²

Finally, Greece does not fall under the common law system. Instead, a civil law system is employed where codified European and national law is more important than case law.¹⁵³ Thus, this makes it very challenging to access previous cases and attempt to reconsider the procedures and the decisions from a feminist legal perspective. This fact is further confirmed by the GREVIO report which indicates that collecting data from the

¹⁴⁶ Those data will be discussed in the next chapter.

¹⁴⁷ EIGE, "Measuring Femicide in Greece.", 1.

¹⁴⁸ LAW 3500/2006, FEK A' 232/A/24.10.2006.

¹⁴⁹ Davaki, "The Policy on Gender Equality", 10.

¹⁵⁰ Footnote no. 6

¹⁵¹ Department of Domestic Violence, "Annual Report", 11.

¹⁵² Ibid.

¹⁵³ Rethymniotaki, *Feminism and Justice*, 12.

justice sector is rather challenging, since the data are still kept and need to be retrieved from the hard copied of the case files.¹⁵⁴

3.3 The case of Eleni Topaloudi

Until 2018, in Greece's both legal and social discourse the term femicide was treated with complete disdain. But Eleni's Topaloudi murder, and the wave of anger and solidarity that it provoked to various feminist collectives and the general public, brought up the term. In remembrance of Eleni Topaloudi, a 21-year-old woman, I would like to start presenting Greece's social perspective concerning femicide through her case.¹⁵⁵ In November 2018, Eleni Topaloudi was savagely raped and murdered by two men who afterward threw her into the sea.¹⁵⁶ In 2020, the first instance court sentenced the two perpetrators to life in prison plus 15 years each for multiple perpetrator rape and voluntary manslaughter, without recognizing any mitigating circumstances.¹⁵⁷

One of the defense attorneys -making his 'valuable' observation, claimed that since the victim was wearing her bra, it seemed there was no rape perpetrated, putting himself in the position of not respecting basic rules of conduct and defying even the forensic results.¹⁵⁸ The defendants, throughout their testimonies, reinforced sexist stereotypes and attempted to alter the already existing facts. Aristoteleia's Dogka¹⁵⁹ speech provoked positively the public opinion, yet she was criticized by other lawyers who "had accused her of emotional charge and lack of impartiality."¹⁶⁰ The president of the Plenary Session of the Presidents of the Bar Associations, Dimitris Vervesos, heavily attacked her speech and asked the Prosecutor of the Supreme Court to initiate disciplinary proceedings against her.¹⁶¹ Interestingly, he did not seem to comment or ask for a disciplinary proceeding concerning

¹⁵⁴ GREVIO. *Report submitted by Greece*, 77.

¹⁵⁵ Although this is considered a landmark femicide case, as already stated the data were hard to collect due to the Greek legal system and the fact that the Court was open to a few persons.

¹⁵⁶ Pantazopoulos and Vovou, "Koula Armoutidou"

¹⁵⁷ Ibid.

¹⁵⁸ Osservatorio Balcani e Caucaso. "Greece: Justice for a Femicide.", para. 5.

¹⁵⁹ The Prosecutor in Eleni's Topaloudi case

¹⁶⁰ Siamou and Saterli, "Aristoteleia Doga"

¹⁶¹ "Topaloudi's Trial"

the misogynist and sexist phrases of the defense attorney. That is to say that there is no room for double standards since what is at stake for the concerned persons, and the perception that the legal power gives to the society, is significant.

Natasha Kefallinou, the spokesperson of the Center for Research on Women's Issues 'Diotima', commented on the Prosecutor's speech and stated that "in her four hours of oral pleading, the Prosecutor stated one of the most groundbreaking phrases in Greece's both legal and public discourse. With reference to the rape law, "probably for the first time in a Greek Court, Aristoteleia Dogka underlined that anything without consent is rape."¹⁶²

By the way Eleni Topaloudi was murdered, it is apparent that the crime is characterized by sexism and misogyny, reflecting the earlier discussed theories on femicide and its motives. Moreover, those notions are depicted in phrases heard inside the Court as recorded by the Journalist Maria Louka¹⁶³ that strike the legal sphere and its despotic role; phrases concerning the previous sexual relationships of the victim, or her mental health situation, as if those could be reasons to justify her rape and killing. At the end of the second instance court, which came four years later, in May 2022, the sentence of the first instance decision was confirmed.

Beyond that, the lack of social response and support for the families of the victims of femicides is portrayed through the eyes of Koula Armoutidou.¹⁶⁴ In an interview published by 'MOV',¹⁶⁵ she commented on the help they did not receive from the State, "neither the municipality, not even the church."¹⁶⁶ Furthermore, although the mother admits that they were approached by people of power, the president of Greek Democracy, Aikaterini Sakellaropoulou, amid other ministers, no one seemed to react to the calls for assistance to cover their expenses for their daughter's murder and the court litigation which lasted until 2022, four years after the femicide occurred.¹⁶⁷ We can observe that the

¹⁶² Osservatorio Balcani e Caucaso. "Greece: Justice for a Femicide.", para. 10

¹⁶³ Ibid.

¹⁶⁴ The mother of Eleni Topaloudi.

¹⁶⁵ 'To MOV' is considered to be one of most significant Women's Rights Organizations in Greece.

¹⁶⁶ Pantazopoulos and Vovou, "Koula Armoutidou."

¹⁶⁷ Under the Greek Constitution, the role of the President is mainly ceremonial.

compensation and support from the part of the State comes in a moral form, while the psychological, economic, and legal support and guidance for the family of the victim, are left behind.

Eleni's Topaloudi case provoked a welter of reactions in public opinion. Eleni Topaloudi was murdered because she was a woman. She was murdered because the men killing her thought they could dominate and rule over her body. And she was murdered again in the Courtroom when the defendants, supported by their lawyers, tried to claim sexist stereotypes to besmirch her name and get rid of the charges of sexual harassment. However, Aristoteleia Dogka and her speech created an exceptional judicial statement saying that sex without consent is rape, demonstrating that Eleni Topaloudi was killed because she did not give her consent and exposing the sexist characteristics of the crime. Nonetheless, questions about the State's response to the family's economic and psychological situation are raised. Although the case gained unprecedented visibility, no support was granted for the family, which in turn breeds questions on what happens with the cases that stay in the shadow of the private sphere; to say the majority.

4. Phallocracy and the aporia of counting less women every year

In this chapter, I will address how domestic and sexual violence are managed in Greece's socio-legal context and reveal possible implications. Furthermore, when available, reference to statistical data is attempted to illustrate the discussed points.

4.1 Domestic Violence under Greek Law

Since one of the purposes of this thesis is to scrutinize how Greece's legal framework protects victims from domestic violence and, therefore, femicides, the new Law 3500/2006 that incorporated the abovementioned amendments will be examined. For the purposes of the respective law, DV is defined as "the commission of a criminal offense against a family member, in accordance with Articles 6, 7, 8, and 9 hereof and Articles 299 and 311 of the

Penal Code.¹⁶⁸ Articles 6, 7, 8, and 9 condemn acts of physical violence (Art.6 para 1), psychological violence (Art.6 para 4), the threat of such acts (Art.7), rape (Art.8), and verbal abuse (Art.9 para 1) with sentences from 6 months to 10 years depending on the crime.

Concerning the concept of family and its definitions, Art.1 para 2 states:

"a. a family or community consisting of spouses or persons linked by a civil partnership' or parents and relatives of the first and second degrees by blood or affinity and their adopted children.

b. the family includes, provided that they live together, relatives by blood or affinity up to the fourth degree and persons whose guardian, judicial counselor, or foster parent has been appointed as a member of the family, as well as any minor person living in the family.

c. the provisions of this Law shall apply to permanent partners and to children, common or one of them, to former spouses, to parties in a civil partnership which has been dissolved, and former permanent partners."

Notably, the article does not precisely indicate what is to come for the current or former partner or spouse that does not share or has shared the same residency. This comment springs from the total absence of the term 'current', as well as the specification of who is included in the concept of family, given that they share the same residency. It is important to remember that in 2022, the families do not necessarily reflect the model of the Greek nuclear family, which is based on centuries of Greek patriarchal ruling. It seems that those provisions are based on the heteronormative concept of marriage, and tend to leave groups of women, unprotected, in the most "lethal place for them."¹⁶⁹

Moreover, the penal mediation is moderated through articles 11- 14.¹⁷⁰ Under these articles, the procedures to be followed by the prosecutor, the perpetrator, and the victim are stipulated. In 2018, under Law 4512/2018 and Art. 178- 206, Greece introduced a

¹⁶⁸ Footnote, 148.

¹⁶⁹ Russel and Radford, *Femicide*, 7.

¹⁷⁰ LAW 3500/2006, FEK 232/A/24.10.2006.

comprehensive framework for mediation in civil and commercial matters.¹⁷¹ However, the alternative of mediation, as means to protect the victim through access to justice and compensation, has been criticized, indicating that the already existing infrastructure in Greece is not capable of guaranteeing that the perpetrator remains under supervision for the deemed period, leaving the victim unprotected from potential new offenses against her.¹⁷²

4.1.1 Socio- legal implications and feminist analysis

According to the research of GSDFPGE, the vast majority of the representatives of NGOs questioned indicated that the criminal mediation and its implementation by Law 3500/2006 do not seem adequate enough to combat the phenomenon of VAW.¹⁷³ Seemingly, ENOW and the lawyers questioned highlighted that in order for the criminal mediation framework to be functional, there is a strong need for more competent structures that will support the victim, both psychologically and financially, and will prevent her re-victimization and promote her reintegration into the society.¹⁷⁴ In 2019, the UN Working Group on the issue of discrimination against women in Law and practice heavily criticized Greece on the matter of the mediations highlighting the “prevailing social norm” of preserving the family unit by all means as a significant cause that holds women back from leaving the abusive domestic sphere.¹⁷⁵

According to the Justice Sector and the provided data from 50 out of 63 Prosecutor's Offices, a male perpetrator is relatively common to be subjected to penal mediation¹⁷⁶ under Art 11 of Law 3500/2006. However, the data provided by the National Center for Social Solidarity (EKKA) demonstrate that only a tiny part of those male perpetrators follow these programs, indicating that the results for the years 2018-2020 refer to orders from 2014-1015. The fact, as mentioned above, further confirms the general

¹⁷¹ LAW 4512/2018, FEK 5/A/17.01.2018.

¹⁷² Ranjan, “Domestic Violence Legislation in Greece”, 6.

¹⁷³ GSDFPGE, “The quantitative and qualitative evaluation”, 72.

¹⁷⁴ TO MOV, “Law 3500/2006”, 1B.

¹⁷⁵ “End of mission statement”, para. 48.

¹⁷⁶ Ibid, 78.

criticism that penal mediation leaves the victims unprotected and, that the infrastructures, to support such measures and decisions seem insufficient in Greece's social context.¹⁷⁷

As already stated in all three previous chapters, under international and European Law, all forms of violence are condemned, viz. physical, psychological, economic, sexual, or threats of such acts. However, we notice that Law 3500/2006, which implements the Convention, does not explicitly refer to economic violence. Since Greece has been going through a severe economic crisis since 2008, it is relatively common to identify issues of financial reliance of women victims to their abusers.¹⁷⁸ Economic dependence might mean that the family's finances are joint, and in many cases, they are mainly managed by the husband based on his exercise of economic power.¹⁷⁹ In 2020, 1638 women reported the exercise of economic power by their current or former spouse.¹⁸⁰ Those results further reaffirm the feminist legal approaches that highlight the existence of preconditioned stereotypical roles that tend to see the male as the person who has control over things and the female as a subject depending on him.

Another outcome of the aforementioned research indicated “the fact of ignorance of the relevant legislative framework”¹⁸¹, as a main reason adding up, to the question of why women are condemned to stay in abusive relations. The research confirmed that women might seek for help to close persons or the relevant authorities, i.e. police, but unfortunately, they might be discouraged to denounce the violation or might not be understood.¹⁸² The report submitted on the Committee on CEDAW further confirmed that the unawareness of the public, on the various legal frameworks that can empower and assist women, is pervasive, especially in Greece's rural areas.¹⁸³ Those facts raise questions on

¹⁷⁷ TO MOV, “Law 3500/2006”

¹⁷⁸ The survey was conducted with samples from 70 women victims of DV that have reached Counseling centers and Women's shelters, which are part of the General Secretariat for Demography, and Family Policy and Gender Inequality. The authors note that the vast majority of the sample consists of Greek women and does not represent the experiences of other vulnerable groups that suffer intersectional discrimination, i.e., refugee women. (GSDFPGE, “The quantitative and qualitative evaluation”, 56.)

¹⁷⁹ Ibid, 32.

¹⁸⁰ GSDFPGE, “Second Annual Report”, 76.

¹⁸¹ GSDFPGE, “The quantitative and qualitative evaluation”, 59

¹⁸² Police's reaction to victims denounces will be further discussed in the next two subchapters. (Ibid.)

¹⁸³ GHM, “Parallel Report on Greece's”, 2.

whether the social-awareness campaigns have had the ‘right’ direction towards the understanding of the different forms of VAW and informing on measures available under the scope of the IC.

These implications seem to have a harsh effect on women and the purpose of eradicating violence against them. In March of 2022, the first baseline GREVIO report on the implementation of IC in Greece was published. According to the report, since 2020, the Hellenic Police has been able to provide data on domestic violence with the variables of the sex of the victim and the perpetrator, as well as the victim-perpetrator relationship.¹⁸⁴

In conformity with these data, starting from 2020 and based on nine indicators, domestic violence perpetrated against women is somewhat disproportionate. Namely, in 2020, 5805 victims of domestic violence were recorded by EL.AS, from which the three quarters were female victims.¹⁸⁵ Most of these male perpetrators were the victim's current or former intimate partner or spouse, or another close relative.¹⁸⁶ Another interesting observation is that in 2019, 5220 crimes of domestic abuse were reported and were documented, while in 2020, the number increased to 5669, an increase of 8.6%.¹⁸⁷ Unfortunately, those data are not comparable to each other since, as already stated, the indicators on the gender of the perpetrator and victim are not available before 2020.

The hypothesis of lack of support by relevant power structures is further confirmed by the number of compensations granted to victims by the state.¹⁸⁸ Between 2006 and 2020, 6 applications for state compensation on cases of DV were submitted, while none was granted to the victims.¹⁸⁹ Both facts seem concerning, nonetheless, the low number of compensation claims, leaves room to question whether the procedures are known to the

¹⁸⁴ GREVIO. *Report submitted by Greece*, 59.

¹⁸⁵ GSDFPGE, “Second Annual Report.”, 73.

¹⁸⁶ *Ibid*, 74.

¹⁸⁷ *Ibid*, 75.

¹⁸⁸ Under Law 3811/2009 on 'Compensation to crime victims and other provisions,' the victim has the right to claim compensation if the state fails to protect her. (GREVIO. *Report submitted by Greece*, 49.)

¹⁸⁹ GSDFPGE, “Second Annual Report.”, 83.

general public and if further educational, informative, and raising awareness programs should be implemented.¹⁹⁰

4.2 Sexual Violence under Greek Law

Acknowledging that “the misogynous killings of women by men, is a form of sexual violence”,¹⁹¹ in this subchapter, I address another form of ‘silently lethal’ violence, namely rape. I am using the concept of rape and how it is related with the State, the Police, the judiciary system, and the society, aiming to expose this intricate form of violence. After the adoption of the IC and the persistent pressure of the feminist movement to protect women's rights, the law concerning rape changed. The previous law did not explicitly refer to the concept of consent. Instead, it criminalized 'sexual acts exercised by physical force or threat of great and imminent danger,' where physical violence was further specified as 'including the stunning of a person with narcotics, hypnotics or other substances'¹⁹², as if these are the only forms of physical violence existing. Apparently, rape used to be criminalized through the lens of power rather than consent. The interesting point is that although the violation of the victim's consent should be at the heart of the criminalizing legislation, this is not the case for Greece, even after the modification of the respective law. This legal step was taken, to be in accordance with the IC, and it is recognized as a further step to protect women; however, the concept of consent is not depicted in the central core of the crime; instead, it is counted as a case of it.

The new Greek Criminal Code, adopted under Law 4619/2019¹⁹³, criminalizes rape, also based on the victim's consent. In addition, the Art.336 of the CC, criminalizes:

"1. Whoever, by physical force or with the threat of serious and imminent danger to life or physical integrity, forces another into business or tolerating a sexual act shall be punished with imprisonment for at least ten (10) years.

¹⁹⁰ According to the survey indicated on note 178, most women in an abusive relationship did not know the relevant legislative framework or the social services to which they could turn. (GSDFPGE, “The quantitative and qualitative evaluation”, 59.)

¹⁹¹ Russell and Radford, *Femicide: The Politics of Woman Killing*, 3.

¹⁹² Sareli, *Rape*, 102.

¹⁹³ LAW 4619/2019, FEK 124/A/11.06.2019.

2. A sexual act is intercourse and acts of equal gravity to it.

3. If the act of para. 1 was made by two or more perpetrators who acted jointly or resulted in the death of the victim, or if the victim is a minor, a life sentence shall be imposed.

4. Whoever, besides the case of para. 1, commits a sexual act without the consent of the victim, is punishable by imprisonment for up to ten (10) years."

Although consent is addressed, as in IC, so in Art.336 of the Greek PC, the questions of communicating consent, the victims' vulnerability or passivity, and the definition of free will are left to each judge to decide, without further indications.¹⁹⁴

Substantial change requires a shift in our communities' blindness. Feminism always has been a vehicle to analyze situations in depth, deconstruct them, so as to reconstruct them.¹⁹⁵ Change through a feminist perspective needs to come so as to more effectively combat the various harmful social norms or traditions. For instance, the so-called "rape culture," which enhances both primary and secondary victimization, needs to be understood in a context of heteronormative power relations, constructed in a rather specific way. The stigmatization, the cultivation of the victim's sense of guilt, and the various sexist stereotypes prevent her from reporting her experience while simultaneously leading to normalizing those heinous acts, both in the victim's consciousness and in public opinion.

To combat those actions, the education of the relevant power authorities is crucial, and the eradication of the police's tendency 'to discourage women from pursuing DV charges', remains a challenge.¹⁹⁶ Likewise, concerns are expressed in the "Report on Greece's compliance with CEDAW" about the persistent attitude of the Greek police officers to turn away women victims who seek help and support.¹⁹⁷ This notion is further confirmed by the case of a 21-year-old woman who was raped and killed in Rhodes. A few

¹⁹⁴ Niemi, *International Law*, 156.

¹⁹⁵ MacKinnon, "Sexuality, Pornography, and Method," 316.

¹⁹⁶ Davaki, "The Policy on Gender Equality", 10.

¹⁹⁷ The report was submitted to the UN Committee on CEDAW. The report was collectively organized by four NGOs working in the field of human rights and "follows CEDAW's March 2013 concluding observations." (GHM, "Parallel Report on Greece's", 3,4.)

weeks before her femicide took place, she had been raped and threatened by the perpetrator not to denounce it; otherwise, intimate videos of her would become public.¹⁹⁸ Police professionals declined to investigate her allegation, although that is their obligation under the IC, and even dismantled her from following the official procedure to lodge her complaint.¹⁹⁹ And the girl is no other than Eleni Topaloudi, whose case has been discussed extensively earlier. Controversial discussions opened on whether the incident could have been avoided through stricter legislation or better trained and prepared professionals. Whether or not those are workable plans, one significant step is to accept that femicide goes beyond legal definitions so as “to include situations in which women are permitted to die as a result of misogynous attitudes or social practices”²⁰⁰ and, therefore, be able to identify and combat them effectively, be it before or after it occurs.

4.2.1 Socio- legal implications and feminist analysis

Based on how the IC addresses and combats sexual VAW, I would like to examine Greece's legal response to the issue after the adoption of the Convention. Under Art. 15 of the IC, the appropriate steps need to be taken in terms of training professionals who handle issues of whichever kind of violence.²⁰¹ However, we notice that even after adopting the treaty and training the various professionals, 'dangerous' approaches to handling victims of violence persist. Moreover, under the same article, re-victimization should be prevented.²⁰² Nevertheless, this seems not to be the case in Greece's situation, where re-victimization starts with the police's reaction to an allegation and continues with the extreme difficulties victims face in accessing health facilities, which in turn is followed by the re-victimization within the courts, and the lengthy legal proceedings. Finally, the icing on the cake comes from the society that turns a blind eye when it comes to issues of sexual violence and keeps on reaffirming the harmful gendered roles and the even more harmful constructions deriving from them.

¹⁹⁸ Ibid, 3.

¹⁹⁹ Ibid.

²⁰⁰ Russell and Radford, *Femicide: The Politics of Woman Killing*, 7

²⁰¹ CoE, IC, 12.

²⁰² Ibid.

Under Art. 11 of the Convention²⁰³, a positive step in data collection is observed through the first and second national reports on VAW. The first report, which is based on data that EL.AS provided, and indicators from EIGE and GREVIO, showed that the relationship between the victim and the perpetrator was not identified regarding crimes of rape.²⁰⁴ Whatsoever, “the victim–perpetrator relationship is important for assessing sexual murder.”²⁰⁵ As a step to come closer to the realization of its obligations, Greece, in the second report, demonstrated that it has now implemented one indicator under which this relationship is documented. Interestingly, this indicator showed that a large proportion of victims of rape-related crimes were married to the perpetrator or have been married in the past.²⁰⁶

Socially, the representation and approach to rape and sexual violence issues is rather controversial. Although the law somehow changed and raising awareness of VAW is somehow attempted, many misogynist and harmful perceptions persist and try to undermine the importance of those developments. For instance, the case of Dimitris Lignadis – former artistic director of the National Theater. In July 2022, the first instance court found Lignadis guilty of two of the four cases of rape against minors of which he was accused. Although he was sentenced to 12 years of imprisonment without recognizing any mitigating circumstances, he got released on restrictive terms immediately after the decision, until the second instance court examines his case.²⁰⁷ His trial lasted five long months of revictimization, and throughout the whole procedure, it is needless to say that the sexist and hate speech were at their peak. For instance, the defense attorney approached one victim and tried to touch them so as to 'recreate' the victim's testimony.²⁰⁸ An

²⁰³ Data collection and research. (CoE, IC, 10)

²⁰⁴ GSDFPGE, “First Annual Report,” 40.

²⁰⁵ EIGE, “Defying and identifying Femicide,” 15.

²⁰⁶ 34% and 31,9% accordingly, out of the 47 cases of rape with women victims over 18 years old and men perpetrators.

(GSDFPGE, “Second Annual Report”, 75.)

²⁰⁷ The Court sentenced him to 10 and 5 years for the two cases, with part of the sentences served concurrently, resulting in 12 years of imprisonment. Moreover, the case was judged behind closed doors, while only five accredited journalists, three citizens, and two relatives of the defendant were allowed to enter. Some of them are presented, in order to gain a full understanding. Moreover, throughout these five months of litigations, a ‘Lignadis Trial Watch’ was established, where all the transcripts of the court concerning the case were published. (Aggelidis, “The collapse”)

²⁰⁸ Koutsoumpa and Vovou, “Kougias and the duty to react.”

indisputably prohibited act, especially in cases of sexual violence, where re-victimization might occur effortlessly, and therefore, needs more delicate approaches. Interestingly, Lina Mendoni – Minister of Culture and Sports, hence a person in a place of power and influence, when asked to comment on the various feminist actions in theaters around Greece occasioned by the Lignadis Trial in order to object to sexual violence, she said that "it would be good not to instrumentalize culture in this way."²⁰⁹

From a feminist legal point of view, what does the authoritative structures' position implies in the consciousness of a woman victim? I argue that the lack of severity in punishing sexist and hate speech inside the Courts generates a feeling of acceptance; acceptance of sexist language and approaches that undermine the victim's position and perpetuate rape culture, as discussed earlier in the second chapter. Moreover, from a feminist social lens, what do the words of the Minister imply to the general public? It seems that the conviction of a rapist, who used to be in a position of power, coming after five months of ongoing trials, does not consist of a case for peaceful activism embraced by the cultural discourse. However, this is not the case, and neither should it be. Recognizing that misogynist stereotypes are particularly ubiquitous²¹⁰ and that male aggression is not condemned in all possible ways, I argue that the combination of both verbally mutilates women, obscures the violence they disproportionately experience, and therefore, creates obstacles for them to denounce their abusive experiences.

Moreover, the cultivation of a 'state of fear' of not being believed in case you come to denounce a crime of sexual violence aims to perpetuate the idea of women belonging to men and, therefore, not being able to leave them. As highlighted earlier in the third chapter, it was only in 1983 that, according to the Greek Family Law, women 'stopped belonging to men and family.' And this is exactly what the heteronormative gender roles as a social institution are fixated around; the persistent stereotype of what each gender is allowed to do, and under which reason. As claimed by Russell, "femicide is on the extreme end of a continuum of anti-female terror, that includes a wide variety of verbal, and physical abuse,

²⁰⁹ Argolic News, "Mendonis's statement"

²¹⁰ GHM, "Parallel Report on Greece's", 4.

such as rape, torture, sexual slavery, forced motherhood, (...). Whenever these forms of terrorism result in death, they become femicides" ²¹¹; same scope, different years.

Examining the adoption of new legislative measures and policies and the development of Greece's legal framework following IC, we identify that legal steps are taken to prevent and combat VAW. Nevertheless, are those steps enough to end this plague?

5. Greek Femicide Law; what it that?

In this chapter, I will examine the legal framework around femicides in Greece, their social representation, and the implications arising. I bring femicide case law to analyze the reaction of law, State, and media to this complex phenomenon.

5.1 Femicide under Greek Law

As stated earlier, Greece's assessment of femicide is based on Art. 299 in conjunction with Law 3500/2006 on DV. The new Greek Penal Code ratified by Law 4619/2019²¹², which entered into force after the adoption of the IC, does not criminalize femicide as a specific offense. This fact does not allow for a well-rounded collection of information concerning the crime and the sexist motives and characteristics that determine it. Before 2020, the data collection on domestic violence on which the criminalization of femicide is based, was not even recording the characteristics that bear both the victim and the perpetrator, as in their relationship, gender identity, sexual orientation, or socioeconomic status. Besides the victim- perpetrator relationship, which is now recorded, all other characteristics remain unknown and in the shadow of silence.²¹³ As an outcome, there is no space for research on the actual dimensions of the issue, and no room for further comparison, to see if the implemented policies have a result or if more action is needed.

²¹¹ Russell and Radford, *Femicide: The Politics of Woman Killing*, 15.

²¹² Footnote, 193.

²¹³ EIGE. "Measuring Femicide in Greece.",

Since no specific legislation concerning femicides exists, I will first demonstrate the legislation under which this particular case is judged, starting from Art. 299 of the Greek PC, which criminalizes: “Manslaughter with a malice aforethought.”²¹⁴

Other provisions of the Greek CC, under which femicide is examined, are as follows:

“Article 310: Serious bodily harm

1. Anyone who causes serious bodily harm to another person shall be punished by imprisonment of at least one year. If they sought to cause grievous bodily harm, they should be sentenced to up to 10 years in prison.

Article 311: Fatal bodily harm

1. If bodily harm resulted in the death of the victim, imprisonment of up to 10 years shall be imposed. If the person responsible sought to inflict fatal bodily harm on the victim, imprisonment should be imposed.”

Art. 308 para 2, Art. 309, Art. 310 para 2, and Art. 311 impose more severe punishment for the perpetrator if a spouse or a partner commits the act during the marriage or the partnership, respectively.

Since Greece has no specific legislation explicitly condemning femicide, the existing data on femicide are based on the number of women victims of voluntary manslaughter in connection to the law on domestic violence 3500/2006. According to Athanasia Kontochristou, from 2018 to 2020, 41 femicides occurred, the majority perpetrated by a current or former intimate partner or a family member.²¹⁵ The first Annual Report on VAW indicated that in 2019, eight women were murdered by a family member²¹⁶. In sharp contrast, Athanasia Kontochristou indicated that seventeen women were murdered. Seemingly, the second annual report stated that eight femicides were perpetrated in 2020, while according to ‘MOV’²¹⁷, until November of 2020, already eleven femicides were recorded by the various feminist collectives. Those significant differences between the

²¹⁴ LAW 4855/2021, FEK 215/A/12.11.2021.

²¹⁵ Athanasia’s Kontochristou data are collected from a variety of sources: data from El.AS, the GSDFPGE, from the indexing of various printed or electronic newspapers and two feminist collectives’ sites. (Kontochristou, “A first comment on Femicide,” 2.)

²¹⁶ GSDFPGE, “First Annual Report,” 40.

²¹⁷ Tsouni and Vovou, “Femicides in Greece.”

numbers through the lens of homicide and the numbers through the feminist lens that expose the underlying motives of the crimes highlight the importance of adopting distinct criteria under which femicide will be identified and recorded. Furthermore, although the government claims that the respective legislation on femicide will be implemented, its' opposition counterclaims that the two proposals they tabled until today concerning the issue were not further approved for discussion.²¹⁸

The existing numbers on femicides, as presented in the two annual national reports on VAW and presented earlier in this thesis, are assessed, and recorded only in relation to domestic violence.²¹⁹ Other types of femicide, as in intimate partner femicide, or prostitution- related femicide, or other types of femicide as mentioned earlier, are not recorded.²²⁰ However, the criminalization of femicide only through the lens of intentional homicide in relation to domestic violence leaves uncovered the rest of the cases, hence aggravating the understanding and effective combating of the underlying motives and the gendered nature of such crimes. Those underlying characteristics, such as gender roles, harmful stereotypes, social position, and other vulnerabilities, should be recorded and therefore exposed, aiming for a better understanding, which is necessary, not only for more strict legislative measures but also for raising consciousness and awareness of the public.

5.2 Representation of Femicide

Besides the denial of using the term in legal discourses, it is noticeable that there is a refusal of the use both in the public and political sphere as well. There is a persistent tendency to undermine the severity of the crimes by 'normalizing' the characteristics the perpetrator might bear and his actions as a whole. For instance, when femicide occurs, the media make cases on 'crimes of passion' and base their 'people's court' oration on phrases such as: "He killed her out of love."²²¹ We observe a dangerous tendency to justify cruel acts that turn to be lethal in the name of passion and love.

²¹⁸ Smith, "Calls for Femicide to Become Separate Crime."

²¹⁹ In both reports, femicides are recorded under the ninth indicator, which concerns the annual number of women-related killings by family members.

²²⁰ EIGE. "Measuring Femicide in Greece."

²²¹ Weil, et al., *Femicide across Europe*, 116.

The National Center for Social Research (EKKE), on behalf of the Research Center for Gender Inequality (KETHI), carried out a project which was published in 2021, aimed to investigate the social stereotypes, beliefs, and representations of specific power structures, i.e., judges, lawyers, police officers, public health professionals, that are proven to affect the phenomenon of DV.²²² The research outcomes confirm the previously discussed theories, underlining the main factors associated with IPV. Namely, it derives from the hegemonic distribution of gender roles that want the masculine figure to be more advantageous and the tendency to ‘normalize’ violence as a means of expression of this promising, dominant male figure.²²³ Moreover, DV is related to the socially constructed and mimic behaviors that an individual acquires as they grow older and persist in perpetuating them, for instance, behaviors that circle the manifestation of power and anger through the excessive use of violence. Another critical factor that is portrayed seems to be the patriarchal structures that promote VAW, while at the same time, the research highlights the historical subordination of women to men and the perpetuation of male dominance through the institutions.²²⁴

The fourth chapter of the study was devoted to the representation of DV in social media, aiming to analyze the patterns of transmitting stereotypes as they rise effortlessly from the safety of a screen. After analyzing the tweets in the period between November 2020 and 5 March 2021²²⁵, they concluded that a common feature that all tweets share was the absence of a systematic presence of institutional and power actors, as well as the absence of systematic information flow, that goes beyond the "International Days" and the periods, where incidents of DV or femicides come to light. Once again, the great distance between the recorded and the actual number of domestic violence incidents was underlined.

²²² EKKE, “Social representations”, 4,5.

²²³ Ibid, 111.

²²⁴ Ibid.

²²⁵ The Greek #metoo movement that started in January 2021 undoubtedly affected the research outcomes since DV, IPV, and femicide issues came to light, while before there was complete silence concerning the issue.

Moreover, an analysis of more than 2.000 samples from more than ten electronic and printed newspapers was employed, aiming to examine the harmful ideas, or traditional norms, that are perpetuated from generation to generation under the existence of a social structure that holds its' subjects trapped; and this structure is no other than patriarchy. Although each newspaper had its' own ideological and political line to approach the issues of rapes, DV, IPV, and femicides, three main points are identified. Firstly, the issue of VAW seems not to be prioritized among other subjects.²²⁶ Secondly, most of the examined press did not have a holistic approach to the phenomenon of VAW. Thirdly the stereotypical representation of the female and male sex seems to strengthen the already existing gender bias instead of combating it.²²⁷ The majority of the publications reproduce gender stereotypes without depicting the real dimensions of the issues at stake. They present male perpetrators and female victims in ways that consolidate gender inequality, rather than overturning it. Athanasia Kontochristou confirms the bias with which media and press operate when giving visibility to 'commercial' new crimes.²²⁸

5.3 Socio- legal implications and other case analysis

According to research published in 2022 concerning the emerging trends of women-related killings in the last decade in Greece, domestic homicides, on average, consisted of 18.2% of all homicides.²²⁹ However, this number skyrocketed to 38.2% in 2021. Knowing that since 2020, police can provide data on femicides related to domestic violence and the victim-perpetrator relationship might be a potential explanation for these rising numbers, not necessarily because the incidents rose but because they were recorded. However, I argue that since the research does not take into account the "socio-economic, demographic and other variables regarding the characteristics of the victim or the perpetrator," and since the law is based on homicides related to DV, the results are indicative, representing only

²²⁶ It is stated that: "The range of topics in the newspapers related to the regarding issue stems from the social reality. . . And they are little or no." Ibid, 113.

²²⁷ According to the research, the representation of the female sex was examined, and a tendency to reproduce harmful traditional norms and stereotypical beliefs was highlighted. Ibid.

²²⁸ Kontochristou, *A first comment on Femicide*, 3.

²²⁹ Karakasi, "Emerging trend on Femicides," 10.

an aspect of the crime.²³⁰ Nonetheless, this is not the fault of the research, rather the reality that indicates that with specific and exclusive data, you get exclusive results.

Other femicides that occurred during the last three years open room for further discussion and, therefore better understanding of the social, legal, and institutional characteristics they bear. As we saw earlier in the third chapter, the case of Eleni's Topaloudi and the 'historic' speech of the prosecutor demonstrated that the judiciary took a strong stance against VAW, sentencing the perpetrators and their acts. However, it also demonstrated that the social support mechanism and framework were not strong enough to protect the victim's family. In like manner, this gap is identified in the following case.

In July 2021, Garyfallia Psarakou was murdered by her partner, on the island of Folegandros, during their family holidays. According to the forensic results, several grave injuries on the hands and the victim's body implied that the woman was brutally beaten before being pushed over a rocky beach and found dead by drowning. Furthermore, the results underlined that the woman was still alive when the perpetrator threw her off the cliff,²³¹ clearly indicating his misogynist motives. The perpetrator, during his defense, claimed that they were fighting a lot, that after he pushed her and she fell into the sea, he went inside the water to help her, and he kept denying that he hit her²³², once again as in Eleni's Topaloudi case, undermining the forensic results.

Furthermore, Anastasia Psarakou, Garyfallia's mother, in an interview with the Onasis Stegi Foundation, asked for "the State to be closer to the families who have experienced such tragic events. Psychological and legal support could be helpful since we are entering a process we do not know. Some families do not even have the financial capacity to hire a lawyer who will defend their child."²³³ Her words portray once again the

²³⁰ As discussed in 2.6 EIGE, proposes that social and economic components should be taken under consideration, to gain a more inclusive image on the actual numbers of the crime. (EIGE. "Defining and Identifying Femicide", 9.)

²³¹ Vovou, "Many 'bad moments'"

²³² The perpetrator's defense was recorded by the Athens News Agency and afterwards reported by LIFO magazine. (Lifo Team, "Femicide in Folegandros.")

²³³ Foundation, Onassis, "Femicides."

total absence of State policing concerning the families of the victims of femicides. Those families are left out in the cold, not knowing the judicial procedures to be followed, facing extreme expenses if they bring charges against the perpetrators, while simultaneously grieving for the lost member of their family. And this lack of response both for the victims and for their families can be identified as institutional violence at its best.

At the time of writing, one year after the femicide occurred, the trial for the murder has not started yet, highlighting the excessive judicial delays. The latter is further reaffirmed by various decisions of the European Court of Human Rights (ECtHR); for instance, *Papargyriou v Greece*. In this case, the judge ruled a breach of Art 6 of the European Convention on Human Rights due to excessively lengthy proceedings; namely, Ms. Papargyriou appeared before the police in 2004, and the final ruling on her case was given in 2015.²³⁴ Apparently, the prolonged court delays, in the case of femicide, leave the families of the victims even more unprotected.

As discussed in Eleni's Topaloudi case, before her murder, the victim had addressed the local authorities. Another case reveals that in 2019, a father killed his daughter because he objected to her relationship with an Afghan man. Before being murdered, the woman had asked the local prosecutor to provide her protection since her father was threatening to kill her due to her relationship.²³⁵ However, no protection was granted, and another femicide was perpetrated.

Moreover, 'Diotima,' as a recognized and specialized body on issues of gender-based violence, expresses further concerns about the management of incidents of gender-based violence by the police authorities amid the pandemic and the restrictions imposed by the Government. In March 2022, they exposed the case of a woman who was a victim of DV and physical abuse by her husband and who found the strength to report it to the police but unfortunately was expelled from the police station. Although according to the law, police authorities are obliged to investigate the complaint, record it, and provide adequate

²³⁴ ECtHR, 2019

²³⁵ GHM, "Parallel Report on Greece's", 3.

information to the victim concerning her rights, in this case, the police denied acting so. Their excuse was the emergency restrictions due to COVID-19, while they even informed her that “they will not receive lawsuits until further notice.”²³⁶ As soon as the issue gained visibility, the State reacted, and the woman was able to submit her denouncement. Nonetheless, this should not be the case only when a violation of women’s rights gains visibility.

Subsequently, the education and training of the relevant authorities are crucial. This education should be well-rounded and open to most of the professionals working in the Greek national police. An observation from the GREVIO report indicates that from 2018 to 2021, approximately 1700 police officers participated in seminars, educational programs, and online training. Nonetheless, in 2021, Greece recorded 56573 police officers; surprisingly, only 8004 were females.²³⁷ This significant numeric gap opens room for question on the systematic and all-experts inclusive training that should be provided to police forces. Maria Apostolaki, - lawyer of Diotima, confirms that Greece is occasionally training only part of the professionals and further indicates that the lack of understanding of the complexity of the issue and the significant differences in the way incidents are dealt with by one police station to another, consists of some more challenges that need to be addressed.²³⁸ Of course, the lack of proper management of incidents of VAW is not the only case. There are professionals devoted to doing their job in the best possible way; nonetheless, for every woman who was bundled out of a police station, and was afterward found dead, there is room for questioning and improvement.

6. Observations and Recommendations

Noticeably, Greece implemented legal and social mechanisms during the last three years, indicating that stable progress in building a concrete framework that can protect

²³⁶ As soon as the issue gain visibility, the State reacted, and the woman was able to submit her denounce. Nonetheless, this should not be the case, only if a violation gains visibility. (Diotima, “Police officers expelled a victim.”)

²³⁷ Namely, 56573 police officers, of which only 1700 trained. (GRECO, “Fifth Evaluation Round”, 39.)

²³⁸ Petridi, “Interview with Diotima.”

women and prevent violence against them is attempted. Nonetheless, some observations deriving from the thesis open room to question Greece's compliance with IL and the effectiveness of the already applied changes.

Starting from Law 3500/2006 on DV, which created a more robust legal framework to combat the incidents of domestic and IPV, we notice some shortcomings. Firstly, under Art. 1 of the respective law, the spouse or partner who does not share the same house nonetheless perpetrates VAW is not explicitly condemned for his actions. Nevertheless, under Art. 46 of the IC, it is clearly indicated that the law also applies in situations of cohabitation. Moreover, the DV law does not explicitly combat economic violence, although indicators show that women suffer from this form of violence disproportionately in intimate relationships. However, throughout the IC, as well as its Explanatory Report, economic violence is continuously addressed and condemned.²³⁹ Although it could be argued that economic violence and the cohabitation clause are covered under the protection from and conviction of all forms of VAW, acknowledging that law tends to keep a male perspective²⁴⁰, I underline that language is essential when legislating and policy making, thus legal provisions should be exhaustive.

The high expenses of hiring a lawyer, paying the court procedures, or even the police fees deprive women who are economically dependent on their partner or spouse or do not have the wherewithal to pay such fees from chasing their rights through a fair trial. Simultaneously, the lengthy legal proceedings might prevent women from submitting their claims since no economic support is guaranteed throughout this legal procedure. Moreover, under Art. 49.1 of the IC²⁴¹ judicial proceedings should be carried out without undue delay; which, as we saw earlier, is not the case with the Greek Courts.²⁴² Hence, a vicious circle is created, seriously impeding women from accessing to justice be it for the long-lasting procedures, or the lack of financial resources.

²³⁹ CoE, *Explanatory Report*, para. 41, 42, 50.

²⁴⁰ Chapter 2.3.

²⁴¹ CoE, *IC*, 21.

²⁴² Chapter 5.3.

Adding to both situations mentioned above, the progressive concept of legal mediation, as an alternative way to dispense justice, still lacks the suitable infrastructures and support services to be effectively implemented. The deeply rooted nuclear family concept on which the Greek patriarchal society is based, combined with the still in question penal mediation, poses another challenge to the decision and capacity of women to leave an abusive domestic environment.²⁴³

Regarding combating sexual VAW, we noticed that although Art. 336 of Law 4619/2019 reformulated ‘rape law’ by adding another clause that refers to the concept of consent, no further elaboration has been made neither on the various characteristics that might make the victims more vulnerable nor on the definition of consent or free will. Furthermore, under Art. 15 of the IC, re-victimization should be prevented, and professionals working on the issue should be trained to achieve that. Nonetheless, as we observed on cases of DV and rape case law in Greece, as well as the report for CEDAW and other organizations’ and individuals’ experiences and interviews, altogether indicate that re-victimization is likely to happen. Starting from the Police departments, where, as examined earlier, women are likely to be prompt not to submit their claims and return to their abusers.²⁴⁴ It continues to exist inside the Courts, by lawyers and perpetrators, as demonstrated by Greece’s case law, aiming to cultivate a ‘state of fear’ around denouncing abuse and its potential significance. Therefore, it is imperative to establish a socio-legal framework that effectively avoids re-victimization, protects the victims, and holds accountable the perpetrators while working on the eradication of harmful stereotypes, as in rape culture.

Under Art. 23, 24, the IC asks for states to provide women’s shelters and a national helpline to support all women victims of violence. In 2021, a shortage of 58% of the necessary beds was recorded, indicating that Greece did not meet the IC criteria regarding women’s shelters.²⁴⁵ The WAVE report indicated that twenty-four women’s shelters were

²⁴³ Chapter 4.2.

²⁴⁴ Chapter 5.3.

²⁴⁵ WAVE, “Country Report,” 108.

running, while in 2022, the Greek annual report on VAW, demonstrated the existence of only nineteen.²⁴⁶ Those inconsistencies on data further indicate the urgent need for comprehensive data-collection policies, as well as further research.

The lack of available data remains one of the most persistent enemies to adequately understanding and combating the issue. It is argued that “systematic and adequate data gathering has long been recognized as an essential component of effective policy-making in the field of preventing and combating all forms of violence,” as well as providing the public a better understanding of the severity and root causes of such issues.²⁴⁷

The IC’s Explanatory Report indicates the State must gather data concerning all forms of VAW under the treaty’s scope.²⁴⁸ Those data should be at the core of policing and legislating as a response to GBV against women. When those data do not exist, how effective is the response in protecting victims? Laws and policies should be examined regularly to confirm that they correspond with the existing social discourse and give a “real-world response to VAW and DV.”²⁴⁹ The findings of this thesis manifest that data concerning the issue are limited, and the number of unreported cases is significant, not allowing for general conclusions.

Arriving at the issue of femicides, as already indicated, no specific femicide legislation exists. Although the need for more severe punishments for such crimes is already indicated²⁵⁰, I argue that a more holistic approach to the issue holds power to facilitate change. Firstly, as indicated in the previous paragraph, under Art. 15 of IC, the relevant professionals dealing with victims or perpetrators of VAW should get appropriate training to deal with such incidents. Nonetheless, there is a significant gap between the number of trained professionals and the police force’s total number.²⁵¹ Although Greece seems to fulfill the standards of IC under Art. 15, I argue that the results lead us to question

²⁴⁶ GSDFPGE, “Second Annual Report,” 43.

²⁴⁷ CoE, *Explanatory Report*, para 118.

²⁴⁸ *Ibid*, para 77.

²⁴⁹ *Ibid*.

²⁵⁰ Karakouna, *The phenomenon of femicide in Greece*, 128.

²⁵¹ Chapter 5.3.

whether the number of the trained professionals that Greece indicates, is sufficient, given the actual number of professionals dealing with cases of VAW. Secondly, the re-victimization clause should be taken under consideration, given the incidents described throughout the thesis, and more concrete legal frameworks should be applied to prevent it from occurring, be it in courtrooms, on media, or inside our houses. Therefore, I recommend that the practical implementation of Art. 15 should consider the percentage of police forces trained, in relation to the total number of the police force, rather than waiting for measures to work without considering the given numbers. Lastly, an independent report mechanism could be established to control any arbitrary performance, such as the ones examined and recorded, in case police officers perpetrate it.

Under Art. 56 of the IC, State should take measures to protect the victims' families while providing them with information on their rights, the legal proceedings to be followed, and their role. Unfortunately, as indicated in different parts of this thesis²⁵², Greece seems not to fulfill its scope of protecting the families of victims of femicides since no psychological, economic, or legal support is guaranteed to them. Since no further in-depth research has been done, the observation derives from the legal and social implications of VAW and femicides, as highlighted until this point.

Acknowledging that since 2020, data collection systems have incorporated the victim-perpetrator relationship in categorizing femicides, the thesis underlines that this is only attempted through the law on DV. Nonetheless, as repeatedly demonstrated throughout the thesis, both theoretically and through the various cases presented, although femicides are most likely to take place in the domestic sphere, many other forms are not related to domestic violence; hence it is of utmost importance to be identified and recorded, as well.

To better understand this complex phenomenon and its actual dimensions, I argue that both the legal and data-collection frameworks should become more exhaustive. Firstly, a specific criminal provision on femicide, recognizing the crime as an aggravated variant

²⁵² Chapter 3.3, 5.3.

of homicide, highlighting its importance in combating VAW, should be implemented. Secondly, based on a law on femicide, further indicators can be implemented to identify and define the crimes effectively and gain a better view of the precise number of crimes perpetrated against women. The already existing indicator allows only for a specific form of femicide to be recognized, namely DV-related killing of women, hence for a unilateral understanding of the issue. Recording other types of femicide will allow for the so-wanted multilateral understanding.

The commitment to protecting and promoting women's rights, but not further taking the correct measures to realize them, is not enough and should be questioned both domestically and internationally. A significant paradigm that could inspire Greece on what a real commitment is can be found in the case of Cyprus. Cyprus, in 2019, committed to implementing a gendered data collection system containing the necessary indicators to comply with their obligations under the Istanbul Convention.²⁵³ In 2022, we see Cyprus recognizing femicide as a specific criminal offense, exposing that women are murdered for specific reasons, and allowing for further classification and research, so as to adopt the corresponding measures. Furthermore, the proposed article that concerns femicide, and entered as an addition to the Penal Code of Cyprus, gives a very comprehensive definition of the term²⁵⁴, which could be a guide to assist the criminalization of femicide in the Greek State, as well.

Regarding awareness raising and training programs, femicide should be placed in the broader context of VAW. It is crucial to educate young children on the persistence of harmful constructions, as in heteronormative roles that bear specific characteristics and perpetuate the notion that whatever goes beyond those constructions is condemned not to be accepted.

In order to empower survivors to make complaints more efficiently, it is necessary to ensure that everyone is informed regarding their rights. At the same time, funding must

²⁵³ "Committee on the Elimination of Discrimination against Women."

²⁵⁴ Cyprus, "Law proposal on criminalizing femicide," 3-5.

be extended to free legal aid, psychosocial support, and decent housing for the victims and their children, since after submitting a claim, a long and challenging road opens up until the final vindication.

Although this thesis provides some food for thought to support the quest of adding a specific criminal provision for the term femicide, it establishes that coordination of legal and social policies, and data collection systems, is crucial to achieving the scope of protecting women from all forms of violence against them. Nonetheless, there is plenty of room for further research concerning the protection of the families of the victims.

7. Conclusion

Since words shape reality, punishing the perpetrators for femicide and not just voluntary manslaughter implies that the murder of a woman, because she is a woman, is acknowledged. Hence the sexist motives and characteristics underlying the crime are exposed. Moreover, defining the term in legal discourses recognizes years of gender oppression and patriarchal ruling that affect women's involvement and enjoyment of rights. Law holds power to change society, and legal recognition holds power to change the societal perceptions on the severity of the issue of gender-related killings of women. Apparently, change and "justice require action- not reflection."²⁵⁵

VAW and its most extreme form of presentation - femicide, when presented in Greece's social context, is filled with misogynist and sexist phrases that tend to subordinate women's position. This subordination is further confirmed through poor representation in workplaces and decision-making positions, whether at a legal, governmental or authoritative level. The institutions of police, state, and judiciary system, rooted in the structural dynamics of patriarchy, feed this vicious circle of women's harassment, violence against them, and subsequently femicides. Patriarchy does not oppress people per se. Instead oppresses every stereotypically feminine aspect that they might present. And as

²⁵⁵ MacKinnon, "Feminism, Marxism, Method, and the State," 658.

such, patriarchy and its' outcomes, as in dominant male hierarchies, oppressive structures, and behavioral norms that still insist and, in many cases, persist among other systems and ideas, should be fought against on multiple levels and by multiple groups of professionals.

In the last decades, West societies underwent a rise in awareness concerning issues of VAW. Diverse feminists used the concepts of patriarchy, femininity, and masculinity to draw upon discourses that harm women. Moreover, the development of feminist theory allowed for more women's voices and experiences to be heard. As a result, we have been witnessing an increasing number of women who find the strength to come forward, who try to break out of the cycles of abuse, ask for support, and consequently fight to regain their lives. Nonetheless, what is noticeable, is that although the laws have changed, the components have evolved, history has been written, and research has been done; however, the same power structures still threaten women's lives and enjoyment of a life lived in dignity.

The count for 2022 shows that in Greece, we are already missing nine women.²⁵⁶ We are not all here. Many of us belong to the past because the present is still filled with heteronormative gender roles that promote a male dominant way of thinking and existing. Because patriarchy and its outcomes, viz. structural and institutional violence, and gender inequality, fill the present in ways that leave no space for women. Although, as already discussed, further steps can be taken at various institutional levels, it seems that the least we can do is stop undermining the crime's severity. When femicide occurs, and feminists ask to refer to the crime with the proper name, we keep hearing phrases such as 'it is not much of a big deal' or 'men die too.' Indubitably men die. For many and various reasons. What is the fundamental difference here is that they do not die because they are men. The term femicide indicates that we women die for one reason. Because we are women. And that is something.

²⁵⁶ "Recording incidents."

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