To the attention of Mr. **Kyriakos Mitsotakis, Prime Minister of Greece**

Call to withdraw the Bill for mandatory shared custody for ALL children in Greece

Dear Mr. Mitsotakis,

We, the undersigning Organizations, have been made aware of the alarming content of the Greek Bill entitled "**Reforms regarding parent-child relations and other family law issues**" that the Greek Minister of Justice set on public consultation and intends to propose for voting to the Greek Parliament.

Its provisions blatantly violate legally binding International instruments regarding human rights of all domestic violence victims (children and mothers mainly) to safety and protection, and specifically:

- Istanbul Convention, (Law 4531/2018)
- 2012/29/EU Directive on Victims' Rights (Law 4478/2017)
- UN Convention on the Rights of the Child (Law 2101/1992)

The child is approached from the perspective of a deeply patriarchal society, as a passive recipient of the exercise of parental rights, **not as a rights holder**; namely **the Bill is indifferent to the child's**:

- **best interest**, which is **not assessed for each child individually** but is exclusively considered to be **the presence of two parents in her/his life for ALL children**; it imposes "**joint and evenly exercised** parental custody" **as the rule for ALL children** with separated parents
- **will and opinion**: even though it introduces a **plethora of mandatory extrajudicial proceedings** (private contracts, mediations) before, during and after court, the child's opinion is **not provisioned to be requested in none**, except if the case reaches court; **but even in this occasion** the motivation is **to instruct the judge not to take it into account without the court's assessment** that "her/his opinion is not the result of leading or suggestive process".

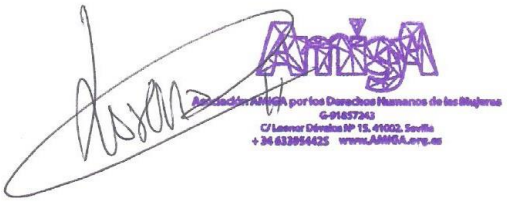
Domestic violence victims (children and non-abusive parent, mostly mothers) **are exposed by the Bill to a greater danger** than they were already in:

- the rule of "joint and evenly exercised parental custody" **obliges the child to be in physical contact** with the parent s/he doesn't reside with, "for at least **1/3 of the total communication time**, unless this parent requests shorter time"; **child's refusal** is considered **parental alienation** by the other parent, punishable by removal of custody
- for implementing the aforementioned rule, parents are **mandated to multiple direct contacts and conciliations** while, for modifying it, **multiple mediations** (before, during and after court) recommended or **mandated,** in which **sessions of simultaneous presence of the two parties** is the only option; there is **no exception for domestic violence victims-perpetrators**
- the parental rights of the parent-perpetrator and his/her contact with the child **can be restricted** or ceased **only after irrevocable conviction** for crimes of domestic violence or crimes against sexual freedom or crimes of financial exploitation of sexual life; in Greek courts' reality, this means that **ALL perpetrators are granted unhindered access to their victims for more than 10 years**.

Knowing that in Greece:

- **the majority of abused women** who have children with their abusers, **don't resort to penal courts for the domestic violence** they are suffering; instead, they try to escape from the abusive home via **civil court's decisions**, in order to obtain restriction/protection orders against the perpetrator and to regulate the situation for children's custody and contact with the other parent, child support etc.
- **mediation is mandatory** for all cases concerning parental custody and contact with children in order for the case to reach the civil court (Law 4640/2019, art. 6) and **penal mediation is strongly recommended** for misdemeanors of domestic violence (Law 3500/2006)
- there is **no discrete Child Protection System, no process for mandatory reporting** of child abuse/neglect and no process **for supervised parental contact**
- the **protection provided to domestic violence victims is inadequate,** because **most of the related provisions** of the Istanbul Convention (art. 51-53) and of the 2012/29/EU Directive (Art 19, 20 & 22-24) **are still inactive**: inexistent risk assessment and management, emergency barring orders cannot be enforced, while breaches of restraining/protection orders are neither monitored or punished

we express our great concern that such a Law will further weaken the inadequate protection that is currently provided to domestic violence victims (mothers and children) because it will expose them at greater risk than they are already in and will extremely impede their access to Justice (Civil and Penal) in order to ask protection.



We trust that you share our great concern for all children and women that will be affected in case this Bill becomes a Greek Law and that you, like us, **will prioritize the safety and wellbeing** of all children and mothers who suffer domestic violence.

WE CALL you to withdraw this Bill and **compel the Minister of Justice to initiate an open and substantive consultation** with ALL competent agencies, including NGOs and Women Organizations.

Most respectfully,

