

Directorate of Human Dignity, Equality and Governance

Mr Panayiotis BEGLITIS  
Ambassador Extraordinary and Plenipotentiary  
Permanent Representative of Greece  
to the Council of Europe

Strasbourg, 18 May 2021

Dear Ambassador,

It is with concern that the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) has received information concerning the bill entitled "Reforms regarding parent-child relations and other family law issues", presented to Parliament earlier this month and seeking to amend provisions of the Greek Civil Code that deal with child custody.

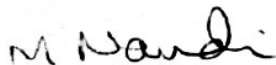
As you will be aware, the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) sets out the requirement to ensure that in the determination of custody and visitation rights, incidents of domestic violence and other forms of violence against women are taken into account (Article 31). Another requirement of the convention is to prohibit any mandatory mediation processes, in particular in relation to decisions on child custody and divorce, because one of the very premises of a mediation process, that of decision-making among equals, cannot be assured in the context of domestic violence (Article 48).

These two provisions are among the many ways in which the convention seeks to ensure the protection of women and children in the aftermath of domestic violence. It does not call into question the benefits of shared custody but aims to ensure that child contact does not jeopardise the rights and safety of victims and children witnessing domestic violence. From the information available on the draft law 'Reforms regarding parent-child relations and other family law issues', it would appear that the above-mentioned principles of the Istanbul Convention may not have been given sufficient attention.

In several of its baseline evaluation reports, GREVIO has pointed to serious shortcomings in the legislation and policies giving effect to Articles 31 and 48. In addition, it has voiced its concern – together with other independent and regional women's rights monitoring mechanisms – over patterns across various jurisdictions of the world that ignore intimate partner violence against women in determining child custody cases, because they reveal underlying discriminatory gender bias and harmful gender stereotypes against women.

In view of the upcoming evaluation of Greece by GREVIO which will be launched in September 2021, we would like to inform you that the implementation of Article 31 and Article 48 of the Istanbul Convention will form an integral part of the assessment. In this context we would welcome any steps taken by the Greek authorities to reflect on the implications of the draft law currently under discussion.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'M. Naudi', is centered below the closing. The signature is fluid and cursive.

Marceline Naudi  
President of GREVIO

C.c.: Ms Angeliki Papazoglou, Deputy Head of Directorate for Social Protection and Counselling Services, General Secretariat for Family Policy and Gender Equality, Ministry of Labor and Social Affairs